



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

Thursday, June 9, 2016
9:30AM

- I. CALL TO ORDER AND ROLL CALL
Bobbie Lindsay, Chair
Danielle H. Moore, Committee Member
- II. APPROVAL OF AGENDA
- III. COMMUNICATIONS FROM CITIZENS
- IV. REGULAR AGENDA
 - A. Old Business
 - 1. Potential Regulation of Internet-Based Ride Sharing Programs
(Jay Boodheshwar, Deputy Town Manager)
 - 2. Consideration of a Moratorium on the Dispensing of Medical Marijuana
(Jay Boodheshwar, Deputy Town Manager)
 - 3. Ongoing Concerns Regarding Shark Fishing on Public Beaches
(Jay Boodheshwar, Deputy Town Manager)
 - B. New Business
 - 1. Request by Worth Avenue Property Owners' Association to Implement Zone Parking on Worth Avenue
(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
Danielle H. Moore, Committee Member, Ordinances, Rules and Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Cc: Thomas G. Bradford, Town Manager; Department Directors; Veronica Close, Assistant Director of Planning, Building and Zoning; Nicholas Caristo, Police Lieutenant; Bill Bucklew, Building Official; Paul Castro, Zoning Administrator; Ben Alma, Code Enforcement Manager; Susan Owens, Town Clerk; Kathleen Dominguez, Deputy Town Clerk; John C. Randolph, Town Attorney

Date: 6/4/2016

Re: Agenda Items for the June 9, 2016, ORS Meeting

This memorandum and its attachments serve as the backup material associated with the agenda for your ORS meeting on June 9, 2016, at 9:30am. Below is the list of agenda items and related exhibits, which provides background information for each matter.

Old Business

1. **Potential Regulation of Internet-Based Ride Sharing Programs**
(Jay Boodheshwar, Deputy Town Manager)

Mr. Boodheshwar will provide an update on recent Board of County Commissioners actions, relative to the regulation of internet-based ride sharing programs such as Uber and Lyft, and brief the committee on previous ORS discussions regarding this matter. Please see Exhibit A for details regarding this item.

2. **Consideration of a Moratorium on the Dispensing of Medical Marijuana**
(Jay Boodheshwar, Deputy Town Manager)

In anticipation of a medical marijuana ballot question for the November 2016 general election, Mr. Boodheshwar and Mr. Randolph will brief the committee on previous ORS discussions, relative to placing a moratorium on the dispensing of medical marijuana in the Town of Palm Beach. Please see Exhibit B for details regarding this item.

3. **Ongoing Concerns Regarding Shark Fishing on Public Beaches**
(Jay Boodheshwar, Deputy Town Manager)

Due to ongoing concerns expressed by residents in the north end of the community regarding shark fishing from the shore, Mr. Boodheshwar will provide a brief overview regarding what actions ORS and Town Council have previously taken to address this issue. Mr. Randolph will present options for additional action that may be taken to better address the concerns. Please see Exhibit C for details regarding this item.

New Business

1. **Request by Worth Avenue Property Owners' Association to Implement Zone Parking on Worth Avenue**
(Jay Boodheshwar, Deputy Town Manager)

Mr. Boodheshwar will present a recently received request from the Worth Avenue Property Owners' Association to implement zone parking, as well as the opposition of such action from the Worth Avenue Association. Please see Exhibit D for details regarding this item.

Attachments

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: June 9, 2016

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Potential Regulation of Internet-Based Ride Sharing Programs

Date: June 3, 2016

STAFF RECOMMENDATION

Staff recommends that ORS review the information provided, relative to the recent actions by the Board of County Commissioners (BOCC) to regulate the operations of internet-based ride sharing programs like Uber and Lyft. Staff is also seeking direction, relative to what actions the Town should take regarding this issue.

GENERAL INFORMATION

Town officials first began discussing the effects of internet-based riding sharing programs, like Uber and Lyft in 2014, relative to conformance with the Town's taxi ordinance. After review by the ORS Committee staff drafted an ordinance to regulate these programs out of concern for the safety of consumers. Said ordinance would have required any limousine, taxi or personal car entering the island for a pre-arranged charter to have a chauffeur's permit and evidence of vehicle inspection and insurance. The proposed ordinance (08-2015) also would have expanded the vehicle-for-hire definition to include any vehicle arranged by telephone, dispatch or internet. After much discussion over several Town Council meetings, said ordinance (and its companion citation ordinance 10-2015) were ultimately tabled and remanded back to ORS, to allow time for the State and/or County to address this issue. The State has not take any action on the matter but the County recently has.

After two years of review, the BOCC held a preliminary reading on April 5, 2016, for an amended vehicle-for-hire ordinance. At that meeting, the BOCC directed staff to include provisions allowing any vehicle for hire driver the option of getting a Level II background check through the Division of Consumer Affairs and, upon approval, be issued a Palm Beach County badge. The Board also directed that fee reductions be provided to incentivize Level II background checking and ID issuance by the Department of Consumer Affairs. The proposed ordinance: 1) applies to the unincorporated and incorporated areas of Palm Beach County; 2) groups industry into two categories taxis and non-taxis; 3) modifies vehicle identification requirements to allow for vehicle trade dress or Division of Consumers Affairs (DCA) issued decal; 4) modifies insurance language to require policies in accordance with Florida Law; 5) allows alternative identification (i.e. digital platform) or an ID badge to be issued by the DCA; 6) allows all vehicle for hire companies to conduct their own comprehensive nationwide background checks through an accredited agency or

the DCA can conduct a Level II background check for any driver; and 7) allows the DCA to conduct bi-annual audits of records maintained by all vehicle for hire companies. At the April 19, 2016, the ordinance was adopted.

The adopted ordinance applies to all municipalities, including the Town of Palm Beach, but we can opt out by adopting our own rules via ordinance. The highlights of the County ordinance include:

- Industry would be divided into taxi and non-taxi operations; latter would include both Uber-style firms and limousines and sedans.
- The County's DCA would conduct audits of company records twice a year.
- Taxis and limos must be identified by either a decal issued by the county DCA or by "trade dress," a distinctive display that identifies its use.
- Vehicle age limits would be removed, but all vehicles would have to be inspected regularly by a mechanic certified by the National Institute for Automotive Service Excellence.
- Taxis and vehicles that transport disabled people for non-medical trips must go to the DCA and be visually inspected to ensure they are being operated and are equipped both safely and as the company has indicated.
- All insurance would have to conform to Florida law.
- Drivers must have an ID badge issued by the DCA or have an acceptable digital or smartphone app.
- For all drivers, employers must conduct background checks or hire the county to do fingerprint-based "Level II" checks. Those who do the latter would get a 50 percent discount in county fees.
- Requirement for a firm to have a physical office in Palm Beach County would be eliminated.

Attachments

cc: Thomas G. Bradford, Town Manager
Kirk Blouin, Director of Public Safety
John C. Randolph, Town Attorney

TOWN OF PALM BEACH

Town Council Meeting on: February 10, 2015

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 8-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Amending the Town Code of Ordinances at Chapter 130, Vehicles for Hire, Article II, Taxicabs and Limousines, at Section 130-31, Definitions, to Include a New Definition of Point of Origin, Amend the Definition or Prearranged Charter and Include a New Definition of Vehicles for Hire; Providing a New Section 130-107 Titled Prearranged Charters; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

ORDINANCE NO. 10-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 2, Administration; Article V, Code Enforcement; Division 3, Procedure; Section 2-439, Citation Fine Schedule, so as to Include From Chapter 130, Vehicles for Hire, Section 130-107 as a Class III Violation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

John C. Randolph, Town Attorney

Supporting Documents

- [Memorandum dated January 30, 2015, from John C. Randolph, Town Attorney](#)
- [Excerpt from Minutes of the December 4, 2014, Ordinance, Rules, and Standards Committee Meeting](#)
- [Ordinance No. 8-2015](#)
- [Ordinance No. 10-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 10, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John C. Randolph, Town Attorney

Re: Ordinance No. 8-2015; Ordinance No. 10-2015
Amendment to Chapter 130, Vehicles for Hire

Date: January 30, 2015

STAFF RECOMMENDATION

The Ordinance Rules and Standards Committee recommends that the Town Council adopt Ordinance No. 8-2015 regulating vehicles for hire operating within the Town of Palm Beach.

GENERAL INFORMATION

At the December 4, 2014 meeting of the Ordinance Rules and Standards Committee meeting, there was lengthy discussion in regard to the effect that transportation network companies such as Uber and Lyft were having in regard to the vehicle for hire industry and the difficulty of enforcing regulations in the Town relating to transportation arranged with transportation network companies such as Uber and Lyft. The ordinance currently in effect in the Town exempts prearranged charters from having to have a permit from the Town. Further, our ordinance contains no requirements for prearranged charters to meet any regulations relating to insurance, automobile inspection or requirement for chauffeur's licenses. As a result, prearranged charters can operate in the Town without being permitted by any authority, thereby creating a public safety hazard for the public who may become customers of such charters.

Ordinance No. 8-2015 is an amendment to Section 130-31 of the Town Code which provides specifically as follows:

“Prearranged charters not holding a permit within the Town are required to hold a permit from the regulating entity from their point of origin, which permit evidences that the driver or drivers have chauffeur's permits, that the vehicle has been inspected and permitted by the permitting agency and that the driver and vehicle have the insurance required by the permitting agency.”

The ordinance goes on to define vehicles for hire to include “limousines, taxicabs or any vehicle arranged for hire either by telephone communication, through a dispatch system or via the internet, whereby arrangements are made to transport an individual or individuals for compensation within a vehicle operating on the streets located within the Town of Palm Beach.”

Finally, at Section 130-107, it is provided that prearranged charters which do not comply with the requirement to be permitted by the permitting agency at their point of origin shall be in violation under Section 2-439, the citation fine schedule, of the Town Code for each separate violation. Section-2-439 of the Town Code should be amended simultaneously herewith to incorporate this new Section 130-107. A copy of that ordinance is attached.

This ordinance may not be the final answer in regard to dealing with Uber and Lyft vehicles in the Town of Palm Beach. Palm Beach County has been struggling with this problem and has been citing Uber and Lyft with thousands of dollars’ worth of fines which are paid while Uber and Lyft continue to operate in contravention of the County’s ordinance. I attended a County Commission workshop in regard to this matter on January 27, 2015, where this issue was discussed. Consideration was being given to declaring a moratorium on the operation of Uber and Lyft vehicles within the County. According to information provided at that meeting Uber and Lyft have been operating illegally in Palm Beach County since August 2014. I have been advised that Broward County has issued a cease and desist order to transportation network companies which have continued to violate Broward County’s vehicle for hire ordinance. The bottom line is that Uber and Lyft should not be treated any differently than any other transportation companies within the Town or the County and should be subject to all of the same regulations. The purpose of this ordinance is to place in effect regulations which would apply to Uber and Lyft, as well as any other charter vehicles. If this ordinance does not provide an adequate remedy, then the Town Council may wish to consider further amendment to the ordinance.

Attached for the information of the Mayor and Town Council in regard to this matter are the minutes of the December 4, 2014, Ordinance Rules and Standards Committee meeting dealing with this subject.

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REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING
HELD ON THURSDAY, DECEMBER 4, 2014

- 1 2. Review of the Vehicles for Hire Ordinance to Protect the Health, Safety
2 and Welfare of the Public in Regard to Industry Changes.
3 (*John C. Randolph, Town Attorney*)

4
5 Deputy Town Manager Bradford provided an overview of the recent
6 issues that have arisen in this matter.

7
8 Discussion ensued regarding establishing requirements for charter vehicles
9 and enforcement options.

10
11 Jose, Palm Beach County Consumer Affairs Department Compliance
12 Officer, spoke regarding the issues they have had with Uber, the steps they
13 are taking to address them, what and who is required to get a County
14 permit, charter vehicle requirements, the number of County permits
15 issued, and transferring permits.

16
17 John Critchett, owner of Palm Beach Tours and Transportation, spoke
18 regarding differing standards in the transportation industry, problems with
19 Uber, and recommended recognizing the County's standards.

20
21 Dr. Klein, California, spoke regarding Uber's operations in Los Angeles,
22 and Uber being faster and more economical than regular taxis.

23
24 Discussion ensued regarding the need for driver background checks, not
25 having uninsured or unregulated cars in the Town, incorporating the
26 County's regulations, and how to spot Uber vehicles.

27
28 Code Enforcement Manager Houston spoke regarding recent code
29 enforcement cases the Town lost because the drivers said they were
30 chartered, how officers can tell which vehicles are Uber vehicles, recent
31 incidents with Uber vehicles, and County stings on Uber vehicles.

32
33 Discussion ensued regarding how long it would take to pass an ordinance
34 and if there was anything in the Code that could be used now to cite
35 uninsured, unlicensed, and uninspected vehicles.

36
37 Jose, Palm Beach County Consumer Affairs Department Compliance
38 Officer, stated that unless a jurisdiction has opted out of the County's
39 ordinance, law enforcement can cite vehicles under the County Code. He
40 then spoke regarding the County's enforcement procedures, the evidence
41 they provide to the Court in these cases, and in what cases the driver or the
42 company was cited.

43
44 Captain Taylor spoke regarding other interim options the police
45 department could employ, such as moving violations and parking
46 citations.

REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, DECEMBER 4, 2014
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1 Jose, Palm Beach County Consumer Affairs Department Compliance
2 Officer, spoke regarding the differences between taxis and chartered
3 vehicles according to the County Code, the different badges or decals
4 issued to them, and West Palm Beach's enforcement of vehicles for hire
5 regulations.
6

7 **It was the consensus of the Committee to direct Town Attorney Randolph to draft**
8 **an amended ordinance to require vehicles for hire, including charters and vehicles**
9 **contacted through mobile applications such as Uber, to meet the County's**
10 **regulations or otherwise show proof that the driver has had a background check**
11 **performed, the vehicle is insured, the vehicle has been inspected, and the driver has**
12 **a chauffeur's license.**
13

14 **B. New Business**

15
16 1. **Review of Business Association Special Events for Possible Codification**
17 **(Thomas G. Bradford, Deputy Town Manager)**
18

19 Deputy Town Manager stated that the Town Council adopted a Business
20 Association Promotional Events Policy in June 2009. At the November
21 2014, Town Council meeting it was suggested that the Policy be codified
22 and, if so, discussion should be had on what should be in the Policy.
23

24 Gregg Beletsky, Worth Avenue Association President, spoke in support of
25 codifying the Policy, and stated that the Association would like to be a
26 part of the process in determining the elements of the Policy.
27

28 Deputy Town Manager Bradford stated that they can hold Staff-level
29 meetings to start the process.
30

31 Robin Miller, Worth Avenue Association General Manager, stated that the
32 Association would love to be able to simplify the current process.
33

34 Patti Sans, Greater South County Road Association President, spoke
35 regarding the current Policy and what else is necessary, as well as in
36 support of codifying the Policy.
37

38 **It was the consensus of the Committee to direct Staff to meet with the various**
39 **Business Associations in Town to work towards formulating a Business Association**
40 **Special Events Policy for Possible Codification.**
41

42 2. **Review of Private Provider Option**
43 **(Veronica Close, Assistant Director of Planning, Zoning and Building)**
44

45 Assistant Director of Planning, Zoning, and Building Close provided an
46 overview of her report.

ORDINANCE NO. 8-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 130, VEHICLES FOR HIRE, ARTICLE II, TAXICABS AND LIMOUSINES, AT SECTION 130-31, DEFINITIONS, TO INCLUDE A NEW DEFINITION OF POINT OF ORIGIN, AMEND THE DEFINITION OF PREARRANGED CHARTER AND INCLUDE A NEW DEFINITION OF VEHICLES FOR HIRE; PROVIDING A NEW SECTION 130-107 TITLED PREARRANGED CHARTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division I, Generally; Section 130-31, Definitions, to include a new definition of *Point of Origin*, to amend the definition of *Prearranged Charter* and to include a new definition of *Vehicles for Hire* to read as follows:

Sec. 130-31. Definitions.

“Point of origin means the county or municipality with which the vehicle and the driver are registered and permitted.

“*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. Prearranged charters not holding a permit within the Town are required to hold a permit from the regulating entity from their point of origin, which permit evidences that the driver or drivers have chauffeur's permits, that the vehicle has been inspected and permitted by the permitting agency and that the driver and vehicle have the insurance required by the permitting agency."

"Vehicles for hire shall include limousines, taxicabs or any vehicle arranged for hire either by telephone communication, through a dispatch system or via the internet, whereby arrangements are made to transport an individual or individuals for compensation within a vehicle operating on the streets located within the Town of Palm Beach."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division 4, Operational Criteria; to include a new Section 130-107, titled Prearranged Charters, to read as follows:

"Sec. 130- 107 Prearranged charters.

Any vehicle qualifying as a prearranged charter as defined herein which does not hold a permit within the Town is required to be permitted by the permitting agency in its point of origin, which permit shall require vehicle inspections, a chauffeur's permit for drivers and automobile liability insurance in a manner and form required by the permitting agency. Evidence of this permit and the requirements herein shall be provided to any occupant of a vehicle who requests said information and to any law enforcement officer of the Town who requests same. Failure to have a chauffeur's permit, the required amount of liability insurance or evidence that the vehicle has met inspection requirements of the issuing agency and failure to evidence the permit of the issuing agency, each shall constitute a separate violation under Section 2-439 of the Town Code."

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can

be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4 Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5 Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6 Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of February, 2015, and for second and final reading on this 10th day of March, 2015.

Gail L. Coniglio, Mayor

Town Council President

President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Susan A. Owens, MMC, Town Clerk

Town Council Member

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ORDINANCE NO. 10-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 2, ADMINISTRATION; ARTICLE V, CODE ENFORCEMENT; DIVISION 3, PROCEDURE; SECTION 2-439, CITATION FINE SCHEDULE, SO AS TO INCLUDE FROM CHAPTER 130, VEHICLES FOR HIRE, SECTION 130-107 AS A CLASS III VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 2, Administration; Article V, Code Enforcement; Division 3, Procedure; Section 2-439, Citation Fine Schedule, to include Section 130-107 of the Code as a Class III violation as follows:

Sec. 2-439. Citation fine schedule.

CHAPTER 130 VEHICLES FOR HIRE

Article II Taxicabs and Limousines

Division 2 Certificate of Public Convenience and Necessity and Permit

CODE SECTION		CLASS
Sec. 130-61	Required; Permits Under Common Ownership of Certificate Holder; Revocation . . .	III
	<i>"Division 4. Operational Criteria</i>	
Sec. 130-105	Certain acts prohibited	I
Sec. 130-106	Condition of vehicle	II
Sec. 130-107	Prearranged charters	III

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can

be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of February, 2015, and for second and final reading on this _____ day of March, 2015.

Gail L. Coniglio, Mayor

Town Council President

President Pro Tem

Town Council Member

Town Council Member

Susan A. Owens, MMC, Town Clerk

Town Council Member

granting right-of-way approvals.

XIII. ORDINANCES

A. Second Reading

(Clerk's Note: Ordinance Nos. 8-2015 and 10-2015 are Companion Ordinances, and were Heard and Acted upon Simultaneously.)

1. **ORDINANCE NO. 8-2015** An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 130, Vehicles for Hire, Article II, Taxicabs and Limousines, at Section 130-31, Definitions, to Include a New Definition of Point of Origin, Amend the Definition or Prearranged Charter and Include a New Definition of Vehicles for Hire; Providing a New Section 130-107 Titles Prearranged Charters; Providing for Severability; Providing for Repeals of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. *Deferred from the March 10, 2015 Town Council Meeting.*

ORDINANCE NO. 10-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 2, Administration; Article V, Code Enforcement; Division 3, Procedure; Section 2-439, Citation Fine Schedule, so as to Include From Chapter 130, Vehicles for Hire, Section 130-107 as a Class III Violation; Providing for Severability; Providing for Repeals of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. *Deferred from the March 10, 2015 Town Council Meeting.*

Thomas G. Bradford, Town Manager

Town Attorney Randolph stated that Ordinances Nos. 8-2015 and 10-2015 are not ready to move forward, and requested that they be tabled until the Town has a better handle on the Uber situation.

Discussion ensued regarding remanding the ordinances back to the Ordinances, Rules, and Standards Committee for further consideration.

Motion was made by Council Member Moore, and seconded by Council Member Wildrick, to table Ordinance Nos. 8-2015 and 10-2015. On roll call, the motion carried 4-0, with Council President Pucillo absent.

2. **ORDINANCE NO. 14-2015** An Ordinance Rescinding Ordinance No. 2-2015 in its Entirety; Providing For Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing An Effective Date.

4D

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

W/REVISED Backup.

Meeting Date: April 19, 2016

☐	Consent	☐	Regular
☐	Ordinance	☒	Public Hearing

Department: Department of Public Safety
Submitted By: Department of Public Safety
Submitted For: Division of Consumer Affairs

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-43) AS AMENDED RELATING TO VEHICLES FOR HIRE, AMENDING SECTION 19-211 (SHORT TITLE; APPLICABILITY); AMENDING SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-214 (COMPLIANCE WITH ARTICLE REQUIRED); AMENDING SECTION 19-215 (ADVERTISING); AMENDING SECTION 19-216 (RESERVED) ADDING NEW TITLE VEHICLE FOR HIRE OPERATIONAL REQUIREMENTS; AMENDING SECTION 19-217 (RECIPROCITY); AMENDING SECTION 19-218 (BUSINESS PERMIT APPLICATION); AMENDING SECTION 19-219 (RECORDS REQUIRED); AMENDING SECTION 19-220 (VEHICLE REQUIREMENTS); AMENDING SECTION 19-221 (VEHICLE DECAL REQUIREMENTS); AMENDING SECTION 19-222 (IMPOUNDMENT); AMENDING SECTION 19-223 (VEHICLE SAFETY AND APPEARANCE REQUIREMENTS); DELETING SECTION 19-224 (NON-MEDICAL WHEELCHAIR AND STRETCHER TRANSPORTATION SERVICE COMPANIES OPERATIONAL REQUIREMENTS); DELETING SECTION 19-225 (VEHICLE INSPECTIONS) AMENDING SECTION 19-226 (COMMERCIAL AUTOMOBILE LIABILITY INSURANCE); AMENDING SECTION 19-227 (DRIVER REQUIREMENTS; FAILURE TO COMPLY); DELETING SECTION 19-228 (FRAUDULENT TRANSFER OF VEHICLE FOR HIRE COMPANY); AMENDING SECTION 19-229 (REVOCATION, SUSPENSION AND DENIAL OF PERMITS/I.D. BADGES; ADMINISTRATIVE APPEAL); AMENDING SECTION 19-230 (ENFORCEMENT); AMENDING SECTION 19-231 (VIOLATIONS); AMENDING SECTION 19-235 (START-UP); DELETING SECTION 19-238 (JURISDICTION); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING AN EFFECTIVE DATE.

Summary (continued on Page 3)**Attachments:**

1. Summary of the Substantive Recommended Changes to the Vehicle for Hire Ordinance
2. Proposed Vehicle for Hire Ordinance Amendment: Strike-through/Underlined Version
3. Proposed Vehicle for Hire Ordinance Amendment: Clean Version
4. Proof of Publication

Recommended by:	<u>Stephanie Seimke</u>	<u>4/11/16</u>
	Department Director	Date
Approved By:	<u>[Signature]</u>	<u>4-15-16</u>
	Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
Net Fiscal Impact	*				

ADDITIONAL FTE
POSITIONS (Cumulative) 0 0 0 0 0

Is Item Included In Current Budget? Yes _____ No _____

Budget Account Exp No: Fund _____ Department _____ Unit _____ Object _____
Rev No: Fund _____ Department _____ Unit _____ RevSc _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:
*The fiscal impact is indeterminable at this time.

Departmental Fiscal Review: Stephanie Leprie

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature]
4/12/16 OFMB

[Signature] 4/13/16
Contract Administration

B. Legal Sufficiency:

[Signature] 4/14/16
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

Summary (continued from Page 1)

On April 5, 2016, the Board of County Commissioners (BCC) held a preliminary reading of the amended Vehicle for Hire Ordinance. At that meeting, the BCC concurred with the staff recommended changes and directed staff to include provisions allowing any vehicle for hire driver the option of getting a level II background check through the Division of Consumer Affairs and, upon approval, be issued a Palm Beach County badge. The Board also directed that fee reductions be provided to incentivize level II background checking and ID issuance by the Department of Consumer Affairs. The revised ordinance recommended for adoption and a modified fee schedule being presented in a separate agenda item accomplish the Board direction. The proposed ordinance: **1)** applies to the unincorporated and incorporated areas of Palm Beach County; **2)** groups industry into two categories taxi and non-taxi; **3)** modifies vehicle identification requirements to allow for vehicle trade dress or Division of Consumer Affairs (DCA) issued decal; **4)** modifies insurance language to require policies in accordance with Florida Law; **5)** allows alternative identification (i.e. digital platform) or an ID badge to be issued by the DCA; **6)** allows all vehicle for hire companies to conduct their own comprehensive nationwide background checks through an accredited agency or the DCA can conduct a Level 2 background check for any driver; and **7)** allows the DCA to conduct bi-annual audits of records maintained by all vehicle for hire companies. **Countywide (JB)**

Background and Policy Issues: On March 10, 2015, the Board of County Commissioners approved a Temporary Operating Agreement (TOA) with Rasier, LLC, a subsidiary of Uber Technologies, Inc., to operate as a vehicle for hire company in Palm Beach County which expires on April 30, 2016. On March 1, 2016, the BCC approved another TOA with Lyft, Inc. for the same terms and conditions which expires on April 30, 2016. These transportation network companies (TNC's) seek to provide vehicle for hire services in Palm Beach County and significant revisions to the ordinance are being proposed to provide flexibility for TNC's as well as maintain parity in a competitive industry and public safety. Since the Legislature has not enacted any standards with regards to TNC's, the proposed Vehicle for Hire Ordinance incorporates language that refers to TNC's. A summary of the substantive recommended changes to the existing Vehicle for Hire Ordinance is attached.

SUMMARY OF SUBSTANTIVE RECOMMENDED CHANGES TO EXHIBIT A
VEHICLE FOR HIRE ORDINANCE

DEFINITIONS

Modify industry framework from having definitions for different categories of vehicles such as taxi, limo, sedan, SUV, non-medical, etc. to only having two (2) categories:

1. Taxi – definition remained the same
2. Non Taxi – includes limo, sedan, SUV, non-medical, TNC's, etc.

Modify Vehicle For Hire (VFH) and/or VFH company definition to include TNC's and/or ride sharing companies.

APPLICABILITY

Apply Ordinance to the unincorporated and incorporated areas of Palm Beach County.

COMPLIANCE

Modify requirement to include reference for Palm Beach International Airport and Port of Palm Beach rules and regulations.

Modify requirements for Vehicle for Hire Company's responsibility for drivers' non-compliance.

ADVERTISING

Modify advertising requirements to not include DCA permit number.

Modify vehicle display to allow for magnetic signage.

BUSINESS PERMIT

Remove requirements to provide the Division of Consumer Affairs (DCA) documentation of all driver and vehicle information and allowing for a vehicle for hire company, prior to initiation of vehicle for hire service and on an ongoing basis during a service year, as part of the application, a vehicle for hire company shall advise the DCA as to how it will maintain records for documenting and identifying drivers and vehicles in service.

Remove requirements to maintain a commercial business office or residential home office in the County.

BUSINESS RECORDS REQUIRED

Allow for the DCA or its designated third party to conduct a bi-annual audit of records maintained by all vehicle for hire companies as required by the Ordinance.

SUMMARY OF SUBSTANTIVE RECOMMENDED CHANGES TO EXHIBIT A
VEHICLE FOR HIRE ORDINANCE

VEHICLES

Modify vehicle identification requirements to the following:

1. Vehicles can have a "trade dress"
- or
2. Vehicles can be issued a decal by the DCA

Remove vehicle age requirements.

Maintain mechanical/safety vehicle inspection requirements performed by an ASE certified mechanic on all vehicles.

Allow vehicle inspection form from an ASE certified mechanic to be accepted from other counties upon approval by DCA.

Maintain visual inspections by DCA for all taxi and non-medical wheelchair and stretcher vehicles.

INSURANCE

Modify insurance to require policies in accordance with Florida Law.

DRIVER REQUIREMENTS

Modify the process for drivers to be qualified and identified. Drivers are required to have the following:

1. ID badge issued by the DCA
- or
2. Alternative identification/credential by the company (i.e. via digital application or smart phone app)

Add the option for all vehicle for hire companies to conduct their own comprehensive nationwide background checks through an accredited agency or the DCA can conduct a Level II background check.

Modify background check and driver record check requirements.

VARIOUS CHANGES THROUGHOUT

Eliminate redundant/unnecessary internal and external operating procedures that are not required in the Ordinance.

ORDINANCE NO. 20165 _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-43) AS AMENDED RELATING TO VEHICLES FOR HIRE; AMENDING SECTION 19-211 (SHORT TITLE; APPLICABILITY); AMENDING SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-214 (COMPLIANCE WITH ARTICLE REQUIRED); AMENDING SECTION 19-215 (ADVERTISING); AMENDING SECTION 19-216 (RESERVED) ADDING NEW TITLE VEHICLE FOR HIRE OPERATIONAL REQUIREMENTS; AMENDING SECTION 19-217 (RECIPROCITY); AMENDING SECTION 19-218 (BUSINESS PERMIT APPLICATION); AMENDING SECTION 19-219 (RECORDS REQUIRED); AMENDING SECTION 19-220 (VEHICLE REQUIREMENTS); AMENDING SECTION 19-221 (VEHICLE DECAL REQUIREMENTS); AMENDING SECTION 19-222 (IMPOUNDMENT); AMENDING SECTION 19-223 (VEHICLE SAFETY AND APPEARANCE REQUIREMENTS); DELETING SECTION 19-224 (NON-MEDICAL WHEELCHAIR AND STRETCHER TRANSPORTATION SERVICE COMPANIES OPERATIONAL REQUIREMENTS); DELETING SECTION 19-225 (VEHICLE INSPECTIONS) AMENDING SECTION 19-226 (COMMERCIAL AUTOMOBILE LIABILITY INSURANCE); AMENDING SECTION 19-227 (DRIVER REQUIREMENTS; FAILURE TO COMPLY); DELETING SECTION 19-228 (FRAUDULENT TRANSFER OF VEHICLE FOR HIRE COMPANY); AMENDING SECTION 19-229 (REVOCATION, SUSPENSION AND DENIAL OF PERMITS/I.D. BADGES; ADMINISTRATIVE APPEAL); AMENDING SECTION 19-230 (ENFORCEMENT); AMENDING SECTION 19-231 (VIOLATIONS); AMENDING SECTION 19-235 (START-UP); DELETING SECTION 19-238 (JURISDICTION); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing

and future residents by enacting such business regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds and declares that the public welfare and safety of the existing and future residents requires the regulation and control of motor vehicles engaged in the transportation of persons, within the streets of Palm Beach County, with the intent to receive compensation; and

WHEREAS, Palm Beach County licenses and regulates vehicles for hire (defined hereinafter) that operate in Palm Beach County, Florida; and

WHEREAS, it is now necessary to amend Chapter 19, Article IX of the Palm Beach County Code to enhance the regulatory framework for the vehicle for hire industry including transportation network companies.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Chapter 19, Article IX of the Palm Beach County Code is hereby amended to read as follows:

Section. 19-211. --Short title; applicability.

- (a) –This article shall be known as the "Palm Beach County Vehicle for Hire Ordinance."
- (b) ~~Unless a municipal exemption applies; the provisions of this article shall be applicable to the incorporated and unincorporated areas of the county. Unless otherwise provided, nothing in this article shall be construed to relieve any person from compliance with any applicable county or municipal regulations.~~ These provisions of this Article shall be applicable ~~with~~into the incorporated and unincorporated areas of Palm Beach County, unless a municipal exemption applies. and in all municipalities that have not adopted an ordinance in conflict herewith. Unless otherwise provided, nothing in this

Article shall be construed to relieve any person from compliance with any applicable county or municipal regulations.

Section 19-212. -- Authority.

This article is adopted under the authority of F.S. ch. 125.

Section 19-213. -- Definitions.

The following words and phrases when used in this article shall have the meanings as set out herein:

Advertising. The term "advertising" shall mean to advise, announce, give notice of, publish, or call attention by use of oral, written, or graphic statements made in newspapers, telephone directories or other publications or on radio or television, any electronic medium, or contained in any notice, handbill, catalog, newsletter, poster, sign, flyer, business card or letter.

Airport Rules and Regulations. The term "Airport Rules and Regulations" means the provisions of Appendix B of the Palm Beach County Code, as now or hereafter amended.

Alternative identification. —Companies may provide alternative identification approved by the DCA through use of an electronic, digital, tablet, or smartphone application that allows the driver to display his/her picture, name, license plate number of vehicle used, vehicle for hire company name and other sufficient relevant information to allow his/her identification for the assurance of the passenger, law enforcement and for regulatory verification.

Applicant. The term "applicant" shall mean any person who applies for a vehicle for hire business permit, Alternative Identification or ~~driver's I.D. ID~~ badge within Palm Beach County. In the case of partnerships, associations, corporations and other legal entities, "applicant" shall also mean any member of a partnership, each associate and the corporate officers and directors.

Board. The term "board" shall mean the Palm Beach County Board of County Commissioners.

Business permit. The term "business permit" shall mean the authority required by the provisions of this article to be obtained by any individual or vehicle for hire company not subject to reciprocity, to engage in vehicle for hire business in Palm Beach County.

Compensation. The term "compensation" shall mean a return in money, property, suggested donation or anything of value for the rendition of vehicle for hire service.

Conviction. The term conviction shall mean any judicial determination of conviction, adjudication withheld, or plea of nolo contendere.

~~**Commercial business office.** The term "commercial business office" shall mean the primary place of business where management and employees perform office work for a vehicle for hire company and which shall meet the following requirements:~~

- ~~(a) Properly zoned;~~
- ~~(b) Customer/employee parking;~~
- ~~(c) Sufficient commercial vehicle parking;~~
- ~~(d) Sanitary facilities/restrooms;~~
- ~~(e) Dedicated wired phone line with a unique/dedicated number;~~
- ~~(f) Identifying signage; and~~
- ~~(g) Central dispatch.~~

~~The address of the commercial business office must match the address on the local business tax receipt.~~

~~**County permit.** The term "county permit" shall mean the grant by Palm Beach County to operate one (1) vehicle for hire not subject to reciprocity, upon the streets of Palm Beach County.~~

Digital platform. —Means any internet-enabled technology service platform, system, program, or software, including a smartphone or tablet application or website offered or used that enables the prearranged rides with vehicle for hire company or drivers.

Division or DCA. The term "division" or "DCA" shall mean the Palm Beach County Division of Consumer Affairs.

Driver. The term "driver" shall mean the individual who is driving or physically operating the taxi~~cab~~, non-taxi ~~limousine, shuttle~~, or other passenger vehicle for hire and includes the term "chauffeur."

ID badge. The term "ID –badge" shall mean a permit authorizing the holder thereof to provide vehicle for hire services in a permitted vehicle pursuant to this article.

Individual. The term "individual" includes a natural person, partnership, corporation, association, or any other legal entity.

Manifest. The term "manifest" shall mean written or electronic/digital documentation prepared by the vehicle for hire company ~~business~~ providing individual trip logs for each

pickup/drop-off of passengers that can be viewed upon request by authorized DCA personnel or law enforcement officers. The "manifest" shall be in the possession of the vehicle for hire driver and central dispatch and shall include the business name, business phone number, name of the passenger (if provided/known), pickup/drop-off address and dates/times involved.

~~*Limousine.* The term "limousine" shall mean a chauffeur-driven motor vehicle, modified for the purpose as a luxury stretch vehicle, regardless of length and which contains a fixed partition used to separate the driver and passenger seating areas. A limousine is prohibited from using a taximeter and toplight unless it is being used as a taxicab.~~

~~*Luxury sedan/SUV (sport utility vehicle).* The term "luxury sedan" or "luxury SUV" shall mean a classification of motor vehicles that are designated by the manufacturer as a full size sedan/SUV that has at least four (4) doors; and has a rated seating capacity of one (1) to eight (8) passengers which has not been altered from the original manufacturer's specifications with respect to wheelbase or seating capacity, and does not have a partition or other device used to separate the driver and passenger seating areas, and is recognized by the industry and the division of consumer affairs as a "luxury" vehicle, such as a Cadillac, Lincoln, Mercedes-Benz or other similar top of the line luxury sedans or SUVs.~~

Non-medical, —wheelchair and stretcher transportation—service. The term "non-medical, wheelchair and stretcher transportation **service**" shall mean the transportation of persons while on stretchers or wheelchairs, or persons whose handicap, illness, injury, or other incapacitation makes it impractical to be transported by a regular common carrier such as a bus, taxicab, non-taxi or other vehicle for hire. Such persons do not need, nor are likely to need, any medical attention during transport.

Non-Taxi. The term "non-taxi" shall mean any pre-arranged vehicle for hire, not equipped with a taximeter. A non-taxi shall include, but not be limited to, sedans, luxury sedans, limousines, sport utility vehicles (SUVs), vehicles operated in connection with through transportation network companies, non-medical wheelchair and stretcher transportation vehicles, shuttles, and vans. Such vehicles shall not display the word "taxi," or "cab" on the vehicle exterior or interior. A non-taxi is prohibited from using a taximeter and top light unless it is being used as a taxi.

Passenger. The term "passenger" shall mean a person utilizing a vehicle for hire for the purpose of being transported to a destination, or a person who is awaiting the arrival of a dispatched vehicle for hire, and does not include the chauffeur.

~~***Prearranged.*** The term "prearranged" shall mean a written, e-mail, fax or telephone reservation made at least thirty (30) minutes in advance by the person requesting service from a vehicle for hire business. Such reservations shall be documented in written form by~~

~~the business. The written documentation requested herein shall be made available immediately upon the request of authorized division personnel or law enforcement. The thirty-minute advance requirement does not apply to companies with authorized vehicle for hire contracts with Palm Beach International Airport and other businesses that provide vehicle for hire services by contract. The term "prearranged" shall mean any reservation made in advance by the person requesting service from any telephone, internet-enabled platform, program, or software, including a smartphone or tablet application or website.~~

~~*Residential home office.* The term "residential home office" shall mean a residence located in Palm Beach County from which a vehicle for hire business is operated. The "residential home office" must be the primary residence of the vehicle for hire company's principal owner/president. The "residential home office" must be equipped with a separate wired telephone line and be approved by applicable zoning regulations. Proof of residency must be provided upon request (i.e., driver's license, tax receipt, bank account, utility bill, etc.).~~

~~*Sedan.* The term "sedan" shall mean any pre-arranged vehicle for hire, not equipped with a taximeter, which is not a limousine, SUV, transport van/shuttle, non-medical wheelchair and stretcher transportation vehicle or taxi. Sedans shall include all other commercially manufactured passenger vehicles not already defined herein. Such vehicles shall not display the word "taxicab," "taxi," or "cab" on the vehicle exterior or interior. A sedan is prohibited from using a taximeter and top light unless it is being used as a taxicab. A sedan older than thirty (30) years must be fully restored and registered as an antique by the state pursuant to F.S. § 320.086(2) as may be amended.~~

Short-term vehicle decal ~~plaque~~ placard. The term "short-term vehicle placard" shall mean a specially prepared placard placed on the passenger side dashboard of a short-term rental vehicle for hire. All rental contracts must be 30 days or less. A short-term vehicle decal placard shall not be required if a vehicle for hire company displays trade dress in compliance with this article.

~~*SUV (sports utility vehicle).* The term "SUV" shall mean a type of passenger vehicle which combines the load-hauling and passenger-carrying capacity of a large station wagon or minivan. A SUV is prohibited from using a taximeter and toplight unless it is being used as a taxicab.~~

***Taxi*~~cab~~.** The term "taxi~~cab~~" shall mean a motorized vehicle, equipped with a taximeter, engaged in the transportation of passengers for compensation, and where the route or destination is ~~controlled~~ designated by the passenger.

Taximeter. The term "taximeter" shall mean any device permanently and internally mounted in a taxi~~cab~~ and which records and indicates a charge or fare measured by distance traveled, waiting time or other traditionally compensable activities of taxi~~cab~~ service.

Top light. The term "top light" shall mean a permanently installed roof mounted lighted device which shall be illuminated whenever the taximeter is on. The top light must be a minimum size of ten (10) inches by four (4) inches, permanently mounted on the vehicle roof and display or include the word "taxi," "taxicab" or "cab."

Trade Dress. The term "trade dress" shall mean a distinctive signage or display approved by the DCA on the vehicle that is sufficiently large color-contrasted as to be readable during daylight hours at a distance of 50 feet. The trade dress must be sufficient to allow a passenger, government official, or member of the public to associate a vehicle with a particular vehicle for hire company. Acceptable forms of trade dress include, but are not limited to, symbols or signs on vehicle doors, roofs, or grills. Magnetic or removable trade dress is acceptable.

~~Transport van/shuttle. The term "transport van/shuttle" shall mean a motor vehicle not equipped with a taximeter, with a seating capacity for at least four (4) passengers, exclusive of the driver, where there is no separation of the driver and passenger compartments and not modified from the manufacturer's specifications. A functioning seat belt must be available for each passenger. A transport van/shuttle is recognized by the industry as a mini-van, van, mini-coach, minibus, limo-bus or other similar vehicle, excluding those vehicles regulated by the State of Florida Department of Transportation (FDOT). A transport van/shuttle is prohibited from using a taximeter and top light unless it is being used as a taxicab.~~

Transportation Network Company (TNC). The term "TNC" means an individual, partnership, association, corporation, or other entity that uses a digital platform to connect passengers to drivers who use a personal vehicle, other than a Taxi, to provide vehicle for-hire services, sometimes referred to as ridesharing.

Vehicle decal. The term "vehicle decal" shall mean a decal placed upon any vehicle for hire granted approval to provide vehicle for hire services by the ~~division~~DCA.

Vehicle for hire. The term "vehicle for hire" shall mean any motorized, self-propelled vehicle engaged in vehicle for hire service.

~~Vehicle for hire and/or vehicle for hire company.~~ The terms "vehicle for hire" and/or "vehicle for hire company" shall mean any individual, partnership, sole proprietor, association, corporation, or other legal entity which holds business permits for or contracts with any ~~motorized, self-propelled vehicle(s) driver~~ engaged in Vehicle for Hire Service the transportation of persons upon the streets of Palm Beach County who receive any compensation or salary for providing such transportation. The term shall not be construed to exclude any person owning, controlling, operating, or managing any type of motor vehicle used in the business of transportation of persons for compensation. The term shall include, but not be limited to non-medical wheelchair and stretcher transportation companies, services, taxicabs, and non-taxis, transport vans/shuttles, sedans, SUVs, limousines, transportation network companies and/or ridesharing companies, and the use

of personal vehicle(s), regardless of who owns said personal vehicle(s) engaged in the ~~pre-arranged~~ transportation of persons for compensation, salary or suggested donation, using a telephone or any internet-enabled digital platform, program, or software including a smartphone or tablet application or website to connect passengers with drivers. The term shall not apply to vehicles, companies and organizations identified in section 19-214 of this Code.

Vehicle for hire service. The term "vehicle for hire service" shall mean the provision of transportation of persons by a driver who receives any compensation, suggested donation or salary for providing such transportation. The term shall encompass services provided in connection with non-medical wheelchair and stretcher transportation, taxis, non-taxis, and the use of personal vehicle(s), regardless of who owns said personal vehicle(s) engaged in the transportation of persons for compensation or suggested donation, using any internet-enabled digital platform, program, or software including a Smartphone or tablet application or website to connect passengers with drivers. The term shall not apply to vehicles, companies and organizations identified in section 19-214 of this Code.

~~Vehicle for hire driver's I.D. badge (I.D. badge).~~ The term "vehicle for hire driver's I.D. badge (I.D. badge)" shall mean a permit authorizing the holder thereof to utilize the motor vehicle(s) described in said permit for the transportation of passengers as authorized pursuant to this article.

~~Vehicle for hire service standards.~~ The term "vehicle for hire service standards" shall mean a summary of "passenger" and "driver" expectations prominently displayed within every vehicle for hire passenger compartment.

Section. 19-214. -- Compliance with article required.

(a) -The operation of vehicles for hire within and upon the streets of the county shall be subject to the conditions, restrictions, and regulations set forth in this article. It shall be unlawful to operate any vehicle for hire within and upon such streets without first obtaining fulfilling, and maintaining compliance with, all requirements of this article; a county vehicle for hire permit, vehicle decal(s), and driver's I.D. badge; however, this article shall not apply to the following:

(1) Vehicles operated by a governmental agency; and nonprofit organizations meeting the requirements of Section 501(c)(3), United States Revenue Code.

——(2) -Vehicles tendering transportation services not for compensation;

~~-(3) Vehicles owned and operated by hotels, motels and funeral homes which provide transportation services for their guests only, for which the guest does not incur a separate charge;~~

(43) Discharge of a passenger pursuant to legal authority as referenced in section 19-217 of this article on reciprocity; and,

~~-(5) Operation of motor vehicles for the transportation of passengers, not for compensation, between the vicinity of their residences and the vicinity of their places of work, in an arrangement commonly known as a "car pool" or "van pool";~~

(64) School buses and church buses;

~~-(7) Transportation services operated as a bona fide tour company by a seller of travel as defined in F.S. § 559.927, as amended;~~

~~-(8) Horse drawn carriages;~~

~~-(9) Motor vehicles used exclusively to provide transportation without compensation and purely incidental to a person's primary business and requiring the performance of substantial services in addition to transportation; and~~

~~-(10) Nonprofit organization vehicles operated by Section 501(c)(3), United States Revenue Code.~~

(b) — Compliance with the provisions of this article shall in no way relieve an individual or vehicle for hire company from compliance with all municipal, county, state and federal laws, including the Palm Beach County Airport and Port of Palm Beach Rules and Regulations.

~~-(c) Vehicle for hire business permit holders and permitted drivers shall cooperate fully at all times with the division in furnishing information required in connection with requests for proof of licensure, insurance, vehicle registration, driver's I.D. badge, or during the process of applying to renew a business permit, registration of vehicles and/or driver's I.D. badges, or investigations of consumer complaints. Further, vehicle for hire business permit holders and permitted drivers shall not obstruct, hamper or interfere with an investigation of alleged violations of this article conducted by division personnel, any law enforcement officer or employee of any other agency enforcing this article. At no time shall a vehicle for hire business permit holder or permitted driver use abusive language or display discourteous, hostile, aggressive or other inappropriate behavior toward passengers, other vehicle for hire drivers, vehicle for hire business~~

~~owners or their representatives, division personnel, any law enforcement officers or any agency authorized to enforce this article.~~

~~(d) A "vehicle for hire company" must notify the division in writing within thirty (30) days of the date that any of its drivers are convicted of a criminal offense (misdemeanor or felony crime), including all traffic offenses involving a driving under the influence charge, a controlled substance charge, or a driver license suspension/revocation charge.~~

~~(ec)~~ A "vehicle for hire company" shall exercise best efforts ~~be responsible for its assure to~~ ensure its affiliated ~~drivers'~~ compliance with all of the regulations required by this article, and shall be responsible ~~subject to the penalties provided in this article~~ when the company has had knowledge ~~received notice from the DCA or other enforcement/regulatory agency of a driver's non-compliance and fails to satisfactorily address such or tolerates non-compliance.~~

~~(f) No "vehicle for hire company" shall charge, demand, or request any fare other than the prearranged amount agreed upon for the transportation service or the amount shown on the taximeter.~~

~~(gd)~~ Any violation of this article is a civil infraction, and failure to comply with the provisions of this Ordinance may result in DCA denying, suspending or revoking business permits/ID badge, or Alternative Identifications, suspending or revoking the business permit/ ID badge, issuing a civil citation, or other such remedies available to DCA herein.

Section. 19-215. - Advertising.

(a) It shall be unlawful for any vehicle for hire company to advertise vehicle for hire services ~~and/or transportation services~~ without obtaining first fulfilling and maintaining compliance ~~a current and valid vehicle for hire business permit and vehicle decal(s) pursuant to the provisions of as required in~~ this article. Any advertisement of any vehicle for hire company business or associated digital platform shall clearly and conspicuously disclose the name of the company, or digital platform, ~~physical address of the company,~~ phone number, website ~~or other bona fide means of contacting the company.~~

~~and vehicle for hire business permit number issued by the division. The permit number shall be preceded by "PBC VFH."~~

(b) All taxi ~~cabs~~ and non-medical wheelchair and stretcher transportation ~~service~~ vehicles shall clearly display on the exterior of the driver and passenger side of the vehicle, permanent vinyl or painted lettering at least four (4) inches high and in clearly visible bold contrasting colors, the vehicle for hire company's name, and telephone number ~~and business permit number. The permit number shall be preceded by "PBC VFH."~~ Magnetic signage, of any type, is not permitted.

- (c) Every taxicab and non-medical wheelchair and stretcher transportation service-vehicle shall be assigned a unique/dedicated number by the vehicle for hire company. That number must be permanently affixed to each vehicle by that company. The assigned number shall exist for the life of the vehicle while it is owned/operated by that company and shall not be reused for at least one year on any other vehicle. This number shall be reported to the division as part of the annual permit requirements. The number shall be affixed to both rear quarter panels (or roof posts) of an automobile or rear sides of other vehicles. The numbers must be in clearly visible, boldly contrasting colors and shall be a minimum of four (4) inches in height. Each business must assure that duplicate numbers are not assigned to vehicles.
- (d) All taxicabs shall conspicuously advertise their meter rates on the exterior of the vehicle and the metered drop rate must match the advertised rate.
- (e) Taxicabs utilizing signage on roofs which prevent the required mounting of a top light shall be exempt from the top light requirement until the vehicle is replaced, required to be retired pursuant to this article or the word "taxi," or "cab" ~~or "taxicab"~~ (using at a minimum two-inch letters) is included on the signage and is able to be seen from the front and rear of the vehicle.
- (f) Vehicle for hire drivers/~~chauffeurs~~ meeting passengers at Palm Beach International Airport, or the Port of Palm Beach, may utilize a sign for the purposes of identifying a passenger or group of passengers. The sign utilized shall identify the name of the passenger or group being met and shall include the name of the vehicle for hire company ~~or the corporate client of the vehicle for hire company and "PBC VFH" permit number. In no event shall, _t~~ The name of the company shall be larger than one-inch letters and in any event the name of the company shall be smaller than the name of the passenger/group.
- (g) Advertising restrictions. No person shall advertise a vehicle for hire service in a manner that is false, misleading or deceptive. ~~Notwithstanding paragraphs (a) through (f) above, the following requirements shall be strictly complied with by every vehicle for hire company and driver in any advertisement for each particular category of vehicle for hire:~~
- ~~(1) Taxicab or taxi. No taxicab vehicle for hire company shall advertise, or allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin, flyer, e-mail, on the internet, radio or television commercial, or hotel leaflet, an advertisement or solicitation for business which includes the word(s) "limousine," "limo," "luxury sedan or SUV," "luxury limousine or limo," "shuttle service," "luxury passenger vehicle," "shuttle," or a form of these words unless ordinance or exception requirements for multi-category vehicle for hire companies are met.~~
- ~~(2) Sedan/SUV. No vehicle for hire sedan/SUV company shall advertise, or allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin,~~

~~flyer, e-mail, on the internet, radio or television commercial, or hotel leaflet, an advertisement or solicitation for business which includes the word(s) "limousine," "limo," "taxicab," "cab," "shuttle," or any form of the word(s) "luxury" or "custom/luxury" unless ordinance or exception requirements for multi-category vehicle for hire companies are met.~~

~~(3) Transport van/shuttle. No transport van/shuttle company shall advertise, or allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin, flyer, e-mail, on the internet, radio or television commercial, or hotel leaflet, an advertisement or solicitation for business which includes the word(s) "taxi or taxicab," "limousine," "limo," "luxury sedan or SUV," "luxury limousine or limo," "luxury passenger vehicle," or any form of these words unless ordinance or exception requirements for multi-category vehicle for hire companies are met.~~

~~(4) Limousine. No limousine company shall advertise, or allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin, flyer, e-mail, on the internet, radio or television commercial, or hotel leaflet, an advertisement or solicitation for business which includes the word(s) "taxi or taxicab."~~

~~(5) Exception for multi-category vehicle for hire companies. A Palm Beach County vehicle for hire company that has registered and has been issued vehicle permits and/or decals for multiple categories (i.e. Sedan Company with sedans, luxury sedans/SUV's and limos, taxi company with taxis, sedans and/or limos, etc) may use in one advertisement the terms for each particular category of the vehicle for hire business, however, consistent with restrictions in subsections (1)–(4).~~

Section. 19-216. - —Reserved—Vehicle for hire operational requirements.

(a) –It shall be unlawful for any non—taxi vehicle for hire driver to solicit potential passengers or use any words or gestures that could be construed as soliciting a passenger for taxi service. –With the exception of on-demand service provided at the Palm Beach International Airport pursuant to an agreement approved by the Board of County Commissioners for such service, all non taxi service must be prearranged.

(b) –A vehicle for hire driver shall not refuse to transport a person to a requested destination located within the limits of –Palm Beach County.–

(c) Vehicle for hire drivers shall cooperate fully at all times with the DCA in the furnishing of information required in connection with requests for proof of driver's license, vehicle insurance and/or- ID badge/Alternative ID, ASE certification forms, and manifest during the process of applying to renew an ID badge, and during investigations of consumer complaints. Further, vehicle for hire drivers shall not obstruct, hamper or interfere with an investigation of violations of this article conducted by DCA personnel, any law enforcement officer or employee of any other agency enforcing this article.

- (d) —At no time shall a vehicle for hire driver use abusive language or display discourteous, hostile, aggressiveaggressive or other inappropriate behavior toward passengers, other vehicle for hire drivers, vehicle for hire business owners or their representatives, DCA personnel, law enforcement officers or any agency authorized to enforce this article.
- (e) —All vehicle for hire drivers who own or lease the vehicle(s) they drive, shall remove and surrender to the DCA the vehicle decal and –ID badge within ten (10) business days after he/she is no longer driving for that particular vehicle for hire company. Such owner/driver must also remove all vehicle signage and top lights within ten (10) business days after he/she is no longer driving for the vehicle for hire businesscompany.
- (f) —All vehicle for hire companies shall display or otherwise provide to customers in advance the rate or prearranged price that will apply to the transportation service being provided, and it shall be unlawful for the company or driver to charge, demand, request, or accept any fare higher than the specified rate or prearranged price. –The rates charged to disabled passengers shall not differ from the rates charged to non-disabled passengers in all vehicles for hire because of an individual’s disability, with the exception of –non-emergency wheelchair and stretcher transportation company vehicle rates.
- (g) Customer Service: All vehicle for hire companies shall maintain a website and provide a 24-hour customer service telephone number or email address.
- ~~(h) Vehicle for hire companies shall implement a zero tolerance policy on the use of drugs or alcohol applicable to any driver, and provide notice of the policy th DCA, on its website, as well as the procedures to report a driver the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride, and immediately suspend said driver upon receipt of a passenger complaint alleging a violation of the policy. The suspension shall last the duration of the investigation. Further, drivers are required to provide a smoke free environment inside their vehicles when transporting a passenger.~~

Section. 19-217. - Reciprocity.

~~(a) Out-of-county origin exception. –Nothing in this article shall prohibit discharge within the county of any passenger, lawfully picked up in another county and lawfully transported into the county from a county or municipality that has adopted a similar vehicle for hire regulatory ordinance, which meets or exceeds the requirements of this article and has been issued an operating permit by the county or municipality of origin.~~

~~Any passenger lawfully picked up in another county, may be transported to, and discharged at one (1) or more locations within the county. Any passenger transported under this provision may be picked up at the drop-off location and transported back to the county of origin as long as the transportation is part of a continuous round trip fare. This transportation must be part of a prearranged fare (evidenced by a written manifest or load ticket) and the county or municipality (not in the county) where the passenger is picked up has adopted similar provisions in a vehicle for hire regulatory ordinance and issued an operating permit or vehicle for hire license to the business. Local business tax receipts do not meet the requirements of this section.~~

~~(b) A vehicle for hire from another county or municipality (not in the county) may pick up a passenger at either Palm Beach International Airport or the Port of Palm Beach and transport said passenger directly to the vehicle for hire's county or municipality of origin as long as:~~

~~(1) The county or other municipality has adopted a similar vehicle for hire regulatory ordinance, which meets or exceeds the requirements of this article;~~

~~(2) The transportation is part of a prearranged, one-way continuous fare (evidenced by a written manifest or load ticket);~~

~~(3) The passenger arrived at either Palm Beach International Airport or the Port of Palm Beach;~~

~~(4) The vehicle meets Palm Beach International Airport and the Port of Palm Beach vehicle for hire requirements; and~~

~~(5) The vehicle has been issued an operating permit by the county or municipality of origin. A copy of the manifest or load ticket shall be in the possession of the driver at all times and shall be made available to enforcement personnel upon request.~~

~~Nothing in this article shall be construed to prohibit discharge within Palm Beach County of any passenger lawfully picked up in another county and lawfully transported into Palm Beach County. Notwithstanding any provision to the contrary, any passenger lawfully picked up in another county, transported to, and discharged at any location within Palm Beach County, may be picked up at the discharge location and returned to the county of~~

origin as long as the transportation is part of a pre-arranged trip; provided, however, vehicles for hire shall be required to comply with the Airport Rules and Regulations if the discharge and/or pick up location is the Palm Beach International Airport. Proof of the pre-arranged transportation services shall be made available to enforcement personnel upon request.

[s1]

Section 19-218. - Business permit application.

- (a) ~~An vehicle for hire individual or a vehicle for hire~~ company not exempt pursuant to section 19-214 shall make application ~~to the division for a business permit. It is a violation of this article to operate such companies without first securing a business permit from the division for a business permit on forms to be furnished by the DCA.~~ The applicant shall furnish the following information with each application, which shall be sworn to before a notary public:-

~~A business permit shall be issued annually only after acceptance by the division of the following:~~

- (1) ~~Its legal, trade, corporate and/or fictitious name~~ The name and type of business under which the service will be operated (If a partnership or corporation, a copy of the partnership agreement or articles of incorporation must be attached);
- (2) ~~Its local or Florida business address (mail centers or P.O. box addresses are not acceptable)~~ The name, phone number, mailing address, and street address (if different from the mailing address) of the applicant's agent for service of legal process (which information the applicant shall keep current);
- (3) ~~List of all business principals (i.e., owner, officers, partners, etc.) names, addresses, dates of birth and Florida driver's license number. If applicable, the name and address of the registered agent shall be provided~~ Prior to initiation of vehicle for hire service, and on an ongoing basis during a service year, as part of the application, a vehicle for hire company shall advise the DCA as to how it will maintain records for documenting and identifying drivers and vehicles in service;
- (4) ~~The year, make, model of manufacture, vehicle number (if applicable) and specific coloring scheme of each vehicle for hire for which a business permit is sought;~~

Payment of all business permit and other fees in amounts set forth by resolution of the board.

~~(5) The vehicle identification number and license tag number of each vehicle;~~

~~(6) A clear and legible copy of each vehicle's State of Florida registration form;~~

~~(7) The name and vehicle for hire driver's I.D. badge number;~~

~~(8) Appropriate certificates, permits, local business tax receipts, (specifically for vehicle for hire) and other authorization issued by the county and any municipality if applicable;~~

~~(9) The original signed copy of the vehicle inspection form for each vehicle being assigned a decal; and~~

~~(105) Payment of all business permit and vehicle decal fees in amounts set forth by resolution of the board.~~

~~(b) No person maintaining, owning, or operating a vehicle for hire company shall suffer or permit any person or employee to drive a vehicle for hire unless such person has a valid vehicle for hire driver's I.D. badge issued pursuant to this article.~~

~~(eb) Each business permit issued pursuant to this section shall be valid and effective for one (1) year, terminating on April 30 of each year, and all vehicle for hire business permits which are not renewed, shall automatically expire upon the expiration date as stated on the permit and the vehicle for hire company shall cease all vehicle for hire services immediately.~~

(1) Failure to submit a business permit application and the required nonrefundable fee for renewal by March 1 of each year will result in the assessment of a nonrefundable late fee. The late fee shall be established by resolution of the board.

~~(2) Upon submission of a new business permit application and all required documents, the division shall provide the business with a receipt which shall constitute a provisional business permit and shall be valid until the issuance or denial of the business permit, whichever comes first.~~

~~(32) Businesses~~Vehicle for hire companies which fail to submit a complete application/renewal application within thirty (30) calendar days after the Company's business' receipt of the ~~division's~~ DCA's notice of an incomplete application, shall be denied a business permit.

~~Within ten (10) business days of receipt of the division's notice of denial, such businesses may refile a complete and corrected application and pay a nonrefundable re-filing fee established by resolution of the board. Failure to refile an application within this ten-day period, will result in the business being required to~~

~~submit a new application and paying the nonrefundable business permit fee and vehicle decal fees.~~

- ~~(43) The DCA may deny or revoke a business permit if it is determined that the applicant has misrepresented, omitted, concealed a fact on any application or submitted any fraudulent or false document. If the business permit is denied or revoked, said business permit shall not be issued or reinstated for a period of one (1) year from the date of denial or revocation.~~

~~(5) No permit shall be valid for any vehicle for hire company under any other name or at any place other than that designated in the permit.~~

- ~~(64) If the vehicle for hire company business transfers, sells, changes or modifies its name or ownership structure, the company business shall be required to notify the division DCA of consumer affairs within forty-five (45) days of said change, and a new business permit application shall be submitted. All business permit fees and administrative processing fees approved by the board by resolution shall be assessed by the division DCA.~~

~~If the transfer, sale, change or modification changes the ownership structure by more than fifty-one (51) percent, it will be considered a new company, and new business requirements and fees established by the board by resolution shall apply. The adoption of a moratorium shall not preclude companies with existing business permits from the transfer, sale or change of ownership to a new business.~~

- ~~(dc) Any change in the information submitted pursuant to paragraph (a) above shall be provided to the division DCA within twenty (20) calendar days of said change. Failure to provide such notice may result in the suspension or revocation of the company's business permit.~~

~~(e) All vehicle for hire business permits which are not renewed, shall automatically expire upon the expiration date as stated on the permit and the company shall cease all vehicle for hire services immediately.~~

~~(f) All vehicle for hire business must maintain a written/electronic manifest or trip log for each pickup/drop-off of any passenger. The manifest shall be in the possession of the vehicle for hire driver and business central dispatch and shall include but not be limited to, the business name, the name of the driver and the driver's I.D. badge number, the county vehicle for hire permit number (VFH#), the decal number of the vehicle providing the service, the name, address and telephone number of the passenger, the date, time and location where the service begins and ends, and the total charges and method of payment for the service provided. In addition, each original manifest, invoice, or dispatch record shall be available for inspection and a copy provided upon demand by law enforcement officers, by personnel authorized by the division to perform enforcement duties or to the passenger.~~

(gd) The DCA may deny or refuse to renew the business permit of any vehicle for hire ~~business-company~~ based upon the determination that:

- (1) Any director, officer, owner or general partner was associated with another vehicle for hire business whose permit was denied or revoked;
- (2) An individual/~~company~~business, or any of its directors, officers, owners or general partners has not satisfied a civil fine or penalty arising out of any administrative or enforcement action brought by DCA;
- (3) Any individual/business, or any of its directors, officers, owners or general partners has had any unsatisfied civil penalties, judgments or administrative orders entered against it, him or her in any action brought by the DCA, or any government agency, under the requirements of this article or a similar ordinance;
- (4) Any individual/~~company~~business, or any of its directors, officers, owners or general partners has failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of voluntary compliance, or any other lawful order of the director, the DCA or the consumer affairs hearing board/special master.

~~-(h) Each vehicle for hire business operating in the county must secure a business operating permit and maintain a commercial business office or residential home office in the county. Each vehicle for hire company must place the actual written permit issued by the DCA in a location clearly visible to the public. There are only two (2) exceptions to maintaining a commercial business office or residential home office in the county:~~

~~(1) The vehicle for hire business may operate from Broward County, Miami Dade County or any another Florida county/municipality where that jurisdiction licenses and regulates vehicle for hire companies and that business and all vehicles are licensed/decals to operate by that county/municipality and secures a vehicle for hire operating permit and vehicle decals from the county.~~

~~-(2) The vehicle for hire business may operate from another county if no vehicle for hire license regulations exists in the other county and that business secures a vehicle for hire operating permit and decals from the county. Vehicle for hire companies with existing operating permits and decals from the county shall be exempt from this subsection.~~

~~-(i) A vehicle for hire company shall sign an affidavit attesting that each driver is eligible to be insured by the company's commercial automobile liability insurer and is in fact insured.~~

~~-(j) The company is required to notify the division, in writing, immediately but no later than ten (10) business days from the date that a driver is no longer insured by the vehicle for hire company's commercial automobile liability insurer.~~

- ~~(k) For vehicles owned by the business, it shall be the responsibility of the business to remove and surrender to the division all decals issued for vehicles which are no longer operating for that business. The business must also remove all vehicle signage and top lights within ten (10) business days following the removal of a vehicle from service or termination of employment/contract with the business.~~
- ~~(e) Failure to comply with the provisions of this section may result in denial of a permit(s), revocation or suspension of the permit(s), a denial of renewal of such permit(s), issuance of a civil citation, a misdemeanor conviction or other such remedies available to the division by law.~~

Section. 19-219. ~~—~~ Business Records required.

- (a) Upon request by the DCA, a driver for a vehicle for hire company that has been authorized in accordance with Section 19-227(m) shall permit inspection of a vehicle for purposes of verifying compliance with provisions of this article and provide documentation demonstrating that they are registered with a County-licensed vehicle for hire company, and that a trip was prearranged through a digital platform. If a vehicle for hire company driver refuses to allow an inspection or to make such documentation available, upon notice to the vehicle for hire company, the company shall disconnect the transportation network company driver from its digital platform until the driver permits the inspection or provides the documentation.
- (b) Each vehicle for hire company shall maintain accurate and complete business records relating to manifests, invoices (when used) and vehicle maintenance as required under this Aarticle. Such records including, but not limited to, vehicle inspections, background checks, manifest and insurance shall be maintained for at least threeone (31) years. The division-DCA shall be granted access to these records for inspection and/or copying as necessary to investigate and resolve and to advance a compliance inquiry, during regular business hours, upon twenty-four-forty-eight (248) hours' prior notice. In the event the division-DCA is denied the opportunity to inspect and copy such records onsite, or at a mutually agreed location in the County, the division-DCA vehicle for hire company shall provide copies of such records to DCA in Palm Beach County within thirty (30) days of denial have the right to remove the records for the purpose of inspection. copying and shall return any records removed within three (3) calendar days. If necessary, the division-DCA is hereby authorized to obtain an inspection warrant as authorized by law.
- (c) The DCA, or its designated third party, is authorized to conduct an audit of the records that a vehicle for hire company is required to maintain under this article on a bi-annual basis for purposes of verifying the company's compliance herewith. -The audit shall occur at a vehicle for hire company's place of business in Palm Beach County or other mutually agreed location in the County.

(d) A transportation network company shall not block or otherwise interfere with the DCA's ability to access the transportation network company's digital platform as a user in order to request a ride from transportation network drivers to monitor compliance with the provisions of this article.

(e) Upon request by the DCA or any enforcement/regulatory office, in response to a specific compliance inquiry, a vehicle for hire company shall provide or make available for inspection to DCA or other enforcement/regulatory agency, documentation verifying a driver's registration with the vehicle for hire company, that the driver has undergone a background check required by section 19-227 and that the vehicle certified by the vehicle for hire company has been inspected pursuant to section 19-223 and that the vehicle has been insured pursuant to section 19-226.

-Section 19-220. - Vehicle requirements.

(a) Age requirements. There shall be no age limitation for any vehicles, so long as the vehicle complies with the inspection process referenced herein.

~~Any vehicle older than seven (7) years based on the registration of said vehicle or when the vehicle exceeds three hundred fifty thousand (350,000) miles, whichever is first, shall be required to pass a bi-annual inspection. The bi-annual inspections shall be pursuant to vehicle safety, appearance, operational and inspection requirements outlined in sections 19-223, 19-224, and 19-225, and of this article.~~

(b) Fleet requirements.

(1) All new ~~taxi~~^{cab} companies submitting an application for a business permit pursuant to section 19-218 ~~on or after June 1, 2013~~, shall have a minimum of seven (7) vehicles in its fleet, and shall include at least one (1) handicap accessible vehicle.

~~The rates for handicap accessible vehicles shall not differ from the rates charged to non-disabled passengers. All existing taxi companies with twenty (20) or more vehicles licensed by the DCA, shall have at least one (1) handicap accessible vehicle available.~~

(2) All new non-taxi companies with sedan/SUV ~~companies type -vehicles~~ submitting an application for a business permit pursuant to section 19-218, ~~on or after June 1, 2013~~, shall have a minimum of seven (7) vehicles in its fleet.

(3) All new non-taxi companies with van/shuttle ~~companies type vehicles~~ submitting an application for a business permit pursuant to section 19-218 ~~on or after June 1, 2013~~, shall have a minimum of seven (7) vehicles in its fleet, and shall include at least one (1) handicap accessible vehicle. ~~The rates for handicap accessible vehicles shall not differ from the rates charged to non-disabled passengers.~~

(4) All new non-taxi companies with limousine ~~companies and non-medical wheelchair and stretcher transportation service type vehicles~~ submitting an application for a business permit pursuant to section 19-218 ~~on or after June 1, 2013~~, shall have a minimum of two (2) vehicles in its fleet.

~~(5) All new non-medical wheelchair and stretcher transportation service companies submitting an application for a business permit pursuant to section 19-218 on or after June 1, 2013, shall have a minimum of two (2) vehicles in its fleet.~~

~~(6) All taxicab or van/shuttle companies with twenty (20) or more vehicles licensed by the division prior to June 1, 2013, shall have at least one (1) handicap accessible vehicle available beginning on December 1, 2014. The rates for handicap accessible vehicles shall not differ from the rates charged to non-disabled passengers.~~

(c) ~~Taxicabs~~ ₂

(1) Each ~~taxicab~~ is required to maintain a top light as defined in section 19-213.

~~(2) Each taxicab business shall select and use a uniform, specific and consistent color and signage scheme for all taxicabs registered to the business. Each company shall submit to the division for approval, upon application, three (3) color photographs, not less than eight (8) inches by ten (10) inches size, showing the entire vehicle, driver's side (assuming passenger side is identical), front and rear of the vehicle which depicts the chosen color scheme, including signage per section 19-215 of this article. Each taxicab shall operate under a trade name which is distinct from, and not substantially similar to, any existing vehicle for hire company.~~

~~(3) No taxicab shall be permitted to operate unless it conforms to the business' selected trade name, color and signage scheme as stated in subsection (c)(2) hereinabove.~~

(42) No taxicab shall be permitted or operated unless it is equipped with a taximeter which accurately registers the rates and charges posted on the outside of the vehicle. Taxicabs are required to use the taximeter to determine all fares. The taximeter must be plainly visible to allow easy viewing of the meter rate display by the passenger.

(53) All taximeters shall be calibrated, at least once per year, tested and sealed pursuant to the most current addition of the National Institute of Standards and Technology (NIST) Handbook 44, at a registered taxi service agency, as authorized by the State Department of Agriculture and Consumer Services, Bureau of Weights and Measures.

(64) Each taxicab ~~business company~~ must present meter calibration records when applying for and/or renewing the vehicle for hire business permit. The calibration record must show at a minimum, the date of calibration, and the name, address and phone number of the registered taxi service agency performing the calibration.

(75) All taximeters must have a lead seal and current inspection decal affixed to the taximeter, by a registered taxi service agency. The ~~business company~~ is responsible for assuring compliance with this paragraph.

(86) If either the lead seal or inspection decal is missing or broken on the taximeter, the ~~vehicle for hire business company~~ must immediately take the vehicle out of service. The taximeter must be recalibrated by a registered taxi service agency, and a new lead seal and inspection decal must be affixed to the taximeter prior to the taxicab being placed back into service.

(97) ~~Beginning on June 1, 2013, a~~All new taxicab companies licensed in Palm Beach County will be required to accept as a method of payment for the fare (in addition to cash or other forms of payment acceptable to the company), a bank debit card or credit card, ~~including, but not limited to, Mastercard, Visa, and Discover, without additional charge or premium.~~

~~(d) Failure to comply with the provisions of this section may result in the division denying the permit(s)/decal, revoking or suspending the permit(s)/decal, denying a renewal of such~~

~~permits/decal, issuing a civil citation, a misdemeanor conviction or other such remedies available to the division.~~

Section. 19-221. - Vehicle decal requirements.

~~(a) An individual or vehicle for hire company not exempt pursuant to section 19-214 of this article shall make application to the division for a vehicle decal for each vehicle for hire. Each vehicle for hire shall be issued a vehicle decal upon fulfilling all the following requirements: Each vehicle for hire shall display a Palm Beach County PBG decal or trade dress while proceeding to or delivering service in accordance with this article that readily allows identification of the vehicle for hire company for which service is being offered.~~

~~-(1) Verification of the application submitted pursuant to this article;~~

~~-(2) Certification evidencing compliance with the insurance requirements of section 19-226 of this article;~~

~~-(3) Receipt of appropriate documentation or a sworn statement that the vehicle(s) for which the vehicle decal is sought meets the minimum vehicle safety and signage requirements of sections 19-215, 19-220, 19-221 and 19-223 of this article; and~~

~~-(4) Payment to the division of the vehicle decal fee in an amount set forth by resolution of the board.~~

~~(b) Each vehicle decal issued pursuant to this section shall be valid and effective for one (1) year, terminating on April 30 of each year It shall be a violation of this Ordinance to display such identification if the driver or vehicle for hire company are not properly permitted or authorized to provide service in accordance with this article.~~

~~-(c) Upon issuance of a vehicle decal, such decal shall be properly affixed to the vehicle utilizing the adhesive provided on the decal. Said decal shall be placed on the passenger side, lower corner inside windshield and shall be clearly visible. Once affixed, the decal may not be removed except for reasons described in paragraph (g) below. The vehicle decal remains the property of the county and shall be used only under the authority of the division. It shall be a violation of this article to fail to properly~~

~~affix the decal to the vehicle windshield immediately upon receipt. Designated division personnel shall have the authority to confiscate decals not properly affixed to the vehicle windshield.~~

~~-(d) A vehicle decal may be renewed upon application to the division evidencing continued compliance with the provisions of this article, and payment of the renewal fee in an amount set forth by resolution of the board.~~

(ec) If the short-term use of a rental vehicle by a vehicle for hire company is necessary, a short-term thirty-day vehicle placard shall be issued upon application to the division. The vehicle for hire company shall show proof that all temporary use vehicles meet the minimum insurance requirements of this article and provide a copy of the rental agreement. The short-term placard must be placed on the passenger's side dashboard of a rented vehicle for hire. The placard shall at a minimum include the name of the company, date of issuance and date of expiration. If a vehicle is rented for more than thirty (30) days, the vehicle for hire company must secure a new placard. The fee for a short-term vehicle placard shall be established by resolution of the board. All short-term use vehicles must meet all requirements of this article. Temporary use placards are not permitted for taxicabs.

~~-(f) No vehicle decal may be duplicated in any manner.~~

~~-(g) No vehicle decal may be sold, assigned or otherwise transferred. If a vehicle's windshield is damaged beyond repair or a vehicle is destroyed or sold, the vehicle for hire company must remove said vehicle decal (if in existence) and surrender the remains to the division within ten (10) business days of the occurrence.~~

~~-(h) The fee for replacing decals for vehicles currently registered with the DCA shall be established by resolution of the board. Such fees are applicable to vehicles which have sustained windshield damage or decal theft (as evidenced by dated repair receipt or police report).~~

~~-(i) Each vehicle for hire shall conspicuously display in the passenger compartment a Vehicle for Hire Service Standards decal, supplied by the division.~~

Palm Beach County

~~Vehicle for Hire Service Standards~~

~~Passenger Expectations:~~

- ~~• A clear understanding of the fare (or fare rate)~~
- ~~• To examine the driver's I.D. badge~~
- ~~• To direct the destination and route to your destination~~
- ~~• A courteous, English-speaking driver who knows the streets of Palm Beach County~~
- ~~• Only the "permitted" driver and paying passengers in the vehicle~~
- ~~• A driver who knows and obeys all traffic laws~~
- ~~• Air-conditioning on demand~~
- ~~• No operation of radio, CD/Cassette or DVD/video or other similar mediums unless requested~~
- ~~• No smoking in the vehicle~~
- ~~• Clean passenger seat area~~
- ~~• Clean trunk~~

~~Driver Expectations:~~

- ~~• To be paid for services provided and requested~~
- ~~• No illegal activities in vehicles~~
- ~~• Personal safety~~
- ~~• To maintain a safe environment~~
- ~~• Non-smoking passenger(s)~~

~~If you have an unresolved problem with the driver or company contact:~~

Palm Beach County Consumer Affairs

West Palm Beach 561-712-6600

Boca/Glades

888-852-7362

www.pbcbgov.com/consumer

~~As an alternative for sedans and limousines, vehicle for hire companies may opt to provide a copy of the vehicle for hire standards on a minimum eight and one half (8½) inches by five and one half (5½) inches sheet of paper (with minimum ten point type font) to passengers at any time, but no later than the trip termination or when the customer is invoiced. It shall be a violation of this article for the vehicle for hire company or the driver to fail to adhere to the vehicle for hire service standards.~~

~~(j) It shall be unlawful to operate any vehicle for hire within and upon the streets and roads of the county without first obtaining the required vehicle decal(s) and affixing it to the windshield of each vehicle. Failure to secure the required decal or affixing it to each vehicle as required by this article may result in the permit being denied, suspended or revoked.~~

~~(k) Failure to comply with the provisions of this section may result in the division denying the permit(s)/decal(s), Alternative Identification; revoking or suspending the permit(s)/decal(s), Alternative Identification; denying the renewal of such permit(s)/decal(s), Alternative Identification issuing a civil citation, a misdemeanor conviction or other such remedies available to the division.~~

Section 19-222. - Impoundment.

- (a) Designated DCA employees or law enforcement officers are authorized to seize and impound any vehicle for hire which such employee or officer has probable cause to believe is being operated without a valid business permit issued by the DCA or commercial liability automobile liability insurance ~~and in violation of pursuant to~~ this article.
- (b) Any licensed driver and/or vehicle for hire ~~company~~business that has been suspended for failure to meet the required ~~commercial automobile~~ liability insurance requirements pursuant to this article shall have its vehicle impounded and its business permit or authority revoked. If revoked, said business permit or authority shall not be issued or

reinstated for a period of one (1) year from the date of revocation, and all new business permit application requirements or authorization shall apply.

(c) At the time and place of impoundment, the designated DCA employee or law enforcement officer will provide written notice to the owner/operator of the vehicle detailing:

- (1) The grounds for impoundment₁₇,
- (2) The description of the vehicle impounded₁₇,
- (3) The location of the secured facility where the vehicle will be held₁₇,
- (4) The process for having the vehicle released, and
- (5) The circumstances under which the vehicle will be disposed/sold if the owner fails to meet the requirements of this section and fails to claim the vehicle pursuant to F.S. § 713.78, as may be amended.

If the owner of the vehicle is not present at the time of impoundment, within twenty-four (24) hours the ~~division~~ DCA will make a good faith effort to give a notice of seizure in writing to said vehicle owner and lien holder ~~of the fact of such seizure, the grounds for seizure, identification of the seized vehicle and information concerning these regulations and the designated secured facility to which the vehicle was or will be taken~~. A copy of said notice of seizure shall also be given to the towing company which impounds the vehicle.

Whenever ~~an officer or designated employee seizes~~ a vehicle is seized under this section, and ~~does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the~~ notice cannot be given to the owner as hereinabove provided, ~~then~~ then ~~the officer or designated employee shall immediately send or cause to be sent a~~ written report of such impoundment shall be sent by mail to the appropriate law enforcement agency.

(d) The ~~division~~ DCA shall obtain the assistance of either the county sheriff's office or the specific police agency in the municipality where the vehicle is to be towed to coordinate the impoundment of the vehicle with an authorized towing company either on rotation by the law enforcement agency or under contract with the ~~division~~ DCA.

~~-(e) The vehicle shall not be released to the vehicle owner by the towing company until authorization has been given by the DCA. The owner must show proof that all judgments from outstanding citations and administrative actions that relate to the failure to have commercial liability insurance have been paid or proof is shown that a court hearing has been scheduled to consider said outstanding citations. Further, the vehicle owner must make arrangements through the company's commercial insurance agent/company to show proof to the DCA that the vehicle has the required insurance or provides a notarized affidavit that the vehicle will no longer be used as a vehicle for hire, returns the vehicle for hire decal and shows proof of insurance as required by the state.~~

~~-(f) After meeting the requirements in subsection (e) above, the registered owner of the impounded vehicle may request that the impounded vehicle be released, by delivering a written request in person to the DCA, Monday through Friday, between 8:00 a.m. and 4:00 p.m., excluding holidays. The DCA will then issue an authorization to the vehicle owner for the towing company to release the vehicle. The vehicle owner is responsible for the payment of all towing and storage charges incurred by the impoundment prior to said release.~~

(ge) The owner and/or lien holder of the vehicle may appeal the decision of the ~~division~~ DCA to impound a vehicle ~~and facilitate its release by:~~

~~-(1) Complying with the requirements in subsections (e) and (f) above; or~~

~~-(2) Initiating the appeal and waiting for the decision of the hearing board/special master with the understanding that if the appeal is not successful, additional daily vehicle storage fees shall be assessed by the towing company for which the owner shall be required to pay prior to release of the vehicle.~~

(hf) Appeal process. If the vehicle owner disputes the grounds for the vehicle impoundment, he or she may appeal to the consumer affairs hearing board/special master. The owner of an impounded vehicle shall make a request in writing to the division for a hearing within five (5) business days of the vehicle being impounded and pay the non-refundable appeal fee established by resolution of the board. The ~~division~~ DCA shall arrange for the hearing within ten (10) business days or as soon as

practicable, after receiving the written request. All interested persons shall be given reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing, and hearsay evidence shall be admissible. After considering all evidence presented, the hearing board/special master shall upon clear and convincing evidence, either uphold the decision of the divisionDCA to impound the vehicle or determine there was insufficient cause for impoundment. If the hearing board/special master determines there was insufficient cause for the impoundment, the

~~(1) The towing fees will be returned to the owner by the divisionDCA; or~~

~~(2) The vehicle shall be returned to the owner without any fees being assessed. In such cases, the division shall be responsible for paying the towing company for all charges and fees incurred.~~

~~(i) If the division's decision to impound is upheld, the hearing board/special master shall order the continued impoundment of the vehicle unless the owner posts a cash bond in the amount of the maximum fines, towing and storage fees or does not admit to the violation but pays the towing and storage fees and any fines.~~

(jg) Default hearing. If the owner of the impounded vehicle fails to appear for the appeals hearing specified above, the hearing board/special master shall make a determination pursuant to this section. The divisionDCA shall inform the owner of the default determination by certified mail, return receipt requested or by personal delivery. The order of the hearing board/special master shall include the provisions of this section.

~~(k) Vehicles not claimed as required by this section will be considered abandoned ten (10) days after impoundment or ten (10) days after service of the order of the hearing board/special master. The towing company which has possession of the vehicle is then authorized to dispose of the vehicle in accordance with F.S. § 713.78, as may be amended.~~

Section 19-223. - Vehicle safety, and appearance, and inspection requirements.

Prior to the use and operation of any vehicle for hire under the provisions of this article, all vehicles shall be inspected annually, but not more than one year before the application for a business permit is submitted to DCA or before the driver seeks authorization from the vehicle for hire company to operate pursuant to this article. -The transportation of children shall be in accordance with F.S. § 316.613, as may be amended, and those vehicles and operations, which are subject to the Americans with Disabilities Act shall comply with the applicable provisions of said Act. -Additionally, each vehicle shall meet the following requirements:

(a) -Mechanical/safety inspections.

(1) A mechanical vehicle inspection must be completed on all vehicles for hire. -This inspection shall be completed by a mechanic certified by the National Institute for Automotive Service Excellence (ASE) -utilizing a three (3) part inspection form approved by DCA. The inspection, at a minimum, shall include the following components, which shall be demonstrated to be functional and meet the safety standards designated by the manufacturer:

- (1) Foot brakes;
- (2) Emergency parking brake;
- (3) Suspension/steering mechanism;
- (4) Windshield;
- (5) Rear window and other glass;
- (6) Windshield wipers;
- (7) Headlights;
- (8) Taillights;
- (9) Turn indicator lights;
- (10) Brake lights;
- (11) Front seat adjustment mechanism;
- (12) Doors (open/close/lock);
- (13) Horn;

- (14) Speedometer;
- (15) Bumpers;
- (16) Muffler and exhaust system;
- (17) Condition of tires, including tread depth;
- (18) Interior and exterior rear view mirrors; and,
- (19) Safety belts for drivers and passengers.

The mechanical inspection becomes an annual requirement each year thereafter in order for the vehicle to be allowed to operate as a vehicle for hire. The ASE certified mechanic performing the inspection must utilize a three (3) part inspection form approved by DCA. The inspection form must show that the vehicle passed all of the requirements as specified, and the mechanic must provide his/her ASE certification number, the expiration date of his/her certification, the name and license number of the state licensed motor vehicle repair facility, where the inspection was performed, and his/her signature as verification that all information provided is true and correct. This information must be recorded on the inspection form for each vehicle inspected. Drivers shall keep proof of their vehicle inspection with them at all times in their vehicle and provide a copy of same to the DCA upon request. Any driver whose vehicle was inspected before the effective date OctoberMay 1, 20156, or during the term of an operating agreement between the County and vehicle for hire company may continue to operate without obtaining the inspection required under this section for one year from the date of their last inspection.

- (2) Upon such inspection, if it is found that the vehicle for hire operating under this article does not meet the requirements established herein, the driver shall receive a copy of the deficiencies, and order the vehicle to be removed from service until such time as the vehicle has been made to comply with the requirements specified herein. It is the responsibility of the vehicle owner to make necessary repairs or corrections before the vehicle is re-inspected and returned to service. A vehicle for hire company shall suspend the authorization of any driver whose vehicle fails an inspection or who fails to timely report the results of an inspection until the driver

demonstrates that his or her vehicle has passed an inspection pursuant to this article. It shall be unlawful for a mechanic or technician to provide false information on an inspection form required pursuant to this section. Any driver whose vehicle fails to pass the inspection or timely report the results of an inspection may have his or her ID badge or Alternative Identification suspended or revoked as provided herein.

(b) Visual Inspection requirements. Taxis and non-medical wheelchair and stretcher transportation vehicles.

- (1) All taxi and non-medical wheelchair and stretcher transportation vehicles shall be visually inspected when first placed into service, and annually thereafter by DCA. DCA personnel shall use a standard two part DCA Vehicle for Hire Visual Inspection form/check list while performing the inspection. This visual inspection covers various physical items including, but not limited to, lettering, top light, taximeter decal and seal, meter rates posted, seat belts, tires, –lights, signals, interior condition, vehicle equipment, safety equipment, radio and/or cell phone, spare, tire changing equipment, etc. for taxis. The visual inspection form/checklist also includes the wheelchair and stretcher design requirements specified herein for non-medical transportation vehicles. Upon such inspection, if it is found that the taxi or non-medical wheelchair and stretcher transportation vehicles operating under this article do not meet the requirements established herein, the driver shall receive a copy of the deficiencies, and DCA shall order the vehicle to be removed from service. It is the responsibility of the taxi or non-medical wheelchair and stretcher transportation vehicle owner to comply with the requirements specified herein.
- (2) The inspection of vehicles shall take place during a designated period of time and at a location designated by the DCA. It is the responsibility of the taxi or non-medical wheelchair and stretcher transportation company to make vehicles available during the designated period of time and at the designated location.

- (3) The DCA will provide written notification (fax or electronic notification acceptable) to the taxi or non-medical wheelchair and stretcher transportation company of the time and location where inspections will be conducted.
- (4) If the business fails to appear for inspection during the designated inspection period established by the DCA, a rescheduling fee must be paid to the DCA prior to rescheduling. The non-refundable rescheduling fee shall be established by resolution of the board. Failure to reschedule within five (5) business days shall be a violation of this article and may result in the denial/revocation of the permit. If a taxi or non-medical wheelchair and stretcher transportation company cancels or fails to present the vehicle(s) for the re-scheduled inspection, the company shall pay a fee that is established by resolution of the board.
- (5) Vehicles acquired by a taxi or non-medical wheelchair and stretcher transportation company after submitting the annual business permit application cannot be substituted for vehicles previously scheduled for inspection, unless the taxi or non-medical wheelchair and stretcher transportation company provides all required vehicle documentation at least ten (10) business days before the designated inspection time established by the DCA.
- (6) If a taxi or non-medical wheelchair and stretcher transportation vehicle fails inspection and a reinspection is required, then the failed vehicle(s) are to be brought to the DCA's designated reinspection site within five (5) business days by appointment. If the vehicle is not reinspected within five (5) business days, then a failed vehicle reinspection fee as established by resolution of the board shall be paid to the DCA.
- (7) Taxi or non-medical wheelchair and stretcher transportation vehicles that have failed an inspection shall be red-tagged by the DCA. A red-tag "out of service" decal will be applied to the vehicle by a DCA employee and the vehicle shall not be used for any taxi or non-medical wheelchair and stretcher transportation company purposes until such time as the vehicle is brought to the DCA, inspected and approved for operation. Only DCA employees may remove the red-tag decal.

~~(a) The windshield and all side and rear windows shall provide clear visibility and operate according to the manufacturer's specifications. The windshield and all windows shall possess no breakage, cracks or pits that impair visibility or hinder the safety of passengers. All window cranks/power window switches shall be complete, intact and functioning. Windows on vehicles for hire shall not be covered by, or treated with a material which would cause the vehicle to be in violation of F.S. §§ 316.2951—316.2956, as may be amended.~~

~~(b) All standard manufacturer's interior equipment shall be complete, intact and functioning; including, but not limited to interior lights, dashboard, trim, gear shifts and head rests. Vehicle interiors must not contain loose objects and must be clean, sanitary, and free of broken seats/protruding sharp edges or torn or damaged upholstery, headliner, or floor coverings. The vehicle's interior must be free of offensive odors. The floor board shall be free of rust and holes. Trunks and luggage compartments must be kept clean and free of debris.~~

~~(c) All doors must have operating handles, which allow opening from both the inside and outside, and door hinges and latches must function properly. Door locks must be operable by passengers at all times. Door seals and gaskets must be intact/operating and prevent water, odor and fumes from entering the vehicle from outside. All door panels must be intact to prevent accidental injuries on door and window mechanisms.~~

~~(d) Seat belts shall be available for all passengers (according to manufacturer's specifications and state law). Seat belts shall be in operating condition, easily accessible, clean and free of grease and other objectionable substances.~~

~~(e) All vehicles shall be equipped with a fully functioning heating and air conditioning system which controls the temperature of the inside of the vehicle between 68 and 78 degrees Fahrenheit. The vehicle shall be equipped with a fully functioning windshield defrost or defogging system.~~

~~(f) All vehicles shall be equipped with a light capable of illuminating the interior of the vehicle, controlled by the operation of the doors, or manually controlled by the driver.~~

~~(g) The transportation of children shall be in accordance with F.S. § 316.613, as may be amended.~~

~~(h) Those vehicles and operations, which are subject to the Americans with Disabilities Act (ADA), shall comply with the applicable provisions of said act.~~

~~(i) The vehicle's body, fenders, doors, trim, grill and paint must be free from cracks, breaks, rust, and 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.~~

~~(j) The vehicle must be equipped with safe tires of the same size. No recaps shall be used. Maximum allowable tread wear shall be where tread is level with the wear bar, or two-~~

~~thirty seconds (2/32 inch when measured at three (3) random places in the tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges, or exposed belts.~~

~~(j) The vehicle must be equipped with safe tires of the same size. No recaps shall be used. Maximum allowable tread wear shall be where tread is level with the wear bar, or two-thirty seconds (2/32 inch when measured at three (3) random places in the tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges, or exposed belts.~~

~~(k) Windshield wipers must be operational according to the manufacturer's specifications. Wiper blades shall be in such a condition as to make firm contact with the windshield when operational, and shall not be torn or worn.~~

~~(l) Reflectors and lenses shall not be cracked or missing and must be the correct color and properly positioned.~~

~~(m) Low and high beam headlights, turn signals, brake, tail and reverse lights shall be operable as required by state law. Each vehicle shall have a white light on the vehicle to illuminate the rear license plate so that it is clearly visible.~~

~~(n) Steering mechanisms shall not be worn or jammed, nor shall there be more than two (2) inches play to the left or right of center, measured at the steering wheel rim with the front wheels in a straight-ahead position. Power steering units shall not have visible signs of fluid leakage.~~

~~(o) The vehicle suspension shall function as designed by the manufacturer.~~

~~(p) The vehicle shall be equipped with an operating horn with the actuating button mounted in the location designated by the vehicle manufacturer and operated in the manner designed and assembled by the vehicle manufacturer.~~

~~(q) Each vehicle shall contain an operating parking brake and a primary brake system which acts on all four (4) vehicle wheels. There shall be no visible leaks in the brake line, hoses, wheel cylinders or any part of the brake system and no frayed cables. Brake linings and/or disc pads, when measured at the thinnest point shall not be less than one-sixteenth (1/16) of an inch and firmly attached to the brake shoe or disc. Disc brake rotors and brake drums shall be of a size and type appropriate for the vehicle, with no cracks or other damage which change or impair the functional surface. All primary brake systems shall demonstrate a reasonable total braking force when conducting a rolling stop.~~

~~(r) There shall be no leakage of exhaust gas from the exhaust manifold, muffler or any other point in the exhaust system as determined through a visual and audible inspection. The tail pipe shall discharge exhaust from the rear of the vehicle according to manufacturer specifications.~~

~~(s) Belts shall show no signs of excessive wear and be free of cracks and frays. Hoses shall be firm and in good condition, free of leaks and cracks.~~

~~(t) All fluid levels shall be maintained according to manufacturer's specifications.~~

~~(u) Vehicles are required to have manufacturer specified spare tires and tire changing equipment, unless all wheels are equipped with a "run-flat tire" system.~~

~~(v) Vehicles must be equipped with functioning speedometer and odometer.~~

~~(w) Vehicles must receive routine maintenance according to the manufacturer's recommendations pertaining to service intervals. A record of such routine maintenance must be maintained and is subject to inspection by the division.~~

~~(x) Businesses must assure that each vehicle or driver has a means of communicating to a central dispatch or to emergency agencies with a two-way radio and/or cellular mobile telephone.~~

~~(y) Failure to comply with the provisions of this section and applicable sections of F.S. ch. 316, as may be amended, may result in denial of a permit(s), revocation or suspension of the permit(s), a denial of renewal of such permits, issuance of a civil citation, a misdemeanor conviction or other such remedies available to the division by law.~~

~~**Sec. 19-224.—Non-medical wheelchair and stretcher transportation service companies operational requirements.** is hereby deleted in its entirety.~~

~~(a) Non-permitted transportation. It shall be unlawful to provide the following types of transportation for any person:~~

~~(1) Requiring intravenous fluid administration while in route.~~

~~(2) Requiring direct medical attention while in route.~~

~~(3) Requiring ventilatory assistance.~~

~~(4) Requiring orthopedic traction during transit.~~

~~(b) Vehicle design—wheelchair operations.~~

~~(1) Each vehicle shall have, in addition to the rear vision mirror required by F.S. ch. 316, an inside rear vision mirror which will enable the driver to view the entire compartment;~~

~~(2) Vehicle entry and exit doors shall be equipped with latching devices sufficient to restrain individual passenger conveyance(s) within the passenger compartment of the vehicle;~~

~~(3) The floor of each vehicle shall be sealed to avoid the seepage of water or moisture;~~

~~(4) The passenger compartment shall provide a minimum of fifty-five (55) inches of height, measured from the finished floor to the finished ceiling;~~

~~(5) Vehicles shall not display any ambulance or rescue vehicle emergency lighting or warning devices, nor shall they be painted in a fashion that is similar to or resembles an ambulance or rescue vehicle;~~

~~(6) Vehicles for hire which are intended to be used for or are used for the transport of individuals in wheelchairs shall be designed and equipped to meet minimum requirements as specified by the state department of transportation for wheelchair lift vehicles (F.A.C. § 14-90, as may be amended).~~

~~(c) Vehicle design—stretcher operations. Prior to transportation, a non-medical, wheelchair and stretcher transportation service provider shall be required to obtain from the passenger, who requires transportation by a stretcher a written statement that the person does not need, nor is likely to need, immediate medical attention during transport. This statement must be attached to the corresponding trip manifest. Vehicles for hire which are intended to transport a passenger by stretcher, shall be equipped as follows:~~

~~(1) Each vehicle shall have crash stable side or center mounting litter fasteners as a means of latching a stretcher to the vehicle. Litter fasteners shall secure the litter to the floor or sidewalks. Where a single passenger may be centered in the passenger area of the vehicle on a wheeled litter, additional attachments (cups and locks) shall be provided. Attachments shall be near flush with the surrounding surface when not in use;~~

~~(2) At least two (2) strap type restraining devices shall be provided per stretcher, cot, or litter to prevent longitudinal or transverse dislodgment of the passenger during transit;~~

~~(3) Each vehicle shall have, in addition to the rear vision mirror required by F.S. ch. 316, an inside rear vision mirror which will enable the driver to view the entire passenger compartment;~~

~~(4) Vehicle entry and exit doors shall be equipped with latching devices sufficient to restrain individual passenger conveyance(s) within the passenger compartment of the vehicle. Striker plates will be used in conjunction with latching devices;~~

~~(5) The floor of each vehicle shall be sealed to avoid the seepage of water or moisture;~~

~~(6) The passenger compartment shall provide a minimum of fifty-five (55) inches of height, measured from the finished floor to the finished ceiling;~~

~~(7) Vehicles shall not display any ambulance or rescue vehicle emergency lighting or warning devices, nor shall they be painted in a fashion that is similar to or resembles an ambulance or rescue vehicle.~~

~~(d) Vehicle design—Combination wheelchair/stretcher. Vehicles for hire which are intended to be used for, or are used for the transportation of persons on both a stretcher, or wheelchair shall be subject to all provisions contained above in section 19-223. Each~~

~~non-medical wheelchair and stretcher transportation service company shall select and use a uniform specific and consistent color and signage scheme for all vehicles registered to the business. Each company shall submit to the division for approval, upon application, three (3) color photographs, not less than eight (8) inches by ten (10) inches size, showing the entire vehicle, driver's side (assuming passenger side is identical), front and rear of the vehicle which depicts the chosen color scheme, including signage per section 19-215 of this article. Each non-medical wheelchair and stretcher transportation service vehicle shall operate under a trade name which is distinct from and not substantially similar to any existing vehicle for hire company.~~

~~(e) Advertising. All advertising or other solicitation for business by such transportation services shall emphasize in a conspicuous manner that the service does not provide ambulance services or medical attention, and the service is designed solely to transport those persons whose physical condition or impairments render it impractical to use a regular common carrier or vehicle for hire service. All such transportation services advertising in the "yellow pages" of the telephone directory or elsewhere may only be listed under the heading of "Wheelchair and Invalid Transportation". Use of "The Star of Life", "The Staff of Caduceus", the term "ambulance", normal or abnormal EKG patterns, or any other symbol or sign normally associated with medical attention is prohibited in any and all advertising including the design/signage placed on the exterior of vehicles.~~

~~(f) Those vehicles and operations, which are subject to the Americans with Disabilities Act (ADA), shall comply with the applicable provisions of said Act.~~

~~(g) All vehicles must be equipped with:~~

~~(1) A first aid kit containing at a minimum: a hard case; six (6) gauze pads (at least four (4) inches by four (4) inches); one (1) large gauze pads (at least five (5) inches by nine (9) inches); a box of adhesive bandages; one package of gauze roller bandage at least two (2) inches wide; ten (10) sealed antiseptic wipes; scissors; tweezers; adhesive tape and latex gloves.~~

~~(2) A bodily fluid "spill kit" containing at a minimum: safety gloves; foldable wipes; scoops; hand cleaner; biohazard disposal bags; and absorbent, hazardous waste disposable bags.~~

~~(3) An all-purpose fire extinguisher (ten (10) lb. ABC).~~

~~(h) Failure to comply with the provisions of this section may result in denial of a permit(s)/decals, revocation or suspension of the permit(s)/decals, a denial of renewal of such permits, issuance of a civil citation, a misdemeanor conviction or other such remedies available to the division herein.~~

Sec. 19-225. — ~~Vehicle inspections~~ is hereby deleted in its entirety.

~~(a) Mechanical/safety inspections.~~

~~(1) All vehicles for hire that are less than seven (7) years old based on the registration or have not exceeded five hundred thousand (500,000) miles, shall be inspected annually, but not more than 60 days before the application for a business permit is submitted to the division. Vehicles more than seven (7) years old based on the registration, or which have exceeded five hundred thousand (500,000) miles, shall be inspected bi-annually. All vehicles added to the fleet of permitted businesses must meet these inspection requirements.~~

~~(2) Vehicle inspections shall be performed by an automobile technician or master automobile technician both of which must be certified by the National Institute for Automotive Service Excellence (ASE) who at a minimum has passed the requirements for suspension/steering and/or brakes.~~

~~a. The ASE certified automobile technician/master automobile technician performing the inspection must utilize a three (3) part inspection form supplied by the division for each vehicle.~~

~~b. The inspection form must show that the vehicle passed all of the requirements as specified in section 19-223~~

~~c. The technician must provide his/her ASE certification number, the expiration date of his/her certification, the name and license number of the state licensed motor vehicle repair facility where the inspection was performed and his/her signature as verification that all information provided is true and correct. This information must be recorded on the inspection form for each vehicle inspected.~~

~~(3) It shall be a violation of this article to fail to use a certified technician to inspect vehicles or to submit false inspection forms to the division. The division may verify information and inspection forms submitted by the business. A business which fails or does not follow the requirements of this section is subject to denial, revocation or suspension of its business permit and decals and denial, revocation or suspensions of renewal of same.~~

~~(b) Signage and visual inspections.~~

~~(1) The division shall conduct signage and visual inspections of all vehicles required to have exterior signage, taxi roof top lights, and/or taximeters, upon the submittal and completion of all application requirements. Such vehicles for hire shall be inspected by division personnel to verify that vehicles comply with the requirements of this article. Division personnel shall conduct a visual inspection of all vehicles to assure that safety and appearance standards are in compliance with this article. When the vehicle passes inspection, division personnel shall properly affix the required decal to the windshield.~~

~~(2) The inspection of vehicles shall take place during a designated period of time and at a location designated by the division. It is the responsibility of the vehicle for hire business to make vehicles available during the designated period of time and at the designated location.~~

~~(3) The division will provide written notification (fax or electronic notification acceptable) to the vehicle for hire company of the time and location where inspections will be conducted.~~

~~(4) If the business fails to appear for inspection, during the designated inspection period established by the division, a rescheduling fee must be paid to the division prior to rescheduling. The non-refundable rescheduling fee shall be established by resolution of the board. Failure to reschedule within five (5) business days shall be a violation of this article and may result in the denial/revocation of the permit. If a business cancels or fails to present the vehicle(s) for the re-scheduled inspection, the business shall pay a fee that is double the regular rescheduling fee as established by resolution of the board.~~

~~(5) Vehicles acquired by a business after submitting the annual business permit application cannot be substituted for vehicles previously scheduled for inspection, unless the business provides all required vehicle documentation at least ten (10) business days before the designated inspection time established by the division.~~

~~(6) If a vehicle inspection reveals deficiencies (fails) and a reinspection is required, then the failed vehicle(s) are to be brought to the division's designated reinspection site within five (5) business days by appointment. If the vehicle is not reinspected within five (5) business days, then a failed vehicle reinspection fee as established by resolution of the board shall be paid to the division.~~

~~(7) Vehicles that have failed an inspection shall be red-tagged by the division. A red tag "out of service" decal will be applied to the vehicle by a division employee and the vehicle shall not be used for any business purposes until such time as the vehicle is brought to the division, inspected and approved for operation. Only division employees may remove the red tag decal.~~

~~(8) It is a violation of this article to fail to abide by the provisions of this section and to fail to have vehicles inspected.~~

~~(c) The division has the right to conduct field inspections of all vehicles for hire, at any time. It is a violation for any vehicle to fail to meet the mechanical, safety and signage requirements, of this article. DCA personnel may issue a citation or written warning and may apply a "red tag" decal to any vehicle found not meeting these requirements. The "red tag" will be used for significant safety deficiencies (including but not limited to the following subparagraphs from sections 2-223: (a), (c), (d), (e), (j), (k), (l), (m), and (r)). The "red tag" must remain on the vehicle until noted deficiencies have been corrected and verified by DCA personnel. Only DCA employees may remove the "red tag" decal.~~

Section 19-226. - ~~Commercial automobile liability i~~nsurance.

(a) It shall be unlawful for any vehicle for hire company or driver to operate and _transport passengers ~~for compensation until that company~~ without automobile liability insurance

~~in effect for each vehicle in service issued in accordance with applicable Florida law, as may be amended from time to time has filed with the division to DCA and maintains in effect for each vehicle a certificate of insurance which shall insure such vehicle for commercial automobile liability insurance for passenger transportation and shall meet or exceed minimum insurance limits as established by resolution of the board.~~

- (b) Proof of insurance shall be provided to the DCA evidencing coverage required by applicable Florida law, as may be amended from time to time. ~~All insurance policies required shall be issued by insurance companies licensed and admitted to write commercial automobile liability insurance in the state.~~ No policy shall be accepted which is less than a six-month duration. Each policy shall be endorsed to provide for at least thirty (30) days' written notice to the ~~division~~DCA of any non-renewal of the policy or at least ten (10) days' written notice to the ~~division~~DCA of any cancellation/non-payment of the policy. Evidence of the renewal of the policy shall be filed with the ~~Division~~DCA prior to such policy's expiration date. Failure to file such evidence of insurance, or failure to have same in full force and effect, may result in denial of a business permit(s), revocation or suspension of the business permit(s), a denial of renewal of such business permits, issuance of a civil citation, ~~a misdemeanor conviction charge~~ or other such remedies available to the ~~division~~DCA herein.
- (c) Each certificate of insurance shall be submitted to the ~~division~~DCA directly from the insurer (or a duly authorized agent) ~~and said certificate shall include a list of insured vehicles owned by the company, as well as a list of the drivers approved by the insurance company for operation of the vehicles listed on the certificate. The business shall provide the insurance company, as well as the division~~DCA, ~~with an updated and complete list of drivers and/or vehicles in the event said drivers or vehicles change throughout the licensing year. A new certificate of insurance shall be submitted to the division~~DCA ~~directly from the insurer (or a duly authorized agent) no later than thirty (30) business days after said change has been made. For vehicles not owned by the business, the division~~DCA ~~shall receive directly from the insurer (or a duly authorized agent), a copy of the certificate of insurance for said vehicle(s), identifying the owner and the corresponding driver(s) of said vehicle(s) and the name of the associated~~

~~company, as proof that all have proper commercial automobile liability insurance for passenger transportation that meets or exceeds the minimum insurance limits as established by resolution of the board. It is a violation of this article to fail to abide by these requirements.~~

- (d) A properly completed certificate of insurance evidencing all insurance coverages shall be made available to the ~~division~~DCA upon application for a business permit. ~~Each vehicle must be listed on the certificate(s) by its year, make and vehicle identification number.~~ Certificates of insurance must contain the following name and address as certificate holder and additional insured:

Board of County Commissioners of Palm Beach County
c/o Division of Consumer Affairs
50 South Military Trail, Suite 201
West Palm Beach, FL 33415

- (e) The ~~division~~DCA may deny, suspend or revoke the business permit of any vehicle for hire company for failure to obtain or maintain insurance as required by this article. Any vehicle for hire company which submits false or fraudulent insurance documents shall be subject to immediate denial or revocation. Such companies shall not be eligible to reapply for a business permit for five (5) years. The DCA shall notify the state department of financial services/~~division~~DCA of insurance fraud for follow-up investigation and review. Upon denial, suspension or revocation of the business permit, the vehicle for hire company shall be entitled to an appeal according to the provisions in section 19-229.
- (f) The ~~Division~~DCA shall suspend the business permit of any vehicle for hire company which fails to ensure that each and every vehicle associated with the company has:
- (1) Is insured on a A current certificate of insurance provided to the DCA by the authorized agent or insurance company no later than the date of expiration of its previous policy, or
 - (2) HasA a reinstatement notice provided to the DCA no later than the date of cancellation of said policy.

- (g) Any vehicle for hire company which has had its business permit suspended more than ~~three-two~~ (32) times in any twelve-month period (as provided for in subsection (f) above) may have such permit revoked for a period of one (1) year.
- (h) An "administrative insurance reactivation" fee established by resolution of the Board, shall be assessed for all vehicle for hire companies that are suspended pursuant to subparagraph (f) above. The suspension shall not be withdrawn until the fee is paid to the ~~Division~~DCA.

Section: 19-227. - Driver requirements; failure to comply.

- (a) It shall be unlawful for any person to operate any vehicle for hire within and upon the streets of the County without a County vehicle for hire driver's ~~identification badge~~ (driver's I.D. badge) issued by the ~~Division~~DCA, or other approved means of Alternative Identification that allows passengers, law enforcement- and the DCA to ensure that drivers have qualified to deliver service. Driver ID badges will only be issued by DCA to drivers who have proven compliance with 19-227(a) (1-190). All applicants ~~for a vehicle for hire driver's I.D. badge~~ shall conform to the following unless they are authorized under subsection (am) of this section:

- (1) Be at least ~~twenty-one-eighteen~~ (2118) years of age; and
- (2) Possess a valid State of Florida driver's license or is otherwise authorized to operate a motor vehicle in Florida pursuant to Section 322.031, Florida Statutes, and possess vehicle registration ~~as required by the state department of highway safety and motor vehicles and must show proof that he/she has possessed a valid driver's license from any state within the United States for three (3) years prior to applying for a driver's I.D. badge. If a person has not driven for three (3) years in the United States, he/she must obtain the driving record from any other jurisdictions where he/she did drive or if he/she is unable to obtain the driving record, must sign an affidavit under penalty of perjury that he/she has no driving record which would prevent him/her from driving a vehicle in the County; and~~

(3) State Department of Highway Safety and Motor Vehicles Traffic/Driving Record Report

(a-) Provide the original form of his/her lifetime State Department of Highway Safety and Motor Vehicles traffic/driving record report to the Division which was secured no more than thirty (30) days before the application/renewal was submitted. Upon initial application, if a driver has resided in Florida less than five (5) consecutive years, a traffic/driving record/history from each state where he/she previously resided must be provided for at least a five-year period; or

(b-) Provide a State of Florida Department of Highway Safety and Motor Vehicles traffic/driving history report which was secured no more than thirty (30) days before the application/renewal was submitted. ~~Any person with: (1) more than three (3) moving violations in the three-year period prior to such check; (2) a major violation in the three-year period prior to such check (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license); or (3) a "habitual traffic offender" classification, shall not be permitted to be driver. Electronic records of such driving history reports shall be maintained by the vehicle for hire company.~~

;

(44) ~~Not have more than three (3) moving violations in the three-year period prior to such check; a major violation in the three-year period prior to such check (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license); and~~

~~Not have more than three (3) or more separate incidents involving moving violations in any twelve-month period in the previous three (3) years prior to the initial application or renewal of a driver's I.D. Badge in which the applicant plead guilty or was found guilty or have accumulated more than twelve (12) points within a twelve-~~

~~month period, eighteen (18) points within an eighteen-month period, or twenty-four (24) points within a thirty-six month period for driving infractions;~~

(~~55~~) Not have been classified as a habitual traffic offender (as defined by Florida state statutes) ~~or as defined by the state where he/she previously resided within five (5) years of applying~~ication for a driver's I.D. badge and was not previously issued an driver's I.D. ID badge by the division DCA; and

(~~66~~) Upon initial application or renewal, the driver must provide the original request form for his/her Florida Department of Law Enforcement (FDLE) level 2 criminal history/records report to the DivisionDCA, as well as payment for the amount required to secure the criminal history/records report. The DivisionDCA shall then be responsible for processing the request and payment to the FDLE. Prior to submitting a request for a level 2 criminal history record check pursuant to this article, the DivisionDCA shall notify each applicant to be fingerprinted that his or her fingerprints will be sent to the State Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. The notification shall also state that the vehicle for hire driver has a right to:

- a. Obtain a copy of his or her criminal history records; and
- b. To challenge the completeness and accuracy of the criminal history records pursuant to state and federal law; and
- c. To request a correction, change or update to the criminal history records pursuant to state and federal law.;

~~(7) Have no conviction within the preceding five (5) years from the date of application for any offense related to driving a motor vehicle under the influence or while intoxicated;~~

~~(8) Have not more than one (1) conviction within the preceding ten (10) years from the date of application for any offense related to driving a motor vehicle under the influence or while intoxicated;~~

~~(9) Have no more than two (2) traffic citations resulting from accidents in the three (3) years preceding the date of the current permit year wherein the driver has been found guilty;~~

~~-(10) Have not been found guilty of a first degree misdemeanor offense, regardless of adjudication, or entered a plea of nolo contendere or guilty to a first degree misdemeanor offense, or have been adjudicated delinquent and the record has not been sealed or expunged for any first degree misdemeanor offense relating to or threatening the public safety as determined by the Board of County Commissioners, or have been released from incarceration for such misdemeanor conviction (whichever is later), within three (3) years before the date of application for a vehicle for hire driver I.D. badge. Said first degree misdemeanor offenses include, but are not limited to, the following: stalking, battery, driving while license is suspended or revoked, carrying a concealed weapon, reckless driving which causes damage to property, racing on highway, criminal possession of a controlled substance/paraphernalia, resisting arrest without violence, or obscenity (selling/distributing sexual material to minor);~~

~~(11) Have not been found guilty of a felony offense, regardless of adjudication, or entered a plea of nolo contendere or guilty to a felony offense, or have been adjudicated delinquent and the record has not been sealed or expunged for any felony offense relating to or threatening the public safety as determined by the Board of County Commissioners, or have been released from incarceration for such felony conviction (whichever is later), within five (5) years before the date of application for a vehicle for hire driver I.D. badge (unless proof is shown that the applicant's civil rights have been restored). Said felonies relating to, or threatening the public safety shall include, but are not limited to, the following: battery, domestic batteries, carrying a concealed weapon, discharging a firearm in public, robbery (not armed), burglary (not first degree), criminal sale of a controlled substance, criminal possession of controlled substance/paraphernalia, obscenity (selling/distributing sexual material to a minor or exchanging computer pornography with a minor), a habitual felony offender, aggravated assault, child abuse/neglect, reckless driving with serious bodily injury, fleeing/attempting to elude a law~~

~~enforcement officer, aggravated fleeing or eluding a law enforcement officer causing serious body injury, luring or enticing a child under twelve (12) (second conviction), resisting an officer with violence, procuring a person under eighteen (18) for prostitution, selling or buying minors for sex trafficking/prostitution, forcing/compelling/coercing a person for prostitution, or abuse/aggravated abuse/neglect of an elderly person or a disabled adult;~~

~~(12) Have not been convicted of the following felony offenses, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for any offense relating to or threatening the public safety as determined by the Board of County Commissioners, or have been released from incarceration for such felony conviction (whichever is later) (unless proof is shown that the applicant's civil rights have been restored):~~

~~a. Murder, attempted murder, attempted felony murder, manslaughter, (F.S. ch. 782);~~

~~b. DUI manslaughter (F.S. § 316.193(3));~~

~~c. Sexual battery, attempted sexual battery (F.S. § 794.011);~~

~~d. Lewd or lascivious battery, attempted lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition (F.S. ch. 800);~~

~~e. Lewd or lascivious offense upon or in the presence of an elderly or disabled person, attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person (F.S. § 825.1025);~~

~~f. Promote sexual performance by a child, attempted sexual performance by a child (F.S. § 827.071);~~

~~g. Aggravated child abuse (F.S. § 827.03);~~

~~h. Failure to register as a sexual predator (F.S. ch. 775) or sexual offender (F.S. § 943.0435);~~

~~i. Computer pornography, transmission of computer pornography, buying or selling of minors (F.S. ch. 847);~~

~~j. Kidnapping, attempted kidnapping, false imprisonment, or luring and enticing a child (F.S. ch. 787);~~

~~k. Exposure of sexual organs (F.S. § 800.03);~~

~~l. Aggravated battery, attempted aggravated battery (F.S. ch. 784);~~

~~m. Armed robbery, attempted armed robbery, carjacking, attempted carjacking, home invasion, attempted home invasion (F.S. ch. 812);~~

~~n. Poisoning of food or water (F.S. § 859.01);~~

~~o. First degree burglary or attempted first degree burglary (F.S. § 810.02);~~

~~p. Arson or attempted arson (F.S. § 806.01);~~

~~q. Aggravated stalking (F.S. § 784.048);~~

~~r. Aggravated battery or aggravated assault on a law enforcement officer or other specified officer (F.S. § 784.07);~~

~~s. Aircraft piracy (F.S. § 860.16);~~

~~t. Unlawful throwing, projecting, placing, or discharging of any destructive device or bomb or attempting to do so (F.S. § 790.161);~~

~~u. Facilitating or furthering terrorism (F.S. § 775.31);~~

~~v. Treason (F.S. § 876.32);~~

~~w. Any offense committed in another jurisdiction that would be an offense listed in this paragraph if that offense had been committed in the State of Florida.~~

~~(13) In addition, the person has not been declared to be one of the following:~~

~~a. A habitual violent felony offender under F.S. 775.084(1)(b);~~

~~b. A three-time violent felony offender under F.S. 775.084(1)(c);~~

~~c. A violent career criminal under F.S. 775.084;~~

~~d. A prison releasee reoffender under F.S. § 775.082(9)(a);~~

~~e. A sexual predator under F.S. § 775.21;~~

~~(77) ——— Not have been, within the last seven (7) years before the date of application of an ID badge or approved use of Alternative Identification, convicted of –a –felony, unless his or her civil or residency rights have been restored; and~~

~~(88) Not have been convicted before the date of application of an ID badge or approved use of Alternative Identification of any criminal offense involving moral turpitude relating to sex crimes, the use of a deadly weapon, –homicide, false imprisonment, kidnapping, violent offense against a law enforcement officer under - Section –775.0823, —Florida –Statutes, –nor –have –been adjudicated a habitual violent –felony –offender –under –Section –775.084, Florida Statutes; and~~

~~(99) Not have been convicted within the last three (3) years before the date of application of an ID badge or approved use of Alternative Identification of a first degree misdemeanor, involving violence, theft, or property damage or of an offense involving moral turpitude (unrelated to sex crimes) when, in the discretion of the Division Director, approval of such registration would constitute a threat to the health, welfare, or safety of the public or property and therefore would not be in the public's interest; and~~

~~(1040) Not have been, within the last seven (7) years before the date of application of an ID badge or approved use of Alternative Identification, convicted of, or had his or her driver's license suspended for:~~

~~————— a. Driving under the influence of drugs or intoxicating liquors (D.U.I.);~~

~~————— b. Three (3) or more traffic infractions resulting in accidents;~~

~~————— cb. Fleeing the scene of any accident; or~~

~~————— dc. Vehicular manslaughter or any death resulting from driving.~~

Notwithstanding anything contained herein to the contrary, and prior to allowing a driver to provide vehicle for hire services, a vehicle for hire company shall conduct or have a third party conduct a local, state and national background check to include the National Sex Offender Registry Database, Public Access to Court

Electronic Records ("PACER") system, social security trace and a driving history research report, that does not require fingerprinting for each potential driver through a DCA-approved agency accredited by the National Association of Professional Background Screeners (NAPBS). The accredited agency will perform a background check of the driver, which will be used by the vehicle for hire company to determine whether he/she meets the requirements pursuant to this article. – The company obtaining and reviewing the criminal history for each potential driver provide the DCA with proof the driver's criminal history search has been performed and the driver meets the requirements pursuant to this article. The vehicle for hire company shall provide the name of the agency used for conducting background checks to the DCA at time of application, and such vehicle for hire company shall certify to DCA that its drivers have met all background checks requirements in compliance with this section 19-227 pursuant to this article. – Nothing contained herein shall preclude a vehicle for hire company from requiring its drivers to undergo conducting a level 2 criminal history/records background check in accordance with paragraph 6 of this section, that includes the National Sex Offender Registry Database and fingerprinting and meets all other requirements of this section for each potential driver. through an agency accredited by the NAPBS.

(14111) All vehicle for hire drivers with current driver I.D. badges or Alternative Identification are required to notify the Division DCA within ten (10) business days upon being convicted of any crime that would make the driver ineligible to operate as a driver under this section or, if the driver is affiliated with a vehicle for hire company that conducts its own background check under paragraph (10), must notify the company upon conviction of such crime within ten days. The Company shall not allow drivers access to its digital platform due to non-eligibility under the provisions of this section 19-227;

(1252) Applicants shall have no unsatisfied civil penalties, judgments or administrative orders pertaining to this article;

(1633) Every application or renewal application ~~for a driver's I.D. badge and application for amendment of a driver's I.D. badge,~~ shall be in writing and signed by the applicant and shall be filed with the ~~County Division of Consumer Affairs DCA~~ on a form provided ~~by the Division~~ by the DCA, together with ~~the~~ nonrefundable ~~driver's I.D. badge~~ fees which shall not be subject to proration;

Each ~~driver's I.D. ID~~ badge or Alternative Identification shall be valid for a two-year period and shall be renewed every other year from the date of the initial/renewal application. The ~~Division DCA~~ or Vehicle for Hire Company may deny or revoke a vehicle for hire ~~driver's I.D. ID~~ badge or Alternative Identification if it is determined that the applicant has misrepresented, omitted, or concealed a fact on the application, renewal application or replacement application. If the ~~driver's I.D. ID~~ badge or Alternative Identification is denied, the ~~Division DCA~~ or Vehicle For Hire Company shall not accept a subsequent application ~~for said driver's I.D. badge~~ for one (1) year from the date ~~of the badge is denied~~, unless there is less than one (1) year to satisfy the time ~~restrictions in paragraph (a) above related to the following subparagraphs: (4), (5), (7), (8), (9), (10), or (11) as provided herein.~~ In such situations, the applicant will be permitted to reapply for an ~~driver's I.D. ID~~ badge or Alternative Identification after the time requirements have been satisfied. If the ~~driver's I.D. ID~~ badge or Alternative Identification is revoked, the ~~Division DCA~~ or Vehicle for Hire Company shall not accept an subsequent application ~~for said driver's I.D. badge~~ for one (1) year from the date ~~the badge is of revoked~~ revocation. ~~For Any person renewing a driver's I.D. badge must file a renewal, the~~ application nt ~~must~~ furnish the documentation requested by the ~~Division DCA~~ or Vehicle for Hire Company, and submit ~~payment for the required~~ nonrefundable renewal fee(s) not more than ninety (90) days before the expiration date ~~of a driver's I.D. badge~~. Persons who fail to reapply ~~at least for their driver's I.D. badge~~ thirty (30) days prior to expiration, risk having a gap in their authorization to drive a Vehicle ~~f~~ For Hire vehicle. Persons who fail to submit their renewal application, required documentation and fees by the expiration date of the ~~driver's I.D. badge~~ or Alternative Identification must pay a nonrefundable late fee, ~~over and above the driver's renewal fee~~. Any applicant who fails to submit a renewal application within

one (1) year of the expiration ~~of a current badge~~ will be considered a new applicant ~~when reapplying~~ and no grandfathered provisions will apply. ~~All Said~~ fees shall be established by resolution of the Board;

(~~17~~44) Submit to photographing (full face exposure/without sunglasses or head coverings) prior to the issuance of the business permit/I-D- badge by the ~~Division~~DCA;

~~(18) Complete the driver's I.D. badge registration affidavits provided by the Division;~~

(~~19~~55) Not possess a suspended or revoked driver's license as a result of a moving violation or have any outstanding and unsatisfied civil penalties, citations or judgments imposed due to violations of this article;

(~~20~~166) Not violate the terms of a cease and desist order, assurance of voluntary compliance, notice to correct a violation or any other lawful order of the ~~Director~~DCA;

(~~21~~1747) Not be enjoined by a court of competent jurisdiction from engaging in the vehicle for hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this article;

(~~22~~1818) Have no conviction in any military or foreign jurisdiction, federal, state, county or municipal jurisdiction within the United States for violations analogous or parallel to those violations enumerated in all sections herein;

(~~23~~1919) Not be found by the DivisionDCA to have a lack of reputability as provided herein. For the purposes of this article, lack of reputability shall mean that the DivisionDCA cannot trust the applicant to safeguard the welfare and property of the public. Acts constituting a lack of reputability shall include, but are not limited to, responding to a call while under the influence of alcohol or any controlled substance to the extent where normal faculties are impaired, the unexplained removal of personal property from a vehicle for hire not belonging to the driver, outstanding arrest warrants for the driver applicant, falsification of information in the vehicle for hire application process, or other facts and circumstances that lead the

~~DivisionDCA~~ to believe the applicant's reputation in the community cannot be trusted.

(b) The driver of a vehicle for hire shall conspicuously display ~~on the driver's person through the use of a neck lanyard, or above the waist on the outermost garment, the driver's I.D.~~ ID badge issued pursuant to this article or shall display for a passenger or regulatory/enforcement agency an Alternative Identification ~~so that it is visible and available for inspection to the public, Division personnel and all law enforcement officials while engaged and on duty for a vehicle for hire business.~~

~~(c) Each driver's I.D. badge shall be developed by the division. Each driver's I.D. badge shall, at a minimum, contain the name of the driver, date of expiration, photo of the driver, name of the company(s), and such additional terms, conditions, provisions and limitations as were imposed during the approval process. Drivers are required to submit a notarized affidavit signed by each permitted vehicle for hire company with whom s/he is driving. The affidavit (on a form prepared by the division) shall also include a statement by the business owner that the driver is eligible to be insured under the company's insurance policy. When a driver is no longer driving for a vehicle for hire company, the driver is required to notify the division within ten (10) business days. Failure to follow these requirements shall be a violation of this article.~~

~~(c)~~ The ~~DivisionDCA~~ may issue a replacement I.D. badge to any driver upon application, payment of a nonrefundable replacement fee, presentation of proof or a sworn affidavit that the I.D. badge has been lost, stolen, change of company, or for any other valid reason, and any other documentation or requirement requested by the ~~DivisionDCA~~. The replacement fee shall be established by resolution of the Board.

~~(e) It shall be unlawful for any person to drive a vehicle for hire unless such person has a valid vehicle for hire driver's I.D. badge issued pursuant to this section.~~

~~(f)~~ It shall be unlawful for any person to drive a vehicle for any vehicle for hire company which has not been granted a business permit pursuant to ~~section 19-218~~ of this article.

(ge) It shall be unlawful for any applicant for a vehicle for hire ~~driver's I.D. ID~~ badge to misrepresent, omit or conceal a fact on the application, renewal application or replacement application.

(f) Vehicle for hire companies shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to any driver, provide notice of the policy on its website, as well as the procedures to report a driver the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride, and immediately suspend said driver upon receipt of a passenger complaint alleging a violation of the policy. The suspension shall last the duration of the investigation. Further, drivers are required to provide a smoke-free environment inside their vehicles when transporting a passenger.

~~(h) Upon submission of the application, the Division shall provide the driver with a receipt. No applicant shall be permitted to drive a vehicle for hire in the County until the Division has issued to him/her a driver's I.D. badge. The Division shall provide the driver's I.D. badge within ten (10) business days following the submittal of the application and all required documents. In the event the official criminal background records furnished to the Division are insufficient and additional information is necessary, the Division shall be permitted an additional twenty (20) business days to issue the driver's I.D. badge.~~

~~(i) No driver shall operate one (1) or more vehicles for hire for more than twelve (12) cumulative hours of driving within any twenty-four hour period as supported by a required vehicle trip manifest prepared by the driver and maintained by the vehicle for hire company.~~

~~(j) Drivers are required to provide a smoke-free environment inside the vehicle at all times.~~

~~(kfg) Beginning on June 1, 2013, in addition to maintaining Drivers must be hygienically clean, well-groomed and maintain a neat appearance, ~~drivers must wear a collared shirt, long pants or a knee length skirt, and closed shoes.~~~~

~~(lgh) Passengers shall be offered a receipt for the fare collected.~~

(m~~hi~~) Drivers shall not use abusive language or be discourteous to passengers or ~~Division~~DCA personnel.

(n~~ij~~) Drivers must be able to speak and understand English to the extent they can take instruction from passengers and complete ~~trip manifests and~~ incident/accident reports.

(o~~ik~~) Upon initial application for an ~~driver's I.D.~~ID badge under subsection (a) of this section, the ~~Division~~DCA or designated agency shall examine each applicant and, at a minimum, determine the applicant's knowledge of County geography and his/her ability to understand the English language. A driver is only required to successfully complete the examination one (1) time. A driver/applicant which initially fails either the geography or English test may retake the test within thirty (30) days at no additional charge. If a driver/applicant fails either requirement during the retest, that person will be denied his/her I.D. badge, but may reapply and repay all applicable fees at anytime.

~~(p~~k~~) Vehicle for hire drivers shall cooperate fully at all times with the Division~~DCA ~~in the furnishing of information required in connection with requests for proof of driver's license, vehicle insurance and/or driver's I.D.~~ID ~~badge/Alternative Identification, during the process of applying to renew an driver's I.D.~~ID ~~badge or Alternative Identification, and during investigations of consumer complaints. Further, vehicle for hire drivers shall not obstruct, hamper or interfere with an investigation of violations of this article conducted by Division~~DCA ~~personnel, any law enforcement officer or employee of any other agency enforcing this article. At no time shall a vehicle for hire driver use abusive language or display discourteous, hostile, aggressive or other inappropriate behavior toward passengers, other vehicle for hire drivers, vehicle for hire business owners or their representatives, Division~~DCA ~~personnel, law enforcement officers or any agency authorized to enforce this article.~~

~~(q~~l~~) All vehicle for hire drivers who own or lease the vehicle(s) they drive, shall remove and surrender to the division~~DCA ~~the vehicle decal and driver's I.D.~~ID ~~badge within ten (10) business days after he/she is no longer driving for that particular vehicle for hire business~~company~~. Such owner/driver must also remove all Trade dress, vehicle signage and top lights within ten (10) business days after he/she is no longer driving for the vehicle for hire~~company~~business.~~

(~~rml~~) Exemptions: Any person who possessed a valid ~~driver's I-D-ID~~ badge or Alternative ID on the ~~October~~May 1, 2016~~5~~effective date of this article shall be exempt from any new requirements of this section 19-2727, ~~subsections (a)(1)–(8), (10)–(13) and (23)~~. However, such persons would be ineligible to receive a driver's I-D- badge or Alternative ID and the driver's I-D- badge or Alternative ID would be revoked if he/she is convicted of new offenses as described in this article.

(~~am~~) Notwithstanding anything contained herein to the contrary, and prior to allowing a driver to provide vehicle for hire services, –vehicle for hire companies may provide Alternative Identification as set forth below of this section through use of a digital platform that allows the driver to display his/her picture and the information described below to allow for his/her identification for the assurance of the passenger and for regulatory verification. As an alternative to the ID badge process set forth in subsection (a) of this section, a dDriver may obtain authorization to operate in the County from a permitted vehicle for hire company provided he/she is in compliance with this section 19-227, subsections (a)(1)-(5) & , ~~and~~-(7)-(1021) and (15-19) meets the vehicle safety inspection and automobile insurance requirements set forth in sections 19-223 and 19-226 of this article.

in accordance with this subsection:

_____ (1) Before obtaining authorization to operate as a Driver:

_____ (i) The individual must present evidence to the vehicle for hire company or TNC with which he/she wishes to affiliate that the individual:

_____ (a) Is at least ~~eighteen~~ (18) years of age;

_____ (b) Possesses a valid Florida driver's license or is otherwise authorized to operate a motor vehicle in Florida pursuant to Section 322.031, Florida Statutes, as may be amended from time to time;

_____ (c) Possesses proof of registration for the vehicle that he/she will use to provide for hire or TNC service; and

_____ (d) Possesses proof of automobile liability insurance for the motor vehicle used to provide for hire or TNC service.

~~(sn)~~ Failure to comply with the provisions of this section may result in the Division DCA denying an I.D. badge, revoking or suspending the driver's I.D. ID badge, denying a renewal of such driver's I.D. ID badge, issuing a civil citation, a misdemeanor conviction or other such remedies available to the Division DCA herein.

~~(pn)~~ Upon receipt of information from DCA that an driver no longer meets the requirements of this section, a vehicle for hire company that authorizes drivers pursuant to subsection ~~(nm)~~ of this section shall immediately revoke the Alternative Identification it issued to the driver, notify the driver that he or she is no longer authorized to operate a vehicle for hire and, in the case of a transportation network company, prohibit the driver from operating on its digital platform. A driver whose Alternative Identification was revoked based on direction received from DCA may appeal that decision in accordance with Section 19-229.

Section. 19-228. — ~~Fraudulent transfer of vehicle for hire company.~~ is hereby deleted in its entirety.

~~(a) A transfer of a vehicle for hire company to a successor company shall be deemed a fraudulent transfer if said transfer is made by the vehicle for hire company for the purpose of evading permit fees and/or civil penalties issued pursuant to this article. In determining intent to defraud, consideration may be given among other factors to, whether:~~

~~(1) The transfer was to an insider;~~

~~(2) The vehicle for hire company retained possession or control of the property transferred after the transfer;~~

~~(3) The transfer was disclosed or concealed;~~

~~(4) Before the transfer was made or obligation was incurred, the vehicle for hire company had been sued or threatened with suit;~~

~~(5) The transfer was of substantially all the vehicle for hire company's assets;~~

~~(6) The value of the consideration received by the vehicle for hire company was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;~~

~~(7) The vehicle for hire company was insolvent or become insolvent shortly after the transfer was made or the obligation was incurred;~~

~~(8) The transfer occurred shortly before or shortly after substantial permit fees or civil penalties were incurred; and~~

~~(9) The vehicle for hire company transferred the essential assets of the business to a lienor who transferred the assets to an insider of the vehicle for hire company.~~

~~(b) It shall be a violation of this article for a vehicle for hire company to fraudulently transfer a vehicle for hire company.~~

Section. 19-229.— Revocation, suspension and denial of business permits/I-D-badges/Alternative ID badge; administrative appeal.

- (a) The DivisionDCA is authorized to deny, suspend or revoke business permit/~~driver's I-D-ID~~ badges, and Alternative Identification upon written notice. Suspensions shall not be more than six (6) months. Companies/drivers not resolving issues related to suspensions within the six-month suspension period will be subject to permit/I-D-badge and Alternative Identification revocation. Said notice of business permit/I-D-badge or Alternative Identification denial, suspension or revocation shall be by personal service (to the owner, driver or representative), by certified mail (return receipt requested) or posting in a conspicuous place at the place of business or home of the driver.
- (b) Upon receipt of the notice of denial, revocation, or suspension of a business permit/I-D-badge, or Alternative Identification which notice shall specify the grounds for the denial, suspension or revocation, the vehicle for hire company, person or driver shall be entitled to an appeal according to the following:

 - (1) Administrative appeal: Any vehicle for hire company, person or driver which has had a business permit/~~driver's I-D-ID~~ badge/Alternative ID badge denied, revoked, or suspended by the divisionDCA, may appeal such decision to the consumer affairs hearing board/special master within twenty (20) days of receipt of the decision. A non-refundable filing fee must accompany the written request for appeal. The business, person, driver or attorney shall file a written notice of appeal signed by the business officer/owner, driver or attorney requesting a hearing and setting forth a brief statement of the reasons thereof. The filing fee shall be established by resolution of the board. The appeal shall be reviewed at a hearing of the consumer affairs hearing board/special master within sixty (60) days of receipt by the divisionDCA of the notice of appeal. The vehicle for hire business/person/driver may be represented by an attorney and shall be entitled to present a defense.
 - (2) Orders: At the conclusion of any hearing set forth in this section, the consumer affairs hearing board/special master shall orally render its decision (order) based on evidence entered into the record. The decision shall be by motion approved by the affirmative vote of those members present and voting. The decision shall be stated in a written order and mailed to the vehicle for hire company/driver not later than ten (10) days after the hearing, and shall be deemed final agency action with regard to the matter appealed.
 - (3) Court appeal: Any person may appeal a final determination of the consumer affairs hearing board/special master within thirty (30) days of the rendition of the decision

by filing a petition for writ of certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for the county.

- (4) For purposes of appeal, the FDLE criminal history/records reports and the state department of highway safety and motor vehicles traffic/driving record report shall be deemed prima facie evidence ~~and admitted into evidence before the consumer affairs hearing board/special master.~~
- (c) All hearings and appeals shall be scheduled and determined as promptly as practicable and in no event more than sixty (60) days from the date the written notice of appeal was filed. Written notice of the time, date, and place of the hearing of the appeal shall be served upon the appellant no later than twenty (20) days prior to the date of the hearing. Said notice of hearing, shall be by personal service, certified mail or posting in a conspicuous place at the place of business or home of the driver or person. Failure of the business to respond within the time frames specified herein or failure to appear at a duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice.
- (d) The consumer affairs hearing board/special master shall consider the evidence and documentation as well as the statement offered by any interested party and shall consider the matter de novo and shall, upon the basis of the evidence before it, affirm, modify or reverse the decision of the director.
- (e) If the consumer affairs hearing board/special master affirms the decision of the director to ~~deny, deny,~~ suspend or revoke a business permit/~~driver's I.D. ID~~ badge, or Alternative Identification the denial, suspension or revocation shall be effective from the date of the consumer affairs hearing board's/special master's written order. All decisions of the consumer affairs hearing board/special master shall constitute final agency action for purposes of further appeal.
- (f) Suspension of the business permit/~~driver's I.D. ID~~ badge or Alternative Identification: If, at the conclusion of the hearing, the consumer affairs hearing board/special master decides to suspend the business permit/~~driver's I.D. ID~~ badge or Alternative Identification, a time certain shall be set as the period of suspension. Prior to the end of such time certain, those violations for which the suspension was imposed shall be corrected; otherwise, the suspended permit(s) shall be automatically revoked. ~~A fee of fifty (50) percent of the business permit/driver's I.D. ID badge fee shall be collected to reinstate the suspended permit(s)/driver's I.D. ID badge.~~
- (g) Revocation of business permit/~~driver's I.D. ID~~ badge or Alternative Identification: If, at the conclusion of the hearing the consumer affairs hearing board/special master decides to revoke the permit/~~driver's I.D. ID~~ badge or Alternative Identification, the business/driver shall return the business permit and/or the ~~driver's I.D. ID~~ badge and remove and return all vehicle decals to the ~~division~~ DCA. ~~.-~~ A vehicle for hire company or driver whose business permit/~~driver's I.D. ID~~ badge or Alternative Identification has

been revoked, shall not be eligible to reapply as a new applicant for a period of one (1) year from the date of revocation.

- (h) If the consumer affairs hearing board/special master reverses the decision of the director, the director shall issue or restore the business permit/~~driver's I.D. ID~~ badge or Alternative Identification.
- (i) When the ~~operating-business~~ permit of a vehicle for hire company has been denied, suspended or revoked, all vehicle for hire services shall immediately cease.
- (j) In the event a written notice of appeal and accompanying filing fees are not submitted within the times frames outlined in this article, the decision of the director shall prevail.
- (k) Administrative appeal—Insurance. When an ~~operating-business~~ permit has been suspended or revoked for failure of the vehicle for hire business to obtain or maintain required ~~commercial~~ liability insurance and the vehicle for hire company business wishes to appeal the suspension/revocation, the vehicle for hire company may appeal such decision to the consumer affairs hearing board/special master within five (5) days of receipt of the decision. The appeal shall be heard by the consumer affairs hearing board/special master within ~~tenthirty~~ (130) days of receipt of the written appeal. A non-refundable filing fee must accompany the written request for appeal. The filing fee shall be established by resolution of the board.
- (l) Effect of appeal: An appeal of the decision of the director to suspend or revoke a business permit/~~driver's I.D. ID~~ badge or Alternative Identification shall stay the effective date of the suspension or revocation. A stay does not apply to a revocation or suspension of a vehicle for hire company business which failed to maintain ~~commercial~~ liability insurance as required by section 19-226.
- (m) Hearing procedures: Notwithstanding section 11 A of Palm Beach County Consumer Affairs Ordinance 77-10 (as may be amended from time to time), the consumer affairs hearing board/special master shall give due regard to competent, reliable and technical evidence which will aid the consumer affairs hearing board/special master in making a fair determination of the matter, regardless of the existence of any common law or statutory rule which might otherwise make improper the admission of such evidence. All parties shall have an opportunity to present evidence and argument on all issues involved, to conduct cross examination and submit rebuttal evidence, and to be represented by counsel.

When appropriate, the general public may be given an opportunity to present oral or written communications. The consumer affairs hearing board/special master may consider any evidence, including evidence of the general reputation of the petitioner. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Irrelevant, immaterial or unduly repetitious evidence may be excluded but

all the other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, (including hearsay) whether or not such evidence would be admissible in a trial in the courts of the state. Orders of the consumer affairs hearing board/special master shall be based on competent and substantial evidence. The petitioner shall have the burden of proof by a preponderance of the evidence.

Section. 19-230. - Enforcement.

(1a) It shall be the duty of the ~~consumer affairs division~~DCA to enforce the provisions of and initiate proceedings for violations of the vehicle for hire ordinance.

(2b) The consumer affairs hearing board/special master as provided for in Chapter 9, Article I, of this Code, as may be amended or replaced, shall have jurisdiction over all violations of this article. The consumer affairs hearing board/special master may conduct hearings regarding violations of the vehicle for hire ordinance in accordance with the procedures provided for herein.

~~(3) Whenever, based upon personal investigation and in accordance with the policies and procedures established by the consumer affairs division~~DCA, the investigator has reasonable and probable grounds to believe that a person has committed a violation of the vehicle for hire ordinance, the officer may issue a citation to the violator ~~which shall include the following information:-~~

~~(a) Date and time of issuance.~~

~~(b) Name and address of person to whom the citation is issued.~~

~~(c) Time and date of violation.~~

~~(d) A brief description of the violation and the facts constituting reasonable cause.~~

~~(e) The name of the investigator.~~

~~(f) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.~~

~~(g) The applicable civil penalty if the person elects not to contest the citation.~~

(4c) The maximum civil penalty which may be levied by citation shall ~~not exceed five hundred dollars (\$500.00) per day, per violation~~be established by resolution of the board. Moneys collected in payment for citations shall be remitted to ~~the consumer affairs division~~DCA ~~to support the vehicle for hire program.~~

(5d) The act for which the citation is issued shall cease upon receipt of the citation, and the person charged with the violation shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation or, within ten (10) days of

receipt of the citation, exclusive of weekends and legal holidays, request an administrative hearing before the consumer affairs hearing board/special master to appeal the issuance of the citation by the investigator. If the hearing date is not set forth in the citation, a notice of hearing shall be served on the violator as provided ~~herein in subsection (11) below~~. Failure of the violator to appeal the decision of the investigator within the timeframe as set forth herein shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation, and penalties may be imposed accordingly.

(6e) Upon written notification by the investigator that a respondent has not contested the citation or paid the penalty within the time allowed on the citation, or if a violation has not been corrected within the time set forth on the citation, the consumer affairs hearing board/special master shall enter an order ordering the violator to pay the civil penalty set forth on the citation. A hearing shall not be necessary for the issuance of such an order. The order shall include a notice, if applicable, that fine(s) were imposed.

(7f) Upon appeal of a citation, or at such other times as may be necessary, a hearing before the consumer affairs hearing board may be convened. The following shall apply:

(a1) Minutes shall be kept of all hearings and all hearings shall be open to the public.

(b2) At the hearing, the burden of proof shall be upon the county to show by a preponderance of the evidence that a violation does exist. Where proper notice of the hearing has been provided to the violator as provided herein, a hearing may proceed even in the absence of the violator.

(e3) The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. Upon determination by the chair of the consumer affairs hearing board or special master, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida.

(e4) Any member of the consumer affairs hearing board/special master, the attorney representing the consumer affairs hearing board, the respondent and his/her attorney may inquire or question any witness present at the hearing. The violator or his/her attorney shall be allowed to cross-examine all witnesses present at the hearing and present testimony and evidence.

(e5) At the conclusion of the hearing, the consumer affairs hearing board/special Master shall orally render an order based on evidence into the record. In the case of hearings before the consumer affairs hearing board, the decision shall be by motion approved by the affirmative vote of those persons present and voting. An

order setting forth findings of fact and conclusions of law shall then be mailed to the violator within ten (10) days of the hearing.

~~(f6)~~ If the consumer affairs hearing board/special master finds that a violation exists, the consumer affairs hearing board/special master may order a civil penalty of no more than five hundred dollars (\$500.00). Each permit/ID badge or Alternative Identification not in compliance and each day in which a violation of this article exists shall constitute a separate offense.

~~(8)~~ A certified copy of an order imposing a civil penalty against the violator may be recorded in the public records and thereafter shall constitute a lien against any real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriff of the state, including a levy against personal property. The order shall not be deemed a court judgment except for enforcement purposes. A civil penalty imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose the lien, whichever occurs first. After three (3) months, from filing of any such lien which remains unpaid, the consumer affairs hearing board/special master may authorize the local governing body's attorney to foreclose the lien. No lien created pursuant to this article may be foreclosed on real property which is homestead, under Section 4, Article X of the Florida Constitution.

~~(9g)~~ If the violator or his designated representative proves at the administrative hearing that the citation is invalid or that the violation has been corrected prior to appearing before the consumer affairs hearing board/special master, the consumer affairs hearing board/special master may reduce the fine or dismiss the violation, unless the violation is irreparable or irreversible.

~~(10h)~~ An aggrieved party, including the governing body, may appeal a final administrative order of the consumer affairs hearing board/special master to the circuit court by petition for writ of certiorari.

~~(11i)~~ Proper notice of hearing is given where notice has been mailed to the violator by certified mail, return receipt requested, by hand delivery by the sheriff or other law enforcement entity, by leaving the notice at the violator's usual place of residence with some person in the family above fifteen (15) years of age and informing said person of the contents of the notice; or where an investigator, under oath, testifies that he/she did hand deliver the citation to the violator which included a hearing date.

~~(12j)~~ Notwithstanding the consumer affairs hearing board/special master process set forth above, the county shall take any other appropriate legal action, including, but not limited to, administrative action, enforcement through an alternative code enforcement ordinance pursuant to F.S. ch. 162, pts. I and II, and requests for temporary and

permanent injunctions to enforce the provisions of this article. It is the purpose of this article to provide additional cumulative remedies.

Section. 19-231. - Violations.

(a)

~~(a)~~ False statements on applications. It shall be unlawful for any person to knowingly and intentionally make or cause to be made any false statement in writing or the omission of material information for the purpose of procuring a vehicle for hire business permit, vehicle decal or ~~driver's I.D. ID~~ badge/alternative ID badge or to knowingly and intentionally make any false statements or entries or material omissions on the records required to be kept by this article.

(b) Failure to comply with the provisions of this section may result in the division denying a business permit(s)/driver's I.D. badge, or Alternative Identification, revoking or suspending the business permit(s)/driver's I.D. badge, or Alternative Identification, denying the renewal of such business permits, driver's I.D. badge, or Alternative Identification, issuing a civil citation, ~~a misdemeanor conviction~~ or other such remedies available to the division herein.

Section. 19-232. - Appeals.

Any person may appeal a final determination of the consumer affairs hearing board/special master within thirty (30) days of the rendition of the decision by filing a notice of administrative appeal in the Circuit Court of the Fifteenth Judicial Circuit in and for the county.

Section. 19-233. - Fees.

All fees required by this article and established by resolution are non-refundable and shall be deposited in a separate county account and used exclusively to accomplish the purposes of this article.

Section. 19-234. - Penalties.

Any person convicted of violating any portion of this article shall be punished as provided by law.

Section. 19-235. - Start-up.

~~(a) Renewal of existing permitted vehicle for hire companies and vehicle decals shall become effective March 1, 2009. Renewal applications for the licensing period which~~

~~begins March 1, 2009 must be submitted to the division by December 31, 2008. Late fees for renewal applications will apply as of January 1, 2009. Enforcement of all other sections of the article, unless excluded in this section, shall become effective upon the effective date of this article.~~

~~(b) Vehicles being used and decaled prior to the effective date of this article must comply with the trade name, color scheme and signage requirements when permit applications or renewals are submitted for the permit year which begins May 1, 2014.~~

~~(c)~~ After ~~March~~ October ~~May~~ 1, 2009¹⁵⁶, any new vehicles added to the fleet of existing permitted companies or newly permitted companies will be subject to all requirements of this article.

~~(d) The mechanical/safety inspection requirements of section 19-225 shall not be required until application renewals are submitted for the permit year which begins January 1, 2010. After March 1, 2009 all new or replacement vehicles added to existing fleets of currently permitted companies or from newly permitted companies shall be required to meet the mechanical/safety inspection requirements.~~

~~(e) Beginning on June 1, 2016, all existing taxicab companies licensed in Palm Beach County will be required to accept as a method of payment for the fare (in addition to cash or other forms of payment acceptable to the company), a bank debit card or credit card, including, but not limited to, Mastercard, Visa, and Discover, without additional charge or premium.~~

~~(f) Beginning on June 1, 2013, any new taxicab or van/shuttle companies with seven (7) or more vehicles, shall have at least one (1) handicap accessible vehicle available, and the rates and fees shall not differ from the rates for non-disabled passengers.~~

Section. 19-236. - Repeal of laws in conflict.

All local laws and ordinances applying to the unincorporated area of the county in conflict with any provision of this article are hereby repealed to the extent of any conflict.

Section. 19-237. - Savings clause.

Notwithstanding the section ~~19-236 of this ordinance~~ regarding repeal of laws in conflict, all administrative and court orders, fines, and pending enforcement issued pursuant to this authority and procedures established by ~~Ordinance No. 2001-15 Chapter 19, Article IX of the Palm Beach County Code~~ shall remain in full force and effect.

Section. 19-238. – Jurisdiction. is hereby deleted in its entirety. ~~This article shall be effective throughout the unincorporated areas of the county. This article shall be effective in municipalities unless the municipality opts out or shall be effective up to the extent of conflict with the municipal ordinance~~

Section. 19-2389. – Severability.

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance

Section. 19-24039. --Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. --The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word Ordinance may be changed to section, article, or other appropriate word.

Section. 19-2401. - Captions.

The captions, section headings, and section designations used in this Ordinance are for convenience only and have no effect on the interpretation of the provisions of this Ordinance.

Section. 19-2412. – Effective Date.

The provisions of this Ordinance shall become effective OctoberMay 1, 20156, and upon filing with the Department of State, whichever occurs last.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the _____ day of _____, 20156.

SHARON R. BOCK, <u>ITSlorida by its</u> CLERK & COMPTROLLER <u>COMMISSIONER</u> Seard of County Commissioners	Palm Beach COUNTY, <u>FLORIDA BY</u> <u>BOARD</u> OF <u>COUNTY</u>
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By: _____ Deputy Clerk Mayor	By: _____ <u>Shelley VanaMary Lou Berger,</u>
------------------------------------	--

Approved as to form and
legal sufficiency

By: _____
County Attorney

Filed with the Department of State on the _____ day of _____, 20156.

ATTACHMENT 3

ORDINANCE NO. 2016 _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-43) AS AMENDED RELATING TO VEHICLES FOR HIRE; AMENDING SECTION 19-211 (SHORT TITLE; APPLICABILITY); AMENDING SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-214 (COMPLIANCE WITH ARTICLE REQUIRED); AMENDING SECTION 19-215 (ADVERTISING); AMENDING SECTION 19-216 (RESERVED) ADDING NEW TITLE VEHICLE FOR HIRE OPERATIONAL REQUIREMENTS; AMENDING SECTION 19-217 (RECIPROCITY); AMENDING SECTION 19-218 (BUSINESS PERMIT APPLICATION); AMENDING SECTION 19-219 (RECORDS REQUIRED); AMENDING SECTION 19-220 (VEHICLE REQUIREMENTS); AMENDING SECTION 19-221 (VEHICLE DECAL REQUIREMENTS); AMENDING SECTION 19-222 (IMPOUNDMENT); AMENDING SECTION 19-223 (VEHICLE SAFETY AND APPEARANCE REQUIREMENTS); DELETING SECTION 19-224 (NON-MEDICAL WHEELCHAIR AND STRETCHER TRANSPORTATION SERVICE COMPANIES OPERATIONAL REQUIREMENTS); DELETING SECTION 19-225 (VEHICLE INSPECTIONS) AMENDING SECTION 19-226 (COMMERCIAL AUTOMOBILE LIABILITY INSURANCE); AMENDING SECTION 19-227 (DRIVER REQUIREMENTS; FAILURE TO COMPLY); DELETING SECTION 19-228 (FRAUDULENT TRANSFER OF VEHICLE FOR HIRE COMPANY); AMENDING SECTION 19-229 (REVOCATION, SUSPENSION AND DENIAL OF PERMITS/I.D. BADGES; ADMINISTRATIVE APPEAL); AMENDING SECTION 19-230 (ENFORCEMENT); AMENDING SECTION 19-231 (VIOLATIONS); AMENDING SECTION 19-235 (START-UP); DELETING SECTION 19-238 (JURISDICTION); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing

and future residents by enacting such business regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds and declares that the public welfare and safety of the existing and future residents requires the regulation and control of motor vehicles engaged in the transportation of persons, within the streets of Palm Beach County, with the intent to receive compensation; and

WHEREAS, Palm Beach County licenses and regulates vehicles for hire (defined hereinafter) that operate in Palm Beach County, Florida; and

WHEREAS, it is now necessary to amend Chapter 19, Article IX of the Palm Beach County Code to enhance the regulatory framework for the vehicle for hire industry including transportation network companies.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Chapter 19, Article IX of the Palm Beach County Code is hereby amended to read as follows:

Section. 19-211. - Short title; applicability.

- (a) This article shall be known as the "Palm Beach County Vehicle for Hire Ordinance."
- (b) The provisions of this article shall be applicable to the incorporated and unincorporated areas of Palm Beach County, unless a municipal exemption applies. Unless otherwise provided, nothing in this Article shall be construed to relieve any person from compliance with any applicable county or municipal regulations.

Section. 19-212. - Authority.

This article is adopted under the authority of F.S. ch. 125.

Section. 19-213. - Definitions.

The following words and phrases when used in this article shall have the meanings as set out herein:

Advertising. The term "advertising" shall mean to advise, announce, give notice of, publish, or call attention by use of oral, written, or graphic statements made in newspapers, telephone directories or other publications or on radio or television, any

electronic medium, or contained in any notice, handbill, catalog, newsletter, poster, sign, flyer, business card or letter.

Airport Rules and Regulations. The term "Airport Rules and Regulations" means the provisions of Appendix B of the Palm Beach County Code, as now or hereafter amended.

Alternative identification. Companies may provide alternative identification approved by the DCA through use of an electronic, digital, tablet, or smartphone application that allows the driver to display his/her picture, name, license plate number of vehicle used, vehicle for hire company name and other sufficient relevant information to allow his/her identification for the assurance of the passenger, law enforcement and for regulatory verification.

Applicant. The term "applicant" shall mean any person who applies for a vehicle for hire business permit, Alternative Identification or ID badge within Palm Beach County. In the case of partnerships, associations, corporations and other legal entities, "applicant" shall also mean any member of a partnership, each associate and the corporate officers and directors.

Board. The term "board" shall mean the Palm Beach County Board of County Commissioners.

Business permit. The term "business permit" shall mean the authority required by the provisions of this article to be obtained by any individual or vehicle for hire company not subject to reciprocity, to engage in vehicle for hire business in Palm Beach County.

Compensation. The term "compensation" shall mean a return in money, property, suggested donation or anything of value for the rendition of vehicle for hire service.

Conviction. The term conviction shall mean any judicial determination of conviction, adjudication withheld, or plea of nolo contendere.

Digital platform. Means any internet-enabled technology service system, program, or software, including a smartphone or tablet application or website offered or used that enables the prearranged rides with vehicle for hire company or drivers.

Division or DCA. The term "division" or "DCA" shall mean the Palm Beach County Division of Consumer Affairs.

Driver. The term "driver" shall mean the individual who is driving or physically operating the taxi, non-taxi, or other passenger vehicle for hire and includes the term "chauffeur."

ID badge. The term "ID badge" shall mean a permit authorizing the holder thereof to provide vehicle for hire services in a permitted vehicle pursuant to this article.

Individual. The term "individual" includes a natural person, partnership, corporation, association, or any other legal entity.

Manifest. The term "manifest" shall mean written or electronic/digital documentation prepared by the vehicle for hire company providing individual trip logs for each pickup/drop-off of passengers that can be viewed upon request by authorized DCA personnel or law enforcement officers. The "manifest" shall be in the possession of the vehicle for hire driver and central dispatch and shall include the business name, business phone number, name of the passenger (if provided/known), pickup/drop-off address and dates/times involved.

Non-medical, wheelchair and stretcher transportation. The term "non-medical, wheelchair and stretcher transportation " shall mean the transportation of persons while on stretchers or wheelchairs, or persons whose handicap, illness, injury, or other incapacitation makes it impractical to be transported by a regular common carrier such as a bus, taxi, non-taxi or other vehicle for hire. Such persons do not need, nor are likely to need, any medical attention during transport.

Non-Taxi. The term "non-taxi" shall mean any pre-arranged vehicle for hire, not equipped with a taximeter. A non-taxi shall include, but not be limited to, sedans, luxury sedans, limousines, sport utility vehicles (SUVs), vehicles operated in connection with transportation network companies, non-medical wheelchair and stretcher transportation vehicles, shuttles, and vans. Such vehicles shall not display the word "taxi," or "cab" on the vehicle exterior or interior. A non-taxi is prohibited from using a taximeter and top light unless it is being used as a taxi.

Passenger. The term "passenger" shall mean a person utilizing a vehicle for hire for the purpose of being transported to a destination, or a person who is awaiting the arrival of a dispatched vehicle for hire, and does not include the chauffeur.

Prearranged. The term "prearranged" shall mean any reservation made in advance by the person requesting service from any telephone, internet-enabled platform, program, or software, including a smartphone or tablet application or website.

Short-term vehicle decal placard. The term "short-term vehicle placard" shall mean a specially prepared placard placed on the passenger side dashboard of a short-term rental vehicle for hire. All rental contracts must be 30 days or less. A short-term vehicle decal placard shall not be required if a vehicle for hire company displays trade dress in compliance with this article.

Taxi. The term "taxi" shall mean a motorized vehicle, equipped with a taximeter, engaged in the transportation of passengers for compensation, and where the route or destination is designated by the passenger.

Taximeter. The term "taximeter" shall mean any device permanently and internally mounted in a taxi and which records and indicates a charge or fare measured by distance traveled, waiting time or other traditionally compensable activities of taxi service.

Top light. The term "top light" shall mean a permanently installed roof mounted lighted device which shall be illuminated whenever the taximeter is on. The top light must be a minimum size of ten (10) inches by four (4) inches, permanently mounted on the vehicle roof and display or include the word "taxi," "taxicab" or "cab."

Trade dress. The term "trade dress" shall mean a distinctive signage or display approved by the DCA on the vehicle that is sufficiently large color-contrasted as to be readable during daylight hours at a distance of 50 feet. The trade dress must be sufficient to allow a passenger, government official, or member of the public to associate a vehicle with a particular vehicle for hire company. Acceptable forms of trade dress include, but are not limited to, symbols or signs on vehicle doors, roofs, or grills. Magnetic or removable trade dress is acceptable.

Transportation Network Company (TNC). The term "TNC" means an individual, partnership, association, corporation, or other entity that uses a digital platform to connect passengers to drivers who use a vehicle, other than a Taxi, to provide vehicle for-hire services, sometimes referred to as ridesharing.

Vehicle decal. The term "vehicle decal" shall mean a decal placed upon any vehicle for hire granted approval to provide vehicle for hire services by the DCA.

Vehicle for hire. The term "vehicle for hire" shall mean any motorized, self-propelled vehicle engaged in vehicle for hire service.

Vehicle for hire company. The terms "vehicle for hire" shall mean any individual, partnership, sole proprietor, association, corporation, or other legal entity which holds business permits for or contracts with any driver engaged in Vehicle for Hire Service upon the streets of Palm Beach County. The term shall not be construed to exclude any person owning, controlling, operating, or managing any type of motor vehicle used in the business of transportation of persons for compensation. The term shall include taxis, non-taxis, and the use of personal vehicle(s), regardless of who owns said personal vehicle(s) engaged in the transportation of persons for compensation, salary or suggested donation, using a telephone or any internet-enabled digital platform, program, or software including a smartphone or tablet application or website to connect passengers with drivers. The term shall not apply to vehicles, companies and organizations identified in section 19-214 of this Code.

Vehicle for hire service. The term "vehicle for hire service" shall mean the provision of transportation of persons by a driver who receives any compensation, suggested donation or salary for providing such transportation. The term shall encompass services provided in connection with non-medical wheelchair and stretcher transportation, taxis, non-taxis, and the use of personal vehicle(s), regardless of who owns said personal vehicle(s) engaged in the transportation of persons for compensation or suggested donation, using any internet-enabled digital platform, program, or software including a Smartphone or tablet

application or website to connect passengers with drivers. The term shall not apply to vehicles, companies and organizations identified in section 19-214 of this Code.

Section. 19-214. - Compliance with article required.

- (a) The operation of vehicles for hire within and upon the streets of the county shall be subject to the conditions, restrictions, and regulations set forth in this article. It shall be unlawful to operate any vehicle for hire within and upon such streets without first fulfilling, and maintaining compliance with all requirements of this article; however, this article shall not apply to the following:
 - (1) Vehicles operated by a governmental agency; and nonprofit organizations meeting the requirements of Section 501(c)(3), United States Revenue Code.
 - (2) Vehicles tendering transportation services not for compensation;
 - (3) Discharge of a passenger pursuant to legal authority as referenced in section 19-217 of this article on reciprocity; and,
 - (4) School buses and church buses.
- (b) Compliance with the provisions of this article shall in no way relieve an individual or vehicle for hire company from compliance with all municipal, county, state and federal laws including the Palm Beach County Airport and Port of Palm Beach Rules and Regulations.
- (c) A "vehicle for hire company" shall exercise best efforts to ensure its affiliated drivers' compliance with all of the regulations required by this article, and shall be subject to the penalties provided in this article when the company has received notice from the DCA or other enforcement/regulatory agency of a driver's non-compliance and fails to satisfactorily address such non-compliance.
- (d) Any violation of this article is a civil infraction, and failure to comply with the provisions of this Ordinance may result in DCA denying, suspending or revoking business permits/ID badge, or Alternative Identifications, issuing a civil citation, or other such remedies available to DCA herein.

Section. 19-215. - Advertising.

- (a) It shall be unlawful for any vehicle for hire company to advertise vehicle for hire services without first fulfilling and maintaining compliance as required in this article. Any advertisement of any vehicle for hire company or associated digital platform shall clearly and conspicuously disclose the name of the company, or digital platform, phone number, website or other bona fide means of contacting the company.
- (b) All taxi and non-medical wheelchair and stretcher transportation vehicles shall clearly display on the exterior of the driver and passenger side of the vehicle, permanent vinyl

or painted lettering at least four (4) inches high and in clearly visible bold contrasting colors, the vehicle for hire company's name and telephone number.

- (c) Every taxi and non-medical wheelchair and stretcher transportation vehicle shall be assigned a unique/dedicated number by the vehicle for hire company. That number must be permanently affixed to each vehicle by that company. The assigned number shall exist for the life of the vehicle while it is owned/operated by that company and shall not be reused for at least one year on any other vehicle. This number shall be reported to the division as part of the annual permit requirements. The number shall be affixed to both rear quarter panels (or roof posts) of an automobile or rear sides of other vehicles. The numbers must be in clearly visible, boldly contrasting colors and shall be a minimum of four (4) inches in height. Each business must assure that duplicate numbers are not assigned to vehicles.
- (d) All taxis shall conspicuously advertise their meter rates on the exterior of the vehicle and the metered drop rate must match the advertised rate.
- (e) Taxis utilizing signage on roofs which prevent the required mounting of a top light shall be exempt from the top light requirement until the vehicle is replaced, required to be retired pursuant to this article or the word "taxi," or "cab" (using at a minimum two-inch letters) is included on the signage and is able to be seen from the front and rear of the vehicle.
- (f) Vehicle for hire drivers meeting passengers at Palm Beach International Airport, or the Port of Palm Beach, may utilize a sign for the purposes of identifying a passenger or group of passengers. The sign utilized shall identify the name of the passenger or group being met and shall include the name of the vehicle for hire company. The name of the company shall be larger than one-inch letters and in any event the name of the company shall be smaller than the name of the passenger/group.
- (g) Advertising restrictions. No person shall advertise a vehicle for hire service in a manner that is false, misleading or deceptive.

Section. 19-216. - Vehicle for hire operational requirements.

- (a) It shall be unlawful for any non-taxi vehicle for hire driver to solicit potential passengers or use any words or gestures that could be construed as soliciting a passenger for taxi service. With the exception of on-demand service provided at the Palm Beach International Airport pursuant to an agreement approved by the Board of County Commissioners for such service, all non taxi service must be prearranged.
- (b) A vehicle for hire driver shall not refuse to transport a person to a requested destination located within the limits of Palm Beach County.
- (c) Vehicle for hire drivers shall cooperate fully at all times with the DCA in the furnishing of information required in connection with requests for proof of driver's license, vehicle insurance and/or ID badge/Alternative ID, ASE certification forms, and manifest during

the process of applying to renew an ID badge, and during investigations of consumer complaints. Further, vehicle for hire drivers shall not obstruct, hamper or interfere with an investigation of violations of this article conducted by DCA personnel, any law enforcement officer or employee of any other agency enforcing this article.

- (d) At no time shall a vehicle for hire driver use abusive language or display discourteous, hostile, aggressive or other inappropriate behavior toward passengers, other vehicle for hire drivers, vehicle for hire business owners or their representatives, DCA personnel, law enforcement officers or any agency authorized to enforce this article.
- (e) All vehicle for hire drivers who own or lease the vehicle(s) they drive, shall remove and surrender to the DCA the vehicle decal and ID badge within ten (10) business days after he/she is no longer driving for that particular vehicle for hire company. Such owner/driver must also remove all vehicle signage and top lights within ten (10) business days after he/she is no longer driving for the vehicle for hire company.
- (f) All vehicle for hire companies shall display or otherwise provide to customers in advance the rate or prearranged price that will apply to the transportation service being provided, and it shall be unlawful for the company or driver to charge, demand, request, or accept any fare higher than the specified rate or prearranged price. The rates charged to disabled passengers shall not differ from the rates charged to non-disabled passengers in all vehicles for hire because of an individual's disability, with the exception of non-emergency wheelchair and stretcher transportation company vehicle rates.
- (g) Customer Service: All vehicle for hire companies shall maintain a website and provide a 24-hour customer service telephone number or email address.

Section. 19-217. - Reciprocity.

Out-of-county origin exception. Nothing in this article shall be construed to prohibit discharge within Palm Beach County of any passenger lawfully picked up in another county and lawfully transported into Palm Beach County. Notwithstanding any provision to the contrary, any passenger lawfully picked up in another county, transported to, and discharged at any location within Palm Beach County, may be picked up at the discharge location and returned to the county of origin as long as the transportation is part of a pre-arranged trip; provided, however, vehicles for hire shall be required to comply with the Airport Rules and Regulations if the discharge and/or pick up location is the Palm Beach International Airport. Proof of the pre-arranged transportation services shall be made available to enforcement personnel upon request.

Section. 19-218. - Business permit application.

- (a) A vehicle for hire company not exempt pursuant to section 19-214 shall make application for a business permit on forms to be furnished by the DCA. The applicant shall furnish the following information with each application, which shall be sworn to before a notary public:
- (1) The name and type of business under which the service will be operated (If a partnership or corporation, a copy of the partnership agreement or articles of incorporation must be attached);
 - (2) The name, phone number, mailing address, and street address (if different from the mailing address) of the applicant's agent for service of legal process (which information the applicant shall keep current);
 - (3) Prior to initiation of vehicle for hire service, and on an ongoing basis during a service year, as part of the application, a vehicle for hire company shall advise the DCA as to how it will maintain records for documenting and identifying drivers and vehicles in service;
 - (4) Payment of all business permit and other fees in amounts set forth by resolution of the board.
- (b) Each business permit issued pursuant to this section shall be valid and effective for one (1) year, terminating on April 30 of each year, and all vehicle for hire business permits which are not renewed, shall automatically expire upon the expiration date as stated on the permit and the vehicle for hire company shall cease all vehicle for hire services immediately:
- (1) Failure to submit a business permit application and the required nonrefundable fee for renewal by March 1 of each year will result in the assessment of a nonrefundable late fee. The late fee shall be established by resolution of the board.
 - (2) Vehicle for hire companies which fail to submit a complete application/renewal application within thirty (30) calendar days after the Company's receipt of the DCA's notice of an incomplete application, shall be denied a business permit.
 - (3) If the business permit is denied or revoked, said business permit shall not be issued or reinstated for a period of one (1) year from the date of denial or revocation.
 - (4) If the vehicle for hire company transfers, sells, changes or modifies its name or ownership structure, the company shall be required to notify the DCA within forty-five (45) days of said change, and a new business permit application shall be submitted. All business permit fees and administrative processing fees approved by the board by resolution shall be assessed by the DCA.

- (c) Any change in the information submitted pursuant to paragraph (a) above shall be provided to the DCA within twenty (20) calendar days of said change. Failure to provide such notice may result in the suspension or revocation of the company's business permit.
- (d) The DCA may deny or refuse to renew the business permit of any vehicle for hire company based upon the determination that:
 - (1) Any director, officer, owner or general partner was associated with another vehicle for hire business whose permit was denied or revoked;
 - (2) An individual/company or any of its directors, officers, owners or general partners has not satisfied a civil fine or penalty arising out of any administrative or enforcement action brought by DCA;
 - (3) Any individual/business, or any of its directors, officers, owners or general partners has had any unsatisfied civil penalties, judgments or administrative orders entered against it, him or her in any action brought by the DCA, or any government agency, under the requirements of this article or a similar ordinance;
 - (4) Any individual/company or any of its directors, officers, owners or general partners has failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of voluntary compliance, or any other lawful order of the director, the DCA or the consumer affairs hearing board/special master.

Section. 19-219. - Business Records required.

- (a) Upon request by the DCA, a driver for a vehicle for hire company that has been authorized in accordance with Section 19-227(m) shall permit inspection of a vehicle for purposes of verifying compliance with provisions of this article and provide documentation demonstrating that they are registered with a County-licensed vehicle for hire company, and that a trip was prearranged through a digital platform. If a vehicle for hire company driver refuses to allow an inspection or to make such documentation available, upon notice to the vehicle for hire company, the company shall disconnect the transportation network company driver from its digital platform until the driver permits the inspection or provides the documentation.
- (b) Each vehicle for hire company shall maintain accurate and complete business records as required under this article. Such records including, but not limited to, vehicle inspections, background checks, manifest and insurance shall be maintained for at least one (1) year. The DCA shall be granted access to these records for inspection as necessary to investigate and resolve a compliance inquiry during regular business hours, upon forty-eight (48) hours' prior notice. In the event the DCA is denied the opportunity to inspect and copy such records onsite, or at a mutually agreed location in the County, the vehicle for hire company shall provide copies of such records to DCA in Palm Beach County within thirty (30) days of denial for the purpose of inspection. If

necessary, the DCA is hereby authorized to obtain an inspection warrant as authorized by law.

- (c) The DCA, or its designated third party, is authorized to conduct an audit of the records that a vehicle for hire company is required to maintain under this article on a bi-annual basis for purposes of verifying the company's compliance herewith. The audit shall occur at a vehicle for hire company's place of business in Palm Beach County or other mutually agreed location in the County.
- (d) A transportation network company shall not block or otherwise interfere with the DCA's ability to access the transportation network company's digital platform as a user in order to request a ride from transportation network drivers to monitor compliance with the provisions of this article.
- (e) In response to a specific compliance inquiry, a vehicle for hire company shall provide or make available for inspection to DCA or other enforcement/regulatory agency, documentation verifying a driver's registration with the vehicle for hire company, that the driver has undergone a background check required by section 19-227 and that the vehicle certified by the vehicle for hire company has been inspected pursuant to section 19-223 and that the vehicle has been insured pursuant to section 19-226.

Section. 19-220. - Vehicle requirements.

- (a) Age requirements. There shall be no age limitation for any vehicles, so long as the vehicle complies with the inspection process referenced herein.
- (b) Fleet requirements.
 - (1) All *new* taxi companies submitting an application for a business permit pursuant to section 19-218, shall have a minimum of seven (7) vehicles in its fleet, and shall include at least one (1) handicap accessible vehicle. All existing taxi companies with twenty (20) or more vehicles licensed by the DCA, shall have at least one (1) handicap accessible vehicle available.
 - (2) All new non-taxi companies with sedan/SUV vehicles submitting an application for a business permit pursuant to section 19-218, shall have a minimum of seven (7) vehicles in its fleet.
 - (3) All new non-taxi companies with van/shuttle vehicles submitting an application for a business permit pursuant to section 19-218, shall have a minimum of seven (7) vehicles in its fleet, and shall include at least one (1) handicap accessible vehicle.
 - (4) All new non-taxi companies with limousine and non-medical wheelchair and

stretcher transportation service vehicles submitting an application for a business permit pursuant to section 19-218, shall have a minimum of two (2) vehicles in its fleet.

(c) Taxis.

- (1) Each taxi is required to maintain a top light as defined in section 19-213.
- (2) No taxi shall be permitted or operated unless it is equipped with a taximeter which accurately registers the rates and charges posted on the outside of the vehicle. Taxis are required to use the taximeter to determine all fares. The taximeter must be plainly visible to allow easy viewing of the meter rate display by the passenger.
- (3) All taximeters shall be calibrated, at least once per year, tested and sealed pursuant to the most current addition of the National Institute of Standards and Technology (NIST) Handbook 44, at a registered taxi service agency, as authorized by the State Department of Agriculture and Consumer Services, Bureau of Weights and Measures.
- (4) Each taxi company must present meter calibration records when applying for and/or renewing the vehicle for hire business permit. The calibration record must show at a minimum, the date of calibration, and the name, address and phone number of the registered taxi service agency performing the calibration.
- (5) All taximeters must have a lead seal and current inspection decal affixed to the taximeter, by a registered taxi service agency. The company is responsible for assuring compliance with this paragraph.
- (6) If either the lead seal or inspection decal is missing or broken on the taximeter, the company must immediately take the vehicle out of service. The taximeter must be recalibrated by a registered taxi service agency, and a new lead seal and inspection decal must be affixed to the taximeter prior to the taxi being placed back into service.
- (7) All new taxi companies licensed in Palm Beach County will be required to accept as a method of payment for the fare (in addition to cash or other forms of payment acceptable to the company), a bank debit card or credit card.

Section. 19-221. - Vehicle decal requirements.

- (a) Each vehicle for hire shall display a Palm Beach County decal or trade dress while proceeding to or delivering service in accordance with this article that readily allows identification of the vehicle for hire company for which service is being offered.
- (b) It shall be a violation of this Ordinance to display such identification if the driver or vehicle for hire company are not properly permitted or authorized to provide service in accordance with this article.
- (c) If the short-term use of a rental vehicle by a vehicle for hire company is necessary, a short-term thirty-day vehicle placard shall be issued upon application to the division. The vehicle for hire company shall show proof that all temporary use vehicles meet the minimum insurance requirements of this article and provide a copy of the rental agreement. The short-term placard must be placed on the passenger's side dashboard of a rented vehicle for hire. The placard shall at a minimum include the name of the company, date of issuance and date of expiration. If a vehicle is rented for more than thirty (30) days, the vehicle for hire company must secure a new placard. The fee for a short-term vehicle placard shall be established by resolution of the board. All short-term use vehicles must meet all requirements of this article. Temporary use placards are not permitted for taxis.

Section. 19-222. - Impoundment.

- (a) Designated DCA employees or law enforcement officers are authorized to seize and impound any vehicle for hire which such employee or officer has probable cause to believe is being operated without a valid business permit issued by the DCA or automobile liability insurance pursuant to this article.
- (b) Any licensed driver and/or vehicle for hire company that has been suspended for failure to meet the required automobile liability insurance requirements pursuant to this article shall have its vehicle impounded and its business permit or authority revoked. If revoked, said business permit or authority shall not be issued or reinstated for a period of one (1) year from the date of revocation, and all new business permit application requirements or authorization shall apply.

(c) At the time and place of impoundment, the designated DCA employee or law enforcement officer will provide written notice to the owner/operator of the vehicle detailing:

- (1) The grounds for impoundment,
- (2) The description of the vehicle impounded,
- (3) The location of the secured facility where the vehicle will be held,
- (4) The process for having the vehicle released, and
- (5) The circumstances under which the vehicle will be disposed/sold if the owner fails to meet the requirements of this section and fails to claim the vehicle pursuant to F.S. § 713.78, as may be amended.

If the owner of the vehicle is not present at the time of impoundment, within twenty-four (24) hours the DCA will make a good faith effort to give a notice of seizure in writing to said vehicle owner and lien holder. A copy of said notice of seizure shall also be given to the towing company which impounds the vehicle.

Whenever a vehicle is seized under this section, and for any reason notice cannot be given to the owner as hereinabove provided, then a written report of such impoundment shall be sent by mail to the appropriate law enforcement agency.

(d) The DCA shall obtain the assistance of either the county sheriff's office or the specific police agency in the municipality where the vehicle is to be towed to coordinate the impoundment of the vehicle with an authorized towing company either on rotation by the law enforcement agency or under contract with the DCA.

(e) The owner and/or lien holder of the vehicle may appeal the decision of the DCA to impound a vehicle.

(f) Appeal process. If the vehicle owner disputes the grounds for the vehicle impoundment, he or she may appeal to the consumer affairs hearing board/special master. The owner of an impounded vehicle shall make a request in writing to the division for a hearing within five (5) business days of the vehicle being impounded and pay the non-refundable appeal fee established by resolution of the board. The DCA shall arrange for the hearing within ten (10) business days or as soon as practicable, after receiving

the written request. All interested persons shall be given reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing, and hearsay evidence shall be admissible. After considering all evidence presented, the hearing board/special master shall upon clear and convincing evidence, either uphold the decision of the DCA to impound the vehicle or determine there was insufficient cause for impoundment. If the hearing board/special master determines there was insufficient cause for the impoundment, the towing fees will be returned to the owner by the DCA.

- (g) Default hearing. If the owner of the impounded vehicle fails to appear for the appeals hearing specified above, the hearing board/special master shall make a determination pursuant to this section. The DCA shall inform the owner of the default determination by certified mail, return receipt requested or by personal delivery. The order of the hearing board/special master shall include the provisions of this section.

Section. 19-223. - Vehicle safety, appearance, and inspection requirements.

Prior to the use and operation of any vehicle for hire under the provisions of this article, all vehicles shall be inspected annually, but not more than one year before the application for a business permit is submitted to DCA or before the driver seeks authorization from the vehicle for hire company to operate pursuant to this article. The transportation of children shall be in accordance with F.S. § 316.613, as may be amended, and those vehicles and operations which are subject to the Americans with Disabilities Act shall comply with the applicable provisions of said Act. Additionally, each vehicle shall meet the following requirements:

(a) Mechanical/safety inspections.

- (1) A mechanical vehicle inspection must be completed on all vehicles for hire. This inspection shall be completed by a mechanic certified by the National Institute for Automotive Service Excellence (ASE) utilizing a three (3) part inspection form approved by DCA. The inspection, at a minimum, shall include the following components, which shall be demonstrated to be functional and meet the safety standards designated by the manufacturer:

- (1) Foot brakes;
- (2) Emergency parking brake;
- (3) Suspension/steering mechanism;
- (4) Windshield;
- (5) Rear window and other glass;
- (6) Windshield wipers;
- (7) Headlights;
- (8) Taillights;
- (9) Turn indicator lights;
- (10) Brake lights;
- (11) Front seat adjustment mechanism;
- (12) Doors (open/close/lock);
- (13) Horn;
- (14) Speedometer;
- (15) Bumpers;
- (16) Muffler and exhaust system;
- (17) Condition of tires, including tread depth;
- (18) Interior and exterior rear view mirrors; and,
- (19) Safety belts for drivers and passengers.

The mechanical inspection becomes an annual requirement each year thereafter in order for the vehicle to be allowed to operate. The inspection form must show that the vehicle passed all of the requirements as specified, and the mechanic must provide his/her ASE certification number, the expiration date of his/her certification, the name and license number of the state licensed motor vehicle repair facility, where the inspection was performed, and his/her signature as verification that all information provided is true and correct. This information must be recorded on the inspection form for each vehicle inspected. Drivers shall keep proof of their vehicle inspection with them at all times in their vehicle and provide a copy of same to the

DCA upon request. Any driver whose vehicle was inspected before May 1, 2016, or during the term of an operating agreement between the County and vehicle for hire company may continue to operate without obtaining the inspection required under this section for one year from the date of their last inspection.

(2) Upon such inspection, if it is found that the vehicle for hire operating under this article does not meet the requirements established herein, the driver shall receive a copy of the deficiencies, and order the vehicle to be removed from service until such time as the vehicle has been made to comply with the requirements specified herein. It is the responsibility of the vehicle owner to make necessary repairs or corrections before the vehicle is re-inspected and returned to service. A vehicle for hire company shall suspend the authorization of any driver whose vehicle fails an inspection or who fails to timely report the results of an inspection until the driver demonstrates that his or her vehicle has passed an inspection pursuant to this article. It shall be unlawful for a mechanic or technician to provide false information on an inspection form required pursuant to this section. Any driver whose vehicle fails to pass the inspection or timely report the results of an inspection may have his or her ID badge or Alternative Identification suspended or revoked as provided herein.

(b) Visual Inspection requirements. Taxis and non-medical wheelchair and stretcher transportation vehicles.

(1) All taxi and non-medical wheelchair and stretcher transportation vehicles shall be visually inspected when first placed into service, and annually thereafter by DCA. DCA personnel shall use a standard two part DCA Vehicle for Hire Visual Inspection form/check list while performing the inspection. This visual inspection covers various physical items including, but not limited to, lettering, top light, taximeter decal and seal, meter rates posted, seat belts, tires, lights, signals, interior condition, vehicle equipment, safety equipment, radio and/or cell phone, spare, tire changing equipment, etc. for taxis. The visual inspection form/checklist also includes the wheelchair and stretcher design requirements specified herein for non-medical transportation vehicles. Upon such inspection, if it is found that the taxi or non-medical wheelchair and stretcher transportation vehicles operating

under this article do not meet the requirements established herein, the driver shall receive a copy of the deficiencies, and DCA shall order the vehicle to be removed from service. It is the responsibility of the taxi or non-medical wheelchair and stretcher transportation vehicle owner to comply with the requirements specified herein.

- (2) The inspection of vehicles shall take place during a designated period of time and at a location designated by the DCA. It is the responsibility of the taxi or non-medical wheelchair and stretcher transportation company to make vehicles available during the designated period of time and at the designated location.
- (3) The DCA will provide written notification (fax or electronic notification acceptable) to the taxi or non-medical wheelchair and stretcher transportation company of the time and location where inspections will be conducted.
- (4) If the business fails to appear for inspection during the designated inspection period established by the DCA, a rescheduling fee must be paid to the DCA prior to rescheduling. The non-refundable rescheduling fee shall be established by resolution of the board. Failure to reschedule within five (5) business days shall be a violation of this article and may result in the denial/revocation of the permit. If a taxi or non-medical wheelchair and stretcher transportation company cancels or fails to present the vehicle(s) for the re-scheduled inspection, the company shall pay a fee that is established by resolution of the board.
- (5) Vehicles acquired by a taxi or non-medical wheelchair and stretcher transportation company after submitting the annual business permit application cannot be substituted for vehicles previously scheduled for inspection, unless the taxi or non-medical wheelchair and stretcher transportation company provides all required vehicle documentation at least ten (10) business days before the designated inspection time established by the DCA.
- (6) If a taxi or non-medical wheelchair and stretcher transportation vehicle fails inspection and a reinspection is required, then the failed vehicle(s) are to be brought to the DCA's designated reinspection site within five (5) business days by appointment. If the vehicle is not reinspected within five (5) business days, then a

failed vehicle reinspection fee as established by resolution of the board shall be paid to the DCA.

- (7) Taxi or non-medical wheelchair and stretcher transportation vehicles that have failed an inspection shall be red-tagged by the DCA. A red-tag "out of service" decal will be applied to the vehicle by a DCA employee and the vehicle shall not be used for any taxi or non-medical wheelchair and stretcher transportation company purposes until such time as the vehicle is brought to the DCA, inspected and approved for operation. Only DCA employees may remove the red-tag decal.

Sec. 19-224. is hereby deleted in its entirety.

Sec. 19-225. is hereby deleted in its entirety.

Section. 19-226. - Insurance.

- (a) It shall be unlawful for any vehicle for hire company or driver to operate and transport passengers without automobile liability insurance in effect for each vehicle in service issued in accordance with applicable Florida law, as may be amended from time to time.
- (b) Proof of insurance shall be provided to the DCA evidencing coverage required by applicable Florida law, as may be amended from time to time. No policy shall be accepted which is less than a six-month duration. Each policy shall be endorsed to provide for at least thirty (30) days' written notice to the DCA of any non-renewal of the policy or at least ten (10) days' written notice to the DCA of any cancellation/non-payment of the policy. Evidence of the renewal of the policy shall be filed with the DCA prior to such policy's expiration date. Failure to file such evidence of insurance, or failure to have same in full force and effect, may result in denial of a business permit(s), revocation or suspension of the business permit(s), a denial of renewal of such business permits, issuance of a civil citation, or other such remedies available to the DCA herein.
- (c) Each certificate of insurance shall be submitted to the DCA directly from the insurer (or a duly authorized agent)

- (d) A properly completed certificate of insurance evidencing all insurance coverages shall be made available to the DCA upon application for a business permit. Certificates of insurance must contain the following name and address as certificate holder and additional insured:

Board of County Commissioners of Palm Beach County
c/o Division of Consumer Affairs
50 South Military Trail, Suite 201
West Palm Beach, FL 33415

- (e) The DCA may deny, suspend or revoke the business permit of any vehicle for hire company for failure to obtain or maintain insurance as required by this article. Any vehicle for hire company which submits false or fraudulent insurance documents shall be subject to immediate denial or revocation. Such companies shall not be eligible to reapply for a business permit for five (5) years. The DCA shall notify the state department of financial services/DCA of insurance fraud for follow-up investigation and review. Upon denial, suspension or revocation of the business permit, the vehicle for hire company shall be entitled to an appeal according to the provisions in section 19-229.

- (f) The DCA shall suspend the business permit of any vehicle for hire company which fails to ensure that each and every vehicle associated with the company :

(1) Is insured on a current certificate of insurance provided to the DCA by the authorized agent or insurance company no later than the date of expiration of its previous policy, or

(2) Has a reinstatement notice provided to the DCA no later than the date of cancellation of said policy.

- (g) Any vehicle for hire company which has had its business permit suspended more than two (2) times in any twelve-month period (as provided for in subsection (f) above) may have such permit revoked for a period of one (1) year.

- (h) An "administrative insurance reactivation" fee established by resolution of the Board, shall be assessed for all vehicle for hire companies that are suspended pursuant to

subparagraph (f) above. The suspension shall not be withdrawn until the fee is paid to the DCA.

Section 19-227. - Driver requirements; failure to comply.

(a) It shall be unlawful for any person to operate any vehicle for hire within and upon the streets of the County without a County vehicle for hire driver's ID badge issued by the DCA, or other approved means of Alternative Identification that allows passengers, law enforcement and the DCA to ensure that drivers have qualified to deliver service. Driver ID badges will only be issued by DCA to drivers who have proven compliance with 19-227(a) (1-19). All applicants shall conform to the following unless they are authorized under subsection (m) of this section:

- (1) Be at least eighteen (18) years of age;
- (2) Possess a valid State of Florida driver's license or is otherwise authorized to operate a motor vehicle in Florida pursuant to Section 322.031, Florida Statutes, and possess vehicle registration;
- (3) State Department of Highway Safety and Motor Vehicles Traffic/Driving Record Report
 - (a) Provide the original form of his/her lifetime State Department of Highway Safety and Motor Vehicles traffic/driving record report to the Division which was secured no more than thirty (30) days before the application/renewal was submitted. Upon initial application, if a driver has resided in Florida less than five (5) consecutive years, a traffic/driving record/history from each state where he/she previously resided must be provided for at least a five-year period; or
 - (b) Provide a State of Florida Department of Highway Safety and Motor Vehicles traffic/driving history report which was secured no more than thirty (30) days before the application/renewal was submitted. Electronic records of such driving history reports shall be maintained by the vehicle for hire company.
- (4) Not have more than three (3) moving violations in the three-year period prior to such check; a major violation in the three-year period prior to such check (including,

- but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);
- (5) Not have been classified as a habitual traffic offender (as defined by Florida state statutes);
- (6) Upon initial application or renewal, the driver must provide the original request form for his/her Florida Department of Law Enforcement (FDLE) level 2 criminal history/records report to the DCA, as well as payment for the amount required to secure the criminal history/records report. The DCA shall then be responsible for processing the request and payment to the FDLE. Prior to submitting a request for a level 2 criminal history record check pursuant to this article, the DCA shall notify each applicant to be fingerprinted that his or her fingerprints will be sent to the State Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. The notification shall also state that the vehicle for hire driver has a right to:
- a. Obtain a copy of his or her criminal history records; and
 - b. To challenge the completeness and accuracy of the criminal history records pursuant to state and federal law; and
 - c. To request a correction, change or update to the criminal history records pursuant to state and federal law.
- (7) Not have been, within the last seven (7) years before the date of application of an ID badge or approved use of Alternative Identification, convicted of a felony, unless his or her civil or residency rights have been restored;
- (8) Not have been convicted before the date of application of an ID badge or approved use of Alternative Identification of any criminal offense relating to sex crimes, the use of a deadly weapon, homicide, false imprisonment, kidnapping, violent offense against a law enforcement officer under - Section 775.0823, Florida Statutes, nor have been adjudicated a habitual violent felony offender under Section 775.084, Florida Statutes;

- (9) Not have been convicted within the last three (3) years before the date of application of an ID badge or approved use of Alternative Identification of a first degree misdemeanor, involving violence, theft, or property damage;
- (10) Not have been, within the last seven (7) years before the date of application of an ID badge or approved use of Alternative Identification, convicted of:
 - a. Driving under the influence of drugs or intoxicating liquors (D.U.I.);
 - b. Fleeing the scene of any accident; or
 - c. Vehicular manslaughter or any death resulting from driving.

Notwithstanding anything contained herein to the contrary, and prior to allowing a driver to provide vehicle for hire services, a vehicle for hire company shall conduct or have a third party conduct a local, state and national background check to include the National Sex Offender Registry Database, Public Access to Court Electronic Records ("PACER") system, social security trace and a driving history research report, that does not require fingerprinting for each potential driver through a DCA-approved agency accredited by the National Association of Professional Background Screeners (NAPBS). The accredited agency will perform a background check of the driver, which will be used by the vehicle for hire company to determine whether he/she meets the requirements pursuant to this article. The vehicle for hire company shall provide the name of the agency used for conducting background checks to the DCA at time of application, and such vehicle for hire company shall certify to DCA that its drivers have met all background checks requirements in compliance with this section 19-227. Nothing contained herein shall preclude a vehicle for hire company from requiring its drivers to undergo a level 2 criminal history/records background check in accordance with paragraph 6 of this section, that includes fingerprinting and meets all other requirements of this section for each potential driver.

- (11) All vehicle for hire drivers with current driver ID badges or Alternative Identification are required to notify the DCA within ten (10) business days upon being convicted of any crime that would make the driver ineligible to operate as a driver under this section or, if the driver is affiliated with a vehicle for hire company that conducts its own background check under paragraph (10), must notify the company upon

conviction of such crime within ten days. The Company shall not allow drivers access to its digital platform due to non-eligibility under the provisions of this section 19-227;

- (12) Applicants shall have no unsatisfied civil penalties, judgments or administrative orders pertaining to this article;
- (13) Every application or renewal application shall be in writing and signed by the applicant and shall be filed with the DCA on a form provided by the DCA, together with nonrefundable fees which shall not be subject to proration;

Each ID badge or Alternative Identification shall be valid for a two-year period and shall be renewed every other year from the date of the initial/renewal application. The DCA or Vehicle for Hire Company may deny or revoke a vehicle for hire ID badge or Alternative Identification if it is determined that the applicant has misrepresented, omitted, or concealed a fact on the application, renewal application or replacement application. If the ID badge or Alternative Identification is denied, the DCA or Vehicle For Hire Company shall not accept a subsequent application for one (1) year from the date of denial, unless there is less than one (1) year to satisfy the time as provided herein. In such situations, the applicant will be permitted to reapply for an ID badge or Alternative Identification after the time requirements have been satisfied. If the ID badge or Alternative Identification is revoked, the DCA or Vehicle for Hire Company shall not accept a subsequent application for one (1) year from the date of revocation. For renewal, the applicant must furnish the documentation requested by the DCA or Vehicle for Hire Company, and submit nonrefundable renewal fee(s) not more than ninety (90) days before the expiration date. Persons who fail to reapply at least thirty (30) days prior to expiration, risk having a gap in their authorization to drive a Vehicle For-Hire vehicle. Persons who fail to submit their renewal application, required documentation and fees by the expiration date of the badge or Alternative Identification must pay a nonrefundable late fee. Any applicant who fails to submit a renewal application within one (1) year of the expiration will be considered a new

applicant and no grandfathered provisions will apply. All fees shall be established by resolution of the Board;

- (14) Submit to photographing (full face exposure/without sunglasses or head coverings) prior to the issuance of the business permit/ID badge by the DCA;
 - (15) Not possess a suspended or revoked driver's license as a result of a moving violation or have any outstanding and unsatisfied civil penalties, citations or judgments imposed due to violations of this article;
 - (16) Not violate the terms of a cease and desist order, assurance of voluntary compliance, notice to correct a violation or any other lawful order of the DCA;
 - (17) Not be enjoined by a court of competent jurisdiction from engaging in the vehicle for hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this article;
 - (18) Have no conviction in any military or foreign jurisdiction, federal, state, county or municipal jurisdiction within the United States for violations analogous or parallel to those violations enumerated in all sections herein;
 - (19) Not be found by the DCA to have a lack of reputability as provided herein. For the purposes of this article, lack of reputability shall mean that the DCA cannot trust the applicant to safeguard the welfare and property of the public. Acts constituting a lack of reputability shall include, but are not limited to, responding to a call while under the influence of alcohol or any controlled substance to the extent where normal faculties are impaired, the unexplained removal of personal property from a vehicle for hire not belonging to the driver, outstanding arrest warrants for the driver applicant, falsification of information in the vehicle for hire application process, or other facts and circumstances that lead the DCA to believe the applicant's reputation in the community cannot be trusted.
- (b) The driver of a vehicle for hire shall conspicuously display the ID badge issued pursuant to this article or shall display for a passenger or regulatory/enforcement agency an Alternative Identification.

- (c) The DCA may issue a replacement ID badge to any driver upon application, payment of a nonrefundable replacement fee, presentation of proof or a sworn affidavit that the ID badge has been lost, stolen, change of company, or for any other valid reason, and any other documentation or requirement requested by the DCA. The replacement fee shall be established by resolution of the Board.
- (d) It shall be unlawful for any person to drive a vehicle for any vehicle for hire company which has not been granted a business permit pursuant to this article.
- (e) It shall be unlawful for any applicant for a vehicle for hire ID badge to misrepresent, omit or conceal a fact on the application, renewal application or replacement application.
- (f) Vehicle for hire companies shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to any driver, provide notice of the policy on its website, as well as the procedures to report a driver the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride, and immediately suspend said driver upon receipt of a passenger complaint alleging a violation of the policy. The suspension shall last the duration of the investigation. Further, drivers are required to provide a smoke-free environment inside their vehicles when transporting a passenger.
- (g) Drivers must be clean, and maintain a neat appearance.
- (h) Passengers shall be offered a receipt for the fare collected.
- (i) Drivers shall not use abusive language or be discourteous to passengers or DCA personnel.
- (j) Drivers must be able to speak and understand English to the extent they can take instruction from passengers and complete incident/accident reports.
- (k) Upon initial application for an ID badge under subsection (a) of this section, the DCA or designated agency shall examine each applicant and, at a minimum, determine the applicant's knowledge of County geography and his/her ability to understand the English language. A driver is only required to successfully complete the examination

one (1) time. A driver/applicant which initially fails either the geography or English test may retake the test within thirty (30) days at no additional charge. If a driver/applicant fails either requirement during the retest, that person will be denied his/her ID badge, but may reapply and repay all applicable fees at anytime.

- (l) Exemptions: Any person who possessed a valid ID badge or Alternative ID on May 1, 2016 shall be exempt from any new requirements of this section 19-227. However, such persons would be ineligible to receive a driver's ID badge or Alternative ID and the driver's ID badge or Alternative ID would be revoked if he/she is convicted of new offenses as described in this article.
- (m) Notwithstanding anything contained herein to the contrary, and prior to allowing a driver to provide vehicle for hire services, vehicle for hire companies may provide Alternative Identification as set forth below of this section through use of a digital platform that allows the driver to display his/her picture and the information described below to allow for his/her identification for the assurance of the passenger and for regulatory verification. As an alternative to the ID badge process set forth in subsection (a) of this section, a Driver may obtain authorization to operate in the County from a permitted vehicle for hire company provided he/she is in compliance with this section 19-227, subsections (a)(1)-(5) & (7)-(11) and meets the vehicle safety inspection and automobile insurance requirements set forth in sections 19-223 and 19-226 of this article.
- (n) Upon receipt of information from DCA that a driver no longer meets the requirements of this section, a vehicle for hire company that authorizes drivers pursuant to subsection (m) of this section shall immediately revoke the Alternative Identification it issued to the driver, notify the driver that he or she is no longer authorized to operate a vehicle for hire and, in the case of a transportation network company, prohibit the driver from operating on its digital platform. A driver whose Alternative Identification was revoked based on direction received from DCA may appeal that decision in accordance with Section 19-229.

Section. 19-228 is hereby deleted in its entirety.

Section. 19-229.- Revocation, suspension and denial of business permits/ID badges/Alternative ID badge; administrative appeal.

- (a) The DCA is authorized to deny, suspend or revoke business permit/ID badges and Alternative Identification upon written notice. Suspensions shall not be more than six (6) months. Companies/drivers not resolving issues related to suspensions within the six-month suspension period will be subject to permit/ID badge and Alternative Identification revocation. Said notice of business permit/ID badge or Alternative Identification denial, suspension or revocation shall be by personal service (to the owner, driver or representative), by certified mail (return receipt requested) or posting in a conspicuous place at the place of business or home of the driver.
- (b) Upon receipt of the notice of denial, revocation, or suspension of a business permit/ID badge or Alternative Identification which notice shall specify the grounds for the denial, suspension or revocation, the vehicle for hire company, person or driver shall be entitled to an appeal according to the following:
 - (1) Administrative appeal: Any vehicle for hire company, person or driver which has had a business permit/ID badge/Alternative ID badge denied, revoked, or suspended by the DCA, may appeal such decision to the consumer affairs hearing board/special master within twenty (20) days of receipt of the decision. A non-refundable filing fee must accompany the written request for appeal. The business, person, driver or attorney shall file a written notice of appeal signed by the business officer/owner, driver or attorney requesting a hearing and setting forth a brief statement of the reasons thereof. The filing fee shall be established by resolution of the board. The appeal shall be reviewed at a hearing of the consumer affairs hearing board/special master within sixty (60) days of receipt by the DCA of the notice of appeal. The vehicle for hire business/person/driver may be represented by an attorney and shall be entitled to present a defense.
 - (2) Orders: At the conclusion of any hearing set forth in this section, the consumer affairs hearing board/special master shall orally render its decision (order) based on evidence entered into the record. The decision shall be by motion approved by the affirmative vote of those members present and voting. The decision shall be stated in a written order and mailed to the vehicle for hire company/driver not later than ten (10) days after the hearing, and shall be deemed final agency action with regard to the matter appealed.
 - (3) Court appeal: Any person may appeal a final determination of the consumer affairs hearing board/special master within thirty (30) days of the rendition of the decision by filing a petition for writ of certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for the county.

- (4) For purposes of appeal, the FDLE criminal history/records reports and the state department of highway safety and motor vehicles traffic/driving record report shall be deemed prima facie evidence.
- (c) All hearings and appeals shall be scheduled and determined as promptly as practicable and in no event more than sixty (60) days from the date the written notice of appeal was filed. Written notice of the time, date, and place of the hearing of the appeal shall be served upon the appellant no later than twenty (20) days prior to the date of the hearing. Said notice of hearing, shall be by personal service, certified mail or posting in a conspicuous place at the place of business or home of the driver or person. Failure of the business to respond within the time frames specified herein or failure to appear at a duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice.
- (d) The consumer affairs hearing board/special master shall consider the evidence and documentation as well as the statement offered by any interested party and shall consider the matter de novo and shall, upon the basis of the evidence before it, affirm, modify or reverse the decision of the director.
- (e) If the consumer affairs hearing board/special master affirms the decision of the director to deny, suspend or revoke a business permit/ID badge or Alternative Identification the denial, suspension or revocation shall be effective from the date of the consumer affairs hearing board's/special master's written order. All decisions of the consumer affairs hearing board/special master shall constitute final agency action for purposes of further appeal.
- (f) Suspension of the business permit/ID badge or Alternative Identification: If, at the conclusion of the hearing, the consumer affairs hearing board/special master decides to suspend the business permit/ID badge or Alternative Identification, a time certain shall be set as the period of suspension. Prior to the end of such time certain, those violations for which the suspension was imposed shall be corrected; otherwise, the suspended permit(s) shall be automatically revoked.
- (g) Revocation of business permit/ID badge or Alternative Identification: If, at the conclusion of the hearing the consumer affairs hearing board/special master decides to revoke the permit/ID badge or Alternative Identification, the business/driver shall return the business permit and/or the ID badge and remove and return all vehicle decals to the DCA. A vehicle for hire company or driver whose business permit/ID badge or Alternative Identification has been revoked, shall not be eligible to reapply as a new applicant for a period of one (1) year from the date of revocation.
- (h) If the consumer affairs hearing board/special master reverses the decision of the director, the director shall issue or restore the business permit/ID badge or Alternative Identification.

- (i) When the business permit of a vehicle for hire company has been denied, suspended or revoked, all vehicle for hire services shall immediately cease.
- (j) In the event a written notice of appeal and accompanying filing fees are not submitted within the times frames outlined in this article, the decision of the director shall prevail.
- (k) Administrative appeal - Insurance. When a business permit has been suspended or revoked for failure of the vehicle for hire business to obtain or maintain required liability insurance and the vehicle for hire company wishes to appeal the suspension/revocation, the vehicle for hire company may appeal such decision to the consumer affairs hearing board/special master within five (5) days of receipt of the decision. The appeal shall be heard by the consumer affairs hearing board/special master within thirty (30) days of receipt of the written appeal. A non-refundable filing fee must accompany the written request for appeal. The filing fee shall be established by resolution of the board.
- (l) Effect of appeal: An appeal of the decision of the director to suspend or revoke a business permit/ID badge or Alternative Identification shall stay the effective date of the suspension or revocation. A stay does not apply to a revocation or suspension of a vehicle for hire company which failed to maintain liability insurance as required by section 19-226.
- (m) Hearing procedures: Notwithstanding section 11 A of Palm Beach County Consumer Affairs Ordinance 77-10 (as may be amended from time to time), the consumer affairs hearing board/special master shall give due regard to competent, reliable and technical evidence which will aid the consumer affairs hearing board/special master in making a fair determination of the matter, regardless of the existence of any common law or statutory rule which might otherwise make improper the admission of such evidence. All parties shall have an opportunity to present evidence and argument on all issues involved, to conduct cross examination and submit rebuttal evidence, and to be represented by counsel.

When appropriate, the general public may be given an opportunity to present oral or written communications. The consumer affairs hearing board/special master may consider any evidence, including evidence of the general reputation of the petitioner. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Irrelevant, immaterial or unduly repetitious evidence may be excluded but all the other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, (including hearsay) whether or not such evidence would be admissible in a trial in the courts of the state. Orders of the consumer affairs hearing board/special master shall be based on competent and substantial evidence. The petitioner shall have the burden of proof by a preponderance of the evidence.

Section. 19-230. - Enforcement.

- (a) It shall be the duty of the DCA to enforce the provisions of and initiate proceedings for violations of the vehicle for hire ordinance.
- (b) The consumer affairs hearing board/special master as provided for in Chapter 9, Article I, of this Code, as may be amended or replaced, shall have jurisdiction over all violations of this article. The consumer affairs hearing board/special master may conduct hearings regarding violations of the vehicle for hire ordinance in accordance with the procedures provided for herein.

Whenever, based upon personal investigation and in accordance with the policies and procedures established by the DCA, the investigator has reasonable and probable grounds to believe that a person has committed a violation of the vehicle for hire ordinance, the officer may issue a citation to the violator.

- (c) The maximum civil penalty which may be levied by citation shall be established by resolution of the board. Moneys collected in payment for citations shall be remitted to the DCA.
- (d) The act for which the citation is issued shall cease upon receipt of the citation, and the person charged with the violation shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation or, within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays, request an administrative hearing before the consumer affairs hearing board/special master to appeal the issuance of the citation by the investigator. If the hearing date is not set forth in the citation, a notice of hearing shall be served on the violator as provided herein. Failure of the violator to appeal the decision of the investigator within the timeframe as set forth herein shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation, and penalties may be imposed accordingly.
- (e) Upon written notification by the investigator that a respondent has not contested the citation or paid the penalty within the time allowed on the citation, or if a violation has not been corrected within the time set forth on the citation, the consumer affairs hearing board/special master shall enter an order ordering the violator to pay the civil penalty set forth on the citation. A hearing shall not be necessary for the issuance of such an order. The order shall include a notice, if applicable, that fine(s) were imposed.
- (f) Upon appeal of a citation, or at such other times as may be necessary, a hearing before the consumer affairs hearing board may be convened. The following shall apply:
 - (1) Minutes shall be kept of all hearings and all hearings shall be open to the public.
 - (2) At the hearing, the burden of proof shall be upon the county to show by a preponderance of the evidence that a violation does exist. Where proper notice of

the hearing has been provided to the violator as provided herein, a hearing may proceed even in the absence of the violator.

- (3) The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. Upon determination by the chair of the consumer affairs hearing board or special master, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida.
- (4) Any member of the consumer affairs hearing board/special master, the attorney representing the consumer affairs hearing board, the respondent and his/her attorney may inquire or question any witness present at the hearing. The violator or his/her attorney shall be allowed to cross-examine all witnesses present at the hearing and present testimony and evidence.
- (5) At the conclusion of the hearing, the consumer affairs hearing board/special Master shall orally render an order based on evidence into the record. In the case of hearings before the consumer affairs hearing board, the decision shall be by motion approved by the affirmative vote of those persons present and voting. An order setting forth findings of fact and conclusions of law shall then be mailed to the violator within ten (10) days of the hearing.
- (6) If the consumer affairs hearing board/special master finds that a violation exists, the consumer affairs hearing board/special master may order a civil penalty of no more than five hundred dollars (\$500.00). Each permit/ID badge or Alternative Identification not in compliance and each day in which a violation of this article exists shall constitute a separate offense.

A certified copy of an order imposing a civil penalty against the violator may be recorded in the public records and thereafter shall constitute a lien against any real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriff of the state, including a levy against personal property. The order shall not be deemed a court judgment except for enforcement purposes. A civil penalty imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose the lien, whichever occurs first. After three (3) months, from filing of any such lien which remains unpaid, the consumer affairs hearing board/special master may authorize the local governing body's attorney to foreclose the lien. No lien created pursuant to this article may be foreclosed on real property which is homestead, under Section 4, Article X of the Florida Constitution.

- (g) If the violator or his designated representative proves at the administrative hearing that the citation is invalid or that the violation has been corrected prior to appearing before the consumer affairs hearing board/special master, the consumer affairs hearing board/special master may reduce the fine or dismiss the violation, unless the violation is irreparable or irreversible.
- (h) An aggrieved party, including the governing body, may appeal a final administrative order of the consumer affairs hearing board/special master to the circuit court by petition for writ of certiorari.
- (i) Proper notice of hearing is given where notice has been mailed to the violator by certified mail, return receipt requested, by hand delivery by the sheriff or other law enforcement entity, by leaving the notice at the violator's usual place of residence with some person in the family above fifteen (15) years of age and informing said person of the contents of the notice; or where an investigator, under oath, testifies that he/she did hand deliver the citation to the violator which included a hearing date.
- (j) Notwithstanding the consumer affairs hearing board/special master process set forth above, the county shall take any other appropriate legal action, including, but not limited to, administrative action, enforcement through an alternative code enforcement ordinance pursuant to F.S. ch. 162, pts. I and II, and requests for temporary and permanent injunctions to enforce the provisions of this article. It is the purpose of this article to provide additional cumulative remedies.

Section. 19-231. - Violations.

- (a) False statements on applications. It shall be unlawful for any person to knowingly and intentionally make or cause to be made any false statement in writing or the omission of material information for the purpose of procuring a vehicle for hire business permit, vehicle decal or ID badge/alternative ID badge or to knowingly and intentionally make any false statements or entries or material omissions on the records required to be kept by this article.
- (b) Failure to comply with the provisions of this section may result in the division denying a business permit(s)/driver's I.D. badge, or Alternative Identification, revoking or suspending the business permit(s)/driver's I.D. badge, or Alternative Identification, denying the renewal of such business permits, driver's I.D. badge, or Alternative Identification, issuing a civil citation, or other such remedies available to the division herein.

Section. 19-232. - Appeals.

Any person may appeal a final determination of the consumer affairs hearing board/special master within thirty (30) days of the rendition of the decision by filing a notice of administrative appeal in the Circuit Court of the Fifteenth Judicial Circuit in and for the county.

Section. 19-233. - Fees.

All fees required by this article and established by resolution are non-refundable and shall be deposited in a separate county account and used exclusively to accomplish the purposes of this article.

Section. 19-234. - Penalties.

Any person convicted of violating any portion of this article shall be punished as provided by law.

Section. 19-235. - Start-up.

After May 1, 2016, any new vehicles added to the fleet of existing permitted companies or newly permitted companies will be subject to all requirements of this article.

Section. 19-236. - Repeal of laws in conflict.

All local laws and ordinances applying to the unincorporated area of the county in conflict with any provision of this article are hereby repealed to the extent of any conflict.

Section. 19-237. - Savings clause.

Notwithstanding the section of this ordinance regarding repeal of laws in conflict, all administrative and court orders, fines, and pending enforcement issued pursuant to this authority and procedures established by Chapter 19, Article IX of the Palm Beach County Code shall remain in full force and effect.

Section. 19-238. – Jurisdiction. is hereby deleted in its entirety.**Section. 19-239. - Severability.**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance

Section. 19-240. - Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word Ordinance may be changed to section, article, or other appropriate word.

Section. 19-241. - Captions.

The captions, section headings, and section designations used in this Ordinance are for convenience only and have no effect on the interpretation of the provisions of this Ordinance.

Section. 19-242. – Effective Date.

The provisions of this Ordinance shall become effective May 1, 2016, and upon filing with the Department of State, whichever occurs last.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the _____ day of _____, 2016.

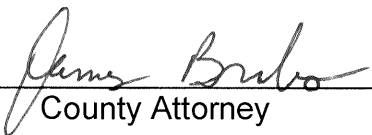
SHARON R. BOCK,
CLERK & COMPTROLLER

Palm Beach COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Mary Lou Berger, Mayor

Approved as to form and
legal sufficiency

By:  _____
County Attorney

Filed with the Department of State on the _____ day of _____, 2016.

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: June 9, 2016

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Consideration of a Moratorium on the Dispensing of Medical Marijuana

Date: June 3, 2016

STAFF RECOMMENDATION

Staff recommends that ORS review the information provided, relative to the previous ORS discussions regarding the imposition of a moratorium on the dispensing of medical marijuana in the Town of Palm Beach, in anticipation of an attempt to legalize medical marijuana dispensing in Florida via a November 2016, ballot question.

GENERAL INFORMATION

In 2014, ORS had significant discussion regarding the imposition of a moratorium on the dispensing of medical marijuana in anticipation of approval in the November 2014 election. (See the attached draft ordinance, which was not adopted.) The ballot question ultimately failed rendering the actions the Town were considering as unnecessary. Further discussions were tabled indefinitely.

It is now expected that the legalization of medical marijuana dispensing in Florida will be a ballot question again for the November 2016 general election. Staff and Town Attorney, Skip Randolph, will provide additional background and outline our concerns regarding this issue at the ORS meeting.

Attachments

cc: Thomas G. Bradford, Town Manager
Kirk Blouin, Director of Public Safety
John C. Randolph, Town Attorney

ORDINANCE NO. XX- 2014

AN ORDINANCE OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING A MORATORIUM ON THE APPROVAL OR ISSUANCE OF ANY NEW LICENSES OR PERMITS FOR ANY USES THAT INVOLVE THE CULTIVATION, PROCESSING AND DISPENSING OF MEDICAL MARIJUANA; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the Town of Palm Beach is authorized and required to protect the public health, safety and welfare of its citizens and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the public health, safety and welfare is a legitimate public purpose recognized by the courts of Florida; and

WHEREAS, in the 2014 Legislative Session, the Florida Legislature enacted Chapter 2014-157, Laws of Florida, which permits prescription of medical marijuana in very limited circumstances, and provides for a limit of five (5) dispensing organizations in the state, effective January 1, 2015; and,

WHEREAS, a statewide referendum to amend the Florida Constitution to legalize a broader use of medical marijuana to treat a wider class of medical conditions is scheduled for November 4, 2014; and,

1 **WHEREAS**, the proposed Constitutional Amendment does not provide information on
2 how medical marijuana prescribed pursuant to its provisions will be cultivated, processed and
3 dispensed; and,

4 **WHEREAS**, given the historical legal prohibitions on marijuana, the Town has never
5 had the need to review the potential implications of uses in the Town for uses that would
6 include the production and distribution of marijuana; and,

7 **WHEREAS**, should the proposed Constitutional Amendment be approved, the Florida
8 Department of Health will be required to adopt rules on implementing medical marijuana,
9 which according to the proposed amendment must be accomplished within six (6) months of
10 adoption of the amendment; and,

11 **WHEREAS**, in addition to the need for state laws and regulations, the Town will need
12 to review uses involving the cultivation, processing and dispensing of medical marijuana in the
13 context of the Town's land development regulations, and the scope and content of such review
14 will be dictated by adopted state legislation and rules; and,

15 **WHEREAS**, based upon the above facts and recommendations from Town
16 Administration, the Town Council deems it necessary and to be in the best interests of the health,
17 safety, and welfare of the citizens and residents of the Town of Palm Beach, to impose a
18 moratorium on the approval of any new applications or the issuance of any new licenses for uses
19 that involve the cultivation, processing and dispensing of medical marijuana until November 1,
20 2015; ~~and;~~

1 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE**
2 **TOWN OF PALM BEACH, FLORIDA THAT:**

3 **Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as
4 being true and correct and are hereby made a specific part of this Ordinance. These clauses
5 represent the legislative findings of the Town Council. It is the purpose and intent of this
6 Ordinance to promote the health, safety and welfare of the residents of Palm Beach.

7 **Section 2. Moratorium Declared.** The Town Council hereby declares a
8 moratorium shall be immediately imposed on the approval of any applications or the issuance of
9 any new licenses for uses that involve the cultivation, processing and dispensing of medical
10 marijuana until November 1, 2015. This moratorium is not intended to impair the practice of
11 medicine by duly licensed physicians and shall not be interpreted inconsistent with any state
12 preemptions. During the term of the moratorium, the Town shall not accept or review any
13 applications for licenses or permits for uses that include medical marijuana. The moratorium may
14 be extended by the Town Council by subsequent ordinance should additional time be needed by
15 the Town for the adoption of appropriate land development regulations once all state laws and
16 regulations have been adopted and are affective.

17 **Section 3. Severability.** If any clause, section, or other part or application of this
18 Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid,
19 such unconstitutional or invalid part or application shall be considered as eliminated and so not
20 affecting the validity of the remaining portions or applications remaining in full force and
21 effect.

1 **Section 4. Conflicts.** All ordinances or parts of ordinances, resolutions or part of
2 resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

3 **Section 7. Effective Date.** This ordinance shall take effect immediately upon its
4 passage.

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1 PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the
2 Town of Palm Beach on first reading this ____ day of _____ 2014, and for second and
3 final reading on this ____ day of _____ 2014.

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Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: June 9, 2016

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Ongoing Concerns Regarding Shark Fishing on Public Beaches

Date: June 3, 2016

STAFF RECOMMENDATION

Staff recommends that ORS review the information provided, relative to the previous actions taken by the Town Council to address concerns related to shark fishing from the Town's shoreline, as well as options to further address ongoing concerns related to this activity.

GENERAL INFORMATION

As recommended by the ORS Committee in February 2015, Ordinance 9-2015 was adopted on March 10, 2015, to regulate camping and sleeping in public places, including on beaches, in an effort to eliminate the safety and litter concerns related to shark fishing events that had previously taken place on the beaches of the Town's shoreline. Previous to the adoption of this ordinance individuals were camping overnight on the beaches and leaving large amounts of litter and rotting bait fish at their campsites. Although the shark fishing activity has decreased since the adoption of this ordinance, there are still ongoing concerns regarding this activity. Code enforcement and patrol officers have not been successful in catching individuals sleeping or camping on the beaches, which would be in violation of Town Code.

The biggest concern is for the safety of residents who live adjacent to the fishing areas. Those fishing for shark are using kayaks to chum the near shore waters with bloody fish carcasses to attract the shark. These are the same waters that children use for recreational swimming, so there is an obvious concern for their wellbeing, as shark behavior is being conditioned to swim near shore for food. Town Attorney, Skip Randolph, has opined that despite the fact that State law would preempt the Town of Palm Beach from establishing hours for the use of public areas east of the high water mark, it is appropriate for the Town to close access points to the beach at a certain times each day. Furthermore, he has verified that the Town has civil and criminal jurisdiction over property within its corporate boundaries and may regulate and restrict certain activities reasonably calculated to protect the public health, safety and welfare. Reasonable regulations would include prohibiting lighting fires on the public beach, overnight camping or sleeping on the public beach and the prohibition of shark fishing by chumming or blood baiting.

Attachments

cc: Thomas G. Bradford, Town Manager
Kirk Blouin, Director of Public Safety
John C. Randolph, Town Attorney

TOWN OF PALM BEACH

Town Council Meeting on: February 10, 2015

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 9-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 70 of the Town Code Relating to Offenses to Include a New Section 70-9 to Provide a Prohibition on Sleeping or Camping on any Beach, Dune, Beach Access, Sidewalk, Parking Lot or Other Public Area of the Town, or in any Vehicle upon Town Street, Right-of-Way, Town Property, Beach Access Parking Area or Parking Lot or any Other Public Property Between the Hours of 10:00 p.m. and 6:00 a.m. the Following Day; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Thomas G. Bradford, Town Manager

Supporting Documents

- [Memorandum dated February 5, 2015, from Thomas G. Bradford, Town Manager](#)
- [Ordinance No. 9-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 10, 2015

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Proposed Ordinance to Prohibit Sleeping and Camping on Various Public Properties in Town
Ordinance No. 9-2015

Date: February 5, 2015

STAFF RECOMMENDATION

Staff recommends the Town Council adopt Ordinance No. 9-2015.

GENERAL INFORMATION

During the week of January 26 the Town began to receive complaints from North End residents about people camping on the beaches. The Police Department quickly responded and discovered people were in fact sleeping and camping on the public portions of the beach, but there was no prohibition of such activities in the Town Code so long as they stayed on the public portions of the beach. Staff requested the Town Attorney prepare an emergency ordinance to address the problem and have the ordinance reviewed by the ORS Committee at their meeting on February 5. Prior to the ORS meeting we learned that the campers were associated with an organized tournament to catch sharks by line, tag them and release them. When the tournament ended the problem went away, but the Town was left with a need to control such activities in the future. We proceeded as planned to ORS for review of the proposed ordinance, but without the need to do so on an emergency basis.

Ordinance 9-2015 was reviewed by ORS and changes were made to the ordinance, which have been included in the attachment hereto.

TOWN ATTORNEY REVIEW

The Town Attorney prepared Ordinance 9-2015.

cc: Kirk Blouin, Director of Public Safety
Ann-Marie Taylor, Captain, Police Department
Raychel Houston, Manager, Parking and Code Enforcement
John C. Randolph, Town Attorney

ORDINANCE NO. 9-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 70 OF THE TOWN CODE RELATING TO OFFENSES TO INCLUDE A NEW SECTION 70-9 TO PROVIDE A PROHIBITION ON SLEEPING OR CAMPING ON ANY PUBLIC BEACH, DUNE, BEACH ACCESS, SIDEWALK, PARKING LOT OR OTHER PUBLIC AREA OF THE TOWN, OR IN ANY VEHICLE UPON ANY TOWN STREET, RIGHT-OF-WAY, TOWN PROPERTY, BEACH ACCESS PARKING AREA OR PARKING LOT OR ANY OTHER PUBLIC PROPERTY BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M. THE FOLLOWING DAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 70 of the Town Code of Ordinances relating to Offenses is hereby amended to include a new Section 70-9 to provide as follows:

“Sec. 70-9. Sleeping, camping in public place; sleeping in vehicle.

No person shall sleep or camp on any public beach, dune, beach access (dune crossover), sidewalk, parking lot or other public area of the town and no person shall sleep in any vehicle upon any town street, public right-of-way, town property, beach access parking area, parking lot or any other public property between the hours of 10:00 p.m. and 6:00 a.m. the following day.”

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of February, 2015, and for second and final reading on this ____ day of March, 2015.

Gail L. Coniglio, Mayor

Town Council President

President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Susan A. Owens, MMC, Town Clerk

Town Council Member

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TOWN OF PALM BEACH

Information for ORS Committee Meeting on: June 9, 2016

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Request by Worth Avenue Property Owners' Association to Implement Zone Parking on Worth Avenue

Date: June 5, 2016

STAFF RECOMMENDATION

Staff recommends that ORS review the information provided and provide direction, relative to the request from the Worth Avenue Property Owners' Association (WAPOA) to implement a zone parking program on Worth Avenue.

GENERAL INFORMATION

The attached letter dated March 22, 2016, from Mr. Ed Kassatly of the WAPOA, requesting the implementation of zone parking was received by the Town. Said letter was presented to the Town Council at its May 10, 2016, meeting and Council requested ORS study the matter. Subsequent to the Town Council meeting, the Town received the attached letter, dated May 23, 2016, from President Marley Herring of the Worth Avenue Association (WAA), opposing the implementation of zone parking.

The WAPOA reports that employee parking on Worth Avenue continues to be a problem, as coveted spaces are occupied by employees of the businesses in the area. The implementation of zone parking would make it more difficult for employees to "juggle" cars every two hours but the WAA points out unintended consequences such as confusion by shoppers, which would lead to parking citations. Both organizations have been invited to the ORS meeting to participate in the discussion.

Attachments

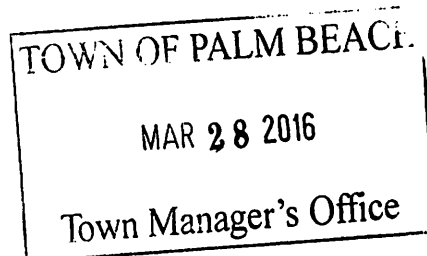
cc: Thomas G. Bradford, Town Manager
Kirk Blouin, Director of Public Safety
John C. Randolph, Town Attorney

Worth Avenue Property Owners Association

250 Worth Avenue | Palm Beach, FL 33480

March 22, 2016

Mr. Jay Boodheshwar
Deputy Town Manager
365 South County Road
Palm Beach, FL 33480



RE: Worth Avenue paid parking

Dear Jay:

On behalf of the Worth Avenue Property Owners Association, I am writing to you with a request concerning the continuing problem we experience on Worth Avenue with our parking space deficits.

Following my correspondence to Mr. Bradford on January 21st, I have noted that the two hour parking limit on the Avenue has not been enforced judiciously. Further, since the problem with employee parking is the main reason for the deficit of parking spaces available to customers, the POA would like to request that the Town consider a "zoned" parking system on Worth Avenue.

By creating a necessity for employees to move their vehicles from one block to another after two hours, we believe that it might alleviate some of the problem by getting those employees to work with the parking lots for paid parking, or with the Town with placard parking.

I stand available to speak with your concerning this.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ed Kassatly".

Ed Kassatly
Worth Avenue Property Owners Association



May 23, 2016

Jay Boodheshwar
Deputy Town Manager
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Worth Avenue Parking

Dear Jay:

On behalf of the board of directors of the Worth Avenue Association, it has come to our attention that the Worth Avenue Property Owners Association has requested the Town's consideration of implementation of a "zoned" parking plan for Worth Avenue.

The Board of Directors would like to express their opposition to any sort of zoned parking plan on Worth Avenue. It is the concern of the Association that not only will this create the need for an additional proliferation of signage on the Avenue, but we consider the confusion factor for visitors to be onerous and unwelcoming.

A real parking solution may never be found for Worth Avenue, however, please consider this carefully before implementing any such plan without our participation and input, since it is such a crucial issue.

Very sincerely yours,

Marley Herring
President