EXHIBIT 1

PROPOSED

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ORDINANCE NO. 2017-

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MOTOR CARRIERS; AMENDING VARIOUS SECTIONS OF CHAPTER 22½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); PROVIDING THAT TAXICABS MAY USE A SOFTWARE PROGRAM, PLATFORM, OR APPLICATION INSTALLED ON AN ELECTRONIC DEVICE AS A TAXIMETER; PROVIDING THAT TAXICABS MAY CHARGE A FARE EQUAL TO OR LESS THAN THE FARE SET BY THE BOARD OF COUNTY COMMISSIONERS; UPDATING THE DEFINITION OF DIVISION; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

10 (Sponsored by Commissioners Mark D. Bogen, Dale V.C. Holness, and Chip LaMarca)

11

12 WHEREAS, Chapter 22½ of the Broward County Code of Ordinances regulates

13 for-hire transportation services in Broward County; and

14 WHEREAS, the fares charged by taxicabs are regulated exclusively by Broward

15 County; and

16 WHEREAS, taxicabs are required to have a taximeter installed; and

17 WHEREAS, the Broward County Board of County Commissioners ("Board")

18 desires to allow taxicabs greater flexibility to charge lower rates to customers and to use

19 different forms of taximeters to integrate technology and facilitate a more flexible fare

20 structure; and

21 WHEREAS, the Board finds that the revisions to the Code as set forth herein are

22 necessary and in the best interest of Broward County,

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1   BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF

2 BROWARD COUNTY, FLORIDA:

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4   Section 1.   Section 22½-1 of the Broward County Code of Ordinances is hereby

5 amended to read as follows:

6   **Sec. 22½-1. Definitions.**

7   This Chapter may be referred to and cited as the "Motor Carriers Ordinance." For

8 the purposes of this Chapter, the following definitions shall apply unless the context of

9 their usage clearly indicates another meaning:

10   (a)   *Applicant* means an individual, partnership, association, or corporation who

11 applies for a certificate of public convenience and necessity, a permit, a license, or a

12 chauffeur's registration pursuant to the terms of this Chapter. In the case of partnerships,

13 associations, and corporations, "applicant" shall also mean each individual with a

14 partnership interest, each associate, and the corporate officers and directors. Any

15 signature required in completing forms shall be in original ink and not photocopied.

16   (b)   *Certificate* means any certificate of public convenience and necessity

17 issued pursuant to this Chapter, which authorizes the holder to engage in providing

18 passenger transportation services to the public.

19   (c)   *Chauffeur* means a duly licensed driver registered with the Environmental

20 ~~Licensing~~ and ~~Building Permitting~~ <u>Consumer Protection</u> Division of Broward County to

21 operate a motor vehicle for hire.

22   . . .

23   (f)   *Director* means the Director of the Environmental ~~Licensing~~ and ~~Building~~

24 ~~Permitting~~ <u>Consumer Protection</u> Division of Broward County.

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1   (g)   *Division* means the Environmental ~~Licensing~~ and ~~Building Permitting~~

2 Consumer Protection Division of Broward County.

3   . . .

4   (q)   *Taximeter* means any device approved by the Division which is internally

5 mounted in a taxicab and which records and indicates a charge or fare measured by

6 distance traveled, waiting time, or other traditionally compensable activities or items of

7 taxicab service. In addition to a conventional taximeter, a taximeter may be a software

8 program, platform, or application installed on an electronic device.

9   . . .

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11   Section 2.   Section 22½-9A of the Broward County Code of Ordinances is

12 hereby amended to read as follows:

13   **Sec. 22½-9A. Operations—Minimum standards of conduct.**

14   The role of certificate, license, and permit holders is essential to enhance and

15 showcase public transportation services to the residents and visitors of Broward County.

16 Intrinsic to operation of a quality public transportation service is the conduct of each

17 certificate, license, and permit holder. Therefore, all such holders are required to comply

18 with the following minimum standards:

19   . . .

20   (n)   No fares or compensation for transportation services shall ~~be collected~~

21 ~~other than at~~ exceed the established taxicab meter rate or agreed upon limousine rate or

22 any other compensation established by the County, including any additional payment for

23 transporting baggage which accompanies the passenger; provided, however, that this

24

1 | provision shall not apply to gratuities, nor shall the words "fares" or "compensation" be
2 | construed to include gratuities.

3 | . . .

4 |

5 | Section 3.   Section 22½-9B of the Broward County Code of Ordinances is
6 | hereby amended to read as follows:

7 | **Sec. 22½-9B. Operations—Minimum vehicle standards.**

8 | . . .

9 | (f)   In addition to the standards set forth in subsection (a), taxicabs shall meet
10 | the following minimum standards:

11 | (1)   Owner's trade name, monogram or insignia, taxicab number, and telephone
12 | number permanently affixed upon the metal portion of the outside of each
13 | side in letters at least three (3) inches high, and cab number painted upon
14 | the outside rear panel of <u>the</u> taxicab in letters at least three (3) inches high.

15 | (2)   Two-way radio installed and operating properly with access to or affiliated
16 | with a central dispatch facility, or any other electronic equipment utilized for
17 | handling service requests.

18 | (3)   Taximeters shall be:

19 | a.   Installed and entirely illuminated so as to be easily seen by a
20 | passenger sitting in any part of the taxicab;

21 | b.   Approved by Florida Department of Agriculture, Bureau of Weights
22 | and Measures<u>,</u> or a designated facility authorized to certify meter
23 | operation <u>or, in the case of taximeter software program, platform, or</u>

24 |

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1   application installed on an electronic device, approved by the

2   Division;

3   c.   Attached to telltale lights so that telltale lights shall automatically

4   illuminate when the taximeter is in operation and extinguish when the

5   taximeter is not in operation.

6   . . .

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8   Section 4.   Section 22½-10 of the Broward County Code of Ordinances is

9 hereby amended to read as follows:

10 **Sec. 22½-10. Taximeters.**

11   . . .

12   (c)   The ~~entire face of every taximeter shall at all times be visible from the~~

13 ~~taxicab's passenger compartment by reasonable efforts of passengers and~~ taximeter

14 shall be <u>mounted in the taxicab,</u> illuminated<u>, and have one (1) or more displays of</u>

15 <u>sufficient size that</u> ~~so~~ passengers may ~~ascertain the amount of~~ <u>view the</u> fare registered

16 by the taximeter <u>from the taxicab's passenger compartment with ease.</u>

17   (d)   No taxicab shall be operated within Broward County unless the case of the

18 taximeter installed has been sealed<u>, or in the case of a taximeter software program,</u>

19 <u>platform, or application installed on an electronic device,</u> approved by the Division.

20   (e)   The signal affixed to any taximeter shall under no circumstances indicate

21 that the taxicab is vacant when in fact such taxicab is engaged by a passenger~~, nor shall~~

22 ~~any such signal indicate that the taxicab is employed at a fare different from that fare~~

23 ~~prescribed by this Chapter.~~

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1   (f)   The amount of fare collected from any passenger shall not differ from that

2 shown by the taximeter, ~~or an~~ nor exceed the amount established by the County as a

3 legal fare, and the driver shall, upon demand, furnish the passenger with a receipt stating

4 the amount of fare collected.

5   (g)   It shall be unlawful for any person to tamper with, mutilate, or break the

6 taximeter or its seal in a currently licensed motor vehicle. Taximeters may be transferred

7 from one taxicab to another; provided, however, that a taxicab with a transferred taximeter

8 shall not be used to transport passengers unless and until the taximeter has been

9 inspected, tested, and sealed by the Division.

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11   Section 5.   Section 22½-11 of the Broward County Code of Ordinances is

12 hereby amended to read as follows:

13 **Sec. 22½-11. Taxicab rate regulations.**

14   (a)   The provisions of this section shall be the exclusive method ~~for the~~

15 ~~establishment of~~ to establish taxicab rates in both the unincorporated and incorporated

16 areas of Broward County.   Notwithstanding the provisions regarding a municipal

17 ordinance, resolution, or agreement to the contrary, no municipality shall authorize,

18 establish, charge, alter, amend, or otherwise regulate rates charged by a motor carrier.

19 All municipal ordinances or resolutions to the contrary are superseded.

20   (b)   It shall be unlawful for any ~~registered~~ taxicab chauffeur to charge, demand,

21 request, or accept any fare ~~different from the rates~~ in excess of the fares established

22 pursuant to this Chapter. ~~Said rate may be the amount shown on the taximeter or any~~

23 ~~other type of fare established by the County.~~ Rates established by this Chapter shall be

24 uniform throughout Broward County, both in the incorporated and unincorporated areas,

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1 without regard to any municipal regulatory jurisdiction. A chauffeur may charge a rate

2 less than the rate established by the Commission pursuant to this Chapter.

3   (c)   The Commission shall control rates for all taxicabs operating in Broward

4 County. Taxicab Rrates shall be established, altered, amended, and revised, increased,

5 or decreased in accordance with the following procedure:

6   . . .

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8   Section 6.   SEVERABILITY.

9   If any portion of this Ordinance is determined by any Court to be invalid, the invalid

10 portion shall be stricken, and such striking shall not affect the validity of the remainder of

11 this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot

12 be legally applied to any individual(s), group(s), entity(ies), property(ies), or

13 circumstance(s), such determination shall not affect the applicability hereof to any other

14 individual, group, entity, property, or circumstance.

15

16   Section 7.   INCLUSION IN CODE.

17   It is the intention of the Board of County Commissioners that the provisions of this

18 Ordinance shall become and be made a part of the Broward County Code; and that the

19 sections of this Ordinance may be renumbered or relettered and the word "ordinance"

20 may be changed to "section," "article," or such other appropriate word or phrase in order

21 to accomplish such intentions.

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Section 8.   EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Joni Armstrong Coffey, County Attorney

By _/s/ Annika E. Ashton_____ 05/11/17   **PROPOSED**
     Annika E. Ashton   (date)
     Assistant County Attorney

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