

PROPOSED

ORDINANCE NO. 2018-

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") RELATING TO THE LICENSING AND OPERATION OF FOR-HIRE GROUND TRANSPORTATION SERVICES; REMOVING REGULATIONS RELATED TO TRANSPORTATION NETWORK COMPANIES AND CERTIFIED MOTOR CARRIERS; AMENDING VEHICLE STANDARDS; AMENDING PROVISIONS RELATED TO THE EXPIRATION OF PERMITS; ALLOWING FOR ADDITIONAL TIME FOR REDEMPTION OF WHEELCHAIR ACCESSIBLE CERTIFICATES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Chapter 22½ of the Broward County Code of Ordinances ("Code") regulates for-hire ground transportation services in Broward County; and

WHEREAS, under Chapter 22½ of the Code, Broward County classifies transportation network companies as motor carriers and regulates for-hire ground transportation services provided by transportation network companies; and

WHEREAS, effective July 1, 2017, Broward County's regulation of transportation network companies has been preempted by state law; and

WHEREAS, the Board of County Commissioners ("Board") desires to amend Chapter 22½ of the Code to reflect the preemption of County regulations; and

WHEREAS, the Board desires to update the vehicle for-hire regulations to reflect changes in the industry and to streamline the regulatory process; and

1 WHEREAS, the Board desires to amend Chapter 22½ of the Code to allow for
2 additional time for redemption of wheelchair accessible certificates issued pursuant to
3 Section 22½-3(a)(2); and

4 WHEREAS, the Board desires to ensure that residents and visitors have access
5 to quality for-hire ground transportation services by providing for certain vehicle
6 standards; and

7 WHEREAS, the Board finds that the revisions to the Code as set forth herein are
8 necessary and in the best interest of Broward County,

9 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

11 Section 1. Chapter 22½-1 of the Broward County Code of Ordinances is hereby
12 amended to read as follows:

13 **Sec. 22½-1. Definitions.**

14 This Chapter may be referred to and cited as the "Motor Carriers Ordinance." For
15 the purposes of this Chapter, the following definitions shall apply unless the context of
16 their usage clearly indicates another meaning:

17 . . .

18 (j) *Motor carrier* means an individual, partnership, association, corporation, or
19 other entity that owns, controls, operates, exercises dominion over, or manages any
20 motor vehicle, as defined in this Chapter, or that contracts with individuals who provide
21 for-hire ground transportation, and which holds itself out as engaged in any part of the
22 business of providing passenger, for-hire ground transportation services to the public, or
23 private clients, for compensation, or connecting individuals with transportation providers,
24 including ~~transportation network companies and any other~~ individual or entity that

1 receives payment for arranging or providing for-hire ground transportation services, but
2 does not include restaurants and hotels. This definition is exclusive of any business that
3 owns and operates any motor vehicle as a "courtesy" vehicle for customers who pay for
4 the primary service with transportation included as an ancillary benefit. Such a motor
5 vehicle shall be clearly identified as a "courtesy vehicle" with a sign indicating same in full
6 view of a passenger entering the vehicle. Notwithstanding the foregoing, "courtesy
7 vehicles" shall be included in the term motor carrier for purposes of Port Everglades
8 Business Permits, as set forth below in Section 22½-6D, and to operate at the Fort
9 Lauderdale-Hollywood International Airport, as stated in the requirements set forth below
10 in ~~Sub~~section 22½-6B(a)(3), regardless of the seating capacity per vehicle. For purposes
11 of Port Everglades Business Permits, motor carrier shall include those entities that
12 operate buses within Port Everglades.

13 (k) *Motor Vehicle* or *vehicle* means all vehicles or machines propelled by power
14 other than muscular, used upon the public streets for public passenger transportation, by
15 motor carriers to transport passengers, including, but not limited to:

16 . . .

17 ~~(7) *Transportation network company vehicle* shall mean a personal or other~~
18 ~~noncommercial vehicle that is used by a transportation network company~~
19 ~~driver to provide transportation services arranged through a transportation~~
20 ~~network company's digital platform.~~

21 . . .

22 ~~(v) *Transportation network company* means an individual, partnership,~~
23 ~~association, corporation, or other entity that uses a digital platform to connect passengers~~

1 to drivers who use a personal or other noncommercial vehicle to provide for hire ground
2 transportation services.

3 (w) ~~Transportation network company driver~~ means an individual who uses the
4 individual's personal or noncommercial vehicle to provide ground transportation services
5 arranged through a transportation network company's digital platform.

6 (x) ~~Digital platform~~ means any internet-enabled platform, program, or software,
7 including a smartphone or tablet application or website.

8 . . .

9 Section 2. Section 22½-2 of the Broward County Code of Ordinances is hereby
10 amended to read as follows:

11 **Sec. 22½-2. Certificates of public convenience and necessity; exceptions.**

12 It shall be unlawful for any motor carrier to use, drive, or operate or to cause or
13 permit any person to use, drive, or operate any motor vehicle upon the streets of Broward
14 County, or to receive compensation as a result of arranging or providing for the use or
15 operation of any vehicle in motor carrier services upon the streets of Broward County, or
16 to advertise in any print or electronic medium, air wave transmission, telephone directory,
17 or other media accessible to the public within Broward County that it offers motor carrier
18 services within Broward County, without first obtaining a certificate pursuant to the
19 provisions of this Chapter; provided, however, that this section shall not apply to the
20 following:

21 . . .

22 (l) Transportation network companies and transportation network company
23 vehicles as governed by Section 22½-7B of this Chapter 627.748, Florida Statutes.

24 . . .

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscoring type are additions.

1 Section 3. Section 22½-3 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 22½-3. Certificates of public convenience and necessity; application.**

4 (a) The Commission has determined that it shall be in the public interest to, at
5 no time, authorize more than one (1) taxicab vehicle, singly or in combination, per each
6 two thousand (2,000) inhabitants of Broward County nor to authorize more than one (1)
7 luxury sedan per each four thousand five hundred (4,500) inhabitants of Broward County
8 according to the most recent official estimate by the University of Florida, Population
9 Division, Bureau of Economic Business Research.

10 ...

11 (2) In addition, in June 2017, there shall be a one-time application period to
12 obtain a certificate of public convenience and necessity which will be
13 awarded at a public hearing for the following categories: (a) fifty (50)
14 certificates of public convenience and necessity for wheelchair accessible
15 vehicles, and fifty (50) associated bonus regular taxicab certificates of public
16 convenience and necessity; and (b) twenty-five (25) regular taxicab
17 certificates of public convenience and necessity awarded only to persons
18 who have driven a taxicab in Broward County for a minimum of sixty (60)
19 consecutive months.

20 a. The requirements for the 2017 one-time application period for
21 wheelchair accessible certificates and permits are as follows:

22 ...

23 2. The certificates and associated bonus regular taxicab
24 certificates shall be made available only to applicants who

1 meet the requirements of Section 22½-3(a)(2)b.2. These
2 certificates shall not be issued through the lottery system
3 provided in Section 22½-4(a). Instead, these certificates shall
4 be assigned by the Division on a first-come, first-served basis
5 to interested applicants. Upon payment of the applicable
6 nonrefundable fee, the Division shall issue a placeholder
7 ticket for a wheelchair accessible vehicle certificate, which
8 may be redeemed for a wheelchair accessible vehicle
9 certificate no later than ninety (90) days after the date the
10 placeholder ticket is issued. Upon request of the applicant,
11 the Director may allow up to two (2) additional ninety (90) day
12 extensions for redemption of placeholder tickets for a
13 wheelchair accessible vehicle certificate. The wheelchair
14 accessible vehicle certificate and accompanying bonus
15 regular taxicab certificate will be issued upon demonstrating
16 that the applicant has a wheelchair accessible vehicle that will
17 be immediately placed into service. The Division shall not
18 issue more than five (5) wheelchair accessible vehicle
19 placeholder tickets to any applicant. The wheelchair
20 accessible vehicle placeholder ticket shall expire and any fee
21 paid by an applicant will be forfeited if the wheelchair
22 accessible vehicle placeholder is not redeemed within ninety
23 (90) days after issuance, or after the expiration of any ninety
24 (90) day extension granted by the Director, whichever is later.

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1 . . .

2 ~~(b) The Commission shall hold one (1) public hearing regarding requests for~~
3 ~~applications under this Chapter in November to determine whether population figures~~
4 ~~require the issuance of new certificates and accompanying permits. If new certificates~~
5 ~~and accompanying permits are mandated as set forth above, the Commission shall adopt~~
6 ~~a resolution directing the Broward County Administrator to publish notice of a second~~
7 ~~public hearing to be held in April to determine which applicants shall be awarded the new~~
8 ~~certificates and accompanying permits.~~

9 ~~(e)~~ (b) Every application for a certificate, an amendment to a certificate, and an
10 approval of transfer or sale of a certificate shall be in writing, signed and sworn to by the
11 applicant, and shall be filed with the Division as provided in this Ordinance. The
12 application shall be on a form provided by the Division and shall contain the following:

13 (1) The applicant's name, address, and date of birth; the names, addresses,
14 and dates of birth of all partners or associates; and in the case of a
15 corporation, the corporation's name, date, and state of incorporation;
16 verified copy of registration to do business in the State of Florida; the
17 address of corporate headquarters in Florida; name and address of
18 registered agent; and names, addresses, and dates of birth of all corporate
19 officers and directors, where applicable.

20 (2) The applicant's fingerprints and photograph, taken by the Broward County
21 Sheriff's Office, Division, or a law enforcement agency for the purpose of a
22 criminal background check, which shall be attached to the application at the
23 time of filing. In the case of a partnership, association, or corporate
24

applicant, this information shall be obtained from all partners, associates, corporate officers, and directors.

~~(d)~~ (c) Each original application for a certificate, an amendment, and a transfer of an existing certificate shall be accompanied by a ~~non-refundable~~ nonrefundable application fee. The application fees shall be set by Commission resolution.

~~(e)~~ (d) Each application must have a place of business in Broward, Miami-Dade or Palm Beach ~~C~~counties.

~~(f)~~ (e) Taxicab drivers applying for a certificate must meet the following additional criteria:

(1) Hold a valid Broward County Chauffeur's Registration.

(2) Must have been an active Broward County driver for at least thirty-six (36) consecutive months prior to the date of application and file an affidavit of employment or contract relationship with a Broward County Certificate Holder.

(3) Not be a current certificate holder (drivers holding certificates must enter the general lottery).

~~(g) The Division shall investigate each certificate application and report its findings and recommendations to the Broward County Administrator. The Broward County Administrator may require further investigation or additional information as may be necessary to adequately inform the Commission about the applicant's proposed operations and, in the case of taxicabs and luxury sedans, the public's need for such additional taxicab or luxury sedan service based upon the population figures as set forth within subsection (a) above. The investigation results or additional information shall be a part of the record before the Commission.~~

1 Section 4. Section 22½-4 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 22½-4. Certificates of public convenience and necessity—Award.**

4 (a) No later than thirty (30) days prior to the award of certificates of public
5 convenience and necessity, the Division shall provide the Commission a summary of
6 certificates to be issued and an assessment of the public's need for additional taxicab or
7 luxury sedan service based upon the population figures as set forth within Section 22½-
8 3(a) above.

9 ~~(a)~~ (b) The certificates of public convenience and necessity shall be awarded by
10 drawing the names of eligible applicants. Each eligible applicant shall be entitled to have
11 its name entered in the drawing once for each available certificate; except, in the taxicab
12 driver only and wheelchair accessible taxicab drawings, where the applicant may enter
13 its name only once. The number of times a name is entered may not exceed the total
14 number of certificates to be issued. ~~A person designated by the Commission~~ The
15 Director, or a person designated by the Director, shall draw names for the number of
16 certificates available at a publicly noticed meeting.

17 ~~(b)~~ (c) There shall be four (4) separate drawings: a taxicab general; a taxicab
18 driver only; wheelchair accessible taxicab; and luxury sedans. ~~The Commission~~ Director
19 shall determine the number of approved certificates. Three and five-tenths percent
20 (3.5%) of the total number of approved taxicab certificates shall be issued to the
21 wheelchair accessible taxicab category. These certificates may only be used with
22 wheelchair accessible vehicles. One-half (½) of the remaining approved taxicab
23 certificates shall be issued to the taxicab general drawing, and one-half (½) of the
24 remaining approved taxicab certificates shall be issued to the taxicab driver only drawing.

1 In cases of uneven distribution, the additional certificate shall be distributed to the taxicab
2 driver only drawing. Wheelchair accessible taxicab certificate holders shall be awarded
3 an additional taxicab general certificate for each wheelchair certificate awarded, upon
4 payment of the Commission-prescribed award fee described in this section, which
5 additional taxicab general certificate shall be linked with the wheelchair accessible taxicab
6 certificate for the purposes of regulation under this Chapter, including any transfers of
7 ownership. ~~This distribution shall be reviewed by the Commission for a period of two (2)~~
8 ~~years, from the effective date of this Ordinance, for a determination of whether or not such~~
9 ~~allocation creates new opportunities for taxicab drivers or increases the motor carrier level~~
10 ~~of service.~~ Should the number of available taxicab certificates exceed the number of
11 applicants, the remaining certificates will be offered in the general taxicab lottery.

12 ~~(c) Any of the public hearings authorized by this section may be continued,~~
13 ~~deferred, rescheduled, or canceled by the Commission.~~

14 (d) Each certificate issued pursuant to this Chapter shall be signed by the
15 ~~Mayor or Vice Mayor of the Commission, attested to by the Broward County clerk, Director~~
16 and shall contain, in addition to the name and address of the applicant, a statement of
17 the class of transportation service authorized for the motor vehicles to be used in the
18 rendition of such service. The certificate shall also state such additional terms,
19 restrictions, conditions, provisions, and limitations as the Commission may deem to be in
20 the public's interest.

21 (e) ~~The certificate, when issued by the Commission, shall be forwarded to the~~
22 ~~Director, who~~ shall deliver the certificate to the applicant, upon payment of the prescribed
23 fee within sixty (60) days after award and upon proof of compliance with Section 22½-9C
24 of this Chapter. A copy of each certificate shall be maintained on file with the Division.

1 Section 5. Section 22½-5 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 22½-5. Certificates of public convenience and necessity—Transfer;**
4 **abandonment.**

5 . . .

6 (e) If at any time Broward County is holding ten (10) or more taxicab or luxury
7 sedan certificates and the accompanying permits due to revocation, forfeiture, or
8 abandonment, such certificates and their accompanying permits may be awarded ~~at any~~
9 ~~scheduled public hearing by the Division at a public meeting~~ in accordance with the
10 procedures set forth within this Chapter.

11 Section 6. Section 22½-6A of the Broward County Code of Ordinances is
12 hereby amended to read as follows:

13 **Sec. 22½-6A. Permits—General.**

14 . . .

15 (h) Each permit issued, including an airport operating permit, Port Everglades
16 Business Permit, or jitney license, shall expire ~~on June 30 each year~~ one (1) calendar
17 year after the date it is issued by the Division and may be renewed upon compliance with
18 this section, including payment of the requisite fee set by resolution of the Commission.

19 . . .

20 ~~(u) In lieu of the application process in Section 22½-6A(b)-(d), a certified motor~~
21 ~~carrier licensed pursuant to Section 22½-7C shall have the option to certify that the~~
22 ~~vehicles operating under its license meet the requirement of Section 22½-6A(b)-(d) and~~
23 ~~Section 22½-9B. Upon receipt of such certification and payment of the applicable fees,~~

1 ~~the Division shall issue to the certified motor carrier permits for each vehicle operating~~
2 ~~under its license as provided in Section 22½-6A(g).~~

3 Section 7. Section 22½-6D of the Broward County Code of Ordinances is
4 hereby amended to read as follows:

5 **Sec. 22½-6D. Port Everglades—Business permits.**

6 . . .

7 (e) A denial of a permit or a failure to renew a permit by the ~~Consumer Affairs~~
8 Division may be appealed by an applicant as ~~set forth below~~ follows:

9 Any applicant denied a Business Permit shall be provided with written notice of denial
10 setting forth the facts, law, and reason(s) upon which the denial is predicated. The notice
11 shall also contain a statement that the applicant has the right to a hearing before a
12 Hearing Panel. In order to be granted such a hearing, the applicant must file a written
13 request to the Director within thirty (30) days ~~of the date of~~ after receipt of the denial, and
14 the notice of denial shall so state.

15 Section 8. Section 22½-7B of the Broward County Code of Ordinances is
16 hereby deleted in its entirety.

17 Section 9. Section 22½-7C of the Broward County Code of Ordinances is
18 hereby deleted in its entirety.

19 Section 10. Section 22½-8 of the Broward County Code of Ordinances is hereby
20 amended to read as follows:

21 **Sec. 22½-8. Chauffeur's registration.**

22 (a) It shall be unlawful for any person to drive, operate, or control any motor
23 vehicle, which for the purposes of this section shall include paratransit services' motor
24 vehicles, for compensation over any street in Broward County without first having

1 obtained a chauffeur's registration from the Division pursuant to this section or an
2 authorization to operate after certification by a transportation network company or certified
3 motor carrier license holder vehicle pursuant to Section 22½-8(l).

4 . . .

5 (e) In lieu of obtaining a chauffeur's registration pursuant to this chapter,
6 transportation network company and certified motor carrier license holders shall have the
7 option to authorize a person to operate motor vehicles over the streets of Broward County
8 only upon certification by the transportation network company or certified motor carrier
9 license holder that the individual has met the requirements of Section 22½-8(e)(1)-(6)
10 after the transportation network company or certified motor carrier has conducted a local,
11 state, and national criminal background check through a Division-approved agency
12 accredited by the National Association of Professional Background Screeners (NAPBS)
13 that includes a social security trace, a review of all criminal records in all Florida counties
14 in which the background check conducted in accordance with this section reveals that the
15 individual has ever committed a crime as well as any county where the individual has
16 resided within the last seven (7) years, federal court records through the Public Access
17 to Court Electronic Records ("PACER") system, NATCRIM, or similar multistate and
18 multijurisdictional criminal database, state and national sex offender databases, and
19 driving history research reports.

20 (1) In order to be authorized by a transportation network company or certified
21 motor carrier, an individual shall submit an application to the transportation
22 network company or certified motor carrier that includes, at minimum,
23 information regarding his or her address, age, driver's license, driving
24 history, motor vehicle registration, and automobile liability insurance.

1 (2) ~~In addition to screening a prospective driver in accordance with the criteria~~
2 ~~set forth in Section 22½-8(e)(1)-(6), a transportation network company may~~
3 ~~not authorize an individual to operate if the background check required~~
4 ~~under this section reveals that:~~

5 a. ~~The individual has been convicted (convicted shall mean any judicial~~
6 ~~determination of conviction, adjudication withheld, or plea of nolo~~
7 ~~contendere), within the last seven (7) years, of driving under the~~
8 ~~influence of drugs or intoxicating liquors (D.U.I.); fleeing the scene of~~
9 ~~any accident; or vehicular manslaughter or any death resulting from~~
10 ~~driving; or~~

11 b. ~~The individual has been convicted, within the last three (3) years, of~~
12 ~~more than three (3) moving violations or driving on a suspended,~~
13 ~~revoked, or invalid license.~~

14 (3) ~~Prior to authorizing any individual to operate pursuant to this provision, a~~
15 ~~transportation network company or certified motor carrier shall issue to that~~
16 ~~individual a credential, which may be in digital form, that provides the name~~
17 ~~of the transportation network company or certified motor carrier, the name~~
18 ~~of the authorized driver, the date the credential was issued and, for~~
19 ~~transportation network company drivers, the license plate of the vehicle~~
20 ~~authorized to operate under the transportation network company license;~~
21 ~~provided that a TNC need not include the date of credential issuance if the~~
22 ~~credential resides on a digital platform or application that limits access to~~
23 ~~such platform or application to individuals authorized to operate pursuant to~~
24 ~~this section.~~

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- 1 (4) ~~An authorization or credential issued pursuant to this section shall be valid~~
2 ~~for no more than one (1) year.~~
- 3 (5) ~~Any individual authorized pursuant to this section shall have a copy of this~~
4 ~~credential available for inspection by the Division or any code enforcement~~
5 ~~officer at all times while operating a for-hire vehicle.~~
- 6 (6) ~~A transportation network company or certified motor carrier may not~~
7 ~~authorize any individual pursuant to this section who was denied a~~
8 ~~chauffeur's registration by the Division within one (1) year of the date of~~
9 ~~authorization.~~
- 10 (7) ~~No individual shall be authorized under this section who was previously~~
11 ~~denied a chauffeur's registration by the Division pursuant to Section 22½-~~
12 ~~8(e)(6) or 22½-8(e)(7).~~
- 13 (8) ~~Upon receipt of information that an individual no longer meets the~~
14 ~~requirements of Section 22½-8(e), the transportation network company or~~
15 ~~certified motor carrier shall immediately revoke the credential it issued to~~
16 ~~the driver, notify the individual that he or she is no longer authorized to~~
17 ~~operate a motor vehicle for hire and, in the case of a transportation network~~
18 ~~company, prohibit the driver from operating on its platform.~~
- 19 (9) ~~A transportation network company or certified motor carrier that certifies its~~
20 ~~drivers pursuant to this section shall notify the Division promptly if it begins~~
21 ~~using a multistate or multijurisdictional database that is different than the~~
22 ~~database it utilized when it obtained a license. If the Division determines~~
23 ~~that the new database does not comply with this Chapter, upon notice, the~~
24 ~~transportation network company shall immediately cease using that~~

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1 ~~database to authorize drivers and may only resume authorizing drivers if it~~
2 ~~utilizes the database that it used when it obtained a license or obtains the~~
3 ~~Division's approval to use a new database.~~

4 (10) ~~It shall be unlawful for a transportation network company or certified motor~~
5 ~~carrier to authorize a person to drive on the streets of Broward County or~~
6 ~~issue a credential to any individual who does not meet the requirements of~~
7 ~~this section.~~

8 (11) ~~It shall be unlawful for a transportation network company or certified motor~~
9 ~~carrier to authorize a person to drive on the streets of Broward County~~
10 ~~without complying with the provisions of this section.~~

11 Section 11. 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 (b) It shall be unlawful to include in any public advertisement, whether print,
21 electronic broadcast, or otherwise:

22 (1) The word "taxi," "taxicab," "cab," or any product, abbreviation, or derivation,
23 unless the ~~certified~~ motor carrier currently holds a valid certificate of public
24 convenience and necessity, permit, or license issued by Broward County.

1 (2) The word "limousine," or any product, abbreviation, or derivation, unless the
2 ~~certified~~ motor carrier currently holds a valid certificate of public
3 convenience and necessity, permit, or license issued by Broward County.

4 (c) No vehicle may be operated or driven except by a chauffeur registered or
5 driver authorized pursuant to Section 22½-8 of this Code.

6 . . .

7 ~~(h)~~ Drivers authorized to operate by a transportation network company or by a
8 certified motor carrier shall carry a current and valid credential on their persons at all times
9 while driving a motor vehicle for hire.

10 ~~(i)~~ (h) A motor vehicle shall not be driven when the permit has been revoked,
11 suspended, or forfeited.

12 ~~(j)~~ (i) Chauffeurs and drivers authorized to operate by a transportation network
13 company or certified motor carrier shall not operate a motor vehicle when their chauffeur's
14 registration or authorization has been revoked or suspended.

15 ~~(k)~~ (j) No taxicab shall transport passengers without a properly scaled and
16 operating taximeter with the flag down, meter running, and telltale lights operating.

17 ~~(l)~~ (k) All motor vehicle operators shall at all times maintain a neat appearance.

18 ~~(m)~~ (l) Passengers shall not be solicited for hotels, nightclubs, restaurants, bars,
19 boardinghouses, or any other business establishment.

20 ~~(n)~~ (m) No fares or compensation for transportation services shall exceed the
21 established taxicab meter rate or agreed upon limousine rate or any other compensation
22 established by the County, including any additional payment for transporting baggage
23 which accompanies the passenger; provided, however, that this provision shall not apply
24

1 to gratuities, nor shall the words "fares" or "compensation" be construed to include
2 gratuities.

3 ~~(e)~~ (n) No operator shall solicit a passenger, either in or out of the motor vehicle,
4 to transport the passenger to any place in Broward County or outside Broward County for
5 the purpose of participation in prostitution, sexual lewdness or obscenity, or for the
6 purpose of participation in the violation of state or local laws. It shall be unlawful for any
7 person to occupy or use such vehicle for the purpose of prostitution, pandering, or the
8 violation of any other law of the State of Florida or Broward County. It shall be unlawful
9 to allow or permit the use of any vehicle "for-hire" for any of the purposes prohibited in
10 this entire section when there is knowledge or reasonable cause to believe that a vehicle
11 "for-hire" is to be so used or is being used for such unlawful purposes.

12 ~~(p)~~ (o) Certificate holders, permit holders, license holders, ~~authorized drivers~~, and
13 registered chauffeurs shall cooperate fully at all times with the Division in the furnishing
14 of information required in connection with requests to show proof of licensure, in the
15 processing of an application to renew a registration, permit, or license, or in investigations
16 of consumer complaints. Further, certificate holders, permit holders, license holders,
17 ~~authorized drivers~~, and registered chauffeurs shall not obstruct, hamper, or interfere with
18 an investigation of violations of this Chapter conducted by a Division inspector or
19 employee, law enforcement officer, or employee of any other agency in enforcing this
20 Chapter. At no time shall a certificate holder, permit holder, license holder, ~~authorized~~
21 ~~driver~~, or registered chauffeur use abusive language or display hostile, aggressive, or
22 other inappropriate behavior toward passengers or any employee of the Division, any law
23 enforcement agency, or any other agency authorized to enforce this Chapter.

1 ~~(q)~~ (p) A motor vehicle shall not be operated where the driver's alertness is so
2 impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as
3 to make it unsafe to begin or continue operation of the motor vehicle.

4 ~~(r)~~ (q) The Division shall be notified of each change of address, employment, or
5 contract relationship for an entity holding a certificate of public convenience and necessity
6 ~~and/or address of a motor carrier.~~

7 ~~(s)~~ (r) ~~No~~ Operators shall ~~not~~ solicit or accept for transportation passengers when
8 the operator is outside of the jurisdictional area granted under the operator's certificate,
9 permit, or license.

10 ~~(t)~~ (s) ~~Chauffeurs or authorized drivers~~ parked at a designated stand awaiting
11 deployment shall remain adjacent to and in attendance of their vehicles. All vehicle doors
12 shall remain closed except when loading or unloading passengers.

13 ~~(u)~~ (t) Taxicabs using any designated public stand shall be in a single file and
14 faced in accordance with applicable traffic regulations. The chauffeur ~~or authorized driver~~
15 of the taxicab at the head of such file shall accept as a passenger any orderly person who
16 agrees to pay the proper fare; provided, however, that any such person shall have the
17 right to select any taxicab regardless of its position in the file. Upon the departure of any
18 taxicab from the file, the vehicles entitled to use such stand which were in the rear shall
19 move forward. No number of taxicabs greater than the maximum allowed shall attempt
20 to use any public stand. The Director shall cooperate with the municipalities or other
21 appropriate entities to designate public taxicab stands.

22 ~~(v)~~ (u) Possession of switchblades, knives, clubs, or other weapons by an
23 operators, whether in the vehicle or on the person, is prohibited, provided that this
24

1 prohibition shall not be applicable to the extent preempted by Chapter 790, Florida
2 Statutes (firearms, ammunition, or components thereof).

3 ~~(w)~~ (v) Routes to trip destinations shall be the most direct and economical to the
4 passenger unless otherwise directed or agreed to by the passenger.

5 ~~(x)~~ (w) Each motor carrier shall keep accurate records of receipts from operations,
6 operating and other expenses, capital expenditures, and such other operating information
7 as may be required by the Division. The Director shall be allowed access to the records
8 during normal business hours for the purposes of inspection or copy. Such records shall
9 be confidential to the full extent allowed by law.

10 ~~(y)~~ (x) No operator shall refuse to dispatch a taxicab to any place in Broward
11 County for service authorized by the terms of the applicable certificate.

12 Section 12. Section 22½-9B of the Broward County Code of Ordinances is
13 hereby amended to read as follows:

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

15 . . .

16 (f) In addition to the standards set forth in ~~subsection (a)~~ this section, taxicabs
17 shall meet the following minimum standards:

18 . . .

19 (g) In addition to the standards set forth in ~~subsection (a)~~ this section, new,
20 used, or remanufactured jitneys ~~which~~ that are purchased or leased for use, or in
21 contemplation of use, after July 1, 2001, in accordance with the provisions of this Chapter,
22 shall be ADA accessible.

23 . . .

1 (j) All vehicles for hire shall be inspected at a licensed or state-registered auto
2 repair shop to ensure compliance with the requirements of this Chapter by an master
3 mechanic or automobile technician who is certified by the American Advanced
4 Technicians Institute ("AATI") or the National Institute for Automotive Service Excellence
5 ("ASE") ~~certified master mechanic or automobile technician at a licensed or state-~~
6 ~~registered auto repair shop.~~

7 (k) Vehicles shall be inspected in accordance with the following schedule;
8 provided, however, that the Division may inspect a vehicle for hire for compliance with the
9 provisions of this Chapter at any time-:

10 (1) Vehicles for hire that are not more than ten (10) model years old shall be
11 inspected annually.

12 (2) Vehicles for hire that are ten (10) model years old or older and less than
13 fifteen (15) model years old shall be inspected semiannually.

14 (3) Vehicles for hire that are fifteen (15) model years old or older shall be
15 inspected quarterly.

16 (l) The results of each inspection shall be recorded by the master mechanic or
17 automobile technician on an inspection form prescribed by the Division, which completed
18 form shall be provided to the Division, ~~the transportation network company, or certified~~
19 ~~motor carrier~~ within ten (10) business days after the inspection. ~~If a driver registers with~~
20 ~~multiple transportation network companies or certified motor carriers, the driver may use~~
21 ~~the same inspection form that the driver provided to the first transportation network~~
22 ~~company or certified motor carrier with whom they registered; provided that, the driver~~
23 ~~provides the form to the second transportation network company or certified motor carrier~~
24 ~~within ten (10) business days after registration.~~ The inspection form shall indicate

1 whether the vehicle has met all of the safety and maintenance requirements of
2 Section 22½-9B. At the discretion of the Director, vehicle inspection forms from Miami-
3 Dade, Palm Beach, or other Florida counties may be submitted as proof of inspection in
4 lieu of the form prescribed by the Division. The master mechanic or automobile technician
5 completing the form and inspection must provide his or her ASE or AATI certification
6 number, the expiration date of his or her certification, the name and license or registration
7 number of the auto repair facility where the inspection was performed, and his or her
8 signature as verification that all information provided is true and correct. This information
9 must be recorded on the inspection form for each vehicle inspected. ~~Any vehicle failing~~
10 ~~to pass the inspection or timely report the results of an inspection by providing a~~
11 ~~completed inspection form to the Division, certified motor carrier, or transportation~~
12 ~~network company may have its operating permit suspended in accordance with~~
13 ~~Section 22½-13. A transportation network company or certified motor carrier shall~~
14 ~~suspend the authorization of any driver whose vehicle fails an inspection or who fails to~~
15 ~~timely report the results of an inspection until the driver demonstrates that his or her~~
16 ~~vehicle has passed an inspection pursuant to this Chapter. It shall be a violation of this~~
17 ~~Chapter to fail to use a certified technician to inspect vehicles, as required under this~~
18 ~~section, or to submit false inspection forms to the Division, certified motor carrier, or~~
19 ~~transportation network company. The Division may verify information and inspection~~
20 ~~forms submitted by the business. It shall be unlawful for a mechanic or technician to~~
21 ~~provide false information on an inspection form required pursuant to this section. A~~
22 ~~business that fails or does not follow the requirements of this section is subject to denial,~~
23 ~~revocation, or suspension of its business permit and decals. The Division may verify~~

1 information contained in inspection forms or any other information submitted to the
2 Division.

3 (m) Any vehicle failing to pass the inspection or as to which there is a failure to
4 timely report the results of an inspection by providing a completed inspection form to the
5 Division may have its operating permit suspended in accordance with Section 22½-13. It
6 shall be a violation of this Chapter to fail to use a master mechanic or automobile
7 technician to inspect vehicles, as required under this section, or to submit false inspection
8 forms to the Division. Any person or entity that fails to comply with the requirements of
9 this section is subject to denial, revocation, or suspension of its business permit and
10 decals.

11 (n) It shall be unlawful for a master mechanic or automobile technician to
12 provide false information on an inspection form required pursuant to this section. If the
13 Division obtains information that a master mechanic or automobile technician has issued
14 a fraudulent or improper inspection form, the Division may prohibit that master mechanic
15 or automobile technician from conducting vehicle for-hire inspections. The Division shall
16 periodically distribute its list of prohibited master mechanics and automobile technicians
17 to all certified motor carriers and licensed transportation network companies. Any
18 inspection conducted by a prohibited master mechanic or automobile technician shall be
19 deemed invalid.

20 ~~(k)~~ (o) ~~Every~~ Each holder of a certificate, permit, or license, and each chauffeur
21 ~~and driver authorized to operate by a transportation network company or certified motor~~
22 ~~carrier~~ shall fully comply with all ordinances, rules, and regulations of Broward County
23 and all statutes of the State of Florida applicable to the operation of motor carriers.
24

(p) Certificate holders shall require every chauffeur to maintain a daily manifest to promptly and legibly record the following information: chauffeur's name; vehicle number; year, month, date, the starting time, place of origin and destination of each trip; the amount of fare collected for each trip; the number of passengers on each trip; and the total miles or units accumulated during a chauffeur's operating period. All completed manifests shall be returned to the operator of the business by the chauffeur at the conclusion of the chauffeur's tour of duty. The forms for each manifest shall be furnished to the chauffeur by the registered operator and shall be approved by the Division. Daily manifests shall not be destroyed, mutilated, altered, or otherwise defaced without approval by the Division. The manifests shall be available for inspection and/or copying by the Division during regular business hours for a period of not less than three (3) years.

Section 13. Section 22½-13 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 22½-13. Suspension; revocation; forfeiture; penalties.

(a) Except as otherwise specified, certificates, permits, registrations, and jitney licenses, ~~certified motor carrier licenses, and transportation network company licenses~~ issued pursuant to this Chapter shall be subject to suspension, revocation, or forfeiture as follows:

...

(5) ~~Transportation network company or certified motor carrier license:~~ Upon notice and hearing, when it shall appear that:

- a. ~~The license was obtained by an application in which any material fact was erroneously or falsely stated or intentionally omitted; or~~

1 b. ~~The licensee has failed to comply with or has willfully violated any of~~
2 ~~the provisions of this Chapter; or~~

3 c. ~~The licensee has intentionally permitted vehicles to be operated or~~
4 ~~drivers to operate under its license in violation of any law or~~
5 ~~regulation.~~

6 (b) Certificates, permits, registrations, or jitney licenses, ~~or transportation~~
7 ~~network company licenses~~ may be suspended, revoked, or forfeited prior to hearing when
8 it appears based on determination of the Director that:

9 . . .

10 Section 14. SEVERABILITY.

11 If any portion of this Ordinance is determined by any Court to be invalid, the invalid
12 portion shall be stricken, and such striking shall not affect the validity of the remainder of
13 this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot
14 be legally applied to any individual(s), group(s), entity(ies), property(ies), or
15 circumstance(s), such determination shall not affect the applicability hereof to any other
16 individual, group, entity, property, or circumstance.

17 Section 15. INCLUSION IN CODE.

18 It is the intention of the Board of County Commissioners that the provisions of this
19 Ordinance shall become and be made a part of the Broward County Code; and that the
20 sections of this Ordinance may be renumbered or relettered and the word "ordinance"
21 may be changed to "section," "article," or such other appropriate word or phrase in order
22 to accomplish such intentions.

Section 16. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

PROPOSED

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Claudia Capdesuner 04/23/18
Claudia Capdesuner (date)
Assistant County Attorney

By /s/ Annika E. Ashton 04/23/18
Annika E. Ashton (date)
Senior Assistant County Attorney

CC/hb
04/23/18
TNC Preemption Ordinance
#41225.0002

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.