

ITEM #40₍₂₎
(Proposed Substitute Ordinance)

ADDITIONAL MATERIAL
Public Hearing

FEBRUARY 26, 2019

SUBMITTED AT THE REQUEST OF
VICE-MAYOR DALE V.C.
HOLNESS

PROPOSED

ORDINANCE NO. 2019-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MOTOR CARRIER CIVIL PENALTIES; AMENDING SECTION 8½-16 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); INCREASING FINES FOR VIOLATIONS OF THE CODE RELATED TO ILLEGAL SOLICITATION; REMOVING CIVIL PENALTIES FOR TRANSPORTATION NETWORK COMPANIES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Vice-Mayor Dale V.C. Holness)

WHEREAS, illegal ride solicitation has become an increasing regulatory challenge in Broward County's vehicle-for-hire industry;

WHEREAS, Section 162.09, Florida Statutes, permits Broward County to set fines for violations of the Broward County Code of Ordinances ("Code") at up to \$1,000 for an initial violation and up to \$5,000 for each repeat violation;

WHEREAS, the Board of County Commissioners of Broward County, Florida ("Board"), desires to deter illegal ride solicitation by increasing civil fines for violations of the Code related to illegal ride solicitation to \$1,000 for first-time violations and \$5,000 for each repeat violation;

WHEREAS, Section 8½-16 of the Code also prescribes civil penalties for transportation network companies;

WHEREAS, Broward County no longer regulates transportation network companies due to state preemption;

WHEREAS, the Board desires to remove provisions related to transportation network companies from the Code; and

1 WHEREAS, the Board finds that the revisions to the Code as set forth herein are
2 in the best interest of Broward County,

3 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
4 BROWARD COUNTY, FLORIDA:

5 Section 1. Section 8½-16 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 8½-16. Schedule of civil penalties.**

8 . . .

9 (k) *Violations of Ordinance Relating to Prearranged Ground Transportation*
10 *Services at the Fort Lauderdale-Hollywood International Airport:*

<i>Fine</i>			
<i>Violation</i>		<i>First Violation</i>	<i>Repeat Violation</i>
(1) Operating without a current valid permit (sec. 2-46) †	<u>30 days or fewer[#]</u>	<u>\$250.00</u>	<u>\$500.00*</u>
	<u>All other violations</u>	<u>1,000.00</u>	<u>5,000.00*</u>
(2) Operating without a current valid decal (sec. 2-46) †	<u>30 days or fewer[#]</u>	<u>250.00</u>	<u>500.00*</u>
	<u>All other violations</u>	<u>1,000.00</u>	<u>5,000.00*</u>
(3) Soliciting business at the Airport (sec. 2-46(f)) †	250.00	500.00*	500.00*
		<u>1,000.00</u>	<u>5,000.00*</u>

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1	(4) Failure to keep required insurance in full force and effect (sec. 2-51(a))	250.00	500.00**
3	(5) Failure to have an Airport Identification Card (sec. 2-46(d))	100.00	250.00**
5	(6) Failure to park in an Airport designated holding area (sec. 2-58)	100.00	250.00**

7 †In determining the amount of the fine, the hearing officer shall consider the
8 following factors: (1) the gravity of the violation; (2) any actions taken by the violator to
9 correct the violation; and (3) any previous violations committed by the violator.

10 *Repeat violation may result in a denial of applicant's request for issuance of a
11 permit.

12 **Repeat violation may be grounds for revocation of permittee's permit.

13 #Violations resulting from a lapse of a permit or decal within the previous 30 days.

14 . . .

15 (t) *Violations of Motor Carriers Law and Regulations:*

		<i>Fine</i>			
	<i>Violation</i>	<i>*First Violation</i>	<i>*Second Violation</i>	<i>*Third Violation</i>	<i>*Four or More Violations</i>
20	(1) Operating without a certificate (sec. 22½-2) [‡]	\$250.00 <u>\$1,000.00</u>	\$500.00 <u>\$5,000.00</u>	\$750.00 <u>\$5,000.00</u>	\$1,000.00 <u>\$5,000.00</u>
22	(2) Advertising without a certificate (sec. 22½-2)	250.00	500.00	750.00	1,000.00

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1	(3)	Operation of a vehicle by a driver not registered pursuant to sec. 22½-8 (sec. 22½-8, sec. 22½-9A(d) , and sec. 22½-7B(k)) [±]	<u>30 days or fewer</u> [#]	250.00	500.00	750.00	1,000.00
2			<u>All other violations</u>	<u>1,000.00</u>	<u>5,000.00</u>	<u>5,000.00</u>	<u>5,000.00</u>
3	(4)	Operating without displaying a current valid permit (sec. 22½-6A(k) and sec. 22½-7B(g)(7))		250.00	500.00	750.00	1,000.00
4							
5	(5)	Operating without a current valid permit (sec. 22½-6A and sec. 22½-7B(g)) [±]	<u>30 days or fewer</u> [#]	250.00	500.00	750.00	1,000.00
6			<u>All other violations</u>	<u>1,000.00</u>	<u>5,000.00</u>	<u>5,000.00</u>	<u>5,000.00</u>
7	(6)	Operating without a current valid chauffeur's registration in his or her possession (sec. 22½-6B(a)(2)(b)) (<u>sec. 22½-9A(g)</u>)		250.00	500.00	750.00	1,000.00
8							
9	(7)	Failure to comply with the minimum standards of conduct (sec. 22½-9A)		250.00	500.00	500.00	500.00
10							
11	(8)	Failure to comply with the minimum vehicle standards (sec. 22½-9B and sec. 22½-7B(o))		250.00	500.00	500.00	500.00
12							
13	(9)	Failure to keep insurance in full force and effect (sec. 22½-9C and sec. 22½-7B(n))		250.00	500.00	750.00	1,000.00
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1	(10)	Operating with a defective or inaccurate taximeter or failure to collect a fee consistent with the operating taximeter (sec. 22½-10)	250.00	500.00	750.00	1,000.00
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3						
4	(11)	Operating without a current valid Port Everglades Business Permit (sec. 22½-6D(a)) [±]	250.00 <u>1,000.00</u>	500.00 <u>5,000.00</u>	750.00 <u>5,000.00</u>	1,000.00 <u>5,000.00</u>
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7	(12)	Operating without a current valid Port Everglades decal (sec. 22½-6D(j))	250.00	500.00	750.00	1,000.00
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10	(13)	Operating without the proper amount of insurance required to operate in Port Everglades (sec. 22½-6D(k))	250.00	500.00	750.00	1,000.00
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13	(14)	Submitting a false vehicle inspection form (sec. 22½-9B(j)(n))	250.00	500.00	750.00	1,000.00
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16	(15)	Failure to use a Division-approved certified technician to inspect vehicle for hire (sec. 22½-9B(j))	250.00	500.00	750.00	1,000.00
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18						
19	(16)	Operating without a license (sec. 22½-7B(a))	250.00	500.00	750.00	1,000.00
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21	(17)	Advertising without a license (sec. 22½-7B(a))	250.00	500.00	750.00	1,000.00
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1	(18)	Failure to comply with transportation network company rules of operation (sec. 22½-7B(g))		250.00	500.00	750.00	1,000.00
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3							
4	(19)	Failure to comply with transportation network company antidiscrimination regulations (sec. 22½-7B(l))		250.00	500.00	750.00	1,000.00
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8	(20)	Operating at the Airport without a current valid contract, license, lease, permit, or decal (sec. 22½-6B(a)) [‡]	<u>30 days or fewer[#]</u>	250.00	500.00	750.00	1,000.00
9	(16)		<u>All other violations</u>	<u>1,000.00</u>	<u>5,000.00</u>	<u>5,000.00</u>	<u>5,000.00</u>
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13 ‡In determining the amount of the fine, the hearing officer shall consider the

14 following factors: (1) the gravity of the violation; (2) any actions taken by the violator to

15 correct the violation; and (3) any previous violations committed by the violator.

16 * The number of violations shall be determined pursuant to the definition of repeat

17 violation in sec. 8½-9(c).

18 #Violations resulting from lapse of a contract, license, lease, permit, or decal within

19 the previous 30 days.

20 . . .

21 Section 2. Severability.

22 If any portion of this Ordinance is determined by any court to be invalid, the invalid

23 portion will be stricken, and such striking will not affect the validity of the remainder of this

24 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be

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1 legally applied to any individual, group, entity, property, or circumstance, such
2 determination will not affect the applicability of this Ordinance to any other individual,
3 group, entity, property, or circumstance.

4 Section 3. Inclusion in the Broward County Code of Ordinances.

5 It is the intention of the Board of County Commissioners that the provisions of this
6 Ordinance become part of the Broward County Code of Ordinances as of the effective
7 date. The sections of this Ordinance may be renumbered or relettered and the word
8 "ordinance" may be changed to "section," "article," or such other appropriate word or
9 phrase to the extent necessary in order to accomplish such intention.

10 Section 4. Effective Date.

11 This Ordinance is effective as of the date provided by law.

PROPOSED

12 ENACTED

13 FILED WITH THE DEPARTMENT OF STATE

14 EFFECTIVE

15
16 Approved as to form and legal sufficiency:
17 Andrew J. Meyers, County Attorney

18 By /s/ Claudia Capdesuner 02/21/19
19 Claudia Capdesuner (date)
20 Assistant County Attorney

21 By /s/ Annika E. Ashton 02/21/19
22 Annika E. Ashton (date)
23 Senior Assistant County Attorney

24 AEA/hb
02/21/19

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