

**ITEM #30<sub>(2)</sub>**  
(Updates to Amendment)

# **ADDITIONAL MATERIAL**

**Regular Meeting**

**MARCH 28, 2019**

**SUBMITTED AT THE REQUEST OF**

**ENVIRONMENTAL PROTECTION  
AND GROWTH MANAGEMENT  
DEPARTMENT**

1           **Sec. 22½-7B. Reserved. Illegal Solicitation.**

2           (a)     It shall be unlawful for any person who does not have a valid chauffeur's  
3 registration to offer or facilitate the solicitation of for-hire ground transportation services to  
4 passengers in Broward County.

5           (b)     *Prearranged Transportation.* Any Operator utilizing a motor vehicle restricted  
6 to prearranged ground transportation services under this Chapter shall provide ground  
7 transportation services only to persons who have prearranged for such services. All  
8 Operators and their employees, agents, individual contractors, or representatives that engage  
9 in providing prearranged ground transportation services are expressly prohibited from the  
10 solicitation of for-hire ground transportation services to passengers in Broward County in any  
11 manner other than on a prearranged basis.

12          (c)     *Seizure and Impoundment.* The Division and any person designated by the  
13 Division is authorized to seize and impound a motor vehicle that is being utilized by an Illegal  
14 Solicitor to solicit for-hire ground transportation services. A motor vehicle seized in  
15 accordance with this subsection shall be removed to a designated towing facility and be  
16 immediately available for retrieval by the Illegal Solicitor or record owner of the motor vehicle.

17          (d)     *Notice of Seizure.* Within twenty-four (24) hours after a seizure, a Notice of  
18 Seizure must be provided to the Illegal Solicitor, if known, stating the fact of such seizure, the  
19 grounds for the seizure, identification of the seized motor vehicle, the address and telephone  
20 number of the towing facility to which the motor vehicle was taken, the right to recover the  
21 motor vehicle upon payment of the applicable towing and administrative fee, information  
22 about how to request a hearing to appeal the seizure, and that a successful appeal may result  
23 in reimbursement of the towing fee and, if charged by the towing facility, the Division's  
24 administrative fee. A copy of the Notice of Seizure shall also be provided to the record owner

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1 of the motor vehicle, if the Illegal Solicitor is unknown or is not the record owner, no later than  
2 ten (10) days after the seizure.

3 (e) *Hearing.* The Illegal Solicitor or the record owner of the motor vehicle may, no  
4 later than fifteen (15) days after receipt of the Notice of Seizure, request in writing a hearing  
5 from the Division to appeal the seizure. The Division must conduct a hearing no later than  
6 fifteen (15) days after receipt of the request for a hearing. The hearing shall be conducted in  
7 accordance with the procedures set forth in Section 8½-12 of the Broward County Code of  
8 Ordinances.

9 (f) *Order of the Hearing Officer.* If the hearing officer determines that the person  
10 was not operating as an Illegal Solicitor, the hearing officer shall require the Division to pay  
11 or reimburse the towing fee, and, if charged by the towing facility, the administrative fee.

12 (g) *Appeal.* The Illegal Solicitor or the record owner of the vehicle may appeal the  
13 hearing officer's decision by certiorari to the Seventeenth Judicial Circuit within thirty (30)  
14 days after the date of the hearing officer's order as provided for by the Florida Rules of  
15 Appellate Procedure.

16 (f) *Prearranged Transportation.* Any Operator utilizing a motor vehicle restricted  
17 to prearranged ground transportation services under this Chapter shall provide ground  
18 transportation services only to persons who have prearranged for such services. All  
19 Operators and their employees, agents, individual contractors, or representatives that  
20 engage in providing prearranged ground transportation services are expressly prohibited from  
21 the solicitation of for-hire ground transportation services to passengers in Broward County in  
22 any manner other than on a prearranged basis.

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

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