

PROPOSED

ORDINANCE NO. 2019-

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"); AUTHORIZING THE SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES OF ILLEGAL SOLICITORS; PROHIBITING SOLICITATION OF ON-DEMAND TRANSPORTATION SERVICES BY OPERATORS EXCLUSIVELY PERMITTED TO PROVIDE PREARRANGED TRANSPORTATION; PROVIDING FOR THE SUSPENSION OF CERTIFICATES, LICENSES, PERMITS, AND REGISTRATIONS OF REPEAT CODE VIOLATORS; AMENDING INSURANCE REQUIREMENTS FOR MOTOR CARRIERS; AMENDING PROCEDURES FOR TAXICAB RATE INCREASES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

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

WHEREAS, the Environmental and Consumer Protection Division ("ECPD") has observed two major regulatory challenges in the vehicle-for-hire community: illegal ride solicitation and repeat violators of the motor carrier regulations outlined in the Broward County Code of Ordinances ("Code");

WHEREAS, the Board of County Commissioners of Broward County ("Board") desires to deter illegal ride solicitation and repeat violations of the Code by amending the Code to authorize the seizure and impoundment of vehicles utilized for illegal solicitation and the suspension of the certificate, license, permit, or registration of any person who has had three (3) or more violations of the same offense under the Code adjudicated within a twenty-four (24) month period;

WHEREAS, the Board also wishes to make several housekeeping changes to Chapter 22½ of the Code including: (1) requiring motor carriers maintain insurance in accordance with state and federal law; (2) amending the procedures for taxicab rate

1 increases; and (3) removing the requirement that taximeters be approved by the Florida
2 Department of Agriculture, as the Department no longer approves meters; and

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

5
6 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
7 COUNTY, FLORIDA:

8
9 Section 1. Section 22½-1 of the Broward County Code of Ordinances is hereby
10 amended to read as follows:

11 **Sec. 22½-1. Definitions.**

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

15 . . .

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

19 . . .

20 (3) *Luxury sedan* means a motor vehicle with a passenger capacity of one to eight
21 (1–8) passengers, which does not contain a partition or other device used to
22 separate the driver and passenger seating areas, provides prearranged ground
23 transportation services, and is recognized by the industry as a "luxury" vehicle,
24 such as Lincoln, Cadillac, Mercedes Benz, or other similar luxury sedan.

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underscored type are additions.

1 (4) *Luxury limousine* means a motor vehicle with a seating capacity of six to
2 nineteen (6–19) passengers, excluding the driver, which has been altered from
3 its original manufacturer's specifications with respect to wheelbase and
4 passenger capacity, ~~and~~ contains a partition or other device used to separate
5 the driver and passenger seating areas, and provides prearranged ground
6 transportation services.

7 (5) *Transport van* ~~shall~~ means a motor vehicle not equipped with a taximeter that
8 provides prearranged ground transportation services, with a seating capacity
9 of nine to nineteen (9–19) ~~or more~~ passengers, ~~but not more than nineteen (19)~~
10 ~~passengers,~~ exclusive of the driver, where there is no separation of the driver
11 and passenger compartments.

12 . . .

13 (v) *Illegal Solicitor* means any person who does not have a valid chauffeur's
14 registration or appropriate permit or certificate, as required under this Chapter, and offers for-
15 hire ground transportation services to passengers within Broward County. An Illegal Solicitor
16 includes anyone who solicits, attempts to solicit, or facilitates the solicitation of passengers
17 for such services.

18 (w) *Prearranged ground transportation* means the transportation for compensation
19 of any passenger who coordinates such transportation services prior to arrival at the
20 predesignated pickup location.

21 . . .

22 Section 2. Section 22½-7B of the Broward County Code of Ordinances is hereby
23 created to read as follows:

24
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underscored type are additions.

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

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

7 (b) *Notice of Seizure.* Within twenty-four (24) hours after a seizure, a Notice of
8 Seizure must be provided to the Illegal Solicitor, if known, stating the fact of such seizure, the
9 grounds for the seizure, identification of the seized motor vehicle, the address and telephone
10 number of the towing facility to which the motor vehicle was taken, the right to recover the
11 motor vehicle upon payment of the applicable towing and administrative fee, information
12 about how to request a hearing to appeal the seizure, and that a successful appeal may result
13 in reimbursement of the towing fee and, if charged by the towing facility, the Division's
14 administrative fee. A copy of the Notice of Seizure shall also be provided to the record owner
15 of the motor vehicle, if the Illegal Solicitor is unknown or is not the record owner, no later than
16 ten (10) days after the seizure.

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

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

4 (e) Appeal. The Illegal Solicitor or the record owner of the vehicle may appeal the
5 hearing officer's decision by certiorari to the Seventeenth Judicial Circuit within thirty (30)
6 days after the date of the hearing officer's order as provided for by the Florida Rules of
7 Appellate Procedure.

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

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

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

18 ...

19 (f) In addition to the standards set forth in this section, taxicabs shall meet the
20 following minimum standards:

21 ...

22 (3) Taximeters shall be:

23 ...

24

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b. Approved by ~~Florida Department of Agriculture, Bureau of Weights and Measures,~~ or a designated facility authorized to certify meter operation or, in the case of a taximeter software program, platform, or application installed on an electronic device, approved by the Division; ~~{and}~~

...

Section 4. Section 22½-9C of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 22½-9C. Operations—Insurance.

(a) Every certificate, permit, or license holder operating motor vehicles with a seating capacity of less than nine (9) passengers shall file evidence of insurance with the Division, providing for public liability and property damage coverage on each motor vehicle to be operated under the certificate in an amount not less than ~~Fifty Thousand Dollars (\$50,000.00) per person and One Hundred Thousand Dollars (\$100,000.00) per incident as to public liability and property damage coverage in an amount not less than Twenty Thousand Dollars (\$20,000.00)~~ that prescribed by state or federal law, as applicable. ~~If additional or higher insurance coverage is required by state or federal law, each such certificate, permit, or license holder shall comply with the requirements of such law in addition to the requirements of this subsection, and shall file evidence of all required insurance coverage with the Division.~~ Proof of all required insurance coverage shall be filed with the Division.

...

Section 5. Section 22½-11 of the Broward County Code of Ordinances is hereby amended to read as follows:

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

2 ...

3 (c) Taxicab rates shall be established and revised in accordance with the following
4 procedure:

5 (1) At two (2) year intervals ~~from the date of the last public hearing establishing~~
6 rates, the Division shall ~~submit a written recommendation to the Broward~~
7 ~~County Administrator recommending~~ evaluate taxicab rates based on the
8 consumer price index and additional information, as deemed appropriate by
9 the Division, and make a determination whether to increase taxicab rates. If
10 the Division determines that an increase in taxicab rates is necessary, the
11 Division shall submit a written recommendation to the Broward County
12 Administrator recommending an increase.

13 ...

14 Section 6. Section 22½-13 of the Broward County Code of Ordinances is hereby
15 amended to read as follows:

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

17 ...

18 (b) Certificates, permits, registrations, or jitney licenses may be suspended,
19 revoked, or forfeited prior to a hearing ~~when it appears~~ based on a determination of the
20 Director that one or more of the conditions provided in this Section (b) exist. The hearing
21 procedures set forth in this Chapter must be complied with promptly after such suspension,
22 revocation, or declared forfeiture. No reinstatement fee shall apply if the suspension,
23 revocation, or forfeiture is reversed or overruled by the hearing panel or a hearing officer.

24
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1 Certificates, permits, registrations, or jitney licenses may be suspended, revoked, or forfeited
2 prior to a hearing for the following reasons:

- 3 (1) A public safety or public emergency appears to justify such action prior to the
4 time a hearing may reasonably be set and a decision made based on such
5 hearing; or
- 6 (2) Nonpayment of fees required by this Chapter prior to initial operation of a motor
7 vehicle; or
- 8 (3) A permitted vehicle is not presented or has not passed its required periodic
9 inspection by the deadline pursuant to this Chapter ~~or Subsection 37.5(g) of~~
10 ~~the Broward County Administrative Code~~; or
- 11 (4) ~~The hearing procedures set forth in this Chapter are complied with promptly~~
12 ~~after action, such suspension, revocation, or declared forfeiture; or~~
13 A certificate, permit, registration, or jitney license holder has received three (3)
14 or more citations adjudicated to be in violation of the same offense under the
15 Broward County Code of Ordinances within the preceding twenty-four (24)
16 month period.
- 17 (5) ~~No reinstatement fee shall apply if the suspension, revocation, or forfeiture is~~
18 ~~reversed or overruled by the hearing panel or a hearing officer.~~

19 . . .

20 Section 7. Severability.

21 If any portion of this Ordinance is determined by any court to be invalid, the invalid
22 portion will be stricken, and such striking will not affect the validity of the remainder of this
23 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally
24 applied to any individual, group, entity, property, or circumstance, such determination will not

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1 affect the applicability of this Ordinance to any other individual, group, entity, property, or
2 circumstance.

3 Section 8. Inclusion in the Broward County Code of Ordinances.

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

9 Section 9. Effective Date.

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

11

12 ENACTED

13 FILED WITH THE DEPARTMENT OF STATE

14 EFFECTIVE

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

17 By /s/ Claudia Capdesuner 03/13/19

18 Claudia Capdesuner (date)
19 Assistant County Attorney

PROPOSED

20 By /s/ Annika E. Ashton 03/13/19

21 Annika E. Ashton (date)
22 Senior Assistant County Attorney

23 CC/mdw

03/13/19

24 Chapter 22 1-2 Housekeeping and Towing Ord.doc

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