

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
WORKSHOP SUMMARY

10:30 a.m.
Time Certain

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Meeting Date: May 13, 2008
Department: Public Safety/Consumer Affairs

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I. EXECUTIVE BRIEF

- A. **Title: Staff requests Board Direction in:** 1) **Approve** proposed amendments to the Vehicle for Hire Ordinance; 2) **Approve** fees which will be charged to companies/drivers providing for-hire transportation services in Palm Beach County; 3) **Approve** fines which will be levied against violators of the Ordinance; 4) **Approve** minimum commercial automobile general liability insurance requirements; 5) **Approve** a request to add one (1) additional clerical position to assist in administering the revised Ordinance; and 6) **Approve** the draft Ordinance and move forward with the first reading.
- B. **Summary:** Staff has worked with the Vehicle for Hire Task Force and other VFH industry representatives in developing proposed revisions to the existing Vehicle for Hire Ordinance.

Proposed Ordinance Revisions: Some of the most important changes to the Ordinance include: 1) Prohibits persons from driving for-hire vehicles if convicted of any felony within past 5 years and permanently prohibits persons from driving if convicted of certain violent or sexual crimes, 2) Prohibits persons from driving for-hire vehicles if they have not had a drivers license in the U.S.A. for at least 3 years, 3) For-hire driver permits would be issued to persons only after submitting a complete application and the criminal/driving background check reveals compliance with the ordinance (provisional permits would no longer be issued), 4) It would be illegal to operate a business unless/until proof of insurance is provided from the insurance company and provides a 5 year suspension/revocation if insurance is submitted fraudulently, 5) Eliminates double regulation of for-hire companies and drivers operating under the requirements of *Palm Tran Connection*, 6) Requires businesses to own at least 50% of their vehicles, 7) Sets maximum ages for vehicles-for-hire, 8) Establishes new requirements for taxicabs (i.e., top light, taximeter, uniform color/signage scheme required, 9) Permits habitually uninsured vehicles to be impounded/towed, 10) Requires all vehicles to be inspected annually by a certified mechanic, 11) Drivers must know basic English and Palm Beach County geography, 12) Places restrictions on companies operating from other jurisdictions (Miami-Dade/Broward), and 13) Prohibits "non-medical" transportation companies from providing transportation to persons with certain medical conditions.

SUMMARY CONTINUED ON PAGE 3

- C. **Background and Policy Issues:** See page 3 for detailed discussion.
- D. **Attachments:**
1. Proposed Vehicle for Hire Ordinance revisions
 2. Summary of proposed revisions to Vehicle for Hire Ordinance
 3. Proposed fees for revised Vehicle for Hire Ordinance
 4. Proposed fines for revised Vehicle for Hire Ordinance

=====

Recommended by: _____

Department Director

5/5/08
Date

Approved By: _____

Assistant County Administrator

5/5/08
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures					
Operating Costs	<u>431,000</u>	<u>607,500</u>	<u>625,725</u>	<u>663,831</u>	<u>683,745</u>
External Revenues*	<u>(431,000)</u>	<u>(607,500)</u>	<u>(625,725)</u>	<u>(663,831)</u>	<u>(683,745)</u>
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
POSITIONS (Cumulative)	<u>6.75</u>	<u>8</u>	<u>8</u>	<u>8</u>	<u>8</u>
Is Item Included In Current Budget? Yes <u>X</u> No _____					
Budget Account No.: Fund <u>1430</u> Agency <u>660</u> Org. <u>6250</u> Object _____ Reporting Category _____					

B. Recommended Sources of Funds/Summary of Fiscal Impact:

License and other fees enable this program to be self-funded with no ad valorem impact.

The vehicle for hire program has experienced phenomenal growth. The following chart shows the growth in the past 9 years:

	1999	2007	% Increase
Businesses Permitted	163	675	314.1
Vehicles	896	3,025	237.6
Drivers Permitted	1,112	2,250	102.3

In all but one year since 1999, revenue has exceeded expenses. The proposed fees for the revised Ordinance have few changes (some were lowered) which will likely reduce reserves in the vehicle for hire budget fund.

The FY09 Budget will include some proportional salary costs for administering the program (i.e., percentage of Director, Manager, Senior Secretary, receptionist salaries). One additional clerical person is needed to provide increased monitoring and to implement additional administrative requirements for the revised Ordinance.

***Any operational deficits will be offset by existing reserves.**

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

The fiscal impact represents the total cost of the vehicle for hire program.

atwillhite 4.17.08
OFMB

Jim J. Jacob 4/18/08
Contract Dev. and Control

B. Legal Sufficiency:

[Signature] 4/21/08
Assistant County Attorney

C. Other Department Review:

Department Director

Revised 9/03
ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

Summary continued from page 2

Proposed Fees: Staff proposes few changes in license and other fees for businesses/drivers. Some new fees are proposed. See Attachment 3.

Proposed Fines: Staff proposes few changes in fines. Most would be \$150-1st offense, \$300-2nd offense and \$500-3rd offense. Fines for violating insurance regulations would increase. See Attachment 4.

Proposed Liability Insurance Levels: Staff proposes few changes to minimum liability insurance levels: \$125,000 bodily injury/person (up from \$100,000), \$300,000 Bodily injury/accident and \$50,000 property damage (or \$300,000 Combined Single Limit Bodily Injury and Property Damage)

Additional clerical staffing: Due to the revised Ordinance requirements, approval is requested for one additional clerical position. **Funding will come from license fees and NOT ad valorem taxes.**

C. Background and Policy Issues:

History: Since 1995 the Board of County Commissioners has approved 3 amendments to the Vehicle for Hire Ordinance. Each amendment has been more comprehensive than the previous one. The Vehicle for Hire industry has been the main stimulus to bringing more order and improved/standardized transportation services to the public.

Since the first Ordinance, the Board of County Commissioners has endorsed/encouraged an open competitive, free enterprise Vehicle for Hire industry in Palm Beach County. Both Broward and Miami-Dade Counties have closed systems which limit the number of companies/vehicles permitted to operate in their jurisdictions. Both counties also set taxi charges and some minimum sedan/limousine rates. The counties to our north have no vehicle for hire industry regulations. The Palm Beach County vehicle-for-hire regulations have provided a middle-ground to the regulations at both boundaries.

Ordinance Revisions: The proposed revisions to the Vehicle for Hire Ordinance were written to accomplish the following and expand public safety:

1. Safer drivers:

- a. New applicants with any felony in the past 5 years would be prohibited from driving a for-hire vehicle.
- b. New applicants declared to be a habitual criminal or habitual traffic offender would be prohibited from driving a for-hire vehicle (permanently or for five years)
- c. New applicants must show proof that s/he has had a driver's license in the U.S.A. for 3 years and if previously residing outside of Florida within the past 5 years, must produce complete driving records from all other jurisdictions.
- d. For-hire companies must verify that new applicants will be driving for that business and that the applicant is insurable.
- e. New applicants must demonstrate basic English competency and a general knowledge of the county geography.

All currently approved drivers would be grand-fathered in under the existing requirements.

2. Safer vehicles:

- a. Establishes a maximum age for most vehicles at 7 years (larger vans, non-medical transport vans and limousines would be 10 years). To allow for transition, this requirement would not become effective for existing vehicles until January 1, 2010.
- b. Except for new vehicles, all vehicles would be inspected annually by an ASE certified mechanic. Routine maintenance is required on all vehicles and maintenance records must be kept for inspection.
- c. Vehicles requiring signage would be inspected annually to verify Ordinance compliance.
- d. To increase insurance compliance and company accountability, at least 50% of vehicles must be owned by the licensed company. Businesses not in compliance could continue operating but all new or replacement vehicles must be owned by that company until compliance is reached.
- e. Two-way communication is required for all vehicles.

3. **Improved Insurance Requirements:**
 - a. Commercial insurance companies must meet minimum requirements (ratings, etc.)
 - b. Greater penalties for fraudulently submitted insurance information. Insurance fraud has been a problem. High fines are proposed and any company submitting fraudulent information would have license revoked, with no eligibility for reinstatement for 5 years.
 - c. For-hire Vehicles found operating without insurance could be impounded/towed if the company was previously convicted of the same offense.
4. **Improved Disclosure to Consumers:**
 - a. Taxi cabs would be required to utilize top lights (minimum size) and taximeters.
 - b. Taxi cab companies would be required to use the same color combinations and signage schemes on all vehicles.
 - c. Each company would be required to display or provide service standards (Passenger Rights) to all customers.
 - d. All advertising must include the name, address and phone number of the business.
 - e. A unique number 4 inches or larger must be placed on each taxi and non-medical transport for easier identification.
5. **Requirements for Out-of-County Companies**
 - a. Companies based in Miami-Dade and Broward Counties must be licensed by those jurisdictions before they can obtain a Palm Beach County operating permit. Passengers picked up by a licensed Miami-Dade or Broward County company may be transported to Palm Beach County without a Palm Beach County Permit. Companies located in other counties with no regulations similar to Palm Beach County, must first obtain a Palm Beach County permit before transporting passengers here.
 - b. Passengers may be picked up at PBI or the Port of Palm Beach by companies licensed by Miami-Dade or Broward County. Other companies based in counties which have no similar regulations must first obtain a permit from Palm Beach County before picking up passengers from PBI or the Port of Palm Beach.

Staff has been working with the Vehicle-for-Hire industry through a long established Task Force as well as specifically called meetings with various segments of the industry (i.e., Taxi, Limousine/Sedan, Non-Medical Transport). The Task Force also has representatives from the Sheriff's Office, Municipal League, Airports Department and Tourist Industry.

Known remaining issues with some members of the VFH industry

1. **Limit the number of Companies/Vehicles Operating in Palm Beach County**
There has been considerable discussion with the industry concerning the possibility of limiting the number of for-hire companies/vehicles operating in Palm Beach County. Several companies licensed in Palm Beach County are also licensed in Broward and Miami-Dade where the number of companies/vehicles is limited – compared to Palm Beach County where there is no limit on companies/vehicles operating. Here is a chart comparing the number of vehicles operating in each company per capita:

	Palm Beach County	Broward County	Miami-Dade County
Total Taxis	448	877	2,080
# of Residents for each taxi	2,885.6	2,000.0	1,183.7
Total Sedans/ Limousines/SUVs/ Vans	2,045	2,100	3,540
# of Residents for each Limo/Sedan/ SUV/Vans	632.1	840.9	695.5

Compared to Broward and Miami-Dade it could be concluded that Palm Beach County needs more taxis and fewer Limousines, Sedans, SUV's and Vans. Staff has found no consistent industry formula for the ideal number of residents per for-hire vehicle.

Some in the industry have suggested the county charge higher initial license fees and/or require a minimum number of vehicles for any new company which wishes to operate in Palm Beach County. This concept has been discussed in the various industry meeting, but no consensus was reached. Most vehicle for hire companies started with just 1 or 2 vehicles.

This issue does need to be carefully monitored. The revised ordinance places some limitations on the number of companies/vehicles operating out of Broward and Miami-Dade. Of the 2,045 limousines, sedans, SUV's and vans licensed to operate in Palm Beach County over 500 are based in Broward and Miami-Dade. Under the new Ordinance, companies based in Broward or Miami-Dade must first be licensed by one of those counties before they can receive a permit to operate in Palm Beach County. Staff believes the tougher regulations concerning the age of vehicles, certified mechanical inspections and other requirements will also reduce the number of companies/vehicles operating in Palm Beach County.

2. **Maximum age limit on vehicles**

To assure better public safety and improved appearances of vehicles, staff strongly believes that age limits on for-hire vehicles should be imposed. The challenge is to establish the most workable and appropriate age. Currently, we have some vehicles operating that are as old as 19 years. Miami-Dade restricts vehicles to no older than 5 years, while Broward County has no age limitations.

For most vehicles we are recommending a maximum age of 7 years, except for Non-Medical Transport, larger vans and limousines – we would allow a maximum age of 10 years. The

PBIA contract requires all taxis to be no older than 5 years, while the Palm Tran Connections allows vehicles no older than 7 years. Our review of other jurisdictions revealed an acceptable age range for vehicles from 4 – 8 years. Our initial recommendation to the industry was to be parallel with Miami-Dade, but we compromised to the 7 year age limit and 10 years on larger vans.

Some industry representatives want a maximum age limit of 8 years on cars, while others believe that because the county is requiring certified mechanical inspections annually, no age limit should be imposed.

3. **Tri-County Universal Driver I.D. Badge/Permit**

Some companies/drivers operate in Palm Beach, Broward and Miami-Dade Counties (Tri-County area). Each county requires a special permit/badge for approved for-hire drivers. In some cases, it may be necessary for drivers to secure an individual permit/badge in each county. Some in the industry have requested a universal badge/permit that would be accepted in all three counties. The three county consumer protection agencies are giving this discussion, but no recommendation will be ready for this Ordinance amendment. The driving requirements are quite different from county-to-county. To implement some universal or validated permit, it would likely be necessary for each county to adopt nearly identical requirements. A more plausible plan initially may be for the counties to share criminal background checks so it would only be necessary for the driver to pay for that cost in one county. Another important consideration is if a person had a for-hire driving permit/badge suspended in one county – would that be applicable for all 3 counties? It is also unlikely any of the counties will want to reduce their income by developing such a plan.

Attachment 1

Palm Beach County, Florida VEHICLE FOR HIRE ORDINANCE

2008-??

As of 4/15/08

DRAFT

TABLE OF CONTENTS

<u>Section</u>	<u>Item</u>	<u>Page</u>
1	Short Title; Applicability	3
2	Authority	3
3	Definitions	3-9
4	Compliance with Ordinance Required	9-10
5	Advertising	10-11
6	<u>Municipal Exemption</u>	11-12
7	Reciprocity	12-13
8	Business Permit <u>Application</u>	13-19
9	Records Required	19
10	Vehicle Requirements	19-21
11	Vehicle Decal Requirements	21-23
12	<u>Impoundment</u>	24
13	Vehicle Safety and Appearance Requirements	24-27
14	Non-Medical, Wheelchair and Stretcher Service Company Operational Requirements	27-30
15	Vehicle Inspections	30-32
16	<u>Commercial Automobile Liability Insurance</u>	32-34
17	Driver Requirements; Failure to Comply	34-42
18	Fraudulent Transfer of Vehicle for Hire Company	42-43
19	Revocation, Suspension and Denial of Permit/I.D. Badge; Administrative Appeal	43-48
20	Enforcement	48-50
21	Violations	50
22	Appeals	50
23	Fees	50
24	Penalties	50
25	Start-up	50-51
26	Repeal of Laws in Conflict	51
27	<u>Savings Clause</u>	51
27	Severability	51
28	Inclusion in the Code of Laws and Ordinances	51
29	Effective Date	51

ORDINANCE NO. 2008-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 01-015); RELATING TO TAXICABS AND OTHER VEHICLES FOR HIRE, TO BE KNOWN AS THE VEHICLE FOR HIRE ORDINANCE; PROVIDING FOR SHORT TITLE AND APPLICABILITY; PROVIDING FOR AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR COMPLIANCE; PROVIDING FOR ADVERTISING; PROVIDING FOR MUNICIPAL EXEMPTION; PROVIDING FOR RECIPROCITY; PROVIDING FOR BUSINESS PERMIT; APPLICATION; PROVIDING FOR RECORDS REQUIRED; PROVIDING FOR VEHICLE REQUIREMENTS; PROVIDING FOR VEHICLE DECAL REQUIREMENTS; PROVIDING FOR IMPOUNDMENT; PROVIDING FOR VEHICLE SAFETY AND APPEARANCE REQUIREMENTS; PROVIDING FOR OPERATIONAL REQUIREMENTS FOR NON-MEDICAL WHEELCHAIR AND STRETCHER SERVICE TRANSPORTATION COMPANIES; PROVIDING FOR VEHICLE INSPECTIONS; PROVIDING FOR COMMERCIAL AUTOMOBILE LIABILITY INSURANCE; PROVIDING FOR DRIVER REQUIREMENTS AND FAILURE TO COMPLY; PROVIDING FOR FRAUDULENT TRANSFER OF VEHICLE FOR HIRE COMPANY; PROVIDING FOR REVOCATIONS, SUSPENSIONS AND DENIAL OF PERMITS/I.D. BADGES; APPEALS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR VIOLATIONS; PROVIDING FOR APPEALS; PROVIDING FOR FEES; PROVIDING FOR PENALTIES; PROVIDING FOR START-UP; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING A SAVING CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents by enacting such business regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds and declares that the public welfare and safety of the existing and future residents requires the regulation and control of motor vehicles engaged in the transportation of persons, within the streets of Palm Beach County, with the intent to receive compensation; and

WHEREAS, all motor vehicles engaged in the transportation of persons for compensation in the unincorporated area of Palm Beach County, as well as many municipalities, may not be subject to reasonable regulations necessary to protect those

1 citizens and visitors utilizing their services; and

2 **WHEREAS**, Florida Statutes, Section 125.01(n) authorizes Palm Beach County
3 to license and regulate taxicabs, limousines for hire, and other passenger vehicles for hire
4 that operate in the unincorporated areas of the County; and

5 **WHEREAS**, in 1992 Palm Beach County recognized that the public safety and
6 welfare of its residents and visitors could be best served by regulating the transportation
7 industry and adopted Chapter 19, Article IX of the Palm Beach County Code (Ord. No.
8 92-26); and

9 **WHEREAS**, in 1999 and 2001 Palm Beach County amended Chapter 19, Article
10 IX of the Palm Beach County Code (Ordinance No. 92-26); and

11 **WHEREAS**, it is now necessary to amend Chapter 19, Article IX (Ord. 99-12) of
12 the Palm Beach County Code to address additional concerns regarding the transportation
13 industry.

14 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
15 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

16
17 **Section 1. Short Title; Applicability**

18 (1) This Ordinance shall be known as the "Palm Beach County Vehicle for Hire
19 Ordinance".

20 (2) Unless a municipal exemption applies; The the provisions of this Ordinance shall
21 be applicable to the incorporated and unincorporated areas of Palm Beach County. Unless
22 otherwise provided, nothing in this Ordinance shall be construed to relieve any person
23 from compliance with any applicable County or municipal regulations.

24
25 **Section 2. Authority**

26 This Ordinance is adopted under the authority of Chapter 125, Florida Statutes.

27
28 **Section 3. Definitions**

29 The following words and phrases when used in this Ordinance shall have the meanings as
30 set out herein:

(1) **Advertising.** The term "Advertising" shall mean ~~any written statement made in connection with the solicitation by vehicle for hire business and includes without limitation, statements and representations made in a newspaper, "Yellow Pages" or other publication, or on radio, or television or contained in any notice, handbill, business card, sign, catalog, billboard, brochure, poster or letter.~~ to advise, announce, give notice of, publish, or call attention by use of oral, written, or graphic statement made in newspapers, telephone directories or other publications or on radio or television, any electronic medium, or contained in any notice, handbill, catalog, newsletter, poster, sign, flyer, business card or letter.

(2) **Applicant.** The term "Applicant" shall mean any person who applies for a vehicle for hire business permit or driver's identification badge within Palm Beach County. In the case of partnerships, associations, corporations and other legal entities, "applicant" shall also mean any member of a partnership, each associate and the corporate officers and directors.

(3) **Board.** The term "Board" shall mean the Palm Beach County Board of County Commissioners.

(4) **Broker.** The term "Broker" shall mean a person who acts as an agent, whether independently or on behalf of, any vehicle for hire company in negotiating or contracting for passenger transportation.

(4 5) **Business Permit.** The term "Business Permit" shall mean the authority required by the provisions of this Ordinance to be obtained by any individual or vehicle for hire company not subject to reciprocity, to engage in vehicle for hire business in Palm Beach County.

(5 6) **Compensation.** The term "Compensation" shall mean a return in money, property, or anything of value for the rendition of vehicle for hire service.

(7) **Commercial Business Office.** The term "Commercial Business Office" shall mean the primary place of business where management and employees perform office work for a vehicle for hire company and which shall meet the following requirements: a) properly zoned, b) customer/employee parking, c) sufficient commercial vehicle parking, d) sanitary facilities/restrooms, e) dedicated wired phone line with a unique/dedicated

number, f) identifying signage, and g) central dispatch. The address of the commercial business office must match the address on the local business tax receipt.

(6 8) **County Permit**. The term "County Permit" shall mean the grant by Palm Beach County to operate one (1) vehicle for hire not subject to reciprocity, upon the streets of Palm Beach County.

(7 9) **Division or DCA**. The term "Division" or "DCA" shall mean the Palm Beach County Division of Consumer Affairs.

(8 10) **Driver**. The term "Driver" shall mean the individual who is driving or physically operating the taxicab, limousine, shuttle, or other passenger vehicle for hire and includes the term "chauffeur."

~~(9) **Executive Sedan**. The term "executive sedan" shall mean a motor vehicle not equipped with a taximeter, with a seating capacity of up to five (5) passengers excluding the driver.~~

~~(10 11)~~ **Individual**. The term "Individual" includes a natural person, partnership, corporation, association, or any other legal entity.

~~(11) **Jitney**. The term "jitney" shall mean any non-metered vehicle for hire which may or may not operate at regular intervals over a designated route, and which fixed fares or rates may be charged for services.~~

(12) **Limousine**. The term "Limousine" shall mean a chauffeur-driven, ~~non-metered~~ passenger motor vehicle for hire, not equipped with a taximeter, including, but not limited to, modified-for-the-purpose as a luxury stretch vehicle limousines or full-sized luxury sedans, ~~providing seating accommodations for not more than sixteen (16) persons, including the driver, regardless of length and which contains a solid fixed partition used to separate the driver and passenger seating areas. whose rates are determined on an hourly, daily, weekly or monthly rental of the vehicle, or a combination of rental and mileage charges, with a minimum rental period of one (1) hour.~~

(13) **Manifest**. The term "Manifest" shall mean written or electronic/digital documentation prepared by the vehicle for hire business providing individual trip logs for each pickup/drop-off of passengers that can be viewed upon request by authorized DCA personnel or law enforcement officers. The "manifest" shall be in the possession of the

1 vehicle for hire driver and central dispatch and shall include the business name, business
2 phone number, name of the passenger (if provided/known), pickup/drop-off address and
3 dates/times involved.

4 (14) **Municipal Exemption.** The term "Municipal Exemption" shall mean the
5 recognition by Palm Beach County of certain vehicle for hire businesses authorized to
6 operate through municipal ordinances and which may be exempt from paying certain fees
7 required by Palm Beach County as determined by resolution of the Board. In order to
8 exercise this exemption, such businesses must be physically located, operating and
9 dispatching within the city limits of the Palm Beach County municipality approving the
10 business to operate. Such exempt businesses must meet all other requirements of this
11 Ordinance.

12 ~~(13 15)~~ **Para-Transit Non-Medical, Wheelchair and Stretcher Transportation Service.**

13 The term "~~Para-Transit~~ Non-Medical, Wheelchair and Stretcher Transportation Service"
14 shall mean the transportation of persons while on stretchers or wheelchairs, or persons
15 whose handicap, illness, injury, or other incapacitation makes it impractical to be
16 transported by a regular common carrier such as a bus, taxicab, or other vehicle for hire.
17 Such persons do not need, nor are likely to need, any medical attention during transport.

18 (16) **Passenger.** The term "Passenger" shall mean a person utilizing a vehicle for hire
19 for the purpose of being transported to a destination, or a person who is awaiting the
20 arrival of a dispatched vehicle for hire, and does not include the chauffeur.

21 ~~(14 17)~~ **Prearranged.** The term "Prearranged" shall mean a written, e-mail, fax or
22 telephone reservation made at least ~~one hour~~ 30-minutes in advance by the person
23 requesting service at ~~from the place of business of the a~~ vehicle for hire permit holder
24 business for the provision of vehicle for hire service for a specified period of time. Such
25 reservations shall be documented in written form by the business. The written
26 documentation requested herein shall be made available immediately upon the request of
27 authorized Division personnel or law enforcement. The ~~one hour~~ 30-minutes advance
28 requirement does not apply to companies with authorized vehicle for hire contracts with
29 Palm Beach International Airport and other businesses that provide vehicle for hire
30 services by contract.

1 (15) ~~**Reciprocity.**~~ The term “reciprocity” shall mean the recognition by Palm Beach
2 County of certain municipal authorization to enable the operation of a vehicle for hire
3 upon the streets of Palm Beach County, pursuant to this Ordinance.

4 (18) **Residential Home Office.** The term “Residential Home Office” shall mean a
5 residence located in Palm Beach County from which a vehicle for hire business is
6 operated. The “Residential Home Office” must be the primary residence of the vehicle
7 for hire company’s principal owner/president. The “Residential Home Office” must be
8 equipped with a separate wired telephone line and be approved by applicable zoning
9 regulations. Proof of residency must be provided upon request (i.e., property appraiser,
10 utility bill, etc.)

11 (16 19) ~~**Short Term Vehicle Decal Plaque Placard.**~~ The term “Short-Term Vehicle
12 Decal Plaque Placard” shall mean a plaque specially prepared placard placed on the
13 passenger side dashboard of a short-term rented rental vehicle for hire. All rental
14 contracts must be 30 days or less.

15 (20) **SUV (Sports Utility Vehicle).** The term “SUV” shall mean a type of passenger
16 vehicle which combines the load-hauling and passenger-carrying capacity of a large
17 station wagon or minivan.

18 (21) **Sedan.** The term “Sedan” shall mean any pre-arranged vehicle for hire, not
19 equipped with a taximeter, which is not a limousine, SUV, Transport Van/Shuttle non-
20 medical wheelchair and stretcher transportation vehicle or taxi. Sedans shall include all
21 other commercially manufactured passenger vehicles not already defined herein. Such
22 vehicles shall not display the word “taxicab,” “taxi,” or “cab” on the vehicle exterior or
23 interior. A sedan older than 30 years, must be fully restored and registered as an antique
24 by the state pursuant to Chapter 320.086(2) Florida Statutes.

25 (17 22) **Taxicab.** The term “Taxicab” shall mean a ~~chauffeur-driven, metered, passenger~~
26 motorized vehicle, equipped with a taximeter, engaged in the general transportation of
27 persons for hire passengers for compensation, not operated on a fixed route, and where
28 the route or destination is controlled by the passengers therein passenger.

29 (23) **Taximeter.** The term “Taximeter” shall mean any device permanently and
30 internally mounted in a taxicab and which records and indicates a charge or fare measured

1 by distance traveled, waiting time or other traditionally compensable activities of taxicab
2 service.

3 (24) **Top Light.** The term “Top Light” shall mean a permanently installed roof
4 mounted lighted device which shall be illuminated whenever the taximeter is on or when
5 headlights and/or parking lights are illuminated. The top light must be a minimum size
6 of ten inches by four inches (10” x 4”), permanently mounted on the vehicle roof and
7 display or include the word “taxi”, “taxicab” or “cab”.

8 (25) **Transport Van/Shuttle.** The term “Transport Van/Shuttle” shall mean a motor
9 vehicle not equipped with a taximeter, with a seating capacity for at least four (4)
10 passengers, exclusive of the driver, where there is no separation of the driver and
11 passenger compartments and not modified from the manufacturer’s specifications. A
12 functioning seat belt must be available for each passenger. A transport van/shuttle is
13 recognized by the industry as a mini-van, van, mini-coach, minibuss, limo-bus or other
14 similar vehicle, excluding those vehicles regulated by the State of Florida Department of
15 Transportation (FDOT).

16 ~~(18~~ 26) **Vehicle Decal.** The term “Vehicle Decal” shall mean a decal placed upon any
17 vehicle for hire granted approval to provide vehicle for hire services by the Division.

18 ~~(19~~ 27) **Vehicle for Hire.** The term “Vehicle for Hire” shall mean any motorized, self-
19 propelled vehicle engaged in the transportation of persons upon the streets of Palm Beach
20 County with the intent to receive compensation for providing such transportation, and
21 shall include, but not be limited to, ~~invalid coach/handicapped non-medical, wheelchair~~
22 ~~and stretcher~~ transportation services, taxicabs, jitneys, shuttles transport vans/shuttles,
23 SUV and limousines. The term shall not be construed to include ambulances ~~or other~~
24 ~~pre-hospital service providers.~~

25 ~~(20~~ 28) **Vehicle for Hire Company.** The term “Vehicle for Hire Company” shall mean
26 any individual, partnership, association, corporation, broker or other legal entity which
27 holds business permits for or contracts with one (1) or more vehicles for hire, provides
28 vehicles or services to drivers of vehicles for hire, or which operates a central dispatch for
29 one (1) or more vehicles for hire.

30 ~~(21~~ 29) **Vehicle for Hire Driver’s Identification Badge (I.D. Badge).** The term

1 “Vehicle for Hire Driver’s Identification Badge (I.D. Badge)” shall mean a permit
2 authorizing the holder thereof to utilize the motor vehicle(s) described in said permit for
3 the transportation of passengers as authorized pursuant to this Ordinance.

4 (30) Vehicle for Hire Service Standards. The term “Vehicle for Hire Service
5 Standards” shall mean a summary of “Passenger” and “Driver” expectations
6 prominently displayed within every vehicle for hire passenger compartment.
7

8 Section 4. Compliance with Ordinance Required

9 (1) The operation of vehicles for hire within and upon the streets of Palm Beach
10 County shall be subject to the conditions, restrictions, and regulations set forth in this
11 Ordinance. It shall be unlawful to operate any vehicle for hire within and upon such
12 streets without first obtaining a Palm Beach County vehicle for hire permit, vehicle
13 decal(s), and driver’s identification badge; however, this Ordinance shall not apply to the
14 following:

- 15 (a) Vehicles operated by a governmental agency;
- 16 (b) Vehicles tendering transportation services not for compensation;
- 17 (c) Vehicles owned and operated by hotels, and motels and funeral homes
18 which provide transportation services for their guests only, for which the guest does not
19 incur a separate charge;
- 20 (d) Discharge within the regulatory purview of this Ordinance of a passenger
21 picked up pursuant to legal authority in either a municipality or another county;
- 22 (e) Operation of motor vehicles for the transportation of passengers, not for
23 compensation, between the vicinity of their residences and the vicinity of their places of
24 work, in an arrangement commonly known as a “car pool” or “van pool”.
- 25 (f) Non-Medical, Wheelchair and Stretcher Transportation Service vehicles
26 under the auspices/regulation of Palm Beach County Palm-Tran Connection.

27 ~~(2) It shall be unlawful for any vehicle for hire company to allow any person to~~
28 ~~operate a vehicle for hire without first securing a vehicle for hire driver’s identification~~
29 ~~badge from the Division.~~

30 (2) Compliance with the provisions of this Ordinance shall in no way relieve an

1 individual or vehicle for hire company from compliance with all municipal, county, state
2 and federal laws.

3 (3) Vehicle for Hire Business permit holders and permitted drivers shall cooperate
4 fully at all times with the Division in furnishing information required in connection with
5 requests for proof of licensure, insurance, vehicle registration, Driver's ID Badge, or
6 during the process of applying to renew a business permit, registration of vehicles and/or
7 Driver's I.D. Badges, or investigations of consumer complaints. Further, Vehicle for Hire
8 Business permit holders and permitted drivers shall not obstruct, hamper or interfere with
9 an investigation of violations of this Ordinance conducted by Division personnel, any law
10 enforcement officer or employee of any other agency enforcing this Ordinance. At no
11 time shall a Vehicle for Hire Business permit holder or permitted driver use abusive
12 language or display discourteous, hostile, aggressive or other inappropriate behavior
13 toward passengers, other vehicle for hire drivers, vehicle for hire business owners or their
14 representatives, Division personnel, any law enforcement officers or any agency
15 authorized to enforce this Ordinance.

17 **Section 5. Advertising**

18 (1) It shall be unlawful for any vehicle for hire company to advertise vehicle for hire
19 services and/or transportation services without obtaining and maintaining a current and
20 valid vehicle for hire business permit and vehicle decal(s) pursuant to the provisions of
21 this Ordinance. Any advertisements of any vehicle for hire business shall clearly and
22 conspicuously disclose the name of the company, physical address of the company, phone
23 number and vehicle for hire business permit number issued by the Division. The permit
24 number shall be preceded by "PBC VFH".

25 (2) All taxi cabs and non-medical wheelchair and stretcher transportation service
26 vehicles shall clearly display on the exterior of the driver and passenger side of the
27 vehicle, permanent vinyl or painted lettering at least 2 four inches (4") high and in
28 clearly visible bold contrasting colors, the vehicle for hire company's name, telephone
29 number and business permit number. The permit number shall be preceded by "PBC
30 VFH". Magnetic signage, of any type, is not permitted.

1 (3) Every taxicab and non-medical wheelchair and stretcher transport service vehicle
2 shall be assigned a unique/dedicated number by the vehicle for hire company. That
3 number must be permanently affixed to each vehicle by that company. The assigned
4 number shall exist for the life of the vehicle while it is owned/operated by that company
5 and must not be reused for at least 1 year on any other vehicle. This number shall be
6 reported to the Division as part of the annual permit requirements. The number shall be
7 affixed to both rear quarter panels (or roof posts) of an automobile or rear sides of other
8 vehicles. The numbers must be in clearly visible, boldly contrasting colors and shall be a
9 minimum of 4" in height. Each business must assure that duplicate numbers are not
10 assigned to vehicles.

11 (3 4) All taxicabs shall conspicuously advertise their meter rates on the exterior of the
12 vehicle and the metered drop rate must match the advertised rate.

13 (5) Taxicabs utilizing signage on roofs which prevent the required mounting of a
14 toplight at the time this Ordinance is adopted shall be exempt from the toplight
15 requirement until the vehicle is replaced or required to be retired pursuant to this
16 Ordinance.

17 (4 6) Vehicle for hire drivers/chauffeurs meeting passengers at Palm Beach
18 International Airport, or the Port of Palm Beach, may utilize a sign for the purposes of
19 identifying a passenger or group of passengers. The sign utilized shall identify the name
20 of the passenger or group being met and ~~may identify~~ shall include the name of the
21 vehicle for hire company or the corporate client of the vehicle for hire company and
22 "PBC VFH" permit number. In no event shall the name of the company be larger than
23 one-inch (1") letters and in any event the name of the company shall be smaller than the
24 name of the passenger/group.

26 **Section 6. Municipal Exemption**

27 ~~An individual or~~ vehicle for hire company while in possession of a valid municipal
28 vehicle for hire ~~authority~~ permit (within Palm Beach County), meeting the insurance
29 requirements of Section 10 ~~14~~ of this Ordinance, shall ~~have reciprocity and~~ be made
30 exempt from paying certain fees required by Palm Beach County as authorized by the

1 ~~permit requirements of this Ordinance. However, all~~ All vehicles businesses operating
2 pursuant to ~~reciprocity~~ this exemption shall ~~make application to obtain an exempt~~
3 operating permit from the Division, and must meet the vehicle safety all of the
4 requirements of Sections 8 and 9 of this Ordinance, ~~and each vehicle for hire driver shall~~
5 ~~meet the driver requirements of Section 11 of this Ordinance.~~ By resolution, the Board
6 may assess an administrative processing fee for exempt vehicle for hire companies and
7 vehicles.

8 9 **7. Reciprocity**

10 ~~(2)(1)~~ **Out-of-County origin exception.** Nothing in this Ordinance shall prohibit
11 discharge within Palm Beach County of any passenger, lawfully picked up in another
12 county and lawfully transported into Palm Beach County from a county or municipality
13 that has adopted a similar vehicle for hire regulatory ordinance, which meets or exceeds
14 the requirements of this Ordinance and has been issued an operating permit by the county
15 or municipality of origin.

16 Any passenger lawfully picked up in another county, may be transported to, and
17 discharged at any one or more locations within Palm Beach County, Any passenger
18 transported under this provision may be picked up at the drop-off location and transported
19 back to the county of origin as long as the transportation is part of a continuous round trip
20 fare. may be picked up at the discharge location as long as the This transportation is must
21 be part of a prearranged, round-trip fare (evidenced by a written manifest or load ticket)
22 and the county or municipality (not in Palm Beach County) where the passenger is picked
23 up has adopted a similar or matching provisions in a vehicle for hire regulatory ordinance
24 and issued an operating permit or vehicle for hire license to the business. Local Business
25 Tax Receipts do not meet the requirements of this section.

26 ~~(3)(2)~~ A vehicle for hire from another county or municipality (not in Palm Beach
27 County) may pick up a passenger at either Palm Beach International Airport or the Port of
28 Palm Beach and transport said passenger directly to the vehicle for hire's county or
29 municipality of origin as long as:

30 (a) The county or other municipality (not in Palm Beach County) has adopted
31 a similar vehicle for hire regulatory ordinance, which meets or exceeds the requirements
32 of this Ordinance;

1 (ab) The transportation is part of a prearranged, one-way continuous fare
2 (evidenced by a written manifest or load ticket);

3 (bc) The passenger arrived at either Palm Beach International Airport or the
4 Port of Palm Beach;

5 (e) ~~The vehicle for hire has complied with all of the regulatory requirements~~
6 ~~of Palm Beach County;~~

7 (d) The vehicle meets Palm Beach International Airport and the Port of Palm
8 Beach vehicle for hire requirements; and

9 (e) The vehicle has been issued an operating permit by the county or
10 municipality of origin ~~(if an operating permit exists)~~. A copy of the manifest or load
11 ticket shall be in the possession of the driver at all times and shall be made available to
12 enforcement personnel upon request; and,

13 (f) ~~The county where the passenger is picked up has adopted a similar~~
14 ~~provision.~~

16 **Section 8. Business Permit Application**

17 (1) An individual, ~~or~~ vehicle for hire company, or broker, not exempt pursuant to
18 Sections 4 ~~and 6~~ shall make application to the Division for a business permit. A business
19 permit shall be issued annually only after acceptance by the Division of providing copies
20 ~~of all~~ the following:

21 (a) Its legal, ~~and/or~~ trade, corporate name and/or fictitious name;

22 (b) Its local or Florida business address (mail centers or P.O. Box addresses
23 are not acceptable);

24 (c) List of all business principals (i.e., owner, officers, etc.) names, addresses,
25 dates of birth and Florida Driver License number. If applicable, the name and address of
26 the registered agent shall be provided.

27 (e)(d) The number, make, model, year of manufacture and specific coloring
28 scheme of each vehicle for hire for which a business permit is sought;

29 (d)(e) The vehicle identification number and license tag number of each
30 vehicle;

31 (f) A clear and legible copy of each vehicle's State of Florida registration
32 form;

33 (eg) The name and vehicle for hire driver's identification badge number;

1 (fh) Appropriate certificates, permits, ~~licenses,~~ local business tax receipts,
2 (specifically for vehicle for hire) and other authorization issued by Palm Beach County
3 and a any municipality, if any, applicable;

4 (i) The original signed copy of the vehicle inspection form for each vehicle
5 being assigned a decal; and

6 (g j) ~~Receipt by the division~~ Payment of all of a business permit and vehicle
7 decal fees in an amounts set forth by resolution of the Board.

8 (2) Each business permit holder, except brokers, must own at a minimum, fifty
9 percent (50%) of its vehicles (ownership shall be evidenced by registering vehicles in the
10 company's name or providing proof of a commercial lease agreement). Any business
11 which does not meet the fifty percent (50%) requirement when this Ordinance becomes
12 effective, may continue operating its existing registered vehicles provided the vehicles
13 meet all the other requirements of this Ordinance. When such businesses add or replace
14 vehicles, such vehicles must be owned by the business. This requirement must continue
15 until the business complies with at least fifty percent (50%) ownership of vehicles
16 registered with the DCA.

17 ~~(2) — Each vehicle for hire company shall employ only those drivers who have been~~
18 ~~issued a vehicle for hire driver's identification badge by the Division.~~

19 (3) No person maintaining, owning, or operating a vehicle for hire company shall
20 suffer or permit any person or employee to drive a vehicle for hire unless such person has
21 a valid vehicle for hire driver's identification badge issued pursuant to this Ordinance.

22 (4) Failure to comply with the provisions of this Section may result in denial of a
23 permit(s)/I.D. badge, revocation or suspension of the permit(s)/I.D. badge, a denial of
24 renewal of such permits/I.D badge, issuance of a civil citation, a misdemeanor conviction
25 or other such remedies available to the Division herein.

26 ~~(5) An individual or vehicle for hire company not exempt pursuant to Sections 4 and~~
27 ~~6 shall make application to the Division for a vehicle decal for each vehicle for hire. Each~~
28 ~~vehicle for hire shall be issued a vehicle decal upon fulfilling all the following~~
29 ~~requirements:~~

30 ~~(a) — Verification of the information submitted pursuant to subsection (1)~~
31 ~~above;~~

32 ~~(b) — Certification evidencing compliance with the insurance requirements of~~

Section 10 of this Ordinance;

(c) — Receipt of appropriate documentation or a sworn statement that the vehicle(s) for which the vehicle decal is sought meets the minimum vehicle safety requirements of Section 8 of this Ordinance;

(d) — Receipt of a sworn statement that the driver of the vehicle for which the vehicle decal is sought meets the minimum requirements of Section 11 of this Ordinance; and

(e) — Receipt by the Division of a vehicle decal fee in an amount set forth by resolution of the Board.

(6) — Each vehicle decal and business permit issued pursuant to this section shall be valid and effective for one (1) year, terminating on December 31 of each year. Failure to submit a business permit application and the required non-refundable fee for renewal by of October 1 of each year will result in the assessment of a non-refundable late fee. The late fee shall be established by a resolution of the Board. Upon submission of a new business application, the Division shall provide the business with a receipt which shall constitute a provisional business permit and shall be valid for no longer than thirty (30) calendar days or until the issuance or denial of the business permit, whichever comes first.

Businesses which fail to submit a complete application within thirty (30) calendar days after the Division's receipt of the application or renewal application, shall be denied a business permit. Within ten (10) business days of receipt of the Division's notice of denial, such businesses may refile a complete and true application and pay a non-refundable re-filing fee established by a resolution of the Board. Failure to refile an application within this ten (10) day period, will result in the business being required to submit a new application and paying the non-refundable business permit fee and vehicle decal fees. The DCA may deny or revoke a business permit if it is determined that the applicant has misrepresented, omitted or concealed a fact on the application, renewal application or replacement application. Said business permit shall not be issued or reinstated for a period of one year.

No permit shall be valid for any vehicle for hire company under any other name or at any place other than that designated in the permit. A permit is not transferable or assignable, nor shall the ownership structure of the company be so modified as to constitute a change

1 in the control or ownership of the permit. If the business changes its name or ownership
2 structure, within forty-five (45) days, a new business permit application and all business
3 permit fees shall be submitted to DCA.

4 Upon issuance of a vehicle decal, such decal shall be affixed to the in the vehicle inside
5 windshield, passenger side at all times. The vehicle decal remains the property of Palm
6 Beach County and shall be used only under the authority of the Division.

7 (7) — A vehicle decal may be renewed upon application to the Division evidencing
8 continued compliance with the provisions of this Ordinance, and payment of a renewal
9 fee in an amount set forth by resolution of the Board.

10 (8) — If the short term use of a rental vehicle by a vehicle for hire company is necessary,
11 a short term vehicle decal plaque issued upon application to the Division must be placed
12 on the vehicle dashboard or inside windshield, passenger side. If a vehicle is rented for
13 more than 30 days, it must be registered with the Division. A fee for a short term vehicle
14 decal plaque shall be established by a resolution of the Board.

15 (9) — No vehicle decal may be sold, assigned or otherwise transferred without approval
16 of the Division. If a vehicle is destroyed or sold, the vehicle for hire company must
17 remove said vehicle decal (if in existence) and surrender the remains to the Division. A
18 fee for replacing decals shall be established by a resolution of the Board.

19 (10) — Any change in the information submitted pursuant to subsections (1) or
20 (5) above shall be provided to the Division within twenty (20) calendar days. Failure to
21 provide such notice may result in the suspension or revocation of a vehicle decal.

22 (11) — Compliance with the provisions of this Ordinance shall in no way relieve an
23 individual or vehicle for hire company from compliance with all municipal, county, state
24 and federal laws.

25 (12) — Failure to comply with the provisions of this Section may result in denial of a
26 permit(s)/I.D. badge, revocation or suspension of the permit(s)/I. D. badge, a denial of
27 renewal of such permits, issuance of a civil citation, a misdemeanor conviction or other
28 such remedies available to the Division herein.

29 (13) — All vehicles for hire business permits which are not renewed shall automatically
30 expire upon the expiration date as stated on the permit and the company shall cease all
31 vehicle for hire services immediately.

32 (14) — Each vehicle for hire shall be required to conspicuously display in the passenger
33 compartment a "Passengers' and Driver's Bill of Rights" supplied by the Division.

34 (5) Each business permit issued pursuant to this section shall be valid and effective

1 for one (1) year, terminating on December 31 of each year.

2 (a) Failure to submit a business permit application and the required non-
3 refundable fee for renewal by September 30 of each year will result in the assessment of a
4 non-refundable late fee. The late fee shall be established by resolution of the Board.

5 (b) Upon submission of a new business permit application and all required
6 documents, the Division shall provide the business with a receipt which shall constitute a
7 provisional business permit and shall be valid until the issuance or denial of the business
8 permit, whichever comes first.

9 (c) Businesses which fail to submit a complete application/renewal
10 application within thirty (30) calendar days after the business' receipt of the Division's
11 notice of an incomplete application, shall be denied a business permit. Within ten (10)
12 business days of receipt of the Division's notice of denial, such businesses may refile a
13 complete and corrected application and pay a non-refundable re-filing fee established by
14 resolution of the Board. Failure to refile an application within this ten (10) day period,
15 will result in the business being required to submit a new application and paying the non-
16 refundable business permit fee and vehicle decal fees.

17 (d) The DCA may deny or revoke a business permit if it is determined that the
18 applicant has misrepresented, omitted, concealed a fact on any application or submitted
19 any fraudulent or false document. If denied or revoked, said business permit shall not be
20 issued or reinstated for a period of one year from the date of denial or revocation.

21 (e) No permit shall be valid for any vehicle for hire company under any other
22 name or at any place other than that designated in the permit.

23 (f) A permit is not transferable or assignable, nor shall the ownership
24 structure of the company be so modified as to constitute a change in the control or
25 ownership of the permit. If the business changes its name or ownership structure, within
26 forty-five (45) days of said change, a new business permit application and all business
27 permit fees shall be submitted to DCA.

28 (6) Upon application and throughout the licensing year, a vehicle for hire company
29 operating as a "Broker" must submit to the Division a complete written listing of each
30 vehicle for hire company for which the company is conducting brokering activities. If a
31 vehicle for hire company is added or deleted, the broker must submit an updated listing in
32 writing to the DCA within 5 business days of the addition or deletion. Brokers shall only
33 conduct business with vehicle for hire companies legally permitted to operate in Palm
34 Beach County.

1 (7) Any change in the information submitted pursuant to paragraph (1) above shall be
2 provided to the Division within twenty (20) calendar days of said change. Failure to
3 provide such notice may result in the suspension or revocation of the company's business
4 permit.

5 (8) All vehicle for hire business permits which are not renewed, shall automatically
6 expire upon the expiration date as stated on the permit and the company shall cease all
7 vehicles for hire services immediately.

8 (9) All vehicle for hire businesses must maintain a written/electronic manifest or trip
9 log for each pickup/drop-off of any passenger. The manifest shall be in the possession of
10 the vehicle for hire driver and business central dispatch and shall include the business
11 name, business phone number, name of the passenger (if provided or known),
12 pickup/drop-off address/location and dates/times involved.

13 (10) The DCA may deny or refuse to renew the business permit of any vehicle for hire
14 business based upon the determination that:

15 (a) Any director, officer, owner or general partner was associated with another
16 vehicle for hire business whose permit was denied or revoked.

17 (b) An individual/business, or any of its directors, officers, owners or general
18 partners has not satisfied a civil fine or penalty arising out of any administrative or
19 enforcement action brought by DCA or any governmental agency based upon any
20 violation of this or a similar Ordinance;

21 (c) Has had any unsatisfied civil penalties, judgments or administrative orders
22 entered against it, him or her in any action brought by the DCA, or any government
23 agency, under the requirements of this or a similar Ordinance;

24 (d) Failed to comply with the terms of a cease and desist order, notice to
25 correct a violation, written assurance of voluntary compliance, or any other lawful order
26 of the Director, the DCA or the Consumer Affairs Hearing Board/Special Master.

27 (11) Each vehicle for hire business operating in Palm Beach County must secure a
28 business operating permit and maintain a commercial business office or residential home
29 office in Palm Beach County. Each vehicle for hire company must place the actual
30 written permit issued by the DCA in a location clearly visible to the public. There are
31 only two exceptions to maintaining a commercial business office or residential home
32 office in Palm Beach County: a) the vehicle for hire business may operate from Broward
33 County, Miami-Dade County or any another Florida county/municipality where that
34 jurisdiction licenses and regulates vehicle for hire companies and that business and all

1 vehicles are licensed/decaled to operate by that county/municipality and secures a vehicle
2 for hire operating permit and vehicle decals from Palm Beach County or b) the vehicle for
3 hire business may operate from another county if no vehicle for hire license regulations
4 exists in the other county and that business secures a vehicle for hire operating permit and
5 decals from Palm Beach County. Vehicle for hire companies with existing operating
6 permits and decals from Palm Beach County shall be exempt from this subsection.

7 (12) A vehicle for hire company shall sign an affidavit attesting that each driver is
8 eligible to be insured by the company's commercial automobile liability insurer and is in
9 fact insured.

10 (13) When a driver is no longer insured by the vehicle for hire company's commercial
11 automobile liability insurer, the company is required to notify the Division, in writing,
12 immediately but no later than 10 business days.

13 (14) For vehicles owned by the business, it shall be the responsibility of the business
14 to remove and surrender to the Division all decals issued for vehicles which are no longer
15 operating for that business. The business must also remove all vehicle signage and top
16 lights within ten (10) business days following the removal of a vehicle from service or
17 termination of employment/contract.

18 (15) Failure to comply with the provisions of this Section may result in denial of a
19 permit(s), revocation or suspension of the permit(s), a denial of renewal of such permit(s),
20 issuance of a civil citation, a misdemeanor conviction or other such remedies available to
21 the Division by law.

22

23 **Section 9. Records Required.**

24 Each vehicle for hire company shall maintain accurate and complete records relating to
25 manifests, invoices (when used) and vehicle maintenance. Such records shall be
26 maintained for at least three (3) years. The Division shall be granted access to these
27 records for inspection and/or copying, during regular business hours, upon 24-hours prior
28 notice. In the event the Division is denied the opportunity to inspect and copy such
29 records onsite, the Division shall have the right to remove the records for the purpose of
30 copying and shall return any records removed within three (3) calendar days.

31

32 **Section 10. Vehicle Requirements.**

33 (1) Age requirements:

1 (a) A SUV, Sedan, Taxi Cab and Transport Van/Shuttle (seating 9 passengers
2 or less) shall not be used as a vehicle for hire if it is older than seven (7) years, based on
3 the vehicle registration.

4 (b) Transport Vans/Shuttles (seating 10 or more passengers and not used as a
5 taxi cab), Non-Medical Wheelchair and Stretcher Transportation Service Vans, and
6 Limousines cannot be used as a vehicle for hire they are older than ten (10) years, based
7 on the vehicle registration. Non-Medical Wheelchair and Stretcher Transportation
8 Service vehicles that are not Vans cannot be used if it is older than seven (7) years, based
9 on the vehicle registration.

10 (2) It shall be a violation of this Ordinance to fail to meet the requirements of vehicles
11 described in Section 3: Paragraph 12 – Limousine, Paragraph 18, Non-Medical,
12 Wheelchair and Stretcher Transportation Service, Paragraph 23 – SUV, Paragraph 24 –
13 Sedan, Paragraph 25 – Taxicab, and Paragraph 28 – Transport Van/Shuttle.

14 (3) Taxicabs

15 (a) Each taxicab is required to maintain a top light as defined in Section 3
16 (27).

17 (b) Each taxicab business shall select and use a uniform, specific and
18 consistent color and signage scheme for all taxicabs registered to the business. Each
19 company shall submit to the Division for approval, upon application, three color
20 photographs, not less than 8” by 10” size, showing the entire vehicle, driver’s side
21 (assuming passenger side is identical), front and rear of the vehicle which depicts the
22 chosen color scheme, including signage per Section 5 of this Ordinance.

23 (c) No taxicab shall be permitted to operate unless it conforms with the
24 business’ selected color and signage scheme as stated in subsection (3) (b) herein above.

25 (d) No taxicab shall be permitted or operated unless it is equipped with a
26 taximeter which accurately registers the rates and charges posted on the outside of the
27 vehicle. Taxicabs are required to use the taximeter to determine all fares. The Taximeter
28 must be plainly visible to allow easy viewing of the meter rate display by the passenger.

29 (e) All taximeters shall be calibrated, at least once per year, tested and sealed
30 pursuant to the most current addition of the National Institute of Standards and
31 Technology (NIST) Handbook 44, at a Registered Taxi Service Agency, as authorized by

1 State of Florida Department of Agriculture and Consumer Services, Bureau of Weights
2 and Measures.

3 (f) Each taxicab business must present meter calibration records when
4 applying for and/or renewing the vehicle for hire business permit. The calibration record
5 must show at a minimum, the date of calibration, and the name, address and phone
6 number of the Registered Taxi Service Agency performing the calibration.

7 (g) All taximeters must have a lead seal and current inspection decal
8 affixed to the taxi meter, by a Registered Taxi Service Agency. The business is
9 responsible to assure compliance with this paragraph.

10 (h) If either the lead seal or inspection decal is missing or broken on the
11 taximeter, the vehicle for hire business must immediately take the vehicle out of service.
12 The taximeter must be recalibrated by a Registered Taxi Service Agency, and a new lead
13 seal and inspection decal must be affixed to the taxi meter prior to the taxicab being
14 placed back into service.

15 (4) Failure to comply with the provisions of this Section may result in the Division
16 denying the permit(s)/decal, revoking or suspending of the permit(s)/decal, denying a
17 renewal of such permits/decal, issuing a civil citation, a misdemeanor conviction or other
18 such remedies available to the Division.

20 **Section 11. Vehicle Decal Requirements**

21 (1) An individual or vehicle for hire company not exempt pursuant to Section 4 of
22 this Ordinance shall make application to the Division for a vehicle decal for each vehicle
23 for hire. Each vehicle for hire shall be issued a vehicle decal upon fulfilling all the
24 following requirements:

25 (a) Verification of the application submitted pursuant to Ordinance;

26 (b) Certification evidencing compliance with the insurance requirements of
27 Section 14 16 of this Ordinance;

28 (c) Receipt of appropriate documentation or a sworn statement that the
29 vehicle(s) for which the vehicle decal is sought meets the minimum vehicle safety and
30 signage requirements of Sections 5, 10, 11 and 13 of this Ordinance; and

31 (d) Payment to the Division of the vehicle decal fee in an amount set forth by
32 resolution of the Board.

1 (2) Each vehicle decal issued pursuant to this section shall be valid and effective for
2 one (1) year, terminating on December 31 of each year.

3 (3) Upon issuance of a vehicle decal, such decal shall be properly affixed to the
4 vehicle utilizing the adhesive provided on the decal. Said decal shall be placed on the
5 passenger side, lower corner inside windshield. Once affixed, the decal may not be
6 removed except for reasons described in paragraph (7) below. The vehicle decal remains
7 the property of Palm Beach County and shall be used only under the authority of the
8 Division. It shall be a violation of this Ordinance to fail to properly affix the decal to the
9 vehicle windshield immediately upon receipt. Designated Division personnel shall have
10 the authority to confiscate decals not properly affixed to the vehicle windshield.

11 (4) A vehicle decal may be renewed upon application to the Division evidencing
12 continued compliance with the provisions of this Ordinance, and payment of the renewal
13 fee in an amount set forth by resolution of the Board.

14 (5) If the short-term use of a rental vehicle by a vehicle for hire company is necessary,
15 a short-term 30 day vehicle placard shall be issued upon application to the Division. The
16 vehicle for hire company shall show proof that all temporary use vehicles meet the
17 minimum insurance requirements of this Ordinance and provide a copy of the rental
18 agreement. The short-term placard must be placed on the passenger's side dashboard of a
19 rented vehicle for hire. The placard shall at a minimum include the name of the
20 company, date of issuance and date of expiration. If a vehicle is rented for more than 30
21 days, the vehicle for hire company must secure a new placard. A fee for a short-term
22 vehicle placard shall be established by resolution of the Board. All short-term use
23 vehicles must meet all requirements of this Ordinance. Temporary use placards are not
24 permitted for taxi cabs and Non-Medical Wheelchair and Stretcher Transport Service
25 vehicles.

26 (6) No vehicle decal may be duplicated in any manner.

27 (7) No vehicle decal may be sold, assigned or otherwise transferred. If a vehicle's
28 windshield is damaged beyond repair or a vehicle is destroyed or sold, the vehicle for hire
29 company must remove said vehicle decal (if in existence) and surrender the remains to
30 the Division within 10 business days of the occurrence.

31 (8) A fee for replacing decals for vehicles currently registered with the DCA shall be
32 established by resolution of the Board. Such fees are applicable to vehicles which have
33 sustained windshield damage or decal theft (as evidenced by dated repair receipt or police
34 report).

(9) Each vehicle for hire shall conspicuously display in the passenger compartment a *Vehicle for Hire Service Standards* decal, supplied by the Division.

Palm Beach County
Vehicle for Hire Service Standards

Passenger Expectations:

- A clear understanding of the fare (or fare rate)
- To examine the driver's I.D. badge
- To direct the destination and route to your destination
- A courteous, English-speaking driver who knows the streets of Palm Beach County
- Only the "permitted" driver and paying passengers in vehicle
- A driver who knows and obeys all traffic laws
- Air-conditioning on demand
- No operation of radio, CD/Cassette or DVD/video or other similar mediums unless requested
- No smoking in vehicle
- Clean passenger seat area
- Clean trunk

Driver Expectations:

- To be paid for services provided and request
- No illegal activities in vehicles
- Personal Safety
- To maintain a safe environment
- Non-smoking passenger(s)

If you have an unresolved problem with the driver (or company) contact:

Palm Beach County Consumer Affairs
West Palm Beach 561-712-6600
Boca/Glades 888-852-7362
www.pbcgov.com/consumer

As an alternative for sedans and limousines, vehicle for hire companies may opt to provide a copy of the *Vehicle for Hire Standards* on a minimum 8½" x 5½" sheet of paper (with minimum 10 point type font) to passengers at any time, but no later than the trip termination or when the customer is invoiced. It shall be a violation of this Ordinance for the Vehicle for Hire company or the driver to fail to adhere to the *Vehicle for Hire Service Standards*.

(10) It shall be unlawful to operate any vehicle for hire within and upon the streets and roads of Palm Beach County without first obtaining the required vehicle decal(s) and affixing it to the windshield of each vehicle. Failure to secure the required decal or affixing it to each vehicle as required by this Ordinance may result in the permit being denied, suspended or revoked.

(11) Failure to comply with the provisions of this Section may result in the Division denying the permit(s)/decal, revoking or suspending the permit(s)/decal, denying a renewal of such permits/decal, issuing a civil citation, a misdemeanor conviction or other such remedies available to the Division.

1 **Section 12: Impoundment**

2 (1) The Division shall have the right to seize and impound vehicles operating as
3 vehicles for hire without commercial automobile liability insurance.

4 (2) A driver and/or vehicle for hire business, previously issued a citation(s) for
5 violation of Section 16 of this Ordinance and found guilty, pleads guilty or has a
6 judgment issued against it, may have its vehicle impounded for a subsequent violation of
7 operating a Vehicle for Hire without commercial liability insurance.

8 (3) At the time and place of impoundment, the Division will provide written notice to
9 the owner of the vehicle explaining: a) the grounds for impoundment, b) the description
10 of vehicle impounded, c) the location of the secured facility where the vehicle will be
11 held and d) the process for having the vehicle released.

12 (4) The Division may obtain the assistance of either the Palm Beach County Sheriff's
13 Office or the specific police agency in the municipality in which the vehicle will be
14 impounded.

15 (5) The vehicle shall not be released to the vehicle owner by the towing company
16 until authorization has been given by the DCA and all judgments from outstanding
17 citations have been paid.

18 (6) The registered owner of the impounded vehicle may request that the impounded
19 vehicle be released, by delivering a written request in person to the Division of Consumer
20 Affairs, from Monday through Friday, between 8:00 AM and 4:30 PM, excluding
21 holidays.

22 (7) The vehicle owner is responsible for the payment of all towing and storage
23 charges incurred by the impoundment, and any other fines or penalties imposed by the
24 Division or any other law enforcement, motor vehicle or licensing agency.

25
26 **Section 8. 13. Vehicle Safety and Appearance Requirements.**

27 (1) The windshield and All side and rear windows shall provide clear visibility and
28 operate according to the manufacturer's specifications, and The windshield and all
29 windows shall possess no breakage, cracks or pits that impair visibility or hinder the
30 safety of passengers. All window cranks/power window switches shall be complete,

1 intact and functioning. Windows on vehicles for hire shall not be covered by, or treated
2 with, a material which would cause the vehicle to be in violation of Sections 316.2951 -
3 316.2956, Florida Statutes as may be amended.

4 (2) All standard manufacturer's interior equipment shall be complete, intact and
5 functioning; including, but not limited to interior lights, dashboard, trim, gear shifts and
6 head rests. Vehicle interiors must not contain loose objects and must be clean, sanitary,
7 and free of broken seats/protruding sharp edges or torn or damaged upholstery, headliner,
8 or floor coverings. The vehicle's interior must be free of offensive odors. The floor
9 board shall be free of rust and holes. Trunks and luggage compartments must be kept
10 clean and free of debris.

11 (3) All doors must have operating handles, which allow opening from both the inside
12 and outside, and door hinges and latches must function properly. Door locks must be
13 operable by passengers at all times. Door seals and gaskets must be intact and operating
14 to prevent water, odor and fumes from entering the vehicle from outside. All door panels
15 must be intact to prevent accidental injuries on door and window mechanisms.

16 (4) Seat belts shall be available for all passengers (according to manufacturer's
17 specifications and Florida law). Seat belts shall be in operating condition, and easily
18 accessible, by all passengers. clean and free of grease and other objectionable substances.

19 (5) All vehicles for hire shall be equipped with a fully functioning heating and air
20 conditioning system which controls the temperature of the inside of the vehicle, between
21 68 and 78 degrees Fahrenheit. The vehicle shall be equipped with a fully functioning
22 windshield defrost or defogging system.

23 (6) All vehicles for hire shall be equipped with a light capable of illuminating the
24 interior of the vehicle for hire, controlled by the operation of the doors, or manually
25 controlled by the driver.

26 (7) ~~All vehicles shall have available and placed and secured in its proper position a~~
27 ~~child restraint seat when transporting a passengers required to ride in a child restraint seat~~
28 ~~by Section 316.613, Florida Statutes as may be amended.~~ The transportation of children
29 shall be in accordance with Section 316.613, Florida Statutes as may be amended.

30 (8) Those vehicles and operations, which are subject to the Americans with
31 Disabilities Act (ADA), shall comply with the applicable provisions of said Act.

32 (9) The vehicle's body, fenders, doors, trim, grill and paint exterior must be free from
33 cracks, breaks, rust, and dents body damage that detracts from the overall appearance of
34 the vehicle or could result in harm or injury to the passenger or his/her personal

1 belongings.

2 (10) The vehicle must be equipped with safe tires of the same size. No recaps shall be
3 used. Maximum allowable tread wear shall be where tread is level with the wear bar, or
4 $\frac{2}{32}$ " when measured at three random places in the tire tread. The tires shall be inflated to
5 manufacturer's specifications and free of cuts, cracks, bulges, or exposed belts.

6 (11) Windshield wipers must be operational according to the manufacturer's
7 specifications. ~~Wiper blades must be able to clean glass when wet and the rubber element~~
8 ~~shall not be torn, ripped or loose~~ shall be in such a condition as to make firm contact with
9 the windshield when operational, and shall not be torn or worn.

10 (12) Reflectors and lenses shall not be cracked or missing and must be the correct color
11 and properly positioned.

12 (13) Low and high beam headlights, turn signals, brake, tail and reverse lights shall be
13 operable as required by Florida State law. Each vehicle shall have a white light on the
14 vehicle to illuminate the rear license plate so that it is clearly visible.

15 (14) ~~Vehicle steering and suspension shall be functional.~~ Steering mechanisms shall
16 neither be worn or jammed, nor shall there be more than two (2) inches play to the left or
17 right of center, measured at the steering wheel rim with the front wheels in a straight-
18 ahead position. Power steering units shall not have visible signs of fluid leakage.

19 (15) The vehicle suspension shall function as designed by the manufacturer.

20 (16) The vehicle shall be equipped with an operating horn with the actuating button
21 mounted in the location designated by the vehicle manufacturer and operated in the
22 manner designed and assembled by the vehicle manufacturer.

23 (17) Each vehicle shall contain an operating parking brake and a primary brake system
24 which acts on all four (4) vehicle wheels. There shall be no visible leaks in the brake
25 line, hoses, wheel cylinders or any part of the brake system and no frayed cables. Brake
26 linings and/or disc pads, when measured at the thinnest point shall not be less than one-
27 sixteenth (1/16) of an inch and firmly attached to the brake shoe or disc. Disc brake
28 rotors and brake drums shall be of a size and type appropriate for the vehicle, with no
29 cracks or other damage which change or impair the functional surface. All primary brake
30 systems shall demonstrate a reasonable total braking force when conducting a rolling
31 stop.

32 (18) There shall be no leakage of exhaust gas from the exhaust manifold, muffler or
33 any other point in the exhaust system as determined through a visual and audible
34 inspection. The tail pipe shall discharge exhaust from the rear of the vehicle according to

manufacturer specifications.

(19) Belts shall show no signs of excessive wear and be free of cracks and frays.

Hoses shall be firm and in good condition, free of leaks and cracks.

(20) All fluid levels shall be maintained according to manufacturer's specifications.

(21) Vehicles are required to have manufacturer specified spare tires and tire changing equipment, unless all wheels are equipped with a "run flat tire" system.

(22) Vehicles must be equipped with functioning speedometer and odometer.

(23) Vehicles must receive routine maintenance according to the manufacturer's recommendations pertaining to service intervals. A record of such routine maintenance must be maintained and is subject to inspection by the Division.

24) Businesses must assure that each vehicle or driver has a means of communicating to a central dispatch or to emergency agencies with a two-way radio and/or cellular mobile telephone.

(2025) Failure to comply with the provisions of this Section and applicable sections of Florida State Statute 316 may result in denial of a permit(s)/I.D. badge, revocation or suspension of the permit(s)/I.D. badge, a denial of renewal of such permits/I.D. badge, issuance of a civil citation, a misdemeanor conviction or other such remedies available to the Division herein by law.

Section 9. 14. Para-Transit, Non-Medical Wheelchair and Stretcher Transportation Service Companies Operational Requirements.

(1) Non-Permitted Transportation – It shall be unlawful to provide the following types of transportation for any person:

(a) Requiring intravenous fluid administration while in route.

(b) Requiring direct medical attention while in route.

(c) Requiring ventilatory assistance.

(d) Requiring orthopedic traction during transit.

(e) Requiring medically necessary oxygen who is unable to manage or change his/her equipment, unless accompanied by an individual who is at least 18 years old.

(f) Requiring inter-facility transfers not regulated by this Ordinance but are regulated by the Palm Beach County Emergency Medical Services Ordinance.

(3 2) Vehicle Design - Wheelchair Operations.

(a) Each vehicle shall have, in addition to the rear-vision mirror required by

Chapter 316, Florida Statutes, an inside rear-vision mirror which will enable the driver to view the entire compartment;

(b) Vehicle entry and exit doors shall be equipped with latching devices sufficient to restrain individual passenger conveyance(s) within the passenger compartment of the vehicle;

(c) The floor of each vehicle shall be sealed to avoid the seepage of water or moisture;

(d) The passenger compartment shall provide a minimum of 55 inches of height, measured from the finished floor to the finished ceiling;

(e) Vehicles shall not display any ambulance or rescue vehicle emergency lighting or warning devices, nor shall they be painted in a fashion that is similar to or resembles an ambulance or rescue vehicle;

(f) Vehicles for hire which are intended to be used for or are used for the transport of individuals in wheelchairs shall be designed and equipped to meet minimum requirements as specified by the Florida Department of Transportation for wheelchair lift vehicles (Florida Administrative Code, Section 14-90, as may be amended).

(4-3) Vehicle Design - Stretcher Operations. Prior to transportation, a ~~Para-Transit, Non-Medical,~~ Wheelchair and Stretcher Transportation Service provider shall be required to obtain from the passenger, who requires transportation by a stretcher or from the person whom the passenger is under direct supervision, a signature on a written statement that the person does not need, nor is likely to need, immediate medical attention during transport. This statement must be attached to the corresponding trip manifest. Vehicles for hire, which are intended to transport a passenger by stretcher, shall be equipped as follows:

(a) Each vehicle shall have crash stable side or center mounting litter fasteners as a means of latching a stretcher to the vehicle. Litter fasteners shall secure the litter to the floor or sidewalls. Where a single passenger may be centered in the passenger area of the vehicle on a wheeled litter, additional attachments (cups and locks) shall be provided. Attachments shall be near flush with the surrounding surface when not in use;

(b) At least two (2) strap-type restraining devices shall be provided per stretcher, cot, or litter to prevent longitudinal or transverse dislodgment of the passenger during transit;

(c) Each vehicle shall have, in addition to the rear-vision mirror required by Chapter 316, Florida Statutes, an inside rear-vision mirror which will enable the driver to

view the entire passenger compartment;

(d) Vehicle entry and exit doors shall be equipped with latching devices sufficient to restrain individual passenger conveyance(s) within the passenger compartment of the vehicle. Striker plates will be used in conjunction with latching devices;

(e) The floor of each vehicle shall be sealed to avoid the seepage of water or moisture;

(f) The passenger compartment shall provide a minimum of 55 inches of height, measured from the finished floor to the finished ceiling;

(g) Vehicles shall not display any ambulance or rescue vehicle emergency lighting or warning devices, nor shall they be painted in a fashion that is similar to or resembles an ambulance or rescue vehicle.

(§ 4) Vehicle Design - Combination Wheelchair/Stretcher. Vehicles for hire which are intended to be used for, or are used for the transportation of persons on both a stretcher or wheelchair shall be subject to all provisions contained above in Section ~~9(1) and (2)~~ 13.

(6 5) Advertising. All advertising or other solicitation for business by such transportation services shall emphasize in a conspicuous manner that the service does not provide ambulance services or medical attention, and the service is designed solely to transport those persons whose physical condition or impairments render it impractical to use a regular common carrier or vehicle for hire service. All such transportation services advertising in the "Yellow Pages" of the telephone directory or elsewhere may only be listed under the heading of "Wheelchair and Invalid Transportation". Use of "The Star of Life", "The Staff of Caduceus", the term "ambulance", normal or abnormal EKG patterns, or any other symbol or sign normally associated with medical attention is prohibited in any and all advertising including the design/signage placed on the exterior of vehicles.

(7 6) Those vehicles and operations, which are subject to the Americans with Disabilities Act (ADA), shall comply with the applicable provisions of said Act.

(7) All vehicles must be equipped with:

(a) First aid kit: Minimal requirements; six gauze pads (at least 4 x 4 inches); two large gauze pads (at least 5 x 9 inches); box adhesive bandages; one package gauze roller bandage at least 2 inches wide; two triangular bandages; wound cleaning agent such as sealed moistened towelettes; scissors; one blanket; tweezers; adhesive tape; latex gloves; eye protection (safety goggles/glasses); resuscitation equipment at a minimum

1 requiring a pocket mask; two elastic wraps; splint; and directions for requesting
2 assistance.

3 (b) Bodily fluid "Spill Kit" including: safety gloves, foldable wipes,
4 decontaminate and solidifier, scoops, hand cleaner and biohazard disposal bags,
5 absorbent, latex gloves, hazardous waste disposable bags, hand scrub brush, disinfectant,
6 deodorizer and eye protection.

7 (c) All-purpose fire extinguisher (10 lb. ABC).

8 (40 9) Failure to comply with the provisions of this Section may result
9 in denial of a permit(s)/decals I.D. badge, revocation or suspension of the permit(s)/
10 decals I.D. badge, a denial of renewal of such permits, issuance of a civil citation, a
11 misdemeanor conviction or other such remedies available to the Division herein.

12 13 **Section 15. Vehicle Inspections.**

14 (1) Mechanical/Safety Inspections

15 (a) All vehicles for hire, except those vehicles that are less than one current
16 model year old, shall be inspected annually, but not more than 60 days before the
17 application for a business permit is submitted to the Division. All vehicles added to the
18 fleet of permitted businesses must meet these inspection requirements.

19 (b) Vehicle inspections shall be performed by an Automobile Technician or
20 Master Automobile Technician both of which must be certified by the National Institute
21 for Automotive Service Excellence (ASE) who at a minimum has passed the
22 requirements for Suspension/Steering and/or Brakes.

23 (i) The ASE certified Automobile Technician/Master Automobile
24 Technician performing the inspection must utilize a three (3) part inspection form
25 supplied by the Division for each vehicle.

26 (ii) The inspection form must show that the vehicle passed all of the
27 requirements as specified in Section 11.

28 (iii) The technician must provide his/her ASE certification number, the
29 expiration date of his/her certification, the name and license number of the State of
30 Florida licensed Motor Vehicle Repair facility where the inspection was performed and
31 his/her signature as verification that all information provided is true and correct. This

1 information must be recorded on the inspection form for each vehicle inspected.

2 (c) It shall be a violation of this Ordinance to fail to use a certified technician
3 to inspect vehicles or to submit false inspection forms to the Division. The Division may
4 verify information and inspection forms submitted by the business. A business which
5 fails or does not follow the requirements of this section is subject to denial, revocation or
6 suspension of its business permit and decals and renewal of same.

7 (2) Signage and Visual Inspections

8 (a) The Division shall conduct signage and visual inspections of all vehicles
9 required to have exterior signage, taxi roof top lights, and/or taximeters, upon the
10 submittal and completion of all application requirements. Such vehicles for hire shall be
11 inspected by Division personnel to verify that vehicles comply with the requirements of
12 this Ordinance. Division personnel shall do a visual inspection of all vehicles to assure
13 safety and appearance standards are in compliance with this Ordinance. When the vehicle
14 passes inspection, Division personnel shall properly affix the required decal to the
15 windshield.

16 (b) The inspection of vehicles shall take place during a designated period of
17 time and at a location designated by the Division. It will be the responsibility of the
18 vehicle for hire business to make vehicles available during that designated period of time
19 and at that designated location.

20 (c) The Division will provide written notification (fax or electronic
21 notification acceptable) to the vehicle for hire company of the time and location where
22 inspections will be conducted.

23 (d) If the business fails to appear for inspection, during the designated
24 inspection period established by the Division, a rescheduling fee must be paid to the
25 Division prior to rescheduling. The non-refundable rescheduling fee shall be established
26 by resolution of the Board. Failure to reschedule within 5 (five) business days shall be a
27 violation of this Ordinance and may result in the denial/revocation of the permit. If a
28 business cancels or the vehicle(s) fails to appear for the re-scheduled inspection, the
29 business must pay a fee that is double the regular rescheduling fee as established by
30 resolution of the Board.

1 (e) Vehicles acquired by a business after submitting the annual business
2 permit application cannot be substituted for vehicles previously scheduled for inspection,
3 unless the business provides all required vehicle documentation at least ten (10) business
4 days before the designated inspection; time established by the Division.

5 (f) If a vehicle inspection reveals deficiencies (fails) and a reinspection is
6 required, then the failed vehicle(s) are to be brought to the Division's designated
7 reinspection site within 5 business days by appointment. If the vehicle is not reinspected
8 within 5 business days, then a failed vehicle reinspection fee (as established by resolution
9 of the Board) shall be paid to the Division.

10 (g) Vehicles that have failed an inspection shall be red-tagged by the Division.
11 A red-tag "out of service" decal will be applied to the vehicle by a Division employee
12 and the vehicle may not be used for any business purposes until such time as the vehicle
13 is brought to the Division, inspected and approved for operation. Only Division
14 employees may remove the red-tag decal.

15 (h) It is a violation of this Ordinance to fail to abide by the provisions of this
16 section and to fail to have vehicles inspected.

17 (3) The Division has the right to conduct field inspections of all for-hire vehicles for
18 hire, at any time. It is a violation for any vehicle to fail to meet the mechanical, safety
19 and signage requirements, of this ordinance. DCA personnel may issue a citation or
20 written warning and may apply a "red tag" decal to any vehicle found not meeting these
21 requirements. The "red tag" will be used for significant safety deficiencies (including but
22 not limited to tire tread less than 2/32 of an inch, leaking exhaust, cracked windshield,
23 exterior lighting, etc.) The "red tag" must remain on the vehicle until noted deficiencies
24 have been corrected and verified by DCA personnel.

26 **Section 14 16. Commercial Automobile Liability Insurance.**

27 (1) It shall be unlawful for any vehicle for hire company to operate and transport
28 passengers for compensation until that company has filed with the Division and maintains
29 in effect for each vehicle a certificate of insurance which shall insure such vehicle for
30 Commercial automobile liability insurance and shall be equal to or greater than meet or

1 exceed minimum insurance limits as established by resolution of the Board. Three
2 Hundred Thousand dollars (\$300,000.00) for injuries per occurrence or accident, One
3 Hundred Thousand dollars (\$100,000.00) for injuries per person in any one (1)
4 occurrence or accident, and Fifty Thousand dollars (\$50,000.00) for property damage in
5 any one (1) occurrence or accident.

6 The policy shall have as insurer thereon an insurance company authorized to do business
7 in the State of Florida. In addition, the policy shall provide that the holder's insurance
8 coverage may neither expire nor be canceled prior to thirty (30) days after the Division
9 receives written notice of said expiration or cancellation from the insurance carrier.

10 (2) All insurance policies required shall be issued by insurance companies licensed
11 and admitted to write commercial automobile liability insurance in the State of Florida.

12 No policy shall be accepted which is less than a six (6) month duration. Each policy shall
13 be endorsed to provide for at least (30) thirty days written notice to the Division of any
14 cancellation or non-renewal of the policy. Evidence of the renewal of the policy shall be
15 filed with the Division prior to such policy's expiration date. Failure to file such evidence
16 of insurance, or failure to have same in full force and effect, may result in denial of a
17 permit(s)/I. D. badge, revocation or suspension of the permit(s)/I. D. badge, a denial of
18 renewal of such permits, issuance of a civil citation, a misdemeanor conviction charge or
19 other such remedies available to the Division herein.

20 (3) Each Certificate of Insurance must be submitted to the Division directly from the
21 insurer or a duly authorized agent and must include a list of drivers approved by the
22 insurance company for operation of any vehicle for hire and a list of insured vehicles.
23 The business must provide the Division with an updated complete list of approved drivers
24 as changes are made throughout the licensing year, but no later than 30 business days
25 after a change has been made. The list of drivers must be provided on a document signed
26 by an official representative of directly from the insurance company/agent. For vehicles
27 not owned by the business, each driver must be listed as "insured" on the insurance
28 policy. It is a violation of this Ordinance to fail to abide by these requirements.

29 (4) A properly completed Certificate of Insurance evidencing all insurance coverages
30 shall be made available to the Division upon application for a business permit. Each

1 vehicle must be listed on the certificate(s) by its year, make and vehicle identification
2 number. Certificates of Insurance must contain the following name and address as
3 Certificate Holder and Additional Insured:

4 Board of County Commissioners of Palm Beach County
5 c/o Division of Consumer Affairs
6 50 South Military Trail, Suite 201
7 West Palm Beach, FL 33415
8

9 (5) The Division may deny, suspend or revoke the business permit of any vehicle for
10 hire company for failure to obtain or maintain insurance as required by this Ordinance.

11 Any company which submits false or fraudulent insurance documents shall be subject to
12 immediate denial or revocation. Such companies shall not be eligible to reapply for a
13 business permit for five (5) years. The DCA shall notify the State Department of
14 Financial Services/Division of Insurance Fraud for follow-up investigation and review.

15 Upon denial, suspension or revocation of the business permit, the vehicle for hire
16 company shall be entitled to an appeal according to the provisions in Section 17.

17 (6) An "administrative insurance reactivation" fee established by resolution of the
18 Board, shall be assessed all vehicle for hire companies that allow the commercial liability
19 insurance policy:

20 (a) To be cancelled without a new policy effective on the same date/time as
21 the cancelled policy, or prior to the cancellation date of the former policy. (Unless
22 insurance company is at fault or goes out of business).

23 (b) To expire and the company failed to provide the DCA with proof that the
24 policy had been renewed or that a new policy had been secured prior to the actual
25 expiration date.
26

27 **Section 15 17. Driver Requirements; Failure to Comply**

28 (1) It shall be unlawful for any person to operate any vehicle for hire within and upon
29 the streets of Palm Beach County without having first obtained a Palm Beach County
30 vehicle for hire driver's identification badge. ~~This section shall not apply to drivers of~~
31 ~~para-transit, wheelchair, and stretcher transportation units who are certified emergency~~
32 ~~medical technicians or paramedics as defined by Florida Statute 401.23.~~ All applicants
33 for a vehicle for hire driver's identification badge shall conform to the following:

- 1 (a) Be at least ~~eighteen (18)~~ twenty-one (21) years of age;
- 2 (b) Possess a valid State of Florida Driver License as required by the Florida
3 Department of Highway Safety and Motor Vehicles and must show proof that she/he has
4 possessed a valid driver's license from any state within the United States for three (3)
5 years prior to applying for a Driver's I.D. Badge;
- 6 (c) The driver must provide the original form of his/her lifetime State of
7 Florida Department of Highway Safety and Motor Vehicles traffic/driving record report
8 to the Division which was secured no more than (thirty) 30 days before the
9 application/renewal was submitted. Upon initial application, if a driver has resided in
10 Florida less than five (5) consecutive years, a traffic/driving record/history from each
11 state where he/she previously resided must be provided for at least a five year period;
- 12 (d) Has had three (3) or more moving violations in any twelve (12) month
13 period in the previous three (3) years prior to the initial application or renewal of a
14 Driver's I.D. in which the applicant plead guilty, was found guilty or adjudication was
15 withheld.
- 16 (e) Has not been classified as a habitual traffic offender (as defined by Florida
17 statutes) or state where he/she previously resided within five (5) years of applying for a
18 Driver's I.D. Badge and was not previously issued a Driver's I.D. Badge by the Division;
- 19 (e f) Upon initial application or renewal, the driver must provide the original
20 request form for his/her Florida Department of Law Enforcement (FDLE) criminal
21 history/records report to the Division, as well as payment for the amount required to
22 secure the criminal history/records report. The Division shall then be responsible for
23 processing the request and payment to the FDLE. The Division may conduct additional
24 criminal history/records reports with other states/jurisdictions as deemed appropriate. The
25 Division may require an applicant to submit to finger print analysis if there is a question
26 of identity or for any other valid reason.
- 27 (e g) Have no conviction or plea of guilty or nolo contendere, regardless of
28 adjudication of guilt, within the preceding 5 years from the date of application for any
29 offense related to driving a motor vehicle under the influence or while intoxicated.
- 30 (e h) Have not more than one conviction or plea of guilty or nolo contendere,
31 regardless of adjudication of guilt, within the preceding 10 years from the date of
32 application for any offense related to driving a motor vehicle under the influence or while
33 intoxicated.
- 34 (f i) Have no more than two (2) traffic citations resulting from accidents in the

1 three (3) years preceding the date of the current permit year wherein the driver has been
2 found guilty. The driver must provide the original form of his/her lifetime State of
3 Florida Department of Highway Safety and Motor Vehicles traffic/driving record report
4 to the Division which was secured no more than (thirty) 30 days before the
5 application/renewal was submitted;

6 (g j) Have no conviction or plea of guilty or nolo contendere for ~~stalking; lewd,~~
7 ~~lascivious or indecent conduct; or a~~ any first-degree misdemeanor in the three (3) years
8 preceding the date of permit application, regardless of the adjudication of guilt.

9 (k) Have no record of any felony within the last five (5) years of the date of
10 conviction to which the applicant, was convicted of, found guilty of, or pled guilty or nolo
11 contendere to, regardless of the adjudication of guilt. The Division may require driver
12 applicants to provide the final disposition for felony criminal cases on background checks
13 received by the Division from any source. Failure to provide the disposition of such cases
14 may result in the denial of a Driver's I.D. Badge.

15 (h) ~~Have no conviction or plea of guilty or nolo contendere of any felony~~
16 ~~involving moral turpitude relating to sex; the use of a deadly weapon; homicide; violence~~
17 ~~against a law enforcement officer under Section 775.0823, Florida Statutes as may be~~
18 ~~amended; or is a habitual violent felony offender under Section 776.084, Florida Statutes~~
19 ~~as may be amended; or has a violent felony (including but not limited to robbery;~~
20 ~~kidnapping; aggravated child abuse; aggravated abuse of an elderly person or disabled~~
21 ~~adult; aggravated manslaughter of a child; unlawful throwing, placing or discharging of a~~
22 ~~destructive device or bomb; armed burglary; and aggravated battery) An exception to~~
23 ~~this paragraph shall be if the applicant's civil rights have been restored.~~

24 (l) Have no conviction, plea of guilty, nolo contendere or adjudication
25 withheld of any offense (unless proof is shown that the applicant's civil rights have been
26 restored) involving:

27 (i) Murder, attempted murder, attempted felony murder,
28 manslaughter, (F.S. Chapter 782)

29 (ii) DUI manslaughter (F.S. 316.193(3));

30 (iii) Sexual battery, attempted sexual battery (F.S. 794.011);

31 (iv) Lewd or lascivious battery, attempted lewd or lascivious battery,
32 lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious
33 exhibition (F.S. Chapter 800);

- 1 (v) Lewd or lascivious offense upon or in the presence or an elderly or
2 disabled person, attempted lewd or lascivious offense upon or in the presence of an
3 elderly or disabled person (F.S. 825.1025);
- 4 (vi) Sexual performance by a child, attempted sexual performance by a
5 child (F.S. 827.071);
- 6 (vii) Aggravated child abuse (F.S. 827.03);
- 7 (viii) Failure to register as a sexual predator (F.S. 775) or sexual
8 offender (F.S. 943.0435);
- 9 (ix) Computer pornography, transmission of computer pornography,
10 buying or selling of minors (F.S. Chapter 847);
- 11 (x) Kidnapping, attempted kidnapping, false imprisonment, or luring
12 and enticing a child (F.S. Chapter 787);
- 13 (xi) Aggravated battery, attempted aggravated battery (F.S. 784.045);
- 14 (xii) Armed robbery, attempted armed robbery, carjacking, attempted
15 carjacking, home invasion, attempted home invasion (F.S. Chapter 812);
- 16 (xiii) Poisoning of food or water (F.S. 859.01);
- 17 (xiv) First degree burglary or attempted first degree burglary (F.S.
18 810.02);
- 19 (xv) Arson or attempted arson (F.S. 806.01);
- 20 (xvi) Aggravated stalking (F.S. 784.048);
- 21 (xvii) Aggravated battery or aggravated assault on a law enforcement
22 officer or other specified officer (F.S. 784.07);
- 23 (xviii) Aircraft piracy (F.S. 860.16);
- 24 (xix) Unlawful throwing, placing, or discharging of a destructive device
25 or bomb (F.S. 790.161);
- 26 (xx) Facilitating or furthering terrorism (F.S. 775.31);
- 27 (xxi) Treason (F.S. 876.32);
- 28 (xxii) Any offense committed in another jurisdiction that would be an
29 offense listed in this paragraph if that offense had been committed in this State.
- 30 (m) In addition, the person has not been declared to be one of the following:
- 31 (i) Habitual Violent Felony Offender under F.S. 775.084(1)(b);
- 32 (ii) Three-time Violent Felony Offender under F.S. 775.084(1)(c);
- 33 (iii) Violent Career Criminal under F.S. 775.084;
- 34 (iv) Prison Releasee Reoffender under F.S. 775.082(9)(a);

1 (v) Sexual Predator under F.S. 775.21;

2 (n) Any new applicant or renewing applicant that has pending criminal or
3 legal matters (described in Paragraphs (g), (h), (i), (j), (k) and (l) above), that if
4 convicted, would not be granted a Driver's I.D. Badge, may have his/her application
5 placed on hold by the DCA, and such applicant shall be provided with written notice of
6 the right to request a hearing before the Hearing Board/Special Master to determine
7 whether the Driver's I.D. Badge should be granted with conditions, limitations or
8 restrictions or not granted at all. In such instances, the appeal fee shall be waived.

9 (o) All vehicle for hire drivers with current I.D. Badges are required to notify
10 the Division within ten (10) business days upon being convicted of any crime.

11 (p) Have no unsatisfied civil penalties, active warrants, judgments or
12 administrative orders pertaining to this Ordinance.

13 (iq) Every application or renewal application for a driver's identification badge
14 and application for amendment of a driver's identification badge, shall be in writing, and
15 signed and sworn to by the applicant and shall be filed with the Palm Beach County
16 Division of Consumer Affairs on a form provided by the Division together with the non-
17 refundable driver's identification badge fees which shall not be subject to proration.
18 Each driver's identification badge shall be valid for a two-year period and shall be
19 renewed every other year on the applicant's date of birth. The DCA may deny or revoke a
20 vehicle for hire driver's identification badge if it is determined that the applicant has
21 misrepresented, omitted, or concealed a fact on the application, renewal application or
22 replacement application. If the identification badge is revoked or denied, the DCA shall
23 not ~~accept an application for issue or reinstate~~ said driver's identification badge for a
24 ~~period of two (2) years~~ one (1) year from the date the badge is revoked or denied. Any
25 person renewing a driver's identification badge must, ~~by the birth date of the driver,~~ file a
26 renewal application, furnish the documentation requested by the Division, and submit
27 payment for the required non-refundable renewal fee(s) not more than ninety (90) days
28 before the expiration date of a driver's identification badge. Persons who fail to reapply
29 for their Driver's I.D. Badge 30 days prior to expiration, risk having a gap in their
30 authorization to drive a for-hire vehicle. A driver shall be granted a thirty (30) day grace
31 period following the expiration of the permit (birth date of the driver) to submit the
32 required application, documentation and renewal fee(s) before a non-refundable late fee,
33 over and above the driver's renewal fee, is required. Any applicant who fails to submit a
34 renewal application within 1 year of the expiration of a current badge will be considered a

1 new applicant when reapplying and no grandfathered provisions will apply. Each driver
2 shall be allowed to make application to renew his/her I.D. badge for a period of up to
3 ninety (90) days prior to expiration. Said fees shall be established by resolution of the
4 Board;

5 (j r) Shall submit to photographing (full face exposure/without sunglasses or
6 head coverings) prior to the issuance of the permit/I.D. badge by the Division;

7 (k s) Complete the driver's identification badge registration affidavits provided
8 by the Division;

9 (l t) Not possess a suspended or revoked driver's license as a result of a
10 moving violation or have any outstanding and unsatisfied civil penalties, citations or
11 judgments imposed due to violations of this Ordinance;

12 (m u) Not violate the terms of a cease and desist order, assurance of voluntary
13 compliance, notice to correct a violation or any other lawful order of the director;

14 (n v) Not be enjoined by a court of competent jurisdiction from engaging in the
15 vehicle for hire business or was enjoined by a court of competent jurisdiction with respect
16 to any of the requirements of this Ordinance chapter;

17 (e w) Have no conviction or plea of guilty or nolo contendere regardless of
18 adjudication of guilt in any military or foreign jurisdiction, federal, state, county or
19 municipal jurisdiction within the United States for violations analogous or parallel to
20 those violations enumerated in all subsections (d), (e), (f), (g) and (h) herein.

21 (2) The driver of a vehicle for hire shall conspicuously display on the driver's person
22 through the use of a neck lanyard, or above the waist on the outermost garment, the
23 driver's identification badge issued pursuant to this Ordinance so that it is visible and
24 available for inspection to the public, Division personnel and all law enforcement
25 officials while engaged and on duty for a vehicle for hire business.

26 (3) Each driver's identification badge shall be ~~on a form~~ developed by the Division.
27 Each driver's identification badge shall, at a minimum, contain the name of the driver
28 ~~address of the driver, date of issuance,~~ date of expiration, photo of the driver, and such
29 additional terms, conditions, provisions and limitations as were imposed during the
30 approval process. Drivers are required to submit a notarized affidavit signed by each
31 permitted vehicle for hire company with whom s/he is driving. The affidavit (on a form
32 prepared by the Division) shall also include a statement by the business owner that the
33 driver is eligible to be insured under the company's insurance policy. When a driver is no
34 longer driving for a vehicle for hire company, the driver is required to notify the Division

1 within 10 business days. Failure to follow these requirements shall be a violation of this
2 Ordinance.

3 (4) The ~~Director~~ Division may issue a replacement identification badge to any driver
4 upon ~~application~~, payment of a non-refundable replacement fee, presentation of proof or a
5 sworn affidavit that the identification badge has been lost, stolen or for any other valid
6 reason, and any other documentation or requirement requested by the Division. The
7 replacement fee shall be established by resolution of the Board.

8 (5) It shall be unlawful for any person to drive a vehicle for hire unless such person
9 has a valid vehicle for hire driver's identification badge issued pursuant to this Section.

10 (6) It shall be unlawful for any person to drive a vehicle for any vehicle for hire
11 company which has not been granted a business permit pursuant to Section 7 of this
12 Ordinance.

13 (7) It shall be unlawful for any applicant for a vehicle for hire driver's identification
14 badge to misrepresent, omit or conceal a fact on the application, renewal application or
15 replacement application.

16 ~~(8) It shall be unlawful for any vehicle for hire company to allow any person to drive~~
17 ~~a vehicle for hire without such person having been granted a vehicle for hire driver's~~
18 ~~identification badge pursuant to this Section.~~

19 (8) Upon submission of the application, the Division shall provide the driver with a
20 receipt ~~which shall constitute a provisional permit/I. D. badge and shall be valid for no~~
21 ~~longer than forty five (45) days or until the vehicle for hire driver's identification badge is~~
22 ~~either issued or denied, whichever comes first. The driver shall be responsible for~~
23 ~~retaining the provisional permit/receipt and shall produce said document upon demand by~~
24 ~~the Division or appropriate law enforcement officer. No applicant shall be permitted to~~
25 drive a vehicle for hire in Palm Beach County until the Division has issued to him/her a
26 Driver's I.D. Badge. The Division shall provide the Driver's I.D. Badge within ten (10)
27 business days following the submittal of the application and all required documents. In
28 the event the official criminal background records furnished to the Division are
29 insufficient, the Division shall be permitted an additional twenty (20) business days to
30 issue the Driver's I.D. Badge.

31 (9) No driver shall operate one or more vehicles for hire for more than 12 cumulative
32 hours of driving within any 24-hour period as supported by a required vehicle trip

1 manifest prepared by the driver and maintained by the vehicle for hire company.

2 (10) Drivers are required to provide a smoke free environment inside the vehicle at all
3 times.

4 (11) Drivers must be hygienically clean, well groomed and neat.

5 (12) Passengers shall be offered a receipt for the fare collected.

6 (13) Drivers shall not use abusive language or be discourteous to passengers or
7 Division personnel.

8 (14) Drivers must be able speak and understand English to the extent they can take
9 instruction from passengers and complete trip manifests and incident/accident reports.

10 (15) Upon initial application for a Driver's I.D. Badge, the Division or designated
11 agency shall examine each applicant and, at a minimum, determine the applicants
12 knowledge of Palm Beach County geography and his/her ability to understand the English
13 language. A driver is only required to successfully complete the examination one time.
14 A driver/applicant which initially fails either the geography or English test may retake the
15 test within 30 days at no additional charge. If a driver/applicant fails either requirement
16 during the retest, that person will be denied his/her I.D. Badge, but may reapply and repay
17 all applicable fees at anytime.

18 (16) Vehicle for Hire Drivers shall cooperate fully at all times with the Division in the
19 furnishing of information required in connection with requests for proof of driver's
20 license, vehicle insurance and/or Driver's I.D. Badge, during the process of applying to
21 renew a Driver I.D. Badge, and during investigations of consumer complaints. Further,
22 Vehicle for Hire Drivers shall not obstruct, hamper or interfere with an investigation of
23 violations of this Ordinance conducted by Division personnel, any law enforcement
24 officer or employee of any other agency enforcing this Ordinance. At no time shall a
25 Vehicle for Hire Driver use abusive language or display discourteous, hostile, aggressive
26 or other inappropriate behavior toward passengers, other vehicle for hire drivers, vehicle
27 for hire business owners or their representatives, Division personnel, law enforcement
28 officers or any agency authorized to enforce this Ordinance.

29 (17) All vehicle for hire drivers who own or lease the vehicle's they drive, shall
30 remove and surrender to the Division the vehicle decal and Driver I.D. Badge within ten

1 (10) business days after he/she is no longer driving for that particular vehicle for hire
2 business. Such owner/driver must also remove all vehicle signage and top lights within
3 ten (10) business days after he/she is longer driving for the vehicle for hire business.

4 (10 18) Start-Up Exemptions: Any person who possessed a valid Driver's I.D. Badge
5 on the effective date of this Ordinance shall be exempt from any new requirements of
6 Section 17, paragraphs (1), (a-h), (j-m), (w). However, such persons would be ineligible
7 to receive a Driver's I.D. Badge if new offenses occurred as described in this Ordinance.
8 ~~Any person acting, on the effective date of this Ordinance as a driver of a vehicle for hire~~
9 ~~as defined under the terms of this Ordinance, shall be subject to this Ordinance. As of the~~
10 ~~effective date of this Ordinance all new drivers must submit an initial application and fees~~
11 ~~for a driver's identification badge. Upon determining that the applicant meets the~~
12 ~~requirements set forth in this Ordinance, the DCA shall issue a two-year driver's~~
13 ~~identification badge. Drivers who have a driver's identification badge valid for one year,~~
14 ~~shall not be required to secure a two-year badge until the expiration of their current badge.~~
15 ~~All drivers whose badges expire on or subsequent to October 1, 2001, shall upon~~
16 ~~submission of a renewal application and fees be issued a two-year identification badge.~~
17 (11 19) Failure to comply with the provisions of this Section may result in the Division
18 denial of denying a permit(s)/I. D. badge, revocation revoking or suspension suspending
19 of the permit(s)/I. D. badge, a denial of denying a renewal of such permits/I.D. badges,
20 issuance of issuing a civil citation, a misdemeanor conviction or other such remedies
21 available to the Division herein.

22 23 **Section 16 18. Fraudulent Transfer of Vehicle for Hire Company.**

24 (1) A transfer of a vehicle for hire company to a successor company shall be deemed
25 a fraudulent transfer if said transfer is made by the vehicle for hire company for the
26 purpose of evading permit fees and/or civil penalties issued pursuant to this Ordinance.
27 In determining intent to defraud, consideration may be given among other factors to,
28 whether:

29 (a) The transfer was to an insider;

30 (b) The vehicle for hire company retained possession or control of the

1 property transferred after the transfer;

2 (c) The transfer was disclosed or concealed;

3 (c) Before the transfer was made or obligation was incurred, the vehicle for
4 hire company had been sued or threatened with suit;

5 (e) The transfer was of substantially all the vehicle for hire company's assets;

6 (f) The value of the consideration received by the vehicle for hire company
7 was reasonably equivalent to the value of the asset transferred or the amount of the
8 obligation incurred;

9 (f) The vehicle for hire company was insolvent or became insolvent shortly
10 after the transfer was made or the obligation was incurred;

11 (h) The transfer occurred shortly before or shortly after substantial permit fees
12 or civil penalties were incurred; and

13 (i) The vehicle for hire company transferred the essential assets of the
14 business to a lienor who transferred the assets to an insider of the vehicle for hire
15 company.

16 (2) It shall be a violation of this Ordinance for a Vehicle for Hire company to
17 fraudulently transfer a Vehicle for Hire company.

18
19 **Section 17 19. Hearing to Determine Non-Compliance; Revocation, and**
20 **Suspension and Denial of Permits/I. D. Badges; Administrative Appeal**

21
22 (1) The Division is authorized to deny, suspend or revoke business permits/Driver's
23 I.D. badges, upon written notice. Suspensions shall not be more than six (6) months.
24 Companies/Drivers not resolving issues related to suspensions within the six (6) month
25 suspension period will be subject to permit/I.D. Badge revocation. Said notice of
26 business permit/I.D. Badge denial, suspension or revocation shall be by personal service
27 (to the owner, driver or representative), by certified mail (return receipt requested) or
28 posting in a conspicuous place at the place of business or home of the driver.

29 (2) Upon receipt of the notice of denial, revocation, or suspension of a business
30 permit/I.D. badge, which notice shall specify the grounds for the denial, suspension or
31 revocation, the vehicle for hire company, person or driver shall be entitled to an appeal
32 according to the following:

1 (a) Administrative Appeal: Any vehicle for hire company, person or driver
2 which has had a business permit/I.D. badge denied, revoked, or suspended by the
3 Division, may appeal such decision to the Consumer Affairs Hearing Board/Special
4 Master within twenty (20) days of receipt of the decision. A non-refundable filing fee
5 must accompany the written request for appeal. The business, person, driver or attorney
6 shall file a written notice of appeal signed by the business officer/owner, driver or
7 attorney requesting a hearing and setting forth a brief statement of the reasons thereof.
8 The filing fee shall be established by resolution of the Board. The appeal shall be
9 reviewed at a hearing of the Consumer Affairs Hearing Board/Special Master within sixty
10 (60) days of receipt by the Division of the notice of appeal. The vehicle for hire
11 business/person/driver may be represented by an attorney and shall be entitled to present
12 a defense.

13 (b) Orders: At the conclusion of any hearing set forth in this section, the
14 Consumer Affairs Hearing Board/Special Master shall orally render its decision (order)
15 based on evidence entered into the record. The decision shall be by motion approved by
16 the affirmative vote of those members present and voting. The decision shall be stated in
17 a written order and mailed to the vehicle for hire company/driver not later than ten (10)
18 days after the hearing, and shall be deemed final agency action with regard to the matter
19 appealed.

20 (c) Court Appeal: Any person may appeal a final determination of the Consumer
21 Affairs Hearing Board/Special Master within thirty (30) days of the rendition of the decision
22 by filing a petition for writ of certiorari in the Circuit Court of the Fifteenth Judicial Circuit
23 in and for Palm Beach County, Florida.

24 (d) For purposes of appeal, the FDLE Criminal History/Records Reports and
25 the State of Florida Department of Highway Safety and Motor Vehicles traffic/driving
26 record report shall be deemed prima facie evidence and admitted into evidence before the
27 Consumer Affairs Hearing Board/Special Master.

28 (3) All hearings and appeals shall be scheduled and determined as promptly as
29 practicable and in no event more than sixty (60) days from the date the written notice of
30 appeal was filed. Written notice of the time, date, and place of the hearing of the appeal

1 shall be served upon the appellant no later than twenty (20) days prior to the date of the
2 hearing. Said notice of hearing, shall be by personal service, certified mail or posting in a
3 conspicuous place at the place of business or home of the driver or person. Failure of the
4 business to respond within the time frames specified herein or failure to appear at a duly
5 noticed hearing shall be deemed a waiver of the right to hearing and an admission of the
6 acts specified in the notice.

7 (4) The Consumer Affairs Hearing Board/Special Master shall consider the evidence
8 and documentation as well as the statement offered by any interested party and shall
9 consider the matter de novo and shall, upon the basis of the evidence before it, affirm,
10 modify or reverse the decision of the Director.

11 (5) If the Consumer Affairs Hearing Board/Special Master affirms the decision of the
12 Director to deny, suspend or revoke a business permit/Driver's I.D. badge, the denial,
13 suspension or revocation shall be effective from the date of the Consumer Affairs Hearing
14 Board's/Special Master's written order. All decisions of the Consumer Affairs Hearing
15 Board/Special Master shall constitute final agency action for purposes of further appeal.

16 (6) Suspension of the Business Permit/Driver's I.D. badge: If, at the conclusion of the
17 hearing, the Consumer Affairs Hearing Board/Special Master decides to suspend the
18 Business Permit/Driver's I.D. badge, a time certain shall be set as the period of
19 suspension. Prior to the end of such time certain, those violations for which the
20 suspension was imposed shall be corrected; otherwise, the suspended permit(s) shall be
21 automatically revoked. A fee of fifty percent (50%) of the business permit/Driver's I.D.
22 badge fee shall be collected to reinstate the suspended permit(s)/I.D. Badge.

23 (7) Revocation of Business Permit/I. D Badge: If, at the conclusion of the hearing,
24 the Consumer Affairs Hearing Board/Special Master decides to revoke the business
25 permit/Driver's I.D. Badge or the suspended permit/I.D. Badge shall be automatically
26 revoked and the business/driver shall return the business permit/I.D. Badge and remove
27 and return all vehicle decals to the Division. A vehicle for hire company or driver whose
28 business permit/Driver's I.D. Badge has been revoked, shall not be eligible to reapply as a
29 new applicant for a period of one (1) year from the date of revocation.

30 (8) If the Consumer Affairs Hearing Board/Special Master reverses the decision of

1 the Director, the Director shall issue or restore the business permit/Driver's I.D. Badge.

2 (9) When the operating permit of a vehicle for hire company has been denied,
3 suspended or revoked, all vehicle for hire services shall immediately cease.

4 (10) In the event a written notice of appeal and accompanying filing fees are not
5 submitted within the times frames outlined in this Ordinance, the decision of the Director
6 shall prevail.

7 (11) Administrative Appeal – Insurance. When an operating permit has been
8 suspended or revoked for failure of the vehicle for hire business to obtain or maintain
9 required commercial liability insurance and the business wishes to appeal the
10 suspension/revocation, the vehicle for hire company may appeal such decision to the
11 Consumer Affairs Hearing Board/Special Master within 5 days of receipt of the decision.
12 The appeal shall be heard by the Consumer Affairs Hearing Board/Special Master within
13 10 days of receipt of the written appeal. A non-refundable filing fee must accompany the
14 written request for appeal. The filing fee shall be established by resolution of the Board.

15 (12) Effect of Appeal: An appeal of the decision of the Director to suspend or revoke a
16 business permit/Driver's I.D. Badge shall stay the effective date of the suspension or
17 revocation. A stay does not apply to a revocation or suspension of a business which
18 failed to maintain commercial liability insurance as required by Section 14.

19 ~~(1) — Hearing. Whenever there is reasonable cause to believe that an individual, driver~~
20 ~~or vehicle for hire company has violated or is violating the provisions of this Ordinance,~~
21 ~~the Division may issue notice to such individual, driver or company to appear before the~~
22 ~~Consumer Affairs Hearing Board/Special Master, at a fixed time and place, to consider~~
23 ~~said violation. The notice shall be in writing and shall be sent to the individual, driver or~~
24 ~~company no later than fifteen (15) days prior to the date of the hearing.~~

25 ~~(2) — Suspension of Permit/I. D. Badge. If, at the conclusion of the hearing, the~~
26 ~~Consumer Affairs Hearing Board /Special Master decides to suspend the individual,~~
27 ~~driver or vehicle for hire company's permit(s)/I. D. badge, a time certain shall be set as~~
28 ~~the period of suspension. Prior to the end of such time certain, those violations for which~~
29 ~~the suspension was imposed shall be corrected; otherwise, the suspended~~
30 ~~permit(s)/I. D. badge will be automatically revoked. A fee of fifty percent (50%) of the~~
31 ~~new permit fee shall be collected to reinstate the suspended permit(s).~~

32 ~~(3) — Revocation of Permit/I. D. Badge. If, at the conclusion of the hearing, the~~

1 ~~Consumer Affairs Hearing Board/Special Master decides to revoke a permit/I. D. badge,~~
2 ~~the individual, driver or vehicle for hire company shall remove and/or return the County~~
3 ~~permit/I. D. badge to the Division. An individual, driver, or vehicle for Hire Company~~
4 ~~whose Permit/I. D. badge has been revoked shall not be eligible to reapply as a new~~
5 ~~applicant for a period of six (6) months from the date of revocation.~~

6 ~~(4) — Administrative Appeal. Any individual, driver, or Vehicle for Hire Company,~~
7 ~~which has been denied a County permit/I. D. badge by the Division, may appeal such~~
8 ~~decision to the Consumer Affairs Hearing Board/Special Master within twenty (20) days~~
9 ~~of receipt of the decision. A non-refundable filing fee must accompany the written~~
10 ~~request for appeal. The filing fee shall be established by resolution of the Board. The~~
11 ~~appeal shall be reviewed at a hearing of the Consumer Affairs Hearing Board/Special~~
12 ~~Master within sixty (60) days of receipt by the Division of the request for appeal. For~~
13 ~~purposes of appeal, the driver's FDLE Criminal History/Records Reports and the State of~~
14 ~~Florida Department of Highway Safety and Motor Vehicles traffic/driving record report~~
15 ~~shall be deemed prima facie evidence and admitted into evidence before the Consumer~~
16 ~~Affairs Hearing Board/Special Master.~~

17 (13) Hearing Procedures. Notwithstanding Section 11 A of Palm Beach County
18 Consumer Affairs Ordinance 77-10 (as may be amended from time to time), the
19 Consumer Affairs Hearing Board/Special Master shall give due regard to competent,
20 reliable and technical evidence which will aid the Consumer Affairs Hearing
21 Board/Special Master in making a fair determination of the matter, regardless of the
22 existence of any common law or statutory rule which might otherwise make improper the
23 admission of such evidence. All parties shall have an opportunity to present evidence and
24 argument on all issues involved, to conduct cross examination and submit rebuttal
25 evidence, and to be represented by counsel.

26 When appropriate, the general public may be given an opportunity to present oral or
27 written communications. The Consumer Affairs Hearing Board/Special Master may
28 consider any evidence, including evidence of the general reputation of the petitioner.
29 All testimony shall be under oath and shall be recorded. Formal rules of evidence shall
30 not apply, but fundamental due process shall be observed and shall govern the
31 proceedings. Irrelevant, immaterial or unduly repetitious evidence may be excluded but
32 all the other evidence of a type commonly relied upon by reasonably prudent persons in
33 the conduct of their affairs shall be admissible, (including hearsay) whether or not such
34 evidence would be admissible in a trial in the courts of Florida. Orders of the Consumer

1 Affairs Hearing Board/Special Master shall be based on competent and substantial
2 evidence. The petitioner shall have the burden of proof by a preponderance of the
3 evidence.

4 ~~(6) Orders. At the conclusion of any hearing set forth in subsections (2) – (4) above,~~
5 ~~the Consumer Affairs Hearing Board /Special Master shall orally render its decision~~
6 ~~(order) based on evidence entered into the record. The decision shall be by motion~~
7 ~~approved by the affirmative vote of those members present and voting. The decision shall~~
8 ~~be stated in a written order and mailed to the appellant not later than ten (10) days after~~
9 ~~the hearing, and shall be deemed final agency action with regard to the matter appealed.~~

11 **Section 18 20. Enforcement**

12 (1) Any violation of this Ordinance is a civil infraction.

13 (2) Any person who has committed an act in violation of this Ordinance shall receive
14 a citation from the Division or any law enforcement officer who has probable cause to
15 believe that the person has committed a civil infraction in violation of this Ordinance.

16 (3) The county court shall have jurisdiction over all violations of this
17 Ordinance.

18 (4) The county clerk shall:

19 (a) Accept designated fines and issue receipts therefore;

20 (b) Provide a uniform citation form serially numbered for notifying alleged
21 violators to appear and answer to charges of violation of this Ordinance. Such citation
22 forms shall be issued to and receipted by the Division.

23 (5) Violation of any provision of this Ordinance shall be punishable by a fine not to
24 exceed Five Hundred dollars (\$500.00). Any person who has violated any provision of
25 this Ordinance shall be fined an amount as established by resolution of the Board.

26 (6) Any person issued a citation shall be deemed to be charged with a civil violation
27 and shall comply with the directives on the citation.

28 (7) Payment shall be made, either by mail or in person, to the Violations Bureau
29 within the time specified on the citation. If a person follows this procedure, s/he shall be
30 deemed to have admitted the infraction and to have waived his/her right to a hearing on
31 the issue of commission of the infraction.

32 (8) All fines collected as a result of said citations (except those fines collected as a
33 result of citations issued by municipal law enforcement officers, which shall be remitted
34 by the Clerk of the Court directly to the municipality issuing the citation) shall be paid

1 into the County Treasury and deposited into the general fund for the Division and used
2 for the vehicle for hire program. Pursuant to Florida Statutes 938.01, 938.17 and 938.19,
3 mandatory costs shall be assessed against every person convicted of a violation of this
4 Ordinance.

5 (9) Any person who fails to make payment within the specified period shall be
6 deemed to have waived his/her right to pay the civil penalty as set forth in the citation.

7 (10) Any person who elects to appear before the court to contest the citation shall be
8 deemed to have waived his/her right to pay the civil penalty. The court, after a hearing,
9 shall make a determination as to whether a violation has occurred and may impose a civil
10 penalty not to exceed Five Hundred dollars (\$500.00) plus court costs.

11 (11) If a person fails to pay the civil penalty, or fails to appear in court to contest the
12 citation, s/he shall be deemed to have waived his/her right to contest the citation; and in
13 such case, a default judgment may be entered and the judge shall impose a fine at that
14 time. An order to show cause may be issued. If the fine is paid, the case shall be
15 dismissed. If the fine is not paid, judgment may be entered up to the maximum civil
16 penalty.

17 (12) Any person cited for an infraction under this Ordinance shall sign and accept the
18 citation indicating a promise to pay the fine or appear in court. Any person who willfully
19 refuses to sign and accept a citation issued by an officer shall be guilty of a misdemeanor
20 of the second degree, punishable as provided by Florida Statutes 775.082 or 775.083.

21 (13) The Division may require mandatory court appearances for violations resulting in
22 the issuance of a third or subsequent citation to a person. The citation shall clearly inform
23 the person of the mandatory court appearance. The Division shall maintain records to
24 prove the number of citations issued to the person. Persons required to appear in court do
25 not have the option of paying the fine instead of appearing in court.

26 (14) Failure to comply with the requirements of this Ordinance shall constitute a
27 violation of a County Ordinance, and shall be punishable, upon conviction, pursuant to
28 Section 125.69(1), Florida Statutes, by a fine not to exceed Five Hundred dollars
29 (\$500.00) per violation or imprisonment not exceeding sixty (60) days, or both such fine
30 and imprisonment. Each permit/I. D. badge not in compliance and each day in which a
31 violation of this Ordinance exists shall constitute a separate offense. In addition to the
32 sanctions contained herein, the County shall take any other appropriate legal action,
33 including, but not limited to, administrative action and requests for temporary and
34 permanent injunctions to enforce the provisions of this Ordinance. It is the purpose of

1 this Ordinance to provide additional cumulative remedies.

2
3 **Section 19 21. Violations**

4 (1) False Statements on Applications, ~~or Annual Renewal Application~~. It shall be
5 unlawful for any person to knowingly and intentionally make or cause to be made any
6 false statement in writing or the omission of material information for the purpose of
7 procuring a vehicle for hire permit, vehicle decal or driver's identification badge or to
8 knowingly and intentionally make any false statements or entries or material omissions on
9 the records required to be kept by this Ordinance.

10 (2) Failure to comply with the provisions of this Section may result in the Division
11 ~~denial of denying~~ a permit(s)/Driver's I. D. badge, ~~revocation~~ revoking or ~~suspension~~
12 suspending of the permit(s)/Driver's I. D. badge, ~~a denial of denying the renewal of such~~
13 permits, ~~issuance of~~ issuing a civil citation, a misdemeanor conviction or other such
14 remedies available to the Division herein.

15
16 **Section 2022. Appeals**

17 Any person may appeal a final determination of the Consumer Affairs Hearing Board/
18 Special Master within thirty (30) days of the rendition of the decision by filing a notice of
19 administrative appeal in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm
20 Beach County, Florida.

21
22 **Section 2123. Fees**

23 All fees required by this Ordinance and established by resolution are non-refundable and
24 shall be deposited in a separate County account and used exclusively to accomplish the
25 purposes of this Ordinance.

26
27 **Section 2224. Penalties**

28 Any person convicted of violating any portion of this Ordinance shall be punished as
29 provided by law.

30
31 **Section 23 25. Start-up**

32 (1) Renewal of existing permitted vehicle for hire companies and vehicle decals shall
33 become effective January 1, 2009. Enforcement of all other sections of the Ordinance,

1 unless excluded in this section, shall become effective upon the effective date of this
2 Ordinance.

3 (2) Vehicles being used and decaled prior to the effective date of this Ordinance must
4 comply with the age, color scheme and signage requirements when permit applications or
5 renewals are submitted for the permit year which begins January 1, 2010.

6 (3) New vehicles added to the fleet of existing permitted companies will be subject to
7 all requirements of this Ordinance following the effective date.

8 9 **Section 24-26. Repeal of Laws in Conflict**

10 All local laws and ordinances applying to the unincorporated area of Palm Beach County
11 in conflict with any provision of this Ordinance are hereby repealed to the extent of any
12 conflict.

13 14 **Section 27. Savings Clause.**

15 Notwithstanding Section 26 regarding repeal of laws in conflict, all administrative and
16 court orders, fines, and pending enforcement issued pursuant to this authority and
17 procedures established by Ordinance No. 2001-15 shall remain in full force and effect.

18 19 **Section 25 28. Severability**

20 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
21 reason held by the Court to be unconstitutional, inoperative or void, it is the intent of the
22 Board of County Commissioners that such holding shall not affect the remainder of this
23 Ordinance.

24 25 **Section 26 29. Inclusion in the Code of Laws and Ordinances**

26 The provisions of this Ordinance shall become and be made a part of the code of laws and
27 ordinances of Palm Beach County, Florida. The sections of this Ordinance may be
28 renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed
29 to "section", "article", or any other appropriate word.

30 31 **Section 27 30. Effective Date**

32 The provisions of this Ordinance shall become effective upon filing with the Department
33 of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County,
on the _____ day of _____, 2008.

SHARON R. BOCK,
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

EFFECTIVE DATE: _____

Filed with the Department of State on the _____ day of _____, 2008.

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Palm Beach County
Proposed Revisions
2008 Vehicle for Hire Ordinance
Changes/rationale
As of April 9, 2008

Section 3. Definitions

The following definitions were changed significantly or added:

- (1) **Advertising**: Reworded to be more inclusive of all types of media used.
- (4) **Broker**: Added to include this type of vehicle for hire business activity. See Section 8.
- (7) **Commercial Business Office**: Added to define commercial office requirements for VFH businesses located in Palm Beach County.
- (12) **Limousine**: Changed wording to clarify that a limousine must have a partition separating the driver from the passenger(s). A limousine is not equipped with a taximeter. The length and passenger capacities were eliminated, due to continuous changes in the industry.
- (16) **Manifest**: Added to define the type of document required to be used by vehicle for hire drivers and/or their central dispatch office.
- (17) **Municipal Exemption**: Added to recognize and define requirements of vehicle for hire companies operating exclusively in Palm Beach County municipality.
- (18) **Non-Medical, Wheelchair and Stretcher Transportation Service**: (Re-titled from "Para-Transit"). Also adds that persons transported by this means are likely not to need any medical attention while being transported.
- (19) **Passenger**: Added to define that a passenger is someone using or waiting to use a for-hire vehicle. The driver/chauffeur is not considered a passenger.
- (20) **Prearranged**: Reduces advance requirements from 60 to 30 minutes and excludes vehicle for hire companies which have contractual agreements with PBIA.
- (21) **Residential Home Office**: Added to define requirement for vehicle for hire businesses located in Palm Beach County. Specifies that home/office must be the primary residence of company's owner/president. Such office must be properly zoned and must have a separate wired telephone line.
- (22) **Short Term Vehicle Placard**: Describes a placard which will be displayed on the dashboard of for-hire vehicles temporarily being used for 30 days or less.
- (23) **SUV (Sports Utility Vehicle)**: Added to define a "Sports Utility Vehicle"
- (24) **Sedan**: Added to define for-hire vehicles not equipped with a taximeter and for which transportation is pre-arranged.
- (25) **Taxicab**: Clarifies definition and specifically requires a taximeter.
- (26) **Taximeter**: The distance/mileage device used in a taxicab for the purpose of establishing the passenger fare.
- (27) **Top light**: Added to define the lighted device and size of the device required to be mounted on the roof of taxicabs.
- (28) **Transport Van/Shuttle**: Added to define vehicles not equipped with a taximeter and include such vehicles as mini-van, van, mini-coach, minibus, limo-bus or other similar vehicle. Transport Vans/Shuttles do not include vehicles regulated by the Florida Department of Transportation.
- (31) **Vehicle for Hire Company**: Changed to include brokers.
- (33) **Vehicle for Hire Service Standards**: Added definition. Formally known as "Bill of Rights". Standards are required to be prominently displayed.

Section 4. Compliance with Ordinance Required

- (1)(f) Non-Emergency Medical Transportation Services regulated by PBC Palm-Tran Connection are no longer subject to regulation by this ordinance.
- (2) Companies regulated by this Ordinance must also comply with applicable municipal, county, state and federal laws.

- (3) Requires permit holders to cooperate with Consumer Affairs for investigations and prohibits abusive language, hostile or aggressive behavior toward passengers, the public and investigating officers.

Section 5. Advertising

- (1) All advertising must include the name, address and phone number of the company.
- (2) Lettering required on vehicles increases from 2" to 4" in contrasting colors to improve visibility. Magnetic signs are not permitted. This will eliminate vehicle switching and posting of temporary rates on sedans.
- (3) Taxicabs and non-emergency medical transportation vehicles must be assigned a unique individual number, by their respective company, which is to be permanently affixed to each vehicle. The numbers must be at least 4" in size. This will assure that vehicles are easily and uniquely identified.
- (5) Taxicabs utilizing signage on roof which prevent the mounting of the required toplight will be grandfathered in until the vehicle is replaced.
- (6) Added wording to include "Port of Palm Beach" (in addition to PBIA) for identifying signs used by drivers to meet passengers. Requires the company name and permit number to be used on signage to identify passengers being met at PBIA or the Port. This will help identify and separate legitimate companies from unlicensed operators.

Section 6. Municipal Exemption

Clarifies the process by which companies operating under the jurisdiction of municipalities within Palm Beach County are exempt from paying certain fees for the county permits.

Section 7. Reciprocity

Clarifies the process for companies operating in neighboring counties and when it is necessary to secure operating permits from Palm Beach County.

Section 8. Business Permit

- (1) Clarifies the process for issuing business permits. Includes brokers in that process.
- (2) Requires business permit holders to own at least 50% of their vehicles. This will provide greater incentive to maintain required insurance and better care for vehicles. Companies not meeting the 50% ownership requirement when this Ordinance becomes effective may continue operating, but all new or replacement vehicles must be owned by the company until the 50% minimum requirement is achieved.
- (5) Consumer Affairs (DCA) may deny or revoke a business permit if the applicant provides false information on an application or renewal. The business will not be permitted to reapply for a period of 1 year. Actions of the DCA may be appealed to the Hearing Board/Special Master. Businesses which change their name or corporate structure, must apply for a new application within 45 days of the change.
- (6) Brokers must submit a list of licensed vehicle for hire companies for which they are brokering.
- (8) Vehicle for hire companies which fail to submit renewal applications must cease operating on the date their permit expires.
- (9) Vehicle for hire companies must maintain a written or electronic manifest for each pickup or drop-off of passengers.
- (10) Outlines the process by which the DCA may deny or refuse to renew a business permit.
- (11) Requires each vehicle for hire company to be licensed by DCA and maintain a commercial or home office in Palm Beach County unless: 1) the company and vehicles are licensed by Broward, Miami-Dade or any other county with similar regulations or 2) the company is operating from another county where there are no similar regulations.
- (12) Each company must sign an affidavit attesting that its drivers are eligible to be insured by the liability insurer.

- (13) Vehicle for hire companies are required to notify Consumer Affairs within 10 days after a driver is no longer insured through that company.
- (14) Businesses and/or drivers are required to remove decals and surrender them from vehicles removed from service. Signage and top lights must be removed with 10 days after a vehicle is removed from service.

Section 9. Records Required

Requires companies to maintain trip manifests, invoices and vehicle maintenance records for 3 years. Outlines the means by which Consumer Affairs will have access to those records with 24-hours notice.

Section 10. Vehicle Requirements (New Section)

- (1)(a) Sets the maximum age of sedans, SUVs, taxicabs and transport vans/shuttles (seating 9 passengers or less) at 7 years. There are no age restrictions for limousines.
- (1)(b) Set the maximum age of transport vans/shuttles (seating 10 or more passengers), non-medical transport vans and limousines at 10 years. Other non-medical transport vehicles which are not vans cannot exceed 7 years of age.
- (3) Establishes the following taxicab requirements:
 - (a) Operating top light
 - (b) Uniform, specific and consistent color and signage scheme. Establishes a procedure for submitting a design/color scheme to the DCA. All vehicles must conform to the scheme before operating.
 - (c) Accurately operating taximeter. Taximeters must be calibrated at least once each year. Calibration records must be maintained. Taximeters must have special seals to prevent tampering.

Section 11. Vehicle Decal Requirements (New Section)

Much of the information from this section was moved from Section 8 (Business Permit) to better clarify requirements.

- (3) It becomes a violation of the Ordinance to fail to properly affix decals to vehicles. The DCA has authority to remove decals not properly affixed. Clarifies that decals are the property of Palm Beach County.
- (5) Outlines the process by which short-term vehicle placards can be obtained and used (30 days or less).
- (6) It is unlawful to duplicate decals. Companies found with duplicated or fake decals on vehicles may have their business permit revoked.
- (7) Vehicle decals cannot be sold or transferred.
- (8) Establishes a fee for replacing decals on vehicles for which the windshield has been damaged or the vehicle was stolen.
- (9) Requires that a decal containing the "Vehicle for Hire Service Standards" must be displayed in the interior of each vehicle for hire. Allows sedan and limousine companies to provide a copy of these standards at trip termination or when the customer is invoiced.
- (10) It is unlawful to operate any vehicle for hire without first obtaining and affixing required decals.

Section 12. Impoundment (New Section)

Provides the procedures to be used by the Division to seize and impound (tow) vehicles operating as vehicles for hire without commercial automobile liability insurance.

Section 13. Vehicle Safety and Appearance Requirements

This section was substantially revised to assure greater safety and comfort for passengers and to better assure that vehicles maintain a professional appearance. The requirements should also reduce the possible liability to companies and drivers. Wording within this section was changed to more clearly describe each subsection's specific requirements (e.g., air conditioning temperature inside vehicle between 69 and 78 degrees Fahrenheit, no more than 2" of play is permitted for the steering wheel, etc.). In essence, this section requires vehicles to meet the requirements as originally designed and built by the vehicle manufacturer.

- (23) Routine maintenance is required for all vehicles and maintenance records must be kept for inspection by the Division.
- (24) Two-way communication is required for each vehicle through a central dispatched two-way radio system or mobile cell phones.

Section 14. Non-Medical, Wheelchair and Stretcher Transportation Service Companies Operational Requirements.

The term "Non-Medical" was substituted for "Paratransit." It was felt that "paratransit" had no meaning with most people. The Emergency Medical Services Council also provided input on this section. They recommended that the term "non-emergency" also be dropped from the service description.

- (1) A new section was added prohibiting specified types of non-medical transportation (e.g., a person requiring: (a) intravenous fluid administration while in route, (b) direct medical attention while in route, (c) ventilator assistance, (d) orthopedic traction, or (e) oxygen but is unable to manage it without an individual present who is at least 18 years old.
- (7) All vehicles must be equipped with a first aid kit, bodily fluid spill kit and fire extinguisher (as recommended by PBC Fire Rescue). Specifications for each requirement is provided.

Section 15. Vehicle Inspections. (New Section)

A review of numerous government jurisdictions with VFH Ordinances revealed they are performing extensive and frequent vehicle inspections. The current Ordinance makes no provisions for inspections, although the Division has been doing visual inspections of taxis voluntarily. Mechanical inspections will substantially improve the safety of vehicles used and meet the public's expectations of safe for-hire travel in Palm Beach County.

This inspection section was added to work in conjunction with Sections 10 "Vehicle Requirements" and Section 10 "Vehicle Safety and Appearance Requirements".

- (1)(a) Vehicles less than one current model year are exempt from inspection.
- (1)(b) Rather than establish a costly inspection bureaucracy, the ordinance establishes an inspection program which utilizes mechanics certified by Automotive Service Excellence (ASE) to complete inspections. The inspection reports will be completed on forms provided by the Division.
- (2) The Division will be responsible for visual inspections of vehicles required to have signage, top lights and taximeters. Division personnel will affix vehicle decals. A process is provided to assure that inspections are completed in a timely manner – through escalating fees. Vehicles not passing inspection may be red-tagged and may not be used for commercial service until deficiencies have been corrected.
- (3) The Division may apply a "red tag" decal to any vehicle found with significant safety deficiencies. Red tagged vehicles may not be used for commercial service until the identified deficiency has been corrected.

Section 16. Liability Insurance.

There have been numerous issues related to insurance coverage for vehicles for hire. Proposed changes were developed to resolve those issues.

- (1) Makes it unlawful for a VFH company to operate until proof of insurance is provided and maintained on each vehicle. (Insurance certificates/insurance policies must be sent or faxed to the Division from the insurance agent/company).
- (2) Requires that insurance companies meet certain standards.
- (3) Requires VFH businesses to provide a list of approved drivers that its insurance company will insure.
- (4) Requires each insurance policy to show Consumer Affairs as a certificate holder with a stipulation that any change in the policy must be reported within 30 days.
- (5) Companies which fail to obtain/maintain insurance or submit fraudulent insurance documents may have permits denied, suspended or revoked. Such companies will not be eligible to reapply for a business permit for 5 years.
- (6) Requires a VFH company to pay an insurance reactivation fee each time there is an insurance lapse on any insured vehicles.

Section 17. Driver Requirements.

This section was changed to address public safety issues for drivers with criminal histories or with no driving/criminal history. Some of the most important changes include:

- (1) (a) Applicants must be 21 years of age. A requirement of many insurance companies.
- (b) Applicants must prove that they had a drivers license in the United States for at least three years. Eliminates drivers with no driving history in the United States.
- (c) Applicants must provide lifetime Florida driving record and/or an official government issued driving record from each state where they resided during the preceding five years, if they have not lived in Florida for the past three consecutive years.
- (d) Applicant was not guilty of 3 or more moving violations in any 12 month period in the previous 3 years.
- (e) Applicants have not been classified as a habitual traffic offender within the past 5 years.
- (f) Additional criminal background checks among other states and fingerprint analysis may be required.
- (g) No conviction of DUI within previous 5 years of application, regardless of adjudication of guilt.
- (h) No more than 1 conviction of any DUI within previous 10 years of application, regardless of adjudication of guilt.
- (j) No conviction of any first degree misdemeanor in the past 3 years, regardless of the adjudication of guilt.
- (k) No conviction of a felony within the past 5 years, regardless of the adjudication of guilt.
- (l) Applicants convicted of certain sexual or violent crimes would be prohibited from ever receiving an I.D. Badge (unless the applicant's civil rights have been restored). The specific sexual/violent crimes are the same as those listed by the Florida Parole Board which generally prevents individuals from having their civil rights restored.
- (m) Applicants that have been classified by the State of Florida as career criminals would be prohibited from ever receiving an I.D. Badge.
- (n) New or renewing applicants that have pending criminal or legal matters may have their application placed on hold by the Division. Such applicants may appeal the "hold" status to the Consumer Affairs Hearing Board/Special Master.
- (o) Drivers must notify the Division of any conviction within 10 days of its occurrence.
- (p) Applicants can have no unsatisfied civil penalties, active warrants, judgments or administrative orders.
- (q) Drivers who have had I.D. Badges revoked or denied may not reapply for a Badge for a period of 1 year (down from 2 years in the current Ordinance).
- (r) Applicants must allow full face exposure without sunglasses or head coverings for I.D. photos taken by the Division.

- (3) Applicants must submit proof from the vehicle for hire company that they will be driving for that company and that they are eligible to be insured by that company's insurance policy. Conversely, when drivers are no longer driving vehicles for a company, they are required to notify the Division within 10 days.
- (8) The provisional driver permit would be eliminated. No driver would be permitted to operate any vehicle for hire without an actual valid driver I.D. Badge. The Division must issue or deny a Driver's I.D. Badge within 10 business days after a completed application is received. If the criminal background records submitted are insufficient, an additional 20 days may be taken before the Division must issue or deny a person's I.D. Badge.
- (9) Driving any for-hire vehicle more than 12 cumulative hours is prohibited.
- (10) Drivers are required to provide a smoke free environment inside the vehicle at all times.
- (11) Drivers and clothing must be clean and odor free.
- (12) Passengers must be offered a receipt for fare collected.
- (13) Drivers are prohibited from using abusive/discourteous language.
- (14) Drivers must be able to speak and understand English (verbal and written) in order to take instructions from passengers and complete trip manifests/accident reports.
- (15) The Division will test drivers upon initial application to determine that they know the basic geography of the County and understand English.
- (16) Drivers are required to fully cooperate with Division personnel in all inquiries.
- (17) Drivers are required to remove and surrender to the Division, the vehicle decal and driver ID badge within 10 days when they are no longer driving for a particular vehicle for hire business. Vehicle owner/drivers must remove all vehicle signage and top lights within 10 days from the time a driver is no longer driving for a particular vehicle for hire business.
- (18) Drivers with a current/valid I.D. Badge on the effective day of this Ordinance are exempt from certain new requirements of this section.

Section 18. Fraudulent Transfer of Vehicle for Hire Company. (New Section)

It is a violation of the ordinance if ownership of a vehicle for hire company is fraudulently transferred to evade fees or civil penalties.

Section 19. Revocation and Suspension of Permit/Driver I.D. Badge: Administrative Appeal.

Authorizes the Division to deny, suspend or revoke business permits/Driver I.D. badges with written notice. Actions by the Division may be appealed to the Consumer Affairs Hearing Board/Special Master. Provides rights and responsibilities for the business and the Division when a company/driver is appealing a decision regarding the denial, suspension or revocation of a business permit/Driver I.D. badge. A special appeal procedure is established for businesses which do not obtain/maintain required insurance and have their operating permits suspended or revoked.

Section 25. Start-up. (New Section)

- (1) Establishes a business permit renewal date of January 1, 2009 for existing permitted companies.
- (2) Establishes January 1, 2010 as the effective date of compliance with the provisions of this Ordinance with regard to age, color scheme and signage requirements for all vehicles.
- (3) New vehicles added for existing permitted companies are subject to the requirements of this Ordinance on its effective date.

Section 27. Savings Clause (New Section)

All administrative/court orders, fines, and pending enforcement issued pursuant to the previous Vehicle for Hire Ordinance 2001-15 shall remain in full force and effect.

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Attachment 3

Vehicle for Hire Revised Ordinance Recommended Fees As of March 10, 2008

Fee Type	Current	Proposed
Annual Vehicle for Hire Business Permit Application Fee 8.1	\$100	Initial fee for new companies \$100
Annual Vehicle for Hire Business Permit Application Fee 8.1	\$100	For renewing companies - \$75
Business name change or ownership change fee 8.5.f	\$100	\$100
Annual Vehicle for Hire Business Permit Application Fee for companies who also have municipal permits 6.1	\$25	\$25
Vehicle for Hire Business Permit Application Late Fee 8.5.a	\$100	Up to 30 days \$100 From 31 to 60 days \$150 61 days or more \$200
Vehicle for Hire Business Permit Refiling Fee 8.5.c	\$50	\$50
Annual Vehicle Decal Fee 8.1.d	\$75	\$75
Annual Vehicle Decal Fee for companies who also register vehicles with municipalities 6.1	\$10	\$10
Vehicle Decal Replacement Fee 11.8	\$25	\$10
Driver's I.D. Badge Fee (2 years) 17.1	\$50	\$50
Driver's I.D. Badge Late Fee 17.1.q	\$30	Up to 1 year \$30
Driver's I.D. Badge Replacement Fee 17.4	\$15	\$30
Administrative Appeal Filing Fee 19.2.a	\$50	\$100
Administrative Appeal Filing Fee for no proof of insurance 19.11	None	\$100
Neck lanyards (Cost plus up to 20 percent)	Various	Various
Florida Department of Law Enforcement Criminal History Record Check (Cost to County by FDLE)	Currently \$23	Same
Short term Vehicle Decal Fee 11.5	\$75	\$25
Inspection Rescheduling Fee 15.2.d	None	\$25
Failed to Appear for Rescheduled Inspection Fee 15.2.d	None	\$50
Administrative Insurance Reactivation Fee 16.6	None	\$500
Reinstatement Fee for Suspended Business/Driver I.D. Badge (50% of regular fees) 19.6	None	Business \$50 Driver I.D. Badge \$37.50
Discussion Only – Possible New Company Entrance Fee	None	\$750

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Attachment 4

Palm Beach County
Consumer Affairs Division
Proposed 1st, 2nd, 3rd Offense Citation Fines
Revised Vehicle for Hire Ordinance
As of 1/24/2008

Ordinance Section	Current 1st, 2nd, 3rd Offense	PROPOSED 1st 2nd, 3rd Offense
Compliance with Ordinance		
VFH08-Sec. 4.3 Failed to cooperate with or interference with Division personnel with regard to proof of licensure, permitting insurance, registrations, investigations, or abusive language and behavior toward Division personnel.	150 / 300 / 500	150 / 300 / 500
Advertising		
VFH08-Sec. 5.1 Advertising without valid County Permit number, name of company, physical address of company and phone number on all advertising.	150 / 300 / 500	150 / 300 / 500
VFH08-Sec. 5.2 Failed to display required company information on vehicle.	150 / 300 / 500	150 / 300 / 500
VFH08-Sec. 5.3 Failed to display vehicle number on vehicle.	150 / 300 / 500	150 / 300 / 500
VFH08-Sec. 5.4 Failed to advertise taximeter rates on exterior of vehicle.	150 / 300 / 500	150 / 300 / 500
VFH08-Sec. 5.6 Failed to meet requirements of signage at PBIA or Port of Palm Beach.	150 / 300 / 500	150 / 300 / 500
Reciprocity		
VFH08-Sec. 7.1 Failed to meet requirements for Out of County Origin Exception and/or provide written manifests for pre-arranged out of county fares.	150 / 300 / 500	150 / 300 / 500
VFH08-Sec. 7.2 Failed to meet PBIA & Port of Palm Beach VFH out of county origin requirements.	150 / 300 / 500	150 / 300 / 500
Business Permit Application		
VFH08-Sec. 8 Operating as VFH company or Broker without county permit.	150 / 300 / 500	500 / 500 / 500
VFH08-Sec. 8.2 Failed to maintain at minimum, fifty percent (50%) ownership of vehicles.	N/A	150 / 300 / 500
VFH08-Sec. 8.3 Allowed person to operate VFH without valid VFH Driver ID Badge.	100 / 200 / 400	500 / 500 / 500
VFH08-Sec. 8.5(f) Failed to notify Division of company name change or ownership.	N/A	150 / 300 / 500
VFH08-Sec. 8.7 Failed to notify Division of changes to company or vehicle information within 20 days.	N/A	150 / 300 / 500
VFH08-Sec. 8.11 Failed to maintain commercial business office or residential home office in Palm Beach County.	N/A	150 / 300 / 500
VFH08-Sec. 8.13 Failed to notify the Division that driver is no longer insured by the VFH company's Commercial Automobile Liability insurer.	N/A	150 / 300 / 500
VFH08-Sec. 8.14 Failed to remove and surrender to the Division, vehicle decals, within 10 days of removal of the vehicle from service.	N/A	150 / 300 / 500
Records		
VFH08-Sec. 9 Failed to maintain and provide records for required period of time.	N/A	150 / 300 / 500
Vehicle Requirements		
VFH08-Sec. 10 Failed to meet requirements of this section.	N/A	150 / 300 / 500
VFH08-Sec. 10.1 Failed to meet age requirements.	N/A	150 / 300 / 500
VFH08-Sec. 10.1 Operating any VFH equipped with taximeter, except taxis.	N/A	150 / 300 / 500
VFH08-Sec. 10.2 Failed to meet vehicle type requirements.	N/A	150 / 300 / 500
VFH08-Sec. 10.3(a) Failed to meet requirements for taxi top light.	N/A	150 / 300 / 500
VFH08-Sec. 10.3(b) Failed to meet uniform color and signage requirements.	N/A	150 / 300 / 500

Ordinance Section	Current 1st, 2nd, 3rd Offense	PROPOSED 1st 2nd, 3rd Offense
VFH08-Sec. 10.3(d) Operating Taxi without taximeter or without calibrated taximeter.	N/A	150 / 300 / 500
VFH08-Sec. 10.3(g) Operating vehicle without seal and current calibration decal on taximeter.	N/A	150 / 300 / 500
Decal Requirements		
VFH08-Sec. 11 Operating VFH without current VFH decal on vehicle windshield.	150 / 300 / 500	150 / 300 / 500
VFH08-Sec. 11.3 Failed to properly affix VFH decal and/or affix in proper location on vehicle.	150 / 300 / 500	150 / 300 / 500
VFH08-Sec. 11.5 Operating VFH with expired short term 30 day vehicle decal.	N/A	150 / 300 / 500
VFH08-Sec. 11.6 Use of duplicated VFH decal.	N/A	150 / 300 / 500
VFH08-Sec. 11.8 Failed to display <i>Vehicle for Hire Service Standards</i> decal in passenger compartment.	150 / 300 / 500	150 / 300 / 500
Safety & Appearance		
VFH08-Sec. 13 Failed to meet Safety & Appearance requirements.	N/A	150 / 300 / 500
Non-Emergency Medical		
VFH08-Sec. 14.1 Providing transportation for persons requiring: (a) Intravenous fluid administration while in route, (b) Direct medical attention while in route, (c) Persons on ventilator requiring a power source, (d) Medical care who is unattended by a healthcare professional, (e) Orthopedic traction during transport, (f) Oxygen and is unable to manage his/her equipment without assistance.	N/A	150 / 300 / 500
VFH08-Sec. 14.2-4 Failed to meet vehicle design requirements.	N/A	150 / 300 / 500
VFH08-Sec. 14.7 Failed to be equipped with: (a) First Aid Kit, (b) Bodily Fluid Spill Kit, and/or (c) 10 lb. ABC Fire Extinguisher.	N/A	150 / 300 / 500
Inspections		
VFH08-Sec. 15 Failed to meet mechanical, safety and/or signage requirements.	150 / 300 / 500	150 / 300 / 500
VFH08-Sec. 15.1(c) Failed to use certified technician to inspect vehicle	N/A	150 / 300 / 500
VFH08-Sec. 15.2(h) Failed to meet inspection requirement of the Ordinance.	N/A	150 / 300 / 500
VFH08-Sec. 15.3 Unauthorized removal of "Red Tag"	N/A	150 / 300 / 500
Insurance		
VFH08-Sec. 16 Failed to meet commercial automobile liability insurance requirements	250 / 500 / 500	500 / 500 / 500
VFH08-Sec. 16.5 Providing false or fraudulent insurance documents.	N/A	Revocation
Driver Requirements		
VFH08-Sec. 17.1 Failed to Obtain VFH Driver ID Badge to operate any VFH.	100 / 200 / 400	250 / 500 / 500
VFH08-Sec. 17.1(o) Failed to notify Division within 10 days of conviction of crime.	N/A	150 / 300 / 500
VFH08-Sec. 17.2 Failed to visibly display VFH Driver ID Badge while on duty.	100 / 200 / 400	150 / 300 / 500
VFH08-Sec. 17.3 Failed to notify Division within 10 days when no longer driving for VFH company.	N/A	150 / 300 / 500
VFH08-Sec. 17.9-15 Failed to meet minimum driver standards.	N/A	150 / 300 / 500
VFH08-Sec. 17.16 Failed to remove and surrender to the Division, vehicle decal and Driver I.D. Badge within 10 days from association with VFH business. Failed to remove vehicle signage and top lights within 10 days from association with VFH business.	N/A	150 / 300 / 500