



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact**

Fiscal Years	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>Net Fiscal Impact</b>	<u>0</u>	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Is Item Included In Current Budget? Yes \_\_\_\_\_ No X

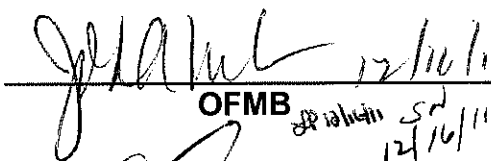
Budget Account Exp No: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Rev No: Fund 1430 Department 660 Unit 6250 Object 2900

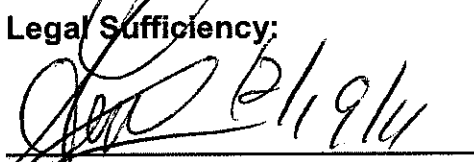
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**  
 The moratorium cap, over a period of time, will ultimately reduce the amount of decal fee revenue collected on the number of vehicles. Depending on the cap that is approved and how long it will take to meet the cap, the net fiscal impact is indeterminable at this time.

**C. Departmental Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

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


 \_\_\_\_\_ 12/16/11  
 OFMB  
 Barbara Wheeler 12-19-11  
 \_\_\_\_\_  
 Contract Dev. and Control

**B. Legal Sufficiency:**  
  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**  
 \_\_\_\_\_  
 Department Director

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

**Background and Justification: Continued from page 1**

On May 17, 2011, the Board established a moratorium and directed staff to review the existing VFH Ordinance. Staff directed the VFH Advisory Committee to review the existing ordinance. On September 22, 2011, all of the proposed ordinance revisions were approved by a majority vote of the VFH Advisory Committee. On November 1, 2011, the Board recommended that Consumer Affairs go back to the VFH industry to discuss the vehicle age requirements, and establish new insurance guide lines. On November 30, 2011 the staff worked with the VFH committee regarding the proposed ordinance amendments.

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**ORDINANCE NO.**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCES NO. 01-015 and 2008-43); RELATING TO TAXICABS AND OTHER VEHICLES FOR HIRE, TO BE KNOWN AS THE VEHICLE FOR HIRE ORDINANCE; AMENDING SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-215 (ADVERTISING); AMENDING SECTION 19-216 (MUNICIPAL EXEMPTION); AMENDING SECTION 19-218 (BUSINESS PERMIT APPLICATION); AMENDING SECTION 19-227 (DRIVER REQUIREMENTS; FAILURE TO COMPLY); AMENDING SECTION 19-230 (ENFORCEMENT); PROVIDING FOR A MORATORIUM AMENDMENT; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVING CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

31           **WHEREAS**, all motor vehicles engaged in the transportation of persons for  
32 compensation in the unincorporated area of Palm Beach County, as well as many  
33 municipalities, may not be subject to reasonable regulations necessary to protect those  
34 citizens and visitors utilizing their services; and

35           **WHEREAS**, the Board of County Commissioners of Palm Beach County,  
36 Florida, pursuant to Ordinance No. 2011-007 and amended by Ordinance No. \_\_\_\_\_,  
37 established a moratorium on the acceptance of applications for and issuance of new  
38 Vehicle for Hire company business permits and such moratorium is in place until May  
39 25, 2012 or such time as the Board of County Commissioners enacts a resolution  
40 terminating the moratorium; and

41           **WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida

1 wishes to extend the above-referenced moratorium to include the issuance or obtaining of  
2 additional vehicle decals; and

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

6 **WHEREAS**, in 1992 Palm Beach County recognized that the public safety and  
7 welfare of its residents and visitors could be best served by regulating the transportation  
8 industry and adopted Chapter 19, Article IX of the Palm Beach County Code (Ord. No.  
9 92-26); and

10 **WHEREAS**, in 1999, 2001, and 2008, Palm Beach County amended Chapter 19,  
11 Article IX of the Palm Beach County Code (Ordinance No. 92-26); and

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

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

17 **Section 1. Definitions**

18 Section 19-213 of Chapter 19, Article IX of the Palm Beach County code shall be  
19 amended to read as follows:

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

22 (1) **Advertising**. The term "Advertising" shall mean to advise, announce, give notice  
23 of, publish, or call attention by use of oral, written, or graphic statements made in  
24 newspapers, telephone directories or other publications or on radio or television, any  
25 electronic medium, or contained in any notice, handbill, catalog, newsletter, poster, sign,  
26 flyer, business card or letter.

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

- 1 (3) **Board**. The term “Board” shall mean the Palm Beach County Board of County  
2 Commissioners.
- 3 (4) **Broker**. The term “Broker” shall mean a person who acts as an agent, whether  
4 independently or on behalf of, any vehicle for hire company in negotiating or contracting  
5 for passenger transportation.
- 6 (5) **Business Permit**. The term “Business Permit” shall mean the authority required  
7 by the provisions of this Ordinance to be obtained by any individual or vehicle for hire  
8 company not subject to reciprocity, to engage in vehicle for hire business in Palm Beach  
9 County.
- 10 (6) **Compensation**. The term “Compensation” shall mean a return in money,  
11 property, or anything of value for the rendition of vehicle for hire service.
- 12 (7) **Commercial Business Office**. The term “Commercial Business Office” shall  
13 mean the primary place of business where management and employees perform office  
14 work for a vehicle for hire company and which shall meet the following requirements: a)  
15 properly zoned, b) customer/employee parking, c) sufficient commercial vehicle parking,  
16 d) sanitary facilities/restrooms, e) dedicated wired phone line with a unique/dedicated  
17 number, f) identifying signage, and g) central dispatch. The address of the commercial  
18 business office must match the address on the local business tax receipt.
- 19 (8) **County Permit**. The term “County Permit” shall mean the grant by Palm Beach  
20 County to operate one (1) vehicle for hire not subject to reciprocity, upon the streets of  
21 Palm Beach County.
- 22 (9) **Division or DCA**. The term “Division” or “DCA” shall mean the Palm Beach  
23 County Division of Consumer Affairs.
- 24 (10) **Driver**. The term “Driver” shall mean the individual who is driving or physically  
25 operating the taxicab, limousine, shuttle, or other passenger vehicle for hire and includes  
26 the term “chauffeur.”
- 27 (11) **Individual**. The term “Individual” includes a natural person, partnership,  
28 corporation, association, or any other legal entity.
- 29 (12) **Limousine**. The term “Limousine” shall mean a chauffeur-driven motor vehicle,  
30 modified-for-the-purpose as a luxury stretch vehicle, regardless of length and which  
31 contains a fixed partition used to separate the driver and passenger seating areas. A

1 limousine is prohibited from using a taximeter and topflight unless it is being used as a  
2 taxicab.

3 (13) **Luxury Sedan/SUV (Sport Utility Vehicle).** The term “Luxury Sedan” or  
4 “Luxury SUV” shall mean a classification of motor vehicles that are designated by the  
5 manufacturer as a full size sedan/SUV that has at least four doors; and has a rated seating  
6 capacity of one to eight (1-8) passengers which has not been altered from the original  
7 manufacturer’s specifications with respect to wheelbase or seating capacity, and does not  
8 have a partition or other device used to separate the driver and passenger seating areas,  
9 and is recognized by the industry and the Division of Consumer Affairs as a “luxury”  
10 vehicle, such as a Cadillac, Lincoln, Mercedes-Benz or other similar top-of-the-line  
11 luxury sedans or SUV’s.

12 (14) **Manifest.** The term “Manifest” shall mean written or electronic/digital  
13 documentation prepared by the vehicle for hire business providing individual trip logs for  
14 each pickup/drop-off of passengers that can be viewed upon request by authorized DCA  
15 personnel or law enforcement officers. The “manifest” shall be in the possession of the  
16 vehicle for hire driver and central dispatch and shall include the business name, business  
17 phone number, name of the passenger (if provided/known), pickup/drop-off address and  
18 dates/times involved.

19 ~~(15) **Municipal Exemption.** The term “Municipal Exemption” shall mean the~~  
20 ~~recognition by Palm Beach County of certain vehicle for hire businesses authorized to~~  
21 ~~operate through municipal ordinances and which may be exempt from paying certain fees~~  
22 ~~required by Palm Beach County as determined by resolution of the Board. In order to~~  
23 ~~exercise this exemption, such businesses must be physically located, operating and~~  
24 ~~dispatching within the city limits of the Palm Beach County municipality approving the~~  
25 ~~business to operate. Such exempt businesses will be allowed to deduct fees paid to the~~  
26 ~~municipality for business tax fees and vehicle/decals fees where the business is physically~~  
27 ~~located. Such exempt businesses must meet all other requirements of this Ordinance.~~

28 (157) **Non-Medical, Wheelchair and Stretcher Transportation Service.** The term  
29 “Non-Medical, Wheelchair and Stretcher Transportation Service” shall mean the  
30 transportation of persons while on stretchers or wheelchairs, or persons whose handicap,  
31 illness, injury, or other incapacitation makes it impractical to be transported by a regular

1 common carrier such as a bus, taxicab, or other vehicle for hire. Such persons do not  
2 need, nor are likely to need, any medical attention during transport.

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

6 (179) **Prearranged**. The term "Prearranged" shall mean a written, e-mail, fax or  
7 telephone reservation made at least 30-minutes in advance by the person requesting  
8 service from a vehicle for hire business. Such reservations shall be documented in written  
9 form by the business. The written documentation requested herein shall be made  
10 available immediately upon the request of authorized Division personnel or law  
11 enforcement. The 30-minute advance requirement does not apply to companies with  
12 authorized vehicle for hire contracts with Palm Beach International Airport and other  
13 businesses that provide vehicle for hire services by contract.

14 (1820) **Residential Home Office**. The term "Residential Home Office" shall mean a  
15 residence located in Palm Beach County from which a vehicle for hire business is  
16 operated. The "Residential Home Office" must be the primary residence of the vehicle  
17 for hire company's principal owner/president. The "Residential Home Office" must be  
18 equipped with a separate wired telephone line and be approved by applicable zoning  
19 regulations. Proof of residency must be provided upon request (i.e., driver's license, tax  
20 receipt, bank account, utility bill, etc.).

21 (1921) **Sedan**. The term "Sedan" shall mean any pre-arranged vehicle for hire, not  
22 equipped with a taximeter, which is not a limousine, SUV, Transport Van/Shuttle, non-  
23 medical wheelchair and stretcher transportation vehicle or taxi. Sedans shall include all  
24 other commercially manufactured passenger vehicles not already defined herein. Such  
25 vehicles shall not display the word "taxicab," "taxi," or "cab" on the vehicle exterior or  
26 interior. A sedan is prohibited from using a taximeter and top-light unless it is being used  
27 as a taxicab. A sedan older than 30 years must be fully restored and registered as an  
28 antique by the state pursuant to Chapter 320.086(2) Florida Statutes as may be amended.

29 (202) **Short Term Vehicle Decal Placard Placard**. The term "Short-Term Vehicle  
30 Placard" shall mean a specially prepared placard placed on the passenger side dashboard  
31 of a short-term rental vehicle for hire. All rental contracts must be 30 days or less.



1 (213) **SUV (Sports Utility Vehicle)**. The term "SUV" shall mean a type of passenger  
2 vehicle which combines the load-hauling and passenger-carrying capacity of a large  
3 station wagon or minivan. A SUV is prohibited from using a taximeter and toplight  
4 unless it is being used as a taxicab.

5 (224) **Taxicab**. The term "Taxicab" shall mean a motorized vehicle, equipped with a  
6 taximeter, engaged in the transportation of passengers for compensation, and where the  
7 route or destination is controlled by the passenger.

8 (235) **Taximeter**. The term "Taximeter" shall mean any device permanently and  
9 internally mounted in a taxicab and which records and indicates a charge or fare  
10 measured by distance traveled, waiting time or other traditionally compensable activities  
11 of taxicab service.

12 (246) **Top Light**. The term "Top Light" shall mean a permanently installed roof  
13 mounted lighted device which shall be illuminated whenever the taximeter is on. The top  
14 light must be a minimum size of ten inches by four inches (10" x 4"), permanently  
15 mounted on the vehicle roof and display or include the word "taxi", "taxicab" or "cab".

16 (257) **Transport Van/Shuttle**. The term "Transport Van/Shuttle" shall mean a motor  
17 vehicle not equipped with a taximeter, with a seating capacity for at least four (4)  
18 passengers, exclusive of the driver, where there is no separation of the driver and  
19 passenger compartments and not modified from the manufacturer's specifications. A  
20 functioning seat belt must be available for each passenger. A transport van/shuttle is  
21 recognized by the industry as a mini-van, van, mini-coach, minibus, limo-bus or other  
22 similar vehicle, excluding those vehicles regulated by the State of Florida Department of  
23 Transportation (FDOT). A Transport Van/Shuttle is prohibited from using a taximeter  
24 and top-light unless it is being used as a taxicab.

25 (268) **Vehicle Decal**. The term "Vehicle Decal" shall mean a decal placed upon any  
26 vehicle for hire granted approval to provide vehicle for hire services by the Division.

27 (279) **Vehicle for Hire**. The term "Vehicle for Hire" shall mean any motorized, self-  
28 propelled vehicle engaged in the transportation of persons upon the streets of  
29 Palm Beach County with the intent to receive compensation for providing such  
30 transportation, and shall include, but not be limited to, non-medical, wheelchair and  
31 stretcher transportation services, taxicabs, transport vans/shuttles, SUVs and limousines.

1 The term shall not be construed to include ambulances.

2 (2830) **Vehicle for Hire Company.** The term “Vehicle for Hire Company” shall mean  
3 any individual, partnership, association, corporation, broker or other legal entity which  
4 holds business permits for or contracts with one (1) or more vehicles for hire, provides  
5 vehicles or services to drivers of vehicles for hire, or which operates a central dispatch for  
6 one (1) or more vehicles for hire.

7 (2931) **Vehicle for Hire Driver’s I.D. Badge (I.D. Badge).** The term “Vehicle for Hire  
8 Driver’s I.D. Badge (I.D. Badge)” shall mean a permit authorizing the holder thereof to  
9 utilize the motor vehicle(s) described in said permit for the transportation of passengers  
10 as authorized pursuant to this Ordinance.

11 (302) **Vehicle for Hire Service Standards.** The term “Vehicle for Hire Service  
12 Standards” shall mean a summary of “Passenger” and “Driver” expectations prominently  
13 displayed within every vehicle for hire passenger compartment.

14  
15 **Section 2. Advertising**

16 Section of 19-215 of Chapter 19, Article IX of the Palm Beach Code is amended to add  
17 the following section:

18 (g) Advertising Restrictions. No person shall advertise a vehicle for hire  
19 service in a manner that is false, misleading or deceptive. Notwithstanding paragraphs  
20 (a) through (f) above, the following requirements shall be strictly complied with by every  
21 Vehicle for Hire Company and driver in any advertisement for each particular category of  
22 Vehicle for Hire:

23 (1) Taxicab or Taxi. No Taxicab Vehicle for Hire Company shall advertise, or  
24 allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin,  
25 flyer , e-mail, on the internet, radio or television commercial, or hotel leaflet, an  
26 advertisement or solicitation for business which includes the word(s) “Limousine,”  
27 “Limo,” “Luxury Sedan or SUV,” “Luxury Limousine or Limo,” “Shuttle Service,”  
28 “Luxury Passenger Vehicle,” “Shuttle,” or an form of these words unless Ordinance or  
29 Exception requirements for Multi-Category Vehicle for Hire Companies are met.

30 (2) Sedan/SUV. No Vehicle for Hire Sedan/SUV Company shall advertise, or

1 allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin,  
2 flyer , e-mail, on the internet, radio or television commercial, or hotel leaflet, an  
3 advertisement or solicitation for business which includes the word(s) "Limousine,"  
4 "Limo," "Taxicab," "Cab," "Shuttle," or any form of the word(s) "Luxury" or  
5 "Custom/Luxury" unless Ordinance or Exception requirements for Multi-Category  
6 Vehicle for Hire Companies are met.

7 (3) Transport Van/Shuttle. No Transport Van/Shuttle Company shall advertise,  
8 or allow or cause to be advertised, in any telephone directory, newspaper, brochure,  
9 bulletin, flyer , e-mail, on the internet, radio or television commercial, or hotel leaflet, an  
10 advertisement or solicitation for business which includes the word(s) "Taxi or Taxicab,"  
11 "Limousine," "Limo," "Luxury Sedan or SUV," "Luxury Limousine or Limo," "Luxury  
12 Passenger Vehicle," or an form of these words unless Ordinance or Exception  
13 requirements for Multi-Category Vehicle for Hire Companies are met.

14 (4) Limousine. No Limousine Company shall advertise, or allow or cause to be  
15 advertised, in any telephone directory, newspaper, brochure, bulletin, flyer , e-mail, on  
16 the internet, radio or television commercial, or hotel leaflet, an advertisement or  
17 solicitation for business which includes the word(s) "Taxi or Taxicab.

18 (5) Exception for Multi-Category Vehicle for Hire Companies. A Palm Beach  
19 County Vehicle for Hire Company that has registered and has been issued vehicle permits  
20 and/or decals for multiple categories (i.e. Sedan Company with sedans, luxury  
21 sedans/SUV's and limos, Taxi Company with taxis, sedans and/or limos, etc) may use in  
22 one advertisement the terms for each particular category of the vehicle for hire business,  
23 however, consistent with restrictions in subparagraphs (g)(1)- (4).

### 24 **Section 3. Municipal Exemption**

26 Section 19-216 of Chapter 19, Article IX of the Palm Beach County Code shall be  
27 deleted in its entirety as follows:

28 ~~A vehicle for hire company while in possession of a valid vehicle for hire permit~~  
29 ~~from a municipality located in Palm Beach County, meeting the insurance requirements~~  
30 ~~of Section 19-226 of this Article, shall be exempt from paying certain fees required by~~  
31 ~~Palm Beach County as authorized by this Ordinance. Such exempt businesses will be~~

1 allowed to deduct fees paid to the municipality for business tax fees and vehicle/decal  
2 fees where the business is physically located. All businesses operating pursuant to this  
3 exemption shall obtain an exempt operating permit from the Division and must meet the  
4 safety requirements of Sections 19-220, 19-223, 19-224 and 19-225 of this Article.  
5 Additionally, each vehicle for hire driver shall meet the driver requirements of Section  
6 19-227 of this Article. By resolution, the Board may assess an administrative processing  
7 fee for exempt vehicle for hire companies and vehicles.

#### 8

#### 9 **Section 4. Business Permit Application**

10 Section 19-218(c)(3) and Section 19-218(c)(6) of Chapter 19, Article IX of the Palm  
11 Beach Code are amended to read as follows:

12 (c) Each business permit issued pursuant to this section shall be valid and  
13 effective for one (1) year, terminating on ~~December 31~~ May 1 of each year.

14 (6) A permit is not transferable or assignable, nor shall the ownership structure of  
15 the company be so modified as to constitute a change in the control or ownership of the  
16 permit. If the business changes its name or ownership structure, within forty-five (45)  
17 days of said change, a new business permit application and all business permit fees shall  
18 be submitted to the DCA.

#### 19

#### 20 **Section 5. Driver Requirements; Failure to Comply**

21 Section 19-227(p) of the Palm Beach County Code is amended to read as follows:

22 (p) Upon initial application for a driver's I.D. badge, the Division or designated  
23 agency shall examine each applicant and, at a minimum, determine the applicant's  
24 knowledge of Palm Beach County geography and his/her ability to understand the  
25 English language. A driver is only required to successfully complete the examination one  
26 time. A driver/applicant which initially fails either the geography or English test may  
27 retake the test within 30 days at no additional charge. If a driver/applicant fails either  
28 requirement during the retest, that person will be denied his/her I.D. Badge, but may  
29 reapply and repay all applicable fees at anytime. By resolution, the Board may assess  
30 administrative fees for testing and re-testing.

1  
2 **Section 6. Enforcement**

3 Section 19-230 of Chapter 19, Article IX of the Palm Beach County code is amended to  
4 read as follows:

5 (1) It shall be the duty of the Consumer Affairs Division to enforce the provisions of  
6 and initiate proceedings for violations of the Vehicle for Hire Ordinance.

7 (2) The Consumer Affairs Hearing Board/Special Master as provided for in Chapter  
8 9, Article I, of the Palm Beach County Code, as may be amended or replaced,  
9 shall have jurisdiction over all violations of this Ordinance. The Consumer Affairs  
10 Hearing Board/Special Master may conduct hearings regarding violations of the  
11 Vehicle for Hire Ordinance in accordance with the procedures provided for  
12 herein.

13 (3) Whenever, based upon personal investigation and in accordance with the policies  
14 and procedures established by the Consumer Affairs Division, the investigator has  
15 reasonable and probable grounds to believe that a person has committed a  
16 violation of the Vehicle for Hire Ordinance, the officer may issue a citation to the  
17 violator which shall include the following information:

- 18 a. Date and time of issuance  
19 b. Name and address of person to whom the citation is issued.  
20 c. Time and date of violation.  
21 d. A brief description of the violation and the facts constituting reasonable cause.  
22 e. The name of the investigator.  
23 f. The procedure for the person to follow in order to pay the civil penalty or to  
24 contest the citation.  
25 g. The applicable civil penalty if the person elects not to contest the citation.

26 (4) The maximum civil penalty which may be levied by citation shall not exceed  
27 \$500 per day, per violation. Moneys collected in payment for citations shall be  
28 remitted to the Consumer Affairs Division to support the Vehicle for Hire  
29 Program.

30 (5) The act for which the citation is issued shall cease upon receipt of the citation, and  
31 the person charged with the violation shall elect either to correct the violation and

1 pay the civil penalty in the manner indicated on the citation or, within ten days of  
2 receipt of the citation, exclusive of weekends and legal holidays, request an  
3 administrative hearing before the Consumer Affairs Hearing Board/Special  
4 Master to appeal the issuance of the citation by the investigator. If the hearing  
5 date is not set forth in the citation, a notice of hearing shall be served on the  
6 violation as provided in section 11 below. Failure of the violator to appeal the  
7 decision of the investigator within the timeframe as set forth herein shall  
8 constitute a waiver of the violator's right to an administrative hearing. A waiver  
9 of the right to an administrative hearing shall be deemed an admission of the  
10 violation, and penalties may be imposed accordingly.

11 (6) Upon written notification by the investigator that a respondent has not contested  
12 the citation or paid the penalty within the time allowed on the citation, or if a  
13 violation has not been corrected within the time set forth on the citation, the  
14 Consumer Affairs Hearing Board/Special Master shall enter an order ordering the  
15 violation to pay the civil penalty set forth on the citation. A hearing shall not be  
16 necessary for the issuance of such an order. The order shall include a notice, if  
17 applicable, that fine(s) were imposed.

18 (7) Upon appeal of a citation, or at such other times as may be necessary, a hearing  
19 before the Consumer Affairs Hearing Board may be convened. The following  
20 shall apply:

- 21 a. Minutes shall be kept of all hearings and all hearings shall be open to the  
22 public.
- 23 b. At the hearing, the burden of proof shall be upon the County to show by a  
24 preponderance of the evidence that a violation does exist. Where proper notice  
25 of the hearing has been provided to the violator as provided herein, a hearing  
26 may proceed even in the absence of the violator.
- 27 c. The formal rules of evidence shall not apply but fundamental due process  
28 shall be observed and shall govern the proceedings. Upon determination by  
29 the chair of the Consumer Affairs Hearing Board or Special Master,  
30 irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all  
31 other evidence of a type commonly relied upon by reasonably prudent persons

1 in the conduct of their affairs shall be admissible, whether or not such  
2 evidence would be admissible in a trial in the courts of Florida.

- 3 d. Any member of the Consumer Affairs Hearing Board/Special Master, the  
4 attorney representing the Consumer Affairs Hearing Board, the respondent  
5 and his/her attorney may inquire or question any witness present at the  
6 hearing. The violator or his/her attorney shall be allowed to cross-examine all  
7 witnesses present at the hearing and present testimony and evidence.
- 8 e. At the conclusion of the hearing, the Consumer Affairs Hearing Board/Special  
9 Master shall orally render an order based on evidence into the record. In the  
10 case of hearings before the Consumer Affairs Hearing Board, the decision  
11 shall be by motion approved by the affirmative vote of those persons present  
12 and voting. An order setting forth findings of fact and conclusions of law shall  
13 then be mailed to the violator within ten days of the hearing.
- 14 f. If the Consumer Affairs Hearing Board/Special Master finds that a violation  
15 exists, the Consumer Affairs Hearing Board/Special Master may order a civil  
16 penalty of no more than \$500. Each permit/I. D. badge not in compliance and  
17 each day in which a violation of this Ordinance exists shall constitute a  
18 separate offense.

- 19 (8) A certified copy of an order imposing a civil penalty against the violator may be  
20 recorded in the public records and thereafter shall constitute a lien against any real  
21 or personal property owned by the violator. Upon petition to the Circuit Court,  
22 such order may be enforced in the same manner as a court judgment by the sheriff  
23 of the state, including a levy against personal property. The order shall not be  
24 deemed a court judgment except for enforcement purposes. A civil penalty  
25 imposed pursuant to this part shall continue to accrue until the violator comes into  
26 compliance or until judgment is rendered in a suit to foreclose the lien, whichever  
27 occurs first. After three months, from filing of any such lien which remains  
28 unpaid, the Consumer Affairs Hearing Board/Special Master may authorize the  
29 local governing body's attorney to foreclose the lien. No lien created pursuant to  
30 this ordinance may be foreclosed on real property which is homestead, under  
31 Section 4, Article X of the Florida Constitution.

1 (9) If the violator or his designated representative proves at the administrative hearing  
2 that the citation is invalid or that the violation has been corrected prior to  
3 appearing before the Consumer Affairs Hearing Board/Special Master, the  
4 Consumer Affairs Hearing Board/Special may reduce the fine or dismiss the  
5 violation, unless the violation is irreparable or irreversible.

6 (10) An aggrieved party, including the governing body, may appeal a final  
7 administrative order of the Consumer Affairs Hearing Board/Special Master to the  
8 Circuit Court by petition for writ of certiorari.

9 (11) Proper notice of hearing is given where notice has been mailed to the violator by  
10 certified mail, return receipt requested, by hand delivery by the sheriff or other  
11 law enforcement entity, by leaving the notice at the violator's usual place of  
12 residence with some person in the family above fifteen years of age and informing  
13 said person of the contents of the notice; or where an investigator, under oath,  
14 testifies that he/she did hand deliver the citation to the violator which included a  
15 hearing date.

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

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

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

21 ~~(4) The county clerk shall:~~

22 ~~(a) Accept designated fines and issue receipts therefore;~~

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

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

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

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



1 of the infraction.

2 (8) ~~All fines collected as a result of said citations (except those fines collected as a result of~~  
3 ~~citations issued by municipal law enforcement officers, which shall be remitted by the Clerk of~~  
4 ~~the Court directly to the municipality issuing the citation) shall be paid into the County Treasury~~  
5 ~~and deposited into the general fund for the Division and used for the vehicle for hire program.~~  
6 ~~Pursuant to Florida Statutes 938.01, 938.17 and 938.19, mandatory costs shall be assessed~~  
7 ~~against every person convicted of a violation of this Ordinance.~~

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

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

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

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

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

28 (124) Notwithstanding the Consumer Affairs Hearing Board/Special Master process set forth  
29 above, Failure to comply with the requirements of this Ordinance shall constitute a violation of a  
30 County Ordinance, and shall be punishable, upon conviction, pursuant to Section 125.69(1),  
31 Florida Statutes, by a fine not to exceed Five Hundred dollars (\$500.00) per violation or  
32 imprisonment not exceeding sixty (60) days, or both such fine and imprisonment. Each permit/I.  
33 D. badge not in compliance and each day in which a violation of this Ordinance exists shall  
34 constitute a separate offense. In addition to the sanctions contained herein, the County shall take

1 any other appropriate legal action, including, but not limited to, administrative action,  
2 enforcement through an alternative code enforcement Ordinance pursuant to Section 162, Parts I  
3 and II, Florida Statutes and requests for temporary and permanent injunctions to enforce the  
4 provisions of this Ordinance. It is the purpose of this Ordinance to provide additional cumulative  
5 remedies.

## 7 SECTION 7. Moratorium Amendment

8 The Section 1 of Ordinance No. 2011-007, as amended by Ordinance No. 2011-032, is  
9 further amended to read as follows:

- 10 a. The Board of County Commissioners of Palm Beach County does hereby extend the  
11 moratorium that began on May 25, 2011 and which expires on November 25, 2011 upon  
12 the acceptance of applications for and the issuance of new Vehicle For Hire Company  
13 business permits. The moratorium extension shall begin on November 25, 2011.
- 14 b. The moratorium shall ~~not~~ preclude companies with existing business permits from  
15 obtaining additional ~~or replacement~~ vehicle decals, but ~~not~~ shall it not preclude existing  
16 permitted companies from renewing business permits for the 2012 license year. The  
17 moratorium shall not limit non-medical transport vehicles, wheelchair access vehicles,  
18 vans, shuttles, and luxury stretch limousines from obtaining additional or replacement  
19 decals. The moratorium shall not limit vehicle for hire companies from obtaining short-  
20 term (30 day) temporary use placards for short term use vehicles that meet Ordinance  
21 requirements.
- 22 c. The moratorium extension for issuance of new Vehicle for Hire Company business  
23 permits shall expire upon the earlier of the following: (1) six months from November 25,  
24 2011 or (2) enactment of a resolution by the Board of County Commissioners of Palm  
25 Beach County terminating the moratorium.
- 26 d. The moratorium for issuance of or obtaining additional vehicle decals shall commence  
27 upon the filing of this ordinance with the Department of State and shall expire upon the  
28 earlier of the following: (1) May 25, 2012 or (2) enactment of a resolution by the Board  
29 of County Commissioners of Palm Beach County terminating the moratorium.

1           **Section 8. Repeal of Laws in Conflict**

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

5  
6           **Section 9. Savings Clause**

7           Notwithstanding Section 8 of this Ordinance regarding repeal of laws in conflict, all  
8           administrative and court orders, fines, and pending enforcement issued pursuant to this  
9           authority and procedures established by Chapter 19, Article IX of the Palm Beach County  
10          Code Chapter 19, Article IX as set forth and amended by Ordinance No. 2001-15, 2008-  
11          43, 2011-007 and 2011-32 shall remain in full force and effect.

12  
13          **Section 10. Severability**

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

18  
19          **Section 11. Inclusion in the Code of Laws and Ordinances**

20          The provisions of this Ordinance shall become and be made a part of the code of laws  
21          and ordinances of Palm Beach County, Florida. The sections of this Ordinance may be  
22          renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed  
23          to “section”, “article”, or any other appropriate word.

24  
25          **SECTION 12. Captions.**

26          The captions, section headings, and section designations used in this Ordinance are for  
27          convenience only and shall have no effect on the interpretation of the provisions of this  
28          Ordinance.

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**Section 13. Effective Date**

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

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

SHARON BOCK, CLERK  
Board of County Commissioners

PALM BEACH COUNTY, FLORIDA BY ITS  
BOARD OF COUNTY COMMISSIONERS

By \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

1  
2  
3 **ORDINANCE NO.**

4 AN ORDINANCE OF THE BOARD OF COUNTY  
5 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,  
6 AMENDING CHAPTER 19, ARTICLE IX (ORDINANCES NO. 01-  
7 015 and 2008-43); RELATING TO TAXICABS AND OTHER  
8 VEHICLES FOR HIRE, TO BE KNOWN AS THE VEHICLE FOR  
9 HIRE ORDINANCE; AMENDING SECTION 19-213  
10 (DEFINITIONS); AMENDING SECTION 19-215 (ADVERTISING);  
11 AMENDING SECTION 19-216 (MUNICIPAL EXEMPTION);  
12 AMENDING SECTION 19-218 (BUSINESS PERMIT  
13 APPLICATION); AMENDING SECTION 19-227 (DRIVER  
14 REQUIREMENTS; FAILURE TO COMPLY); AMENDING  
15 SECTION 19-230 (ENFORCEMENT); PROVIDING FOR A  
16 MORATORIUM AMENDMENT; PROVIDING FOR REPEAL OF  
17 LAWS IN CONFLICT; PROVIDING FOR A SAVING CLAUSE;  
18 PROVIDING FOR SEVERABILITY; PROVIDING FOR  
19 INCLUSION IN THE CODE OF LAWS AND ORDINANCES;  
20 PROVIDING FOR CAPTIONS; AND PROVIDING AN  
21 EFFECTIVE DATE.

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

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

31 **WHEREAS**, all motor vehicles engaged in the transportation of persons for  
32 compensation in the unincorporated area of Palm Beach County, as well as many  
33 municipalities, may not be subject to reasonable regulations necessary to protect those  
34 citizens and visitors utilizing their services; and

35 **WHEREAS**, the Board of County Commissioners of Palm Beach County,  
36 Florida, pursuant to Ordinance No. 2011-007 and amended by Ordinance No. \_\_\_\_\_,  
37 established a moratorium on the acceptance of applications for and issuance of new  
38 Vehicle for Hire company business permits and such moratorium is in place until May  
39 25, 2012 or such time as the Board of County Commissioners enacts a resolution  
40 terminating the moratorium; and

41 **WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida

1 wishes to extend the above-referenced moratorium to include the issuance or obtaining of  
2 additional vehicle decals; and

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

6 **WHEREAS**, in 1992 Palm Beach County recognized that the public safety and  
7 welfare of its residents and visitors could be best served by regulating the transportation  
8 industry and adopted Chapter 19, Article IX of the Palm Beach County Code (Ord. No.  
9 92-26); and

10 **WHEREAS**, in 1999, 2001, and 2008, Palm Beach County amended Chapter 19,  
11 Article IX of the Palm Beach County Code (Ordinance No. 92-26); and

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

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

17 **Section 1. Definitions**

18 Section 19-213 of Chapter 19, Article IX of the Palm Beach County code shall be  
19 amended to read as follows:

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

22 (1) **Advertising**. The term "Advertising" shall mean to advise, announce, give notice  
23 of, publish, or call attention by use of oral, written, or graphic statements made in  
24 newspapers, telephone directories or other publications or on radio or television, any  
25 electronic medium, or contained in any notice, handbill, catalog, newsletter, poster, sign,  
26 flyer, business card or letter.

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

- 1 (3) **Board**. The term "Board" shall mean the Palm Beach County Board of County  
2 Commissioners.
- 3 (4) **Broker**. The term "Broker" shall mean a person who acts as an agent, whether  
4 independently or on behalf of, any vehicle for hire company in negotiating or contracting  
5 for passenger transportation.
- 6 (5) **Business Permit**. The term "Business Permit" shall mean the authority required  
7 by the provisions of this Ordinance to be obtained by any individual or vehicle for hire  
8 company not subject to reciprocity, to engage in vehicle for hire business in Palm Beach  
9 County.
- 10 (6) **Compensation**. The term "Compensation" shall mean a return in money,  
11 property, or anything of value for the rendition of vehicle for hire service.
- 12 (7) **Commercial Business Office**. The term "Commercial Business Office" shall  
13 mean the primary place of business where management and employees perform office  
14 work for a vehicle for hire company and which shall meet the following requirements: a)  
15 properly zoned, b) customer/employee parking, c) sufficient commercial vehicle parking,  
16 d) sanitary facilities/restrooms, e) dedicated wired phone line with a unique/dedicated  
17 number, f) identifying signage, and g) central dispatch. The address of the commercial  
18 business office must match the address on the local business tax receipt.
- 19 (8) **County Permit**. The term "County Permit" shall mean the grant by Palm Beach  
20 County to operate one (1) vehicle for hire not subject to reciprocity, upon the streets of  
21 Palm Beach County.
- 22 (9) **Division or DCA**. The term "Division" or "DCA" shall mean the Palm Beach  
23 County Division of Consumer Affairs.
- 24 (10) **Driver**. The term "Driver" shall mean the individual who is driving or physically  
25 operating the taxicab, limousine, shuttle, or other passenger vehicle for hire and includes  
26 the term "chauffeur."
- 27 (11) **Individual**. The term "Individual" includes a natural person, partnership,  
28 corporation, association, or any other legal entity.
- 29 (12) **Limousine**. The term "Limousine" shall mean a chauffeur-driven motor vehicle,  
30 modified-for-the-purpose as a luxury stretch vehicle, regardless of length and which  
31 contains a fixed partition used to separate the driver and passenger seating areas. A

1 limousine is prohibited from using a taximeter and toplight unless it is being used as a  
2 taxicab.

3 (13) **Luxury Sedan/SUV (Sport Utility Vehicle).** The term “Luxury Sedan” or  
4 “Luxury SUV” shall mean a classification of motor vehicles that are designated by the  
5 manufacturer as a full size sedan/SUV that has at least four doors; and has a rated seating  
6 capacity of one to eight (1-8) passengers which has not been altered from the original  
7 manufacturer’s specifications with respect to wheelbase or seating capacity, and does not  
8 have a partition or other device used to separate the driver and passenger seating areas,  
9 and is recognized by the industry and the Division of Consumer Affairs as a “luxury”  
10 vehicle, such as a Cadillac, Lincoln, Mercedes-Benz or other similar top-of-the-line  
11 luxury sedans or SUV’s.

12 (14) **Manifest.** The term “Manifest” shall mean written or electronic/digital  
13 documentation prepared by the vehicle for hire business providing individual trip logs for  
14 each pickup/drop-off of passengers that can be viewed upon request by authorized DCA  
15 personnel or law enforcement officers. The “manifest” shall be in the possession of the  
16 vehicle for hire driver and central dispatch and shall include the business name, business  
17 phone number, name of the passenger (if provided/known), pickup/drop-off address and  
18 dates/times involved.

19 (15) **Non-Medical, Wheelchair and Stretcher Transportation Service.** The term  
20 “Non-Medical, Wheelchair and Stretcher Transportation Service” shall mean the  
21 transportation of persons while on stretchers or wheelchairs, or persons whose handicap,  
22 illness, injury, or other incapacitation makes it impractical to be transported by a regular  
23 common carrier such as a bus, taxicab, or other vehicle for hire. Such persons do not  
24 need, nor are likely to need, any medical attention during transport.

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

28 (17) **Prearranged.** The term “Prearranged” shall mean a written, e-mail, fax or  
29 telephone reservation made at least 30-minutes in advance by the person requesting  
30 service from a vehicle for hire business. Such reservations shall be documented in written  
31 form by the business. The written documentation requested herein shall be made



1 available immediately upon the request of authorized Division personnel or law  
2 enforcement. The 30-minute advance requirement does not apply to companies with  
3 authorized vehicle for hire contracts with Palm Beach International Airport and other  
4 businesses that provide vehicle for hire services by contract.

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

12 (19) **Sedan.** The term “Sedan” shall mean any pre-arranged vehicle for hire, not  
13 equipped with a taximeter, which is not a limousine, SUV, Transport Van/Shuttle, non-  
14 medical wheelchair and stretcher transportation vehicle or taxi. Sedans shall include all  
15 other commercially manufactured passenger vehicles not already defined herein. Such  
16 vehicles shall not display the word “taxicab,” “taxi,” or “cab” on the vehicle exterior or  
17 interior. A sedan is prohibited from using a taximeter and top-light unless it is being used  
18 as a taxicab. A sedan older than 30 years must be fully restored and registered as an  
19 antique by the state pursuant to Chapter 320.086(2) Florida Statutes as may be amended.

20 (20) **Short Term Vehicle Decal Plaque Placard.** The term “Short-Term Vehicle  
21 Placard” shall mean a specially prepared placard placed on the passenger side dashboard  
22 of a short-term rental vehicle for hire. All rental contracts must be 30 days or less.

23 (21) **SUV (Sports Utility Vehicle).** The term “SUV” shall mean a type of passenger  
24 vehicle which combines the load-hauling and passenger-carrying capacity of a large  
25 station wagon or minivan. A SUV is prohibited from using a taximeter and toplight  
26 unless it is being used as a taxicab.

27 (22) **Taxicab.** The term “Taxicab” shall mean a motorized vehicle, equipped with a  
28 taximeter, engaged in the transportation of passengers for compensation, and where the  
29 route or destination is controlled by the passenger.

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

1 measured by distance traveled, waiting time or other traditionally compensable activities  
2 of taxicab 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. The top  
5 light must be a minimum size of ten inches by four inches (10" x 4"), permanently  
6 mounted on the vehicle roof and display or include the word "taxi", "taxicab" or "cab".

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

16 (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 (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  
20 Palm Beach County with the intent to receive compensation for providing such  
21 transportation, and shall include, but not be limited to, non-medical, wheelchair and  
22 stretcher transportation services, taxicabs, transport vans/shuttles, SUVs and limousines.  
23 The term shall not be construed to include ambulances.

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

29 (29) **Vehicle for Hire Driver's I.D. Badge (I.D. Badge)**. The term "Vehicle for Hire  
30 Driver's I.D. Badge (I.D. Badge)" shall mean a permit authorizing the holder thereof to  
31 utilize the motor vehicle(s) described in said permit for the transportation of passengers

1 as authorized pursuant to this Ordinance.

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

5  
6 **Section 2. Advertising**

7 Section of 19-215 of Chapter 19, Article IX of the Palm Beach Code is amended to add  
8 the following section:

9 (g) Advertising Restrictions. No person shall advertise a vehicle for hire  
10 service in a manner that is false, misleading or deceptive. Notwithstanding paragraphs  
11 (a) through (f) above, the following requirements shall be strictly complied with by every  
12 Vehicle for Hire Company and driver in any advertisement for each particular category of  
13 Vehicle for Hire:

14 (1) Taxicab or Taxi. No Taxicab Vehicle for Hire Company shall advertise, or  
15 allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin,  
16 flyer , e-mail, on the internet, radio or television commercial, or hotel leaflet, an  
17 advertisement or solicitation for business which includes the word(s) “Limousine,”  
18 “Limo,” “Luxury Sedan or SUV,” “Luxury Limousine or Limo,” “Shuttle Service,”  
19 “Luxury Passenger Vehicle,” “Shuttle,” or an form of these words unless Ordinance or  
20 Exception requirements for Multi-Category Vehicle for Hire Companies are met.

21 (2) Sedan/SUV. No Vehicle for Hire Sedan/SUV Company shall advertise, or  
22 allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin,  
23 flyer , e-mail, on the internet, radio or television commercial, or hotel leaflet, an  
24 advertisement or solicitation for business which includes the word(s) “Limousine,”  
25 “Limo,” “Taxicab,” “Cab,” “Shuttle,” or any form of the word(s) “Luxury” or  
26 “Custom/Luxury” unless Ordinance or Exception requirements for Multi-Category  
27 Vehicle for Hire Companies are met.

28 ( 3 ) Transport Van/Shuttle. No Transport Van/Shuttle Company shall advertise,  
29 or allow or cause to be advertised, in any telephone directory, newspaper, brochure,  
30 bulletin, flyer , e-mail, on the internet, radio or television commercial, or hotel leaflet, an

1 advertisement or solicitation for business which includes the word(s) "Taxi or Taxicab,"  
2 "Limousine," "Limo," "Luxury Sedan or SUV," "Luxury Limousine or Limo," "Luxury  
3 Passenger Vehicle," or an form of these words unless Ordinance or Exception  
4 requirements for Multi-Category Vehicle for Hire Companies are met.

5 (4) Limousine. No Limousine Company shall advertise, or allow or cause to be  
6 advertised, in any telephone directory, newspaper, brochure, bulletin, flyer , e-mail, on  
7 the internet, radio or television commercial, or hotel leaflet, an advertisement or  
8 solicitation for business which includes the word(s) "Taxi or Taxicab."

9 (5) Exception for Multi-Category Vehicle for Hire Companies. A Palm Beach  
10 County Vehicle for Hire Company that has registered and has been issued vehicle permits  
11 and/or decals for multiple categories (i.e. Sedan Company with sedans, luxury  
12 sedans/SUV's and limos, Taxi Company with taxis, sedans and/or limos, etc) may use in  
13 one advertisement the terms for each particular category of the vehicle for hire business,  
14 however, consistent with restrictions in subparagraphs (g)(1)- (4).

### 17 **Section 3. Municipal Exemption**

18 Section 19-216 of Chapter 19, Article IX of the Palm Beach County Code shall be  
19 deleted in its entirety. (Delete entire section).

### 21 **Section 4. Business Permit Application**

22 Section 19-218(c)(3) and Section 19-218(c)(6) of Chapter 19, Article IX of the Palm  
23 Beach Code are amended to read as follows:

24 (c) Each business permit issued pursuant to this section shall be valid and  
25 effective for one (1) year, terminating on May 1 of each year.

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

1           **Section 5. Driver Requirements; Failure to Comply**

2           Section 19-227(p) of the Palm Beach County Code is amended to read as follows: (p)  
3           Upon initial application for a driver’s I.D. badge, the Division or designated agency shall  
4           examine each applicant and, at a minimum, determine the applicant’s knowledge of Palm  
5           Beach County geography and his/her ability to understand the English language. A  
6           driver is only required to successfully complete the examination one time. A  
7           driver/applicant which initially fails either the geography or English test may retake the  
8           test within 30 days at no additional charge. If a driver/applicant fails either requirement  
9           during the retest, that person will be denied his/her I.D. Badge, but may reapply and  
10          repay all applicable fees at anytime. By resolution, the Board may assess administrative  
11          fees for testing and re-testing.  
12

13          **Section 6. Enforcement**

14          Section 19-230 of Chapter 19, Article IX of the Palm Beach County code is amended to  
15          read as follows:

- 16          (1)     It shall be the duty of the Consumer Affairs Division to enforce the provisions of  
17                 and initiate proceedings for violations of the Vehicle for Hire Ordinance.
- 18          (2)     The Consumer Affairs Hearing Board/Special Master as provided for in Chapter  
19                 9, Article I, of the Palm Beach County Code, as may be amended or replaced,  
20                 shall have jurisdiction over all violations of this Ordinance. The Consumer Affairs  
21                 Hearing Board/Special Master may conduct hearings regarding violations of the  
22                 Vehicle for Hire Ordinance in accordance with the procedures provided for  
23                 herein.
- 24          (3)     Whenever, based upon personal investigation and in accordance with the policies  
25                 and procedures established by the Consumer Affairs Division, the investigator has  
26                 reasonable and probable grounds to believe that a person has a committed a  
27                 violation of the Vehicle for Hire Ordinance, the officer may issue a citation to the  
28                 violation which shall include the following information:  
29                 a.     Date and time of issuance  
30                 b.     Name and address of person to whom the citation is issued.

- c. Time and date of violation.
- d. A brief description of the violation and the facts constituting reasonable cause.
- e. The name of the investigator.
- f. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
- g. The applicable civil penalty if the person elects not to contest the citation.

(4) The maximum civil penalty which may be levied by citation shall not exceed \$500 per day, per violation. Moneys collected in payment for citations shall be remitted to the Consumer Affairs Division to support the Vehicle for Hire Program.

(5) The act for which the citation is issued shall cease upon receipt of the citation, and the person charged with the violation shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation or, within ten days of receipt of the citation, exclusive of weekends and legal holidays, request an administrative hearing before the Consumer Affairs Hearing Board/Special Master to appeal the issuance of the citation by the investigator. If the hearing date is not set forth in the citation, a notice of hearing shall be served on the violator as provided in section 11 below. Failure of the violator to appeal the decision of the investigator within the timeframe as set forth herein shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation, and penalties may be imposed accordingly.

(6) Upon written notification by the investigator that a respondent has not contested the citation or paid the penalty within the time allowed on the citation, or if a violation has not been corrected within the time set forth on the citation, the Consumer Affairs Hearing Board/Special Master shall enter an order ordering the violator to pay the civil penalty set forth on the citation. A hearing shall not be necessary for the issuance of such an order. The order shall include a notice, if applicable, that fine(s) were imposed.

- 1 (7) Upon appeal of a citation, or at such other times as may be necessary, a hearing  
2 before the Consumer Affairs Hearing Board may be convened. The following  
3 shall apply:
- 4 a. Minutes shall be kept of all hearings and all hearings shall be open to the  
5 public.
  - 6 b. At the hearing, the burden of proof shall be upon the County to show by a  
7 preponderance of the evidence that a violation does exist. Where proper notice  
8 of the hearing has been provided to the violator as provided herein, a hearing  
9 may proceed even in the absence of the violator.
  - 10 c. The formal rules of evidence shall not apply but fundamental due process  
11 shall be observed and shall govern the proceedings. Upon determination by  
12 the chair of the Consumer Affairs Hearing Board or Special Master,  
13 irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all  
14 other evidence of a type commonly relied upon by reasonably prudent persons  
15 in the conduct of their affairs shall be admissible, whether or not such  
16 evidence would be admissible in a trial in the courts of Florida.
  - 17 d. Any member of the Consumer Affairs Hearing Board/Special Master, the  
18 attorney representing the Consumer Affairs Hearing Board, the respondent  
19 and his/her attorney may inquire or question any witness present at the  
20 hearing. The violator or his/her attorney shall be allowed to cross-examine all  
21 witnesses present at the hearing and present testimony and evidence.
  - 22 e. At the conclusion of the hearing, the Consumer Affairs Hearing Board/Special  
23 Master shall orally render an order based on evidence into the record. In the  
24 case of hearings before the Consumer Affairs Hearing Board, the decision  
25 shall be by motion approved by the affirmative vote of those persons present  
26 and voting. An order setting forth findings of fact and conclusions of law shall  
27 then be mailed to the violator within ten days of the hearing.
  - 28 f. If the Consumer Affairs Hearing Board/Special Master finds that a violation  
29 exists, the Consumer Affairs Hearing Board/Special Master may order a civil  
30 penalty of no more than \$500. Each permit/I. D. badge not in compliance and

1 each day in which a violation of this Ordinance exists shall constitute a  
2 separate offense.

3 (8) A certified copy of an order imposing a civil penalty against the violator may be  
4 recorded in the public records and thereafter shall constitute a lien against any real  
5 or personal property owned by the violator. Upon petition to the Circuit Court,  
6 such order may be enforced in the same manner as a court judgment by the sheriff  
7 of the state, including a levy against personal property. The order shall not be  
8 deemed a court judgment except for enforcement purposes. A civil penalty  
9 imposed pursuant to this part shall continue to accrue until the violator comes into  
10 compliance or until judgment is rendered in a suit to foreclose the lien, whichever  
11 occurs first. After three months, from filing of any such lien which remains  
12 unpaid, the Consumer Affairs Hearing Board/Special Master may authorize the  
13 local governing body's attorney to foreclose the lien. No lien created pursuant to  
14 this ordinance may be foreclosed on real property which is homestead, under  
15 Section 4, Article X of the Florida Constitution.

16 (9) If the violator or his designated representative proves at the administrative hearing  
17 that the citation is invalid or that the violation has been corrected prior to  
18 appearing before the Consumer Affairs Hearing Board/Special Master, the  
19 Consumer Affairs Hearing Board/Special may reduce the fine or dismiss the  
20 violation, unless the violation is irreparable or irreversible.

21 (10) An aggrieved party, including the governing body, may appeal a final  
22 administrative order of the Consumer Affairs Hearing Board/Special Master to the  
23 Circuit Court by petition for writ of certiorari.

24 (11) Proper notice of hearing is given where notice has been mailed to the violator by  
25 certified mail, return receipt requested, by hand delivery by the sheriff or other  
26 law enforcement entity, by leaving the notice at the violator's usual place of  
27 residence with some person in the family above fifteen years of age and informing  
28 said person of the contents of the notice; or where an investigator, under oath,  
29 testifies that he/she did hand deliver the citation to the violator which included a  
30 hearing date.

31 (12) Notwithstanding the Consumer Affairs Hearing Board/Special Master process set



1           forth above, the County shall take any other appropriate legal action, including,  
2           but not limited to, administrative action, enforcement through an alternative code  
3           enforcement Ordinance pursuant to Section 162, Parts I and II, Florida Statutes  
4           and requests for temporary and permanent injunctions to enforce the provisions of  
5           this Ordinance. It is the purpose of this Ordinance to provide additional  
6           cumulative remedies.

7  
8           **Section 7. Moratorium Amendment**

9           The Section 1 of Ordinance No. 2011-007, as amended by Ordinance No. 2011-032, is  
10          further amended to read as follows:

- 11          a.       The Board of County Commissioners of Palm Beach County does hereby extend  
12                  the moratorium that began on May 25, 2011 and which expires on November 25,  
13                  2011 upon the acceptance of applications for and the issuance of new Vehicle For  
14                  Hire Company business permits. The moratorium extension shall begin on  
15                  November 25, 2011.
- 16          b.       The moratorium shall preclude companies with existing business permits from  
17                  obtaining additional vehicle decals, but shall not preclude existing permitted  
18                  companies from renewing business permits for the 2012 license year. The  
19                  moratorium shall not limit non-medical transport vehicles, wheelchair access  
20                  vehicles, vans, shuttles, and luxury stretch limousines from obtaining additional  
21                  or replacement decals. The moratorium shall not limit vehicle for hire companies  
22                  from obtaining short-term (30 day) temporary use placards for short term use  
23                  vehicles that meet Ordinance requirements.
- 24          c.       The moratorium extension for issuance of new Vehicle for Hire Company  
25                  business permits shall expire upon the earlier of the following: (1) six months  
26                  from November 25, 2011 or (2) enactment of a resolution by the Board of County  
27                  Commissioners of Palm Beach County terminating the moratorium.
- 28          d.       The moratorium for issuance of or obtaining additional vehicle decals shall  
29                  commence upon the filing of this ordinance with the Department of State and  
30                  shall expire upon the earlier of the following: (1) May 25, 2012 or (2) enactment

1 of a resolution by the Board of County Commissioners of Palm Beach County  
2 terminating the moratorium.  
3

4 **Section 8. Repeal of Laws in Conflict**

5 All local laws and ordinances applying to the unincorporated area of Palm Beach County  
6 in conflict with any provision of this Ordinance are hereby repealed to the extent of any  
7 conflict.  
8

9 **Section 9. Savings Clause**

10 Notwithstanding Section 8 of this Ordinance regarding repeal of laws in conflict, all  
11 administrative and court orders, fines, and pending enforcement issued pursuant to this  
12 authority and procedures established by Chapter 19, Article IX of the Palm Beach County  
13 Code Chapter 19, Article IX as set forth and amended by Ordinance No. 2001-15, 2008-  
14 43, 2011-007 and 2011-32 shall remain in full force and effect.  
15

16 **Section 10. Severability**

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

22 **Section 11. Inclusion in the Code of Laws and Ordinances**

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

28 **SECTION 12. Captions.**

29 The captions, section headings, and section designations used in this Ordinance are for

1 convenience only and shall have no effect on the interpretation of the provisions of this  
2 Ordinance.

3

4 **Section 13. Effective Date**

5 The provisions of this Ordinance shall become effective upon filing with the Department  
6 of State.

7

8 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County,  
9 Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

10

11 SHARON BOCK, CLERK  
12 Board of County Commissioners

PALM BEACH COUNTY, FLORIDA BY ITS  
BOARD OF COUNTY COMMISSIONERS

13  
14  
15 By \_\_\_\_\_  
16 Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Chair

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19 APPROVED AS TO FORM AND  
20 LEGAL SUFFICIENCY

21  
22 By: \_\_\_\_\_  
23 County Attorney

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26 Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**Palm Beach County, Florida**  
**VEHICLE FOR HIRE ORDINANCE**  
**2008-043**

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ORDINANCE NO. 2008 043

Attachment # 2

ORDINANCE NO. 2008- 043

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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 TRANSPORTATION SERVICE 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/L.D. BADGES AND ADMINISTRATIVE 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 JURISDICTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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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

ORDINANCE NO. 2008 043

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citizens and visitors utilizing their services; and

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

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

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

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

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

**Section 1. Short Title; Applicability**

- (1) This Ordinance shall be known as the "Palm Beach County Vehicle for Hire Ordinance".
- (2) Unless a municipal exemption applies; the provisions of this Ordinance shall be applicable to the incorporated and unincorporated areas of Palm Beach County. Unless otherwise provided, nothing in this Ordinance shall be construed to relieve any person from compliance with any applicable County or municipal regulations.

**Section 2. Authority**

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

**Section 3. Definitions**

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

ORDINANCE NO. 2008 043

- 1 (1) **Advertising**. The term "Advertising" shall mean to advise, announce, give notice  
2 of, publish, or call attention by use of oral, written, or graphic statements made in  
3 newspapers, telephone directories or other publications or on radio or television, any  
4 electronic medium, or contained in any notice, handbill, catalog, newsletter, poster, sign,  
5 flyer, business card or letter.
- 6 (2) **Applicant**. The term "Applicant" shall mean any person who applies for a  
7 vehicle for hire business permit or driver's I.D. badge within Palm Beach County. In the  
8 case of partnerships, associations, corporations and other legal entities, "applicant" shall  
9 also mean any member of a partnership, each associate and the corporate officers and  
10 directors.
- 11 (3) **Board**. The term "Board" shall mean the Palm Beach County Board of County  
12 Commissioners.
- 13 (4) **Broker**. The term "Broker" shall mean a person who acts as an agent, whether  
14 independently or on behalf of, any vehicle for hire company in negotiating or contracting  
15 for passenger transportation.
- 16 (5) **Business Permit**. The term "Business Permit" shall mean the authority required  
17 by the provisions of this Ordinance to be obtained by any individual or vehicle for hire  
18 company not subject to reciprocity, to engage in vehicle for hire business in Palm Beach  
19 County.
- 20 (6) **Compensation**. The term "Compensation" shall mean a return in money,  
21 property, or anything of value for the rendition of vehicle for hire service.
- 22 (7) **Commercial Business Office**. The term "Commercial Business Office" shall  
23 mean the primary place of business where management and employees perform office  
24 work for a vehicle for hire company and which shall meet the following requirements: a)  
25 properly zoned, b) customer/employee parking, c) sufficient commercial vehicle parking,  
26 d) sanitary facilities/restrooms, e) dedicated wired phone line with a unique/dedicated  
27 number, f) identifying signage, and g) central dispatch. The address of the commercial  
28 business office must match the address on the local business tax receipt.
- 29 (8) **County Permit**. The term "County Permit" shall mean the grant by Palm Beach  
30 County to operate one (1) vehicle for hire not subject to reciprocity, upon the streets of

- 1 Palm Beach County.
- 2 (9) **Division or DCA.** The term "Division" or "DCA" shall mean the Palm Beach  
3 County Division of Consumer Affairs.
- 4 (10) **Driver.** The term "Driver" shall mean the individual who is driving or physically  
5 operating the taxicab, limousine, shuttle, or other passenger vehicle for hire and includes  
6 the term "chauffeur."
- 7 (11) **Individual.** The term "Individual" includes a natural person, partnership,  
8 corporation, association, or any other legal entity.
- 9 (12) **Limousine.** The term "Limousine" shall mean a chauffeur-driven motor vehicle,  
10 modified-for-the-purpose as a luxury stretch vehicle, regardless of length and which  
11 contains a fixed partition used to separate the driver and passenger seating areas. A  
12 limousine is prohibited from using a taximeter and toplight unless it is being used as a  
13 taxicab.
- 14 (13) **Manifest.** The term "Manifest" shall mean written or electronic/digital  
15 documentation prepared by the vehicle for hire business providing individual trip logs for  
16 each pickup/drop-off of passengers that can be viewed upon request by authorized DCA  
17 personnel or law enforcement officers. The "manifest" shall be in the possession of the  
18 vehicle for hire driver and central dispatch and shall include the business name, business  
19 phone number, name of the passenger (if provided/known), pickup/drop-off address and  
20 dates/times involved.
- 21 (14) **Municipal Exemption.** The term "Municipal Exemption" shall mean the  
22 recognition by Palm Beach County of certain vehicle for hire businesses authorized to  
23 operate through municipal ordinances and which may be exempt from paying certain fees  
24 required by Palm Beach County as determined by resolution of the Board. In order to  
25 exercise this exemption, such businesses must be physically located, operating and  
26 dispatching within the city limits of the Palm Beach County municipality approving the  
27 business to operate. Such exempt businesses must meet all other requirements of this  
28 Ordinance.
- 29 (15) **Non-Medical, Wheelchair and Stretcher Transportation Service.** The term  
30 "Non-Medical, Wheelchair and Stretcher Transportation Service" shall mean the



1 transportation of persons while on stretchers or wheelchairs, or persons whose handicap,  
2 illness, injury, or other incapacitation makes it impractical to be transported by a regular  
3 common carrier such as a bus, taxicab, or other vehicle for hire. Such persons do not  
4 need, nor are likely to need, any medical attention during transport.

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

8 (17) **Prearranged**. The term "Prearranged" shall mean a written, e-mail, fax or  
9 telephone reservation made at least 30-minutes in advance by the person requesting  
10 service from a vehicle for hire business. Such reservations shall be documented in written  
11 form by the business. The written documentation requested herein shall be made  
12 available immediately upon the request of authorized Division personnel or law  
13 enforcement. The 30-minute advance requirement does not apply to companies with  
14 authorized vehicle for hire contracts with Palm Beach International Airport and other  
15 businesses that provide vehicle for hire services by contract.

16 (18) **Residential Home Office**. The term "Residential Home Office" shall mean a  
17 residence located in Palm Beach County from which a vehicle for hire business is  
18 operated. The "Residential Home Office" must be the primary residence of the vehicle  
19 for hire company's principal owner/president. The "Residential Home Office" must be  
20 equipped with a separate wired telephone line and be approved by applicable zoning  
21 regulations. Proof of residency must be provided upon request (i.e., driver's license, tax  
22 receipt, bank account, utility bill, etc.).

23 (19) **Sedan**. The term "Sedan" shall mean any pre-arranged vehicle for hire, not  
24 equipped with a taximeter, which is not a limousine, SUV, Transport Van/Shuttle, non-  
25 medical wheelchair and stretcher transportation vehicle or taxi. Sedans shall include all  
26 other commercially manufactured passenger vehicles not already defined herein. Such  
27 vehicles shall not display the word "taxicab," "taxi," or "cab" on the vehicle exterior or  
28 interior. A sedan is prohibited from using a taximeter and toplight unless it is being used  
29 as a taxicab. A sedan older than 30 years must be fully restored and registered as an  
30 antique by the state pursuant to Chapter 320.086(2) Florida Statutes as may be amended.

- 1 (20) **Short Term Vehicle Decal Plaque Placard**. The term "Short-Term Vehicle  
2 Placard" shall mean a specially prepared placard placed on the passenger side dashboard  
3 of a short-term rental vehicle for hire. All rental contracts must be 30 days or less.
- 4 (21) **SUV (Sports Utility Vehicle)**. The term "SUV" shall mean a type of passenger  
5 vehicle which combines the load-hauling and passenger-carrying capacity of a large  
6 station wagon or minivan. A SUV is prohibited from using a taximeter and toplight  
7 unless it is being used as a taxicab.
- 8 (22) **Taxicab**. The term "Taxicab" shall mean a motorized vehicle, equipped with a  
9 taximeter, engaged in the transportation of passengers for compensation, and where the  
10 route or destination is controlled by the passenger.
- 11 (23) **Taximeter**. The term "Taximeter" shall mean any device permanently and  
12 internally mounted in a taxicab and which records and indicates a charge or fare  
13 measured by distance traveled, waiting time or other traditionally compensable activities  
14 of taxicab service.
- 15 (24) **Top Light**. The term "Top Light" shall mean a permanently installed roof  
16 mounted lighted device which shall be illuminated whenever the taximeter is on. The top  
17 light must be a minimum size of ten inches by four inches (10" x 4"), permanently  
18 mounted on the vehicle roof and display or include the word "taxi", "taxicab" or "cab".
- 19 (25) **Transport Van/Shuttle**. The term "Transport Van/Shuttle" shall mean a motor  
20 vehicle not equipped with a taximeter, with a seating capacity for at least four (4)  
21 passengers, exclusive of the driver, where there is no separation of the driver and  
22 passenger compartments and not modified from the manufacturer's specifications. A  
23 functioning seat belt must be available for each passenger. A transport van/shuttle is  
24 recognized by the industry as a mini-van, van, mini-coach, minibus, limo-bus or other  
25 similar vehicle, excluding those vehicles regulated by the State of Florida Department of  
26 Transportation (FDOT). A Transport Van/Shuttle is prohibited from using a taximeter  
27 and toplight unless it is being used as a taxicab.
- 28 (26) **Vehicle Decal**. The term "Vehicle Decal" shall mean a decal placed upon any  
29 vehicle for hire granted approval to provide vehicle for hire services by the Division.
- 30 (27) **Vehicle for Hire**. The term "Vehicle for Hire" shall mean any motorized, self-

1 propelled vehicle engaged in the transportation of persons upon the streets of Palm Beach  
2 County with the intent to receive compensation for providing such transportation, and  
3 shall include, but not be limited to, non-medical, wheelchair and stretcher transportation  
4 services, taxicabs, transport vans/shuttles, SUVs and limousines. The term shall not be  
5 construed to include ambulances.

6 (28) **Vehicle for Hire Company.** The term "Vehicle for Hire Company" shall mean  
7 any individual, partnership, association, corporation, broker or other legal entity which  
8 holds business permits for or contracts with one (1) or more vehicles for hire, provides  
9 vehicles or services to drivers of vehicles for hire, or which operates a central dispatch  
10 for one (1) or more vehicles for hire.

11 (29) **Vehicle for Hire Driver's I.D. Badge (I.D. Badge).** The term "Vehicle for Hire  
12 Driver's I.D. Badge (I.D. Badge)" shall mean a permit authorizing the holder thereof to  
13 utilize the motor vehicle(s) described in said permit for the transportation of passengers  
14 as authorized pursuant to this Ordinance.

15 (30) **Vehicle for Hire Service Standards.** The term "Vehicle for Hire Service  
16 Standards" shall mean a summary of "Passenger" and "Driver" expectations prominently  
17 displayed within every vehicle for hire passenger compartment.

18

19 **Section 4. Compliance with Ordinance Required**

20 (1) The operation of vehicles for hire within and upon the streets of Palm Beach  
21 County shall be subject to the conditions, restrictions, and regulations set forth in this  
22 Ordinance. It shall be unlawful to operate any vehicle for hire within and upon such  
23 streets without first obtaining a Palm Beach County vehicle for hire permit, vehicle  
24 decal(s), and driver's I.D. badge; however, this Ordinance shall not apply to the  
25 following:

- 26 (a) Vehicles operated by a governmental agency;
- 27 (b) Vehicles tendering transportation services not for compensation;
- 28 (c) Vehicles owned and operated by hotels, motels and funeral homes which  
29 provide transportation services for their guests only, for which the guest does not incur a  
30 separate charge;

1 (d) Discharge within the regulatory purview of this Ordinance of a passenger  
2 picked up pursuant to legal authority in either a municipality or another county;

3 (e) Operation of motor vehicles for the transportation of passengers, not for  
4 compensation, between the vicinity of their residences and the vicinity of their places of  
5 work, in an arrangement commonly known as a "car pool" or "van pool".

6 (f) Non-Medical, Wheelchair and Stretcher Transportation Service vehicles  
7 under the auspices/regulation of Palm Beach County Palm-Tran Connection.

8 (2) Compliance with the provisions of this Ordinance shall in no way relieve an  
9 individual or vehicle for hire company from compliance with all municipal, county, state  
10 and federal laws.

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

24

25 **Section 5. Advertising**

26 (1) It shall be unlawful for any vehicle for hire company to advertise vehicle for hire  
27 services and/or transportation services without obtaining and maintaining a current and  
28 valid vehicle for hire business permit and vehicle decal(s) pursuant to the provisions of  
29 this Ordinance. Any advertisements of any vehicle for hire business shall clearly and  
30 conspicuously disclose the name of the company, physical address of the company,  
31 phone number and vehicle for hire business permit number issued by the Division. The

- 1 permit number shall be preceded by "PBC VFH".
- 2 (2) All taxi cabs and non-medical wheelchair and stretcher transportation service  
3 vehicles shall clearly display on the exterior of the driver and passenger side of the  
4 vehicle, permanent vinyl or painted lettering at least four inches (4") high and in clearly  
5 visible bold contrasting colors, the vehicle for hire company's name, telephone number  
6 and business permit number. The permit number shall be preceded by "PBC VFH".  
7 Magnetic signage, of any type, is not permitted.
- 8 (3) Every taxicab and non-medical wheelchair and stretcher transportation service  
9 vehicle shall be assigned a unique/dedicated number by the vehicle for hire company.  
10 That number must be permanently affixed to each vehicle by that company. The  
11 assigned number shall exist for the life of the vehicle while it is owned/operated by that  
12 company and shall not be reused for at least 1 year on any other vehicle. This number  
13 shall be reported to the Division as part of the annual permit requirements. The number  
14 shall be affixed to both rear quarter panels (or roof posts) of an automobile or rear sides  
15 of other vehicles. The numbers must be in clearly visible, boldly contrasting colors and  
16 shall be a minimum of 4" in height. Each business must assure that duplicate numbers  
17 are not assigned to vehicles.
- 18 (4) All taxicabs shall conspicuously advertise their meter rates on the exterior of the  
19 vehicle and the metered drop rate must match the advertised rate.
- 20 (5) Taxicabs utilizing signage on roofs which prevent the required mounting of a  
21 toplight shall be exempt from the toplight requirement until the vehicle is replaced,  
22 required to be retired pursuant to this Ordinance or the word "taxi", "cab" or "taxicab"  
23 (using at a minimum 2 inch letters) is included on the signage and is able to be seen from  
24 the front and rear of the vehicle.
- 25 (6) Vehicle for hire drivers/chauffeurs meeting passengers at Palm Beach  
26 International Airport, or the Port of Palm Beach, may utilize a sign for the purposes of  
27 identifying a passenger or group of passengers. The sign utilized shall identify the name  
28 of the passenger or group being met and shall include the name of the vehicle for hire  
29 company or the corporate client of the vehicle for hire company and "PBC VFH" permit  
30 number. In no event shall the name of the company be larger than one-inch (1") letters

1 and in any event the name of the company shall be smaller than the name of the  
2 passenger/group.

3

4 **Section 6. Municipal Exemption**

5 A vehicle for hire company while in possession of a valid vehicle for hire permit from a  
6 municipality located in Palm Beach County, meeting the insurance requirements of  
7 Section 16 of this Ordinance, shall be exempt from paying certain fees required by Palm  
8 Beach County as authorized by this Ordinance. All businesses operating pursuant to this  
9 exemption shall obtain an exempt operating permit from the Division and must meet the  
10 safety requirements of Sections 10, 13, 14 and 15 of this Ordinance. Additionally, each  
11 vehicle for hire driver shall meet the driver requirements of Section 17 of this Ordinance.  
12 By resolution, the Board may assess an administrative processing fee for exempt vehicle  
13 for hire companies and vehicles.

14

15 **Section 7. Reciprocity**

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

22

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

- 1 (2) A vehicle for hire from another county or municipality (not in Palm Beach  
2 County) may pick up a passenger at either Palm Beach International Airport or the Port  
3 of Palm Beach and transport said passenger directly to the vehicle for hire's county or  
4 municipality of origin as long as:
- 5 (a) The county or other municipality has adopted a similar vehicle for hire  
6 regulatory ordinance, which meets or exceeds the requirements of this Ordinance;
  - 7 (b) The transportation is part of a prearranged, one-way continuous fare  
8 (evidenced by a written manifest or load ticket);
  - 9 (c) The passenger arrived at either Palm Beach International Airport or the  
10 Port of Palm Beach;
  - 11 (d) The vehicle meets Palm Beach International Airport and the Port of Palm  
12 Beach vehicle for hire requirements; and
  - 13 (e) The vehicle has been issued an operating permit by the county or  
14 municipality of origin. A copy of the manifest or load ticket shall be in the possession of  
15 the driver at all times and shall be made available to enforcement personnel upon request.

16

17 **Section 8. Business Permit Application**

- 18 (1) An individual, vehicle for hire company or broker, not exempt pursuant to  
19 Sections 4 shall make application to the Division for a business permit. It is a violation  
20 of this Ordinance to operate such companies without first securing a business permit from  
21 the Division. A business permit shall be issued annually only after acceptance by the  
22 Division of the following:
- 23 (a) Its legal, trade, corporate and/or fictitious name;
  - 24 (b) Its local or Florida business address (mail centers or P.O. Box addresses  
25 are not acceptable);
  - 26 (c) List of all business principals (i.e., owner, officers, partners, etc.) names,  
27 addresses, dates of birth and Florida Driver License number. If applicable, the name and  
28 address of the registered agent shall be provided.
  - 29 (d) The number, make, model, year of manufacture and specific coloring  
30 scheme of each vehicle for hire for which a business permit is sought;
  - 31 (e) The vehicle identification number and license tag number of each vehicle;
  - 32 (f) A clear and legible copy of each vehicle's State of Florida registration  
33 form;

- 1 (g) The name and vehicle for hire driver's I.D. badge number;
- 2 (h) Appropriate certificates, permits, local business tax receipts,
- 3 (specifically for vehicle for hire) and other authorization issued by Palm Beach County
- 4 and any municipality if applicable;
- 5 (i) The original signed copy of the vehicle inspection form for each vehicle
- 6 being assigned a decal; and
- 7 (j) Payment of all business permit and vehicle decal fees in amounts set forth
- 8 by resolution of the Board.
- 9 (2) No person maintaining, owning, or operating a vehicle for hire company shall
- 10 suffer or permit any person or employee to drive a vehicle for hire unless such person has
- 11 a valid vehicle for hire driver's I.D. badge issued pursuant to this Ordinance.
- 12 (3) Each business permit issued pursuant to this section shall be valid and effective
- 13 for one (1) year, terminating on December 31 of each year.
- 14 (a) Failure to submit a business permit application and the required non-
- 15 refundable fee for renewal by September 30 of each year will result in the assessment of
- 16 a non-refundable late fee. The late fee shall be established by resolution of the Board.
- 17 (b) Upon submission of a new business permit application and all required
- 18 documents, the Division shall provide the business with a receipt which shall constitute a
- 19 provisional business permit and shall be valid until the issuance or denial of the business
- 20 permit, whichever comes first.
- 21 (c) Businesses which fail to submit a complete application/renewal
- 22 application within thirty (30) calendar days after the business' receipt of the Division's
- 23 notice of an incomplete application, shall be denied a business permit. Within ten (10)
- 24 business days of receipt of the Division's notice of denial, such businesses may refile a
- 25 complete and corrected application and pay a non-refundable re-filing fee established by
- 26 resolution of the Board. Failure to refile an application within this ten (10) day period,
- 27 will result in the business being required to submit a new application and paying the non-
- 28 refundable business permit fee and vehicle decal fees.
- 29 (d) The DCA may deny or revoke a business permit if it is determined that the
- 30 applicant has misrepresented, omitted, concealed a fact on any application or submitted
- 31 any fraudulent or false document. If denied or revoked, said business permit shall not be
- 32 issued or reinstated for a period of one year from the date of denial or revocation.
- 33 (e) No permit shall be valid for any vehicle for hire company under any other



- 1 name or at any place other than that designated in the permit.
- 2 (f) A permit is not transferable or assignable, nor shall the ownership  
3 structure of the company be so modified as to constitute a change in the control or  
4 ownership of the permit. If the business changes its name or ownership structure, within  
5 forty-five (45) days of said change, a new business permit application and all business  
6 permit fees shall be submitted to the DCA.
- 7 (4) Upon application and throughout the licensing year, a vehicle for hire company  
8 operating as a "Broker" must submit to the Division a complete written listing of each  
9 vehicle for hire company for which the company is conducting brokering activities. If a  
10 vehicle for hire company is added or deleted, the broker must submit an updated listing in  
11 writing to the DCA within 5 business days of the addition or deletion. Brokers shall only  
12 conduct business with vehicle for hire companies legally permitted to operate in Palm  
13 Beach County.
- 14 (5) Any change in the information submitted pursuant to paragraph (1) above shall be  
15 provided to the Division within twenty (20) calendar days of said change. Failure to  
16 provide such notice may result in the suspension or revocation of the company's business  
17 permit.
- 18 (6) All vehicle for hire business permits which are not renewed, shall automatically  
19 expire upon the expiration date as stated on the permit and the company shall cease all  
20 vehicle for hire services immediately.
- 21 (7) All vehicle for hire businesses must maintain a written/electronic manifest or trip  
22 log for each pickup/drop-off of any passenger. The manifest shall be in the possession of  
23 the vehicle for hire driver and business central dispatch and shall include the business  
24 name, business phone number, name of the passenger (if provided or known),  
25 pickup/drop-off address/location and dates/times involved.
- 26 (8) The DCA may deny or refuse to renew the business permit of any vehicle for hire  
27 business based upon the determination that:
- 28 (a) Any director, officer, owner or general partner was associated with  
29 another vehicle for hire business whose permit was denied or revoked.
- 30 (b) An individual/business, or any of its directors, officers, owners or general  
31 partners has not satisfied a civil fine or penalty arising out of any administrative or  
32 enforcement action brought by DCA;
- 33 (c) Any individual/business, or any of its directors, officers, owners or  
34 general partners has had any unsatisfied civil penalties, judgments or administrative

- 1 orders entered against it, him or her in any action brought by the DCA, or any  
2 government agency, under the requirements of this or a similar Ordinance;
- 3 (d) Any individual/business, or any of its directors, officers, owners or  
4 general partners has failed to comply with the terms of a cease and desist order, notice to  
5 correct a violation, written assurance of voluntary compliance, or any other lawful order  
6 of the Director, the DCA or the Consumer Affairs Hearing Board/Special Master.
- 7 (9) Each vehicle for hire business operating in Palm Beach County must secure a  
8 business operating permit and maintain a commercial business office or residential home  
9 office in Palm Beach County. Each vehicle for hire company must place the actual  
10 written permit issued by the DCA in a location clearly visible to the public. There are  
11 only two exceptions to maintaining a commercial business office or residential home  
12 office in Palm Beach County:
- 13 (a) The vehicle for hire business may operate from Broward County, Miami-  
14 Dade County or any another Florida county/municipality where that jurisdiction licenses  
15 and regulates vehicle for hire companies and that business and all vehicles are  
16 licensed/decals to operate by that county/municipality and secures a vehicle for hire  
17 operating permit and vehicle decals from Palm Beach County.
- 18 (b) The vehicle for hire business may operate from another county if no  
19 vehicle for hire license regulations exists in the other county and that business secures a  
20 vehicle for hire operating permit and decals from Palm Beach County. Vehicle for hire  
21 companies with existing operating permits and decals from Palm Beach County shall be  
22 exempt from this subsection.
- 23 (10) A vehicle for hire company shall sign an affidavit attesting that each driver is  
24 eligible to be insured by the company's commercial automobile liability insurer and is in  
25 fact insured.
- 26 (11) The company is required to notify the Division, in writing, immediately but no  
27 later than 10 business days from the date that a driver is no longer insured by the vehicle  
28 for hire company's commercial automobile liability insurer.
- 29 (12) For vehicles owned by the business, it shall be the responsibility of the business  
30 to remove and surrender to the Division all decals issued for vehicles which are no longer  
31 operating for that business. The business must also remove all vehicle signage and top  
32 lights within ten (10) business days following the removal of a vehicle from service or  
33 termination of employment/contract with the business.
- 34 (13) Failure to comply with the provisions of this Section may result in denial of a

1 permit(s), revocation or suspension of the permit(s), a denial of renewal of such  
2 permit(s), issuance of a civil citation, a misdemeanor conviction or other such remedies  
3 available to the Division by law.  
4

5 **Section 9. Records Required.**

6 Each vehicle for hire company shall maintain accurate and complete records relating to  
7 manifests, invoices (when used) and vehicle maintenance. Such records shall be  
8 maintained for at least three (3) years. The Division shall be granted access to these  
9 records for inspection and/or copying, during regular business hours, upon 24-hours prior  
10 notice. In the event the Division is denied the opportunity to inspect and copy such  
11 records onsite, the Division shall have the right to remove the records for the purpose of  
12 copying and shall return any records removed within three (3) calendar days. If  
13 necessary, the Division is hereby authorized to obtain an inspection warrant as authorized  
14 by law.  
15

16 **Section 10. Vehicle Requirements.**

17 (1) Age requirements: A SUV, Sedan, Taxi Cab, Limousine and Transport  
18 Van/Shuttle shall not be used as a vehicle for hire if it is older than ten (10) years, based  
19 on the vehicle registration.

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

24 (3) Taxicabs

25 (a) Each taxicab is required to maintain a top light as defined in Section 3  
26 (24).

27 (b) Each taxicab business shall select and use a uniform, specific and  
28 consistent color and signage scheme for all taxicabs registered to the business. Each  
29 company shall submit to the Division for approval, upon application, three color  
30 photographs, not less than 8" by 10" size, showing the entire vehicle, driver's side  
31 (assuming passenger side is identical), front and rear of the vehicle which depicts the

- 1 chosen color scheme, including signage per Section 5 of this Ordinance.
- 2 (c) No taxicab shall be permitted to operate unless it conforms to the  
3 business' selected color and signage scheme as stated in subsection (3) (b) herein above.
- 4 (d) No taxicab shall be permitted or operated unless it is equipped with a  
5 taximeter which accurately registers the rates and charges posted on the outside of the  
6 vehicle. Taxicabs are required to use the taximeter to determine all fares. The taximeter  
7 must be plainly visible to allow easy viewing of the meter rate display by the passenger.
- 8 (e) All taximeters shall be calibrated, at least once per year, tested and sealed  
9 pursuant to the most current addition of the National Institute of Standards and  
10 Technology (NIST) Handbook 44, at a Registered Taxi Service Agency, as authorized  
11 by State of Florida Department of Agriculture and Consumer Services, Bureau of  
12 Weights and Measures.
- 13 (f) Each taxicab business must present meter calibration records when  
14 applying for and/or renewing the vehicle for hire business permit. The calibration record  
15 must show at a minimum, the date of calibration, and the name, address and phone  
16 number of the Registered Taxi Service Agency performing the calibration.
- 17 (g) All taximeters must have a lead seal and current inspection decal affixed  
18 to the taximeter, by a Registered Taxi Service Agency. The business is responsible for  
19 assuring compliance with this paragraph.
- 20 (h) If either the lead seal or inspection decal is missing or broken on the  
21 taximeter, the vehicle for hire business must immediately take the vehicle out of service.  
22 The taximeter must be recalibrated by a Registered Taxi Service Agency, and a new lead  
23 seal and inspection decal must be affixed to the taximeter prior to the taxicab being  
24 placed back into service.
- 25 (4) Failure to comply with the provisions of this Section may result in the Division  
26 denying the permit(s)/decal, revoking or suspending the permit(s)/decal, denying a  
27 renewal of such permits/decal, issuing a civil citation, a misdemeanor conviction or other  
28 such remedies available to the Division.

29  
30 **Section 11. Vehicle Decal Requirements**

- 31 (1) An individual or vehicle for hire company not exempt pursuant to Section 4 of

1 this Ordinance shall make application to the Division for a vehicle decal for each vehicle  
2 for hire. Each vehicle for hire shall be issued a vehicle decal upon fulfilling all the  
3 following requirements:

- 4 (a) Verification of the application submitted pursuant to this Ordinance;
- 5 (b) Certification evidencing compliance with the insurance requirements of  
6 Section 16 of this Ordinance;
- 7 (c) Receipt of appropriate documentation or a sworn statement that the  
8 vehicle(s) for which the vehicle decal is sought meets the minimum vehicle safety and  
9 signage requirements of Sections 5, 10, 11 and 13 of this Ordinance; and
- 10 (d) Payment to the Division of the vehicle decal fee in an amount set forth by  
11 resolution of the Board.

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

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

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

26 (5) If the short-term use of a rental vehicle by a vehicle for hire company is  
27 necessary, a short-term 30 day vehicle placard shall be issued upon application to the  
28 Division. The vehicle for hire company shall show proof that all temporary use vehicles  
29 meet the minimum insurance requirements of this Ordinance and provide a copy of the  
30 rental agreement. The short-term placard must be placed on the passenger's side  
31 dashboard of a rented vehicle for hire. The placard shall at a minimum include the  
32 name of the company, date of issuance and date of expiration. If a vehicle is rented for  
33 more than 30 days, the vehicle for hire company must secure a new placard. The fee for a  
34 short-term vehicle placard shall be established by resolution of the Board. All short-term

1 use vehicles must meet all requirements of this Ordinance. Temporary use placards are  
2 not permitted for taxicabs.

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

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

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

12 (9) Each vehicle for hire shall conspicuously display in the passenger compartment a  
13 *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 the 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 the vehicle
- Clean passenger seat area
- Clean trunk

**Driver Expectations:**

- To be paid for services provided and requested
- 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](http://www.pbcgov.com/consumer)

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

33 (10) It shall be unlawful to operate any vehicle for hire within and upon the streets and  
34 roads of Palm Beach County without first obtaining the required vehicle decal(s) and

1 affixing it to the windshield of each vehicle. Failure to secure the required decal or  
2 affixing it to each vehicle as required by this Ordinance may result in the permit being  
3 denied, suspended or revoked.

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

8

9 **Section 12: Impoundment**

10 (1) Designated DCA employees or law enforcement officers are authorized to seize  
11 and impound any vehicle for hire which such employee or officer has probable cause to  
12 believe is being operated without commercial liability insurance and in violation of this  
13 Ordinance.

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

18 (3) At the time and place of impoundment, the designated DCA employee or law  
19 enforcement officer will provide written notice to the owner/operator of the vehicle  
20 detailing:

- 21 (a) The grounds for impoundment,
- 22 (b) The description of the vehicle impounded,
- 23 (c) The location of the secured facility where the vehicle will be held,
- 24 (d) The process for having the vehicle released, and
- 25 (e) The circumstances under which the vehicle will be disposed/sold if the

26 owner fails to meet the requirements of this Section and fails to claim the vehicle  
27 pursuant to Section 713.78, Florida Statutes, as may be amended.

28 If the owner of the vehicle is not present at the time of impoundment, within 24 hours the  
29 Division will make a good faith effort to give a notice of seizure in writing to said vehicle  
30 owner and lien holder of the fact of such seizure, the grounds for seizure, identification of

1 the seized vehicle and information concerning these regulations and the designated  
2 secured facility to which the vehicle was or will be taken. A copy of said notice of  
3 seizure shall also be given to the towing company which impounds the vehicle.  
4 Whenever an officer or designated employee seizes a vehicle under this Section, and does  
5 not know and is not able to ascertain the name of the owner, or for any other reason is  
6 unable to give the notice to the owner as hereinabove provided, then the officer or  
7 designated employee shall immediately send or cause to be sent a written report of such  
8 impoundment by mail to the appropriate law enforcement agency.

9 (4) The Division shall obtain the assistance of either the Palm Beach County Sheriff's  
10 Office or the specific police agency in the municipality where the vehicle is to be towed  
11 to coordinate the impoundment of the vehicle with an authorized towing company either  
12 on rotation by the law enforcement agency or under contract with the Division.

13 (5) The vehicle shall not be released to the vehicle owner by the towing company  
14 until authorization has been given by the DCA. The owner must show proof that all  
15 judgments from outstanding citations and administrative actions that relate to the failure  
16 to have commercial liability insurance have been paid or proof is shown that a court  
17 hearing has been scheduled to consider said outstanding citations. Further, the vehicle  
18 owner must make arrangements through the company's commercial insurance  
19 agent/company to show proof to the DCA that the vehicle has the required insurance or  
20 provides a notarized affidavit that the vehicle will no longer be used as a vehicle for hire,  
21 returns the Vehicle for Hire decal and shows proof of insurance as required by the State  
22 of Florida.

23 (6) After meeting the requirements in sub-paragraph 5 above, the registered owner of  
24 the impounded vehicle may request that the impounded vehicle be released, by delivering  
25 a written request in person to the DCA, Monday through Friday, between 8:00 AM and  
26 4:00 PM, excluding holidays. The DCA will then issue an authorization to the vehicle  
27 owner for the towing company to release the vehicle. The vehicle owner is responsible  
28 for the payment of all towing and storage charges incurred by the impoundment prior to  
29 said release.

30 (7) The owner and/or lien holder of the vehicle may appeal the decision of the

ORDINANCE NO. 2008 043



1 Division to impound a vehicle and facilitate its release by:

2 (a) Complying with the requirements in sub-paragraphs 5 and 6 above; or

3 (b) Initiating the appeal and waiting for the decision of the Hearing

4 Board/Special Master with the understanding that if the appeal is not successful,

5 additional daily vehicle storage fees shall be assessed by the towing company for which

6 the owner shall be required to pay prior to release of the vehicle.

7 (8) Appeal Process: If the vehicle owner disputes the grounds for the vehicle

8 impoundment, he or she may appeal to the Consumer Affairs Hearing Board/Special

9 Master. The owner of an impounded vehicle shall make a request in writing to the

10 Division for a hearing within five (5) business days of the vehicle being impounded and

11 pay the non-refundable appeal fee established by resolution of the Board. The Division

12 shall arrange for the hearing within ten (10) business days or as soon as practicable, after

13 receiving the written request. All interested persons shall be given reasonable

14 opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the

15 hearing, and hearsay evidence shall be admissible. After considering all evidence

16 presented, the Hearing Board/Special Master shall upon clear and convincing evidence,

17 either uphold the decision of the Division to impound the vehicle or determine there was

18 insufficient cause for impoundment. If the Hearing Board/Special Master determines

19 there was insufficient cause for the impoundment:

20 (a) The towing fees will be returned to the owner by the Division; or

21 (b) The vehicle shall be returned to the owner without any fees being

22 assessed. In such cases, the Division shall be responsible for paying the towing company

23 for all charges and fees incurred.

24 (9) If the Division's decision to impound is upheld, the Hearing Board/Special

25 Master shall order the continued impoundment of the vehicle unless the owner posts a

26 cash bond in the amount of the maximum fines, towing and storage fees or does not

27 admit to the violation but pays the towing and storage fees and any fines.

28 (10) Default hearing. If the owner of the impounded vehicle fails to appear for the

29 appeals hearing specified above, the Hearing Board/Special Master shall make a

30 determination pursuant to this Section. The Division shall inform the owner of the

1 default determination by certified mail, return receipt requested or by personal delivery.  
2 The order of the Hearing Board/Special Master shall include the provisions of this  
3 Section.  
4 (11) Vehicles not claimed as required by this Section will be considered abandoned ten  
5 (10) days after impoundment or ten (10) days after service of the Order of the Hearing  
6 Board/Special Master. The towing company which has possession of the vehicle is then  
7 authorized to dispose of the vehicle in accordance with Section 713.78 Florida Statutes,  
8 as may be amended.

9  
10 **Section 13. Vehicle Safety and Appearance Requirements.**

- 11 (1) The windshield and all side and rear windows shall provide clear visibility and  
12 operate according to the manufacturer's specifications. The windshield and all windows  
13 shall possess no breakage, cracks or pits that impair visibility or hinder the safety of  
14 passengers. All window cranks/power window switches shall be complete, intact and  
15 functioning. Windows on vehicles for hire shall not be covered by, or treated with, a  
16 material which would cause the vehicle to be in violation of Sections 316.2951 -  
17 316.2956, Florida Statutes, as may be amended.  
18 (2) All standard manufacturer's interior equipment shall be complete, intact and  
19 functioning; including, but not limited to interior lights, dashboard, trim, gear shifts and  
20 head rests. Vehicle interiors must not contain loose objects and must be clean, sanitary,  
21 and free of broken seats/protruding sharp edges or torn or damaged upholstery, headliner,  
22 or floor coverings. The vehicle's interior must be free of offensive odors. The floor  
23 board shall be free of rust and holes. Trunks and luggage compartments must be kept  
24 clean and free of debris.  
25 (3) All doors must have operating handles, which allow opening from both the inside  
26 and outside, and door hinges and latches must function properly. Door locks must be  
27 operable by passengers at all times. Door seals and gaskets must be intact/operating and  
28 prevent water, odor and fumes from entering the vehicle from outside. All door panels  
29 must be intact to prevent accidental injuries on door and window mechanisms.  
30 (4) Seat belts shall be available for all passengers (according to manufacturer's  
31 specifications and Florida law). Seat belts shall be in operating condition, easily  
32 accessible, clean and free of grease and other objectionable substances.  
33 (5) All vehicles shall be equipped with a fully functioning heating and air

- 1 conditioning system which controls the temperature of the inside of the vehicle between  
2 68 and 78 degrees Fahrenheit. The vehicle shall be equipped with a fully functioning  
3 windshield defrost or defogging system.
- 4 (6) All vehicles shall be equipped with a light capable of illuminating the interior of  
5 the vehicle, controlled by the operation of the doors, or manually controlled by the driver.
- 6 (7) The transportation of children shall be in accordance with Section 316.613,  
7 Florida Statutes, as may be amended.
- 8 (8) Those vehicles and operations, which are subject to the Americans with  
9 Disabilities Act (ADA), shall comply with the applicable provisions of said Act.
- 10 (9) The vehicle's body, fenders, doors, trim, grill and paint must be free from cracks,  
11 breaks, rust, and body damage that detracts from the overall appearance of the vehicle or  
12 could result in harm or injury to the passenger or his/her personal belongings.
- 13 (10) The vehicle must be equipped with safe tires of the same size. No recaps shall be  
14 used. Maximum allowable tread wear shall be where tread is level with the wear bar, or  
15 2/32" when measured at three random places in the tire tread. The tires shall be inflated  
16 to manufacturer's specifications and free of cuts, cracks, bulges, or exposed belts.
- 17 (11) Windshield wipers must be operational according to the manufacturer's  
18 specifications. Wiper blades shall be in such a condition as to make firm contact with the  
19 windshield when operational, and shall not be torn or worn.
- 20 (12) Reflectors and lenses shall not be cracked or missing and must be the correct  
21 color and properly positioned.
- 22 (13) Low and high beam headlights, turn signals, brake, tail and reverse lights shall be  
23 operable as required by Florida law. Each vehicle shall have a white light on the vehicle  
24 to illuminate the rear license plate so that it is clearly visible.
- 25 (14) Steering mechanisms shall not be worn or jammed, nor shall there be more than  
26 two (2) inches play to the left or right of center, measured at the steering wheel rim with  
27 the front wheels in a straight-ahead position. Power steering units shall not have visible  
28 signs of fluid leakage.
- 29 (15) The vehicle suspension shall function as designed by the manufacturer.
- 30 (16) The vehicle shall be equipped with an operating horn with the actuating button  
31 mounted in the location designated by the vehicle manufacturer and operated in the  
32 manner designed and assembled by the vehicle manufacturer.
- 33 (17) Each vehicle shall contain an operating parking brake and a primary brake system  
34 which acts on all four (4) vehicle wheels. There shall be no visible leaks in the brake

1 line, hoses, wheel cylinders or any part of the brake system and no frayed cables. Brake  
2 linings and/or disc pads, when measured at the thinnest point shall not be less than one-  
3 sixteenth (1/16) of an inch and firmly attached to the brake shoe or disc. Disc brake  
4 rotors and brake drums shall be of a size and type appropriate for the vehicle, with no  
5 cracks or other damage which change or impair the functional surface. All primary brake  
6 systems shall demonstrate a reasonable total braking force when conducting a rolling  
7 stop.

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

12 (19) Belts shall show no signs of excessive wear and be free of cracks and frays.  
13 Hoses shall be firm and in good condition, free of leaks and cracks.

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

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

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

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

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

24 (25) Failure to comply with the provisions of this Section and applicable sections of  
25 Chapter 316, Florida Statutes, as may be amended, may result in denial of a permit(s),  
26 revocation or suspension of the permit(s), a denial of renewal of such permits, issuance of  
27 a civil citation, a misdemeanor conviction or other such remedies available to the  
28 Division by law.

29  
30 **Section 14. Non-Medical Wheelchair and Stretcher Transportation**  
31 **Service Companies Operational Requirements.**

32 (1) Non-Permitted Transportation – It shall be unlawful to provide the following  
33 types of transportation for any person:  
34

35 (a) Requiring intravenous fluid administration while in route.

- 1 (b) Requiring direct medical attention while in route.
- 2 (c) Requiring ventilatory assistance.
- 3 (d) Requiring orthopedic traction during transit.
- 4 (2) Vehicle Design - Wheelchair Operations.
- 5 (a) Each vehicle shall have, in addition to the rear-vision mirror required by
- 6 Chapter 316, Florida Statutes, an inside rear-vision mirror which will enable the driver to
- 7 view the entire compartment;
- 8 (b) Vehicle entry and exit doors shall be equipped with latching devices
- 9 sufficient to restrain individual passenger conveyance(s) within the passenger
- 10 compartment of the vehicle;
- 11 (c) The floor of each vehicle shall be sealed to avoid the seepage of water or
- 12 moisture;
- 13 (d) The passenger compartment shall provide a minimum of 55 inches of
- 14 height, measured from the finished floor to the finished ceiling;
- 15 (e) Vehicles shall not display any ambulance or rescue vehicle emergency
- 16 lighting or warning devices, nor shall they be painted in a fashion that is similar to or
- 17 resembles an ambulance or rescue vehicle;
- 18 (f) Vehicles for hire which are intended to be used for or are used for the
- 19 transport of individuals in wheelchairs shall be designed and equipped to meet minimum
- 20 requirements as specified by the Florida Department of Transportation for wheelchair lift
- 21 vehicles (Florida Administrative Code, Section 14-90, as may be amended).
- 22 (3) Vehicle Design - Stretcher Operations. Prior to transportation, a Non-Medical,
- 23 Wheelchair and Stretcher Transportation Service provider shall be required to obtain
- 24 from the passenger, who requires transportation by a stretcher a written statement that the
- 25 person does not need, nor is likely to need, immediate medical attention during transport.
- 26 This statement must be attached to the corresponding trip manifest. Vehicles for hire,
- 27 which are intended to transport a passenger by stretcher, shall be equipped as follows:
- 28 (a) Each vehicle shall have crash stable side or center mounting litter
- 29 fasteners as a means of latching a stretcher to the vehicle. Litter fasteners shall secure the
- 30 litter to the floor or sidewalls. Where a single passenger may be centered in the
- 31 passenger area of the vehicle on a wheeled litter, additional attachments (cups and locks)
- 32 shall be provided. Attachments shall be near flush with the surrounding surface when not
- 33 in use;
- 34 (b) At least two (2) strap-type restraining devices shall be provided per

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- 1           stretcher, cot, or litter to prevent longitudinal or transverse dislodgment of the passenger  
2           during transit;
- 3           (c)     Each vehicle shall have, in addition to the rear-vision mirror required by  
4           Chapter 316, Florida Statutes, an inside rear-vision mirror which will enable the driver to  
5           view the entire passenger compartment;
- 6           (d)     Vehicle entry and exit doors shall be equipped with latching devices  
7           sufficient to restrain individual passenger conveyance(s) within the passenger  
8           compartment of the vehicle. Striker plates will be used in conjunction with latching  
9           devices;
- 10          (e)     The floor of each vehicle shall be sealed to avoid the seepage of water or  
11          moisture;
- 12          (f)     The passenger compartment shall provide a minimum of 55 inches of  
13          height, measured from the finished floor to the finished ceiling;
- 14          (g)     Vehicles shall not display any ambulance or rescue vehicle emergency  
15          lighting or warning devices, nor shall they be painted in a fashion that is similar to or  
16          resembles an ambulance or rescue vehicle.
- 17          (4)     Vehicle Design - Combination Wheelchair/Stretcher. Vehicles for hire which are  
18          intended to be used for, or are used for the transportation of persons on both a stretcher or  
19          wheelchair shall be subject to all provisions contained above in Section 13.
- 20          (5)     Advertising. All advertising or other solicitation for business by such  
21          transportation services shall emphasize in a conspicuous manner that the service does not  
22          provide ambulance services or medical attention, and the service is designed solely to  
23          transport those persons whose physical condition or impairments render it impractical to  
24          use a regular common carrier or vehicle for hire service. All such transportation services  
25          advertising in the "Yellow Pages" of the telephone directory or elsewhere may only be  
26          listed under the heading of "Wheelchair and Invalid Transportation". Use of "The Star of  
27          Life", "The Staff of Caduceus", the term "ambulance", normal or abnormal EKG  
28          patterns, or any other symbol or sign normally associated with medical attention is  
29          prohibited in any and all advertising including the design/signage placed on the exterior  
30          of vehicles.
- 31          (6)     Those vehicles and operations, which are subject to the Americans with  
32          Disabilities Act (ADA), shall comply with the applicable provisions of said Act.
- 33          (7)     All vehicles must be equipped with:
- 34          (a)     A first aid kit containing at a minimum: a hard case; six gauze pads (at

1 least 4 x 4 inches); one large gauze pads (at least 5 x 9 inches); a box of adhesive  
2 bandages; one package of gauze roller bandage at least 2 inches wide; ten sealed  
3 antiseptic wipes; scissors; tweezers; adhesive tape and latex gloves.

4 (b) A bodily fluid "Spill Kit" containing at a minimum: safety gloves; foldable  
5 wipes; scoops; hand cleaner; biohazard disposal bags; and absorbent, hazardous waste  
6 disposable bags.

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

8 (8) Failure to comply with the provisions of this Section may result  
9 in denial of a permit(s)/decals, revocation or suspension of the permit(s)/decals, a denial  
10 of renewal of such permits, issuance of a civil citation, a misdemeanor conviction or  
11 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 13.

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

1 (c) It shall be a violation of this Ordinance to fail to use a certified technician  
2 to inspect vehicles or to submit false inspection forms to the Division. The Division may  
3 verify information and inspection forms submitted by the business. A business which  
4 fails or does not follow the requirements of this Section is subject to denial, revocation or  
5 suspension of its business permit and decals and denial, revocation or suspensions of  
6 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 conduct a visual inspection of all vehicles to  
13 assure that safety and appearance standards are in compliance with this Ordinance.  
14 When the vehicle passes inspection, Division personnel shall properly affix the required  
15 decal to the 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 is the responsibility of the vehicle  
18 for hire business to make vehicles available during the designated period of time and at  
19 the 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 fails to present the vehicle(s) for the re-scheduled inspection, the  
29 business shall 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  
11 Division. A red-tag "out of service" decal will be applied to the vehicle by a Division  
12 employee and the vehicle shall not be used for any business purposes until such time as  
13 the vehicle is brought to the Division, inspected and approved for operation. Only  
14 Division 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 vehicles for hire, at  
18 any time. It is a violation for any vehicle to fail to meet the mechanical, safety and  
19 signage requirements, of this Ordinance. DCA personnel may issue a citation or written  
20 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 the following subparagraphs from Section 13: (1), (3), (4), (5), (10), (11),  
23 (12), (13), and (18)). The "red tag" must remain on the vehicle until noted deficiencies  
24 have been corrected and verified by DCA personnel. Only DCA employees may remove  
25 the "red tag" decal.

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

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

1 vehicle for commercial automobile liability insurance for passenger transportation and  
2 shall meet or exceed minimum insurance limits as established by resolution of the Board.  
3 (2) All insurance policies required shall be issued by insurance companies licensed  
4 and admitted to write commercial automobile liability insurance in the State of Florida.  
5 No policy shall be accepted which is less than a six (6) month duration. Each policy shall  
6 be endorsed to provide for at least (30) thirty days written notice to the Division of any  
7 non-renewal of the policy or at least ten (10) days written notice to the Division of any  
8 cancellation/non-payment of the policy. Evidence of the renewal of the policy shall be  
9 filed with the Division prior to such policy's expiration date. Failure to file such evidence  
10 of insurance, or failure to have same in full force and effect, may result in denial of a  
11 permit(s), revocation or suspension of the permit(s), a denial of renewal of such permits,  
12 issuance of a civil citation, a misdemeanor conviction charge or other such remedies  
13 available to the Division herein.

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

23 (4) A properly completed Certificate of Insurance evidencing all insurance coverages  
24 shall be made available to the Division upon application for a business permit. Each  
25 vehicle must be listed on the certificate(s) by its year, make and vehicle identification  
26 number. Certificates of Insurance must contain the following name and address as  
27 Certificate Holder and Additional Insured:

28 Board of County Commissioners of Palm Beach County  
29 c/o Division of Consumer Affairs  
30 50 South Military Trail, Suite 201  
31 West Palm Beach, FL 33415

32 (5) The Division may deny, suspend or revoke the business permit of any vehicle for  
33

1 hire company for failure to obtain or maintain insurance as required by this Ordinance.  
2 Any company which submits false or fraudulent insurance documents shall be subject to  
3 immediate denial or revocation. Such companies shall not be eligible to reapply for a  
4 business permit for five (5) years. The DCA shall notify the State Department of  
5 Financial Services/Division of Insurance Fraud for follow-up investigation and review.  
6 Upon denial, suspension or revocation of the business permit, the vehicle for hire  
7 company shall be entitled to an appeal according to the provisions in Section 19.  
8 (6) The Division shall suspend the business permit of any vehicle for hire company  
9 which fails to ensure that each and every vehicle associated with the company has:  
10 (a) A current certificate of insurance provided to the DCA by the authorized  
11 agent or insurance company no later than the date of expiration of its previous policy, or  
12 (b) A reinstatement notice provided to the DCA no later than the date of  
13 cancellation of said policy.  
14 (7) Any vehicle for hire company which has had its business permit suspended more  
15 than 3 times in any 12 month period (as provided for in paragraph number 6 above) may  
16 have such permit revoked for a period of 1 year.  
17 (8) An "administrative insurance reactivation" fee established by resolution of the  
18 Board, shall be assessed all vehicle for hire companies that are suspended pursuant to  
19 subparagraph (6) above. The suspension shall not be withdrawn until the fee is paid to the  
20 Division.

21

22 **Section 17. Driver Requirements; Failure to Comply**

23 (1) It shall be unlawful for any person to operate any vehicle for hire within and upon  
24 the streets of Palm Beach County without having first obtained a Palm Beach County  
25 vehicle for hire driver's identification badge (Driver's I.D. Badge) and Driver's I.D.  
26 Vehicle Placard. All applicants for a vehicle for hire Driver's I.D. Badge shall conform  
27 to the following:  
28 (a) Be at least twenty-one (21) years of age;  
29 (b) Possess a valid State of Florida Driver License as required by the Florida  
30 Department of Highway Safety and Motor Vehicles and must show proof that he/she has  
31 possessed a valid driver's license from any state within the United States for three (3)

1 years prior to applying for a Driver's I.D. Badge. If a person has not driven for 3 years in  
2 the United States, he/she must obtain the driving record from any other jurisdictions  
3 where he/she did drive or if he/she is unable to obtain the driving record, must sign an  
4 affidavit under penalty of perjury that he/she has no driving record which would prevent  
5 him/her from driving a vehicle in Palm Beach County, Florida;

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 not had more than three (3) or more separate incidents involving  
13 moving violations in any twelve (12) month period in the previous three (3) years prior to  
14 the initial application or renewal of a Driver's I.D. Badge in which the applicant pled  
15 guilty, was found guilty or adjudication was withheld.

16 (e) Has not been classified as a habitual traffic offender (as defined by Florida  
17 Statutes) or as defined by the state where he/she previously resided within five (5) years  
18 of applying for a Driver's I.D. badge and was not previously issued a driver's I.D. badge  
19 by the Division;

20 (f) Upon initial application or renewal, the driver must provide the original  
21 request form for his/her Florida Department of Law Enforcement (FDLE) criminal  
22 history/records report to the Division, as well as payment for the amount required to  
23 secure the criminal history/records report. The Division shall then be responsible for  
24 processing the request and payment to the FDLE. The Division may conduct additional  
25 criminal history/records reports of other states/jurisdictions as deemed appropriate. The  
26 Division may require an applicant to submit to a finger print analysis if there is a question  
27 of identity.

28 (g) Have no conviction or plea of guilty or nolo contendere, regardless of  
29 adjudication of guilt, within the preceding 5 years from the date of application for any  
30 offense related to driving a motor vehicle under the influence or while intoxicated.

31 (h) Have not more than one conviction or plea of guilty or nolo contendere,  
32 regardless of adjudication of guilt, within the preceding 10 years from the date of  
33 application for any offense related to driving a motor vehicle under the influence or while  
34 intoxicated.

1 (i) Have no more than two (2) traffic citations resulting from accidents in the  
2 three (3) years preceding the date of the current permit year wherein the driver has been  
3 found guilty.

4 (j) Have no conviction or plea of guilty or nolo contendere, regardless of  
5 adjudication or guilt, within the preceding three (3) years from the date of conviction or  
6 release from incarceration (whichever is later) including but not limited to the following  
7 first-degree misdemeanors determined by the Board to be necessary for the protection of  
8 public safety: stalking, battery, driving while license is suspended or revoked, exposure  
9 of sexual organs, carrying a concealed weapon, reckless driving which causes damage to  
10 property, racing on highway, criminal possession of a controlled substance/paraphernalia,  
11 resisting arrest without violence, luring or enticing a child under 12, or obscenity  
12 (selling/distributing sexual material to minor).

13 (k) Have no conviction or plea of guilty or nolo contendere, regardless of  
14 adjudication or guilt, within the preceding five (5) years from the date of conviction or  
15 release from incarceration (whichever is later) including but not limited to the following  
16 felonies determined by the Board to be necessary for the protection of public safety:  
17 battery, carrying a concealed weapon, discharging a firearm in public, robbery (not  
18 armed), burglary (not 1<sup>st</sup> degree), criminal sale of a controlled substance, criminal  
19 possession of controlled substance/paraphernalia, obscenity (selling/distributing sexual  
20 material to a minor or exchanging computer pornography with a minor), a habitual felony  
21 offender, aggravated assault, child abuse/neglect, reckless driving with serious bodily  
22 injury, fleeing/attempting to elude a law enforcement officer, aggravated fleeing or  
23 eluding a law enforcement officer causing serious body injury, luring or enticing a child  
24 under 12 (2<sup>nd</sup> conviction), resisting an officer with violence, procuring a person under 18  
25 for prostitution, selling or buying minors for sex trafficking/prostitution,  
26 forcing/compelling/coercing a person for prostitution, or abuse/aggravated abuse/neglect  
27 of an elderly person or a disabled adult. The Division may require applicants to provide  
28 the final disposition for felony criminal cases on background checks received by the  
29 Division from any source. Failure to provide the disposition of such cases shall result in  
30 the denial of a driver's I.D. badge.

31 (l) Have no conviction, plea of guilty, nolo contendere or adjudication  
32 withheld of any of the following offenses determined by the Board to be necessary for the

1 protection of public safety (unless proof is shown that the applicant's civil rights have  
2 been restored):

- 3 (i) Murder, attempted murder, attempted felony murder,  
4 manslaughter, (F.S. Chapter 782)
- 5 (ii) DUI manslaughter (F.S. 316.193(3));
- 6 (iii) Sexual battery, attempted sexual battery (F.S. 794.011);
- 7 (iv) Lewd or lascivious battery, attempted lewd or lascivious battery,  
8 lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious  
9 exhibition (F.S. Chapter 800);
- 10 (v) Lewd or lascivious offense upon or in the presence of an elderly or  
11 disabled person, attempted lewd or lascivious offense upon or in the presence of an  
12 elderly or disabled person (F.S. 825.1025);
- 13 (vi) Sexual performance by a child, attempted sexual performance by a  
14 child (F.S. 827.071);
- 15 (vii) Aggravated child abuse (F.S. 827.03);
- 16 (viii) Failure to register as a sexual predator (F.S. 775) or sexual  
17 offender (F.S. 943.0435);
- 18 (ix) Computer pornography, transmission of computer pornography,  
19 buying or selling of minors (F.S. Chapter 847);
- 20 (x) Kidnapping, attempted kidnapping, false imprisonment, or luring  
21 and enticing a child (F.S. Chapter 787);
- 22 (xi) Aggravated battery, attempted aggravated battery (F.S. 784);
- 23 (xii) Armed robbery, attempted armed robbery, carjacking, attempted  
24 carjacking, home invasion, attempted home invasion (F.S. Chapter 812);
- 25 (xiii) Poisoning of food or water (F.S. 859.01);
- 26 (xiv) First degree burglary or attempted first degree burglary (F.S.  
27 810.02);
- 28 (xv) Arson or attempted arson (F.S. 806.01);
- 29 (xvi) Aggravated stalking (F.S. 784.048);
- 30 (xvii) Aggravated battery or aggravated assault on a law enforcement  
31 officer or other specified officer (F.S. 784.07);
- 32 (xviii) Aircraft piracy (F.S. 860.16);
- 33 (xix) Unlawful throwing, projecting, placing, or discharging of any  
34 destructive device or bomb or attempting to do so (F.S. 790.161);

- 1 (xx) Facilitating or furthering terrorism (F.S. 775.31);
- 2 (xxi) Treason (F.S. 876.32);
- 3 (xxii) Any offense committed in another jurisdiction that would be an
- 4 offense listed in this paragraph if that offense had been committed in the State of Florida.
- 5 (m) In addition, the person has not been declared to be one of the following:
- 6 (i) A Habitual Violent Felony Offender under F.S. 775.084(1)(b);
- 7 (ii) A Three-time Violent Felony Offender under F.S. 775.084(1)(c);
- 8 (iii) A Violent Career Criminal under F.S. 775.084;
- 9 (iv) A Prison Releasee Reoffender under F.S. 775.082(9)(a);
- 10 (v) A Sexual Predator under F.S. 775.21;
- 11 (n) All vehicle for hire drivers with current driver I.D. badges are required to
- 12 notify the Division within ten (10) business days upon being convicted of any crime.
- 13 (o) Applicants shall have no unsatisfied civil penalties, judgments or
- 14 administrative orders pertaining to this Ordinance.
- 15 (p) Every application or renewal application for a driver's I.D. badge and
- 16 application for amendment of a driver's I.D. badge, shall be in writing and signed by the
- 17 applicant and shall be filed with the Palm Beach County Division of Consumer Affairs
- 18 on a form provided by the Division together with the non-refundable driver's I.D. badge
- 19 fees which shall not be subject to proration.

20

21 Each driver's I.D. badge shall be valid for a two-year period and shall be renewed every

22 other year on the applicant's date of birth. The DCA may deny or revoke a vehicle for

23 hire driver's I.D. badge if it is determined that the applicant has misrepresented, omitted,

24 or concealed a fact on the application, renewal application or replacement application. If

25 the driver's I.D. badge is denied, the DCA shall not accept an application for said driver's

26 I.D. badge for one (1) year from the date the badge is denied, unless there is less than one

27 (1) year to satisfy the time restrictions in paragraph (1) above related to the following

28 subparagraphs: (d), (e), (g), (h), (i), (j), or (k). In such situations, the applicant will be

29 permitted to reapply for a driver's I.D. badge after the time requirements have been

30 satisfied. If the driver's I.D. badge is revoked, the DCA shall not accept an application

31 for said driver's I.D. badge for one (1) year from the date the badge is revoked. Any

32 person renewing a driver's I.D. badge must file a renewal application, furnish the

33 documentation requested by the Division, and submit payment for the required non-

34 refundable renewal fee(s) not more than ninety (90) days before the expiration date of a

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1 driver's I.D. badge. Persons who fail to reapply for their driver's I.D. badge 30 days prior  
2 to expiration, risk having a gap in their authorization to drive a for-hire vehicle. Persons  
3 who fail to submit their renewal application, required documentation and fees by the  
4 expiration date of the driver's I.D. badge must pay a non-refundable late fee, over and  
5 above the driver's renewal fee. Any applicant who fails to submit a renewal application  
6 within 1 year of the expiration of a current badge will be considered a new applicant  
7 when reapplying and no grandfathered provisions will apply. Said fees shall be  
8 established by resolution of the Board;

9 (q) Shall submit to photographing (full face exposure/without sunglasses or  
10 head coverings) prior to the issuance of the permit/I.D. badge by the Division;

11 (r) Complete the driver's I.D. badge registration affidavits provided by the  
12 Division;

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

16 (t) Not violate the terms of a cease and desist order, assurance of voluntary  
17 compliance, notice to correct a violation or any other lawful order of the director;

18 (u) Not be enjoined by a court of competent jurisdiction from engaging in the  
19 vehicle for hire business or was enjoined by a court of competent jurisdiction with  
20 respect to any of the requirements of this Ordinance;

21 (v) Have no conviction or plea of guilty or nolo contendere regardless of  
22 adjudication of guilt in any military or foreign jurisdiction, federal, state, county or  
23 municipal jurisdiction within the United States for violations analogous or parallel to  
24 those violations enumerated in all sections herein.

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

30 (3) Each driver's I.D. badge shall be developed by the Division. Each driver's I.D.  
31 badge shall, at a minimum, contain the name of the driver, date of expiration, photo of  
32 the driver, and such additional terms, conditions, provisions and limitations as were  
33 imposed during the approval process. Drivers are required to submit a notarized affidavit  
34 signed by each permitted vehicle for hire company with whom s/he is driving. The



1 affidavit (on a form prepared by the Division) shall also include a statement by the  
2 business owner that the driver is eligible to be insured under the company's insurance  
3 policy. When a driver is no longer driving for a vehicle for hire company, the driver is  
4 required to notify the Division within 10 business days. Failure to follow these  
5 requirements shall be a violation of this Ordinance.

6 (4) A Driver's I.D. Vehicle Placard shall be developed by the Division. Each  
7 Driver's I.D. Vehicle Placard shall, at a minimum, contain the name of the driver's date  
8 of expiration, photo of the driver, driver I.D. number and such additional provisions as  
9 may be deemed necessary by the Division. The Driver's I.D. Vehicle Placard shall be  
10 plainly visible to passengers at all times in taxicabs and non-medical transport units and  
11 available for inspection by passengers in all other vehicle types. The driver is responsible  
12 for assuring compliance with this Section. The Driver's I.D. Vehicle Placard is not  
13 required to be displayed in a non-medical transport unit being used to transport a  
14 passenger as a result of action initiated through "The Baker Act" Chapter 394, Florida  
15 Statutes or the "Marchman Act" Chapter 397, Florida Statutes.

16 (5) The Division may issue a replacement I.D. badge to any driver upon ~~application~~,  
17 payment of a non-refundable replacement fee, presentation of proof or a sworn affidavit  
18 that the I.D. badge has been lost, stolen or for any other valid reason, and any other  
19 documentation or requirement requested by the Division. The replacement fee shall be  
20 established by resolution of the Board.

21 (6) It shall be unlawful for any person to drive a vehicle for hire unless such person  
22 has a valid vehicle for hire driver's I.D. badge issued pursuant to this Section.

23 (7) It shall be unlawful for any person to drive a vehicle for any vehicle for hire  
24 company which has not been granted a business permit pursuant to Section 8 of this  
25 Ordinance.

26 (8) It shall be unlawful for any applicant for a vehicle for hire driver's I.D. badge to  
27 misrepresent, omit or conceal a fact on the application, renewal application or  
28 replacement application.

29 (9) Upon submission of the application, the Division shall provide the driver with a  
30 receipt. No applicant shall be permitted to drive a vehicle for hire in Palm Beach County  
31 until the Division has issued to him/her a driver's I.D. badge. The Division shall provide  
32 the driver's I.D. badge within ten (10) business days following the submittal of the  
33 application and all required documents. In the event the official criminal background  
34 records furnished to the Division are insufficient and additional information is necessary,

- 1 the Division shall be permitted an additional twenty (20) business days to issue the  
2 driver's I.D. badge.
- 3 (10) No driver shall operate one or more vehicles for hire for more than 12 cumulative  
4 hours of driving within any 24-hour period as supported by a required vehicle trip  
5 manifest prepared by the driver and maintained by the vehicle for hire company.
- 6 (11) Drivers are required to provide a smoke free environment inside the vehicle at all  
7 times.
- 8 (12) Drivers must be hygienically clean, well groomed and neat.
- 9 (13) Passengers shall be offered a receipt for the fare collected.
- 10 (14) Drivers shall not use abusive language or be discourteous to passengers or  
11 Division personnel.
- 12 (15) Drivers must be able speak and understand English to the extent they can take  
13 instruction from passengers and complete trip manifests and incident/accident reports.
- 14 (16) Upon initial application for a driver's I.D. badge, the Division or designated  
15 agency shall examine each applicant and, at a minimum, determine the applicant's  
16 knowledge of Palm Beach County geography and his/her ability to understand the  
17 English language. A driver is only required to successfully complete the examination  
18 one time. A driver/applicant which initially fails either the geography or English test  
19 may retake the test within 30 days at no additional charge. If a driver/applicant fails  
20 either requirement during the retest, that person will be denied his/her I.D. Badge, but  
21 may reapply and repay all applicable fees at anytime.
- 22 (17) Vehicle for Hire Drivers shall cooperate fully at all times with the Division in the  
23 furnishing of information required in connection with requests for proof of driver's  
24 license, vehicle insurance and/or driver's I.D. badge, during the process of applying to  
25 renew a driver's I.D. badge, and during investigations of consumer complaints. Further,  
26 Vehicle for Hire Drivers shall not obstruct, hamper or interfere with an investigation of  
27 violations of this Ordinance conducted by Division personnel, any law enforcement  
28 officer or employee of any other agency enforcing this Ordinance. At no time shall a  
29 Vehicle for Hire Driver use abusive language or display discourteous, hostile, aggressive  
30 or other inappropriate behavior toward passengers, other vehicle for hire drivers, vehicle

1 for hire business owners or their representatives, Division personnel, law enforcement  
2 officers or any agency authorized to enforce this Ordinance.

3 (18) All vehicle for hire drivers who own or lease the vehicle(s) they drive, shall  
4 remove and surrender to the Division the vehicle decal and driver's I.D. badge within  
5 ten (10) business days after he/she is no longer driving for that particular vehicle for hire  
6 business. Such owner/driver must also remove all vehicle signage and top lights within  
7 ten (10) business days after he/she is no longer driving for the vehicle for hire business.

8 (19) Exemptions: Any person who possessed a valid driver's I.D. badge on the  
9 effective date of this Ordinance shall be exempt from any new requirements of Section  
10 17, paragraphs (1), (a-h), (j-m), (w). However, such persons would be ineligible to  
11 receive a driver's I.D. badge and the driver's I.D. badge would be revoked if he/she is  
12 convicted of new offenses as described in this Ordinance.

13 (20) Failure to comply with the provisions of this Section may result in the Division  
14 denying an I. D. badge/placard, revoking or suspending the driver's I.D. badge/placard,  
15 denying a renewal of such driver's I.D. badge/placard, issuing a civil citation, a  
16 misdemeanor conviction or other such remedies available to the Division herein.

17

18 **Section 18. Fraudulent Transfer of Vehicle for Hire Company.**

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

24 (a) The transfer was to an insider;

25 (b) The vehicle for hire company retained possession or control of the  
26 property transferred after the transfer;

27 (c) The transfer was disclosed or concealed;

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

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

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

4 (g) The vehicle for hire company was insolvent or became insolvent shortly  
5 after the transfer was made or the obligation was incurred;

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

8 (i) The vehicle for hire company transferred the essential assets of the  
9 business to a lienor who transferred the assets to an insider of the vehicle for hire  
10 company.

11 (2) It shall be a violation of this Ordinance for a Vehicle for Hire company to  
12 fraudulently transfer a vehicle for hire company.

13

14 **Section 19. Revocation, Suspension and Denial of Permits/I. D. Badges;**  
15 **Administrative Appeal**

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

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

28 (a) Administrative Appeal: Any vehicle for hire company, person or driver  
29 which has had a business permit/driver's I.D. badge denied, revoked, or suspended by the  
30 Division, may appeal such decision to the Consumer Affairs Hearing Board/Special  
31 Master within twenty (20) days of receipt of the decision. A non-refundable filing fee  
32 must accompany the written request for appeal. The business, person, driver or attorney  
33 shall file a written notice of appeal signed by the business officer/owner, driver or

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1 attorney requesting a hearing and setting forth a brief statement of the reasons thereof.  
2 The filing fee shall be established by resolution of the Board. The appeal shall be  
3 reviewed at a hearing of the Consumer Affairs Hearing Board/Special Master within  
4 sixty (60) days of receipt by the Division of the notice of appeal. The vehicle for hire  
5 business/person/driver may be represented by an attorney and shall be entitled to present  
6 a defense.

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

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

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

22 (3) All hearings and appeals shall be scheduled and determined as promptly as  
23 practicable and in no event more than sixty (60) days from the date the written notice of  
24 appeal was filed. Written notice of the time, date, and place of the hearing of the appeal  
25 shall be served upon the appellant no later than twenty (20) days prior to the date of the  
26 hearing. Said notice of hearing, shall be by personal service, certified mail or posting in  
27 a conspicuous place at the place of business or home of the driver or person. Failure of  
28 the business to respond within the time frames specified herein or failure to appear at a  
29 duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of  
30 the acts specified in the notice.

- 1 (4) The Consumer Affairs Hearing Board/Special Master shall consider the evidence  
2 and documentation as well as the statement offered by any interested party and shall  
3 consider the matter de novo and shall, upon the basis of the evidence before it, affirm,  
4 modify or reverse the decision of the Director.
- 5 (5) If the Consumer Affairs Hearing Board/Special Master affirms the decision of the  
6 Director to deny, suspend or revoke a business permit/driver's I.D. badge, the denial,  
7 suspension or revocation shall be effective from the date of the Consumer Affairs  
8 Hearing Board's/Special Master's written order. All decisions of the Consumer Affairs  
9 Hearing Board/Special Master shall constitute final agency action for purposes of further  
10 appeal.
- 11 (6) Suspension of the Business Permit/driver's I.D. badge: If, at the conclusion of the  
12 hearing, the Consumer Affairs Hearing Board/Special Master decides to suspend the  
13 Business Permit/driver's I.D. badge, a time certain shall be set as the period of  
14 suspension. Prior to the end of such time certain, those violations for which the  
15 suspension was imposed shall be corrected; otherwise, the suspended permit(s) shall be  
16 automatically revoked. A fee of fifty percent (50%) of the business permit/driver's I.D.  
17 badge fee shall be collected to reinstate the suspended permit(s)/driver's I.D. badge.
- 18 (7) Revocation of Business Permit/driver's I.D. badge: If, at the conclusion of the  
19 hearing, the Consumer Affairs Hearing Board/Special Master decides to revoke the  
20 business permit/driver's I.D. badge, the business/driver shall return the business permit  
21 and/or the driver's I.D. badge/placard and remove and return all vehicle decals to the  
22 Division. A vehicle for hire company or driver whose business permit/driver's I.D. badge  
23 has been revoked, shall not be eligible to reapply as a new applicant for a period of one  
24 (1) year from the date of revocation.
- 25 (8) If the Consumer Affairs Hearing Board/Special Master reverses the decision of  
26 the Director, the Director shall issue or restore the business permit/driver's I.D. badge.
- 27 (9) When the operating permit of a vehicle for hire company has been denied,  
28 suspended or revoked, all vehicle for hire services shall immediately cease.
- 29 (10) In the event a written notice of appeal and accompanying filing fees are not  
30 submitted within the times frames outlined in this Ordinance, the decision of the Director

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shall prevail.

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

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

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

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

1 evidence. The petitioner shall have the burden of proof by a preponderance of the  
2 evidence.

3

4 **Section 20. Enforcement**

- 5  
6 (1) Any violation of this Ordinance is a civil infraction.  
7 (2) Any person who has committed an act in violation of this Ordinance shall receive  
8 a citation from the Division or any law enforcement officer who has probable cause to  
9 believe that the person has committed a civil infraction in violation of this Ordinance.  
10 (3) The county court shall have jurisdiction over all violations of this  
11 Ordinance.  
12 (4) The county clerk shall:  
13 (a) Accept designated fines and issue receipts therefore;  
14 (b) Provide a uniform citation form serially numbered for notifying alleged  
15 violators to appear and answer to charges of violation of this Ordinance. Such citation  
16 forms shall be issued to and received by the Division.  
17 (5) Violation of any provision of this Ordinance shall be punishable by a fine not to  
18 exceed Five Hundred dollars (\$500.00). Any person who has violated any provision of  
19 this Ordinance shall be fined an amount as established by resolution of the Board.  
20 (6) Any person issued a citation shall be deemed to be charged with a civil violation  
21 and shall comply with the directives on the citation.  
22 (7) Payment shall be made, either by mail or in person, to the Violations Bureau  
23 within the time specified on the citation. If a person follows this procedure, s/he shall be  
24 deemed to have admitted the infraction and to have waived his/her right to a hearing on  
25 the issue of commission of the infraction.  
26 (8) All fines collected as a result of said citations (except those fines collected as a  
27 result of citations issued by municipal law enforcement officers, which shall be remitted  
28 by the Clerk of the Court directly to the municipality issuing the citation) shall be paid  
29 into the County Treasury and deposited into the general fund for the Division and used  
30 for the vehicle for hire program. Pursuant to Florida Statutes 938.01, 938.17 and 938.19,  
31 mandatory costs shall be assessed against every person convicted of a violation of this  
32 Ordinance.  
33 (9) Any person who fails to make payment within the specified period shall be  
34 deemed to have waived his/her right to pay the civil penalty as set forth in the citation.  
35 (10) Any person who elects to appear before the court to contest the citation shall be



1 deemed to have waived his/her right to pay the civil penalty. The court, after a hearing,  
2 shall make a determination as to whether a violation has occurred and may impose a civil  
3 penalty not to exceed Five Hundred dollars (\$500.00) plus court costs.

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

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

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

19 (14) Failure to comply with the requirements of this Ordinance shall constitute a  
20 violation of a County Ordinance, and shall be punishable, upon conviction, pursuant to  
21 Section 125.69(1), Florida Statutes, by a fine not to exceed Five Hundred dollars  
22 (\$500.00) per violation or imprisonment not exceeding sixty (60) days, or both such fine  
23 and imprisonment. Each permit/I. D. badge not in compliance and each day in which a  
24 violation of this Ordinance exists shall constitute a separate offense. In addition to the  
25 sanctions contained herein, the County shall take any other appropriate legal action,  
26 including, but not limited to, administrative action, enforcement through an alternative  
27 code enforcement Ordinance pursuant to Section 162, Parts I and II, Florida Statutes and  
28 requests for temporary and permanent injunctions to enforce the provisions of this  
29 Ordinance. It is the purpose of this Ordinance to provide additional cumulative remedies.  
30

### 31 Section 21. Violations

32 (1) False Statements on Applications. It shall be unlawful for any person to  
33 knowingly and intentionally make or cause to be made any false statement in writing or  
34 the omission of material information for the purpose of procuring a vehicle for hire

1 permit, vehicle decal or driver's I.D. badge or to knowingly and intentionally make any  
2 false statements or entries or material omissions on the records required to be kept by this  
3 Ordinance.

4 (2) Failure to comply with the provisions of this Section may result in the Division  
5 denying a permit(s)/Driver's I. D. badge, revoking or suspending of the  
6 permit(s)/Driver's I. D. badge, denying the renewal of such permits, issuing a civil  
7 citation, a misdemeanor conviction or other such remedies available to the Division  
8 herein.

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10 **Section 22. Appeals**

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

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16 **Section 23. Fees**

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

20

21 **Section 24. Penalties**

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

24

25 **Section 25. Start-up**

26 (1) Renewal of existing permitted vehicle for hire companies and vehicle decals shall  
27 become effective March 1, 2009. Renewal applications for the licensing period which  
28 begins March 1, 2009 must be submitted to the Division by December 31, 2008. Late  
29 fees for renewal applications will apply as of January 1, 2009. Enforcement of all other  
30 sections of the Ordinance, unless excluded in this section, shall become effective upon  
31 the effective date of this Ordinance.

32 (2) Vehicles being used and decaled prior to the effective date of this Ordinance must  
33 comply with the age, color scheme and signage requirements for four (4) inch letters and  
34 unique /decaled numbers when permit applications or renewals are submitted for the

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permit year which begins January 1, 2010.

(3) After March 1, 2009 new vehicles added to the fleet of existing permitted companies or newly permitted companies will be subject to all requirements of this Ordinance.

(4) The Mechanical/Safety Inspection requirements of Section 15 shall not be required until application renewals are submitted for the permit year which begins January 1, 2010. After March 1, 2009 all new or replacement vehicles added to existing fleets of currently permitted companies or from newly permitted companies shall be required to meet the Mechanical/Safety Inspection requirements.

**Section 26. Repeal of Laws in Conflict**

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

**Section 27. Savings Clause**

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

**Section 28. Jurisdiction**

This Ordinance shall be effective throughout the unincorporated areas of the County. This Ordinance shall be effective in municipalities unless the municipality opts out or shall be effective up to the extent of conflict with the municipal ordinance.

**Section 29. Severability**

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

**Section 30. Inclusion in the Code of Laws and Ordinances**

ORDINANCE NO. 2008 043

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

5

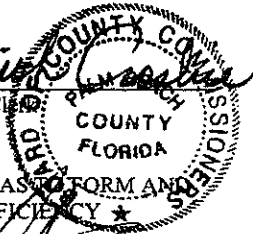
6 **Section 31. Effective Date**

7 The provisions of this Ordinance shall become effective upon filing with the Department  
8 of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County,  
on the 23rd day of September, 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: September 29, 2008

Filed with the Department of State on the 29th day of September, 2008.

G: ORDINANCES VehicleFortHireOrdinanceFINAL.doc

ORDINANCE NO. 2008 043

**RESOLUTION NO. R-2008-1681**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA ESTABLISHING FEES, FINES AND INSURANCE LEVELS FOR THE VEHICLE FOR HIRE ORDINANCE.**

**WHEREAS**, SECTION 125.01(n), Florida Statutes authorizes Palm Beach County to license and regulate taxicabs, limousines for hire, and other passenger vehicles for hire that operate in the County; and

**WHEREAS**, the Palm Beach County Vehicle for Hire Ordinance, requires certain fees to be established by resolution of the Board of County Commissioners; and

**WHEREAS**, Section 23 of the Vehicle for Hire Ordinance provides that all such fees collected shall be deposited in a separate account and shall be used exclusively to accomplish the purpose of the Ordinance; and

**WHEREAS**, the Palm Beach County Vehicle for Hire Ordinance Section 20, paragraph (5) requires a schedule of civil fines for violations of the Ordinance to be established by resolution of the Board of County Commissioners; and

**WHEREAS**, the Palm Beach County Vehicle for Hire Ordinance Section 16, paragraph (1) requires each vehicle for hire company to meet or exceed minimum commercial automobile liability insurance limits established by resolution of the Board of County Commissioners.

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

- A) The following fees shall be established:
- 1) Annual vehicle for hire business permit application fee for companies permitted after the effective date of the Ordinance (8.1) ..... \$100
  - 2) Annual vehicle for hire business permit application fee for companies permitted before the effective date of the Ordinance (8.1) ..... \$75
  - 3) Business name/ownership change fee (8.3.f) ..... \$100

- 4) Annual business permit application fee for companies which also have municipal permit (in Palm Beach County) (6.1) ..... \$25
- 5) Vehicle for hire business permit application late fee (8.3.a)  
Late up to 30 days ..... \$100  
Late 31 – 60 days ..... \$150  
Late 61 days and up to 1 year from date of expiration \$200
- 6) Vehicle for hire business application refiling fee (8.3.c) \$50
- 7) Annual vehicle decal fee for companies permitted after the effective date of the Ordinance (11.1.d) ..... \$75
- 8) Annual vehicle decal fee for companies permitted before the effective date of the Ordinance (11.1.d) ..... \$50
- 9) Annual vehicle decal fee for the first 2 years of registration for any hybrid vehicle that employs a combustion engine system together with an electric propulsion system (11.1.d) ..... \$0
- 10) Annual vehicle decal fee for companies which also register vehicles with municipalities (in Palm Beach County) (6.1) ..... \$10
- 11) Vehicle decal replacement fee (11.8) ..... \$10
- 12) 2 year driver's I.D. badge and placard fee (17.1 & 17.4) (No proration) ..... \$60
- 13) Driver I.D. badge/placard late fee (up to 1 year) (17.1.q) ..... \$30
- 14) Driver I.D. badge or placard replacement fee (17.5) ..... \$30
- 15) Administrative appeal filing fee (19.2) ..... \$100
- 16) Administrative appeal filing fee for no proof/lapse of insurance (19.11) ..... \$100
- 17) Neck lanyards, placard sleeves or placard holders (Costs plus up to 20 percent) ..... Various
- 18) Florida Department of Law Enforcement Criminal History Record Check (or cost to County from FDLE) .... \$24
- 19) Short term vehicle placard (11.5) ..... \$25
- 20) Inspection rescheduling fee (15.2.d) ..... \$25
- 21) Failure to appear for a Rescheduled Inspection Fee (15.2.d) ..... \$50
- 22) Failed vehicle re-inspection fee (15.2.f) ..... \$50

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- 23) Administrative insurance reactivation fee (16.8)
  - First occurrence..... \$250
  - All other occurrences ..... \$500
  
- 24) Reinstatement fee for suspended business/driver I.D. badge/placard (50% of regular fees) – except when the Administrative Insurance Reactivation Fee is applicable (19.6)
  - Each business ..... \$50
  - Driver I.D. badge/placard ..... \$30

B) The following civil fines shall be established:

1) Violations of Section 16 (commercial automobile liability insurance requirements) and Section 8.1 (operating a vehicle for hire or working as a broker without a permit) be set at: \$500 - first offense, \$500 - second offense and \$500 - third offense (with a possible mandatory court appearance).

2) Violations of Section 17 (driver requirements) be set at: \$250 - first offense, \$500 - second offense and \$500 - third offense (with a possible mandatory court appearance).

3) Violations for all other sections of the ordinance be set at: \$150 - first offense, \$300 - second offense and \$500 - third offense (with a possible mandatory court appearance).

C) Each vehicle for hire company shall insure each for-hire vehicle with commercial automobile liability insurance for passenger transportation which meets or exceeds the following minimum requirements:

1) Three Hundred Thousand dollars (\$300,000.00) for injuries per occurrence or accident,

2) One Hundred Twenty Five Thousand dollars (\$125,000.00) for injuries per person in any one (1) occurrence or accident, and

3) Fifty Thousand dollars (\$50,000.00) for property damage in any one (1) occurrence or accident.

4) As an alternative to numbers 1) through 3) above, commercial automobile liability insurance may be secured at a minimum of Three Hundred Thousand dollars (\$300,000) combined single limit (CSL).

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D) Resolution No. R-2001-0577 previously adopted for vehicle-for-hire fees and citations is hereby repealed.

E) The effective date for these fees and fines shall be the effective date of Ordinance 2008-\_\_\_\_\_.

The foregoing resolution was offered by Commissioner McCarty who moved its adoption. The motion was seconded by Commissioner Aaronson, and upon being put to a vote, the vote was as follows:

COMMISSIONER ADDIE L. GREENE, CHAIR	<u>Aye</u>
COMMISSIONER JOHN F. KOONS, VICE CHAIR	<u>Aye</u>
COMMISSIONER KAREN T. MARCUS	<u>Aye</u>
COMMISSIONER ROBERT J. KANJIAN	<u>Aye</u>
COMMISSIONER MARY McCARTY	<u>Aye</u>
COMMISSIONER BURT AARONSON	<u>Aye</u>
COMMISSIONER JESS R. SANTAMARIA	<u>Aye</u>

The Chair thereupon declared the resolution duly passed and adopted this 23rd day of September, 2008.

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

Sharon R. Bock, Clerk & Controller

By: Nancy Powell

Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: [Signature]

Assistant County Attorney

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