

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

TIME CERTAIN 11:00 A.M.

AGENDA ITEM SUMMARY

Meeting Date: April 17, 2012 [ ] Consent [x] Regular [ ] Ordinance [ ] Public Hearing
Department: Department of Public Safety
Submitted By: Department of Public Safety
Submitted For: Consumer Affairs Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on May 15, 2012, at 9:30 a.m., AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCES NO. 2001-015, AMENDED BY ORDINANCE NO. 2008-43, AMENDED BY ORDINANCE NO. 2011-007, AMENDED BY ORDINANCE NO. 2011-032, and AMENDED BY ORDINANCE NO. 2011-040); RELATING TO TAXICABS AND OTHER VEHICLES FOR HIRE, TO BE KNOWN AS THE VEHICLE FOR HIRE ORDINANCE; AMENDING SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-214 (COMPLIANCE WITH ARTICLE REQUIRED); AMENDING SECTION 19-218 (BUSINESS PERMIT APPLICATION); AMENDING SECTION 19-220 (VEHICLE REQUIREMENTS); AMENDING SECTION 19-222 (IMPOUNDMENT); AMENDING SECTION 19-224 (NON-MEDICAL WHEELCHAIR AND STRETCHER TRANSPORTATION SERVICE COMPANIES OPERATIONAL REQUIREMENTS); AMENDING SECTION 19-225 (VEHICLE INSPECTIONS); AMENDING SECTION 19-227 (DRIVER REQUIREMENTS; FAILURE TO COMPLY); AMENDING SECTION 19-229 (REVOCAION, SUSPENSION AND DENIAL OF PERMITS/I.D. BADGES; ADMINISTRATIVE APPEAL); AMENDING SECTION 19-235 (START-UP); PROVIDING FOR A MORATORIUM EXTENSION; 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.

Summary: On February 28, 2012, during a Vehicle for Hire (VFH) workshop, the Board of County Commissioners (BCC) voted to amend the current VFH Ordinance to extend the current moratorium, which currently expires on May 25, 2012, through June 1, 2013. The moratorium prohibits the establishment of any new companies from operating in Palm Beach County. In addition, staff was given direction to revise and clarify several other provisions of the Ordinance as follows: 1) provide a comprehensive definition of a vehicle for hire company; 2) provide for additional exemptions for the operation of vehicles, companies and organizations engaged in transporting persons not subject to the Ordinance, i.e. not for profit 501(c)(3) organizations, hotel, and motel shuttle services; 3) provide clarification concerning the requirement to submit a new business application to the Division upon the sale, transfer and change of ownership of a vehicle for hire business; 5) establish additional enforcement, revocation and impoundment actions for failure to maintain commercial liability insurance; 6) provide clarification of color/signage schemes and distinct trade names for all taxis and non-medical wheelchair/stretchers transportation service companies; 7) establish bi-annual inspections for all vehicles over seven (7) years old or which have exceeded 500,000 miles; 8) modify the Vehicle for Hire Driver I.D. Badge requirements to be consistent with other Division ordinances regulating driver I.D. Badges, and the Florida Highway and Safety Motor Vehicle rules and regulations; 9) provide a sunset date for existing vehicle for hire companies to meet new color, signage and trade name requirements. There are several other minor deletions, additions and clarification, including the correction of scrivener errors. Enforcement of this Ordinance is funded entirely through license fees. Staff will also continue to work with the VFH industry in developing procedures and guidelines for the implementation of a lottery program or medallion program which will permit new companies to operate within Palm Beach County. Countywide (PGE).

Background and Policy Issues: See page 3.

- Attachments:
1) Proposed Ordinance revisions (with delineations)
2) Proposed Ordinance revisions (without delineations)

Recommended by: [Signature] 4/4/12
Department Director Date
Approved By: [Signature] 4/4/12
Assistant County Administrator Date

**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>	_____	_____	_____	_____

**# ADDITIONAL FTE**

POSITIONS (Cumulative) \_\_\_\_\_ 0 \_\_\_\_\_ 0 \_\_\_\_\_ 0 \_\_\_\_\_ 0 \_\_\_\_\_ 0  
 Is Item Included In Current Budget? Yes \_\_\_\_\_ No X

Budget Account Exp No: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Rev No: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_


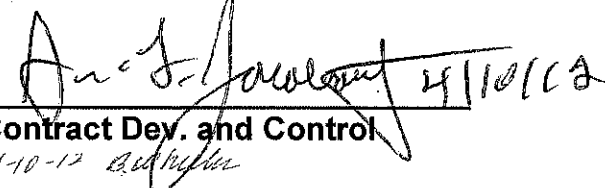
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

\* Extending the Moratorium will continue to defer the acceptance of applications for the issuance of Vehicle for Hire business permits for new companies wishing to operate within Palm Beach County. The fiscal impact is indeterminable at this time.


C. Departmental Fiscal Review: Stephanie Sejora 4/4/12

**III. REVIEW COMMENTS**

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

 _____ OFMB 4/15/12 4/15/12	 _____ Contract Dev. and Control 4-10-12
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**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 Policy Issues (Continued from page 1)

**History:** Each amendment has been more comprehensive than the previous one.

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

- 1. Safer drivers:**
  - a. Lack of Reputability clause added to driver requirements improves the selection process.
  - b. Addition of Point system to driver selection process to help identify unsafe drivers
  - c. Increased enforcement and impoundment procedures against drivers and companies operating without the required commercial liability insurance.
  
- 2. Improved inspection and identification requirements for companies and vehicles:**
  - a. Bi-annual inspection requirements for all vehicles more than seven (7) years old or which have exceeded 500,000 miles.
  - b. Clarifies the definition of a vehicle for hire and vehicle for hire company to provide additional regulation for the industry.
  - c. Requirement for vehicle for hire taxi and non-medical transportation companies to operate with distinctive trade names and color schemes for easier identification.
  
- 3. Improved enforcement and insurance requirements:**
  - a. Authorizes Consumer Affairs to revoke the operating permit up to one year for businesses suspended more than one time for failure to maintain the required commercial liability insurance on their vehicle(s).
  - b. Consumer Affairs Compliance Officers and local law enforcement agencies will be authorized to immediately impound/tow for-hire vehicles found operating without insurance.



1 Commissioners enacts a resolution terminating the moratorium; and

2 **WHEREAS**, the Board of County Commissioners of Palm Beach County,  
3 Florida, pursuant to Ordinance No. 2011-007 and amended by Ordinance No. 2011-032,  
4 established a moratorium on the acceptance of applications for and issuance of new  
5 Vehicle for Hire company business permits and such moratorium is in place until May  
6 25, 2012 or such time as the Board of County Commissioners enacts a resolution  
7 terminating the moratorium; and

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

10  
11 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
12 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

13 **Section 1. Definitions.**

14 Section 19-213 (27) of Chapter 19, Article IX of the Palm Beach County Code shall  
15 be amended to read as follows:

16 ~~(27) **Vehicle for Hire.** The term “Vehicle for Hire” shall mean any motorized, self-~~  
17 ~~propelled vehicle engaged in the transportation of persons upon the streets of Palm Beach~~  
18 ~~County with the intent to receive compensation for providing such transportation, and~~  
19 ~~shall include, but not be limited to, non-medical, wheelchair and stretcher transportation~~  
20 ~~services, taxicabs, transport vans/shuttles, SUVs and limousines. The term shall not be~~  
21 ~~construed to include ambulances.~~

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

27 ~~**(27) Vehicle for Hire and/or Vehicle for Hire Company.** The terms “Vehicle for Hire”~~  
28 ~~and/or “Vehicle for Hire Company” shall mean any individual, partnership, association,~~  
29 ~~corporation, broker or other legal entity which holds business permits for or contracts~~  
30 ~~with any motorized, self-propelled vehicle(s) engaged in the transportation of persons~~

1 upon the streets of Palm Beach County who receive any compensation or salary for  
2 providing such transportation. The term shall not be construed to exclude any person  
3 owning, controlling, operating, or managing any type of motor vehicle used in the  
4 business of transportation of persons for compensation. The term shall include, but not  
5 be limited to non-medical wheelchair and stretcher transportation services, taxicabs,  
6 transport vans/shuttles, sedans, SUVs, limousines, and the use of personal vehicle(s),  
7 regardless of who owns said personal vehicle(s) engaged in the transportation of persons.  
8 The term shall not apply to vehicles, companies and organizations identified in section  
9 19-214 of Chapter 19, Article IX of the Palm Beach County Code.

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

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

17 **Section 2. Compliance with article required (exemptions).**

18 Beginning with Section 19-214 (4) of Chapter 19, Article IX of the Palm Beach County  
19 Code shall be amended to read as follows:

20 (4) ~~Discharge within the regulatory purview of this Ordinance of a passenger~~  
21 ~~picked up pursuant to legal authority in either a municipality or another~~  
22 ~~county as referenced in section 19-217 of this article on reciprocity.~~

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

27 ~~(6) Non-Medical, Wheelchair and Stretcher under the auspices/regulation of Palm~~  
28 ~~Beach County Palm-Tran Connection;~~

29 ~~(6) School buses and church buses;~~

30 ~~(7) Transportation services operated as a bona-fide tour company by a Seller of~~

1 Travel as defined in Florida Statute 559.927, as amended;

2 (8) Horse drawn carriages;

3 (9) Motor vehicles used exclusively to provide transportation without  
4 compensation and purely incidental to a person's primary business and requiring  
5 the performance of substantial services in addition to transportation; and

6 (10) Nonprofit organization vehicles operated by section 501(c)(3), United States  
7 Revenue Code.

8 **Section 3. Business permit application.**

9 Section 19-218 (c)(6) of Chapter 19, Article IX of the Palm Beach County Code is  
10 amended to read as follows:

11 ~~(6) A permit is not transferable or assignable, nor shall the ownership structure of the~~  
12 ~~company be so modified as to constitute a change in the control or ownership of the~~  
13 ~~permit. If the business transfers, sells, changes or modifies its name or ownership~~  
14 ~~structure, the business shall be required to notify the Division of Consumer Affairs within~~  
15 ~~forty-five (45) days of said change, and a new business permit application shall be~~  
16 ~~submitted. All business permit fees and administrative processing fees approved by the~~  
17 ~~Board by resolution shall be assessed by the Division. If the transfer, sale, change or~~  
18 ~~modification changes the ownership structure by more than 51%, it will be considered a~~  
19 ~~new company, and new business requirements and fees established by the Board by~~  
20 ~~resolution shall apply. The adoption of a moratorium shall not preclude companies with~~  
21 ~~existing business permits from the transfer, sale or change of ownership to a new~~  
22 ~~business.~~

23 **Section 4. Vehicle requirements.**

24 Section 19-220 (a) and (c) of Chapter 19, Article IX of the Palm Beach County Code is  
25 amended to read as follows:

26 (a) Age requirements: A SUV, sedan, taxicab, limousine, and transport van/shuttle or  
27 non-medical transportation vehicles shall not be used as a vehicle for hire if it is  
28 older than ten (10) years based on the vehicle registration. Any vehicle older than  
29 seven (7) years based on the registration of said vehicle or when the vehicle

1 exceeds 500,000 miles, whichever is first, shall be required to pass a bi-annual  
2 inspection. The bi-annual inspections shall be pursuant to vehicle safety,  
3 appearance, operational and inspection requirements outlined in sections 19-223,  
4 19-224, and 19-225 of this article.

5 (c) Taxicabs.

6 (2) Each taxicab business shall select and use a uniform, specific and consistent  
7 color and signage scheme for all taxicabs registered to the business. Each  
8 company shall submit to the Division for approval, upon application, three color  
9 photographs, not less than 8" by 10" size, showing the entire vehicle, driver's side  
10 (assuming passenger side is identical), front and rear of the vehicle which depicts  
11 the chosen color scheme, including signage per section 19-215 of this article.  
12 Each taxicab shall operate under a trade name which is distinct from, and not  
13 substantially similar to, any existing vehicle for hire company.

14 (3) No taxicab shall be permitted to operate unless it conforms to the business'  
15 selected trade name, color and signage scheme as stated in subsection (c)(2)  
16 herein above.

17 **Section 5. Impoundment.**

18 Section 19-222 (b) of Chapter 19, Article IX of the Palm Beach County Code is  
19 amended to read as follows:

20 (b) ~~A driver and/or vehicle for hire business, previously issued a citation(s) for~~  
21 ~~violation of Section 16 of this Ordinance and found guilty, pleads guilty or has a~~  
22 ~~judgment issued against it, may have its vehicle impounded for a subsequent~~  
23 ~~violation of operating a Vehicle for Hire without commercial liability insurance.~~  
24 Any licensed driver and/or vehicle for hire business that has been suspended more  
25 than one time within a 12 month period for failure to meet the required  
26 commercial liability insurance requirements may have its vehicle impounded and  
27 its business permit revoked. If revoked, said business permit shall not be issued  
28 or reinstated for a period of one (1) year from the date of revocation, and all new  
29 business permit application requirements shall apply.



1           **Section 6. Non-medical wheelchair and stretcher transportation service**  
2           **companies operational requirements.**

3           Section 19-224 (d) of Chapter 19, Article IX of the Palm Beach County Code is amended  
4           to read as follows:

5                   (d) Vehicle design - combination wheelchair/stretchers. Vehicles for hire which  
6                   are intended to be used for, or are used for the transportation of persons on both a  
7                   stretcher, or wheelchair shall be subject to all provisions contained above in  
8                   section 19-223. Each non-medical wheelchair and stretcher transportation service  
9                   company shall select and use a uniform specific and consistent color and signage  
10                   scheme for all vehicles registered to the business. Each company shall submit to  
11                   the Division for approval, upon application, three color photographs, not less than  
12                   8" by 10" size, showing the entire vehicle, driver's side (assuming passenger side  
13                   is identical), front and rear of the vehicle which depicts the chosen color scheme,  
14                   including signage per section 19-215 of this article. Each non-medical wheelchair  
15                   and stretcher transportation service vehicle shall operate under a trade name  
16                   which is distinct from and not substantially similar to any existing vehicle for hire  
17                   company.

18           **Section 7. Vehicle inspections.**

19           Section 19-225 (a)(1) of Chapter 19, Article IX of the Palm Beach County Code is  
20           amended to read as follows:

21                   (1) All vehicles for hire ~~except those vehicles~~ that are less than ~~one (1)~~ seven (7) years  
22                   old based on the registration or have not exceeded 500,000 miles, shall be inspected  
23                   annually, but not more than 60 days before the application for a business permit is  
24                   submitted to the Division. Vehicles more than seven (7) years old based on the  
25                   registration, or which have exceeded 500,000 miles, shall be inspected bi-annually. All  
26                   vehicles added to the fleet of permitted businesses must meet these inspection  
27                   requirements.

28           **Section 8. Driver requirements; failure to comply.**

29           Section 19-227 (a) and (d) of Chapter 19, Article IX of the Palm Beach County Code is  
30           amended to read as follows:

1 (a) It shall be unlawful for any person to operate any vehicle for hire within and upon the  
2 streets of Palm Beach County without ~~having first obtained~~ a Palm Beach County vehicle  
3 for hire driver's identification badge (Driver's I.D. Badge) ~~and Driver's I.D. Vehicle~~  
4 ~~Placard issued by the Division~~. All applicants for a vehicle for hire Driver's I.D. Badge  
5 shall conform to the following:

6 (3) ~~The driver must p~~ Provide the original form of his/her lifetime State of Florida  
7 Department of Highway Safety and Motor Vehicles traffic/driving record report to the  
8 Division which was secured no more than (thirty) 30 days before the application/renewal  
9 was submitted. Upon initial application, if a driver has resided in Florida less than five  
10 (5) consecutive years, a traffic/driving record/history from each state where he/she  
11 previously resided must be provided for at least a five year period;

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

16 (4) Not have accumulated more than twelve (12) points within a twelve (12) month  
17 period, eighteen (18) points within an 18 month period, or twenty-four (24) points within  
18 a 36 month period for driving infractions.

19 (5) ~~Has not~~ Not have been classified as a habitual traffic offender (as defined by state  
20 statutes) or as defined by the state where he/she previously resided within five (5) years  
21 of applying for a Driver's I.D. badge and was not previously issued a driver's I.D. badge  
22 by the Division;

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

1 (7) Have no conviction ~~or plea of guilty or nolo contendere, regardless of adjudication of~~  
2 ~~guilt~~, within the preceding 5 years from the date of application for any offense related to  
3 driving a motor vehicle under the influence or while intoxicated.;

4 (8) Have not more than one conviction ~~or plea of guilty or nolo contendere, regardless of~~  
5 ~~adjudication of guilt~~, within the preceding 10 years from the date of application for any  
6 offense related to driving a motor vehicle under the influence or while intoxicated.;

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

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

20 (11) Have no conviction of a felony determined by the board to be necessary for the  
21 protection of public safety (unless proof is shown that the applicant's civil rights have  
22 been restored) ~~or plea of guilty or nolo contendere, regardless of adjudication or guilt,~~  
23 within the preceding five (5) years from the date of conviction or release from  
24 incarceration (whichever is later). Said felonies relating to the protection of public safety  
25 shall include but not be limited to: ~~including but not limited to the following felonies~~  
26 ~~determined by the Board to be necessary for the protection of public safety:~~ battery,  
27 carrying a concealed weapon, discharging a firearm in public, robbery (not armed),  
28 burglary (not 1st degree), criminal sale of a controlled substance, criminal possession of  
29 controlled substance/paraphernalia, obscenity (selling/distributing sexual material to a  
30 minor or exchanging computer pornography with a minor), a habitual felony offender,

1 aggravated assault, child abuse/neglect, reckless driving with serious bodily injury,  
2 fleeing/attempting to elude a law enforcement officer, aggravated fleeing or eluding a law  
3 enforcement officer causing serious body injury, luring or enticing a child under 12 (2nd  
4 conviction), resisting an officer with violence, procuring a person under 18 for  
5 prostitution, selling or buying minors for sex trafficking/prostitution,  
6 forcing/compelling/coercing a person for prostitution, or abuse/aggravated abuse/neglect  
7 of an elderly person or a disabled adult. The Division may require applicants to provide  
8 the final disposition for felony criminal cases on background checks received by the  
9 Division from any source. Failure to provide the disposition of such cases shall result in  
10 the denial of a driver's I.D. badge.

11 (12) Have no conviction, ~~plea of guilty, nolo contendere or adjudication withheld~~ of any  
12 of the following offenses determined by the Board to be necessary for the protection of  
13 public safety (unless proof is shown that the applicant's civil rights have been restored):

- 14 a. Murder, attempted murder, attempted felony murder, manslaughter, (F.S.  
15 Chapter 782)
- 16 b. DUI manslaughter (F.S. 316.193(3));
- 17 c. Sexual battery, attempted sexual battery (F.S. 794.011);
- 18 d. Lewd or lascivious battery, attempted lewd or lascivious battery, lewd or  
19 lascivious molestation, lewd or lascivious conduct, or lewd or lascivious  
20 exhibition (F.S. Chapter 800);
- 21 e. Lewd or lascivious offense upon or in the presence of an elderly or disabled  
22 person, attempted lewd or lascivious offense upon or in the presence of an elderly  
23 or disabled person (F.S. 825.1025);
- 24 f. Sexual performance by a child, attempted sexual performance by a child (F.S.  
25 827.071);
- 26 g. Aggravated child abuse (F.S. 827.03);
- 27 h. Failure to register as a sexual predator (F.S. 775) or sexual offender (F.S.  
28 943.0435);
- 29 i. Computer pornography, transmission of computer pornography, buying or  
30 selling of minors (F.S. Chapter 847);

- 1 j. Kidnapping, attempted kidnapping, false imprisonment, or luring and enticing a
- 2 child (F.S. Chapter 787);
- 3 k. Aggravated battery, attempted aggravated battery (F.S. 784);
- 4 l. Armed robbery, attempted armed robbery, carjacking, attempted carjacking,
- 5 home invasion, attempted home invasion (F.S. Chapter 812);
- 6 m. Poisoning of food or water (F.S. 859.01);
- 7 n. First degree burglary or attempted first degree burglary (F.S. 810.02);
- 8 o. Arson or attempted arson (F.S. 806.01);
- 9 p. Aggravated stalking (F.S. 784.048);
- 10 q. Aggravated battery or aggravated assault on a law enforcement officer or other
- 11 specified officer (F.S. 784.07);
- 12 r. Aircraft piracy (F.S. 860.16);
- 13 s. Unlawful throwing, projecting, placing, or discharging of any destructive
- 14 device or bomb or attempting to do so (F.S. 790.161);
- 15 t. Facilitating or furthering terrorism (F.S. 775.31);
- 16 u. Treason (F.S. 876.32);
- 17 v. Any offense committed in another jurisdiction that would be an offense listed
- 18 in this paragraph if that offense had been committed in the State of Florida.

19 (13) In addition, the person has not been declared to be one of the following:

- 20 a. A Habitual Violent Felony Offender under F.S. 775.084(1)(b);
- 21 b. A Three-time Violent Felony Offender under F.S. 775.084(1)(c);
- 22 c. A Violent Career Criminal under F.S. 775.084;
- 23 d. A Prison Releasee Reoffender under F.S. 775.082(9)(a);
- 24 e. A Sexual Predator under F.S. 775.21;

25 (14) All vehicle for hire drivers with current driver I.D. badges are required to notify the  
26 Division within ten (10) business days upon being convicted of any crime.

27 (15) Applicants shall have no unsatisfied civil penalties, judgments or administrative  
28 orders pertaining to this Ordinance.

29 (16) Every application or renewal application for a driver's I.D. badge and application for  
30 amendment of a driver's I.D. badge, shall be in writing and signed by the applicant and

1 shall be filed with the Palm Beach County Division of Consumer Affairs on a form  
2 provided by the Division together with the non-refundable driver's I.D. badge fees which  
3 shall not be subject to proration.

4 Each driver's I.D. badge shall be valid for a two-year period and shall be renewed every  
5 other year ~~on the applicant's date of birth~~ from the date of the initial/renewal application.

6 The ~~DCA~~ Division may deny or revoke a vehicle for hire driver's I.D. badge if it is  
7 determined that the applicant has misrepresented, omitted, or concealed a fact on the  
8 application, renewal application or replacement application. If the driver's I.D. badge is  
9 denied, the ~~DCA~~ Division shall not accept an application for said driver's I.D. badge for  
10 one (1) year from the date the badge is denied, unless there is less than one (1) year to  
11 satisfy the time restrictions in paragraph (a) above related to the following subparagraphs:

12 (4), (5), (7), (8), (9), (10), or (11). In such situations, the applicant will be permitted to  
13 reapply for a driver's I.D. badge after the time requirements have been satisfied. If the  
14 driver's I.D. badge is revoked, the ~~DCA~~ Division shall not accept an application for said  
15 driver's I.D. badge for one (1) year from the date the badge is revoked. Any person  
16 renewing a driver's I.D. badge must file a renewal application, furnish the documentation  
17 requested by the Division, and submit payment for the required non-refundable renewal  
18 fee(s) not more than ninety (90) days before the expiration date of a driver's I.D. badge.

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

27 (17) ~~Shall s~~Submit to photographing (full face exposure/without sunglasses or head  
28 coverings) prior to the issuance of the permit/I.D. badge by the Division;

29 (18) Complete the driver's I.D. badge registration affidavits provided by the Division;

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

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

6 (21) Not be enjoined by a court of competent jurisdiction from engaging in the vehicle  
7 for hire business or was enjoined by a court of competent jurisdiction with respect to any  
8 of the requirements of this Ordinance;

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

13 (23) Not be found by the Division to have a lack of reputability as provided herein. For  
14 the purposes of this Ordinance, lack of reputability shall mean that the Division cannot  
15 trust the applicant to safeguard the welfare and property of the public. Acts constituting a  
16 lack of reputability shall include, but are not limited to, responding to a call while under  
17 the influence of alcohol or any controlled substance to the extent where normal faculties  
18 are impaired, the unexplained removal of personal property from a vehicle for hire not  
19 belonging to the driver, outstanding arrest warrants for the driver applicant, falsification  
20 of information in the vehicle for hire application process, or other facts and circumstances  
21 that lead the Division to believe the applicant's reputation in the community cannot  
22 be trusted.

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

28 (c) Each driver's I.D. badge shall be developed by the Division. Each driver's I.D.  
29 badge shall, at a minimum, contain the name of the driver, date of expiration, photo of the  
30 driver, and such additional terms, conditions, provisions and limitations as were imposed  
31 during the approval process. Drivers are required to submit a notarized affidavit signed

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

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

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

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

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

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



1        ~~(h)~~(h) Upon submission of the application, the Division shall provide the driver with a  
2        receipt. No applicant shall be permitted to drive a vehicle for hire in Palm Beach County  
3        until the Division has issued to him/her a driver's I.D. badge. The Division shall provide  
4        the driver's I.D. badge within ten (10) business days following the submittal of the  
5        application and all required documents. In the event the official criminal background  
6        records furnished to the Division are insufficient and additional information is necessary,  
7        the Division shall be permitted an additional twenty (20) business days to issue the  
8        driver's I.D. badge.

9        ~~(i)~~(i) No driver shall operate one or more vehicles for hire for more than 12 cumulative  
10       hours of driving within any 24-hour period as supported by a required vehicle trip  
11       manifest prepared by the driver and maintained by the vehicle for hire company.

12       ~~(j)~~(j) Drivers are required to provide a smoke free environment inside the vehicle at all  
13       times.

14       ~~(k)~~(k) Drivers must be hygienically clean, well groomed and neat.

15       (l) Passengers shall be offered a receipt for the fare collected.

16       (m) Drivers shall not use abusive language or be discourteous to passengers or Division  
17       personnel.

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

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

28       (p) Vehicle for Hire Drivers shall cooperate fully at all times with the Division in the  
29       furnishing of information required in connection with requests for proof of driver's  
30       license, vehicle insurance and/or driver's I.D. badge, during the process of applying to

1 renew a driver's I.D. badge, and during investigations of consumer complaints. Further,  
2 Vehicle for Hire Drivers shall not obstruct, hamper or interfere with an investigation of  
3 violations of this Ordinance conducted by Division personnel, any law enforcement  
4 officer or employee of any other agency enforcing this Ordinance. At no time shall a  
5 Vehicle for Hire Driver use abusive language or display discourteous, hostile, aggressive  
6 or other inappropriate behavior toward passengers, other vehicle for hire drivers, vehicle  
7 for hire business owners or their representatives, Division personnel, law enforcement  
8 officers or any agency authorized to enforce this Ordinance.

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

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

19 (t)(s) Failure to comply with the provisions of this Section may result in the Division  
20 denying an I. D. badge/placard, revoking or suspending the driver's I.D. badge/placard,  
21 denying a renewal of such driver's I.D. badge/placard, issuing a civil citation, a  
22 misdemeanor conviction or other such remedies available to the Division herein.

23 **Section 9. Revocation, Suspension and Denial of Permits/I.D. Badges;**  
24 **Administrative Appeal.**

25 Section 19-229 of Chapter 19, Article IX of the Palm Beach County Code is amended to  
26 read as follows:

27 (g) Revocation of Business Permit/driver's I.D. badge: If, at the conclusion of the  
28 permit/driver's I.D. badge, the business/driver shall return the business permit and/or the  
29 driver's I.D. badge/placard and remove and return all vehicle decals to the Division. A  
30 vehicle for hire company or driver whose business permit/driver's I.D. badge has been  
31 revoked, shall not be eligible to reapply as a new applicant for a period of one (1) year

1 from the date of revocation.

2 **Section 10. Start-up.**

3 Section 19-235 (b) of Chapter 19, Article IX of the Palm Beach County Code is amended  
4 to read as follows:

5 (b) Vehicles being used and decaled prior to the effective date of this article must  
6 comply with the age trade name, color scheme and signage requirements ~~for four (4) inch~~  
7 ~~letters and unique /decaled numbers~~ when permit applications or renewals are submitted  
8 for the permit year which begins ~~January 1, 2010~~ May 1, 2014.

9 **Section 11. Moratorium extension.**

10 Section 1 of Ordinance No. 2011-007, as amended by Ordinance No. 2011-032, as  
11 amended by Ordinance No. 2011-040. is further amended to read as follows:

12 a. The Board of County Commissioners of Palm Beach County does hereby extend  
13 the moratorium relating to the acceptance of applications for and the issuance of  
14 new Vehicle For Hire Company business permits that began on May 25, 2011,  
15 and expires on May 25, 2012.

16 b. This moratorium extension shall expire upon the earlier of the following: (1) June  
17 1, 2013, or (2) enactment of a resolution by the Board of County Commissioners  
18 of Palm Beach County terminating the moratorium.

19 c. This moratorium shall not preclude companies with existing business permits  
20 from obtaining additional or replacement vehicle decals, nor shall it preclude  
21 existing permitted companies from renewing business permits ~~for the 2012~~  
22 through the license year 2013.

23 d. This moratorium shall not apply to, or otherwise affect, van/shuttle, limousine  
24 non-medical wheel-chair and stretcher transportation service, or a company  
25 operating under a contract with a government entity to provide transportation  
26 services. Such company operating under a government contract shall only  
27 perform those services specified in the government contract.

28 e. This moratorium shall not apply to, or otherwise affect the concessionaire  
29 awarded the airport ground transportation concession agreement with Palm Beach

1           County, as the term concessionaire is defined in the “Airport Ground  
2           Transportation Concession Agreement.”

3           **Section 12. Repeal of laws in conflict.**

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

7           **Section 13. Savings clause.**

8           Notwithstanding Section 9 of this Ordinance regarding repeal of laws in conflict, all  
9           administrative and court orders, fines, and pending enforcement issued pursuant to this  
10          authority and procedures established by Chapter 19, Article IX of the Palm Beach County  
11          Code Chapter 19, Article IX as set forth and amended by Ordinance No. 2001-15, 2008-  
12          43, 2011-007, ~~and~~ 2011-032, and 2011-040, shall remain in full force and effect.

13          **Section 14. 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          **Section 15. Inclusion in the code of laws and ordinances.**

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

23          **Section 16. Captions.**

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

27          **Section 17. Effective Date**

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

1 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
2 County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

3 SHARON BOCK, CLERK PALM BEACH COUNTY, FLORIDA BY ITS  
4 Board of County Commissioners BOARD OF COUNTY COMMISSIONERS

5  
6  
7 By \_\_\_\_\_ By: \_\_\_\_\_  
8 Deputy Clerk Shelley Vana, Chair

9  
10 APPROVED AS TO FORM AND  
11 LEGAL SUFFICIENCY

12  
13  
14 By: \_\_\_\_\_  
15 County Attorney

16  
17 Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.



1 Commissioners enacts a resolution terminating the moratorium; and

2           **WHEREAS**, the Board of County Commissioners of Palm Beach County,  
3 Florida, pursuant to Ordinance No. 2011-007 and amended by Ordinance No. 2011-032,  
4 established a moratorium on the acceptance of applications for and issuance of new  
5 Vehicle for Hire company business permits and such moratorium is in place until May  
6 25, 2012 or such time as the Board of County Commissioners enacts a resolution  
7 terminating the moratorium; and

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

10  
11 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
12 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

13 **Section 1. Definitions.**

14 Section 19-213 (27) of Chapter 19, Article IX of the Palm Beach County Code shall be  
15 amended to read as follows:

16 (27) **Vehicle for Hire and/or Vehicle for Hire Company.** The terms “Vehicle for Hire”  
17 and/or “Vehicle for Hire Company” shall mean any individual, partnership, association,  
18 corporation, broker or other legal entity which holds business permits for or contracts  
19 with any motorized, self-propelled vehicle(s) engaged in the transportation of persons  
20 upon the streets of Palm Beach County who receive any compensation or salary for  
21 providing such transportation. The term shall not be construed to exclude any person  
22 owning, controlling, operating, or managing any type of motor vehicle used in the  
23 business of transportation of persons for compensation. The term shall include, but not  
24 be limited to non-medical wheelchair and stretcher transportation services, taxicabs,  
25 transport vans/shuttles, sedans, SUVs, limousines, and the use of personal vehicle(s),  
26 regardless of who owns said personal vehicle(s) engaged in the transportation of persons.  
27 The term shall not apply to vehicles, companies and organizations identified in section  
28 19-214 of Chapter 19, Article IX of the Palm Beach County Code.

29 (28) **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

1 utilize the motor vehicle(s) described in said permit for the transportation of passengers  
2 as authorized pursuant to this Ordinance.

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

6 **Section 2. Compliance with article required (exemptions).**

7 Beginning with Section 19-214 (4) of Chapter 19, Article IX of the Palm Beach County  
8 Code shall be amended to read as follows:

9 (4) Discharge of a passenger pursuant to legal authority as referenced in section  
10 19-217 of this article on reciprocity.

11 (5) Operation of motor vehicles for the transportation of passengers, not for  
12 compensation, between the vicinity of their residences and the vicinity of their  
13 places of work, in an arrangement commonly known as a “car pool” or “van  
14 pool”.

15 (6) School buses and church buses;

16 (7) Transportation services operated as a bona-fide tour company by a Seller of  
17 Travel as defined in Florida Statute 559.927, as amended;

18 (8) Horse drawn carriages;

19 (9) Motor vehicles used exclusively to provide transportation without  
20 compensation and purely incidental to a person’s primary business and requiring  
21 the performance of substantial services in addition to transportation; and

22 (10) Nonprofit organization vehicles operated by section 501(c)(3), United States  
23 Revenue Code.

24 **Section 3. Business permit application.**

25 Section 19-218 (c)(6) of Chapter 19, Article IX of the Palm Beach County Code is  
26 amended to read as follows:

27 (6) If the business transfers, sells, changes or modifies its name or ownership  
28 structure, the business shall be required to notify the Division of Consumer  
29 Affairs within forty-five (45) days of said change, and a new business permit  
30 application shall be submitted. All business permit fees and administrative



1 processing fees approved by the Board by resolution shall be assessed by the  
2 Division. If the transfer, sale, change or modification changes the ownership  
3 structure by more than 51%, it will be considered a new company, and new  
4 business requirements and fees established by the Board by resolution shall apply.  
5 The adoption of a moratorium shall not preclude companies with existing  
6 business permits from the transfer, sale or change of ownership to a new business.

7 **Section 4. Vehicle requirements.**

8 Section 19-220 (a) and (c) of Chapter 19, Article IX of the Palm Beach County Code is  
9 amended to read as follows:

10 (a) Age requirements: A SUV, sedan, taxicab, limousine, and transport van/shuttle or  
11 non-medical transportation vehicles shall not be used as a vehicle for hire if it is  
12 older than ten (10) years based on the vehicle registration. Any vehicle older than  
13 seven (7) years based on the registration of said vehicle or when the vehicle  
14 exceeds 500,000 miles, whichever is first, shall be required to pass a bi-annual  
15 inspection. The bi-annual inspections shall be pursuant to vehicle safety,  
16 appearance, operational and inspection requirements outlined in sections 19-223,  
17 19-224, and 19-225 of this article.

18 (c) Taxicabs.

19 (2) Each taxicab business shall select and use a uniform, specific and consistent  
20 color and signage scheme for all taxicabs registered to the business. Each  
21 company shall submit to the Division for approval, upon application, three color  
22 photographs, not less than 8" by 10" size, showing the entire vehicle, driver's side  
23 (assuming passenger side is identical), front and rear of the vehicle which depicts  
24 the chosen color scheme, including signage per section 19-215 of this article.  
25 Each taxicab shall operate under a trade name which is distinct from, and not  
26 substantially similar to, any existing vehicle for hire company.

27 (3) No taxicab shall be permitted to operate unless it conforms to the business'  
28 selected trade name, color and signage scheme as stated in subsection (c)(2)  
29 herein above.

30 **Section 5. Impoundment.**

1 Section 19-222 (b) of Chapter 19, Article IX of the Palm Beach County Code is  
2 amended to read as follows:

- 3 (b) Any licensed driver and/or vehicle for hire business that has been suspended more  
4 than one time within a 12 month period for failure to meet the required  
5 commercial liability insurance requirements may have its vehicle impounded and  
6 its business permit revoked. If revoked, said business permit shall not be issued  
7 or reinstated for a period of one (1) year from the date of revocation, and all new  
8 business permit application requirements shall apply.

9 **Section 6. Non-medical wheelchair and stretcher transportation service**  
10 **companies operational requirements.**

11 Section 19-224 (d) of Chapter 19, Article IX of the Palm Beach County Code is amended  
12 to read as follows:

- 13 (d) Vehicle design - combination wheelchair/stretcher. Vehicles for hire which  
14 are intended to be used for, or are used for the transportation of persons on both a  
15 stretcher, or wheelchair shall be subject to all provisions contained above in  
16 section 19-223. Each non-medical wheelchair and stretcher transportation service  
17 company shall select and use a uniform specific and consistent color and signage  
18 scheme for all vehicles registered to the business. Each company shall submit to  
19 the Division for approval, upon application, three color photographs, not less than  
20 8" by 10" size, showing the entire vehicle, driver's side (assuming passenger side  
21 is identical), front and rear of the vehicle which depicts the chosen color scheme,  
22 including signage per section 19-215 of this article. Each non-medical wheelchair  
23 and stretcher transportation service vehicle shall operate under a trade name  
24 which is distinct from and not substantially similar to any existing vehicle for hire  
25 company.

26 **Section 7. Vehicle inspections.**

27 Section 19-225 (a)(1) of Chapter 19, Article IX of the Palm Beach County Code is  
28 amended to read as follows:

- 29 (1) All vehicles for hire that are less than seven (7) years old based on the registration or  
30 have not exceeded 500,000 miles, shall be inspected annually, but not more than 60 days

1 before the application for a business permit is submitted to the Division. Vehicles more  
2 than seven (7) years old based on the registration, or which have exceeded 500,000  
3 miles, shall be inspected bi-annually. All vehicles added to the fleet of permitted  
4 businesses must meet these inspection requirements.

5 **Section 8. Driver requirements; failure to comply.**

6 Section 19-227 (a) and (d) of Chapter 19, Article IX of the Palm Beach County Code is  
7 amended to read as follows:

8 (a) It shall be unlawful for any person to operate any vehicle for hire within and upon the  
9 streets of Palm Beach County without a Palm Beach County vehicle for hire driver's  
10 identification badge (Driver's I.D. Badge) issued by the Division. All applicants for a  
11 vehicle for hire Driver's I.D. Badge shall conform to the following:

12 (3) Provide the original form of his/her lifetime State of Florida Department of Highway  
13 Safety and Motor Vehicles traffic/driving record report to the Division which was  
14 secured no more than (thirty) 30 days before the application/renewal was submitted.

15 Upon initial application, if a driver has resided in Florida less than five (5) consecutive  
16 years, a traffic/driving record/history from each state where he/she previously resided  
17 must be provided for at least a five year period;

18 (4) Not have accumulated more than twelve (12) points within a twelve (12) month  
19 period, eighteen (18) points within an 18 month period, or twenty-four (24) points within  
20 a 36 month period for driving infractions.

21 (5) Not have been classified as a habitual traffic offender (as defined by state statutes) or  
22 as defined by the state where he/she previously resided within five (5) years of applying  
23 for a Driver's I.D. badge and was not previously issued a driver's I.D. badge by the  
24 Division;

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

1 (7) Have no conviction within the preceding 5 years from the date of application for any  
2 offense related to driving a motor vehicle under the influence or while intoxicated;

3 (8) Have not more than one conviction within the preceding 10 years from the date of  
4 application for any offense related to driving a motor vehicle under the influence or while  
5 intoxicated;

6 (9) Have no more than two (2) traffic citations resulting from accidents in the three (3)  
7 years preceding the date of the current permit year wherein the driver has been found  
8 guilty;

9 (10) Have no conviction within the preceding three (3) years from the date of conviction  
10 or release from incarceration (whichever is later) of a first-degree misdemeanors  
11 determined by the board to be necessary for the protection of public safety, including but  
12 not limited to the following: stalking, battery, driving while license is suspended or  
13 revoked, exposure of sexual organs, carrying a concealed weapon, reckless driving which  
14 causes damage to property, racing on highway, criminal possession of a controlled  
15 substance/paraphernalia, resisting arrest without violence, luring or enticing a child under  
16 12, or obscenity (selling/distributing sexual material to minor);

17 (11) Have no conviction of a felony determined by the board to be necessary for the  
18 protection of public safety (unless proof is shown that the applicant's civil rights have  
19 been restored) within the preceding five (5) years from the date of conviction or release  
20 from incarceration (whichever is later). Said felonies relating to the protection of public  
21 safety shall include but not be limited to: battery, carrying a concealed weapon,  
22 discharging a firearm in public, robbery (not armed), burglary (not 1st degree), criminal  
23 sale of a controlled substance, criminal possession of controlled substance/paraphernalia,  
24 obscenity (selling/distributing sexual material to a minor or exchanging computer  
25 pornography with a minor), a habitual felony offender, aggravated assault, child  
26 abuse/neglect, reckless driving with serious bodily injury, fleeing/attempting to elude a  
27 law enforcement officer, aggravated fleeing or eluding a law enforcement officer causing  
28 serious body injury, luring or enticing a child under 12 (2nd conviction), resisting an  
29 officer with violence, procuring a person under 18 for prostitution, selling or buying  
30 minors for sex trafficking/prostitution, forcing/compelling/coercing a person for  
31 prostitution, or abuse/aggravated abuse/neglect of an elderly person or a disabled adult.

1 The Division may require applicants to provide the final disposition for felony criminal  
2 cases on background checks received by the Division from any source. Failure to  
3 provide the disposition of such cases shall result in the denial of a driver's I.D. badge.

4 (12) Have no conviction of any of the following offenses determined by the Board to be  
5 necessary for the protection of public safety (unless proof is shown that the applicant's  
6 civil rights have been restored):

7 a. Murder, attempted murder, attempted felony murder, manslaughter, (F.S.

8 Chapter 782)

9 b. DUI manslaughter (F.S. 316.193(3));

10 c. Sexual battery, attempted sexual battery (F.S. 794.011);

11 d. Lewd or lascivious battery, attempted lewd or lascivious battery, lewd or  
12 lascivious molestation, lewd or lascivious conduct, or lewd or lascivious  
13 exhibition (F.S. Chapter 800);

14 e. Lewd or lascivious offense upon or in the presence of an elderly or disabled  
15 person, attempted lewd or lascivious offense upon or in the presence of an elderly  
16 or disabled person (F.S. 825.1025);

17 f. Sexual performance by a child, attempted sexual performance by a child (F.S.  
18 827.071);

19 g. Aggravated child abuse (F.S. 827.03);

20 h. Failure to register as a sexual predator (F.S. 775) or sexual offender (F.S.  
21 943.0435);

22 i. Computer pornography, transmission of computer pornography, buying or  
23 selling of minors (F.S. Chapter 847);

24 j. Kidnapping, attempted kidnapping, false imprisonment, or luring and enticing a  
25 child (F.S. Chapter 787);

26 k. Aggravated battery, attempted aggravated battery (F.S. 784);

27 l. Armed robbery, attempted armed robbery, carjacking, attempted carjacking,  
28 home invasion, attempted home invasion (F.S. Chapter 812);

29 m. Poisoning of food or water (F.S. 859.01);

30 n. First degree burglary or attempted first degree burglary (F.S. 810.02);

31 o. Arson or attempted arson (F.S. 806.01);

- 1 p. Aggravated stalking (F.S. 784.048);
- 2 q. Aggravated battery or aggravated assault on a law enforcement officer or other
- 3 specified officer (F.S. 784.07);
- 4 r. Aircraft piracy (F.S. 860.16);
- 5 s. Unlawful throwing, projecting, placing, or discharging of any destructive
- 6 device or bomb or attempting to do so (F.S. 790.161);
- 7 t. Facilitating or furthering terrorism (F.S. 775.31);
- 8 u. Treason (F.S. 876.32);
- 9 v. Any offense committed in another jurisdiction that would be an offense listed
- 10 in this paragraph if that offense had been committed in the State of Florida.

11 (13) In addition, the person has not been declared to be one of the following:

- 12 a. A Habitual Violent Felony Offender under F.S. 775.084(1)(b);
- 13 b. A Three-time Violent Felony Offender under F.S. 775.084(1)(c);
- 14 c. A Violent Career Criminal under F.S. 775.084;
- 15 d. A Prison Releasee Reoffender under F.S. 775.082(9)(a);
- 16 e. A Sexual Predator under F.S. 775.21;

17 (14) All vehicle for hire drivers with current driver I.D. badges are required to notify the

18 Division within ten (10) business days upon being convicted of any crime.

19 (15) Applicants shall have no unsatisfied civil penalties, judgments or administrative

20 orders pertaining to this Ordinance.

21 (16) Every application or renewal application for a driver's I.D. badge and application for

22 amendment of a driver's I.D. badge, shall be in writing and signed by the applicant and

23 shall be filed with the Palm Beach County Division of Consumer Affairs on a form

24 provided by the Division together with the non-refundable driver's I.D. badge fees which

25 shall not be subject to proration.

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

27 other year from the date of the initial/renewal application. The Division may deny or

28 revoke a vehicle for hire driver's I.D. badge if it is determined that the applicant has

29 misrepresented, omitted, or concealed a fact on the application, renewal application or

30 replacement application. If the driver's I.D. badge is denied, the Division shall not accept

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

1 denied, unless there is less than one (1) year to satisfy the time restrictions in paragraph  
2 (a) above related to the following subparagraphs: (4), (5), (7), (8), (9), (10), or (11). In  
3 such situations, the applicant will be permitted to reapply for a driver's I.D. badge after  
4 the time requirements have been satisfied. If the driver's I.D. badge is revoked, the  
5 Division shall not accept an application for said driver's I.D. badge for one (1) year from  
6 the date the badge is revoked. Any person renewing a driver's I.D. badge must file a  
7 renewal application, furnish the documentation requested by the Division, and submit  
8 payment for the required non-refundable renewal fee(s) not more than ninety (90) days  
9 before the expiration date of a driver's I.D. badge. Persons who fail to reapply for their  
10 driver's I.D. badge 30 days prior to expiration, risk having a gap in their authorization to  
11 drive a for-hire vehicle. Persons who fail to submit their renewal application, required  
12 documentation and fees by the expiration date of the driver's I.D. badge must pay a non-  
13 refundable late fee, over and above the driver's renewal fee. Any applicant who fails to  
14 submit a renewal application within 1 year of the expiration of a current badge will be  
15 considered a new applicant when reapplying and no grandfathered provisions will apply.  
16 Said fees shall be established by resolution of the Board;

17 (17) Submit to photographing (full face exposure/without sunglasses or head coverings)  
18 prior to the issuance of the permit/I.D. badge by the Division;

19 (18) Complete the driver's I.D. badge registration affidavits provided by the Division;

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

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

25 (21) Not be enjoined by a court of competent jurisdiction from engaging in the vehicle  
26 for hire business or was enjoined by a court of competent jurisdiction with respect to any  
27 of the requirements of this Ordinance;

28 (22) Have no conviction in any military or foreign jurisdiction, federal, state, county or  
29 municipal jurisdiction within the United States for violations analogous or parallel to  
30 those violations enumerated in all sections herein.

1 (23) Not be found by the Division to have a lack of reputability as provided herein. For  
2 the purposes of this Ordinance, lack of reputability shall mean that the Division cannot  
3 trust the applicant to safeguard the welfare and property of the public. Acts constituting a  
4 lack of reputability shall include, but are not limited to, responding to a call while under  
5 the influence of alcohol or any controlled substance to the extent where normal faculties  
6 are impaired, the unexplained removal of personal property from a vehicle for hire not  
7 belonging to the driver, outstanding arrest warrants for the driver applicant, falsification  
8 of information in the vehicle for hire application process, or other facts and circumstances  
9 that lead the Division to believe the applicant's reputation in the community cannot  
10 be trusted.

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

16 (c) Each driver's I.D. badge shall be developed by the Division. Each driver's I.D.  
17 badge shall, at a minimum, contain the name of the driver, date of expiration, photo of the  
18 driver, and such additional terms, conditions, provisions and limitations as were imposed  
19 during the approval process. Drivers are required to submit a notarized affidavit signed  
20 by each permitted vehicle for hire company with whom s/he is driving. The affidavit (on  
21 a form prepared by the Division) shall also include a statement by the business owner that  
22 the driver is eligible to be insured under the company's insurance policy. When a driver  
23 is no longer driving for a vehicle for hire company, the driver is required to notify the  
24 Division within 10 business days. Failure to follow these requirements shall be a  
25 violation of this Ordinance.

26 (d) The Division may issue a replacement I.D. badge to any driver upon application,  
27 payment of a non-refundable replacement fee, presentation of proof or a sworn affidavit  
28 that the I.D. badge has been lost, stolen or for any other valid reason, and any other  
29 documentation or requirement requested by the Division. The replacement fee shall be  
30 established by resolution of the Board.



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

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

5 (g) It shall be unlawful for any applicant for a vehicle for hire driver's I.D. badge to  
6 misrepresent, omit or conceal a fact on the application, renewal application or  
7 replacement application.

8 (h) Upon submission of the application, the Division shall provide the driver with a  
9 receipt. No applicant shall be permitted to drive a vehicle for hire in Palm Beach County  
10 until the Division has issued to him/her a driver's I.D. badge. The Division shall provide  
11 the driver's I.D. badge within ten (10) business days following the submittal of the  
12 application and all required documents. In the event the official criminal background  
13 records furnished to the Division are insufficient and additional information is necessary,  
14 the Division shall be permitted an additional twenty (20) business days to issue the  
15 driver's I.D. badge.

16 (i) No driver shall operate one or more vehicles for hire for more than 12 cumulative  
17 hours of driving within any 24-hour period as supported by a required vehicle trip  
18 manifest prepared by the driver and maintained by the vehicle for hire company.

19 (j) Drivers are required to provide a smoke free environment inside the vehicle at all  
20 times.

21 (k) Drivers must be hygienically clean, well groomed and neat.

22 (l) Passengers shall be offered a receipt for the fare collected.

23 (m) Drivers shall not use abusive language or be discourteous to passengers or Division  
24 personnel.

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

27 (o) Upon initial application for a driver's I.D. badge, the Division or designated agency  
28 shall examine each applicant and, at a minimum, determine the applicant's knowledge of  
29 Palm Beach County geography and his/her ability to understand the English language. A  
30 driver is only required to successfully complete the examination one time. A  
31 driver/applicant which initially fails either the geography or English test may retake the

1 test within 30 days at no additional charge. If a driver/applicant fails either requirement  
2 during the retest, that person will be denied his/her I.D. Badge, but may reapply and  
3 repay all applicable fees at anytime.

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

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

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

25 (s) Failure to comply with the provisions of this Section may result in the Division  
26 denying an I.D. badge, revoking or suspending the driver's I.D. badge, denying a renewal  
27 of such driver's I.D. badge, issuing a civil citation, a misdemeanor conviction or other  
28 such remedies available to the Division herein.

29 **Section 9. Revocation, Suspension and Denial of Permits/I.D. Badges;**  
30 **Administrative Appeal.**

31 Section 19-229 of Chapter 19, Article IX of the Palm Beach County Code is amended to

1 read as follows:

2 (g) Revocation of Business Permit/driver's I.D. badge: If, at the conclusion of the  
3 permit/driver's I.D. badge, the business/driver shall return the business permit and/or the  
4 driver's I.D. badge and remove and return all vehicle decals to the Division. A vehicle for  
5 hire company or driver whose business permit/driver's I.D. badge has been revoked, shall  
6 not be eligible to reapply as a new applicant for a period of one (1) year from the date of  
7 revocation.

8 **Section 10. Start-up.**

9 Section 19-235 (b) of Chapter 19, Article IX of the Palm Beach County Code is amended  
10 to read as follows:

11 (b) Vehicles being used and decaled prior to the effective date of this article must  
12 comply with the trade name, color scheme and signage requirements when permit  
13 applications or renewals are submitted for the permit year which begins May 1, 2014.

14 **Section 11. Moratorium extension.**

15 Section 1 of Ordinance No. 2011-007, as amended by Ordinance No. 2011-032, as  
16 amended by Ordinance No. 2011-040, is further amended to read as follows:

- 17 a. The Board of County Commissioners of Palm Beach County does hereby extend  
18 the moratorium relating to the acceptance of applications for and the issuance of  
19 new Vehicle For Hire Company business permits that began on May 25, 2011,  
20 and expires on May 25, 2012.
- 21 b. This moratorium extension shall expire upon the earlier of the following: (1) June  
22 1, 2013, or (2) enactment of a resolution by the Board of County Commissioners  
23 of Palm Beach County terminating the moratorium.
- 24 c. This moratorium shall not preclude companies with existing business permits  
25 from obtaining additional or replacement vehicle decals, nor shall it preclude  
26 existing permitted companies from renewing business permits through the license  
27 year 2013.
- 28 d. This moratorium shall not apply to, or otherwise affect, van/shuttle, limousine  
29 non-medical wheel-chair and stretcher transportation service, or a company  
30 operating under a contract with a government entity to provide transportation

1 services. Such company operating under a government contract shall only  
2 perform those services specified in the government contract.

3 e. This moratorium shall not apply to, or otherwise affect the concessionaire  
4 awarded the airport ground transportation concession agreement with Palm Beach  
5 County, as the term concessionaire is defined in the "Airport Ground  
6 Transportation Concession Agreement."

7 **Section 12. Repeal of laws in conflict.**

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

11 **Section 13. Savings clause.**

12 Notwithstanding Section 9 of this Ordinance regarding repeal of laws in conflict, all  
13 administrative and court orders, fines, and pending enforcement issued pursuant to this  
14 authority and procedures established by Chapter 19, Article IX of the Palm Beach County  
15 Code Chapter 19, Article IX as set forth and amended by Ordinance No. 2001-15, 2008-  
16 43, 2011-007, 2011-032, and 2011-040, shall remain in full force and effect.

17 **Section 14. Severability.**

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

22 **Section 15. 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 **Section 16. Captions.**

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

1           **Section 17. Effective Date**

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

4           APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
5           County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

6  
7  
8           SHARON BOCK, CLERK  
9           Board of County Commissioners

PALM BEACH COUNTY, FLORIDA BY ITS  
BOARD OF COUNTY COMMISSIONERS

10  
11  
12          By \_\_\_\_\_  
13                   Deputy Clerk

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

14  
15  
16          APPROVED AS TO FORM AND  
17          LEGAL SUFFICIENCY

18  
19  
20          By: \_\_\_\_\_  
21                   County Attorney

22  
23  
24          Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.