

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 15, 2012 [] Consent [] Regular [] Ordinance [x] 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 adopt: 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 (REVOCATION, 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 April 17, 2012, the Board of County Commissioners approved the first reading amending the Vehicle for Hire Ordinance. The amendments included extending the current VFH moratorium, which expires on May 25, 2012, to June 1, 2013. The BCC directed staff to make two minor changes in the proposed amendments which have been incorporated in the final ordinance amendments. The moratorium which is being extended, prohibits the establishment of any new companies from operating in Palm Beach County through June 1, 2013. The other ordinance amendments include the following: 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 continue to work with the VFH industry in developing procedures and guidelines for the implementation of a lottery or medallion program which will permit new companies to operate within Palm Beach County. Staff will report back to the Board within three (3) to six (6) months regarding additional changes in the VFH Ordinance. These changes will standardize the requirements for all VFH companies serving the County and the Palm Beach International Airport. 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] 9/29/12
Department Director Date
Approved By: [Signature] 9/29/12
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)	_____	_____	_____	_____	_____
Net Fiscal Impact	<u>0</u>	_____	_____	_____	_____

ADDITIONAL FTE

POSITIONS (Cumulative) 0 0 0 0 0

Is Item Included In Current Budget? Yes _____ No X

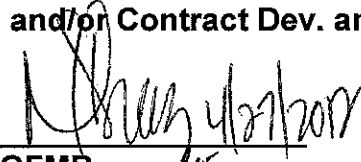
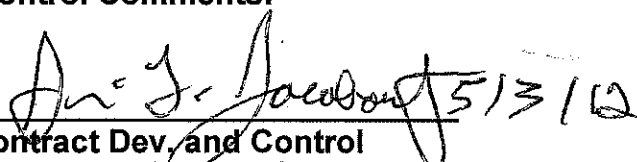
Budget Account Exp No: Fund _____ **Department** _____ **Unit** _____ **Object** _____
Rev No: Fund _____ **Department** _____ **Unit** _____ **Object** _____

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.

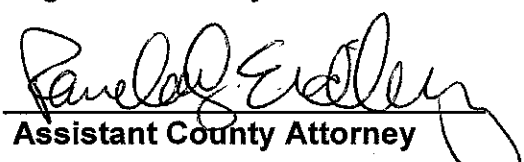
C. Departmental Fiscal Review: Stephanie Seiroke 4/24/12

III. REVIEW COMMENTS

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

 _____ OFMB SN 4/25/12 2/25/12	 _____ Contract Dev. and Control 5-2-12 B. Hecker
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B. Legal Sufficiency:



 Assistant County Attorney

C. Other Department Review:

Department Director

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 **ORDINANCE NO. 2012 _____**

2
3 **AN ORDINANCE OF THE BOARD OF COUNTY**
4 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,**
5 **AMENDING CHAPTER 19, ARTICLE IX (ORDINANCES NO. 01-**
6 **015, 2008-43, 2011-007, 2011-032, and 2011-040); RELATING TO**
7 **TAXICABS AND OTHER VEHICLES FOR HIRE, TO BE KNOWN**
8 **AS THE VEHICLE FOR HIRE ORDINANCE; AMENDING**
9 **SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-214**
10 **COMPLIANCE WITH ARTICLE REQUIRED); AMENDING**
11 **SECTION 19-218 (BUSINESS PERMIT APPLICATION);**
12 **AMENDING SECTION 19-220 (VEHICLE REQUIREMENTS);**
13 **AMENDING SECTION 19-222 (IMPOUNDMENT); AMENDING**
14 **SECTION 19-224 (NON-MEDICAL WHEELCHAIR AND**
15 **STRETCHER TRANSPORTATION SERVICE COMPANIES**
16 **OPERATIONAL REQUIREMENTS); AMENDING SECTION 19-**
17 **225 (VEHICLE INSPECTIONS); AMENDING SECTION 19-227**
18 **(DRIVER REQUIREMENTS; FAILURE TO COMPLY);**
19 **AMENDING SECTION 19-229 (REVOCATION, SUSPENSION**
20 **AND DENIAL OF PERMITS/I.D. BADGES; ADMINISTRATIVE**
21 **APPEAL); AMENDING SECTION 19-235 (START-UP);**
22 **PROVIDING FOR A MORATORIUM EXTENSION; PROVIDING**
23 **FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A**
24 **SAVING CLAUSE; PROVIDING FOR SEVERABILITY;**
25 **PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND**
26 **ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING**
27 **AN EFFECTIVE DATE.**
28

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

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

38 **WHEREAS**, Palm Beach County licenses and regulates taxicabs, limousines,
39 sedans, vans, minibuses, SUVs for hire, non-medical transport vehicles for hire that
40 operate in the unincorporated and incorporated areas of the County; and

41 **WHEREAS**, on February 28, 2012, the Board of County Commissioners voted to
42 impose a twelve (12) month moratorium extension on acceptance of applications for and
43 the issuance of Vehicle for Hire business permits to new companies wishing to do
44 business within Palm Beach County, or until such time as the Board of County
45 Commissioners enacts a resolution terminating the moratorium; and

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

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

9
10 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
11 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

12 **Section 1. Definitions.**

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

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

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

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

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

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

7 (4) Discharge of a passenger pursuant to legal authority as referenced in section
8 19-217 of this article on reciprocity.

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

13 (6) School buses and church buses;

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

16 (8) Horse drawn carriages;

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

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

22 **Section 3. Business permit application.**

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

25 (6) If the business transfers, sells, changes or modifies its name or ownership
26 structure, the business shall be required to notify the Division of Consumer
27 Affairs within forty-five (45) days of said change, and a new business permit
28 application shall be submitted. All business permit fees and administrative
29 processing fees approved by the Board by resolution shall be assessed by the
30 Division. If the transfer, sale, change or modification changes the ownership
31 structure by more than 51%, it will be considered a new company, and new

1 business requirements and fees established by the Board by resolution shall apply.

2 The adoption of a moratorium shall not preclude companies with existing
3 business permits from the transfer, sale or change of ownership to a new business.

4 (g) All vehicle for hire business must maintain a written/electronic manifest or
5 trip log for each pickup/drop off of any passenger. The manifest shall be in the
6 possession of the vehicle for hire driver and business central dispatch and shall
7 include ~~the business name, business phone number, name of the passenger (if~~
8 ~~provided or known), pickup/drop-off address/location and dates/times involved~~
9 but not be limited to, the business name, the name of the driver and the Driver's
10 I.D. Badge number, the Palm Beach County Vehicle for Hire Permit Number
11 (VFH#), the decal number of the vehicle providing the service, the name, address
12 and telephone number of the passenger, the date, time and location where the
13 service begins and ends, and the total charges and method of payment for the
14 service provided. In addition, each original manifest, invoice, or dispatch record
15 shall be available for inspection and a copy provided upon demand by law
16 enforcement officers, by personnel authorized by the Division to perform
17 enforcement duties or to the passenger.

18 **Section 4. Vehicle requirements.**

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

21 (a) Age requirements: A SUV, sedan, taxicab, limousine, and transport van/shuttle or
22 non-medical transportation vehicles shall not be used as a vehicle for hire if it is
23 older than ten (10) years based on the vehicle registration. Any vehicle older than
24 seven (7) years based on the registration of said vehicle or when the vehicle
25 exceeds 500,000 miles, whichever is first, shall be required to pass a bi-annual
26 inspection. The bi-annual inspections shall be pursuant to vehicle safety,
27 appearance, operational and inspection requirements outlined in sections 19-223,
28 19-224, and 19-225 of this article.

29 (c) Taxicabs.

30 (2) Each taxicab business shall select and use a uniform, specific and consistent
31 color and signage scheme for all taxicabs registered to the business. Each

1 company shall submit to the Division for approval, upon application, three color
2 photographs, not less than 8" by 10" size, showing the entire vehicle, driver's side
3 (assuming passenger side is identical), front and rear of the vehicle which depicts
4 the chosen color scheme, including signage per section 19-215 of this article.
5 Each taxicab shall operate under a trade name which is distinct from, and not
6 substantially similar to, any existing vehicle for hire company.

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

10 **Section 5. Impoundment.**

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

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

19 **Section 6. Non-medical wheelchair and stretcher transportation service** 20 **companies operational requirements.**

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

23 (d) Vehicle design - combination wheelchair/stretchers. Vehicles for hire which
24 are intended to be used for, or are used for the transportation of persons on both a
25 stretcher, or wheelchair shall be subject to all provisions contained above in
26 section 19-223. Each non-medical wheelchair and stretcher transportation service
27 company shall select and use a uniform specific and consistent color and signage
28 scheme for all vehicles registered to the business. Each company shall submit to
29 the Division for approval, upon application, three color photographs, not less than
30 8" by 10" size, showing the entire vehicle, driver's side (assuming passenger side
31 is identical), front and rear of the vehicle which depicts the chosen color scheme,

1 including signage per section 19-215 of this article. Each non-medical wheelchair
2 and stretcher transportation service vehicle shall operate under a trade name
3 which is distinct from and not substantially similar to any existing vehicle for hire
4 company.

5 **Section 7. Vehicle inspections.**

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

8 (1) All vehicles for hire that are less than seven (7) years old based on the registration or
9 have not exceeded 500,000 miles, shall be inspected annually, but not more than 60 days
10 before the application for a business permit is submitted to the Division. Vehicles more
11 than seven (7) years old based on the registration, or which have exceeded 500,000
12 miles, shall be inspected bi-annually. All vehicles added to the fleet of permitted
13 businesses must meet these inspection requirements.

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

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

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

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

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

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

30 (5) Not have been classified as a habitual traffic offender (as defined by state statutes) or
31 as defined by the state where he/she previously resided within five (5) years of applying

1 for a Driver's I.D. badge and was not previously issued a driver's I.D. badge by the
2 Division;

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

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

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

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

18 (10) Have no conviction within the preceding three (3) years from the date of conviction
19 or release from incarceration (whichever is later) of a first-degree misdemeanors
20 determined by the board to be necessary for the protection of public safety, including but
21 not limited to the following: stalking, battery, driving while license is suspended or
22 revoked, ~~exposure of sexual organs~~, carrying a concealed weapon, reckless driving which
23 causes damage to property, racing on highway, criminal possession of a controlled
24 substance/paraphernalia, resisting arrest without violence, ~~luring or enticing a child under~~
25 ~~12~~, or obscenity (selling/distributing sexual material to minor);

26 (11) Have no conviction of a felony determined by the board to be necessary for the
27 protection of public safety (unless proof is shown that the applicant's civil rights have
28 been restored) within the preceding five (5) years from the date of conviction or release
29 from incarceration (whichever is later). Said felonies relating to the protection of public
30 safety shall include but not be limited to: battery, carrying a concealed weapon,
31 discharging a firearm in public, robbery (not armed), burglary (not 1st degree), criminal

1 sale of a controlled substance, criminal possession of controlled substance/paraphernalia,
2 obscenity (selling/distributing sexual material to a minor or exchanging computer
3 pornography with a minor), a habitual felony offender, aggravated assault, child
4 abuse/neglect, reckless driving with serious bodily injury, fleeing/attempting to elude a
5 law enforcement officer, aggravated fleeing or eluding a law enforcement officer causing
6 serious body injury, luring or enticing a child under 12 (2nd conviction), resisting an
7 officer with violence, procuring a person under 18 for prostitution, selling or buying
8 minors for sex trafficking/prostitution, forcing/compelling/coercing a person for
9 prostitution, or abuse/aggravated abuse/neglect of an elderly person or a disabled adult.

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

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

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

1 selling of minors (F.S. Chapter 847);

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

4 k. Exposure of sexual organs (F.S. 800.03);

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

6 m.l. Armed robbery, attempted armed robbery, carjacking, attempted carjacking,
7 home invasion, attempted home invasion (F.S. Chapter 812);

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

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

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

11 q.p. Aggravated stalking (F.S. 784.048);

12 r.q. Aggravated battery or aggravated assault on a law enforcement officer or
13 other specified officer (F.S. 784.07);

14 s.r. Aircraft piracy (F.S. 860.16);

15 t.s. Unlawful throwing, projecting, placing, or discharging of any destructive
16 device or bomb or attempting to do so (F.S. 790.161);

17 u.t. Facilitating or furthering terrorism (F.S. 775.31);

18 v.u. Treason (F.S. 876.32);

19 w.v. Any offense committed in another jurisdiction that would be an offense
20 listed in this paragraph if that offense had been committed in the State of Florida.

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

22 a. A Habitual Violent Felony Offender under F.S. 775.084(1)(b);

23 b. A Three-time Violent Felony Offender under F.S. 775.084(1)(c);

24 c. A Violent Career Criminal under F.S. 775.084;

25 d. A Prison Releasee Reoffender under F.S. 775.082(9)(a);

26 e. A Sexual Predator under F.S. 775.21;

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

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

1 (16) Every application or renewal application for a driver's I.D. badge and application for
2 amendment of a driver's I.D. badge, shall be in writing and signed by the applicant and
3 shall be filed with the Palm Beach County Division of Consumer Affairs on a form
4 provided by the Division together with the non-refundable driver's I.D. badge fees which
5 shall not be subject to proration.

6 Each driver's I.D. badge shall be valid for a two-year period and shall be renewed every
7 other year from the date of the initial/renewal application. The Division may deny or
8 revoke a vehicle for hire driver's I.D. badge if it is determined that the applicant has
9 misrepresented, omitted, or concealed a fact on the application, renewal application or
10 replacement application. If the driver's I.D. badge is denied, the Division shall not accept
11 an application for said driver's I.D. badge for one (1) year from the date the badge is
12 denied, unless there is less than one (1) year to satisfy the time restrictions in paragraph
13 (a) above related to the following subparagraphs: (4), (5), (7), (8), (9), (10), or (11). In
14 such situations, the applicant will be permitted to reapply for a driver's I.D. badge after
15 the time requirements have been satisfied. If the driver's I.D. badge is revoked, the
16 Division shall not accept an application for said driver's I.D. badge for one (1) year from
17 the date the badge is revoked. Any person renewing a driver's I.D. badge must file a
18 renewal application, furnish the documentation requested by the Division, and submit
19 payment for the required non-refundable renewal fee(s) not more than ninety (90) days
20 before the expiration date of a driver's I.D. badge. Persons who fail to reapply for their
21 driver's I.D. badge 30 days prior to expiration, risk having a gap in their authorization to
22 drive a for-hire vehicle. Persons who fail to submit their renewal application, required
23 documentation and fees by the expiration date of the driver's I.D. badge must pay a non-
24 refundable late fee, over and above the driver's renewal fee. Any applicant who fails to
25 submit a renewal application within 1 year of the expiration of a current badge will be
26 considered a new applicant when reapplying and no grandfathered provisions will apply.
27 Said fees shall be established by resolution of the Board;

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

30 (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 in any military or foreign jurisdiction, federal, state, county or
10 municipal jurisdiction within the United States for violations analogous or parallel to
11 those violations enumerated in all sections herein.

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

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

27 (c) Each driver's I.D. badge shall be developed by the Division. Each driver's I.D.
28 badge shall, at a minimum, contain the name of the driver, date of expiration, photo of the
29 driver, and such additional terms, conditions, provisions and limitations as were imposed
30 during the approval process. Drivers are required to submit a notarized affidavit signed
31 by each permitted vehicle for hire company with whom s/he is driving. The affidavit (on
32 a form prepared by the Division) shall also include a statement by the business owner that

1 the driver is eligible to be insured under the company's insurance policy. When a driver
2 is no longer driving for a vehicle for hire company, the driver is required to notify the
3 Division within 10 business days. Failure to follow these requirements shall be a
4 violation of this Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (r) Exemptions: Any person who possessed a valid driver's I.D. badge on the effective
30 date of this article shall be exempt from any new requirements of Section 17, paragraphs
31 (1), (a-h), (j-m), (w). However, such persons would be ineligible to receive a driver's

1 I.D. badge and the driver's I.D. badge would be revoked if he/she is convicted of new
2 offenses as described in this article.

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

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

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

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

17 **Section 10. Start-up.**

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

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

23 **Section 11. Moratorium extension.**

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

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

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

4 c. This moratorium shall not preclude companies with existing business permits
5 from obtaining additional or replacement vehicle decals, nor shall it preclude
6 existing permitted companies from renewing business permits through the license
7 year 2013.

8 d. This moratorium shall not apply to, or otherwise affect, van/shuttle, limousine
9 non-medical wheel-chair and stretcher transportation service, or a company
10 operating under a contract with a government entity to provide transportation
11 services. ~~Such company operating under a government contract shall only~~
12 ~~perform those services specified in the government contract.~~

13 ~~e. This moratorium shall not apply to, or otherwise affect the concessionaire~~
14 ~~awarded the airport ground transportation concession agreement with Palm Beach~~
15 ~~County, as the term concessionaire is defined in the "Airport Ground~~
16 ~~Transportation Concession Agreement."~~

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

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

21 **Section 13. Savings clause.**

22 Notwithstanding Section 9 of this Ordinance regarding repeal of laws in conflict, all
23 administrative and court orders, fines, and pending enforcement issued pursuant to this
24 authority and procedures established by Chapter 19, Article IX of the Palm Beach County
25 Code Chapter 19, Article IX as set forth and amended by Ordinance No. 2001-15, 2008-
26 43, 2011-007, 2011-032, and 2011-040, shall remain in full force and effect.

27 **Section 14. Severability.**

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

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

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

6 **Section 16. Captions.**

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

10 **Section 17. Effective Date**

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

13 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
14 County, Florida, on this the _____ day of _____, 2012.

15
16
17 SHARON R. BOCK, CLERK
18 CLERK & COMPTROLLER

 PALM BEACH COUNTY, FLORIDA BY ITS
 BOARD OF COUNTY COMMISSIONERS

20
21 By _____
22 Deputy Clerk

 By: _____
 Shelley Vana, Chair

23
24
25 APPROVED AS TO FORM AND
26 LEGAL SUFFICIENCY

27
28
29 By: 
30 County Attorney

31
32
33 Filed with the Department of State on the _____ day of _____, 2012.

ORDINANCE NO. 2012 _____

1
2
3 **AN ORDINANCE OF THE BOARD OF COUNTY**
4 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,**
5 **AMENDING CHAPTER 19, ARTICLE IX (ORDINANCES NO. 01-**
6 **015, 2008-43, 2011-007, 2011-032, and 2011-040); RELATING TO**
7 **TAXICABS AND OTHER VEHICLES FOR HIRE, TO BE KNOWN**
8 **AS THE VEHICLE FOR HIRE ORDINANCE; AMENDING**
9 **SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-214**
10 **COMPLIANCE WITH ARTICLE REQUIRED); AMENDING**
11 **SECTION 19-218 (BUSINESS PERMIT APPLICATION);**
12 **AMENDING SECTION 19-220 (VEHICLE REQUIREMENTS);**
13 **AMENDING SECTION 19-222 (IMPOUNDMENT); AMENDING**
14 **SECTION 19-224 (NON-MEDICAL WHEELCHAIR AND**
15 **STRETCHER TRANSPORTATION SERVICE COMPANIES**
16 **OPERATIONAL REQUIREMENTS); AMENDING SECTION 19-**
17 **225 (VEHICLE INSPECTIONS); AMENDING SECTION 19-227**
18 **(DRIVER REQUIREMENTS; FAILURE TO COMPLY);**
19 **AMENDING SECTION 19-229 (REVOCATION, SUSPENSION**
20 **AND DENIAL OF PERMITS/L.D. BADGES; ADMINISTRATIVE**
21 **APPEAL); AMENDING SECTION 19-235 (START-UP);**
22 **PROVIDING FOR A MORATORIUM EXTENSION; PROVIDING**
23 **FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A**
24 **SAVING CLAUSE; PROVIDING FOR SEVERABILITY;**
25 **PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND**
26 **ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING**
27 **AN EFFECTIVE DATE.**
28

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

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

38 **WHEREAS**, Palm Beach County licenses and regulates taxicabs, limousines,
39 sedans, vans, minibuses, SUVs for hire, non-medical transport vehicles for hire that
40 operate in the unincorporated and incorporated areas of the County; and

41 **WHEREAS**, on February 28, 2012, the Board of County Commissioners voted to
42 impose a twelve (12) month moratorium extension on acceptance of applications for and
43 the issuance of Vehicle for Hire business permits to new companies wishing to do
44 business within Palm Beach County, or until such time as the Board of County
45 Commissioners enacts a resolution terminating the moratorium; and

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

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

9
10 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
11 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

12 **Section 1. Definitions.**

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

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

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

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

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

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

7 (4) Discharge of a passenger pursuant to legal authority as referenced in section
8 19-217 of this article on reciprocity.

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

13 (6) School buses and church buses;

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

16 (8) Horse drawn carriages;

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

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

22 **Section 3. Business permit application.**

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

25 (6) If the business transfers, sells, changes or modifies its name or ownership
26 structure, the business shall be required to notify the Division of Consumer
27 Affairs within forty-five (45) days of said change, and a new business permit
28 application shall be submitted. All business permit fees and administrative
29 processing fees approved by the Board by resolution shall be assessed by the
30 Division. If the transfer, sale, change or modification changes the ownership
31 structure by more than 51%, it will be considered a new company, and new

1 business requirements and fees established by the Board by resolution shall apply.

2 The adoption of a moratorium shall not preclude companies with existing
3 business permits from the transfer, sale or change of ownership to a new business.

4 (g) All vehicle for hire business must maintain a written/electronic manifest or
5 trip log for each pickup/drop off of any passenger. The manifest shall be in the
6 possession of the vehicle for hire driver and business central dispatch and shall
7 include but not be limited to, the business name, the name of the driver and the
8 Driver's I.D. Badge number, the Palm Beach County Vehicle for Hire Permit
9 Number (VFH#), the decal number of the vehicle providing the service, the name,
10 address and telephone number of the passenger, the date, time and location where
11 the service begins and ends, and the total charges and method of payment for the
12 service provided. In addition, each original manifest, invoice, or dispatch record
13 shall be available for inspection and a copy provided upon demand by law
14 enforcement officers, by personnel authorized by the Division to perform
15 enforcement duties or to the passenger.

16 **Section 4. Vehicle requirements.**

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

19 (a) Age requirements: A SUV, sedan, taxicab, limousine, and transport van/shuttle or
20 non-medical transportation vehicles shall not be used as a vehicle for hire if it is
21 older than ten (10) years based on the vehicle registration. Any vehicle older than
22 seven (7) years based on the registration of said vehicle or when the vehicle
23 exceeds 500,000 miles, whichever is first, shall be required to pass a bi-annual
24 inspection. The bi-annual inspections shall be pursuant to vehicle safety,
25 appearance, operational and inspection requirements outlined in sections 19-223,
26 19-224, and 19-225 of this article.

27 (c) Taxicabs.

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

1 (assuming passenger side is identical), front and rear of the vehicle which depicts
2 the chosen color scheme, including signage per section 19-215 of this article.
3 Each taxicab shall operate under a trade name which is distinct from, and not
4 substantially similar to, any existing vehicle for hire company.

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

8 **Section 5. Impoundment.**

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

11 (b) Any licensed driver and/or vehicle for hire business that has been suspended for
12 failure to meet the required commercial liability insurance requirements may have
13 its vehicle impounded and its business permit revoked. If revoked, said business
14 permit shall not be issued or reinstated for a period of one (1) year from the date
15 of revocation, and all new business permit application requirements shall apply.

16 **Section 6. Non-medical wheelchair and stretcher transportation service**
17 **companies operational requirements.**

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

20 (d) Vehicle design - combination wheelchair/stretcher. Vehicles for hire which
21 are intended to be used for, or are used for the transportation of persons on both a
22 stretcher, or wheelchair shall be subject to all provisions contained above in
23 section 19-223. Each non-medical wheelchair and stretcher transportation service
24 company shall select and use a uniform specific and consistent color and signage
25 scheme for all vehicles registered to the business. Each company shall submit to
26 the Division for approval, upon application, three color photographs, not less than
27 8" by 10" size, showing the entire vehicle, driver's side (assuming passenger side
28 is identical), front and rear of the vehicle which depicts the chosen color scheme,
29 including signage per section 19-215 of this article. Each non-medical wheelchair
30 and stretcher transportation service vehicle shall operate under a trade name

1 which is distinct from and not substantially similar to any existing vehicle for hire
2 company.

3 **Section 7. Vehicle inspections.**

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

6 (1) All vehicles for hire that are less than seven (7) years old based on the registration or
7 have not exceeded 500,000 miles, shall be inspected annually, but not more than 60 days
8 before the application for a business permit is submitted to the Division. Vehicles more
9 than seven (7) years old based on the registration, or which have exceeded 500,000
10 miles, shall be inspected bi-annually. All vehicles added to the fleet of permitted
11 businesses must meet these inspection requirements.

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

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

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

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

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

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

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

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

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

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

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

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

1 pornography with a minor), a habitual felony offender, aggravated assault, child
2 abuse/neglect, reckless driving with serious bodily injury, fleeing/attempting to elude a
3 law enforcement officer, aggravated fleeing or eluding a law enforcement officer causing
4 serious body injury, luring or enticing a child under 12 (2nd conviction), resisting an
5 officer with violence, procuring a person under 18 for prostitution, selling or buying
6 minors for sex trafficking/prostitution, forcing/compelling/coercing a person for
7 prostitution, or abuse/aggravated abuse/neglect of an elderly person or a disabled adult.

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

11 (12) Have no conviction of any of the following offenses determined by the Board to be
12 necessary for the protection of public safety (unless proof is shown that the applicant's
13 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. Promote sexual performance by a child, attempted sexual performance by a
25 child (F.S. 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. Exposure of sexual organs (F.S. 800.03);
- 4 l. Aggravated battery, attempted aggravated battery (F.S. 784);
- 5 m. Armed robbery, attempted armed robbery, carjacking, attempted carjacking,
- 6 home invasion, attempted home invasion (F.S. Chapter 812);
- 7 n. Poisoning of food or water (F.S. 859.01);
- 8 o. First degree burglary or attempted first degree burglary (F.S. 810.02);
- 9 p. Arson or attempted arson (F.S. 806.01);
- 10 q. Aggravated stalking (F.S. 784.048);
- 11 r. Aggravated battery or aggravated assault on a law enforcement officer or other
- 12 specified officer (F.S. 784.07);
- 13 s. Aircraft piracy (F.S. 860.16);
- 14 t. Unlawful throwing, projecting, placing, or discharging of any destructive
- 15 device or bomb or attempting to do so (F.S. 790.161);
- 16 u. Facilitating or furthering terrorism (F.S. 775.31);
- 17 v. Treason (F.S. 876.32);
- 18 w. Any offense committed in another jurisdiction that would be an offense listed
- 19 in this paragraph if that offense had been committed in the State of Florida.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 violation of this Ordinance.

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

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

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

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

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

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

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

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

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

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

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

3 (o) Upon initial application for a driver's I.D. badge, the Division or designated agency
4 shall examine each applicant and, at a minimum, determine the applicant's knowledge of
5 Palm 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.

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

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

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

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

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

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

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

15 **Section 10. Start-up.**

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

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

21 **Section 11. Moratorium extension.**

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

- 24 a. The Board of County Commissioners of Palm Beach County does hereby extend
25 the moratorium relating to the acceptance of applications for and the issuance of
26 new Vehicle For Hire Company business permits that began on May 25, 2011,
27 and expires on May 25, 2012.
- 28 b. This moratorium extension shall expire upon the earlier of the following: (1) June
29 1, 2013, or (2) enactment of a resolution by the Board of County Commissioners
30 of Palm Beach County terminating the moratorium.

1 c. This moratorium shall not preclude companies with existing business permits
2 from obtaining additional or replacement vehicle decals, nor shall it preclude
3 existing permitted companies from renewing business permits through the license
4 year 2013.

5 d. This moratorium shall not apply to, or otherwise affect, van/shuttle, limousine
6 non-medical wheel-chair and stretcher transportation service, or a company
7 operating under a contract with a government entity to provide transportation
8 services.

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

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

13 **Section 13. Savings clause.**

14 Notwithstanding Section 9 of this Ordinance regarding repeal of laws in conflict, all
15 administrative and court orders, fines, and pending enforcement issued pursuant to this
16 authority and procedures established by Chapter 19, Article IX of the Palm Beach County
17 Code Chapter 19, Article IX as set forth and amended by Ordinance No. 2001-15, 2008-
18 43, 2011-007, 2011-032, and 2011-040, shall remain in full force and effect.

19 **Section 14. Severability.**

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

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

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

29 **Section 16. Captions.**

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

1 Ordinance.

2 **Section 17. Effective Date**

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

5 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
6 County, Florida, on this the _____ day of _____, 2012.

7
8

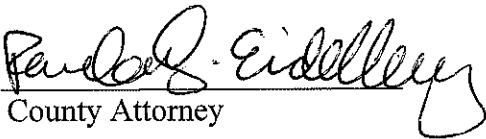
9 SHARON R. BOCK
10 CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

11
12
13 By _____
14 Deputy Clerk

By: _____
Shelley Vana, Chair

15
16
17
18 APPROVED AS TO FORM AND
19 LEGAL SUFFICIENCY

20
21 By: 
22 County Attorney
23
24

25
26 Filed with the Department of State on the _____ day of _____, 2012.