

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 11, 2014 Consent Regular
 Ordinance Public Hearing

Department
Submitted By: County Attorney's Office
Submitted For: Department of Public Safety Consumer Affairs Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on April 15, 2014, at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 19, Article IX (Ordinance No. 2008-43, amended by Ordinance No. 2011-007, amended by Ordinance No. 2011-032, amended by Ordinance No. 2011-040, amended by Ordinance No. 2012-009, and amended by Ordinance No. 2013-003, amended by Ordinance No. 2013-007); relating to taxicabs and other Vehicles for Hire, to be known as the Vehicle for Hire Ordinance; amending section 19-227 (Driver Requirements; failure to comply); providing for Repeal of Laws in Conflict; providing for a Savings Clause; providing for Severability; providing for Inclusion in the Code of Laws and Ordinances; providing for Captions; and providing an Effective Date.

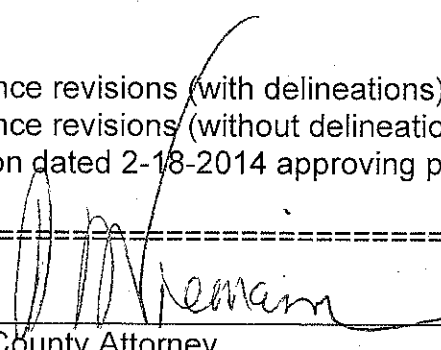
Summary: The proposed ordinance amendments incorporate a change in State law that allows Counties to run "Level 2" or fingerprint based criminal background checks on Vehicle for Hire (VFH) drivers through the Federal Bureau of Investigation's (FBI) national criminal database. Our current Ordinance, based on the State law before this change, only permitted a "Level 1" criminal screening, which is limited to a State of Florida criminal background check through the Florida Department of Law Enforcement (FDLE) database only. A related amendment to the ordinance will expand the definition of a criminal conviction to include a "withhold of adjudication," as this is the definition used under State law for Level 2 background and fingerprint based checks. After this amendment, our Ordinance will be consistent with State law. The VFH Advisory Committee met and unanimously approved the proposed language to expand our current state background check to include a fingerprint based national background check for all VFH drivers. It is anticipated that the League of Cities will have no opposition to the proposed Ordinance amendments. Countywide (PGE)

Background and Policy Issues: During the 2013 Legislative Session, the Florida Legislature passed HB 585, Chapter 2013-116, Laws of Florida, which amended Section 125.5801, Florida Statutes authorizing counties to conduct fingerprint based national criminal history background checks through the FDLE and the FBI for vehicle for hire drivers. The national background check being requested would include a thorough review of criminal convictions from all 50 states. Vehicle for hire drivers often have access to airports, seaports and other security sensitive areas, and the national background check of VFH drivers will provide additional safety for the passengers. FDLE has approved the proposed ordinance language, a prerequisite to setting up an account to access the FBI database. The cost of running the national fingerprint based background check is \$26.00. Pending Board approval, this cost will be added to the existing application fee and will be the responsibility of the VFH driver applying for an identification badge.

Attachments:

- 1) Proposed Ordinance revisions (with delineations).
- 2) Proposed Ordinance revisions (without delineations).
- 3) FDLE authorization dated 2-18-2014 approving proposed ordinance language.

=====

Recommended by:  2/24/14
County Attorney Date

Approved By: N/A Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
 Net Fiscal Impact	<u> ** </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:

**NO FISCAL IMPACT – indeterminable at this time

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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

John Weber 2/27/14
 OFMB
 2/27/14

Dr. J. Jacobson 2/26/14
 Contract Dev. and Control
 2-26-14 B. Schmitt

B. Legal Sufficiency:

Barbara E. Erbe 2/20/14
 Assistant County Attorney

C. Other Department Review:

 Department Director

1 **ORDINANCE NO. 2014 _____**
 2

3 **AN ORDINANCE OF THE BOARD OF COUNTY**
 4 **COMMISSIONERS OF PALM BEACH COUNTY,**
 5 **FLORIDA, AMENDING CHAPTER 19, ARTICLE IX**
 6 **(ORDINANCE NO. 2008-43, AMENDED BY ORDINANCE**
 7 **NO. 2011-007, AMENDED BY ORDINANCE NO. 2011-032,**
 8 **AMENDED BY ORDINANCE NO. 2011-040, AMENDED BY**
 9 **ORDINANCE NO. 2012-009, AMENDED BY ORDINANCE**
 10 **NO. 2013-003, AND AMENDED BY ORDINANCE NO. 2013-**
 11 **007); RELATING TO TAXICABS AND OTHER VEHICLES**
 12 **FOR HIRE, TO BE KNOWN AS THE VEHICLE FOR HIRE**
 13 **ORDINANCE; AMENDING SECTION 19-227 (DRIVER**
 14 **REQUIREMENTS; FAILURE TO COMPLY); PROVIDING**
 15 **FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR**
 16 **A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY;**
 17 **PROVIDING FOR INCLUSION IN THE CODE OF LAWS**
 18 **AND ORDINANCES; PROVIDING FOR CAPTIONS; AND**
 19 **PROVIDING AN EFFECTIVE DATE.**
 20
 21

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

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

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

33 **WHEREAS**, during the 2013 Legislative Session, the Florida Legislature passed HB
 34 585, Chapter 2013-116, Laws of Florida, which amended Section 125.5801, Florida Statutes
 35 authorizing counties to conduct a fingerprint based national criminal history background check
 36 through the Florida Department of Law Enforcement and the Federal Bureau of Investigation for
 37 vehicle for hire drivers; and

38 **WHEREAS**, it is now necessary to amend Chapter 19, Article IX of the Palm Beach
 39 County Code to provide for the fingerprint based national criminal history background check (in
 40 addition to the statewide background check) for vehicle for hire drivers.

41 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**

1 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

2 **Section 1. Driver Requirements; failure to comply.**

3 Chapter 19, Article IX, Section 19-227 (a) (6), (10), (11) and (12), of the Palm Beach County
4 Code is amended to read as follows:

5 (a) It shall be unlawful for any person to operate any vehicle for hire within and upon
6 the streets of the county without a county vehicle for hire driver's identification badge
7 (driver's I.D. badge) issued by the Division. All applicants for a vehicle for hire driver's
8 I.D. badge shall conform to the following:

9 * * *

10 (6) Upon initial application or renewal, the driver must provide the original request form
11 for his/her Florida Department of Law Enforcement (FDLE) criminal history/records
12 report to the Division, as well as payment for the amount required to secure the criminal
13 history/records report. The Division shall then be responsible for processing the request
14 and payment to the FDLE. ~~The division may conduct additional criminal history/records~~
15 ~~reports of other states/jurisdictions as deemed appropriate. The division may require an~~
16 ~~applicant to submit to a finger print analysis if there is a question of identity. Prior to~~
17 ~~submitting a request for a criminal history record check pursuant to this article, the~~
18 ~~Division shall notify each applicant to be fingerprinted that his or her fingerprints will be~~
19 ~~sent to the State Department of Law Enforcement for a state criminal history record~~
20 ~~check and to the Federal Bureau of Investigation for a national criminal history record~~
21 ~~check. The notification shall also state that the vehicle for hire driver has a right to:~~

- 22 (a) Obtain a copy of his or her criminal history records;
23 (b) To challenge the completeness and accuracy of the criminal history
24 records pursuant to state and federal law; and
25 (c) To request a correction, change or update to the criminal history
26 records pursuant to state and federal law.

27 * * *

28
29
30 (10) ~~Have no conviction for any first degree misdemeanor offense relating to or~~
31 ~~threatening the public safety as determined by the board, or have been released~~
32 ~~from incarceration for such misdemeanor conviction (whichever is later), within~~
33 ~~three (3) years before the date of application for a vehicle for hire driver I.D.~~
34 ~~badge. Have not been found guilty of a first degree misdemeanor offense,~~
35 ~~regardless of adjudication, or entered a plea of nolo contendere or guilty to a first~~
36 ~~degree misdemeanor offense, or have been adjudicated delinquent and the record~~
37 ~~has not been sealed or expunged for any first degree misdemeanor offense relating~~
38 ~~to or threatening the public safety as determined by the Board of County~~

1 Commissioners, or have been released from incarceration for such misdemeanor
2 conviction (whichever is later), within three (3) years before the date of
3 application for a vehicle for hire driver I.D. badge. Said first degree misdemeanor
4 offenses include, but are not limited to, the following: stalking, battery, driving
5 while license is suspended or revoked, carrying a concealed weapon, reckless
6 driving which causes damage to property, racing on highway, criminal possession
7 of a controlled substance/paraphernalia, resisting arrest without violence, or
8 obscenity (selling/distributing sexual material to minor);

9 (11) ~~Have no conviction for a felony offense, relating to or threatening the public~~
10 ~~safety as determined by the board, or have been released from incarceration for~~
11 ~~such felony conviction (unless proof is shown that the applicant's civil rights have~~
12 ~~been restored) (whichever is later), within five (5) years before the date of~~
13 ~~application for a vehicle for hire driver I.D. badge. Have not been found guilty of a~~
14 ~~felony offense, regardless of adjudication, or entered a plea of nolo contendere or~~
15 ~~guilty to a felony offense, or have been adjudicated delinquent and the record has~~
16 ~~not been sealed or expunged for any felony offense relating to or threatening the~~
17 ~~public safety as determined by the Board of County Commissioners, or have been~~
18 ~~released from incarceration for such felony conviction (whichever is later), within~~
19 ~~five (5) years before the date of application for a vehicle for hire driver I.D. badge~~
20 ~~(unless proof is shown that the applicant's civil rights have been restored). Said~~
21 felonies relating to, or threatening the public safety shall include, but are not
22 limited to, the following: battery, domestic batteries, carrying a concealed
23 weapon, discharging a firearm in public, robbery (not armed), burglary (not first
24 degree), criminal sale of a controlled substance, criminal possession of controlled
25 substance/paraphernalia, obscenity (selling/distributing sexual material to a minor
26 or exchanging computer pornography with a minor), a habitual felony offender,
27 aggravated assault, child abuse/neglect, reckless driving with serious bodily
28 injury, fleeing/attempting to elude a law enforcement officer, aggravated fleeing
29 or eluding a law enforcement officer causing serious body injury, luring or
30 enticing a child under twelve (12) (second conviction), resisting an officer with
31 violence, procuring a person under eighteen (18) for prostitution, selling or
32 buying minors for sex trafficking/prostitution, forcing/compelling/coercing a
33 person for prostitution, or abuse/aggravated abuse/neglect of an elderly person or
34 a disabled adult. ~~The division may require applicants to provide the final~~
35 ~~disposition for felony criminal cases on background checks received by the~~
36 ~~division from any source. Failure to provide the disposition of such cases shall~~
37 ~~result in the denial of a driver's I.D. badge;~~

38 (12) ~~Have no conviction of any of the following offenses determined by the board to~~
39 ~~be necessary for the protection of public safety (unless proof is shown that the~~
40 ~~applicant's civil rights have been restored): Have not been convicted of the~~
41 ~~following felony offenses, regardless of adjudication, or entered a plea of nolo~~

1 contendere or guilty to, or have been adjudicated delinquent and the record has
2 not been sealed or expunged for any offense relating to or threatening the public
3 safety as determined by the Board of County Commissioners, or have been
4 released from incarceration for such felony conviction (whichever is later) (unless
5 proof is shown that the applicant's civil rights have been restored):

- 6 a. Murder, attempted murder, attempted felony murder, manslaughter, (F.S.
7 ch. 782);
8 b. DUI manslaughter (F.S. § 316.193(3));
9 c. Sexual battery, attempted sexual battery (F.S. § 794.011);
10 d. Lewd or lascivious battery, attempted lewd or lascivious battery, lewd or
11 lascivious molestation, lewd or lascivious conduct, or lewd or lascivious
12 exhibition (F.S. ch. 800);
13 e. Lewd or lascivious offense upon or in the presence of an elderly or
14 disabled person, attempted lewd or lascivious offense upon or in the
15 presence of an elderly or disabled person (F.S. § 825.1025);
16 f. Promote sexual performance by a child, attempted sexual performance by
17 a child (F.S. § 827.071);
18 g. Aggravated child abuse (F.S. § 827.03);
19 h. Failure to register as a sexual predator (F.S. ch. 775) or sexual offender
20 (F.S. § 943.0435);
21 i. Computer pornography, transmission of computer pornography, buying or
22 selling of minors (F.S. ch. 847);
23 j. Kidnapping, attempted kidnapping, false imprisonment, or luring and
24 enticing a child (F.S. ch. 787);
25 k. Exposure of sexual organs (F.S. § 800.03);
26 l. Aggravated battery, attempted aggravated battery (F.S. ch. 784);
27 m. Armed robbery, attempted armed robbery, carjacking, attempted
28 carjacking, home invasion, attempted home invasion (F.S. ch. 812);
29 n. Poisoning of food or water (F.S. § 859.01);
30 o. First degree burglary or attempted first degree burglary (F.S. § 810.02);
31 p. Arson or attempted arson (F.S. § 806.01);
32 q. Aggravated stalking (F.S. § 784.048);
33 r. Aggravated battery or aggravated assault on a law enforcement officer
34 or other specified officer (F.S. § 784.07);
35 s. Aircraft piracy (F.S. § 860.16);
36 t. Unlawful throwing, projecting, placing, or discharging of any destructive
37 device or bomb or attempting to do so (F.S. § 790.161);
38 u. Facilitating or furthering terrorism (F.S. § 775.31);
39 v. Treason (F.S. § 876.32);
40 w. Any offense committed in another jurisdiction that would be an offense
41 listed in this paragraph if that offense had been committed in the State of
42 Florida.

43
44 **Section 2. Repeal of Laws in Conflict.**

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

47 **Section 3. Savings Clause.**

48 Notwithstanding the section of this Ordinance regarding repeal of laws in conflict, all
49 administrative and court orders, fines, and pending enforcement issued pursuant to this authority

1 and procedures established by Chapter 19, Article IX of the Palm Beach County Code, shall
2 remain in full force and effect.

3 **Section 4. Severability.**

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

7 **Section 5. Inclusion in the Code of Laws and Ordinances.**

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

12 **Section 6. Captions.**

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

16 **Section 7. Effective Date.**

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

19 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
20 County, Florida, on this the _____ day of _____, 2014.

21
22 **SHARON R. BOCK,**
23 **CLERK & COMPTROLLER**

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

24
25
26 By _____
27 Deputy Clerk

By: _____
Priscilla A. Taylor, Mayor

28
29
30 **APPROVED AS TO FORM AND**
31 **LEGAL SUFFICIENCY**

32
33
34 By: _____
35 County Attorney

36
37
38 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of
39 _____, 2014.

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
5 AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO.
6 2008-43, AMENDED BY ORDINANCE NO. 2011-007,
7 AMENDED BY ORDINANCE NO. 2011-032, AMENDED BY
8 ORDINANCE NO. 2011-040, AMENDED BY ORDINANCE NO.
9 2012-009, AMENDED BY ORDINANCE NO. 2013-003, AND
10 AMENDED BY ORDINANCE NO. 2013-007); RELATING TO
11 TAXICABS AND OTHER VEHICLES FOR HIRE, TO BE
12 KNOWN AS THE VEHICLE FOR HIRE ORDINANCE;
13 AMENDING SECTION 19-227 (DRIVER REQUIREMENTS;
14 FAILURE TO COMPLY); PROVIDING FOR REPEAL OF
15 LAWS IN CONFLICT; PROVIDING FOR A SAVINGS
16 CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING
17 FOR INCLUSION IN THE CODE OF LAWS AND
18 ORDINANCES; PROVIDING FOR CAPTIONS; AND
19 PROVIDING AN EFFECTIVE DATE.
20

21
22 WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the
23 right and power of counties to provide for the health, welfare and safety of the existing and
24 future residents by enacting such business regulations necessary for the protection of the public;
25 and

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

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

33 WHEREAS, during the 2013 Legislative Session, the Florida Legislature passed HB
34 585, Chapter 2013-116, Laws of Florida, which amended Section 125.5801, Florida Statutes
35 authorizing counties to conduct a fingerprint based national criminal history background check
36 through the Florida Department of Law Enforcement and the Federal Bureau of Investigation for
37 vehicle for hire drivers; and

38 WHEREAS, it is now necessary to amend Chapter 19, Article IX of the Palm Beach
39 County Code to provide for the fingerprint based national criminal history background check (in
40 addition to the statewide background check) for vehicle for hire drivers.
41

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

3 Section 1. Driver Requirements; failure to comply.

4 Chapter 19, Article IX, Section 19-227 (a) (6), (10), (11) and (12), of the Palm Beach County
5 Code is amended to read as follows:

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

11 * * *

12 (6) Upon initial application or renewal, the driver must provide the original request
13 form for his/her Florida Department of Law Enforcement (FDLE) criminal
14 history/records report to the Division, as well as payment for the amount required
15 to secure the criminal history/records report. The Division shall then be
16 responsible for processing the request and payment to the FDLE. Prior to
17 submitting a request for a criminal history record check pursuant to this article,
18 the Division shall notify each applicant to be fingerprinted that his or her
19 fingerprints will be sent to the State Department of Law Enforcement for a state
20 criminal history record check and to the Federal Bureau of Investigation for a
21 national criminal history record check. The notification shall also state that the
22 vehicle for hire driver has a right to:

- 23 (a) Obtain a copy of his or her criminal history records;
- 24 (b) To challenge the completeness and accuracy of the criminal history
25 records pursuant to state and federal law; and
- 26 (c) To request a correction, change or update to the criminal history
27 records pursuant to state and federal law.

28 * * *

29 (10) Have not been found guilty of a first degree misdemeanor offense, regardless of
30 adjudication, or entered a plea of nolo contendere or guilty to a first degree
31 misdemeanor offense, or have been adjudicated delinquent and the record has not
32 been sealed or expunged for any first degree misdemeanor offense relating to or
33 threatening the public safety as determined by the Board of County
34 Commissioners, or have been released from incarceration for such misdemeanor
35 conviction (whichever is later), within three (3) years before the date of
36 application for a vehicle for hire driver I.D. badge. Said first degree misdemeanor
37 offenses include, but are not limited to, the following: stalking, battery, driving
38 while license is suspended or revoked, carrying a concealed weapon, reckless

1 driving which causes damage to property, racing on highway, criminal possession
2 of a controlled substance/paraphernalia, resisting arrest without violence, or
3 obscenity (selling/distributing sexual material to minor);
4

5 (11) Have not been found guilty of a felony offense, regardless of adjudication, or
6 entered a plea of nolo contendere or guilty to a felony offense, or have been
7 adjudicated delinquent and the record has not been sealed or expunged for any
8 felony offense relating to or threatening the public safety as determined by the
9 Board of County Commissioners, or have been released from incarceration for
10 such felony conviction (whichever is later), within five (5) years before the date
11 of application for a vehicle for hire driver I.D. badge (unless proof is shown that
12 the applicant's civil rights have been restored). Said felonies relating to, or
13 threatening the public safety shall include, but are not limited to, the following:
14 battery, domestic batteries, carrying a concealed weapon, discharging a firearm in
15 public, robbery (not armed), burglary (not first degree), criminal sale of a
16 controlled substance, criminal possession of controlled substance/paraphernalia,
17 obscenity (selling/distributing sexual material to a minor or exchanging computer
18 pornography with a minor), a habitual felony offender, aggravated assault, child
19 abuse/neglect, reckless driving with serious bodily injury, fleeing/attempting to
20 elude a law enforcement officer, aggravated fleeing or eluding a law enforcement
21 officer causing serious body injury, luring or enticing a child under twelve (12)
22 (second conviction), resisting an officer with violence, procuring a person under
23 eighteen (18) for prostitution, selling or buying minors for sex
24 trafficking/prostitution, forcing/compelling/coercing a person for prostitution, or
25 abuse/aggravated abuse/neglect of an elderly person or a disabled adult;
26

27 (12) Have not been convicted of the following felony offenses, regardless of
28 adjudication, or entered a plea of nolo contendere or guilty to, or have been
29 adjudicated delinquent and the record has not been sealed or expunged for any
30 offense relating to or threatening the public safety as determined by the Board of
31 County Commissioners, or have been released from incarceration for such felony
32 conviction (whichever is later) (unless proof is shown that the applicant's civil
33 rights have been restored):

- 34 (a) Murder, attempted murder, attempted felony murder,
35 manslaughter, (F.S. ch. 782);
36 (b) DUI manslaughter (F.S. § 316.193(3));
37 (c) Sexual battery, attempted sexual battery (F.S. § 794.011);
38 (d) Lewd or lascivious battery, attempted lewd or lascivious battery,
39 lewd or lascivious molestation, lewd or lascivious conduct, or lewd
40 or lascivious exhibition (F.S. ch. 800);
41 (e) Lewd or lascivious offense upon or in the presence of an elderly or
42 disabled person, attempted lewd or lascivious offense upon or in the
43 presence of an elderly or disabled person (F.S. § 825.1025);

- 1 (f) Promote sexual performance by a child, attempted sexual performance by
2 a child (F.S. § 827.071);
3 (g) Aggravated child abuse (F.S. § 827.03);
4 (h) Failure to register as a sexual predator (F.S. ch. 775) or sexual offender
5 (F.S. § 943.0435);
6 (i) Computer pornography, transmission of computer pornography, buying or
7 selling of minors (F.S. ch. 847);
8 (j) Kidnapping, attempted kidnapping, false imprisonment, or luring and
9 enticing a child (F.S. ch. 787);
10 (k) Exposure of sexual organs (F.S. § 800.03);
11 (l) Aggravated battery, attempted aggravated battery (F.S. ch. 784);
12 (m) Armed robbery, attempted armed robbery, carjacking, attempted
13 carjacking, home invasion, attempted home invasion (F.S. ch. 812);
14 (n) Poisoning of food or water (F.S. § 859.01);
15 (o) First degree burglary or attempted first degree burglary (F.S. § 810.02);
16 (p) Arson or attempted arson (F.S. § 806.01);
17 (q) Aggravated stalking (F.S. § 784.048);
18 (r) Aggravated battery or aggravated assault on a law enforcement officer
19 or other specified officer (F.S. § 784.07);
20 (s) Aircraft piracy (F.S. § 860.16);
21 (t) Unlawful throwing, projecting, placing, or discharging of any destructive
22 device or bomb or attempting to do so (F.S. § 790.161);
23 (u) Facilitating or furthering terrorism (F.S. § 775.31);
24 (v) Treason (F.S. § 876.32);
25 (w) Any offense committed in another jurisdiction that would be an offense
26 listed in this paragraph if that offense had been committed in the State of
27 Florida.

28
29 **Section 2. Repeal of Laws in Conflict.**

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

32 **Section 3. Savings Clause.**

33 Notwithstanding the section of this Ordinance regarding repeal of laws in conflict, all
34 administrative and court orders, fines, and pending enforcement issued pursuant to this authority
35 and procedures established by Chapter 19, Article IX of the Palm Beach County Code, shall
36 remain in full force and effect.

37 **Section 4. Severability.**

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

41 **Section 5. Inclusion in the code of laws and ordinances.**

42 The provisions of this Ordinance shall become and be made a part of the code of laws and
43 ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered

1 or re-lettered to accomplish such, and the word "ordinance" may be changed to "section,"
2 "article," or any other appropriate word.

3 **Section 6. Captions.**

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

7 **Section 7. Effective Date.**

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

10 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
11 County, Florida, on this the _____ day of _____, 2014.

12
13 **SHARON R. BOCK,**
14 **CLERK & COMPROLLER**

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

15
16
17
18 By _____
19 Deputy Clerk

By: _____
Priscilla A. Taylor, Mayor

20
21
22 **APPROVED AS TO FORM AND**
23 **LEGAL SUFFICIENCY**

24
25
26
27 By: 
28 County Attorney

29
30
31 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of
32 _____, 2014.

Eugene Reavis

From: Mabry, Frank [FrankMabry@fdle.state.fl.us]
Sent: Tuesday, February 18, 2014 3:33 PM
To: Eugene Reavis
Subject: FW: Nationwide ORI# for Palm Beach County
Attachments: ARTICLE IX -VEHICLES FOR HIRE ORDINANCE 2013.docx; VFH Ordinance - Natinal Background checks -PROPOSED.doc

Eugene,

Our legal staff has reviewed both your current ordinance and your proposed ordinance. Their opinion is that the proposed ordinance will satisfy the requirements of the FBI. Once the proposed VFH ordinance is adopted please submit to me a full copy of the ordinance along with a letter requesting an ORI be established to enable your agency to conduct both state and national screenings. If you have any questions please do not hesitate to give me a call.

Frank Mabry

Senior Management Analyst Supervisor
Florida Department of Law Enforcement
User Services Bureau | Criminal History Services
2331 Phillips Road
Tallahassee, Florida 32308
(850) 410-8115
frankmabry@fdle.state.fl.us

From: Eugene Reavis [<mailto:ereavis@pbcgov.org>]
Sent: Wednesday, February 12, 2014 3:14 PM
To: Mabry, Frank
Subject: FW: Nationwide ORI# for Palm Beach County

Frank,

In reference to our recent conversation, I have attached a copy of our current ordinance (Article IX – 2013) and a draft of what we are proposing. Please review with your legal staff and don't hesitate to contact me if you have any questions. Thanks for your help.

Best regards,

Eugene Reavis, Manager
Palm Beach County Public Safety
Consumer Affairs Division
561-712-6605
Boca/Delray/Glades toll free: 1-888-852-7362
Fax: 561-712-6610

50 So. Military Trail, Suite 201
West Palm Beach, FL 33415

Please note that Florida has a broad public records law, and that all correspondence to me via e-mail may be subject to disclosure.