

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Time Certain
11:00 am

Meeting Date: July 21, 2015 [] Consent [X] Regular
[] Ordinance [] Public Hearing

Department: Department of Public Safety
Submitted By: Department of Public Safety
Submitted For: Division of Consumer Affairs

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing on August 18, 2015 at 9:30am: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-43) AS AMENDED RELATING TO VEHICLES FOR HIRE, AMENDING SECTION 19-211 (APPLICABILITY); AMENDING SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-214 (COMPLIANCE WITH ARTICLE REQUIRED); AMENDING SECTION 19-215 (ADVERTISING); AMENDING SECTION 19-216 (RESERVED) ADDING NEW TITLE VEHICLE FOR HIRE OPERATIONAL REQUIREMENTS; AMENDING SECTION 19-217 (RECIPROCITY); AMENDING SECTION 19-218 (BUSINESS PERMIT APPLICATION); AMENDING SECTION 19-219 (RECORDS REQUIRED); AMENDING SECTION 19-220 (VEHICLE REQUIREMENTS); AMENDING SECTION 19-221 (VEHICLE DECAL REQUIREMENTS); AMENDING SECTION 19-222 (IMPOUNDMENT); AMENDING SECTION 19-223 (VEHICLE SAFETY AND APPEARANCE REQUIREMENTS); DELETING SECTION 19-224 (NON-MEDICAL WHEELCHAIR AND STRETCHER TRANSPORTATION COMPANIES OPERATIONAL REQUIREMENTS); DELETING SECTION 19-225 (VEHICLE INSPECTIONS) AMENDING SECTION 19-226 (COMMERCIAL AUTOMOBILE LIABILITY INSURANCE); AMENDING SECTION 19-227 (DRIVER REQUIREMENTS; FAILURE TO COMPLY); DELETING SECTION 19-228 (FRAUDULENT TRANSFER OF VEHICLE FOR HIRE COMPANY); AMENDING SECTION 19-229 (REVOCATION, SUSPENSION AND DENIAL OF PERMITS/I.D. BADGES; ADMINISTRATIVE APPEAL); AMENDING SECTION 19-230 (ENFORCEMENT); AMENDING SECTION 19-231 (VIOLATIONS); AMENDING SECTION 19-235 (START-UP); DELETING SECTION 19-238 (JURISDICTION); 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 (continued on Page 3)

Attachments:

- 1. Summary of the Substantive Recommended Changes to the Vehicle for Hire Ordinance
- 2. Proposed Vehicle for Hire Ordinance Amendment: Strike-through/Underlined Version

Recommended by: Vincent J. Bonveto 7/14/15
Department Director Date
Approved By: Vincent J. Bonveto 7/14/15
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	* =====	=====	=====	=====	=====

ADDITIONAL FTE

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

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

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

*The fiscal impact is indeterminable at this time.

Departmental Fiscal Review: Stephanie Lepore 7/14/15

III. REVIEW COMMENTS

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

Sherry Brown
 5/14/15
 OFMB

A. J. [Signature]
 7/20/15
 Contract Administration
 7-20-15 B. Wheely

B. Legal Sufficiency:

[Signature]
 7/20/15
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

Summary (continued from Page 1)

On March 10, 2015, the Board of County Commissioners approved a Temporary Operating Agreement (TOA) with Rasier, LLC, a subsidiary of Uber Technologies, Inc., to operate as a vehicle for hire company in Palm Beach County which expires on September 30, 2015. Uber as well as other similar transportation network companies (TNC's) seek to provide vehicle for hire services in Palm Beach County and significant revisions to the ordinance are being proposed to provide flexibility for TNC's as well as maintain parity in a competitive industry and public safety. Changes include: categorized industry into two categories taxis vs. non-taxis, removed vehicle decals and replaced with trade dress for vehicle identification purposes, requires taxi companies to have commercial automobile liability insurance as required by Florida Law, requires non-taxi companies to have either commercial automobile liability insurance as required by Florida Law or automobile liability insurance with a Florida approved surplus lines carrier at a minimum of \$1 million per occurrence when providing services, allows non-taxi companies to have insurance coverage as required by Florida Law when not providing vehicle for hire services, allows alternative identification (i.e. smart phone app) or an ID badge, requires taxis to have Level II background checks, allows non-taxis to conduct their own background checks through an accredited agency. This proposed amendment to the Vehicle for Hire Ordinance was presented to the vehicle for hire industry which includes representation from Rasier, LLC on July 17, 2015.

COUNTYWIDE (JB)

Background and Policy Issues: A summary of the substantive recommended changes to the existing Vehicle for Hire Ordinance is attached.

**SUMMARY OF SUBSTANTIVE RECOMMENDED CHANGES TO THE
VEHICLE FOR HIRE ORDINANCE**

DEFINITIONS

Modify industry framework from having definitions for different categories of vehicles such as taxi, limo, sedan, SUV, non-medical, etc. to only having two (2) categories:

1. Taxi – definition remained the same
2. Non Taxi – includes limo, sedan, SUV, non-medical, TNC’s, etc.

Modify Vehicle For Hire (VFH) and/or VFH company definition to include TNC’s and/or ride sharing companies.

Add/modify various definitions incorporating language referring to TNC’s.

BUSINESS PERMIT

Remove requirement to provide the Division of Consumer Affairs (DCA) documentation of all driver and vehicle information and allowing for a vehicle for hire company, prior to initiation of service and ongoing, to advise the DCA as to how they will document and identify drivers and vehicles in service.

VEHICLES

Modify vehicle identification requirements to the following:

1. Vehicles can have a “trade dress”
- or
2. Vehicles can be issued a decal by the DCA

Remove age requirements. Maintain mechanical/safety vehicle inspection requirements performed by an ASE certified mechanic on all vehicles.

INSURANCE

Maintain current insurance coverage for taxis 24/7 which is commercial auto insurance as required by law.

Add insurance coverage for non taxis when providing services to the following:

1. Commercial auto insurance as required by Florida law.
- or
2. Auto insurance with an eligible surplus lines carrier at a minimum of \$1 million per occurrence.

Add insurance coverage for non taxis when not providing services which is auto insurance as required by Florida Law.

DRIVER REQUIREMENTS

Modify the process for drivers to be qualified and identified. Drivers are required to have the following:

1. ID badge issued by the DCA
- or
2. Alternative identification/credential by the company (i.e. via digital application or smart phone app)

Maintain Level II fingerprint based background checks for taxis.

Add the option for non taxis to conduct their own background checks through an accredited agency or the DCA can conduct a Level II background check.

VARIOUS CHANGES THROUGHOUT

Eliminate redundant/unnecessary internal and external operating procedures that are not required in the Ordinance.

ORDINANCE NO. 2015 _____

~~AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. ORDINANCE NO. 2008-43) AS AMENDED RELATING TO AND OTHER VEHICLES FOR HIRE, TO BE KNOWN AS THE VEHICLE FOR HIRE ORDINANCE; AMENDING SECTION 19-211 (APPLICABILITY); AMENDING SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-214 (COMPLIANCE WITH ARTICLE REQUIRED); AMENDING SECTION 19-215 (ADVERTISING); AMENDING SECTION 19-216 (RESERVED); AMENDING SECTION 19-217 (RECIPROcity); AMENDING SECTION 19-218 (BUSINESS PERMIT APPLICATION); AMENDING SECTION 19-219 (RECORDS REQUIRED); AMENDING SECTION 19-220 (VEHICLE REQUIREMENTS); AMENDING SECTION 19-221 (VEHICLE DECAL REQUIREMENTS); AMENDING SECTION 19-222 (IMPOUNDMENT); AMENDING SECTION 19-223 (VEHICLE SAFETY AND APPEARANCE); AMENDING SECTION 19-224 (NON-MEDICAL WHEELCHAIR AND STRETCHER TRANSPORTATION COMPANIES OPERATIONAL REQUIREMENTS); AMENDING SECTION 19-225 (VEHICLE INSPECTIONS) AMENDING SECTION 19-226 (COMMERCIAL AUTOMOBILE LIABILITY INSURANCE); AMENDING SECTION 19-227 (DRIVER REQUIREMENTS; FAILURE TO COMPLY); AMENDING SECTION 19-228 (FRAUDULENT TRANSFER OF VEHICLE FOR HIRE COMPANY); AMENDING SECTION 19-229 (REVOCATION, SUSPENSION AND DENIAL OF PERMITS/I.D. BADGES; ADMINISTRATIVE APPEAL); AMENDING SECTION 19-230 (ENFORCEMENT); AMENDING SECTION 19-231 (VIOATIONS); AMENDING SECTION 19-235 (START-UP); AMENDING SECTION 19-238 (JURISDICTION); 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. AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19,~~

41 ARTICLE IX (ORDINANCE NO. 2008-43) AS AMENDED RELATING
42 TO VEHICLES FOR HIRE, AMENDING SECTION 19-211
43 (APPLICABILITY); AMENDING SECTION 19-213 (DEFINITIONS);
44 AMENDING SECTION 19-214 (COMPLIANCE WITH ARTICLE
45 REQUIRED); AMENDING SECTION 19-215 (ADVERTISING);
46 AMENDING SECTION 19-216 (RESERVED) ADDING NEW TITLE
47 VEHICLE FOR HIRE OPERATIONAL REQUIREMENTS; AMENDING
48 SECTION 19-217 (RECIPROCITY); AMENDING SECTION 19-218
49 (BUSINESS PERMIT APPLICATION); AMENDING SECTION 19-219
50 (RECORDS REQUIRED); AMENDING SECTION 19-220 (VEHICLE
51 REQUIREMENTS); AMENDING SECTION 19-221 (VEHICLE DECAL
52 REQUIREMENTS); AMENDING SECTION 19-222 (IMPOUNDMENT);
53 AMENDING SECTION 19-223 (VEHICLE SAFETY AND APPEARANCE
54 REQUIREMENTS); DELETING SECTION 19-224 (NON-MEDICAL
55 WHEELCHAIR AND STRETCHER TRANSPORTATION COMPANIES
56 OPERATIONAL REQUIREMENTS); DELETING SECTION 19-225
57 (VEHICLE INSPECTIONS) AMENDING SECTION 19-226
58 (COMMERCIAL AUTOMOBILE LIABILITY INSURANCE);
59 AMENDING SECTION 19-227 (DRIVER REQUIREMENTS; FAILURE
60 TO COMPLY); DELETING SECTION 19-228 (FRAUDULENT
61 TRANSFER OF VEHICLE FOR HIRE COMPANY); AMENDING
62 SECTION 19-229 (REVOCATION, SUSPENSION AND DENIAL OF
63 PERMITS/I.D. BADGES; ADMINISTRATIVE APPEAL); AMENDING
64 SECTION 19-230 (ENFORCEMENT); AMENDING SECTION 19-231
65 (VIOLATIONS); AMENDING SECTION 19-235 (START-UP);
66 DELETING SECTION 19-238 (JURISDICTION); PROVIDING FOR
67 REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVING
68 CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR
69 INCLUSION IN THE CODE OF LAWS AND ORDINANCES;
70 PROVIDING FOR CAPTIONS; AND PROVIDING AN EFFECTIVE
71 DATE.
72

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

77 **WHEREAS**, the Board of County Commissioners of Palm Beach County finds
78 and declares that the public welfare and safety of the existing and future residents

79 requires the regulation and control of motor vehicles engaged in the transportation of
80 persons, within the streets of Palm Beach County, with the intent to receive
81 compensation; and

82 **WHEREAS**, Palm Beach County licenses and regulates ~~taxicab~~taxi, vehicles for
83 hire (defined hereinafter) ~~limousines, sedans, vans, minibuses, SUVs for hire, and non-~~
84 ~~medical transport vehicles for hire~~ that operate in Palm Beach County, Florida; and

85 **WHEREAS**, it is now necessary to ~~repeal and replace~~amend Chapter 19,
86 Article IX of the Palm Beach County Code to enhance the -regulatory framework for the
87 vehicle for hire industry including transportation network companies.

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

90 **Section. 19-211. - Short title; applicability.**

91 (a) This article shall be known as the "Palm Beach County Vehicle for Hire Ordinance."

92 (b) ~~Unless a municipal exemption applies; the provisions of this article shall be applicable to~~
93 ~~the incorporated and unincorporated areas of the county. Unless otherwise provided, nothing~~
94 ~~in this article shall be construed to relieve any person from compliance with any applicable~~
95 ~~county or municipal regulations.~~

96 ~~—~~ The provisions of this ordinance shall apply to the unincorporated area of Palm Beach
97 County, Florida and to all municipalities within Palm Beach County that elect to have the
98 provisions of this ordinance apply within their respective jurisdictions.

99 **Section. 19-212. - Authority.**

100 This article is adopted under the authority of F.S. ch. 125.

101 **Section 19-213. Definitions.**

102 Section 19-213 of Chapter 19, Article IX of the Palm Beach County Code shall be
103 ~~replaced~~amended ~~to read~~ as follows:

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

106 **Advertising.** The term "advertising" shall mean to advise, announce, give notice of, publish, or
107 call attention by use of oral, written, or graphic statements made in newspapers, telephone
108 directories or other publications or on radio or television, any electronic medium, or contained in
109 any notice, handbill, catalog, newsletter, poster, sign, flyer, business card or letter.

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

114 **Board.** The term "board" shall mean the Palm Beach County Board of County Commissioners.

115 **Business permit.** The term "business permit" shall mean the authority required by the provisions
116 of this article to be obtained by any individual or vehicle for hire company not subject to
117 reciprocity, to engage in vehicle for hire business in Palm Beach County.

118 **Compensation.** The term "compensation" shall mean a return in money, property, or anything of
119 value for the rendition of vehicle for hire service.

120 **Commercial business office.** The term "commercial business office" shall mean the primary
121 place of business where management and employees perform office work for a vehicle for hire
122 company, ~~and which shall meet the following requirements:~~

- 123 ~~(a) Properly zoned;~~
- 124 ~~(b) Customer/employee parking;~~
- 125 ~~(c) Sufficient commercial vehicle parking;~~
- 126 ~~(d) Sanitary facilities/restrooms;~~
- 127 ~~(e) Dedicated wired phone line with a unique/dedicated number;~~
- 128 ~~(f) Identifying signage; and~~
- 129 ~~(g) Central dispatch.~~

130 ~~The address of the commercial business office must match the address on the local business tax~~
131 ~~receipt.~~

132 ~~*County permit.* The term "county permit" shall mean the grant by Palm Beach County to operate~~
133 ~~one (1) vehicle for hire not subject to reciprocity, upon the streets of Palm Beach County.~~ *Digital*
134 *Platform.* Means any internet-enabled platform, program, or software, including a smartphone
135 or tablet application or website.

136 *Division or DCA.* The term "division" or "DCA" shall mean the Palm Beach County Division of
137 Consumer Affairs.

138 *Driver.* The term "driver" shall mean the individual who is driving or physically operating the
139 ~~taxicab~~taxi, limousine, shuttle, or other passenger vehicle for hire and includes the term
140 "chauffeur."

141 *Individual.* The term "individual" includes a natural person, partnership, corporation,
142 association, or any other legal entity.

143 ~~*Limousine.* The term "limousine" shall mean a chauffeur driven motor vehicle, modified for the~~
144 ~~purpose as a luxury stretch vehicle, regardless of length and which contains a fixed partition used~~
145 ~~to separate the driver and passenger seating areas. A limousine is prohibited from using a~~
146 ~~taximeter and toplight unless it is being used as a taxicab~~taxi.

147 ~~*Luxury sedan/SUV (sport utility vehicle).* The term "luxury sedan" or "luxury SUV" shall mean a~~
148 ~~classification of motor vehicles that are designated by the manufacturer as a full size sedan/SUV~~
149 ~~that has at least four (4) doors; and has a rated seating capacity of one (1) to eight (8) passengers~~
150 ~~which has not been altered from the original manufacturer's specifications with respect to~~
151 ~~wheelbase or seating capacity, and does not have a partition or other device used to separate the~~
152 ~~driver and passenger seating areas, and is recognized by the industry and the division of~~
153 ~~consumer affairs as a "luxury" vehicle, such as a Cadillac, Lincoln, Mercedes-Benz or other~~
154 ~~similar top of the line luxury sedans or SUVs.~~

155 ~~*Manifest.* The term "manifest" shall mean written or electronic/digital documentation prepared~~
156 ~~by the vehicle for hire business providing individual trip logs for each pickup/drop off of~~
157 ~~passengers that can be viewed upon request by authorized DCA personnel or law enforcement~~

158 ~~officers. The "manifest" shall be in the possession of the vehicle for hire driver and central~~
159 ~~dispatch and shall include the business name, business phone number, name of the passenger (if~~
160 ~~provided/known), pickup/drop-off address and dates/times involved.~~

161 *Non-medical, wheelchair and stretcher transportation* ~~service~~. The term "non-medical,
162 wheelchair and stretcher transportation ~~service~~" shall mean the transportation of persons while
163 on stretchers or wheelchairs, or persons whose handicap, illness, injury, or other incapacitation
164 makes it impractical to be transported by a regular common carrier such as a bus, ~~taxicab~~taxi, or
165 other vehicle for hire. Such persons do not need, nor are likely to need, any medical attention
166 during transport.

167 *Non-Taxi.* The term "non-taxi" shall mean any pre-arranged vehicle for hire, not equipped with a
168 taximeter. A non-taxi shall include but not be limited to sedans, luxury sedans, limousines, sport
169 utility vehicles (SUVs), ~~vehicles operated thru~~ transportation network companies, non-medical
170 wheelchair and stretcher transportation vehicles, shuttles, and vans. Such vehicles shall not
171 display the word "taxi," or "cab" on the vehicle exterior or interior. A non-taxi is prohibited from
172 using a taximeter and top-light unless it is being used as a taxi.

173 *Passenger.* The term "passenger" shall mean a person utilizing a vehicle for hire for the purpose
174 of being transported to a destination, or a person who is awaiting the arrival of a dispatched
175 vehicle for hire, and does not include the chauffeur.

176 *Prearranged.* ~~The term "prearranged" shall mean a written, e-mail, fax or telephone reservation~~
177 ~~made at least thirty (30) minutes in advance by the person requesting service from a vehicle for~~
178 ~~hire business. Such reservations shall be documented in written form by the business. The~~
179 ~~written documentation requested herein shall be made available immediately upon the request of~~
180 ~~authorized division personnel or law enforcement. The thirty-minute advance requirement does~~
181 ~~not apply to companies with authorized vehicle for hire contracts with Palm Beach International~~
182 ~~Airport and other businesses that provide vehicle for hire services by contract. The term~~
183 "prearranged" shall mean any reservation made in advance by the person requesting service from
184 any telephone, internet-enabled platform, program, or software, including a smartphone or tablet
185 application or website.

186 **Residential home office.** The term "residential home office" shall mean a residence located in
187 Palm Beach County from which a vehicle for hire business is operated. ~~The "residential home~~
188 ~~office" must be the primary residence of the vehicle for hire company's principal~~
189 ~~owner/president. The "residential home office" must be equipped with a separate wired telephone~~
190 ~~line and be approved by applicable zoning regulations. Proof of residency must be provided upon~~
191 ~~request (i.e., driver's license, tax receipt, bank account, utility bill, etc.).~~

192 ~~**Sedan.** The term "sedan" shall mean any pre-arranged vehicle for hire, not equipped with~~
193 ~~a taximeter, which is not a limousine, SUV, transport van/shuttle, non-medical wheelchair~~
194 ~~and stretcher transportation vehicle or taxi. Sedans shall include all other commercially~~
195 ~~manufactured passenger vehicles not already defined herein. Such vehicles shall not~~
196 ~~display the word "taxicab taxi," "taxi," or "cab" on the vehicle exterior or interior. A~~
197 ~~sedan is prohibited from using a taximeter and top light unless it is being used as a~~
198 ~~taxicab taxi. A sedan older than thirty (30) years must be fully restored and registered as an~~
199 ~~antique by the state pursuant to F.S. § 320.086(2) as may be amended.~~

200 ~~**Short-term vehicle decal placard.** The term "short-term vehicle placard" shall mean~~
201 ~~a specially prepared placard placed on the passenger side dashboard of a short-term rental~~
202 ~~vehicle for hire. All rental contracts must be 30 days or less.~~

203 ~~**SUV (sports utility vehicle).** The term "SUV" shall mean a type of passenger vehicle which~~
204 ~~combines the load-hauling and passenger-carrying capacity of a large station wagon or~~
205 ~~minivan. A SUV is prohibited from using a taximeter and toplight unless it is being used as~~
206 ~~a taxicab taxi.~~

207 ~~**Taxicab taxi.** The term "taxicab taxi" shall mean a motorized vehicle, equipped with a taximeter~~
208 ~~and top light, engaged in the transportation of passengers for compensation, and where the route~~
209 ~~or destination is ~~controlled~~ designated by the passenger.~~

210 ~~**Taximeter.** The term "taximeter" shall mean any device permanently and internally mounted in a~~
211 ~~taxicab taxi and which records and indicates a charge or fare measured by distance traveled,~~
212 ~~waiting time or other traditionally compensable activities of taxicab taxi service.~~

213 ~~**Top light.** The term "top light" shall mean a permanently installed roof mounted lighted device~~
214 ~~which shall be illuminated whenever the taximeter is on. The top light must be a minimum size~~

215 of ten (10) inches by four (4) inches, permanently mounted on the vehicle roof and display or
216 include the word "taxi" or "cab."

217 ~~*Transport van/shuttle.* The term "transport van/shuttle" shall mean a motor vehicle not equipped~~
218 ~~with a taximeter, with a seating capacity for at least four (4) passengers, exclusive of the driver,~~
219 ~~where there is no separation of the driver and passenger compartments and not modified from the~~
220 ~~manufacturer's specifications. A functioning seat belt must be available for each passenger. A~~
221 ~~transport van/shuttle is recognized by the industry as a mini van, van, mini coach, minibus, limo-~~
222 ~~bus or other similar vehicle, excluding those vehicles regulated by the State of Florida~~
223 ~~Department of Transportation (FDOT). A transport van/shuttle is prohibited from using a~~
224 ~~taximeter and top light unless it is being used as a taxicab~~taxi.

225 *Transportation Network Company (TNC).* The term "TNC" means an individual, partnership,
226 association, corporation, or other entity that uses a digital platform to connect passengers to
227 drivers who use a personal vehicle— to provide for-hire services, sometimes referred to as
228 ridesharing.

229 *Vehicle decal.* The term "vehicle decal" shall mean a decal placed upon any vehicle for hire
230 granted approval to provide vehicle for hire services by the ~~division~~ DCA.

231 *Vehicle for hire and/or vehicle for hire company.* The terms "vehicle for hire" and/or "vehicle
232 for hire company shall mean any individual, partnership, sole proprietor, association,
233 corporation, or other legal entity which holds business permits for or contracts with any
234 motorized, self-propelled vehicle(s) engaged in the transportation of persons upon the streets of
235 Palm Beach County who receive any compensation or salary for providing such transportation.
236 The term shall not be construed to exclude any person owning, controlling, operating, or
237 managing any type of motor vehicle used in the business of transportation of persons for
238 compensation. The term shall include, but not be limited to non-medical wheelchair and stretcher
239 transportation ~~services,~~ taxicabtaxis, non-taxis, ~~transport vans/shuttles,~~ sedans, SUVs,
240 limousines, ~~companies that refer to themselves as transportation network companies and/or~~
241 ridesharing companies, and the use of personal vehicle(s), regardless of who owns said personal
242 vehicle(s) engaged in the pre-arranged transportation of persons for compensation or suggested
243 donation, using any internet-enabled digital platform, program, or software including a

244 | smartphone or tablet application or website to connect passengers with drivers. The term shall
245 | not apply to vehicles, companies and organizations identified in section 19-214 of this Code.

246 | ~~Vehicle for hire driver's I.D. badge (ID badge).~~ The term "vehicle for hire ~~driver's I.D. driver's~~
247 | ID badge ("I.D. badge")" shall mean a permit authorizing the holder thereof to provide vehicle
248 | for hire services in a permitted vehicle ~~utilize the motor vehicle(s) described in said permit for~~
249 | ~~the transportation of passengers as authorized~~ pursuant to this article.

250 | ~~Vehicle for hire service standards. The term "vehicle for hire service standards" shall mean a~~
251 | ~~summary of "passenger" and "driver" expectations prominently displayed within every vehicle~~
252 | ~~for hire passenger compartment.~~

253 | **Section 219-214. Compliance with article required.**

254 | Section 19-214 of Chapter 19, Article IX of the Palm Beach County Code shall be
255 | ~~replaced~~amended to read as follows:

256 | (a) The operation of vehicles for hire within and upon the streets of the county shall be subject
257 | to the conditions, restrictions, and regulations set forth in this article. It shall be unlawful to
258 | operate any vehicle for hire within and upon such streets without first obtaining fulfilling,
259 | and maintaining compliance with, all requirements, a county vehicle for hire permit, vehicle
260 | decal(s), and driver's I.D. badge; however, this article shall not apply to the following:

261 | (1) Vehicles operated by a governmental agency; and nonprofit organization meeting the
262 | requirements of vehicles operated by of Section 501(c)(3), United States Revenue Code.

263 | (2) Vehicles tendering transportation services not for compensation;

264 | ~~(3) Vehicles owned and operated by hotels, motels and funeral homes which provide~~
265 | ~~transportation services for their guests only, for which the guest does not incur a~~
266 | ~~separate charge;~~

267 | (4) Discharge of a passenger pursuant to legal authority as referenced in section 19-217 of
268 | this article on reciprocity;

269 | ~~(5) Operation of motor vehicles for the transportation of passengers, not for compensation,~~
270 | ~~between the vicinity of their residences and the vicinity of their places of work, in an~~
271 | ~~arrangement commonly known as a "car pool" or "van pool";~~

272 (6) School buses and church buses;

273 ~~(7) Transportation services operated as a bona fide tour company by a seller of travel as~~
274 ~~defined in F.S. § 559.927, as amended;~~

275 ~~(8) Horse drawn carriages;~~

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

279 ~~(10) Nonprofit organization vehicles operated by Section 501(c)(3), United States Revenue~~
280 ~~Code.~~

281 (b) Compliance with the provisions of this article shall in no way relieve an individual vehicle
282 for hire company from compliance with all municipal, county, state and federal laws.

283 ~~(c) Vehicle for hire business permit holders and permitted drivers shall cooperate fully at all~~
284 ~~times with the division in furnishing information required in connection with requests for~~
285 ~~proof of licensure, insurance, vehicle registration, driver's I.D. badge, or during the process~~
286 ~~of applying for renewal and to renew a business permit, registration of vehicles and/or~~
287 ~~driver's I.D. badges, or investigations of consumer complaints, or. Further, vehicle for hire~~
288 ~~business permit holders and permitted drivers shall not obstruct, hamper or interfere with an~~
289 ~~investigation of alleged violations of this article conducted by division personnel, any law~~
290 ~~enforcement officer or employee of any other agency enforcing this article. At no time shall~~
291 ~~a vehicle for hire business permit holder or permitted driver use abusive language or display~~
292 ~~discourteous, hostile, aggressive or other inappropriate behavior toward passengers, other~~
293 ~~vehicle for hire drivers, vehicle for hire business owners or their representatives, division~~
294 ~~personnel, any law enforcement officers or any agency authorized to enforce this article.~~

295 ~~(d) A "vehicle for hire company" must notify the division in writing within thirty (30) days of~~
296 ~~the date that any of its drivers are convicted of a criminal offense (misdemeanor or felony~~
297 ~~crime), including all traffic offenses involving a driving under the influence charge, a~~
298 ~~controlled substance charge, or a driver license suspension/revocation charge.~~

299 (e) A "vehicle for hire company" shall be responsible for its drivers' compliance with all of the
300 regulations required by this article.

301 ~~d in advance the rate or prearranged price that will apply to the transportation service being~~
302 ~~provided the higher than specified or prearranged price~~

303 ~~(f) No vehicle for hire company or driver shall charge, demand, or request any fare other than~~
304 ~~the prearranged amount agreed upon for the transportation service or the amount shown on~~
305 ~~the taximeter, website, internet-enabled digital platform, smartphone, or tablet application.~~

306 ~~(d) It shall be unlawful for any non-taxi driver to solicit potential passengers or use any words or~~
307 ~~gestures that could be construed as soliciting a passenger for taxi service. All non-taxi~~
308 ~~service must be prearranged.~~

309 ~~(e) A driver shall not refuse to transport a person to a requested destination located within the~~
310 ~~corporate limits of the county.~~

311 ~~(f) Vehicle for hire drivers shall cooperate fully at all times with the Division DCA in the~~
312 ~~furnishing of information required in connection with requests for proof of driver's license,~~
313 ~~vehicle insurance and/or driver's I.D. driver's ID badge, during the process of applying to~~
314 ~~renew an driver's I.D. driver's ID badge, and during investigations of consumer complaints.~~
315 ~~Further, vehicle for hire drivers shall not obstruct, hamper or interfere with an investigation~~
316 ~~of violations of this article conducted by Division DCA personnel, any law enforcement~~
317 ~~officer or employee of any other agency enforcing this article. At no time shall a vehicle for~~
318 ~~hire driver use abusive language or display discourteous, hostile, aggressive or other~~
319 ~~inappropriate behavior toward passengers, other vehicle for hire drivers, vehicle for hire~~
320 ~~business owners or their representatives, Division DCA personnel, law enforcement officers~~
321 ~~or any agency authorized to enforce this article.~~

322 ~~(g) All vehicle for hire drivers who own or lease the vehicle(s) they drive, shall remove and~~
323 ~~surrender to the division DCA the vehicle decal and driver's I.D. driver's ID badge within~~
324 ~~ten (10) business days after he/she is no longer driving for that particular vehicle for hire~~
325 ~~business. Such owner/driver must also remove all vehicle signage and top lights within ten~~
326 ~~(10) business days after he/she is no longer driving for the vehicle for hire business.~~

327 ~~(gh) __ Any violation of this article is a civil infraction, and failure to comply with the~~
328 ~~provisions of this Ordinance may result in DCA denying business permits/decals or ID~~

329 badges, suspending or revoking the business permit/~~deals or~~ IDs badge, issuing a civil
330 citation, a misdemeanor conviction or other such remedies available to DCA herein.

331 **Section ~~319-215.~~ - Advertising.**

332 Section 19-215 of Chapter 19, Article IX of the Palm Beach County Code shall be
333 ~~replaced~~amended to read as follows:

334 (a) It shall be unlawful for any vehicle for hire company to advertise vehicle for hire services
335 ~~and/or transportation services~~ without obtaining first fulfilling and maintaining compliance as as
336 required in this article. valid vehicle for hire business permit and vehicle decal(s) pursuant to the
337 provisions of this article. Any advertisement of any vehicle for hire business shall clearly and
338 conspicuously disclose the name of the company, ~~physical address of the company~~, phone
339 number or other bona fide means of contacting the company and vehicle for hire business permit
340 number issued by the ~~division~~DCA. The permit number shall be preceded by "PBC VFH."

341 (b) All ~~taxieab~~taxi and non-medical wheelchair and stretcher transportation ~~service~~ vehicles
342 shall clearly display on the exterior of the driver and passenger side of the vehicle,
343 permanent vinyl or painted lettering at least four (4) inches high and in clearly visible bold
344 contrasting colors, the vehicle for hire company's name, telephone number and business
345 permit number. The permit number shall be preceded by "PBC VFH." Magnetic signage, of
346 any type, is not permitted.

347 (c) Every ~~taxieab~~taxi and non-medical wheelchair and stretcher transportation ~~service~~ vehicle
348 shall be assigned a unique/dedicated number by the vehicle for hire company. That number
349 must be permanently affixed to each vehicle by that company. The assigned number shall
350 exist for the life of the vehicle while it is owned/operated by that company and shall not be
351 reused for at least one year on any other vehicle. This number shall be reported to the DCA
352 as part of the annual permit requirements. The number shall be affixed to both rear quarter
353 panels (or roof posts) of an automobile or rear sides of other vehicles. The numbers must be
354 in clearly visible, boldly contrasting colors and shall be a minimum of four (4) inches in
355 height. Each business must assure that duplicate numbers are not assigned to vehicles.

356 (d) All ~~taxieab~~taxi shall conspicuously advertise their meter rates on the exterior of the vehicle
357 and the metered drop rate must match the advertised rate.

358 | (e) ~~Taxicab~~Taxis utilizing signage on roofs which prevent the required mounting of a top light
359 | shall be exempt from the top light requirement until the vehicle is replaced, required to be
360 | retired pursuant to this article or the word "taxi," or "cab" or "~~taxicab~~" (using at a minimum
361 | two-inch letters) is included on the signage and is able to be seen from the front and rear of
362 | the vehicle.

363 | (f) Vehicle for hire drivers/~~chauffeurs~~ meeting passengers at Palm Beach International Airport,
364 | or the Port of Palm Beach, may utilize a sign for the purposes of identifying a passenger or
365 | group of passengers. The sign utilized shall identify the name of the passenger or group
366 | being met and shall include the name of the vehicle for hire company, or the corporate client
367 | of the vehicle for hire company and "PBC VFH" permit number. In no event shall the name
368 | of the company be larger than one inch letters and in any event †The name of the company
369 | shall be smaller than the name of the passenger/group.

370 | (g) ~~—~~Advertising restrictions. No person shall advertise a vehicle for hire service in a manner
371 | that is false, misleading or deceptive. Notwithstanding paragraphs (a) through (f) above, the
372 | following requirements shall be strictly complied with by every vehicle for hire company
373 | and driver in any advertisement for each particular category of vehicle for hire:

374 | ~~(1) Taxicab or taxi. No taxicab vehicle for hire company shall advertise, or allow or cause to be~~
375 | ~~advertised, in any telephone directory, newspaper, brochure, bulletin, flyer, e-mail, on the~~
376 | ~~internet, radio or television commercial, or hotel leaflet, an advertisement or solicitation for~~
377 | ~~business which includes the word(s) "limousine," "limo," "luxury sedan or SUV," "luxury~~
378 | ~~limousine or limo," "shuttle service," "luxury passenger vehicle," "shuttle," or a form of~~
379 | ~~these words unless ordinance or exception requirements for multi-category vehicle for hire~~
380 | ~~companies are met.~~

381 | ~~(2) Sedan/SUV. No vehicle for hire sedan/SUV company shall advertise, or allow or cause to be~~
382 | ~~advertised, in any telephone directory, newspaper, brochure, bulletin, flyer, e-mail, on the~~
383 | ~~internet, radio or television commercial, or hotel leaflet, an advertisement or solicitation for~~
384 | ~~business which includes the word(s) "limousine," "limo," "taxicab," "cab," "shuttle," or any~~
385 | ~~form of the word(s) "luxury" or "custom/luxury" unless ordinance or exception requirements~~
386 | ~~for multi-category vehicle for hire companies are met.~~

387 ~~(3) Transport van/shuttle. No transport van/shuttle company shall advertise, or allow or cause to~~
388 ~~be advertised, in any telephone directory, newspaper, brochure, bulletin, flyer, e-mail, on the~~
389 ~~internet, radio or television commercial, or hotel leaflet, an advertisement or solicitation for~~
390 ~~business which includes the word(s) "taxi or taxicab," "limousine," "limo," "luxury sedan or~~
391 ~~SUV," "luxury limousine or limo," "luxury passenger vehicle," or an form of these words~~
392 ~~unless ordinance or exception requirements for multi category vehicle for hire companies~~
393 ~~are met.~~

394 ~~(4) Limousine. No limousine company shall advertise, or allow or cause to be advertised, in any~~
395 ~~telephone directory, newspaper, brochure, bulletin, flyer, e-mail, on the internet, radio or~~
396 ~~television commercial, or hotel leaflet, an advertisement or solicitation for business which~~
397 ~~includes the word(s) "taxi or taxicab."~~

398 ~~(5) Exception for multi category vehicle for hire companies. A Palm Beach County vehicle for~~
399 ~~hire company that has registered and has been issued vehicle permits and/or decals for~~
400 ~~multiple categories (i.e. Sedan Company with sedans, luxury sedans/SUV's and limos, taxi~~
401 ~~company with taxis, sedans and/or limos, etc) may use in one advertisement the terms for~~
402 ~~each particular category of the vehicle for hire business, however, consistent with~~
403 ~~restrictions in subsections (1)–(4).~~

404 **Sec. 19-216. ~~Reserved~~. Vehicle for hire operational requirements.**

405 (a) It shall be unlawful for any non taxi vehicle for hire driver to solicit potential passengers or
406 use any words or gestures that could be construed as soliciting a passenger for taxi service.
407 All non taxi service must be prearranged.

408 (b) A vehicle for hire driver shall not refuse to transport a person to a requested destination
409 located within the corporate limits of the county.

410 (c) Vehicle for hire drivers shall cooperate fully at all times with the DCA in the furnishing of
411 information required in connection with requests for proof of driver's license, vehicle
412 insurance and/or ID badge, during the process of applying to renew an ID badge, and during
413 investigations of consumer complaints. Further, vehicle for hire drivers shall not obstruct,
414 hamper or interfere with an investigation of violations of this article conducted by DCA

415 personnel, any law enforcement officer or employee of any other agency enforcing this
416 article.

417 (d) At no time shall a vehicle for hire driver use abusive language or display discourteous,
418 hostile, aggressive or other inappropriate behavior toward passengers, other vehicle for hire
419 drivers, vehicle for hire business owners or their representatives, DCA personnel, law
420 enforcement officers or any agency authorized to enforce this article.

421 (ed) All vehicle for hire drivers who own or lease the vehicle(s) they drive, shall remove and
422 surrender to the DCA the vehicle decal and ID badge within ten (10) business days after
423 he/she is no longer driving for that particular vehicle for hire business. Such owner/driver
424 must also remove all vehicle signage and top lights within ten (10) business days after
425 he/she is no longer driving for the vehicle for hire business.

426 (f) All vehicle for hire companies shall display or otherwise provide to customers in advance
427 the rate or prearranged price that will apply to the transportation service being provided, and
428 it shall be unlawful for the company or driver to charge, demand, request, or accept any fare
429 higher than the specified rate or prearranged price.

430 (g) No person maintaining, owning, or operating a vehicle for hire company shall permit any
431 person or employee to drive a vehicle for hire unless such person has a valid ID badge or
432 alternative ID.

433 (h) The business must also remove all vehicle signage and top lights within ten (10) business
434 days following the removal of a vehicle from service or termination of employment/contract
435 with the business.

436 (i) Beginning on June 1, 2016, all existing taxi companies licensed in Palm Beach County will
437 be required to accept as a method of payment for the fare (in addition to cash or other forms
438 of payment acceptable to the company), a bank debit card or credit card.

439
440 **Section 19-2174. Reciprocity.**

441 Section 19-217 of Chapter 19, Article IX of the Palm Beach County Code shall be
442 ~~replaced~~amended ~~to read~~ as follows:

443 ~~(a) **Out-of-county origin exception.** Nothing in this article shall prohibit discharge within the~~
444 ~~county of any passenger, lawfully picked up in another county and lawfully transported into~~
445 ~~the county from a county or municipality that has adopted a similar vehicle for hire~~
446 ~~regulatory ordinance, which meets or exceeds the requirements of this article and has been~~
447 ~~issued an operating permit by the county or municipality of origin.~~

448 ~~Any passenger lawfully picked up in another county, may be transported to, and discharged~~
449 ~~at one (1) or more locations within the county. Any passenger transported under this~~
450 ~~provision may be picked up at the drop-off location and transported back to the county of~~
451 ~~origin as long as the transportation is part of a continuous round trip fare. This transportation~~
452 ~~must be part of a prearranged fare (evidenced by a written manifest or load ticket) and the~~
453 ~~county or municipality (not in the county) where the passenger is picked up has adopted~~
454 ~~similar provisions in a vehicle for hire regulatory ordinance and issued an operating permit~~
455 ~~or vehicle for hire license to the business. Local business tax receipts do not meet the~~
456 ~~requirements of this section.~~

457 ~~(b) A vehicle for hire from another county or municipality (not in the county) may pick up a~~
458 ~~passenger at either Palm Beach International Airport or the Port of Palm Beach and transport~~
459 ~~said passenger directly to the vehicle for hire's county or municipality of origin as long as:~~

460 ~~(1) The county or other municipality has adopted a similar vehicle for hire regulatory ordinance,~~
461 ~~which meets or exceeds the requirements of this article;~~

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

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

465 ~~(4) The vehicle meets Palm Beach International Airport and the Port of Palm Beach vehicle for~~
466 ~~hire requirements; and~~

467 ~~(5) The vehicle has been issued an operating permit by the county or municipality of origin. A~~
468 ~~copy of the manifest or load ticket shall be in the possession of the driver at all times and~~
469 ~~shall be made available to enforcement personnel upon request.~~

470 Nothing in this article shall be construed to prohibit discharge within Palm Beach County of any
471 passenger lawfully picked up in another county and lawfully transported into Palm Beach

472 County. Notwithstanding any provision to the contrary, any passenger lawfully picked up in
473 another county, transported to, and discharged at any location within Palm Beach County, may
474 be picked up at the discharge location and returned to the county of origin as long as the
475 transportation is part of a pre-arranged trip. Proof of the pre-arranged transportation services
476 shall be made available to enforcement personnel upon request.

477
478 **Section 19-218. Section 5. Business permit application.**

479
480 Section 19-218 of Chapter 19, Article IX of the Palm Beach County Code shall be
481 ~~replaced~~amended ~~to read~~ as follows:

482 (a) A company not exempt pursuant to section 19-214, shall make application for a permit
483 shall be submitted on forms to be furnished by the DCA, and the applicant shall furnish
484 the following information with each application, which shall be sworn to before a notary
485 public or conform to minimum state law requirements for unsworn declarations:

486 (1) The name and ~~typeform~~ of business under which the service will be operated (If a
487 partnership or corporation, a copy of the partnership agreement or articles of
488 incorporation must be attached.);

489 (2) The name, phone number, mailing address, and street address (if different from the
490 mailing address) of the applicant's agent for service of legal process (which information
491 the applicant shall keep current);

492 ~~(a) An individual company not exempt pursuant to section 19-214 shall make application to the~~
493 ~~division for a business permit. It is a violation of this article to operate such companies~~
494 ~~without first securing a business permit from the division. A business permit shall be issued~~
495 ~~annually only after acceptance by the division DCA of the following:~~

496 ~~(1) Its legal, trade, corporate and/or fictitious name;~~

497 ~~(2) Its local or Florida business address (mail centers or P.O. box addresses are not~~
498 ~~acceptable);~~

499 ~~(3) List of all business principals (i.e., owner, officers, partners, etc.) names, addresses,~~
500 ~~dates of birth and Florida driver's license number. If applicable, the name and address of~~
501 ~~the registered agent shall be provided;~~

502 ~~(4) The year, make, model of manufacture, vehicle number (if applicable) and specific~~
503 ~~coloring scheme of each vehicle for hire for which a business permit is sought;~~

504 ~~(5) A clear and legible copy of each vehicle's State of Florida registration form;~~

505 ~~(7) The name and vehicle for hire driver's I.D. badge number;~~

506 ~~(85) Appropriate certificates, permits, local business tax receipts, (specifically for vehicle for~~
507 ~~hire) and other authorization issued by the county and any municipality if applicable;~~

508 ~~(9) The original signed copy of the vehicle inspection form for each vehicle being assigned~~
509 ~~a decal; and~~

510 (3) Prior to initiation of service, and on an ongoing basis during a service year, as part of
511 the application, a company shall advise the DCA as to how it will document and
512 identify drivers and vehicles in service.

513 ~~Prior to initiation of service, and on an ongoing basis during a service year, as part of the~~
514 ~~application, a company shall provide to DCA and maintain current records for all~~
515 ~~drivers and vehicles in service.~~

516 ~~(4) Payment of all business permit and vehicle ~~decal~~ fees in amounts set forth by~~
517 ~~resolution of the board.~~

518 ~~(b) No person maintaining, owning, or operating a vehicle for hire company shall suffer or~~
519 ~~permit any person or employee to drive a vehicle for hire unless such person has a valid~~
520 ~~vehicle for hire driver's I.D. driver's ID badge or alternative ID, issued pursuant to this~~
521 ~~article.~~

522 ~~(eb) Each business permit issued pursuant to this section shall be valid and effective for one (1)~~
523 ~~year, terminating on April 30 of each year., and all vehicle for hire business permits which~~
524 ~~are not renewed, shall automatically expire upon the expiration date as stated on the permit~~
525 ~~and the company shall cease all vehicle for hire services immediately.~~

526 (1) Failure to submit a business permit application and the required nonrefundable fee for
527 renewal by March 1 of each year will result in the assessment of a nonrefundable late
528 fee. The late fee shall be established by resolution of the board.

529 (2) Upon submission of a new business permit application and all required documents, the
530 [divisionDCA](#) shall provide the business with a receipt which shall constitute a
531 provisional business permit and shall be valid until the issuance or denial of the
532 business permit, whichever comes first.

533 (3) Businesses which fail to submit a complete application/renewal application within thirty
534 (30) calendar days after the business' receipt of the [divisionDCA](#)'s notice of an
535 incomplete application, shall be denied a business permit. ~~Within ten (10) business days~~
536 ~~of receipt of the divisionDCA's notice of denial, such businesses may refile a complete~~
537 ~~and corrected application and pay a nonrefundable re-filing fee established by~~
538 ~~resolution of the board. Failure to refile an application within this ten-day period, will~~
539 ~~result in the business being required to submit a new application and paying the~~
540 ~~nonrefundable business permit fee and vehicle decal fees.~~

541
542 (4) ~~The DCA may deny or revoke a business permit if it is determined that the applicant has~~
543 ~~misrepresented, omitted, concealed a fact on any application or submitted any~~
544 ~~fraudulent or false document.~~ If business permit is denied or revoked, said business
545 permit shall not be issued or reinstated for a period of one (1) year from the date of
546 denial or revocation.

547 ~~((5) No permit shall be valid for any taxi vehicle for hire company under any other name or~~
548 ~~at any place other than that designated in the permit.~~

549 ~~(65)~~ If the business transfers, sells, changes or modifies its name or ownership structure, the
550 business shall be required to notify the [divisionDCA](#) of consumer affairs within forty-
551 five (45) days of said change, and a new business permit application shall be submitted.
552 All business permit fees and administrative processing fees approved by the board by
553 resolution shall be assessed by the [divisionDCA](#). ~~If the transfer, sale, change or~~
554 ~~modification changes the ownership structure by more than fifty one (51) percent, it~~

555 ~~will be considered a new company, and new business requirements and fees established~~
556 ~~by the board by resolution shall apply. The adoption of a moratorium shall not preclude~~
557 ~~companies with existing business permits from the transfer, sale or change of ownership~~
558 ~~to a new business.~~

559 (cd) Any change in the information submitted pursuant to paragraph (a) above shall be provided
560 to the divisionDCA within twenty (20) calendar days of said change. Failure to provide such
561 notice may result in the suspension or revocation of the company's business permit.

562 ~~(e) All vehicle for hire business permits which are not renewed, shall automatically expire upon~~
563 ~~the expiration date as stated on the permit and the company shall cease all vehicle for hire~~
564 ~~services immediately.~~

565 ~~(f) All vehicle for hire business must maintain a written/electronic manifest or trip log for each~~
566 ~~pickup/drop off of any passenger. The manifest shall be in the possession of the vehicle for~~
567 ~~hire driver and business central dispatch and shall include but not be limited to, the business~~
568 ~~name, the name of the driver and the driver's I.D. driver's ID badge number, the county~~
569 ~~vehicle for hire permit number (VFH#), the decal number of the vehicle providing the~~
570 ~~service, the name, address and telephone number of the passenger, the date, time and~~
571 ~~location where the service begins and ends, and the total charges and method of payment for~~
572 ~~the service provided. In addition, each original manifest, invoice, or dispatch record shall be~~
573 ~~available for inspection and a copy provided upon demand by law enforcement officers, by~~
574 ~~personnel authorized by the divisionDCA to perform enforcement duties or to the passenger.~~

575 ~~(g-ed)~~ The DCA may deny or refuse to renew the business permit of any vehicle for hire
576 companybusiness based upon the determination that:

577 (1) Any director, officer, owner or general partner was associated with another vehicle for
578 hire business whose permit was denied or revoked.

579 (2) An individual/business, or any of its directors, officers, owners or general partners has
580 not satisfied a civil fine or penalty arising out of any administrative or enforcement
581 action brought by DCA;

582 (3) Any individual/business, or any of its directors, officers, owners or general partners has
583 had any unsatisfied civil penalties, judgments or administrative orders entered against it,

584 him or her in any action brought by the DCA, or any government agency, under the
585 requirements of this article or a similar ordinance;

586 (4) Any individual/business, or any of its directors, officers, owners or general partners has
587 failed to comply with the terms of a cease and desist order, notice to correct a violation,
588 written assurance of voluntary compliance, or any other lawful order of the director, the
589 DCA or the consumer affairs hearing board/special master;

590 ~~(hff) ——— Each vehicle for hire business operating in the county must secure a business
591 operating permit and maintain a commercial business office or residential home office in the
592 county and. Each vehicle for hire company must place the actual written permit issued by
593 the DCA in a location clearly visible to the public. There are only two (2) exceptions to
594 maintaining a commercial business office or residential home office in the county:~~

595 ~~(1) The vehicle for hire business may operate from Broward County, Miami Dade County or
596 any another Florida county/municipality where that jurisdiction licenses and regulates
597 vehicle for hire companies and that business and all vehicles are licensed/decals to operate
598 by that county/municipality and secures a vehicle for hire operating permit and vehicle
599 decals from the county.~~

600 ~~(2) The vehicle for hire business may operate from another county if no vehicle for hire license
601 regulations exists in the other county and that business secures a vehicle for hire operating
602 permit and decals from the county. Vehicle for hire companies with existing operating
603 permits and decals from the county shall be exempt from this subsection.~~

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

606 ~~(j) The company is required to notify the division DCA, in writing, immediately but no later
607 than ten (10) business days from the date that a driver is no longer insured by the vehicle for
608 hire company's commercial automobile liability insurer.~~

609 ~~(k_g) For vehicles owned by the business, it shall be the responsibility of the business to remove
610 and surrender to the division DCA all decals issued for vehicles which are no longer
611 operating for that business. The business must also remove all vehicle signage and top lights~~

612 ~~within ten (10) business days following the removal of a vehicle from service or termination~~
613 ~~of employment/contract with the business.~~

614 ~~(h)~~ Failure to comply with the provisions of this section may result in denial of a permit(s),
615 ~~r~~evocation or suspension of the permit(s), a denial of renewal of such permit(s), issuance of
616 a civil citation, ~~a misdemeanor conviction~~ or other such remedies available to the
617 ~~division~~DCA by law.

618 **Section 6. Business permit application. Non-taxi and transportation network companies.**

619 ~~Section 219 of Chapter 19, Article IX of the Palm Beach County Code shall be replaced read as~~
620 ~~follows:~~

621 ~~An application for a permit shall be submitted on forms to be furnished by Consumer Affairs,~~
622 ~~and the applicant shall furnish the following information with each application, which shall be~~
623 ~~sworn to before a notary public or conform to minimum state law requirements for unsworn~~
624 ~~declarations:~~

625 ~~(1) The name and form of business under which the service will be operated (If a~~
626 ~~partnership or corporation, a copy of the partnership agreement or articles of~~
627 ~~incorporation must be attached.);~~

628 ~~(2) The name, phone number, mailing address, and street address (if different from the~~
629 ~~mailing address) of the applicant's agent for service of legal process (which information~~
630 ~~the applicant shall keep current);~~

631 ~~(3) A schedule showing the model, manufacturer model year date, type, make, vehicle~~
632 ~~identification number, license plate number, and mileage of each motor vehicle, and a~~
633 ~~statement as to the legal ownership of each vehicle proposed to be initially placed into~~
634 ~~operation as a transportation network vehicle;~~

635 ~~(4) Proof of current coverage of insurance as required pursuant to this article.~~

636 **Section 19-2197. Records required.**

637 Section 19-2197 of Chapter 19, Article IX of the Palm Beach County Code shall be
638 ~~replaced~~amended ~~to read~~ as follows:

639 —Each vehicle for hire company shall maintain accurate and complete records, ~~relating to~~
640 ~~manifests, invoices (when used) and vehicle maintenance.~~ Such records shall be maintained for
641 at least three years. The ~~division~~DCA shall be granted access to these records for inspection
642 ~~and/or copying~~, during regular business hours, upon twenty-four (24) hours' prior notice ~~and to~~
643 ~~advance a compliance inquiry~~. In the event the ~~division~~DCA is denied the opportunity to inspect
644 ~~and copy~~ such records onsite, the ~~division~~DCA shall have the right to remove the records for the
645 purpose of copying and shall return any records removed within three (3) calendar days. If
646 necessary, the ~~division~~DCA is hereby authorized to obtain an inspection warrant as authorized by
647 law.

648 The DCA is authorized to conduct an audit of the records that a vehicle for hire company is
649 required to maintain under this article on a bi-annual basis for purposes of verifying the
650 company's compliance with this article. The audit shall occur at a vehicle for hire company's
651 place of business or a mutually agreed setting in the County.

652

653

654 **Section ~~819-220~~. Vehicle requirements.**

655 Section 19-220~~01~~ of Chapter 19, Article IX of the Palm Beach County Code shall be
656 ~~replaced~~~~amended~~ ~~amended to read~~ as follows:

657 **~~(a)~~ (a) Age requirements.** There shall be no age limitation for any vehicles, so long as the
658 vehicle complies with the inspection process referenced herein.

659 ~~(a) Any vehicle older than seven (7) years based on the registration of said vehicle or when the~~
660 ~~vehicle exceeds three hundred fifty thousand (350,000) miles, whichever is first, shall be~~
661 ~~required to pass a bi-annual inspection. The bi-annual inspections shall be pursuant to vehicle~~
662 ~~safety, appearance, operational and inspection requirements outlined in sections 19-223, 19-~~
663 ~~224, and 19-225 of this article.~~

664 **(b) ~~(b)~~ Fleet requirements.**

665 (1) All new ~~taxicab~~taxi companies submitting an application for a business permit pursuant
666 to section 19-218 ~~on or after June 1, 2013~~, shall have a minimum of seven (7) vehicles

667 in its fleet, and shall include at least one (1) handicap accessible vehicle. The rates for
668 handicap accessible vehicles shall not differ from the rates charged to non-disabled
669 passengers.

670 ~~(2) All new sedan/SUV companies submitting an application for a business permit pursuant~~
671 ~~to section 19-218 on or after June 1, 2013, shall have a minimum of seven (7) vehicles~~
672 ~~in its fleet.~~

673 ~~(3) All new van/shuttle companies submitting an application for a business permit pursuant~~
674 ~~to section 19-218 on or after June 1, 2013, shall have a minimum of seven (7) vehicles~~
675 ~~in its fleet, and shall include at least one (1) handicap accessible vehicle. The rates for~~
676 ~~handicap accessible vehicles shall not differ from the rates charged to non-disabled~~
677 ~~passengers.~~

678 ~~(4) All new limousine companies submitting an application for a business permit pursuant~~
679 ~~to section 19-218 on or after June 1, 2013, shall have a minimum of two (2) vehicles in~~
680 ~~its fleet.~~

681 ~~(5) All new non-medical wheelchair and stretcher transportation service companies~~
682 ~~submitting an application for a business permit pursuant to section 19-218 on or after~~
683 ~~June 1, 2013, shall have a minimum of two (2) vehicles in its fleet.~~

684 (6) All ~~taxicab~~taxi or van/shuttle companies with twenty (20) or more vehicles licensed by
685 the ~~division~~DCA prior to June 1, 2013, shall have at least one (1) handicap accessible
686 vehicle available ~~beginning on December 1, 2014~~. The rates for handicap accessible
687 vehicles shall not differ from the rates charged to non-disabled passengers.

688 (c) Taxicab**Taxis**.

689 (1) Each ~~taxicab~~taxi is required to maintain a top light as defined in section 19-213

690 ~~(2) Each taxicab business shall select and use a uniform, specific and consistent color and~~
691 ~~signage scheme for all taxicabs registered to the business. Each company shall submit to~~
692 ~~the division for approval, upon application, three (3) color photographs, not less than~~
693 ~~eight (8) inches by ten (10) inches size, showing the entire vehicle, driver's side~~
694 ~~(assuming passenger side is identical), front and rear of the vehicle which depicts the~~
695 ~~chosen color scheme, including signage per section 19-215 of this article. Each taxicab~~

696 | ~~shall operate under a trade name which is distinct from, and not substantially similar to,~~
697 | ~~any existing vehicle for hire company.~~

698 | ~~(3) No taxicab shall be permitted to operate unless it conforms to the business' selected~~
699 | ~~trade name, color and signage scheme as stated in subsection (c)(2) hereinabove.~~

700 | (42) No taxicabtaxi shall be permitted or operated unless it is equipped with a taximeter
701 | which accurately registers the rates and charges posted on the outside of the vehicle.
702 | TaxicabTaxis are required to use the taximeter to determine all fares. The taximeter
703 | must be plainly visible to allow easy viewing of the meter rate display by the passenger.

704 | (53) All taximeters shall be calibrated, at least once per year, tested and sealed pursuant to
705 | the most current addition of the National Institute of Standards and Technology (NIST)
706 | Handbook 44, at a registered taxi service agency, as authorized by the state department
707 | of agriculture and consumer services, bureau of weights and measures.

708 | (64) Each taxicabtaxi business company must present meter calibration records when
709 | applying for and/or renewing the vehicle for hire business permit. The calibration
710 | record must show at a minimum, the date of calibration, and the name, address and
711 | phone number of the registered taxi service agency performing the calibration.

712 | (75) All taximeters must have a lead seal and current inspection decal affixed to the
713 | taximeter, by a registered taxi service agency. The business is responsible for assuring
714 | compliance with this paragraph.

715 | (86) If either the lead seal or inspection decal is missing or broken on the taximeter, the
716 | vehicle for hire business taxi company must immediately take the vehicle out of service.
717 | The taximeter must be recalibrated by a registered taxi service agency, and a new lead
718 | seal and inspection decal must be affixed to the taximeter prior to the taxicabtaxi being
719 | placed back into service.

720 | (97) ~~Beginning on June 1, 2013, a~~All new taxicabtaxi companies licensed in Palm Beach
721 | County will be required to accept as a method of payment for the fare (in addition to
722 | cash or other forms of payment acceptable to the company), a bank debit card or credit
723 | card, ~~including, but not limited to, Mastercard, Visa, and Discover, without additional~~
724 | ~~charge or premium.~~

725 ~~(d) Failure to comply with the provisions of this section may result in the division denying the~~
726 ~~permit(s)/decal, revoking or suspending the permit(s)/decal, denying a renewal of such~~
727 ~~permits/decal, issuing a civil citation, a misdemeanor conviction or other such remedies~~
728 ~~available to the division.~~

729 **Section 19-2219. Vehicle ~~decal~~identification requirements.**

730 Section 19-221~~21~~ 21 of Chapter 19, Article IX of the Palm Beach County Code shall be
731 ~~replaced~~amended to read as follows:

732 (a) ~~A vehicle for hire company not exempt pursuant to section 19-214 of this article shall~~
733 ~~make application to the division for a vehicle decal for each vehicle for hire. Each~~
734 ~~vehicle for hire shall be issued a vehicle decal upon fulfilling all the following~~
735 ~~requirements: Each vehicle for hire shall display a PBC decal, PBC decal with Palm~~
736 ~~Beach County International Airport (PBIA) authorization, or ~~identification such as~~~~
737 ~~trade dress while proceeding to or ~~delivering~~delivering service in accordance with this~~
738 ~~Ordinance; that readily allows identification of the company for which service is being~~
739 ~~offered.~~

740 ~~(1) Verification of the application submitted pursuant to this article;~~

741 ~~(2) Certification evidencing compliance with the insurance requirements of section 19-226 of~~
742 ~~this article;~~

743 ~~(3) Receipt of appropriate documentation or a sworn statement that the vehicle(s) for which~~
744 ~~the vehicle decal is sought meets the minimum vehicle safety and signage requirements of~~
745 ~~sections 19-215, 19-220, 19-221 and 19-223 of this article; and~~

746 ~~(4) Payment to the division of the vehicle decal fee in an amount set forth by resolution of~~
747 ~~the board.~~

748 ~~(b) Each vehicle decal issued pursuant to this section shall be valid and effective for one (1)~~
749 ~~year, terminating on April 30 of each year. It shall be a violation of this Ordinance to display~~
750 ~~such identification if the driver or vehicle for hire are not properly permitted or authorized to~~
751 ~~provide service in accordance with this Ordinance.~~

752 ~~_(c) Upon issuance of a vehicle decal, such decal shall be properly affixed to the vehicle utilizing~~
753 ~~the adhesive provided on the decal. Said decal shall be placed on the passenger side, lower~~
754 ~~corner inside windshield and shall be clearly visible. Once affixed, the decal may not be~~
755 ~~removed except for reasons described in paragraph (g) below. The vehicle decal remains the~~
756 ~~property of the county and shall be used only under the authority of the division. It shall be a~~
757 ~~violation of this article to fail to properly affix the decal to the vehicle windshield~~
758 ~~immediately upon receipt. Designated division personnel shall have the authority to~~
759 ~~confiscate decals not properly affixed to the vehicle windshield.~~

760 ~~_(d) A vehicle decal may be renewed upon application to the division evidencing continued~~
761 ~~compliance with the provisions of this article, and payment of the renewal fee in an amount~~
762 ~~set forth by resolution of the board.~~

763 ~~_(e) If the short term use of a rental vehicle by a vehicle for hire company is necessary, a short-~~
764 ~~term thirty day vehicle placard shall be issued upon application to the division. The vehicle~~
765 ~~for hire company shall show proof that all temporary use vehicles meet the minimum~~
766 ~~insurance requirements of this article and provide a copy of the rental agreement. The short-~~
767 ~~term placard must be placed on the passenger's side dashboard of a rented vehicle for hire.~~
768 ~~The placard shall at a minimum include the name of the company, date of issuance and date~~
769 ~~of expiration. If a vehicle is rented for more than thirty (30) days, the vehicle for hire~~
770 ~~company must secure a new placard. The fee for a short term vehicle placard shall be~~
771 ~~established by resolution of the board. All short term use vehicles must meet all~~
772 ~~requirements of this article. Temporary use placards are not permitted for taxicabs.~~

773 ~~_(f) No vehicle decal may be duplicated in any manner.~~

774 ~~_(g) No vehicle decal may be sold, assigned or otherwise transferred. If a vehicle's windshield is~~
775 ~~damaged beyond repair or a vehicle is destroyed or sold, the vehicle for hire company must~~
776 ~~remove said vehicle decal (if in existence) and surrender the remains to the division within~~
777 ~~ten (10) business days of the occurrence.~~

778 ~~_(h) The fee for replacing decals for vehicles currently registered with the DCA shall be~~
779 ~~established by resolution of the board. Such fees are applicable to vehicles which have~~

780 ~~sustained windshield damage or decal theft (as evidenced by dated repair receipt or police~~
781 ~~report).~~

782 ~~(i) Each vehicle for hire shall conspicuously display in the passenger compartment a *Vehicle for*~~
783 ~~*Hire Service Standards* decal, supplied by the division.~~

784 ~~Palm Beach County~~

785 ~~Vehicle for Hire Service Standards~~

786 ~~***Passenger Expectations:***~~

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

799 ~~***Driver Expectations:***~~

- 800 ~~• To be paid for services provided and requested~~
- 801 ~~• No illegal activities in vehicles~~
- 802 ~~• Personal safety~~
- 803 ~~• To maintain a safe environment~~
- 804 ~~• Non smoking passenger(s)~~

805 ~~If you have an unresolved problem with the driver or company contact:~~

806 ~~Palm Beach County Consumer Affairs~~

807 ~~West Palm Beach 561-712-6600~~

808 ~~Boca/Glades 888-852-7362~~

809 ~~www.pbegov.com/consumer~~

810 ~~As an alternative for sedans and limousines, vehicle for hire companies may opt to provide a~~
811 ~~copy of the vehicle for hire standards on a minimum eight and one half (8½) inches by five and~~
812 ~~one half (5½) inches sheet of paper (with minimum ten point type font) to passengers at any~~
813 ~~time, but no later than the trip termination or when the customer is invoiced. It shall be a~~
814 ~~violation of this article for the vehicle for hire company or the driver to fail to adhere to the~~
815 ~~vehicle for hire service standards.~~

816 ~~(j) It shall be unlawful to operate any vehicle for hire within and upon the streets and roads of~~
817 ~~the county without first obtaining the required vehicle decal(s) and affixing it to the~~
818 ~~windshield of each vehicle. Failure to secure the required decal or affixing it to each vehicle~~
819 ~~as required by this article may result in the permit being denied, suspended or revoked.~~

820 ~~(k) Failure to comply with the provisions of this section may result in the division denying the~~
821 ~~permit(s)/decal(s), revoking or suspending the permit(s)/decal(s), denying the renewal of~~
822 ~~such permit(s)/decal(s), issuing a civil citation, a misdemeanor conviction or other such~~
823 ~~remedies available to the division.~~

824 **Section ~~10~~19-222. Impoundment.**

825 Section 19-222~~32~~32 of Chapter 19, Article IX of the Palm Beach County Code shall be
826 ~~replaced~~amended to read as follows:

827 (a) Designated DCA employees or law enforcement officers are authorized to seize and
828 impound any vehicle for hire which such employee or officer has probable cause to believe
829 is being operated without a valid business permit issued by the ~~division~~DCA or liability
830 commercial liability insurance pursuant to ~~as required by state law and in violation of~~ this
831 article.

832 (b) Any licensed driver and/or vehicle for hire business that has been suspended for failure to
833 meet the required ~~commercial~~-liability insurance requirements pursuant to this article shall
834 have its vehicle impounded and its business permit or authority revoked. If revoked, said
835 business permit or authority shall not be issued or reinstated for a period of one (1) year
836 from the date of revocation, and all new business permit application requirements or
837 authorization shall apply.

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

- 840 (1) The grounds for impoundment,
- 841 (2) The description of the vehicle impounded,
- 842 (3) The location of the secured facility where the vehicle will be held,
- 843 (4) The process for having the vehicle released, and
- 844 (5) The circumstances under which the vehicle will be disposed/sold if the owner fails to
845 meet the requirements of this section and fails to claim the vehicle pursuant to F.S. §
846 713.78, as may be amended.

847 If the owner of the vehicle is not present at the time of impoundment, within twenty-four (24)
848 hours the ~~division~~DCA will make a good faith effort to give a notice of seizure in writing to said
849 vehicle owner and lien holder, ~~of the fact of such seizure, the grounds for seizure, identification~~
850 ~~of the seized vehicle and information concerning these regulations and the designated secured~~
851 ~~facility to which the vehicle was or will be taken.~~ A copy of said notice of seizure shall also be
852 given to the towing company which impounds the vehicle.

853 Whenever ~~an officer or designated employee seizes~~ a vehicle is seized under this section, and
854 ~~does not know and is not able to ascertain the name of the owner, or~~ for any ~~other~~ reason ~~is~~
855 ~~unable to give the~~ notice cannot be given to the owner as hereinabove provided, then ~~the officer~~
856 ~~or designated employee shall immediately send or cause to be sent~~ a written report of such
857 impoundment shall be promptly be sent by mail to the appropriate law enforcement agency.

858 (d) The ~~division~~DCA shall obtain the assistance of either the county sheriff's office or the
859 specific police agency in the municipality where the vehicle is to be towed to coordinate the

860 impoundment of the vehicle with an authorized towing company either on rotation by the
861 law enforcement agency or under contract with the ~~division~~DCA.

862 ~~(e) The vehicle shall not be released to the vehicle owner by the towing company until~~
863 ~~authorization has been given by the DCA. The owner must show proof that all judgments~~
864 ~~from outstanding citations and administrative actions that relate to the failure to have~~
865 ~~commercial liability insurance have been paid or proof is shown that a court hearing has~~
866 ~~been scheduled to consider said outstanding citations. Further, the vehicle owner must make~~
867 ~~arrangements through the company's commercial insurance agent/company to show proof to~~
868 ~~the DCA that the vehicle has the required insurance or provides a notarized affidavit that the~~
869 ~~vehicle will no longer be used as a vehicle for hire, returns the vehicle for hire decal and~~
870 ~~shows proof of insurance as required by the state.~~

871 ~~(fe) After meeting the requirements in subsection (e) above, the registered owner of the~~
872 ~~impounded vehicle may request that the impounded vehicle be released, by delivering a written~~
873 ~~request in person to the DCA, Monday through Friday, between 8:00 a.m. and 4:00 p.m.,~~
874 ~~excluding holidays. The DCA will then issue an authorization to the vehicle owner for the~~
875 ~~towing company to release the vehicle. The vehicle owner is responsible for the payment of all~~
876 ~~towing and storage charges incurred by the impoundment prior to said release.~~

877 ~~(gfe) The owner and/or lien holder of the vehicle may appeal the decision of the~~
878 ~~division~~DCA to impound a vehicle, ~~and facilitate its release by:~~

879 ~~(1) Complying with the requirements in subsections (e) and (f) above; or~~

880 ~~(2) Initiating the appeal and waiting for the decision of the hearing board/special master with~~
881 ~~the understanding that if the appeal is not successful, additional daily vehicle storage fees~~
882 ~~shall be assessed by the towing company for which the owner shall be required to pay prior~~
883 ~~to release of the vehicle.~~

884 ~~(hgf) **Appeal process.** If the vehicle owner disputes the grounds for the vehicle impoundment,~~
885 ~~he or she may appeal to the consumer affairs hearing board/special master. The owner of an~~
886 ~~impounded vehicle shall make a request in writing to the division~~DCA for a hearing within
887 ~~five-ten (510) business days of the vehicle being impounded and pay the non-refundable~~
888 ~~appeal fee established by resolution of the board. The division~~DCA shall arrange for the

889 | hearing within ~~ten-sixty~~ (460) business days or as soon as practicable, after receiving the
890 | written request. All interested persons shall be given reasonable opportunity to be heard at
891 | the hearing. The formal rules of evidence shall not apply at the hearing, and hearsay
892 | evidence shall be admissible. After considering all evidence presented, the hearing
893 | board/special master shall upon clear and convincing evidence, either uphold the decision of
894 | the ~~division~~DCA to impound the vehicle or determine there was insufficient cause for
895 | impoundment. If the hearing board/special master determines there was insufficient cause
896 | for the impoundment;

897 | ~~(1) The towing fees will be returned to the owner by the ~~division~~DCA; or~~

898 | ~~(2) The vehicle shall be returned to the owner without any fees being assessed. In such cases,~~
899 | ~~the division shall be responsible for paying the towing company for all charges and fees~~
900 | ~~incurred.~~

901 | ~~(i) If the division's decision to impound is upheld, the hearing board/special master shall order~~
902 | ~~the continued impoundment of the vehicle unless the owner posts a cash bond in the amount~~
903 | ~~of the maximum fines, towing and storage fees or does not admit to the violation but pays~~
904 | ~~the towing and storage fees and any fines.~~

905 | ~~(j)g~~ Default hearing. If the owner of the impounded vehicle fails to appear for the appeals
906 | hearing specified above, the hearing board/special master shall make a determination
907 | pursuant to this section. The ~~division~~DCA shall inform the owner of the default
908 | determination by certified mail, return receipt requested or by personal delivery. The order
909 | of the hearing board/special master shall include the provisions of this section.

910 | ~~(k) Vehicles not claimed as required by this section will be considered abandoned ten (10) days~~
911 | ~~after impoundment or ten (10) days after service of the order of the hearing board/special~~
912 | ~~master. The towing company which has possession of the vehicle is then authorized to~~
913 | ~~dispose of the vehicle in accordance with F.S. § 713.78, as may be amended.~~

914 | **Section 1119-223. Vehicle safety, ~~and~~ appearance, operational and inspection**
915 | **requirements. Taxi, non-taxi, and non-medical wheelchair and stretcher**
916 | **transportation companies.**

917 Section 19-22~~33~~³⁴ of Chapter 19, Article IX of the Palm Beach County Code shall be
918 ~~replaced~~^{amended} to read as follows:

919 ~~All vehicle for hire companies shall display or otherwise provide to customers in advance the~~
920 ~~rate or prearranged price that will apply to the transportation service being provided, and it shall~~
921 ~~be unlawful for the company or driver to charge, demand, request, or accept any fare higher than~~
922 ~~the specified rate or prearranged price.~~

923 Prior to the use and operation of any vehicle for hire under the provisions of this article, all
924 vehicles shall be inspected annually, but not more than one year~~60 days~~ before the application
925 for a business permit is submitted to DCA or before the driver seeks authorization from the
926 vehicle for hire company to operate pursuant to this article. The transportation of children shall
927 be in accordance with F.S. § 316.613, as may be amended, and those vehicles and operations,
928 which are subject to the Americans with Disabilities Act (ADA) shall comply with the applicable
929 provisions of said act. Additionally, each vehicle shall meet the following requirements:

930 **(a) Mechanical/safety inspections.**

931 A mechanical vehicle inspection must be completed on all vehicles for hire. This inspection
932 shall be completed by an ASE Certified mechanic certified by the National Institute for
933 Automotive Service Excellence (ASE) who at a minimum has passed the requirements for
934 suspension/steering and/or brakes. The mechanical inspection becomes an annual requirement
935 each year thereafter in order for the vehicle to be allowed to operate as a vehicle for hire. The
936 ASE certified automobile technician/master automobile technician performing the inspection
937 must utilize a three (3) part inspection form supplied by DCA. The inspection form must show
938 that the vehicle passed all of the requirements as specified, and the technician must provide
939 his/her ASE certification number, the expiration date of his/her certification, the name and
940 license number of the state licensed motor vehicle repair facility, where the inspection was
941 performed, and his/her signature as verification that all information provided is true and correct.
942 ghThis information must be recorded on the inspection form for each vehicle inspected, and
943 companies shall keep proof of their vehicle inspection with them at all times in their vehicle
944 and produce a copy of same upon request by -County during an investigation.

945

946 Upon such inspection, if it is found that the vehicle for hire operating under this article does not
947 meet the requirements established herein, the driver shall receive a copy of the deficiencies, and
948 order the vehicle to be removed from service until such time as the vehicle has been made to
949 comply with the requirements specified herein. It is the responsibility of the vehicle owner to
950 make necessary repairs or corrections before the vehicle is re-inspected and returned to service.

951 (b) **Visual Inspection requirements.** Taxis and non-medical wheelchair and stretcher
952 transportation vehicles.

953 (1) All taxi and non-medical wheelchair and stretcher transportation vehicles shall be
954 visually inspected when first placed into service, and annually by DCA. DCA personnel
955 shall use a standard two part DCA Vehicle for Hire Visual Inspection form/check list
956 while performing the inspection. This visual inspection covers various physical items
957 including, but not limited to, lettering, top light, taximeter decal and seal, meter rates
958 posted, seat belts, tires, lights, signals, interior condition, vehicle equipment, safety
959 equipment, radio and/or cell phone, spare, tire changing equipment, etc. for taxis. The
960 visual inspection form/checklist also includes the wheelchair and stretcher design
961 requirements specified herein for non-medical transportation vehicles. Upon such
962 inspection, if it is found that the taxi or non-medical wheelchair and stretcher
963 transportation vehicles operating under this article do not meet the requirements
964 established herein, the driver shall receive a copy of the deficiencies, and order the
965 vehicle to be removed from service. It is the responsibility of the taxi or non-medical
966 wheelchair and stretcher transportation vehicle owner to comply with the requirements
967 specified herein.

968 (2) The inspection of vehicles shall take place during a designated period of time and at a
969 location designated by the DCA. It is the responsibility of the vehicle for hire taxi or
970 non-medical wheelchair and stretcher transportation company to make vehicles
971 available during the designated period of time and at the designated location.

972 (3) The DCA will provide written notification (fax or electronic notification acceptable) to
973 the taxi or non-medical wheelchair and stretcher transportation company of the time and
974 location where inspections will be conducted.

975 ~~—(4) If the business fails to appear for inspection, during the designated inspection period~~
976 ~~established by the DCA, a rescheduling fee must be paid to the DCA prior to~~
977 ~~rescheduling. The non-refundable rescheduling fee shall be established by resolution of~~
978 ~~the board. Failure to reschedule within five (5) business days shall be a violation of this~~
979 ~~article and may result in the denial/revocation of the permit. If a taxi or non-medical~~
980 ~~wheelchair and stretcher transportation company cancels or fails to present the vehicle(s)~~
981 ~~for the re-scheduled inspection, the company shall pay a fee that is established by~~
982 ~~resolution of the board.~~

983 (5) Vehicles acquired by a taxi or non-medical wheelchair and stretcher transportation
984 company after submitting the annual business permit application cannot be substituted for
985 vehicles previously scheduled for inspection, unless the taxi or non-medical wheelchair
986 and stretcher transportation company provides all required vehicle documentation at least
987 ten (10) business days before the designated inspection time established by the DCA.

988 (6) If a taxi or non-medical wheelchair and stretcher transportation vehicle fails inspection
989 and a reinspection is required, then the failed vehicle(s) are to be brought to the DCA's
990 designated reinspection site within five (5) business days by appointment. If the vehicle is
991 not reinspected within five (5) business days, then a failed vehicle reinspection fee as
992 established by resolution of the board shall be paid to the DCA.

993 (7) Taxi or non-medical wheelchair and stretcher transportation vehicles that have failed an
994 inspection shall be red-tagged by the DCA. A red-tag "out of service" decal will be
995 applied to the vehicle by a DCA employee and the vehicle shall not be used for any taxi
996 or non-medical wheelchair and stretcher transportation company purposes until such time
997 as the vehicle is brought to the DCA, inspected and approved for operation. Only DCA
998 employees may remove the red-tag decal.

999 ~~(a) The windshield and all side and rear windows shall provide clear visibility and operate~~
1000 ~~according to the manufacturer's specifications. The windshield and all windows shall~~
1001 ~~possess no breakage, cracks or pits that impair visibility or hinder the safety of passengers.~~
1002 ~~All window cranks/power window switches shall be complete, intact and functioning.~~
1003 ~~Windows on vehicles for hire shall not be covered by, or treated with a material which~~

1004 ~~would cause the vehicle to be in violation of F.S. §§ 316.2951—316.2956, as may be~~
1005 ~~amended.~~

1006 ~~(b) All standard manufacturer's interior equipment shall be complete, intact and functioning;~~
1007 ~~including, but not limited to interior lights, dashboard, trim, gear shifts and head rests.~~
1008 ~~Vehicle interiors must not contain loose objects and must be clean, sanitary, and free of~~
1009 ~~broken seats/protruding sharp edges or torn or damaged upholstery, headliner, or floor~~
1010 ~~coverings. The vehicle's interior must be free of offensive odors. The floor board shall be~~
1011 ~~free of rust and holes. Trunks and luggage compartments must must be kept clean and free~~
1012 ~~of debris.~~

1013 ~~(c) All doors must have operating handles, which allow opening from both the inside and~~
1014 ~~outside, and door hinges and latches must function properly. Door locks must be operable by~~
1015 ~~passengers at all times. Door seals and gaskets must be intact/operating and prevent water,~~
1016 ~~odor and fumes from entering the vehicle from outside. All door panels must be intact to~~
1017 ~~prevent accidental injuries on door and window mechanisms.~~

1018 ~~(d) Seat belts shall be available for all passengers (according to manufacturer's specifications~~
1019 ~~and state law). Seat belts shall be in operating condition, easily accessible, clean and free of~~
1020 ~~grease and other objectionable substances.~~

1021 ~~(e) All vehicles shall be equipped with a fully functioning heating and air conditioning system~~
1022 ~~which controls the temperature of the inside of the vehicle between 68 and 78 degrees~~
1023 ~~Fahrenheit. The vehicle shall be equipped with a fully functioning windshield defrost or~~
1024 ~~defogging system.~~

1025 ~~(f) All vehicles shall be equipped with a light capable of illuminating the interior of the vehicle,~~
1026 ~~controlled by the operation of the doors, or manually controlled by the driver.~~

1027 ~~(g) The transportation of children shall be in accordance with F.S. § 316.613, as may be~~
1028 ~~amended.~~

1029 ~~(h) Those vehicles and operations, which are subject to the Americans with Disabilities Act~~
1030 ~~(ADA), shall comply with the applicable provisions of said act.~~

- 1031 ~~(i) The vehicle's body, fenders, doors, trim, grill and paint must be free from cracks, breaks,~~
1032 ~~rust, and body damage that detracts from the overall appearance of the vehicle or could~~
1033 ~~result in harm or injury to the passenger or his/her personal belongings.~~
- 1034 ~~(j) The vehicle must be equipped with safe tires of the same size. No recaps shall be used.~~
1035 ~~Maximum allowable tread wear shall be where tread is level with the wear bar, or two-~~
1036 ~~thirty seconds (2/32 inch when measured at three (3) random places in the tire tread. The~~
1037 ~~tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges, or~~
1038 ~~exposed belts.~~
- 1039 ~~(k) Windshield wipers must be operational according to the manufacturer's specifications.~~
1040 ~~Wiper blades shall be in such a condition as to make firm contact with the windshield when~~
1041 ~~operational, and shall not be torn or worn.~~
- 1042 ~~(l) Reflectors and lenses shall not be cracked or missing and must be the correct color and~~
1043 ~~properly positioned.~~
- 1044 ~~(m) Low and high beam headlights, turn signals, brake, tail and reverse lights shall be operable~~
1045 ~~as required by state law. Each vehicle shall have a white light on the vehicle to illuminate~~
1046 ~~the rear license plate so that it is clearly visible.~~
- 1047 ~~(n) Steering mechanisms shall not be worn or jammed, nor shall there be more than two (2)~~
1048 ~~inches play to the left or right of center, measured at the steering wheel rim with the front~~
1049 ~~wheels in a straight-ahead position. Power steering units shall not have visible signs of fluid~~
1050 ~~leakage.~~
- 1051 ~~(o) The vehicle suspension shall function as designed by the manufacturer.~~
- 1052 ~~(p) The vehicle shall be equipped with an operating horn with the actuating button mounted in~~
1053 ~~the location designated by the vehicle manufacturer and operated in the manner designed~~
1054 ~~and assembled by the vehicle manufacturer.~~
- 1055 ~~(q) Each vehicle shall contain an operating parking brake and a primary brake system which~~
1056 ~~acts on all four (4) vehicle wheels. There shall be no visible leaks in the brake line, hoses,~~
1057 ~~wheel cylinders or any part of the brake system and no frayed cables. Brake linings and/or~~
1058 ~~disc pads, when measured at the thinnest point shall not be less than one sixteenth (1/16) of~~
1059 ~~an inch and firmly attached to the brake shoe or disc. Disc brake rotors and brake drums~~

1060 shall be of a size and type appropriate for the vehicle, with no cracks or other damage which
1061 change or impair the functional surface. All primary brake systems shall demonstrate a
1062 reasonable total braking force when conducting a rolling stop.

1063 ~~(r) There shall be no leakage of exhaust gas from the exhaust manifold, muffler or any other~~
1064 ~~point in the exhaust system as determined through a visual and audible inspection. The tail~~
1065 ~~pipe shall discharge exhaust from the rear of the vehicle according to manufacturer~~
1066 ~~specifications.~~

1067 ~~(s) Belts shall show no signs of excessive wear and be free of cracks and frays. Hoses shall be~~
1068 ~~firm and in good condition, free of leaks and cracks.~~

1069 ~~(t) All fluid levels shall be maintained according to manufacturer's specifications.~~

1070 ~~(u) Vehicles are required to have manufacturer specified spare tires and tire changing~~
1071 ~~equipment, unless all wheels are equipped with a "run flat tire" system.~~

1072 ~~(v) Vehicles must be equipped with functioning speedometer and odometer.~~

1073 ~~(w) Vehicles must receive routine maintenance according to the manufacturer's~~
1074 ~~recommendations pertaining to service intervals. A record of such routine maintenance must~~
1075 ~~be maintained and is subject to inspection by the division.~~

1076 ~~(xw) Businesses must assure that each vehicle or driver has a means of communicating to a~~
1077 ~~central dispatch or to emergency agencies with a two-way radio and/or cellular mobile~~
1078 ~~telephone.~~

1079 ~~(y) Failure to comply with the provisions of this section and applicable sections of F.S. ch. 316,~~
1080 ~~as may be amended, may result in denial of a permit(s), revocation or suspension of the~~
1081 ~~permit(s), a denial of renewal of such permits, issuance of a civil citation, a misdemeanor~~
1082 ~~conviction or other such remedies available to the division by law.~~

1083 ~~**Section 12. Non-medical wheelchair and stretcher transportation service companies**~~
1084 ~~**operational requirements.**~~

1085 ~~Section 19-224 (c) of Chapter 19, Article IX of the Palm Beach County Code shall be replaced to~~
1086 ~~read as follows:~~

- 1087 ~~(a) Non permitted transportation. It shall be unlawful to provide the following types of~~
1088 ~~transportation for any person:~~
- 1089 ~~(1) Requiring intravenous fluid administration while in route.~~
1090 ~~(2) Requiring direct medical attention while in route.~~
1091 ~~(3) Requiring ventilatory assistance.~~
1092 ~~(4) Requiring orthopedic traction during transit.~~
- 1093 ~~(b) Vehicle design—wheelchair operations.~~
- 1094 ~~(1) Each vehicle shall have, in addition to the rear vision mirror required by F.S. ch. 316,~~
1095 ~~an inside rear vision mirror which will enable the driver to view the entire~~
1096 ~~compartment;~~
- 1097 ~~(2) Vehicle entry and exit doors shall be equipped with latching devices sufficient to~~
1098 ~~restrain individual passenger conveyance(s) within the passenger compartment of the~~
1099 ~~vehicle;~~
- 1100 ~~(3) The floor of each vehicle shall be sealed to avoid the seepage of water or moisture;~~
- 1101 ~~(4) The passenger compartment shall provide a minimum of fifty five (55) inches of height,~~
1102 ~~measured from the finished floor to the finished ceiling;~~
- 1103 ~~(5) Vehicles shall not display any ambulance or rescue vehicle emergency lighting or~~
1104 ~~warning devices, nor shall they be painted in a fashion that is similar to or resembles an~~
1105 ~~ambulance or rescue vehicle;~~
- 1106 ~~(6) Vehicles for hire which are intended to be used for or are used for the transport of~~
1107 ~~individuals in wheelchairs shall be designed and equipped to meet minimum~~
1108 ~~requirements as specified by the state department of transportation for wheelchair lift~~
1109 ~~vehicles (F.A.C. § 14-90, as may be amended).~~
- 1110 ~~(c) Vehicle design—stretcher operations. Prior to transportation, a non-medical, wheelchair and~~
1111 ~~stretcher transportation service provider shall be required to obtain from the passenger, who~~
1112 ~~requires transportation by a stretcher a written statement that the person does not need, nor is~~
1113 ~~likely to need, immediate medical attention during transport. This statement must be~~

1114 ~~attached to the corresponding trip manifest. Vehicles for hire which are intended to transport~~
1115 ~~a passenger by stretcher, shall be equipped as follows:~~

1116 ~~(1) Each vehicle shall have crash stable side or center mounting litter fasteners as a means~~
1117 ~~of latching a stretcher to the vehicle. Litter fasteners shall secure the litter to the floor or~~
1118 ~~sidewalks. Where a single passenger may be centered in the passenger area of the~~
1119 ~~vehicle on a wheeled litter, additional attachments (cups and locks) shall be provided.~~
1120 ~~Attachments shall be near flush with the surrounding surface when not in use;~~

1121 ~~(2) At least two (2) strap-type restraining devices shall be provided per stretcher, cot, or~~
1122 ~~litter to prevent longitudinal or transverse dislodgment of the passenger during transit;~~

1123 ~~(3) Each vehicle shall have, in addition to the rear vision mirror required by F.S. ch. 316,~~
1124 ~~an inside rear vision mirror which will enable the driver to view the entire passenger~~
1125 ~~compartment;~~

1126 ~~(4) Vehicle entry and exit doors shall be equipped with latching devices sufficient to~~
1127 ~~restrain individual passenger conveyance(s) within the passenger compartment of the~~
1128 ~~vehicle. Striker plates will be used in conjunction with latching devices;~~

1129 ~~(5) The floor of each vehicle shall be sealed to avoid the seepage of water or moisture;~~

1130 ~~(6) The passenger compartment shall provide a minimum of fifty five (55) inches of height,~~
1131 ~~measured from the finished floor to the finished ceiling;~~

1132 ~~(7) Vehicles shall not display any ambulance or rescue vehicle emergency lighting or~~
1133 ~~warning devices, nor shall they be painted in a fashion that is similar to or resembles an~~
1134 ~~ambulance or rescue vehicle.~~

1135 ~~(d) *Vehicle design - Combination wheelchair/stretcher.* Vehicles for hire which are intended to~~
1136 ~~be used for, or are used for the transportation of persons on both a stretcher, or wheelchair~~
1137 ~~shall be subject to all provisions contained above in section 19-223. Each non-medical~~
1138 ~~wheelchair and stretcher transportation service company shall select and use a uniform~~
1139 ~~specific and consistent color and signage scheme for all vehicles registered to the business.~~
1140 ~~Each company shall submit to the division for approval, upon application, three (3) color~~
1141 ~~photographs, not less than eight (8) inches by ten (10) inches size, showing the entire~~
1142 ~~vehicle, driver's side (assuming passenger side is identical), front and rear of the vehicle~~

1143 ~~which depicts the chosen color scheme, including signage per section 19-215 of this article.~~
1144 ~~Each non-medical wheelchair and stretcher transportation service vehicle shall operate under~~
1145 ~~a trade name which is distinct from and not substantially similar to any existing vehicle for~~
1146 ~~hire company.~~

1147 ~~(e) Advertising. All advertising or other solicitation for business by such transportation services~~
1148 ~~shall emphasize in a conspicuous manner that the service does not provide ambulance~~
1149 ~~services or medical attention, and the service is designed solely to transport those persons~~
1150 ~~whose physical condition or impairments render it impractical to use a regular common~~
1151 ~~carrier or vehicle for hire service. All such transportation services advertising in the "yellow~~
1152 ~~pages" of the telephone directory or elsewhere may only be listed under the heading of~~
1153 ~~"Wheelchair and Invalid Transportation". Use of "The Star of Life", "The Staff of~~
1154 ~~Caduceus", the term "ambulance", normal or abnormal EKG patterns, or any other symbol~~
1155 ~~or sign normally associated with medical attention is prohibited in any and all advertising~~
1156 ~~including the design/signage placed on the exterior of vehicles.~~

1157 ~~(fe) Those vehicles and operations, which are subject to the Americans with Disabilities Act~~
1158 ~~(ADA), shall comply with the applicable provisions of said Act.~~

1159 ~~(g) All vehicles must be equipped with:~~

1160 ~~(1) A first aid kit containing at a minimum: a hard case; six (6) gauze pads (at least four (4)~~
1161 ~~inches by four (4) inches); one (1) large gauze pads (at least five (5) inches by nine (9)~~
1162 ~~inches); a box of adhesive bandages; one package of gauze roller bandage at least two~~
1163 ~~(2) inches wide; ten (10) sealed antiseptic wipes; scissors; tweezers; adhesive tape and~~
1164 ~~latex gloves.~~

1165 ~~(2) A bodily fluid "spill kit" containing at a minimum: safety gloves; foldable wipes;~~
1166 ~~scoops; hand cleaner; biohazard disposal bags; and absorbent, hazardous waste~~
1167 ~~disposable bags.~~

1168 ~~(3) An all purpose fire extinguisher (ten (10) lb. ABC).~~

1169 ~~(h) Failure to comply with the provisions of this section may result in denial of a~~
1170 ~~permit(s)/decals, revocation or suspension of the permit(s)/decals, a denial of renewal of~~

1171 such permits, issuance of a civil citation, a misdemeanor conviction or other such remedies
1172 available to the division herein.

1173 ~~Section 13. Vehicle inspections.~~

1174 ~~Section 19-225 of Chapter 19, Article IX of the Palm Beach County Code shall be amended to~~
1175 ~~read as follows:~~

1176 ~~(a) Mechanical/safety inspections:~~

1177 ~~(1) All vehicles for hire that are less than seven (7) years old based on the registration or~~
1178 ~~have not exceeded five hundred thousand (500,000) miles, shall be inspected annually,~~
1179 ~~but not more than 60 days before the application for a business permit is submitted to~~
1180 ~~the division. Vehicles more than seven (7) years old based on the registration, or which~~
1181 ~~have exceeded five hundred thousand (500,000) miles, shall be inspected bi-annually.~~
1182 ~~All vehicles added to the fleet of permitted businessse must meet these inspection~~
1183 ~~requirements.~~

1184 ~~(2) Vehicle inspections shall be performed by an automobile technician or master~~
1185 ~~automobile technician both of which must be certified by the National Institute for~~
1186 ~~Automotive Service Excellence (ASE) who at a minimum has passed the requirements~~
1187 ~~for suspension/steering and/or brakes.~~

1188 ~~a. The ASE certified automobile technician/master automobile technician performing~~
1189 ~~the inspection must utilize a three (3) part inspection form supplied by the division~~
1190 ~~for each vehicle.~~

1191 ~~b. The inspection form must show that the vehicle passed all of the requirements as~~
1192 ~~specified in section 19-223~~

1193 ~~e. The technician must provide his/her ASE certification number, the expiration date of~~
1194 ~~his/her certification, the name and license number of the state licensed motor vehicle~~
1195 ~~repair facility where the inspection was performed and his/her signature as verification~~
1196 ~~that all information provided is true and correct. This information must be recorded on~~
1197 ~~the inspection form for each vehicle inspected. (3) It shall be a violation of this article~~
1198 ~~to fail to use a certified technician to inspect vehicles or to submit false inspection~~

1199 ~~forms to the division. The division may verify information and inspection forms~~
1200 ~~submitted by the business. A business which fails or does not follow the requirements~~
1201 ~~of this section is subject to denial, revocation or suspension of its business permit and~~
1202 ~~decals and denial, revocation or suspensions of renewal of same.~~

1203 ~~(b) Signage and visual inspections.~~

1204 ~~(1) The division shall conduct signage and visual inspections of all vehicles required to~~
1205 ~~have exterior signage, taxi roof top lights, and/or taximeters, upon the submittal and~~
1206 ~~completion of all application requirements. Such vehicles for hire shall be inspected by~~
1207 ~~division personnel to verify that vehicles comply with the requirements of this article.~~
1208 ~~Division personnel shall conduct a visual inspection of all vehicles to assure that safety~~
1209 ~~and appearance standards are in compliance with this article. When the vehicle passes~~
1210 ~~inspection, division personnel shall properly affix the required decal to the windshield.~~

1211 ~~(2) The inspection of vehicles shall take place during a designated period of time and at a~~
1212 ~~location designated by the division. It is the responsibility of the vehicle for hire~~
1213 ~~business to make vehicles available during the designated period of time and at the~~
1214 ~~designated location.~~

1215 ~~(3) The division will provide written notification (fax or electronic notification acceptable)~~
1216 ~~to the vehicle for hire company of the time and location where inspections will be~~
1217 ~~conducted.~~

1218 ~~(4) If the business fails to appear for inspection, during the designated inspection period~~
1219 ~~established by the division, a rescheduling fee must be paid to the division prior to~~
1220 ~~rescheduling. The non-refundable rescheduling fee shall be established by resolution of~~
1221 ~~the board. Failure to reschedule within five (5) business days shall be a violation of this~~
1222 ~~article and may result in the denial/revocation of the permit. If a business cancels or~~
1223 ~~fails to present the vehicle(s) for the re-scheduled inspection, the business shall pay a~~
1224 ~~fee that is double the regular rescheduling fee as established by resolution of the board.~~

1225 ~~(5) Vehicles acquired by a business after submitting the annual business permit application~~
1226 ~~cannot be substituted for vehicles previously scheduled for inspection, unless the~~

1227 ~~business provides all required vehicle documentation at least ten (10) business days~~
1228 ~~before the designated inspection time established by the division.~~

1229 ~~(6) If a vehicle inspection reveals deficiencies (fails) and a reinspection is required, then the~~
1230 ~~failed vehicle(s) are to be brought to the division's designated reinspection site within~~
1231 ~~five (5) business days by appointment. If the vehicle is not reinspected within five (5)~~
1232 ~~business days, then a failed vehicle reinspection fee as established by resolution of the~~
1233 ~~board shall be paid to the division.~~

1234 ~~(7) Vehicles that have failed an inspection shall be red-tagged by the division. A red tag~~
1235 ~~"out of service" decal will be applied to the vehicle by a division employee and the~~
1236 ~~vehicle shall not be used for any business purposes until such time as the vehicle is~~
1237 ~~brought to the division, inspected and approved for operation. Only division employees~~
1238 ~~may remove the red tag decal.~~

1239 ~~(8) It is a violation of this article to fail to abide by the provisions of this section and to fail~~
1240 ~~to have vehicles inspected.~~

1241 ~~(e) The division has the right to conduct field inspections of all vehicles for hire, at any time. It~~
1242 ~~is a violation for any vehicle to fail to meet the mechanical, safety and signage requirements,~~
1243 ~~of this article. DCA personnel may issue a citation or written warning and may apply a "red~~
1244 ~~tag" decal to any vehicle found not meeting these requirements. The "red tag" will be used~~
1245 ~~for significant safety deficiencies (including but not limited to the following subparagraphs~~
1246 ~~from sections 2-223: (a), (c), (d), (e), (j), (k), (l), (m), and (r)). The "red tag" must remain on~~
1247 ~~the vehicle until noted deficiencies have been corrected and verified by DCA personnel.~~
1248 ~~Only DCA employees may remove the "red tag" decal.~~

1249 **Section ~~1419-226. Commercial automobile liability i~~Insurance - ~~Taxis~~**

1250 Section 19-226~~56~~ of Chapter 19, Article IX of the Palm Beach County Code shall be
1251 ~~replaced~~amended to read as follows:

1252 **Taxis**

1253 (a) It shall be unlawful for any ~~vehicle for hire~~ taxi company to ~~operate and~~ transport passengers
1254 ~~for compensation~~ without commercial automobile liability insurance in effect for each taxi

~~in service and shall provide proof of insurance as required by Florida law to the DCA, until that company has filed with the division and maintains in effect for each vehicle a certificate of insurance which shall insure such vehicle for commercial automobile liability insurance for passenger transportation and shall meet or exceed minimum insurance limits as established by resolution of the board provide proof of insurance as required by Florida law.~~

(b) All insurance policies required shall be issued by insurance companies licensed and admitted to write commercial automobile liability insurance in the state. No policy shall be accepted which is less than a six-month duration. Each policy shall be endorsed to provide for at least thirty (30) days' written notice to the [divisionDCA](#) of any non-renewal of the policy or at least ten (10) days' written notice to the [divisionDCA](#) of any cancellation/non-payment of the policy. Evidence of the renewal of the policy shall be filed with the [DivisionDCA](#) prior to such policy's expiration date. Failure to file such evidence of insurance, or failure to have same in full force and effect, may result in denial of a permit(s), revocation or suspension of the permit(s), a denial of renewal of such permits, issuance of a civil citation, a misdemeanor conviction charge or other such remedies available to the [divisionDCA](#) herein.

(c) Each certificate of insurance shall be submitted to the [divisionDCA](#) directly from the insurer (or a duly authorized agent) and said certificate shall include a list of insured vehicles owned by the company, as well as a list of the drivers approved by the insurance company for operation of the vehicles listed on the certificate. The business shall provide the insurance company, as well as the [divisionDCA](#), with an updated and complete list of drivers and/or vehicles in the event said drivers or vehicles change throughout the licensing year. A new certificate of insurance shall be submitted to the [divisionDCA](#) directly from the insurer (or a duly authorized agent) no later than thirty (30) business days after said change has been made. For vehicles not owned by the business, the [divisionDCA](#) shall receive directly from the insurer (or a duly authorized agent), a copy of the certificate of insurance for said vehicle(s), identifying the owner and the corresponding driver(s) of said vehicle(s) and the name of the associated company, as proof that all have proper commercial automobile liability insurance for passenger transportation that meets or exceeds the minimum insurance

1284 limits as established by resolution of the board. It is a violation of this article to fail to abide
1285 by these requirements.

1286 (d) A properly completed certificate of insurance evidencing all insurance coverages shall be
1287 made available to the [divisionDCA](#) upon application for a business permit. Each vehicle
1288 must be listed on the certificate(s) by its year, make and vehicle identification number.
1289 Certificates of insurance must contain the following name and address as certificate holder
1290 and additional insured:

1291 Board of County Commissioners of Palm Beach County
1292 c/o Division of Consumer Affairs
1293 50 South Military Trail, Suite 201
1294 West Palm Beach, FL 33415

1295 (e) The [divisionDCA](#) may deny, suspend or revoke the business permit of any ~~vehiele for hire~~
1296 [taxi](#) company for failure to obtain or maintain insurance as required by this article. Any [taxi](#)
1297 company which submits false or fraudulent insurance documents shall be subject to
1298 immediate denial or revocation. Such companies shall not be eligible to reapply for a
1299 business permit for five (5) years. The DCA shall notify the state department of financial
1300 services/[divisionDCA](#) of insurance fraud for follow-up investigation and review. Upon
1301 denial, suspension or revocation of the business permit, the [taxi](#) ~~vehiele for hire~~ company
1302 shall be entitled to an appeal according to the provisions in section 19-229.

1303 (f) The [DivisionDCA](#) shall suspend the business permit of any [taxi](#) ~~vehiele for hire~~ company
1304 which fails to ensure that each and every vehicle associated with the company has:

1305 (1) A current certificate of insurance provided to the DCA by the authorized agent or
1306 insurance company no later than the date of expiration of its previous policy, or

1307 (2) A reinstatement notice provided to the DCA no later than the date of cancellation of
1308 said policy.

1309 (g) Any ~~vehiele for hire~~ [taxi](#) company which has had its business permit suspended more than
1310 three (3) times in any twelve-month period (as provided for in subsection (f) above) may
1311 have such permit revoked for a period of one (1) year.

1312 (h) The company is required to notify the division, in writing, immediately but no later than ten
1313 (10) business days from the date when a driver is no longer insured by the taxi or non-
1314 emergency wheelchair and stretcher vehicle for hire company's commercial automobile
1315 liability insurer.

1316
1317 (h-i) An "administrative insurance reactivation" fee established by resolution of the Board, shall
1318 be assessed all ~~vehicle for hire taxi~~ companies that are suspended pursuant to subparagraph
1319 (f) above. The suspension shall not be withdrawn until the fee is paid to the ~~Division~~DCA.

1320 **Section 15. Automobile liability insurance—Non-taxis**

1321 Section 19-226 of Chapter 19, Article IX of the Palm Beach County Code shall read as follows:

1322 (a) Non-Taxi companies shall provide proof of commercial automobile liability insurance
1323 issued by either insurance companies licensed and admitted to write commercial automobile
1324 liability insurance in the State of Florida, or with a surplus lines insurer eligible under ss.
1325 626.913-626.937, F.S., insuring the general public against any loss or damage that may
1326 result to any person or property from the operation of the vehicles under the provisions of
1327 this Ordinance.

1328 (b) The insurance required in sub-paragraph (a) above shall be in the form of:

1329 (1) Commercial automobile liability insurance coverage in no less than the minimum
1330 coverage specified in Section 14(a)-(h) of this Ordinance; or:

1331 (2) ~~A Commercial~~ automobile liability insurance with a Florida approved surplus lines
1332 carrier with a combined single limit for death, bodily injury and property damage of
1333 at least \$1,000,000.00 per occurrence; and

1334 (c) When not providing vehicle for hire services, non-taxis shall be insured in accordance with
1335 all applicable insurance requirements mandated by Florida law.

1336 (d) In any claims coverage investigation, involving a non taxi private vehicle for hire, the
1337 vehicle for hire company shall cooperate with a liability insurer that insures the driver's
1338 personal vehicle and shall provide all relevant information regarding the prearranged

1339 service. In every instance where insurance maintained by a non taxi private vehicle for hire
1340 driver to fulfill the above insurance requirements has lapsed, failed to provide the required
1341 coverage, denied a claim for the required coverage or otherwise ceased to exist, insurance
1342 maintained by the vehicle for hire company shall provide the coverage required by this
1343 section beginning with the first dollar of a claim.

1344 (e) Coverage under an automobile liability insurance policy maintained by the non-taxi
1345 company is not dependent on a personal automobile insurer's first denying a claim, and a
1346 personal automobile liability insurance policy is not required for the TNC's insurer to deny
1347 pay a claim. Certificate of Insurance/Additional Insured. All non taxi vehicle for hire
1348 companies shall provide to the County a certificate of insurance for the policy(ies) required
1349 herein, naming the company as the insured and an endorsement including the County as an
1350 additional insured. The policy(ies) shall be accompanied by a commitment from the insurer
1351 that such policy will not be canceled, modified, or coverage reduced without at least thirty
1352 (30) days prior notice to the County.

1353 **Section 19-22716. Driver requirements; failure to comply.**

1354 Section 19-227 of Chapter 19, Article IX of the Palm Beach County Code shall be
1355 ~~replaced~~amended to read as follows:

1356 (a) It shall be unlawful for any person to operate any vehicle for hire within and upon the streets
1357 of the County without a County vehicle for hire driver's identification badge (~~driver's I.D.~~
1358 ~~driver's ID~~ badge) issued by the ~~Division~~DCA, or -or- other approved means of
1359 identification that allows passengers and the DCA to assure that drivers have qualified to
1360 deliver service. All applicants ~~for a vehicle for hire driver's I.D.~~ driver's ID badge shall
1361 conform to the following:

- 1362 (1) Be at least twenty-one (21) years of age;
- 1363 (2) Possess a valid State of Florida driver's license or is otherwise authorized to operate a
1364 motor vehicle in Florida pursuant to Section 322.013, Florida Statutes ~~as required by the~~
1365 ~~state department of highway safety and motor vehicles and must show proof that he/she~~
1366 ~~has possessed a valid driver's license from any state within the United States for three~~
1367 ~~(3) years prior to applying for a driver's I.D.~~ driver's ID badge. ~~If a person has not~~

1368 ~~driven for three (3) years in the United States, he/she must obtain the driving record~~
1369 ~~from any other jurisdictions where he/she did drive or if he/she is unable to obtain the~~
1370 ~~driving record, must sign an affidavit under penalty of perjury that he/she has no driving~~
1371 ~~record which would prevent him/her from driving a vehicle in the County;~~

1372 (3) Provide the original form of his/her lifetime State Department of Highway Safety and
1373 Motor Vehicles traffic/driving record report to the [DivisionDCA](#) which was secured no
1374 more than thirty (30) days before the application/renewal was submitted. Upon initial
1375 application, if a driver has resided in Florida less than five (5) consecutive years, a
1376 traffic/driving record/history from each state where he/she previously resided must be
1377 provided for at least a five-year period;

1378 (4) ~~Not have more than three (3) or more separate incidents involving moving violations in~~
1379 ~~any twelve month period in the previous three (3) years prior to the initial application or~~
1380 ~~renewal of a driver's I.D. [driver's ID](#) Badge in which the applicant was found guilty,~~
1381 ~~pleaded guilty, or [nolo contendere](#), or was found guilty or have accumulated more than~~
1382 ~~twelve (12) points within a twelve month period, eighteen (18) points within an~~
1383 ~~eighteen month period, or twenty four (24) points within a thirty six month period for~~
1384 ~~driving infractions; Not have more than three (3) moving violation in the three-year~~
1385 ~~period prior to such check; a major violation in the three-year period prior to such check~~
1386 ~~(including, but not limited to, attempting to evade the police, reckless driving, or~~
1387 ~~driving on a suspended or revoked license); or has a "habitual traffic offender"~~
1388 ~~classification, as defined by Florida Statutes~~

1389 (5) Not have been classified as a habitual traffic offender (as defined by state statutes) or as
1390 defined by the state where he/she previously resided within five (5) years of
1391 ~~applying~~~~ication for a driver's I.D. [driver's ID](#) badge~~ and was not previously issued a
1392 ~~driver's I.D. [driver's ID](#) -badge~~ by the ~~division~~[DCA](#);

1393 (6) Upon initial application or renewal, the driver must provide the original request form
1394 for his/her Florida Department of Law Enforcement (FDLE) [level 2](#) criminal
1395 history/records report to the [DivisionDCA](#), as well as payment for the amount required
1396 to secure the criminal history/records report. The [DivisionDCA](#) shall then be
1397 responsible for processing the request and payment to the FDLE. Prior to submitting a

1398 request for a level 2 criminal history record check pursuant to this article, the
1399 DivisionDCA shall notify each applicant to be fingerprinted that his or her fingerprints
1400 will be sent to the State Department of Law Enforcement for a state criminal history
1401 record check and to the Federal Bureau of Investigation for a national criminal history
1402 record check. The notification shall also state that the vehicle for hire driver has a right
1403 to:

- 1404 a. Obtain a copy of his or her criminal history records;
- 1405 b. To challenge the completeness and accuracy of the criminal history records
1406 pursuant to state and federal law; and
- 1407 c. To request a correction, change or update to the criminal history records pursuant to
1408 state and federal law;

1409 Notwithstanding anything contained herein to the contrary, and prior to allowing a
1410 driver to provide vehicle for hire services, a non-taxi vehicle for hire
1411 company will have the option to conduct a local, state and national background
1412 check that does not require fingerprinting for each potential driver through an
1413 agency accredited by the National Association of Professional Background
1414 Screeners (NAPBS). The accredited agency will perform a background check of
1415 the driver to determine whether he/she meets the requirements pursuant to this
1416 article. The company obtaining and reviewing the criminal history for each
1417 potential driver shall provide the DCA with proof the driver's criminal history
1418 search has been performed and the driver meets the requirements pursuant to this
1419 article.

1420 ~~(7) Have no conviction within the preceding five (5) years from the date of application for~~
1421 ~~any offense related to driving a motor vehicle under the influence or while intoxicated;~~

1422 ~~(8) Have not more than one (1) conviction within the preceding ten (10) years from the date~~
1423 ~~of application for any offense related to driving a motor vehicle under the influence or~~
1424 ~~while intoxicated;~~

1425 ~~(9) Have no more than two (2) traffic citations resulting from accidents in the three (3)~~
1426 ~~years preceding the date of the current permit year wherein the driver has been found~~
1427 ~~guilty;~~

1428 ~~(10) Have not been found guilty of a first degree misdemeanor offense, regardless of~~
1429 ~~adjudication, or entered a plea of nolo contendere or guilty to a first degree~~
1430 ~~misdemeanor offense, or have been adjudicated delinquent and the record has not been~~
1431 ~~sealed or expunged for any first degree misdemeanor offense relating to or threatening~~
1432 ~~the public safety as determined by the Board of County Commissioners, or have been~~
1433 ~~released from incarceration for such misdemeanor conviction (whichever is later),~~
1434 ~~within three (3) years before the date of application for a vehicle for hire driver I.D.~~
1435 ~~badge. Said first degree misdemeanor offenses include, but are not limited to, the~~
1436 ~~following: stalking, battery, driving while license is suspended or revoked, carrying a~~
1437 ~~concealed weapon, reckless driving which causes damage to property, racing on~~
1438 ~~highway, criminal possession of a controlled substance/paraphernalia, resisting arrest~~
1439 ~~without violence, or obscenity (selling/distributing sexual material to minor);~~

1440 ~~(11) Have not been found guilty of a felony offense, regardless of adjudication, or entered a~~
1441 ~~plea of nolo contendere or guilty to a felony offense, or have been adjudicated~~
1442 ~~delinquent and the record has not been sealed or expunged for any felony offense~~
1443 ~~relating to or threatening the public safety as determined by the Board of County~~
1444 ~~Commissioners, or have been released from incarceration for such felony conviction~~
1445 ~~(whichever is later), within five (5) years before the date of application for a vehicle for~~
1446 ~~hire driver I.D. badge (unless proof is shown that the applicant's civil rights have been~~
1447 ~~restored). Said felonies relating to, or threatening the public safety shall include, but are~~
1448 ~~not limited to, the following: battery, domestic batteries, carrying a concealed weapon,~~
1449 ~~discharging a firearm in public, robbery (not armed), burglary (not first degree),~~
1450 ~~criminal sale of a controlled substance, criminal possession of controlled~~
1451 ~~substance/paraphernalia, obscenity (selling/distributing sexual material to a minor or~~
1452 ~~exchanging computer pornography with a minor), a habitual felony offender,~~
1453 ~~aggravated assault, child abuse/neglect, reckless driving with serious bodily injury,~~
1454 ~~fleeing/attempting to elude a law enforcement officer, aggravated fleeing or eluding a~~

1455 ~~law enforcement officer causing serious body injury, luring or enticing a child under~~
1456 ~~twelve (12) (second conviction), resisting an officer with violence, procuring a person~~
1457 ~~under eighteen (18) for prostitution, selling or buying minors for sex~~
1458 ~~trafficking/prostitution, forcing/compelling/coercing a person for prostitution, or~~
1459 ~~abuse/aggravated abuse/neglect of an elderly person or a disabled adult;~~

1460 ~~(12) Have not been convicted of the following felony offenses, regardless of adjudication, or~~
1461 ~~entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and~~
1462 ~~the record has not been sealed or expunged for any offense relating to or threatening the~~
1463 ~~public safety as determined by the Board of County Commissioners, or have been~~
1464 ~~released from incarceration for such felony conviction (whichever is later) (unless proof~~
1465 ~~is shown that the applicant's civil rights have been restored):~~

1466 ~~a. Murder, attempted murder, attempted felony murder, manslaughter, (F.S. ch. 782);~~

1467 ~~b. DUI manslaughter (F.S. § 316.193(3));~~

1468 ~~c. Sexual battery, attempted sexual battery (F.S. § 794.011);~~

1469 ~~d. Lewd or lascivious battery, attempted lewd or lascivious battery, lewd or lascivious~~
1470 ~~molestation, lewd or lascivious conduct, or lewd or lascivious exhibition (F.S. ch. 800);~~

1471 ~~e. Lewd or lascivious offense upon or in the presence of an elderly or disabled person,~~
1472 ~~attempted lewd or lascivious offense upon or in the presence of an elderly or disabled~~
1473 ~~person (F.S. § 825.1025);~~

1474 ~~f. Promote sexual performance by a child, attempted sexual performance by a child (F.S. §~~
1475 ~~827.071);~~

1476 ~~g. Aggravated child abuse (F.S. § 827.03);~~

1477 ~~h. Failure to register as a sexual predator (F.S. ch. 775) or sexual offender (F.S. §~~
1478 ~~943.0435);~~

1479 ~~i. Computer pornography, transmission of computer pornography, buying or selling of~~
1480 ~~minors (F.S. ch. 847);~~

1481 ~~j. Kidnapping, attempted kidnapping, false imprisonment, or luring and enticing a child~~
1482 ~~(F.S. ch. 787);~~

- 1483 ~~k.—Exposure of sexual organs (F.S. § 800.03);~~
- 1484 ~~l.—Aggravated battery, attempted aggravated battery (F.S. ch. 784);~~
- 1485 ~~m.—Armed robbery, attempted armed robbery, carjacking, attempted carjacking, home~~
- 1486 ~~invasion, attempted home invasion (F.S. ch. 812);~~
- 1487 ~~n.—Poisoning of food or water (F.S. § 859.01);~~
- 1488 ~~o.—First degree burglary or attempted first degree burglary (F.S. § 810.02);~~
- 1489 ~~p.—Arson or attempted arson (F.S. § 806.01);~~
- 1490 ~~q.—Aggravated stalking (F.S. § 784.048);~~
- 1491 ~~r.—Aggravated battery or aggravated assault on a law enforcement officer or other~~
- 1492 ~~specified officer (F.S. § 784.07);~~
- 1493 ~~s.—Aircraft piracy (F.S. § 860.16);~~
- 1494 ~~t.—Unlawful throwing, projecting, placing, or discharging of any destructive device or~~
- 1495 ~~bomb or attempting to do so (F.S. § 790.161);~~
- 1496 ~~u.—Facilitating or furthering terrorism (F.S. § 775.31);~~
- 1497 ~~v.—Treason (F.S. § 876.32);~~
- 1498 ~~w.—Any offense committed in another jurisdiction that would be an offense listed in this~~
- 1499 ~~paragraph if that offense had been committed in the State of Florida.~~
- 1500 ~~(13) In addition, the person has not been declared to be one of the following:~~
- 1501 ~~a.—A habitual violent felony offender under F.S. 775.084(1)(b);~~
- 1502 ~~b.—A three time violent felony offender under F.S. 775.084(1)(c);~~
- 1503 ~~c.—A violent career criminal under F.S. 775.084;~~
- 1504 ~~d.—A prison releasee reoffender under F.S. § 775.082(9)(a);~~
- 1505 ~~e.—A sexual predator under F.S. § 775.21;~~
- 1506 ~~Not have been, within the last seven (7) years, convicted (convicted shall~~
- 1507 ~~——mean any judicial determination of conviction, adjudication withheld, or~~
- 1508
- 1509

1510 ~~plea of nolo contendere) of a felony, nor have been released from~~
1511 ~~incarceration as a result of a felony conviction, unless his or her civil or~~
1512 ~~residency rights have been restored; and~~
1513 ~~Not have been convicted (convicted shall mean any judicial determination~~
1514 ~~of conviction, adjudication withheld, or plea of nolo contendere) of any~~
1515 ~~criminal offense involving moral turpitude relating to sex crimes, the use of~~
1516 ~~a deadly weapon, homicide, violent offense against a law enforcement~~
1517 ~~officer under Section 775.0823, Florida Statutes, nor have been~~
1518 ~~adjudicated a habitual violent felony offender under Section 775.084,~~
1519 ~~Florida Statutes; and~~
1520 ~~Not have been convicted (convicted shall mean any judicial determination~~
1521 ~~of conviction, adjudication withheld, or plea of nolo contendere) of an~~
1522 ~~offense involving moral turpitude (unrelated to sex crimes) when, in the~~
1523 ~~discretion of the Division Director, approval of such registration would~~
1524 ~~constitute a threat to the health, welfare, or safety of the public or property~~
1525 ~~and therefore would not be in the public's interest; and~~
1526 ~~Not have been, within the last seven (7) years, convicted (convicted shall~~
1527 ~~mean any judicial determination of conviction, adjudication withheld,~~

1544 (7) Not have been, within the last seven (7) years, convicted (convicted shall mean any
1545 judicial determination of conviction, adjudication withheld, or plea of nolo
1546 contendere) of a felony, nor have been released from incarceration as a
1547 result of a felony conviction, unless his or her civil or residency rights have been
1548 restored; and

1549
1550 (8) Not have been convicted (convicted shall mean any judicial determination of
1551 conviction, adjudication withheld, or plea of nolo contendere) of any criminal
1552 offense involving moral turpitude relating to sex crimes, the use of a deadly weapon,
1553 homicide, violent offense against a law enforcement officer under Section

1554 775.0823, Florida Statutes, nor have been adjudicated a habitual violent
1555 felony offender under Section 775.084, Florida Statutes; and

1556
1557 (9) Not have been convicted (convicted shall mean any judicial determination of
1558 conviction, adjudication withheld, or plea of nolo contendere) of a first degree
1559 misdemeanor, or of an offense involving moral turpitude (unrelated to sex crimes)
1560 when, in the discretion of the Division -Director, approval of -such registration
1561 would
1562 constitute a threat to the health, welfare, or safety of the public or property and therefore
1563 would not be in the public's interest; and

1564 (10) -Not have been, within the last seven (7) years, convicted (convicted shall
1565 _____
1566 _____
1567 -mean any judicial determination of conviction, adjudication withheld, or plea of
1568 nolo contendere) of, been released from incarceration resulting from being
1569 convicted of, or had his or her driver's license suspended for:

- 1570 _____ —aa. Driving under the influence of drugs or intoxicating liquors
- 1571 (D.U.I.);
- 1572 _____ —b. Three (3) or more traffic infractions resulting in accidents;
- 1573 _____
- 1574 _____ —c. Fleeing the scene of any accident; or
- 1575 _____
- 1576 _____ —d. Vehicular manslaughter or any death resulting from driving

1577 (141) All vehicle for hire drivers with current driver I.D. badges are required to notify the
1578 DivisionDCA within ten (10) business days upon being convicted of any crime;

1579 (152) Applicants shall have no unsatisfied civil penalties, judgments or administrative
1580 orders pertaining to this article;

1581 (163) -Every application or renewal application ~~for a driver's I.D. driver's ID badge and~~
1582 ~~application for amendment of a driver's I.D. driver's ID badge,~~ shall be in writing and
1583 signed by the applicant and shall be filed with the ~~County DCADivision of Consumer~~

1584 ~~Affairs~~ on a form provided ~~by the Division~~ together with ~~the~~ nonrefundable ~~driver's I.D.~~
1585 ~~driver's ID~~ badge fees which shall not be subject to proration;

1586 Each ~~driver's I.D.~~ ~~driver's ID~~ badge shall be valid for a two-year period and shall be
1587 renewed every other year from the date of the initial/renewal application. The ~~Division~~DCA
1588 may deny or revoke a vehicle ~~the for hire driver's I.D.~~ ~~driver's ID~~ badge if it is determined
1589 that the applicant has misrepresented, omitted, or concealed a fact on the application,
1590 renewal application or replacement application. If the ~~driver's I.D.~~ ~~driver's ID~~ badge is
1591 denied, the ~~Division~~DCA shall not accept an subsequent application ~~for said driver's I.D.~~
1592 ~~driver's ID~~ badge for one (1) year from the date ~~of the badge is denied~~, unless there is
1593 less than one (1) year to satisfy the time restrictions ~~in paragraph (a) above related to the~~
1594 ~~following subparagraphs: (4), (5), (7), (8), (9), (10), or (11) as provided herein.~~ In such
1595 situations, the applicant will be permitted to reapply for a ~~driver's I.D.~~ ~~driver's ID~~ badge
1596 after the time requirements have been satisfied. If ~~the driver's I.D.~~ ~~driver's ID~~ badge is
1597 revoked, the ~~Division~~DCA shall not accept an subsequent application ~~for said driver's I.D.~~
1598 ~~driver's ID~~ badge for one (1) year from the date ~~the badge is of~~ revoked ~~ed~~ ed. For Any
1599 person renewing a driver's I.D. driver's ID badge must file a renewal, the applicant
1600 must ~~tion~~, furnish the documentation requested by the ~~Division~~CA, and submit payment for
1601 ~~the required~~ nonrefundable renewal fee(s) not more than ninety (90) days before the
1602 expiration date ~~of a driver's I.D.~~ ~~driver's ID~~ badge. Persons who fail to reapply at least
1603 ~~for~~ their driver's I.D. driver's ID badge thirty (30) days prior to expiration, risk having a gap in
1604 their authorization to drive a for-hire vehicle. Persons who fail to submit their renewal
1605 application, required documentation and fees by the expiration date ~~of the driver's I.D.~~
1606 ~~driver's ID~~ badge must pay a nonrefundable late fee, ~~over and above the driver's renewal~~
1607 ~~fee.~~ Any applicant who fails to submit a renewal application within one (1) year of ~~the~~
1608 expiration ~~of a current badge~~ will be considered a new applicant ~~when reapplying and~~ no
1609 grandfathered provisions will apply. All Said fees shall be established by resolution of the
1610 Board;

1611 (174) Submit to photographing (full face exposure/without sunglasses or head
1612 coverings) ~~prior to the issuance of the permit/I.D. badge by the Division;~~

1613 ~~(18)~~ Complete the driver's I.D. badge registration affidavits provided by the Division;

1614 | (195) — Not possess a suspended or revoked driver's license as a result of a moving
1615 | violation or have any outstanding and unsatisfied civil penalties, citations or judgments
1616 | imposed due to violations of this article;

1617 | (2016) Not violate the terms of a cease and desist order, assurance of voluntary
1618 | compliance, notice to correct a violation or any other lawful order of the Director;

1619 | (2117) Not be enjoined by a court of competent jurisdiction from engaging in the vehicle
1620 | for hire business or was enjoined by a court of competent jurisdiction with respect to
1621 | any of the requirements of this article;

1622 | (2218) Have no conviction in any military or foreign jurisdiction, federal, state, county or
1623 | municipal jurisdiction within the United States for violations analogous or parallel to
1624 | those violations enumerated in all sections herein;

1625 | (2319) Not be found by the DivisionDCA to have a lack of reputability as provided
1626 | herein. For the purposes of this article, lack of reputability shall mean that the
1627 | DivisionDCA cannot trust the applicant to safeguard the welfare and property of the
1628 | public. Acts constituting a lack of reputability shall include, but are not limited to,
1629 | responding to a call while under the influence of alcohol or any controlled substance to
1630 | the extent where normal faculties are impaired, the unexplained removal of personal
1631 | property from a vehicle for hire not belonging to the driver, outstanding arrest warrants
1632 | for the driver applicant, falsification of information in the vehicle for hire application
1633 | process, or other facts and circumstances that lead the DivisionDCA to believe the
1634 | applicant's reputation in the community cannot be trusted.

1635 | (b) The driver of a vehicle for hire shall conspicuously display ~~on the driver's person through~~
1636 | ~~the use of a neck lanyard, or above the waist on the outermost garment,~~ the ~~driver's I.D.~~
1637 | ~~driver's ID~~ badge issued pursuant to this article or shall display for a passenger an
1638 | alternative identification issued by a vehicle for hire company with whom the driver is
1639 | affiliated. The alternative identification shall be displayed via the digital platform and must
1640 | display the first name of the driver; the photograph of the driver; and the make, model, and
1641 | license plate number of the vehicle associated with that driver. An alternative identification
1642 | shall only be issued to a driver once the driver has completed the authorization process set

1643 ~~forth in subsection (m) of this section.;~~ so that it is visible and available for inspection to the
1644 public, ~~DivisionCA~~ personnel and all law enforcement officials while engaged and on duty
1645 for a vehicle for hire business.

1646 ~~(e) Each driver's I.D. badge shall be developed by the division. Each driver's I.D. badge shall, at~~
1647 ~~a minimum, contain the name of the driver, date of expiration, photo of the driver, name of~~
1648 ~~the company(s), and such additional terms, conditions, provisions and limitations as were~~
1649 ~~imposed during the approval process. Drivers are required to submit a notarized affidavit~~
1650 ~~signed by each permitted vehicle for hire company with whom s/he is driving. The affidavit~~
1651 ~~(on a form prepared by the division) shall also include a statement by the business owner~~
1652 ~~that the driver is eligible to be insured under the company's insurance policy. When a driver~~
1653 ~~is no longer driving for a vehicle for hire company, A driver is required to notify the~~
1654 ~~division within ten (10) business days. Failure to follow these requirements shall be a~~
1655 ~~violation of this article.~~

1656 ~~(dc)~~ The ~~DivisionDCA~~ may issue a replacement ~~I.D. badge~~ to any driver upon application,
1657 payment of a nonrefundable replacement fee, presentation of proof or a sworn affidavit that
1658 the I.D. badge has been lost, stolen, change of company, or for any other valid reason, and
1659 ~~with~~ any other documentation or requirement requested by the ~~DivisionDCA~~. ~~The~~
1660 ~~replacement fee shall be established by resolution of the Board.~~

1661 ~~(e) It shall be unlawful for any person to drive a vehicle for hire unless such person has a valid~~
1662 ~~vehicle for hire driver's I.D. badge issued pursuant to this section.~~

1663 ~~(fd)~~ It shall be unlawful for any person to drive a vehicle for any vehicle for hire company
1664 which ~~has~~ not been granted a business permit pursuant to ~~section 19-218 of~~ this article.

1665 ~~(ge)~~ It shall be unlawful for any applicant for a vehicle for hire ~~driver's I.D. driver's ID~~ ~~—~~ badge
1666 to misrepresent, omit or conceal a fact on the application, renewal application or
1667 replacement application.

1668 ~~(h) Upon submission of the application, the Division shall provide the driver with a receipt. No~~
1669 ~~applicant shall be permitted to drive a vehicle for hire in the County until the Division has~~
1670 ~~issued to him/her a driver's I.D. badge. The Division shall provide the driver's I.D. badge~~
1671 ~~within ten (10) business days following the submittal of the application and all required~~

1672 documents. In the event the official criminal background records furnished to the Division
1673 are insufficient and additional information is necessary, the Division shall be permitted an
1674 additional twenty (20) business days to issue the driver's I.D. badge.

1675 ~~(i) No driver shall operate one (1) or more vehicles for hire for more than twelve (12)~~
1676 ~~cumulative hours of driving within any twenty four hour period as supported by a required~~
1677 ~~vehicle trip manifest prepared by the driver and maintained by the vehicle for hire company.~~

1678 ~~(j) Drivers are required to provide a smoke free environment inside the vehicle at all times.~~

1679 ~~(k) Beginning on June 1, 2013, in addition to maintaining Drivers must be hygienically~~
1680 ~~clean, well-groomed and maintain a neat appearance.~~

1681 ~~appearance, drivers must wear a collared shirt, long pants or a knee length skirt, and closed~~
1682 ~~shoes.~~

1683 ~~(fg) Passengers shall be offered a receipt for the fare collected.~~

1684 ~~(mhg) Drivers shall not use abusive language or be discourteous to passengers or Division DCA~~
1685 ~~personnel.~~

1686 ~~(nh) Drivers must be able speak and understand English to the extent they can take instruction~~
1687 ~~from passengers and complete trip manifests and incident/accident reports.~~

1688 ~~(ej) Upon initial application for a driver's I.D. driver's ID badge under subsection (a) of this~~
1689 ~~section, the Division DCA or designated agency shall examine each applicant and, at a~~
1690 ~~minimum, determine the applicant's knowledge of County geography and his/her ability to~~
1691 ~~understand the English language. A driver is only required to successfully complete the~~
1692 ~~examination one (1) time. A driver/applicant which initially fails either the geography or~~
1693 ~~English test may retake the test within thirty (30) days at no additional charge. If a~~
1694 ~~driver/applicant fails either requirement during the retest, that person will be denied his/her~~
1695 ~~I.D. badge, but may reapply and repay all applicable fees at anytime.~~

1696 ~~(kj) Exemptions: Any person who possessed a valid driver's I.D. driver's ID badge on the~~
1697 ~~effective date of this article shall be exempt from any new requirements of section 19-227,~~
1698 ~~subsections (a)(1)—(8), (10)—(13) and (23). However, such persons would be ineligible to~~

1699 receive an ~~an driver's I.D. driver's ID~~ -badge and the ~~driver's I.D. driver's ID~~ -badge would be
1700 revoked if he/she is convicted of new offenses as described in this article.

1701 ~~(s)k~~ Failure to comply with the provisions of this section may result in the ~~Division DCA~~
1702 denying an I.D. badge, revoking or suspending the ~~driver's I.D. driver's ID~~ badge, denying
1703 a renewal of such ~~driver's I.D. driver's ID~~ -badge, issuing a civil citation, a misdemeanor
1704 conviction or other such remedies available to the ~~Division DCA~~ herein.

1705 ~~(m)l~~ Alternative identification – Companies may provide alternative identification in the form of
1706 an alternative identification as set forth below of this section thru use of a smartphone app
1707 that allows the driver to display his picture and the sufficient relevant information described
1708 below to allow his identification for the assurance of the passenger and for regulatory
1709 verification. As an alternative to the ID badge process set forth in subsection (a) of this
1710 section, a driver may obtain authorization to operate in the County from a permitted vehicle
1711 for hire company in accordance with this subsection.

1712 (1) Before obtaining authorization to operate as a Driver:

1713 (i) The individual must present evidence to the vehicle for hire company or TNC
1714 with which he/she wishes to affiliate that the individual:

1715 (a) Is at least twenty-one (21) years of age;

1716 (b) Possesses a valid Florida driver's license or is otherwise authorized to
1717 operate a motor vehicle in Florida pursuant to Section 322.013, Florida Statutes;

1718 (c) Possesses proof of registration for the vehicle that he/she will use to
1719 provide for-hire or TNC service; and

1720 (d) Possesses proof of automobile liability insurance for the motor vehicle
1721 used to provide for-hire or TNC service.

1722
1723 **~~Section 18. Fraudulent transfer of vehicle for hire company.~~**

1724 ~~Section 19-228. Fraudulent transfer of vehicle for hire company (a) (2) (4) (5) (6) (7) (9) and~~
1725 ~~(b) of Chapter 19, Article IX of the Palm Beach County Code shall be amended to read as~~
1726 ~~follows:~~

1727 ~~(a) A transfer of a vehicle for hire company to a successor company shall be deemed a~~
1728 ~~fraudulent transfer if said transfer is made by the vehicle for hire company for the purpose of~~
1729 ~~evading permit fees and/or civil penalties issued pursuant to this article. In determining~~
1730 ~~intent to defraud, consideration may be given among other factors to, whether:~~

- 1731 ~~(1) The transfer was to an insider;~~
- 1732 ~~(2) The vehicle for hire company retained possession or control of the property transferred~~
1733 ~~after the transfer;~~
- 1734 ~~(3) The transfer was disclosed or concealed;~~
- 1735 ~~(4) Before the transfer was made or obligation was incurred, the vehicle for hire~~
1736 ~~company had been sued or threatened with suit;~~
- 1737 ~~(5) The transfer was of substantially all the vehicle for hire company's assets;~~
- 1738 ~~(6) The value of the consideration received by the vehicle for hire company was reasonably~~
1739 ~~equivalent to the value of the asset transferred or the amount of the obligation incurred;~~
- 1740 ~~(7) The vehicle for hire company was insolvent or become insolvent shortly after the~~
1741 ~~transfer was made or the obligation was incurred;~~
- 1742 ~~(8) The transfer occurred shortly before or shortly after substantial permit fees or civil~~
1743 ~~penalties were incurred; and~~
- 1744 ~~(9) The vehicle for hire company transferred the essential assets of the business to a lienor~~
1745 ~~who transferred the assets to an insider of the vehicle for hire company.~~

1746 ~~(b) It shall be a violation of this article for a vehicle for hire company to fraudulently transfer a~~
1747 ~~vehicle for hire company.~~

1748 **Section ~~19-2289~~. Revocation, suspension and denial of permits/I.D. badges; administrative**
1749 **appeal.**

1750 Section 19-229~~98~~ of Chapter 19, Article IX of the Palm Beach County Code shall be
1751 ~~replaced~~amended to read as follows:

1752 (a) The Division DCA is authorized to deny, suspend or revoke business permit/~~driver's I.D.~~
1753 driver's ID -badges, upon written notice. Suspensions shall not be more than six (6) months.

1754 Companies/drivers not resolving issues related to suspensions within the six-month
1755 suspension period will be subject to permit/I.D. badge/alternative identification revocation.
1756 Said notice of business permit/I.D. badge/alternative identification denial, suspension or
1757 revocation shall be by personal service (to the owner, driver or representative), by certified
1758 mail (return receipt requested) or posting in a conspicuous place at the place of business or
1759 home of the driver.

1760 (b) Upon receipt of the notice of denial, revocation, or suspension of a business permit/I.D.
1761 badge/alternative identification, which notice shall specify the grounds for the denial,
1762 suspension or revocation, the vehicle for hire company, person or driver shall be entitled to
1763 an appeal according to the following:

1764 (1) Administrative appeal: Any vehicle for hire company, person or driver which has had a
1765 business permit/~~driver's I.D.~~ driver's ID badge denied, revoked, or suspended by the
1766 divisionDCA, may appeal such decision to the consumer affairs hearing board/special
1767 master within twenty (20) days of receipt of the decision. A non-refundable filing fee
1768 must accompany the written request for appeal. The business, person, driver or attorney
1769 shall file a written notice of appeal signed by the business officer/owner, driver or
1770 attorney requesting a hearing and setting forth a brief statement of the reasons thereof.
1771 The filing fee shall be established by resolution of the board. The appeal shall be
1772 reviewed at a hearing of the consumer affairs hearing board/special master within sixty
1773 (60) days of receipt by the divisionDCA of the notice of appeal. The vehicle for hire
1774 business/person/driver may be represented by an attorney and shall be entitled to
1775 present a defense.

1776 (2) Orders: At the conclusion of any hearing set forth in this section, the consumer affairs
1777 hearing board/special master shall orally render its decision (order) based on evidence
1778 entered into the record. The decision shall be by motion approved by the affirmative
1779 vote of those members present and voting. The decision shall be stated in a written
1780 order and mailed to the vehicle for hire company driver not later than ten (10) days after
1781 the hearing, and shall be deemed final agency action with regard to the matter appealed.

1782 (3) Court appeal: Any person may appeal a final determination of the consumer affairs
1783 hearing board/special master within thirty (30) days of the rendition of the decision by

1784 filing a petition for writ of certiorari in the Circuit Court of the Fifteenth Judicial Circuit
1785 in and for the county.

1786 (4) For purposes of appeal, the FDLE criminal history/records reports and the state
1787 department of highway safety and motor vehicles traffic/driving record report shall be
1788 deemed prima facie evidence and admitted into evidence before the consumer affairs
1789 hearing board/special master.

1790 (c) All hearings and appeals shall be scheduled and determined as promptly as practicable and
1791 in no event more than sixty (60) days from the date the written notice of appeal was filed.
1792 Written notice of the time, date, and place of the hearing of the appeal shall be served upon
1793 the appellant no later than twenty (20) days prior to the date of the hearing. Said notice of
1794 hearing, shall be by personal service, certified mail or posting in a conspicuous place at the
1795 place of business or home of the driver or person. Failure of the business to respond within
1796 the time frames specified herein or failure to appear at a duly noticed hearing shall be
1797 deemed a waiver of the right to hearing and an admission of the acts specified in the notice.

1798 (d) The consumer affairs hearing board/special master shall consider the evidence and
1799 documentation as well as the statement offered by any interested party and shall consider the
1800 matter de novo and shall, upon the basis of the evidence before it, affirm, modify or reverse
1801 the decision of the director.

1802 (e) If the consumer affairs hearing board/special master affirms the decision of the director to
1803 deny, suspend or revoke a business permit/~~driver's I.D.~~ driver's ID badge, the denial,
1804 suspension or revocation shall be effective from the date of the consumer affairs hearing
1805 board's/special master's written order. All decisions of the consumer affairs hearing
1806 board/special master shall constitute final agency action for purposes of further appeal.

1807 (f) Suspension of the business permit/~~driver's I.D.~~ ID badge: If, at the conclusion of the hearing,
1808 the consumer affairs hearing board/special master decides to suspend the business
1809 permit/~~driver's I.D.~~ ID badge, a time certain shall be set as the period of suspension. Prior to
1810 the end of such time certain, those violations for which the suspension was imposed shall be
1811 corrected; otherwise, the suspended permit(s) shall be automatically revoked. A fee of fifty

1812 (50) percent of the business permit/~~driver's I.D. ID~~ badge fee shall be collected to reinstate
1813 the suspended permit(s)/~~driver's I.D. ID~~ badge.

1814 (g) Revocation of business permit/~~driver's I.D. ID~~ badge/alternative identification: If, at the
1815 conclusion of the permit/~~driver's I.D. ID~~ badge/alternative identification, the business/driver
1816 shall return the business permit and/or the ~~driver's I.D. ID~~ badge and remove and return all
1817 vehicle decals to the ~~division~~DCA. A vehicle for hire company that issues alternative
1818 identification pursuant to section 19-227 shall remove the driver's access to that credential.
1819 A vehicle for hire company or driver whose business permit/~~driver's I.D. ID~~/alternative
1820 identification- badge has been revoked, shall not be eligible to reapply as a new applicant for
1821 a period of one (1) year from the date of revocation.

1822 (h) If the consumer affairs hearing board/special master reverses the decision of the director, the
1823 director shall issue or restore the business permit/~~driver's I.D. ID~~ badge/alternative
1824 identification.

1825 (i) When the operating permit of a vehicle for hire company has been denied, suspended or
1826 revoked, all vehicle for hire services shall immediately cease.

1827 (j) In the event a written notice of appeal and accompanying filing fees are not submitted within
1828 the times frames outlined in this article, the decision of the director shall prevail.

1829 (k) Administrative appeal—Insurance. When an operating permit has been suspended or
1830 revoked for failure of the vehicle for hire business to obtain or maintain required
1831 commercial liability insurance and the business wishes to appeal the suspension/revocation,
1832 the vehicle for hire company may appeal such decision to the consumer affairs hearing
1833 board/special master within five (5) days of receipt of the decision. The appeal shall be
1834 heard by the consumer affairs hearing board/special master within ten (10) days of receipt of
1835 the written appeal. A non-refundable filing fee must accompany the written request for
1836 appeal. The filing fee shall be established by resolution of the board.

1837 (l) Effect of appeal: An appeal of the decision of the director to suspend or revoke a business
1838 permit/~~driver's I.D. ID~~ badge shall stay the effective date of the suspension or revocation. A
1839 stay does not apply to a revocation or suspension of a business which failed to maintain
1840 commercial liability insurance as required by section 19-226

1841 (m) Hearing procedures. Notwithstanding section 11 A of Palm Beach County Consumer Affairs
1842 Ordinance 77-10 (as may be amended from time to time), the consumer affairs hearing
1843 board/special master shall give due regard to competent, reliable and technical evidence
1844 which will aid the consumer affairs hearing board/special master in making a fair
1845 determination of the matter, regardless of the existence of any common law or statutory rule
1846 which might otherwise make improper the admission of such evidence. All parties shall
1847 have an opportunity to present evidence and argument on all issues involved, to conduct
1848 cross examination and submit rebuttal evidence, and to be represented by counsel.

1849 When appropriate, the general public may be given an opportunity to present oral or written
1850 communications. The consumer affairs hearing board/special master may consider any evidence,
1851 including evidence of the general reputation of the petitioner. All testimony shall be under oath
1852 and shall be recorded. Formal rules of evidence shall not apply, but fundamental due process
1853 shall be observed and shall govern the proceedings. Irrelevant, immaterial or unduly repetitious
1854 evidence may be excluded but all the other evidence of a type commonly relied upon by
1855 reasonably prudent persons in the conduct of their affairs shall be admissible, (including hearsay)
1856 whether or not such evidence would be admissible in a trial in the courts of the state. Orders of
1857 the consumer affairs hearing board/special master shall be based on competent and substantial
1858 evidence. The petitioner shall have the burden of proof by a preponderance of the evidence.

1859 **Section 19-~~230~~. - Enforcement.**

1860 Section 19-~~230~~2930 of Chapter 19, Article IX of the Palm Beach County Code shall be
1861 ~~replaced~~amended to read as follows:

1862 (1) It shall be the duty of the consumer affairs ~~division~~DCA to enforce the provisions of and
1863 initiate proceedings for violations of the vehicle for hire ordinance.

1864 (2) The consumer affairs hearing board/special master as provided for in Chapter 9, Article I, of
1865 this Code, as may be amended or replaced, shall have jurisdiction over all violations of this
1866 article. The consumer affairs hearing board/special master may conduct hearings regarding
1867 violations of the vehicle for hire ordinance in accordance with the procedures provided for
1868 herein.

1869 (3) Whenever, based upon personal investigation and in accordance with the policies and
1870 procedures established by the ~~consumer affairs division~~ DCA, the investigator has
1871 reasonable and probable grounds to believe that a person has committed a violation of the
1872 vehicle for hire ordinance, the officer may issue a citation to the violator. ~~which shall~~
1873 ~~include the following information:~~

1874 ~~(a) Date and time of issuance.~~

1875 ~~(b) Name and address of person to whom the citation is issued.~~

1876 ~~(c) Time and date of violation.~~

1877 ~~(d) A brief description of the violation and the facts constituting reasonable cause.~~

1878 ~~(e) The name of the investigator.~~

1879 ~~(f) The procedure for the person to follow in order to pay the civil penalty or to contest the~~
1880 ~~citation.~~

1881 ~~(g) The applicable civil penalty if the person elects not to contest the citation.~~

1882 (4) The maximum civil penalty which may be levied by citation shall ~~not exceed five hundred~~
1883 ~~dollars (\$500.00) per day, per violation~~ be established by resolution of the board. Moneys
1884 collected in payment for citations shall be remitted to the consumer affairs division. ~~to~~
1885 ~~support the vehicle for hire program.~~

1886 (5) The act for which the citation is issued shall cease upon receipt of the citation, and the
1887 person charged with the violation shall elect either to correct the violation and pay the civil
1888 penalty in the manner indicated on the citation or, within ten (10) days of receipt of the
1889 citation, exclusive of weekends and legal holidays, request an administrative hearing before
1890 the consumer affairs hearing board/special master to appeal the issuance of the citation by
1891 the investigator. If the hearing date is not set forth in the citation, a notice of hearing shall be
1892 served on the violator as provided in subsection (11) below. Failure of the violator to appeal
1893 the decision of the investigator within the timeframe as set forth herein shall constitute a
1894 waiver of the violator's right to an administrative hearing. A waiver of the right to an
1895 administrative hearing shall be deemed an admission of the violation, and penalties may be
1896 imposed accordingly.

- 1897 (6) Upon written notification by the investigator that a respondent has not contested the citation
1898 or paid the penalty within the time allowed on the citation, or if a violation has not been
1899 corrected within the time set forth on the citation, the consumer affairs hearing board/special
1900 master shall enter an order ordering the violator to pay the civil penalty set forth on the
1901 citation. A hearing shall not be necessary for the issuance of such an order. The order shall
1902 include a notice, if applicable, that fine(s) were imposed.
- 1903 (7) Upon appeal of a citation, or at such other times as may be necessary, a hearing before the
1904 consumer affairs hearing board may be convened. The following shall apply:
- 1905 (a) Minutes shall be kept of all hearings and all hearings shall be open to the public.
- 1906 (b) At the hearing, the burden of proof shall be upon the county to show by a
1907 preponderance of the evidence that a violation does exist. Where proper notice of the
1908 hearing has been provided to the violator as provided herein, a hearing may proceed
1909 even in the absence of the violator.
- 1910 (c) The formal rules of evidence shall not apply but fundamental due process shall be
1911 observed and shall govern the proceedings. Upon determination by the chair of the
1912 consumer affairs hearing board or special master, irrelevant, immaterial, or unduly
1913 repetitious evidence may be excluded, but all other evidence of a type commonly relied
1914 upon by reasonably prudent persons in the conduct of their affairs shall be admissible,
1915 whether or not such evidence would be admissible in a trial in the courts of Florida.
- 1916 (d) Any member of the consumer affairs hearing board/special master, the attorney
1917 representing the consumer affairs hearing board, the respondent and his/her attorney
1918 may inquire or question any witness present at the hearing. The violator or his/her
1919 attorney shall be allowed to cross-examine all witnesses present at the hearing and
1920 present testimony and evidence.
- 1921 (e) At the conclusion of the hearing, the consumer affairs hearing board/special Master
1922 shall orally render an order based on evidence into the record. In the case of hearings
1923 before the consumer affairs hearing board, the decision shall be by motion approved by
1924 the affirmative vote of those persons present and voting. An order setting forth findings

1925 of fact and conclusions of law shall then be mailed to the violator within ten (10) days
1926 of the hearing.

1927 (f) If the consumer affairs hearing board/special master finds that a violation exists, the
1928 consumer affairs hearing board/special master may order a civil penalty of no more than
1929 five hundred dollars (\$500.00). Each permit/I.D. badge not in compliance and each day
1930 in which a violation of this article exists shall constitute a separate offense.

1931 (8) A certified copy of an order imposing a civil penalty against the violator may be recorded in
1932 the public records and thereafter shall constitute a lien against any real or personal property
1933 owned by the violator. Upon petition to the circuit court, such order may be enforced in the
1934 same manner as a court judgment by the sheriff of the state, including a levy against
1935 personal property. The order shall not be deemed a court judgment except for enforcement
1936 purposes. A civil penalty imposed pursuant to this part shall continue to accrue until the
1937 violator comes into compliance or until judgment is rendered in a suit to foreclose the lien,
1938 whichever occurs first. After three (3) months, from filing of any such lien which remains
1939 unpaid, the consumer affairs hearing board/special master may authorize the local governing
1940 body's attorney to foreclose the lien. No lien created pursuant to this article may be
1941 foreclosed on real property which is homestead, under Section 4, Article X of the Florida
1942 Constitution.

1943 (9) If the violator or his designated representative proves at the administrative hearing that the
1944 citation is invalid or that the violation has been corrected prior to appearing before the
1945 consumer affairs hearing board/special master, the consumer affairs hearing board/special
1946 master may reduce the fine or dismiss the violation, unless the violation is irreparable or
1947 irreversible.

1948 (10) An aggrieved party, including the governing body, may appeal a final administrative order
1949 of the consumer affairs hearing board/special master to the circuit court by petition for writ
1950 of certiorari.

1951 (11) Proper notice of hearing is given where notice has been mailed to the violator by certified
1952 mail, return receipt requested, by hand delivery by the sheriff or other law enforcement
1953 entity, by leaving the notice at the violator's usual place of residence with some person in the

1954 family above fifteen (15) years of age and informing said person of the contents of the
1955 notice; or where an investigator, under oath, testifies that he/she did hand deliver the citation
1956 to the violator which included a hearing date.

1957 (12) Notwithstanding the consumer affairs hearing board/special master process set forth above,
1958 the county shall take any other appropriate legal action, including, but not limited to,
1959 administrative action, enforcement through an alternative code enforcement ordinance
1960 pursuant to F.S. ch. 162, pts. I and II, and requests for temporary and permanent injunctions
1961 to enforce the provisions of this article. It is the purpose of this article to provide additional
1962 cumulative remedies.

1963 **Sec. 19-23101. - Violations.**

1964 (a) False statements on applications. It shall be unlawful for any person to knowingly and
1965 intentionally make or cause to be made any false statement in writing or the omission of
1966 material information for the purpose of procuring a vehicle for hire permit, vehicle decal or
1967 ~~driver's I.D.~~ driver's ID badge or to knowingly and intentionally make any false statements
1968 or entries or material omissions on the records required to be kept by this article.

1969 ~~(b) Failure to comply with the provisions of this section may result in the division denying a~~
1970 ~~permit(s)/driver's I.D. badge, revoking or suspending the permit(s)/driver's I.D. badge,~~
1971 ~~denying the renewal of such permits, issuing a civil citation, a misdemeanor conviction or~~
1972 ~~other such remedies available to the division herein.~~

1973 **Sec. 19-23212. - Appeals.**

1974 Any person may appeal a final determination of the consumer affairs hearing board/special
1975 master within thirty (30) days of the rendition of the decision by filing a notice of administrative
1976 appeal in the Circuit Court of the Fifteenth Judicial Circuit in and for the county.

1977 **Sec. 19-23323. - Fees.**

1978 All fees required by this article and established by resolution are non-refundable and shall be
1979 deposited in a separate county account and used exclusively to accomplish the purposes of this
1980 article.

1981 **Sec. 19-23434. - Penalties.**

1982 Any person convicted of violating any portion of this article shall be punished as provided
1983 by law.

1984 **Section ~~16~~19-235. Start-up.**

1985 Section 19-235~~45~~45 of Chapter 19, Article IX of the Palm Beach County Code shall be
1986 ~~replaced~~amended to read as follows:

1987 ~~(a) Renewal of existing permitted vehicle for hire companies and vehicle decals shall become~~
1988 ~~effective March 1, 2009. Renewal applications for the licensing period which begins March~~
1989 ~~1, 2009 must be submitted to the division by December 31, 2008. Late fees for renewal~~
1990 ~~applications will apply as of January 1, 2009. Enforcement of all other sections of the~~
1991 ~~article, unless excluded in this section, shall become effective upon the effective date of this~~
1992 ~~article.~~

1993 ~~(b) Vehicles being used and decaled prior to the effective date of this article must comply with~~
1994 ~~the trade name, color scheme and signage requirements when permit applications or~~
1995 ~~renewals are submitted for the permit year which begins May 1, 2014.~~

1996 ~~(c) After March 1, 2009 new vehicles added to the fleet of existing permitted companies or~~
1997 ~~newly permitted companies will be subject to all requirements of this article.~~

1998 ~~(d) The mechanical/safety inspection requirements of section 19-225 shall not be required until~~
1999 ~~application renewals are submitted for the permit year which begins January 1, 2010. After~~
2000 ~~March 1, 2009 all new or replacement vehicles added to existing fleets of currently~~
2001 ~~permitted companies or from newly permitted companies shall be required to meet the~~
2002 ~~mechanical/safety inspection requirements.~~

2003 ~~(e) Beginning on June 1, 2016, all existing taxicab companies licensed in Palm Beach County~~
2004 ~~will be required to accept as a method of payment for the fare (in addition to cash or other~~
2005 ~~forms of payment acceptable to the company), a bank debit card or credit card, including,~~
2006 ~~but not limited to, Mastercard, Visa, and Discover, without additional charge or premium.~~

2007 ~~(f) Beginning on June 1, 2013, any new taxicab taxi or van/shuttle companies with seven (7) or~~
2008 ~~more vehicles, shall have at least one (1) handicap accessible vehicle available, and the rates~~
2009 ~~and fees shall not differ from the rates for non-disabled passengers.~~

2010 | **Sec. 19-236~~56~~.** - **Repeal of laws in conflict.**

2011 | All local laws and ordinances applying to the unincorporated area of the county in conflict
2012 | with any provision of this article are hereby repealed to the extent of any conflict.

2013 | **Sec. 19-237~~67~~.** - **Savings clause.**

2014 | Notwithstanding the section of this ordinance regarding repeal of laws in conflict, all
2015 | administrative and court orders, fines, and pending enforcement issued pursuant to this authority
2016 | and procedures established by Chapter 19, Article IX of the Palm Beach County Code, shall
2017 | remain in full force and effect.

2018 | Notwithstanding the section of this ordinance~~19-236~~ regarding repeal of laws in conflict, all
2019 | administrative and court orders, fines, and pending enforcement issued pursuant to this authority
2020 | and procedures established by Chapter 19, Article IX~~Ordinance No. 2001-15~~ shall remain in full
2021 | force and effect.

2022 | **~~Sec. 19-2387.~~ - ~~Jurisdiction.~~**

2023 | ~~This article shall be effective throughout the unincorporated areas of the county. This article~~
2024 | ~~shall be effective in municipalities unless the municipality opts out or shall be effective up to the~~
2025 | ~~extent of conflict with the municipal ordinance.~~

2026 | **Sec. 19-238. – Severability.**

2027 | If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
2028 | reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,
2029 | such holding shall not affect the remainder of this Ordinance

2030 | **Sec. 19-239. – Inclusion in the Code of Laws and Ordinances.**

2031 | The provisions of this Ordinance shall become and be made a part of the Palm Beach
2032 | County Code. The sections of this Ordinance may be renumbered or relettered to accomplish
2033 | such, and the word Ordinance may be changed to section, article, or other appropriate word.

2034 | **Sec. 19-240. - Captions.**

2035 | The captions, section headings, and section designations used in this Ordinance are for
2036 | convenience only and have no effect on the interpretation of the provisions of this Ordinance.

1021 **Sec. 19-241. – Effective Date.**

1022 The provisions of this Ordinance shall become effective upon filing with the Department
1023 of State.

1024 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
1025 County, Florida, on this the _____ day of _____, 2015.

1026

1027 SHARON R. BOCK,
1028 CLERK & COMPTROLLER

Palm Beach COUNTY, Florida by its
Board of County Commissioners

1029

1030

1031 By _____
1032 Deputy Clerk

By: _____
Shelley Vana, Mayor

1033

1034

1035 Approved as to form and
1036 legal sufficiency

1037

1038

1039 By: _____
1040 County Attorney

1041

1042 Filed with the Department of State on the _____ day of _____, 2015.

1043

1044