

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

w/REVISED BACKUP

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Meeting Date: September 22, 2015	<input type="checkbox"/>	Consent	<input type="checkbox"/>	Regular
	<input type="checkbox"/>	Ordinance	<input checked="" type="checkbox"/>	Public Hearing

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

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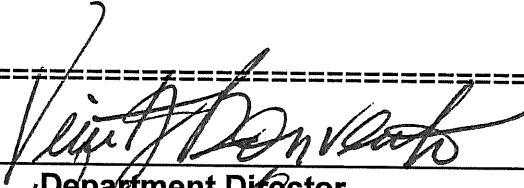

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-43) AS AMENDED RELATING TO VEHICLES FOR HIRE, AMENDING SECTION 19-211 (SHORT TITLE; 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 SERVICE 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 SAVINGS 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
 - 3. Proposed Vehicle for Hire Ordinance Amendment: Clean Version
 - 4. Proof of Publication

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Recommended by:		9/10/15
	Department Director	Date
Approved By:		9/10/15
	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 Seydich

III. REVIEW COMMENTS

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

Sherry Brown
9/1/16 OFMB 9/16/15

D. S. Jacobson 9/17/15
Contract Administration

B. Legal Sufficiency:

James Brub 9/17/15
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 July 21, 2015, the Board of County Commissioners held a preliminary reading of the Vehicle for Hire Ordinance and approved to advertise for public hearing on August 18, 2015. On August 18, 2015, the Board of County Commissioners continued the public hearing until September 22, 2015. Based on Board direction, the revised proposed Ordinance includes several changes to provide flexibility for Transportation Network Companies (TNC) as well as maintain parity in a competitive industry and public safety. Changes include: group industry into two categories taxis vs. non-taxis, modify vehicle identification requirements and allow for a vehicle trade dress, modify insurance to require policies in accordance with Florida Statutes, allow alternative identification (i.e. digital platform) or an ID badge issued by the Division of Consumer Affairs (DCA), allow all vehicle for hire companies to conduct their own comprehensive nationwide background checks through an accredited agency or the DCA can conduct a Level 2 background check, and allow the DCA to conduct bi-annual audits of records maintained by all vehicle for hire companies. This proposed amendment to the Vehicle for Hire Ordinance was presented to the vehicle for hire industry which includes representation from Rasier, LLC on September 10, 2015. **COUNTYWIDE (JB)**

Background and Policy Issues: 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. The proposed Vehicle for Hire Ordinance incorporates language that refers to TNC's. 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 the following:

Airport Rules and regulations

Convictions

Digital Platform

Transportation Network Company (TNC)

Trade Dress

COMPLIANCE

Modify requirement to include reference for Palm Beach International Airport and Port of Palm Beach rules and regulations.

Modify requirements for Vehicle for Hire Company's responsibility for drivers' non-compliance.

ADVERTISING

Modify advertising requirements to not include DCA permit number.

Modify vehicle display to allow for magnetic signage.

BUSINESS PERMIT

Remove requirements 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 on an ongoing basis during a service year, to advise the DCA as to how they will document and identify drivers and vehicles in service.

Remove requirements to maintain a commercial business office or residential home office in the County.

BUSINESS RECORDS REQUIRED

Allow for the DCA or its designated third party to conduct a bi-annual audit of records maintained by all vehicle for hire companies as required by the Ordinance.

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

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 vehicle age requirements.

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

Allow vehicle inspection form from an ASE certified mechanic to be accepted from other counties upon approval by DCA.

Maintain visual inspections by DCA for all taxi and non-medical wheelchair and stretcher vehicles.

INSURANCE

Modify insurance to require policies in accordance with Florida Statutes.

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)

Add the option for all vehicle for hire companies to conduct their own comprehensive nationwide background checks through an accredited agency or the DCA can conduct a Level II background check.

Modify background check and driver record check requirements.

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, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-43) AS AMENDED RELATING TO VEHICLES FOR HIRE; AMENDING SECTION 19-211 (SHORT TITLE; 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 SERVICE 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 SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, Palm Beach County licenses and regulates vehicles for hire (defined hereinafter) that operate in Palm Beach County, Florida; and

WHEREAS, it is now necessary to amend Chapter 19, Article IX of the Palm Beach County Code to enhance the regulatory framework for the vehicle for hire industry including transportation network companies.

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

Chapter 19, Article IX of the Palm Beach County Code is hereby amended to read as follows:

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

- (a) This article shall be known as the "Palm Beach County Vehicle for Hire Ordinance."
- (b) ~~Unless a municipal exemption applies; the provisions of this article shall be applicable to the incorporated and unincorporated areas of the county. Unless otherwise provided, nothing in this article shall be construed to relieve any person from compliance with any applicable county or municipal regulations. The provisions of this Ordinance shall apply to the unincorporated area of Palm Beach County, Florida and to all municipalities within Palm Beach County that elect to have the provisions of this Ordinance apply within their respective jurisdictions.~~

Section. 19-212. - Authority.

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

Section. 19-213. - Definitions.

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

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

Airport Rules and Regulations. The term "Airport Rules and Regulations" means the provisions of Appendix B of the Palm Beach County Code, as now or hereafter amended.

Alternative identification – Companies may provide alternative identification approved by the DCA through use of a smartphone application that allows the driver to display his/her picture, name and other sufficient relevant information to allow his/her identification for the assurance of the passenger, law enforcement and for regulatory verification.

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

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

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

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

Conviction. The term conviction shall mean any judicial determination of conviction, adjudication withheld, or plea of nolo contendere.

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

~~(a) Properly zoned;~~

~~(b) Customer/employee parking;~~

~~(c) Sufficient commercial vehicle parking;~~

~~(d) Sanitary facilities/restrooms;~~

~~(e) Dedicated wired phone line with a unique/dedicated number;~~

~~(f) Identifying signage; and~~

~~(g) Central dispatch.~~

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

~~County permit. The term "county permit" shall mean the grant by Palm Beach County to operate one (1) vehicle for hire not subject to reciprocity, upon the streets of Palm Beach County.~~

Digital platform. Means any internet-enabled platform, program, or software, including a smartphone or tablet application or website.

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

Driver. The term "driver" shall mean the individual who is driving or physically operating the taxi~~cab~~, non-taxi limousine, ~~shuttle~~, or other passenger vehicle for hire and includes the term "chauffeur."

ID badge. The term "ID badge" shall mean a permit authorizing the holder thereof to provide vehicle for hire services in a permitted vehicle pursuant to this article.

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

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

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

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

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

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

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

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

~~**Residential home office.** The term "residential home office" shall mean a residence located in Palm Beach County from which a vehicle for hire business is operated. The "residential home office" must be the primary residence of the vehicle for hire company's principal owner/president. The "residential home office" must be equipped with a separate wired telephone line and be approved by applicable zoning regulations.~~

~~Proof of residency must be provided upon request (i.e., driver's license, tax receipt, bank account, utility bill, etc.).~~

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

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

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

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

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

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

Trade Dress. The term "trade dress" shall mean a distinctive signage or display approved by the DCA on the vehicle that is sufficiently large color-contrasted as to be readable during daylight hours at a distance of 50 feet. The trade dress must be sufficient to allow a passenger, government official, or member of the public to associate a vehicle with a particular vehicle for hire company. Acceptable forms of trade dress include, but are not limited to, symbols or signs on vehicle doors, roofs, or grills. Magnetic or removable trade dress is acceptable.

~~**Transport van/shuttle.** The term "transport van/shuttle" shall mean a motor vehicle not equipped with a taximeter, with a seating capacity for at least four (4) passengers,~~

~~exclusive of the driver, where there is no separation of the driver and passenger compartments and not modified from the manufacturer's specifications. A functioning seat belt must be available for each passenger. A transport van/shuttle is recognized by the industry as a mini-van, van, mini-coach, minibus, limo-bus or other similar vehicle, excluding those vehicles regulated by the State of Florida Department of Transportation (FDOT). A transport van/shuttle is prohibited from using a taximeter and top-light unless it is being used as a taxicab.~~

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

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

Vehicle for hire. The term "vehicle for hire" shall mean any motorized, self-propelled vehicle engaged in vehicle for hire service.

Vehicle for hire ~~and/or vehicle for hire~~ company. The terms "vehicle for hire" ~~and/or "vehicle for hire company"~~ shall mean any individual, partnership, sole proprietor, association, corporation, or other legal entity which holds business permits for or contracts with any ~~motorized, self-propelled vehicle(s) driver~~ engaged in Vehicle for Hire Service ~~the transportation of persons~~ upon the streets of Palm Beach County ~~who receive any compensation or salary for providing such transportation~~. The term shall not be construed to exclude any person owning, controlling, operating, or managing any type of motor vehicle used in the business of transportation of persons for compensation. The term shall include, ~~but not be limited to non-medical wheelchair and stretcher transportation~~ companies, services, taxicabs, and non-taxis, transport vans/shuttles, sedans, SUVs, limousines, transportation network companies and/or ridesharing companies, and the use of personal vehicle(s), regardless of who owns said personal vehicle(s) engaged in the pre-arranged transportation of persons for compensation, salary or suggested donation, using a telephone or any internet-enabled digital platform, program, or software including a smartphone or tablet application or website to connect passengers with drivers. The term shall not apply to vehicles, companies and organizations identified in section 19-214 of this Code.

Vehicle for hire service. The term "vehicle for hire service" shall mean the provision of transportation of persons by a driver who receives any compensation, suggested donation or salary for providing such transportation. The term shall encompass services provided in connection with non-medical wheelchair and stretcher transportation, taxis, non-taxis, and the use of personal vehicle(s), regardless of who owns said personal vehicle(s) engaged in the pre-arranged transportation of persons for compensation or suggested donation, using any internet-enabled digital platform,

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

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

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

Section. 19-214. - Compliance with article required.

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

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

(2) Vehicles tendering transportation services not for compensation;

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

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

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

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

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

~~(8) Horse drawn carriages;~~

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

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

(b) ~~Compliance with the provisions of this article shall in no way relieve an individual or vehicle for hire company from compliance with all municipal, county, state and federal laws, including the Palm Beach County Airport and Port of Palm Beach Rules and Regulations.~~

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

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

~~(e)~~ A "vehicle for hire company" shall be responsible for its assure its drivers' compliance with all of the regulations required by this article, and shall be responsible when the company has had knowledge of and or tolerates non-compliance.

~~_(f) No "vehicle for hire company" shall charge, demand, or request any fare other than the prearranged amount agreed upon for the transportation service or the amount shown on the taximeter.~~

~~(g)~~ Any violation of this article is a civil infraction, and failure to comply with the provisions of this Ordinance may result in DCA denying, suspending or revoking business permits/ID badge, or Alternative Identification, suspending or revoking the business permit/ ID badge, issuing a civil citation, or other such remedies available to DCA herein.

Section. 19-215. - Advertising.

(a) It shall be unlawful for any vehicle for hire company to advertise vehicle for hire services ~~and/or transportation services~~ without ~~obtaining first fulfilling~~ and maintaining ~~compliance a current and valid vehicle for hire business permit and vehicle decal(s) pursuant to the provisions of as required in~~ this article. Any advertisement of any vehicle for hire ~~company~~business or associated digital platform shall clearly and conspicuously disclose the name of the company; or digital platform,~~physical address of the company,~~ and phone number, website ~~or other bona fide means of contacting the company.~~

~~and vehicle for hire business permit number issued by the division. The permit number shall be preceded by "PBC VFH."~~

(b) All taxi~~cabs~~ and non-medical wheelchair and stretcher transportation ~~service~~ vehicles shall clearly display on the exterior of the driver and passenger side of the vehicle, permanent vinyl or painted lettering at least four (4) inches high and in clearly visible bold contrasting colors, the vehicle for hire company's name, telephone number and business permit number. The permit number shall be preceded by "PBC VFH."

~~Magnetic signage, of any type, is not permitted.~~

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

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

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

(f) Vehicle for hire drivers/~~chauffeurs~~ meeting passengers at Palm Beach International Airport, or the Port of Palm Beach, may utilize a sign for the purposes of identifying a passenger or group of passengers. The sign utilized shall identify the name of the passenger or group being met and shall include the name of the vehicle for hire company ~~or the corporate client of the vehicle for hire company and "PBC VFH" permit~~

~~number. In no event shall.~~ The name of the company shall be larger than one-inch letters and in any event the name of the company shall be smaller than the name of the passenger/group.

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

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

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

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

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

~~(5) Exception for multi-category vehicle for hire companies. A Palm Beach County vehicle for hire company that has registered and has been issued vehicle permits and/or decals for multiple categories (i.e. Sedan Company with sedans, luxury sedans/SUV's and limos, taxi company with taxis, sedans and/or limos, etc) may~~

~~use in one advertisement the terms for each particular category of the vehicle for hire business, however, consistent with restrictions in subsections (1)–(4).~~

Section. 19-216. ~~—Reserved~~ Vehicle for hire operational requirements.

- ~~(a) It shall be unlawful for any non-taxi vehicle for hire driver to solicit potential passengers or use any words or gestures that could be construed as soliciting a passenger for taxi service. With the exception of on-demand service provided at the Palm Beach International Airport pursuant to an agreement approved by the Board of County Commissioners for such service, all non taxi service must be prearranged.~~
- ~~(b) A vehicle for hire driver shall not refuse to transport a person to a requested destination located within the limits of Palm Beach County.~~
- ~~(c) Vehicle for hire drivers shall cooperate fully at all times with the DCA in the furnishing of information required in connection with requests for proof of driver's license, vehicle insurance and/or ID badge, during the process of applying to renew an ID badge, and during investigations of consumer complaints. Further, vehicle for hire drivers shall not obstruct, hamper or interfere with an investigation of violations of this article conducted by DCA personnel, any law enforcement officer or employee of any other agency enforcing this article.~~
- ~~(d) At no time shall a vehicle for hire driver use abusive language or display discourteous, hostile, aggressive or other inappropriate behavior toward passengers, other vehicle for hire drivers, vehicle for hire business owners or their representatives, DCA personnel, law enforcement officers or any agency authorized to enforce this article.~~
- ~~(e) All vehicle for hire drivers who own or lease the vehicle(s) they drive, shall remove and surrender to the DCA the vehicle decal and ID badge within ten (10) business days after he/she is no longer driving for that particular vehicle for hire company. Such owner/driver must also remove all vehicle signage and top lights within ten (10) business days after he/she is no longer driving for the vehicle for hire business.~~
- ~~(f) All vehicle for hire companies shall display or otherwise provide to customers in advance the rate or prearranged price that will apply to the transportation service being provided, and it shall be unlawful for the company or driver to charge, demand, request, or accept any fare higher than the specified rate or prearranged price. The rates charged to disabled passengers shall not differ from the rates charged to non-disabled passengers in all vehicles for hire, with the exception of non-emergency wheelchair and stretcher transportation company vehicle rates.~~

Section. 19-217. - Reciprocity.

~~(a) Out-of-county origin exception. Nothing in this article shall prohibit discharge within the county of any passenger, lawfully picked up in another county and~~

~~lawfully transported into the county from a county or municipality that has adopted a similar vehicle for hire regulatory ordinance, which meets or exceeds the requirements of this article and has been issued an operating permit by the county or municipality of origin.~~

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

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

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

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

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

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

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

Nothing in this article shall be construed to prohibit discharge within Palm Beach County of any passenger lawfully picked up in another county and lawfully transported into Palm Beach County. Notwithstanding any provision to the contrary, any passenger lawfully picked up in another county, transported to, and discharged at any location within Palm Beach County, may be picked up at the discharge location and returned to the county of origin as long as the transportation is part of a pre-arranged trip; provided, however, vehicles for hire shall be required to comply with the Airport Rules and Regulations if the discharge and/or pick up location is the Palm Beach International Airport. Proof of the pre-arranged transportation services shall be made available to enforcement personnel upon request.

Section. 19-218. - Business permit application.

(a) ~~An individual or a vehicle for hire~~ company not exempt pursuant to section 19-214 shall make application ~~to the division for a business permit. It is a violation of this article to operate such companies without first securing a business permit from the division for~~ a business permit on forms to be furnished by the DCA. The applicant shall furnish the following information with each application, which shall be sworn to before a notary public;-

~~A business permit shall be issued annually only after acceptance by the division of the following:~~

(1) ~~Its legal, trade, corporate and/or fictitious name~~ The name and type of business under which the service will be operated (If a partnership or corporation, a copy of the partnership agreement or articles of incorporation must be attached);

(2) ~~Its local or Florida business address (mail centers or P.O. box addresses are not acceptable)~~ The name, phone number, mailing address, and street address (if different from the mailing address) of the applicant's agent for service of legal process (which information the applicant shall keep current);

(3) ~~List of all business principals (i.e., owner, officers, partners, etc.) names, addresses, dates of birth and Florida driver's license number. If applicable, the name and address of the registered agent shall be provided~~ Prior to initiation of vehicle for hire service, and on an ongoing basis during a service year, as part of the application, a vehicle for hire company shall advise the DCA as to how it will document and identify drivers and vehicles in service;

(4) ~~The year, make, model of manufacture, vehicle number (if applicable) and specific coloring scheme of each vehicle for hire for which a business permit is sought;~~ Payment of all business permit and other fees in amounts set forth by resolution of the board.

~~(5) The vehicle identification number and license tag number of each vehicle;~~

~~(6) A clear and legible copy of each vehicle's State of Florida registration form;~~

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

~~(8) Appropriate certificates, permits, local business tax receipts, (specifically for vehicle for hire) and other authorization issued by the county and any municipality if applicable;~~

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

~~(105) Payment of all business permit and vehicle decal fees in amounts set forth by resolution of the board.~~

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

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

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

~~_____(2) Upon submission of a new business permit application and all required documents, the division shall provide the business with a receipt which shall constitute a provisional business permit and shall be valid until the issuance or denial of the business permit, whichever comes first.~~

~~(32) Businesses Vehicle for hire companies~~ which fail to submit a complete application/renewal application within thirty (30) calendar days after the Company's business' receipt of the ~~division's DCA's~~ notice of an incomplete application, shall be denied a business permit.

~~Within ten (10) business days of receipt of the division's notice of denial, such businesses may refile a complete and corrected application and pay a nonrefundable re-filing fee established by resolution of the board. Failure to refile an application within this ten-day period, will result in the business being required to submit a new application and paying the nonrefundable business permit fee and vehicle decal fees.~~

~~(43) The DCA may deny or revoke a business permit if it is determined that the applicant has misrepresented, omitted, concealed a fact on any application or submitted any fraudulent or false document. If the business permit is denied or revoked, said business permit shall not be issued or reinstated for a period of one (1) year from the date of denial or revocation.~~

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

~~(64) If the vehicle for hire company business transfers, sells, changes or modifies its name or ownership structure, the company business shall be required to notify the~~

~~division DCA of consumer affairs~~ within forty-five (45) days of said change, and a new business permit application shall be submitted. All business permit fees and administrative processing fees approved by the board by resolution shall be assessed by the ~~division~~DCA.

~~If the transfer, sale, change or modification changes the ownership structure by more than fifty-one (51) percent, it will be considered a new company, and new business requirements and fees established by the board by resolution shall apply. The adoption of a moratorium shall not preclude companies with existing business permits from the transfer, sale or change of ownership to a new business.~~

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

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

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

(~~gd~~) The DCA may deny or refuse to renew the business permit of any vehicle for hire ~~business company~~ based upon the determination that:

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

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

(3) Any individual/business, or any of its directors, officers, owners or general partners has had any unsatisfied civil penalties, judgments or administrative orders entered against it, him or her in any action brought by the DCA, or any government agency, under the requirements of this article or a similar ordinance;

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

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

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

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

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

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

~~_(k) For vehicles owned by the business, it shall be the responsibility of the business to remove and surrender to the division all decals issued for vehicles which are no longer operating for that business. The business must also remove all vehicle signage and top lights within ten (10) business days following the removal of a vehicle from service or termination of employment/contract with the business.~~

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

Section. 19-219. — Business Records required.

(a) Upon request by the DCA, a driver for a vehicle for hire company that has been authorized in accordance with Section 19-227(n) shall permit inspection of a vehicle and

driver information for purposes of verifying compliance with applicable provisions of this article and provide documentation demonstrating that they are registered with a County-licensed vehicle for hire company, and that a trip was prearranged through a digital platform. If a vehicle for hire company driver refuses to allow an inspection or to make such documentation available, upon notice to the vehicle for hire company, the company shall disconnect the transportation network company driver from its digital platform until the driver permits the inspection or provides the documentation.

(b) Each vehicle for hire company shall maintain accurate and complete ~~business records relating to manifests, invoices (when used) and vehicle maintenance~~ as required under this Article. Such records including, but not limited to, vehicle inspections, background checks and insurance shall be maintained for at least three (3) years. The ~~division-DCA~~ shall be granted access to these records for inspection ~~and/or copying~~ as necessary to investigate and resolve ~~and to advance a compliance inquiry~~; during regular business hours, upon ~~twenty-four~~forty-eight (24~~8~~) hours' prior notice. In the event the ~~division-DCA~~ is denied the opportunity to inspect and copy such records onsite, or at a mutually agreed location in the County, the ~~division-DCA-vehicle for hire company~~ shall provide copies of such records to DCA in Palm Beach County within thirty (30) days of denial ~~have the right to remove the records~~ for the purpose of inspection. ~~copying and shall return any records removed within three (3) calendar days~~. If necessary, the ~~division-DCA~~ is hereby authorized to obtain an inspection warrant as authorized by law.

(c) The DCA, or its designated third party, is authorized to conduct an audit of the records that a vehicle for hire company is required to maintain under this article on a bi-annual basis for purposes of verifying the company's compliance herewith. The audit shall occur at a vehicle for hire company's place of business in Palm Beach County or other mutually agreed location in the County.

(d) A transportation network company shall not block or otherwise interfere with the DCA's ability to access the transportation network company's digital platform as a user in order to request a ride from transportation network drivers to monitor compliance with the provisions of this article.

(e) Upon request by the DCA or any enforcement/regulatory office, a vehicle for hire company shall provide documentation verifying a driver's registration with the vehicle for hire company, that the driver has undergone a background check required by section 19-227 and that the vehicle certified by the vehicle for hire company has been inspected pursuant to section 19-223.

Section. 19-220. - Vehicle requirements.

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

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

(b) Fleet requirements.

(1) All new ~~taxi~~~~cab~~ companies submitting an application for a business permit pursuant to section 19-218 ~~on or after June 1, 2013~~, shall have a minimum of seven (7) vehicles in its fleet, and shall include at least one (1) handicap accessible vehicle. ~~The rates for handicap accessible vehicles shall not differ from the rates charged to non-disabled passengers. All existing taxi companies with twenty (20) or more vehicles licensed by the DCA, shall have at least one (1) handicap accessible vehicle available.~~

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

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

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

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

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

(c) Taxicabs.

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

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

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

(4) No taxicab shall be permitted or operated unless it is equipped with a taximeter which accurately registers the rates and charges posted on the outside of the vehicle.

Taxicabs are required to use the taximeter to determine all fares. The taximeter must be plainly visible to allow easy viewing of the meter rate display by the passenger.

(5) All taximeters shall be calibrated, at least once per year, tested and sealed pursuant to the most current addition of the National Institute of Standards and Technology (NIST) Handbook 44, at a registered taxi service agency, as authorized by the State Department of Agriculture and Consumer Services, Bureau of Weights and Measures.

(6) Each taxicab ~~business-company~~ must present meter calibration records when applying for and/or renewing the vehicle for hire business permit. The calibration record must show at a minimum, the date of calibration, and the name, address and phone number of the registered taxi service agency performing the calibration.

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

(8) If either the lead seal or inspection decal is missing or broken on the taximeter, the ~~vehicle for hire business-company~~ must immediately take the vehicle out of service. The taximeter must be recalibrated by a registered taxi service agency, and a new lead seal and inspection decal must be affixed to the taximeter prior to the taxicab being placed back into service.

(9) ~~Beginning on June 1, 2013, a~~All new taxicab companies licensed in Palm Beach County will be required to accept as a method of payment for the fare (in addition to cash or other forms of payment acceptable to the company), a bank debit card or credit

~~card, including, but not limited to, Mastercard, Visa, and Discover, without additional charge or premium.~~

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

Section. 19-221. - Vehicle decal requirements.

~~(a) An individual or vehicle for hire company not exempt pursuant to section 19-214 of this article shall make application to the division for a vehicle decal for each vehicle for hire. Each vehicle for hire shall be issued a vehicle decal upon fulfilling all the following requirements: Each vehicle for hire shall display a [Palm Beach County PBC](#) decal or trade dress while proceeding to or delivering service in accordance with this article that readily allows identification of the company for which service is being offered.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~Palm Beach County
Vehicle for Hire Service Standards~~

~~Passenger Expectations:~~

- ~~• A clear understanding of the fare (or fare rate)~~
- ~~• To examine the driver's I.D. badge~~
- ~~• To direct the destination and route to your destination~~
- ~~• A courteous, English-speaking driver who knows the streets of Palm Beach County~~
- ~~• Only the "permitted" driver and paying passengers in the vehicle~~
- ~~• A driver who knows and obeys all traffic laws~~
- ~~• Air conditioning on demand~~

~~• No operation of radio, CD/Cassette or DVD/video or other similar mediums unless requested~~

~~• No smoking in the vehicle~~

~~• Clean passenger seat area~~

~~• Clean trunk~~

~~Driver Expectations:~~

~~• To be paid for services provided and requested~~

~~• No illegal activities in vehicles~~

~~• Personal safety~~

~~• To maintain a safe environment~~

~~• Non-smoking passenger(s)~~

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

~~Palm Beach County Consumer Affairs~~

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

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

~~www.pbcgov.com/consumer~~

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

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

~~(k)~~ Failure to comply with the provisions of this section may result in the division denying the permit(s)/decal(s), [Alternative Identification](#); revoking or suspending the permit(s)/decal(s), [Alternative Identification](#); denying the renewal of such permit(s)/decal(s), [Alternative Identification](#) issuing a civil citation, a misdemeanor conviction or other such remedies available to the division.

Section 19-222. - Impoundment.

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

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

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

(1) The grounds for impoundment,

(2) The description of the vehicle impounded,

(3) The location of the secured facility where the vehicle will be held,

(4) The process for having the vehicle released, and

(5) The circumstances under which the vehicle will be disposed/sold if the owner fails to meet the requirements of this section and fails to claim the vehicle pursuant to F.S. § 713.78, as may be amended.

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

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

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

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

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

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

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

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

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

~~(hf)~~ Appeal process. If the vehicle owner disputes the grounds for the vehicle impoundment, he or she may appeal to the consumer affairs hearing board/special master. The owner of an impounded vehicle shall make a request in writing to the division for a hearing within five (5) business days of the vehicle being impounded and pay the non-refundable appeal fee established by resolution of the board. The ~~division~~DCA shall arrange for the hearing within ten (10) business days or as soon as practicable, after receiving the written request. All interested persons shall be given reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing, and hearsay evidence shall be admissible. After considering all evidence presented, the hearing board/special master shall upon clear and convincing evidence, either uphold the decision of the ~~division~~DCA to impound the vehicle or determine there was insufficient cause for impoundment. If the hearing board/special master determines there was insufficient cause for the impoundment.

~~(1) The towing fees will be returned to the owner by the divisionDCA; or~~

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

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

~~(jg) Default hearing. If the owner of the impounded vehicle fails to appear for the appeals hearing specified above, the hearing board/special master shall make a determination pursuant to this section. The divisionDCA shall inform the owner of the default determination by certified mail, return receipt requested or by personal delivery. The order of the hearing board/special master shall include the provisions of this section.~~

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

Section. 19-223. - Vehicle safety, ~~and~~ appearance, and inspection requirements.

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

(a) Mechanical/safety inspections.

~~(1) A mechanical vehicle inspection must be completed on all vehicles for hire. This inspection shall be completed by a mechanic certified by the National Institute for Automotive Service Excellence (ASE). The mechanical inspection becomes an annual requirement each year thereafter in order for the vehicle to be allowed to operate as a vehicle for hire. The ASE certified mechanic performing the inspection must utilize a three (3) part inspection form approved by DCA. The inspection form must show that the vehicle passed all of the requirements as~~

specified, and the mechanic must provide his/her ASE certification number, the expiration date of his/her certification, the name and license number of the state licensed motor vehicle repair facility, where the inspection was performed, and his/her signature as verification that all information provided is true and correct. This information must be recorded on the inspection form for each vehicle inspected. Drivers shall keep proof of their vehicle inspection with them at all times in their vehicle and provide a copy of same to the DCA upon request. Any driver whose vehicle was inspected before ~~the effective date~~ October 1, 2015, or during the term of an operating agreement between the County and vehicle for hire company may continue to operate without obtaining the inspection required under this section for one year from the date of their last inspection.

Upon such inspection, if it is found that the vehicle for hire operating under this article does not meet the requirements established herein, the driver shall receive a copy of the deficiencies, and order the vehicle to be removed from service until such time as the vehicle has been made to comply with the requirements specified herein. It is the responsibility of the vehicle owner to make necessary repairs or corrections before the vehicle is re-inspected and returned to service. A vehicle for hire company shall suspend the authorization of any driver whose vehicle fails an inspection or who fails to timely report the results of an inspection until the driver demonstrates that his or her vehicle has passed an inspection pursuant to this article. It shall be unlawful for a mechanic or technician to provide false information on an inspection form required pursuant to this section. Any driver whose vehicle fails to pass the inspection or timely report the results of an inspection may have his or her ID badge or Alternative Identification suspended or revoked as provided herein. Any vehicle for hire company whose vehicle fails to pass the inspection or timely report the results of an inspection may have its business permit suspended or revoked as provided herein.

(2)

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

(1) All taxi and non-medical wheelchair and stretcher transportation vehicles shall be visually inspected when first placed into service, and annually thereafter by DCA. DCA personnel shall use a standard two part DCA Vehicle for Hire Visual Inspection form/check list while performing the inspection. This visual inspection covers various physical items including, but not limited to, lettering, top light, taximeter decal and seal, meter rates posted, seat belts, tires, lights, signals, interior condition, vehicle equipment, safety equipment, radio and/or cell phone, spare, tire changing equipment, etc. for taxis. The visual inspection form/checklist also includes the wheelchair and stretcher design requirements specified herein for non-medical transportation vehicles. Upon such inspection,

if it is found that the taxi or non-medical wheelchair and stretcher transportation vehicles operating under this article do not meet the requirements established herein, the driver shall receive a copy of the deficiencies, and DCA shall order the vehicle to be removed from service. It is the responsibility of the taxi or non-medical wheelchair and stretcher transportation vehicle owner to comply with the requirements specified herein.

- (2) The inspection of vehicles shall take place during a designated period of time and at a location designated by the DCA. It is the responsibility of the taxi or non-medical wheelchair and stretcher transportation company to make vehicles available during the designated period of time and at the designated location.
- (3) The DCA will provide written notification (fax or electronic notification acceptable) to the taxi or non-medical wheelchair and stretcher transportation company of the time and location where inspections will be conducted.
- (4) If the business fails to appear for inspection during the designated inspection period established by the DCA, a rescheduling fee must be paid to the DCA prior to rescheduling. The non-refundable rescheduling fee shall be established by resolution of the board. Failure to reschedule within five (5) business days shall be a violation of this article and may result in the denial/revocation of the permit. If a taxi or non-medical wheelchair and stretcher transportation company cancels or fails to present the vehicle(s) for the re-scheduled inspection, the company shall pay a fee that is established by resolution of the board.
- (5) Vehicles acquired by a taxi or non-medical wheelchair and stretcher transportation company after submitting the annual business permit application cannot be substituted for vehicles previously scheduled for inspection, unless the taxi or non-medical wheelchair and stretcher transportation company provides all required vehicle documentation at least ten (10) business days before the designated inspection time established by the DCA.
- (6) If a taxi or non-medical wheelchair and stretcher transportation vehicle fails inspection and a reinspection is required, then the failed vehicle(s) are to be brought to the DCA's designated reinspection site within five (5) business days by appointment. If the vehicle is not reinspected within five (5) business days, then a failed vehicle reinspection fee as established by resolution of the board shall be paid to the DCA.
- (7) Taxi or non-medical wheelchair and stretcher transportation vehicles that have failed an inspection shall be red-tagged by the DCA. A red-tag "out of service" decal will be applied to the vehicle by a DCA employee and the vehicle shall not be used for any taxi or non-medical wheelchair and stretcher transportation company purposes until such time as the vehicle is brought to the DCA, inspected and approved for operation. Only DCA employees may remove the red-tag decal.

~~(a) The windshield and all side and rear windows shall provide clear visibility and operate according to the manufacturer's specifications. The windshield and all windows shall possess no breakage, cracks or pits that impair visibility or hinder the safety of passengers. All window cranks/power window switches shall be complete, intact and functioning. Windows on vehicles for hire shall not be covered by, or treated with a material which would cause the vehicle to be in violation of F.S. §§ 316.2951—316.2956, as may be amended.~~

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

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

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

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

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

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

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

~~(i) The vehicle's body, fenders, doors, trim, grill and paint must be free from cracks, breaks, rust, and body damage that detracts from the overall appearance of the vehicle or could result in harm or injury to the passenger or his/her personal belongings.~~

~~(j) The vehicle must be equipped with safe tires of the same size. No recaps shall be used. Maximum allowable tread wear shall be where tread is level with the wear bar, or~~

~~two-thirty-seconds (2/32 inch when measured at three (3) random places in the tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges, or exposed belts.~~

~~(j) The vehicle must be equipped with safe tires of the same size. No recaps shall be used. Maximum allowable tread wear shall be where tread is level with the wear bar, or two-thirty-seconds (2/32 inch when measured at three (3) random places in the tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges, or exposed belts.~~

~~(k) Windshield wipers must be operational according to the manufacturer's specifications. Wiper blades shall be in such a condition as to make firm contact with the windshield when operational, and shall not be torn or worn.~~

~~(l) Reflectors and lenses shall not be cracked or missing and must be the correct color and properly positioned.~~

~~(m) Low and high beam headlights, turn signals, brake, tail and reverse lights shall be operable as required by state law. Each vehicle shall have a white light on the vehicle to illuminate the rear license plate so that it is clearly visible.~~

~~(n) Steering mechanisms shall not be worn or jammed, nor shall there be more than two (2) inches play to the left or right of center, measured at the steering wheel rim with the front wheels in a straight-ahead position. Power steering units shall not have visible signs of fluid leakage.~~

~~(o) The vehicle suspension shall function as designed by the manufacturer.~~

~~(p) The vehicle shall be equipped with an operating horn with the actuating button mounted in the location designated by the vehicle manufacturer and operated in the manner designed and assembled by the vehicle manufacturer.~~

~~(q) Each vehicle shall contain an operating parking brake and a primary brake system which acts on all four (4) vehicle wheels. There shall be no visible leaks in the brake line, hoses, wheel cylinders or any part of the brake system and no frayed cables. Brake linings and/or disc pads, when measured at the thinnest point shall not be less than one-sixteenth (1/16) of an inch and firmly attached to the brake shoe or disc. Disc brake rotors and brake drums shall be of a size and type appropriate for the vehicle, with no cracks or other damage which change or impair the functional surface. All primary brake systems shall demonstrate a reasonable total braking force when conducting a rolling stop.~~

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

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

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

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

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

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

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

~~(y) Failure to comply with the provisions of this section and applicable sections of F.S. ch. 316, as may be amended, 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 or other such remedies available to the division by law.~~

~~**Sec. 19-224. -- Non-medical wheelchair and stretcher transportation service companies operational requirements** is hereby deleted in its entirety.~~

~~(a) Non-permitted transportation. It shall be unlawful to provide the following types of transportation for any person:~~

~~(1) Requiring intravenous fluid administration while in route.~~

~~(2) Requiring direct medical attention while in route.~~

~~(3) Requiring ventilatory assistance.~~

~~(4) Requiring orthopedic traction during transit.~~

~~(b) Vehicle design—wheelchair operations.~~

~~(1) Each vehicle shall have, in addition to the rear vision mirror required by F.S. ch. 316, an inside rear vision mirror which will enable the driver to view the entire compartment;~~

~~(2) Vehicle entry and exit doors shall be equipped with latching devices sufficient to restrain individual passenger conveyance(s) within the passenger compartment of the vehicle;~~

~~(3) The floor of each vehicle shall be sealed to avoid the seepage of water or moisture;~~

~~(4) The passenger compartment shall provide a minimum of fifty-five (55) inches of height, measured from the finished floor to the finished ceiling;~~

~~(5) Vehicles shall not display any ambulance or rescue vehicle emergency lighting or warning devices, nor shall they be painted in a fashion that is similar to or resembles an ambulance or rescue vehicle;~~

~~(6) Vehicles for hire which are intended to be used for or are used for the transport of individuals in wheelchairs shall be designed and equipped to meet minimum requirements as specified by the state department of transportation for wheelchair lift vehicles (F.A.C. § 14-90, as may be amended).~~

~~(c) Vehicle design—stretcher operations. Prior to transportation, a non-medical, wheelchair and stretcher transportation service provider shall be required to obtain from the passenger, who requires transportation by a stretcher a written statement that the person does not need, nor is likely to need, immediate medical attention during transport. This statement must be attached to the corresponding trip manifest. Vehicles for hire which are intended to transport a passenger by stretcher, shall be equipped as follows:~~

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

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

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

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

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

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

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

~~(d) Vehicle design—Combination wheelchair/stretchers. Vehicles for hire which are intended to be used for, or are used for the transportation of persons on both a stretcher, or wheelchair shall be subject to all provisions contained above in section 19-223. Each non-medical wheelchair and stretcher transportation service company shall select and use a uniform specific and consistent color and signage scheme for all vehicles registered to the business. Each company shall submit to the division for approval, upon application, three (3) color photographs, not less than eight (8) inches by ten (10) inches size, showing the entire vehicle, driver's side (assuming passenger side is identical), front and rear of the vehicle which depicts the chosen color scheme, including signage per section 19-215 of this article. Each non-medical wheelchair and stretcher transportation service vehicle shall operate under a trade name which is distinct from and not substantially similar to any existing vehicle for hire company.~~

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

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

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

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

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

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

~~(h) Failure to comply with the provisions of this section may result in denial of a permit(s)/decals, revocation or suspension of the permit(s)/decals, a denial of renewal of such permits, issuance of a civil citation, a misdemeanor conviction or other such remedies available to the division herein.~~

Sec. 19-225. ~~Vehicle inspections~~ is hereby deleted in its entirety.

~~(a) Mechanical/safety inspections.~~

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

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

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

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

~~c. The technician must provide his/her ASE certification number, the expiration date of his/her certification, the name and license number of the state-licensed motor vehicle repair facility where the inspection was performed and his/her signature as verification that all information provided is true and correct. This information must be recorded on the inspection form for each vehicle inspected.~~

~~(3) It shall be a violation of this article to fail to use a certified technician to inspect vehicles or to submit false inspection forms to the division. The division may verify information and inspection forms submitted by the business. A business which fails or does not follow the requirements of this section is subject to denial, revocation or suspension of its business permit and decals and denial, revocation or suspensions of renewal of same.~~

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

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

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

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

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

~~(5) Vehicles acquired by a business after submitting the annual business permit application cannot be substituted for vehicles previously scheduled for inspection, unless the business provides all required vehicle documentation at least ten (10) business days before the designated inspection time established by the division.~~

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

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

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

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

Section. 19-226. - ~~Commercial automobile liability i~~nsurance.

(a) It shall be unlawful for any vehicle for hire company to ~~operate and~~ transport passengers ~~for compensation until that company without automobile liability insurance in effect for each vehicle in service issued in accordance with applicable Florida law, as may be amended from time to time~~ ~~has filed with the division to DCA~~ 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.~~

(b) ~~Proof of insurance shall be provided to the DCA evidencing coverage required by applicable Florida law, as may be amended from time to time. 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 ~~division~~DCA of any non-renewal of the policy or at least ten (10) days' written notice to the ~~division~~DCA of any cancellation/non-payment of the policy. Evidence of the renewal of the policy shall be filed with the ~~Division~~DCA 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 ~~division~~DCA herein.

(c) Each certificate of insurance shall be submitted to the ~~division~~DCA 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 division DCA, 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 division DCA 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 division DCA 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 limits as established by resolution of the board. It is a violation of this article to fail to abide by these requirements.~~

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

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

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

(f) The ~~Division~~DCA shall suspend the business permit of any vehicle for hire company which fails to ensure that each and every vehicle associated with the company has:

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

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

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

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

Section 19-227. - Driver requirements; failure to comply.

(a) It shall be unlawful for any person to operate any vehicle for hire within and upon the streets of the County without a County vehicle for hire driver's ~~identification badge~~ (~~driver's I.D. badge~~) issued by the ~~Division~~DCA, or other approved means of Alternative

Identification that allows passengers, law enforcement– and the DCA to ensure that drivers have qualified to deliver service. All applicants ~~for a vehicle for hire driver's I.D. badge~~ shall conform to the following unless they are authorized under subsection (n) of the section:

- (1) Be at least ~~twenty-one~~ eighteen (~~21~~18) years of age; and
- (2) Possess a valid State of Florida driver's license or is otherwise authorized to operate a motor vehicle in Florida pursuant to Section 322.031, Florida Statutes and vehicle registration ~~as required by the state department of highway safety and motor vehicles and must show proof that he/she has possessed a valid driver's license from any state within the United States for three (3) years prior to applying for a driver's I.D. badge. If a person has not driven for three (3) years in the United States, he/she must obtain the driving record from any other jurisdictions where he/she did drive or if he/she is unable to obtain the driving record, must sign an affidavit under penalty of perjury that he/she has no driving record which would prevent him/her from driving a vehicle in the County;~~ and
- (3) Provide the original form of his/her lifetime State Department of Highway Safety and Motor Vehicles traffic/driving record report to the ~~Division~~DCA which was secured no more than thirty (30) days before the application/renewal was submitted. Upon initial application, if a driver has resided in Florida less than five (5) consecutive years, a traffic/driving record/history from each state where he/she previously resided must be provided for at least a five-year period; and
- (4) Not have more than three (3) moving violations in the three-year period prior to such check; a major violation in the three-year period prior to such check (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license) and three (3) or more traffic infractions resulting in accidents; and
~~Not have more than three (3) or more separate incidents involving moving violations in any twelve-month period in the previous three (3) years prior to the initial application or renewal of a driver's I.D. Badge in which the applicant plead guilty or was found guilty or have accumulated more than twelve (12) points within a twelve-month period, eighteen (18) points within an eighteen-month period, or twenty-four (24) points within a thirty-six-month period for driving infractions;~~
- (5) Not have been classified as a habitual traffic offender (as defined by Florida state statutes) ~~or as defined by the state where he/she previously resided within five (5) years of applying~~ for a driver's I.D. badge and was not previously issued an ~~driver's I.D. ID badge by the division~~DCA; and
- (6) Upon initial application or renewal, the driver must provide the original request form for his/her Florida Department of Law Enforcement (FDLE) level 2 criminal history/records report to the ~~Division~~DCA, as well as payment for the amount required to

secure the criminal history/records report. The ~~Division~~DCA shall then be responsible for processing the request and payment to the FDLE. Prior to submitting a request for a level 2 criminal history record check pursuant to this article, the ~~Division~~DCA shall notify each applicant to be fingerprinted that his or her fingerprints will be sent to the State Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. The notification shall also state that the vehicle for hire driver has a right to:

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

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

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

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

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

~~_(11) Have not been found guilty of a felony offense, regardless of adjudication, or entered a plea of nolo contendere or guilty to a felony offense, or have been adjudicated delinquent and the record has not been sealed or expunged for any felony offense relating to or threatening the public safety as determined by the Board of County~~

~~Commissioners, or have been released from incarceration for such felony conviction (whichever is later), within five (5) years before the date of application for a vehicle for hire driver I.D. badge (unless proof is shown that the applicant's civil rights have been restored). Said felonies relating to, or threatening the public safety shall include, but are not limited to, the following: battery, domestic batteries, carrying a concealed weapon, discharging a firearm in public, robbery (not armed), burglary (not first degree), criminal sale of a controlled substance, criminal possession of controlled substance/paraphernalia, obscenity (selling/distributing sexual material to a minor or exchanging computer pornography with a minor), a habitual felony offender, aggravated assault, child abuse/neglect, reckless driving with serious bodily injury, fleeing/attempting to elude a law enforcement officer, aggravated fleeing or eluding a law enforcement officer causing serious body injury, luring or enticing a child under twelve (12) (second conviction), resisting an officer with violence, procuring a person under eighteen (18) for prostitution, selling or buying minors for sex trafficking/prostitution, forcing/compelling/coercing a person for prostitution, or abuse/aggravated abuse/neglect of an elderly person or a disabled adult;~~

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

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

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

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

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

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

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

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

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

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

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

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

~~l. Aggravated battery, attempted aggravated battery (F.S. ch. 784);~~

~~m. Armed robbery, attempted armed robbery, carjacking, attempted carjacking, home invasion, attempted home invasion (F.S. ch. 812);~~

~~n. Poisoning of food or water (F.S. § 859.01);~~

~~o. First degree burglary or attempted first degree burglary (F.S. § 810.02);~~

~~p. Arson or attempted arson (F.S. § 806.01);~~

~~q. Aggravated stalking (F.S. § 784.048);~~

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

~~s. Aircraft piracy (F.S. § 860.16);~~

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

~~u. Facilitating or furthering terrorism (F.S. § 775.31);~~

~~v. Treason (F.S. § 876.32);~~

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

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

~~a. A habitual violent felony offender under F.S. 775.084(1)(b);~~

~~b. A three-time violent felony offender under F.S. 775.084(1)(c);~~

~~c. A violent career criminal under F.S. 775.084;~~

~~d. A prison releasee reoffender under F.S. § 775.082(9)(a);~~

~~e. A sexual predator under F.S. § 775.21;~~

~~(7) —Not have been, within the last seven (7) years before the date of application of an ID badge or approved use of Alternative Identification, convicted of a felony, nor have been released from incarceration as a result of a felony conviction, unless his or her civil or residency rights have been restored; and~~

~~(8) Not have been convicted before the date of application of an ID badge or approved use of Alternative Identification of any criminal offense involving moral turpitude relating to sex crimes, the use of a deadly weapon, homicide, violent offense~~

against a law enforcement officer under - Section 775.0823, Florida Statutes, nor have been adjudicated a habitual violent -felony- offender under Section 775.084, Florida Statutes; and

(9) Not have been convicted within the last three (3) years before the date of application of an ID badge or approved use of Alternative Identification of a first degree misdemeanor, involving violence, theft, or property damage of an offense involving moral turpitude (unrelated to sex crimes) when, in the discretion of the Division Director, approval of such registration would constitute a threat to the health, welfare, or safety of the public or property and therefore would not be in the public's interest; and

(10) Not have been, within the last seven (7) years before the date of application of an ID badge or approved use of Alternative Identification, convicted of ~~been released from incarceration, or had his or her driver's license suspended for:~~

a. Driving under the influence of drugs or intoxicating liquors (D.U.I.);

b. ~~Three (3) or more traffic infractions resulting in accidents;~~

c. Fleeing the scene of any accident; or

d. Vehicular manslaughter or any death resulting from driving.

Notwithstanding anything contained herein to the contrary, and prior to allowing a driver to provide vehicle for hire services, a vehicle for hire company shall conduct or have a third party conduct a local, state and national background check to include the National Sex Offender Public Website Registry Database, Public Access to Court Electronic Records ("PACER") system, social security trace and a driving history research report, that does not require fingerprinting for each potential driver through a DCA-approved agency accredited by the National Association of Professional Background Screeners (NAPBS). The accredited agency will perform a background check of the driver, which will be used by the vehicle for hire company to determine whether he/she meets the requirements pursuant to this article. ~~The company obtaining and reviewing the criminal history for each potential driver provide the DCA with proof the driver's criminal history search has been performed and the driver meets the requirements pursuant to this article~~The vehicle for hire company shall provide the name of the agency used for conducting background checks to the DCA at time of application, and such vehicle for hire company shall certify to DCA that its drivers have met all requirements pursuant to this article. Nothing contained herein shall preclude a vehicle for hire company from requiring its drivers to undergo conducting a level 2 criminal history/records background check in accordance with paragraph 6 of this section, that includes the National Sex Offender Registry Database and fingerprinting and meets all other requirements of this section for each potential driver, through an agency accredited by the NAPBS.

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

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

(163) Every application or renewal application ~~for a driver's I.D. badge and application for amendment of a driver's I.D. badge,~~ shall be in writing and signed by the applicant and shall be filed with the County Division of Consumer Affairs DCA on a form provided ~~by the Division~~ by the DCA, together with ~~the~~ nonrefundable ~~driver's I.D. badge~~ fees which shall not be subject to proration;

Each ~~driver's I.D. ID~~ badge or Alternative Identification shall be valid for a two-year period and shall be renewed every other year from the date of the initial/renewal application. The DivisionDCA or Vehicle for Hire Company may deny or revoke a vehicle for hire ~~driver's I.D. ID~~ badge or Alternative Identification if it is determined that the applicant has misrepresented, omitted, or concealed a fact on the application, renewal application or replacement application. If the ~~driver's I.D. ID~~ badge or Alternative Identification is denied, the DivisionDCA or Vehicle For Hire Company shall not accept a ~~nsubsequent~~ application ~~for said driver's I.D. badge~~ for one (1) year from the date ~~of the badge is denied~~, unless there is less than one (1) year to satisfy the time ~~restrictions in paragraph (a) above related to the following subparagraphs: (4), (5), (7), (8), (9), (10), or (11) as provided herein.~~ In such situations, the applicant will be permitted to reapply for an ~~driver's I.D. ID~~ badge or Alternative Identification after the time requirements have been satisfied. If the ~~driver's I.D. ID~~ badge or Alternative Identification is revoked, the DivisionDCA or Vehicle for Hire Company shall not accept an ~~subsequent~~ application ~~for said driver's I.D. badge~~ for one (1) year from the date ~~the badge is of revoked~~ revocation. ~~For Any person renewing a driver's I.D. badge must file a renewal, the~~ application ~~onnt~~ ,must furnish the documentation requested by the DivisionDCA or Vehicle for Hire Company, and submit ~~payment for the required~~ nonrefundable renewal fee(s) not more than ninety (90) days before the expiration date ~~of a driver's I.D. badge.~~ Persons who fail to reapply ~~at least for their driver's I.D. badge~~ thirty (30) days prior to expiration, risk having a gap in their authorization to drive a Vehicle f ~~For-h~~ Hire vehicle. Persons who fail to submit their renewal application, required documentation and fees by the expiration date of the ~~driver's I.D. badge~~ or Alternative Identification must pay a nonrefundable late fee, ~~over and above the driver's renewal fee.~~ Any applicant who fails to submit a renewal application within one (1) year of the expiration ~~of a current badge~~ will be considered a new applicant ~~when reapplying~~ and no grandfathered provisions will apply. All Said fees shall be established by resolution of the Board;

(174) Submit to photographing (full face exposure/without sunglasses or head coverings) prior to the issuance of the permit/I-D- badge by the DivisionDCA;

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

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

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

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

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

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

(b) The driver of a vehicle for hire shall conspicuously display ~~on the driver's person through the use of a neck lanyard, or above the waist on the outermost garment, the driver's I.D. ID~~ badge issued pursuant to this article or shall display for a passenger or regulatory/enforcement agency an Alternative Identification ~~so that it is visible and available for inspection to the public, Division personnel and all law enforcement officials while engaged and on duty for a vehicle for hire business.~~

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

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

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

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

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

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

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

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

(~~k~~f) ~~Beginning on June 1, 2013, in addition to maintaining~~ Drivers must be ~~hygienically clean, well-groomed and maintain a neat appearance, drivers must wear a collared shirt, long pants or a knee length skirt, and closed shoes.~~

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

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

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

(~~oj~~) Upon initial application for an n ~~driver's I.D.~~ID badge under subsection (a) of this section, the ~~Division~~DCA or designated agency shall examine each applicant and, at a

minimum, determine the applicant's knowledge of County geography and his/her ability to understand the English language. A driver is only required to successfully complete the examination one (1) time. A driver/applicant which initially fails either the geography or English test may retake the test within thirty (30) days at no additional charge. If a driver/applicant fails either requirement during the retest, that person will be denied his/her I-D- badge, but may reapply and repay all applicable fees at anytime.

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

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

(rm) Exemptions: Any person who possessed a valid ~~driver's I-D-ID~~ badge on ~~the October 1, 2015~~effective date of this article shall be exempt from any new requirements of this section 19-2727, ~~subsections (a)(1)–(8), (10)–(13) and (23)~~. However, such persons would be ineligible to receive a driver's I-D- badge and the driver's I-D- badge would be revoked if he/she is convicted of new offenses as described in this article.

(n) Notwithstanding anything contained herein to the contrary, and prior to allowing a driver to provide vehicle for hire services, vehicle for hire companies may provide Alternative Identification as set forth below of this section through use of a smartphone application that allows the driver to display his/her picture and the information described below to allow for his/her identification for the assurance of the passenger and for regulatory verification. As an alternative to the ID badge process set forth in subsection (a) of this section, a dDriver may obtain authorization to operate in the County from a permitted vehicle for hire company provided he/she is in compliance with this section 19-227, subsections (a)(1), (2), (4)-(5) and (7)-(10) and meets the vehicle safety inspection and automobile insurance requirements set forth in sections 19-223 and 19-226 of this article. in accordance with this subsectio

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

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

~~(a) Is at least eighteen (18) years of age;~~

~~(b) Possesses a valid Florida driver's license or is otherwise authorized to operate a motor vehicle in Florida pursuant to Section 322.031, Florida Statutes, as may be amended from time to time;~~

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

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

~~-(sno) Failure to comply with the provisions of this section may result in the DivisionDCA denying an_I.D. badge, revoking or suspending the driver's-I.D.ID badge, denying a renewal of such driver's-I.D.ID badge, issuing a civil citation, a misdemeanor conviction or other such remedies available to the DivisionDCA herein.~~

~~(p) Upon receipt of information from DCA that an driver no longer meets the requirements of this section, a vehicle for hire company that authorizes drivers pursuant to subsection (n) of this section shall immediately revoke the Alternative Identification it issued to the driver, notify the driver that he or she is no longer authorized to operate a vehicle for hire and, in the case of a transportation network company, prohibit the driver from operating on its digital platform. A driver whose Alternative Identification was revoked based on direction received from DCA may appeal that decision in accordance with Section 19-229.~~

Section. 19-228.--~~Fraudulent transfer of vehicle for hire company.~~ is hereby deleted in its entirety.

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

~~(1) The transfer was to an insider;~~

~~(2) The vehicle for hire company retained possession or control of the property transferred after the transfer;~~

- ~~(3) The transfer was disclosed or concealed;~~
 - ~~(4) Before the transfer was made or obligation was incurred, the vehicle for hire company had been sued or threatened with suit;~~
 - ~~(5) The transfer was of substantially all the vehicle for hire company's assets;~~
 - ~~(6) The value of the consideration received by the vehicle for hire company was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;~~
 - ~~(7) The vehicle for hire company was insolvent or become insolvent shortly after the transfer was made or the obligation was incurred;~~
 - ~~(8) The transfer occurred shortly before or shortly after substantial permit fees or civil penalties were incurred; and~~
 - ~~(9) The vehicle for hire company transferred the essential assets of the business to a lienor who transferred the assets to an insider of the vehicle for hire company.~~
- ~~(b) It shall be a violation of this article for a vehicle for hire company to fraudulently transfer a vehicle for hire company.~~

Section. 19-229. - Revocation, suspension and denial of permits/~~I-D~~ badges; administrative appeal.

- ~~-(a) The ~~DivisionDCA~~ is authorized to deny, suspend or revoke business permit/~~driver's I-D-ID~~ badges, and Alternative Identification upon written notice. Suspensions shall not be more than six (6) months. Companies/drivers not resolving issues related to suspensions within the six-month suspension period will be subject to permit/~~I-D~~ badge and Alternative Identification revocation. Said notice of business permit/~~I-D~~ badge or Alternative Identification denial, suspension or revocation shall be by personal service (to the owner, driver or representative), by certified mail (return receipt requested) or posting in a conspicuous place at the place of business or home of the driver.~~
- (b) Upon receipt of the notice of denial, revocation, or suspension of a business permit/~~I-D~~ badge, or Alternative Identification which notice shall specify the grounds for the denial, suspension or revocation, the vehicle for hire company, person or driver shall be entitled to an appeal according to the following:

(1) Administrative appeal: Any vehicle for hire company, person or driver which has had a business permit/~~driver's I-D-ID~~ badge denied, revoked, or suspended by the ~~divisionDCA~~, may appeal such decision to the consumer affairs hearing board/special master within twenty (20) days of receipt of the decision. A non-refundable filing fee must accompany the written request for appeal. The business, person, driver or attorney shall file a written notice of appeal signed by the business officer/owner, driver

or attorney requesting a hearing and setting forth a brief statement of the reasons thereof. The filing fee shall be established by resolution of the board. The appeal shall be reviewed at a hearing of the consumer affairs hearing board/special master within sixty (60) days of receipt by the ~~division~~DCA of the notice of appeal. The vehicle for hire business/person/driver may be represented by an attorney and shall be entitled to present a defense.

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

(3) Court appeal: Any person may appeal a final determination of the consumer affairs hearing board/special master within thirty (30) days of the rendition of the decision by filing a petition for writ of certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for the county.

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

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

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

(e) If the consumer affairs hearing board/special master affirms the decision of the director to deny, suspend or revoke a business permit/~~driver's I.D./ID~~ badge, or Alternative Identification the denial, suspension or revocation shall be effective from the date of the consumer affairs hearing board's/special master's written order. All decisions

of the consumer affairs hearing board/special master shall constitute final agency action for purposes of further appeal.

(f) Suspension of the business permit/~~driver's I.D.ID~~ badge or Alternative Identification: If, at the conclusion of the hearing, the consumer affairs hearing board/special master decides to suspend the business permit/~~driver's I.D.ID~~ badge or Alternative Identification, a time certain shall be set as the period of suspension. Prior to the end of such time certain, those violations for which the suspension was imposed shall be corrected; otherwise, the suspended permit(s) shall be automatically revoked. A fee of fifty (50) percent of the business permit/~~driver's I.D.ID~~ badge fee shall be collected to reinstate the suspended permit(s)/~~driver's I.D.ID~~ badge.

(g) Revocation of business permit/~~driver's I.D.ID~~ badge or Alternative Identification: If, at the conclusion of the hearing the consumer affairs hearing board/special master decides to revoke the permit/~~driver's I.D.ID~~ badge or Alternative Identification, the business/driver shall return the business permit and/or the ~~driver's I.D.ID~~ badge and remove and return all vehicle decals to the ~~division~~DCA.- A vehicle for hire company or driver whose business permit/~~driver's I.D.ID~~ badge or Alternative Identification has been revoked, shall not be eligible to reapply as a new applicant for a period of one (1) year from the date of revocation.

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

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

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

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

(l) Effect of appeal: An appeal of the decision of the director to suspend or revoke a business permit/~~driver's I.D.ID~~ badge or Alternative Identification shall stay the effective date of the suspension or revocation. A stay does not apply to a revocation or

suspension of a vehicle for hire company business which failed to maintain ~~commercial~~ liability insurance as required by section 19-226.

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

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

Section. 19-230. - Enforcement.

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

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

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

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

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

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

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

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

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

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

(4c) The maximum civil penalty which may be levied by citation shall ~~_not exceed five hundred dollars (\$500.00) per day, per violation~~ be established by resolution of the board. Moneys collected in payment for citations shall be remitted to the ~~the consumer affairs division~~ DCA ~~to support the vehicle for hire program~~.

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

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

(7f) Upon appeal of a citation, or at such other times as may be necessary, a hearing before the consumer affairs hearing board may be convened. The following shall apply:

(a1) Minutes shall be kept of all hearings and all hearings shall be open to the public.

(b2) At the hearing, the burden of proof shall be upon the county to show by a preponderance of the evidence that a violation does exist. Where proper notice of the hearing has been provided to the violator as provided herein, a hearing may proceed even in the absence of the violator.

~~(e3)~~ The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. Upon determination by the chair of the consumer affairs hearing board or special master, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida.

~~(e4)~~ Any member of the consumer affairs hearing board/special master, the attorney representing the consumer affairs hearing board, the respondent and his/her attorney may inquire or question any witness present at the hearing. The violator or his/her attorney shall be allowed to cross-examine all witnesses present at the hearing and present testimony and evidence.

~~(e5)~~ At the conclusion of the hearing, the consumer affairs hearing board/special Master shall orally render an order based on evidence into the record. In the case of hearings before the consumer affairs hearing board, the decision shall be by motion approved by the affirmative vote of those persons present and voting. An order setting forth findings of fact and conclusions of law shall then be mailed to the violator within ten (10) days of the hearing.

~~(f6)~~ If the consumer affairs hearing board/special master finds that a violation exists, the consumer affairs hearing board/special master may order a civil penalty of no more than five hundred dollars (\$500.00). Each permit/ID badge [or Alternative Identification](#) not in compliance and each day in which a violation of this article exists shall constitute a separate offense.

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

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

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

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

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

Section. 19-231. - Violations.

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

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

Section. 19-232. - Appeals.

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

Section. 19-233. - Fees.

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

Section. 19-234. - Penalties.

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

Section. 19-235. - Start-up.

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

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

~~(c)~~ After ~~March~~ October 1, 2009~~15~~ any new vehicles added to the fleet of existing permitted companies or newly permitted companies will be subject to all requirements of this article.

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

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

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

Section. 19-236. - Repeal of laws in conflict.

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

Section. 19-237. - Savings clause.

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

Section. 19-238. ~~- Jurisdiction This article shall be effective throughout the unincorporated areas of the county. This article shall be effective in municipalities unless the municipality opts out or shall be effective up to the extent of conflict with the municipal ordinance~~ is hereby deleted in its entirety.

Section. 19-2389. – Severability.

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

Section. 19-24039. – Inclusion in the Code of Laws and Ordinances.

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

Section. 19-2401. - Captions.

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

Section. 19-2412. – Effective Date.

The provisions of this Ordinance shall become effective October 1, 2015 and upon filing with the Department of State, whichever occurs last.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

Palm Beach COUNTY, Florida by its
Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Shelley Vana, Mayor

Approved as to form and
legal sufficiency

By: _____
County Attorney

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

ORDINANCE NO. 2015 _____

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 (SHORT TITLE; 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 SERVICE 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 SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, Palm Beach County licenses and regulates vehicles for hire (defined hereinafter) that operate in Palm Beach County, Florida; and

WHEREAS, it is now necessary to amend Chapter 19, Article IX of the Palm Beach County Code to enhance the regulatory framework for the vehicle for hire industry including transportation network companies.

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

Chapter 19, Article IX of the Palm Beach County Code is hereby amended to read as follows:

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

- (a) This article shall be known as the "Palm Beach County Vehicle for Hire Ordinance."
- (b) The provisions of this Ordinance shall apply to the unincorporated area of Palm Beach County, Florida and to all municipalities within Palm Beach County that elect to have the provisions of this Ordinance apply within their respective jurisdictions.

Section. 19-212. - Authority.

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

Section. 19-213. - Definitions

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

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

Airport Rules and Regulations. The term "Airport Rules and Regulations" means the provisions of Appendix B of the Palm Beach County Code, as now or hereafter amended.

Alternative identification – Companies may provide alternative identification approved by the DCA through use of a smartphone application that allows the driver to display his/her picture, name and other sufficient relevant information to allow his/her identification for the assurance of the passenger, law enforcement and for regulatory verification.

Applicant. The term "applicant" shall mean any person who applies for a vehicle for hire business permit, Alternative Identification or ID badge within Palm Beach County. In the case of partnerships, associations, corporations and other legal entities, "applicant" shall also mean any member of a partnership, each associate and the corporate officers and directors.

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

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

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

Conviction. The term conviction shall mean any judicial determination of conviction, adjudication withheld, or plea of nolo contendere.

Digital platform. Means any internet-enabled platform, program, or software, including a smartphone or tablet application or website.

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

Driver. The term "driver" shall mean the individual who is driving or physically operating the taxi, non-taxi , or other passenger vehicle for hire and includes the term "chauffeur."

ID badge. The term "ID badge" shall mean a permit authorizing the holder thereof to provide vehicle for hire services in a permitted vehicle pursuant to this article.

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

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

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

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

Prearranged. The term "prearranged" shall mean any reservation made in advance by the person requesting service from any telephone, internet-enabled platform, program, or software, including a smartphone or tablet application or website.

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

Taxi. The term "taxi" shall mean a motorized vehicle, equipped with a taximeter, engaged in the transportation of passengers for compensation, and where the route or destination is designated by the passenger.

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

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

Trade dress. The term “trade dress” shall mean a distinctive signage or display approved by the DCA on the vehicle that is sufficiently large color-contrasted as to be readable during daylight hours at a distance of 50 feet. The trade dress must be sufficient to allow a passenger, government official, or member of the public to associate a vehicle with a particular vehicle for hire company. Acceptable forms of trade dress include, but are not limited to, symbols or signs on vehicle doors, roofs, or grills. Magnetic or removable trade dress is acceptable.

Transportation Network Company (TNC). The term “TNC” means an individual, partnership, association, corporation, or other entity that uses a digital platform to connect passengers to drivers who use a vehicle, other than a Taxi, to provide vehicle for-hire services, sometimes referred to as ridesharing.

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

Vehicle for hire. The term "vehicle for hire" shall mean any motorized, self-propelled vehicle engaged in vehicle for hire service.

Vehicle for hire company. The term "vehicle for hire" shall mean any individual, partnership, sole proprietor, association, corporation, or other legal entity which holds business permits for or contracts with any driver engaged in Vehicle for Hire Service upon the streets of Palm Beach County. The term shall not be construed to exclude any person owning, controlling, operating, or managing any type of motor vehicle used in the business of transportation of persons for compensation. The term shall include taxis, non-taxis, and the use of personal vehicle(s), regardless of who owns said personal vehicle(s) engaged in the pre-arranged transportation of persons for compensation, salary or suggested donation, using a telephone or any internet-enabled digital platform, program, or software including a smartphone or tablet application or website to connect passengers with drivers. The term shall not apply to vehicles, companies and organizations identified in section 19-214 of this Code. **Vehicle for hire service.** The term "vehicle for hire service" shall mean the provision of transportation of persons by a driver who receives any compensation, suggested donation or salary for providing such transportation. The term shall encompass services provided in connection with non-medical wheelchair and stretcher transportation, taxis, non-taxis, and the use of personal vehicle(s), regardless of who owns said personal vehicle(s) engaged in the pre-arranged transportation of persons for compensation or suggested donation, using any internet-enabled digital platform, program, or software including a smartphone or tablet application or website to connect passengers with drivers. The term shall not apply to vehicles, companies and organizations identified in section 19-214 of this Code.

Section. 19-214. - Compliance with article required.

(a) The operation of vehicles for hire within and upon the streets of the county shall be subject to the conditions, restrictions, and regulations set forth in this article. It shall be unlawful to operate any vehicle for hire within and upon such streets without first fulfilling, and maintaining compliance with all requirements of this article; however, this article shall not apply to the following:

- (1) Vehicles operated by a governmental agency; and nonprofit organizations meeting the requirements of Section 501(c)(3), United States Revenue Code.
- (2) Vehicles tendering transportation services not for compensation;
- (3) Discharge of a passenger pursuant to legal authority as referenced in section 19-217 of this article on reciprocity;

(4) School buses and church buses;

(b) Compliance with the provisions of this article shall in no way relieve an individual or vehicle for hire company from compliance with all municipal, county, state and federal laws, including the Palm Beach County Airport and Port of Palm Beach Rules and Regulations.

(c) A "vehicle for hire company" shall assure its drivers' compliance with all of the regulations required by this article, and shall be responsible when the company has had knowledge of and tolerates non-compliance.

(d) Any violation of this article is a civil infraction, and failure to comply with the provisions of this Ordinance may result in DCA denying, suspending or revoking business permits/ID badge, or Alternative Identification, , issuing a civil citation, or other such remedies available to DCA herein.

Section. 19-215. - Advertising.

(a) It shall be unlawful for any vehicle for hire company to advertise vehicle for hire services without first fulfilling and maintaining compliance as required in this article. Any advertisement of any vehicle for hire company or associated digital platform shall clearly and conspicuously disclose the name of the company or digital platform, and phone number, website or other bona fide means of contacting the company.

(b) All taxi and non-medical wheelchair and stretcher transportation vehicles shall clearly display on the exterior of the driver and passenger side of the vehicle, permanent vinyl or painted lettering at least four (4) inches high and in clearly visible bold contrasting colors, the vehicle for hire company's name, telephone number and business permit number. The permit number shall be preceded by "PBC VFH."

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

(d) All taxis shall conspicuously advertise their meter rates on the exterior of the vehicle and the metered drop rate must match the advertised rate.

(e) Taxis utilizing signage on roofs which prevent the required mounting of a top light shall be exempt from the top light requirement until the vehicle is replaced, required to

be retired pursuant to this article or the word "taxi," or "cab" (using at a minimum two-inch letters) is included on the signage and is able to be seen from the front and rear of the vehicle.

(f) Vehicle for hire drivers meeting passengers at Palm Beach International Airport, or the Port of Palm Beach, may utilize a sign for the purposes of identifying a passenger or group of passengers. The sign utilized shall identify the name of the passenger or group being met and shall include the name of the vehicle for hire company. The name of the company shall be larger than one-inch letters and in any event the name of the company shall be smaller than the name of the passenger/group.

(g) Advertising restrictions. No person shall advertise a vehicle for hire service in a manner that is false, misleading or deceptive.

Section. 19-216. – Vehicle for hire operational requirements.

(a) It shall be unlawful for any non-taxi vehicle for hire driver to solicit potential passengers or use any words or gestures that could be construed as soliciting a passenger for taxi service. With the exception of on-demand service provided at the Palm Beach International Airport pursuant to an agreement approved by the Board of County Commissioners for such service, all non taxi service must be prearranged.

(b) A vehicle for hire driver shall not refuse to transport a person to a requested destination located within the limits of Palm Beach County.

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

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

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

- (f) All vehicle for hire companies shall display or otherwise provide to customers in advance the rate or prearranged price that will apply to the transportation service being provided, and it shall be unlawful for the company or driver to charge, demand, request, or accept any fare higher than the specified rate or prearranged price. The rates charged to disabled passengers shall not differ from the rates charged to non-disabled passengers in all vehicles for hire, with the exception of non-emergency wheelchair and stretcher transportation company vehicle rates.

Section. 19-217. - Reciprocity.

Out-of-county origin exception.

Nothing in this article shall be construed to prohibit discharge within Palm Beach County of any passenger lawfully picked up in another county and lawfully transported into Palm Beach County. Notwithstanding any provision to the contrary, any passenger lawfully picked up in another county, transported to, and discharged at any location within Palm Beach County, may be picked up at the discharge location and returned to the county of origin as long as the transportation is part of a pre-arranged trip; provided, however, vehicles for hire shall be required to comply with the Airport Rules and Regulations if the discharge and/or pick up location is the Palm Beach International Airport. Proof of the pre-arranged transportation services shall be made available to enforcement personnel upon request.

Section. 19-218. - Business permit application.

(a) A company not exempt pursuant to section 19-214 shall make application for a business permit on forms to be furnished by the DCA. The applicant shall furnish the following information with each application, which shall be sworn to before a notary public;

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

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

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

(4) Payment of all business permit and other fees in amounts set forth by resolution of the board.

(b) Each business permit issued pursuant to this section shall be valid and effective for one (1) year, terminating on April 30 of each year, and all vehicle for hire business

permits which are not renewed, shall automatically expire upon the expiration date as stated on the permit and the vehicle for hire company shall cease all vehicle for hire services immediately.

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

(2) Vehicle for hire companies which fail to submit a complete application/renewal application within thirty (30) calendar days after the Company's receipt of the DCA's notice of an incomplete application, shall be denied a business permit.

(3) If the business permit is denied or revoked, said business permit shall not be issued or reinstated for a period of one (1) year from the date of denial or revocation.

(4) If the vehicle for hire company transfers, sells, changes or modifies its name or ownership structure, the company shall be required to notify the DCA within forty-five (45) days of said change, and a new business permit application shall be submitted. All business permit fees and administrative processing fees approved by the board by resolution shall be assessed by the DCA.

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

(d) The DCA may deny or refuse to renew the business permit of any vehicle for hire company based upon the determination that:

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

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

(3) Any individual/business, or any of its directors, officers, owners or general partners has had any unsatisfied civil penalties, judgments or administrative orders entered against it, him or her in any action brought by the DCA, or any government agency, under the requirements of this article or a similar ordinance;

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

(e) Failure to comply with the provisions of this section may result in denial of a permit(s), revocation or suspension of the permit(s), a denial of renewal of such permit(s), issuance of a civil citation, or other such remedies available to the DCA by law.

Section. 19-219. – Business Records required.

(a) Upon request by the DCA, a driver for a vehicle for hire company that has been authorized in accordance with Section 19-227(n) shall permit inspection of a vehicle and driver information for purposes of verifying compliance with applicable provisions of this article and provide documentation demonstrating that they are registered with a County-licensed vehicle for hire company, and that a trip was prearranged through a digital platform. If a vehicle for hire company driver refuses to allow an inspection or to make such documentation available, upon notice to the vehicle for hire company, the company shall disconnect the transportation network company driver from its digital platform until the driver permits the inspection or provides the documentation.

(b) Each vehicle for hire company shall maintain accurate and complete business records as required under this Article. Such records including, but not limited to, vehicle inspections, background checks and insurance shall be maintained for at least three (3) years. The DCA shall be granted access to these records for inspection as necessary to investigate and resolve a compliance inquiry during regular business hours, upon forty-eight (48) hours' prior notice. In the event the DCA is denied the opportunity to inspect and copy such records onsite, or at a mutually agreed location in the County, the vehicle for hire company shall provide copies of such records to DCA in Palm Beach County within thirty (30) days of denial for the purpose of inspection. If necessary, the DCA is hereby authorized to obtain an inspection warrant as authorized by law.

(c) The DCA, or its designated third party, is authorized to conduct an audit of the records that a vehicle for hire company is required to maintain under this article on a bi-annual basis for purposes of verifying the company's compliance herewith. The audit shall occur at a vehicle for hire company's place of business in Palm Beach County or other mutually agreed location in the County.

(d) A transportation network company shall not block or otherwise interfere with the DCA's ability to access the transportation network company's digital platform as a user in order to request a ride from transportation network drivers to monitor compliance with the provisions of this article.

(e) Upon request by the DCA or any enforcement/regulatory office, a vehicle for hire company shall provide documentation verifying a driver's registration with the vehicle for hire company, that the driver has undergone a background check required by section 19-227 and that the vehicle certified by the vehicle for hire company has been inspected pursuant to section 19-223.

Section. 19-220. - Vehicle requirements.

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

(b) Fleet requirements.

(1) All *new* taxi companies submitting an application for a business permit pursuant to section 19-218, shall have a minimum of seven (7) vehicles in its fleet, and shall include at least one (1) handicap accessible vehicle. All existing taxi companies with twenty (20) or more vehicles licensed by the DCA, shall have at least one (1) handicap accessible vehicle available.

(2) All new non-taxi companies with sedan/SUV vehicles submitting an application for a business permit pursuant to section 19-218, shall have a minimum of seven (7) vehicles in its fleet.

(3) All new non-taxi companies with van/shuttle vehicles submitting an application for a business permit pursuant to section 19-218, shall have a minimum of seven (7) vehicles in its fleet, and shall include at least one (1) handicap accessible vehicle. (4) All new non-taxi companies with limousine and non-medical wheelchair and stretcher transportation service vehicles submitting an application for a business permit pursuant to section 19-218, shall have a minimum of two (2) vehicles in its fleet.

(c) Taxis.

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

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

(3) All taximeters shall be calibrated, at least once per year, tested and sealed pursuant to the most current addition of the National Institute of Standards and Technology (NIST) Handbook 44, at a registered taxi service agency, as authorized by the State Department of Agriculture and Consumer Services, Bureau of Weights and Measures.

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

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

(6) If either the lead seal or inspection decal is missing or broken on the taximeter, the company must immediately take the vehicle out of service. The taximeter must be recalibrated by a registered taxi service agency, and a new lead seal and inspection decal must be affixed to the taximeter prior to the taxi being placed back into service.

(7) All new taxi companies licensed in Palm Beach County will be required to accept as a method of payment for the fare (in addition to cash or other forms of payment acceptable to the company), a bank debit card or credit card.

Section. 19-221. - Vehicle decal requirements.

(a) Each vehicle for hire shall display a Palm Beach County decal or trade dress while proceeding to or delivering service in accordance with this article that readily allows identification of the company for which service is being offered.

(b) It shall be a violation of this Ordinance to display such identification if the driver or vehicle for hire are not properly permitted or authorized to provide service in accordance with this article.

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

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

Section. 19-222. - Impoundment.

(a) Designated DCA employees or law enforcement officers are authorized to seize and impound any vehicle for hire which such employee or officer has probable cause to believe is being operated without a valid business permit issued by the DCA or automobile liability insurance pursuant to this article.

(b) Any licensed driver and/or vehicle for hire business that has been suspended for failure to meet the required automobile liability insurance requirements pursuant to this

article shall have its vehicle impounded and its business permit or authority revoked. If revoked, said business permit or authority shall not be issued or reinstated for a period of one (1) year from the date of revocation, and all new business permit application requirements or authorization shall apply.

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

(1) The grounds for impoundment,

(2) The description of the vehicle impounded,

(3) The location of the secured facility where the vehicle will be held,

(4) The process for having the vehicle released, and

(5) The circumstances under which the vehicle will be disposed/sold if the owner fails to meet the requirements of this section and fails to claim the vehicle pursuant to F.S. § 713.78, as may be amended.

If the owner of the vehicle is not present at the time of impoundment, within twenty-four (24) hours the DCA will make a good faith effort to give a notice of seizure in writing to said vehicle owner and lien holder. A copy of said notice of seizure shall also be given to the towing company which impounds the vehicle.

Whenever a vehicle is seized under this section, and for any reason notice cannot be given to the owner as hereinabove provided, then a written report of such impoundment shall be sent by mail to the appropriate law enforcement agency.

(d) The DCA shall obtain the assistance of either the county sheriff's office or the specific police agency in the municipality where the vehicle is to be towed to coordinate the impoundment of the vehicle with an authorized towing company either on rotation by the law enforcement agency or under contract with the DCA.

(e) The owner and/or lien holder of the vehicle may appeal the decision of the DCA to impound a vehicle.

(f) Appeal process. If the vehicle owner disputes the grounds for the vehicle impoundment, he or she may appeal to the consumer affairs hearing board/special master. The owner of an impounded vehicle shall make a request in writing to the division for a hearing within five (5) business days of the vehicle being impounded and pay the non-refundable appeal fee established by resolution of the board. The DCA shall arrange for the hearing within ten (10) business days or as soon as practicable, after receiving the written request. All interested persons shall be given reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing, and hearsay evidence shall be admissible. After considering all evidence

presented, the hearing board/special master shall upon clear and convincing evidence, either uphold the decision of the DCA to impound the vehicle or determine there was insufficient cause for impoundment. If the hearing board/special master determines there was insufficient cause for the impoundment, the towing fees will be returned to the owner by the DCA.

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

Section. 19-223. - Vehicle safety, appearance, and inspection requirements.

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

(a) Mechanical/safety inspections.

- (1) A mechanical vehicle inspection must be completed on all vehicles for hire. This inspection shall be completed by a mechanic certified by the National Institute for Automotive Service Excellence (ASE). The mechanical inspection becomes an annual requirement each year thereafter in order for the vehicle to be allowed to operate. The ASE certified mechanic performing the inspection must utilize a three (3) part inspection form approved by DCA. The inspection form must show that the vehicle passed all of the requirements as specified, and the mechanic must provide his/her ASE certification number, the expiration date of his/her certification, the name and license number of the state licensed motor vehicle repair facility, where the inspection was performed, and his/her signature as verification that all information provided is true and correct. This information must be recorded on the inspection form for each vehicle inspected. Drivers shall keep proof of their vehicle inspection with them at all times in their vehicle and provide a copy of same to the DCA upon request. Any driver whose vehicle was inspected before October 1, 2015, or during the term of an operating agreement between the County and vehicle for hire company may continue to operate without obtaining the inspection required under this section for one year from the date of their last inspection.

(2) Upon such inspection, if it is found that the vehicle for hire operating under this article does not meet the requirements established herein, the driver shall receive a copy of the deficiencies, and order the vehicle to be removed from service until such time as the vehicle has been made to comply with the requirements specified herein. It is the responsibility of the vehicle owner to make necessary repairs or corrections before the vehicle is re-inspected and returned to service. A vehicle for hire company shall suspend the authorization of any driver whose vehicle fails an inspection or who fails to timely report the results of an inspection until the driver demonstrates that his or her vehicle has passed an inspection pursuant to this article. It shall be unlawful for a mechanic or technician to provide false information on an inspection form required pursuant to this section. Any driver whose vehicle fails to pass the inspection or timely report the results of an inspection may have his or her ID badge or Alternative Identification suspended or revoked as provided herein. Any vehicle for hire company whose vehicle fails to pass the inspection or timely report the results of an inspection may have its business permit suspended or revoked as provided herein.

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

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

- (3) The DCA will provide written notification (fax or electronic notification acceptable) to the taxi or non-medical wheelchair and stretcher transportation company of the time and location where inspections will be conducted.
- (4) If the business fails to appear for inspection during the designated inspection period established by the DCA, a rescheduling fee must be paid to the DCA prior to rescheduling. The non-refundable rescheduling fee shall be established by resolution of the board. Failure to reschedule within five (5) business days shall be a violation of this article and may result in the denial/revocation of the permit. If a taxi or non-medical wheelchair and stretcher transportation company cancels or fails to present the vehicle(s) for the re-scheduled inspection, the company shall pay a fee that is established by resolution of the board.
- (5) Vehicles acquired by a taxi or non-medical wheelchair and stretcher transportation company after submitting the annual business permit application cannot be substituted for vehicles previously scheduled for inspection, unless the taxi or non-medical wheelchair and stretcher transportation company provides all required vehicle documentation at least ten (10) business days before the designated inspection time established by the DCA.
- (6) If a taxi or non-medical wheelchair and stretcher transportation vehicle fails inspection and a reinspection is required, then the failed vehicle(s) are to be brought to the DCA's designated reinspection site within five (5) business days by appointment. If the vehicle is not reinspected within five (5) business days, then a failed vehicle reinspection fee as established by resolution of the board shall be paid to the DCA.
- (7) Taxi or non-medical wheelchair and stretcher transportation vehicles that have failed an inspection shall be red-tagged by the DCA. A red-tag "out of service" decal will be applied to the vehicle by a DCA employee and the vehicle shall not be used for any taxi or non-medical wheelchair and stretcher transportation company purposes until such time as the vehicle is brought to the DCA, inspected and approved for operation. Only DCA employees may remove the red-tag decal.

Sec. 19-224 is hereby deleted in its entirety.

Sec. 19-225 is hereby deleted in its entirety.

Section. 19-226. - Insurance.

- (a) It shall be unlawful for any vehicle for hire company to transport passengers without automobile liability insurance in effect for each vehicle in service issued in accordance with applicable Florida law, as may be amended from time to time.
- (b) Proof of insurance shall be provided to the DCA evidencing coverage required by applicable Florida law, as may be amended from time to time. 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 DCA of any non-renewal of the policy or at least ten (10) days' written notice to the DCA of any cancellation/non-payment of the policy. Evidence of the renewal of the policy shall be filed with the DCA 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, or other such remedies available to the DCA herein.

(c) Each certificate of insurance shall be submitted to the DCA directly from the insurer (or a duly authorized agent)

(d) A properly completed certificate of insurance evidencing all insurance coverages shall be made available to the DCA upon application for a business permit. Certificates of insurance must contain the following name and address as certificate holder and additional insured:

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

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

(f) The DCA shall suspend the business permit of any vehicle for hire company which fails to ensure that each and every vehicle associated with the company has:

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

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

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

(h) An "administrative insurance reactivation" fee established by resolution of the Board, shall be assessed for all vehicle for hire companies that are suspended pursuant to

subparagraph (f) above. The suspension shall not be withdrawn until the fee is paid to the DCA.

Section 19-227. - Driver requirements; failure to comply.

(a) It shall be unlawful for any person to operate any vehicle for hire within and upon the streets of the County without a County vehicle for hire driver's ID badge issued by the DCA, or other approved means of Alternative Identification that allows passengers, law enforcement and the DCA to ensure that drivers have qualified to deliver service. All applicants shall conform to the following unless they are authorized under subsection (n) of the section:

- (1) Be at least eighteen (18) years of age; and
- (2) Possess a valid State of Florida driver's license or is otherwise authorized to operate a motor vehicle in Florida pursuant to Section 322.031, Florida Statutes and vehicle registration ; and
- (3) Provide the original form of his/her lifetime State Department of Highway Safety and Motor Vehicles traffic/driving record report to the DCA which was secured no more than thirty (30) days before the application/renewal was submitted. Upon initial application, if a driver has resided in Florida less than five (5) consecutive years, a traffic/driving record/history from each state where he/she previously resided must be provided for at least a five-year period; and
- (4) Not have more than three (3) moving violations in the three-year period prior to such check; a major violation in the three-year period prior to such check (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license; and
- (5) Not have been classified as a habitual traffic offender (as defined by Florida state statutes); and
- (6) Upon initial application or renewal, the driver must provide the original request form for his/her Florida Department of Law Enforcement (FDLE) level 2 criminal history/records report to the DCA, as well as payment for the amount required to secure the criminal history/records report. The DCA shall then be responsible for processing the request and payment to the FDLE. Prior to submitting a request for a level 2 criminal history record check pursuant to this article, the DCA shall notify each applicant to be fingerprinted that his or her fingerprints will be sent to the State Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. The notification shall also state that the vehicle for hire driver has a right to:

- a. Obtain a copy of his or her criminal history records; and

b. To challenge the completeness and accuracy of the criminal history records pursuant to state and federal law; and

c. To request a correction, change or update to the criminal history records pursuant to state and federal law. and

(7) Not have been, within the last seven (7) years before the date of application of an ID badge or approved use of Alternative Identification, convicted of a felony; and

(8) Not have been convicted before the date of application of an ID badge or approved use of Alternative Identification of any criminal offense relating to sex crimes, the use of a deadly weapon, homicide, violent offense against a law enforcement officer under - Section 775.0823, Florida Statutes, nor have been adjudicated a habitual violent felony offender under Section 775.084, Florida Statutes; and

(9) Not have been convicted within the last three (3) years before the date of application of an ID badge or approved use of Alternative Identification of a first degree misdemeanor, involving violence, theft, or property damage; and

(10) Not have been, within the last seven (7) years before the date of application of an ID badge or approved use of Alternative Identification, convicted of:

a. Driving under the influence of drugs or intoxicating liquors (D.U.I.);

b. Fleeing the scene of any accident; or

c. Vehicular manslaughter or any death resulting from driving.

Notwithstanding anything contained herein to the contrary, and prior to allowing a driver to provide vehicle for hire services, a vehicle for hire company shall conduct or have a third party conduct a local, state and national background check to include the National Sex Offender Public Website, Public Access to Court Electronic Records ("PACER") system, social security trace and a driving history research report, that does not require fingerprinting for each potential driver through a DCA-approved agency accredited by the National Association of Professional Background Screeners (NAPBS). The accredited agency will perform a background check of the driver, which will be used by the vehicle for hire company to determine whether he/she meets the requirements pursuant to this article. The vehicle for hire company shall provide the name of the agency used for conducting background checks to the DCA at time of application, and such vehicle for hire company shall certify to DCA that its drivers have met all requirements pursuant to this article. Nothing contained herein shall preclude a vehicle for hire company from requiring its drivers to undergo a level 2 criminal history/records background check in accordance with paragraph 6 of this section, that includes fingerprinting and meets all other requirements of this section for each potential driver.

(11) All vehicle for hire drivers with current driver ID badges or Alternative Identification are required to notify the DCA within ten (10) business days upon being convicted of any crime;

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

(13) Every application or renewal application shall be in writing and signed by the applicant and shall be filed with the DCA on a form provided by the DCA, together with nonrefundable fees which shall not be subject to proration;

Each ID badge or Alternative Identification shall be valid for a two-year period and shall be renewed every other year from the date of the initial/renewal application. The DCA or Vehicle for Hire Company may deny or revoke a vehicle for hire ID badge or Alternative Identification if it is determined that the applicant has misrepresented, omitted, or concealed a fact on the application, renewal application or replacement application. If the ID badge or Alternative Identification is denied, the DCA or Vehicle For Hire Company shall not accept a subsequent application for one (1) year from the date of denial, unless there is less than one (1) year to satisfy the time as provided herein. In such situations, the applicant will be permitted to reapply for an ID badge or Alternative Identification after the time requirements have been satisfied. If the ID badge or Alternative Identification is revoked, the DCA or Vehicle for Hire Company shall not accept a subsequent application for one (1) year from the date of revocation. For renewal, the applicant must furnish the documentation requested by the DCA or Vehicle for Hire Company, and submit nonrefundable renewal fee(s) not more than ninety (90) days before the expiration date. Persons who fail to reapply at least thirty (30) days prior to expiration, risk having a gap in their authorization to drive a Vehicle For-Hire vehicle. Persons who fail to submit their renewal application, required documentation and fees by the expiration date of the badge or Alternative Identification must pay a nonrefundable late fee. Any applicant who fails to submit a renewal application within one (1) year of the expiration will be considered a new applicant and no grandfathered provisions will apply. All fees shall be established by resolution of the Board;

(14) Submit to photographing (full face exposure/without sunglasses or head coverings) prior to the issuance of the permit/ID badge by the DCA;

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

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

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

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

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

(b) The driver of a vehicle for hire shall conspicuously display the ID badge issued pursuant to this article or shall display for a passenger or regulatory/enforcement agency an Alternative Identification.

(c) The DCA may issue a replacement ID badge to any driver upon application, payment of a nonrefundable replacement fee, presentation of proof or a sworn affidavit that the ID badge has been lost, stolen, change of company, or for any other valid reason, and any other documentation or requirement requested by the DCA. The replacement fee shall be established by resolution of the Board.

(d) It shall be unlawful for any person to drive a vehicle for any vehicle for hire company which has not been granted a business permit pursuant to this article.

(e) It shall be unlawful for any applicant for a vehicle for hire ID badge to misrepresent, omit or conceal a fact on the application, renewal application or replacement application.

(f) Drivers must be clean, and maintain a neat appearance.

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

(h) Drivers shall not use abusive language or be discourteous to passengers or DCA personnel.

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

(j) Upon initial application for an ID badge under subsection (a) of this section, the DCA or designated agency shall examine each applicant and, at a minimum, determine the applicant's knowledge of County geography and his/her ability to understand the English language. A driver is only required to successfully complete the examination one (1) time. A driver/applicant which initially fails either the geography or English test may

retake the test within thirty (30) days at no additional charge. If a driver/applicant fails either requirement during the retest, that person will be denied his/her ID badge, but may reapply and repay all applicable fees at anytime.

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

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

(m) Exemptions: Any person who possessed a valid ID badge on October 1, 2015 shall be exempt from any new requirements of this section 19-227. However, such persons would be ineligible to receive a driver's ID badge and the driver's ID badge would be revoked if he/she is convicted of new offenses as described in this article.

(n) Notwithstanding anything contained herein to the contrary, and prior to allowing a driver to provide vehicle for hire services, vehicle for hire companies may provide Alternative Identification as set forth below of this section through use of a smartphone application that allows the driver to display his/her picture and the information described below to allow for his/her identification for the assurance of the passenger and for regulatory verification. As an alternative to the ID badge process set forth in subsection (a) of this section, a Driver may obtain authorization to operate in the County from a permitted vehicle for hire company provided he/she is in compliance with this section 19-227, subsections (a)(1),(2),(4)-(5) and (7)-(10) and meets the vehicle safety inspection and automobile insurance requirements set forth in sections 19-223 and 19-226 of this article.

(o) Failure to comply with the provisions of this section may result in the DCA denying an ID badge, revoking or suspending the ID badge, denying a renewal of such ID badge, issuing a civil citation, or other such remedies available to the DCA herein.

(p) Upon receipt of information from DCA that an driver no longer meets the requirements of this section, a vehicle for hire company that authorizes drivers pursuant to subsection (n) of this section shall immediately revoke the Alternative Identification it issued to the driver, notify the driver that he or she is no longer authorized to operate a vehicle for hire and, in the case of a transportation network company, prohibit the driver from operating on its digital platform. A driver whose Alternative Identification was revoked based on direction received from DCA may appeal that decision in accordance with Section 19-229.

Section. 19-228 is hereby deleted in its entirety.

Section. 19-229. - Revocation, suspension and denial of permits/ID badges; administrative appeal.

(a) The DCA is authorized to deny, suspend or revoke business permit/ID badges and Alternative Identification upon written notice. Suspensions shall not be more than six (6) months. Companies/drivers not resolving issues related to suspensions within the six-month suspension period will be subject to permit/ID badge and Alternative Identification revocation. Said notice of business permit/ID badge or Alternative Identification denial, suspension or revocation shall be by personal service (to the owner, driver or representative), by certified mail (return receipt requested) or posting in a conspicuous place at the place of business or home of the driver.

(b) Upon receipt of the notice of denial, revocation, or suspension of a business permit/ID badge or Alternative Identification which notice shall specify the grounds for the denial, suspension or revocation, the vehicle for hire company, person or driver shall be entitled to an appeal according to the following:

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

(2) Orders: At the conclusion of any hearing set forth in this section, the consumer affairs hearing board/special master shall orally render its decision (order) based on evidence entered into the record. The decision shall be by motion approved by the affirmative vote of those members present and voting. The decision shall be stated in a written order and mailed to the vehicle for hire company/driver not later than

ten (10) days after the hearing, and shall be deemed final agency action with regard to the matter appealed.

(3) Court appeal: Any person may appeal a final determination of the consumer affairs hearing board/special master within thirty (30) days of the rendition of the decision by filing a petition for writ of certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for the county.

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

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

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

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

(f) Suspension of the business permit/ID badge or Alternative Identification: If, at the conclusion of the hearing, the consumer affairs hearing board/special master decides to suspend the business permit/ID badge or Alternative Identification, a time certain shall be set as the period of suspension. Prior to the end of such time certain, those violations for which the suspension was imposed shall be corrected; otherwise, the suspended permit(s) shall be automatically revoked. A fee of fifty (50) percent of the business permit/ID badge fee shall be collected to reinstate the suspended permit(s)/ID badge.

(g) Revocation of business permit/ID badge or Alternative Identification: If, at the conclusion of the hearing the consumer affairs hearing board/special master decides to revoke the permit/ID badge or Alternative Identification, the business/driver shall return the business permit and/or the ID badge and remove and return all vehicle decals to the DCA. A vehicle for hire company or driver whose business permit/ID badge or Alternative Identification has been revoked, shall not be eligible to reapply as a new applicant for a period of one (1) year from the date of revocation.

(h) If the consumer affairs hearing board/special master reverses the decision of the director, the director shall issue or restore the business permit/ID badge or Alternative Identification.

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

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

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

(l) Effect of appeal: An appeal of the decision of the director to suspend or revoke a business permit/ID badge or Alternative Identification shall stay the effective date of the suspension or revocation. A stay does not apply to a revocation or suspension of a vehicle for hire company which failed to maintain liability insurance as required by section 19-226.

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

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

Section. 19-230. - Enforcement.

(a) It shall be the duty of the DCA to enforce the provisions of and initiate proceedings for violations of the vehicle for hire ordinance.

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

Whenever, based upon personal investigation and in accordance with the policies and procedures established by the DCA, the investigator has reasonable and probable grounds to believe that a person has committed a violation of the vehicle for hire ordinance, the officer may issue a citation to the violator.

(c) The maximum civil penalty which may be levied by citation shall be established by resolution of the board. Moneys collected in payment for citations shall be remitted to the DCA.

(d) The act for which the citation is issued shall cease upon receipt of the citation, and the person charged with the violation shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation or, within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays, request an administrative hearing before the consumer affairs hearing board/special master to appeal the issuance of the citation by the investigator. If the hearing date is not set forth in the citation, a notice of hearing shall be served on the violator as provided herein. Failure of the violator to appeal the decision of the investigator within the timeframe as set forth herein shall constitute a waiver of the violator's right to an administrative hearing. A

waiver of the right to an administrative hearing shall be deemed an admission of the violation, and penalties may be imposed accordingly.

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

(f) Upon appeal of a citation, or at such other times as may be necessary, a hearing before the consumer affairs hearing board may be convened. The following shall apply:

(1) Minutes shall be kept of all hearings and all hearings shall be open to the public.

(2) At the hearing, the burden of proof shall be upon the county to show by a preponderance of the evidence that a violation does exist. Where proper notice of the hearing has been provided to the violator as provided herein, a hearing may proceed even in the absence of the violator.

(3) The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. Upon determination by the chair of the consumer affairs hearing board or special master, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida.

(4) Any member of the consumer affairs hearing board/special master, the attorney representing the consumer affairs hearing board, the respondent and his/her attorney may inquire or question any witness present at the hearing. The violator or his/her attorney shall be allowed to cross-examine all witnesses present at the hearing and present testimony and evidence.

(5) At the conclusion of the hearing, the consumer affairs hearing board/special Master shall orally render an order based on evidence into the record. In the case of hearings before the consumer affairs hearing board, the decision shall be by motion approved by the affirmative vote of those persons present and voting. An order setting forth findings of fact and conclusions of law shall then be mailed to the violator within ten (10) days of the hearing.

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

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

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

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

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

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

Section. 19-231. - Violations.

False statements on applications. It shall be unlawful for any person to knowingly and intentionally make or cause to be made any false statement in writing or the omission of material information for the purpose of procuring a vehicle for hire permit, vehicle decal or ID badge or to knowingly and intentionally make any false statements or entries or material omissions on the records required to be kept by this article.

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

Section. 19-232. - Appeals.

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

Section. 19-233. - Fees.

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

Section. 19-234. - Penalties.

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

Section. 19-235. - Start-up.

After October 1, 2015 any new vehicles added to the fleet of existing permitted companies or newly permitted companies will be subject to all requirements of this article.

Section. 19-236. - Repeal of laws in conflict.

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

Section. 19-237. - Savings clause.

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

Section. 19-238 is hereby deleted in its entirety.

Section. 19-239. – Severability.

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

Section. 19-240. – Inclusion in the Code of Laws and Ordinances.

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

Section. 19-241. - Captions.

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

Section. 19-242. – Effective Date.

The provisions of this Ordinance shall become effective October 1, 2015 and upon filing with the Department of State, whichever occurs last.

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

SHARON R. BOCK,
CLERK & COMPTROLLER

Palm Beach COUNTY, Florida by its
Board of County Commissioners

By: _____
Deputy Clerk

By: _____
Shelley Vana, Mayor

Approved as to form and
legal sufficiency

By: _____
County Attorney

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