

Recommended by: Stephanie Serrano 9/1/16
 Department Director Date

Approved By: [Signature] 9/6/18
 Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</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

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: _____ *[Signature]* 8/29/16

III. REVIEW COMMENTS

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

[Signature] 9/2/16
 OFMB 21031 9/1

[Signature] 9/2/16
 Contract Administration
 9/2/16 *[Signature]*

B. Legal Sufficiency:

[Signature] 9/2/16
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

ORDINANCE NO. 2016 _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-43) OF THE PALM BEACH COUNTY CODE, AS AMENDED, THE "PALM BEACH COUNTY VEHICLE FOR HIRE ORDINANCE"; AMENDING SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-217 (RECIPROCITY); 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, the Board of County Commissioners of Palm Beach County enacted Chapter 19, Article IX of the Palm Beach County Code to license and regulate 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 provide for reciprocity of vehicle for hire companies that are licensed in Martin County, St. Lucie County, Broward County and/or Miami-Dade County.

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

Section 1. Section 19-213 of the Palm Beach County Code is hereby amended as follows:

Section 19-213. Definitions.

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

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

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

8 **Alternative identification.** Companies may provide alternative identification approved by
9 the DCA through use of an electronic, digital, tablet, or smartphone application that allows
10 the driver to display his/her picture, name, license plate number of vehicle used, vehicle
11 for hire company name and other sufficient relevant information to allow his/her
12 identification for the assurance of the passenger, law enforcement and for regulatory
13 verification.

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

19 **Article.** The term "article" shall mean Chapter 19, Article IX of the Palm Beach County
20 Code.

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

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

27 **Business permit reciprocity.** The term "business permit reciprocity" means the written
28 authority required by the provisions of this article to be obtained annually by an individual
29 or vehicle for hire company holding a current vehicle for hire business permit from a
30 Reciprocal County, and which authorizes the holder of the reciprocal county vehicle for
31 hire business permit to operate in Palm Beach County subject to payment of applicable
32 fees in lieu of submitting an application for business permit as set forth in Section 19-218
33 of this article.

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

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

1 **Digital platform.** Means any internet-enabled technology service system, program, or
2 software, including a smartphone or tablet application or website offered or used that
3 enables the prearranged rides with vehicle for hire company or drivers.

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

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

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

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

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

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

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

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

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

Reciprocal County. The term “reciprocal county” shall apply to Martin County, St. Lucie County, Broward County and/or Miami-Dade County, provided, however, that the county has enacted a vehicle for hire ordinance with business permit regulations and business permit reciprocity in substantially the same form as provided in this article, and provided that the county’s ordinance authorizes the holder of a Palm Beach County vehicle for hire business permit to operate in that county subject to payment of applicable fees.

Short-term vehicle decal 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. A short-term vehicle decal placard shall not be required if a vehicle for hire company displays trade dress in compliance with this article.

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 terms "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 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 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 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 2. Section 19-217 of the Palm Beach County Code is hereby amended as follows:

Section. 19-217. Reciprocity.

(a) 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.

(b) Business Permit Reciprocity. In lieu of submitting an application for a vehicle for hire business permit as set forth in Section 19-218, a vehicle for hire company that holds a current business permit to operate in a Reciprocal County, may apply for business permit

1 reciprocity by submitting a copy of the business permit issued by the reciprocal county,
2 with the information required by Sections 19-218(a)(1)-(3), mechanical safety inspections
3 required by Section 19-223(a) and proof of insurance as required in Section 19-226. A
4 vehicle for hire company applying for business permit reciprocity shall not be required to
5 pay the initial new business application fee but shall be required to pay all other fees as
6 set forth by resolution of the Board. Approved applications will result in issuance of a
7 reciprocal permit business license. Business permit reciprocity must be renewed on an
8 annual basis. All vehicle for hire companies operating at the Palm Beach County
9 International Airport and/or the Port of Palm Beach pursuant to a reciprocal permit
10 business license are subject to: 1) Palm Beach County Airport Rules and Regulations (R-
11 98-220, as amended), as codified in Appendix B of the Palm Beach County Code
12 including, but not limited to, annual renewal of the airport decal and payment of all fees
13 established by resolution of the Board; and 2) the Rules and Regulations of the Port of
14 Palm Beach including, but not limited to, the annual payment of all fees pertaining thereto.

15 (c) *Vehicle Inspection Requirements.* Vehicle inspection forms from a mechanic certified
16 by the National Institute for Automotive Service Excellence ("ASE") or American Advanced
17 Technicians Institute ("AATI") obtained in a Reciprocal County may be submitted as proof
18 of inspection required by Section 19-223(a).

19 (d) *Eligibility and Compliance Requirements.* A vehicle for hire company must be eligible
20 to apply for a business permit in order to apply for reciprocity. Except as otherwise
21 expressly provided herein, a vehicle for hire company granted business permit reciprocity
22 shall comply with all provisions of this article, and shall be subject to all enforcement and
23 compliance provisions of this article, including suspension and revocation of the authority
24 to operate as a vehicle for hire company in Palm Beach County.

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

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

28 **Section 4. Savings clause.**

29 Notwithstanding the section of this ordinance regarding repeal of laws in conflict, all
30 administrative and court orders, fines, and pending enforcement issued pursuant to this

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

3 **Section 5. Severability.**

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

7 **Section 6. Inclusion in the Code of Laws and Ordinances.**

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

12 **Section 7. Captions.**

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

16 **Section 8. Effective Date.**

17 The provisions of this Ordinance shall become effective on January 1, 2017 or upon
18 filing with the Department of State, whichever occurs later.

19 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm
20 Beach County, Florida, on this the _____ day of _____, 2016.

21
22 SHARON R. BOCK,
23 CLERK & COMPTROLLER
24 BEACH COUNTY
25

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

26
27 By: _____
28 Deputy Clerk
29

By: _____
Mary Lou Berger, Mayor

30 Approved as to form and
31 legal sufficiency
32

33 By: _____
34 County Attorney
35

36 Filed with the Department of State on the _____ day of _____, 2016.