

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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Meeting Date: September 12, 2017	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Regular
	<input type="checkbox"/>	Ordinance	<input 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 approve on preliminary reading and advertise for public hearing on October 17, 2017 at 9:30am: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-43) AS AMENDED RELATING TO VEHICLES FOR HIRE; AMENDING SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-214 (COMPLIANCE WITH ARTICLE REQUIRED); AMENDING SECTION 19-217 (RECIPROCITY); AMENDING SECTION 19-219 (RECORDS REQUIRED); AMENDING SECTION 19-223 (VEHICLE SAFETY AND APPEARANCE REQUIREMENTS); AMENDING SECTION 19-226 (COMMERCIAL AUTOMOBILE LIABILITY INSURANCE); AMENDING SECTION 19-227 (DRIVER REQUIREMENTS; FAILURE TO COMPLY); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING AN EFFECTIVE DATE.

Summary (continued on Page 3)

Attachments:
1. Proposed Vehicle for Hire Ordinance Amendment: Strike-through/Underlined Version

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Recommended by:	<u>for Stephanie Segroha</u>	<u>8/23/17</u>
	Department Director	Date
Approved By:	<u></u>	<u>9/1/17</u>
	Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Capital Expenditures					
Operating Costs					
External Revenues	\$400,000	\$400,000			
Program Income (County)					
In-Kind Match (County)					
Net Fiscal Impact	<u>\$400,000</u>	<u>\$400,000</u>			

ADDITIONAL FTE

POSITIONS (Cumulative) 0 0 0 0 0

Is Item Included In Current Budget? Yes _____ No _____

Budget Account Exp No: Fund 1430 Department 660 Unit var Object var
 Rev No: Fund 1430 Department 660 Unit var RevSc var.

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

The FY18 budget reflects the reduction in revenue. The Vehicle for Hire Fund has been balanced by utilizing reserves and reallocating cost to other programs that require additional support.

Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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

JP Kelleher 8/23/17
 KP 8/22
 OFMB

D. J. Janbani 8/31/17
 Contract Administration
 8/30/17 TW

B. Legal Sufficiency:

L. O. Coffey 8/31/17
 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)

CS/HB 221 passed by the Florida Legislature and approved by the Governor on May 9, 2017, became effective on July 1, 2017. This legislation preempts Transportation Network Company (TNC) regulation to the State. To comply with this new law, the Vehicle for Hire Ordinance must be revised to remove reference to TNCs. The Division of Consumer Affairs (DCA) will continue existing regulation which enables vehicle for hire companies to utilize: 1) vehicle trade dress or DCA issued decal; 2) alternative identification (i.e. digital platform) or an ID badge to be issued by the DCA; and 3) conduct their own comprehensive nationwide background checks through an accredited agency or the DCA can conduct a Level 2 background check for any driver. There will be a reduction of approximately \$400,000 in annual fees paid by TNCs. In addition, the current ordinance requires automobile liability insurance in accordance with Florida Law. In order to clarify existing requirements, the ordinance was revised to include pre-existing minimum insurance limits of \$125,000/\$250,000 for bodily injury and \$50,000 for property damage. This is the minimum insurance amount the DCA recommends for all vehicles for hire (including taxicabs and limousines) operating in the County. This proposed amendment to the Vehicle for Hire Ordinance was presented to the League of Cities on July 26, 2017, and was unanimously approved. Countywide (LDC)

Background and Policy Issues: On March 10, 2015, the Board of County Commissioners (BCC) 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 expired on April 30, 2016. On March 1, 2016, the BCC approved another TOA with Lyft, Inc. for the same terms and conditions which expired on April 30, 2016. On April 19, 2016, the BCC adopted an ordinance which incorporated language that refers to TNCs.

ORDINANCE NO. 2017 _____

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 19-213 (DEFINITIONS); AMENDING SECTION 19-214 (COMPLIANCE WITH ARTICLE REQUIRED); AMENDING SECTION 19-215 (ADVERTISING); AMENDING SECTION 19-217 (RECIPROCITY); AMENDING SECTION 19-219 (RECORDS REQUIRED); AMENDING SECTION 19-223 (VEHICLE SAFETY AND APPEARANCE REQUIREMENTS); AMENDING SECTION 19-226 (COMMERCIAL AUTOMOBILE LIABILITY INSURANCE); AMENDING SECTION 19-227 (DRIVER REQUIREMENTS; FAILURE TO COMPLY); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING AN EFFECTIVE DATE.

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, Section 627.748, Florida Statutes (2017) preempted local regulation of transportation network companies effective July 1, 2017; and

WHEREAS, it is now necessary to amend Chapter 19, Article IX of the Palm Beach County Code to remove provisions relating to 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 article shall be applicable to the incorporated and unincorporated areas of Palm Beach County, unless a municipal exemption applies. Unless otherwise provided, nothing in this Article shall be construed to relieve any person from compliance with any applicable county or municipal regulations.

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 an electronic, digital, tablet, or smartphone application that allows the driver to display his/her picture, name, license plate number of vehicle used, vehicle for hire company 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.

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

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

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

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

Compensation. The term "compensation" shall mean a return in money, property, suggested donation 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 technology service system, program, or software, including a smartphone or tablet application or website. ~~offered or used that enables the prearranged rides with vehicle for hire company or drivers.~~

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." The term does not include transportation network company drivers.

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.

Manifest. The term "manifest" shall mean written or electronic/digital documentation prepared by the vehicle for hire company 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. 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, but excluding vehicles operated in connection with a transportation network company. A non-taxi shall include, but not be limited to, sedans, luxury sedans, limousines, sport utility vehicles (SUVs), ~~vehicles operated in connection with 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.

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 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” shall have the same meaning as set forth in Section 627.748, Florida Statutes, as may be amended. ~~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 servicess.

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, limousines 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 vehicle for hire 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 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; ~~and;~~

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

(5) Companies, vehicles and drivers providing transportation network company services pursuant to Section 627.748, Florida Statutes, as may be amended, except that compliance with Palm Beach County Airport Rules and Regulations and Port of Palm Beach Rules and Regulations pertaining to pickup fees, and designation of locations for staging, pickup, and similar operations as authorized by Section 627.748(15), Florida Statutes, is required.

(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 exercise best efforts to ensure its affiliated drivers' compliance with all of the regulations required by this article, and shall be subject to the penalties provided in this article when the company has received notice from the DCA or other enforcement/regulatory agency of a driver's non-compliance and fails to satisfactorily address such 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 identifications, 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~~, 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 and telephone number.
- (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/Alternative ID, ASE certification forms, and manifest 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 company.
- (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 because of an individual's disability, with the exception of non-emergency wheelchair and stretcher transportation company vehicle rates.
- (g) Customer Service: All vehicle for hire companies shall maintain a website and provide a 24-hour customer service telephone number or email address.

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 reciprocity by submitting a copy of the business permit issued by the reciprocal county, with the information required by Sections 19-218(a)(1)-(3), mechanical safety inspections required by Section 19-223(a) and proof of insurance as required in Section 19-226. A vehicle for hire company applying for business permit reciprocity shall not be required to pay the initial new business application fee but shall be required to pay all other fees as set forth by resolution of the Board. Approved applications will result in issuance of a reciprocal permit business license. Business permit reciprocity must be renewed on an annual basis. All vehicle for hire companies operating at the Palm Beach County International Airport and/or the Port of Palm Beach pursuant to a reciprocal permit business license are subject to: 1) Palm Beach County Airport Rules and Regulations (R-98-220, as amended), as codified in Appendix B of the Palm Beach County Code including, but not limited to, ~~annual~~ renewal of the airport decal and payment of all fees established by resolution of the Board; and 2) the Rules and Regulations of the Port of Palm Beach including, but not limited to, the ~~annual~~ payment of all fees pertaining thereto.
- (c) Vehicle Inspection Requirements. Vehicle inspection forms from a mechanic certified by the National Institute for Automotive Service Excellence ("ASE") or American Advanced Technicians Institute ("AATI") obtained in a Reciprocal County may be submitted as proof of inspection required by Section 19-223(a).
- (d) Eligibility and Compliance Requirements. A vehicle for hire company must be eligible to apply for a business permit in order to apply for reciprocity. Except as otherwise expressly provided herein, a vehicle for hire company granted business permit reciprocity shall comply with all provisions of this article, and shall be subject to all enforcement and compliance provisions of this article, including suspension and revocation of the authority to operate as a vehicle for hire company in Palm Beach County.

Section 19-218. - Business permit application.

- (a) A vehicle for hire 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 maintain records for documenting and identifying 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.

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(m) shall permit inspection of a vehicle for purposes of verifying compliance with 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 revoke the driver's alternative identification and remove the driver from service until the driver permits the inspection. ~~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, manifest and insurance shall be maintained for at least one (1) year. 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) In response to a specific compliance inquiry, a vehicle for hire company shall provide or make available for inspection to DCA or other enforcement/regulatory agency, 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 and that the vehicle has been insured pursuant to section 19-226.

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 company 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 vehicle for hire 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 company 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.

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 company 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) utilizing a three (3) part inspection form approved by DCA. The inspection, at a minimum, shall include the following components, which shall be demonstrated to be functional and meet the safety standards designated by the manufacturer:

- (1) Foot brakes;
- (2) Emergency parking brake;
- (3) Suspension/steering mechanism;
- (4) Windshield;
- (5) Rear window and other glass;

- (6) Windshield wipers;
- (7) Headlights;
- (8) Taillights;
- (9) Turn indicator lights;
- (10) Brake lights;
- (11) Front seat adjustment mechanism;
- (12) Doors (open/close/lock);
- (13) Horn;
- (14) Speedometer;
- (15) Bumpers;
- (16) Muffler and exhaust system;
- (17) Condition of tires, including tread depth;
- (18) Interior and exterior rear view mirrors; and,
- (19) Safety belts for drivers and passengers.

The mechanical inspection becomes an annual requirement each year thereafter in order for the vehicle to be allowed to operate. 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 May 1, 2016, 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.

(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.

Section 19-224. - Reserved.

Section 19-225. - Reserved.

Section 19-226. - Insurance.

- (a) It shall be unlawful for any vehicle for hire company or driver to operate and transport passengers without automobile liability insurance as required by applicable Florida law and with minimum limits of \$125,000/\$250,000 for bodily injury and \$50,000 for property damage 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 business permit(s), revocation or suspension of the business permit(s), a denial of renewal of such business 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:
 - (1) Is insured on 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) Has 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 two (2) 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. Driver ID badges will only be issued by DCA to drivers who have proven compliance with 19-227(a) (1-19). All applicants shall conform to the following unless they are authorized under subsection (m) of this section:

(1) Be at least eighteen (18) years of age;

(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 possess vehicle registration;

(3) State Department of Highway Safety and Motor Vehicles Traffic/Driving Record Report

(a) Provide the original form of his/her lifetime State Department of Highway Safety and Motor Vehicles traffic/driving record report to the Division 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; or

(b) Provide a State of Florida Department of Highway Safety and Motor Vehicles traffic/driving history report which was secured no more than thirty (30) days before the application/renewal was submitted. Electronic records of such driving history reports shall be maintained by the vehicle for hire company.

(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);

(5) Not have been classified as a habitual traffic offender (as defined by Florida state statutes);

(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.
- (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, unless his or her civil or residency rights have been restored;
- (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, false imprisonment, kidnapping, 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;
- (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;
- (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 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 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 background checks requirements in compliance with this section 19-227. 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 that would make the driver ineligible to operate as a driver under this section or, if the driver is affiliated with a vehicle for hire company that conducts its own background check under paragraph (10), must notify the company upon conviction of such crime within ten days. A vehicle for hire. The Company shall not issue alternative identification allow to drivers access to its digital platform due to that fail to meet the non-eligibility requirements of under the provisions of this section 19-227;
- (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 ~~facehead~~ coverings) prior to the issuance of the business 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) Vehicle for hire companies shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to any driver, provide notice of the policy on its website, as well

as the procedures to report a driver the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride, and immediately suspend said driver upon receipt of a passenger complaint alleging a violation of the policy. The suspension shall last the duration of the investigation. Further, drivers are required to provide a smoke-free environment inside their vehicles when transporting a passenger.

- (g) Drivers must be clean, and maintain a neat appearance.
- (h) Passengers shall be offered a receipt for the fare collected.
- (i) Drivers shall not use abusive language or be discourteous to passengers or DCA personnel.
- (j) Drivers must be able to speak and understand English to the extent they can take instruction from passengers and complete incident/accident reports.
- (k) 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 any time.
- (l) Exemptions: Any person who possessed a valid ID badge or Alternative ID on May 1, 2016 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 or Alternative ID and the driver's ID badge or Alternative ID would be revoked if he/she is convicted of new offenses as described in this article.
- (m) 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 in this section through use of a digital platform 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)-(5) & (7)-(11) and meets the vehicle safety inspection and automobile insurance requirements set forth in sections 19-223 and 19-226 of this article.
- (n) Upon receipt of information from DCA that a driver no longer meets the requirements of this section, a vehicle for hire company that authorizes drivers pursuant to subsection (m) of this section shall immediately revoke the alternative identification it issued to the

driver; ~~and~~ 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. - Reserved.

Section 19-229. - Revocation, suspension, and denial of business permits/ID badges /Alternative ID; 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/alternative 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.
- (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.
- (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 thirty (30) 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.

- (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 business permit, vehicle decal or ID badge/alternative 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 business permit(s)/driver's I.D. badge, or alternative identification, revoking or suspending the business permit(s)/driver's I.D. badge, or alternative identification, denying the renewal of such business permits, driver's I.D. badge, or alternative identification, issuing a civil citation, 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 May 1, 2016, 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. - Reserved.

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.

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Section 19-242. - Effective Date.

The provisions of this Ordinance shall become effective July 1, 2017, 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 _____, 2017.

SHARON R. BOCK, CLERK & COMPTROLLER	PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS
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By: _____ Deputy Clerk	By: _____ Paulette Burdick, Mayor
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Approved as to form and
legal sufficiency

By: _____
County Attorney

Filed with the Department of State on the _____ day of _____, 2017.