

PROPOSED

ORDINANCE NO. 2015-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MOTOR CARRIERS; AMENDING VARIOUS SECTIONS OF CHAPTER 22½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") RELATING TO THE LICENSING AND OPERATION OF TAXICABS, LUXURY SEDANS, AND TRANSPORTATION NETWORK COMPANIES; REQUIRING CERTIFICATION THAT TRANSPORTATION NETWORK COMPANY VEHICLES AND DRIVERS MEET CERTAIN REQUIREMENTS OF CHAPTER 22½; PROVIDING THE OPTION FOR TAXICAB AND LUXURY SEDAN COMPANIES TO SELF-CERTIFY THAT THEY MEET CERTAIN REQUIREMENTS OF CHAPTER 22½; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioners Mark Bogen and Chip LaMarca)

WHEREAS, Chapter 22½ of the Broward County Code of Ordinances ("Code") regulates for-hire ground transportation services in Broward County; and

WHEREAS, the Board of County Commissioners of Broward County, Florida ("Board"), desires to amend Chapter 22½ of the Code in order to permit for-hire ground transportation providers greater self-regulation while safeguarding the life, health, safety, property, and welfare of the people of Broward County; and

WHEREAS, the Board finds that the implementation of this Ordinance, as set forth herein, promotes, protects, and improves the health, safety, and welfare of the people of Broward County, Florida,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

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1 Section 1. Chapter 22½-1 of the Broward County Code of Ordinances is
2 hereby amended to read as follows:

3 **Sec. 22½-1. Definitions.**

4 . . .

5 (k) *Motor vehicle* or *vehicle* means all vehicles or machines propelled by
6 power other than muscular, used upon the public streets for public passenger
7 transportation, by motor carriers to transport passengers, including, but not limited to:

8 (1) *Taxicab* means a motor vehicle that employs the use of a taximeter, as
9 defined in Section 22½-1(~~f~~)(g) of this Chapter, or a motor vehicle designed
10 to accommodate not more than eight (8) passengers, exclusive of the
11 driver, operated for compensation at rates, prescribed by Commission
12 resolution, recorded and indicated by a taximeter in operation when the
13 vehicle is in use for transportation of any passenger, and where the route
14 or destination is controlled by the passengers.

15 (2) *Limousine* means any chauffeur-driven motor vehicle that is engaged for
16 the exclusive use of the passenger, not equipped with a taximeter, which
17 provides seating accommodations for not more than nineteen (19)
18 passengers, exclusive of the driver, and where pickup is on a prearranged
19 basis and the route or destination is controlled by the passenger.
20 Limousines operating pursuant to ~~Sub~~section 22½-6D(m) shall not be
21 required to have prearranged pickups.

22 (3) *Luxury sedan* means a motor vehicle with a passenger capacity of one to
23 eight (1—8) passengers, which does not contain a partition or other device
24 used to separate the driver and passenger seating areas, and is

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1 recognized by the industry as a "luxury" vehicle, such as Lincoln, Cadillac,
2 Mercedes Benz, or other similar luxury sedan.

3 (4) *Luxury limousine* means a motor vehicle with a seating capacity of six to
4 nineteen (6—19) passengers, excluding the driver, which has been altered
5 from its original manufacturer's specifications with respect to wheelbase
6 and passenger capacity, and contains a partition or other device used to
7 separate the driver and passenger seating areas.

8 (5) *Transport van* shall mean a motor vehicle not equipped with a taximeter,
9 with a seating capacity of nine (9) or more passengers, but not more than
10 nineteen (19) passengers, exclusive of the driver, where there is no
11 separation of the driver and passenger compartments.

12 (6) *Jitney* means a motorized passenger vehicle having a manufacturer's
13 rated seating capacity of not less than nine (9) passengers, but not more
14 than nineteen (19) passengers, including the driver, that is operated upon
15 a Broward County Transit Division approved route or any portion of an
16 approved route (following specified streets and highways in a specified
17 direction), transporting passengers for hire on a per-head basis from place
18 to place without a fixed schedule, excluding vehicles owned or operated
19 by Broward County or a Broward County municipality.

20 (7) *Transportation network company vehicle* shall mean a personal or other
21 noncommercial vehicle that is used by a ~~chauffeur or any other person~~
22 transportation network company driver to provide transportation services
23 arranged through a transportation network company's digital platform.
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1 Section 2. Section 22½-6A of the Broward County Code of Ordinances is
2 hereby amended to read as follows:

3 **Sec. 22½-6A. Permits—General.**

4 (a) It shall be unlawful to operate any motor vehicle "~~for hire~~" "for hire" upon
5 the streets of Broward County without first obtaining a current valid permit required by
6 the provisions of this Chapter; provided, however, that this section shall not apply to
7 exempt motor carriers, as defined by Section 22½-2 of this Chapter Code, except that
8 motor carriers as identified in Subsections 22½-2(j) and ~~22½-2(i)~~ shall be subject to this
9 section. When "permit" is used in this Section 22½-6A, it shall include all types of
10 permits, licenses, and registrations issued pursuant to this Chapter. The Division shall
11 not issue more than one (1) type of permit to any motor vehicle "~~for hire.~~" "for hire."

12 . . .

13 (u) In lieu of the application process in Section 22½-6A(b)-(d), a certified
14 motor carrier licensed pursuant to Section 22½-7C shall have the option to certify that
15 the vehicles operating under its license meet the requirements of Section 22½-6A(b)-(d)
16 and Section 22½-9B. Upon receipt of such certification and payment of the applicable
17 fees, the Division shall issue to the certified motor carrier permits for each vehicle
18 operating under its license as provided in Section 22½-6A(g).

19 Section 3. Section 22½-7B of the Broward County Code of Ordinances is
20 hereby amended to read as follows:

21 **Sec. 22½-7B. Transportation Network Companies.**

22 (a) *Transportation network company license required.*

23 (1) It shall be unlawful for any transportation network company to use, drive,
24 or operate or to cause or permit any person to use, drive, or operate any

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1 motor vehicle upon the streets of Broward County, or to receive
2 compensation as a result of arranging or providing for the use or operation
3 of any vehicle in motor carrier services upon the streets of Broward
4 County, or to advertise in any print or electronic medium, airwave
5 transmission, telephone directory, or other media accessible to the public
6 within Broward County that it offers motor carrier services within Broward
7 County, without first obtaining a transportation network company license
8 and maintaining it current and valid pursuant to the provisions of this
9 Chapter.

10 ~~(2) It shall be unlawful for any transportation network company driver to~~
11 ~~provide motor carrier services upon the streets of Broward County without~~
12 ~~first obtaining a chauffeur's registration and maintaining it current and valid~~
13 ~~pursuant to the provisions of this Chapter.~~

14 ~~(3)~~ (2) It shall be unlawful for any person to advertise, or cause any other person
15 to advertise, transportation network company services without first
16 obtaining and maintaining a current and valid license and permit pursuant
17 to the provisions of this Chapter. ~~Any advertisement, including~~
18 ~~advertisements and telephone listings in any electronic media, including~~
19 ~~internet sites and digital applications, shall include the license and permit~~
20 ~~number issued pursuant to this Chapter.~~

21 (b) *Application for transportation network company license; fees.*

22 (1) Every application for a transportation network company license shall be in
23 writing, signed and verified by the applicant, and filed with the Division
24 together with a fee established by resolution of the Commission. If the

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1 applicant is a corporation, the form shall be signed and sworn to by the
2 president or vice president, and the corporate secretary shall attest such
3 signature and affix the corporate seal. If the applicant is a partnership, the
4 form shall be signed and sworn to by a general partner. In addition to the
5 application fee, upon approval of the transportation network company
6 license, each transportation network company will be required to pay a
7 license fee prior to the Division issuing the license. The fees shall be set
8 by resolution of the Commission at a public hearing.

9 (2) Every application for a transportation network company license shall be on
10 a form prescribed by the Division and shall contain all the information
11 required by that form, including, but not limited to:

12 a. Sufficient information to identify the applicant, including, but not
13 limited to, full legal name, date of birth or formation of legal entity,
14 telephone numbers, and all business and residence addresses. If
15 the applicant is a corporation, the foregoing information shall also
16 be provided for each corporate officer, director, resident agent, and
17 shareholder. If the applicant is a partnership, the foregoing
18 information shall also be provided for each general and each limited
19 partner.

20 b. Documentation demonstrating that all corporate or partnership
21 applicants are qualified to do business under the laws of Florida
22 and have a place of business in Broward County, Miami-Dade, or
23 Palm Beach counties. Post office box addresses shall not be
24 accepted.

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- c. A separate list identifying all persons with an ownership interest in the applicant who have previously been denied a license, permit, or certificate by the Division or who have lost the license, permit, or certificate due to suspension, abandonment, or forfeiture.
- d. All trade names under which the applicant operates, intends to operate, and has previously operated.
- e. A record of all crimes of which the applicant has been adjudicated guilty or of which adjudication has been withheld within the last five (5) years preceding the date of the application. The applicant shall provide to the Division sufficient information for the Division to perform a criminal background check. In the case of a corporate or partnership applicant, all such information shall be provided by all corporate officers and directors, or partners, as the case may be, and by all stockholders who own, hold, or control twenty-five percent (25%) or more of issued and outstanding stock or beneficial interest in the corporation, and by all officers and directors of any corporate general partners of a partnership and by stockholders who own, hold, or control twenty-five percent (25%) or more of issued and outstanding stock or beneficial interest in a corporate general partner.
- f. Proof of insurance as required by state law.
- g. The signature of each individual applicant, and all persons who exercise control, including, but not limited to, the signature of the

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1 president or vice president of a corporate applicant and the
2 signature of all the general partners of a partnership applicant.

3 h. Each original application and updated renewal application shall be
4 accompanied by a nonrefundable application fee. The fee shall be
5 set by resolution of the Commission at a public hearing.

6 i. A notarized statement under oath by the applicant to abide by the
7 provisions of this Chapter and the laws of the State of Florida.

8 j. A certification by the transportation network company that all
9 transportation network company drivers operating under its license
10 have undergone a background check pursuant to Section 22½-
11 7B(k) and meet the requirements of Section 22½-8(e), and that all
12 transportation network company vehicles operating under its
13 license have been inspected and meet the requirements of
14 Section 22½-9B.

15 j k. Such additional detail regarding the foregoing information as the
16 Director may deem necessary or appropriate.

17 (c) *Issuance of transportation network company license; renewal.*

18 (1) The Director is empowered to issue licenses to applicants who meet the
19 standards and requirements for a transportation network company license
20 and to promulgate administrative policies and procedures for the
21 application, issuance, and revocation of such licenses.

22 (2) The Director shall review and investigate each application for a
23 transportation network company license and shall reject any application
24 that is not properly filed or is incomplete or untrue in whole or in part, or

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1 which fails in any way to meet the requirements of ~~subsection (3)~~ of this
2 sSection 22½-7B(c)(3).

3 (3) No transportation network company license shall be issued to an applicant
4 or renewed unless the applicant has performed the following:

5 a. Filed with the Director a true, correct, and complete application on
6 the form prescribed by the Division, including all proofs of required
7 insurance.

8 b. Paid the initial or renewal application fee.

9 c. Paid the applicable transportation network company license fee.

10 ~~e-~~ d. Submitted to a background investigation resulting in a
11 determination by the Director that:

12 1. Neither the applicant, nor any officer, director, or partner of
13 the applicant, nor any stockholder owning, holding,
14 controlling, or having a beneficial interest in twenty-five
15 percent (25%) or more of the issued and outstanding stock
16 of a corporate applicant or of a corporate general partner of
17 a partnership applicant, has a currently suspended license,
18 has had its license revoked by action of the Director within
19 two (2) years of the date of application, or has outstanding
20 and unsatisfied civil penalties imposed on account of
21 violations of this Chapter.

22 2. Neither the applicant, nor any officer, director, or partner of
23 the applicant, nor any stockholder owning, holding,
24 controlling, or having a beneficial interest in twenty-five

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1 percent (25%) or more of the issued and outstanding stock
2 of a corporate general partner of a partnership applicant, has
3 a record of criminal conviction or convictions (conviction
4 shall mean any judicial finding of convicted, adjudication
5 withheld, or pleas of nolo contendere) that bears a
6 substantial relationship to the application for a transportation
7 network company license.

8 3. Each corporate or partnership applicant is qualified under
9 the laws of Florida to do business under the trade name or
10 names under which it has applied for a license and has a
11 place of business located in Broward County, Miami-Dade,
12 or Palm Beach counties.

13 4. The applicant has no unsatisfied final civil fines or penalties
14 arising out of an administrative or enforcement action
15 brought by the Division or the County (including any cease
16 and desist orders or assurances of voluntary compliance
17 issued by the Division or the County) or another
18 governmental agency based upon conduct involving a
19 violation of the regulations provided herein or other laws or
20 regulations relating to providing for-hire ground
21 transportation services.

22 5. No fraudulent or willful or knowing misrepresentation or false
23 statement was made in the application.
24

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1 6. ~~The applicant has applied for or obtained a permit for each~~
2 ~~vehicle to be operated under the applicant's transportation~~
3 ~~network company license, as provided in this Chapter, and~~
4 has ensured that all such transportation network company
5 vehicles to be operated under its license have passed all
6 required vehicle inspections.

7 e. Paid any outstanding fees due pursuant to Section 22½-6B and
8 Section 22½-6D of this Code and Section 39.2-h.2. of the Broward
9 County Administrative Code.

10 f. If the transportation network company intends to operate at the
11 Airport or Port, entered into an agreement with, or received a permit
12 from, the County for operation of prearranged ground transportation
13 services at the Airport and Port pursuant to which the transportation
14 network company agrees to:

15 1. Pay a per trip fee for each pickup and each drop-off at the
16 Airport and Port; and

17 2. Account for its trips to and from the Airport and Port through
18 one (1) of the following methods:

19 a. Maintain an electronic barrier ("geofence") around the
20 perimeter of the Airport that is triggered each time a
21 transportation network company vehicle enters Airport
22 property and registers each such entry; and transmit
23 the data in real time from the geofence to the County
24

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1 through an automatic data exchange protocol
2 approved by the County; or

3 b. Equip all vehicles authorized to operate under the
4 transportation network company license with a
5 County-issued transponder.

6 (4) Each transportation network company license shall be on a form
7 prescribed by the Division and shall be signed by the Director. Each
8 transportation network company license shall contain, at a minimum, the
9 name and address of the applicant, the dates the license remains in effect
10 unless suspended or revoked, and a statement of such additional terms
11 and conditions, restrictions, and limitations as were authorized in the
12 application and approval process.

13 (5) All initial transportation network company licenses ~~and permits~~, except for
14 provisional licenses as provided in Section 22½-7B(c)(10), shall be
15 effective from their date of issuance until June 30 of each year.
16 Subsequent transportation network company licenses and permits shall be
17 effective beginning on July 1 and ending on June 30 of each year.

18 ...
19 (9) There shall be no limit on the number of transportation network company
20 licenses ~~or permits which~~ that may be issued pursuant to the provisions of
21 this Chapter.

22 (10) Provisional License. Upon payment of the applicable transportation
23 network company license fee, the Division may issue a provisional
24 transportation network company license to an applicant whose insurance

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1 has been determined by the Division or the Risk Management Division to
2 be not in compliance with State law but who meets all other requirements
3 of the Chapter and has provided to the Division a certification that the
4 insurance complies with State law and a certificate of insurance from a
5 carrier with a minimum AM Best rating of A- that provides coverage for
6 transportation network company services in at least the minimum amounts
7 required of for-hire vehicles under State law. The provisional
8 transportation network company license shall automatically expire as
9 provided in Section 22½-7B(c)(5) or, if earlier, six (6) months after the date
10 on which the provisional transportation network company license was
11 issued. Upon expiration of the transportation network company
12 provisional license, the transportation network company shall immediately
13 cease operations. If during the term of the provisional license, the Division
14 determines, or the transportation network company obtains an opinion
15 from the Florida Department of Highway Safety and Motor Vehicles, that
16 the insurance policy submitted by the transportation network company
17 vehicle meets the for-hire vehicle insurance requirements of Florida law,
18 the Division shall issue the transportation network company license,
19 which, for the purposes of Section 22½-7B(c)(5), shall have an issuance
20 date of the date on which the provisional license was issued.

21 (d) *Transportation network company vehicle ~~permits inspections.~~ After an*
22 *applicant has secured a transportation network company license and ~~b~~Before any*
23 *transportation network company vehicle shall be operated under the authority of such*
24 *any transportation network company license, the transportation network company shall*

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1 ensure that each such vehicle is inspected pursuant to Section 22½-9B and that proof
2 of inspection for each such vehicle, in the form required by the Division, has been
3 submitted to the ~~Division in the form required by the Division~~ transportation network
4 company and is available for inspection with the transportation network company and
5 in the transportation network company vehicle. The transportation network company
6 license holder shall also ensure that each vehicle operating under its license complies
7 with the insurance requirements of state law and has passed a vehicle inspection
8 indicating that the vehicle meets the minimum vehicle standards in Section 22½-9B.
9 ~~The Division shall issue to the license holder a permit for each transportation network~~
10 ~~company vehicle provided that the license holder or transportation network company~~
11 ~~driver has submitted an inspection form indicating that the vehicle has met the~~
12 ~~requirements of Section 22½-9B.~~

13 ...

14 (g) *Rules of Operation.* Transportation network company license holders
15 shall abide by all rules and regulations applicable to transportation network company
16 license holders and shall be subject to the enforcement provisions contained in this
17 Chapter and Chapter 8½ of the Broward County Code of Ordinances. Transportation
18 network company license holders and their agents shall ~~comply with the following~~
19 regulations:

- 20 (1) Comply with applicable federal law, Florida law, and ordinances, rules,
21 and regulations of the County applicable to the operation of transportation
22 network company vehicles.
- 23 (2) Immediately report any change of address.
- 24

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- 1 (3) Maintain all records demonstrating compliance with the provisions of this
2 Chapter and pertaining to the services provided by each transportation
3 network company vehicle operating in the County for one (1) year and
4 make same available for inspection during the regular business hours of
5 the transportation network company. When requested by the Division, the
6 transportation network company license holder shall electronically provide
7 copies of the records.
- 8 (4) Not allow or permit any person to operate a transportation network
9 company vehicle who does not meet the requirements set out in this
10 Chapter.
- 11 (5) Not allow or permit any person to operate a transportation network
12 company vehicle without current, valid, and sufficient insurance coverage
13 as required in Florida law.
- 14 ~~(6) Obtain an operating permit for each transportation network company~~
15 ~~vehicle operated pursuant to authority of the transportation network~~
16 ~~company license and pay all application and vehicle inspection fees.~~
- 17 ~~(7) Not allow or permit any chauffeur or other person to operate any~~
18 ~~transportation network company vehicle without that vehicle's current valid~~
19 ~~operating permit being displayed therein.~~
- 20 ~~(8)~~ (6) Not allow or permit any person to operate a transportation network
21 company vehicle who is not a chauffeur registered in accordance with this
22 Chapter does not meet the requirements of Sections 22½-8(d) and (e).
- 23 ~~(9)~~ (7) Ensure that all transportation network company vehicles to be placed into
24 service and ~~all vehicles taken out of service have been registered and~~

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1 ~~inspected by the Division~~ passed an inspection indicating that they meet
2 the vehicle standards set forth in this Chapter.

3 (~~10~~) (8) Not allow or permit anyone to drive any transportation network company
4 vehicle unless the brakes, steering mechanism, tires, horn, windshield
5 wipers, side and rearview mirrors, and all lighting devices are in good
6 working order and the vehicle meets all other applicable vehicle standards
7 as set forth in this Chapter.

8 (~~14~~) (9) Not allow or permit any person to operate a transportation network
9 company vehicle while his or her ability or alertness is so impaired or so
10 likely to become impaired through fatigue, illness, or any other cause, as
11 to make it unsafe for the ~~chauffeur~~ transportation network company driver
12 to begin or continue to drive the vehicle.

13 (~~12~~) (10) Not allow or permit any person operating a transportation network
14 company vehicle to refuse or neglect to transport to or from any place in
15 the county, any orderly person requesting service.

16 (~~13~~) (11) Ensure that every deaf or hard of hearing person, totally or partially blind
17 person, or physically disabled person riding in a transportation network
18 company vehicle be permitted to be accompanied by a service animal
19 specially trained for the purpose without being required to pay an extra
20 charge for the service animal.

21 (~~14~~) (12) Adopt and require all transportation network company drivers to display
22 consistent trade marking (i.e., distinctive signage or display on the vehicle)
23 that is sufficiently large and color contrasted as to be readable during
24

1 daylight hours at a distance of at least fifty (50) feet when providing
2 transportation network company services.

3 ~~(15)~~ (13) Ensure that no transportation network company vehicle or driver utilizes
4 any areas designated solely for use by taxicabs.

5 ~~(16)~~ (14) Ensure that no transportation network company driver solicits or picks up
6 passengers other than by prearrangement through the transportation
7 network company.

8 ~~(17)~~ (15) Ensure that no transportation network company driver accepts street
9 hails.

10 ~~(18)~~ (16) Not allow or permit any transportation network company vehicle to display
11 the word(s) "taxicab," "taxi," or "cab" on the exterior or interior of the
12 vehicle.

13 ~~(19)~~ (17) Ensure that the digital platform used by a transportation network company
14 to connect transportation network company drivers and passengers
15 displays the name of the transportation network company driver and a
16 picture of the transportation network company vehicle, including the
17 license plate number to identify the vehicle.

18 ~~(20)~~ (18) Implement a zero tolerance policy on the use of drugs or alcohol while a
19 transportation network company driver provides transportation network
20 company services. Each transportation network company license holder
21 shall provide notice of the zero tolerance policy on its website, as well as a
22 complaint telephone number and e-mail address, and procedures to report
23 a complaint about a transportation network company driver who is
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1 suspected of being under the influence of drugs or alcohol while providing
2 transportation network company services.

3 ~~(24)~~ (19) Upon completion of a trip, transmit an electronic receipt to the passenger's
4 e-mail address or mobile application documenting the date of the trip, the
5 origination of the trip, the name of the transportation network company
6 ~~chauffeur driver~~, and a description of the total amount paid, if any.

7 ~~(22)~~ (20) Maintain a physical office in Broward County, Florida, Miami-Dade, or
8 Palm Beach counties that is open to the public, at minimum, from
9 9:00 a.m. to 5:00 p.m. on weekdays.

10 ~~(23)~~ (21) Maintain a website that provides a customer service telephone number
11 and or e-mail address at which a representative from the transportation
12 network company may be reached twenty-four (24) hours per day, seven
13 (7) days per week.

14 (22) Maintain an emergency telephone number at which at a representative of
15 the transportation network company may be reached twenty-four (24)
16 hours per day, seven (7) days per week, to respond to customer and law
17 enforcement emergency requests.

18 ...

19 (k) *Transportation network company drivers.* It shall be unlawful for any
20 person to drive a transportation network company vehicle or to otherwise provide motor
21 carrier services over any street in Broward County without first having either:

22 (1) ~~Obtained~~ a chauffeur's registration from the Division pursuant to
23 Section 22½-8 of this ~~Chapter~~ Code; or

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1 (2) Obtained authorization from a transportation network company pursuant to
2 Section 22½-8(l).

3 (l) *Antidiscrimination.*

4 ...
5 (4) Transportation network companies and transportation network company
6 drivers shall comply with all applicable requirements of the Americans with
7 Disabilities Act of 1990, as amended.

8 ...
9 (n) *Insurance requirements.*

10 (1) All transportation network companies shall comply with all the insurance
11 provisions of state law.

12 (2) No transportation network company vehicle shall be permitted to operate
13 without the transportation network company or driver providing motor
14 carrier services having first obtained and filed with the Division a certificate
15 of insurance ~~for each transportation network company vehicle showing~~
16 ~~compliance with the insurance requirements of state law and providing the~~
17 ~~names of each transportation network company driver who will operate the~~
18 ~~vehicle, the federal vehicle identification number, a vehicle description,~~
19 ~~and the transportation network company license number~~ demonstrating
20 compliance with Florida insurance laws. Proof of insurance as required by
21 this section may be provided through a certificate that lists each vehicle
22 insured thereunder or through a blanket insurance policy provided by the
23 transportation network company from a carrier with a minimum AM Best
24 rating of A-. Failure to provide current certificates of insurance or to

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1 maintain appropriate insurance coverage shall be grounds for revocation
2 of a transportation network company license.

- 3 (3) The Division reserves the right to require submission of a certified copy of
4 or to examine the original policies of insurance including, but not limited to,
5 endorsements, amendments, exclusions, riders, any additional contracts
6 between the insured and the insurer, and applications to confirm the
7 existence of the required insured coverage.

8 (o) *Vehicle standards and inspections.* It is the responsibility of both the
9 transportation network company and the transportation network company driver to
10 ensure that each transportation network company vehicle operated hereunder meets
11 the applicable Federal Motor Vehicle Safety requirements in 49 C.F.R., Part 571,
12 Florida Statutes, and Section 22½-9B of this Chapter Code. Upon request, Eeach
13 transportation network company and transportation network company driver shall
14 cooperate with the Division to ensure that each transportation network company vehicle
15 is inspected pursuant to Section 22½-9B of this Chapter provide proof of inspection and
16 compliance with the requirements of Section 22½-9B.

17 (p) Audit.

18 (1) Transportation network companies shall maintain records of all vehicle
19 inspections, background checks, and insurance required pursuant to this
20 Chapter for at least three (3) years.

21 (2) Transportation network companies shall cooperate with the Division to
22 permit audits of the transportation network company records to verify
23 compliance with requirements of this Chapter.
24

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1 (3) Upon request by the Division or any code enforcement officer, a
2 transportation network company driver shall permit inspection of a
3 transportation network company vehicle and provide documentation
4 demonstrating that the driver is registered with a County-licensed
5 transportation network company, that the driver's vehicle has been
6 inspected pursuant to Section 22½-9B, and that a trip was prearranged
7 through a digital platform. The transportation network company shall
8 include in its driver policies a requirement that a transportation network
9 company driver immediately permit inspection of a vehicle and provide
10 access to this documentation to the Division or a code enforcement officer
11 upon request. If a transportation network company driver refuses to allow
12 an inspection or to make such documentation available, upon notice to the
13 transportation network company, the transportation network company
14 shall disconnect the transportation network company driver from its digital
15 platform until the driver permits the inspection or provides the
16 documentation.

17 (4) Upon request by the Division or any code enforcement officer, a
18 transportation network company shall provide documentation verifying a
19 driver's registration with the transportation network company, that the
20 transportation network company driver has undergone a background
21 check as required by this Chapter and meets the requirements of
22 Section 22½-8(e), that the transportation network company vehicle has
23 been inspected pursuant to Section 22½-9B, and that the transportation
24

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 underscored type are additions.

1 network company driver prearranged a trip through the transportation
2 network company's digital platform.

3 (5) All documentation required to be provided under this section may be
4 provided in electronic or paper form.

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

9 (7) Failure by a transportation network company or a transportation network
10 company driver to comply with the provisions of this section may result in
11 revocation or suspension of the transportation network company license.

12 Section 4. Section 22½-7C of the Broward County Code of Ordinances is
13 hereby created to read as follows:

14 **Sec. 22½-7C. Certified motor carrier license.**

15 (a) Certified motor carrier license

16 (1) Any entity or person that owns one (1) or more certificates of public
17 convenience and necessity or has a contractual relationship with one (1)
18 or more certificate holders may apply for a certified motor carrier license.

19 (2) In lieu of applying for an individual vehicle permit related to a motor
20 vehicle operated pursuant to a certificate or obtaining chauffeur's
21 registrations for drivers operating any such vehicle, a certified motor
22 carrier license holder shall have the option to certify that such vehicles and
23 drivers comply with the requirements of this Chapter.

24 (b) Application for certified motor carrier license.

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1 (1) Every application for a certified motor carrier license shall be in writing,
2 signed and verified by the applicant, and filed with the Division together
3 with an investigative and processing fee established by resolution of the
4 Commission. The application fee shall be used exclusively to accomplish
5 the purposes of this Chapter. The amount of the application fee shall be
6 reasonably related to the cost of the services and regulation provided by
7 the Division. In addition to the application fee, the applicant shall pay a
8 certified motor carrier license fee.

9 (2) Every application for a certified motor carrier license shall be on a form
10 prescribed by the Division and shall contain all the information required by
11 that form, including, but not limited to:

12 a. Sufficient information to identify the applicant, including, but not
13 limited to, full legal name, date of birth or formation of legal entity,
14 telephone numbers, and all business and residence addresses. If
15 the applicant is a corporation, the foregoing information shall also
16 be provided for each corporate officer, director, resident agent, and
17 shareholder. If the applicant is a partnership, the foregoing
18 information shall also be provided for each general and each limited
19 partner. Post office box addresses shall not be accepted.

20 b. Documentation demonstrating that all corporate or partnership
21 applicants are qualified to do business under the laws of Florida.

22 c. A separate list identifying all persons with an ownership interest in
23 the applicant who have previously been denied a license or who
24

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1 have lost the license due to suspension, abandonment, or
2 forfeiture.

3 d. All trade names under which the applicant operates, intends to
4 operate, and has previously operated.

5 e. A description of all vehicles to be certified under the certified motor
6 carrier license, including the make, model, manufacturer's rated
7 seating capacity, vehicle identification number, the related
8 certificate number, and proof of insurance coverage as required in
9 Section 22½-9C of this Code.

10 f. A record of all crimes of which the applicant has been adjudicated
11 guilty or of which adjudication has been withheld within the last five
12 (5) years preceding the date of the application. The applicant shall
13 provide to the Division sufficient information for the Division to
14 perform a criminal background check. In the case of a corporate or
15 partnership applicant, all such information shall be provided by all
16 corporate officers and directors, or partners, as the case may be,
17 and by all stockholders who own, hold, or control twenty-five
18 percent (25%) or more of issued and outstanding stock in the
19 corporation or beneficial interest, and by all officers and directors of
20 any corporate general partners of a partnership and by
21 stockholders who own, hold, or control twenty-five percent (25%) or
22 more of issued and outstanding stock in a corporate general
23 partner or beneficial interest.
24

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1 g. The signature of each individual applicant, and all persons who
2 exercise control, including, but not limited to, the signature of the
3 president or vice president of a corporate applicant and the
4 signature of all the general partners of a partnership applicant.

5 h. A notarized statement under oath by the applicant stating the intent
6 to abide by the provisions of this Chapter and the laws of the State
7 of Florida.

8 i. A certification by the applicant that each individual operating a
9 vehicle under its license has undergone a background check
10 pursuant to Section 22½-8 and meets the requirements of
11 Section 22½-8(e), and that each transportation network company
12 vehicle operating under its license has been inspected and meets
13 the requirements of Section 22½-9B.

14 j. Such additional detailed information about the applicant as the
15 Director may deem necessary or appropriate.

16 (c) Issuance of certified motor carrier license; renewal.

17 (1) The Director is empowered to issue licenses to applicants who meet the
18 standards and requirements for a certified motor carrier license and to
19 promulgate administrative policies and procedures for the application,
20 issuance, and revocation of such licenses.

21 (2) The Director shall review and investigate each application for a certified
22 motor carrier license and shall reject any application that is not properly
23 filed or is incomplete or untrue in whole or in part, or which fails in any way
24 to meet the requirements of Section 22½-7C(c)(3).

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 underscored type are additions.

1 (3) No certified motor carrier license shall be issued to an applicant or
2 renewed unless the applicant has performed the following:

3 a. Filed with the Director a true, correct, and complete application on
4 the form prescribed by the Division, including all certifications and
5 proofs of required insurance.

6 b. Paid the initial or renewal application fee and the license fee.

7 c. Submitted to a background investigation resulting in a
8 determination by the Director that:

9 1. Neither the applicant, nor any officer, director, or partner of
10 the applicant, nor any stockholder owning, holding,
11 controlling, or having a beneficial interest in twenty-five
12 percent (25%) or more of the issued and outstanding stock
13 of a corporate applicant or of a corporate general partner of
14 a partnership applicant, has a currently suspended license,
15 has had its license revoked by action of the Director within
16 two (2) years of the date of application, or has outstanding
17 and unsatisfied civil penalties imposed on account of
18 violations of this Chapter.

19 2. Neither the applicant, nor any officer, director, or partner of
20 the applicant, nor any stockholder owning, holding,
21 controlling, or having a beneficial interest in twenty-five
22 percent (25%) or more of the issued and outstanding stock
23 of a corporate general partner of a partnership applicant, has
24 pled nolo contendere, pled guilty, or been convicted of a

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1 crime relating to motor vehicles, unless the civil rights of
2 such individual or applicant have been restored, or in the
3 case of conviction of a crime relating to motor vehicles, that
4 such person has successfully completed all sentences of
5 incarceration, probationary periods, required rehabilitation
6 activities, and payments of all fines and penalties imposed.

7 3. Each corporate or partnership applicant is qualified under
8 the laws of Florida to do business under the trade name or
9 names under which it has applied for a license and has a
10 place of business located in Broward, Miami-Dade, or Palm
11 Beach counties.

12 4. The applicant has no unsatisfied final civil fines or penalties
13 arising out of an administrative or enforcement action
14 brought by the Division or the County (including any cease
15 and desist orders or assurances of voluntary compliance
16 issued by the Division or the County) or another
17 governmental agency based upon conduct involving a
18 violation of the regulations provided herein or other laws or
19 regulations relating to providing for-hire ground
20 transportation services.

21 5. No fraudulent, willful, or knowing misrepresentation or false
22 statement was made in the application.

23 (4) Each certified motor carrier license shall be on a form described by the
24 Division and shall be signed by the Director. Each license shall contain, at

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1 a minimum, the name and address of the applicant, the dates the license
2 remains in effect unless suspended or revoked, and a statement of such
3 additional terms and conditions, restrictions, and limitations as were
4 authorized in the application and approval process.

5 (5) All initial certified motor carrier licenses shall be effective from their date of
6 issuance until June 30 of each year. Subsequent certified motor carrier
7 licenses shall be effective beginning on July 1 and ending on June 30 of
8 each year.

9 (6) Prior to the expiration of the initial certified motor carrier license or
10 expiration of the annual license, whichever is the case, an applicant may
11 apply for a renewal certified motor carrier license. As a part of the renewal
12 process, the original application shall be updated and verified by the
13 applicant on forms prescribed by the Division. Each of the updated
14 renewal applications shall be submitted prior to expiration of the current
15 initial or annual license and shall be accompanied by a fee which shall be
16 established by resolution of the Commission. All renewal application fees
17 shall be deposited with original application fees and other charges and
18 fees under this Chapter in a separate Broward County fund and shall be
19 used exclusively to accomplish the purposes of this Chapter. The amount
20 of the renewal fee shall be reasonably related to the cost of the services
21 and regulations provided by this Chapter. All annual certified motor carrier
22 licenses that are not renewed shall automatically expire upon the one-year
23 anniversary of the date of issuance. The Director shall deny each updated
24 renewal application that is not timely, is not properly filed, is incomplete, is

1 untrue in whole or in part, is unaccompanied by the required fee, or that
2 results in a determination by the Director that the applicant has failed to
3 satisfy the requirements of this section.

4 (7) A license issued or renewed pursuant to the provisions of this Chapter
5 shall not be transferable, nor shall the ownership structure of the licensee
6 be so modified as to constitute a change in the control of the ownership of
7 the license, without the prior written approval of the Director.

8 (8) There shall be no limit on the number of licenses that may be issued
9 pursuant to the provisions of this Chapter.

10 (d) Denial of license; appeal; review.

11 (1) Any person or entity dissatisfied or aggrieved with the decision of the
12 Director to deny such person's or entity's application for initial license or
13 updated renewal application may, within ten (10) days after the denial,
14 appeal in writing to the Division. Within thirty (30) days after receipt of an
15 appeal, the Division shall schedule a hearing, which shall be held within
16 sixty (60) days after the date on which the appeal was received unless the
17 parties agree to extend the hearing date. The dissatisfied or aggrieved
18 person or entity shall be provided with a notice of hearing, which shall
19 include:

20 a. A statement of the time and place for hearing; and

21 b. A reference to the facts upon which the denial was based and
22 relevant section of the Broward County ordinances or regulations.

23 (2) The hearing shall be conducted in accordance with the procedures for a
24 hearing panel. At the hearing, witnesses shall be sworn, and the rules of

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1 evidence established for the quasi-judicial proceedings shall govern. After
2 the conclusion of the hearing, the hearing panel shall affirm or reverse the
3 decision of the Director, and that action shall be final. Should the hearing
4 panel reverse the decision of the Director, the Director shall issue the
5 license.

6 (e) Certified motor carrier rules of operation. Certified motor carriers and their
7 agents shall:

8 (1) Comply with applicable federal law, Florida law, and ordinances, rules,
9 and regulations of the County applicable to the operations of certified
10 motor carriers.

11 (2) Immediately report any change of address.

12 (3) Maintain all records demonstrating compliance with the provisions of this
13 Chapter and pertaining to the services provided by each motor vehicle
14 authorized to operate in the County under the certified motor carrier's
15 license for three (3) years and make same available for inspection during
16 the regular business hours of the certified motor carrier. When requested
17 by the Division, the certified motor carrier license holder shall
18 electronically provide copies of the records.

19 (4) Not allow or permit any person to operate a motor vehicle under its license
20 who does not meet the requirements set out in this Chapter.

21 (5) Not allow or permit any person to operate a motor vehicle under its license
22 without current, valid, and sufficient insurance coverage as required by
23 Florida law.

24
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1 (6) Obtain an operating permit for each motor vehicle operated pursuant to
2 authority of the certified motor carrier license and pay all fees.

3 (7) Not allow or permit any person to operate any vehicle under its license
4 without that vehicle's current valid operating permit being displayed
5 therein.

6 (8) Not allow or permit any person to operate a vehicle under its license who
7 does not meet the requirements of Section 22½-8.

8 (f) Vehicles authorized to operate under a certified motor carrier license.

9 Before any vehicle may be operated under the authority of any certified motor carrier
10 license, the certified motor carrier license holder shall ensure that each such vehicle is
11 inspected pursuant to Section 22½-9B and that proof of inspection for each such
12 vehicle, in the form required by the Division, has been submitted to the certified motor
13 carrier and is available for inspection with the certified motor carrier and in the vehicle.
14 The certified motor carrier license holder shall also ensure that each vehicle operating
15 under its license has a current valid permit issued by the Division, complies with the
16 insurance requirements of state law, and has passed a vehicle inspection indicating that
17 the vehicle meets the minimum vehicle standards in Section 22½-9B.

18 (g) Audit.

19 (1) Certified motor carrier license holders shall maintain records of all vehicle
20 inspections, background checks, and insurance required pursuant to this
21 Chapter for at least three (3) years.

22 (2) Certified motor carrier license holders shall cooperate with the Division to
23 permit audits of the certified motor carrier's records to verify compliance
24 with requirements of this Chapter.

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 underscored type are additions.

1 (3) Upon request by the Division or any code enforcement officer, a driver
2 authorized by a certified motor carrier shall provide documentation
3 demonstrating that the driver is registered with a certified motor carrier
4 and that the driver's vehicle has been inspected pursuant to
5 Section 22½-9B. The certified motor carrier shall require that a driver
6 authorized under its license immediately permit inspection of his or her
7 vehicle and provide this documentation to the Division or a code
8 enforcement officer upon request. If a driver refuses to allow an
9 inspection or to make such documentation available, upon notice to the
10 certified motor carrier, the certified motor carrier shall suspend the
11 credential of the driver until the driver permits the inspection or provides
12 the documentation.

13 (4) Upon request by the Division or any code enforcement officer, a certified
14 motor carrier shall provide documentation verifying a driver's registration
15 with the certified motor carrier, that the driver has undergone a
16 background check required by Section 22½-8, and that a vehicle certified
17 by the certified motor carrier has been inspected pursuant to
18 Section 22½-9B.

19 (5) All documentation required to be provided under this section may be
20 provided in electronic or paper form.

21 Section 5. Section 22½-8 of the Broward County Code of Ordinances is
22 hereby amended to read as follows:

23 **Sec. 22½-8. Chauffeur's registration.**
24

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 underscored type are additions.

1 (a) It shall be unlawful for any person to drive, operate, or control any motor
2 vehicle, which for the purposes of this section shall include paratransit services' motor
3 vehicles, for compensation over any street in Broward County without first having
4 obtained a chauffeur's registration from the Division pursuant to this section or an
5 authorization to operate after certification by a transportation network company or
6 certified motor carrier license holder vehicle pursuant to Section 22½-8(l).

7 . . .

8 (e) Each chauffeur's registration applicant must:

9 (1) Hold a current driver's license issued by the State of Florida; and

10 (2) Speak, read, and write the English language; and

11 ~~(3) Satisfactorily pass all Division required examinations; and~~

12 ~~(4)~~ (3) Possess the mental and emotional stability, as well as the physical ability,
13 to safely carry out the duties inherent in operating a motor vehicle for hire;
14 and

15 ~~(5)~~ (4) Not have been, within the last seven (7) years, convicted (convicted shall
16 mean any judicial determination of conviction, adjudication withheld, or
17 plea of nolo contendere) of a felony, nor have been released from
18 incarceration as a result of a felony conviction, unless his or her civil or
19 residency rights have been restored; and

20 ~~(6)~~ (5) Not have been convicted (convicted shall mean any judicial determination
21 of conviction, adjudication withheld, or plea of nolo contendere) of any
22 criminal offense involving moral turpitude relating to sex crimes, the use of
23 a deadly weapon, homicide, violent offense against a law enforcement
24 officer under Section 775.0823, Florida Statutes, nor have been

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1 adjudicated a habitual violent felony offender under Section 775.084,
2 Florida Statutes; and

3 ~~(7)~~ (6) Not have been convicted (convicted shall mean any judicial determination
4 of conviction, adjudication withheld, or plea of nolo contendere) of an
5 offense involving moral turpitude (unrelated to sex crimes) when, in the
6 discretion of the Division Director, approval of such registration would
7 constitute a threat to the health, welfare, or safety of the public or property
8 and therefore would not be in the public's interest; and

9 ~~(8)~~ (7) Not have been, within the last seven (7) years, convicted (convicted shall
10 mean any judicial determination of conviction, adjudication withheld, or
11 plea of nolo contendere) of, been released from incarceration resulting
12 from being convicted of, or had his or her driver's license suspended for:

- 13 a. Driving under the influence of drugs or intoxicating liquors (D.U.I.);
- 14 b. Three (3) or more traffic infractions resulting in accidents;
- 15 c. Fleeing the scene of any accident; or
- 16 d. Vehicular manslaughter or any death resulting from driving; and

17 ~~(9)~~ (8) Not have, within the last five (5) years, accumulated twenty-four (24) or
18 more points on his or her driving record.

19 ...
20 (l) In lieu of obtaining a chauffeur's registration pursuant to this Chapter,
21 transportation network company and certified motor carrier license holders shall have
22 the option to authorize a person to operate motor vehicles over the streets of Broward
23 County only upon certification by the transportation network company or certified motor
24 carrier license holder that the individual has met the requirements of Section 22½-8(e)

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1 after the transportation network company or certified motor carrier has conducted a
2 local, state, and national criminal background check through a Division-approved
3 agency accredited by the National Association of Professional Background Screeners
4 (NAPBS) that includes a social security trace, a review of all Florida county criminal
5 records, federal court records through the Public Access to Court Electronic Records
6 ("PACER") system, NATCRIM or similar multistate and multijurisdictional criminal
7 database, state and national sex offender databases, and driving history research
8 reports.

9 (1) In order to be authorized by a transportation network company or certified
10 motor carrier, an individual shall submit an application to the transportation
11 network company or certified motor carrier that includes, at minimum,
12 information regarding his or her address, age, driver's license, driving
13 history, motor vehicle registration, and automobile liability insurance.

14 (2) Prior to authorizing any individual to operate pursuant to this provision, a
15 transportation network company or certified motor carrier shall issue to
16 that individual a credential, which may be in digital form, that provides the
17 name of the transportation network company or certified motor carrier, the
18 name of the authorized driver, the date the credential was issued and, for
19 transportation network company drivers, the license plate of the vehicle
20 authorized to operate under the transportation network company license.

21 (3) An authorization or credential issued pursuant to this section shall be valid
22 for no more than one (1) year.

23
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- 1 (4) Any individual authorized pursuant to this section shall have a copy of this
2 credential available for inspection by the Division or any code enforcement
3 officer at all times while operating a for-hire vehicle.
- 4 (5) A transportation network company or certified motor carrier may not
5 authorize any individual pursuant to this section who was denied a
6 chauffeur's registration by the Division within one (1) year of the date of
7 authorization.
- 8 (6) No individual shall be authorized under this section who was previously
9 denied a chauffeur's registration by the Division pursuant to Section 22½-
10 8(e)(6) or 22½ -8(e)(7).
- 11 (7) Upon receipt of information that an individual no longer meets the
12 requirements of Section 22½-8(e), the transportation network company or
13 certified motor carrier shall immediately revoke the credential it issued to
14 the driver, notify the individual that he or she is no longer authorized to
15 operate a motor vehicle for hire and, in the case of a transportation
16 network company, prohibit the driver from operating on its platform.
- 17 (8) A transportation network company or certified motor carrier that certifies
18 its drivers pursuant to this section shall notify the Division promptly of any
19 changes to its background check procedure and obtain the Division's
20 approval of any such changes prior to authorizing additional drivers.
- 21 (9) It shall be unlawful for a transportation network company or certified motor
22 carrier to authorize a person to drive on the streets of Broward County or
23 issue a credential to any individual who does not meet the requirements of
24 Section 22½-8(e).

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 underscored type are additions.

1 (10) It shall be unlawful for a transportation network company or certified motor
2 carrier to authorize a person to drive on the streets of Broward County
3 without complying with the provisions of this section.

4 Section 6. Section 22½-9A of the Broward County Code of Ordinances is
5 hereby amended to read as follows:

6 **Sec. 22½-9A. Operations—Minimum standards of conduct.**

7 The role of certificate, license, and permit holders is essential to enhance and
8 showcase public transportation services to the residents and visitors of Broward County.
9 Intrinsic to operation of a quality public transportation service is the conduct of each
10 certificate, license, and permit holder. Therefore, all such holders are required to
11 comply with the following minimum standards:

12 (a) All certificate, license, and permit holders, and their employees and
13 representatives, shall conduct themselves at all times in a professional
14 and courteous manner in the performance of public transportation
15 services.

16 ~~(b) It shall be unlawful to advertise any service covered by or permitted under~~
17 ~~this Chapter in any print or electronic media accessible to the public in~~
18 ~~Broward County without including, in such advertisements, the holder's~~
19 ~~certificate number assigned by the Division.~~

20 (e) (b) It shall further be unlawful to include in any public advertisement, whether
21 print, electronic broadcast, or otherwise:

22 (1) The word "taxi," "taxicab," "cab," or any product, abbreviation, or
23 derivation, unless the certified motor carrier currently holds a valid
24

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1 certificate of public convenience and necessity, permit, or license
2 issued by Broward County.

3 (2) The word "limousine," or any product, abbreviation, or derivation,
4 unless the certified motor carrier currently holds a valid certificate of
5 public convenience and necessity, permit, or license issued by
6 Broward County.

7 ~~(d)~~ (c) No vehicle may be operated or driven except by a chauffeur registered or
8 driver authorized pursuant to Section 22½-8 of this ~~Chapter~~ Code.

9 ~~(e)~~ (d) Personal property left by a passenger in any motor vehicle shall, upon its
10 discovery by or delivery to the chauffeur or authorized driver of that
11 vehicle, be reported to and deposited at the business office of the motor
12 carrier. A record of the incident shall be maintained and the property held
13 for the owner for a period of sixty (60) days, at the end of which time it
14 shall be treated as lost or abandoned property in accordance with
15 Chapter 705, F.S. Florida Statutes.

16 ~~(f)~~ (e) No orderly person, desiring transportation to any place in Broward County,
17 shall be refused or neglected where the person is willing to pay the
18 prescribed fare in advance; provided that the motor carrier shall not
19 transport in violation of its authority.

20 ~~(g)~~ (f) In the case of taxicabs and limousines, additional passengers shall not be
21 accepted without the consent of the passengers who have already
22 engaged the motor vehicle.

23 ~~(h)~~ (g) Registered chauffeurs shall carry and display on their person at all times
24 while driving a motor vehicle a current chauffeur's registration.

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underscored type are additions.

1 (h) Drivers authorized to operate by a transportation network company or by a
2 certified motor carrier shall carry a current and valid credential on their
3 persons at all times while driving a motor vehicle for hire.

4 (i) A motor vehicle shall not be driven when the permit has been revoked,
5 suspended, or forfeited.

6 (j) Chauffeurs and drivers authorized to operate by a transportation network
7 company or certified motor carrier shall not operate a motor vehicle when
8 their chauffeur's registration or authorization has been revoked or
9 suspended.

10 ...
11 (p) Certificate holders, permit holders, license holders, authorized drivers, and
12 registered chauffeurs shall cooperate fully at all times with the Division in
13 the furnishing of information required in connection with requests to show
14 proof of licensure, in the processing of an application to renew a
15 chauffeur's registration, permit, or license, or in investigations of consumer
16 complaints. Further, certificate holders, permit holders, license holders,
17 authorized drivers, and registered chauffeurs shall not obstruct, hamper,
18 or interfere with an investigation of violations of this Chapter conducted by
19 a Division inspector or employee, law enforcement officer, or employee of
20 any other agency in enforcing this Chapter. At no time shall a certificate
21 holder, permit holder, license holder, authorized driver, or registered
22 chauffeur use abusive language or display hostile, aggressive, or other
23 inappropriate behavior toward passengers or any employee of the
24

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1 Division, any law enforcement agency, or any other agency authorized to
2 enforce this Chapter.

3 ...
4 (t) Chauffeurs or authorized drivers parked at a designated stand awaiting
5 deployment shall remain adjacent to and in attendance of their vehicles.
6 All vehicle doors shall remain closed except when loading or unloading
7 passengers.

8 (u) Taxicabs using any designated public stand shall be in a single file and
9 faced in accordance with applicable traffic regulations. The chauffeur or
10 authorized driver of the taxicab at the head of such file shall accept as a
11 passenger any orderly person who agrees to pay the proper fare;
12 provided, however, that any such person shall have the right to select any
13 taxicab regardless of its position in the file. Upon the departure of any
14 taxicab from the file, the vehicles entitled to use such stand which were in
15 the rear shall move forward. No number of taxicabs greater than the
16 maximum allowed shall attempt to use any public stand. The Director
17 shall cooperate with the municipalities or other appropriate entities to
18 designate public taxicab stands.

19 ...
20 Section 7. Section 22½-9B of the Broward County Code of Ordinances is
21 hereby amended to read as follows:

22 **Sec. 22½-9B. Operations—Minimum vehicle standards.**

23 ...
24
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1 (j) All vehicles for hire shall be inspected to ensure compliance with the
2 requirements of this Chapter by a Division-approved American Advanced Technicians
3 Institute ("AATI") or National Institute for Automotive Service Excellence ("ASE")
4 certified master mechanic or automobile technician at a Division-approved licensed auto
5 repair shop. Vehicles shall be inspected in accordance with the following schedule,
6 provided, however, that the Division may inspect a vehicle for hire for compliance with
7 the provisions of this Chapter at any time:

8 (1) Vehicles for hire that are not more than six (6) model years old shall be
9 inspected annually.

10 (2) Vehicles for hire that are six (6) model years old or older shall be
11 inspected semiannually.

12 The results of each inspection shall be recorded by the mechanic or automobile
13 technician on an inspection form prescribed by the Division, which completed form shall
14 be provided to the Division, the transportation network company, or certified motor
15 carrier within ten (10) business days after the inspection. The inspection form shall
16 indicate whether the vehicle has met all of the safety and maintenance requirements of
17 Section 22 $\frac{1}{2}$ -9GB. The technician completing the form and inspection must provide his
18 or her ASE or AATI certification number, the expiration date of his or her certification,
19 the name and license number of the auto repair facility where the inspection was
20 performed, and his or her signature as verification that all information provided is true
21 and correct. This information must be recorded on the inspection form for each vehicle
22 inspected. Any vehicle failing to pass the inspection or timely report the results of an
23 inspection by providing a completed inspection form to the Division may have its
24 operating permit suspended in accordance with Section 22 $\frac{1}{2}$ -13 ~~of this Chapter.~~ A

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 transportation network company or certified motor carrier shall suspend the
2 authorization of any driver whose vehicle fails an inspection or who fails to timely report
3 the results of an inspection until the driver demonstrates that his or her vehicle has
4 passed an inspection pursuant to this Chapter. It shall be a violation of this Chapter to
5 fail to use a Division-approved certified technician to inspect vehicles or to submit false
6 inspection forms to the Division. The Division may verify information and inspection
7 forms submitted by the business. It shall be unlawful for a mechanic or technician to
8 provide false information on an inspection form required pursuant to this section. A
9 business that fails or does not follow the requirements of this section is subject to
10 denial, revocation, or suspension of its business permit and decals, and to denial,
11 revocation, or suspensions of renewal of same.

12 (k) Every holder of a certificate, permit, or license, and each chauffeur and
13 driver authorized to operate by a transportation network company or certified motor
14 carrier shall fully comply with all ordinances, rules, and regulations of Broward County
15 and all statutes of the State of Florida applicable to the operation of motor carriers.

16 . . .

17 Section 8. Section 22½-13 of the Broward County Code of Ordinances is
18 hereby amended to read as follows:

19 **Sec. 22½-13. Suspension; revocation; forfeiture; penalties.**

20 (a) Except as otherwise specified, certificates, permits, registrations, jitney
21 licenses, certified motor carrier licenses, and transportation network company licenses
22 issued pursuant to this Chapter shall be subject to suspension, revocation, or forfeiture
23 as follows:

24 . . .

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underscored type are additions.

1 (5) *Transportation network company* or certified motor carrier license: Upon
2 notice and hearing, when it shall appear that:

- 3 a. The license was obtained by an application in which any material
4 fact was erroneously or falsely stated or intentionally omitted; or
5 b. The licensee has failed to comply with or has willfully violated any
6 of the provisions of this Chapter; or
7 c. The licensee has intentionally permitted ~~transportation network~~
8 ~~company~~ vehicles to be operated; or ~~transportation network~~
9 ~~company~~ drivers to operate; under its license in violation of any law
10 or regulation.

11 ...
12 Section 9. SEVERABILITY.

13 If any portion of this Ordinance is determined by any Court to be invalid, the
14 invalid portion shall be stricken, and such striking shall not affect the validity of the
15 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
16 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
17 or circumstance(s), such determination shall not affect the applicability hereof to any
18 other individual, group, entity, property, or circumstance.

19 Section 10. INCLUSION IN CODE.

20 It is the intention of the Board of County Commissioners that the provisions of
21 this Ordinance shall become and be made a part of the Broward County Code; and that
22 the sections of this Ordinance may be renumbered or relettered and the word
23 "ordinance" may be changed to "section," "article," or such other appropriate word or
24 phrase in order to accomplish such intentions.

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1 Section 11. EFFECTIVE DATE.

2 This Ordinance shall become effective as provided by law.

3
4 ENACTED

5 FILED WITH THE DEPARTMENT OF STATE

6 EFFECTIVE

7
8 Approved as to form and legal sufficiency:
9 Joni Armstrong Coffey, County Attorney

10 By /s/ Annika E. Ashton 09/08/15
11 Annika E. Ashton (date)
12 Assistant County Attorney

PROPOSED

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