

PROPOSED

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MOTOR VEHICLE PASSENGER DISPATCH SERVICES; AMENDING VARIOUS SECTIONS OF CHAPTER 22½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); PROVIDING FOR MANDATORY 24-HOUR-A-DAY DISPATCH SERVICES; PROVIDING FOR CERTAIN RESTRICTIONS ON ANNUAL OPERATING PERMITS IF FINES OR FEES ARE OWED BY APPLICANTS; PROVIDING FOR RESTRICTIONS ON ENTITIES THAT HAVE PREVIOUSLY SUBMITTED FALSE OR INTENTIONALLY MISLEADING INFORMATION; PROVIDING FOR ENFORCEMENT AND PENALTIES; AMENDING SECTION 8½-16 OF THE CODE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Broward County Environmental and Consumer Protection Division ("ECPD") seeks to address a number of issues regarding vehicles for hire, including availability of dispatch services, difficulties with fee and fine collection, and appropriate consequences for providing false information;

WHEREAS, ECPD believes that certain modifications are appropriate to improve motor vehicle dispatch services; and

WHEREAS, the Board of County Commissioners of Broward County has determined that the proposed modifications are in the best interest of the safety and welfare of the citizens of Broward County,

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

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

3 **Sec. 22½-1. Definitions.**

4 This Chapter may be referred to and cited as the "Motor Carriers Ordinance." For
5 the purposes of this Chapter, the following definitions shall apply unless the context of
6 their usage clearly indicates another meaning:

7 . . .

8 (u) *Qualified individual with disability* means an individual who has: 1) a
9 physical or mental impairment that substantiality limits one (1) or more of the major life
10 activities of such individual; 2) a record of such impairment; or 3) been regarded as having
11 such an impairment.

12 (v) Dispatch service means an individual or entity that dispatches taxicab
13 and/or luxury sedan operators to provide transportation for potential customers.

14 The fact that words in this Chapter are phrased in the singular or plural, in any
15 certain gender, or in any tense shall not prohibit the application of its provisions as
16 common sense and the context require.

17 Section 2. Section 22½-6A of the Broward County Code of Ordinances is
18 hereby amended to read as follows:

19 **Sec. 22½-6A. Permits—General.**

20 . . .

21 (d) The County may deny an application or not renew a permit if it determines
22 that:

23 . . .

24
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (3) The applicant or permittee has outstanding fees or fines ~~under this Chapter~~
2 owed to the Division or the Broward County Aviation Department;

3 (4) The applicant or permittee has a history of poor performance pertaining to
4 vehicles "for-hire" that substantially relates to the permit; ~~and/or~~

5 (5) The applicant or permittee has a history of violating any of the criteria listed
6 above in subsection (c)-~~i~~;

7 (6) One or more current owners, officers, directors, partners, or members of the
8 applicant or permittee owe fees or fines to the Division or the
9 Broward County Aviation Department; and/or

10 (7) One or more current owners, officers, directors, partners, or members of the
11 applicant or permittee are or were owners, officers, directors, partners, or
12 members of another entity that owes fees or fines to the Division or the
13 Broward County Aviation Department arising from a time period when the
14 owner, officer, director, partner, or member was associated with the entity
15 that owes fees or fines.

16 . . .

17 (r) Each permit holder shall maintain or designate a place of business in
18 Broward County, at which ~~place shall be a properly listed telephone for receiving all calls~~
19 ~~for transportation service, and at which place or business,~~ location the business records
20 and required daily manifests are kept and ~~are~~ available for inspection or audit by
21 Broward County. It shall also be the responsibility of every permit or license holder to
22 keep on file with the Division its business and other telephone numbers where it may
23 normally be reached from time to time.

24 . . .

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1 Section 3. Section 22½-8 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 22½-8. Chauffeur's registration.**

4 . . .

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

6 . . .

7 (8) Not have, within the last five (5) years, accumulated twenty-four (24) or
8 more points on his or her driving record; and

9 (9) Have fully paid any and all fines or fees owed to the Division or the
10 Broward County Aviation Department.

11 . . .

12 Section 4. Section 22½-9E of the Broward County Code of Ordinances is
13 hereby created to read as follows:

14 [Underlining omitted]

15 **Sec. 22½-9E. Operations—Dispatch.**

16 (a) Each certificate holder must notify the Division of the dispatch service the
17 certificate holder utilizes. If currently operating as of [INSERT EFFECTIVE DATE OF
18 ENACTMENT], the certificate holder must notify the Division of the dispatch service it
19 utilizes within sixty (60) days after [INSERT EFFECTIVE DATE OF ENACTMENT]. A
20 certificate holder may not utilize more than one dispatch service. A certificate holder may
21 not utilize a dispatch service that is not registered with the Division. The dispatch service
22 utilized must be identified on the permit application and renewal application by a
23 certificate holder.

24
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1 (b) Each dispatch service must register with the Division. If currently operating
2 as of [INSERT EFFECTIVE DATE OF ENACTMENT], the dispatch service must register
3 within sixty (60) days after [INSERT EFFECTIVE DATE OF ENACTMENT]. No
4 application fee is due for registering as a dispatch service. To register, each dispatch
5 service must provide the Division with the following documents:

- 6 (1) A fully completed application on a form prescribed by the Division;
- 7 (2) Documentation indicating the type of business entity registering as a
8 dispatch service (e.g., corporation, partnership, etc.);
- 9 (3) Any additional information that may be required by the Division relating to
10 the dispatch service's business activities, including information deemed
11 necessary by the Division to enforce the provisions of this section.

12 (c) If the Consumer Protection Board issues an order determining that a
13 dispatch service applicant, or a current owner, officer, director, partner, or member of the
14 applicant, submitted false or misleading information to the Division, that applicant, and
15 the applicable owner, officer, director, partner, or member, if any, shall be removed from
16 the roll of registered dispatch services and shall be prohibited from registering as a
17 dispatch service for a two (2) year period commencing on the date of the order.

18 (d) Each dispatch service must provide dispatch services twenty-four
19 (24) hours a day, seven (7) days a week to all certificate holders utilizing that dispatch
20 service.

21 (e) Dispatch services cannot be provided by an individual while operating a
22 vehicle for hire.

23 Section 5. Section 22¹/₂-13 of the Broward County Code of Ordinances is
24 hereby amended to read as follows:

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1 **Sec. 22¹/₂-13. Suspension; revocation; forfeiture; penalties.**

2 (a) Except as otherwise specified, certificates, permits, registrations, and jitney
3 licenses issued pursuant to this Chapter shall be subject to suspension, revocation, or
4 forfeiture as follows:

5 . . .

6 (5) Dispatch service registrations: Upon notice and hearing, when it shall
7 appear that:

8 a. The dispatch service registration was obtained by an application in
9 which any material fact was falsely stated or intentionally omitted;

10 b. The dispatch service has failed to comply with any of the provisions
11 of this Chapter; or

12 c. The dispatch service failed to render the service authorized by the
13 registration.

14 (b) Certificates, permits, registrations, or jitney licenses may be suspended,
15 revoked, or forfeited prior to hearing when it appears based on determination of the
16 Director that:

17 . . .

18 (c) All hearings required by this section shall be preceded by a minimum of
19 ten (10) days' prior written notice forwarded to the last known address maintained by the
20 Division. The notice shall specify the proposed action and the grounds upon which the
21 action is predicated. The certificate, permit, or registration holder (as the case may be)
22 may be represented by legal counsel and shall be entitled to present a defense to the
23 proposed action. All such hearings shall be conducted in accordance with the rules of
24 the Consumer Protection Board for conducting hearings. The Division shall promptly

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1 notify all parties of the final decision. There shall be a service fee to reinstate a suspended
2 certificate or permit, which fee shall be set by resolution of the Commission.

3 . . .

4 Section 6. Section 8½-16 of the Broward County Code of Ordinances is hereby
5 amended to read as follows:

6 **Sec. 8½-16. Schedule of civil penalties.**

7 . . .

8 (t) *Violations of Motor Carriers Law and Regulations:*

9 *Fine*

10 **Four or*

11 **First *Second *Third More*

12 *Violation Violation Violation Violation Violations*

13 ...

14 (19) Failure to comply with dispatch

15 service requirements

16 (sec. 22½-9(E)). 250.00 500.00 750.00 1,000.00

17 ...

18 Section 7. Severability.

19 If any portion of this Ordinance is determined by any court to be invalid, the invalid
20 portion will be stricken, and such striking will not affect the validity of the remainder of this
21 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
22 legally applied to any individual, group, entity, property, or circumstance, such
23 determination will not affect the applicability of this Ordinance to any other individual,
24 group, entity, property, or circumstance.

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1 Section 8. Inclusion in the Broward County Code of Ordinances.

2 It is the intention of the Board of County Commissioners that the provisions of this
3 Ordinance become part of the Broward County Code of Ordinances as of the effective
4 date. The sections of this Ordinance may be renumbered or relettered and the word
5 "ordinance" may be changed to "section," "article," or such other appropriate word or
6 phrase to the extent necessary in order to accomplish such intention.

7 Section 9. Effective Date.

8 This Ordinance is effective as of the date provided by law.

9
10 ENACTED

PROPOSED

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE

13
14 Approved as to form and legal sufficiency:
15 Andrew J. Meyers, County Attorney

16 By /s/ Mark A. Journey 11/24/2020
17 Mark A. Journey (date)
Assistant County Attorney

18
19 By /s/ René D. Harrod 11/24/2020
20 René D. Harrod (date)
Deputy County Attorney

21
22
23 MAJ/jl
Dispatch Services
24 11/24/2020
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