

PROPOSED

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MOTOR CARRIER PERMITS; AMENDING CHAPTER 22½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Dale V.C. Holness)

WHEREAS, Chapter 22½ of the Broward County Code of Ordinances ("Code") provides that motor carriers, including taxicabs, that operate motor vehicles upon the streets of Broward County must obtain a certificate of public convenience and necessity and a valid permit;

WHEREAS, the Code provides for a term of one (1) year for such certificates and permits, at fees set by the Board of County Commissioners ("Board") by resolution;

WHEREAS, much of the taxicab service in Broward County is driven by the tourism industry;

WHEREAS, the COVID-19 pandemic has had a severe negative impact on Broward County's tourism industry;

WHEREAS, the Code does not provide for exceptions to or waivers of the requirements related to certificates or permits, even when a declared state or local emergency severely impacts the industry; and

1 WHEREAS, the Board desires to provide for flexibility to waive permit fees and
2 certificate abandonment provisions, and to modify expiration dates, to address impacts
3 resulting from a declared state or local emergency,
4

5 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
6 BROWARD COUNTY, FLORIDA:
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8 Section 1. Section 22½-5 of the Broward County Code of Ordinances is hereby
9 amended to read as follows:

10 **Sec. 22½-5. Certificates of public convenience and necessity—Transfer;
11 abandonment.**

12 . . .

13 (d) A certificate required under this Chapter ~~which~~ that is not in use during any
14 consecutive one hundred and eighty (180) day period shall be deemed abandoned, and
15 shall automatically terminate after notice from the Division forwarded by certified mail,
16 unless a hearing to determine the use or status of the certificate is requested by the
17 certificate holder within fifteen (15) days ~~of~~ after the date of mailing of the notice. If a
18 hearing is requested, it shall be held within thirty (30) days ~~of~~ after the date of the
19 Division's receipt of the request unless waived in writing by the certificate holder. To
20 address impacts resulting from a declared state or local emergency, the Board, by
21 resolution, may extend the number of days during which a certificate required under this
22 Chapter is permitted to be not in use or may waive an abandonment of a certificate
23 required under this Chapter.

24 . . .

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

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 . . .

5 (u) The Board, by resolution, may waive, prorate, or modify fees, or extend or
6 modify the expiration date of a permit required under this Section 22½-6A, to address
7 impacts resulting from a declared state or local emergency.

8
9 Section 3. Severability.

10 If any portion of this Ordinance is determined by any court to be invalid, the invalid
11 portion will be stricken, and such striking will not affect the validity of the remainder of this
12 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
13 legally applied to any individual, group, entity, property, or circumstance, such
14 determination will not affect the applicability of this Ordinance to any other individual,
15 group, entity, property, or circumstance.

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17 Section 4. Inclusion in the Broward County Code of Ordinances.

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

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Section 5. Effective Date.

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

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By /s/ Annika E. Ashton 07/28/2021
Annika E. Ashton (date)
Deputy County Attorney

AEA/jc
Driver Relief Ordinance
08/20/2021
#579695

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