



# Broward County

## Legislation Text

File #: 20-1998, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO ADOPT Resolution No. 2020-679 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, December 1, 2020, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

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"); PROHIBITING SOLICITATION OF CERTAIN FOR-HIRE GROUND TRANSPORTATION SERVICES, INCLUDING SOLICITATION OF ON-DEMAND TRANSPORTATION SERVICES BY OPERATORS EXCLUSIVELY PERMITTED TO PROVIDE PREARRANGED TRANSPORTATION; PROVIDING FOR THE SUSPENSION OF CERTIFICATES, LICENSES, PERMITS, AND REGISTRATIONS OF REPEAT CODE VIOLATORS; AMENDING INSURANCE REQUIREMENTS FOR MOTOR CARRIERS; AMENDING PROCEDURES FOR TAXICAB RATE INCREASES; AMENDING SECTION 8½-16 OF THE CODE TO SET FINES FOR VIOLATIONS OF THE CODE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Mayor Dale V.C. Holness)

#### Why Action is Necessary

The proposed Ordinance was prepared by the Office of the County Attorney at the direction of the Board of County Commissioners at its meetings of May 22, 2018, November 13, 2018, and January 29, 2019.

#### What Action Accomplishes

Sets a public hearing for the Board to consider proposed amendments to the Broward County Code of Ordinances.

#### Is this Action Goal Related

No

#### Previous Action Taken

#### Summary Explanation/Background

At its May 22, 2018, meeting, the Board directed this Office to draft an ordinance amending Chapter

22½ of the Broward County Code of Ordinances ("Code") to address two major regulatory issues in the vehicle-for-hire community: illegal solicitation and repeat violators of the motor carrier regulations outlined in the Code.

The proposed Ordinance addresses these regulatory issues by amending Chapter 22½ of the Code to: (1) make unlawful the solicitation of for-hire ground transportation services except as permitted under the Code; (2) prevent operators who provide prearranged ground transportation services from soliciting for-hire ground transportation services in any manner other than on a prearranged basis; and (3) authorize the Environmental and Consumer Protection Division (the "ECPD") to suspend the certificate, license, permit, or registration of any person who has had three (3) or more violations of the same provision of the Code adjudicated within a twenty-four (24) month period.

Additionally, the proposed Ordinance amends Section 8½-16 of the Code to create fines starting at \$1,000 for an initial violation and up to \$5,000 for each repeat violation for offering or facilitating the solicitation of for-hire ground transportation services without a valid chauffeur's registration or permit, and, for prearranged ground transportation providers, for soliciting for-hire ground transportation services in a manner other than on a prearranged basis. Section 162.09, Florida Statutes, permits large counties like Broward County to increase fines for violations of the Code up to \$1,000 for an initial violation and up to \$5,000 for each repeat violation, provided that such increase is approved by a vote of at least six (6) Commissioners (a majority plus one (1) of the entire Board).

Further, on November 13, 2018, the Board directed the Office of the County Attorney to amend Chapter 22½ of the Code to make ECPD's procedures more efficient and to update the Code to align with current state and federal regulations. The proposed Ordinance includes changes to Chapter 22½ of the Code including: (1) requiring that motor carriers maintain insurance in compliance with state and federal insurance requirements; (2) amending the procedures for taxicab rate increases to provide the ECPD more flexibility in determining whether to increase taxicab rates; and (3) removing the requirement that taximeters be approved by the Florida Department of Agriculture, as the Department no longer approves meters.

Exhibit 3 is an amendment that would allow the fifty (50) wheelchair accessible vehicle certificates issued in June 2017 to stage and pick up at the Fort Lauderdale-Hollywood International Airport.

On September 10, 2019, the Board held a public hearing on this item and continued the item to a future meeting.

### **Source of Additional Information**

Annika E. Ashton, Deputy County Attorney, 954-357-7600

### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

Fiscal Impact Statement by the Office of Management and Budget is attached as Exhibit 4.