



Broward County

Legislation Details (With Text)

File #: 20-2074 **Version:** 1

Status: Agenda Ready

In control: PUBLIC HEARING

On agenda: 12/1/2020 **Final action:** 12/1/2020

Title: MOTION TO ENACT 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; ADDRESSING CERTAIN OPERATIONAL RESTRICTIONS FOR WHEELCHAIR ACCESSIBLE VEHICLES; 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 Commissioner Dale V.C. Holness)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Copy of Proposed Ordinance, 2. Exhibit 2 - Copy of Fiscal Impact Statement, 3. Exhibit 3 - Copy of Amendment proposed by Commissioner Dale V.C. Holness, 4. Exhibit 4 - Additional Material (a second proposed amendment) distributed by Commissioner Dale V.C. Holness for the November 10, 2020, Meeting

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ENACT 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; ADDRESSING CERTAIN OPERATIONAL RESTRICTIONS FOR WHEELCHAIR ACCESSIBLE VEHICLES; 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 Commissioner Dale V.C. Holness)

Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of November 10, 2020.

What Action Accomplishes

Enacts an amendment to various sections of Chapter 22½ of the Broward County Code of Ordinances ("Code") pertaining to illegal solicitation, wheelchair accessible vehicles, and housekeeping matters, and to Section 8½-16 of the Code to create new fines for illegal solicitation.

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 modifies Chapter 22½ of the Code including by: (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.

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

Exhibit 3 is an amendment submitted by Commissioner Holness that would allow the vehicles associated with the fifty (50) wheelchair accessible vehicle certificates issued in June 2017 to stage and pick up at the Fort Lauderdale-Hollywood International Airport and Port Everglades. To provide sufficient public notice that this proposed amendment would be considered by the Board, the title to the proposed Ordinance was expanded.

Commissioner Holness also submitted as additional material a second proposed amendment; that is attached as Exhibit 4. The amendment would expressly provide that ECPD may only suspend or revoke the individual certificate, permit, registration, or jitney license that has received three (3) or more citations that are adjudicated to be in violation of the same offense under the Code within the preceding twenty-four (24) month period.

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 2.