

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO MOTOR CARRIERS; REPEALING ARTICLE II
3 OF CHAPTER 3½ AND AMENDING CHAPTERS 8½ AND 22½ OF THE BROWARD
4 COUNTY CODE OF ORDINANCES ("CODE"); UPDATING DEFINITIONS, MINIMUM
5 VEHICLE REQUIREMENTS, TAXICAB FARE PAYMENT METHODS, AND
6 PENALTIES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND
7 AN EFFECTIVE DATE.

8 (Sponsored by the Board of County Commissioners)
9

10 WHEREAS, Chapters 8½ and 22½ of the Broward County Code of Ordinances
11 (the "Code") set forth guidelines governing the operations of motor carriers, including
12 taxicabs, on the streets of Broward County;

13 WHEREAS, the Board of County Commissioners (the "Board") seeks to
14 consolidate motor carrier regulations by relocating the provisions of Article II of
15 Chapter 3½ governing Nonemergency Medical Transportation to Article II of Chapter 22½
16 of the Code; and

17 WHEREAS, the Board finds that the regulations set forth in Chapters 8½ and 22½
18 are necessary to protect the health, welfare, and safety of the passengers, chauffeurs,
19 and the public, and desires to modernize these motor carrier regulations,

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

22 Section 1. Article II of Chapter 3½ of the Broward County Code of Ordinances
23 is hereby repealed in its entirety.

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

Chapter 22½

MOTOR CARRIERS

ARTICLE I. NONMEDICAL MOTOR CARRIERS

Sec. 22½-1. Definitions.

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

Airport means the Fort Lauderdale-Hollywood International Airport.

Americans with Disabilities Act of 1990 or ADA means the Civil Rights Act signed into law on July 26, 1990, codified as 42 U.S.C. § 12101, et seq., as amended.

~~(a)~~ *Applicant* means an individual, partnership, association, or corporation ~~who~~ that applies for a certificate of public convenience and necessity, a permit, a license, or a chauffeur’s registration pursuant to the terms of this Chapter. In the case of partnerships, associations, and corporations, “applicant” shall also mean each individual with a partnership interest, each associate, and the corporate officers and directors. ~~Any signature required in completing forms shall be in original ink and not photocopied.~~

Broward County Chauffeur’s Registration means the authorization of a duly licensed driver registered with the Division to operate a motor vehicle for hire.

Broward County Operating Permit means the authorization of a motor vehicle to be used for public passenger transportation pursuant to this chapter, as evidenced by the decal affixed to the motor vehicle.

47 (b) *Certificate* means any certificate of public convenience and necessity issued
48 pursuant to this Chapter, which authorizes the holder to engage in providing passenger
49 transportation services to the public.

50 (c) *Chauffeur* means a ~~duly licensed driver registered with the Environmental and~~
51 ~~Consumer Protection Division of Broward County to operate a motor vehicle for hire~~
52 person who holds a valid, active license or permit to operate a vehicle for hire, issued by
53 the county or municipality in which the person is domiciled, and who has not had a license
54 or permit to operate a vehicle for hire suspended or revoked within the immediately
55 preceding five (5) years.

56 *Code* means the Broward County Code of Ordinances.

57 *Commission* means the Board of County Commissioners of Broward County,
58 Florida.

59 (d) *Compensation* means a return in money, property, or anything of value.

60 (e) ~~*Commission* means the Board of County Commissioners of Broward~~
61 ~~County, Florida.~~

62 *County* means Broward County, a political subdivision of the State of Florida.

63 (f) *Director* means the Director of the ~~Environmental and~~ Broward County Consumer
64 Protection Division of ~~Broward County,~~ or their written designee.

65 (g) *Division or CPD* means the ~~Environmental and~~ Broward County Consumer
66 Protection Division of ~~Broward County,~~ or any successor County agency.

67 *Domicile* means, for individuals, the permanent and legal address of the individual;
68 and for partnerships, associations, corporations, or other entities, the principal place of

business listed on the entity's most recent annual report filed with the Florida Department of State, Division of Corporations.

(h) *Fares or rates* means the charges established pursuant to this Chapter to be paid by passengers for the transportation services provided by a motor carrier.

(i) *Hearing panel* means ~~a three-member hearing panel of the Consumer Protection Board~~ officer has the meaning set forth in Section 8½-9 of the Code.

(j) *Motor carrier* means ~~an individual, partnership, association, corporation, or other entity that~~ person who owns, controls, operates, exercises dominion over, or manages any motor vehicle, as defined in this Chapter, or ~~that~~ who contracts with individuals who provide for-hire ground transportation, and ~~which~~ that holds itself out as engaged in any part of the business of providing passenger, for-hire ground transportation services to the public, or private clients, for compensation, or connecting individuals with transportation providers, including any ~~individual or entity that~~ person who receives payment for arranging or providing for-hire ground transportation services, but does not include restaurants ~~and~~ or hotels. This definition is exclusive of any business that owns and operates any motor vehicle as a "courtesy" vehicle for customers who pay for the primary service with transportation included as an ancillary benefit; ~~§~~ Such a motor vehicle ~~shall~~ must be clearly identified as a "courtesy vehicle" with a sign indicating same in full view of a passenger entering the vehicle. Notwithstanding the foregoing, "courtesy vehicles" shall be included in the term motor carrier for purposes of Port Everglades Business Permits, as set forth below in Section 22½-6D, and to operate at the ~~Fort Lauderdale-Hollywood International~~ Airport, as stated in the requirements set forth below in Section 22½-6B(a)(3), regardless of the seating capacity per vehicle. For purposes of

Port Everglades Business Permits, the term motor carrier shall include those entities that operate buses within Port Everglades.

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

. . .

(l) *Operating permit*, ~~or permit~~, ~~or decal~~ means ~~the license affixed to the vehicle authorizing the motor vehicle to be used for public passenger transportation pursuant to this Chapter~~ an active and valid license to operate a vehicle for hire, issued by a county or municipality in which the person is domiciled.

(m) *Operator* means the holder of a certificate, permit or license holder, ~~as the case may be.~~

Paratransit services means comparable transportation services required by the ADA for qualified individuals with disabilities who are unable to use fixed-route transportation services.

Person means an individual, partnership, association, corporation, or other entity.

Prearranged ground transportation means a reservation for transportation that has been made at least one (1) hour in advance by the person or their agent requesting service at the place of business of the for-hire license holder for the provision of limousine service for a specified time period.

Qualified individual with disability means an individual who has: (1) a physical or mental impairment that substantially limits one (1) or more of the major life activities of

such individual; (2) a record of such an impairment; or (3) been regarded as having such an impairment.

~~(n) *Registration* means a chauffeur's license issued pursuant to this Chapter which authorizes the licensee to operate motor vehicles for hire.~~

~~(o) *Route* means a fixed service for the transportation of people by a common carrier on a regular line of travel with or without a regular schedule between fixed terminals, for compensation, as approved by the Broward County Mass Transit Division~~ Transportation Department.

Seller(s) of travel has the same meaning as Section 559.927(11), Florida Statutes, as amended.

~~(p) *Street* means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct, or other public place located in Broward County and established for the use of vehicles.~~

~~(q) *Taximeter* means any device approved by the Division which is internally mounted in a taxicab and which records and indicates a charge or fare measured by distance traveled, waiting time, or other traditionally compensable activities or items of taxicab service. In addition to a conventional taximeter, a taximeter may be a software program, platform, or application installed on an electronic device~~ a smartphone, tablet, or similar electronic device, with a touchscreen, that an operator of a taxicab uses as a taximeter and meets the requirements set forth in this chapter.

~~(r) *Americans with Disabilities Act of 1990* or *ADA* means the Civil Rights Act signed into law on July 26, 1990, as Public Law 101-336, 104 Stat. 327, as the same may be amended from time to time.~~

(s) ~~Transfer.~~ When referring to a certificate or permit, shall mean sale, assignment, license, or otherwise permitting third-party use of the certificate or permit or any inherent rights. Unless expressly stated otherwise, all transfers shall be by formal approval of the Commission or Director as required or authorized in this chapter.

(t) ~~Paratransit services means comparable transportation services required by the ADA for qualified individuals with disabilities who are unable to use fixed route transportation services.~~

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

(v) ~~Prearranged ground transportation means the transportation for compensation of any passenger who coordinates such transportation services prior to arrival at the predesignated pickup location.~~

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

Sec. 22½-2. Certificates of public convenience and necessity; exceptions.

It shall be unlawful for any motor carrier to use, drive, or operate or to cause or permit any person to use, drive, or operate any motor vehicle upon the streets of Broward County, or to receive compensation as a result of arranging or providing for the use or operation of any vehicle in motor carrier services upon the streets of Broward County, or to advertise in any print or electronic medium, air wave transmission, telephone directory,

or other media accessible to the public within Broward County that it offers motor carrier services within Broward County, without first obtaining a certificate pursuant to the provisions of this Chapter; provided, however, that this section shall not apply to the following:

...

(f) Operation of non-public-sector buses engaged in intercity transportation, as required by ~~F.S. §~~ Section 341.102, Florida Statutes, and/or as approved under and by agreement with the Broward County ~~Mass Transit Division~~ Transportation Department.

...

(m) Luxury sedans, which shall be governed by Section 22½-6E.

(n) Sellers of travel. The exception is intended to be interpreted in conformity with Section 559.939, Florida Statutes, and is subject to the exceptions set forth in Section 559.935, Florida Statutes.

Sec. 22½-3. Certificates of public convenience and necessity; application.

(a) The Commission has determined that it shall be in the public interest to, at no time, authorize more than one (1) taxicab vehicle, singly or in combination, per each two thousand (2,000) inhabitants of Broward County ~~nor to authorize more than one (1) luxury sedan per each four thousand five hundred (4,500) inhabitants of Broward County~~ according to the most recent official estimate by the University of Florida, Population Division, Bureau of Economic Business Research.

...

(b) Every application for a certificate, an amendment to a certificate, and an approval of transfer or sale of a certificate shall be in writing, signed and sworn to by the

applicant, and shall be filed with the Division as provided in this ~~Ordinance~~ article. The application shall be on a form provided by the Division and shall contain the following:

(1) For an individual: ~~The~~ applicant's name, address, and date of birth; the names, addresses, and dates of birth of all partners or associates; ~~and in the case of~~

(2) For a corporation, business entity: the ~~corporation's~~ entity's name, and date and state of incorporation or organization; verified copy of its registration to ~~do~~ transact business in the State of Florida; the address of ~~corporate headquarters~~ its principal place of business in Florida; name and address of its registered agent; and names, addresses, and dates of birth of all ~~corporate~~ officers, members, partners, and or directors, ~~where~~ as applicable.

~~(2) The applicant's fingerprints and photograph, taken by the Broward County Sheriff's Office, Division, or a law enforcement agency for the purpose of a criminal background check, which shall be attached to the application at the time of filing. In the case of a partnership, association, or corporate applicant, this information shall be obtained from all partners, associates, corporate officers, and directors.~~

...

Sec. 22¹/₂-4. Certificates of public convenience and necessity—Award.

(a) No later than thirty (30) days prior to the award of certificates of public convenience and necessity, the Division shall provide the Commission a summary of certificates to be issued and an assessment of the public's need for additional taxicab or

luxury sedan service based upon the population figures as set forth within
Section 22½-3(a) above.

. . .

(c) There shall be ~~four (4)~~ three (3) separate drawings: a taxicab general; a taxicab driver only; and wheelchair accessible taxicab; ~~and luxury sedans~~. The Director shall determine the number of ~~approved certificates~~ approved certificates. Three and five-tenths percent (3.5%) of the total number of approved taxicab certificates shall be issued to the wheelchair accessible taxicab category. These certificates may only be used with wheelchair accessible vehicles. One-half (½) of the remaining approved taxicab certificates shall be issued to the taxicab general drawing, and one-half (½) of the remaining approved taxicab certificates shall be issued to the taxicab driver only drawing. In cases of uneven distribution, the additional certificate shall be distributed to the taxicab driver only drawing. Wheelchair accessible taxicab certificate holders shall be awarded an additional taxicab general certificate for each wheelchair certificate awarded, upon payment of the Commission-prescribed award fee described in this section, which additional taxicab general certificate shall be linked with the wheelchair accessible taxicab certificate for the purposes of regulation under this Chapter, including any transfers of ownership. Should the number of available taxicab certificates exceed the number of applicants, the remaining certificates will be offered in the general taxicab lottery.

(d) Each certificate issued pursuant to this Chapter shall be signed by the Director and shall contain, ~~in addition to~~ the name and address of the applicant, ~~a statement of the class of transportation service authorized for the motor vehicles to be used in the rendition of such service~~. The certificate shall also state such additional terms,

restrictions, conditions, provisions, and limitations as the Commission may deem to be in the public's interest.

. . .

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

(a) A certificate issued pursuant to the taxicab general, or wheelchair accessible taxicab, ~~and luxury sedan~~ drawing provisions of this Chapter shall not be transferred in any manner, either directly or indirectly, including by change in stock, partnership shares, or other form of ownership of any entity holding the certificate, for a period of three (3) years ~~from~~ after the date of the issuance of the certificate; except where there is a change in ownership due to the formation of a corporation by the certificate holder so long as the certificate holder is the majority stockholder of the newly formed corporation, or where there is a death or a permanent and disabling illness ~~which~~ that prevents the certificate holder from conducting its business and the certificate has become subject to probate or guardianship proceedings. Relocation or going out of business either voluntarily or involuntarily shall not constitute grounds ~~which~~ that would authorize a transfer within three (3) years of the date of issuance. The foregoing restrictions shall not apply to certificates ~~which~~ that were awarded ~~three (3) or more years before the effective date of this section (November 27, 1989)~~ 1986, or ~~which~~ that were transferred because of a judicial levy or sale. Any attempted assignment, sale, or transfer of interest in a certificate either directly or indirectly in violation of this provision shall not be effective and the certificate is declared void, shall be forfeited and deemed abandoned,

and shall revert to Broward County to be issued in the manner provided for issuance of new certificates.

. . .

(e) If at any time Broward County is holding ten (10) or more taxicab or luxury sedan certificates and the accompanying permits due to revocation, forfeiture, or abandonment, such certificates and their accompanying permits may be awarded by the Division at a public meeting in accordance with the procedures set forth within this Chapter.

Sec. 22½-6A. Permits—General.

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

. . .

(c) In reviewing an application for a new permit or a renewal of an existing permit, the County shall consider:

- (1) The applicant’s or permittee’s past performance, including, but not limited to, compliance with County requirements, including substantiated consumer complaints related to motor vehicles ~~“for hire”~~ for hire and compliance with

other applicable federal, state, and County ordinances, codes, laws, rules,
and regulations;

...

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

(1) The applicant or permittee has misrepresented or failed to disclose a
material fact on ~~his, her, or its~~ their application;

(2) The applicant or permittee has violated any term, condition, limitation, or
restriction, imposed by the Division related to vehicles ~~for hire~~ for hire, or
has a history of violating the provisions of this ~~C~~chapter;

(3) The applicant or permittee has outstanding civil fines ~~under this Chapter or~~
penalties arising out of any administrative or enforcement action relating to
the operation of a vehicle for hire, or relating to conduct involving fraud or
dishonest dealing;

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

(5) The applicant or permittee has a history of violating any of the criteria listed
above in ~~sub~~Section 22½-6A(c).

(e) A denial of a permit or a failure to renew a permit by the Division may be
appealed by an applicant or permittee as set forth below:

Any applicant denied a permit, or a permittee whose permit is not renewed, shall
be provided with written notice of denial setting forth the material facts, law, and reason(s)
upon which the denial is predicated. The notice to the applicant or permittee shall also

297 contain a statement informing the applicant or permittee that ~~he, she, or it has~~ they have
298 the right to a hearing before a hearing ~~panel~~ officer. In order to be granted a hearing
299 before a hearing ~~panel~~ officer, the applicant or permittee must file a written request to the
300 Director within thirty (30) calendar days ~~of~~ after the date of receipt of the denial.

301 (f) If the applicant or permittee requests a hearing, the hearing before the
302 hearing ~~panel~~ officer shall be held within thirty (30) calendar days ~~of~~ after receipt of the
303 request by the Director unless waived in writing by the applicant or permittee. Hearings
304 shall otherwise be conducted in accord with the procedures ~~for Consumer Protection~~
305 ~~Board hearings~~ set forth in Chapter 8½ of the Code. The applicant or permittee shall be
306 provided with a notice of hearing, which shall include:

307 (1) A statement of time and place for the hearing; and

308 (2) The facts and a reference to the relevant section of the Broward County
309 ordinances or regulations upon which the denial is based. The reason(s) for
310 the denial shall also be clearly stated.

311 (g) The Division shall issue to the motor carrier a permit for each motor vehicle;
312 provided that the requisite fee has been paid, the motor carrier has complied with this
313 ~~Chapter~~, state and federal law regarding ~~for-hire~~ for hire vehicle service, and the vehicle
314 or vehicles comply with the minimum requirements of Section 22½-9B ~~of this Chapter~~.

315 . . .

316 (n) A permit required under this ~~Chapter~~ which that is not in use during any
317 consecutive ninety (90) day period shall be deemed abandoned, and all inherent rights
318 shall be automatically terminated after written notice from the Division by certified mail.
319 However, the permit holder may request a hearing to determine the use or status of the

320 permit within fifteen (15) days of after the date of mailing of the Division's termination
321 notice. If a hearing is requested, it shall be held within thirty (30) days of after the date of
322 receipt of the permit holder's request unless waived in writing.

323 . . .

324 (q) ~~Luxury sedan permit holder(s) desiring to lease one (1) or more permits to~~
325 ~~a second party must first secure the written approval of the Division. Division approval~~
326 ~~shall not be granted until the lessee has complied with this Section. Each application for~~
327 ~~Division approval of the leasing of a permit shall be accompanied by the Commission~~
328 ~~approved fee, payable by the lessor, which may be non-refundable. Luxury sedan permits~~
329 ~~issued pursuant to this Chapter shall not be leased in any manner for a period of three~~
330 ~~(3) years from the date of issuance of the permit. This restriction shall not apply to~~
331 ~~executive limousine certificates which were awarded before the effective date of this~~
332 ~~section. Subleasing of a permit is prohibited. Failure to comply with this section may result~~
333 ~~in suspension or revocation of the violator's rights in a Broward County certificate or~~
334 ~~permit pursuant to the terms of Section 22½-13 of this Chapter.~~

335 (r) Each permit holder shall maintain or designate a place of business in
336 Broward County, at which place shall be a properly listed telephone for receiving all calls
337 for transportation service, and at which place or business, business records and required
338 daily manifests are kept and are available for inspection or audit by Broward County. It
339 shall also be the responsibility of every permit or license holder to keep on file with the
340 Division its their business and other telephone numbers where it they may normally be
341 reached from time to time.

(s) (r) Out-of-county origin exception. Nothing in this article shall be construed to prohibit discharge within Broward County of any passenger lawfully picked up in another county and lawfully transported into Broward County. Notwithstanding any provision to the contrary, (1) any passenger lawfully picked up in another county, and transported to, and discharged at any location within Broward County, may be picked up at the discharge location and returned to the county of origin as long as the transportation is part of a ~~pre-~~ prearranged, round-trip fare pursuant to a written contract and the county of origin has adopted a similar reciprocity provision; and (2) a limousine from another county may pick up a passenger at ~~either Fort Lauderdale International~~ the Airport or Port Everglades and transport the passenger directly to the limousine's county of origin, provided the transportation is part of a ~~pre-arranged~~ prearranged, one-way continuous fare pursuant to a written contract, the passenger arrived at either ~~Fort Lauderdale International~~ the Airport or Port Everglades, the limousine has complied with all of the regulatory requirements of the county of origin, and the limousine's county of origin has adopted a similar reciprocity provision. "~~Pre-arranged~~" ~~shall mean a reservation which has been made at least one hour in advance by the person requesting service or his/her agent at the place of business of the for-hire license holder for the provision of limousine service for a specified time period.~~ Any limousine that picks up or discharges passengers at either ~~Fort Lauderdale International~~ the Airport or Port Everglades shall meet the ~~Fort Lauderdale International Airport and~~ or the Port Everglades limousine requirements, as applicable. A copy of the contract shall be in the possession of the chauffeur at all times and shall be made available to enforcement personnel upon request.

(s) Temporary Operating Permits. The Division may issue temporary operating permits for time periods when the National Football League Super Bowl ("Super Bowl") or the Fédération Internationale de Football Association World Cup ("FIFA World Cup") takes place in South Florida. These permits authorize the permit holder to operate pursuant to this ~~C~~chapter in ~~Broward County, including the Fort Lauderdale-Hollywood International at the Airport, but not including Port Everglades,~~ for a period not to exceed two (2) weeks for the Super Bowl and for a set duration based on operational needs for the FIFA World Cup (each, the "designated period"), the dates of which shall be set by the Director. Temporary operating permits may be issued to current Broward County permit holders in the categories of ~~L~~imousine, ~~L~~uxury ~~S~~edan, ~~L~~uxury ~~L~~imousine, and ~~T~~ransport ~~V~~an, as defined in Section 22½-1(k). Vehicles operating under temporary operating permits are subject to the requirements of this ~~C~~chapter, including without limitation Section 22½-9B, except to the extent modified by this section.

- (1) Applicants for a temporary operating permit shall meet the following criteria, and the vehicle shall not be operated as a motor vehicle "for hire" on the streets of Broward County until all of the following criteria are met and the Division issues a temporary operating permit:

...

- (2) Vehicles covered by temporary operating permits must be operated by drivers with valid Broward County chauffeur registrations or by drivers conforming to the following rules:

- a. The permit holder must obtain background checks for each applicable driver from a company specializing in background checks

that checks for those issues described in Sections 22½-8(e)(4), (5), (6), (7), and (8).

b. All drivers must comply with all requirements in Section 22½-8(e).

c. Sections 22½-8(a), (b), (c), (d), and ~~(f) — (n)~~ (f) through (n) will not be applicable to drivers.

d. Drivers who are not registered chauffeurs may operate vehicles permitted under this section to or from the Airport only during the designated period of the temporary operating permit.

e. The temporary permit holder must provide the Division with a roster of all drivers that includes each driver's first and last name, driver license number, driver license issuance date and expiration date, and a confirmation that the driver has passed the background check. The temporary permit holder must certify in writing under penalty of perjury that all drivers on the roster have been screened and meet the requirements of this Chapter. It is a violation of this section for a permit holder to allow a driver to operate a vehicle under a temporary operating permit before providing a roster to the Division that includes the driver's information required by this section and certification that the driver meets the requirements of this Chapter.

f. Temporary ~~P~~permit holders must provide an identification card to each driver, including the name of the driver and the name of the permit holder, in the form approved by the Division. While engaging in for-hire transportation services, the driver must display the

identification card at all times and make it available for inspection by personnel authorized to perform enforcement duties or by any police officer.

- g. Temporary ~~P~~permit holders must retain records showing the results of the background checks for a period of no less than three (3) years.

The Division may audit these records at any time. It is a violation of this section for any permit holder to fail to retain these records or to fail to provide these records in response to an audit by the Division.

- h. All drivers must comply with the minimum standards of conduct prescribed in Section 22½-9A.

- (3) If Palm Beach County or Miami-Dade County allows Broward County permit holders to operate ~~within its county~~ at Palm Beach International Airport or Miami International Airport during the designated period, then permit holders of vehicles permitted in the reciprocating county may operate ~~within Broward County~~ at the Airport during the designated ~~two-week Super Bowl~~ period. This reciprocation is valid for both temporary and standard permits and only in the categories of ~~L~~limousine, ~~L~~luxury ~~S~~edan, ~~L~~luxury ~~L~~imousine, and ~~T~~ransport ~~V~~an.

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

Sec. 22½-6B. Permits—Airports.

(a) It shall be unlawful for any limousine or motor carrier with a vehicle or vehicles, including “courtesy vehicles,” as described in ~~Subsection 22½-1(j)~~, to operate at the ~~Fort Lauderdale-Hollywood International Airport (“Airport”)~~ without a contract, license, lease, or permit issued by Broward County or the Broward County Aviation Department for operations at the Airport.

(b) Applicants for a permit to operate a motor vehicle at the Airport must have no outstanding civil fines or penalties arising out of any administrative or enforcement action relating to the operation of a vehicle for hire, or relating to conduct involving fraud or dishonest dealing.

~~(b) (c)~~ Any motor carrier operating in violation of this ~~§~~section will be deemed as operating unlawfully and shall be subject to penalties prescribed in Section 22½-13 of this Chapter.

Sec. 22½-6C. Permits—Luxury limousines and transport vans.

. . .

(b) Applicants for a permit to operate a ~~L~~uxury ~~L~~imousine or ~~T~~ransport ~~V~~an shall meet the following criteria:

(1) The applicant must have a place of business located in Broward County and must have a current Broward County ~~Occupational License~~ Business Tax Receipt for its that business;

(2) The applicant must produce, as of the date of application, a title or lease agreement for each individual vehicle operating on the applicant’s behalf in Broward County;

(3) The applicant must produce proof that it carries public automobile insurance for each individual vehicle, as required by this Chapter, effective on or before the date of application; and

(4) The applicant must produce proof that, as of the date of application, the applicant maintains a Broward County telephone number in the applicant's name; and

(5) The applicant or permittee does not have any outstanding civil fines or penalties arising out of any administrative or enforcement action relating to the operation of a luxury limousine and transport van or relating to conduct involving fraud or dishonest dealing.

Sec. 22½-6D. Port Everglades—Business permits.

. . .

(d) The County may deny an application or not renew a Business Permit if it determines that:

(1) The applicant or permittee has submitted false or misleading information;

(2) The applicant or permittee violated the terms or conditions imposed by the Division, or has committed multiple, severe, or both, violations of the provisions of this Chapter;

(3) The applicant or permittee has outstanding civil fines under this Chapter or penalties arising out of any administrative or enforcement action relating to the operation of a vehicle for hire, or relating to conduct involving fraud or dishonest dealing;

(4) The applicant's or permittee's past performance has been unsatisfactory; or

(5) The applicant or permittee has committed multiple, severe, or both, violations of this Chapter, or commission or omission, as may be applicable, of any of the issues listed above in Section 22½-6D(c).

(e) A denial of a permit or a failure to renew a permit by the Division may be appealed by an applicant as follows:

Any applicant denied a Business Permit shall be provided with written notice of denial setting forth the facts, law, and reason(s) upon which the denial is predicated. The notice shall also contain a statement that the applicant has the right to a hearing before a ~~H~~hearing Panel officer. In order to be granted such a hearing, the applicant must file a written request to the Director within thirty (30) days after receipt of the denial, and the notice of denial shall so state.

(f) If the applicant requests a hearing, the hearing shall be held within thirty (30) days of after receipt of the request by the Director unless waived in writing by the applicant. Hearings shall otherwise be conducted in accordance with the procedures ~~for Consumer Protection Board hearings~~ set forth in Article II, Chapter 8½ of the Code.

The applicant shall be provided with a notice of hearing, which shall include:

(1) A statement of time and place for the hearing; and

(2) A reference to the facts and relevant section of the Broward County ordinances or regulations upon which the denial is based. The reason(s) for the denial shall also be stated.

...

(h) The Business Permit initial application processing fee is a nonrefundable fee assessed the first time an application is made to the County for a permit, except as

hereinafter provided. Business Permit holders who allow their permits to expire shall reapply and pay the initial processing fee. Such fee will not be refunded if a permit application is denied, not renewed, suspended, or revoked by the County for any reason.

(1) In addition, a nonrefundable annual Business Permit fee is assessed for each calendar year as set forth in the Broward County Administrative Code.

(2) Business Permits shall be issued on an annual basis and shall expire on June 30 each year, or on such other date established by the Division. Fees will not be prorated.

(3) The ~~Board~~ Commission, by resolution, may waive, prorate, or modify fees or extend or modify the expiration date of Business Permits during a declared state or local emergency.

...

(m) The Port Everglades Director or their written designee may allow Broward County permitted luxury limousines and transport vans to perform on-demand ~~for-hire~~ for hire transportation services for three (3) or more passengers at Port Everglades where the luxury limousines and transport vans are staged and dispatched ~~on-demand~~ on demand during specific time periods when the Port Everglades Director or their written designee determines that no reasonable alternative transportation options exist for cruise passengers that have not prearranged their transfers out of the Port. All transport vans participating in this service must have signage on the exterior of the transport van that identifies the name and telephone number of the permitted operator in at least three (3) inch lettering. The rates for those participating in the on-demand service shall be the same rates as those established by the on-demand share ride and limousine service at the ~~Fort~~

~~Lauderdale-Hollywood International~~ Airport for transportation to Port Everglades, Miami International Airport, and Palm Beach International Airport. All participants must comply with all written rules and procedures including, but not limited to, where to be staged and how to be dispatched as prepared by the Port Everglades Department ~~or the Permitting, Licensing and Consumer Protection Division~~. Those failing to comply with the rules and procedures may be excluded from performing on-demand service at Port Everglades.

Sec. 22½-6E. Permits—Luxury sedans.

(a) Applicants for permits to operate luxury sedans, as defined in Section 22½-1, must apply to the Division for a permit for each individual vehicle they intend to operate, whether leased or owned.

(b) Applicants for a permit to operate a luxury sedan must meet the following criteria:

(1) The applicant must have a place of business located in Broward County and must have a current Broward County Business Tax Receipt for that business;

(2) The applicant must produce, as of the date of application, a title or lease agreement for each individual vehicle the applicant intends to operate in Broward County;

(3) The applicant must produce proof of public automobile insurance in effect on the date of application for each individual vehicle, as required by this chapter;

(4) The applicant must produce proof that, as of the date of application, the applicant maintains a Broward County telephone number in the name of the applicant or their authorized representative; and

(5) The applicant or permittee does not have any outstanding civil fines or penalties arising out of any administrative or enforcement action relating to the operation of a vehicle for hire or relating to conduct involving fraud or dishonest dealing.

(c) Any motor carrier operating in violation of this section will be deemed as operating unlawfully and shall be subject to penalties as prescribed in Section 22½-13.

Sec. 22½-7A. Jitneys.

...

(e) *Denial of license; appeal; review.*

...

(2) The hearing shall be conducted in accordance with the procedures for a ~~H~~hearing panel officer. At the hearing, witnesses shall be sworn, and the rules of evidence established for the quasi-judicial proceedings shall govern. After the conclusion of the hearing, the ~~H~~hearing panel officer shall affirm or reverse the decision of the Director, and that action shall be final. Should the ~~H~~hearing panel officer reverse the decision of the Director, the Director shall issue the license.

...

Sec. 22½-8. Chauffeur's registration.

(a) It shall be unlawful for any person to drive, operate, or control any motor vehicle, which for the purposes of this section shall include paratransit services' motor vehicles, for compensation over any street in Broward County without first having obtained a chauffeur's registration ~~from the Division pursuant to this section.~~ Unless otherwise stated, when "chauffeur's registration" is used in this Section 22½-8, it refers to all registrations issued by the Division pursuant to this chapter.

. . .

(h) An applicant that is revealed to have pending matters described above in Sections 22½-8(g)(6) and (7) may have ~~its~~ their application placed on hold by the Division, and such applicant shall be provided written notice of the right to request a hearing before a hearing ~~panel~~ officer, to determine whether the chauffeur's registration should be granted, granted with conditions, limitations, or restrictions, or not granted at all. Said notice shall contain a statement that the applicant has the right to a hearing before a hearing ~~panel~~ officer. In order to be granted such a hearing, the applicant must file a written request to the Director within thirty (30) calendar days after the date of receipt of the notice of the Division's determination that pending matters, as described in Sections 22½-8(g)(6) and (7), exist. If the applicant requests a hearing, the hearing shall be held within thirty (30) calendar days after the date of receipt of the request by the Director unless waived in writing by the applicant. The applicant shall be provided with a notice of hearing, which shall include:

(1) A statement of the time and place for the hearing; and

(2) The facts and a reference to the relevant section of the Broward County ordinances and/or regulations upon which the above-referenced pending matters are based. The reasons for the existence of these pending matters shall also be clearly stated.

. . .

(j) If an applicant has been convicted of a misdemeanor for ~~fleeing~~ leaving the scene of an accident, but otherwise meets the requirements of Section 22½-8(e), the Division shall review the application as provided in this section, determine whether the conviction bears a substantial relationship to the application for a chauffeur's registration, and make a recommendation as to whether the chauffeur's registration should be granted. The applicant shall be provided written notice of the Division's recommendation setting forth the facts, law, and reason(s) upon which the recommendation is predicated. The notice shall also contain a statement that a final determination on the application will be made by a hearing officer at the time, date, and location stated in the notice, which hearing shall be scheduled not sooner than thirty (30) days and no later than sixty (60) days after the date of the notice, unless waived in writing by the applicant. The hearing officer shall have the authority to adopt or reject the Division's recommendation and may impose conditions, limitations, or restrictions on a chauffeur's registration for the purpose of protecting the public. Any conditions, limitations, or restrictions shall be consistent with the purpose and provisions of this chapter. A violation of any condition, limitation, or restriction imposed on an applicant's chauffeur's registration shall be a violation of this chapter.

(k) Any applicant denied a chauffeur's registration, except for those denied by a hearing officer pursuant to Section 22½-8(j), shall be provided with written notice of denial setting forth the facts, law, and reason(s) upon which the denial is predicated. The notice shall also contain a statement that the applicant has the right to a hearing before a hearing ~~panel~~ officer. In order to be granted such a hearing, the applicant must file a written request to the Director within thirty (30) days after the date of receipt of the denial, and the notice of denial shall so state.

. . .

(m) Hearings shall otherwise be conducted in accordance with the procedures for Consumer Protection Board hearings set forth in the Article II, Chapter 8½ of the Code.

(n) A hearing ~~panel~~ officer shall have the authority to grant a chauffeur's registration with conditions, limitations, or restrictions, for the purpose of protecting the public, and any conditions, limitations, or restrictions shall be consistent with the purpose and provisions of this chapter. If a hearing ~~panel~~ officer overturns a decision of the Division to deny a chauffeur's registration, the hearing ~~panel~~ officer shall impose a condition of probation, for a minimum period of six (6) months, on the applicant's registration. A violation of any condition, limitation, or restriction of a chauffeur's registration granted by a hearing ~~panel~~ officer shall be a violation of this chapter. A hearing ~~panel~~ officer shall not, however, have the authority to grant a chauffeur's registration to any individual who does not meet the requirements of Section 22½-8(e).

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

The roles of certificate, license, registration, and permit holders ~~is~~ are essential to ~~enhance and showcase the operation of quality public transportation services to~~ for the

residents and visitors of Broward County. ~~Intrinsic to operation of a quality public transportation service is the conduct of each certificate, license, and permit holder.~~ Therefore, all such holders are required to comply with the following minimum standards, as applicable:

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

...

(x) All chauffeurs operating taxicabs must accept payment in the form of cash or credit card. Passengers paying in cash must be provided change owed to the nearest whole dollar. If the passenger chooses to pay with a credit card and the taxicab's processing system is inoperative or unavailable, the chauffeur must use an alternative card-processing method or, if the chauffeur is not able to process a card transaction as provided in this section, must permit the passenger to exit the taxicab without payment.

Sec. 22 $\frac{1}{2}$ -9B. Operations—Minimum vehicle standards.

...

(c) Motor vehicles shall not be operated if ~~the top or interior lights or the headlights or taillights are not functioning properly. Likewise, a motor vehicle shall not be driven unless the brakes, steering mechanism, tires, horn, windshield wipers, and side and rearview mirrors are in good working order.;~~

(1) The top or interior lights or taillights are not functioning properly;

(2) The brakes, steering mechanism, tires, horn, windshield wipers, or side or rearview mirrors are not in good working order; or

(3) The dashboard warning lights are malfunctioning or remain illuminated while the motor vehicle is being driven.

...

(e) All vehicles operating as motor ~~vehicles~~ carriers under this Chapter, including motor vehicles operating in municipalities regulating the industry pursuant to Section 22½-12 ~~of this Chapter~~, and motor vehicles with a passenger capacity of not more than nineteen (19) passengers, with a permit to operate at the Airport or Port Everglades, shall have an inspection of the following components, which shall be demonstrated to be functional and meet the safety standards designated by the manufacturer:

...

(f) In addition to the standards set forth in this section, taxicabs shall meet the following minimum standards:

...

~~(3) Taximeters shall be:~~

a. ~~Installed and entirely illuminated so as to be easily seen by a passenger sitting in any part of the taxicab;~~

b. ~~Approved by a designated facility authorized to certify meter operation or, in the case of a taximeter software program, platform, or application installed on an electronic device, approved by the Division; and~~

c. ~~Attached to telltale lights so that telltale lights shall automatically illuminate when the taximeter is in operation and extinguish when the taximeter is not in operation.~~

...

(h) ~~Each motor carrier engaging in the taxicab business shall adopt and use, after approval by the Division, a distinctive, uniform, and decorative color scheme for all taxicabs operated pursuant to such certificate. The Division shall refuse such approval when in its opinion the proposed color scheme will infringe upon any color scheme already in use by another motor carrier once previously approved by the Division. Failure to comply with this section shall be grounds for suspension of the certificate or permit.~~

(i) Every taxicab operating in Broward County shall have painted upon each side, in accordance with instructions issued by the Division, the vehicle's number, the name and telephone number of the certificate holder, or the name of the association or organization under which the vehicle is operated, and any and all such other information and displays as the Division may from time to time require. The vehicle number shall also be posted inside the vehicle in at least two (2) inch lettering in a place clearly visible to passengers and approved by the Division. To avoid duplication and confusion, all vehicle numbers shall be assigned exclusively by the Division, and no municipality regulating motor carriers pursuant to Section 22½-12 of this Chapter shall assign such vehicle numbers.

(i) ~~(i)~~ The Division shall inspect all vehicles that are issued a permit, or for which a permit is sought, for compliance with this ~~C~~chapter.

~~(k)~~ (j) Vehicles shall be inspected in accordance with the following schedule; provided, however, that the Division may inspect a vehicle for hire or courtesy vehicle for compliance with the provisions of this ~~C~~chapter at any time:

(1) Vehicles for hire that are not more than ten (10) model years old shall be inspected annually.

(2) Vehicles for hire that are ten (10) model years old or older and less than fifteen (15) model years old shall be inspected semiannually.

(3) Vehicles for hire that are fifteen (15) model years old or older shall be inspected quarterly.

~~(4)~~ (k) Any vehicle failing to pass the inspection may have its operating permit suspended in accordance with Section 22 $\frac{1}{2}$ -13. Any person or entity that fails to comply with the requirements of this section is subject to denial, revocation, or suspension of its their ~~b~~Business ~~p~~Permit and decals.

~~(m)~~ (l) Each holder of a Broward County certificate, permit, or license, and each chauffeur shall fully comply with all ordinances, rules, and regulations of Broward County and all statutes of the State of Florida applicable to the operation of motor carriers.

~~(n)~~ (m) ~~Certificate holders~~ Operators shall require every chauffeur to maintain a daily manifest to promptly and legibly record the following information: chauffeur's name; vehicle number; year, month, date, the starting time, and place of origin and destination of each trip; the amount of fare collected for each trip; the number of passengers on each trip; and the total miles or units accumulated during a chauffeur's operating period. All completed manifests shall be returned to the operator of the business by the chauffeur at the conclusion of the chauffeur's tour of duty. The forms for each manifest shall be furnished to the chauffeur by the registered operator and shall be approved by the Division. Daily manifests shall not be destroyed, mutilated, altered, or otherwise defaced without approval by the Division. The manifests shall be available for inspection and/or copying by the Division during regular business hours for a period of not less than three (3) years.

Sec. 22¹/₂-9C. Operations—Insurance.

(a) ~~Every certificate, permit, or license holder operating~~ operator utilizing motor vehicles with a seating capacity of less than nine (9) passengers shall file evidence of insurance with the Division, providing for public liability and property damage coverage on each motor vehicle to be operated under the certificate in an amount not less than that prescribed by state or federal law, as applicable. Proof of all required insurance coverage shall be filed with the Division.

(b) ~~Motor carriers operating~~ Every operator utilizing motor vehicles with a seating capacity of nine (9) to nineteen (19) shall have insurance in the amount of Five Hundred Thousand Dollars (\$500,000.00) per occurrence, combined single limit as to bodily injury and property damage liability. Such insurance shall not include a deductible. If additional or higher insurance coverage is required by state or federal law, ~~each such certificate, permit, or license holder~~ every operator shall comply with the requirements of such law in addition to the requirements of this subsection, and shall file evidence of all required insurance coverage with the Division.

(c) All evidence of insurance shall be executed and filed with the Division by the insurance carrier in a form or forms acceptable to the Broward County Risk Management Division. The insurance carrier or company shall qualify as an insurance company authorized to transact insurance in the State of Florida pursuant to Chapter 624, ~~pt. Part III, F.S. Florida Statutes~~ (§ Section 624.401, F.S. Florida Statutes, et seq.). The insurance carrier or company must be a participant in the Florida Insurance Guaranty Association. A certificate of self-insurance issued by the Florida Department of Highway

Safety and Motor Vehicles pursuant to ~~F.S.~~ Chapter 324, ~~F.S.~~ Florida Statutes, is not acceptable evidence of insurance.

(d) ~~The~~ Every operator shall keep the required insurance ~~shall be kept~~ in full force and effect ~~by the certificate holder~~ at all times. Failure to file such evidence of insurance with the Division, or failure to have same in full force and effect, may be cause for the certificates of public convenience and necessity and all permits issued to be suspended or revoked subject to the provisions of Section 22½-13 ~~of this Chapter~~. The insurance shall provide that the coverage may neither expire nor be canceled prior to thirty (30) days after the Division receives written notice of the expiration or cancellation from the insurance carrier.

...

Sec. 22½-10. Taximeters.

(a) Each taxicab shall be equipped with a taximeter of a size and design approved by the Division. It shall be unlawful to operate any taxicab within Broward County unless and until its taximeter has been inspected and found to be accurate and in a satisfactory operating condition by the Division. The Division shall suspend a taxicab's operating permit if at any time the taxicab's taximeter is found to be defective or inaccurate. Such permit suspension shall remain in effect until such defective meter has been replaced or repaired to the satisfaction of the Division.

(b) The Division may test and inspect any taxicab taximeter ~~and place a seal and sticker on the taximeter~~. When a taximeter fails to comply with ~~its~~ the standards of this section, the Division shall immediately suspend the taxicab's operating permit. The

suspension shall remain in effect until the taximeter has been replaced or corrected to the satisfaction of the Division.

(c) The taximeter shall be mounted in the taxicab, illuminated, and have one (1) or more displays of sufficient size that passengers may view the fare registered by the taximeter from the taxicab's passenger compartment with ease.

(d) ~~No taxicab shall be operated within Broward County unless the case of the taximeter installed has been sealed, or in the case of a taximeter software program, platform, or application installed on an electronic device, approved by the Division. The~~ taximeter shall be attached to telltale lights so that telltale lights shall automatically illuminate when the taximeter is in operation and extinguish when the taximeter is not in operation.

(e) The signal affixed to any ~~taximeter~~ taxicab shall under no circumstances indicate that the taxicab is vacant when in fact such taxicab is engaged by a passenger.

(f) The amount of fare collected from any passenger shall not differ from that shown by the taximeter, nor exceed the amount established by the County as a legal fare, and the driver shall, upon demand, furnish the passenger with a receipt stating the amount of fare collected.

(g) It shall be unlawful for any person to tamper with, mutilate, or break the taximeter ~~or its seal~~ in a currently licensed ~~motor vehicle~~ taxicab. ~~Taximeters may be transferred from one taxicab to another; provided, however, that a taxicab with a transferred taximeter shall not be used to transport passengers unless and until the taximeter has been inspected, tested, and sealed by the Division.~~

. . .

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

. . .

(b) Certificates, permits, registrations, or jitney licenses may be suspended, revoked, or forfeited prior to a hearing based on a determination of the Director that one or more of the conditions provided in this ~~S~~section ~~(b)~~ exist(s). The hearing procedures set forth in this ~~C~~chapter must be complied with promptly after such suspension, revocation, or declared forfeiture. No reinstatement fee shall apply if the suspension, revocation, or forfeiture is reversed or overruled by the ~~hearing panel or a hearing officer,~~ as applicable. Certificates, permits, registrations, or jitney licenses may be suspended, revoked, or forfeited prior to a hearing for the following reasons:

- (1) A public safety or public emergency appears to justify such action prior to the time a hearing may reasonably be set and a decision made based on such hearing; or
- (2) Nonpayment of fees required by this ~~C~~chapter prior to initial operation of a motor vehicle; or
- (3) A permitted vehicle is not presented or has not passed its required periodic inspection by the deadline pursuant to this ~~C~~chapter; or
- (4) A certificate, permit, registration, or jitney license holder has received three (3) or more citations adjudicated to be in violation of the same offense under the ~~Broward County Code of Ordinances~~ within the preceding twenty-four (24) month period related to the individual certificate, permit, registration, or license proposed to be suspended, revoked, or forfeited.

(5) No reinstatement fee shall apply if the suspension, revocation, or forfeiture is reversed or overruled by the ~~hearing panel or a~~ hearing officer.

(c) All hearings required by this section shall be preceded by a minimum of ten (10) days' prior written notice forwarded to the last known address maintained by the Division. The notice shall specify the proposed action and the grounds upon which the action is predicated. The certificate, permit, or registration holder (as the case may be) may be represented by legal counsel and shall be entitled to present a defense to the proposed action. All such hearings shall be conducted in accordance with the rules of ~~the Consumer Protection Board for conducting hearings~~ set forth in Article II, Chapter 8½ of the Code. The Division shall promptly notify all parties of the final decision. There shall be a service fee to reinstate a suspended certificate or permit, which fee shall be set by resolution of the Commission.

(d) The ~~H~~hearing panel officer is empowered to issue an order of revocation or an order of suspension for a period. If an order of suspension is issued, it may provide for revocation if the condition which led to the suspension has not been corrected by the expiration of the suspension period.

...

Sec. 22½-14. Division—Authority.

(a) The Division shall perform the following duties and responsibilities:

(1) Process, investigate, and prepare reports on all applications regarding certificates, permits, licenses, and registrations pursuant to this ~~C~~chapter.

(2) Investigate and prepare reports on alleged violations of this ~~C~~chapter.

(3) Investigate, process, and prepare reports on motor carrier rates pursuant to Section 22½-11 of this Chapter.

(4) Enforce the provisions of this Chapter.

(5) Maintain a telephone book listing.

(6) Attempt to resolve consumer complaints regarding motor carriers.

(7) Issue all approved certificates, permits, licenses, and registrations pursuant to the provisions of this Chapter and maintain appropriate files of same.

No certificate, permit, license, or registration shall be valid unless the required fees are paid, and the Division has actually collected payment.

...

(b) The Director may propose and the Broward County Administrator may promulgate further rules and regulations to carry out the provisions of this Chapter, which rules and regulations, when approved by the Commission, shall have the force and effect of law.

Section 3. Article II of Chapter 22½, including Sections 22½-15 through 22½-21, of the Broward County Code of Ordinances is hereby created to read as follows:
[Underlining omitted]

ARTICLE II. NONEMERGENCY MEDICAL TRANSPORTATION

Sec. 22½-15. Definitions.

For the purposes of this article, the definitions in Section 22½-1 are hereby incorporated, and the following additional definitions shall apply unless the context of their usage clearly indicates another meaning:

857 *Advanced Life Support Service* or *ALS Service* means any emergency medical
858 transport or nontransport service that uses advanced life support techniques, pursuant to
859 Florida laws, rules, and regulations, and local laws, rules, and regulations.

860 *County Administrator* means the Broward County Administrator or their written
861 designee.

862 *License* means a license issued to a nonemergency medical transportation service
863 provider pursuant to this article.

864 *Nonemergency medical transportation service* means any privately or publicly
865 owned service employing a land, air, or water vehicle that is designed, constructed,
866 reconstructed, maintained, equipped, or operated for, and is used for or intended to be
867 used for, land, air, or water transportation of persons who are confined to wheelchairs or
868 stretchers or whose condition makes it impractical to be transported by a motor carrier,
869 and whose condition is such that these persons do not need, nor are likely to need,
870 immediate medical attention during transport.

871 *Nonemergency medical transportation service provider* means any person, firm,
872 corporation, association, local government, or other entity that holds a nonemergency
873 medical transportation service license.

874 *Patient* means any person who needs nonemergency medical treatment or
875 transportation.

876 *Physician* means a person who is licensed to practice medicine in Florida under
877 the provisions of Chapter 458 or Chapter 459, Florida Statutes.

878 *Response time* means the interval of time between the moment the nonemergency
879 medical transportation provider's dispatch center receives a call requesting a response

and the moment the nonemergency medical transportation provider's vehicle arrives at the requested location of the pickup.

Sec. 22½-16. License Required.

Every person, firm, corporation, association, local government, or other entity desiring to provide nonemergency medical transportation must obtain a license from the Division pursuant to the provisions herein and subject to such rules and regulations as may be promulgated by the County Administrator pursuant to this chapter, except for vehicles that are exempt under Section 3½-3.

Sec. 22½-17. Application and license for nonemergency medical transportation service.

(a) All potential nonemergency medical transportation service providers (individually referred to as "applicant" within this article) desiring to hold a license must obtain a license from the Division pursuant to the provisions herein and subject to such rules and regulations as may be promulgated by the County.

(b) An applicant desiring to obtain a license or renew a license in Broward County must submit an application to the Division on the forms required by the County and accompanied by a nonrefundable application fee in the amount established by resolution of the Commission. Applications will not be processed prior to the receipt of the applicable fee.

(c) Throughout the application process, the applicant must maintain at least one (1) business office located in Broward County at which mail can be received and daily telephone communication is available with an agent of the applicant. If a license is approved, at all times while so licensed, the licensee must maintain one (1) or more

business offices in Broward County where records are available for inspection upon request by the Division.

(d) *Applications.* All applications for licenses must include the following information:

- (1) The name under which the applicant will operate the nonemergency medical transportation service;
- (2) The date of incorporation or formation of the local government, firm, corporation, association, or other entity;
- (3) If the applicant is a corporation, partnership, limited liability company, or similar entity, the type and number of shareholders, partners, members, or other ownership interests outstanding and the name and address of all such shareholders, partners, members, and owners;
- (4) The name, address, telephone number, e-mail address, and title of the appropriate government official or, as applicable, the general manager, owners, officers, members, partners, and directors of the entity seeking a license;
- (5) For nongovernmental applicants, completed state and local criminal background checks of all owners, officers, members, partners, and directors of the firm, corporation, association, or other entity;
- (6) The addresses of the applicant's present (or, if a new applicant, proposed) business office location and vehicle storage location;
- (7) The year, model, type, passenger capacity, mileage, vehicle license number, and vehicle identification number of each vehicle used (or, if a new

applicant, proposed to be used) by the applicant in the nonemergency medical transportation service;

(8) The name and driver license number of all personnel employed (or, if a new applicant, proposed to be employed) by the applicant, along with copies of a current Broward County chauffeur's registration for all drivers for the previous five (5) years in accordance with the requirements of Chapter 22½ of the Code;

(9) For any nongovernmental applicant, a credit report from one (1) of the three (3) major credit reporting agencies to ensure the applicant's financial ability to provide service to the public in a safe, comfortable, and reliable manner;

(10) Other information as may be deemed necessary by the County Administrator or their written designee; and

(11) A sworn statement signed by the applicant or their authorized representative stating under the penalty of perjury that all information provided by the applicant is true and correct.

(e) Subsequent to receiving the application and application fee, in deciding whether to issue a license, the Division will consider the following:

(1) The application submitted by the applicant;

(2) The type and condition of the equipment and vehicles the applicant utilizes;

(3) The past performance and service record, if any, of the applicant;

(4) The benefits that will accrue to the public interest from the proposed service;

(5) Other matters deemed to be in the best interests of the public health, safety, and welfare of the residents of Broward County; and

(6) Any other information as the County may deem appropriate.

(f) The Division must review all new and renewal applications for licenses and must either approve or deny the licenses based upon the application and the rules and regulations promulgated pursuant to this chapter. If a license is denied, the Division must notify the applicant, in writing, of the denial within ten (10) days after the decision.

(g) Subsequent to the Division's approval of the license, but prior to the issuance of the license, the nonemergency medical transportation service provider must pay the County a license fee in the amount established by resolution of the Commission. Such fee will be used to defray the cost of monitoring compliance with this chapter and any rules and regulations promulgated by the County.

(h) The license granted by the Division is valid for a definite period of time, not to exceed three (3) calendar years unless otherwise revoked, suspended, or modified.

(i) An applicant may appeal the denial of a license. The appeal of a license denial must be in writing and delivered to the Division within ten (10) calendar days after the denial of the license and must state the factual basis for the appeal. The County Administrator, or their written designee, must provide a decision on the appeal within thirty (30) days after receipt.

Sec. 22¹/₂-18. Transfer or assignment of license.

(a) Licenses issued pursuant to this chapter are not assignable or transferable except upon written approval by the Division, and such assignment or transfer is subject to the same application, investigations, fees, and process as original applications for licenses.

(b) A change in a majority of the ownership or a controlling interest in the nonemergency medical transportation service provider constitutes a transfer or assignment.

Sec. 22½-19. Insurance.

(a) Every nonemergency medical transportation service provider must carry bodily injury and property damage insurance with an insurance carrier or company qualified as an insurance company authorized to transact insurance in the State of Florida to secure payment for any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any of the nonemergency medical transportation service provider's vehicles. Each transporting vehicle, including owned, hired, and non-owned vehicles, must be insured for a minimum limit of Five Hundred Thousand Dollars (\$500,000) for each occurrence, combined bodily injury and property damage liability. Nonemergency medical transportation service providers are not required to carry malpractice insurance.

(b) Every insurance policy or contract for insurance must provide for the payment and satisfaction of any financial judgment entered against the provider or against any person driving a vehicle of the service. Such insurance must be obtained, and certificates of insurance or certified copies of such policies must be filed with the Division. All such insurance policies, certificates of insurance, and certified copies of such insurance policies must provide for a thirty (30) day notice of cancellation to the County. All such certificates of insurance must show the County as a certificate of insurance holder and that the County is listed and endorsed as an additional insured on all policies required under this section. Thirty (30) days prior to the policy's expiration date, the nonemergency

medical transportation service provider must provide the County with a renewal certificate of insurance.

Sec. 22¹/₂-20. Rules, regulations, and reporting.

(a) Nonemergency medical transportation service providers must comply with all applicable laws, rules, and regulations set forth in Florida law, the Florida Administrative Code, the Broward County Code of Ordinances, and the Broward County Administrative Code.

(b) *Personnel.*

(1) Nonemergency medical transportation service providers must ensure that each person employed to drive a nonemergency medical transportation service vehicle is trained, experienced, and otherwise qualified to drive the vehicle.

(2) Nonemergency medical transportation service providers must document that each of their drivers of a nonemergency medical transportation vehicle:

- a. Is at least eighteen (18) years old;
- b. Certifies under oath that they are not addicted to alcohol or any controlled substance;
- c. Possesses a valid Broward County chauffeur's registration;
- d. Is trained in the appropriate and correct use of special equipment required for wheelchair and stretcher transport;
- e. Is trained in the National Safety Council's Defensive Driving course or an equivalent defensive driving course, as determined by the Division;

f. Possesses a valid American Red Cross Standard First Aid and Personal Safety Card or an equivalent first aid and personal safety card, as determined by the Division; and

g. Possesses a valid American Red Cross or American Heart Association Cardiopulmonary Resuscitation card or an equivalent card, as determined by the Division.

(3) Nonemergency medical transportation service vehicles must be staffed by personnel sufficient for safe loading and unloading of passengers, and an attendant must always be present in the passenger compartment when transporting a passenger who is incapacitated or who is on a stretcher or other device in a reclining position.

(4) All nonemergency medical transportation personnel must comply with Sections 22½-9A(a), 22½-9A(c), 22½-9A(g), 22½-9A(h), 22½-9A(i), 22½-9A(o), and 22½-9A(p) of the Code.

(c) *Vehicles.*

(1) Prior to issuing a license or a renewal license for the provision of nonemergency medical transportation services and on at least an annual basis, the Division must inspect each vehicle to determine whether it meets all requirements of vehicle design, construction, communications, equipment and supplies, and sanitation in accordance with this chapter. Vehicle permits shall be issued by the Division for vehicles successfully passing such inspections. A vehicle will be removed from service if it is found to be in an unsafe condition. If any vehicle is taken out of service for

a safety or equipment violation, it will not be placed back in service until approval is granted by the Division.

(2) Maintenance and Sanitation. All nonemergency transportation service vehicles must:

- a. Have interior equipment that is smooth and easily cleaned;
- b. Have all electrical systems functioning properly;
- c. Be free of all hazards including, but not limited to, slippery floors, sharp edges, unpadded interior door head clearances, cleaning supplies, and vehicle fluids;
- d. Be free of dents and rust that interfere with the safe operation of the vehicles;
- e. At all times meet the requirements of all motor vehicle and traffic laws and regulations of the State of Florida;
- f. Have all equipment in the passenger compartment safely and adequately secured;
- g. Have all doors, latches, and handles in proper working order;
- h. When transporting passengers on stretchers, have enough clean blankets, linens, or disposable sheets to be used for each passenger; and
- i. Always be maintained in a sanitary manner.

(3) Vehicle Design. Nonemergency medical transportation service vehicles used to transport individuals in wheelchairs or on stretchers are required to comply with vehicle design criteria for accessibility under the ADA and

related federal laws, rules, and regulations, and must comply with any other criteria established by the County pursuant to ordinance or resolution.

a. Nonemergency medical transportation service vehicles intended to be used for, or that are used for, the transportation of individuals in wheelchairs shall be designed and equipped as follows:

1. Each vehicle must have a lift or a ramp that complies with the requirements of 49 C.F.R. Part 38 under the ADA. Lift or ramp modifications must be made by an entity registered with the National Highway Traffic Safety Administration (NHTSA);
2. Each vehicle must have, for each passenger transported, two (2) positive means of securely latching or locking the wheelchair to the vehicle. The latching or locking device must be designed to prevent any lateral, longitudinal, or vertical motion of the passenger during transport;
3. Each vehicle must have, for each passenger transported, restraining belts or straps designed to securely confine the passenger to the wheelchair;
4. Each vehicle must have, in addition to the rear-view mirror required by Chapter 316, Florida Statutes, an inside rear-view mirror that will enable the driver to view the entire passenger compartment;
5. Vehicle entry and exit doors must be equipped with latching devices that prevent doors from closing on passengers during

loading or unloading from the vehicle. Striker plates shall be used in conjunction with latching devices;

6. Each vehicle must have a smooth floor that has minimal voids or pockets at the floor to side wall areas where water or moisture can become trapped;

7. The floor covering of the vehicle must be a seamless, single piece of permanently applied material and shall extend the full length and width of the passenger compartment. Where side panels and covering meet at the joints and side walls, they shall be sealed and bordered with rustproof, corrosion-resistant cove molding;

8. Each vehicle must carry in the driver's compartment a 1A:10B:C fire extinguisher readily accessible, and charged; and

9. The passenger compartment of the vehicle must provide a minimum height of fifty (50) inches measured from the finished floor to the finished ceiling.

b. Nonemergency medical transportation service vehicles intended to be used for, or that are used for, the transportation of individuals on a stretcher must comply with Sections 22½-20(c)(3)a. 4. through 9, and must also comply with the following:

- 1107 1. Stretcher fasteners must be attached to the walls or the floors
1108 of the vehicle and installed pursuant to the manufacturer's
1109 specifications;
- 1110 2. Stretchers must be fastened to the vehicle with the fastener
1111 assembly specified by the stretcher manufacturer and by a
1112 vehicle safety hook; and the stretchers must be operated and
1113 equipped pursuant to the manufacturer's specifications to
1114 prevent longitudinal or transverse dislodgment of the
1115 passenger during transit;
- 1116 3. Each stretcher must have a serial number plate affixed to it;
1117 and
- 1118 4. Each stretcher must be inspected annually by a company
1119 authorized to repair stretchers.
- 1120 (d) *Transportation by Stretcher.* A nonemergency medical transportation
1121 service provider is prohibited from transporting other persons when it transports a patient
1122 on a stretcher, unless the other persons are accompanying the stretcher patient.
- 1123 (e) *Nonemergency Medical Transportation Service Communications.*
- 1124 (1) A nonemergency medical transportation service provider must provide
1125 continuous telephone access for the public.
- 1126 (2) A nonemergency medical transportation service provider must provide and
1127 maintain the capability for two-way communications between the location at
1128 which it operates or receives calls and each of their transportation vehicles.
1129 This may be accomplished with the use of cellular telephones.

- 1130 (f) *Advertising.*
- 1131 (1) All advertising or other solicitation for business by a nonemergency medical
- 1132 transportation service provider must emphasize in a conspicuous manner
- 1133 that the service does not provide medical attention, and that the service is
- 1134 designed for persons whose physical impairments render it impractical to
- 1135 use regular common carrier or taxi services. The term “ambulance” cannot
- 1136 be used to identify any nonemergency medical transportation service
- 1137 vehicle or service or be used in any service provider advertisement.
- 1138 (2) Each nonemergency medical transportation service vehicle must have
- 1139 commercial vehicle markings. The commercial vehicle markings must not
- 1140 be magnetic signs.
- 1141 (g) *Records.*
- 1142 (1) Nonemergency medical transportation service providers must maintain in a
- 1143 readily accessible format the following information:
- 1144 a. Current personnel records for each employee indicating the date of
- 1145 employment and qualifications held by each employee with yearly
- 1146 updates for criminal and traffic-related background checks as
- 1147 provided for in this chapter;
- 1148 b. Records of each nonemergency medical transportation service
- 1149 vehicle operated containing vehicle registration, vehicle
- 1150 maintenance records, and the Division’s inspection records;
- 1151 c. A trip report for each transport recording the time, place, origin, name
- 1152 of passenger, and destination. The trip report must include whether

the passenger was transported by stretcher and the written certification by the passenger's physician, physician assistant, or medical director for a State of Florida licensed ALS Service with emergency medical dispatching that the individual's condition is such that the passenger did not need medical attention during transport; and

d. Each nonemergency medical transportation service provider must retain and preserve all daily trip records for no less than three (3) years. Such records must be available for inspection by the Division upon request, during normal working hours.

(h) All nonemergency medical transportation service providers must report the following information electronically to the Division on a semiannual basis for each applicable license:

(1) The total number of calls;

(2) The total number of patients transported; and

(3) Response times, and other information as the County Administrator or their written designee may deem necessary, as approved by the Commission.

Sec. 22¹/₂-21. Complaints, violations, penalties, hearings.

(a) *Complaints.* The Division will investigate, in its sole discretion, any complaints it receives concerning the services of nonemergency medical transportation service providers operating in Broward County.

(b) *Violations.* The following are violations of Article II, Nonemergency Medical Transportation, of this chapter:

- 1176 (1) Failing to comply with any provision of Article II of this chapter or the rules
1177 and regulations promulgated pursuant to this chapter;
- 1178 (2) Operating, providing, representing to the public, or participating in the
1179 business of providing nonemergency medical transportation services
1180 without first obtaining a license from the County;
- 1181 (3) Operating a vehicle providing nonemergency medical transportation
1182 services if the vehicle does not meet the requirements of Article II of this
1183 chapter and the rules and regulations promulgated pursuant to this chapter;
- 1184 (4) Obtaining a license by omitting or falsely stating any material fact on the
1185 application for the license;
- 1186 (5) Obstructing, barring, or otherwise interfering with an inspection,
1187 assessment, or review conducted under Article II of this chapter or the rules
1188 and regulations promulgated pursuant to this chapter;
- 1189 (6) For a nonemergency medical transportation service provider or their agent
1190 to demand money or other compensation in excess of the schedule of fees
1191 filed with the Commission pursuant to Article II of this chapter; and
- 1192 (7) For a nonemergency medical transportation service provider to fail or
1193 neglect to provide service authorized by the license.
- 1194 (c) *Penalties.*
- 1195 (1) Violations of this chapter or the rules and regulations promulgated pursuant
1196 to this chapter may result in suspension, revocation, or modification of a
1197 license.

1198 (2) In addition to other remedies provided in this chapter, violations of this
1199 chapter or the rules and regulations promulgated by this chapter may be
1200 enforced as provided by Chapter 8½ of the Code.

1201 (3) Notwithstanding the provisions of this section, the County may seek to
1202 enforce this chapter by any legal action necessary including, but not limited
1203 to, seeking injunctive relief or other appropriate relief in court.

1204 (d) *Hearings*. Hearings and review of a hearing officer's order for
1205 nonemergency medical transportation service providers will be conducted in the same
1206 manner as described in Section 3½-15 of the Code.

1207 Section 4. Section 8½-16 of the Broward County Code of Ordinances is hereby
1208 amended to read as follows:

1209 **Sec. 8½-16. Schedule of civil penalties.**

1210 . . .

1211 (c) *Violations of Motor Vehicle Body Repair and Painting Licensing and*
1212 *Certification Law and Regulations:*

		<i>Fine</i>	
		<i>First</i>	<i>Repeat</i>
	<i>Violation</i>	<i>Violation</i>	<i>Violation</i>
1216	(1) Operating a motor vehicle body repair	\$250.00	\$500.00
1217	or body painting shop without having		
1218	a technician certified in the particular		
1219	category for which the business activity		
1220	is licensed (sec. 20-176.41))		

1221	...			
1222	(30)	<u>Displaying hostile or threatening conduct</u>	<u>250.00</u>	<u>500.00</u>
1223		<u>toward a customer or employee of the</u>		
1224		<u>Consumer Protection Division, any law</u>		
1225		<u>enforcement agency, or any other</u>		
1226		<u>agency authorized to enforce the Broward</u>		
1227		<u>County Consumer Protection Code</u>		
1228		<u>(sec. 20-176.53(c))</u>		
1229	(d)	<i>Violations of Motor Vehicle Repair Licensing and Certification Law and</i>		
1230	<i>Regulations:</i>			
1231			<i>Fine</i>	
1232			<i>First</i>	<i>Repeat</i>
1233		<i>Violation</i>	<i>Violation</i>	<i>Violation</i>
1234	(1)	Operating a motor vehicle repair shop	\$250.00	\$500.00
1235		without having a technician certified in		
1236		the particular category for which the		
1237		business activity is licensed		
1238		(sec. 20-176.75(a))		
1239	...			
1240	(19)	<u>Displaying hostile or threatening conduct</u>	<u>250.00</u>	<u>500.00</u>
1241		<u>toward a customer or employee of the</u>		
1242		<u>Consumer Protection Division,</u>		
1243		<u>any law enforcement agency, or any other</u>		

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

1244	<u>agency authorized to enforce the Broward</u>				
1245	<u>County Consumer Protection Code</u>				
1246	<u>(sec. 20-176.88(b))</u>				
1247	. . .				
1248	(bb) <i>Violations of Chapter 3½ <u>or Chapter 22½</u>, Relating to Emergency Medical</i>				
1249	<i>Service and Nonemergency Medical Transportation Service::</i>				
1250	<i>Fine</i>				
1251	<i>Violation</i>	<i>First</i>	<i>Second</i>	<i>Third</i>	<i>Fourth</i>
1252		<i>Violation</i>	<i>Violation</i>	<i>Violation</i>	<i>Violation</i>
1253	(1) For an EMS Provider or	\$250.00	\$500.00	\$750.00	\$1,000.00
1254	applicant to fail to comply				
1255	with any provision of				
1256	Chapter 3½, Broward				
1257	County Code of Ordinances				
1258	(sec. 3½-15(b)(1))				
1259	. . .				
1260	(8) For a nonemergency	250.00	500.00	750.00	1,000.00
1261	medical transportation				
1262	service provider to fail to				
1263	comply with any provision of				
1264	Article II of Chapter 3½ <u>22½</u> ,				
1265	Broward County Code of				

1266		Ordinances				
1267		(sec. 3½ <u>22½</u> -21(b)(1))				
1268	(9)	Operating, providing,	250.00	500.00	750.00	1,000.00
1269		representing to the public, or				
1270		participating in the business				
1271		of providing nonemergency				
1272		medical transportation				
1273		service without first obtaining				
1274		a license from the County				
1275		(sec. 3½ <u>22½</u> -21(b)(2))				
1276	(10)	Operating a vehicle	250.00	500.00	750.00	1,000.00
1277		providing nonemergency				
1278		medical transportation service				
1279		if the vehicle does not meet the				
1280		requirements of Article II of				
1281		Chapter 3½ <u>22½</u> , Broward				
1282		County Code of Ordinances				
1283		(sec. 3½ <u>22½</u> -21(b)(3))				
1284	(11)	Obtaining a license by	250.00	500.00	750.00	1,000.00
1285		omitting or falsely stating				
1286		any material fact on the				
1287		application for the license				
1288		(sec. 3½ <u>22½</u> -21(b)(4))				

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

1289	(12)	Obstructing, barring, or	250.00	500.00	750.00	1,000.00
1290		otherwise interfering with an				
1291		inspection, assessment, or				
1292		review conducted under				
1293		Article II of Chapter 31½ <u>22½</u> ,				
1294		Broward County Code of				
1295		Ordinances				
1296		(sec. 31½ <u>22½</u> -21(b)(5))				
1297	(13)	For a nonemergency	250.00	500.00	750.00	1,000.00
1298		medical transportation				
1299		service provider or its				
1300		agent to demand money or				
1301		other compensation in				
1302		excess of the schedule				
1303		of fees filed with the				
1304		Board pursuant to				
1305		Article II of Chapter 31½ <u>22½</u> ,				
1306		Broward County Code of				
1307		Ordinances				
1308		(sec. 31½ <u>22½</u> -21(b)(6))				
1309	(14)	For a nonemergency	250.00	500.00	750.00	1,000.00
1310		medical transportation				
1311		provider to fail or neglect				

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

1312 to provide service

1313 authorized by the license

1314 (sec. ~~31~~¹/₂ 22¹/₂-21(b)(7))

1315 . . .

1316 Section 5. Severability.

1317 If any portion of this Ordinance is determined by any court to be invalid, the invalid
1318 portion will be stricken, and such striking will not affect the validity of the remainder of this
1319 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
1320 legally applied to any individual, group, entity, property, or circumstance, such
1321 determination will not affect the applicability of this Ordinance to any other individual,
1322 group, entity, property, or circumstance.

1323 Section 6. Inclusion in the Broward County Code of Ordinances.

1324 It is the intention of the Board of County Commissioners that the provisions of this
1325 Ordinance become part of the Broward County Code of Ordinances as of the effective
1326 date. The sections of this Ordinance may be renumbered or relettered and the word
1327 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
1328 phrase to the extent necessary in order to accomplish such intention.

