

Sec. 22 1/2-1. Definitions.

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

- (a) *Applicant* means an individual, partnership, association, or corporation who 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.
- (b) *Certificate* means any certificate of public convenience and necessity issued pursuant to this Chapter, which authorizes the holder to engage in providing passenger transportation services to the public.
- (c) *Chauffeur* means a duly licensed driver registered with the Consumer Affairs Division of Broward County to operate a motor vehicle for hire.
- (d) *Compensation* means a return in money, property, or anything of value.
- (e) *Commission* means the Board of County Commissioners of Broward County, Florida.
- (f) *Director* means the Director of the Consumer Affairs Division of Broward County.
- (g) *Division* means the Broward County Consumer Affairs Division.
- (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.
- (j) *Motor carrier* means an individual, partnership, association, corporation, or other entity that owns, controls, operates, exercises dominion over, or manages any motor vehicle, as defined in this Chapter, and which holds itself out as engaged in the business of providing passenger, for-hire ground transportation services to the public, or private clients, for compensation. This definition is exclusive of any establishment 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 be clearly identified as a "courtesy vehicle" with a sign indicating same in full view of a passenger entering the vehicle.
- (k) *Motor vehicle or vehicle* means all 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:
 - (1) *Taxicab* means a motor vehicle that employs the use of a taximeter, as defined in Section 22 1/2-1(p) of this Chapter, or a motor vehicle designed to accommodate not more than eight (8) passengers, exclusive of the driver, operated for compensation at rates, prescribed by Commission resolution, recorded and indicated by a taximeter in operation when the vehicle is in use for transportation of any passenger, and where the route or destination is controlled by the passengers.
 - (2) *Limousine* means any chauffeur driven motor vehicle that is engaged for the exclusive use of the passenger, not equipped with a taximeter, which provides seating accommodations for not more than nineteen (19) passengers, exclusive of the driver, and where pickup is on a prearranged basis and the route or destination is controlled by the passenger.
- a. *Luxury sedan* means a motor vehicle with a passenger capacity of one to eight (1--8) passengers, which has not been altered from the original manufacturer's specifications with respect to seating capacity or wheelbase, and does not contain a partition or other device used to

separate the driver and passenger seating areas, and is recognized by the industry as a "luxury" vehicle, such as Lincoln, Cadillac, Mercedes Benz, or other similar luxury sedan.

b. *Luxury Limousine* means a motor vehicle with a seating capacity of 6--19 passengers, excluding the driver, which has been altered from its original manufacturer's specifications with respect to wheelbase and passenger capacity, and contains a partition or other device used to separate the driver and passenger seating areas.

c. *Transport Van* shall mean a motor vehicle not equipped with a taximeter, with a seating capacity of nine (9) or more passengers, but not more than nineteen (19) passengers, exclusive of the driver, where there is no separation of the driver and passenger compartments.

(3) *Jitney* means a motorized passenger vehicle having a manufacturer's rated seating capacity of not less than nine (9) passengers, but not more than nineteen (19) passengers, including the driver, that is operated upon a Broward County Mass Transit Division approved route or any portion of an approved route, (following specified streets and highways in a specified direction), transporting passengers for hire on a per-head basis from place to place without a fixed schedule, excluding vehicles owned and/or operated by Broward County or a Broward County municipality.

(l) *Operating permit, 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.

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

(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.

(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 Consumer Affairs 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.

(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 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. 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.

(Ord. No. 2000-32, § 1, 6-27-00; Ord. No. 2002-28, § 1, 6-11-02)

Sec. 22 1/2-2. 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 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 and/or airport operating permit, or jitney license pursuant to the provisions of this Chapter; provided, however, that this section shall not apply to the following:

- (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) Motor vehicles discharging any passenger picked up within a Broward County municipality pursuant to legal authority in a municipality regulating motor carriers in accordance with Section 22 1/2-12 of this Chapter.
 - (c) Motor vehicles discharging within Broward County a passenger picked up in another county, provided that the pickup and carriage of that passenger was legally authorized.
 - (d) Operation under a valid certificate of public convenience issued by any appropriate federal transportation regulatory agency.
 - (e) Operation of a limousine exclusively for purposes directly related to funerals.
 - (f) Operation of non-public-sector buses engaged in intercity transportation, as required by § 341.102, F.S., and/or as approved under and by agreement with the Broward County Mass Transit Division.
 - (g) The Division shall investigate each certificate application and report its findings and recommendations to the Broward County Administrator. The Broward County Administrator may require further investigation or additional information as may be necessary to adequately inform the Commission about the applicant's proposed operations and, in the case of taxicabs and luxury sedans, the public's need for such additional taxicab or luxury sedan service based upon the population figures as set forth within subsection (a) above. The investigation results or additional information shall be a part of the record before the Commission.
 - (h) Motor Vehicles owned and operated by a Broward County municipality which are utilized to provide courtesy transportation services to residents of that city.
 - (i) Jitneys, which shall be governed by Section 22 1/2-7 of this Chapter.
 - (j) Luxury Limousines and Transport Vans as governed by Section 22 1/2-6C of this Chapter.
- (Ord. No. 2000-32, § 1, 6-27-00)

Sec. 22 1/2-3. 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) The Commission shall hold one (1) public hearing regarding requests for applications under this Chapter in June to determine whether population figures require the issuance of new certificates and accompanying permits. If new certificates and accompanying permits are mandated as set forth above, the Commission shall adopt a resolution directing the Broward County Administrator to publish notice of a second public hearing to be held in October to determine which applicants shall be awarded the new certificates and accompanying permits.

(c) 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. The application shall be on a form provided by the Division and shall contain the following:

(1) 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 a corporation, the corporation's name, date, and state of incorporation; verified copy of registration to do business in the State of Florida; the address of corporate headquarters in Florida; name and address of registered agent; and names, addresses, and dates of birth of all corporate officers and directors, where 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.

(d) Each original application for a certificate, an amendment, and a transfer of an existing certificate shall be accompanied by a non-refundable application fee. The application fees shall be set by Commission resolution.

(e) Each applicant must have a place of business in Broward, Miami-Dade or Palm Beach Counties.

(f) Taxicab drivers applying for a certificate must meet the following additional criteria:

(1) Hold a valid Broward County Chauffeur's Registration.

(2) Must have been an active Broward County driver for at least thirty-six (36) consecutive months prior to the date of application and file an affidavit of employment or contract relationship with a Broward County Certificate Holder.

(3) Not be a current certificate holder (drivers holding certificates must enter the general lottery).

(g) The Division shall investigate each certificate application and report its findings and recommendations to the Broward County Administrator. The Broward County Administrator may require further investigation or additional information as may be necessary to adequately inform the Commission about the applicant's proposed operations and, in the case of taxicabs and luxury sedans, the public's need for such additional taxicab or luxury sedan service based upon the population figures as set forth within subsection (a) above. The investigation results or additional information shall be a part of the record before the Commission.

(Ord. No. 2000-32, § 1, 6-27-00; 2002-28, § 1, 6-11-02; Ord. No. 2002-40, § 1, 8-27-02)

Sec. 22 1/2-4. Certificates of public convenience and necessity--Award.

(a) The certificates of public convenience and necessity shall be awarded by drawing the names of eligible applicants. Each eligible applicant shall be entitled to have its name entered in the

drawing once for each available certificate; except, in the taxicab driver only and wheelchair accessible taxicab drawings, where the applicant may enter its name only once. The number of times a name is entered may not exceed the total number of certificates to be issued. A person designated by the Commission shall draw names for the number of certificates available.

(b) There shall be four (4) separate drawings: a taxicab general; a taxicab driver only; wheelchair accessible taxicab; and luxury sedans. The Commission shall determine the number of 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 (1/2) of the remaining approved taxicab certificates shall be issued to the taxicab general drawing and one-half (1/2) 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. This distribution shall be reviewed by the Commission for a period of two (2) years, from the effective date of this Ordinance, for a determination of whether or not such allocation creates new opportunities for taxicab drivers and/or increases the motor carrier level of service. Should the number of available taxicab certificates exceed the number of applicants, the remaining certificates will be offered in the general taxicab lottery.

(c) Any of the public hearings authorized by this section may be continued, deferred, rescheduled, or canceled by the Commission.

(d) Each certificate issued pursuant to this Chapter shall be signed by the chair or vice-chair of the Commission, attested to by the Broward County clerk, 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.

(e) The certificate, when issued by the Commission, shall be forwarded to the Director, who shall deliver the certificate to the applicant, upon payment of the prescribed fee within sixty (60) days after award and upon proof of compliance with Section 22 1/2-9C of this Chapter. A copy of each certificate shall be maintained on file with the Division.

(f) All twenty (20) taxicab general certificates used for wheelchair accessible vehicles as of June 11, 2002, shall be converted to wheelchair accessible certificates and shall remain unalterable. The certificate holders of the twenty (20) wheelchair accessible vehicles shall be awarded additional taxicab general certificates equal to the number of certificates currently being used for wheelchair accessible vehicles, upon payment of the Commission prescribed award fee described in this Section. The number of additional permits awarded pursuant to this Section shall not be considered part of the Commission's determination of the required number of new certificates and accompanying permits available for issuance as prescribed in Section 22 1/2-3. (Ord. No. 2000-32, § 1, 6-27-00; Ord. No. 2002-28, § 1, 6-11-02)

Sec. 22 1/2-5. Certificates of public convenience and necessity--Transfer; abandonment.

(a) A certificate issued pursuant to the taxicab general, 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 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 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 would authorize a transfer within three (3) years of the date of issuance. The foregoing restrictions shall not apply to certificates which were awarded three (3) or more years before the effective date of this section (November 27, 1989) or which 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.

(b) Only one (1) certificate may be awarded to each taxicab driver applicant and the certificate must be held for six (6) years from the date of award prior to being transferred. Exceptions to the six (6) year transfer restriction shall be limited to a change in ownership due to the formation of a corporation by the applicant, so long as the applicant is the majority stockholder of the newly formed corporation; death or a permanent and disabling illness which prevents the certificate holder from conducting its business; or probate or guardianship proceedings.

(c) Any person, association, partnership, or corporation desirous of having the Director transfer a certificate shall complete an application, provide all information required by this Chapter, unless such information is of record with the Division, and shall otherwise comply with every provision of this Chapter. The Director, in considering the proposed transfer of ownership or control of the certificate, by either direct or indirect means, shall determine, upon evidence submitted by the parties or any other party or person, whether or not the proposed transfer is contrary to the public's best interest. The Director may approve the transfer, or refuse to approve the transfer, or approve the transfer upon specified terms and conditions, and may reasonably alter, restrict, or modify the terms and conditions of such transfer or of the certificate where the public's best interest is served. The Director's approval shall be a condition precedent to any actual certificate transfer. Any attempted assignment, sale, or transfer 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.

(d) A certificate required under this Chapter which is not in use during any consecutive ninety (90) day period shall be deemed abandoned, and shall automatically terminate after notice from the Division forwarded by certified mail, unless a hearing to determine the use or status of the certificate is requested by the certificate holder within fifteen (15) days of the date of mailing of the notice. If a hearing is requested, it shall be held within thirty (30) days of the date of the Division's receipt of the request unless waived in writing by the certificate holder.

(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 at any scheduled public hearing in accordance with the procedures set forth within this Chapter.

(Ord. No. 2000-32, § 1, 6-27-00; Ord. No. 2002-28, § 1, 6-11-02)

Sec. 22 1/2-6A. Permits--General.

- (a) It shall be unlawful to operate any motor vehicle 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 22 1/2-2 of this Chapter.
- (b) Each certificate holder, airport permit holder, and jitney licensee shall provide the Division with the make, type, year of manufacture, serial number, state license plate number, and seating capacity of each motor vehicle prior to the motor vehicle's authorized use.
- (c) The Division shall issue to the motor carrier a permit for each motor vehicle; provided that the requisite fee has been paid, the motor carrier has complied with this Chapter, state and federal law regarding for-hire vehicle service, and the vehicle or vehicles comply with the minimum requirements of Section 22 1/2-9B of this Chapter.
- (d) Each permit issued, including an airport operating permit or jitney license, shall expire on June 30 each year and may be renewed upon compliance with this section, including payment of the requisite fee set by resolution of the Commission.
- (e) No permit shall be issued for the operation of any motor vehicle, the condition of which would interfere with or detract from the comfort, convenience, or safety of passengers.
- (f) In the event any motor vehicle for which a permit has been issued shall become unsafe to operate, the Division may immediately suspend the permit until such time as the motor vehicle's condition is remedied. In the event any motor vehicle for which a permit has been issued becomes so damaged, deteriorated, or unclean as to render the vehicle unfit for public use, the Division may suspend the permit until such time as the vehicle's condition is remedied; provided, however, that no such suspension shall be effective until the motor carrier or vehicle driver has received actual notice of the particular conditions to be remedied and a minimum of ten (10) days to remedy all conditions.
- (g) Each permit issued shall be separately numbered. The permit shall, at all times, be displayed according to Division regulations.
- (h) Permits may be removed by the Division from one motor vehicle of the motor carrier to another or a duplicate permit may be issued, provided that the Commission approved fee is paid to the Division and the vehicle to which the permit is removed is used for the same purposes as those of the originally permitted vehicle.
- (i) No motor carrier shall reconstruct, alter, modify, add to, or otherwise change the body, seat capacity, or seating arrangement of a motor vehicle after a permit has been issued pursuant to this section unless and until the Division has given written consent.
- (j) A permit required under this Chapter which is not in use during any consecutive ninety (90) day period shall be deemed abandoned, and all inherent rights shall be automatically terminated after written notice from the Division by certified mail. However, the permit holder may request a hearing to determine the use or status of the permit within fifteen (15) days of the date of mailing of the Division's termination notice. If a hearing is requested, it shall be held within thirty (30) days of the date of receipt of the permit holder's request unless waived in writing.
- (k) A permit shall be deemed abandoned if, for any consecutive ninety (90) day period after notice, the permit holder fails to have a current inspection sticker for each vehicle and fails to file evidence of the required insurance for each permit with the Division.

(l) A permit shall be subject to the continuing effectiveness and validity of the certificate under which it is issued and the loss or invalidity of the certificate shall automatically terminate and invalidate the permit.

(m) Luxury sedan permit holder(s) desiring to lease one (1) or more permits to a second party must first secure the written approval of the Division. Division approval shall not be granted until the lessee has complied with this Section. Each application for Division approval of the leasing of a permit shall be accompanied by the Commission approved fee, payable by the lessor, which may be non-refundable. Luxury sedan permits issued pursuant to this Chapter shall not be leased in any manner for a period of three (3) years from the date of issuance of the permit. This restriction shall not apply to executive limousine certificates which were awarded before the effective date of this section. Subleasing of a permit is prohibited. Failure to comply with this section may result in suspension or revocation of the violator's rights in a Broward County certificate or permit pursuant to the terms of Section 22 1/2-13 of this Chapter.

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

(o) *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, 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-arranged, 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 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 one-way continuous fare pursuant to a written contract, the passenger arrived at either Fort Lauderdale International 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 Airport or Port Everglades shall meet the Fort Lauderdale International Airport and the Port Everglades limousine requirements. 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.

(Ord. No. 2000-32, § 1, 6-27-00; Ord. No. 2001-12, § 1, 5-8-01; Ord. No. 2002-28, § 1, 6-11-02)

Sec. 22 1/2-6B. Permits--Airports.

(a) It shall be unlawful for any limousine or motor carrier with a vehicle or vehicles that provide seating for up to nineteen (19) passengers, not including the driver, to operate at the Fort Lauderdale-Hollywood International Airport ("Airport") without complying with the following requirements:

- (1) The vehicle is operated pursuant to a contract, license, lease, or permit issued by Broward County and/or the Broward County Aviation Department for operations at the Airport; or
 - (2) The vehicle provides prearranged pickups only and complies with all of the following:
 - a. The limousine or passenger motor carrier has paid for an airport decal for each vehicle operating at the Airport, and such decal is affixed to the windshield of the vehicle in such place as may be designated by the Division;
 - b. The driver of a vehicle operating at the Airport shall have in his or her possession, available for inspection, a valid County Chauffeur's Registration from the county of origin and a numbered permit identification card issued by the Division which corresponds to the number of the decal issued to the vehicle;
 - c. The vehicle is parked in an Airport public parking facility; and
 - d. The certificate holder shall maintain on file with the Division proof of insurance complying with the minimum requirements of Section 22 1/2-9C of this Chapter. Failure to maintain the insurance shall result in the immediate revocation of the Airport decal and revocation of all permits or identification cards issued in connection with such decal.
 - (3) The per vehicle rate for such Airport decal shall be determined by resolution of the Commission. The proceeds from such decals shall be utilized by the appropriate authority for enforcement of this section.
- (b) Any motor carrier operating in violation of this Section will be deemed as operating unlawfully and shall be subject to penalties prescribed in Section 22 1/2-13 of this Chapter. (Ord. No. 2000-32, § 1, 6-27-00; Ord. No. 2001-12, § 2, 5-8-01)

Sec. 22 1/2-6C. Permits--Luxury limousines and transport vans.

- (a) Applicants for permits to operate Luxury Limousine and Transport Vans, as defined in Section 22 1/2-1 of this Chapter, shall be required to apply to the Division for a permit for each individual vehicle they intend to operate, whether leased or owned, pursuant to this Chapter.
- (b) Applicants for a permit to operate a Luxury Limousine or Transport Van shall meet the following criteria:
 - (1) The applicant must have a place of business located in Broward County and must have a Broward County Occupational License for its 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.
- (c) Any carrier operating in violation of this Section will be deemed as operating unlawfully and shall be subject to penalties as prescribed in Section 22 1/2-13 of this Chapter. (Ord. No. 2000-32, § 1, 6-27-00)

Sec. 22 1/2-7. Jitneys.

- (a) *Jitney license and permit required.*
 - (1) It shall be unlawful for any person to drive or operate, or cause to be driven or operated, any jitney without first obtaining and maintaining a current and valid license and permit pursuant to the provisions of this Chapter.

(2) It shall be unlawful for any person, as part of a regularly conducted business activity, to advertise, or cause any other person to advertise, jitney services without first obtaining and maintaining a current and valid license and permit pursuant to the provisions of this Chapter. Any advertisement, including advertisements and telephone listings in any and all "Yellow Pages," shall include the license and permit number issued pursuant to this Chapter.

(3) It shall be unlawful for any person to drive, operate, or control any jitney for compensation over any street in Broward County without first obtaining approval of the anticipated/proposed route(s) from the Broward County Mass Transit Division and a chauffeur's registration from the Division pursuant to terms and conditions of Section 22 1/2-8 of this Chapter.

(4) Nothing in this section shall be construed to prevent a person from working in an employment relationship for another person holding a valid license and permit under this Chapter; however, any person who is an independent contractor and not an employee of a licensed person is also subject to all requirements and provisions of this Chapter.

(b) *Application for jitney license and permit; fees.*

(1) Every application for a jitney license and permit(s) shall be in writing, signed and verified by the applicant, and filed with the Division together with an investigative and processing fee established by resolution of the Commission. The application fee shall be used exclusively to accomplish the purposes of this Chapter. The amount of the application fee shall be reasonably related to the cost of the services and regulation provided by the Division. In addition to the application fee, each jitney operator will be required to pay a fee for each jitney operated under this license.

(2) Every application for a jitney license shall be on a form prescribed by the Division and shall contain all the information required by that form, including, but not limited to:

a. Sufficient information to identify the applicant, including, but not limited to, full legal name, date of birth or formation of legal entity, telephone numbers, and all business and residence addresses. If the applicant is a corporation, the foregoing information shall also be provided for each corporate officer, director, resident agent, and shareholder. If the applicant is a partnership, the foregoing information shall also be provided for each general and each limited partner. Post office box addresses shall not be accepted.

b. Documentation demonstrating that all corporate or partnership applicants are qualified to do business under the laws of Florida.

c. A separate list identifying all persons with an ownership interest in the applicant who have previously been denied a license or who have lost the license due to suspension, abandonment or forfeiture.

d. All trade names under which the applicant operates, intends to operate, and has previously operated.

e. A description of the applicant's operational procedure, which shall include, but not be limited to, the following: location and description of all places of business, a description of all existing jitney vehicles and equipment to include the make, model, manufacturer's rated seating capacity, and vehicle identification number, a description of the plan and facilities for maintaining jitney vehicles and equipment, a system for handling complaints and accidents, insurance coverage, and a description of the communication system.

f. A description of services to be provided, including, but not limited to, days and hours of operation and anticipated/proposed jitney route(s).

g. A record of all crimes of which the applicant has been adjudicated guilty or of which adjudication has been withheld within the last five (5) years preceding the date of the application.

Individual applicants shall be fingerprinted and photographed by the Broward County Sheriff's Office, a law enforcement agency, or the Division, and such shall be provided to the Division with the application for the purpose of a criminal background check. In the case of a corporate or partnership applicant, all such information shall be provided by all corporate officers and directors, or partners, as the case may be, and by all stockholders who own, hold or control five (5) percent or more of issued and outstanding stock in the corporation or beneficial interest, and by all officers and directors of any corporate general partners of a partnership and by stockholders who own, hold or control five (5) percent or more of issued and outstanding stock in a corporate general partner or beneficial interest.

h. Proof of insurance as required in Section 22 1/2-9C of this Chapter.

i. The signature of each individual applicant, and all persons who exercise control, including, but not limited to, the signature of the president or vice-president of a corporate applicant and the signature of all the general partners of a partnership applicant.

j. A Jitney Route Approval Form executed by the Mass Transit Division Director authorizing service on the application routes.

k. A driver roster with chauffeur's registrations for each driver listed.

l. Each original application and updated renewal application shall be accompanied by a non-refundable application fee. The fee shall be set by resolution of the commission at a public hearing.

m. A notarized statement under oath by the applicant to abide by the provisions of this Chapter and the laws of the State of Florida.

n. Such additional information about the applicant as the Director and/or the Mass Transit Division Director may deem necessary and/or appropriate.

(c) *Issuance of jitney license; renewal.*

(1) The Director is empowered to issue licenses to applicants who meet the standards and requirements for a jitney license and to promulgate administrative policies and procedures for the application, issuance, and revocation of such licenses.

(2) The Director shall review and investigate each application for a jitney license and shall reject any application that is not properly filed or is incomplete or untrue in whole or in part, or which fails in any way to meet the requirements of subsection (3) of this section.

(3) No jitney license shall be issued to an applicant or renewed unless the applicant has performed the following:

a. Filed with the Director a true, correct, and complete application on the form prescribed by the Division, including all proofs of required insurance.

b. Paid the initial or renewal application fee.

c. Submitted to a background investigation resulting in a determination by the Director that:

1. Neither the applicant, nor any officer, director, or partner of the applicant, nor any stockholder owning, holding, controlling, or having a beneficial interest in five (5) percent or more of the issued and outstanding stock of a corporate applicant or of a corporate general partner of a partnership applicant, has a currently suspended license, has had its license revoked by action of the Director within two (2) years of the date of application, or has outstanding and unsatisfied civil penalties imposed on account of violations of this Chapter.

2. Neither the applicant, nor any officer, director, or partner of the applicant, nor any stockholder owning, holding, controlling, or having a beneficial interest in five (5) percent or more of the issued and outstanding stock of a corporate general partner of a partnership applicant, has pled nolo contendere, pled guilty, or been convicted of a crime relating to motor

vehicles, unless the civil rights of such individual or applicant have been restored, or in the case of conviction of a crime relating to motor vehicles, that such person has successfully completed all sentences of incarceration, probationary periods, required rehabilitation activities, and payments of all fines and penalties imposed.

3. Each corporate or partnership applicant is qualified under the laws of Florida to do business under the trade name or names under which it has applied for a license.

4. No fraud or willful or knowing misrepresentation or false statement was made in the application.

5. There are no judgments against the applicant arising out of the provision of jitney services, unless a stay or reversal of the judgment is procured through the courts.

d. Each jitney license shall be on a form described by the Division and shall be signed by the Director. Each jitney license shall contain, at a minimum, the name and address of the applicant, the dates the license remains in effect unless suspended or revoked, and a statement of such additional terms and conditions, restrictions, and limitations as were authorized in the application and approval process.

e. All initial jitney licenses and permits shall be effective from their date of issuance until June 30 of each year. Subsequent jitney licenses and permits shall be effective beginning on July 1 and ending on June 30 of each year. The fee for the initial application shall be established by resolution of the Commission.

f. Prior to the expiration of the initial jitney license or expiration of the annual license, whichever is the case, an applicant may apply for an annual jitney license. As a part of the renewal process, the original application shall be updated and verified by the applicant on forms prescribed by the Division. Each of the updated renewal applications shall be submitted prior to expiration of the current initial or annual license and shall be accompanied by a fee which shall be established by resolution of the Commission. All renewal application fees shall be deposited with original application fees and other charges and fees under this Chapter in a separate Broward County fund and shall be used exclusively to accomplish the purposes of this Chapter. The amount of the renewal fee shall be reasonably related to the cost of the services and regulations provided by this Chapter. All annual jitney licenses which are not renewed shall automatically expire upon the one-year anniversary of the date of issuance and all jitney services shall cease immediately. The Director shall deny each updated renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, is unaccompanied by the required fee, or results in a determination by the Director that the applicant has failed to satisfy the requirements of this section.

g. A license issued or renewed pursuant to the provisions of this Chapter shall not be transferable, nor shall the ownership structure of the licensee be so modified as to constitute a change in the control of the ownership of the license, without the prior written approval of the Director.

h. There shall be no limit on the number of licenses or permits which may be issued pursuant to the provisions of this Chapter.

(d) *Issuance of jitney operating permits.*

(1) After an applicant has secured a jitney license and before any jitney shall be operated under the authority of such license, the license holder shall provide the Division with the make, type, the year of manufacture, serial number, state license plate number, and seating capacity of each motor vehicle for each permit. Payment of a fee to be set by resolution of the Commission shall be made at the time of issuance of the permit. The Division shall issue to the license holder a

permit for each jitney provided that each vehicle complies with the insurance requirements of Section 22 1/2-9C of this Chapter.

(2) No seats shall be added to any jitney in excess of the manufacturer's specifications.

(3) Each permit issued shall be subject to the provisions of Section 22 1/2-6A of this Chapter.

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

(1) Any person dissatisfied or aggrieved with the decision of the Director to deny such person's application for initial license or updated renewal application may, within ten (10) days after the denial, appeal in writing to the Division. Upon receipt of an appeal, the Division shall schedule and hold a hearing within thirty (30) days unless the parties agree to extend. The dissatisfied or aggrieved person shall be provided with a notice of hearing, which shall include:

a. A statement of the time and place for hearing; and

b. A reference to the facts and relevant section of the Broward County ordinances or regulations upon which the denial is based.

(2) The hearing shall be conducted in accordance with the procedures for a Hearing panel. 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 Hearing panel shall affirm or reverse the decision of the Director, and that action shall be final. Should the Hearing panel reverse the decision of the Director, the Director shall issue the license.

(f) *Permits; jitney vehicle standards.*

(1) It shall be unlawful for any person to drive or operate, or cause to be driven or operated, any jitney unless the jitney used to provide such transportation services clearly displays:

a. In the lower left corner of the front window, a current permit issued by the Division.

b. On the exterior of each front, side, and rear door, "Jitney Service Only," in letters not less than six (6) inches, nor more than twelve (12) inches, in height.

c. On the exterior of each front, side, and rear door and inside the vehicle at a place clearly visible to passengers, the name and telephone number of the operator holding the jitney permit and rate structure or fare per passenger in letters not less than three (3) inches, nor more than six (6) inches, in height. The rate shall be a fixed amount, per person, for transportation from any place on the route to any other place on the route.

(2) The Director is authorized to issue to current licensees decals for each separate permitted jitney vehicle, upon application by the licensee and successful completion of the following:

a. Inspection of vehicle records by personnel authorized by the Division to determine ownership, or first-party lease held by the licensee, of the jitney vehicle.

b. Inspection by personnel authorized by the Division to assure that the non-governmentally owned jitney vehicle clearly displays on the driver and passenger sides of the vehicle and/or doors in letters at least three (3) inches high the licensee's name, address, telephone number, license, and permit decal number. If the jitney license holder has multiple locations, all such locations shall be designated on the vehicle.

c. Inspection by personnel authorized by the Division to ascertain that the jitney vehicle has the equipment required by the Division pursuant to Section 22 1/2-9B of this Chapter and that such equipment is operable.

d. An application form completed by the licensee and approved by the Director which correctly indicates the year, make, model, and vehicle identification number of the jitney vehicle.

e. Payment of a permit fee set at an amount reasonably related to the costs of providing the services under this section. Such costs shall be set by resolution of the Commission and deposited and used in the same manner as other fees and charges under this Chapter.

- (3) Permits shall be issued in numerical order, and each permit issued shall display its assigned number. Permits shall be issued with the initial license and shall be renewable annually in the same manner as original application is made.
 - (4) The permit for each jitney vehicle shall at all times be displayed and available for inspection by any police officer or by personnel authorized to perform enforcement duties.
 - (5) If a jitney vehicle is destroyed, or the permit is damaged so that it is illegible, a replacement permit may be purchased. An affidavit by the owner of the jitney vehicle shall be filed with the Division verifying that the permit has been destroyed or damaged.
 - (6) Each jitney shall operate on an approved route as follows:
 - a. No jitney shall stop or stand to board or discharge any passenger at any place that is not upon the streets and highways designated upon the approved route.
 - b. Passengers shall have the right to utilize the jitney up to the manufacturer's rated seating capacity. A jitney driver may indicate available space by gesture from within the jitney and may stop when flagged or hailed by a potential passenger upon the approved route.
 - c. No jitney shall stop or stand to board or discharge any passenger within two hundred (200) feet of a bus stop or in a taxicab zone.
 - d. Except in medical emergencies or as required by impassable road conditions, it shall be unlawful for the driver of any jitney while in service with any passenger for hire on board to deviate from the route or to deviate from the direction of travel as indicated on the approved route.
 - (g) *Antidiscrimination.* No licensee shall refuse or neglect to provide jitney transportation services to any orderly person requesting such services and able and willing to pay for such services, on account of that person's race, sex, religion, national origin, age, marital status, sexual orientation, gender, disability, color, or political affiliation.
- (Ord. No. 2000-32, § 1, 6-27-00)

Sec. 22 1/2-8. 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.
- (b) Application for such chauffeur's registration shall be on forms provided by the Division and shall be accompanied by the applicant's payment of the Commission-approved fee. The application fee shall be non-refundable. The application shall contain the full name and street address of the applicant and such other information as may be required by the Division to properly identify the applicant and disclose any information as to character, reputation, qualifications, past employment, and conduct. A duplicate chauffeur's registration may be issued upon payment of the Commission-approved fee.
- (c) Registration shall be valid for two (2) years or until expiration of the State of Florida driver's license, whichever occurs first. Reinstatement of an expired registration may occur upon payment of the Commission approved fee and compliance with this Chapter.
- (d) Additionally, the Division shall examine each applicant and, as a minimum, determine the applicant's knowledge of Broward County's geography and applicable Florida and Broward County laws governing traffic, motor vehicles, and vehicle operations. The Division may issue a temporary chauffeur's registration while the investigation of the application is being made.
- (e) Each chauffeur's registration applicant must meet the following minimum requirements:

- (1) Hold either a current driver license issued by the State of Florida; and
 - (2) Speak, read, and write the English language; and
 - (3) Satisfactorily pass all Division required examinations; and
 - (4) Possess the mental and emotional stability, as well as the physical ability, to safely carry out the duties inherent in operating a motor vehicle for hire.
- (f) The Division shall obtain each applicant's fingerprints, photograph and criminal history. The Division, during its investigation, may consider the following:
- (1) A record of criminal convictions (conviction shall mean any judicial finding of convicted, adjudication withheld, or pleas of nolo contendere);
 - (2) A driving record indicating driving under the influence of drugs or intoxicating liquors (DUI), traffic citation(s), infraction(s), or accident(s) within the last five (5) years (not including any time applicant was incarcerated during that period of time); or
 - (3) A previous addiction to or abuse of drugs or alcohol.
- (g) Once the Division completes its investigation, the Division shall determine whether conviction(s), driving record, or abuse of drugs or alcohol bears a substantial relationship to the application for chauffeur's registration and, if so, whether the applicant has become rehabilitated. At the time of application, the applicant shall have the opportunity to present evidence of rehabilitation.
- (h) Any applicant denied a chauffeur's registration 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. In order to be granted such a hearing, the applicant must file a written request to the Director within thirty (30) days of the date of receipt of the denial and the notice of denial shall so state.
- (i) If the applicant requests a hearing, the hearing shall be held within thirty (30) days 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) 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 clearly stated.
- (j) Hearings shall otherwise be conducted in accord with the procedures for Consumer Protection Board hearings.
- (Ord. No. 2000-32, § 1, 6-27-00)

Sec. 22 1/2-9A. Operations--Minimum standards of conduct.

The role of certificate, license and permit holders is essential to enhance and showcase public transportation services to 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:

- (a) All certificate, license and permit holders, and their employees and representatives, shall conduct themselves at all time in a professional and courteous manner in the performance of public transportation services.
- (b) It shall be unlawful to advertise any service covered by or permitted under this Chapter in any print or electronic media accessible to the public in Broward County without including, in such advertisements, the holder's certificate number assigned by the Division.

- (c) It shall further be unlawful to include in any public advertisement, whether print, electronic broadcast, or otherwise:
- (1) The word taxi, taxicab, cab, or any product, abbreviation, or derivation, unless the motor carrier currently holds a valid certificate of public convenience and necessity, permit or license issued by Broward County.
 - (2) The word limousine, or any product, abbreviation, or derivation, unless the motor carrier currently holds a valid certificate of public convenience and necessity, permit or license issued by Broward County.
- (d) No vehicle may be operated or driven except by a chauffeur registered pursuant to Section 22 1/2-8 of this Chapter.
- (e) Personal property left by a passenger in any motor vehicle shall, upon its discovery by or delivery to the chauffeur of that vehicle, be reported to and deposited at the business office of the motor carrier. A record of the incident shall be maintained and the property held for the owner for a period of sixty (60) days, at the end of which time it shall be treated as lost or abandoned property in accordance with Chapter 705, F.S.
- (f) No orderly person, desiring transportation to any place in Broward County, shall be refused or neglected where the person is willing to pay the prescribed fare in advance; provided that the motor carrier shall not transport in violation of its authority.
- (g) In the case of taxicabs and limousines, additional passengers shall not be accepted without the consent of the passengers who have already engaged the motor vehicle.
- (h) Registered chauffeurs shall carry and display on their person at all times while driving a motor vehicle a current chauffeur's registration.
- (i) A motor vehicle shall not be driven when the permit has been revoked, suspended or forfeited.
- (j) Chauffeurs shall not operate a motor vehicle when their chauffeur's registration has been revoked or suspended.
- (k) No taxicab shall transport passengers without a properly scaled and operating taximeter with the flag down, meter running, and telltale lights operating.
- (l) All motor vehicle operators shall at all times maintain a neat appearance.
- (m) Passengers shall not be solicited for hotels, nightclubs, restaurants, bars, boardinghouses, or any other business establishment.
- (n) No fares or compensation for transportation services shall be collected other than at the established taxicab meter rate or agreed upon limousine rate or any other compensation established by the County, including any additional payment for transporting baggage which accompanies the passenger; provided, however, that this provision shall not apply to gratuities, nor shall the words "fares" or "compensation" be construed to include gratuities.
- (o) No operator shall solicit a passenger, either in or out of the motor vehicle, to transport the passenger to any place in Broward County or outside Broward County for the purpose of participation in prostitution, sexual lewdness or obscenity, or for the purpose of participation in the violation of state or local laws. It shall be unlawful for any person to occupy or use such vehicle for the purpose of prostitution, pandering, or the violation of any other law of the State of Florida or Broward County. It shall be unlawful to allow or permit the use of any vehicle "for-hire" for any of the purposes prohibited in this entire section when there is knowledge or reasonable cause to believe that a vehicle "for-hire" is to be so used or is being used for such unlawful purposes.
- (p) Abusive language and discourteous behavior toward passengers is prohibited.

- (q) A motor vehicle shall not be operated where the driver's alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe to begin or continue operation of the motor vehicle.
 - (r) The Division shall be notified of each change of employment or contract relationship and/or address.
 - (s) Operators shall not solicit or accept for transportation passengers when the operator is outside of the jurisdictional area granted under the operator's certificate, permit or license.
 - (t) Chauffeurs parked at a designated stand awaiting deployment shall remain adjacent to and in attendance of their vehicles. All vehicle doors shall remain closed except when loading or unloading passengers.
 - (u) Taxicabs using any designated public stand shall be in a single file and faced in accordance with applicable traffic regulations. The chauffeur of the taxicab at the head of such file shall accept as a passenger any orderly person who agrees to pay the proper fare; provided, however, that any such person shall have the right to select any taxicab regardless of its position in the file. Upon the departure of any taxicab from the file, the vehicles entitled to use such stand which were in the rear shall move forward. No number of taxicabs greater than the maximum allowed shall attempt to use any public stand. The Director shall cooperate with the municipalities or other appropriate entities to designate public taxicab stands.
 - (v) Possession of firearms, switchblades, knives, clubs, or other weapons by operators, inconsistent with Chapter 790, F.S., whether in the vehicle or on the person, is prohibited.
 - (w) Routes to trip destinations shall be the most direct and economical to the passenger unless otherwise directed or agreed to by the passenger.
 - (x) Each motor carrier shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures, and such other operating information as may be required by the Division. The Director shall be allowed access to the records during normal business hours for the purposes of inspection or copy. Such records shall be confidential to the full extent allowed by law.
 - (y) No operator shall refuse to dispatch a taxicab to any place in Broward County for service authorized by the terms of the applicable certificate.
- (Ord. No. 2000-32, § 1, 6-27-00; Ord. No. 2006-01, § 1, 1-10-06)

Sec. 22 1/2-9B. Operations--Minimum vehicle standards.

- (a) Motor vehicles shall be kept clean and orderly during all times of active service.
- (b) All accidents shall be reported immediately to the police.
- (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.
- (d) Advertising on any vehicle regulated by this Chapter shall not obstruct the driver's view and shall not obstruct the vehicle's top lights or other lights. No vehicle shall have within it, or on its exterior, any sign which encourages, advertises for, or otherwise solicits tips.
- (e) The minimum standards for safety and maintenance of motor vehicles in Broward County, including municipalities regulating the industry pursuant to Section 22 1/2-12 of this Chapter, shall be as follows:
 - (1) Rearview mirror and side mirrors on driver's and passenger's side.

- (2) Speedometer properly installed, in good working order, and exposed to the view of both the driver and the passenger(s).
- (3) Interior clean, sanitary, free from torn or damaged upholstery or floor coverings and from damaged or broken seats.
- (4) Door hinges and latches in good mechanical working order and all doors operate easily and close securely.
- (5) Vehicle structurally sound and operates with a minimum of noise, vibration, and visible exhaust fumes.
- (6) The body, fenders, doors, trim and grill free from cracks, breaks and dents, and painted.
- (7) Vision is unobstructed on all four (4) sides.
- (8) Permit and registration prominently displayed.
- (9) All vehicles shall be equipped with fully functioning air conditioning.
- (10) All vehicles shall be equipped with seat belts as required by state law.
- (f) In addition to the standards set forth in subsection (a), taxicabs shall meet the following minimum standards:
 - (1) Owner's trade name, monogram or insignia, taxicab number, and telephone number permanently affixed upon the metal portion of the outside of each side in letters at least three (3) inches high, and cab number painted upon the outside rear panel of taxicab in letters at least three (3) inches high.
 - (2) Two-way radio installed and operating properly with access to or affiliated with a central dispatch facility, or any other electronic equipment utilized for handling service requests.
 - (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 Florida Department of Agriculture, Bureau of Weights and Measures or a designated facility authorized to certify meter operation;
 - c. Attached to telltale lights so that telltale lights shall automatically illuminate when taximeter is in operation and extinguish when taximeter is not in operation.
- (g) In addition to the standards set forth in subsection (a), new, used, or remanufactured jitneys which are purchased or leased for use, or in contemplation of use, after July 1, 2001, in accordance with the provisions of this Chapter shall be ADA accessible.
- (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 22 1/2-12 of this Chapter shall assign such vehicle numbers.

(j) The Director shall annually inspect, for compliance with this Chapter, all vehicles for hire that are not more than six (6) model years old at the time of inspection and semiannually inspect all others and may reinspect any vehicle at any other time prior to the next annual or semi-annual inspection. The results of each inspection shall be recorded. Any vehicle failing to pass the inspection may have its operating permit suspended in accordance with Section 22 1/2-13 of this Chapter.

(k) Every holder of a 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.

(l) Certificate holders 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, place of origin and destination of each trip, the amount of fare collected, the number of passengers, 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.

(Ord. No. 2000-32, § 1, 6-27-00)

Sec. 22 1/2-9C. Operations--Insurance.

(a) Every certificate, permit or license holder operating 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 Fifty Thousand Dollars (\$50,000.00) per person and One Hundred Thousand Dollars (\$100,000.00) per incident as to public liability and property damage coverage in an amount not less than Twenty Thousand Dollars (\$20,000.00).

(b) Motor carriers operating 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.

(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. III, F.S. (§ 624.401, F.S. 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. is not acceptable evidence of insurance.

(d) The 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 22 1/2-13 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.

(Ord. No. 2000-32, § 1, 6-27-00)

Sec. 22 1/2-9D. Operations--Transportation agreements.

The authority granted under a certificate, chauffeur's registration, or permit for a taxicab shall not be used to discriminate against hotels, motels, restaurants, or other business establishments; provided, however, that it shall be lawful for a motor carrier to enter into an agreement with such establishments for transportation services. If such an agreement is entered into by a motor carrier, it shall expressly state whether or not it is an exclusive arrangement and a copy shall be filed with the Division. It shall be unlawful for a motor carrier or chauffeur to receive anything of value as compensation for such transportation services except as provided for in the contract. It shall be unlawful for any motor carrier to offer services to any business or individual without first complying with all requirements of this Chapter.

(Ord. No. 2000-32, § 1, 6-27-00)

Sec. 22 1/2-10. 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 standards, 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 entire face of every taximeter shall at all times be visible from the taxicab's passenger compartment by reasonable efforts of passengers and shall be illuminated so passengers may ascertain the amount of fare registered by the taximeter.

(d) No taxicab shall be operated within Broward County unless the case of the taximeter installed has been sealed.

(e) The signal affixed to any taximeter shall under no circumstances indicate that the taxicab is vacant when in fact such taxicab is engaged by a passenger, nor shall any such signal indicate that the taxicab is employed at a fare different from that fare prescribed by this Chapter.

(f) The amount of fare collected from any passenger shall not differ from that shown by the taximeter, or an 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. 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.

(Ord. No. 2000-32, § 1, 6-27-00; Ord. No. 2006-01, § 2, 1-10-06; Ord. No. 2006-01, § 2, 1-10-06)

Sec. 22 1/2-11. Taxicab rate regulations.

(a) The provisions of this section shall be the exclusive method for the establishment of taxicab rates in both the unincorporated and incorporated areas of Broward County. Notwithstanding the provisions regarding municipal ordinance, resolution, or agreement to the contrary, no municipality shall authorize, establish, charge, alter, amend, or otherwise regulate rates charged by a motor carrier. All municipal ordinances or resolutions to the contrary are superseded.

(b) It shall be unlawful for any registered chauffeur to charge, demand, request, or accept any fare different from the rates established pursuant to this Chapter. Said rate may be the amount shown on the taximeter or any other type of fare established by the County. Rates established by this Chapter shall be uniform throughout Broward County, both in the incorporated and unincorporated areas, without regard to any municipal regulatory jurisdiction.

(c) The Commission shall control rates for all taxicabs operating in Broward County. Rates shall be established, altered, amended, revised, increased, or decreased in accordance with the following procedure:

(1) At two (2) year intervals from the date of the last public hearing establishing rates, the Division shall submit a written recommendation to the Broward County Administrator recommending taxicab rates based on the consumer price index figures for public transportation in the Miami area.

(2) The Division's report shall be forwarded to the Broward County Administrator, who shall prepare a recommendation to the Commission.

(3) The Commission shall, within sixty (60) days after receipt of information required from the Division, hold a public hearing concerning the proposed rate change, at which hearing all interested parties shall have an opportunity to be heard. The Commission shall consider the report of the Division, the Broward County Administrator's recommendation, and all evidence produced at the hearing and by resolution shall determine and set the appropriate rates as may be in the public interest.

(4) The Commission may by resolution and upon request by a certificate holder create special rates for providing specialized motor vehicle service, not otherwise provided for in this Chapter.

(5) In cases of special or urgent necessity, as determined by the Commission, a public hearing may be held by the Commission to review and establish, alter, amend, or revise taxicab rates. Unless otherwise directed by the Commission, the Division shall perform the same functions described in this section.

(Ord. No. 2000-32, § 1, 6-27-00; Ord. No. 2006-01, § 3, 1-10-06)

Sec. 22 1/2-12. Municipal regulations.

(a) Those municipalities within Broward County regulating motor carriers as of July 1, 1976, may, subject to the provisions of this section, continue to exercise such regulatory jurisdiction.

(b) No municipality regulating the industry shall:

(1) Authorize any motor vehicle to pick up passengers within any other municipality nor within the unincorporated areas of Broward County; or

(2) Prohibit any taxicab or limousine operating pursuant to legal authority from discharging passengers within the municipality where such passengers were legally picked up outside of the corporate limits of the municipality; or

(3) Authorize any number of taxicabs, singly or in combination, in excess of one (1) per each two thousand (2,000) inhabitants of the municipality according to the last state or federal census.

(c) The provisions of this Chapter shall constitute minimum standards for municipalities regulating motor carriers, provided that this section shall not be construed to prevent any

municipality from adopting and enforcing higher standards of regulation, and provided, further, that this section shall not be construed to relieve any person from compliance with all applicable municipal ordinances or regulations pertaining to motor carriers.

(d) A municipality regulating motor carriers shall provide to the Division a current list of all motor carriers licensed within the municipality. The list shall include the name and address of each certificate holder, the number of vehicles authorized by each such certificate, the license tag number of each such vehicle and a record of all certificate or permit suspensions or revocations. Such information shall be kept current by notice to the Division of any subsequent changes.

(e) Any operator holding a valid municipal certificate of public convenience and necessity as of the effective date of this section (November 27, 1989) who wishes to obtain a Broward County/city certificate of public convenience and necessity and permits for each vehicle must apply for such certificate and permit(s) within thirty (30) days from the effective date of this section. Any certificate and permit(s) issued by Broward County pursuant to this section shall be valid only within the municipal boundaries of the municipal certificate. To be eligible for the issuance of a Broward County/city certificate and permit(s), each operator must fully comply with the application, inspection, and insurance requirements set forth within this Chapter.

(f) Should any operator fail to make application within the thirty (30) day period, no Broward County/city certificate or permit(s) shall be issued. Should any municipality which currently regulates in this area cease such regulation, only those operators who have obtained a Broward County/city certificate and permit(s) may continue to operate within the municipal boundaries except as they may obtain Broward County certificates and permits in accordance with the provisions of this Chapter. County/city certificates and permits are not transferable.

(Ord. No. 2000-32, § 1, 6-27-00)

Sec. 22 1/2-13. Suspension; revocation; forfeiture; penalties.

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

(1) *Certificates*: Upon notice and hearing, when it shall appear that:

- a. The holder has failed to render the service authorized by the certificate; or
- b. The certificate was obtained by an application in which any material fact was falsely stated or intentionally omitted; or
- c. The holder has intentionally permitted its motor vehicles to be operated in violation of any law; or
- d. The holder has intentionally failed to comply with any of the provisions of this Chapter; or
- e. The holder has willfully picked up or caused passengers to be picked up outside the geographical operating limits specified in the certificate.

(2) *Permits*: Upon notice and hearing, when it shall appear that:

- a. The permit was obtained by an application in which any material fact was falsely stated or intentionally omitted; or
- b. The holder has intentionally failed to comply with any provisions of this Chapter; or
- c. The holder has willfully picked up or caused passengers to be picked up outside the geographical operating limits specified in the certificate; or
- d. The holder has failed to render the service authorized by the permit; or
- e. The holder has intentionally permitted its motor vehicles to be operated in violation of any law.

(3) *Registrations*: Upon notice and hearing, when it shall appear that:

- a. The chauffeur has failed to comply with or has willfully violated any of the provisions of this Chapter; or
 - b. The chauffeur has been convicted of driving under the influence of alcohol, either as a chauffeur or as the driver of a vehicle which is not for hire; or
 - c. The registration was obtained by an application in which any material fact was falsely stated or intentionally omitted; or
 - d. The chauffeur has picked up a passenger outside the geographical operating limits specified in the certificate.
- (4) *Jitney License*: Upon notice and hearing, when it shall appear that:
- a. The license obtained by an application in which any material fact was falsely stated or intentionally omitted; or
 - b. The licensee has failed to comply with or has willfully violated any of the provisions of this Chapter; or
 - c. The licensee has intentionally permitted its vehicles to be operated in violation of any law.
- (b) Certificates, Permits, Registrations or Jitney Licenses may be suspended, revoked or forfeited prior to hearing when it appears based on determination of the Director that:
- (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 Chapter prior to initial operation of a motor vehicle;
 - (3) The hearing procedures set for in this Chapter are complied with promptly after action, such suspension, revocation, or declared forfeiture;
 - (4) 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. 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 Hearing panel 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.
- (e) Violations of the provisions of this Chapter shall be punishable as provided by Chapter 8 1/2 of the Broward County Code, and local, state, and federal law.
- (f) Notwithstanding the provisions of this section, the Director may secure enforcement of the provision of this Chapter in accordance with Section 1-13 of the Broward County Code and by any legal action necessary, such as application to any court for injunctive relief or other appropriate relief.
- (g) Specific violations of this Chapter, as referenced in Section 22 1/2-2 and Section 22 1/2-6A, shall be punishable pursuant to the provisions of Chapter 8 1/2, Code of Broward County, relating to Notices to Appear, as are currently enacted or as may be amended from time to time. (Ord. No. 2000-32, § 1, 6-27-00)

Sec. 22 1/2-14. 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 Chapter.

(2) Investigate and prepare reports on alleged violations of this Chapter.

(3) Investigate, process and prepare reports on motor carrier rates pursuant to Section 22 1/2-11 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.

(8) Recommend actions to the Commission regarding certificates which are in the public's best interest.

(9) Perform any other functions assigned by the Broward County Administrator.

(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.

(Ord. No. 2000-32, § 1, 6-27-00)