

ORDINANCE NO. 2019-38

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MOTOR CARRIERS; AMENDING VARIOUS SECTIONS OF CHAPTER 22½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); PROVIDING FOR INSPECTION BY THE ENVIRONMENTAL AND CONSUMER PROTECTION DIVISION OF VEHICLES PERMITTED UNDER CHAPTER 22½; PROVIDING FOR ADDITIONAL TEMPORARY OPERATING PERMITS IN CONNECTION WITH THE SUPER BOWL; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Chapter 22½ of the Broward County Code of Ordinances ("Code") regulates for-hire ground transportation services in Broward County;

WHEREAS, currently, vehicles operating pursuant to Chapter 22½ of the Code are inspected by third-party mechanics to ensure compliance with Chapter 22½;

WHEREAS, the Board of County Commissioners of Broward County ("Board") has determined it is in the best interest of the safety and welfare of the citizens of Broward County to require that vehicles operating pursuant to Chapter 22½ of the Code be inspected by the Environmental and Consumer Protection Division ("Division") rather than third-party mechanics; and

WHEREAS, the Board also desires to provide the opportunity for additional for-hire ground transportation operating permits to be issued by the Division to address anticipated transportation needs in connection with the Super Bowl, while ensuring that vehicles utilizing such permits are adequately insured and their drivers are properly screened for a safe customer experience,

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2 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
3 BROWARD COUNTY, FLORIDA:
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5 Section 1. Section 22½-2 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

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

8 It shall be unlawful for any motor carrier to use, drive, or operate or to cause or
9 permit any person to use, drive, or operate any motor vehicle upon the streets of Broward
10 County, or to receive compensation as a result of arranging or providing for the use or
11 operation of any vehicle in motor carrier services upon the streets of Broward County, or
12 to advertise in any print or electronic medium, air wave transmission, telephone directory,
13 or other media accessible to the public within Broward County that it offers motor carrier
14 services within Broward County, without first obtaining a certificate pursuant to the
15 provisions of this Chapter; provided, however, that this section shall not apply to the
16 following:

17 . . .

18 (k) Temporary ~~limousine~~ operating permits as governed by
19 Section 22½-6A(t) of this Chapter.

20 . . .
21

22 Section 2. Section 22½-6A of the Broward County Code of Ordinances is
23 hereby amended to read as follows:
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underscored type are additions.

1 **Section 22½-6A. Permits—General.**

2 . . .

3 (t) Temporary ~~Limousine~~ Operating Permits. The Division may issue
4 temporary ~~limousine~~ operating permits when the National Football League Super Bowl
5 takes place in South Florida. These permits authorize the permit holder to operate
6 pursuant to this Chapter in Broward County, including the ~~Fort Lauderdale/Hollywood~~
7 Fort Lauderdale-Hollywood International Airport, but not including Port Everglades, for a
8 period not to exceed two (2) weeks, the dates of which shall be set by the Director.
9 Temporary ~~limousine~~ operating permits may be issued to current Broward County permit
10 holders in the categories of Limousine, Luxury Sedan, Luxury Limousine, and Transport
11 Van, as defined in Subsection 22½-1(k)(2). ~~A current Broward County operator that holds~~
12 ~~a specific limousine permit type can purchase temporary limousine permits in that~~
13 ~~category, and can act as a sponsor for that category. Current Broward County operators,~~
14 ~~desiring to purchase temporary permits for a category in which they do not hold permits,~~
15 ~~will require a sponsor. Current limousine operators based outside of Broward County,~~
16 ~~desiring to purchase temporary permits, will require a sponsor for their specific permit~~
17 ~~category. Vehicles operating under temporary operating permits are subject to the~~
18 ~~requirements of this Chapter, including without limitation Section 22½-9B, except to the~~
19 extent modified by this section.

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

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- 1 (1) a. A fully completed application form;
- 2 (2) b. An ~~insurance~~ certificate evidencing coverage for each vehicle as
- 3 required under Section 22½-9C;
- 4 (3) c. A current vehicle registration and/or such other documentation
- 5 demonstrating the right of the applicant to use such vehicle ~~in the~~
- 6 event ~~that~~ if the vehicle is leased or managed by the applicant;
- 7 (4) d. Fees as determined by the ~~Board of County Commissioners~~
- 8 Commission;
- 9 (5) ~~A completed sponsorship form, if applicable, whereby the sponsor~~
- 10 ~~agrees to be responsible for ensuring the quality of the vehicle, the~~
- 11 ~~training of the operator, lost and found complaints, that insurance~~
- 12 ~~requirements are met, and any violations under this Chapter;~~
- 13 (6) e. A copy of a current business tax receipt (or equivalent) from the
- 14 jurisdiction of origin; and
- 15 (7) f. Any additional information as may be required by the Division which
- 16 relates to the applicant's business activities as revealed by
- 17 information provided by the applicant, and any other information
- 18 deemed necessary by the Division to enforce the provisions of this
- 19 Chapter.

- 20 (2) Vehicles covered by temporary operating permits must be operated by
- 21 drivers with valid Broward County chauffeur registrations or by drivers
- 22 conforming to the following rules:
- 23
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- 1 a. The permit holder must obtain background checks for each
2 applicable driver from a company specializing in background checks
3 that checks for those issues described in Sections 22½-8(e)(4), (5),
4 (6), (7) and (8).
- 5 b. All drivers must comply with all requirements in Section 22½-8(e).
- 6 c. Sections 22½-8(a), (b), (c), (d), and (f)-(n) will not be applicable to
7 drivers.
- 8 d. Drivers who are not registered chauffeurs may operate vehicles
9 permitted under this section only during the period of the temporary
10 operating permit.
- 11 e. The permit holder must provide the Division with a roster of all drivers
12 that includes each driver's first and last name, driver license number,
13 driver license issuance date and expiration date, and a confirmation
14 that the driver has passed the background check. The permit holder
15 must certify in writing under penalty of perjury that all drivers on the
16 roster have been screened and meet the requirements of this
17 Chapter. It is a violation of this section for a permit holder to allow a
18 driver to operate a vehicle under a temporary operating permit before
19 providing a roster to the Division that includes the driver's information
20 required by this section and certification that the driver meets the
21 requirements of this Chapter.
- 22 f. Permit holders must provide an identification card to each driver,
23 including the name of the driver and the name of the permit holder,
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1 in the form approved by the Division. While engaging in for-hire
2 transportation services, the driver must display the identification card
3 at all times and make it available for inspection by personnel
4 authorized to perform enforcement duties or by any police officer.

5 g. Permit holders must retain records showing the results of the
6 background checks for a period of no less than three (3) years. The
7 Division may audit these records at any time. It is a violation of this
8 section for any permit holder to fail to retain these records or to fail
9 to provide these records in response to an audit by the Division.

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

12 (3) If Palm Beach County or Miami-Dade County allows Broward County permit
13 holders to operate within its county, then permit holders of vehicles
14 permitted in the reciprocating county may operate within Broward County
15 during the designated two-week Super Bowl period. This reciprocation is
16 valid for both temporary and standard permits and only in the categories of
17 Limousine, Luxury Sedan, Luxury Limousine, and Transport Van.

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19 Section 3. Section 22½-9B of the Broward County Code of Ordinances is
20 hereby amended to read as follows:

21 **Section 22½-9B. Operations—Minimum vehicle standards.**

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1 (ji) ~~All vehicles for hire shall be inspected at a licensed or state-registered auto~~
2 ~~repair shop to ensure compliance with the requirements of this Chapter by a master~~
3 ~~mechanic or automobile technician who is certified by the American Advanced~~
4 ~~Technicians Institute ("AATI") or the National Institute for Automotive Service Excellence~~
5 ~~("ASE").~~

6 (ij) The Division shall inspect all vehicles that are issued a permit, or for which
7 a permit is sought, for compliance with this Chapter.

8 (k) Vehicles shall be inspected in accordance with the following schedule;
9 provided, however, that the Division may inspect a vehicle for hire for compliance with the
10 provisions of this Chapter at any time:

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

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

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

17 (lj) ~~The results of each inspection shall be recorded by the master mechanic or~~
18 ~~automobile technician on an inspection form prescribed by the Division, which completed~~
19 ~~form shall be provided to the Division within ten (10) business days after the inspection.~~
20 ~~The inspection form shall indicate whether the vehicle has met all of the safety and~~
21 ~~maintenance requirements of Section 22¹/₂-9B. At the discretion of the Director, vehicle~~
22 ~~inspection forms from Miami-Dade, Palm Beach, or other Florida counties may be~~
23 ~~submitted as proof of inspection in lieu of the form prescribed by the Division. The master~~
24

1 ~~mechanic or automobile technician completing the form and inspection must provide his~~
2 ~~or her ASE or AATI certification number, the expiration date of his or her certification, the~~
3 ~~name and license or registration number of the auto repair facility where the inspection~~
4 ~~was performed, and his or her signature as verification that all information provided is true~~
5 ~~and correct. This information must be recorded on the inspection form for each vehicle~~
6 ~~inspected. The Division may verify information contained in inspection forms or any other~~
7 ~~information submitted to the Division.~~

8 ~~(m) (l)~~ Any vehicle failing to pass the inspection or as to which there is a failure to
9 ~~timely report the results of an inspection by providing a completed inspection form to the~~
10 ~~Division may have its operating permit suspended in accordance with Section 22½-13.~~
11 ~~It shall be a violation of this Chapter to fail to use a master mechanic or automobile~~
12 ~~technician to inspect vehicles, as required under this section, or to submit false inspection~~
13 ~~forms to the Division. Any person or entity that fails to comply with the requirements of~~
14 ~~this section is subject to denial, revocation, or suspension of its business permit and~~
15 ~~decals.~~

16 ~~(n)~~ It shall be unlawful for a master mechanic or automobile technician to
17 ~~provide false information on an inspection form required pursuant to this section. If the~~
18 ~~Division obtains information that a master mechanic or automobile technician has issued~~
19 ~~a fraudulent or improper inspection form, the Division may prohibit that master mechanic~~
20 ~~or automobile technician from conducting vehicle for hire inspections. The Division shall~~
21 ~~periodically distribute its list of prohibited master mechanics and automobile technicians.~~
22 ~~Any inspection conducted by a prohibited master mechanic or automobile technician shall~~
23 ~~be deemed invalid.~~

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

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

16
17 Section 4. Severability.

18 If any portion of this Ordinance is determined by any court to be invalid, the invalid
19 portion will be stricken, and such striking will not affect the validity of the remainder of this
20 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
21 legally applied to any individual, group, entity, property, or circumstance, such
22 determination will not affect the applicability of this Ordinance to any other individual,
23 group, entity, property, or circumstance.

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Section 5. Inclusion in the Broward County Code of Ordinances.

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

Section 6. Effective Date.

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

ENACTED December 3, 2019

FILED WITH THE DEPARTMENT OF STATE December 4, 2019

EFFECTIVE December 4, 2019

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

By /s/ Scott Andron 10/28/19
Scott Andron (date)
Assistant County Attorney

By /s/ Mark A. Journey 10/28/19
Mark A. Journey (date)
Senior Assistant County Attorney

SA/jc
Super Bowl
10/28/19
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