

ORDINANCE NO. 2019 - 040

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-43) AS AMENDED, RELATING TO VEHICLES FOR HIRE; AMENDING SECTION 19-213 (DEFINITIONS); AMENDING SECTION 19-217 (RECIPROCITY); AMENDING 19-227 DRIVER REQUIREMENTS, FAILURE TO COMPLY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents by enacting such business regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds and declares that the public welfare and safety of the existing and future residents requires the regulation and control of motor vehicles engaged in the transportation of persons, within the streets of Palm Beach County, with the intent to receive compensation; and

WHEREAS, Palm Beach County licenses and regulates vehicles for hire (defined hereinafter) that operate in Palm Beach County, Florida; and

WHEREAS, South Florida is a host to national sporting events, political conventions and other special events of national or international significance; and

WHEREAS, those events are expected to generate an influx of out of town visitors relying on vehicle for hire services creating a short term extraordinary need for additional vehicle for hire services; and

WHEREAS, it is now necessary to amend Chapter 19, Article IX of the Palm Beach County Code to enhance the regulatory framework for the vehicle for hire industry to ensure transportation needs can be met when special events are held in the tri-county region including Palm Beach, Broward and Miami-Dade County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Chapter 19, Article IX of the Palm Beach County Code is hereby amended to read as follows:

Section 1. Section. 19-213. - Definitions.

Section 19-213 is hereby amended to add the following definitions:

Special event. A special event is an event held in Palm Beach, Broward or Miami-Dade County expected to generate substantial increased temporary demand for the services of sedans, vans, sport utility vehicles, and limousines such that the existing supply is not adequate to meet the needs of the event.

Special event vehicle decal. A special event vehicle decal is a vehicle decal issued for a special event to be held in Palm Beach, Broward or Miami-Dade County, and is valid for a two week period during the special event period in order to add temporary sedan, vans, sport utility vehicles, and limousine vehicles for hire to an existing permitted vehicle for hire fleet.

Special event period. The special event period is defined as a two week period beginning one week prior to the special event and continuing for one week after the special event.

Section 2. Section. 19-217. - Reciprocity.

Section 19-217 is hereby amended to add the following:

- (a) ***Out-of-county origin exception.*** Nothing in this article shall be construed to prohibit discharge within Palm Beach County of any passenger lawfully picked up in another county and lawfully transported into Palm Beach County. Notwithstanding any provision to the contrary, any passenger lawfully picked up in another county, transported to, and discharged at any location within Palm Beach 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 trip; provided, however, vehicles for hire shall be required to comply with the Airport Rules and Regulations if the discharge and/or pick up location is the Palm Beach International Airport. Proof of the pre-arranged transportation services shall be made available to enforcement personnel upon request.
- (b) ***Business Permit Reciprocity.*** In lieu of submitting an application for a vehicle for hire business permit as set forth in Section 19-218, a vehicle for hire company that holds a current business permit to operate in a reciprocal county, may apply for business permit reciprocity by submitting a copy of the business permit issued by the reciprocal county, with the information required by Sections 19-218(a)(1)-(3), mechanical safety inspections required by Section 19-223(a) and proof of insurance as required in Section 19-226. A vehicle for hire company applying for business permit reciprocity shall not be required to pay the initial new business application fee but shall be required to pay all other fees as set forth by resolution of the Board. Approved

applications will result in issuance of a reciprocal permit business license. Business permit reciprocity must be renewed on an annual basis. All vehicle for hire companies operating at the Palm Beach County International Airport and/or the Port of Palm Beach pursuant to a reciprocal permit business license are subject to: 1) Palm Beach County Airport Rules and Regulations (R-98-220, as amended), as codified in Appendix B of the Palm Beach County Code including, but not limited to, renewal of the airport decal and payment of all fees established by resolution of the Board; and 2) the Rules and Regulations of the Port of Palm Beach including, but not limited to, the payment of all fees pertaining thereto.

1. **Vehicle Inspection Requirements.** Vehicle inspection forms from a mechanic certified by the National Institute for Automotive Service Excellence ("ASE") or American Advanced Technicians Institute ("AATI") obtained in a Reciprocal County may be submitted as proof of inspection required by Section 19-223(a).

Eligibility and Compliance Requirements. A vehicle for hire company must be eligible to apply for a business permit in order to apply for business permit reciprocity. Except as otherwise expressly provided herein, a vehicle for hire company granted business permit reciprocity shall comply with all provisions of this article, and shall be subject to all enforcement and compliance provisions of this article, including suspension and revocation of the authority to operate as a vehicle for hire company in Palm Beach County.

(c) Special event reciprocity. The Division may issue special event vehicle decals when a special event takes place in Palm Beach, Broward or Miami-Dade County and the Division obtains approval of the County Administrator or designee, to implement special event reciprocity. A vehicle for hire company that holds a current business permit may obtain a special event decal for temporary use vehicles in order to increase the company's fleet size during the special event period. The special event vehicle decals authorize the decal holder to operate pursuant to this article in Palm Beach County, including the Palm Beach International Airport but not including the Port of Palm Beach during the special event period only. Special event vehicle decals may be issued in the categories of sedans, luxury sedans, vans, limousines, sport utility vehicles, which includes wheelchair accessible vehicles in these categories. Applicants for a special event vehicle decal shall meet each of the following criteria:

1. A fully completed application form;
2. Insurance certificate evidencing coverage for each vehicle as required under Section 19-226;
3. A current vehicle registration and/or such other documentation demonstrating the right of the applicant to use such vehicle in the event that the vehicle is leased or managed by the applicant;
4. Fees as determined by resolution of the Board of County Commissioners; and

5. Any additional information as may be required by the Division which relates to the applicant's business activities deemed necessary by the Division to investigate the application and enforce the provisions of this article.

A Vehicle for hire company with a Palm Beach County business permit shall use drivers with a valid ID badge or may use temporary drivers during the special event period. All temporary drivers must have successfully passed a background check from a company specializing in background checks. The background check must conform to Section 19-227 (1), (2), (3a), (4), (5), (7), (8), (9), (10) and all temporary drivers must comply with all requirements in 19-227 (g), (h), (i), and (j). A vehicle for hire company using temporary drivers must certify that the background check meets the requirements of this section and provide a roster of the drivers to the Division that includes the drivers' first and last name, drivers' license number, issuance and expiration dates. It is the responsibility of the vehicle for hire company to provide identification for the drivers, which must be displayed by the driver, in digital or hard copy form, while engaging in vehicle for hire services.

For the special event period only, when by ordinance Broward and/or Miami-Dade County permits vehicle for hire companies operating sedans, vans, sport utility vehicles and limousines, including wheelchair accessible vehicles in these categories, with a current Palm Beach County annual vehicle decal with airport privileges, or a Palm Beach County current special event vehicle decal, to operate within their respective counties during the special event period, then Palm Beach County will reciprocate by allowing the corresponding Broward and/or Miami-Dade County vehicle for hire companies operating sedans, vans, sport utility vehicles and limousines, that display a valid Broward and/or Miami-Dade County special event vehicle decal, or a current annual Broward and/or Miami-Dade County vehicle decal with airport privileges, to operate within Palm Beach County during the special event period. All vehicle for hire companies and drivers operating in Palm Beach County during the special event period shall comply with any special event rules and regulations that may be promulgated by the Division to address procedures for application processing and approvals, safety, or operational concerns during a special event period.

Section 3. Section 19-227. - Driver requirements; failure to comply.

Section 19-227 is hereby amended as follows:

- (a) It shall be unlawful for any person to operate any vehicle for hire within and upon the streets of the County without a County vehicle for hire driver's ID badge issued by the DCA, or other approved means of Alternative Identification that allows passengers, law enforcement and the DCA to ensure that drivers have qualified to deliver service. Driver ID badges will only be issued by DCA to drivers who have proven compliance with 19-227(a) (1-19). All applicants shall conform to the following unless they are authorized under subsection (m) of this section:

....

(3) State Department of Highway Safety and Motor Vehicles Traffic/Driving Record Report

(a) Provide the original form of his/her lifetime State Department of Highway Safety and Motor Vehicles traffic/driving record report to the Division which was secured no more than thirty (30) days before the application/renewal was submitted. Upon initial application, if a driver has resided in Florida less than five (5) consecutive years, a traffic/driving record/history from each state where he/she previously resided must be provided for at least a five-year period; or

(b) Provide a State of Florida Department of Highway Safety and Motor Vehicles traffic/driving history report which was secured no more than thirty (30) days before the application/renewal was submitted. Electronic records of such driving history reports shall be maintained by the vehicle for hire company.

(4) Not have more than three (3) moving violations in the three-year period prior to such check; a major violation in the three-year period prior to such check (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);

(5) Not have been classified as a habitual traffic offender (as defined by Florida state statutes) within the five year period from application date;

....

Section 4. Repeal of laws in conflict.

All local laws and ordinances applying to the unincorporated area of the county in conflict with any provision of this article are hereby repealed to the extent of any conflict.

Section 5. Savings clause.

Notwithstanding the section of this ordinance regarding repeal of laws in conflict, all administrative and court orders, fines, and pending enforcement issued pursuant to this authority and procedures established by Chapter 19, Article IX of the Palm Beach County Code shall remain in full force and effect.

Section 6. Severability.

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance

Section 7. Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word Ordinance may be changed to section, article, or other appropriate word.

Section 8. Captions.


The captions, section headings, and section designations used in this Ordinance are for convenience only and have no effect on the interpretation of the provisions of this Ordinance.

Section 9. Effective Date.

The provisions of this Ordinance shall first be filed with the Department of State and thereafter will become effective January 1, 2020.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 17th day of December, 2019.

CLERK & COMPTROLLER
PALM BEACH COUNTY

By: 
Deputy Clerk

PALM BEACH COUNTY, FLORIDA BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: 
Dave Kerner, Mayor

Approved as to form and
legal sufficiency

By: 
County Attorney

Filed with the Department of State on the 19th day of December, 2019.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 19, 2019

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Mr. Timothy Montiglio

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2019-040, which was filed in this office on December 19, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb