

ORDINANCE NO. 2015-21

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"); ENACTING REGULATIONS RELATED TO THE LICENSING, OPERATION, AND RATES OF TRANSPORTATION NETWORK COMPANIES; REQUIRING A LICENSE TO OPERATE A TRANSPORTATION NETWORK COMPANY IN BROWARD COUNTY; REQUIRING A PERMIT FOR ALL TRANSPORTATION NETWORK COMPANY VEHICLES OPERATING IN BROWARD COUNTY; 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; and

WHEREAS, new technology-based companies that use digital platforms to connect riders and drivers have begun operating for-hire ground transportation services in Broward County and throughout the country, calling themselves transportation network companies; and

WHEREAS, the Board of County Commissioners of Broward County, Florida ("Board"), desires to amend Chapter 22½ of the Code in order to regulate the operations of transportation network companies in Broward County for the purpose of safeguarding the life, health, safety, property, and welfare of the people of Broward County; and

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1 WHEREAS, the Board finds that the implementation of this Ordinance, as set
2 forth herein, promotes, protects, and improves the health, safety, and welfare of the
3 people of Broward County, Florida,

4
5 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
6 BROWARD COUNTY, FLORIDA:

7
8 Section 1. Chapter 22½-1 of the Broward County Code of Ordinances,
9 "Definitions," is hereby amended to read as follows:

10 ...

11 (c) *Chauffeur* means a duly licensed driver registered with the ~~Consumer~~
12 ~~Affairs~~ Environmental Licensing and Building Permitting Division of Broward County to
13 operate a motor vehicle for hire.

14 ...

15 (f) *Director* means the Director of the ~~Consumer Affairs~~ Environmental
16 Licensing and Building Permitting Division of Broward County.

17 (g) *Division* means the ~~Broward County Consumer Affairs~~ Environmental
18 Licensing and Building Permitting Division of Broward County.

19 ...

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

23 (1) *Taxicab* means a motor vehicle that employs the use of a taximeter, as
24 defined in Section 22½-1~~(p)~~(r) of this Chapter, or a motor vehicle designed

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1 to accommodate not more than eight (8) passengers, exclusive of the
2 driver, operated for compensation at rates, prescribed by Commission
3 resolution, recorded and indicated by a taximeter in operation when the
4 vehicle is in use for transportation of any passenger, and where the route
5 or destination is controlled by the passengers.

6 (2) *Limousine* means any chauffeur-driven motor vehicle that is engaged for
7 the exclusive use of the passenger, not equipped with a taximeter, which
8 provides seating accommodations for not more than nineteen (19)
9 passengers, exclusive of the driver, and where pickup is on a prearranged

10 basis and the route or destination is controlled by the passenger.
11 Limousines operating pursuant to Subsection 22½-6D(m) shall not be
12 required to have prearranged pickups.

13 a. (3) *Luxury sedan* means a motor vehicle with a passenger capacity of one to
14 eight (1—8) passengers, which does not contain a partition or other device
15 used to separate the driver and passenger seating areas, and is
16 recognized by the industry as a "luxury" vehicle, such as Lincoln, Cadillac,
17 Mercedes Benz, or other similar luxury sedan.

18 b. (4) *Luxury ~~Limousine~~ limousine* means a motor vehicle with a seating
19 capacity of six to nineteen (6—19) passengers, excluding the driver, which
20 has been altered from its original manufacturer's specifications with
21 respect to wheelbase and passenger capacity, and contains a partition or
22 other device used to separate the driver and passenger seating areas.

23 c. (5) *Transport ~~Van~~ van* shall mean a motor vehicle not equipped with a
24 taximeter, with a seating capacity of nine (9) or more passengers, but not

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1 more than nineteen (19) passengers, exclusive of the driver, where there
2 is no separation of the driver and passenger compartments.

3 ~~(3)~~ (6) *Jitney* means a motorized passenger vehicle having a manufacturer's
4 rated seating capacity of not less than nine (9) passengers, but not more
5 than nineteen (19) passengers, including the driver, that is operated upon
6 a Broward County ~~Mass~~ Transit Division approved route or any portion of
7 an approved route, (following specified streets and highways in a specified
8 direction), transporting passengers for hire on a per-head basis from place
9 to place without a fixed schedule, excluding vehicles owned and/or

10 operated by Broward County or a Broward County municipality.

11 (7) *Transportation network company vehicle* shall mean a personal or other
12 noncommercial vehicle that is used by a chauffeur or any other person to
13 provide transportation services arranged through a transportation network
14 company's digital platform.

15 ...

16 (q) *Taximeter* means any device approved by the ~~Consumer Affairs~~ Division
17 which is internally mounted in a taxicab and which records and indicates a charge or
18 fare measured by distance traveled, waiting time or other traditionally compensable
19 activities, or items of taxicab service.

20 ...

21 (w) *Transportation network company driver* means an individual who uses the
22 individual's personal or noncommercial vehicle to provide ground transportation services
23 arranged through a transportation network company's digital platform.

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1 (x) Digital platform means any internet-enabled platform, program, or
2 software, including a smartphone or tablet application or website.

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

6 Section 2. Section 22½-2 of the Broward County Code of Ordinances,
7 "Certificates of public convenience and necessity; exceptions," is hereby amended to
8 read as follows:

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

18 ...

19 (l) Transportation network companies and transportation network company
20 vehicles as governed by Section 22½-7B of this Chapter.

21 Section 3. Section 22½-6A of the Broward County Code of Ordinances,
22 "Permits—General," is hereby amended to read as follows:

23 (a) It shall be unlawful to operate any motor vehicle "for-hire" upon the streets
24 of Broward County without first obtaining a current valid permit required by the

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1 provisions of this Chapter; provided, however, that this section shall not apply to exempt
2 motor carriers, as defined by Section 22½-2 of this Chapter, except that motor carriers
3 as identified in Subsections 22½-2(j) and 22½-2(l) shall be subject to this section.
4 When "permit" is used in this Section 22½-6A, it shall include all types of permits,
5 licenses, and registrations issued pursuant to this Chapter. The Division shall not issue
6 more than one (1) type of permit to any motor vehicle "for-hire."

7 ...

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

10 ...

11 Section 4. Section 22½-7 of the Broward County Code of Ordinances is
12 amended to read as follows:

13 **Sec. 22½-7A. Jitneys.**

14 ...

15 Section 5. Section 22½-7B of the Broward County Code of Ordinances is
16 hereby created as follows:

17 [Underlining omitted]

18 **Sec. 22½-7B. Transportation Network Companies.**

19 (a) *Transportation network company license required.*

20 (1) It shall be unlawful for any transportation network company to use, drive,
21 or operate or to cause or permit any person to use, drive, or operate any
22 motor vehicle upon the streets of Broward County, or to receive
23 compensation as a result of arranging or providing for the use or operation
24 of any vehicle in motor carrier services upon the streets of Broward

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1 County, or to advertise in any print or electronic medium, air wave
2 transmission, telephone directory, or other media accessible to the public
3 within Broward County that it offers motor carrier services within Broward
4 County, without first obtaining a transportation network company license
5 and maintaining it current and valid pursuant to the provisions of this
6 Chapter.

7 (2) It shall be unlawful for any transportation network company driver to
8 provide motor carrier services upon the streets of Broward County without
9 ~~first obtaining a chauffeur's registration and maintaining it current and valid~~
10 pursuant to the provisions of this Chapter.

11 (3) It shall be unlawful for any person to advertise, or cause any other person
12 to advertise, transportation network company services without first
13 obtaining and maintaining a current and valid license and permit pursuant
14 to the provisions of this Chapter. Any advertisement, including
15 advertisements and telephone listings in any electronic media, including
16 internet sites and digital applications, shall include the license and permit
17 number issued pursuant to this Chapter.

18 (b) *Application for transportation network company license; fees.*

19 (1) Every application for a transportation network company license shall be in
20 writing, signed and verified by the applicant, and filed with the Division
21 together with a fee established by resolution of the Commission. If the
22 applicant is a corporation, the form shall be signed and sworn to by the
23 president or vice president, and the corporate secretary shall attest such
24

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signature and affix the corporate seal. If the applicant is a partnership, the form shall be signed and sworn to by a general partner.

(2) Every application for a transportation network company 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.
- b. Documentation demonstrating that all corporate or partnership applicants are qualified to do business under the laws of Florida and have a place of business in Broward County. Post office box addresses shall not be accepted.
- 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.

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- 1 e. A record of all crimes of which the applicant has been adjudicated
2 guilty or of which adjudication has been withheld within the last five
3 (5) years preceding the date of the application. The applicant shall
4 provide to the Division sufficient information for the Division to
5 perform a criminal background check. In the case of a corporate or
6 partnership applicant, all such information shall be provided by all
7 corporate officers and directors, or partners, as the case may be,
8 and by all stockholders who own, hold, or control twenty-five
9 percent (25%) or more of issued and outstanding stock or beneficial
10 interest in the corporation, and by all officers and directors of any
11 corporate general partners of a partnership and by stockholders
12 who own, hold, or control twenty-five percent (25%) or more of
13 issued and outstanding stock or beneficial interest in a corporate
14 general partner.
- 15 f. Proof of insurance as required by state law.
- 16 g. The signature of each individual applicant, and all persons who
17 exercise control, including, but not limited to, the signature of the
18 president or vice president of a corporate applicant and the
19 signature of all the general partners of a partnership applicant.
- 20 h. Each original application and updated renewal application shall be
21 accompanied by a nonrefundable application fee. The fee shall be
22 set by resolution of the Commission at a public hearing.
- 23 i. A notarized statement under oath by the applicant to abide by the
24 provisions of this Chapter and the laws of the State of Florida.

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1 j. Such additional detail regarding the foregoing information as the
2 Director may deem necessary or appropriate.

3 (c) *Issuance of transportation network company license; renewal.*

4 (1) The Director is empowered to issue licenses to applicants who meet the
5 standards and requirements for a transportation network company license
6 and to promulgate administrative policies and procedures for the
7 application, issuance, and revocation of such licenses.

8 (2) The Director shall review and investigate each application for a
9 transportation network company license and shall reject any application

10 that is not properly filed or is incomplete or untrue in whole or in part, or
11 which fails in any way to meet the requirements of subsection (3) of this
12 section.

13 (3) No transportation network company license shall be issued to an applicant
14 or renewed unless the applicant has performed the following:

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

18 b. Paid the initial or renewal application fee.

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

21 1. Neither the applicant, nor any officer, director, or partner of
22 the applicant, nor any stockholder owning, holding,
23 controlling, or having a beneficial interest in twenty-five
24 percent (25%) or more of the issued and outstanding stock

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1 of a corporate applicant or of a corporate general partner of
2 a partnership applicant, has a currently suspended license,
3 has had its license revoked by action of the Director within
4 two (2) years of the date of application, or has outstanding
5 and unsatisfied civil penalties imposed on account of
6 violations of this Chapter.

7 2. Neither the applicant, nor any officer, director, or partner of
8 the applicant, nor any stockholder owning, holding,

9 ~~controlling, or having a beneficial interest in twenty-five~~

10 percent (25%) or more of the issued and outstanding stock
11 of a corporate general partner of a partnership applicant, has
12 a record of criminal conviction or convictions (conviction
13 shall mean any judicial finding of convicted, adjudication
14 withheld, or pleas of nolo contendere) that bears a
15 substantial relationship to the application for a transportation
16 network company license.

17 3. Each corporate or partnership applicant is qualified under
18 the laws of Florida to do business under the trade name or
19 names under which it has applied for a license and has a
20 place of business located in Broward County.

21 4. The applicant has no unsatisfied final civil fines or penalties
22 arising out of an administrative or enforcement action
23 brought by the Division or the County (including any cease
24 and desist orders or assurances of voluntary compliance

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1 issued by the Division or the County) or another
2 governmental agency based upon conduct involving a
3 violation of the regulations provided herein or other laws or
4 regulations relating to providing for-hire ground
5 transportation services.

6 5. No fraudulent or willful or knowing misrepresentation or false
7 statement was made in the application.

8 6. The applicant has applied for or obtained a permit for each
9 vehicle to be operated under the applicant's transportation

10 network company license, as provided in this Chapter, and
11 has ensured that all such vehicles have passed all required
12 vehicle inspections.

13 (4) Each transportation network company license shall be on a form
14 prescribed by the Division and shall be signed by the Director. Each
15 transportation network company license shall contain, at a minimum, the
16 name and address of the applicant, the dates the license remains in effect
17 unless suspended or revoked, and a statement of such additional terms
18 and conditions, restrictions, and limitations as were authorized in the
19 application and approval process.

20 (5) All initial transportation network company licenses and permits shall be
21 effective from their date of issuance until June 30 of each year.
22 Subsequent transportation network company licenses and permits shall be
23 effective beginning on July 1 and ending on June 30 of each year.

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- 1 (6) Prior to the expiration of the initial transportation network company license
2 or expiration of the annual license, whichever is the case, an applicant
3 may apply for an annual transportation network company license. As a
4 part of the renewal process, the original application shall be updated and
5 verified by the applicant on forms prescribed by the Division. Each
6 updated renewal application shall be submitted no less than thirty (30)
7 days prior to expiration of the current initial or annual license and shall be
8 accompanied by a fee, which shall be established by resolution of the
9 Commission. All renewal application fees shall be deposited with original
10 application fees and other charges and fees under this Chapter in a
11 separate Broward County fund and shall be used exclusively to
12 accomplish the purposes of this Chapter. All annual transportation
13 network company licenses that are not renewed shall automatically expire
14 on June 30 of each year and all transportation network company services
15 shall cease immediately. The Director may deny an updated renewal
16 application that is not properly filed, is incomplete, is untrue in whole or in
17 part, is unaccompanied by the required fee, or results in a determination
18 by the Director that the applicant has failed to satisfy the requirements of
19 this section.
- 20 (7) License holders shall have a grace period of up to thirty (30) days after
21 expiration of their license in which to renew same, provided, however, that
22 all operations shall cease on the date of license expiration and the license
23 holder shall also pay a late fee over and above the annual license fee. All
24 transportation network company licenses which have not been renewed

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on or before thirty (30) days after their expiration shall automatically be deemed revoked.

(8) 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.

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

(d) *Transportation network company vehicle permits.* After an applicant has secured a transportation network company license and before any transportation network company vehicle shall be operated under the authority of such license, the transportation network company shall ensure that each such vehicle is inspected pursuant to Section 22½-9B and that proof of inspection for each such vehicle has been submitted to the Division in the form required by the Division. The transportation network company license holder shall also ensure that each vehicle operating under its license complies with the insurance requirements of state law and has passed a vehicle inspection indicating that the vehicle meets the minimum vehicle standards in Section 22½-9B. The Division shall issue to the license holder a permit for each transportation network company vehicle provided that the license holder or transportation network company driver has submitted an inspection form indicating that the vehicle has met the requirements of Section 22½-9B.

(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

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1 application may, within ten (10) days after the denial, appeal in writing to
2 the Division. Within thirty (30) days after receipt of an appeal, the Division
3 shall schedule a hearing, which shall be held within sixty (60) days after
4 the date on which the appeal was received unless the parties agree to
5 extend the hearing date. The dissatisfied or aggrieved person shall be
6 provided with a notice of hearing, which shall include:

- 7 a. A statement of the time and place for hearing; and
8 b. A reference to the facts upon which the denial was based and
9 relevant section of the Broward County ordinances or regulations.

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

17 (f) *Vehicles authorized to operate under a transportation network company*
18 *license.*

19 There shall be no limit to the number of vehicles authorized to operate under a
20 transportation network company license.

21 (g) *Rules of Operation.* Transportation network company license holders
22 shall abide by all rules and regulations applicable to transportation network company
23 license holders and shall be subject to the enforcement provisions contained in this

24 Chapter and Chapter 8½ of the Broward County Code of Ordinances. Transportation

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1 network company license holders and their agents shall comply with the following
2 regulations:

3 (1) Comply with applicable federal law, Florida law, and ordinances, rules,
4 and regulations of the County applicable to the operation of transportation
5 network company vehicles.

6 (2) Immediately report any change of address.

7 (3) Maintain all records pertaining to the services provided by each
8 transportation network company vehicle operating in the County for one

9 ~~(1) year and make same available for inspection during the regular~~

10 business hours of the transportation network company. When requested
11 by the Division, the transportation network company license holder shall
12 electronically provide copies of the records.

13 (4) Not allow or permit any person to operate a transportation network
14 company vehicle who does not meet the requirements set out in this
15 Chapter.

16 (5) Not allow or permit any person to operate a transportation network
17 company vehicle without current, valid, and sufficient insurance coverage
18 as required in Florida law.

19 (6) Obtain an operating permit for each transportation network company
20 vehicle operated pursuant to authority of the transportation network
21 company license and pay all application and vehicle inspection fees.

22 (7) Not allow or permit any chauffeur or other person to operate any
23 transportation network company vehicle without that vehicle's current valid

24 operating permit being displayed therein.

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- 1 (8) Not allow or permit any person to operate a transportation network
2 company vehicle who is not a chauffeur registered in accordance with this
3 Chapter.
- 4 (9) Ensure that all transportation network company vehicles to be placed into
5 service and all vehicles taken out of service have been registered and
6 inspected by the Division.
- 7 (10) Not allow or permit anyone to drive any transportation network company
8 vehicle unless the brakes, steering mechanism, tires, horn, windshield
9 wipers, side and rearview mirrors, and all lighting devices are in good
10 working order and the vehicle meets all other applicable vehicle standards
11 as set forth in this Chapter.
- 12 (11) Not allow or permit any person to operate a transportation network
13 company vehicle while his or her ability or alertness is so impaired or so
14 likely to become impaired through fatigue, illness, or any other cause, as
15 to make it unsafe for the chauffeur to begin or continue to drive the
16 vehicle.
- 17 (12) Not allow or permit any person operating a transportation network
18 company vehicle to refuse or neglect to transport to or from any place in
19 the county, any orderly person requesting service.
- 20 (13) Ensure that every deaf or hard of hearing person, totally or partially blind
21 person, or physically disabled person riding in a transportation network
22 company vehicle be permitted to be accompanied by a service animal
23 specially trained for the purpose without being required to pay an extra
24 charge for the service animal.

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- 1 (14) Adopt and require all transportation network company drivers to display
2 consistent trade marking (i.e., distinctive signage or display on the vehicle)
3 that is sufficiently large and color contrasted as to be readable during
4 daylight hours at a distance of at least fifty (50) feet when providing
5 transportation network company services.
- 6 (15) Ensure that no transportation network company vehicle or driver utilizes
7 any areas designated solely for use by taxicabs.
- 8 (16) Ensure that no transportation network company driver solicits or picks up
9 ~~passengers other than by prearrangement through the transportation~~
10 ~~network company.~~
- 11 (17) Ensure that no transportation network company driver accepts street hails.
- 12 (18) Not allow or permit any transportation network company vehicle to display
13 the word(s) "taxicab," "taxi," or "cab" on the exterior or interior of the
14 vehicle.
- 15 (19) Ensure that the digital platform used by a transportation network company
16 to connect transportation network company drivers and passengers
17 displays the name of the transportation network company driver and a
18 picture of the transportation network company vehicle, including the
19 license plate number to identify the vehicle.
- 20 (20) Implement a zero tolerance policy on the use of drugs or alcohol while a
21 transportation network company driver provides transportation network
22 company services. Each transportation network company license holder
23 shall provide notice of the zero tolerance policy on its website, as well as a
24 complaint telephone number and e-mail address, and procedures to report

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1 a complaint about a transportation network company driver who is
2 suspected of being under the influence of drugs or alcohol while providing
3 transportation network company services.

4 (21) Upon completion of a trip, transmit an electronic receipt to the passenger's
5 e-mail address or mobile application documenting the date of the trip, the
6 origination of the trip, the name of the transportation network company
7 chauffeur, and a description of the total amount paid, if any.

8 (22) Maintain a physical office in Broward County, Florida, that is open to the
9 public, at minimum, from 9:00 a.m. to 5:00 p.m. on weekdays.

10 (23) Maintain a website that provides a customer service telephone number
11 and e-mail address at which a representative from the transportation
12 network company may be reached twenty-four (24) hours per day, seven
13 (7) days per week.

14 (h) *Responsibility for violations of Chapter.* The holder of a transportation
15 network company license shall be held responsible for any violation of this article arising
16 from the operation of any transportation network company vehicle authorized under the
17 holder's transportation network company license and shall be subject to the penalties
18 provided in this Chapter for any such violation. In addition, the holder's license shall be
19 subject to suspension or revocation for any such violation. Charges against or penalties
20 imposed on a transportation network driver for the same or related violations shall not
21 relieve the transportation network company license holder of responsibility under this
22 Chapter.

23 (i) The fee for a transportation network company license shall be determined
24 by a resolution adopted by the Commission.

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1 (j) *Transfers.* No transportation network company license may be sold,
2 leased, assigned, mortgaged, or otherwise transferred by a holder of a transportation
3 network company license. For the purposes of this section, a transfer includes a
4 change of control of the transportation network company license holder through a sale
5 of more than 50% of a transportation network company license holder's stock or a sale
6 of substantially all the assets of a transportation network company license holder.

7 (k) *Transportation network company drivers.* It shall be unlawful for any
8 person to drive a transportation network company vehicle or to otherwise provide motor
9 ~~carrier services over any street in Broward County without first having obtained a~~
10 chauffeur's registration from the Division pursuant to Section 22½-8 of this Chapter.

11 (l) *Antidiscrimination.*

12 (1) No transportation network company or transportation network company
13 driver shall refuse or neglect to provide transportation network company
14 services to any orderly person requesting such services and able and
15 willing to pay for such services, on account of that person's race, sex,
16 religion, national origin, age, marital status, sexual orientation, gender
17 identity or expression, pregnancy, disability, color, or political affiliation.

18 (2) Transportation network companies shall adopt a policy of
19 nondiscrimination on the basis of a person's race, sex, religion, national
20 origin, age, marital status, sexual orientation, gender identity or
21 expression, pregnancy, disability, color, or political affiliation, and shall
22 notify transportation network company drivers of such policy.

23 (3) ~~Transportation network companies and transportation network company~~
24 ~~drivers shall not charge a higher fare or additional fee to a person who is~~

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1 disabled based on the person's disability or use of a support animal,
2 wheelchair, or other mobility assistance device. Transportation network
3 companies shall provide passengers an opportunity to indicate whether
4 they require a wheelchair-accessible vehicle. If a transportation network
5 company cannot arrange wheelchair-accessible services, it shall direct the
6 passenger to an alternate provider of wheelchair-accessible services.

7 (m) *Fares and rates.* Transportation network companies may charge fares or
8 rates for transportation services based on distance travelled or time elapsed during
9 ~~service, a flat prearranged fare, or a suggested donation, except that the Commission~~

10 may by resolution establish rates for transportation network company services
11 originating from Port Everglades or Fort Lauderdale-Hollywood International Airport. It
12 shall be unlawful for any transportation network company or transportation network
13 company driver to charge, demand, request, or accept any fare different from the rates
14 established pursuant to this Chapter.

15 (n) *Insurance requirements.*

16 (1) All transportation network companies shall comply with all the insurance
17 provisions of state law.

18 (2) No transportation network company vehicle shall be permitted to operate
19 without the transportation network company or driver providing motor
20 carrier services having first obtained and filed with the Division a certificate
21 of insurance for each transportation network company vehicle showing
22 compliance with the insurance requirements of state law and providing the
23 names of each transportation network company driver who will operate the
24 vehicle, the federal vehicle identification number, a vehicle description,

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1 and the transportation network company license number. Failure to
2 provide current certificates of insurance or to maintain appropriate
3 insurance coverage shall be grounds for revocation of a transportation
4 network company license.

- 5 (3) The Division reserves the right to require submission of a certified copy of
6 or to examine the original policies of insurance including, but not limited to,
7 endorsements, amendments, exclusions, riders, any additional contracts
8 between the insured and the insurer, and applications to confirm the
9 existence of the required insured coverage.

10 (o) *Vehicle Standards and Inspections.* It is the responsibility of both the
11 transportation network company and the transportation network company driver to
12 ensure that each transportation network company vehicle operated hereunder meets
13 the applicable Federal Motor Vehicle Safety requirements in 49 C.F.R., Part 571,
14 Florida Statutes, and Section 22½-9B of this Chapter. Each transportation network
15 company and transportation network company driver shall cooperate with the Division to
16 ensure that each transportation network company vehicle is inspected pursuant to
17 Section 22½-9B of this Chapter.

18 Section 6. Section 22½-13 of the Broward County Code of Ordinances,
19 "Suspension; revocation; forfeiture; penalties," is hereby amended to read as follows:

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

23 ...

24
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1 (5) Transportation network company license: Upon notice and hearing, when
2 it shall appear that:

3 a. The license was obtained by an application in which any material
4 fact was erroneously or falsely stated or intentionally omitted; or

5 b. The licensee has failed to comply with or has willfully violated any
6 of the provisions of this Chapter; or

7 c. The licensee has intentionally permitted transportation network
8 company vehicles to be operated, or transportation network
9 company drivers to operate, in violation of any law or regulation.

10 (b) Certificates, Ppermits, Rregistrations or, Jjitney Llicenses, or
11 transportation network company licenses may be suspended, revoked, or forfeited prior
12 to hearing when it appears based on determination of the Director that:

13 ...

14 (3) A permitted vehicle is not presented or has not passed its required
15 semi-annual periodic inspection by the deadline pursuant to this Chapter
16 or Subsection 37.5(g) of the Broward County Administrative Code; or

17 ...

18 Section 7. SEVERABILITY.

19 If any portion of this Ordinance is determined by any Court to be invalid, the
20 invalid portion shall be stricken, and such striking shall not affect the validity of the
21 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
22 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
23 or circumstance(s), such determination shall not affect the applicability hereof to any
24 other individual, group, entity, property, or circumstance.

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1 Section 8. INCLUSION IN CODE.

2 It is the intention of the Board of County Commissioners that the provisions of
3 this Ordinance shall become and be made a part of the Broward County Code; and that
4 the sections of this Ordinance may be renumbered or relettered and the word
5 "ordinance" may be changed to "section," "article," or such other appropriate word or
6 phrase in order to accomplish such intentions.

7 Section 9. EFFECTIVE DATE.

8 This Ordinance shall become effective as provided by law.

9
10 ENACTED April 28, 2015

11 FILED WITH THE DEPARTMENT OF STATE May 4, 2015

12 EFFECTIVE May 4, 2015

13
14 Approved as to form and legal sufficiency:
15 Joni Armstrong Coffey, County Attorney

16 By /s/Annika E. Ashton 05/04/15
17 Annika E. Ashton (date)
18 Assistant County Attorney

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23 AEA/hb
24 05/04/15
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