

**LEE COUNTY ORDINANCE NO. 15-05**

**AN ORDINANCE AMENDING AND RESTATING LEE COUNTY ORDINANCE NO. 11-25 KNOWN AS THE LEE COUNTY TAXICAB AND VEHICLE FOR HIRE ORDINANCE; PROVIDING FOR TITLE, PURPOSE AND AUTHORITY; PROVIDING FOR DEFINITIONS; PROHIBITING UNLICENSED VEHICLES FOR HIRE; PROVIDING FOR CERTIFICATE APPLICATION AND DRIVER IDENTIFICATION CARD, RENEWAL, AND REVOCATION; REQUIRING DISPLAY OF STICKERS; PROVIDING FOR TRANSFERABILITY OF CERTIFICATE; PROVIDING FOR MINIMUM INSURANCE REQUIREMENTS AND PENALTIES; PROVIDING FOR AREAS OF ENFORCEMENT AND MEANS OF ENFORCEMENT; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR SEVERABILITY, CONFLICTS OF LAW, INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Lee County, Florida is the governing body in and for Lee County, Florida; and

**WHEREAS**, the Board of County Commissioners of Lee County, Florida has the authority under Section 125.01, Florida Statutes, to create fees and to regulate businesses within its jurisdiction; and

**WHEREAS**, the Board of County Commissioners of Lee County, Florida is further authorized to license passenger vehicles for hire that operate in the unincorporated areas of Lee County under Section 125.01(1)(n) Florida Statutes, and;

**WHEREAS**, the Board of County Commissioners of Lee County, Florida, previously adopted Ordinance 11-25 on October 11, 2011, regulating taxicab and livery companies; and

**WHEREAS**, it is in the intent of the Board of County Commissioners to ensure the public's safety and welfare by establishing certain regulations pertaining to taxicabs, other vehicles for hire and transportation network companies; and

**WHEREAS**, the manner, mode, type and degree of how taxicab vehicle for hire, and transportation network companies are used directly affects the health, safety, and welfare of the public and a uniform system of regulation is necessary to protect the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT:**

Lee County Ordinance No. 11-25 is hereby amended and restated as follows with strike-through identifying deleted text and underlining identifying added text.

**SECTION ONE:**

**TITLE**

Lee County Ordinance No. 11-25 is hereby repealed in its entirety and replaced with the provisions of this Ordinance. This Ordinance is to be known and may be cited as the "Lee County Taxicab and Livery Vehicle for Hire Ordinance."

**SECTION TWO:**

**PURPOSE AND AUTHORITY**

A. The purpose of this Ordinance shall be to regulate taxicab transportation network, and livery companies other vehicle for hire companies in order to promote safety on the roads of Lee County and to ensure the protection to of our citizens and visitors.

B. In order to prevent fraudulent transactions, this Ordinance prohibits unlicensed taxicab, vehicle for hire, and transportation network and livery companies from taking customers as a vehicle for hire.

C. The County does hereby declare that the public health, safety, and welfare of the visitors and citizens of the County and others require regulation of taxicab companies, transportation network companies, and liveries, as well as and other vehicles for hire.

D. The County is hereby authorized to regulate all companies with vehicles for hire or providing access to vehicles for hire in the interest of safety, thus requiring certain conditions for those operating such companies.

**SECTION THREE: DEFINITIONS**

For purposes of this Ordinance, the following terms, phrases, words, and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely discretionary.

A. "Applicant" means an individual, firm, corporation, partnership, company, association, joint venture, or any other type of organization enterprise applying for a certificate to operate.

B. "Certificate" means a Lee County certificate to operate that grants written authority under this Ordinance to an applicant to operate a taxicab company, motor vehicle for hire, a Transportation Network Company, or other vehicle for hire operating as an independent contractor company within Lee County. A separate certificate shall be required for each business entity operating as a public vehicle for hire any such company or any operator of a vehicle for hire that is an independent contractor to the company company.

C. "Charter Service" means any chauffeur-driven vehicle that is engaged in prearranged transportation and the rates for such transportation are based upon a

predetermined hourly, daily, weekly, monthly, or door-to-door price. Charter service vehicles shall include, but not be limited to, the following four classifications:

1. "Sedan" means a four-door, full-sized automobile capable of seating not more than five passengers, exclusive of the driver.
2. "Limousine" means a luxurious, large passenger vehicle, built or modified for use as a luxury limousine (e.g., formal or extended limousine) capable of seating not more than fourteen passengers, exclusive of the driver.
3. "Van" means a passenger vehicle recognized as either a minivan or a full size passenger van capable of seating not more than fourteen passengers, exclusive of the driver.
4. "Handicap Vehicle" means a vehicle designed, constructed, reconstructed, or operated for the transportation of persons with non-emergency conditions where no medical assistance is needed or anticipated in route; or for persons who are unable to comfortably use a standard means of conveyance; or for persons who cannot enter, occupy or exit a vehicle without extensive assistance; or where specialized equipment is used for wheelchair or stretcher service; and where the chauffeur serves as both a chauffeur and attendant to assist in door-to-door or bed-to-bed service. No emergency equipment other than a fire extinguisher and first aid kit may be carried. The use of the word "ambulance" may not be used and no representations may be made that any medical service is available. The word "non-emergency" must be prominently displayed on the outside of the vehicle.

D. "County" means ~~the designee of the Lee County Manager or designee~~, except where the context logically prohibits such inclusion.

E. "Driver" means any person possessing a valid driver's license (that authorizes all respective driving privileges) and who is then employed ~~or permitted as an employee or engaged as an independent contractor~~ by a certificate holder, and permitted by the Lee County Tax Collector, to drive or operate a permitted vehicle for hire upon the streets of the Lee County.

F. "Manager" means any person responsible for the day-to-day operation of the certificate holder.

G. "Motor vehicle for hire" means any motorized, self-propelled vehicle engaged in the transportation of persons upon the streets of the County with the intent to receive compensation for providing such transportation and shall include, but not be limited to, the classifications: taxicab, vehicles operating within a Transportation Network Company, —and charter service vehicles.

H. "Owner" means any individual, firm, corporation, partnership, company, association, joint venture, or any other type of organization enterprise owning a ten percent or greater interest in ~~an—the enterprise applying~~ applicant for a certificate to operate a taxicab,

transportation network and/or a vehicle for hire company, or owner of a vehicle operating within a Transportation Network Company. and/or a vehicle for hire company.

I. "Pick-up" means whenever a passenger/customer sits in a vehicle for hire for the purpose of being transported for a fee except successive picking-up of the same passenger during a continuous trip when the passenger departs the vehicle for a short time and the vehicle and driver wait at that location and the passenger returns and continues the trip.

J. "Taxicab" means a motor vehicle designed to accommodate not more than eight passengers, exclusive of the driver, operated for compensation at rates based upon the distance traveled and authorized by this Ordinance, and the route or destination of which is controlled by the passengers therein.

K. "Transportation Network Company" means an organization, in whatever form, that provides ground transportation services to customers using a computerized on-line enabled application ("app"), website or platform to connect passenger(s) with drivers who are using personal, non-commercial vehicles. All vehicles operating for a Transportation Network Company shall be considered motor vehicles for hire but shall not be considered taxicabs. The term is synonymous with "Ride Booking or Ride Share Referral Company."

~~KL.~~ "Vehicle for hire company" means any individual or entity holding a Lee County certificate to operate and which holds permits for one or more vehicles for hire, under one or more categories of vehicles for hire, and either provides leased vehicles to drivers to be used or operated as vehicles for hire, ~~or~~ which operates a central dispatch for one or more vehicles for hire, or operates as a Transportation Network Company providing customer access to vehicles for hire.

~~LM.~~ "Sticker" means ~~a the~~ color coded sticker(s) issued annually to the current certificate holder authorizing the holder to operate for hire the motor vehicle to which the sticker is ~~stickers are~~ affixed. ~~The One permit sticker is affixed to the right passenger side inside bottom corner of the front rear windshieldwindow glass. A certificate of vehicle permit shall accompany each sticker issued and shall identify the permitted vehicle and the second permit sticker shall be displayed on the driver's side inside bottom corner of the front windshield glass.~~ A legible copy of the certificate of vehicle permit shall be placed and remain in its assigned/permitted vehicle at all times until expiration of the stickers. Stickers are not required to be displayed in a charter service vehicle operating as a limousine.

~~MN.~~ "Driver Identification Card" means the Lee County Tax Collector issued photo identification card provided to a driver, ~~following the submittal and review of the annual background check by the Lee County Sheriff's Office.~~

O. "Rate Card" means a card issued by the certificate holder for display in each motor vehicle for hire, which contains the rates of fare charged by the holder, unless the parties have previously agreed to a predetermined price.

P. "Abnormal Market Disruption" means an actual or imminently threatened disruption to the ground transportation market resulting from a weather emergency, failure or

shortage of electrical power or other source of energy, strike in the ground transportation industry, war, military action, or other national or local emergency.

**SECTION FOUR: UNLICENSED VEHICLE FOR HIRE PROHIBITED**

A. No person shall offer their services as a vehicle for hire within ~~the unincorporated areas of~~ Lee County, except for a business or individual that fully complies with the regulations set forth in this Ordinance.

B. No person shall conduct any vehicle for hire business within ~~the unincorporated areas of~~ Lee County, except for a business or individual holding a valid certificate that fully conforms with the terms of this Ordinance and when operating a vehicle listed under that certificate with a valid stickers.

C. Exemptions

1. Any owner or transportation provider which has been designated as the community transportation operator as defined in Section 427.011, Florida Statutes, is exempt from this Ordinance; provided, however, that any such vehicle that is also used as a motor vehicle for hire for other than exempted uses as specified herein shall require a certificate for such non-exempt use(s).

2. ~~Exempt from this Ordinance are:~~ Vehicles operated by a governmental agency; companies or organizations owning vehicles exclusively used for transportation of the employees or members of said company or organization; vehicles seating more than 14 passengers; and transportation activities licensed by the Interstate Commerce Commission so long as such vehicles are engaged solely in interstate commerce.

3. ~~Discharge of passengers~~Vehicles discharging passengers within Lee County who were picked up in another county ~~is permitted~~ provided that the vehicle and operator were authorized by said County to pick up the respective passenger(s) in the originating county and location of pick-up.

4. Any company ~~with an equivalent~~providing on-demand taxicab service at the Southwest Florida International Airport under an On-Demand Taxicab Concession Agreement with the Lee County Port Authority ~~taxicab license that is license that is valid in Fort Myers, Cape Coral, or the Lee County Port Authority (Demand Taxicab Agreement) is~~ will be exempt from needing a Lee County ~~license certificate~~ to operate vehicles permitted under that Agreement. Those companies must obtain a valid Lee County certificate to operate any other vehicles for hire business within ~~the unincorporated areas of~~ Lee County.

5. Any driver ~~with a valid Fort Myers, Cape Coral, or for an On-Demand Taxicab Concessionaire under contract with the Lee County Port Authority (Demand Taxicab Agreement)~~ identification card is exempt from needing must obtain a Lee

County Tax Collector Drivers Identification Card to operate any vehicle for hire under the Concession Agreement ~~within the unincorporated areas of Lee County.~~

6. Sight-seeing cars or buses.

**SECTION FIVE:**                      **CERTIFICATE APPLICATION; DRIVER IDENTIFICATION CARDS; FEES**  
**APPLICATION FOR CERTIFICATE AND DRIVER IDENTIFICATION CARD**

A. Every application for a certificate to operate must be on the prescribed form signed and verified by the applicant and filed with the Lee County Tax Collector, together with the application fee. The Lee County Tax Collector is empowered to issue certificates of operations to applicants meeting all applicable standards and requirements. The Lee County Tax Collector may promulgate processes and procedures applicable to the issuance and revocation of a certificate to operate. ~~An application for obtaining a certificate pursuant to this Ordinance shall be made to the County on a form provided by the County.~~

B. Information to be provided by the applicant company or independent contractor shall include, at a minimum:

1. Business location.
  - a. The street address from which the business will be operated;
  - b. If the applicant is not the owner of the property from which the business will be operated, the applicant shall submit a notarized letter of authorization from the owner of the property to the applicant.
2. Ownership information.
  - a. Business owner's name, home address, local address if different than home address, telephone number;
  - b. Manager's name, home address, local address if different than home address, telephone number;
  - c. Mailing address at which notice of any county information pertinent to any business shall be considered received and binding upon the applicant or license holder, on the fifth day after first class mail is posted to said address;
  - d. Such further information as the County Manager, Tax Collector, or designee may require.
3. Proof of insurance.

\_\_\_\_\_ Proof of insurance required by Section ~~Fourteen~~ Eleven.

4. Certificate Fee.

Payment of an ~~annual~~initial certificate fee of \$30.00 ~~and an annual renewal fee of \$30.00~~, and additional fees as are necessary, for Lee County Tax Collector administrative processing costs as documented and amended from time to time in the Lee County Tax Collector Application packet~~as documented and amended from time to time in the Lee County External Fees Manual~~ and payment of the Lee County Local Business Tax pursuant to Lee County Ordinance ~~11-25, 11-2507-02~~ or as amended, renumbered or replaced ~~as amended from time to time~~.

C. Driver Standards.

1. Each driver of a motor vehicle for hire must hold a current and valid driver's license in said driver's name issued by the State of Florida, or by any other state in the United States (if the driver operates a vehicle for hire in more than one state). The respective driver's license must authorize all types of driving being conducted by the respective driver.

2. Each driver for a certificate holder or for a company providing on-demand taxicab service under a concession agreement with the Lee County Port Authority will be required to have a certified criminal background check performed by the Florida Department of Law Enforcement. An updated background check for each driver will be required every three (3) years. The driver or certificate holder is responsible for the costs associated with the screening. Every certificate holder shall be responsible for ensuring that each of their drivers have a background check. Drivers will submit fingerprints to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a state and national criminal history check. Drivers will have their criminal history screened using the assigned Lee County originating agency identifier (ORI number). Any driver that who has been found guilty, or convicted, or had adjudication withheld for any of the following crimes may be denied a driver identification certificate~~card~~, and not permitted to operate a motor vehicle for hire:

- a. Murder, attempted murder, attempted felony murder, manslaughter, armed robbery, assault with a deadly weapon, aggravated battery, aggravated assault;
- b. Kidnapping, attempted kidnapping, or false imprisonment;
- c. Carjacking, attempted carjacking, home invasion, attempted home invasion;
- b.d. Any crime involving the sale or possession of any controlled substance as defined by Section 893.03, Florida Statutes, within the past five years;

- ee. The Florida RICO Act, currently Sections 895.01 through 895.06, Florida Statutes;
- ef. Driving while ~~intoxicated or~~ under the influence of alcohol or drugs or any other alcohol or drug related offense within the past five years;
- eg. DUI manslaughter or vehicular manslaughter;
- fh. Reckless driving within the past three years;
- gj. Exposure of the sexual organs or any crime defined under Chapter 796, Florida Statutes, pertaining to prostitution;
- hj. Any person who is required by law to register as a sexual offender/sexual predator, career offender or convicted felon pursuant to Sections 775.13, 775.21, 775.261, 943.0435 or 944.607, Florida Statutes.
- k. Any offense committed in another jurisdiction that would be an offense listed in this paragraph if that offense had been committed in the State of Florida.

If at any time it is determined that the driver has been convicted of any of the aforesaid crimes, the certificate holder shall not permit the driver to operate any permitted vehicle under his authority in Lee County. The certificate holder shall maintain a permanent registry containing information on the identity of each driver permitted to operate a permitted vehicle under his authority. Said permanent registry shall be available for inspection and/or copying by the County Tax Collector during the certificate holder's regular business hours.

Applicants who misrepresent information provided under this section shall not be issued an identification card ~~a certificate~~, or if issued, may suffer suspension or a revocation of the ~~certificate~~ identification card.

3. ~~Each driver will annually submit a current passport size picture photo with the Lee County Sheriff's Office. Once notified by the Lee County Sheriff's Office of the applicant driver's background check approval (issued within six weeks) to the County, Upon review and acceptance of the background report, the Lee County Tax Collector will take a photo of the driver and issue the Driver Identification Card to the driver, and in the case of a renewal, update the Lee County Tax Collector database to reflect that a recent background check approval has been provided. The processing fee charges for this service will be \$527.00 initially and \$15.00 for renewals, in accordance with and/or modified by the Lee County External Fee Manual. The driver operating an authorized vehicle for hire will display their driver identification card in clear view for passengers, and readily available to provide for review to any authorized enforcer of this~~



Ordinance. The Driver Identification Card can be issued at any time throughout the year and will be valid for ~~one~~one (1) year.

4. The Lee County Tax Collector is empowered to issue Driver Identification Cards to applicants meeting all applicable standards and requirements. The Lee County Tax Collector may promulgate administrative processes and procedures applicable to the issuance and revocation of a Driver Identification Card.

5. The Lee County Tax Collector will maintain a permanent database containing information on the identity of each driver permitted to operate a permitted vehicle in Lee County with a photo of said driver. This permanent database will be accessible to all Lee County government officials, municipality officials, and law enforcement agencies.

D. Vehicle Standards

1. Every certificate holder shall be responsible for ensuring that each of their vehicles has an ASE certified inspection performed at the time of initial application to the Lee County Tax Collector and every three (3) years thereafter.

42. All vehicles used as a vehicle for hire will be required to pass an on-site visual inspection and are subject to random visual inspections completed by the Lee County Sheriff's Tax Collector's Office. The fee for a visual vehicle inspection and renewal sticker is \$10.00. The inspection shall include the following:

- a. Working lights; head lamps, tail lights, turn signals. Brake lights, and emergency flashers;
- b. Properly operating doors, locks, windows, and seat belts;
- c. Tires must have the legal minimum tread depth;
- d. Acceptable rear view and side view mirrors;
- e. Any additional requirements as set forth in Section 316.2399, Florida Statutes.

23. All ~~vehiclestaxicabs~~, when operating as a ~~taxicab~~, will be required to display the company name on each side of the vehicle with a minimum letter height of four inches. All vehicle signage must be permanent.

4. All taxicabs must be numbered within the company fleet with records accessible to the County and law enforcement.

5. All vehicles for hire operating in a Transportation Network Company shall display consistent and distinctive trade dress consisting of a logo, insignia,

emblem or name of the Transportation Network Company in the right rear passenger window at all times.

6. All taxicabs will be required to install and maintain trip tracking software with records accessible to the County and all law enforcement.

37. Any company with a taxicab license that is valid in ~~at Fort Myers, Cape Coral, or the Lee County Port Authority~~ (under an On-Demand Taxicab Concession Agreement) is exempt from the vehicle inspection in this section.

#### **SECTION SIX: ANNUAL CERTIFICATION**

Certificates, vehicle permits, vehicle stickers, and Driver ID cards shall be issued on an annual basis coinciding with the County's fiscal year, October 1, through September 30.

#### **SECTION SEVEN: RENEWAL AND REVOCATION OF CERTIFICATE**

A. Upon application, the Lee County Tax Collector may renew the certificate of any applicant who:

1. Holds a valid certificate; and
2. Has provided the Lee County Tax Collector with new or updated information, documents, and fees listed in Section Five; and
3. Pays a late processing fee in addition to the fees in Section Five, of \$25.00 for any renewal application filed after October 1.

B. The Lee County Tax Collector may revoke or deny a certificate for cause, such as if an applicant has given the Lee County Tax Collector false or misleading information in their application.

1. The Lee County Tax Collector will notify the applicant in writing of the revocation or denial and state the reason(s) for this action.
2. Any revocation shall continue for one (1) year and the applicant may not be issued a certificate for one (1) year from the date revocation becomes effective.
3. If subsequent to the revocation, the Lee County Tax Collector finds that the basis for the revocation becomes corrected, the applicant shall be granted a certificate.
4. The Lee County Tax Collector shall inform the applicant in the revocation or denial letter of his right to appeal such decision to the Board of County Commissioners within 20 days of the written letter of the Tax Collector.
5. The Board of County Commissioners shall hear any appeal within 60 days of receipt of the letter from the applicant requesting an appeal.

6. The Lee County Tax Collector will update the permanent database with all final revocation or denial decisions and make all users aware of the earliest date the applicant is eligible for a certificate.

**SECTION EIGHT: RENEWAL AND REVOCATION OF DRIVER IDENTIFICATION CARD**

Driver identification cards must be re-issued annually following the process described in Section 5-C of this Ordinance. ~~The Lee County Sheriff's Office~~ Any duly authorized law enforcement officer has the authority to immediately revoke and/or remove the Driver Identification Card for any driver who has violated any part of Section 5-C of this Ordinance and shall notify the Lee County Tax Collector and the Lee County Port Authority (if applicable) of such action. The Lee County Tax Collector will notify the Owner/Certificate holder, in writing, of the driver identification card revocation.

**SECTION NINE: DISPLAY OF CERTIFICATE STICKERS**

~~Any business offering~~ All vehicles for hire shall display its vehicle permit stickers in plain view. ~~on~~ One permit sticker is affixed to the passenger side inside bottom corner of the rear window glass. A second permit sticker shall be displayed on the driver's side inside bottom corner of the front windshield glass ~~the lower right side of the front windshield~~ of each of its vehicles as further described herein. The Lee County Tax Collector will provide the amount of replacement stickers necessary by the application for a fee of \$5.00 per sticker.

**SECTION TEN: TRANSFERABILITY OF CERTIFICATE AND STICKERS**

No certificate or sticker may be sold, assigned, mortgaged, or otherwise transferred.

**SECTION ELEVEN: OPERATION OF VEHICLES FOR HIRE IN A TRANSPORTATION NETWORK COMPANY**

It shall be unlawful for vehicles for hire operating in a Transportation Network Company to accept or solicit street hails.

**SECTION TWELVE: NON-DISCRIMINATION POLICY OF MOTOR VEHICLES FOR HIRE**

A driver of any motor vehicle for hire may not refuse to accept a passenger who is disabled, or to charge a higher fare or additional fee to any person who is disabled, based on the person's disability, use of a service animal, wheelchair, crutches, or other mobility assistance device. Should exposure to a service animal cause a driver an undue health burden, the taxicab company, vehicle for hire company, or Transportation Network Company shall provide an alternate driver for the passenger with a service animal promptly. Any independent contractor operating a motor vehicle for hire must make reasonable efforts to provide an alternate driver for the passenger in an

**SECTION ELEVENTHIRTEEN: MINIMUM INSURANCE REQUIREMENTS**

A. No person shall operate a business covered under this Ordinance unless covered by a comprehensive ~~general~~ liability insurance policy insuring the public against bodily injury or property damage resulting from or incidental to the operation or use of a vehicle for hire. At a minimum, all certificate holders operating taxicabs, charter service vehicles, or vehicles for hire, other than transportation network companies or vehicles operating within transportation network companies, shall have in full force and effect motor vehicle liability insurance for each taxicab or other vehicle for hire owned by, leased to, or otherwise controlled by operating company equal to or greater than \$~~12500~~<sub>125,000</sub> for bodily injury to any one person, \$300,000 for injuries to more than one person which are sustained in the same accident, and \$100,000 for property damage sustained in one accident. ~~Said insurance shall inure to the benefit of any person who shall be injured or killed, or who shall sustain damage to property proximately caused by the negligence of the certificate holder, all drivers, his masters, servants and agents. Nothing in this section shall be construed to waive applicable state or federal laws, if any, which require a higher amount of minimum insurance.~~

B. All transportation network companies must have in full force and effect motor vehicle liability insurance for each vehicle for hire operated within its network during any time that the vehicle is operating on the network in an amount equal to or greater than \$125,000 for bodily injury to any one person, \$300,000 for injuries to more than one person which are sustained in the same accident, and \$100,000 for property damage sustained in one accident. The requirements for coverage contained in this paragraph may be satisfied by any of the following:

1. Transportation company insurance or commercial insurance maintained by the participating driver;
2. Transportation network company insurance or commercial insurance maintained by a Transportation Network Company that provides coverage in the event a participating driver's insurance under subparagraph (a) has ceased to exist or has been canceled, or the participating driver does not otherwise maintain Transportation Network Company insurance pursuant to this subdivision;
3. Any combination of subparagraph (a) and (b); and

"Transportation network company insurance" is defined as a liability insurance policy that specifically covers liabilities arising from a driver's use of a vehicle in connection with a Transportation Network Company's app, website or platform.

All transportation network companies shall disclose in writing to participating drivers, as part of its agreement with those drivers, the insurance coverage and limits of liability that the Transportation Network Company provides while the driver uses a vehicle in connection with the Transportation Network Company's app, website, or platform and that the driver's personal automobile insurance policy may not provide collision or comprehensive coverage for damage to the vehicle used by the driver while the driver is operating on the Transportation Network Company's app, website, or platform.

C. All insurance referred to in this section shall inure to the benefit of any person who shall be injured or killed, or who shall sustain damage to property proximately caused by the negligence of the certificate holder, all drivers, his/her masters, servants, and agent. Nothing in this section shall be construed to waive applicable state or federal laws, if any, which require a higher amount of minimum insurance.

D. Evidence of said coverage is subject to acceptance and approval by Lee County Risk Management Tax Collector prior to issuance of this certificate.

B-E. C. Coverage shall remain in full force during the entire time that the certificate is valid and outstanding. Failure to provide such proof shall render the certificate null and void, and of no further use and effect.

#### **SECTION TWELVEFOURTEEN: REGULATORY PENALTIES**

A. Violation of the provisions of this Ordinance, or failure to comply with any of the requirements, shall constitute a misdemeanor of the second degree. Any person who violates this Ordinance or fails to comply with any provision shall upon conviction thereof be fined or imprisoned, or both, as provided by law, and in addition, shall pay all costs and expenses in the case.

B. The Lee County Tax Collector shall have the authority to exempt persons from the terms of this Ordinance, for a period of up to 48 consecutive hours during special programs. No person shall receive more than one such exemption for any 48 hour period.

#### **SECTION THIRTEENFIFTEEN: AREA OF ENFORCEMENT**

The area of enforcement of this ~~provision~~ ordinance shall include all of the areas located within the ~~unincorporated area of~~ Lee County, except if under the jurisdiction of the Lee County Port Authority. Any vehicles operating at Southwest Florida International Airport or at Page Field Airport are required to obtain the applicable Lee County Port Authority permits, as well as comply with any other requirements as deemed necessary by the Lee County Port Authority.

**SECTION FOURTEENSIXTEEN: MEANS OF ENFORCEMENT**

The provisions of this ordinance shall be enforced by members of all duly authorized law enforcement agencies including the Tax Collector within Lee County.

**SECTION SEVENTEEN: AUTHORITY TO PROMULGATE RULES AND**  
**REGULATIONS**

The County, City, Town and/or Village Manager of any municipality located within Lee County shall have authority to promulgate reasonable rules and regulations to enforce the provisions of this Ordinance within their respective municipalities and at times convene for the purpose of establishing an Administrative Hearing Board to determine if certificate holders and/or drivers have violated provisions of this Ordinance within the limits of the municipality warranting sanctions that were not witnessed by law enforcement agents.

**SECTION EIGHTEEN: MODIFICATION**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

**SECTION NINETEENFIFTEEN: SEVERABILITY**

A. The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this Ordinance shall be held unconstitutional by any Court of competent jurisdiction, the decision of such Court shall not affect or impair any remaining provisions of this ordinance.

A-B. It is hereby declared to be the legislative intent that this Ordinance would be adopted had such unconstitutional provision not been included therein.

**SECTION SIXTEENTWENTY: CONFLICTS OF LAW**

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted Lee County ordinance or Florida Statute, the more restrictive shall apply.

**SECTION SEVENTEENTWENTY-ONE: CODIFICATION, INCLUSION IN**  
**CODE AND SCRIVENER'S**  
**ERRORS**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lee County Code; and that sections of this

Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Manager, or the County Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Clerk of Circuit Court.

**SECTION EIGHTEENTWENTY-TWO:**

**EFFECTIVE DATE**

This Ordinance, if adopted by the Board, shall take effect ~~immediately~~ August 1, 2015, upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner Pendergrass made a motion to adopt the foregoing ordinance, seconded by Commissioner Manning. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 17<sup>th</sup> day of March, 2015.

ATTEST:  
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *Theresa King*  
Deputy Clerk

BY: *Brian Hamman*  
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE  
RELINCE OF LEE COUNTY ONLY

By: *Andrea L. Pusek*  
Office of the County Attorney



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

March 19, 2015

Honorable Linda Doggett  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attention: Theresa King

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 15-05, which was filed in this office on March 19, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

RECEIVED  
MINUTES OFFICE  
2015 MAR 23 AM 11:08