

ORDINANCE

17-22

ORDINANCE NO. 17- 22

AN ORDINANCE CREATING HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS CHAPTER 10, ARTICLE XVI; PROVIDING FOR THE REGULATION OF VEHICLES FOR HIRE INCLUDING TAXICABS, LIMOUSINES, HANDICABS AND VANS; PROVIDING A TITLE; PROVIDING A PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE POWERS AND DUTIES OF THE AGENCY UNDER THIS ORDINANCE; PROVIDING FOR THE POWERS AND DUTIES OF THE DEPARTMENT UNDER THIS ORDINANCE; PROVIDING FOR CERTIFICATE REQUIREMENTS; PROVIDING FOR VEHICLE PERMIT REQUIREMENTS; PROVIDING FOR A LIMIT ON TOTAL NUMBER OF PERMITS FOR TAXICABS; PROVIDING FOR PUBLIC VEHICLE DRIVER'S LICENSE REQUIREMENTS; PROVIDING FOR CERTIFICATION, PERMIT AND PUBLIC VEHICLE DRIVER'S LICENSE RENEWAL REQUIREMENTS; PROVIDING FOR ADDITIONAL CERTIFICATE, PERMIT AND PUBLIC VEHICLE DRIVER'S LICENSE RELATED REQUIREMENTS; PROVIDING FOR RATES; PROVIDING FOR GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATES AND PERMITS; PROVIDING FOR GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF PUBLIC VEHICLE DRIVER'S LICENSES; PROVIDING FOR DUE PROCESS IN THE EVENT OF DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATES, PERMITS AND PUBLIC VEHICLE DRIVER'S LICENSES; PROVIDING FOR PROHIBITED CONDUCT; PROVIDING FOR FILING OF COMPLAINTS; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; PROVIDING FOR APPOINTMENT OF HEARING OFFICERS; PROVIDING FOR HEARINGS; PROVIDING FOR APPEALS; PROVIDING FOR SERVICE OF NOTICE; PROVIDING FOR OTHER RIGHTS AND REMEDIES; PROVIDING FOR APPLICABILITY; PROVIDING FOR ALLOCATION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICT OF LAWS; PROVIDING FOR INCLUSION IN THE HILLSBOROUGH COUNTY CODE; PROVIDING FOR FILING OF ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 2001-299, Laws of Florida, as amended, created the Hillsborough County Public Transportation Commission ("PTC") to regulate the operation of public vehicles, such as taxicabs, limousines, handicabs and vans, upon the public highways of Hillsborough County and its municipalities and authorized the PTC to adopt rules for that purpose;

WHEREAS, the Florida Legislature adopted and, on June 6, 2017, the Governor signed into law, House Bill 647, which repealed Chapter 2001-299, Laws of Florida, as amended, and dissolved the PTC;

WHEREAS, with the repeal of Chapter 2001-299, Laws of Florida, as amended, there would be no regulation of vehicles for hire, such as taxicabs, limousines, handicabs and vans, in Hillsborough County;

WHEREAS, the Hillsborough County Board of County Commissioners recognizes that a lack of regulation of vehicles for hire could pose potential danger to the health, safety and welfare of the traveling public;

WHEREAS, the Hillsborough County Board of County Commissioners also recognizes that the public has an expectation of minimum standards of service and consumer protections in utilizing such services;

WHEREAS, Chapter 125, Florida Statutes, authorizes the Hillsborough County Board of County Commissioners to provide for the citizens of said County, standards which ensure their health, safety and welfare; and

WHEREAS, the Hillsborough County Board of County Commissioners recognizes that the public health, safety and welfare of residents of Hillsborough County will best be served by enacting a Vehicle for Hire Ordinance that provides for the regulation of vehicles for hire such as taxicabs, limousines, handicabs and vans, to ensure the quality of such services; consumer protections for users of such services; and, safety to the traveling public.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

There is hereby created Chapter 10, Article XVI of the Hillsborough County Code of Ordinances and Laws, which shall be included as follows:

SECTION 1. TITLE.

This Ordinance shall be known and may be cited as the “Vehicle for Hire Ordinance.”

SECTION 2. PURPOSE.

The purpose and intent of this Ordinance is to promote the health, safety and welfare of the residents of Hillsborough County through the regulation of certain vehicles for hire, to include taxicabs, limousines, handicabs and vans.

SECTION 3. DEFINITIONS.

For purposes of this Ordinance, the following terms shall have the meanings given to them below. No attempt is made to define any words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding. When not consistent with

the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include words in the plural number, and the use of any gender shall be applicable to all genders. The words “shall”, “will” and “must” are mandatory and the word “may” is permissive.

(A) AGENCY – shall mean the Hillsborough County Tax Collector or any successive agency or department designated by the Board of County Commissioners to administer the application processes required by this Ordinance.

(B) BOCC – shall mean the Hillsborough County Board of County Commissioners.

(C) CAPACITY – shall mean the maximum seating provided in a motor-driven vehicle at the time of its original manufacture. Capacity, for purposes of this Ordinance, is determined by the original manufacturer, or manufacturer’s approved alterer and printed on the certification label affixed to the vehicle at the time of original manufacture. For those vehicles that do not have an approved certification label or the label does not state the vehicle capacity, capacity will be determined by seat measurements. If the vehicle is 10,000 lbs. gross vehicle weight rating (GVWR) and over and seat belts are not required, the designated seating positions (DSP) will be determined by measuring the back of a straight bench seat and the knee bend area of a curved bench seat and computing the number of eighteen (18) inch seating positions.

(D) CERTIFICATE – shall mean the written authority granted by the Agency under this Ordinance, to an applicant, to operate a vehicle for hire business in Hillsborough County.

(E) CERTIFICATE HOLDER – shall mean the person issued a certificate by the Agency to operate a vehicle for hire business in Hillsborough County.

(F) CITATION – shall mean a written notice issued to a person by an investigator indicating that the investigator has reasonable cause to believe that the person has committed a civil infraction in violation of this Ordinance.

(G) COMPENSATION – shall mean any fare, reward, tip, gratuity, donation or other thing of value which a driver or owner of a vehicle accepts or receives or offers to accept or receive in return for providing transportation to passengers or their luggage.

(H) COMPLAINANT – shall mean any person who witnesses or who is subjected to conduct that is an alleged violation of this Ordinance and who files a written complaint with the Department stating the information required by Section 18 of this Ordinance.

(I) COUNTY – shall mean Hillsborough County, Florida.

(J) COUNTY ATTORNEY’S OFFICE – shall mean the Office of the County Attorney of Hillsborough County, Florida.

- (K) DAYS – shall mean calendar day(s).
- (L) DEPARTMENT – shall mean the Department designated by the County Administrator to enforce the mandates of this Ordinance.
- (M) DRIVER – shall mean a person who has been issued a public vehicle driver’s license by the Agency to drive or operate a permitted vehicle for hire in Hillsborough County.
- (N) HANDICAB – shall mean a vehicle designed, constructed, reconstructed, or operated for the transportation of a person with non-emergency conditions where no medical assistance is needed or anticipated; or for a person who is unable to comfortably use a standard means of conveyance; or a person who cannot enter, occupy or exit a vehicle without extensive assistance; or where specialized equipment is used for a wheelchair or stretcher service; and, where the driver serves as both a driver and attendant to assist in door-to-door or bed-to-bed service.
- (O) HEARING OFFICER – shall mean the person or persons appointed pursuant to Resolution to fulfill the duties of Hearing Officer under this Ordinance.
- (P) HEARING PROCEDURES – shall mean the procedures adopted by the County Administrator governing noticing, scheduling and conducting hearings before a Hearing Officer regarding denials of applications for and suspensions and revocations of certificates, permits and public vehicle driver’s licenses under this Ordinance.
- (Q) INVESTIGATOR – shall mean the person performing services in an official capacity for the Department whose duty it is to enforce this Ordinance.
- (R) LIMOUSINE – shall mean any chauffeur-driven motor vehicle not equipped with a taximeter that is engaged for the exclusive use of the passenger, which provides seating accommodations for not more than fifteen (15) passengers, including the driver, and where pickup is on a prearranged basis and the route and destination is controlled by the passenger. This definition consists of vehicles which are recognized by the industry as “luxury” vehicles, that are considered luxury vehicles by the manufacturer and vehicles that have been uniquely modified so as to provide “luxury” limousine service. A listing of vehicles considered limousines pursuant to this definition shall be prepared and updated by the Department.
- (S) ORDINANCE – shall mean this Hillsborough County Vehicle for Hire Ordinance, as such may be amended.
- (T) OPERATE OR OPERATING – shall mean causing a vehicle for hire to function on the roads, streets, or highways of Hillsborough County.
- (U) PERMIT – shall mean the written authority granted by the Agency authorizing a particular motor vehicle to operate as a vehicle for hire in Hillsborough County.

(V) PERSON OR PERSONS – shall mean any individual, firm, association, joint venture, partnership, corporation, estate, trust, business trust, syndicate, or other legal entity or business unit and every officer, agent or employee thereof.

(W) PREARRANGED – shall mean vehicle for hire services booked prior to arrival of the passenger at the place of origin for the vehicle trip, through reservations which have been received via email, fax, telephone, internet or other electronic means and shall specifically be meant to exclude acceptance of rides via street-hail or on-demand.

(X) PUBLIC VEHICLE DRIVER'S LICENSE – shall mean the written authority granted by the Agency which authorizes a person to drive or operate a vehicle for hire in Hillsborough County.

(Y) RATES – shall mean compensation paid by or on the behalf of passengers for transportation services provided by a certificate, permit and public vehicle driver's license holder and shall include any additional charges established and set forth by resolution, as may be amended.

(Z) REASONABLE CAUSE – shall mean, if given the same set of facts or actions, a reasonable person would conclude that a violation of this Ordinance has occurred.

(AA) RESPONDENT – shall mean any person the Department reasonably believes upon investigation to have violated this Ordinance.

(BB) TAXICAB – shall mean any motor-driven vehicle for hire, equipped with a taximeter, with a capacity for nine (9) or less passengers, including the driver for the transportation of passengers which operates within Hillsborough County.

(CC) TAXIMETER – shall mean any mechanical or electronic device which records and indicates a charge or fare measured by distance traveled, waiting time or other traditionally compensable activities or items upon which the fare is based.

(DD) VAN – shall mean any motor-driven vehicle for hire with a capacity of ten (10) to fifteen (15) passengers, including the driver, for the transportation of passengers, which operates within Hillsborough County, but does not include limousines.

(EE) VEHICLE FOR HIRE – shall mean any motorized, self-propelled vehicle engaged in the transportation of persons upon any street within Hillsborough County for compensation for providing such transportation and includes, but is not limited, to taxicabs, limousines, handicabs and vans.

SECTION 4. EXEMPTIONS.

The following categories of vehicles for hire shall be exempt from the provisions of this Ordinance:

- (A) Ambulances licensed by the State of Florida;
- (B) Hearses, operated or limited exclusively to use by a licensed mortician;
- (C) Passenger vehicles seating more than fifteen (15) passengers, including the driver;
- (D) Passenger vehicles owned, operated, leased and controlled by a governmental agency;
- (E) Shuttle services owned and operated, leased or controlled, directly by a hotel or motel for transportation limited to registered guests thereof and for which no extra or separately charged compensation is paid for the transport of the passenger or the passenger's luggage;
- (F) Low speed vehicles as defined by Section 320.01(41), Florida Statutes, as may be amended;
- (G) Sight-seeing cars and buses operated by an entity in the business of providing sight-seeing services;
- (H) School buses and church buses;
- (I) Vehicles owned and operated, leased or controlled, by resorts, private academies and other businesses whose vehicle fleet is used solely for pick-up and drop-off of its customers; and
- (J) Transportation network companies, transportation network drivers and transportation network vehicles as defined by Chapter 2017-12, Laws of Florida, as may be amended.

SECTION 5. POWERS AND DUTIES OF THE AGENCY UNDER THIS ORDINANCE.

(A) The Agency shall review all applications for certificates, permits and public vehicle driver's licenses and may issue certificates, permits and public vehicle driver's licenses to each applicant meeting the requirements of this Ordinance. The Agency shall maintain a list of certificate holders, permits and drivers authorized to provide vehicle for hire services in the County accessible to the general public.

(B) The Agency shall provide written notice, with proof of delivery, of the denial of the application for certificates, permits and public vehicles driver's licenses specifying the grounds for the denial.

SECTION 6. POWERS AND DUTIES OF THE DEPARTMENT UNDER THIS ORDINANCE.

- (A) The Department shall receive and review all complaints of violations of this Ordinance.
- (B) The Department may request additional information from the complainant for purposes of processing the complaint. For each complaint of violation(s) of this Ordinance the Department receives, it shall evaluate and investigate the complaint and take such action it deems appropriate as provided for by this Ordinance.
- (C) The Department may, on its own initiative, investigate potential violations of which it becomes aware, regardless of the absence of a written or verbal complaint.
- (D) The Department shall make periodic physical inspections of vehicles for hire to ascertain compliance with the provisions of this Ordinance.
- (E) The Department shall inspect the records of certificate holders and/or owners of vehicles for hire at their respective place of business.
- (F) The Department shall enforce the provisions of this Ordinance.
- (G) The Department shall provide written notice, with proof of delivery, of the suspension or revocation of certificates, permits and public vehicle driver's licenses, specifying the grounds for the suspension or revocation.
- (H) The Department may issue citations and notices to appear for violations of this Ordinance.

SECTION 7. CERTIFICATE REQUIREMENTS.

(A) No person shall engage in the business of operating vehicles for hire in the County unless such person first obtains a valid certificate from the Agency. An application for a certificate must be submitted to the Agency in the format prescribed by the Agency. Persons who are currently in the business of operating vehicles for hire in the County must submit an application for certificate to the Agency no more than 90 days after the effective date of the Ordinance and may continue operating during the application process. Any person currently in the business of operating vehicles for hire in the County that is denied a certificate by the Agency may continue

operating after its application for a certificate is denied and while such person pursues any available appellate rights contained in Section 16 of this Ordinance.

(B) Each applicant shall, at a minimum, provide the following information as part of the application process:

- (1) The physical address from which the business will be operated and any additional addresses required for administration or ownership, if different from where the business operates;
- (2) The business owner's name, local address, telephone number and email address;
- (3) The manager's name, local address, telephone number and email address;
- (4) Mailing address at which notice of any information pertinent to the business shall be considered received and binding upon the applicant or certificate holder;
- (5) Proof of insurance required by Chapter 324, Florida Statutes, as may be amended, for all vehicles for hire to be utilized by the business, and as specified below in Section 8(E) of this Ordinance;
- (6) Payment of an initial, non-refundable application fee, which shall be established by Resolution adopted by the BOCC, as may be amended;
- (7) Identify and list all vehicles utilized by the business. The list shall include the year, make, model and Vehicle Identification Number (VIN). All vehicles must obtain a permit as specified in Section 8 of this Ordinance. Such listing must be maintained and updated on a regular basis and must be current at any given time;
- (8) Identify and list all drivers utilized by the business. The list shall include the name, address, date of birth and phone number for each driver. All drivers must be issued a public vehicle driver's license as specified in Section 10 of this Ordinance. Such listing must be maintained and updated on a regular basis and must be current at any given time; and
- (9) Additional information as the Agency, Department or designee may require.

(C) Certificate holders must comply with all city, county, state and federal laws and ordinances at all times.

(D) Certificate holders must accept all of the following: cash, major credit cards and debit cards, as a form of payment for transportation of passengers. Upon request by the passenger, the certificate holder shall provide a written or electronic receipt containing the following minimum information:

- (1) The certificate holder's name;
- (2) Vehicle number;
- (3) Date;
- (4) Driver name; and
- (5) Total cost of fare.

(E) Taxicab certificate holders must provide service twenty-four (24) hours a day, seven days a week.

(F) All certificate holders shall maintain records of all vehicles utilized by the business; all vehicle inspections, including those required by Section 8(D) of this Ordinance; proof of insurance for all vehicles as required by Section 8(E) of this Ordinance; and all drivers utilized by the certificate holder, for at least five (5) years. All records required to be maintained and/or provided under this Ordinance may be maintained and/or provided in electronic or paper form.

(G) All certificate holders shall cooperate with the Agency and/or the Department to permit audits of the certificate holders' records to verify compliance with the requirements of this Ordinance.

SECTION 8. VEHICLE PERMIT REQUIREMENTS.

(A) No person shall operate or cause to allow the operation of a vehicle for hire without first obtaining a valid permit for that vehicle from the Agency.

(B) Every certificate holder shall obtain and/or ensure that each vehicle it utilizes to provide vehicle for hire services in the County obtains a permit from the Agency, subject to the provisions of Section 9 of this Ordinance.

(C) Each applicant for permits shall pay an initial non-refundable application fee, which shall be established by Resolution adopted by the BOCC, as may be amended.

(D) Prior to obtaining a permit, each vehicle must be inspected and certified by an ASE (Automotive Service Excellence) certified mechanic or commercial auto repair facility licensed by the State of Florida. The vehicle must pass a safety and mechanical inspection. All vehicles must pass the inspection on an annual basis and each year thereafter. The certificate holder must

provide proof of evidence of such inspection at the time of initial application for the permits and annually thereafter upon renewal of the permits. The inspection shall include, at a minimum, the following:

- (1) Foot brakes and parking brake;
- (2) Condition of tires, including tread depth;
- (3) Windshield;
- (4) Windshield wipers;
- (5) Headlights;
- (6) Taillights;
- (7) Brake lights;
- (8) Turn indicator lights;
- (9) Door and lock operation;
- (10) Horn;
- (11) Speedometer;
- (12) Interior and exterior rearview and side view mirrors;
- (13) Safety belts;
- (14) Air conditioning;
- (15) Suspension and steering;
- (16) Front seat adjustment mechanism;
- (17) Bumper;
- (18) Muffler and exhaust system; and
- (19) Oil or other fluid leaks.

(E) Certificate holders shall at all times maintain motor vehicle liability insurance for each permitted vehicle which complies with Chapter 324, Florida Statutes, as may be amended, as it relates to for hire passenger transportation vehicles. The certificate holder must provide proof of

evidence of such insurance at the time of the initial application for permits and annually thereafter upon renewal of the permits. All vehicles for hire, providing for hire transportation services on property belonging to the Tampa Port Authority, must name the Tampa Port Authority as an additional insured on said motor vehicle liability insurance policy.

(F) Permitted vehicles shall be structurally sound and be maintained in proper operating condition at all times. The interior of permitted vehicles shall also be kept clean, sanitary, and free from damage. The exterior of permitted vehicles must be free from cracks, breaks, dents and fading that would impair the safety or appearance of the vehicle. Vision from a permitted vehicle cannot be obstructed on any side of the vehicle.

(G) A vehicle for hire exceeding ten (10) model years on December 31st of any year shall obtain an additional annual inspection of interior restraint and safety equipment to ensure that such equipment is functional and in good working order. Limousines considered classic, antique or vintage, meeting the same inspection requirements of Section 8(D) of this Ordinance, and which are considered luxurious in appearance and condition, whether in their original manufactured condition, or restored or modified providing modern conveniences that enhance the passenger experience, are not subject to the same safety equipment requirements as newer model vehicles. The Department will determine if such a limousine meets the requirements of this exception.

(H) All taxicabs, handicabs and vans are required to prominently display the certificate holder's name on the exterior of the vehicle.

(I) All permitted vehicles are required to display two permit stickers issued by the Agency. One sticker shall be placed on the bottom corner of the rear window located on the driver's side of the vehicle. The other sticker shall be placed on the bottom corner of the front windshield glass on the passenger side of the vehicle. Stickers shall only be placed on the vehicle for which the permit is issued and shall not be transferred to any other vehicle.

(J) Once an initial certificate holder is approved for its certificate and permits by the Agency, at any point thereafter, it may submit an application for additional permits, when such permits become available.

(K) The Agency may issue, for good cause, temporary permits to existing certificate holders for a period not to exceed seven (7) days. Such temporary permits may be reissued, again for good cause, but for not more than four (4) successive seven (7) day periods. Issuance of a temporary permit shall not in any way be construed to estop the Agency from subsequently denying an application for a permanent permit. Certificate holders applying for temporary permits must state the basis for the need for the temporary permits, to include the prospective passengers served and how the vehicles will be utilized. Prior to issuance of such temporary permits, the applicant must submit payment of the prescribed fees, as provided for by Resolution, which may be amended, proof of required insurance, as specified by Section 8(E) of this Ordinance, and proof the vehicle(s) has passed inspection as specified by Section 8(D) of this Ordinance.

(L) All permitted vehicles are subject to inspection by the Agency and/or Department at any time to ensure compliance with the provisions of this Ordinance.

(M) All handicabs equipped for wheelchair transportation shall comply with the following:

- (1) Each handicab shall have a lift or ramp, operated manually, electrically and/or hydraulically, with sufficient capacity to safely and smoothly facilitate the entrance of passengers into the vehicle and exit from the vehicle;
- (2) Each handicab shall have, for each passenger transported, two (2) positive means of securely latching or locking to the vehicle the wheelchair in which a passenger will ride. The latching device shall be designed to prevent any lateral, longitudinal or vertical motion of the passenger conveyance within the vehicle;
- (3) Each handicab shall have, for each passenger transported, restraining belts, or straps designed to securely confine passengers to wheelchairs in which they are transported;
- (4) Handicab entry and exit doors shall be equipped with latching devices sufficient to restrain individual passenger conveyances within the passenger compartment of the vehicle;
- (5) Each handicab must have a minimum of fifty-six inches (56") headroom from the finished floor to the finished ceiling in the passenger compartment, including door opening to allow for proper head clearance of the passenger seated in the wheelchair; and
- (6) The floor covering shall be seamless, one piece, and made of permanently applied materials, which can be maintained in a safe, sanitary and odor free manner, and shall extend the full length and width of the passenger compartment. Where side panels and covering meet at the joints and side walls, they shall be sealed and bordered with rustproof, corrosion-resistant cove moldings.

(N) All handicabs equipped for stretcher transportation shall comply with the following:

- (1) Each handicab shall have a crash stable side or center mounting style litter fastener of the quick release type;

- (2) Each handicab shall have at least two (2) strap type restraining devices provided per stretcher cot and litter to prevent longitudinal or transverse dislodging of the patient during transit;
- (3) Each handicab shall have a smooth floor which has a minimum of voids or pockets at the floor to side wall areas where water or moisture can become trapped;
- (4) Each handicab shall have clean blankets, linen or disposable sheets to be used for each patient;
- (5) Each handicab shall have airtight storage compartments for soiled linen; and
- (6) Each handicab shall have two (2) attendants who have been issued public vehicle driver's licenses by the Agency.

(O) Certificate holders shall not permit a person to drive or operate any permitted vehicle unless such person has been issued a public vehicle driver's license as specified in Section 10 of this Ordinance.

SECTION 9. LIMIT ON TOTAL NUMBER OF PERMITS FOR TAXICABS

(A) The BOCC shall establish by Resolution a limit on the total number of permits available to operate taxicabs within Hillsborough County. The limit shall apply to all taxicabs within the scope of this Ordinance and shall be reviewed by the County on an annual basis. Any permits that become available after the initial award prescribed by this Section shall be awarded consistent with this Section on an annual basis and at the same time the County conducts its annual review of the limit.

(B) Applicants for taxicab permits who meet the minimum requirements established in Section 8 of this Ordinance, shall also be required to submit additional information regarding the following factors to be used by the County to determine who will qualify for the limited number of available permits:

- (1) Financial capacity;
- (2) Experience, in providing taxicab services, to include experience in providing such services locally;
- (3) Safety history;
- (4) Compliance record, to include substantiated consumer complaints related to the provision of taxicab services;

(5) Age of taxicabs intended for use under the provisions of this Ordinance.

(C) The BOCC shall establish by Resolution further definition of these factors, methods for scoring applications, and process for evaluation of the applications and award of the permits. The BOCC shall also define in the Resolution subcategories of taxicab operators, with separate sublimits within the overall total limit on number of taxicab permits issued, and conditions for each subcategory, for the purpose of ensuring the participation of small businesses, fuel efficiency and promoting competition within the industry.

(D) Applications will be scored by the Agency and/or Department, with the highest scoring application within each subcategory receiving the first permit assigned to each subcategory, the next highest scoring application receiving the next permit, and so on until all available permits have been assigned. The Agency and/or Department shall provide written notification to all applicants for taxicab permits of the ranking and award of permits.

(E) Any applicant for taxicab permits who was either denied permits or who is to be awarded less permits than he or she requested in the application based upon the ranking, may contest the decision of the Agency and/or Department pursuant to the provisions in Section 16 of this Ordinance.

(F) At the conclusion of all challenges, the taxicab permits will be awarded by the BOCC.

SECTION 10. PUBLIC VEHICLE DRIVER'S LICENSE REQUIREMENTS.

(A) No Person shall operate a vehicle for hire without first obtaining a public vehicle driver's license ("PVDL") from the Agency. An application for a PVDL must be submitted to the Agency in the format prescribed by the Agency. Persons who obtained a PVDL, prior to and which is valid as of the effective date of this Ordinance, do not need to apply for a new PDVL from the Agency. However, such person is subject to the renewal provisions of Section 11 of this Ordinance upon expiration of his/her current PVDL, and, at that time, will also be required to provide a set of fingerprints and sufficient information as described in Section 10(B)(1) below to enable the Agency to obtain a Level II criminal background screening.

(B) Each applicant shall, at a minimum, provide the following information as part of the application process:

- (1) A set of fingerprints and sufficient information in the manner prescribed by the Agency to enable the Agency to obtain a Level II criminal background screening on the applicant; and
- (2) Payment of an initial, non-refundable application fee, which shall be established by Resolution adopted by the BOCC, as may be amended.

(C) Each applicant must possess a valid driver's license in said driver's name issued by the State of Florida. Such driver's license must be valid for at least twelve (12) months prior to being issued a PVDL. If the State of Florida driver's license is less than twelve (12) months old, the applicant may provide proof of a previous valid driver's license issued at least twelve (12) months prior by another state immediately prior to obtaining the State of Florida driver's license. In order to be granted a PVDL, the applicant must not have had any suspensions or revocations of the driver's license within the past eight (8) years and cannot have more than nine (9) points assessed against his or her driver's license at the time of application for the PVDL.

(D) All applicants for PVDL's must undergo a Level II criminal background screening.

(E) Any applicant/driver must not have been found guilty or been convicted of or pled guilty or nolo contendere to any disqualifying offense as specified below:

- (1) Driving under the Influence (DUI) of alcohol or drugs within the past eight (8) years;
- (2) Reckless Driving within the past three (3) years;
- (3) Any violent crime felony or attempted violent crime felony, including, but not limited to: murder; attempted murder; attempted felony murder; manslaughter; armed robbery; robbery; assault with a deadly weapon; aggravated battery; aggravated assault; kidnapping; attempted kidnapping; false imprisonment; armed burglary; aggravated stalking; home invasion; carjacking; and, attempted home invasion;
- (4) Any property crime felony within the past five (5) years, including, but not limited to: grand theft; burglary; fraud; and, felony criminal mischief;
- (5) Any felony crime involving the sale or possession of a controlled substance, as defined by Section 893.03, Florida Statutes, as may be amended, within the past five (5) years;
- (6) Any misdemeanor crime involving a controlled substance, as defined by Section 893.03, Florida Statutes, as may be amended, within the past two (2) years;
- (7) DUI Manslaughter or vehicular manslaughter/homicide;
- (8) Leaving the scene of an accident with death or serious bodily injury;

- (9) Leaving the scene of an accident with property damage within the past five (5) years;
- (10) Any sex crime as defined in Chapter 794, Florida Statutes, as may be amended;
- (11) Any person who is required by law to register as a sex offender/predator, career offender, or convicted felon pursuant to Sections 775.13, 775.21, 775.261, 943.0435, 944.607, or 944.608, Florida Statutes, as may be amended;
- (12) Any crime related to lewdness and indecent exposure as defined in Chapter 800, Florida Statutes, as may be amended;
- (13) Any crime related to prostitution as defined in Chapter 796, Florida Statutes, as may be amended, within the past three (3) years;
- (14) Any crime in violation of the Florida RICO (Racketeering Influenced and Corrupt Organization) Act, currently Sections 895.01 through 895.06, Florida Statutes, as may be amended; or
- (15) Any offense committed in another jurisdiction that would be an offense listed in this Section 10(E) if that offense had been committed in the State of Florida.

(F) An applicant determined eligible for a PVDL and subsequently arrested, charged, and/or found guilty or been convicted of or pled guilty or nolo contendere to any disqualifying offense listed above shall notify the Agency of such within five (5) days.

(G) Within thirty (30) days of obtaining a PVDL, all drivers who operate a handicab must have completed a certified standard first aid course; state certificated standard CPR training course; and a defensive driving course. All drivers issued PVDL's to operate a handicab must maintain these required certifications and must provide evidence of such at the time of renewal and upon the request of the Agency and/or Department.

(H) Each taxicab, handicab and van driver shall possess and display the PVDL at all times in a manner that is readily visible by passengers while driving his or her vehicle for hire or while on duty as a vehicle for hire driver. Each limousine driver shall possess and display the PVDL upon the request of a passenger or any representative of the Agency and/or Department.

(I) A driver shall not operate a vehicle for hire if his or her PVDL has expired or has been revoked or suspended.

(J) A driver shall not operate a vehicle for hire unless such vehicle is permitted by the Agency as required by Section 8 of this Ordinance.

(K) Drivers shall keep their vehicle clean and orderly at all times.

(L) Drivers shall be hygienically clean, well-groomed and neat and clean in appearance and suitably dressed, while on duty. Suitably dressed is interpreted to mean, at a minimum, that the driver shall wear clean trousers or knee-length hemmed shorts, shoes and socks and a shirt with a collar. T-shirts, exposed underwear, tank tops, body shirts, swimwear, jogging suits, swimming or athletic shorts, sandals, and open-toed footwear are not allowed.

(M) Drivers must use the shortest possible route (time or distance) to the passenger's destination, unless a specific or different route is requested or approved by the passenger paying the fare.

(N) Drivers shall accept cash, major credit cards and debit cards as a form of payment for transportation of passengers.

(O) No driver shall use abusive language, nor be discourteous to passengers.

(P) No driver will use a cellular phone or other electronic device, with the exception of a GPS or other navigational systems and a taximeter, other than in hands-free mode, while driving the vehicle with a passenger.

(Q) No driver will smoke cigarettes, cigars or other devices while a passenger is in the vehicle.

(R) A driver will operate the vehicle's air conditioner at the request of the passenger, if not already operating.

(S) No driver will transport any child 5 years of age or younger, unless the child's parent(s), guardian or other person responsible for the child's welfare as defined in Section 39.01, Florida Statutes, as may be amended, provides for the protection of the child during transport as required by Section 316.613, Florida Statutes, as may be amended.

(T) No driver shall refuse to transport an individual with a disability because such individual is accompanied by a service animal, as defined by Section 413.08(d), Florida Statutes, as may be amended, or refuse to transport a service animal that accompanies an individual with a disability, unless authorized by Section 413.08, Florida Statutes, as may be amended.

(U) All drivers shall provide documentation demonstrating that the driver's vehicle has been inspected as provided for by Section 8(D) of this Ordinance to the Agency or the Department upon request. Such records may be maintained and/or provided in electronic or paper form.

(V) All drivers shall cooperate with the Agency and/or the Department to permit inspections of vehicles to verify compliance with the requirements of this Ordinance.

SECTION 11. CERTIFICATION, PERMIT AND PUBLIC VEHICLE DRIVER'S LICENSE RENEWAL REQUIREMENTS.

(A) All certificates, permits and PVDL's must be renewed annually. To apply for renewal of a certificate, permit or PVDL, the certificate holder or PVDL licensee must submit an application for renewal along with payment of the non-refundable certificate, permit or PVDL fee, as provided for by Resolution, as may be amended.

(B) Prior to obtaining a renewal permit, the certificate holder must provide proof of evidence to the Agency that each vehicle for which it seeks renewal of a permit has passed an annual safety and mechanical inspection as specified in Section 8(D) of this Ordinance and is covered by motor vehicle liability insurance as provided for by Section 8(E) of this Ordinance.

SECTION 12. ADDITIONAL CERTIFICATE, PERMIT AND PUBLIC VEHICLE DRIVER'S LICENSE RELATED REQUIREMENTS.

(A) A certificate holder shall notify the Agency in writing no later than ten (10) days after changing its physical address from which the business will be operated or mailing address at which notice of any information pertinent to the business shall be considered received and binding upon the certificate holder.

(B) Certificates, permits and PVDL's issued to one person by the Agency cannot be transferred to another person.

SECTION 13. RATES.

Taxicab, limousine, handicab or van certificate holders or drivers shall only charge rates set forth and established by Resolution adopted by the BOCC, as may be amended. The rates prescribed by Resolution do not apply to gratuities.

SECTION 14. GROUND FOR DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATES AND PERMITS.

(A) The Agency may deny or refuse to issue a certificate and permits and the Department may suspend or revoke a certificate and permits based upon a determination that the applicant or certificate holder:

(E) Made false statements or misrepresentations associated with applications for new or renewal PVDL's or inquiries regarding information requested/provided during the application and renewal process outlined in this Ordinance;

(F) Engaged in prohibited conduct as provided in Section 17 of this Ordinance;

(G) Failed to comply with an Order of the Hillsborough County Code Enforcement Board or Special Magistrate;

(H) Failed to comply with an Order of a Hearing Officer; or

(I) Failed to allow for inspection of a vehicle for hire or to otherwise cooperate with requests for information or an investigation being conducted by either the Agency or the Department.

SECTION 16. DUE PROCESS IN THE EVENT OF DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATES, PERMITS AND PUBLIC VEHICLE DRIVER'S LICENSES.

The applicant, whose application for a certificate, permit(s) or a PVDL has been denied, or who is awarded less permits than requested pursuant to Section 9 of this Ordinance, or, the certificate holder or PVDL licensee whose certificate, permit(s), or PVDL has been suspended or revoked, may contest such denial, suspension or revocation by requesting a hearing before a Hearing Officer. In order to contest, the applicant, certificate holder or PVDL licensee must submit a written request to the Department within ten (10) days of the delivery date of the notice of denial, suspension or revocation. If a request to contest is timely submitted, a hearing shall be scheduled, noticed and conducted in accordance with Section 21 of this Ordinance and the Hearing Procedures adopted by the County Administrator. If no request is timely submitted, the applicant, certificate holder or PVDL licensee shall be deemed to have waived his or her right to contest the denial, suspension or revocation and must cease operations of providing vehicle for hire services.

SECTION 17. PROHIBITED CONDUCT.

It shall be a violation of this Ordinance for a person to:

(A) Provide vehicle for hire services in the County without a certificate or a permit for each vehicle providing such services;

(B) Operate a vehicle for hire without a PVDL;

(C) Fail to provide information and/or documents associated with the certificate, permit or PVDL application process outlined in this Ordinance;

(D) Make false statements or misrepresentations associated with certificate, permit or PVDL applications or inquiries regarding information requested/provided during the application process outlined in this Ordinance;

(E) Operate a vehicle for hire business at a location other than the one(s) appearing on the certificate issued by the Agency;

(F) Fail to comply with an Order of Hillsborough County Code Enforcement Board and/or Special Magistrate;

(G) Fail to comply with an Order of a Hearing Officer;

(H) Fail to comply with any requirement of this Ordinance; or

(I) Fail to allow for inspection of a vehicle for hire or to otherwise cooperate with requests for information or an investigation being conducted by either the Agency or the Department.

SECTION 18. FILING OF COMPLAINTS.

(A) Any person who witnesses or who is subjected to an unlawful practice or conduct in violation of this Ordinance may file a written complaint with the Department.

(B) If a person files a written complaint with the Department, the complaint shall contain as much of the following information as is available:

(1) Name and address of the person alleged to have committed the offense;

(2) Date of the alleged offense;

(3) General statement of the facts of the alleged offense;

(4) Name and signature of the complainant; and

(5) Such other information as required by the Department.

(C) Notwithstanding this Section, the Department may, on its own initiative, investigate any potential violation which it becomes aware regardless of the absence of a written or verbal complaint.

SECTION 19. ENFORCEMENT AND PENALTIES FOR VIOLATIONS.

(A) The County's code enforcement officers, law enforcement or any other person authorized to enforce County ordinances may enforce the provisions of this Ordinance.

(B) Pursuant to the provisions of Section 125.69, as may be amended, any person violating the provisions of this Ordinance may be subject to prosecution in the name of the State of Florida in the same manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed \$500.00 per violation, or by imprisonment in the County jail not to exceed 60 days, or by both such fine and imprisonment.

(C) When enforced by a code enforcement officer, the enforcement provisions and procedures authorized by Chapter 162, Florida Statutes, Parts I and II, as may be amended, and as outlined in Chapter 14, Article II of the Hillsborough County Code of Ordinances and Laws, as amended, shall apply.

(D) Nothing contained herein shall prevent the County from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this Ordinance including but not limited to:

- (1) Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction;
- (2) Initiating an action to recover any and all damages that may result from a violation of, or refusal to comply with, any part of this Ordinance; and
- (3) Utilizing any other action or enforcement method allowable by law.

(E) Each day of a continuing violation shall constitute a separate violation.

SECTION 20. APPOINTMENT OF HEARING OFFICERS.

Hearing Officers referred to in this Ordinance shall be appointed in accordance with a Resolution adopted by the BOCC, as may be amended. Such Hearing Officers shall have jurisdiction to conduct hearings on denials of certificate, permit and PVDL applications and suspensions and revocations of certificates, permits and PVDL's. Hearing Officers shall have all of the powers granted to them in the Resolution to include the power to issue subpoenas for production of documents or attendance of witnesses at hearing.

SECTION 21. HEARINGS.

(A) Hearings before a Hearing Officer shall be scheduled, noticed and conducted in accordance with the Hearing Procedures adopted by the County Administrator.

(B) The decision of the Hearing Officer shall be final and binding on both the Agency and/or the Department and the Respondent.

(C) The County Attorney's Office may provide legal representation to the Agency and/or the Department in proceedings before the Hearing Officer.

SECTION 22. APPEALS.

Either the Agency and/or Department or a Respondent may appeal an Order of the Hearing Officer by means of Petition for Writ Certiorari to the circuit court within thirty (30) days following the issuance of the Order. The responsibility for, and the costs associated with, preserving a written record of the hearing for appeal and providing such written records to the circuit court shall rest with the party appealing the Order.

SECTION 23. SERVICE OF NOTICE.

Any notice required or permitted by this Ordinance shall be in writing and sent by certified mail, return receipt requested, or hand delivery with proof of delivery, to the last known address of the Respondent, except notices for code violations shall be provided in the manner prescribed by Chapter 14, Article II of the Hillsborough County Code of Ordinances and Laws, as amended.

SECTION 24. OTHER RIGHTS AND REMEDIES.

Nothing herein shall prevent any person from exercising any right or seeking any private remedy or redress to which one might otherwise be entitled.

SECTION 25. APPLICABILITY.

It is hereby intended that this Ordinance shall constitute a uniform law applicable in all of the unincorporated areas of Hillsborough County, Florida, and to all incorporated areas of Hillsborough County where there is no existing conflict of law or municipal ordinance. If a conflict exists between this Ordinance and a municipal ordinance or law, this Ordinance shall not be effective within the municipality, but only to the extent of such conflicting provisions.

SECTION 26. ALLOCATION OF FEES.

Fees collected pursuant to this Ordinance shall be used exclusively to pay for the County's administrative costs including but not limited to the application process, inspections, background checks, enforcement activities and any associated training.

SECTION 27. SEVERABILITY.

If any portion of this Ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void by any court of competent jurisdiction, such holdings shall not affect the validity of the remainder of this Ordinance.

SECTION 28. RESOLUTION OF CONFLICT OF LAWS.

In all instances where Florida law, as evidenced by the Florida Administrative Code, Florida Statutes, applicable case law or otherwise, mandates standards or requirements that are stricter than the provisions of this Ordinance, or where a matter is addressed by Florida law that is not addressed by this Ordinance, then said law shall govern. In situations where this Ordinance addresses a matter in a manner that is stricter than that of Florida law, the provisions of this Ordinance shall control.

SECTION 29. INCLUSION IN THE HILLSBOROUGH COUNTY CODE.

The provisions of this Ordinance shall be included and incorporated in the Hillsborough County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code, once established.

SECTION 30. FILING OF ORDINANCE.

In accordance with the provisions of Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State.

SECTION 31. EFFECTIVE DATE.

This Ordinance shall become effective October 1, 2017.

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**STATE OF FLORIDA
COUNTY OF HILLSBOROUGH**

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners at its meeting of September 7, 2017, as the same appears of record in Minute Book 496, of the Public Records of Hillsborough County Florida.

WITNESS my hand and official seal this 14th day of September, 2017.

PAT FRANK
CLERK OF CIRCUIT COURT

By: Diana M. Jean
Deputy Clerk



Approved by County Attorney
as to Form and Legal Sufficiency

By: Cynthia S. Oster
Cynthia S. Oster
Sr. Assistant County Attorney



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 14, 2017

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
419 Pierce Street, Room 140
Tampa, Florida 33601

Attention: Diana Leon, Deputy Clerk

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 17-22, which was filed in this office on September 14, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb