

By Senator Dawson-White

30-1580A-99

See HB

1 A bill to be entitled
2 An act relating to commercial passenger
3 transportation; creating the "Florida Livery
4 Act"; providing legislative purpose and intent;
5 providing definitions; providing for vehicle
6 permits; providing for mechanical inspections;
7 providing for exemptions; providing for
8 self-inspection; providing for chauffeur
9 permits; providing for a certificate of public
10 convenience; providing for compliance with
11 federal standards; providing that the act is
12 not intended to impede the right of contract;
13 providing for enforcement; providing penalties;
14 providing for the reporting of traffic crashes;
15 providing for an out-of-state vehicle for hire
16 exemption; providing for fees and fines;
17 providing for the use of revenues by law
18 enforcement agencies; providing an effective
19 date.

20
21 WHEREAS, the Legislature finds the system of regulating
22 commercial passenger transportation service upon the roadways
23 of Florida is a pressing affair of the state, with statewide,
24 national, and international significance for the safety of
25 citizens who utilize such service, and

26 WHEREAS, the Legislature further finds that such
27 systems which do exist on local levels are complex, confusing,
28 and excessively costly because of the multiplicity of local
29 codes and administrative processes, resulting in weak and
30 inadequate compliance, and

31

1 WHEREAS, the Legislature further finds that the safety
2 of the citizenry utilizing such method of transportation is
3 inadequate and below acceptable standards, and

4 WHEREAS, the Legislature further finds that the systems
5 which exist on local levels do not provide fair business
6 opportunities for access into the industry or adequate
7 competition within the industry to promote consumer benefits,
8 and

9 WHEREAS, the Legislature further finds that, to be
10 effective, a regulatory system must promote consistent and
11 effective compliance and enforcement by addressing the
12 complexity caused by too many local codes, ordinances, and
13 administrative processes, NOW, THEREFORE,

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Short title.--This act may be cited as the
18 "Florida Livery Act."

19 Section 2. Purpose.--The purpose of this act is to
20 create a standard statewide method of ensuring the mechanical
21 safety of all nongovernmentally owned and operated vehicles
22 which transport passengers for any form of compensation, and
23 to ensure that those persons who operate such vehicles upon
24 the roadways of this state demonstrate their ability to accept
25 the responsibility for operating a vehicle which is
26 transporting passengers. Further, this act is created to
27 assure the safety of consumers who utilize commercial
28 vehicle-for-hire services throughout the state, to assure fair
29 market opportunity for those citizens conducting business in
30 this industry, and to provide for fair competition within the
31 marketplace which will benefit the consumer public.

1 Section 3. Definitions.--Unless a different meaning is
2 clearly indicated in the context, for the purposes of this
3 act, the term:

4 (1) "Vehicle for hire" means any self-propelled
5 vehicle which operates upon the roadways of the state,
6 including, but not limited to, taxicabs, luxury sedans,
7 limousines, shuttles, vans, minibuses, buses, nonmedical
8 transports, and ambulances, that are not owned and operated by
9 the state or by any government or municipality within the
10 state, and for which any form of compensation is received.

11 (2) "Compensation" means any thing of value,
12 including, but not limited to, money or other item of value,
13 or as an ancillary service associated with any transaction or
14 trade.

15 (3) "Chauffeur" means any person who is not an
16 employee of the state or of any government or municipality
17 therein who is operating a vehicle for hire as defined in
18 subsection (1).

19 (4) "Chauffeur permit" means a permit issued annually
20 by the Department of Business and Professional Regulation
21 which allows a person to offer services as a driver of a
22 vehicle for hire, but a chauffeur permit is not a driver
23 license as issued by the Department of Highway Safety and
24 Motor Vehicles.

25 (5) "Driver license" means a license issued by the
26 Department of Highway Safety and Motor Vehicles allowing the
27 bearer to operate upon the roadways of the state a
28 self-propelled vehicle identified by the department.

29 (6) "Taxicab" means a self-propelled motor vehicle
30 which transports no more than 15 persons, including the
31 chauffeur, which has permanent markings identifying it as such

1 a vehicle, and for which the fare charged is determined by an
2 electronic meter.

3 (7) "Luxury sedan" means a self-propelled motor
4 vehicle which transports no more than six persons, including
5 the chauffeur, which has no markings, is not altered from its
6 original manufactured design, and for which the fare is
7 determined on a flat-rate basis or a time basis, but not by an
8 electronic meter.

9 (8) "Limousine" means a self-propelled motor vehicle
10 which transports no more than 11 persons, including the
11 chauffeur, which has no markings, has been modified from its
12 original manufactured design, meeting all requirements of the
13 United States Department of Transportation, the Federal
14 Highway Administration, and the National Transportation Safety
15 Administration for sale and operation within the United
16 States, and for which the fare is determined on a flat-rate
17 basis or a time basis, but not by an electronic meter.

18 (9) "Van" means a self-propelled motor vehicle which
19 transports no more than 15 persons, including the chauffeur,
20 which may or may not have markings, and for which the fare is
21 determined on a flat-rate basis or a time basis, but not by an
22 electronic meter.

23 (10) "Shuttle" means a self-propelled motor vehicle
24 which transports no more than 15 persons, including the
25 chauffeur, which has permanent markings as a shuttle, and for
26 which the fare is determined on a flat-rate basis or a time
27 basis, but not by an electronic meter.

28 (11) "Bus" means a self-propelled motor vehicle which
29 transports more than 15 persons, including the chauffeur,
30 which may or may not have permanent markings, and for which
31

1 the fare is determined on a flat-rate basis or a time basis,
2 but not by an electronic meter.

3 (12) "Nonemergency medical transport" means a
4 self-propelled motor vehicle which transports passengers for a
5 nonemergency medical reason only, which has permanent markings
6 identifying it as a nonemergency medical transport vehicle,
7 and for which the fare is determined on a flat-rate basis or a
8 time basis, but not by an electronic meter.

9 (13) "Ambulance" means a self-propelled motor vehicle
10 which transports passengers for emergency medical reasons, is
11 equipped with emergency visual and audible equipment, has
12 permanent markings identifying it as an emergency medical
13 transport vehicle, and for which the fare is determined on a
14 flat-rate basis or a time basis, but not by an electronic
15 meter.

16 (14) "Government owned and operated vehicle" means a
17 motor vehicle which is owned by a government agency and which
18 is operated by employees of that government agency.

19 (15) "Trade or commerce" means an economic activity of
20 any type whatsoever involving any commodity or service
21 whatsoever.

22 (16) "Government" means the United States Government,
23 the State of Florida, or any municipality, county, or school
24 district, or any other general-function or special-function
25 governmental unit established by the laws of this state.

26 (17) "Person" means any individual, corporation, firm,
27 partnership, limited partnership, incorporated or
28 unincorporated association, professional association, or other
29 legal, commercial, or governmental entity, including the State
30 of Florida and its departments, agencies, political
31 subdivisions, and units of government.

1 (18) "Service" means any kind of activity performed in
2 whole or in part for economic benefit or compensation.

3 (19) "Point of origination" means the geographic
4 location at which the first person who is being transported by
5 any vehicle for hire is picked up by said vehicle for hire.

6 (20) "On-demand service" means service which is
7 provided without prior reservation or arrangement, obtained in
8 person by the consumer at the point of origination from which
9 the vehicle-for-hire service begins.

10 (21) "Prearranged service" means service which is
11 provided with prior reservation or arrangement made in advance
12 by the consumer and which schedules a specific time, date, and
13 point of origination for the vehicle-for-hire service to
14 commence.

15 Section 4. Vehicle permit.--Any vehicle for hire which
16 operates within this state must comply with the requirements
17 of this act and must be permitted by the Department of Highway
18 Safety and Motor Vehicles prior to operation within the state.

19 (1) MECHANICAL INSPECTION.--A company which provides
20 vehicles for hire in this state must have each vehicle
21 inspected on an annual basis, must provide proof of such
22 inspection prior to obtaining either an initial vehicle permit
23 or a renewal permit, and must maintain a copy of said proof of
24 inspection in both the office of the business and in the
25 vehicle. All inspections shall be reported on a form approved
26 by the Department of Transportation and shall include the
27 following requirements:

28 (a) Brakes.--Brakes must be within the manufacturer's
29 safety limits, having no less than one-sixteenth of an inch of
30 material remaining on the brake pad surface for the primary
31 braking system. Parking brakes must be in full working order.

1 In addition, all braking systems must comply with sections
2 316.261, 316.262, and 316.263, Florida Statutes, respectively.

3 (b) Exhaust system.--The exhaust system must be within
4 the manufacturer's safety limits, may not be modified as to
5 sound or appearance, and must be free of leaks of any kind in
6 any location throughout the exhaust system.

7 (c) Lights.--All lights must be in full working order,
8 including headlights, taillights, brake lights, turn signals,
9 and dashboard displays. Side lights on vehicles over 80 inches
10 in length must comply with the requirements of section
11 316.2225, Florida Statutes.

12 (d) Horn.--The horn must be in full working order in
13 accordance with the manufacturer's specifications.

14 (e) Floor.--There must not be any area of the floor,
15 regardless of size, which has rusted through or is unable to
16 bear the weight for which it was designed.

17 (f) Doors.--All doors must be securely attached to all
18 hinges with all locking devices functioning.

19 (g) Seats.--All seats must be securely fastened to the
20 body of the vehicle in the manner prescribed by the
21 manufacturer.

22 (h) Seat belts.--Seat belts must be of a design and
23 material required by federal regulations. There must be one
24 seat belt for each occupant position, including the chauffeur.

25 (i) Steering.--The steering mechanism must be in
26 accordance with the manufacturer's specifications. There must
27 not be in excess of 3 inches of play either to the left or the
28 right of the center of the steering post.

29 (j) Tires.--All tires must be in good condition, with
30 no less than two-thirty-seconds of an inch of tread. Tires
31 which are retreaded shall not be used on a vehicle for hire.

1 (k) Windshields and windows.--The front windshield and
2 the rear and side windows of a vehicle for hire must be of an
3 approved safety glass and must be free of cracks.

4 (l) Fire extinguisher.--A fire extinguisher, easily
5 accessible to the chauffeur, must be present within the
6 vehicle and must meet the standards established by applicable
7 statute or regulation.

8 (m) Welds.--Welds on a limousine or on any vehicle
9 which has been modified from its original manufactured design
10 must be intact and free of cracks or signs of stress.

11 (n) Optional equipment.--Optional equipment of any
12 design, including, but not limited to, intercommunication
13 systems, climate controls, lighting controls, and
14 entertainment devices, which is located within a vehicle for
15 hire must be in proper working order.

16 (o) Rated capacity.--The rated capacity of a vehicle
17 for hire shall be in accordance with the manufacturer's
18 standards as established and approved by the National Highway
19 Traffic Safety Administration. The capacity of any vehicle for
20 hire shall not exceed the gross vehicle weight rating (GVWR)
21 as specified by the manufacturer or as required by federal
22 regulation.

23 (p) Taxicabs.--In addition to the above standards, as
24 providers of on-demand services, taxicabs must comply with the
25 following requirements:

26 1. Meters must be electronic in design, within the
27 manufacturer's specifications, sealed, in good working order,
28 and clearly visible to the passengers and must conform to the
29 advertised rates.

30
31

1 2. The top light must be permanently mounted on the
2 exterior roof of the vehicle, capable of being illuminated
3 manually from inside the vehicle.

4 3. Markings a minimum of 2 inches in height
5 identifying the name of the company, the telephone number, and
6 the taxicab number must be permanently affixed to both sides
7 of the vehicle. The word "TAXI" must appear on both sides of
8 the vehicle. Magnetic signs are prohibited.

9 4. Rates for services must be clearly and permanently
10 affixed to both sides of the vehicle and must be a minimum of
11 1 inch in height.

12 (2) CHILD RESTRAINTS.--Child restraints must be
13 available for passengers of any vehicle for hire and must be
14 utilized as required by section 316.613, Florida Statutes.

15 (3) COMMERCIAL INSURANCE.--Commercial insurance
16 coverage must be obtained from a carrier licensed to issue
17 such insurance in this state. Minimum coverage limits shall be
18 at least \$100,000 for single injury per occurrence, \$300,000
19 in the aggregate for personal injury per occurrence, and
20 \$50,000 for property damage per occurrence.

21 (4) OCCUPATIONAL LICENSE.--An occupational license is
22 required from the local governmental entity within the
23 jurisdiction of which the vehicle-for-hire company is located.
24 For the purpose of this section, the company which owns and/or
25 operates any vehicle for hire within the state must provide a
26 physical address. Post office box numbers are not allowed.

27 (5) PRESENTATION OF DOCUMENTATION.--All documentation
28 required by this section must be presented in person to the
29 Department of Highway Safety and Motor Vehicles on an annual
30 basis. The department shall review all documentation and
31

1 ensure its compliance with all requirements and shall then
2 issue the vehicle permit or renewal decal, as appropriate.

3 (6) PERMIT DESIGN.--The vehicle-for-hire permit shall
4 be a license plate, which shall meet the current size
5 specifications for license plates, shall be produced in
6 duplicate, and shall be attached to the front and rear of the
7 vehicle. The word "FLORIDA" must appear at the top of the
8 plate and the type of vehicle for which the plate is issued
9 must appear at the bottom of the plate, and a combination of
10 letters and numerals as follows:

11 (a) Vehicle type designation.--Each license plate
12 issued shall have the appropriate vehicle type designation
13 denoting the specific type of vehicle for hire for which the
14 license plate is assigned, as follows:

15 "AMBULANCE" - For emergency medical transport vehicles.

16 "MEDICAL" - For nonemergency medical transport
17 vehicles.

18 "TAXI" - For Taxicabs.

19 "SEDAN" - For luxury sedans.

20 "LIMOUSINE" - For limousines.

21 "SHUTTLE" - For vans or shuttles.

22 "BUS" - For buses.

23 (b) County designation.--The first two numerals of the
24 license plate shall designate the county in which the company
25 that owns or operates the vehicle for hire is located and
26 shall follow the established numeric designation guidelines
27 already in use.

28 (c) Remaining numerals.--The remaining five numeric
29 digits of the license plate may be in any random order.

30 (7) AUTHORITY.--The Department of Highway Safety and
31 Motor Vehicles is authorized to create and issue the Livery

1 license plate as authorized by this act. The department shall
2 also create a license plate for each category of vehicle for
3 hire, in order to provide for accurate tracking and reporting
4 of vehicles for hire operating in the state.

5 (8) VEHICLE INSPECTION EXEMPTION.--Any vehicle
6 purchased for operation as a vehicle for hire within this
7 state, the age of which is less than 1 year from the date of
8 manufacture and which has less than 10,000 miles' usage, shall
9 be exempt from the mechanical inspection requirements of this
10 act. The vehicle owner must provide an appropriate form from
11 the dealer indicating the mileage, which must be verified by
12 the Department of Highway Safety and Motor Vehicles prior to
13 the issuance of a permit.

14 (9) AUTHORIZED VEHICLE INSPECTION FACILITIES.--For the
15 purposes of this act, any automobile repair facility which is
16 properly licensed by the Department of Agriculture and
17 Consumer Services to perform maintenance and repairs on motor
18 vehicles is authorized to conduct mechanical inspections under
19 this act. Each such facility must have employed inspectors who
20 have been properly certified by the Automotive Safety
21 Engineers (ASE) and must provide the certificate number issued
22 by the Department of Agriculture and Consumer Services on the
23 vehicle inspection form. A company which provides
24 vehicle-for-hire services in this state, which owns and
25 operates an automotive repair facility for the purpose of
26 maintaining and repairing the company's vehicles for hire, and
27 which employs an ASE-certified individual, may conduct
28 self-inspections and complete the approved inspection forms
29 when applying for vehicle permits. For the purposes of this
30 section, the ASE-certified individual must be a full-time
31 employee of the vehicle-for-hire company and may not be an

1 independent contractor or subcontractor. Each company which
2 owns and/or operates vehicles for hire, and which wishes to
3 conduct its own vehicle inspections, must obtain approval to
4 conduct such inspections from the Department of Agriculture
5 and Consumer Services and must be issued a certificate prior
6 to conducting such inspections.

7 Section 5. Chauffeur permit.--Prior to operating a
8 vehicle for hire within this state, a person must comply with
9 the requirements of this act and must obtain a chauffeur
10 permit issued by the Department of Business and Professional
11 Regulation. This permit is in addition to a driver license
12 required by state law and issued by the Department of Highway
13 Safety and Motor Vehicles. A person must be in possession of
14 said chauffeur permit at all times when operating a vehicle
15 for hire and must present said permit upon demand of any law
16 enforcement officer.

17 (1) AUTHORITY.--The Department of Business and
18 Professional Regulation is authorized to create and issue a
19 chauffeur permit as prescribed in this section and to
20 establish procedural requirements, forms, and fees for
21 compliance with this section.

22 (2) REQUIREMENTS.--The following minimum requirements
23 must be met prior to the issuance or renewal of a chauffeur
24 permit:

25 (a) A motor vehicle driver records check shall be
26 conducted annually. An applicant may not have been convicted
27 of any crime, regardless of whether or not adjudication of
28 guilt was withheld, involving alcohol or drugs, or reckless
29 driving, or may not have more than three convictions for
30 speeding or other moving violations, traffic crashes with
31 damage exceeding \$500 or personal injury when the applicant

1 was the defendant, or current suspensions or revocations for
2 any reason.

3 (b) A criminal records check shall be conducted
4 through the Florida Department of Law Enforcement on a state
5 and national level. An applicant who has been convicted of a
6 crime involving fraud, theft, deceptive or unfair business
7 practices, a crime against a person, including, but not
8 limited to, domestic violence, a crime involving weapons, a
9 criminal felony, any offense related to drugs or alcohol, or a
10 crime of moral turpitude shall not be eligible to receive a
11 chauffeur permit. Further, an applicant who is currently on
12 probation or community control as ordered by a Florida
13 criminal court, or a criminal court of competent jurisdiction
14 of another state, shall not be eligible for a chauffeur
15 permit.

16 (3) PERMIT DESIGN.--The chauffeur permit shall be
17 laminated, shall bear the state seal, and shall bear a
18 photograph of the permittee, the permittee's full name as it
19 appears on the permittee's driver license, date of birth,
20 physical description, and Florida driver license number.

21 Section 6. Certificate of public convenience.--Any
22 company, whether it be a corporation, limited liability
23 corporation, partnership, limited partnership, or sole
24 proprietorship, which owns and provides motor vehicles for
25 passenger vehicle-for-hire service in the state shall first
26 obtain a certificate of public convenience.

27 (1) AUTHORITY.--The Department of Business and
28 Professional Regulation shall create and issue a certificate
29 of public convenience as provided in this section and shall
30 establish procedural requirements, forms, and fees for
31 compliance with this section.

1 (2) REQUIREMENTS.--The following minimum requirements
2 must be met prior to the issuance of a certificate of public
3 convenience:

4 (a) Registration of owners.--Any person holding a
5 share of 10 percent or more in any company which provides
6 vehicle-for-hire service must be listed and must submit an
7 application for a certificate of public convenience on an
8 annual basis. The application must provide the full legal
9 name, date of birth, social security number, legal physical
10 residence address (post office box numbers are not permitted),
11 and Florida driver license number or driver license number and
12 state of issuance if residing outside of this state, of both
13 the applicant and the applicant's spouse, if married.

14 (b) Criminal records check.--A criminal records check
15 shall be conducted through the Florida Department of Law
16 Enforcement on a state and national level. An applicant who
17 has been convicted of a crime involving fraud, theft,
18 deceptive or unfair business practices, a crime against a
19 person, including, but not limited to, domestic violence, a
20 crime involving weapons, a criminal felony, any offense
21 related to drugs or alcohol, or a crime of moral turpitude
22 shall not be eligible for a certificate of public convenience.
23 Further, an applicant who is currently on probation or
24 community control as ordered by a Florida criminal court, or a
25 criminal court of competent jurisdiction of another state,
26 shall not be eligible for a certificate of public convenience.

27 Section 7. Compliance with federal standards.--The
28 Legislature, by this act, hereby complies with all laws,
29 standards, regulations, and rules of the United States
30 Government including the United States Constitution,
31 interstate commerce clauses, and the Transportation Equity Act

1 of 1998. Should any part of this act be found in conflict with
2 any federal law, regulation, or rule, the federal law,
3 regulation, or rule shall take precedence over this act. This
4 act shall also be in compliance with section 316.70, Florida
5 Statutes.

6 Section 8. Act not to impede right of contract.--This
7 act shall not construed, constructed, or intended to impede or
8 prevent the right of contract, as guaranteed by the United
9 States and Florida Constitutions, between any duly registered
10 and permitted vehicle-for-hire company or chauffeur and any
11 person for the provision of such authorized trade. Further,
12 this act shall not prevent or impede the right of property
13 owners to contract specific services with specific permitted
14 vehicle-for-hire companies. This right of concession agreement
15 shall extend to properties owned by private individuals,
16 businesses, and government facilities. For the purpose of
17 this act, and for clarification for the consumer public of the
18 types of vehicle-for-hire services available, taxicabs shall
19 provide on-demand service only.

20 Section 9. Enforcement.--It is the expressed intent of
21 this act to grant enforcement of the provisions of the act to
22 any and all duly sworn law enforcement officers of the State
23 of Florida. All violations of this act are criminal in nature
24 and, therefore, enforcement authority is granted solely to
25 duly sworn full-time, reserve, and auxiliary law enforcement
26 officers of the state. As this act directly relates to the
27 public safety, all law enforcement agencies within the state
28 are encouraged to develop procedures for stringent enforcement
29 of the act.

30 Section 10. Penalties.--This act having been created
31 to enhance and assure the safety of the general public, and to

1 enhance the safe use of the roadways of the state, it is
2 therefore determined that any violation of this act not
3 specifically stated to the contrary is a misdemeanor of the
4 second degree as defined by section 775.081, Florida Statutes,
5 punishable as provided in sections 775.082 and 775.083,
6 Florida Statutes, respectively.

7 (1) OPERATION OF A VEHICLE-FOR-HIRE WITHOUT A VALID
8 VEHICLE-FOR-HIRE PERMIT.--It is unlawful for a passenger
9 vehicle for hire of any classification to operate within this
10 state without a valid vehicle-for-hire permit, as defined. A
11 violation of this section is a misdemeanor of the second
12 degree for the first offense, and a second or subsequent
13 offense constitutes a misdemeanor of the first degree, as
14 defined by section 775.081, Florida Statutes, punishable as
15 provided in sections 775.082 and 775.083, Florida Statutes,
16 respectively.

17 (2) OPERATION OF A VEHICLE FOR HIRE WITHOUT A VALID
18 CHAUFFEUR PERMIT.--It is unlawful for any person to operate a
19 passenger vehicle for hire of any classification within this
20 state without a valid chauffeur permit, as defined. A
21 violation of this section is a misdemeanor of the second
22 degree for the first offense, and a second or subsequent
23 offense constitutes a misdemeanor of the first degree, as
24 defined by section 775.081, Florida Statutes, punishable as
25 provided in sections 775.082 and 775.083, Florida Statutes,
26 respectively.

27 (3) OPERATION OF A VEHICLE-FOR-HIRE COMPANY WITHOUT A
28 CERTIFICATE OF PUBLIC CONVENIENCE.--It is unlawful for any
29 person as defined in this act to operate a vehicle-for-hire
30 service company within this state without a valid certificate
31 of public convenience, as defined. A violation of this section

1 is a misdemeanor of the second degree for the first offense,
2 and a second or subsequent offense constitutes a misdemeanor
3 of the first degree, as defined by section 775.081, Florida
4 Statutes, punishable as provided in sections 775.082 and
5 775.083, Florida Statutes, respectively.

6 (4) FALSIFICATION OF VEHICLE INSPECTION REPORT.--Any
7 person who knowingly falsifies a vehicle inspection report as
8 defined in this act shall be guilty of a misdemeanor of the
9 first degree, punishable as provided in sections 775.082 and
10 775.083, Florida Statutes.

11 (5) OPERATION OF ANY PASSENGER VEHICLE FOR HIRE WHILE
12 UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.--The operation of any
13 passenger vehicle for hire while under the influence of
14 alcohol or drugs is strictly prohibited. For the purpose of
15 this section, the presence of any drugs stipulated in section
16 877.111, Florida Statutes, or any controlled substances, or
17 the presence of alcohol by weight of 0.04, is a violation of
18 this section, and is a misdemeanor of the first degree,
19 punishable as provided in sections 775.082 and 775.083,
20 Florida Statutes.

21 (6) CRIMINAL ENFORCEMENT.--A violation of this section
22 shall be considered by any law enforcement officer to be a
23 criminal offense and shall, upon determination of probable
24 cause, be cause for arrest. In lieu of a custodial arrest, a
25 law enforcement officer may issue a criminal uniform traffic
26 citation requiring appearance in a court of competent
27 jurisdiction.

28 (7) MANDATORY ADJUDICATION.--No court may suspend,
29 defer, or withhold adjudication of guilt or imposition of
30 sentence resulting from any violation of this act.

31

1 Section 11. Reporting of traffic crashes.--Any traffic
2 crash involving a passenger vehicle for hire shall be reported
3 to and investigated by the law enforcement agency having
4 geographic jurisdiction over the location of the traffic
5 crash. Any such traffic crash shall be reported on a long form
6 to the Department of Highway Safety and Motor Vehicles, which
7 shall maintain statistical reports of all traffic crashes
8 involving any passenger vehicle for hire. In any traffic crash
9 involving a passenger vehicle for hire, the investigating
10 agency shall make a determination of fault and shall issue a
11 uniform traffic citation to the violator identified for the
12 specific violation which caused the traffic crash.

13 (1) TRAFFIC CRASHES INVOLVING INJURY OR DEATH.--When a
14 traffic crash occurs involving bodily injury or death of any
15 person involved, and when the vehicle-for-hire chauffeur is
16 determined to be at fault by having violated a provision of
17 the state traffic laws, such a violation shall be cited on a
18 uniform traffic citation with a mandatory court appearance as
19 required by section 318.19, Florida Statutes.

20 (2) MANDATORY ALCOHOL OR DRUG TESTING.--Any chauffeur
21 determined to have been operating a passenger vehicle for hire
22 which is involved in a traffic crash in which there is bodily
23 injury or death, or who is believed by a law enforcement
24 officer to be operating a passenger vehicle for hire while
25 under the influence of alcohol or drugs, shall immediately
26 submit to an approved chemical or physical test of his or her
27 blood, breath, or urine for the purpose of determining his or
28 her alcohol concentration or for the purpose of detecting the
29 presence of chemical substances as set forth in section
30 877.111, Florida Statutes, or of controlled substances.

31 Section 12. Exemptions of certain vehicles for hire.--

1 (1) OUT-OF-STATE VEHICLES FOR HIRE.--It is the intent
2 of this act to provide for the temporary limited operation in
3 this state of vehicles for hire which are registered in a
4 state outside of Florida. Specifically, any passenger vehicle
5 for hire which has originated passenger service outside of the
6 state may travel into, and utilize the roadways of, Florida
7 for the sole purpose of completing the service. In such cases,
8 service is considered continuous as long as the passenger
9 vehicle for hire remains with the person who has contracted,
10 and is providing compensation on a continuous basis, for such
11 service. Vehicles for hire which are registered in a state
12 outside of Florida may not enter the state for the purpose of
13 originating passenger vehicle-for-hire service without first
14 complying with the provisions of this act.

15 (2) VEHICLES FOR HIRE PERMITTED BY THE FEDERAL
16 GOVERNMENT.--Passenger vehicles for hire which are registered
17 and permitted by the United States Department of
18 Transportation for the provision of passenger vehicle-for-hire
19 services, which bear a United States Department Of
20 Transportation registration number, and which are not operated
21 primarily within this state are exempt from this act. For the
22 purpose of this act, "primary operation" is the provision of
23 passenger vehicle-for-hire services from a point of
24 origination within this state on more than three occasions in
25 any 30-day period.

26 Section 13. Fees and fines.--

27 (1) CERTIFICATE OF PUBLIC CONVENIENCE.--The annual fee
28 for a certificate of public convenience is \$75, payable by
29 cash or check to the Department of Business and Professional
30 Regulation. All application fees paid under this section shall
31 be shared with the county or municipality in which the

1 applicant company is located, with \$50 being retained by the
2 department for administrative costs and \$25 being paid to the
3 county or municipality.

4 (2) VEHICLE-FOR-HIRE PERMIT.--The annual fee for a
5 vehicle-for-hire permit license plate or renewal decal is
6 \$150, is in addition to the current standard license plate
7 fees assessed by the state, and is payable to the Department
8 of Highway Safety and Motor Vehicles in a manner prescribed by
9 the department. The department shall retain the standard
10 license plate fee for administrative costs. The \$150 fee
11 collected for the vehicle-for-hire permit shall be distributed
12 as follows:

13 (a) Eighty percent, or \$120 per vehicle for hire,
14 shall be paid to the law enforcement agency of the county or
15 municipality in which the vehicle for hire is registered.

16 (b) Twenty percent, or \$30 per vehicle for hire, shall
17 be paid to the Florida Highway Patrol.

18 (3) CHAUFFEUR PERMIT.--The annual fee for a chauffeur
19 permit is \$40, payable by cash or check to the Department of
20 Business and Professional Regulation, with \$20 being retained
21 by the department for administrative costs and \$20 being paid
22 to the county or municipality in which the applicant chauffeur
23 resides.

24 (4) FINES.--Any fine collected as a result of
25 enforcement of this act shall be disposed of in accordance
26 with section 316.660, Florida Statutes.

27 Section 14. Use of revenues by law enforcement
28 agencies.--It is the intent of this act that revenues
29 collected be distributed to law enforcement agencies in an
30 effort to provide for increased enforcement and, consequently,
31 increased public safety. Law enforcement agencies receiving

1 revenues as a result of this act must utilize said revenues as
2 follows:

3 (1) REVENUES IN EXCESS OF \$50,000 ANNUALLY.--Revenues
4 collected and distributed to any law enforcement agency under
5 this act in excess of \$50,000 in any calendar year must be
6 utilized for the sole purpose of employing full-time law
7 enforcement officers within that agency.

8 (2) REVENUES LESS THAN \$50,000 ANNUALLY.--Revenues
9 collected and distributed to any law enforcement agency under
10 this act less than \$50,000 in any calendar year may be
11 deposited in the general fund of that agency and may be used
12 only for direct support of law enforcement officers employed
13 by that agency. "Direct support" means the acquisition of
14 weapons, uniforms, protective equipment, and marked patrol
15 vehicles.

16 Section 15. This act shall take effect July 1, 1999.

17
18 *****

19 LEGISLATIVE SUMMARY

20
21 Creates the Florida Livery Act to create a standard
22 statewide method of ensuring the mechanical safety of all
23 nongovernmentally owned and operated vehicles which
24 transport passengers for any form of compensation, and to
25 ensure that those persons who operate such vehicles upon
26 the roadways of the state demonstrate their ability to
27 accept the responsibility for operating a vehicle which
28 is transporting passengers. Provides that it is the
29 further intent of the act to assure the safety of
30 consumers of commercial vehicle-for-hire services
31 throughout the state, to assure fair market opportunity
for those citizens conducting business in the industry,
and to provide for fair competition within the
marketplace which will benefit the consumer public. (See
bill for details.)