

By Senators Hargrett, Sebesta and Grant

21-903A-00

1 A bill to be entitled
2 An act relating to the Hillsborough County
3 Public Transportation Commission; designating
4 the commission an independent special district;
5 prohibiting discrimination in employment and
6 encouraging diversity in appointments to the
7 taxicab advisory council; amending s. 2, ch.
8 83-323, Laws of Florida, as amended; providing
9 additional powers of the commission; amending
10 s. 3, ch. 83-423, Laws of Florida, as amended;
11 providing definitions; amending s. 5, ch.
12 83-423, Laws of Florida, as amended; providing
13 for the use of a hearing officer in certain
14 circumstances and for holding public hearings,
15 issuing recommendations, and filing and hearing
16 exceptions; amending s. 10, ch. 83-423, Laws of
17 Florida; revising enforcement powers of the
18 commission; creating s. 16, ch. 83-423, Laws of
19 Florida; providing for an interlocal agreement
20 between the commission and the county and the
21 payment of moneys to the commission by the
22 county; amending s. 9, ch. 83-423, Laws of
23 Florida; revising powers of the commission with
24 respect to adopting rules for the investigation
25 of applicants; repealing s. 6, ch. 423, Laws of
26 Florida, relating to license fees; providing an
27 effective date.
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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. (1) The Hillsborough County Public
2 Transportation Commission created by chapter 83-423, Laws of
3 Florida, as amended, is designated as an independent special
4 district. Except as otherwise provided by this act, the
5 commission must comply with all applicable provisions of
6 chapter 189, Florida Statutes, and any other general law
7 relating to special districts. The fiscal year of the district
8 shall commence October 1 of each year.

9 (2) The commission may not, because of race, color,
10 sex, religious creed, or national origin of any individual,
11 refuse to hire or employ or discharge from employment such
12 individual or otherwise discriminate against such individual
13 with respect to compensation, hire, tenure, term, conditions,
14 or privileges of employment. The commission shall include, to
15 the greatest extent possible, persons who represent gender,
16 racial, ethnic, cultural, and socioeconomic diversity in its
17 employment and contracting practices and in the appointment of
18 members to the taxicab advisory council created pursuant to
19 this act.

20 Section 2. Subsection (3) is added to section 2 of
21 chapter 83-423, Laws of Florida, as amended by section 2 of
22 chapter 87-496, Laws of Florida, and section 2 of chapter
23 88-493, Laws of Florida, to read:

24 Section 2. General powers.--

25 (3) The commission has the power to:

26 (a) Conduct the business of the district and receive
27 and expend funds on its behalf.

28 (b) Maintain a minimum of \$1 million liability
29 insurance coverage.

30 (c) Be responsible for its budget, including:

1 1. Preparation of a financial statement of revenue and
2 expenditures during the prior fiscal year and a balance sheet
3 as of the close of the fiscal year annually on November 30.

4 2. Preparation and adoption by July 1 annually of an
5 itemized budget, including projected revenues sufficient to
6 meet the requirements of the district without an appropriation
7 of other public moneys but which may include such an
8 appropriation as provided by this act, and expenditures for
9 the next fiscal year which reflect anticipated revenues to be
10 collected by the commission for the next fiscal year.

11 (d) By rule, establish a fee schedule to include
12 annual fees for certificates, permits, and public vehicle
13 driver licenses and charge fees as necessary to recover costs
14 for the services rendered pursuant to this act and the rules
15 adopted under this act.

16 (e) Establish accounting systems and procedures
17 designed to fulfill the requirements of generally accepted
18 governmental accounting principles and practices and good
19 internal control in keeping with generally accepted accounting
20 forms, accounts, records, methods, and practices relating to
21 special districts.

22 (f) Designate a depository that is qualified as a
23 public depository pursuant to section 280.04, Florida
24 Statutes, and establish an account to which the revenues of
25 the district are to be deposited and from which expenditures
26 for the routine business expenses of the district and
27 transfers to and from contingency and surplus fund accounts
28 may be made.

29 (g) Establish, maintain, invest, and expend surplus
30 and contingency funds of the district in accordance with
31 general law relating to financial matters pertaining to

1 political subdivisions and with section 215.44(1), Florida
2 Statutes.

3 (h) Establish written bylaws for its internal
4 governance, including the signatures required for the
5 expenditure of funds from any of its authorized accounts.

6 (i) Enter into contracts, interlocal agreements, and
7 other written documents necessary to conducting the business
8 of the district.

9 (j) Employ, discipline, and terminate one or more
10 inspectors to enforce the provisions of this act and the rules
11 adopted under this act and other support personnel as are
12 necessary to conduct its business.

13 (k) Provide a benefits plan to its employees and
14 require up to 100 percent contribution to cover the cost of
15 any employee benefit offered and for which an employee has an
16 option to participate except as otherwise provided by general
17 law.

18 (l) Employ, discipline, and terminate, or contract for
19 the provision of, such qualified professional personnel as
20 attorneys and accountants as are necessary to conduct its
21 business.

22 (m) Buy, sell, lease as lessor or lessee, and receive
23 gifts of real and personal property.

24 (n) Designate and compensate hearing officers for the
25 purposes provided by this act.

26 (o) By rule, establish a standard for the payment of
27 the costs associated with the use of a hearing officer by the
28 applicant and any certificate holder or holders who have
29 voluntarily intervened in a public hearing of the type for
30 which the public hearing is to be or was conducted.

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1 (p) Create a taxicab advisory council that includes
2 representatives of the Tampa-Hillsborough County Convention
3 and Visitors Association, the Greater Tampa Chamber of
4 Commerce, and other civic associations, particularly those in
5 traditionally underserved areas of the county and its
6 municipalities, and seek the recommendation of that council as
7 a prerequisite to changing any rule that limits the number of
8 taxicabs permitted to operate within the county.

9 (q) By rule, establish a cap on the number of taxicab
10 permits which may be issued based on the population of the
11 county as determined from the most current edition of the
12 "University of Florida, Population Division, Bureau of
13 Economic Business Research."

14 Section 3. Subsection (18) through (28) are added to
15 section 3 of chapter 83-423, Laws of Florida, as amended by
16 section 3 of chapter 87-496, Laws of Florida, and section 3 of
17 chapter 88-493, Laws of Florida, to read:

18 Section 3. Definitions.--As used in this act:

19 (18) "Benefits" means benefits offered by the
20 commission, which include a retirement plan and life and
21 health insurance plans and may include cafeteria-style options
22 and making available to employees one or more deferred income
23 plans.

24 (19) "Board" means the Hillsborough County Board of
25 County Commissioners.

26 (20) "Contingency fund" means those moneys held by the
27 district to pay a debt that is not currently fixed but may
28 become so in the future with the occurrence of some uncertain
29 event, which moneys may be carried forward from one year to
30 the next.

31 (21) "County" means Hillsborough County.

1 (22) "District" means the Hillsborough County Public
2 Transportation Commission.

3 (23) "Hearing officer" means a person designated by
4 the commission to perform the duties prescribed by this act
5 who is licensed and in good standing with The Florida Bar and
6 who has demonstrated experience of at least 5 years in
7 administrative law in this state.

8 (24) "Inspector" means a person who is employed and
9 trained by the commission and is supervised by its director or
10 any interim director to provide day-to-day routine enforcement
11 of this act and the rules adopted under this act.

12 (25) "Liability insurance" means insurance against
13 legal liability for the death, injury, or disability of any
14 human being, or for damage to property, with provision for
15 medical, hospital, and surgical benefits to the injured
16 persons, irrespective of the legal liability of the insured,
17 when issued as part of the legal liability of the insured.

18 (26) "Permit" means a license issued by the commission
19 to allow the operation of a particular public vehicle for
20 which a certificate has been issued.

21 (27) "Revenues" means moneys acquired through fees for
22 services provided, any moneys that are appropriated to the
23 district by the county and any of its municipalities as
24 provided by this act, or moneys from any other source and
25 interest income thereon.

26 (28) "Surplus funds" means revenues of the district,
27 less the contingency funds, which funds may be carried forward
28 from one fiscal year to the next.

29 Section 4. Section 5 of chapter 83-423, Laws of
30 Florida, as amended by section 5 of chapter 87-496, Laws of
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1 Florida, and section 4 of chapter 88-493, Laws of Florida, is
2 amended to read:

3 Section 5. Application for Certificate.--

4 (1) It is ~~shall be~~ unlawful for any person to engage
5 in the business of operating a public vehicle ~~taxicabs, vans,~~
6 ~~limousines, handicabs, basic life support ambulances or~~
7 ~~wreckers~~ on the public highways of the Hillsborough county
8 unless that person has complied with the provisions of this
9 act and the rules adopted under this act ~~have been complied~~
10 ~~with.~~

11 (2) Any person desiring to engage in the business of
12 operating any public vehicle in the county must first acquire
13 a certificate from the commission and must ~~shall first~~ make
14 written application to the commission on a form provided by
15 the commission for that purpose ~~Public Transportation~~
16 ~~Commission for a certificate to operate such vehicles. Such~~
17 ~~application shall be made on forms issued by the Public~~
18 ~~Transportation Commission, and shall be filed with its~~
19 ~~secretary and shall contain the full name and address of the~~
20 ~~applicant (if a corporation, the names of the officers of said~~
21 ~~corporation), the principal location of the business, the~~
22 ~~number of vehicles to be operated under said certificate, if~~
23 ~~granted, and such other information as may be required by the~~
24 ~~commission. Upon receipt the filing of such application, the~~
25 ~~commission shall~~ investigate the facts stated in the
26 application ~~make or cause to be made an investigation thereon~~
27 ~~and shall~~ fix a date, time, and place for a public hearing on
28 the ~~upon~~ such application. Wrecker applications are
29 specifically excluded from the public hearing requirement of
30 this section ~~since wreckers are not authorized to transport~~
31 ~~passengers for hire.~~ Not less than 20 days before the public

1 hearing, the commission ~~The secretary~~ shall provide ~~serve a~~
2 ~~copy of such applications requiring public hearings, together~~
3 ~~with a notice of the date, time, and place of such public~~
4 ~~hearing, to~~ upon all persons then providing the type of
5 service being applied for under certificate issued by ~~or~~
6 ~~franchise from the commission and notice that the pending~~
7 application is available for inspection and copying at the
8 office of the commission ~~(taxicab, van, limousine, handicab,~~
9 ~~or basic life support ambulance).~~

10 (3) Such public hearings may be held by the commission
11 as a whole, ~~or~~ by a committee made up of its members appointed
12 by the commission for that purpose, or by a hearing officer as
13 further provided by this act. The committee or hearing officer
14 shall report ~~but such committee shall report to the commission~~
15 ~~its findings and recommendations to the commission~~ for
16 approval, disapproval, or modification. The commission may
17 conduct such further hearings and make such additional
18 investigations as it deems ~~may deem~~ necessary before taking
19 final action ~~passing upon the matter~~. If the person applying
20 for such certificate is not operating vehicles in the
21 ~~Hillsborough~~ county at the time this act becomes law, or if
22 such ~~said~~ application is ~~shall be~~ for a certificate to operate
23 additional vehicles under a certificate previously issued,
24 ~~then~~ the commission shall determine, by the hearings and
25 investigations ~~hereinbefore provided~~, whether or not public
26 convenience and necessity will be promoted by the additional
27 proposed service, and if the commission determines that public
28 convenience and necessity will not be promoted by such
29 additional proposed service, then a certificate shall not be
30 granted. If, ~~on the other hand~~, the commission finds that
31 public convenience and necessity requires such additional

1 proposed service, then the certificate shall be granted,
2 subject to the limitations imposed in other sections in this
3 act.

4 (4)(a) The commission, committee, or hearing officer
5 may require the parties to submit their statements of the
6 facts and memoranda on the issues of law; may compel
7 attendance of witnesses and production of evidence; may
8 administer oaths and take testimony; may reasonably limit the
9 scope of cross-examination to relevant matters raised on
10 direct examination of a witness; shall consider all the
11 evidence properly adduced at the hearing; and shall generally
12 conduct the hearing in a manner that affords all affected
13 parties administrative due process.

14 (b) Following a hearing conducted by a committee or
15 hearing officer, the committee or hearing officer shall file a
16 written report and recommendations with the commission, and
17 the commission shall provide notice to the applicant and any
18 person who may have intervened in the hearing that the report
19 and recommendations are available for inspection and copying
20 at the office of the commission. The applicant and any one who
21 may have intervened at the public hearing may file written
22 exceptions to the report and recommendations at the office of
23 the commission not less than 5 business days before the public
24 hearing before the commission on the application. The
25 commission shall take final action affirming, reversing, or
26 modifying the recommendations. It is further provided,
27 however, that if an exception or exceptions have been timely
28 filed and the commission determines that new facts have been
29 offered which were not available at the time of the hearing
30 before the committee or hearing officer, the commission may
31 remand the report and recommendations, along with the

1 exception or exceptions, to the committee or hearing officer
2 and set the date, time, and place of another public hearing,
3 with proper notice to the applicant and any person who
4 intervened at the initial public hearing, of such
5 supplementary public hearing. Thereafter, the committee or
6 hearing officer shall file a supplemental report with the
7 commission for its final action affirming, reversing, or
8 modifying the recommendations.

9 (c) Any person aggrieved by the final administrative
10 decision may seek judicial review in accordance with the
11 Florida Administrative Procedure Act.

12 Section 5. Section 10 of chapter 83-423, Laws of
13 Florida, is amended to read:

14 Section 10. The ~~Public Transportation~~ commission and
15 law enforcement agencies operating within the Hillsborough
16 county are responsible for the enforcement of this act and the
17 rules adopted under this act. ~~The Hillsborough County Board~~
18 ~~of County Commissioners shall provide to the Public~~
19 ~~Transportation Commission one or more inspectors to enforce~~
20 ~~the provisions of this act and the rules and regulations~~
21 ~~promulgated by the Public Transportation Commission.~~
22 Commission ~~Such~~ inspectors may call upon any law enforcement
23 officer within an appropriate jurisdiction to assist in the
24 enforcement of this act. The ~~Public Transportation~~ commission
25 is authorized to develop and issue a summons to appear before
26 the commission to any person who violates this act or any rule
27 adopted under this act ~~shall violate any established rule or~~
28 ~~regulation,~~ and may, through any of its inspectors
29 inspector(s), obtain from the state attorney a warrant or
30 capias for violation of this act or any rule adopted under
31 this act.

1 Section 6. Section 16 is added to chapter 83-423, Laws
2 of Florida, as amended, to read:

3 Section 16. County responsibility.--The commission and
4 the board shall execute an interlocal agreement that must
5 include the appropriation of a sum of money to the commission
6 to be negotiated and paid by the board to the commission for a
7 period of 3 years beginning October 1, 2000.

8 Section 7. Subsection (3) of section 9 of chapter
9 83-423, Laws of Florida, is amended to read:

10 Section 9. The Commission shall adopt regulations for:

11 (3) Investigation of applicant: The ~~Public~~
12 ~~Transportation~~ commission shall have an investigation made of
13 the facts stated in an application for a public vehicle
14 driver's license and other relevant data. The file shall be
15 available to the applicant or his agent upon request. The
16 ~~Public Transportation~~ commission is authorized to receive
17 criminal history record information from the Florida
18 Department of ~~Criminal~~ Law Enforcement and from local law
19 enforcement agencies for the purpose of screening applicants
20 and to pay a fee for any such record.

21 Section 8. Section 6 of chapter 83-423, Laws of
22 Florida, is repealed.

23 Section 9. This act shall take effect upon becoming a
24 law.

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