

By Senators Sebesta, Lee, Miller and Crist

20-472-01

See HB

1 A bill to be entitled
2 An act relating to Hillsborough County;
3 compiling, codifying, and revising chapter
4 83-423, Laws of Florida, as amended, relating
5 to the Public Transportation Commission;
6 removing gender-specific references; providing
7 legislative intent; protecting the rights of
8 commission employees; creating the commission;
9 providing that the commission is an independent
10 special district; prohibiting discriminatory
11 practices; providing for, amending, and adding
12 definitions; providing for the composition of
13 the commission and its procedures; providing
14 for, amending, and adding mandatory and
15 discretionary powers, including the addition of
16 civil penalties and an automatic lien under
17 certain circumstances; providing for commission
18 staff; providing for and amending an
19 application for certificate process, including
20 establishing public convenience and necessity
21 and procedures for resubmission upon denial;
22 providing for a public vehicle driver's license
23 and adding that a person convicted of being a
24 sexual offender or sexual predator may be
25 denied such licensure and that any such
26 licensure must be revoked upon conviction as a
27 sexual offender or sexual predator; providing
28 penalties; adding provisions relating to
29 citations, administrative hearings in
30 connection with citations, and appeals
31 procedures; adding procedures relating to

1 variances and waivers and an appeals procedure;
2 providing for county responsibility in funding
3 the commission; adding a provision relating to
4 recodification; adding a limited savings clause
5 for rules of the commission; providing for
6 dissolution; providing a severance clause;
7 repealing chapters 83-423, 87-496, 88-493,
8 95-490, and 2000-441, Laws of Florida, relating
9 to the public transportation commission;
10 providing a savings clause; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Intent.--

16 (1) It is the intent of the Legislature that this act
17 supersede chapter 83-423, Laws of Florida, and acts amendatory
18 thereto, which provide for the Hillsborough County Public
19 Transportation Commission and that it be deemed a compilation
20 of previously existing legislation relating to the Public
21 Transportation Commission. Said compilation is also a reviser,
22 deleting provisions that have expired, have had their effect,
23 have served their purpose, or have been impliedly repealed or
24 superseded; replacing incorrect cross-references and
25 citations; correcting grammatical, typographic, and like
26 errors; removing inconsistencies, redundancies, and
27 unnecessary repetition; and improving clarity and facilitating
28 correct interpretation. This act also includes standard
29 business practices of the district not previously enumerated,
30 powers enumerated in a single section, a recodification

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1 clause, and a savings clause. The act also contains
2 substantive revisions.

3 (2) This act shall not be construed as impairing or
4 infringing upon any rights, privileges, or benefits enjoyed by
5 any employee of the commission who is so employed on the
6 effective date of this act.

7 Section 2. Creation; purpose; exclusive jurisdiction;
8 discrimination.--

9 (1) The Hillsborough County Public Transportation
10 Commission is created. Its purpose is to regulate the
11 operation of public vehicles upon the public highways of
12 Hillsborough County and its municipalities. The commission has
13 exclusive jurisdiction in the exercise of the authority
14 provided by this act, and no other public entity within the
15 county may require a person to pay a fee for the privileges
16 granted by this act and any rules adopted in accordance with
17 this act. Nothing in this act shall be construed so as to
18 limit or affect the provisions of chapter 205, Florida
19 Statutes.

20 (2) The commission is an independent special district.
21 Except as otherwise provided by this act, the commission must
22 comply with all applicable provisions of chapter 189, Florida
23 Statutes, and any other general law relating to special
24 districts. The fiscal year of the district shall commence
25 October 1 of each year.

26 (3) The commission may not, because of race, color,
27 sex, religion, national origin, age, handicap, or marital
28 status of any individual refuse to hire or employ or discharge
29 from employment such individual or otherwise discriminate
30 against such individual with respect to compensation, hire,
31 tenure, term, conditions, or privileges of employment. The

1 commission shall include, to the greatest extent possible,
2 persons who represent gender, racial, ethnic, cultural, and
3 socioeconomic diversity in its employment and contracting
4 practices and in the appointment of members to the Public
5 Transportation Commission advisory council created pursuant to
6 this act and any rules adopted in accordance with this act.

7 (4) The commission in the adoption of rules and the
8 commission and commission staff in the application of and in
9 the performance of their duties under this act and any rules
10 adopted in accordance with this act are prohibited from
11 discriminating against any person or group of persons on the
12 basis of race, color, religion, sex, national origin, age,
13 handicap, or marital status. The commission is expressly
14 prohibited from establishing zones, rates, fares, or charges
15 based on any socioeconomic profile.

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

17 (1) "Basic life support ambulance" means any privately
18 or publicly owned vehicle, except those operated by any
19 municipality, which is designed, constructed, reconstructed,
20 maintained, equipped, or operated for and is used for or
21 intended to be used for transportation of sick or injured
22 persons requiring or likely to require medical attention
23 during transport by qualified persons through the use of
24 techniques such as patient assessment, cardiopulmonary
25 resuscitation, splinting, obstetrical assistance, bandaging,
26 administration of oxygen, application of medical anti-shock
27 trousers, administration of a subcutaneous injection using a
28 premeasured autoinjector of epinephrine to a person suffering
29 an anaphylactic reaction, and other techniques described in
30 the Emergency Medical Technician Basic Training Course
31 Curriculum of the United States Department of Transportation

1 or the Florida Department of Health and the requirements of
2 chapter 401, Florida Statutes.

3 (2) "Benefits" means benefits offered by the
4 commission, which include a retirement plan and life and
5 health insurance plans and may include cafeteria-style options
6 and making available to employees one or more deferred income
7 plans.

8 (3) "Board" means the Hillsborough County Board of
9 County Commissioners.

10 (4) "Capacity" means the maximum seating provided in a
11 motor vehicle at the time of original manufacture.

12 (5) "Certificate" means the written authority granted
13 by the commission by its order to operate one or more public
14 vehicles in the county and its municipalities.

15 (6) "Citation" means a written notice, issued by the
16 director, any interim director, or an inspector, that the
17 director, any interim director, or inspector has reasonable
18 cause to believe that the person has violated this act or the
19 rules adopted in accordance with this act. The citation must
20 contain:

21 1. The date and time of issuance.

22 2. The name and address of the person.

23 3. The date and time the violation was committed.

24 4. The facts constituting reasonable cause.

25 5. The section of the act or rule violated.

26 6. The name and authority of the director, any interim
27 director, or inspector.

28 7. The procedure and time limits required for the
29 person in contesting the citation or appearing before the
30 commission.

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1 8. The applicable civil penalties that could be
2 imposed if the person elects to contest the citation.

3 9. The applicable civil penalty if the person elects
4 not to contest the citation and the procedure for satisfying
5 the civil penalty.

6 10. A conspicuous statement that if the person fails
7 to contest the citation within the time allowed, the person
8 shall be deemed to have waived his or her right to contest the
9 citation and that, in such case, the applicable civil penalty
10 indicated in paragraph 9. will apply.

11 (7) "Classifications" means arrangement into
12 sub-groups or sub-categories within each type of service.

13 (8) "Commission" means the Hillsborough County Public
14 Transportation Commission.

15 (9) "Contingency fund" means those moneys held by the
16 district to pay a debt that is not currently fixed but may
17 become so in the future with the occurrence of some uncertain
18 event, which moneys may be carried forward from one year to
19 the next.

20 (10) "County" means Hillsborough County, Florida.

21 (11) "District" means the Hillsborough County Public
22 Transportation Commission.

23 (12) "For hire" means any motor vehicle in the county
24 transporting persons for compensation.

25 (13) "Handicab" means a vehicle designed, constructed,
26 reconstructed, or operated for the transportation of a person
27 with nonemergency conditions where no medical assistance is
28 needed or anticipated; or for a person who is unable to
29 comfortably use a standard means of conveyance; or a person
30 who cannot enter, occupy or exit a vehicle without extensive
31 assistance; or where specialized equipment is used for

1 wheelchair or stretcher service; and where the
2 chauffeur/driver serves as both a chauffeur/driver and an
3 attendant to assist in door-to-door or bed-to-bed service.

4 (14) "Hearing officer" means a person designated by
5 the commission to perform the duties prescribed by this act
6 and any rules adopted in accordance with this act who is
7 licensed and in good standing with The Florida Bar and who has
8 demonstrated at least 5 years' experience in administrative
9 law in this state.

10 (15) "Inspector" means a person who is employed and
11 trained by the commission and is supervised by its director or
12 any interim director to provide day-to-day routine enforcement
13 of this act and any rules adopted in accordance with this act.

14 (16) "Liability insurance" means insurance against
15 legal liability for the death, injury, or disability of any
16 human being, or for damage to property, with provision for
17 medical, hospital, and surgical benefits to the injured
18 person.

19 (17) "Limousine" means any motor vehicle for hire not
20 equipped with a taximeter, and with a capacity of 15
21 passengers or less, including the driver.

22 (18) "Municipality" means a municipality created
23 pursuant to general or special law authorized or reorganized
24 pursuant to s. 2 or s. 6, Art. VIII of the State Constitution.

25 (19) "Parties" means the applicant and any person
26 permitted to intervene during the application for certificate
27 process in accordance with this act and any rules adopted in
28 accordance with this act.

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

1 (21) "Person" means an individual, firm, public or
2 private corporation, partnership or limited partnership
3 company, or joint venture.

4 (22) "Public highway" means any of the public streets,
5 boulevards, avenues, drives, or alleys within the county and
6 its municipalities.

7 (23) "Public transportation" means any public vehicle
8 under the jurisdiction of the commission.

9 (24) "Public vehicle" means a taxicab, van, limousine,
10 handicab, basic life support ambulance, and wrecker.

11 (25) "Public vehicle driver's license" means a written
12 document issued by the commission for a driver of a public
13 vehicle, which is the property of the commission and is
14 nontransferable to any other driver.

15 (26) "Repeated violations" means two or more
16 violations that present an imminent danger to the health,
17 safety, and welfare of the traveling public.

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

23 (28) "Rule" has the same meaning the term has when
24 used in describing administrative procedures required of any
25 agency within the executive branch of state government which
26 has been granted statutory rulemaking authority.

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

30 (30) "Taxicab" means any motor-driven vehicle,
31 equipped with a taximeter, with a capacity of 9 or fewer

1 passengers, including the driver, used for the transportation
2 of for-hire passengers, which operates within Hillsborough
3 County; the term does not include sight-seeing cars or buses,
4 streetcars, or motor buses operated pursuant to franchise.

5 (31) "Taximeter" means any internally mounted device
6 that records and indicates a rate of fare measured by distance
7 traveled, time traveled, waiting time, or extra passengers
8 which has been inspected and sealed by the Florida Department
9 of Agriculture and Consumer Services and which has been
10 calibrated to the approved rates promulgated by the
11 commission.

12 (32) "Type of service" means taxicab or van or
13 limousine or handicab or basic life support ambulance or
14 wrecker.

15 (33) "Van" means any motor-driven vehicle with a
16 capacity of 10 to 15 passengers, including the driver, for the
17 transportation of for-hire passengers, which operates within
18 the county, but does not include sight-seeing cars and buses,
19 streetcars, motor buses operated pursuant to franchise or
20 courtesy vans, and limousines not for hire.

21 (34) "Wrecker" means any privately owned motor driven
22 vehicle used in the recovery, towing, or removal of wrecked,
23 disabled, stolen, or abandoned motor vehicles and contracted
24 for use by, through, or for any unit of local, county, or
25 state government, and not authorized to transport passengers
26 for hire.

27 Section 4. Commission composition; procedures.--

28 (1) The commission shall consist of 7 members,
29 including 3 members from the board appointed by the board; 2
30 members from the City Council of the City of Tampa appointed
31 by the council; 1 member from the City Commission of the City

1 of Plant City appointed by the city commission; and 1 member
2 from the City Council of the City of Temple Terrace appointed
3 by the council. Each governing body shall also appoint an
4 alternate member to the commission who shall serve during the
5 absence of any regular member. Each member shall serve without
6 compensation, and the term of the office shall be for a period
7 of 2 years. However, if a member of the commission shall, for
8 any reason, discontinue service on the governing body that
9 made the appointment, that body shall appoint another of its
10 members to serve on the commission.

11 (2) The members shall elect a chair from its
12 membership who shall serve a two-year term. A majority of the
13 members constitutes a quorum. Each member is entitled to one
14 vote. No action of the commission is binding unless taken at a
15 meeting at which a majority of the members present cast their
16 vote in favor thereof.

17 Section 5. Commission powers, mandatory and
18 discretionary.--

19 (1) The commission has the power and duty to:

20 (a) Regulate and supervise the operation of public
21 vehicles upon the public highways and in all other matters
22 affecting the relationship between such operation and the
23 traveling public.

24 (b) Adopt rules in conformance with chapter 120,
25 Florida Statutes, the Administrative Procedure Act.

26 (c) Meet monthly, unless the meeting schedule is
27 modified in advance, at a regularly scheduled meeting of the
28 Commission, and hold public hearings and other meetings, each
29 of which must be open to the public and in accordance with
30 general law.

31 (d) Record and make minutes of its proceedings.

1 (e) Make copies of its records upon request in
2 accordance with general law except those that may be exempt
3 pursuant to general law.

4 (f) Publish any notices that it is required to make in
5 the county in some newspaper as defined in chapter 50, Florida
6 Statutes.

7 (g) Perform the duties required by this act and any
8 rules adopted in accordance with this act relating to the
9 application for and approval, modification, or rejection of
10 certificates, permits, and public vehicle driver's licenses.

11 (h) Provide for a safety and mechanical inspection of
12 any vehicle that has been used before receiving a permit for
13 operation as a public vehicle, and provide for periodic safety
14 and mechanical inspection of any public vehicle for which a
15 permit has been issued.

16 (i) Determine whether public convenience and necessity
17 require the operation of a public vehicle proposed in an
18 application for a certificate or a permit.

19 (j) Fix or approve taxicab zones, rates, fares, and
20 charges.

21 (k) With regard to taxicabs, adopt rules for
22 determining and changing color scheme, insignia, and cruise
23 light design.

24 (l) Require that each certificate holder for the
25 operation of one or more taxicabs install a taximeter in each
26 taxicab for which a permit is issued.

27 (m) Adopt rules for safety and equipment requirements
28 for taxicabs, limousine, vans, handicabs, and basic life
29 support ambulances and for voice communications equipment for
30 all public vehicles.

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1 (n) Investigate the facts stated in an application for
2 a public vehicle driver's license and other relevant data,
3 making the investigative file available during the normal
4 business hours of the commission to the applicant or his or
5 her agent upon request.

6 (o) Prescribe by rule the size and manner of the
7 photographs to be submitted by each applicant for a public
8 vehicle driver's license.

9 (p) In accordance with the Hillsborough County Civil
10 Service Act, approve, amend, or reject a salary schedule for
11 the classified employees it funds by the date of adoption of
12 its annual budget.

13 (2) The commission has the power to:

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

16 (b) Sue and be sued.

17 (c) Maintain a minimum of \$1 million liability
18 insurance coverage and any other insurance coverage the
19 commission may find necessary.

20 (d) Be responsible for its budget, including:

21 1. No later than November 30 annually, preparation of
22 a financial statement of revenue and expenditures during the
23 prior fiscal year and a balance sheet as of the close of the
24 prior fiscal year.

25 2. Preparation and adoption by July 1 annually of an
26 itemized budget, including projected revenues sufficient to
27 meet the requirements of the district without an appropriation
28 of other public moneys but which may include such an
29 appropriation as provided by this act, and expenditures for
30 the next fiscal year which reflect anticipated revenues to be
31 collected by the commission for the next fiscal year.

1 (e) By rule, establish a fee schedule to include
2 annual fees for certificates, permits, and public vehicle
3 driver's licenses, and charge fees as necessary to recover
4 costs of the services rendered pursuant to this act and to any
5 rules adopted in accordance with this act.

6 (f) Establish accounting systems and procedures
7 designed to fulfill the requirements of generally accepted
8 governmental accounting principles and practices and good
9 internal control in keeping with generally accepted accounting
10 forms, accounts, records, methods, and practices relating to
11 special districts.

12 (g) Designate a depository that is qualified as a
13 public depository pursuant to section 280.04, Florida
14 Statutes, and establish an account to which the revenues of
15 the district are to be deposited and from which expenditures
16 for the routine business expenses of the district and
17 transfers to and from contingency and surplus fund accounts
18 may be made.

19 (h) Establish, maintain, invest, and expend surplus
20 and contingency funds of the district in accordance with
21 general law relating to financial matters pertaining to
22 political subdivisions and with section 215.44(1), Florida
23 Statutes.

24 (i) Establish written bylaws for its internal
25 governance, including the signatures required for the
26 expenditure of funds from any of its authorized accounts.

27 (j) Enter into contracts, interlocal agreements, and
28 other written documents necessary to conducting the business
29 of the district.

30 (k) Contract for and conduct performance audits.
31

1 (l) Appoint, discipline, and terminate a director by a
2 vote of not fewer than 5 members and fix the director's
3 salary.

4 (m) Appoint and terminate an interim director in the
5 event of a vacancy in the director's position who shall
6 perform the duties of the director until a successor has been
7 appointed or the director returns, and fix a salary for same.

8 (n) Employ, discipline, and terminate one or more
9 inspectors to enforce the provisions of this act and any rules
10 adopted in accordance with this act and other support
11 personnel as are necessary to conduct its business.

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

17 (p) Authorize any of its members or its employees to
18 attend conferences and travel on behalf of the district and
19 reimburse costs for such conferences and travel and per diem
20 expenses in accordance with general law.

21 (q) Employ, discipline, and terminate, or contract for
22 the provision of, such qualified professional personnel as
23 attorneys and accountants as are necessary to conduct its
24 business.

25 (r) Buy, sell, lease as lessor or lessee, and receive
26 gifts of real and personal property.

27 (s) Designate and compensate hearing officers for the
28 purposes of this act and any rules adopted in accordance with
29 this act.

30 (t) By rule, establish a standard for the payment of
31 the costs associated with the use of a hearing officer by the

1 applicant and any certificate holder or holders who have
2 voluntarily intervened in a public hearing of the type for
3 which the public hearing is to be or was conducted.

4 (u) Create a Public Transportation Commission advisory
5 council that includes representatives of the Tampa Bay
6 Convention and Visitors Bureau, the Greater Tampa Chamber of
7 Commerce, and other civic associations, particularly those in
8 traditionally underserved areas of the county and its
9 municipalities, and seek the recommendation of that council as
10 a prerequisite to changing any rule that limits the number of
11 taxicabs permitted to operate within the county.

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

17 (w) Develop and issue a citation that may be served
18 upon the authority of the commission, the director, or any
19 interim director and served by the director, any interim
20 director, or any of the inspectors to any person against whom
21 the commission has reasonable cause to believe that the person
22 has violated this act or the rules adopted in accordance with
23 this act.

24 (x) Adopt procedural rules for and convene
25 administrative hearings to abate, correct, or assess civil
26 penalties for a violation for which a citation has been
27 issued.

28 (y) Adopt rules assessing civil penalties for
29 violations for which a citation has been issued in accordance
30 with the provisions of this act and the rules adopted in
31 accordance with this act. The civil penalties that may be

1 assessed by rule are suspension or revocation of, or
2 restrictions upon, a certificate, permit, or public vehicle
3 driver's license, judgment against the person for an amount up
4 to \$500, or any combination of the above. The assessment of
5 any monetary civil penalty on the violator shall, if unpaid,
6 constitute a lien against the assets of the violator.

7 (z) Delegate by rule any administrative hearings
8 relating to citations to be held by the director, interim
9 director, or hearing officer except as may be prohibited by
10 this act.

11 (aa) Through any of its inspectors obtain from the
12 state attorney a warrant or capias for violation of this act
13 and any rules adopted in accordance with this act.

14 (bb) Obtain the assistance of any local law
15 enforcement agency within the appropriate jurisdiction in the
16 enforcement of this act as provided in this act.

17 (cc) Require the filing of forms and reports and
18 submission of additional information and documents as may be
19 required by this act and any rules adopted in accordance with
20 this act by applicants for and holders of certificates,
21 permits, or public vehicle driver's licenses issued by the
22 commission.

23 (dd) Refuse to issue or renew and to suspend or revoke
24 a certificate, permit, or public vehicle driver's license.

25 (ee) Request and receive criminal history record
26 information for the purpose of screening applicants for
27 certificates and public vehicle driver's licenses and pay a
28 fee for any such record.

29 (ff) Establish by rule criteria for requiring an
30 additional health certificate for any applicant for a public
31 vehicle driver's license.

1 (gg) Require additional insurance coverage and
2 limitations by rule for certificate holders which coverages
3 may not be less than those required by general law or by this
4 act.

5 (hh) Require each certificate holder to post rates and
6 other advisory statements in the passenger compartment of each
7 permitted vehicle.

8 (ii) Make classifications within each type of service,
9 and fix or approve zones, rates, fares, and charges for each
10 such classification.

11 (jj) Fix or approve zones, rates, fares, and charges
12 for public vehicles other than taxicabs.

13 (kk) Issue, or authorize its director, or any interim
14 director, to issue, for good cause and without the necessity
15 of notice or public hearing, temporary permits to existing
16 certificate holders provided that such temporary permits shall
17 be issued for a period of time not to exceed 7 days. Upon
18 showing of good cause, temporary permits may be reissued, but
19 shall not be reissued for more than 4 successive seven-day
20 periods without commission approval. Issuance of a temporary
21 permit pursuant to the provisions of this section shall not in
22 any way be construed as a commitment to issue a permanent
23 permit. No action taken by the commission, or by the director
24 or any interim director, if so authorized, shall be construed
25 to estop the commission from subsequently denying an
26 application for a permanent permit.

27 (ll) At any regular or special meeting, establish
28 immediately, on a temporary basis, any emergency rule
29 necessary to address any matter within the jurisdiction of the
30 commission which could seriously and adversely affect the
31 health, safety, and welfare of the traveling public if not

1 immediately addressed by the commission. Any such emergency
2 rule shall take effect upon passage by the commission but
3 shall not remain in effect beyond the next meeting of the
4 commission unless renewed by the commission at that time. Any
5 emergency rule established pursuant to this section may be
6 adopted as a permanent rule in conformance with the
7 rule-making authority prescribed by this act.

8 (mm) Grant variances and waivers in accordance with
9 the Florida Administrative Procedure Act after having adopted
10 implementing rules establishing procedures for granting or
11 denying petitions for variances and waivers and having
12 published notice as provided by this act of a petition for a
13 variance or waiver.

14 (nn) Provide by rule the minimum requirements for a
15 drug-free-workplace program and require that each person
16 possessing a certificate or applying for a certificate to
17 operate a public vehicle implement a drug-free-workplace
18 program that includes those minimum requirements.

19 (oo) Perform any other acts reasonable and necessary
20 to implement and enforce the provisions of this act and any
21 rules adopted in accordance with this act.

22 Section 6. Commission staff.--

23 (1) The commission may employ a director who shall, as
24 a minimum, hold a bachelor's degree in public administration,
25 management, criminal justice, or a related field and have 5
26 years of executive or management experience.

27 (2) The office of the commission director is vacant if
28 the incumbent is by death, illness, or other casualty unable
29 to perform the duties of his or her office; resigns; or is
30 removed by the commission.

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1 (3) The director, any interim director, and each
2 inspector has the power to enforce the provisions of this act
3 and any rules adopted in accordance with this act.

4 Section 7. Application for certificate.--

5 (1) It is unlawful for any person to engage in the
6 business of operating a public vehicle on the public highways
7 of the county unless that person has complied with the
8 provisions of this act and any rules adopted in accordance
9 with this act.

10 (2) Any person desiring to engage in the business of
11 operating any public vehicle in the county must first acquire
12 a certificate from the commission and must first make written
13 application to the commission on a form provided by the
14 commission for that purpose. Upon receipt of such application,
15 the commission shall investigate the facts stated in the
16 application and fix a date, time, and place for a public
17 hearing on the application. Wrecker applications are
18 specifically excluded from the public hearing requirement of
19 this section. Not less than 20 days before the public hearing,
20 the commission shall provide notice of the date, time, and
21 place of such public hearing to each current certificate
22 holder and notice that the pending application is available
23 for inspection and copying at the office of the commission.
24 Any certificate holder possessing a certificate to operate the
25 same type of service being applied for by the applicant and
26 any certificate holder who can demonstrate financial interest
27 may intervene in the public hearing process by filing a notice
28 of intervention not later than five business days prior to the
29 date of the public hearing and in such form and manner as
30 required by the commission.

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1 (a) Such public hearings may be held by the commission
2 as a whole, by a committee made up of its members appointed by
3 the commission for that purpose, or by a hearing officer as
4 further provided by this act and any rules adopted in
5 accordance with this act. The committee or hearing officer
6 shall report findings and recommendations to the commission
7 for approval, disapproval, or modification. The commission may
8 conduct such further hearings and make such additional
9 investigations as it deems necessary before taking final
10 action. If the person applying for such certificate is not
11 operating vehicles in the county at the time this act becomes
12 law, or if such application is for a certificate to operate
13 additional vehicles under a certificate previously issued, the
14 commission shall determine by the hearings and investigations
15 whether or not public convenience and necessity will be
16 promoted by the additional proposed service and, if the
17 commission determines that public convenience and necessity
18 will not be promoted by such additional proposed service, then
19 a certificate shall not be granted. If the commission finds
20 that public convenience and necessity require such additional
21 proposed service, then the certificate shall be granted,
22 subject to the limitations imposed in other sections of this
23 act and any rules adopted in accordance with this act.

24 (b) The applicant has the burden of establishing
25 whether public convenience and necessity require the operation
26 of public vehicles proposed in the application.

27 (c) In making a determination of public convenience
28 and necessity, the commission must consider:

29 1. The adequacy of existing service and other forms of
30 transportation for passengers.

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1 2. The probable permanence and quality of the service
2 offered by the applicant.

3 3. The character of service proposed by the applicant
4 as demonstrated by the proposed use of any two-way voice
5 communications, the proposed use of terminals and private and
6 public hack stands, the time of day and night when service is
7 to be offered, and the proposed number and character of
8 vehicles.

9 4. The financial status, character, and responsibility
10 of the applicant as demonstrated by the applicant's ability to
11 provide, maintain, and operate the number of vehicles proposed
12 to be operated in accordance with the type of service proposed
13 in the application, the applicant's criminal and traffic
14 record, and the applicant's credit record if any.

15 5. The experience of the applicant in the operation as
16 an owner or manager or as a driver of the type of service
17 proposed.

18 6. Any other facts or circumstances that would
19 indicate whether the proposed service is in the public
20 interest.

21 (4)(a) The commission, committee, or hearing officer
22 may require the parties to submit their statements of the
23 facts and memoranda on the issues of law; may compel
24 attendance of witnesses and production of evidence; may
25 administer oaths and take testimony; may reasonably limit the
26 scope of cross-examination to relevant matters raised on
27 direct examination of a witness; shall consider all the
28 evidence properly adduced at the hearing; and shall generally
29 conduct the hearing in a manner that affords all parties
30 administrative due process.

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1 (b) Following a hearing conducted by a committee or
2 hearing officer, the committee or hearing officer shall file a
3 written report and recommendations with the commission, and
4 the commission shall provide notice to the applicant and any
5 person who may have intervened in the hearing that the report
6 and recommendations are available for inspection and copying
7 at the office of the commission. The parties in the public
8 hearing may file written exceptions to the report and
9 recommendations at the office of the commission not less than
10 5 business days before the public hearing before the
11 commission on the application. The commission shall take final
12 action affirming, reversing, or modifying the recommendations.
13 It is further provided, however, that if an exception or
14 exceptions have been timely filed and the commission
15 determines that new facts have been offered which were not
16 available at the time of the hearing before the committee or
17 hearing officer, the commission may remand the report and
18 recommendations, along with the exception or exceptions, to
19 the committee or hearing officer and set the date, time, and
20 place of another public hearing, with proper notice to the
21 parties of such supplementary public hearing. Thereafter, the
22 committee or hearing officer shall file a supplemental report
23 with the commission for its final action affirming, reversing,
24 or modifying the recommendations.

25 (c) Any accepted application for a certificate which
26 is denied by the commission shall not be resubmitted for
27 review and consideration until a minimum of 12 months has
28 elapsed, measured from the date the application was denied. An
29 application is deemed a resubmittal if:
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1 1. The application proposed for resubmittal seeks a
2 certificate authorizing the same type of service as the
3 previously denied application; and

4 2. The application proposed for resubmittal is filed
5 by the same applicant as the previously denied application.
6 The term "same applicant" means the applicant on the
7 previously denied application, its parent corporation or
8 corporations, or any subsidiary, affiliate, successor, or
9 assignee.

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

13 (5) Except for wrecker operators, certificate holders
14 may contract with individual operators holding licensure as
15 prescribed herein for the operation of its public vehicles,
16 provided any such contractor is responsible for the operation
17 and performance of any such subcontractor in accordance with
18 this act and any rules adopted in accordance with this act.

19 Section 8. Public vehicle driver's license.--

20 (1) A person operating a public vehicle in the county
21 or any of its municipalities must have a public vehicle
22 driver's license and a driver's license issued by the State of
23 Florida valid for the type of public vehicle for which a
24 public vehicle driver's license is sought. Application for the
25 public vehicle driver's license shall be under oath on forms
26 prescribed by the commission and shall:

27 (a) Be made in person to the agent prescribed by the
28 commission.

29 (b) Provide general information on forms supplied by
30 the commission including:

31 1. Pertinent personal data.

- 1 2. Physical condition.
- 2 3. Traffic record for 3 years previous to the
3 application, including pleas of nolo contendere, convictions,
4 and forfeitures of collateral and excluding parking citations.
- 5 4. Criminal record, including pleas of nolo
6 contendere, convictions, or forfeitures of collateral.
- 7 5. Experience in driving motor vehicles and public
8 vehicles.
- 9 6. A set of his or her fingerprints made by a
10 qualified fingerprint technician.
- 11 7. Three (3) recent photographs of himself or herself,
12 of a size and manner prescribed by the commission.
- 13 8. A health certificate form. As a result of the
14 statements made by the applicant on the health certificate
15 form, the applicant may be required to submit an additional
16 health certificate completed and signed by a physician
17 licensed in accordance with chapter 458 or chapter 469,
18 Florida Statutes, when criteria established by rule of the
19 commission have been met for such additional health
20 certificate.
- 21 (2) The Florida Department of Law Enforcement and
22 other law enforcement agencies are authorized to provide
23 criminal history record information to the commission for this
24 purpose and may assess a fee for same.
- 25 (3) The commission may refuse to issue a public
26 vehicle driver's license to an applicant for:
- 27 (a) Repeated violations of the motor vehicle laws.
- 28 (b) Conviction of any offense involving commission of
29 a felony; a sex offense including conviction as a sexual
30 offender as defined in section 944.606(1), Florida Statutes,
31 or as a sexual predator as provided in section 775.21(40),

1 Florida Statutes; soliciting for prostitution; an alcohol or
2 narcotics offense; drunkenness; violation of the gambling
3 laws; or a crime involving moral turpitude.
4 (4) The commission shall not issue a public vehicle
5 driver's license to any applicant who:
6 (a) Is on parole or probation for a felony;
7 (b) Is covered by diplomatic immunity;
8 (c) Has less than six (6) months' driving experience;
9 (d) Does not hold a driver's license issued by the
10 State of Florida valid for the type of public vehicle for
11 which a public vehicle driver's license is sought;
12 (e) Is on parole or probation for a misdemeanor.
13 (5) Each public vehicle driver's license:
14 (a) Must be on a form prescribed by the commission and
15 include a recent photograph of the license holder.
16 (b) Shall be valid for 1 year and may be renewed
17 annually for 1 additional year when the commission finds no
18 criminal or traffic violations during the period of the
19 expiring license. If the investigation reveals such
20 violations, the license shall not be valid for more than 60
21 days.
22 (c) Must be surrendered to the commission when a
23 driver's license issued by the State of Florida has been
24 suspended, revoked, expired, or is otherwise invalid.
25 (d) Must be shown, upon demand, to any law enforcement
26 officer and must be conspicuously displayed, except by
27 wreckers, in a frame and in plain view of passengers during
28 the operation of a public vehicle.
29 (e) Must be renewed by making application for renewal
30 between 30 and 60 days prior to its expiration date.
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1 (6) Surrender, suspension, second revocation of public
2 vehicle driver's license:

3 (a) The commission may suspend for not less than one
4 and not more than 30 days or may revoke any public vehicle
5 driver's license for any of the following reasons:

6 1. Repeated violations of the motor vehicle laws.

7 2. Conviction of reckless driving.

8 3. Failure to report any accident in which the
9 licensee is involved as required by law.

10 4. Driving any vehicle known to the driver not to be
11 in good order and repair.

12 5. Knowingly making a false statement of material and
13 relevant facts on an application for a public vehicle driver's
14 license.

15 6. Conviction of or plea of nolo contendere to an
16 offense involving alcohol, gambling, or moral turpitude.

17 (b) The public vehicle driver's license is revoked and
18 shall be immediately surrendered upon conviction or a plea of
19 nolo contendere to any offense involving:

20 1. Commission of a felony.

21 2. A sex offense, including conviction as a sexual
22 offender as defined in section 944.606(1), Florida Statutes,
23 or as a sexual predator as provided in section 775.21(40),
24 Florida Statutes.

25 3. Soliciting for or engaging in prostitution.

26 4. Narcotics.

27 5. An offense for which the penalty includes
28 revocation of the offender's state motor vehicle operator's
29 license.

30 Section 9. Additional safety and equipment
31 requirements and prohibitions.

1 (1) Taxicabs may not be equipped with devices that may
2 be manipulated in such a way as to shield the occupants or
3 driver from observation or obstruct the view through the rear
4 window. Public vehicles must be equipped with approved safety
5 nonshatterable glass in the windshield, and windows, interior
6 and exterior, must be kept in a clean condition. The interiors
7 of public vehicles must be kept in a sanitary condition and be
8 swept and dusted daily. At least once weekly the interior of
9 each public vehicle, with the exception of wreckers, must be
10 cleaned thoroughly with suitable antiseptic solution. Taxicab,
11 van, handicab, and basic life-support ambulance interiors must
12 be of a leather or similar nonabsorbent washable material.
13 Each public vehicle must be of good substantial appearance and
14 be constructed and maintained as to provide for the safety of
15 the public and satisfactory operation with minimum noise and
16 vibration. Each public vehicle must be structurally sound as
17 to all its parts, must not have broken or cracked fenders or
18 glass, and must be painted to give reasonable protection from
19 structural deterioration to all painted surfaces.

20 (2) All marks or identification of each public vehicle
21 must be permanent and clearly legible at all times.

22 (3) No handicab may carry emergency equipment except a
23 fire extinguisher, may not use the term "ambulance" or
24 "ambulatory service," and may not make representations that
25 any medical service is available.

26 (4) Taxicabs, handicabs, basic life-support
27 ambulances, and wreckers must be equipped to provide two-way
28 voice communications. No public vehicle may carry or use
29 scanner- or monitor-type radios.

30 Section 10. Enforcement.--The commission and law
31 enforcement agencies operating within the county are

1 responsible for the enforcement of this act and any rules
2 adopted in accordance with this act. Commission inspectors may
3 call upon any law enforcement officer within an appropriate
4 jurisdiction to assist in the enforcement of this act and any
5 rules adopted in accordance with this act. The commission may,
6 through any of its inspectors, obtain from the state attorney
7 a warrant or capias for violation of this act or any rule
8 adopted under this act.

9 Section 11. Violation of act; penalty.--

10 (1) In addition to any other civil penalties defined
11 elsewhere in this act, any person who violates or fails to
12 comply with, or who procures, aids, or abets in the violation
13 of, any provision of this act or any rules adopted in
14 accordance with this act is guilty of a criminal offense and
15 misdemeanor in accordance with section 775.08, Florida
16 Statutes, and is punishable as provided by law.

17 (2) Any person who operates a public vehicle upon the
18 public highways without a certificate, permit, or public
19 vehicle driver's license as provided by this act and any rules
20 adopted in accordance with this act, or who operates a public
21 vehicle using a canceled certificate, or who violates any of
22 the provisions of this act or any rules adopted in accordance
23 with this act may be enjoined by the courts of this state from
24 any such violation.

25 Section 12. Citations; administrative hearings;
26 persons aggrieved.

27 (1)(a) Whenever evidence has been obtained or received
28 establishing reasonable cause that a violation of this act or
29 rules adopted in accordance with this act is occurring or has
30 occurred, the commission or director or any interim director
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1 may issue a citation and serve the alleged violator by
2 personal service or certified mail.

3 (b) The commission and, if authority has been
4 delegated, the director, interim director, or hearing officer,
5 may convene administrative hearings to abate, correct, or
6 assess civil penalties for a violation for which a citation
7 has been served.

8 (c) Failure to request an administrative hearing by
9 service of notice of appeal within 20 days after service of a
10 citation shall constitute a waiver thereof, and any such
11 unappealed citation shall become a final administrative
12 decision of the commission by operation of law.

13 (2) Any person aggrieved by an action of commission
14 staff, including the director, any interim director, an
15 inspector, or a hearing officer may appeal to the commission
16 for an administrative hearing by filing within 20 days after
17 the date of the action a written notice of appeal which shall
18 concisely identify the matter contested and the reasons or
19 grounds therefore. Any notice of appeal shall be filed at the
20 business office of the commission, and an administrative
21 hearing shall be held solely before the commission and in
22 accordance with rules adopted by the commission for that
23 purpose.

24 (3) Any person aggrieved by a final administrative
25 decision of the commission or, when delegated, the director,
26 interim director, or hearing officer, may seek judicial review
27 in accordance with the Florida Administrative Procedure Act.

28 Section 13. Variance and waiver.--

29 (1) A variance and waiver may only be granted at a
30 public meeting upon affirmative vote of 5 members of the
31 commission. Notice of the petition and notice of the

1 disposition of the petition for variance or waiver need not be
2 provided to the Department of State. A copy of the petition
3 and the order granting or denying the petition for variance
4 and waiver need not be filed with the Joint Administrative
5 Procedures Committee. The commission need not file reports
6 with the Governor, President of the Senate, and Speaker of the
7 House of Representatives regarding the type and disposition of
8 each petition for variance and waiver. The commission's
9 decision to grant or deny the petition for variance and waiver
10 is not subject to sections 120.569 and 120.57, Florida
11 Statutes.

12 (2) Any person aggrieved by a commission decision to
13 grant or deny a petition for a variance and waiver may seek
14 judicial review in accordance with the Florida Administrative
15 Procedure Act.

16 Section 14. County responsibility.--The commission and
17 the board shall execute an interlocal agreement that must
18 include the appropriation of a sum of money to the commission
19 to be negotiated and paid by the board to the commission for a
20 period of 3 years beginning October 1, 2000.

21 Section 15. Recodification.--Prior to July 1, 2011,
22 and prior to July 1 every 10 years thereafter or as may
23 otherwise be required by the Legislature or the Hillsborough
24 County Legislative Delegation, the Hillsborough Delegation
25 shall review this act and all acts that amend this act for the
26 purpose of determining whether there is a need for
27 consolidating, compiling, revising, and recodifying these
28 acts. If it is determined that there is such a need, the
29 delegation may require the commission to prepare such
30 legislation as may be necessary for that purpose.

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1 Section 16. Savings clause for rules.--The rules of
2 the commission in effect on the effective date of this act
3 shall remain in effect for a period not to exceed one year
4 from that date to permit the commission sufficient time to
5 revise or repeal its rules in conformance with this act.

6 Section 17. Dissolution.--The district may be
7 dissolved in accordance with the provisions of section
8 189.4042, Florida Statutes.

9 Section 18. Severance clause.--If any provision of
10 this act or its application is held invalid, it is the
11 legislative intent that the invalidity shall not affect other
12 provisions or applications of the act which can be given
13 effect without the invalid provision or application, and to
14 this end the provisions of this act are declared severable.

15 Section 19. Chapters 83-423, 87-496, 88-493, 95-490,
16 and 2000-441, Laws of Florida, are repealed. Such repeal does
17 not affect the prosecution of any cause of action that accrued
18 before the effective date of the repeal and does not affect
19 actions of the commission prior to the effective date of the
20 repeal.

21 Section 20. This act shall take effect upon becoming a
22 law.
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