

ARTICLE IX. - VEHICLES FOR HIRE

DIVISION 1. - GENERALLY

Sec. 22-441. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means an individual, partnership, association, or corporation who applies for a permit, pursuant to the terms of this article. In the case of partnerships, associations, and corporations, the term "applicant" also means each individual with a partnership interest, each associate and the corporate officers and director.

Certificate means the written authority granted by the city commission or city clerk, to the holder thereof, to engage in providing public transportation services in the city.

Chauffeur means a duly licensed driver registered with the city to operate a motor vehicle.

Compensation means a return in money, property, or anything of value.

Motor carrier means an individual, partnership, association, corporation, or other entity that owns, controls, operates, exercises dominion over, or manages any motor vehicle, as defined herein, and which holds itself out as engaged in the business of providing passenger transportation services to the public for compensation.

Motor vehicle or vehicle means every vehicle or machine of 15-passenger capacity or less, excluding the driver, propelled by other than muscular motive power, used upon the public streets for public passenger transportation, including, but not limited to:

Limousine means any motor vehicle that is engaged for the exclusive use of the passenger, which provides seating accommodations for not less than six and not more than eight passengers, exclusive of the driver, and where the route or destination is controlled by the passenger.

Taxicab means a motor vehicle designated to accommodate not more than five passengers, exclusive of the driver, operated for compensation and the route or destination is controlled by the passenger therein.

Van means any motor vehicle which provides seating accommodations for not less than nine and not more than 15 passengers, exclusive of the driver, operated for compensation, and the route or destination is controlled by the passenger therein.

Operator means the holder of a permit or certificate of transportation issued pursuant to this article.

Street means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct, or other public place located within the city limits.

(Code 1960, § 27-1; Code 1983, § 9-221; Ord. No. 16-021, § 2, 10-17-2016)

Secs. 22-442—22-465. - Reserved.

DIVISION 2. - CERTIFICATION

Sec. 22-466. - Certificate of transportation.

- (a) It shall be unlawful for any motor carrier to use, drive, or operate or to cause or permit any person to use, drive, or operate any motor vehicle upon the streets within the city limits without first obtaining a certificate of transportation pursuant to the provisions of this division; provided, however, that this section shall not apply to the following:
- (1) Discharge of any passenger picked up outside the city limits, provided that the pickup and carriage of such passenger was legally authorized.
 - (2) Operation under a valid certificate of public convenience issued by the interstate commerce commission.
 - (3) Operation of a limousine by licensed embalmers, morticians, or funeral directors, or their employees, for purposes directly related to funerals.
 - (4) Operation of privately-owned buses engaged in intercity transportation, but only to the extent required by F.S. § 341.102.
 - (5) Operation of a motor vehicle under a valid certificate of public convenience and necessity issued by the city.
 - (6) Motor vehicles owned, or operated through contract, by the city providing local or special public transit services.
 - (7) Ambulances and other emergency vehicles operated by the county fire district for purposes of medical transport.
 - (8) Ambulances and other vehicles required to be licensed under the provisions of F.S. ch. 401.
 - (9) Federal, state, county, or municipal vehicles when operated by a government employee providing transportation services without compensation.
 - (10) Motor vehicles used for the transportation of passengers between the vicinity of their respective residences and the vicinity of their respective places of work when driven by a person travelling between his residence and his place of work in an arrangement commonly referred to as a carpool or vanpool.
 - (11) Vehicles operated by a governmental agency.
 - (12) Vehicles owned and operated by hotels and motels which provide transportation services for their guests only, for which the guest does not incur a separate charge.
- (b) There are hereby created two classes of certificates of transportation.
- (1) *Class A.* A Class A certificate of transportation shall be required for any individual, partnership, association, corporation, or other entity that owns, controls, operates, exercises dominion over, or manages any motor vehicle which holds itself out as engaged in the business of providing passenger transportation services to the public for compensation.
 - (2) *Class B.* A Class B certificate of transportation shall be required for any individual employed or contracted as a chauffeur by an individual, partnership, association, corporation, or other entity that owns, controls, operates, exercises dominion over, or manages any motor vehicle which holds itself out as engaged in the business of providing passenger transportation services to the public for compensation.
- (c) Any certificate issued pursuant to the provisions of this division shall be valid for one year only and shall expire on September 30 of each year.

Sec. 22-467. - Application; contents; investigation.

- (a) Application for Class A certificate of transportation. Every application for a Class A certificate of transportation, and every application for amendment to a Class A certificate of transportation hereunder, shall be in writing, signed and sworn to by the applicant, and shall be filed with the city clerk as provided for herein. The application shall be on a form provided by the city clerk and shall contain the following:
- (1) General.
 - a. If an individual, name, address and date of birth of the applicant, and names and addresses of all management personnel.
 - b. If a partnership or association, names, addresses and dates of birth of all partners or associates, and names and addresses of all management personnel.
 - c. If a corporation, name of corporation, date and state of incorporation, verified copy of registration to do business in the state, address of corporate headquarters in the state, or name and address of resident agent if a foreign corporation, names, addresses and date of birth of all corporate officers, directors, and management personnel.
 - d. All previous addresses for the five years preceding the date of application for all individuals, partners, corporate officers, directors and management personnel.
 - (2) A description of the type of transportation service which the applicant desires to furnish, including whether taxicab, limousine, or other; a brief description of the number, kinds and types of vehicles to be used; seating capacity of the vehicles; a statement indicating whether each vehicle is accessible for persons with disabilities and a description of the accessibility features of each vehicle; and the state motor vehicle license number of each vehicle.
 - (3) The trade name under which the motor carrier service will be operated.
 - (4) A statement indicating whether the applicant has paid its current annual state license tax on motor vehicles for hire for all motor vehicles to be used by the applicant and whether appropriate license tax is affixed to each such vehicle.
 - (5) Evidence of insurance as required in section 22-470.
 - (6) Two current passport-type photographs of the applicant. In the case of partnership, association or corporation, this information shall be obtained from all partners, associates, corporate officers and directors.
 - (7) A record of all vehicular and pedestrian accidents involving property damage and/or personal injury that the applicant has been directly involved in, which have occurred within five years of the date of the application, including an identification of all final judgments and/or criminal findings, along with any other pertinent information.
 - (8) A certified copy of a criminal background investigation disclosing a record of all crimes (excluding traffic) of which the applicant has been convicted within five years preceding the date of the application. In the case of partnership, association or corporation, this information shall be obtained from all partners, associates, corporate officers and/or directors.
 - (9) A list of all motor carrier certificates, permits, or authorizations granted or denied to the applicant by a

governmental entity within the preceding three years, and a list of all failures by the applicant to perform on a motor carrier contract, franchise, or license within six years preceding the date of application. Partnership, association, or corporate applicants shall provide this information for all partners, associates, corporate officers and directors.

- (10) A description of the geographic area proposed to be served by the applicant. This should be expressed as either a 50- or 200-mile radius out from the applicant's base of operations.
 - (11) Each original application, application for amendment, or application for certificate transfer shall be accompanied by a fee in the amount prescribed by resolution of the board. All such fees are nonrefundable.
- (b) Application for Class B certificate of transportation. Every application for a Class B certificate of transportation and every application for amendment to a Class B certificate of transportation hereunder shall be in writing, signed and sworn to by the applicant, and shall be filed with the city clerk as provided for herein. The application shall be on a form provided by the city clerk and shall contain the following:
- (1) Name, address and date of birth of the applicant.
 - (2) The name of the individual, partnership, association, corporation, or other entity that owns, controls, operates, exercises dominion over, contracts for or manages the motor vehicles which will be operated by the applicant to provide passenger transportation services to the public for compensation.
 - (3) Copy of current state driver's license.
 - (4) Two current passport-type photographs of the applicant.
 - (5) A record of all vehicular and pedestrian accidents involving property damage and/or personal injury that the applicant has been directly involved in, which have occurred within five years of the date of the application, including an identification of all final judgments and/or criminal findings, along with any other pertinent information.
 - (6) A certified copy of a criminal background investigation disclosing a record of all crimes (excluding traffic) of which the applicant has been convicted within five years preceding the date of the application.
 - (7) A list of all motor carrier certificates, certificate of transportation, or authorizations granted or denied to the applicant by a governmental entity within the preceding three years.
 - (8) Each original application or application for an amendment shall be accompanied by a fee in the amount prescribed by resolution of the board. All such fees are nonrefundable.

(Code 1983, § 9-257; Ord. No. 16-021, § 2, 10-17-2016)

Sec. 22-468. - Review of application.

(a) *Review of Class A certificates of transportation.*

- (1) Upon the filing of any application for a Class A certificate of transportation, the city clerk, or his designee, shall review the application for completeness. The city clerk may require additional information as may be necessary to adequately review an application for a Class A certificate of transportation.
- (2) The city clerk or shall determine whether the submitted application is complete within ten working days of the date the application is filed with the director. Upon a showing of good cause, the city clerk may extend this review period one time for ten additional working days. If the city clerk does not certify the application as complete, return the application as incomplete, or notify the applicant that the review

period is being extended for an additional ten-day period, the application for Class A certificate of transportation shall automatically be granted provisional status, subject to the provisions of subsection (a)(4) of this section.

- (3) If the city clerk determines the application for Class A certificate of transportation to be incomplete and/or inconsistent with the standards of review set forth in section 22-469, the city clerk shall return the application to the applicant, noting the items which are not complete or have been determined to be inconsistent with the standards of review. The applicant will then have 60 days from the date of transmittal to submit a revised/corrected application for certificate of transportation. Any application that has been returned for correction and is not resubmitted to the city clerk within the described 60-day period shall be considered withdrawn and all filing fees forfeited.
 - (4) Once the city clerk determines an application for a certificate of transportation to be complete, the city clerk shall, based upon the standards of review set out in section 22-469, approve, approve with conditions, or deny the application.
 - (5) The city clerk shall issue a Class A certificate of transportation if the city clerk determines that the application complies with the requirements of this division and that the issuance of a certificate is consistent with the requirements of this division.
- (b) *Review of Class B certificates of transportation.*
- (1) Upon the filing of any application for a Class B certificate of transportation, the city clerk, or his designee, shall review the application for completeness. The city clerk may require additional information as may be necessary to adequately review the application for a Class B certificate of transportation. Such review shall be a part of the record from which the city clerk makes his decision.
 - (2) The city clerk shall determine whether the submitted application is complete within ten working days of the date the application is filed. Upon a showing of good cause, the city clerk may extend this review period one time for ten additional working days. Good cause may include, but is not limited to, failure to receive the applicant's required driving record from the state department of highway safety and motor vehicles. If the city clerk does not certify the application as complete, deny the application, return the application as incomplete, or notify the applicant that the review period is being extended for an additional ten-day period, the application for Class B certificate of transportation shall automatically be granted provisional status.
 - (3) If the city clerk determines the application for Class B certificate of transportation to be incomplete, the city clerk shall return the application to the applicant, noting the items which are not complete. The applicant will then have 60 days from the date of transmittal to submit a revised/corrected application for a certificate of transportation. Any application that has been returned for correction and is not resubmitted to the community development director within the described 60-day period shall be considered withdrawn and all filing fees forfeited.
 - (4) Once the application is complete, the city clerk shall approve, approve with conditions, or deny the application based on the standards of review set forth in section 22-469.
 - (5) If the city clerk approves the application, the clerk shall issue a Class B certificate of transportation. One of the photographs submitted with the application shall be affixed to the certificate. The certificate shall be prominently displayed in the motor carrier vehicle during all times of operation by the applicant.
 - (6) Except as provided for under section 22-475, any applicant for a Class B certificate of transportation who

has his application denied is prohibited from applying for any further certificates of transportation until such time as all requirements are met by the applicant.

(Code 1983, § 9-259; Ord. No. 16-021, § 2, 10-17-2016)

Sec. 22-469. - Standards of review.

The following standards of review shall apply to both Class A and Class B certificates of transportation application:

- (1) Any permit holder or applicant for a certificate shall meet all of the following requirements:
 - a. Be at least 18 years of age on the date of application.
 - b. Hold a valid state driver license of the appropriate classification for the vehicle driven.
 - c. Have no conviction within the preceding five years of any of the following:
 1. Any crime involving the sale or possession of controlled substances as defined in F.S. § 893.02.
 2. Any crime defined by F.S. ch. 796, related to prostitution.
 3. Any offense relating to driving under the influence of controlled substances or alcohol as set forth in F.S. § 316.193.
 - d. Have no conviction of any criminal offense or felony involving the use of deadly weapons unless the civil rights of the applicant or certificate holder have been restored.
 - e. Have no revocation or suspension within the preceding three years of a state driver, chauffeur or commercial driver license.
 - f. Have no more than two traffic infractions resulting in accidents in the preceding three years.
 - g. Have no more than four convictions of moving traffic violations in the preceding eight years.
 - h. Meet the insurance requirements set forth in section 22-470, if required.
- (2) Failure to comply with the provisions of this section shall result in denial of a certificate, revocation or suspension of a certificate, a denial of a renewal of a certificate, or other such remedies available to the city.

(Code 1983, § 9-260; Ord. No. 16-021, § 2, 10-17-2016)

Sec. 22-470. - Certificate—Insurance requirement.

- (a) All applicants for Class A and Class B certificates of transportation are required to maintain insurance coverage. A Class B chauffeur in the employ of an individual, partnership, association or corporation who is covered under the insurance policies of the individual, partnership, association or corporation shall not be required to comply with the provisions of this section, so long as the individual, partnership, association or corporation employing him meets the requirements of this section and the individual, partnership, association or corporation employing him has a valid Class A certificate of transportation issued in accordance with the provisions of this division.
- (b) Before any certificates are issued to conduct operations, the motor carrier shall file evidence of insurance with the city clerk providing for public liability and property damage coverage on each motor vehicle to be operated in the following amounts:
 - (1) *Taxicab*. Not less than \$25,000.00 per person and \$50,000.00 per incident as to public liability, and property damage coverage in an amount not less than \$25,000.00.

- (2) *Limousine*. Not less than \$50,000.00 per person and \$100,000.00 per incident as to public liability, and property damage coverage in an amount not less than \$50,000.00.
 - (3) *Van*. Not less than \$100,000.00 per person and \$300,000.00 per incident as to public liability, and property damage coverage in an amount not less than \$100,000.00.
- (c) Evidence of insurance shall be executed and filed with the city clerk by the insurance carrier in a form acceptable to the city clerk. The insurance carrier or company shall qualify as an insurance company authorized to transact business in the state. At a minimum, the evidence of insurance shall show:
- (1) The type and amount of coverage;
 - (2) The effective date of the coverage; and
 - (3) The effective radius of the coverage.
- (d) The insurance coverage required hereunder shall be effective throughout the area served by the applicant. No certificate shall be issued prior to the effective date of the coverage. Such insurance shall be kept in full force and effect by the certificate holder at all times. Failure to have same in full force and effect shall immediately and automatically suspend all certificates issued hereunder, until evidence of compliance with this section has been filed in the proper form and amounts as herein provided. Such insurance shall provide that the certificate holder's insurance coverage may neither expire nor be canceled prior to 30 days after the city receives written notice of the expiration or cancellation from the insurance carrier.
- (e) A motor carrier may qualify for a portion of the required insurance under this section in an amount not to exceed \$50,000.00 by obtaining a certificate of self-insurance from the state department of highway safety and motor vehicles, pursuant to F.S. ch. 324. Copies of the self-insurance certificate and all reports required by the state department of highway safety and motor vehicles shall be delivered by the motor carrier to the board.

(Code 1983, § 9-261; Ord. No. 16-021, § 2, 10-17-2016)

Sec. 22-471. - Certificate—Revocation.

- (a) The city clerk shall revoke any certificate issued under this article for failure of the certificate holder to meet any requirement of this division or any rule or regulation adopted by the city or the state. Notice of the city clerk's intent to revoke a certificate for failure to meet any of the requirements of this division shall be sent to the certificate holder by certified mail. If evidence of corrective measures is not presented to the city clerk within 21 days of the date the notice is sent, the certificate shall be deemed revoked. If evidence of corrective measures is presented timely, the city clerk shall determine whether that evidence is credible and whether it indicates full compliance with all governing requirements. Failure to present credible evidence of full compliance with all governing requirements shall be grounds for revoking the certificate.
- (b) Any certificate revoked pursuant to this section may only be reinstated through the filing of a new application for a certificate of transportation or through appeal as set forth in section 22-475.

(Code 1983, § 9-262; Ord. No. 16-021, § 2, 10-17-2016)

Sec. 22-472. - Renewal of certificate; evidence of continuing compliance.

- (a) Renewal of a Class A certificate of transportation. After September 1 of each year, but before October 1 of each year, every holder of a Class A certificate of transportation issued pursuant to this division shall submit

the following for renewal of the certificates and as evidence of continuing compliance with the provisions of this division:

- (1) Evidence of insurance in the amount and coverage required by section 22-470.
 - (2) A list of all chauffeurs employed by the holder of the certificate after the date of issuance of the current certificate and employed on the date of application for renewal of the certificate.
 - (3) A renewal fee in the amount prescribed by resolution of the city commission.
- (b) Renewal of a Class B certificate of transportation. After September 1 of each year, but before October 1 of each year, every holder of a Class B certificate issued pursuant to this division shall submit the following for renewal of certificates and as evidence of continuing compliance with the provisions of this division:
- (1) Evidence of insurance in the amount and coverage required by section 22-470, if required.
 - (2) A renewal fee in the amount prescribed by resolution of the city commission.
- (c) The certificate shall be renewed only if a certificate holder demonstrates continuing compliance with the provisions of this division. Otherwise, the certificate shall be subject to revocation as set forth in section 22-471.

(Code 1983, § 9-263; Ord. No. 16-021, § 2, 10-17-2016)

Sec. 22-473. - Authority of city commission to promulgate rules and regulations.

The city commission is hereby authorized to establish, by resolution, such rules and regulations concerning the operation and maintenance of any taxicab or limousine service permitted pursuant to this division as they may deem necessary to protect the public health and safety of the citizens of the city. Any failure by a certificate holder to meet and comply with such rules and regulations shall be grounds for permit revocation as provided in section 22-471.

(Code 1983, § 9-264; Ord. No. 16-021, § 2, 10-17-2016)

Sec. 22-474. - Transfers; assignability.

- (a) No certificate of transportation issued pursuant to this division may be transferred or assigned without the prior written approval of the city clerk.
- (b) The city clerk shall not approve any transfer or assignment of any certificate unless the proposed transferee or assignee submits a new application for the appropriate certificate of transportation which demonstrates complete compliance with all provisions of this division.

(Code 1983, § 9-265; Ord. No. 16-021, § 2, 10-17-2016)

Sec. 22-475. - Appeals.

- (a) An applicant or certificate holder may appeal any decision made by the city clerk to the city commission by filing a petition of appeal with the city manager within 30 calendar days of the date of rendition of the decision. The board shall review the petition at a public meeting within 30 calendar days from the date of filing of the appeal. The petitioner shall be provided with notice of the time, date and place of the public meeting by certified mail, return receipt requested, and invited to attend. Testimony at the public meeting shall be limited to ten minutes per side, unless an extension of time is granted by the commission. The commission's decision shall be final for the purpose of administrative appeals. The commission's review of

the petition shall be limited to the record and facts which were available to the city clerk at the time of rendition of the decision appealed. The commission shall revoke the decision of the city clerk if there is competent substantial evidence in the record that the decision fails to comply with this division.

- (b) Any person desiring to appeal a decision of the commission under this section may apply for judicial relief by writ of certiorari to the circuit court in the nineteenth judicial circuit in and for the city within 30 days after rendition of the decision by the commission. Review shall be governed by the Florida Rules of Appellate Procedure.

(Code 1983, § 9-266; Ord. No. 16-021, § 2, 10-17-2016)