

THE FIRST
FIVE
PAGES ARE
CHANGES
TO CHAPTER
2001-299

CHAPTER 2007-297

House Bill No. 1293

An act relating to Hillsborough County; amending chapter 2001-299, Laws of Florida; granting the Hillsborough County Public Transportation Commission rulemaking authority regarding the availability of certain public vehicles for individuals with mobility impairments; providing an effective date.

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

Section 1. Paragraph (oo) of subsection (2) of section 5 of chapter 2001-299, Laws of Florida, is redesignated as paragraph (pp), and a new paragraph (oo) is added to that subsection to read:

Section 5. Commission powers, mandatory and discretionary.—

(2) The commission has the power to:

(oo) Adopt a rule ensuring the availability of public vehicles that meet any applicable federal requirements for the transportation of any individual with mobility impairments who cannot transfer to a passenger seat and is restricted to a common wheelchair as defined by federal law. In no case shall this rule require more than 3 percent of the total authorized permits issued under a certificate.

Section 2. This act shall take effect July 1, 2007.

Approved by the Governor June 20, 2007.

Filed in Office Secretary of State June 20, 2007.

CHAPTER 2008-290

Council Substitute for House Bill No. 1225

An act relating to Hillsborough County; amending chapter 2001-299, Laws of Florida, relating to the Public Transportation Commission; providing for certain national criminal history background checks; authorizing the issuance of temporary public vehicle driver's licenses; providing for an exception to a public driver's license requirement; providing an effective date.

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

Section 1. Paragraphs (ee) and (kk) of subsection (2) of section 5 and paragraph (b) of subsection (5) of section 8 of chapter 2001-299, Laws of Florida, are amended to read:

Section 5. Commission powers, mandatory and discretionary.—

(2) The commission has the power to:

(ee) Request and receive criminal history record information for the purpose of screening applicants for certificates and public vehicle driver's licenses and pay a fee for any such record. Such record information may include a national criminal history records check with the Federal Bureau of Investigation. The fingerprints may be submitted by the commission to the Florida Department of Law Enforcement (FDLE) for state processing, and the department shall forward them to the Federal Bureau of Investigation for a national criminal history records check. All costs associated with transmittal and processing shall be borne by the commission, the employer, or the person subject to the background check. The FDLE shall invoice the commission for the fingerprints submitted each month. The commission shall screen background results to determine if an applicant meets licensure requirements.

(kk) Issue, or authorize its director, or any interim director, to issue and reissue, for good cause and without the necessity of notice or public hearing, temporary permits to existing certificate holders and temporary public vehicle driver's licenses provided that such temporary permits and temporary public vehicle driver's licenses shall be issued for a period of time not to exceed 7 days. Upon showing of good cause, temporary permits or temporary public vehicle driver's licenses may be reissued, but shall not be reissued more than four 4 successive 7-day seven-day periods without commission approval. Issuance of a temporary permit or a temporary public vehicle driver's license pursuant to the provisions of this section shall not in any way be construed as a commitment to issue a permanent permit or annual public vehicle driver's license. No action taken by the commission, or by the director or any interim director if so authorized, shall be construed to estop the commission from subsequently denying an application for a permanent permit or annual public vehicle driver's license.

Section 8. Public vehicle driver's license.—

(5) Each public vehicle driver's license:

(b) Shall be valid for 1 year and may be renewed annually for 1 additional year when the commission finds no criminal or traffic violations during the period of the expiring license. If the investigation reveals such violations, the license shall not be valid for more than 60 days, providing further, however, that temporary public vehicle driver's licenses are exempt from this paragraph.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.

CHAPTER 2010-265

House Bill No. 1485

An act relating to Hillsborough County; amending chapter 2001-299, Laws of Florida, relating to the Public Transportation Commission; revising definitions; providing an effective date.

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

Section 1. Subsections (1) and (34) of section 3 of chapter 2001-299, Laws of Florida, are amended to read:

Section 3. Definitions.—As used in this act:

(1) “Basic life support ambulance” means any privately or publicly owned vehicle, except those operated by any municipality, that is designed, constructed, reconstructed, maintained, equipped, or operated for and is used for or intended to be used for transportation of a sick or injured ~~person persons~~ requiring or likely to require medical attention during transport by a qualified ~~person persons~~ through the use of techniques such as patient assessment, cardiopulmonary resuscitation, splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical anti-shock trousers, administration of a subcutaneous injection using a premeasured autoinjector of epinephrine to a person suffering an anaphylactic ~~anaphylactic~~ reaction, and other techniques described in the Emergency Medical Technician Basic Training Course Curriculum of the United States Department of Transportation or the Florida Department of Health and the requirements of chapter 401, Florida Statutes.

(34) “Wrecker” means any ~~truck or other privately owned motor driven vehicle that is used to tow, carry, or otherwise transport motor vehicles or vessels upon the streets and highways of this state and that is equipped for that purpose with a boom, winch, car carrier, or other similar equipment and is in the recovery, towing, or removal of wrecked, disabled, stolen, and abandoned motor vehicles and~~ contracted for use by, through, or for any unit of local, county, or state government, and not authorized to transport passengers for hire or any person regularly engaged in towing or storing vehicles or vessels in Hillsborough County pursuant to section 715.07, Florida Statutes.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.

CHAPTER 2010-272

House Bill No. 1629

An act relating to Hillsborough County; amending chapter 2001-299, Laws of Florida; clarifying that administrative determination by the Division of Administrative Hearings of the Department of Management Services of the invalidity of rules or proposed rules of the Hillsborough County Public Transportation Commission is authorized; providing an effective date.

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

Section 1. Subsection (4) is added to section 12 of chapter 2001-299, Laws of Florida, to read:

Section 12. Citations; administrative hearings; persons aggrieved or substantially affected.—

(4) Any person substantially affected by a rule or proposed rule of the commission may seek an administrative determination of the invalidity of the rule pursuant to section 120.56, Florida Statutes.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.

CHAPTER 2001-299

House Bill No. 777

An act relating to Hillsborough County; compiling, codifying, and revising chapter 83-423, Laws of Florida, as amended, relating to the Public Transportation Commission; removing gender-specific references; providing legislative intent; protecting the rights of commission employees; creating the commission; providing the commission is an independent special district; prohibiting discriminatory practices; providing for, amending, and adding definitions; providing for the composition of the commission and its procedures; providing for, amending, and adding mandatory and discretionary powers, including the addition of civil penalties and an automatic lien under certain circumstances; providing for commission staff; providing for and amending an application for certificate process, including establishing public convenience and necessity and procedures for resubmission upon denial; providing for a public vehicle driver's license and adding that a person convicted of being a sexual offender or sexual predator may be denied such licensure and that any such licensure must be revoked upon conviction as a sexual offender or sexual predator; providing penalties; adding provisions relating to citations, administrative hearings in connection with citations, and appeals procedures; adding procedures relating to variances and waivers and an appeals procedure; providing for county responsibility in funding the commission; adding a provision relating to recodification; adding a limited savings clause for rules of the commission; providing for dissolution; providing a severance clause; repealing chapters 83-423, 87-496, 88-493, 95-490, and 2000-441, Laws of Florida, relating to the public transportation commission; providing a savings clause; providing an effective date.

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

Section 1. Intent.—

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

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

Section 2. Creation; purpose; exclusive jurisdiction; discrimination.—

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

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

(3) The commission may not, because of race, color, sex, religion, national origin, age, handicap, or marital status of any individual refuse to hire or employ or discharge from employment such individual or otherwise discriminate against such individual with respect to compensation, hire, tenure, term, conditions, or privileges of employment. The commission shall include, to the greatest extent possible, persons who represent gender, racial, ethnic, cultural, and socioeconomic diversity in its employment and contracting practices and in the appointment of members to the Public Transportation Commission advisory council created pursuant to this act and any rules adopted in accordance with this act.

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

Section 3. Definitions.—As used in this act:

(1) “Basic life support ambulance” means any privately or publicly owned vehicle, except those operated by any municipality, that is designed, constructed, reconstructed, maintained, equipped, or operated for and is used for or intended to be used for transportation of sick or injured persons requiring or likely to require medical attention during transport by qualified persons through the use of techniques such as patient assessment, cardiopulmonary resuscitation, splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical anti-shock trousers, administration of a subcutaneous injection using a premeasured autoinjector of epinephrine to a person suffering an anaphylactic reaction, and other techniques described in the Emergency Medical Technician Basic Training Course Curriculum of the United States Department of Transportation or the Florida Department of Health and the requirements of chapter 401, Florida Statutes.

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

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

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

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

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

1. The date and time of issuance.

2. The name and address of the person.

3. The date and time the violation was committed.

4. The facts constituting reasonable cause.

5. The section of the act or rule violated.

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

7. The procedure and time limits for the person to observe to contest the citation or to appear before the commission.

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

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

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

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

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

(9) "Contingency fund" means those moneys held by the district to pay a debt that is not currently fixed but may become so in the future with the

occurrence of some uncertain event, which moneys may be carried forward from one year to the next.

(10) “County” means Hillsborough County, Florida.

(11) “District” means the Hillsborough County Public Transportation Commission.

(12) “For hire” means any motor vehicle in the county transporting persons for compensation.

(13) “Handicab” means a vehicle designed, constructed, reconstructed, or operated for the transportation of a person with non-emergency conditions where no medical assistance is needed or anticipated; or for a person who is unable to comfortably use a standard means of conveyance; or a person who cannot enter, occupy or exit a vehicle without extensive assistance; or where specialized equipment is used for wheelchair or stretcher service; and where the chauffeur/driver serves as both a chauffeur/driver and attendant to assist in door-to-door or bed-to-bed service.

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

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

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

(17) “Limousine” means any motor vehicle for hire not equipped with a taximeter, with a capacity for 15 passengers or less, including the driver.

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

(19) “Parties” means the applicant and any person permitted to intervene during the application for certificate process in accordance with this act and any rules adopted in accordance with this act.

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

(21) “Person” means an individual, firm, public or private corporation, partnership or limited partnership company, or joint venture.

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

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

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

(25) "Public vehicle driver's license" means a written document issued by the commission for a driver of a public vehicle, which is the property of the commission and is non-transferable to any other driver.

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

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

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

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

(30) "Taxicab" means any motor-driven vehicle, equipped with a taximeter, with a capacity for 9 or less passengers, including the driver, for the transportation of for hire passengers, which operates within Hillsborough County, but does not include sight-seeing cars or buses, streetcars, or motor buses operated pursuant to franchise.

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

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

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

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

Section 4. Commission composition; procedures.—

(1) The commission shall consist of 7 members, including 3 members from the board appointed by the board; 2 members from the City Council of the City of Tampa appointed by the council; 1 member from the City Commission of the City of Plant City appointed by the city commission; and 1 member from the City Council of the City of Temple Terrace appointed by the council. Each governing body shall also appoint an alternate member to the commission who shall serve during the absence of any regular member. Each member shall serve without compensation, and the term of the office shall be for a period of 2 years. However, if a member of the commission shall, for any reason, discontinue service on the governing body which made the appointment, that body shall appoint another of its members to serve on the commission.

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

Section 5. Commission powers, mandatory and discretionary.—

(1) The commission shall:

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

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

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

(d) Record and make minutes of its proceedings.

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

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

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

(h) Provide for a safety and mechanical inspection of any vehicle which has been previously used prior to granting a permit for operation as a public vehicle and for periodic safety and mechanical inspection of any public vehicle for which a permit has been issued.

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

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

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

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

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

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

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

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

(2) The commission has the power to:

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

(b) Sue and be sued.

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

(d) Be responsible for its budget, including:

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

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

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

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

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

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

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

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

(k) Contract for and conduct performance audits.

(l) Appoint, discipline, and terminate a director by a vote of not less than an affirmative vote of 5 members and fix his or her salary.

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

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

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

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

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

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

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

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

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

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

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

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

(y) Adopt rules assessing civil penalties for violations for which a citation has been issued in accordance with the provisions of this act and the rules adopted in accordance with this act. The civil penalties which may be assessed by rule are suspension or revocation of, or restrictions upon, a certificate, permit, or public vehicle driver's license, judgment against the person for an amount up to \$500, or any combination of the above. The assessment of any monetary civil penalty on the violator shall, if unpaid, constitute a lien against the assets of the violator.

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

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

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

(cc) Require the filing of forms and reports and submission of additional information and documents as may be required by this act and any rules

adopted in accordance with this act by applicants for and holders of certificates, permits, or public vehicle drivers' licenses issued by the commission.

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

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

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

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

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

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

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

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

(ll) At any regular or special meeting, establish immediately, on a temporary basis, any emergency rule necessary to address any matter within the jurisdiction of the commission which could seriously and adversely affect the health, safety, and welfare of the traveling public if not immediately addressed by the commission. Any such emergency rule shall take effect upon passage by the commission but shall not remain in effect beyond the next meeting of the commission unless renewed by the commission at that time. Any emergency rule established pursuant to this section may be adopted as a permanent rule in conformance with the rule-making authority prescribed by this act.

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

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

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

Section 6. Commission staff.—

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

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

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

Section 7. Application for certificate.—

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

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

(a) Such public hearings may be held by the commission as a whole, by a committee made up of its members appointed by the commission for that purpose, or by a hearing officer as further provided by this act and any rules adopted in accordance with this act. The committee or hearing officer shall report findings and recommendations to the commission for approval, disapproval, or modification. The commission may conduct such further hearings

and make such additional investigations as it deems necessary before taking final action. If the person applying for such certificate is not operating vehicles in the county at the time this act becomes law, or if such application is for a certificate to operate additional vehicles under a certificate previously issued, the commission shall determine, by the hearings and investigations whether or not public convenience and necessity will be promoted by the additional proposed service, and if the commission determines that public convenience and necessity will not be promoted by such additional proposed service, then a certificate shall not be granted. If the commission finds that public convenience and necessity requires such additional proposed service, then the certificate shall be granted, subject to the limitations imposed in other sections of this act and any rules adopted in accordance with this act.

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

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

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

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

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

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

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

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

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

(b) Following a hearing conducted by a committee or hearing officer, the committee or hearing officer shall file a written report and recommendations with the commission, and the commission shall provide notice to the applicant and any person who may have intervened in the hearing that the report and recommendations are available for inspection and copying at the office of the commission. The parties in the public hearing may file written exceptions to the report and recommendations at the office of the commission not less than 5 business days before the public hearing before the commission on the application. The commission shall take final action affirming, reversing, or modifying the recommendations. It is further provided, however, that if an exception or exceptions have been timely filed and the commission determines that new facts have been offered which were not available at the time of the hearing before the committee or hearing officer, the commission may remand the report and recommendations, along with the exception or exceptions, to the committee or hearing officer and set the date, time, and place of another public hearing, with proper notice to the parties of such supplementary public hearing. Thereafter, the committee or hearing officer shall file a supplemental report with the commission for its final action affirming, reversing, or modifying the recommendations.

(c) Any accepted application for a certificate which is denied by the commission shall not be resubmitted for review and consideration until a minimum of 12 months has elapsed, measured from the date the application was denied. An application is deemed a resubmittal if:

1. The application proposed for resubmittal seeks a certificate authorizing the same type of service as the previously denied application; and

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

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

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

Section 8. Public vehicle driver's license.—

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

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

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

1. Pertinent personal data.

2. Physical condition.

3. Traffic record for 3 years previous to the application, including pleas of nolo contendere, convictions, and forfeitures of collateral and excluding parking citations.

4. Criminal record, including pleas of nolo contendere, convictions, or forfeitures of collateral.

5. Experience in driving motor vehicles and public vehicles.

6. Provide a set of his or her fingerprints made by a qualified fingerprint technician.

7. Three (3) recent photographs of himself or herself, of a size and manner prescribed by the commission.

8. A health certificate form. As a result of the statements made by the applicant on the health certificate form, the applicant may be required to submit an additional health certificate completed and signed by a physician licensed in accordance with chapter 458 or chapter 469, Florida Statutes, when criteria established by rule of the commission has been met for such additional health certificate.

(2) The Florida Department of Law Enforcement and other law enforcement agencies are authorized to provide criminal history record information to the commission for this purpose and may assess a fee for same.

(3) The commission may refuse to issue a public vehicle driver's license to an applicant for:

(a) Repeated violations of the motor vehicle laws.

(b) Conviction of any offense involving commission of a felony, a sex offense including conviction as a sexual offender as defined in section 944.606(1), Florida Statutes, or has been found to be a sexual predator as provided in section 775.21(40), Florida Statutes, soliciting for prostitution, an alcohol or narcotics offense, drunkenness, violation of the gambling laws, or a crime involving moral turpitude.

(4) The commission shall not issue a public vehicle driver's license to any applicant who:

(a) Is on parole or probation for a felony;

(b) Is covered by diplomatic immunity;

- (c) Has less than six (6) months' driving experience;
- (d) Does not hold a driver's license issued by the State of Florida valid for the type of public vehicle for which a public vehicle driver's license is sought;
- (e) Is on parole or probation for a misdemeanor.
- (5) Each public vehicle driver's license:
- (a) Must be on a form prescribed by the commission and include a recent photograph of the license holder.
- (b) Shall be valid for 1 year and may be renewed annually for 1 additional year when the commission finds no criminal or traffic violations during the period of the expiring license. If the investigation reveals such violations, the license shall not be valid for more than 60 days.
- (c) Must be surrendered to the commission when a driver's license issued by the State of Florida has been suspended, revoked, expired, or is otherwise invalid.
- (d) Must be shown, upon demand, to any law enforcement officer and must be conspicuously displayed, except wreckers, in a frame and in plain view of passengers during the operation of a public vehicle.
- (e) Must be renewed by making application for renewal between 30 and 60 days prior to its expiration date.
- (6) Surrender, suspension, second revocation of public vehicle driver's license:
- (a) The commission may suspend for not less than one and not more than 30 days or revoke any public vehicle driver's license for any of the following reasons:
1. Repeated violations of the motor vehicle laws.
 2. Conviction of reckless driving.
 3. Failure to report any accident in which the licensee is involved as required by law.
 4. Driving any vehicle known to the driver not to be in good order and repair.
 5. Knowingly make a false statement of material and relevant facts on an application for a public vehicle driver's license.
 6. Conviction of or plea of nolo contendere to an offense involving alcohol, gambling, or moral turpitude.
- (b) The public vehicle driver's license is revoked and shall be immediately surrendered upon conviction or a plea of nolo contendere to any offense involving:

1. Commission of a felony.
2. A sex offense, including conviction as a sexual offender as defined in section 944.606(1), Florida Statutes, or has been found to be a sexual predator as provided in section 775.21(40), Florida Statutes.
3. Soliciting for or engaging in prostitution.
4. Narcotics.
5. An offense for which the penalty includes revocation of state motor vehicle operator's license.

Section 9. Additional safety and equipment requirements and prohibitions.

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

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

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

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

Section 10. Enforcement.—The commission and law enforcement agencies operating within the county are responsible for the enforcement of this act and any rules adopted in accordance with this act. Commission inspectors may call upon any law enforcement officer within an appropriate jurisdiction to assist in the enforcement of this act and any rules adopted in accordance with this act. The commission may, through any of its inspectors obtain from the state attorney a warrant or capias for violation of this act or any rule adopted under this act.

Section 11. Violation of act; penalty.—

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

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

Section 12. Citations; administrative hearings; persons aggrieved.

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

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

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

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

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

Section 13. Variance and waiver.—

(1) A variance and waiver may only be granted at a public meeting upon affirmative vote of 5 members of the commission. Notice of the petition and notice of the disposition of the petition for variance or waiver need not be

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

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

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

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

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

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

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

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

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

Approved by the Governor May 25, 2001.

Filed in Office Secretary of State May 25, 2001.