

MINUTES

PUBLIC TRANSPORTATION COMMISSION

WEDNESDAY, FEBRUARY 10, 2010

COUNTY COMMISSIONERS' BOARD ROOM

601 E. KENNEDY BLVD., SECOND FLOOR

I. CALL TO ORDER

The meeting of the Public Transportation Commission was called to order by Chairman Kevin White at 9:02 a.m. The following Commission members were present:

*Chairman Kevin White
Commissioner Rose Ferlita
Commissioner Ken Hagan
Commissioner Dan Raulerson
Councilman Joseph Caetano
Councilman John Dingfelder
Councilmen Mark A. Knapp*

*Board of County Commissioners
Board of County Commissioners
Board of County Commissioners
City of Plant City
City of Tampa
City of Tampa
City of Temple Terrace*

Commissioner Ken Hagan was not present at this PTC meeting.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Raulerson led the Commission in the invocation and pledge of allegiance.

III. SWEARING IN OF WITNESSES

Chairman White performed a mass swearing in of the witnesses wishing to speak before the Commission.

IV. AUDIENCE PARTICIPATION

There were no audience comments.

V. REPORTS – For receipt and filing.

- A. Inspector's Report – January, 2010
- B. Fiscal Year Status Report
- C. Year-to-Date Report

Motion to receive and file all reports was made by Commissioner Raulerson, seconded by Councilman Caetano and carried unanimously.

VI. CONSENT ITEMS

- A. January 10, 2010 Public Transportation Commission meeting minutes
- B. Approval of Public Vehicle Driver's Licenses –January, 2010
- C. Administrative Change Application for a name and ownership change from Bay Shuttle, Inc. to Bay & Beach Van Services, LLC.

Motion to approve the consent items was made by Councilman Caetano seconded by Commissioner Raulerson and carried unanimously.

VII. ATTORNEY'S REPORT

Chairman White asked if Attorney Perez had anything to report. Attorney Perez had nothing to report.

VIII. OLD BUSINESS

- A. Wrecker Company Hours of Business

Director Padilla referenced the Chairman's request from the last meeting to research and report in reference to the hours of operation of wrecker companies in Hillsborough County. The wrecker companies wanted to close at 5:00 p.m. and State Statute says that they must close at 6:00 p.m. Director Padilla said that according to staff's research, Florida State Statute 715.07 says that the hours of operation are from 8:00 a.m. to 6:00 p.m. for private impounds, but it does not reference rotation. Staff contacted local law enforcement agencies regarding wrecker impound hours and all of them indicated that they were against wrecker companies closing at 5:00 p.m. rather than 6:00p.m. The Florida Highway Patrol was the only exception. The Director suggested tabling the matter until more research could be done.

Chairman White said that if there are no exceptions to the Statute in other municipalities, then he did not think further research would be needed. Director Padilla said that he has spoken to Polk County and they said that wrecker companies close at 5:00 p.m. When he asked them what Statute or ordinance they abide by, they did not have one, they just answered that they close at 5:00 p.m. Therefore, it appeared that they were not following any guidelines regarding closing time for wrecker companies and there was no precedent set that would override State Statute in Polk County.

Chairman White said that he would ask Attorney Perez for his opinion, but saw no reason to table this item. Attorney Perez said that he wanted to elaborate on some of the things that Director Padilla said regarding State Statute. The Statute pertains to private nonconsensual impounds. The PTC's rules do not currently kind of wrecker service, only rotation calls for government towing. PTC rule number 10.10 makes mention of the required closing time being 6:00 p.m. Although the PTC does not deal with nonconsensual impounds, many of the towing companies do both private impounds and government tows. Therefore, according to the statute, if they are providing nonconsensual towing, the must be open until 6:00 p.m. or they could risk liability.

Councilman Dingfelder said that although what he was going to say was about towing, it was not about the same subject, but he still thought he needed something about it. He had a constituent regarding who approached him regarding someone who had his car towed out of a private lot. When the person went to pay, they had a debit card and the towing company would only accept cash. Councilman Dingfelder said that he felt that wrecker companies should accept debit cards. He felt that it was already enough inconvenience to have to pick up the car and pay \$100 or \$200.00 to get it back, but when the customer has to find a place to get cash, it is a further inconvenience. Councilman

Dingfelder asked if it was something the PTC would have jurisdiction over. He said that he was aware that there would be some objections as far as the costs associated with fees for credit cards, but he felt that in the long run, it did not cost that much more. He pointed out that other small business owners use them, even at flea markets and he felt that it might be good if towing companies took credit cards and debit cards. He asked for any thoughts from the Board or staff regarding this matter. He presented the matter just for discussion and it was not meant for audience comment.

Councilman Caetano wondered if Director Padilla could come back to the Board with an answer. He agreed with Councilman Dingfelder that many people did not carry cash these days, but used credit or debit cards and he felt that these people should have accessibility to use them too.

Chairman White said that the issue has come up before. He said that the cost was not the major issue, but that the towing companies concerns were the customer's ability to dispute the towing costs on their credit cards. Once the money has been paid, if a person disputes the tow, then could cancel the card with the credit card company and then they will lose the money for the tow until the dispute over the charge is done.

Councilman Dingfelder said that that might not be the case with debit cards. The Chairman agreed. He just wanted to clarify how dialogue in the past has gone regarding charge cards and checks. He said that he did not think that any towing companies in Hillsborough County accept credit cards or checks at this time.

Councilman Dingfelder made a motion to direct staff to come back to the next meeting with suggestions after talking to industry about accepting debit and credit cards. The motion was seconded by Councilman Caetano. There was no vote taken by the Board

Attorney Perez said that there is nothing in the PTC's statute that addresses this issue or obligates wrecker companies to provide them to accept credit or debit cards for nonconsensual towing. He reminded the Board that its jurisdiction is limited since it only regulates government towing. Therefore, the PTC's ability to legislate this area of their business is currently limited.

Councilman Dingfelder said that the customer would still have to go and pay even if it was a government tow.

Attorney Perez agreed that the PTC would be able to govern only the nonconsensual side and make requirements, but he reminded Councilman Dingfelder that the example he had given was of a nonconsensual tow. He said that in regards to those types of tows, it seemed common that there is a cash requirement.

Councilman Dingfelder asked why the PTC was not in the nonconsensual arena.

Attorney Perez said that this is based on the way that the PTC's special act is worded that the Board will only cover wreckers that handle governmental towing. However, the PTC did file in the beginning of this Legislative session last March, to bring nonconsensual towing under its jurisdiction. In this coming session, the bill should pass and then the PTC could make rules that address nonconsensual towing and provide local enforcement for some of these issues.

Councilman Dingfelder asked if the PTC would be able to have a rule regarding debit card usage if it gets jurisdiction over nonconsensual towing or if the legislation would have to be amended.

Attorney Perez said that the Board would be able to regulate this matter if there were no existing prohibitions. He said that he is not aware of any prohibitions that would prevent an independent special district from implementing this requirement for nonconsensual towing, so it could be possible. Attorney Perez said that if the laws are enacted, they would probably become effective July 1st of this year. He said that once that is in place, if the Board wanted to explore the possibility of instituting a rule regarding the use of debit or credit cards, it could go through the rule making process and could probably happen in fall or winter of this year.

Councilman Dingfelder said that he wanted to address it just on the government towing side and then the Board could be prepared for the summer if that is the case.

Director Padilla said that it would not be a problem. However, to be fair to the towing industry, Director Padilla wanted the Board to know PTC staff has not received many complaints regarding this matter. He said that in general, there are not too many complaints against the great majority of the companies that are regulated by the PTC. There is a small percentage of “gypsies” or “predators” that do go out and take cars in the middle of the night and demand cash, but for the most part, the companies that are regulated by the PTC are very reputable. They do accept checks and credit cards because they have the systems that run the checks through the banks right away because the technology is out there. Director Padilla said that he would meet with the industry and see what can be done to come up with an answer for the Board. However, not all companies operate in a predatory way.

Also under old business, the Chairman wanted to correct a vote that was done two months prior where there was not really a quorum. At that time, the Chairman and Vice Chairman were elected. The Chairman said that he found out that the Chairman and Vice Chairman run for their seats in opposite years. Councilman Caetano was the Vice Chairman and he should have kept that chair until next year when his term was up. Now that it was brought to the attention of the Chairman that Councilman Caetano would like to retain his position as Vice Chairman, as a matter of making it administratively correct, there should be a motion to rescind the vote for Vice Chairman that was taken a two months ago.

Motion to rescind the motion to make Commissioner Dan Raulerson Vice Chairman which will mean that Councilman Caetano retains his seat as such officer was made by Commissioner Raulerson, seconded by Councilman Caetano and passed unanimously.

IX. NEW BUSINESS

A. Public Hearings

1. Van Service Applications

- a. Florida Limousine Services, LLC d/b/a Airport Limo of Tampa Bay (Pinellas Park, FL) – application for a van certificate and one (1) unrestricted van permit

Director Padilla gave a summary of the Hearing Officer’s recommendation for approval of the application for a van certificate and one (1) van permit requested by Florida Limousine Services, LLC d/b/a Airport Limo of Tampa Bay Chairman White asked if anyone wanted to speak regarding the application. The owner was present but had no comment.

Chairman White asked if anyone else wanted to speak and no one did.

Motion to approve the application of Florida Limousine Services, LLC d/b/a Airport Limo of Tampa Bay for a van certificate and one permit was made by Commissioner Raulerson, seconded by seconded by Councilman Caetano and carried 5 to 1 with Commissioner Ferlita dissenting.

2. Handicab Service Applications

- a. Express Medical Transport, Inc. (Clearwater, FL) – application for two (2) additional handicab permits on their already existing handicab certificate

Director Padilla gave a summary for staff's recommendation of approval of the two additional permits for Express Medical Transport, Inc. Chairman White asked if anyone wanted to speak regarding the application. Chairman White asked if the company owner was present. The owner was there, but had no comment.

Chairman White asked if anyone else wanted to speak and no one did.

Motion to approve the application of Express Medical Transport, Inc. for a two (2) additional handicab permits was made by Councilman Caetano seconded by Councilman Knapp and passed unanimously.

ADDITIONAL ITEM under New Business:

Director Padilla said that it was necessary to bring back the approved rules for wrecker companies that was approved at the February, 2010 PTC meeting. There were a couple of changes. One of the changes was a fee change from \$110 to \$115 and also there was a typo wherein two rates were "flip-flopped." Director Padilla indicated that the changes were highlighted in a handout that was distributed to them at this meeting. He said that the wait and deliver times were inverted and it was corrected. There is no change to the fees--it is just a correction to the amount that would be charged. Director Padilla said that with the Board's approval, staff could go forward with the notice of rule change and to move forward with the process in order to implement these rules.

The Chairman asked if there was any discussion before making a motion on this item. There was none.

Motion to approve the small changes to the wrecker rules as noted by Director Padilla and to move forward with the notice of rule change and the rule process in order to implement the wrecker rules was made by Commissioner Raulerson, seconded by Councilman Caetano and carried unanimously.

X. ADJOURNMENT

There being no further business, the meeting of the Public Transportation Commission adjourned at 9:20 a.m.

*****This is not an official, verbatim transcript of the February 10, 2010 PTC meeting. It should be used for informational purposes only*****

Jacqueline E. Calleja, Administrative Specialist

NEXT COMMISSION MEETING – March 10, 2010