

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC2023-0095

Gustavo Bojorquez, etc., et al.,

Petitioners,

vs.

L.T. Case Nos.
2D20-3326;
2D20-3432;
2019-CA-006391

State of Florida, et al.,

Respondents.

**ON DISCRETIONARY REVIEW FROM
THE SECOND DISTRICT COURT OF APPEAL**

**APPENDIX TO AMICUS BRIEF OF
FLORIDA TAXICAB ASSOCIATION**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing brief was filed with the Clerk of Court on October 4, 2023 via the Florida Courts E-Filing Portal, which will serve a notice of electronic filing to all counsel of record:

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DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

GULF COAST TRANSPORTATION, INC., d/b/a
UNITED CAB, UNITED TAXI AND TAMPA BAY CAB,
SOUTH TAMPA CAR SERVICE, LLC, BLACK DIAMOND
CAB SERVICE, LLC, A+ CAB TAMPA, INC., AFTAH
ABDERRAHMANE d/b/a MOE TAXI, GUSTAVO
BOJORQUEZ d/b/a G & Y TRANSPORTATION, GOLDEN
BAY CAR SERVICE, INC., d/b/a AMERICAN TAXI OF
TAMPA BAY, PALM TAXI SERVICE, LLC, ABBAY TAXI,
LLC, AWASH TAXI, LLC, ABC TAXI, LLC, BAY & BEACH
CAB, LLC, d/b/a EXECUTIVE CAB, BAY & BEACH
TRANSPORTATION, LLC, CALL-B-4-DUI TRANSPORTATION,
INC., ADDIS CAR SERVICE, INC., BLUE TAXI SERVICES,
LLC, AAA CAB OF TAMPA, LLC, SHAH'S TAXI SERVICE,
LLC, ACCESSIBLE TAXI, LLC, NEW TAMPA TAXI CAB, LLC,
MIRETU MENGECHA d/b/a SUNSHINE TAXI, CHECKER
CAB TRANSPORTATION, INC., RED TOP CAB COMPANY,
YELLOW CAB COMPANY OF TAMPA, INC., TRANSAFE,
INC., CONDOR GROUP, INC. d/b/a BLACK CAR,
TRANSAFE TRANSPORTATION, INC. d/b/a LIMOX,
HYDE PARK TAXI SERVICE, INC., GREEN TAXI CAB,
INC., YBOR TAXI, LLC, DAVID'S AUTO SUPPLY, INC.,
VIP TAXI, INC. d/b/a A-1 TAXI COMPANY, MULUGETA
WORKU d/b/a WHITE BLUE TAXICAB, ERMIYAS T.
DESTA d/b/a WESTCHASE CAR SERVICES, WESTCHASE
TAXI, LLC, and SAMUEL G. TESFAGIORGIS d/b/a
UNITED CAB, individually and on behalf of all those
similarly situated,

Appellants,

v.

HILLSBOROUGH COUNTY and

STATE OF FLORIDA,

Appellees.

STATE OF FLORIDA,

Appellant,

v.

GULF COAST TRANSPORTATION, INC., d/b/a,
UNITED CAB, UNITED TAXI and TAMPA BAY CAB,
SOUTH TAMPA CAR SERVICE, LLC, BLACK DIAMOND
CAB SERVICE, LLC, A+ CAB TAMPA, INC., AFTAH
ABDERRAHMANE d/b/a MOE TAXI, and GUSTAVO
BOJORQUEZ, d/b/a G & Y TRANSPORTATION,
individually and on behalf of all those similarly
situated; and HILLSBOROUGH COUNTY,

Appellees.

Nos. 2D20-3326, 2D20-3432
CONSOLIDATED

October 7, 2022

Appeals from the Circuit Court for Hillsborough County; Paul L. Huey, Judge.

Bryan S. Gowdy and Dimitrios A. Peteves of Creed & Gowdy, P.A., Jacksonville; Jason K. Whittemore of Wagner McLaughlin, P.A., Tampa; and Anthony D. Martino of Clark & Martino, P.A., Tampa, for Gulf Coast Transportation, Inc., et al.

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Ashley Moody, Attorney General, Amit Agarwal, Solicitor General, James H. Percival, Chief Deputy Solicitor General, Kevin A. Golembiewski, Deputy Solicitor General, David M. Costello, Assistant Solicitor General, Henry C. Whitaker, Solicitor General, and Daniel W. Bell, Chief Deputy Solicitor General, Tallahassee, for the State of Florida.

ATKINSON, Judge.

These consolidated appeals¹ arise from an inverse condemnation proceeding brought by Gulf Coast Transportation, Inc., doing business as United Cab, and several other taxicab companies operating in Hillsborough County (collectively, Taxicab Companies) against the State of Florida (the State) and Hillsborough County (the County).² In Case 2D20-3326, the Taxicab Companies appeal the trial court's final judgment in favor of the County.

In Case 2D20-3432, the State appeals the trial court's order denying its motion to dismiss the Taxicab Companies' complaint for

¹ The cases were previously consolidated for oral argument, and we now consolidate them for purposes of this opinion.

² Throughout this opinion, references to the County as a party will be to "the County." However, references to Hillsborough County as a geographic location or when it is part of the name of a separate entity (for example, the Hillsborough County Public Transportation Commission) will be to "Hillsborough County."

failure to state a claim. We hold that the Taxicab Companies did not have a property interest for purposes of the Takings Clause. Accordingly, we affirm the judgment in favor of the County in Case 2D20-3326; we reverse the portion of the order denying the State's motion to dismiss and remand Case 2D20-3432 for further proceedings consistent with this opinion.

In 1976, the State enacted special legislation which created the Hillsborough County Consolidated Taxicab Commission and governed the makeup of its board of commissioners, its authority, and its operations. Ch. 76-383, Laws of Fla. The special act gave the Hillsborough County Consolidated Taxicab Commission broad powers, including the powers to issue and revoke public vehicle driver licenses and to require inspections, insurance, installation of two-way radios, background checks for public vehicle driver applications, and payment of public vehicle licensing and annual fees. *Id.*

In 1983, the legislature changed the commission's name to the Hillsborough County Public Transportation Commission (PTC). Ch. 83-423, Laws of Fla. The legislature again passed a special act concerning the PTC in 2001, but the PTC's powers and

responsibilities remained largely unchanged after the 1983 and 2001 special acts.³ See ch. 2001-299, § 5, Laws of Fla.; cf. ch. 76-383, Laws of Fla.; ch. 83-423, Laws of Fla.

In 2012, the legislature again passed a special act concerning the PTC. Ch. 2012-247, Laws of Fla. In relevant part, the 2012 special act provided

(2) Any certificate of public convenience and necessity for taxicabs or any taxicab permit previously or hereafter issued by the [PTC], created by chapter 83-423, Laws of Florida, is the private property of the holder of such certificate or permit.

(3) The holder of a certificate of public convenience and necessity for taxicabs or a taxicab permit issued by the [PTC] may transfer the certificate or permit by pledge, sale, assignment, sublease, devise, or other means of transfer to another person. . . . Except for a transfer by devise or intestate succession, the transfer must be approved, in advance, by the [PTC], and the proposed transferee must first qualify to be a taxicab certificateholder or permitholder under commission rules. The proposed transferee of a transfer by devise or intestate succession must conditionally qualify as a taxicab certificateholder or permitholder under [PTC]

³ The 1983 special act that changed the commission's name did not change its powers, authority, or the makeup of its board of commissioners. In 2001, the legislature again passed a special act concerning the PTC that removed gender-specific references, protected the rights of PTC employees, created a PTC staff, and permitted the PTC to deny public vehicle driver licenses to or revoke such licenses of individuals convicted of sexual offenses or designated as sexual predators. Ch. 2001-299.

rules within 120 days after the transfer, unless otherwise extended by the commission. The conditional nature of the qualification shall be removed upon the probate court's final adjudication that the proposed transferee is actually entitled to the ownership of the transferred certificate or permit.

Ch. 2012-247. The 2012 amendment also specifically recognized the "existing and authorized population cap and limits for taxicab permits" promulgated by the PTC in its rules and incorporated the "existing population cap and limits" into the amendment. *See ch. 2012-247(4); see also Hillsborough County Public Transportation Commission, Rule 1-2.001(7) (Mar. 19, 2013) ("The [PTC] may at no time authorize more than one (1) Taxicab Type of service Permit per one thousand-nine hundred (1,900) inhabitants of Hillsborough County . . .").*

Through chapters 76-383, 83-423, 2001-299, and 2012-247, the legislature created an administrative body—the PTC—empowered to create and maintain a capped taxicab market in Hillsborough County. The PTC governed and regulated participation in this limited market by promulgating rules according to the special legislation and issuing certificates of public convenience and taxicab permits (collectively, medallions) to limit

the individuals or entities that could participate in what was effectively a closed market. A person could only participate in this closed market scheme while in possession of a valid medallion issued by the PTC according to its rules and the special legislation. The 2012 special legislation granted medallion holders property rights in their medallions so that they could transfer their medallions to otherwise qualifying individuals who wanted to compete in the closed market. The grant of property rights resulted in a secondary market in which medallion holders could transfer their medallions for value to other persons approved by the PTC or devise their medallions to persons who were required to become conditionally qualified to hold the medallions pursuant to PTC rules within 120 days.

The PTC, as created and modified by the special acts passed in 1976, 1983, 2001, and 2012, governed the taxicab industry in Hillsborough County until 2017 when the legislature dissolved the PTC and repealed the 2012 special act. Ch. 2017-198, Laws of Fla. Chapter 2017-198 did not transfer any of the PTC's assets or liabilities to the County or direct the County to adopt any specific regulatory scheme. The 2017 legislation repealing chapter

2012-247 did not address whether the County must compensate medallion holders for any loss of property rights in their medallions that had been conferred by chapter 2012-247 or otherwise recognize those property rights.

The PTC having been dissolved and the special legislation governing it having been repealed, the County was authorized to regulate vehicles for hire pursuant to section 125.01(1)(n), Florida Statutes (2017) (providing that the governing bodies of counties have the power to license and regulate passenger vehicles for hire in unincorporated areas and that the governing bodies of charter counties may issue a limited number of permits to operate taxis). The County passed a vehicle for hire ordinance which required persons desiring to engage in taxicab business in Hillsborough County to obtain certificates from the Tax Collector and permits for each vehicle for hire. Hillsborough County, Fla., Ordinance 17-22, (Sept. 7, 2017). The County's new ordinance did not recognize or grandfather in medallions issued by the PTC. *See id.*

The Taxicab Companies operated taxicabs in Hillsborough County while the special acts were in effect and had been issued medallions by the PTC. According to the 2012 special legislation,

the Taxicab Companies were given transferable "property" rights in their medallions. After the State enacted chapter 2017-198 and the County promulgated Ordinance 17-22, the Taxicab Companies could not use their PTC medallions to continue their business in Hillsborough County. Since medallions issued by the PTC no longer served to permit a person to operate a taxicab in Hillsborough County, the Taxicab Companies concluded that their medallions had been rendered worthless. The Taxicab Companies brought the underlying inverse condemnation action, claiming that the State and the County had taken their medallions without compensation.

In their second amended complaint, the Taxicab Companies alleged one count of unlawful taking without compensation against each governmental entity. In Count 1, the Taxicab Companies alleged that they had purchased the medallions at substantial cost; the new ordinance required them to purchase new certificates and permits; the County did not compensate them for or offer to purchase the old medallions; the old medallions could no longer be used to operate taxicabs in Hillsborough County or be transferred for value; and, therefore, the County has taken their property without compensation. In Count 2, the Taxicab Companies alleged

that the State had taken their private property by negating their taxicab medallions which rendered them valueless and deprived the Taxicab Companies of all reasonable and beneficial use of the medallions. Like in Count 1, the Taxicab Companies alleged that the State did not compensate them for or offer to purchase the old medallions. The second amended complaint did not allege that any of the Taxicab Companies were no longer operating in Hillsborough County or that any of them had been deprived of that opportunity either under the new County ordinance or as a result of the State's 2017 act dissolving the PTC and repealing the 2012 special legislation.

The County filed a motion for summary judgment, arguing that it could not be liable for any alleged taking because it neither granted nor removed any property rights that the Taxicab Companies may have had in their medallions. The State filed a motion to dismiss the Taxicab Companies' second amended complaint, arguing that the Taxicab Companies had no cognizable property rights in the old medallions and, even if they did, the County was responsible for any taking. In response to both the County's and the State's motions, the Taxicab Companies argued

that the taking occurred through the combined efforts of the State and the County.

After a hearing, the trial court entered an order, finding the following facts were undisputed: the PTC was a governmental entity created by the State, the PTC was independent and separate from the County, the County had no control or authority over the PTC or the issuance of medallions, and the State Legislature had limited control over the PTC since the legislature could modify or abolish the PTC. The trial court concluded as a matter of law that the County "had no power to do anything as to those [medallions] and, in fact, did nothing;" therefore, "there were no certificates for [the] County to take because" the medallions "had, in essence, vanished" as a consequence of the legislature's prior act of abolishing the PTC and repealing the 2012 legislation. For these reasons, the trial court granted the County's motion for summary judgment and entered a final judgment in favor of the County. In the same order, the trial court denied the State's motion to dismiss because the State had been "acting within its power" when it "cause[d] the demise of the PTC and, thus, its medallions" by legislatively

abolishing the PTC and repealing its 2012 special act that created property rights in the medallions.

We have jurisdiction to review the order denying the State's motion to dismiss pursuant to Florida Rule of Appellate Procedure 9.110(k) because the trial court's ruling on that motion is "directly related to an aspect"—whether a taking occurred within the meaning of the Florida Constitution—of the appealable final summary judgment in favor of the County. "A trial court's decision to grant summary judgment is reviewed *de novo*." *TLC Props., Inc. v. Dep't of Transp.*, 292 So. 3d 10, 13 (Fla. 1st DCA 2020) (citing *Mills v. State Farm Mut. Auto. Ins.*, 27 So. 3d 95, 96 (Fla. 1st DCA 2009)). "Because a ruling on a motion to dismiss for failure to state a cause of action is an issue of law, it is reviewable on appeal by the *de novo* standard of review." *Crocker v. Marks*, 856 So. 2d 1123, 1123 (Fla. 4th DCA 2003) (quoting *Bell v. Indian River Mem. Hosp.*, 778 So. 2d 1030, 1032 (Fla. 4th DCA 2001)).

The Florida Constitution provides that "[n]o private property shall be taken except for a public purpose and with full compensation therefor paid to each owner . . ." Art. X, § 6(a), Fla. Const.; *see also TLC Props., Inc.*, 292 So. 3d at 13–14. Florida

courts have interpreted the Takings Clauses of the Florida and federal constitutions as operating "coextensively."⁴ *Orlando Bar Grp., LLC v. DeSantis*, 339 So. 3d 487, 490 n.2 (Fla. 5th DCA 2022) (citing *St. Johns River Water Mgmt Dist. v. Koontz*, 77 So. 3d 1220, 1222 (Fla. 2011), *rev'd on other grounds*, 570 U.S. 595 (2013)). When the government has not formally instituted eminent domain proceedings, a property owner claiming that the government has taken his or her private property without compensation may file a cause of action for inverse condemnation, as the Taxicab Companies did in this case. *See TLC Props., Inc.*, 292 So. 3d at 14 (quoting *Schick v. Fla. Dep't of Agric.*, 504 So. 2d 1318, 1319 (Fla. 1st DCA 1987)).

In inverse condemnation proceedings, the "plaintiff must first demonstrate that he possesses a 'property interest' that is constitutionally protected. Only if the plaintiff actually possesses

⁴ Nevertheless, the Florida Supreme Court has recognized that the Florida Constitution provides for more extensive compensation than the Fifth Amendment Takings Clause because "full compensation" provided by the Florida Constitution includes reasonable attorney's fees whereas the "just compensation" provided by the Fifth Amendment does not include attorney's fees. *Joseph B. Doerr Tr. v. Cent. Fla. Expressway Auth.*, 177 So. 3d 1209, 1215 n.5 (Fla. 2015).

such an interest will a reviewing court then determine whether the deprivation or reduction of that interest constitutes a 'taking.' "¹⁴

Checker Cab Ops., Inc. v. Miami-Dade County, 899 F.3d 908, 917 (11th Cir. 2018) (quoting *Givens v. Ala. Dep't of Corr.*, 381 F.3d 1064, 1066 (11th Cir. 2004)); *see also Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 1000–04 (1984) (explaining that courts must first determine whether the plaintiff has a property interest protected by the Takings Clause in the thing which the government is alleged to have taken).

Privileges and licenses are not constitutionally protected property interests for purposes of the Takings Clause. *See Marine One, Inc. v. Manatee County*, 898 F.2d 1490, 1492–93 (11th Cir. 1990) (recognizing that revocation of "mere licenses . . . cannot rise to the level of a Fifth Amendment taking" (emphasis in original)); *see also Support Working Animals, Inc. v. DeSantis*, 457 F. Supp. 3d 1193, 1214 n.11 (N.D. Fla. 2020) ("To the extent Plaintiffs assert they possess a constitutionally protected property interest in the continued operation of their dog-racing businesses, Plaintiffs' participation in the dog-racing business is a privilege and is not a legal right. Therefore, *Plaintiffs do not possess a constitutionally*

protected property interest in their licenses to engage in pari-mutuel dog racing." (emphasis added) (citations omitted)).

It is well-established that permits and licenses to operate taxicabs are privileges created by the government. *Hamid v. Metro Limo, Inc.*, 619 So. 2d 321, 322 (Fla. 3d DCA 1993) ("A taxicab is a common carrier. The right to operate common carriers is not an inherent right, but a mere privilege. The privilege can be acquired only by permit, license, or franchise emanating from the governmental unit." (citations omitted)); *Hartman Transp., Inc. v. Bevis*, 293 So. 2d 37, 40 (Fla. 1974); *Riley v. Lawson*, 143 So. 619, 622 (Fla. 1932); *see also State ex rel. Hutton v. City of Baton Rouge*, 47 So. 2d 665, 668 (La. 1950) ("A certificate of public convenience and necessity is in the nature of a personal privilege or license, which may be amended or revoked by the power authorized to issue it, and the holder does not acquire a property right."). This privilege is a creature of statute; as such, any value in the medallions that conferred the privilege of participating in the taxicab business in Hillsborough County was derived from the statutes which created the medallions and the regulatory scheme governing the PTC.

The fact that the legislature declared PTC medallions to be transferrable personal property does not transform that which is a license or a privilege into a property interest cognizable under the Takings Clause. In other words, the "private property" *label* given to the medallions did not transform the license—something not protected by the Takings Clause—into a compensable property interest. *Cf. 145 Fisk, LLC v. Nicklas*, 986 F.3d 759, 770 (7th Cir. 2021) (recognizing that to determine whether a person has a property interest for purposes of the Due Process Clause, courts must "look behind labels" (quoting *Rebirth Christian Acad. Daycare, Inc. v. Brizzi*, 835 F.3d 742, 747–48 (7th Cir. 2016))).

In *Dennis Melancon, Inc. v. City of New Orleans*, the City of New Orleans had passed ordinances that created a regulatory framework governing the local taxicab industry. 703 F.3d 262, 265–66 (5th Cir. 2012). Like the special legislation in this case, the ordinances required taxicab operators to obtain one of the limited number of certificates of public necessity and convenience (called CPNCs) to provide taxi services in the City. *See id.* at 266. "As a result of this limited supply, and because the City permitted CPNC holders to transfer their certificates for consideration, a secondary

market developed for the exchange of CPNCs." *Id.* Like the special legislation in this case, "all CPNC transfers required approval by the City" and the governing ordinances "provided that such approval would be granted upon the transferee's completion of various City-imposed requirements." *Id.* The City's original regulatory framework was silent regarding whether CPNCs were a "privileges," "rights," "property," or something else.

CPNC holders filed lawsuits after the City enacted ordinances amending the regulatory framework. In one new ordinance, the City expressly provided that "CPNCs are *privileges* and not rights." *Id.* (emphasis added). Other new ordinances made the City's approval of transfers discretionary rather than mandatory and prohibited transfers of CPNCs during suspension and revocation proceedings. *Id.* In the lawsuits, the CPNC holders argued that the amendments to the regulatory framework constituted a regulatory taking without just compensation. *Id.* The Fifth Circuit Court of Appeals reversed a preliminary injunction entered by the district court, concluding that the CPNC holders had not established a substantial likelihood of success on the merits because they did not

possess a property interest in the CPNCs that was protected by the Takings Clause:

To be sure, as Plaintiffs argue, the City traditionally has permitted CPNC holders to transfer their certificates for consideration. By so doing, the City tacitly has contributed to the development of a secondary market wherein CPNCs historically have attained significant value. This does not, however, change our understanding of the fact that CPNC holders merely possess a "license to participate in the highly regulated taxicab market [that] is subject to regulatory change."

Id. at 273 (alteration in original) (emphasis in original) (quoting *Minneapolis Taxi Owners Coal., Inc. v. City of Minneapolis*, 572 F.3d 502, 509 (8th Cir. 2009)).

[W]hatever interest Plaintiffs hold in their CPNCs is the product of a regulatory scheme that also vests the City with broad discretion to alter or extinguish that interest. Indeed, although Plaintiffs allege that the April 2012 amendment . . . makes discretionary the previously mandatory transfer approval process, we note that even under the prior version of the ordinance, the City retained the right to impose various preapproval requirements. In other words, even under the previous version of the ordinance, *a transferee's ability to obtain a CPNC was bounded by the City's regulatory framework—a framework that was subject to further change. . . .*

. . . Although it is true that a secondary market has developed based on the transferability of CPNCs, as we have explained, *any resulting interest Plaintiffs hold in their CPNCs has emerged from a regulatory framework that itself allows the City to limit or revoke that interest.* Such an interest does not fall within the ambit of a

constitutionally protected property right, for it amounts to no more than a unilateral expectation that the City's regulation would not disrupt the secondary market value of CPNCs.

Id. at 274 (citation omitted) (emphasis added).

Unlike the 2012 special legislation expressly designating PTC medallions in this case as "private property," the original ordinances in *Dennis Melancon* did not include such a designation and were silent regarding their property status until the ordinance amendment expressly providing that CPNCs were "privileges not rights" precipitated the lawsuit from which the *Dennis Melancon* appeal was taken. Nonetheless, despite that dissimilarity, the reasoning of *Dennis Melancon* provides apt guidance for assessing the claims of the Taxicab Companies in this case, whose only interest in their medallions is the product of the regulatory scheme created by the legislature in the special legislation governing the PTC. *See id.* at 273. This regulatory scheme was subject to change—indeed, the scheme had been altered and amended by special legislation and PTC rules several times since the legislature created it in 1976. Ch. 83-423; ch. 2001-299; ch. 2012-247; *see Dennis Melancon*, 703 F.3d at 273-74 (citing *Minneapolis Taxi*

Owners, 572 F.3d at 509); *Ill. Transp. Trade Ass'n v. City of Chicago*, 839 F.3d 594, 599 (7th Cir. 2016) ("A 'legislature, having created a statutory entitlement, is not precluded from altering or even eliminating the entitlement by later legislation.' " (quoting *Dibble v. Quinn*, 793 F.3d 803, 809 (7th Cir. 2015))).

The fact that the legislature declared that medallions were the private property of medallion holders and granted them the ability to transfer their medallions—subject always to the regulation of the PTC—does not transform a medallion from a license into a property interest protected by the Takings Clause; rather, the legislature always retained the power to change or abolish the regulatory framework that created the Taxicab Companies' medallions. See *Dennis Melancon*, 703 F.3d at 273–74; *see also Ill. Transp. Trade Ass'n*, 839 F. 3d at 599 (recognizing that the legislature's decision to deregulate or amend existing regulations "is a legally permissible choice" that did not run afoul the Takings Clause). By simply pronouncing that a government license or benefit is "private property," a legislature does not thereby *create* compensable property that gives rise to a Takings claim *ex nihilo*. Cf. *Ill. Transp. Trade Ass'n*, 839 F.3d at 599. While future legislatures are required

to give faith to promises made by previous legislatures or state agencies in contracts, *cf. Scott v. Williams*, 107 So. 3d 379, 385 (Fla. 2013), the legislature did not make a promise or a contract with the medallion holders by enacting the 2012 special legislation. Instead, the legislature was regulating the taxicab industry. Future legislatures are free to amend or abolish regulatory frameworks established by their predecessors; doing so does not necessarily give rise to a Takings Clause claim. *See Ill. Transp. Trade Ass'n*, 839 F.3d at 599.

The dissent and Taxicab Companies rely implicitly on the premise that once a legislature has affixed the "private property" label to a set of statutorily created rights and privileges, all subsequent legislatures—and courts—must agree that the medallions were and are property subject to the Takings Clause and that medallion holders must be compensated if and when future legislative amendments eliminate or reduce the value of their rights or privileges. If governing entities did have prospective power over their successors to create such "property" that if abolished or altered by a future legislature would give rise to a Takings Clause claim, the government would be required to "regulate by *purchase*."

See Andrus v. Allard, 444 U.S. 51, 65 (1979) ("[G]overnment regulation . . . involves the adjustment of rights for the public good . . . [which often . . .] curtails some potential for the use or economic exploitation of private property. To require compensation in all such circumstances would effectively compel the government to regulate by *purchase*." (emphasis in original)). But they do not; the meaning of the constitution—including the Takings Clause—is the meaning of its language in context, and that is not subject to the whim of legislative bodies any more than it is subject to the whim of judicial officers. *See Advisory Op. to Governor re Implementation of Amend. 4, The Voting Restoration Amend.*, 288 So. 3d 1070, 1078 (Fla. 2020) ("The words of a governing text are of paramount concern, and what they convey, in their context, is what the text means." (quoting Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 56 (2012))).

The Taxicab Companies have argued that the legislature's pronouncement that the medallions are "private property" was more than a mere designation to define the parameters of transferability; rather, they contend, it created something owned by the designees, and when the legislature abolished the PTC and repealed chapter

2012-247, the legislature had taken some *thing* from them for which they were owed compensation under the Takings Clause. To the contrary, the medallions are effectively nothing more than a labelled status that provided a market advantage by virtue of the exclusivity caused by their scarcity. That exclusivity is not a thing that can be owned by an individual for which a government must compensate them under the Takings Clause; it is merely a consequence of the regulatory framework in a highly regulated industry in which participants have no expectation of the maintenance of the status quo. *See Dennis Melancon*, 703 F. 3d at 273–74 (concluding that CPNC holders merely possessed a "license to participate in the highly regulated taxicab market" and that "whatever interest Plaintiffs h[e]ld in their CPNCs [wa]s the product of a regulatory scheme that also vest[ed] the City with broad discretion to alter or extinguish that interest" (emphasis in original)).

We agree with our dissenting colleague that statutory language must be given its plain and ordinary meaning and that courts should not treat words or phrases as mere surplusage. *See Alachua County v. Watson*, 333 So. 3d 162, 169 (Fla. 2022) (quoting *Niz-*

Chavez v. Garland, 141 S. Ct. 1474, 1480 (2021)). However, the assertion that the majority is not giving effect to the phrase "private property" and according it its ordinary meaning is based on an unsupported premise—that the ordinary meaning of the words "private property" necessarily includes compensability under the Takings Clause. In order to conclude that the plain meaning of "private property" requires compensation under the Takings Clause, we must infer something from that phrase that is not apparent from the language in the context of the 2012 special legislation—that the phrase necessarily conveys that the property is subject to compensation under the Takings Clause. Rejecting that premise neither fails to give effect to the phrase "private property" nor denies it its ordinary meaning—a meaning that does not in and of itself answer the question of whether it is compensable under the constitution. *See, e.g., Andrus*, 444 U.S. at 65–66 ("[T]he denial of one traditional property right does not always amount to a taking. At least where an owner possesses a full 'bundle' of property rights, the destruction of one 'strand' of the bundle is not a taking, because the aggregate must be viewed in its entirety."); *Corn v. City of Lauderdale Lakes*, 95 F.3d 1066, 1075 (11th Cir. 1996) ("Corn

correctly notes that the property rights protected by the Fifth Amendment are created and defined by state law. He errs, however, in suggesting that the Fifth Amendment requires the payment of just compensation for every deprivation of a right recognized by state law. 'Property' as used in the Just Compensation Clause is defined much more narrowly than in the due process clauses. Thus, while certain property interests may not be taken without due process, they may be taken without paying just compensation." (citations omitted) (first citing *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1030 (1992); then citing *Pittman v. Chicago Bd. of Educ.*, 64 F.3d 1098, 1104 (7th Cir. 1995); and then citing *Pro-Eco, Inc. v. Bd. of Comm'rs of Jay Cnty.*, 57 F.3d 505, 511 n.6 (7th Cir. 1995)).

Because not all property interests are compensable under the Takings Clause, the dissent and the Taxicab Companies' conclusion relies upon a *non sequitur* that labelling something "private property" *ipso facto* makes it compensable under the Takings Clause. The pivotal question is what the *constitution* means when *it* uses the term "property"—and whether the interest created and labeled "property" by the 2012 special legislation falls within that

meaning. To resolve this case, we must determine whether this property interest—whatever the Taxicab Companies *owned* when they were granted medallions—is the type of property interest protected by the Takings Clause, an endeavor that requires us to construe the word "property" as it is used in that clause, because the word "property" in the 2012 special legislation does not answer that question. *See, e.g. Andrus*, 444 U.S. at 65–66; *Corn*, 95 F.3d at 1075.

The dissent is necessarily construing the term "property" in the constitution by concluding that the Takings Clause requires compensation for the elimination of any right or privilege to which the legislature affixes the label "private property." That is an expansive understanding of the word "property" for purposes of the Takings Clause that is neither supported by case law nor compelled by the language of the constitution. To support this notion, the dissent points out that the constitution itself does not define the term "property" and that "[p]roperty interests . . . are not created by the Constitution" but instead "are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law." *Ruckelshaus*, 467 U.S. at

1001 (alteration in original) (quoting *Webb's Fabulous Pharmacies, Inc. v. Beckwith*, 449 U.S. 155, 161 (1980)). However, this does not compel the premise essential to the Taxicab Companies' and our dissenting colleague's argument—that property compensable under the Takings Clause necessarily includes interests that do not exist independently from the government regulation that created them so long as the regulation labels them "private property." The case law upon which our dissenting colleague relies does not support such a premise but rather the opposite.

While language in published Takings Clause precedent describes property rights or interests for purposes of the Takings Clause as being created, defined, or determined by state law, *see, e.g., Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063, 2075–76 (2021); *Ruckelshaus*, 467 U.S. at 1001, the *property itself* is not created by or derived from state law. Rather, the property itself preexisted the regulations and laws defining a person's property interest in that thing. In *Cedar Point*, for example, the United States Supreme Court concluded that a California law that required agricultural employers to open their real property to union organizers for up to three hours per day, 120 days per year,

constituted a taking. *Cedar Point*, 141 S. Ct. at 2069, 2080. The Court explained that "[a]s a general matter, . . . property rights protected by the Takings Clause are creatures of state law." *Id.* at 2075–76. While the agricultural employers' right to exclude others from their real property was defined by state law, the property itself—the real property—was not created by state law. The agricultural employers obtained the property independently of the state law regulating and defining individuals' interests and rights with respect to real property. *See id.*

In *Phillips v. Washington Legal Foundation*, 524 U.S. 156, 159 (1998), the Supreme Court held that interest income generated on Interest on Lawyers Trust Accounts was the client's property for purposes of the Takings Clause. The Court explained that "[b]ecause the Constitution protects rather than creates property interests, the existence of a property interest is determined by reference to 'existing rules or understandings that stem from an independent source such as state law.' " *Id.* at 164 (quoting *Bd. of Regents of State Colleges v. Roth*, 408 U.S. 564, 577 (1972)). However, as in *Cedar Point*, the regulation did not *create* the property—interest income generated from the account itself was not

created by state law; it existed independently of the state regulation requiring the interest be paid to foundations that funded legal services for low-income individuals. *See id.*

In *Ruckelshaus*, the Supreme Court held that pesticide companies had a property interest in health, safety, and environmental data provided to the Environmental Protection Agency (EPA) because the data constituted a trade secret which is a type of intangible property protected by the Takings Clause.

Ruckelshaus, 467 U.S. at 1003–04. The Court reaffirmed the "basic axiom that ' "[p]roperty interests . . . are not created by the Constitution. Rather, they are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law." ' " *Id.* at 1001 (alteration in original) (quoting *Webb's Fabulous Pharmacies*, 449 U.S. at 161).

While the data the companies provided to the EPA may have been compiled as the result of a government regulation, the property at issue—pesticide companies' trade secrets—was not created by the government regulation. Rather, that data and its value was obtained or generated by the companies, independent of any law protecting them as trade secrets or the regulation that required the

pesticide companies to compile and provide the information to the EPA.

In regulatory takings cases, the property owners typically have had a *preexisting* property interest that predated the regulation at issue, and the regulation erodes or eliminates that property's value or beneficial use. *See, e.g., Andrus*, 444 U.S. at 54 (eagle feathers); *Scott v. Galaxy Fireworks, Inc.*, 111 So. 3d 898, 898 (Fla. 2d DCA 2012) (fireworks). In other words, the plaintiffs *already owned something* that the government regulated in such a way as to diminish or destroy its value. State law might very well acknowledge, recognize, or even define the boundaries of such property interest, *see, e.g., Cedar Point*, 141 S. Ct. at 2075–76; *Ruckelshaus*, 467 U.S. at 1001, but the *thing* being taken is property that itself exists independent of the law that regulates it.

Here, the property interest in the medallions *did not exist* prior to the regulation of the taxicab industry; rather, the 2012 special legislation created an interest that would not otherwise exist without it. *See ch. 2012-247(2)*. As such, there was no property interest for subsequent regulation to *take*. Unlike the real property in *Cedar Point* or the trade secrets in *Ruckelshaus*, but for the

special legislation creating and governing the PTC, there would be no medallions at all. The regulatory scheme might have given rise to and then eliminated interests held by regulated actors, but the regulation cannot be said to have taken property that it did not create in the first place—property that would not have existed *but for* the very regulatory scheme the amendment or elimination of which caused the property interest to diminish or cease to exist. *Cf. Dennis Melancon*, 703 F.3d at 274 ("[W]hatever interest Plaintiffs hold in their CPNCs is the product of a regulatory scheme that also vests the City with broad discretion to alter or extinguish that interest. . . . [A]ny resulting interest Plaintiffs hold in their CPNCs has emerged from a regulatory framework that itself allows the city to limit or revoke that interest. Such an interest does not fall within the ambit of a constitutionally protected property right . . .").

Rather than taking compensable property from the interest holders, the government created circumstances under which individuals could choose to avail themselves of a benefit created by the regulation. However, in doing so, participating individuals subject themselves to the risk that such regulation could alter or eliminate whatever interest the regulation had previously conferred

subject to the vicissitudes of the political and administrative processes by which such interests can be created, altered, destroyed, and resurrected *ad infinitum*. Cf. *id.*

The government often creates privileges. However, with the power to create comes the power to modify and destroy. Cf. *Fla. Carry, Inc. v. Univ. of Fla.*, 180 So. 3d 137, 146 (Fla. 1st DCA 2015); *Ill. Transp. Trade Ass'n*, 839 F.3d at 599. It does not follow that a person retains a perpetual property interest in an ephemeral privilege created by the government. Cf. *Dennis Melancon*, 703 F.3d at 272. "Were the rule otherwise, 'statutes would be ratchets, creating rights that could never be retracted or even modified without buying off the groups upon which the rights had been conferred.' " *Ill. Transp. Trade Ass'n*, 839 F.3d at 599 (quoting *Dibble*, 793 F.3d at 809).

By way of analogy, the government has exercised its power to create and regulate public assistance benefits pursuant to the applicable statutes. Cf. *Cedar Point*, 141 S. Ct. at 2075–76 ("[P]roperty rights . . . are creatures of state law."); see also *Corn*, 95 F.3d at 1075 ("[P]roperty rights protected by the Fifth Amendment are created and defined by state law."). A person has a cognizable

property interest for purposes of the Due Process Clause in continued receipt of public assistance benefits if he or she continues to qualify for them based on the statutory requirements.

See Goldberg v. Kelly, 397 U.S. 254, 261–62 (1970). Likewise, as pointed out by the State, a public employee may establish a property right in continued employment with a government agency for purposes of the Due Process Clause. *See Dahly v. Dep't of Child. & Fam. Servs.*, 876 So. 2d 1245, 1250 (Fla. 2d DCA 2004) (citing *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 538 (1985)).

However, if a subsequent legislative enactment were to eliminate the public assistance or government job, it would not follow that the erstwhile beneficiaries or former public employees could then claim a cognizable property interest for purposes of the Takings Clause.

Cf. Corn, 95 F.3d at 1075 ("[W]hile certain property interests may not be taken without due process, they may be taken without paying just compensation."). Such property right in public assistance was merely a status of eligibility for such benefits that was always dependent upon the government's continuing authorization of the benefits and the privilege to receive them. *Cf. Dennis Melancon*, 703 F.3d at 272, 274. Likewise, a public

employee's property right was always dependent upon the continued existence of the position funded by the legislature, not to mention the continued existence of the government agency itself.

See id.; cf. ch. 2011-142, Laws of Fla. (repealing the statutes creating the Department of Community Affairs and other agencies).

Similarly, the Taxicab Companies' property interest in their medallions was not one protected under the Takings Clause; rather, it was a status of eligibility established by special legislation and always dependent upon the continued existence of the regulatory framework created by the State. *See Dennis Melancon*, 703 F.3d at 272, 274.

In contrast with the governments' reliance on the Fifth Circuit's reasoning in *Dennis Melancon*, the Taxicab Companies' reliance on an Illinois State appellate court case, *Boonstra v. City of Chicago*, 574 N.E.2d 689 (Ill. App. Ct. 1991), is not well-taken. In *Boonstra*, the court held that "the taxicab license and its assignability is a constitutionally protected property interest pursuant to the Fourteenth Amendment." *Id.* at 695. While recognizing that the government has the right to amend existing legislation and elect not to confer a property interest as it chooses,

the court concluded that "[a] legislative body . . . may not authorize the deprivation of such an interest, once conferred, without appropriate constitutional safeguards," including the "prohibition against affecting vested property rights without due process and just compensation." *Id.* (concluding that "when the City of Chicago amended the taxicab ordinance in 1982 by summarily precluding those persons already having an assignable property interest in taxicab licenses from being able to assign their property interests, the City of Chicago's action constituted a taking of property without due process and without just compensation"). However, in determining whether the plaintiff had alleged a constitutionally protected interest in the taxicab license, the court in *Boonstra* relied exclusively on cases in which the United States Supreme Court had concluded that the plaintiffs had a constitutionally protected property right *for the purposes of the Due Process Clause*. *Id.* at 694–95; *see Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982); *Barry v. Barchi*, 443 U.S. 55 (1979); *Matthews v. Eldridge*, 424 U.S. 319 (1976); *Bell v. Burson*, 402 U.S. 535 (1971); *Goldberg*, 397 U.S. 254.

This court respectfully disagrees with its sister state court's decision in *Boonstra*. Presuming only for the sake of analysis that the Taxicab Companies in this case might have had a property interest in their medallions for purposes of the Due Process Clause, it does not follow that such an interest is cognizable under the Takings Clause such that future legislatures cannot eliminate it without buying off those who had availed themselves of a status labeled "property" by a previous legislature. *Cf. Ill. Transp. Trade Ass'n*, 839 F.3d at 599 (reasoning that if the court were to conclude that medallion holders had a property right in market exclusivity by virtue of their medallions for purposes of the Takings Clause, the Legislature would be precluded from amending and abolishing privileges and entitlements created by statute, causing statutes to become "ratchets, creating rights that could never be retracted or even modified without buying off the groups upon which the rights had been conferred" (quoting *Dibble*, 793 F.3d at 809)).⁵

⁵ The Taxicab Companies also noted that *Boonstra* had been cited favorably by the federal Seventh Circuit Court of Appeals in *Illinois Transportation Trade Ass'n*. See *Ill. Transp. Trade Ass'n*, 839 F.3d at 596 (citing *Boonstra*, 574 N.E.2d at 694–95). Notably, the proposition for which the Seventh Circuit cited *Boonstra* is that "[c]onfiscation of the medallions would amount to confiscation of

The Taxicab Companies have not sufficiently alleged a taking by the State or by the County because they have no property interest in the medallions cognizable under the Takings Clause. Any interest the Taxicab Companies had in their medallions "amount[ed] to no more than a unilateral expectation" in the persistence of the "regulatory framework" from which it "emerged" and which "itself allow[ed] the [State] to limit or revoke that interest." *Dennis Melancon*, 703 F.3d at 274.

We affirm the trial court's judgment in favor of the County. We reverse the portion of the trial court's order denying the State's motion to dismiss. We remand for further proceedings consistent with this opinion.

the taxis: no medallion, no right to own a taxi." *Id.* However, *Boonstra* was not concerned with the physical confiscation of taxicab medallions; rather, the Illinois appellate court concluded that the medallion holders had a property right in the continued assignability of their medallions which the City of Chicago could not eliminate without just compensation. *Boonstra*, 574 N.E.2d at 694–95. The Seventh Circuit's conclusions that "[a]ll that the City gives taxi-medallion owners is the right to operate taxicabs in Chicago" and that legislatures may alter and eliminate statutory entitlements without running afoul of the Takings Clause arguably conflict with the *Boonstra* court's holdings. *Compare Ill. Transp. Trade Ass'n*, 839 F.3d at 597, 599, *with Boonstra*, 574 N.E.2d at 694–95.

Affirmed (as to Case Number 2D20-3326). Reversed and remanded (as to Case Number 2D20-3432).

LABRIT, J., Concurs.

LUCAS, J., concurring in part and dissenting in part.

"Any certificate of public convenience and necessity for taxicabs or any taxicab permit . . . is the private property of the holder of such certificate or permit." Ch. 2012-247, Laws of Fla.

Were it not for this legislative declaration, I might be inclined to agree with much of the majority's analysis, which is quite thorough and thoughtful. But I believe these taxicab medallions, which for more than a quarter of a century have been treated as private property, were what the legislature decreed them to be: private property. So, while I concur with the court's decision to affirm the summary judgment in favor of the County, I am of the view that the State's abrogation of this property was potentially a taking for which the appellants could be entitled to full compensation under Article X, section 6(a) of the Florida Constitution.⁶ Accordingly, I respectfully dissent.

⁶ The State's ruling came about through a motion to dismiss. I question the procedural propriety of using such a motion to resolve

When the government or one of its agencies "has effectively taken private property without a formal exercise of the power of eminent domain, a cause of action for inverse condemnation will lie." *See Rubano v. Dep't of Transp.*, 656 So. 2d 1264, 1266 (Fla. 1995) (citing *Schick v. Fla. Dep't of Agric.*, 504 So. 2d 1318, 1319 (Fla. 1st DCA 1987)). But as the majority rightly notes, before there can be a "taking" there must be "property" that the government has allegedly taken. In many cases, such as an appropriation of one's land or personal property, the preliminary requisite of a cognizable interest in property will be readily apparent. *See Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Plan. Agency*, 535 U.S. 302, 324 (2002) ("[P]hysical appropriations are relatively rare, easily identified, and usually represent a greater affront to individual property rights.").

what was, in essence, a factual inquiry, *see Dep't of Agric. & Consumer Servs. v. Mid-Fla. Growers, Inc.*, 521 So. 2d 101, 104 (Fla. 1988) ("[W]hether regulatory action of a public body amounts to a taking must be determined from the facts of each case." (quoting *State, Dep't of Agric. & Consumer Servs. v. Mid-Fla. Growers, Inc.*, 505 So. 2d 592, 593 (Fla. 2d DCA 1987))), but the appellants have not argued that the circuit court erred in its use of the State's chosen procedural vehicle to resolve the issue. I suspect the parties were more concerned with the substantive answer to the question of whether the medallions were property, the issue to which I will confine this opinion.

In other cases, it won't. In the case at bar, the State contends that the taxicab medallions, notwithstanding chapter 2012-247, Laws of Florida, were more "license" than "property" and, as such, not worthy of constitutional protection. But the distinction between a mere license and a protected property right, such as it is, can be subtle because the law has recognized that sometimes a license can be deemed property. How does a court determine when a license deserves the recognition and constitutional protections of being property?

The majority broaches this issue through the obverse; that is, the court labors to define property by analyzing what property isn't to then conclude that no property was taken in this case. According to the majority, "[p]rivileges and licenses are not constitutionally protected property interests for purposes of the Takings Clause." Since the taxi medallions are, in their essence, government-regulated licenses, they cannot be property. In my opinion, that is a categorical bar that both goes too far (in terms of what the case law actually holds) and not far enough (in terms of what the constitutional analysis requires us to consider). A better point of departure for this inquiry would have been to address what

kinds of property interests the constitution protects. So that is where I will begin.

I.

In *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 1001 (1984), the Supreme Court explained that "[p]roperty interests," for purposes of the Takings Clause of the Fifth Amendment, "are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law." (alteration in original) (quoting *Webb's Fabulous Pharmacies, Inc. v. Beckwith*, 449 U.S. 155, 161 (1980)). Recognizing that "property" in the modern era can take a myriad of forms—and that the sources of its creation can be varied—the federal courts have viewed the term expansively. See, e.g., *Monsanto*, 467 U.S. at 1003 (trade secret of pesticide ingredients was protected property interests); *Armstrong v. United States*, 364 U.S. 40, 44 (1960) (materialman's lien under Maine law was protected under the Fifth Amendment); *Louisville Joint Stock Land Bank v. Radford*, 295 U.S. 555, 596-602 (1935) (real estate lien constituted protected property); *Lynch v. United States*, 292 U.S. 571, 579 (1934) ("Valid contracts are property Rights against

the United States arising out of a contract with it are protected by the Fifth Amendment.").

Addressing the question of whether President Nixon held a Fifth Amendment property right in his presidential papers and tape recordings (in the face of a congressional act that would have authorized the Administrator of General Services to retain control over them), the D.C. Circuit summarized how property should be understood for purposes of the Fifth Amendment:

As an initial matter, this court must determine whether Mr. Nixon had a property interest that warrants protection under the Fifth Amendment. While the precise contours of the term "property" are not well delineated, it is settled law that the Constitution does not create property interests. Rather, "property" is a creature of independent origins. *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992); *Bd. of Regents v. Roth*, 408 U.S. 564, 577 (1972); *Tarpeh-Doe v. United States*, 904 F.2d 719, 723 (D.C. Cir. 1990). The essential character of property is that it is made up of mutually reinforcing understandings that are sufficiently well grounded to support a claim of entitlement. See *Kaiser Aetna v. United States*, 444 U.S. 164, 179 (1979) (property consists of recognized expectancies); *Perry v. Sindermann*, 408 U.S. 593, 601 (1972) (property involves mutually explicit understandings); *Hall v. Ford*, 856 F.2d 255, 265 (D.C. Cir. 1988) (property is an expectation based on rules of understandings). These mutually reinforcing understandings can arise in myriad ways. For instance, state law may create entitlements through express or implied agreements, see, e.g., *Kaiser Aetna*, 444 U.S. at 179; *Roth*, 408 U.S. at 577-78; *Perry v.*

Sindermann, 408 U.S. at 602 ("rules and understandings" that justified a legal entitlement); and property interests also may be created or reinforced through uniform custom and practice, *United States v. Arredondo*, 31 U.S. (6 Pet.) 691, 714 (1832) ("There is [a] source of law in all governments, usage, custom, which is always presumed to have been adopted with the consent of those who may be affected by it.").

Nixon v. United States, 978 F.2d 1269, 1275-76 (D.C. Cir. 1992) (footnotes omitted).

The same definitional breadth is found in our state's jurisprudence as well. "The definition of 'property' in condemnation cases is sufficiently broad to extend to intangible and incorporeal rights, such as contractual obligations and leasehold interests."

Pinellas County v. Brown, 450 So. 2d 240, 242 (Fla. 2d DCA 1984); *see also TLC Props., Inc. v. Dep't of Transp.*, 292 So. 3d 10, 15 (Fla. 1st DCA 2020) ("[T]he cohort of compensable property interests in Florida has expanded to include leaseholds, easements, and personal property, as well as incorporeal hereditaments such as contracts."), *reh'g denied* (Mar. 30, 2020), *review denied*, SC20-604, 2020 WL 6040207 (Fla. Oct. 12, 2020); *State v. Basford*, 119 So. 3d 478, 482 (Fla. 1st DCA 2013) (observing that "real property, tangible property, and intangible property may be the subject of a

takings claim" (citing *Acceptance Ins. Cos. v. United States*, 583 F.3d 849, 854 (Fed. Cir. 2009))); *cf.* Philip Nichols, The Law of Eminent Domain, 67 (1917) ("Intangible property, such as choses in action, patent rights, franchises, charters or any other form of contract, are within the sweep of this sovereign authority [of eminent domain] as fully as land or other tangible property." (footnotes omitted)).

The Fifth Amendment demands a wide, searching sweep for ascertaining property interests because the wellsprings of property law are so many and varied.⁷ Liberality is inherent to the inquiry.

⁷ Indeed, in the Lockean tradition, property transcends positive law altogether as a natural right. See John Locke, Second Treatise of Government, § 44 (1689) ("From all which it is evident, that though the things of nature are given in common, yet man, by being master of himself, and proprietor of his own person, and the actions or labour of it, had still in himself the great foundation of property"); *see also* 1 WILLIAM BLACKSTONE, COMMENTARIES * 9 (1753) ("Property, both in lands and movables, being thus originally acquired by the first taker, which taking amounts to a declaration that he intends to appropriate the thing to his own use, it remains in him, by the principles of universal law"). Our state constitution recognizes an "inalienable right" to "acquire, possess and protect property." Art. I, § 2, Fla. Const. But positive law, such as legislation, has a role to play in discerning this natural right. Cf. William Michael Treanor, The Origins and Original Significance of the Just Compensation Clause of the Fifth Amendment, 94 Yale L. J. 694, 710 (1985) ("Although Madison did not believe property was a natural right—it depended for its existence on positive law—its protection was of critical importance." (footnote omitted)). In a sense, ascribing the proper role of positive law to the right of

That is not to say it is boundless. As the Supreme Court remarked in *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104, 124-25 (1978),

this Court has accordingly recognized, in a wide variety of contexts, that government may execute laws or programs that adversely affect recognized economic values. Exercises of the taxing power are one obvious example. A second are the decisions in which this Court has dismissed "taking" challenges on the ground that, while the challenged government action caused economic harm, it did not interfere with interests that were sufficiently bound up with the reasonable expectations of the claimant to constitute "property" for Fifth Amendment purposes.

(citing *United States v. Willow River Power Co.*, 324 U.S. 499 (1945) (interest in high-water level of river for runoff for tailwaters to maintain power head is not property); *United States v. Chandler-Dunbar Water Power Co.*, 229 U.S. 53 (1913) (no property interest can exist in navigable waters)). But if all that is necessary to create a protected property right under the Fifth Amendment are "mutually reinforcing understandings that are sufficiently well grounded" in state law, *Nixon*, 978 F.2d at 1275, and if state law

property may be what the majority and I find ourselves in disagreement over.

can express those understandings "through express or implied agreements" or "uniform custom and practice," *id.*, our search for the outer boundaries of what constitutes property should be at least as wide as the potential origins for what can create a property interest.

II.

With that in mind, it is curious for the majority to conclude that a long-standing, government-encouraged secondary market for these taxicab medallions⁸ coupled with *an express legislative declaration that the taxicab medallions were private property* somehow fell short of the mark. Candidly, I can't imagine positive law could be any plainer in its intent to acknowledge a cognizable

⁸ "Long-standing" may be an understatement when one considers the broader history of this kind of licensing regime. Legislative acts limiting the number of licenses for hired conveyances can be found as far back as the English Interregnum. See, e.g., June 1654: *An Ordinance for the Regulation of Hackney-Coachmen in London and Places Adjacent*, Acts and Ordinances of the Interregnum, 1642-1660, BRITISH HISTORY ONLINE, <http://www.british-history.ac.uk/no-series/acts-ordinances-interregnum/pp922-924> (capping the number of persons allowed to operate hackney coaches in "London, Westminster, and places thereabouts" at 200, and requiring each driver to pay a fee of 40 shillings "towards raising a Stock, and for defraying the common Charges of said Company").

property right without hitting the reader on the nose. *See Alachua County v. Watson*, 333 So. 3d 162, 169 (Fla. 2022) ("[W]hen called on to resolve a dispute over a statute's meaning, [we] normally seek[] to afford the law's terms their ordinary meaning at the time [the legislature] adopted them." (second, third, and fourth alterations in original) (quoting *Niz-Chavez v. Garland*, 141 S. Ct. 1474, 1480 (2021)); *Money v. Home Performance All., Inc.*, 313 So. 3d 783, 786 (Fla. 2d DCA 2021) ("No one can dispute that '[w]hen the language of the statute is clear and unambiguous and conveys a clear and definite meaning, there is no occasion for resorting to the rules of statutory interpretation and construction; the statute must be given its plain and obvious meaning.' " (quoting *Holly v. Auld*, 450 So. 2d 217, 219 (Fla. 1984))).

Nevertheless, the majority elides chapter 2012-247's explicit directive—to bestow the constitutional dignity of "property" onto these taxicab medallions—with two points, to which I will now turn.

A.

First, the majority opines that licenses and privileges (which it relegates the taxicab medallions to) are not protected property rights. In my view, that is an overstatement. On closer reading, the

holdings the majority has marshalled, as well as the case law in general, offer a more nuanced consideration of licenses and privileges under the Fifth Amendment.

The principal case relied upon by the majority is *Dennis Melancon, Inc. v. City of New Orleans*, 703 F.3d 262 (5th Cir. 2012), a case that does bear a number of similarities to the case at bar. In *Dennis Melancon*, the City of New Orleans, like Hillsborough County, had created a closed market for taxicab operations, requiring taxi operators to work under one of the limited certificates of public necessity and convenience the City issued. These certificates could be transferred, which, like in the case before us, evolved over time into a secondary market for taxicab certificates. The Fifth Circuit took a close look at the "mix of legislation, judicial precedent, and custom" surrounding these certificates but concluded that "the City historically has viewed and treated a CPNC as a privilege rather than a form of constitutionally protected property." *Id.* at 270, 272. Thus, the City's subsequent curtailment of the certificates and imposition of new requirements on taxi operators could not constitute a taking.

Despite the similarities, there are two distinctions in *Dennis Melancon* from the case at bar that strike me as glaring. First and foremost, as the court noted, the City's legislative body had expressly declared in an enacted ordinance that the certificates were merely "privileges." *Id.* at 273 ("Indeed, section 162-59 expressly states that CPNCs are *privileges*."). In the case before us, our state legislature expressed the direct contrary by decreeing the taxi medallions were "private property." If, as I believe, a legislative pronouncement such as chapter 2012-247 can constitute part of an "express or implied agreement," *Nixon*, 978 F.2d at 1276, giving rise to a property interest under the Fifth Amendment, then the ordinance in *Dennis Melancon* actually represents a counterfactual example, one that, by contrast, should lead us to conclude that the medallions in this case are indeed, as the statute says, "private property."

Second, the Fifth Circuit noted how the City could impose various prerequisites on certificate applicants and transferees, that it could suspend or revoke a certificate and designate routes over which certificate holders could operate their vehicles, and "[p]erhaps most importantly," the court observed, "the City has the

discretion to adjust the number of CPNCs it issues." *Dennis Melancon, Inc.*, 703 F.3d at 272. Not so in the case at bar. Chapter 2012-247(4) capped the number of taxi medallions as a function of the county's population. Instead of retaining discretion over the number of medallions available, the Florida legislature enacted a level of scarcity, a classic component of private property.⁹

At most, *Dennis Melancon* should be read for the proposition that a government regulated license, which has been expressly declared a "privilege," remains just that. The court did not issue a categorical rule, as the majority seems to infer, but engaged in a careful factual analysis to conclude that the licensing regime at issue in New Orleans' "privilege" of operating taxis was not a protected property right. The case says nothing about, and therefore offers no guidance upon, a licensing regime that a state legislature has determined should be treated as "private property."

⁹ See, e.g., David Hume, *An Enquiry concerning the Principles of Morals*, 35 (1777) ("For what purpose make a partition of goods, where every one has already more than enough? Why give rise to property, where there cannot possibly be any injury? Why call this object *mine*, when, upon the seizing of it by another, I need but stretch out my hand to possess myself of what is equally valuable?"); 1 WILLIAM BLACKSTONE, *COMMENTARIES* * 8 (1753) ("Necessity begat property . . .").

Neither does *Marine One, Inc. v. Manatee County*, 898 F.2d 1490 (11th Cir. 1990). In *Marine One*, the Eleventh Circuit confronted the issue of whether revoking a development permit could constitute a taking. The court did not hold that the intangible privilege of a permit was not, categorically, a protectable property interest. To the contrary, the court took pains to distinguish cases in which a permit could be considered property (when the permit was issued on private lands) from the case before the court (which concerned public, submerged lands). *Id.* at 1492-93. Addressing that narrow context, the court observed that "federal and other state cases stand for the proposition that permits to perform activities on public land . . . are mere *licenses* whose revocation cannot rise to the level of a Fifth Amendment taking." *Id.* (first and seconded emphases added).

Suffice to say, not one of the cases cited in the majority's opinion confront the question we have here: whether an express legislative recognition of a long-standing, limited-supply licensing regime constitutes "private property." And none of those cases can be interpreted for the broad sweep the majority has employed: that intangible rights in governmental licensures cannot be deemed

worthy of protection under the Takings Clause.¹⁰ The majority goes too far, then, when it makes a categorical pronouncement that licenses cannot be property because such an analysis falls short of

¹⁰ I would point out that intellectual property, a robust segment of our nation's economy, turns upon the trade of exclusive government-protected (and regulated) licenses—and has long been recognized as property for purposes of the Takings Clause. See *Monsanto*, 467 U.S. at 1003 (trade secret arising under Missouri state law protected under the Fifth Amendment); *James v. Campbell*, 104 U.S. 356, 357-58 (1881) ("That the government of the United States when it grants letters-patent for a new invention or discovery in the arts, confers upon the patentee an exclusive

giving property its "sufficiently broad" definitional ambit. *Brown*, 450 So. 2d at 242.¹¹

The majority's approach also leaves us with a rather conspicuous quandary: what do we do with Ch. 2012-247's declaration that the medallions were private property? There were other state statutes that already furnished the ingredients to foster and encourage a secondary market for these medallions; the

property in the patented invention which cannot be appropriated or used by the government itself, without just compensation, any more than it can appropriate or use without compensation land which has been patented to a private purchaser, we have no doubt."); *Roth v. Pritikin*, 710 F.2d 934, 939 (2d Cir. 1983) ("An interest in a copyright is a property right protected by the due process and just compensation clauses of the Constitution." (citing *Loretto v. Teleprompter Manhattan CATV Corp.*, 485 U.S. 419 (1982); *Pruneyard Shopping Ctr. v. Robins*, 447 U.S. 74, 82 n.6 (1980)); *Zoltek Corp. v. United States*, 58 Fed. Cl. 688, 696 (Fed. Cl. 2003) ("The Federal Circuit, its predecessor court, the Court of Claims, and the U.S. Supreme Court have repeatedly recognized that patent rights are property rights. . . . 'When the government has infringed, it is deemed to have "taken" the patent license under an eminent domain theory, and compensation is the just compensation required by the fifth amendment.' " (quoting *Leesona Corp v. United States*, 599 F.2d 958, 964 (Fed. Cir. 1979))).

¹¹ To be clear, the property interest at stake here does not derive solely from a company's economic expectation in a licensing regime (which has now come to an end). Rather, I am taking the legislature at its word when it declared that these particular taxicab medallions were "the private property of the holder" that could be

aspects of intangible property rights were already "on the books," so to speak, before chapter 2012-247 was enacted. What, then, did chapter 2012-247 accomplish?

The majority never really answers this question. Instead, the court relegates chapter 2012-247 to an exercise of labeling.¹² "[T]he *label* given to the medallions and the power to transfer given by the Legislature did not transform the license—something not protected

freely devised, assigned, sold, and transferred. See ch. 2012-247, Laws of Fla. In this respect, I find *Checker Cab Operators, Inc. v. Miami-Dade County*, 899 F.3d 908 (11th Cir. 2018) noteworthy, because the Eleventh Circuit in that case did not hold that the Dade County taxi medallion owners had no protected property interest in their medallions (which were greatly diminished in value once private rideshare companies such as Uber and Lyft were permitted to operate in their county). "It is undisputed that the Medallion Holders own an intangible property interest in their medallions," the court observed. *Id.* at 917. The issue instead was whether that intangible property interest included a right to market exclusivity. "If the [County] Code did not convey to the Medallion Holders the right to block competition in the for-hire transportation market, then the County could not have 'taken' that right and the Medallion Holders' takings claims must fail." *Id.* According to the *Checker Cab* court, there *was* a property interest in the medallions, it just didn't encompass the particular right that the class of plaintiffs were complaining about.

¹² In a sense, every act of declaring or defining is an act of labeling. That is not at all what the Seventh Circuit was cautioning against in *Rebirth Christian Academy Daycare, Inc. v. Brizzi*, 835 F.3d 742, 747-48 (7th Cir. 2016).

by the Takings Clause—into a cognizable property interest for purposes of the Takings Clause," according to the majority. But that is just another way of saying the statute was superfluous, which is not how we would ordinarily read an express, unambiguous pronouncement in a legislative enactment. *Accord State v. Bodden*, 877 So. 2d 680, 686 (Fla. 2004) ("[W]ords in a statute are not to be construed as superfluous if a reasonable construction exists that gives effect to all words."); *State v. Goode*, 830 So. 2d 817, 824 (Fla. 2002) ("[A] basic rule of statutory construction provides that the [l]egislature does not intend to enact useless provisions, and courts should avoid readings that would render part of a statute meaningless.").

Having explicitly recognized that an existing market of taxi medallions constituted intangible personal property, a future legislature was, of course, free to change its mind. But it cannot change the Takings Clause's mandate if what it created was property.

B.

Which leads me to the second point the majority relies upon, the regnant supremacy of a current legislature over its

predecessors' enactments. As the majority notes, "a legislature cannot bind the hands of a future legislature when it regulates." I suppose that's a correct statement of the law, for as far as it goes.¹³ But in this inquiry it doesn't take us very far.

The fact that a future legislature may amend or abolish what a prior legislature enacted does not confer authority on any legislature to abolish a constitutionally protected right. And if we interpret what an earlier legislature enacted as an express acknowledgement of an extant constitutionally protected property right (which, in this case, I think we must) then no subsequent legislature could abolish that property right without complying with the constitutional requirement to compensate for its value. *See Fla. Dep't of Agric. & Consumer Servs. v. Dolliver*, 283 So. 3d 953, 960 (Fla. 2d DCA 2019) ("No legislative pronouncement may thwart the

¹³ To my mind, it's not clear that this proscription can be appropriately employed as a tool of statutory construction, which is essentially how the majority is using it. Cf. J. G. Sutherland, *Statutes and Statutory Construction*, 696 (1904) ("[Rules of statutory construction] are a part of the law of the land equally with the statutes themselves, and not much less important. The function of such interpretation unrestrained by settled rules would introduce great uncertainty, and would involve a power virtually legislative.").

implementation of a constitutional mandate—particularly where, as is typically the case and here, the constitutional provision is self-executing."); *Yorty v. Stone*, 259 So. 2d 146, 150 (Fla. 1972) (Ervin, J., dissenting) ("Constitutional guaranties are imperatives that do not yield with the passing vagaries of statutes.").¹⁴

Indeed, by the lights of the majority's reading of the "no legislature can bind a future legislature" proscription, we would find ourselves in a place where no constitutional right could ever be memorialized or secured by a legislative act. I very much doubt that's what the Florida Supreme Court had in mind when it held that "[a] legislature may not bind the hands of future legislatures *by*

¹⁴ What the majority suggests here is somewhat troubling if it were applied to other contexts. For example, could the notice and hearing required in a Baker Act proceeding under sections 394.4599 and .467, Florida Statutes (2022), be dispensed with since the current legislature could, in theory, amend that section out of existence? Or does one's continued ownership of Greenacre rise and fall entirely on the legislative grace of the Marketable Records Title Act, §§ 712.001-.12, Florida Statutes (2022)? No. The constitutional rights those statutes help define and protect—due process and ownership of real property—would still stand and still apply irrespective of what a subsequent legislature may enact. Just because a property interest happens to be memorialized within state statutes does not mean it merits less constitutional dignity.

prohibiting amendments to statutory law." *Neu v. Miami Herald Publ'g Co.*, 462 So. 2d 821, 824 (Fla. 1985) (emphasis added).

III.

I'll conclude by acknowledging an important point raised by the majority. Governmental regulation does not "compel the government to regulate by purchase." Maj. Op. (quoting *Andrus v. Allard*, 444 U.S 51, 65 (1979)). The government regulates a lot of things. The pervasiveness of government's presence in the affairs of its citizens creates expectations, externalities, and a host of secondary and tertiary effects, sometimes foreseen, often unforeseen.

"[T]o insist on full compensation to every interest which is disproportionately burdened by a social measure dictated by efficiency would be to call a halt to the collective pursuit of efficiency." Frank I. Michelman, *Property, Utility and Fairness: Comments on the Ethical Foundations of "Just Compensation" Law*, 80 Harv. L. Rev. 1165, 1178 (1967). Heaven forfend that the government's "collective pursuit of efficiency" should be stymied by the bother of an individual's natural right to keep the property the legislature helped create. But (sarcasm aside) it is fair to ask what

role the constitution's demand of compensation plays in modern commerce, when the government's rules are so enmeshed within so many aspects of our economic lives.

I don't profess to have a comprehensive answer to that question.¹⁵ The constitutional text we have to work with assumes a readily understood definition of "property," a term that is, at times, both amorphous and capacious.¹⁶ The case law (including the court's contribution today) illustrates an ongoing struggle to find the definitional boundaries of property on a case-by-case basis.

The Seventh Circuit put it about as well as it could be put: "property is what is securely and durably yours under state . . . law, as distinct from what you hold subject to so many conditions as to

¹⁵ Although it may be that a more dynamic application of the Takings Clause would foster a more circumspect approach to regulation when, as here, the government presumes to foster new property rights in its role as regulator.

¹⁶ Madison, the author and chief proponent of the Just Compensation Clause, painted "property" with breathtakingly broad strokes, as "embrac[ing] everything to which a man may attach a value and have a right; and *which leaves to every one else the like advantage.*" James Madison, for the *National Gazette*, March 27, 1792. See also Treanor, 94 Yale L. J. at 713 ("In Madison's view, then, enunciation of the just compensation principle in the Bill of Rights had extremely broad ramifications.").

make your interest meager, transitory, or uncertain." *Kim Constr. Co., Inc. v. Bd. of Trs. of Village of Mundelein*, 14 F.3d 1243, 1246 (7th Cir. 1994) (alteration in original) (quoting *Reed v. Village of Shorewood*, 704 F.2d 943 (7th Cir. 1983)).

I draw the line differently than the majority because in my view the combined effect of the statutes and ordinances at issue, the length of time that the secondary market for medallions existed, the limited supply (created by the government) of medallions, and, most importantly, the government's express recognition of a private property right, bring this unique set of facts within the ambit of the constitution's protection. The rights conferred upon the owners of these medallions were not "meager, transitory, or uncertain." *Id.* Quite the opposite.

Accordingly, I would affirm both the circuit court's judgment and its order denying the State's motion to dismiss. I would return this case below to further develop whether the State's actions amounted to a taking of the appellants' property.

Opinion subject to revision prior to official publication.

Hillsborough County Public Transportation Commission

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Rules Effective Date: January 2, 2009

Rules

Taxicabs, Limousines, Vans
Basic Life Support Ambulances and Handicabs

**Rules of the
Hillsborough County
Public Transportation Commission**
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Effective: January 2, 2009

Section 1 Definitions

(For the purpose of these rules, the following definitions shall apply)

- 1.1 **“Basic Life Support Ambulance (BLS)”** means any private 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 the transportation of sick or injured persons requiring or likely to require medical attention during transport by qualified person(s) through the use of techniques such as patient assessment, cardio-pulmonary resuscitation, splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical antishock trousers, administration of a subcutaneous injection using a pre-measured autoinjector of epinephrine to a person suffering an anaphylactic reaction, and other techniques described in the Emergency Medical Technician Course 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.
- 1.2 **“Board”** means the Hillsborough County Board of County Commissioners.
- 1.3 **“Capacity”** means the maximum seating provided in a motor vehicle at the time of its original manufacture. Capacity, for the purposes of these rules, is determined by the original manufacturer, or manufacturer’s approved alterer and printed on the certification label affixed to the vehicle at the time of original manufacture. For those vehicles that do not have an approved certification label or the label does not state the vehicle capacity, capacity will be determined by seat measurements. If the vehicle is 10,000 lbs. gross vehicle weight rating (GVWR) and over and seat belts are not required, the designated seating positions (DSP) will be determined by measuring the back of a straight bench seat and the knee bend area of a curved bench seat and computing the number of 18 inch seating positions.
- 1.4 **“Certificate”** means the written authority granted by the Commission by its order to operate one of more public vehicles in the county and its municipalities.
- 1.5 **“Citation”** means a written notice, issued by the director, any interim director, or an inspector, that the director, interim director, or inspector has reasonable cause to believe that the person has violated Chapter 200 1-299, Laws of Florida or these Rules.
- 1.6 **“Classifications”** means arrangement into sub-groups or sub-categories within each type of service.
- 1.7 **“Commission”** means the Hillsborough County Public Transportation Commission of Hillsborough County, Florida, which consists of seven (7) members representing Hillsborough County Board of County Commissioners, Tampa City Council, Temple Terrace City Council and Plant City Commission.
- 1.8 **“Correction Card”** means a vehicle inspection form issued by an Inspector for the purpose of identifying corrections that are required to be made and by what date.
- 1.9 **“Driver”** means a person holding a Public Vehicle Driver’s License which authorizes him or her to operate a permitted vehicle.
- 1.10 **“For-hire”** means any motor-vehicle in the county transporting persons for compensation.
- 1.11 **“Handicab”** means a vehicle designed, constructed, reconstructed, or operated for the transportation of persons 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 for 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.
- 1.12 **“Hearing Officer”** means a person designated by the Commission to perform the duties prescribed by Chapter 2001-299, Laws of Florida and these rules adopted in accordance with the special 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.

1.13 **“Highway”** means any of the public streets, boulevards, avenues, drives, or alleys within Hillsborough County.

1.14 **“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 Chapter 2001-299, Laws of Florida and these Rules.

1.15 **“Limousine”** means any motor vehicle for hire not equipped with a taximeter, with the capacity for 15 passengers or less, including the driver. This definition consists of vehicles which are recognized by the industry as “luxury” vehicles, that are considered as high-end luxury vehicles by the manufacturer and vehicles that have been uniquely modified so as to provide “luxury” limousine service. The “luxury” quality of vehicles will be determined by assessing aesthetics of the interior and exterior of the vehicle, amenities provided to the passenger, spaciousness and comparison to current industry standards for vehicles performing limousine service in Hillsborough County. Unless otherwise indicated, use of the word “limousine” within these Rules shall be meant to include all varieties of limousines discussed in these rules, collectively. Limousines can be sub-categorized as follows:

- a. “Stretch Limousine” or a sedan/SUV model that was manufactured or remanufactured with an extended wheel base or;
- b. “Limousine Sedans” or luxury vehicles with space for at least two passengers behind the driver and additional space behind those passengers for luggage, or;
- c. “Sport Utility Vehicles” (SUV) that are top-of-the-line models and have the luxury package options included to provide a luxury service, or;
- d. “Limousine Buses” that are used for passenger transport for-hire. These buses can have forward facing seating or can be modified for circular or “party” seating.

The Director, subject to Commission review, may develop and update a list of vehicles which qualify as Limousine Sedans and SUVs.

1.16 **“Luxury Taxicab”** – A classification of taxicab operating at premium taxicab metered rates. Luxury taxicabs provide seating accommodations for not more than six (6) persons, including the driver and are recognized by the industry as luxury vehicles such as Cadillac, Lincoln, other similar top-of-the-line model luxury sedans or vintage classic sedans.

1.17 **“Manifest”** means a daily trip sheet approved by the Commission and completed by a driver listing required information.

1.18 **“Operate”** or **“Operating”** means causing a public vehicle to function on the roads, streets, or highways of Hillsborough County following or during the act of picking up a passenger at a location within Hillsborough County, for the purpose of transporting the passenger to any location inside the State of Florida. “Operate” or “Operating” does not include the following:

- a. A public vehicle transporting a passenger into Hillsborough County that was originally picked up outside of Hillsborough County, wherein the public vehicle remains with the original passenger by being continually contracted or hired and available on-demand to the original passenger, and not used or available to transport other passengers while waiting for the continuation of the service. During the course of the service, the public vehicle may pick up additional non-paying passengers inside of Hillsborough County with the consent of the original passenger, provided the public vehicle remains with the original passenger for the duration of the contracted service.
- b. The discharge within Hillsborough County of any passenger picked up outside of Hillsborough County.

1.19 **“Parties”** means the applicant and any person permitted to intervene during the application for certificate process in accordance with Chapter 2001-299, Laws of Florida and these rules adopted in accordance with this special act.

1.20 **“Permit”** means a license issued by the Commission to allow the operation of a particular public vehicle for which a certificate has been issued.

1.21 **“Person”** means an individual, firm, public or private corporation, partnership or limited company, or joint venture.

1.22 **“Public Vehicle”** means a taxicab, van, limousine, handicab and basic life support ambulance.

1.23 **“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. Public Vehicle Driver’s License authorizes the holder to drive a vehicle that is permitted by the Commission.

1.24 **“Rates”, “Fares” and “Charges”** means the rates, fares or charges as established or approved by the Commission to be paid by passengers for the transportation services provided by a certificate, permit, and license holder.

1.25 **“Repeated Violations”** means two or more violations that present an imminent danger to the health, safety, and welfare of the traveling public.

1.26 **“Special Act”** when used in the context of these Rules, means Chapter 2001-299, Laws of Florida.

1.27 **“Standard Taxicab”** means a classification of taxicab vehicle operating at standard taxicab metered rates or other special rates established or approved by the Commission.

1.28 **“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 the County, but does not include sight-seeing cars or buses, streetcars, or motor buses operated pursuant to a public franchise. Taxicabs can be one of two classifications: standard taxicab or luxury taxicab. Unless otherwise indicated, use of the word “taxicab” within these Rules shall be meant to include “standard taxicabs” and “luxury taxicabs”, collectively.

1.29 **“Time of Original Manufacture”** means the point at which a motor driven vehicle is first certified by the manufacturer as meeting Federal Motor Vehicle Safety Standards and is considered a finished product or complete vehicle by the manufacturer or; for those vehicles considered as an unfinished product or incomplete vehicle by the manufacturer, the first time the vehicle is considered as finished and is certified as meeting Federal Motor Vehicle Safety Standards by a manufacturer’s approved alterer.

1.30 **“Type of Service”** means taxicab or van or limousine or handicab or BLS ambulance. Pursuant to these rules, “Taxicab” is one type of service and shall collectively include standard and luxury taxicab classifications.

1.31 **“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.

1.32 **“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 a public franchise or courtesy vans.

Section 2 Certificate

2.1 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 the Special Act and these Rules.

2.2 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 make written application to the Commission on a form provided by the Commission for that purpose. Upon receipt of such application, the Commission staff shall investigate the facts stated in the application and fix a date, time, and place for a public hearing on the application. Not less than 20 days before the public hearing, the Commission staff 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. Notice of any application involving BLS ambulance service will be provided to emergency services organizations of the county and each municipality within the county. Any current Certificate Holder possessing a certificate to operate the same type of service being applied for by the applicant and any current 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.

2.2.1 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 the Special Act and these Rules. 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. Unless otherwise indicated in the Rules, if application is for a new certificate, or if the application is for permits to operate additional vehicles under a certificate previously issued, or the application is for modification or deletion of restrictions on 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 approval of the application. If the Commission determines that public convenience and necessity will not be promoted by approval of the application, then the application shall not be approved. If the Commission finds that public convenience and necessity will be promoted by the approval of the application, then the application shall be approved subject to any limitations or restrictions reasonably requested by the Commission.

2.2.2 The applicant has the burden of establishing whether public convenience and necessity require the operation of public vehicles proposed in the application. The application form contains details regarding the information to be provided that will assist the Commission in making decisions regarding public convenience and necessity establishment by the applicant.

2.2.3 In making a determination of public convenience and necessity, the Commission must consider:

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

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

2.2.3.3 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.

2.2.3.4 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.

2.2.3.5 The experience of the applicant in the operation as an owner or manager or as a driver for the

type of service proposed.

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

2.2.4 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.

2.2.5 Applicants requesting a certificate to operate limousines or van service, whose business operation is in a county other than Hillsborough, who demonstrate by a preponderance of the evidence that there exists a recurring need only to pick up passengers at Tampa International Airport and ports of entry within Hillsborough County, may be recommended by the hearing officer for a limited certificate that restricts operations to those areas.

2.2.6 Applicants requesting a certificate to operate a taxicab service based in an area designated as a restricted taxicab operation zone, who demonstrate public convenience and necessity to provide a restricted taxicab operation within the zone designated by the Commission, may be recommended by the hearing officer for a limited certificate that restricts operations to those zones. The Zone established for restricted taxicab operations is:

South-East Zone (SE Zone). The area that is south of Interstate 4, outside of the City of Tampa and Ybor City but, includes all of Plant City.

Taxicabs operating under a certificate for a former zone may continue to operate in said zone.

2.2.7 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 staff shall provide notice to the parties that the report and recommendations are available for inspection and copying at the office of the Commission. The parties 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 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 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.

2.2.8 Any 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. However, the applicant may seek one reconsideration of the denial. An application is deemed a resubmittal if:

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

2.2.8.2 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.

- 2.2.9 Any person aggrieved by the final administrative decision of the Commission approving, denying or modifying an application may seek judicial review.
- 2.2.10 An initial application for a certificate must specify a requested number of vehicle permits as justified by the applicant's demonstrated public convenience and necessity. This number of permits may be adjusted downward prior to or during the public hearing by the applicant.
- 2.2.11 The Commission may at no time authorize more than one (1) taxicab type of service permit per each one thousand-nine hundred (1,900) inhabitants of Hillsborough County according to the most recent official estimate by the University of Florida, Population Division, Bureau of Economic Business Research. Taxicab permits restricted to operations in designated zones within the county do not fall under the formula addressed in this rule.
 - 2.2.11.1 If all taxicab permits available under the 1 per 1,900 inhabitants cap have been issued or have been applied for, no additional applications for a taxicab certificate and/or vehicle permits will be accepted by the Office of the PTC until it is determined that additional permits are available. Once it is determined that additional permits are available, a time and date will be announced when applications for taxicab service Certificate and/or permits will be accepted by the Office of the PTC.
 - 2.2.11.2 In the normal course of operation, the PTC will endeavor to process and consider applications in the order in which they are received. Following the PTC's formal announcement of available regular taxicab permits, which shall be made at a PTC regular meeting, completed applications for permits or a certificate and permits will be accepted until the close of business the day prior to the next regular PTC meeting. Each application will be scheduled for a hearing officer hearing and a Commission public hearing. If, after the Commission public hearings, the total number of permits approved by the Commission exceeds the number of available permits, the permits will be evenly distributed to the applicants until such time as the number of permits cannot be evenly distributed. At this point, a random drawing process will be conducted to determine which of the remaining applicants will receive the permits. If, during the period described above, the number of permits applied for does not exceed the number of available permits, then the applications will be processed in the order in which they were received.
 - 2.2.11.3 If the results of the lottery are that the approved application is awarded no permits as a result of the lottery, the approved certificate will be immediately voided and the application fee will be returned.
 - 2.2.11.4 Once an applicant is awarded permits as a result of the distribution, the applicant is immediately obligated to pay the annual permit fee for all awarded permits. A declination to accept any awarded permits will result in the entire application being voided and the permits awarded will be then available for other applicants.
- 2.2.12 Each certificate shall expire, unless expressly extended by the Commission or Director for good cause, on September 30 of each year, and shall be renewed, in the absence of any basis for suspension or revocation as outlined in Section 12 of these Rules, upon the timely receipt by the Commission staff of:
 - 2.2.12.1 Written certification by the certificate Holder of any material changes which may have occurred with respect to the information provided in connection with the application(s) on file.

- 2.2.12.2 Any and all information required for application by the Commission at the time of renewal which was not required at the time of the initial application;
- 2.2.12.3 Payment of the prescribed renewal fee (see Appendix 1).
- 2.2.13 Any change in the ownership or control of a certificate requires the approval of the Commission. Procedurally, an application for ownership change must be submitted by the proposed new owner. The application will be reviewed by the Director and a subsequent staff recommendation will be submitted to the Commission for approval at a public meeting. Failure to acquire approval or subsequent disapproval of the ownership change may result in immediate revocation of the certificate.
 - 2.2.13.1 With the express written consent of the Certificate Holder, however, a prospective transferee may, upon filing of an ownership change application with the Commission staff, enjoy the beneficial use of the certificate and the permits associated therewith until the Commission renders a final decision on the application, or for a period not to exceed one hundred and twenty days from the date the transfer application is filed, whichever is less.
 - 2.2.13.2 The privilege of the beneficial use of a certificate extended to a prospective new owner pending final approval by the Commission of an application is expressly subject to and conditioned upon the consent of the new owner to abide by all obligations of the previous owner with respect to the Commission, any restrictions, limitations or conditions imposed on the certificate by the Commission, and any violation thereof by the prospective new owner shall be grounds for immediate revocation of the privilege.
- 2.2.14 Certificate Holders must comply at all times with applicable Florida Statutes and the Florida Administrative Code, when applicable, and are subject to immediate suspension for any violation thereof.

Section 3 **Permits**

- 3.1 Each Certificate Holder will be granted authorization for a specific number of vehicle permits. All vehicles must be inspected by the Commission staff to validate compliance with the respective vehicle standards and insurance requirements prescribed in these rules before the vehicle may be operated under a certificate.
- 3.2 It shall be unlawful to operate or to cause or allow the operation of any public vehicle without a valid permit or temporary permit or if the permit is suspended. Each permit shall expire, unless expressly extended by the Commission or Director for good cause, on September 30 of each year, and may be renewed upon the timely receipt by the Commission of:
 - 3.2.1 successful vehicle inspection(s);
 - 3.2.2 appropriate insurance certification;
 - 3.2.3 payment of the prescribed fees for certificate and permit(s) renewals (see Appendix 1).
- 3.3 The director, or interim director, may issue and reissue, 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 and must be for the same type of vehicle service that the Certificate Holder is authorized. Upon showing of good cause, temporary permits may be reissued, but shall not be reissued more than four (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 to estop the Commission from subsequently denying an application for a permanent permit. Companies applying for temporary permits must state the reason for additional permits and give the Commission Director factual information on the groups or clients and how the vehicles will be utilized. Prior to the issuance of such temporary permits, payment of the prescribed fees, proof of insurance and successful inspection of the vehicle in question must be complete.
- 3.4 In the event any public vehicle for which a permit has been issued becomes unsafe to operate or its body or seating facilities become so damaged, deteriorated or unclean as to render it unfit for public use, the Commission shall authorize the Director to suspend, without hearing, the permit until the condition is remedied. Further, the same summary suspension may take place in the case of basic life support ambulance(s) which fail for any reason to meet basic life support ambulance standards set forth in Florida Statutes and the Florida Administrative Code. In conjunction with this suspension, the PTC staff may place an "Out of Service" sticker on the window of the suspended vehicle and this sticker may only be removed by the PTC staff when the suspension is lifted. The "Out of Service" sticker may not be disguised, altered or covered to hide it from the traveling public.
- 3.5 Each permit shall be separately numbered. The permit shall, at all times, be displayed according to these Rules.
- 3.6 Permits shall not be transferable or assignable between Certificate Holders unless the certificate and all associated permits under that certificate are transferred due to a certificate ownership change per Section 2 of these rules. A Certificate Holder may transfer a permit between vehicles upon approval of the Commission and payment of the prescribed fee (See Appendix 1). The Director may approve such intra-certificate permit transfers where the permitted vehicle has been wrecked, disabled, or otherwise rendered unusable.

- 3.7 A vehicle must be physically presented before a permit will be issued.
- 3.8 After a permit has been issued, no vehicle shall be reconstructed, altered or modified without approval of the Commission. This includes extra lights or other ornaments attached to the vehicle. The Director may, however, approve changes to vehicle color schemes, notifying the Commission of said approval at its next public meeting, or as soon thereafter as practicable.
- 3.9 A metal plate will be issued for each vehicle that has been approved. For standard taxicabs, the permit plate shall be affixed to the lower left trunk lid or on the left rear bumper, and only on the vehicle for which it is issued. An issued permit plate shall be affixed to the lower left rear door or on the left rear bumper of a van, handicab or basic life support ambulance, a metal permit plate will be issued to a limousine and it should be retained in the vehicle. A validation decal sticker shall also be issued and shall be affixed to the lower left section on the rear window of the limousine and the front left of the windshield of all other vehicles. A permit plate issued to a luxury taxicab shall be displayed in the lower left side of the rear window of the vehicle.
- 3.10 A Certificate Holder may apply for additional permits in accordance with the procedures set forth in these Rules on the condition that the Certificate Holder has no current authorized permits which are not in use at the time the application is submitted. The additional permits will be issued only to vehicles within the same type of service for which the original certificate was issued. In the case of taxicabs, the additional permits will only be issued within the same classification for which the original certificate was issued. For Certificate Holders who hold more than one certificate, application for additional permits must be made separately for each such certificate. The requirements and procedures of Section 2.2 shall apply to each application for additional permit(s) issued pursuant to this section, except:
 - 3.10.1 Applications submitted pursuant to this section for two (2) additional permits or less, to which no other Certificate Holder has filed a notice of intervention, shall be reviewed by the Director and brought before the Commission at a Commission Public Hearing scheduled for this purpose. Notice of said hearings will be provided under the procedures set forth in these Rules. In the event any Certificate Holder files a notice of intervention as described in Rule 2.2, the Director of the Commission will schedule a Hearing Officer for the Public Hearing on the Application pursuant to Section 2 of these Rules.
 - 3.10.2 Applications for two (2) additional permits or less must wait twelve (12) months before submitting another application for two (2) additional permits or less under the same certificate. The twelve (12) month period will begin at the Commission meeting when the application is denied or approved.
- 3.11 Fees for additional permit applications, permit fees and hearing officer costs are explained in the appendices of these Rules.
- 3.12 All authorized permits not affixed or issued to a vehicle within one (1) year from the date it is authorized may be declared forfeited by the Commission at a public meeting. Prior to any such forfeiture action by the Commission, the Certificate holder shall be provided with written notice at least 20 days in advance of the public meeting, delivered personally or mailed to the address of the Certificate Holder on file with the Commission, and the Certificate Holder shall be afforded an opportunity to be heard at the public meeting.
- 3.13 If a vehicle is sold or otherwise disposed of and out of the operational control of the Certificate Holder, the Certificate Holder is required to ensure that the metal vehicle permit is removed and returned to the PTC. The Certificate Holder must also ensure that permit stickers on limousines must

be removed from the vehicle and disposed of.

Section 4 **Insurance**

4.1 Each Certificate Holder shall at all times maintain Business Automobile Liability insurance providing for bodily injury and property damage liability coverage on each permitted vehicle in an amount not less than:

Taxicabs: \$300,000.00 combined single limit (CSL) each accident or split limits of
\$125,000.00 bodily injury each person and
\$300,000.00 each accident and
\$50,000.00 property damage each accident.

Limousines:

\$1,000,000.00 combined single limit (CSL) each accident or split limits of
\$500,000.00 bodily injury each person and
\$1,000,000.00 each accident and
\$100,000.00 property damage each accident.

Handicabs:

\$300,000.00 combined single limit (CSL) each accident or split limits of
\$125,000.00 bodily injury each person and
\$300,000.00 each accident and
\$50,000.00 property damage each accident.

Vans:

\$300,000.00 combined single limit (CSL) each accident or split limits of
\$125,000.00 bodily injury each person and
\$300,000.00 each accident and
\$50,000.00 property damage each accident.

Basic Life Support Ambulances:

\$300,000.00 combined single limit (CSL) each accident or split limits of
\$125,000.00 bodily injury each person and
\$300,000.00 each accident and
\$50,000.00 property damage each accident.

4.2 A Certificate of Insurance must be executed and filed with the Commission by the insurance carrier or its authorized representative prior to the issuance or renewal of a vehicle permit. The insurance carrier must be qualified as an insurance company authorized to transact business in the State of Florida. The insurance carrier shall issue and forward directly to the Commission an original certificate of insurance, on a form provided or approved by the Commission. If a Certificate holder has more than one insurance policy for vehicles operated under a single Certificate, the policies must have the same expiration date.

4.3 An insurance carrier schedule of all vehicles covered by the insurance policy must accompany the Certificate of Insurance. A change certificate must be provided to the PTC from the authorized insurance representative when vehicles are added or deleted. The PTC Certificate Holder must be a named insured on any insurance policy maintained to satisfy the requirements of this section.

- 4.4 The insurance carrier must certify that the policy will not expire or be cancelled unless a thirty (30) days prior written notice is provided to the Commission by the insurance company; said thirty (30) day notice shall be deemed to commence from the date the notice is actually received at the office of the Commission and kept on file. The insurance policy must be endorsed to this effect.
- 4.5 The validity of any certificate granted or renewed hereunder is expressly conditioned on the maintenance of all insurance coverage required under these Rules. The failure of a Certificate Holder to maintain valid insurance as required by these rules shall result in the automatic suspension of the certificate without a hearing. The suspension shall be lifted upon receipt by the Commission staff of proper evidence of the valid requisite insurance and the payment of a reinstatement fee by the Certificate Holder. The amount of the fee is listed in Appendix 1 of these Rules.
- 4.6 The PTC Certificate Holder shall provide a Certificate of Insurance to the Commission staff at any time upon reasonable request.
- 4.7 Certificate Holders will provide the Office of the PTC a Certificate of Insurance for Worker's Compensation Insurance in those instances where this insurance is required by Chapter 440, Florida Statutes. Those Certificate Holders who are not required to carry Worker's Compensation Insurance per Chapter 440, Florida Statutes, will submit a letter to the PTC explaining why they are not required to carry this insurance.
- 4.8 Failure to comply with the provisions of this section may result in the suspension of the Certificate Holder's certificate pending full compliance and the payment of a reinstatement fee by the Certificate Holder. The amount of the fee is listed in Appendix 1 of these Rules.

Section 5
Public Vehicle Driver's License

- 5.1 No person shall operate, cause another to operate, or allow another to operate a public vehicle unless the driver has a current public vehicle drivers license. The person shall also have a motor vehicle operator's permit as required by the State of Florida. Applicant must present an original Social Security card, U.S. passport, valid residence card or authorization to work in the United States. A suspension, expiration or revocation of a motor vehicle operator's permit or residence card or authorization to work in the United States shall result in an immediate suspension of the driver's PVDL until such time as the suspension is removed or authorization is reissued.
- 5.2 Application for the license must be fully completed by the applicant and signed by the Certificate Holder for which that driver will drive and the applicant must present the application in person to the office of the Commission for processing.
- 5.3 Application, obtained from the Certificate Holder, shall provide general information under oath (notarized), on forms supplied by the Commission.
- 5.4 The applicant shall have a photograph and fingerprints taken at the Hillsborough County Sheriffs Office (HCSO) located at Falkenburg Road. These documents will be provided to the PTC by the HCSO and maintained in the driver's file.
- 5.5 As a result of the health information provided by the applicant in the PVDL application, the applicant may be required to submit an additional health certificate completed and signed by a physician licensed in accordance Florida Statutes.
- 5.6 The submission of a PVDL application authorizes any physician, person, or agency having knowledge of any mental or physical impairment which may affect the applicant or driver's ability to drive to report such knowledge to the Commission.
- 5.7 Upon receiving any report concerning a driver's alleged physical or mental impairment of the ability to safely operate a vehicle for hire, the Commission shall require an investigation into the charges and may require written certification by a physician before making a final determination as to the driver's fitness to hold a license. Such certification shall be at the driver's expense.
- 5.8 Each applicant shall submit the prescribed non-refundable license fee (See Appendix 1) along with the application.
- 5.9 The Commission shall issue a public vehicle drivers license when it is shown that the applicant is duly qualified, of good moral character, of sound health and otherwise meets the requirements of the law. The Commission may consider the following factors in determining whether an applicant is duly qualified:
 - 5.9.1 Whether the applicant demonstrates the ability to communicate with the public by being able to speak, read and write the English language; and
 - 5.9.2 Whether applicant demonstrates the capacity to transport the public in a vehicle for hire by showing that the applicant is knowledgeable of these Rules and of the geography of Hillsborough County.
- 5.10 No person shall be issued a license who is addicted to the use of narcotics or intoxicating liquors.

- 5.11 No person shall be issued a license who is on probation or parole for a felony or misdemeanor, who is covered by diplomatic immunity, who has less than 6 months' driving experience or who is less than the age of majority.
- 5.12 The Commission may deny a license to a person who has been convicted of a felony, a sex offense including conviction as a sexual offender or has been found to be a sexual predator as provided in Florida Statutes, soliciting for or engaging in prostitution, an alcohol or narcotics offense, drunkenness, violation of the gambling laws, a crime involving moral turpitude, or repeated violations of the motor vehicle laws.
- 5.13 The Commission may, in order to protect the public, deny a license to operate a vehicle for hire to an applicant whose Florida drivers' license has been suspended or revoked within the past eight (8) years for: driving while under the influence of alcoholic beverages or narcotic drugs, reckless driving, or exceeding the point limit set by the Drivers License Division of the Florida Department of Highway Safety and Motor Vehicles.
- 5.14 Any 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. However, the applicant may seek one reconsideration of the denial.
- 5.15 Each driver is to be given a copy of the Rules of the Commission and must sign a receipt for them before a license is issued.
- 5.16 Licenses maybe renewed for a one-year period during licensee's birth month provided that:
 - 5.16.1 The Commission's investigation of the driver's traffic (DUI's or license suspensions) and criminal record reveals no violations during the period of his expiring license. If the investigation reveals such violations, the license shall be renewed for a period not to exceed sixty (60) days. The Director shall, after review of the driver's traffic and criminal record recommend either renewal, suspension or revocation as the safety of the public may dictate.
 - 5.16.2 The driver timely submits to the Commission any material changes which may have occurred with respect to the information provided in connection with the initial license application.
 - 5.16.3 The driver timely submits to the Commission any and all information required by the Commission for license applications at the time of renewal which was not required at the time of initial license application;
 - 5.16.4 The driver pays the prescribed fee for license renewal (see Appendix I).
- 5.17 If a license becomes expired and is not renewed within twelve (12) months of the expiration date, the license shall not be renewed. Instead, a new application must be submitted for the Commission approval (refer to Rule 5.2 through 5.15).
- 5.18 Basic Life Support ambulance drivers and attendants shall comply with the requirements of these rules, Florida Statutes and the Florida Administrative Code.
- 5.19 Handicab drivers shall have satisfactorily completed the following training: State certified standard first aid; State certified standard CPR certification; and defensive driving course approved by the Commission. Copies of the training certificates or other evidence of training completion must be provided to the Commission at the time of application.
- 5.20 Upon leaving the employment of or discontinuation of an agreement to drive for a Certificate

Holder or when a driver is placed on suspension by the Commission, the Public Vehicle Driver License is to be returned to the Commission Office where it will be retained on file until the driver gains employment with another Certificate Holder, completes the suspension period, or the PVDL expires.

- 5.21 It is important that any question regarding criminal history be answered completely and truthfully when completing the PVDL application or other required documents. Failure to do so may result in the denial of the PVDL.
- 5.22 An applicant determined eligible for a PVDL and subsequently arrested, charged, committed, and/or found guilty of any disqualifying offense (as listed above) shall immediately (5 calendar days) notify the Commission.
- 5.23 Persons believing that the Commission relied upon inaccurate information in making its decision shall contact the Commission within thirty (30) calendar days of receipt of the denial notification. The Commission may decline to consider information received beyond thirty days.
- 5.24 After an applicant has been denied a license, he or she may appeal that decision to the Commission at a public meeting by completing an appeal form provided by the Commission and by paying the fees associated with this appeal (see Appendix 1 Fees). Once a driver has been denied his or her appeal before the Commission, he or she may not reapply for a PVDL within twelve (12) months from the date the appeal was denied. However, the applicant may seek one reconsideration of the denial.
- 5.25 The director, or interim director, may issue and reissue, for good cause and without the necessity of notice or public hearing, temporary public vehicle driver's licenses provided that such 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 public vehicle driver's licenses may be reissued, but shall not be reissued more than four (4) successive seven-day periods without Commission approval. Issuance of a temporary public vehicle driver's licenses pursuant to the provisions of this section shall not in any way be construed as a commitment to issue an annual public vehicle driver's license. No action taken shall be construed to estop the Commission from subsequently denying an application for an annual public vehicle driver's license.

Section 6 **Driver Duties**

- 6.1 All drivers shall be familiar and comply with the Florida Regulatory Traffic Laws.
- 6.2 No taxicab driver shall refuse or neglect to transport to any place in the County any orderly person willing to pay the prescribed fare, in advance, and no driver shall accept any additional passengers without consent of the passengers by whom the vehicle may have already been engaged.
- 6.3 Each driver licensed pursuant to these rules shall possess and display the PVDL in a manner that allows visibility of the license, at all times while driving his vehicle or while on duty as a vehicle driver and shall not operate a vehicle if the license is expired or has been revoked or suspended. The license will be clipped, badge-style, to the driver's shirt or outer garment or may be hung around the neck on a chain or string. The drivers of all types of service (taxicabs, limousines, BLS ambulances, handicabs and vans) will wear the PVDL license while on duty as a vehicle operator. The driver will allow a customer to review the PVDL upon request.
- 6.4 A driver shall not operate a vehicle if the vehicle permit or Certificate Holder's certificate has been revoked or suspended.
- 6.5 No driver operating a taxicab shall transport passengers without a properly sealed and operating taximeter with the flag down, meter running, and cruise light off (Does not apply if operating using an authorized flat rate. See Appendix 4)
- 6.6 Drivers shall keep their vehicle clean and orderly at all times.
- 6.7 Every driver having charge of a permitted vehicle shall be hygienically clean, well groomed and neat and clean in appearance and suitably dressed. Male drivers shall be clean shaven, and hair shall be neatly trimmed and groomed. If a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance. The term suitably dressed shall be interpreted to mean:
 - 6.7.1 The driver, if male shall wear clean trousers or knee-length hemmed shorts, shoes and socks and a shirt with a collar, with or without a tie. Appropriate clean outer garments may be worn, if desired, over the collared shirt. Luxury taxicab and limousine drivers shall wear a collared shirt with tie (with or without jacket), trousers, socks and dress shoes.
 - 6.7.2 The driver, if female shall wear clean trousers or knee-length hemmed shorts, slacks, shoes and an appropriate shirt with a collar. Appropriate clean outer garments may be worn, if desired, over the collared shirt or blouse. Luxury taxicab and limousine drivers shall wear an attire equivalent to their male counterpart (Rule 6.7.1).
 - 6.7.3 The following articles of clothing are not permitted to be worn as an outer garment when the driver, either male or female, is operating a permitted vehicle: t-shirts, underwear, tank tops, body shirts, swimwear, jogging suits, or similar types of attire. Also prohibited are swimming or athletic shorts, sandals, or any type of open-toed footwear.
- 6.8 No driver shall collect fares or compensation for transportation services other than at the approved rate for that Certificate Holder. The driver, if requested, shall furnish the passenger with a receipt stating the amount of the fare.

- 6.9 No vehicle shall be driven unless the driver has satisfied himself that the vehicle is in good working order and that the vehicle meets the standards set forth in these Rules.
- 6.10 No driver shall knowingly transport any person to any place for the purpose of participation in any illegal activity.
- 6.11 A driver shall not use abusive language, nor be discourteous to passengers.
- 6.12 A driver will not use a cell phone, other than in a hands-free mode, while driving the vehicle.
- 6.13 A driver will ensure the vehicle's luggage compartment (trunk) and passenger compartment is clean and free of any item or substance that will damage, stain or otherwise harm a passenger's luggage or possessions.
- 6.14 A driver will not smoke cigarettes or cigars while a passenger is in the vehicle.
- 6.15 A driver will operate the vehicle's air conditioner at the request of the passenger, if not already operating.
- 6.16 Taxicab drivers must remain with their respective vehicles while the vehicle is at an official taxi stand, in line at the Tampa cruise terminals or in line at the TIA terminal.
- 6.17 Drivers shall immediately notify the Commission of each change of company or address.
- 6.18 No driver shall solicit passengers outside the jurisdictional area of the certificate under which he is operating.
- 6.19 No driver licensed by the Commission shall allow any vehicle in their possession to be operated by any person not duly licensed by the Commission and without specific authority from the Certificate Holder.
- 6.20 Basic life support ambulance drivers and attendants shall comply with the requirements of these rules, Florida Statutes and the Florida Administrative Code.
- 6.21 Drivers must ensure that vehicle capacity, as defined by the vehicle manufacturer or modifier, is not exceeded.

Section 7 **Procedure for Operation**

- 7.1 Each Certificate Holder shall keep accurate records of receipts from operations, other expenses, capital expenditures, and other operating information as may be required by the Commission. The Commission and its staff shall be allowed access to these records during normal business hours for the purpose of inspection or copying same.
- 7.2 Each Certificate Holder shall maintain a central place of business, at which place he shall provide a properly listed telephone number for receiving all calls for service, and at which central place of business he shall keep such business records and required manifests. It shall also be the responsibility of every Certificate Holder to keep on file at the office of the Commission a telephone number, where they may be reached at all times.
- 7.3 Each Certificate Holder shall adopt and use, after approval by the Commission, a distinctive, uniform color scheme for all taxicabs, vans, BLS Ambulances and handicabs operated pursuant to such certificate. Basic life support ambulances shall comply with Florida Statutes and the Florida Administrative Code.
- 7.4 Taxicabs using any officially designated public standard taxi stand shall be in single file and faced in accordance with applicable traffic regulations. The driver of the taxicab at the head of the line shall accept as a passenger any orderly person who agrees to pay the proper fare; however, any person shall have the right to select any taxicab regardless of its position in the line. Upon the departure of any taxicab from the line, the vehicles in line shall move forward in order. The taxi stand will have a designated number of spaces available and this is the most allowed to remain at the stand. Luxury taxicabs are not authorized to use officially designated public standard taxicab stands.
- 7.5 Limousines, vans, and handicabs will operate as a prearranged service and shall not solicit "walk-up" passengers unless operating under contract, authority of or explicit agreement with the ownership or management of the location of the solicitation. When limousine or van operators are displaying signage for identification/customer contact purposes (such as at the airport or cruise terminal), the sign may advertise only in the name of the Certificate Holder and must contain a manifested passenger's or client's name in letters that are equal to or larger in size than the Certificate Holder's name on the sign. No additional language that could be perceived as solicitation of walk-up customers is permitted.
- 7.6 A limousine service is prohibited from combining separately contracted customers in a single trip or transfer (share-ride) unless each contracted customer is charged rates that meet or exceed the minimum established limousine rates.
- 7.7 Personal property left by a passenger in any vehicle shall, upon its discovery by the driver of the vehicle, be reported to and deposited at the office of the Certificate Holder where a record shall be maintained and the property held for the owner for a period of sixty (60) days, at the end of which time it shall be treated as abandoned property.
- 7.8 The Commission staff shall annually inspect all vehicles subject to the provisions of these rules and may inspect any vehicle at any time. The inspection shall make certain that the vehicle is in good working order for the safety and comfort of the passenger. The results of each inspection shall be recorded. Any vehicle failing to pass the inspection shall automatically have its permit suspended until such time as the vehicle satisfactorily passes inspection. It shall be unlawful to operate or to cause to operate a vehicle with a suspended permit.

- 7.9 If a vehicle is found to be or is suspected, due to observation or customer complaint, to be in an unsatisfactory condition, the Commission staff will notify the Certificate Holder to immediately suspend the vehicle with guidance to have it report to the office of the Commission for inspection or to the Certificate Holder's location for repair.
- 7.10 Certificate Holders, or their representatives or independent contractors, shall not advertise by printed, electronic media or other means, to include business cards, in any name other than the name to which the certificate has been issued by the Commission. All such advertising in phone directories and similar publications shall include the certificate number issued to the holder by the Commission. Additionally, all such advertising shall specify what type of service may be lawfully provided under certificate from the Commission, i.e., limousine, van, taxicab, basic life support ambulance, wheelchair handicab and/or stretcher handicab.
- 7.11 No Certificate Holder, chauffeur, public vehicle operator or any other person shall directly or indirectly provide compensation in any form to any individual or entity or engage in any activity in connection with the payment of compensation for the right to pick up passengers or provide service from any hotel, motel, apartment, restaurant, nightclub, or any other business establishment, or public facility. This subsection does not apply to payment of compensation to governmental entities. The certificate and/or public vehicle driver's license for any limousine, van, taxicab, BLS ambulance or handicab service provider or vehicle operator/chauffeur shall be subject to suspension or revocation for violation of this rule.
- 7.12 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 the Special Act and these Rules.

Section 8 **Vehicle Standards**

8.1 Taxicab Equipment Standards

- 8.1.1 Taxicabs shall be subject to inspection by the Commission and other law enforcement officials.
- 8.1.2 All taxicabs must have the following equipment installed and maintained in proper operating condition: brakes, tires, wheelcovers or hubcaps (all of the same type), horn, steering mechanism, windshield wipers, headlights, tail lights, tag light, interior lights, emergency flashing lights, cruise light, directional signals, exhaust system, rear-view mirror and side view mirror, speedometer, odometer, safety belts, air conditioning system, approved safety non-shatterable glass in the windshield and all windows, a taximeter approved by the Commission and two-way radio communication operating with the capability to dispatch twenty-four (24) hours a day, seven (7) days a week.
- 8.1.3 Taxicab tires shall be considered unsafe if they have: any ply or cord exposed; any bump, bulge, or knot affecting the tire structure; any break repaired with a boot; a tread depth of less than 2/32 of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, the tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire; a marking "not for highway use", or "for racing purposes only"; or such other conditions as may be reasonably judged to render it unsafe.
- 8.1.4 The interior must be kept clean, sanitary, free from torn upholstery or floor coverings and from damaged or broken seats.
- 8.1.5 Door hinges and latches must be in good mechanical working order and all doors must operate easily and close securely;
- 8.1.6 The vehicle must be structurally sound and operate with a minimum of noise and vibration;
- 8.1.7 The body, fenders, doors, trim, grill, and paint must be reasonably free from cracks, breaks, dents and fading that would impair the safety or appearance of the vehicle.
- 8.1.8 Vision from the vehicle must be unobstructed on all four sides.
- 8.1.9 A standard taxicab must display a notice to passenger service standards decal approved by the Commission inside the left rear door window which must be visible from the back section of the vehicle.
- 8.1.10 Luxury taxicabs must display a notice for passengers, approved by the Commission, that states the following: "This vehicle is a Luxury Taxicab and by regulation charges a rate higher than a Standard Taxicab. The operator is required to charge the metered rate".
- 8.1.11 A standard taxicab must display the company vehicle number (decal or painted) on the back of the front seat and must be visible from the back section of the vehicle.

- 8.1.12 A standard taxicab shall be five (5) model years old or newer when initially inspected to be placed in service. If a permitted vehicle is taken out of service for longer than thirty (30) calendar days, the vehicle will lose its status as a previously in-service vehicle.
- 8.1.13 A standard taxicab, if currently permitted, cannot exceed ten (10) model years at the point of the annual inspection.
- 8.1.14 A luxury taxicab shall be five (5) model years old or newer when initially inspected to be placed in service. If a permitted vehicle is taken out of service for longer than thirty (30) calendar days, the vehicle will lose its status as a previously in-service vehicle.
- 8.1.15 A luxury taxicab, if currently permitted, cannot exceed ten (10) model years at the point of the annual inspection.
- 8.1.16 Luxury taxicabs shall be a model of vehicle approved by the Commission as a luxury vehicle and shall be a sedan with 4 doors and a trunk with space to carry luggage for at least 2 people.
- 8.1.17 The taxicab Certificate Holder's trade name, taxicab number and telephone number must be permanently displayed upon both sides of the vehicles metal exterior with letters at least three inches (3") high. The taxicab number must be painted upon the outside rear panel of the taxicab in betters at least three inches (3") high. The color scheme for each vehicle in the fleet must match the approved version filed with the Commission. A taxicab service that has been approved for a geographically restricted Certificate must identify the assigned zone in 3" letters on the front right and left fender and rear of the vehicle (e.g., SE Zone or NW Zone).
- 8.1.18 A taxicab shall not be equipped with shades or curtains which can be manipulated in such a way as to shield the occupants or driver from observation or obstruct the view through the rear window.
- 8.1.19 All window tinting must conform with Florida State Statutes.
- 8.1.20 Any citizen band radio, scanner or other communication device capable of receiving a frequency assigned to taxicabs shall be prohibited.
- 8.1.21 Taxicabs will not display stickers on the bumpers, body or windows of the taxicabs unless expressly authorized by the Commission.
- 8.1.22 Taxicabs may display advertisements on the wheelcovers and vehicle roof-tops provided that the advertisement method does not create any safety hazards.

8.2 Handicab Equipment Standards

- 8.2.1 Handicabs shall be subject to inspection by the Commission and other law enforcement officials.
- 8.2.2 A handicab may not be older than five (5) model years when initially inspected to be placed in service. If a permitted vehicle is taken out of service for longer than thirty (30) calendar days, the vehicle will lose its status as a previously in-service vehicle.
- 8.2.3 A handicab, if currently permitted, cannot exceed ten (10) model years at the point of the annual inspection.

8.2.4 The use of the term “ambulance” or “ambulatory service” shall not be used and no representations shall be made that any medical service is available. No emergency equipment other than a required fire extinguisher shall be carried.

8.2.5 All handicabs must have the following equipment installed and maintained in proper operating condition: brakes, tires, wheelcovers, horn, steering mechanism, windshield wipers, headlights, tail lights, tag light, interior lights, emergency flashing lights, cruise light, directional signals, exhaust system, rear-view mirror and side view mirror, speedometer, odometer, approved safety non-shatterable glass in the windshield and all windows, safety belts, an air conditioning system, two-way radio communication operating with the capability to dispatch twenty-four (24) hours a day, seven (7) days a week, an inside rear-vision mirror which will enable the driver to view the passenger compartment, at the level at which the passengers ride.

8.2.6 Handicab tires shall be considered unsafe if they have: any ply or cord exposed; any bump, bulge, or knot affecting the tire structure; any break repaired with a boot; a tread depth of less than 2/32 of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, the tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire; a marking “not for highway use”, or “for racing purposes only”; or such other conditions as may be reasonably judged to render it unsafe.

8.2.7 The interior must be kept clean, sanitary, free from torn upholstery or floor coverings and from damaged or broken seats.

8.2.8 Door hinges and latches must be in good mechanical working order and all doors must operate easily and close securely.

8.2.9 The vehicle must be structurally sound and operate with a minimum of noise and vibration.

8.2.10 The body, fenders, doors, trim, grill, and paint must be reasonably free from cracks, breaks, dents and fading that would impair the safety or appearance of the vehicle.

8.2.11 Vision from the vehicle must be unobstructed on all four sides.

8.2.12 A handicab must display a notice to passenger service standards decal approved by the Commission inside the left rear door window which must be visible from the back section of the vehicle.

8.2.13 A handicab must display the company vehicle number (decal or painted) on the back of the front seat and must be visible from the back section of the vehicle.

8.2.14 The Certificate Holder’s trade name, handicab number and telephone number must be permanently displayed upon both sides of the vehicles metal exterior with letters at least three inches (3”) high. The handicab number must be painted upon the outside rear panel of a handicab in letters at least three inches (3”) high. The color scheme for each vehicle in the fleet must match the approved version filed with the Commission.

8.2.15 A handicab shall not be equipped with shades or curtains which can be manipulated in such a way as to shield the driver from observation.

8.2.16 All window tinting must conform with Florida State Statutes.

8.2.17 All handicabs equipped for wheelchair transportation shall comply with the following:

- 8.2.17.1 Each vehicle shall have a lift, operated electrically and/or hydraulically, with sufficient capacity to safely and smoothly facilitate the entrance of passengers into the vehicle and exit from the vehicle;
- 8.2.17.2 Each vehicle shall have, for each passenger transported two (2) positive means of securely latching or locking to the vehicle the wheelchair in which a passenger will ride. The latching device shall be designed to prevent any lateral, longitudinal or vertical motion of the passenger conveyance within the vehicle;
- 8.2.17.3 Each vehicle shall have, for each passenger transported, restraining belts or straps designed to securely confine passengers to wheelchairs in which they are transported;
- 8.2.17.4 Vehicle entry and exit doors shall be equipped with latching devices sufficient to restrain individual passenger conveyances within the passenger compartment of the vehicle;
- 8.2.17.5 Each vehicle must have a minimum of fifty-six inches (56") headroom from the finished floor to the finished ceiling in the passenger compartment, including door opening to allow for proper head clearance of the passenger seated in the wheelchair;
- 8.2.17.6 The floor covering shall be seamless, one piece, permanently applied material, which can be maintained in a safe, sanitary and odor free manner, and shall extend the full length and width of the passenger compartment. Where side panels and covering meet at the joints and side walls, they shall be sealed and bordered with rustproof, corrosion-resistant cove moldings.

8.2.18 All handicabs equipped for stretcher transportation shall comply with the following:

- 8.2.19 Each vehicle shall have a crash stable side or center mounting style litter fastener of the quick release type.
- 8.2.20 Each vehicle will have at least two (2) strap type restraining devices provided per stretcher, cot, and litter to prevent longitudinal or transverse dislodging of the patient during transit.
- 8.2.21 Each vehicle must have a smooth floor which has a minimum of voids or pockets at the floor to side wall areas where water or moisture can become trapped.

8.2.21.1 Each vehicle must have clean blankets, linen, or disposable sheets to be used for each patient.

8.2.21.2 Each vehicle must have airtight storage compartments for soiled linen.

8.2.21.3 Each vehicle must have two (2) attendants who are properly licensed by the Commission.

8.3 Van Equipment Standards

- 8.3.1 A van may not be older than five (5) model years when initially inspected to be placed in service. If a permitted vehicle is taken out of service for longer than thirty (30) calendar days, the vehicle will lose its status as a previously in-service vehicle.
- 8.3.2 A van, if currently permitted, cannot exceed ten (10) model years at the point of the annual inspection.
- 8.3.3 A van shall be subject to inspection by the Commission and other law enforcement officials.

8.3.4 A van must have the following equipment installed and maintained in proper operating condition: Brakes, tires, wheelcovers, horn, steering mechanism, windshield wipers, headlights, tail lights, tag light, interior lights, emergency flashing lights, directional signals, exhaust system, rear-view mirror and side view mirror, speedometer, odometer, safety belts, air conditioning system, approved safety non-shatterable glass in the windshield and all windows.

8.3.5 Van tires shall be considered unsafe if they have: any ply or cord exposed; any bump, bulge, or knot affecting the tire structure; any break repaired with a boot; a tread depth of less than 2/32 of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, the tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire; a marking "not for highway use", or "for racing purposes only"; or such other conditions as may be reasonably judged to render it unsafe.

8.3.6 Interior must be kept clean, sanitary, free from torn upholstery or floor coverings and from damaged or broken seats;

8.3.7 Door hinges and latches must be in good mechanical working order and all doors must operate easily and close securely;

8.3.8 Vehicle must be structurally sound and operate with a minimum of noise and vibration;

8.3.9 The body, fenders, doors, trim, grill, and paint must be reasonably free from cracks, breaks, dents and fading that would impair the safety or appearance of the vehicle;

8.3.10 Vision from the vehicle must be unobstructed on all four sides.

8.3.11 A van must display the company vehicle number (decal or painted) on the back of the front seat or any conspicuous place where it is visible from the back section of the vehicle.

8.3.12 The Certificate Holder's trade name, van number and telephone number permanently displayed upon both sides of the vehicles metal exterior with letters at least three inches (3") high. The van-limousine number must be painted upon the outside rear panel of the van in letters at least three inches (3") high. The color scheme for each vehicle in the fleet must match the approved version filed with the Commission.

8.3.13 A van shall not be equipped with shades or curtains that can be manipulated in such a way as to shield the driver from observation.

8.3.14 All window tinting must conform with Florida State Statutes.

8.3.15 The Director may, on a temporary basis, not to exceed 60 days, waive the signage requirements for any van operating under a written contract for service upon receipt of a copy of the contract or other written statement signed by the contracting customer acknowledging and agreeing to the hiring of the van without requisite signage.

8.3.16 Vans may display advertisements on the rear of the vans provided that it does not create any safety hazards or permanently block the trade name, phone number or vehicle number.

8.4 Limousine Equipment Standards

- 8.4.1 A limousine shall be subject to inspection by the Commission and other law enforcement officials.
- 8.4.2 A limousine sedan or SUV shall be five (5) model years old or newer when initially inspected to be placed in service. If a permitted vehicle is taken out of service for longer than thirty (30) calendar days, the vehicle will lose its status as a previously in-service vehicle.
- 8.4.3 A stretch limousine may not be older than five (5) model years when initially inspected to be placed in service.
- 8.4.4 A limousine sedan or SUV, if currently permitted, cannot exceed ten (10) model years at the point of the annual inspection.
- 8.4.5 A stretch limousine, if currently permitted, cannot exceed ten (10) model years at the time of annual inspection.
- 8.4.6 A limousine must have the following equipment installed and maintained in proper operating condition: Brakes, tires, wheelcovers, horn, steering mechanism, windshield wipers, headlights, tail lights, tag light, interior lights, emergency flashing lights, directional signals, exhaust system, rear-view mirror and side view mirror, speedometer, odometer, safety belts, air conditioning system, approved safety non-shatterable glass in the windshield and all windows.
- 8.4.7 Limousine tires shall be considered unsafe if they have: any ply or cord exposed; any bump, bulge, or knot affecting the tire structure; any break repaired with a boot; a tread depth of less than 2/32 of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, the tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire; a marking "not for highway use", or "for racing purposes only"; or such other conditions as may be reasonably judged to render it unsafe.
- 8.4.8 Interior must be kept clean, sanitary, free from torn upholstery or floor coverings and from damaged or broken seats.
- 8.4.9 Door hinges and batches must be in good mechanical working order and all doors must operate easily and close securely.
- 8.4.10 The vehicle must be structurally sound and operate with a minimum of noise and vibration.
- 8.4.11 The body, fenders, doors, trim, grill, and paint must be reasonably free from cracks, breaks, dents and fading that would impair the safety or appearance of the vehicle.
- 8.4.12 Vision from the vehicle must be unobstructed on all four sides.
- 8.4.13 A limousine must display the vehicle permit sticker in the left-hand bottom of the rear windshield. The front "courtesy plate" on the limousine cannot have the name of a limousine service provider other than the name of the Certificate Holder.
- 8.4.14 A limousine shall not be equipped with shades or curtains which can be manipulated in such a way as to shield the driver from observation from the side or front windows.
- 8.4.15 All window tinting must conform with Florida State Statutes.

8.4.16 Limousines may not be re-configured, mechanically or electrically, from its original design to enable a taximeter to be installed or operated.

8.4.17 The company name must be displayed on the side or rear of the vehicle in permanent letters that contrast with the vehicle color and are not less than $1/2$ inch high. Front "courtesy plates" and magnetic signs or easily removable letters will not meet this requirement.

8.5 Basic Life Support Ambulance Standards

8.5.1 Basic Life Support Ambulances shall be subject to inspection by the Commission and other law enforcement officials.

8.5.2 A BLS ambulance may not be older than five (5) model years when initially inspected to be placed in service. If a permitted vehicle is taken out of service for longer than thirty (30) calendar days, the vehicle will lose its status as a previously in-service vehicle.

8.5.3 A BLS ambulance if currently permitted, cannot exceed ten (10) model years at the point of the annual inspection.

8.5.4 All basic life support ambulances must have the following equipment installed and maintained in proper operating condition: Brakes, tires, wheelcovers, horn, steering mechanism, windshield wipers, headlights, tail lights, tag light, interior lights, emergency flashing lights, directional signals, back-up lights, back-up audible signal, parking lights, rear-view mirror and side view mirror, speedometer, odometer, safety belts, a spare tire, equipment to change a tire and one set of battery jumper cables, an operable air conditioning system and exhaust system.

8.5.5 BLS ambulance tires shall be considered unsafe if they have: any ply or cord exposed; any bump, bulge, or knot affecting the tire structure; any break repaired with a boot; a tread depth of less than $2/32$ of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, the tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire; a marking "not for highway use", or "for racing purposes only"; or such other conditions as may be reasonably judged to render it unsafe.

8.5.6 Interior must be clean, sanitary, free from torn upholstery or floor coverings and from damaged or broken seats.

8.5.7 Door hinges and latches must be in good mechanical working order and all doors must operate easily and close securely.

8.5.8 Vehicle must be structurally sound and operate with a minimum of noise and vibration.

8.5.9 The body, fenders, doors, trim, grill, and paint must be reasonably free from cracks, breaks, dents and fading that would impair the safety or appearance of the vehicle.

8.5.10 Vision must be unobstructed on all four sides.

8.5.11 All vehicles must be equipped with approved safety non-shatterable glass in the windshield and all windows. All the glass windows should function efficiently.

8.5.12 The interior seats of all basic life support ambulances shall be of a leather or similar non-absorbent washable material and shall be kept clean and free of stains, rips and tears.

- 8.5.13 A basic life support ambulance must display the company vehicle number (decal or painted) at least 3" high that is visible from the back section of the vehicle.
- 8.5.14 The Certificate Holder's trade name, basic life support ambulance number and telephone number must be permanently displayed upon both sides of the vehicles metal exterior with betters at least three inches (3") high. The basic life support ambulance number must be painted upon the outside rear panel of a basic life support ambulance in letters at least three inches (3") high;
- 8.5.15 BLS ambulance radio communications systems must comply with the requirements of Florida Statutes.
- 8.5.16 In addition to the above mentioned rules, the basic life support ambulance shall adhere to the requirements of Florida Statutes and the Florida Administrative Code.

Section 9 **Rates (Fares)**

- 9.1 It shall be unlawful for any Certificate Holder, or driver to charge, demand, or request any fare that violates the rates established pursuant to these rules.
- 9.2 Provisions of these rules shall not apply to gratuities.
- 9.3 The Commission shall reserve the right to fix and approve rates for all regulated services. As used in this section (See appendix 4 for current established rates):
 - 9.3.1 The term '*fix*' shall mean any action of the Commission to determine the rates, fares, or charges generally applicable to any type of service certificate, including, but not limited to, minimums, maximums and schedules.
 - 9.3.2 The term '*approve*' shall mean any action of the Commission causing ratification of any rates, fares, and charges proposed by the certificate holder, whether or not rates, fares, or charges generally applicable to the type of service certificate have been fixed by the Commission.
- 9.4 Rates shall be established or changed in accordance with the following procedure:
 - 9.4.1 The Commission may consider requests to establish a rate or to change a rate change from any Certificate Holder or member of the public.
 - 9.4.2 The Commission may require the staff to hold public workshops to gather information from the public and the respective industry.
 - 9.4.3 The Commission may request research from staff or other sources to gather information related to proposed rate changes.
 - 9.4.4 The Commission shall hold a public hearing to take hear public input and make a determination on proposed rate change(s).
- 9.5 The Commission may, upon request by a certificate Holder, create special rates for providing specialized services.
- 9.6 Certificate Holders shall be required to file their rates with the Commission at the time of application and also may be required to post their rates inside the passenger compartment of each vehicle operating under permit from the Commission. For taxicabs the rate shall be the same as that rate for which the taximeter is calibrated. Certificate Holders may not change the rate charged to passengers without filing with the Commission a letter of intent to do so not less than sixty (60) days prior to such change going into effect. Such notice shall be by certified mail, addressed to the Commission and all Certificate Holders. Such change shall become effective upon approval by the Commission.
- 9.7 Except in the case of minors or other incapacitated persons, passengers are ordinarily expected to pay their own fares directly. No commercial business may, directly or indirectly, subsidize a fare for any passenger through any contractual or other arrangement with a Certificate Holder, Permit Holder, or driver licensed under these Rules with the intent, purpose, or effect of circumventing the rates, fares, or charges established by the Commission with respect to any form of transportation under its jurisdiction.

Section 10 **Taximeters**

10.1 Each taxicab shall be equipped with a taximeter approved by the Commission. It shall be unlawful to operate any taxicab unless its taximeter has been inspected and found to be accurate and in satisfactory operating condition by the Department of Agriculture and Consumer Services. The Director shall suspend a taxicab permit if the taximeter is found to be defective or inaccurate. Such permit suspension shall remain in effect until the defective taximeter has been replaced or repaired to the satisfaction of the Director. The Director may approve the lifting of any such suspension where the defective taximeter has been repaired or replaced. The Director may invalidate the reinstatement of a permit if the taximeter is again found to be defective or inaccurate.

10.2 The Commission staff shall inspect all taxicab taximeters annually to assure compliance with these rules.

10.3 The face of the taximeter shall illuminate and be visible from the passenger compartment so that passengers may ascertain the amount of the fare.

10.4 No taxicab shall be operated unless the taximeter has been sealed by the Department of Agriculture and Consumer Services.

10.5 It shall be unlawful for any person to tamper with, mutilate or break any taximeter or the seal thereon.

10.6 The cruise light, operating in conjunction with a taximeter shall indicate that the taxicab is vacant. The cruise light shall be off when the taximeter is on.

10.7 A taxicab with a transferred taximeter shall not be used to transport passengers unless the taximeter has been inspected, tested and sealed as required by these rules.

Section 11 **Manifest**

- 11.1 Every driver shall maintain a daily manifest, otherwise known as a trip sheet, upon which they shall promptly and legibly record the following information: name of driver, vehicle number, year, month, date, the starting time, place of origin and destination of each trip during a driver's operating period.
- 11.2 The manifest forms shall be furnished to the driver by the Certificate Holder.
- 11.3 Manifests shall be collected weekly by the Certificate Holder and maintained for one (1) year. Certificate Holders shall not destroy, mutilate, alter or otherwise deface daily manifests without approval by the Commission. Manifests shall be available for inspection and/or copying by the Commission during regular business hours.
- 11.4 All trips dispatched by Certificate Holder shall be immediately recorded on a dispatch ticket indicating the time, date and origin of each trip dispatched.
- 11.5 All dispatch tickets shall be maintained by the Certificate Holder for at least thirty (30) days.
- 11.6 A systematic method of filing the daily manifests shall be established and maintained by the Certificate Holder so that any individual manifest may be easily located by the driver's license number, vehicle number, date, time of trip and permit number of the vehicle.
- 11.7 No Certificate Holder shall allow a driver to operate any vehicle unless the manifest for the preceding week has been correctly prepared and filed.

Section 12 **Suspension, Revocation, Conditions, Probations and Citations**

12.1 Certificates, permits, and licenses shall be subject to suspension, revocation, probation, citation or other conditions set by the Commission as follows:

12.1.1 Certificates, upon notice and hearing (see appendix 3 for hearing procedures) when it shall appear that:

- 12.1.1.1 The Certificate Holder has failed to render the service authorized by the certificate.
- 12.1.1.2 The certificate was obtained by an application in which any fact was intentionally omitted or falsely stated.
- 12.1.1.3 The Certificate Holder thereof has intentionally permitted his vehicle to be operated in violation of any law.
- 12.1.1.4 The Certificate Holder has failed to comply with or has violated any of the provisions of these rules.
- 12.1.1.5 The Certificate Holder has operated or caused his drivers to operate beyond the operating limits specified upon approval of the certificate by the Commission.
- 12.1.1.6 The Certificate Holder has failed to receive Commission approval for a change of ownership or change of control of a certificate.
- 12.1.1.7 The Certificate Holder has failed to pay the civil penalties in the time prescribed in the citation that has not been contested in the manner described in these Rules.

12.1.2 Permits, upon notice and hearing (see appendix 3 for hearing procedures) when it shall appear that:

- 12.1.2.1 The permit was obtained by an application in which any fact was intentionally omitted or falsely stated.
- 12.1.2.2 The Certificate Holder has failed to comply with the provisions of these rules or any order of the Commission.
- 12.1.2.3 The Certificate Holder has operated or caused his drivers to operate beyond the operating limits specified upon approval of the certificate by the Commission.
- 12.1.2.4 The Certificate Holder has failed to pay the civil penalties in the time prescribed in the citation that has not been contested in the manner described in these Rules.

12.1.3 Licenses, upon notice and hearing (see appendix 3 for hearing procedures) when it shall appear that:

- 12.1.3.1 The driver has failed to comply with or has violated any of the provisions of these rules.
- 12.1.3.2 The driver has been convicted, plead guilty, or nolo contendere to an alcohol related offense, or a crime involving moral turpitude.

- 12.1.3.3 The license was obtained by an application in which any fact was intentionally omitted or falsely stated.
- 12.1.3.4 The driver has picked up a passenger outside the operating limits specified upon approval of the certificate by the Commission.
- 12.1.3.5 Repeated violations of the motor vehicle laws.
- 12.1.3.6 The Licensee has failed to pay the civil penalties in the time prescribed in the citation that has not been contested in the manner described in these Rules.
- 12.1.4 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:
commission of a felony, a sex offense, including conviction as a sexual offender as defined in Florida Statutes, or has been found to be a sexual predator as provided in Florida Statutes, soliciting for or engaging in prostitution, narcotics or an offense for which the penalty includes revocation of state motor vehicle operator's license.
- 12.2 Suspension is a temporary withdrawal of permission to operate pursuant to this section. The duration of the suspension will be established at the time of the suspension.
- 12.3 Revocation is a permanent withdrawal of the certificate, permit or license pursuant to this Section. The application process must be initiated to re-obtain a certificate, permit or license.
- 12.4 Notwithstanding any language in this section to the contrary, and if not prohibited by the Special Act, the Commission Director, with approval of the Chairman of the Commission, may, in circumstances in which it has been determined that there exists an immediate risk to public safety, immediately suspend, on a temporary basis not to exceed thirty (30) days, any certificate, permit, or license. Upon such temporary suspension, the Certificate Holder or licensee shall be promptly notified of the suspension in writing, either in person or by mail to the holder's last address in the records of the Commission. Unless the suspension is otherwise lifted, the Commission may conduct a public hearing (see appendix 3 for hearing procedures) to render a final determination whether the certificate, permit, or license shall be revoked or subject to other appropriate sanctions.
- 12.5 The issuance by the Commission of certificates, permits, and licenses may be conditioned on any reasonable requirement that the Commission may, in its discretion, establish; and the Certificate Holder or driver may be placed on probationary status by the Commission for any violation of these Rules, or for the violation of any law or regulation.
- 12.6 Citations; administrative hearings; persons aggrieved.
 - 12.6.1 Whenever evidence has been obtained or received establishing reasonable cause that a violation of the Special Act or these Rules is occurring or has occurred, the Commission or Director/Interim Director or any Inspector may issue a citation and serve the alleged violator by personal service or certified mail.
 - 12.6.2 Citations issued by the Director, Interim Director or any Inspector will be a written notice indicating that there is reasonable cause to believe that the person has violated Chapter 2001-299, Laws of Florida or these Rules. The citation must contain:
 - 12.6.2.1 The date and time of issuance.
 - 12.6.2.2 The name and address of the person.

- 12.6.2.3 The date and time the violation was committed.
- 12.6.2.4 The facts constituting reasonable cause.
- 12.6.2.5 The section of the act or rule violated.
- 12.6.2.6 The name and authority of the Director, any Interim Director, or Inspector.
- 12.6.2.7 The procedure and time limits for the person to observe to contest the citation or to appear before the commission.
- 12.6.2.8 The applicable civil penalties that could be imposed if the person elects to contest the citation (See Appendix 5, Citation Penalties).
- 12.6.2.9 The applicable civil penalty if the person elects not to contest the citation and the procedure for satisfying said civil penalty.
- 12.6.2.10 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 above will apply.

- 12.6.3 Any alleged violator who has received a citation and wishes to contest the citation, may request an administrative hearing in front of a Hearing Officer by service of notice of appeal within twenty (20) days after service of a citation. The administrative hearing will be noticed and held in accordance with the procedures set forth in Appendix 3 of these Rules. The Commission, 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 (See Appendix 5 for approved civil penalties guidelines).
- 12.6.4 Failure to request an administrative hearing (see appendix 3 for hearing procedures) 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.
- 12.6.5 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.
- 12.6.6 Any person aggrieved by a final administrative decision of the Commission, the Director, Interim Director, or Hearing Officer, may seek judicial review.

Section 13
Drug Free Workplace

- 13.1 This policy shall apply to Certificate Holders not otherwise subject to mandatory state or Federal Drug-Free Workplace provisions.
- 13.2 Every Certificate holder shall submit annually a statement of such date of dates the Commission may specify from time to time, certifying that it has in place a Drug-Free Workplace for employees and licensees in “safety-sensitive” positions. A “safety-sensitive” position shall be defined as one in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety, or a position in which a momentary lapse in attention could result in injury or death to another person. “Safety-sensitive” positions shall include, but are not limited to drivers, dispatchers and mechanics. Every applicant for a certificate shall submit such a statement as a condition of each annual certificate renewal following initial submission of the Drug-Free Workplace statement.
- 13.3 At a minimum, the Certificate Holder must adopt in writing a detailed policy setting forth specifics of such a program which includes at least the following information:
 - a. A statement of the Certificate Holder’s policy regarding drug and alcohol use by employees and licensees in safety-sensitive positions;
 - b. The job classification for which employees, licensees or job applicants are subject to testing;
 - c. The circumstances under which testing may be required;
 - d. The substances for which testing may be conducted;
 - e. The testing methods and collection procedures to be used;
 - f. The standards to determine what constitutes a positive drug test and what constitutes alcohol use;
 - g. The consequences of a refusal to participate in the testing;
 - h. The adverse action that may be taken based on the testing procedure or results;
 - i. The right of an individual to explain in confidence positive test results;
 - j. The right of an individual to obtain all information related to the testing of that individual;
 - k. Confidentiality requirements for the testing;
 - l. The available appeal procedures, remedies and sanctions;
 - m. The provision for an annual drug education program; and
 - n. The provisions for a Certificate Holder’s employee/licensee assistance program.
- 13.4 Each Certificate Holder must post notice of the policy in a prominent employee and licensee access area and give a written copy of the policy to each affected employee, licensee and applicant. Notice must be posted and the policy distributed, any time the policy is changed.
- 13.5 At a minimum, the following substances shall be tested: marijuana, opiates, phencyclidine, cocaine, amphetamines, and alcohol. The following substances may be tested at the option of the Certificate Holder: methaqualone, barbiturates, benzodiazepine, methadone, and propoxyphene.
- 13.6 Drug testing of employees and licensees shall be conducted in conformity with the standards and procedures established in Section 440.102, Florida Statutes. Specifically, and without limitation, standards for probable cause, laboratory security, chain of custody, transporting and receiving of specimens, specimen processing, retesting, storage of specimens, instrument calibration, reporting of results, and confidentiality provisions shall be in accordance with Section 440.102, Florida Statutes, and its attendant rules as established by the Agency for Health Care Administration. Only drug testing laboratories licensed by the State of Florida Agency for Health Care Administration may be utilized.

13.7 Testing to be conducted pursuant to this rule includes:

- a. Post accident testing . all drivers shall be tested immediately after any chargeable vehicular accident, or after a vehicular accident where probable cause exists.
- b. Testing for cause . employees and licensees in safety-sensitive positions shall be tested if reasonable suspicion exists to believe the employee or licensee is under the influence of drugs or alcohol, which could adversely affect, or has affected, performance of duties and responsibilities.
- c. Pre-employment or Public Vehicle Driver's License Applicant testing – every Certificate Holder shall require all job applicants for safety-sensitive positions to submit to testing prior to employment. In order to assure that every driver is tested, at a minimum, prior to receipt of the Public Vehicle Driver's License, present proof of negative testing before signing the application for a Public Vehicle Driver's License.
- d. Testing after prior use and unannounced testing – An employee or licensee in a safety-sensitive position who has received a confirmed positive test result shall be required to satisfactorily complete the Certificate Holder's assistance program. Upon returning to work, the employee or licensee may be required to submit to periodic unannounced testing at reasonable intervals for a period of two years after the positive test.
- e. Random testing – Because there is the likelihood that employees or licensees in safety-sensitive positions may harm the public if impaired by alcohol or drug use, all such employees and licensees shall be subject to random testing on an annual basis.

13.8 Every Certificate Holder shall require pre-employment and public vehicle driver's license applicant testing as provided in Section 13.7c. for the substances enumerated in Section 13.5.

13.9 Any employee or licensee in a safety-sensitive position who has received a confirmed positive test shall not be permitted by a Certificate Holder to operate a vehicle under the jurisdiction of the Commission or perform any job in which injury to the public could occur until the Certificate Holder determines that the employee or licensee has received treatment and has been assessed as capable of resuming work. Should any such employee or licensee receive a second confirmed positive test during periodic random testing during the two years following the initial positive test, the Certificate Holder shall immediately restrict the employee or licensee from operating any vehicle under the jurisdiction of the Commission or performing any job in which injury to the public could occur until further notice. The Certificate Holder shall, to the extent allowed by law, communicate all information rebated to any confirmed positive tests to the Commission Director immediately upon the termination or resignation of the employee or licensee.

Section 14 **Emergency Rules**

14.1 The Commission, at any regular or special meeting, may establish immediately, on a temporary basis, such emergency Rules as it may deem necessary and appropriate to address matters within its jurisdiction which could seriously and adversely affect the safety, security, and well being of the traveling public if not so immediately addressed by the Commission. Such emergency rule shall take effect upon passage by the Commission, but shall not remain in effect beyond the next public meeting of the Commission unless renewed by the Commission at that time. Any emergency rule or regulation established pursuant to this section may be adopted as a permanent rule or regulation at a Public Hearing and only upon full compliance with the rule-making provisions of Florida Statutes Chapter 120.

Section 15 **Waivers and Variances**

15.1 Any person who is subject to regulation by the Commission may file a petition with the Commission, on a form designated by the Commission, requesting a variance or waiver from the Commission's Rule. Each petition shall specify:

- 15.1.1 The Rule from which a variance or waiver is requested;
- 15.1.2 The type of action requested;
- 15.1.3 The specific facts that would justify a waiver or variance for the petitioner;
- 15.1.4 The reason why the variance or the waiver requested would serve the purposes of the Special Act.

15.2 Within 30 days after receipt of a petition for a variance or waiver, the Commission staff shall review the petition and request submittal of all additional information required to process the petition. Within 30 days after receipt of such additional information, the Commission may request further information needed to clarify the additional information or to answer new questions raised by or directly related to the additional information.

15.3 The Commission shall grant or deny a petition of variance or waiver within 90 days of receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. A petition not granted or denied within 90 days as set forth above is deemed approved.

15.4 A petition for variance or waiver may only be granted upon an affirmative vote of 5 members of the Commission.

15.5 Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the Special Act will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a Rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Rule.

- 15.5.1 The Commission may limit the duration of any grant of a variance or waiver or otherwise impose conditions on the grant only as to the extent necessary for the purposes of the underlying statute or Rule to be achieved.
- 15.6 Any person aggrieved by a Commission decision to grant or deny a petition for variance or waiver may seek judicial review.

Section 16 **Lobbying by Former Members and Staff**

- 16.1 No regular or alternate member of the Commission, a Director, inspector, or other staff member of the Commission, or legal counsel to the Commission, may appear before the Commission as a petitioner or a lobbyist for a period of two (2) years after vacating such a position.

Section 17 **Enforcement**

- 17.1 Any violation of these rules in addition to suspension or revocation shall be enforced and punished pursuant to Chapter 2001-299, Laws of Florida, which may constitute a misdemeanor of the second degree.
- 17.2 These rules may be enforced by the Commission, the Commission staff and other law enforcement officials. The Commission or Director may temporarily suspend a certificate, vehicle permit or public vehicle driver's license in order to complete an investigation, inspect a vehicle and/or ensure administrative requirements in order to enact the proper enforcement of these Rules. The temporary suspension will be lifted immediately upon completion of the task that required the temporary suspension.
- 17.3 The Commission may also secure enforcement of these rules by any legal action such as injunctive relief.
- 17.4 The Commission is authorized to issue warnings, citations and/or develop and issue a summons to appear before it to any person who shall violate any of these rules and may obtain from the State Attorney a warrant or capias for violation of these rules.

Section 18 **Severability**

- 18.1 If any section, clause, provision, or portion of these rules is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of said rules shall not be affected thereby.

Section 19 **Effective Date**

- 19.1 The provisions of these rules shall become effective upon approval and adoption by the Commission.

Appendix 1 **Fees**

Fees shall be imposed by the Commission as follows:

1. The filing fee for the initial application for a certificate and application for ownership change/transfer is five thousand dollars (\$5,000.00). The filing fee for application for additional permits under an existing certificate is five hundred dollars (\$500.00). The filing fee for applications for name change, color scheme change and other significant administrative changes to the existing application will be two hundred fifty dollars (\$250.00).
2. Public hearing fee for a certificate must be paid by the applicant/intervenor. The fee is based on the complexity and the amount of time the public hearing takes to arrive at a conclusion. The minimum fee for the hearing will be six hundred dollars (\$600.00). The applicant will have responsibility for the minimum fee prior to the hearing, but if existing certificate holders officially intervene in the hearing process, they will assume responsibility for an equal share of all hearing fees.
3. The fee for the annual renewal of a certificate is three hundred dollars (\$300.00).
4. The annual fee for vehicle permits other than taxicabs is three hundred fifty dollars (\$350.00) per permit. The annual fee for taxicab permits shall be five hundred fifty dollars (\$550.00) per permit. Permits approved during the year will be prorated according to the fiscal year quarter in which they were approved. 1st quarter approvals will pay the full permit fee. 2d quarter approvals will pay three-fourths of the permit fee. 3rd quarter approvals will pay one-half of the permit fee and 4th quarter approvals will pay one-fourth of the permit fee.
5. The fee for temporary seven (7) day permits and temporary public vehicle driver's licenses and renewals thereof shall be one hundred dollars (\$100.00) per permit or public vehicle driver's license. However, four weeks prior to the start of a special event and for one week after the end of the special event, the fee for temporary seven (7) day permits and temporary PVDLs and renewals thereof shall be one hundred fifty dollars (\$150.00) per permit or PVDL. A Special Event is any event Tampa Bay & Co., formerly known as the Tampa Bay Convention and Visitors Bureau, estimates the attendance population to be greater than 50,000 people.
6. The permit fee for those approved to operate only at ports of entry is five hundred dollars (\$500.00) per vehicle.
7. Permit transfer, replacement, or reinspection fee shall be thirty-five dollars (\$35.00) per vehicle.
8. The application fee for a public vehicle driver's license is one hundred dollars (\$100.00).
9. The fee for renewal or replacement of a public vehicle driver's license is seventy-five dollars (\$75.00) for renewal and twenty-five dollars (\$25.00) for replacements.
10. The fee for replacing a lost correction card is twenty dollars (\$20.00).
11. All renewal fees for authorized permits, whether issued or not, and certificates must be paid prior to October 1 of each year, or as approved by the Commission or Director.
12. The fee for the reinstatement of a suspended Certificate is one hundred dollars (\$100.00).
13. The fee for submitting an appeal of a PVDL denial is twenty-five dollars (\$25.00).
14. The fee for a Petition for Rule variance or waiver is one hundred dollars (\$100.00).
15. Any annual renewal fee which is not paid on time, if accepted, can be assessed a late fee of 25% of the amount owed.

Appendix 2 **Applications and Instructions**

1. Every application shall be completed per the instructions on the form(s) provided, signed, sworn to and notarized where applicable and shall be filed with the Commission.
2. The types of applications include:
 - a. application for certificate and permits (taxicab, limousine, van, handicab or BLS ambulance).
 - b. application for administrative change (name, ownership, location, other).
 - c. application for additional permits (taxicab, limousine, van, handicab or BLS ambulance).
 - d. application for a public vehicle driver license (PVDL).
3. The applicant shall have an affirmative duty to advise the Commission and its staff immediately of any changes to all information submitted in connection with any application prior to any public hearing on that application.
4. If the applicant is applying for a taxicab certificate, the applicant must designate whether the application is for a certificate to operate standard taxicabs or luxury taxicabs.
5. If the applicant is applying for a zone restricted taxicab certificate, the applicant must designate in which zone the applicant desires to operate.
6. Separate certificates shall be required for each type of service. Separate certificates shall be required for standard taxicab classification and luxury taxicab classification.
7. In the case of taxicabs, the applicant's entire fleet of vehicles must consist of only one classification, either standard taxicab or luxury taxicab and either zone restricted or not.
8. To convert a standard taxicab certificate to a luxury taxicab certificate, or vice versa, or a zone restricted certificate to a non-zone restricted certificate or vice-versa, a certificate Holder must submit an application for administrative change, but the application will be processed as if it is a new application for a certificate.
9. If the application to convert a taxicab certificate is denied, the applicant shall not forfeit its certificate to operate taxicabs within the classification currently held.
10. The applicant's fingerprints and photograph, shall be taken by the Hillsborough County Sheriffs Office (HCSO) at Falkenburg Road, who will forward them to the Commission after processing.
11. Where the applicant is a business entity with more than one (1) principal owner, the designated executive officer is the only person required to have his fingerprints and photograph on file.
12. Each application shall be accompanied by an application fee which shall be non-refundable (See Appendix 1 Fees).
13. Disclosure of contract rights, options, or agreements, written or oral, which may affect changes in the ownership or control of the business of the applicant or the certificate sought by the applicant, or which could in any way materially affect the decision of the Commission relative to the issuance of the certificate to the applicant.

14. Disclosure of all owners in the case of general and limited partnerships, limited liability companies, joint ventures, closely held for-profit corporations (35 or less shareholders), or other business entities, except that corporations with more than 35 shareholders must disclose only those shareholders owning ten percent (10%) or more of the voting or dispositive shares in the corporation.

Appendix 3 **Hearing Procedures**

Hearing Officer Public Hearings

1. Unless directed to schedule a committee public hearing, the Commission staff shall schedule a Hearing Officer public hearing and refer each application requiring public hearings to a hearing officer selected from a list of one or more hearing officers qualified by the Commission. In the circumstance that a committee is directed to hold the public hearing by the Commission, the hearing officer public hearing procedures described herein will apply and the chairman of the committee will lead the public hearing.
2. The Hearing Officer shall conduct public hearings per the procedures adopted in these rules.
3. All public hearings shall be recorded for public record. Any party to the procedures that desires an official Court Reporter may arrange for one and will be responsible for the cost.
4. The Hearing Officer, upon completion of the public hearing, shall submit findings of fact and recommendations to the Commission who may then, after a Commission public hearing, approve the hearing officer recommendation, disapprove the recommendation, or approve with such modifications, terms, or conditions as the Commission deems necessary.
5. Any Certificate Holder providing the type of service being applied for by the applicant, may submit an opinion about the pending application in writing. The written opinion must be received no later than five (5) business days prior to the scheduled hearing. An opinion may include relevant documentation in support thereof relevant documentation shall not include affidavits, declarations or sworn statements. Public records submitted in support of a written opinion shall be authenticated by seal or signature of an individual in his or her capacity which indicates that the records are true and accurate copies of the original. Any written opinion will be considered by the Hearing Officer in submitting his findings of fact and recommendations to the Commission.
6. Any Certificate Holder authorized to intervene per the Special Act, who wishes to present testimony or cross-examine witnesses at the public hearing must file a Notice of Appearance and Intervention with the Commission no later than 12:00 noon, five (5) business days prior to the public hearing. The Notice of Appearance and Intervention shall include; the name, address, and telephone number of the person filing the Notice of Appearance and Intervention; name, address, and telephone number of any representative or lawyer for that person; the names of all persons to be called as witnesses; and, the approximate amount of time needed to present testimony. The actual amount of time allotted each person filing a Notice of Appearance and Intervention to present testimony is within the authority of the Hearing Officer.
7. The following are general powers and duties of the Hearing Officer, as well as, rules and procedures which shall govern all Hearing Officer public hearings:
 - a. The public hearing will begin promptly at the time and date stated in the notice of the hearing, unless continued for cause.
 - b. Any person wishing to speak at the public comment portion of the public hearing, other than a person who filed a Notice of Appearance and Intervention, must enter his name on the speaker sign-up list. This must be done before the public hearing begins.

The list shall be placed at the entry to the room where the public hearing is being held, or at some other convenient and conspicuous place.

- c. The Hearing Officer will commence the public hearing and make opening statements as they deem necessary.
- d. Each person who places their name on the speaker sign-up list will be called to speak. Each speaker will have a maximum of five (5) minutes to speak. Each speaker will be called to speak in order in which their name appears on the speaker sign-up list.
- e. A speaker may be questioned by the Hearing Officer. No one other than the Hearing Officer shall question a speaker.
- f. The Hearing Officer may question the representative of the Commission present at the public hearing or legal counsel for the Commission, on the pending application, written opinions, testimony of any witness, and comments of any speaker. The Hearing Officer may question the Applicant on any matters related to the application and may request additional information from the Applicant deemed necessary to demonstrate public convenience and necessity will be served by granting the Application.
- g. The Applicant may present testimony and witnesses in support of the application at the public hearing. If the Applicant intends to exercise this option, the Applicant must so notify the Commission not later than 12:00 p.m., five (5) business days prior to the public hearing. Such notice shall include the names of all persons to be called as witnesses and, the approximate amount of time needed to present testimony. The actual amount of time allotted the Applicant to present testimony is within the authority of the Hearing Officer.
- h. The applicant may cross-examine the witnesses presented by persons filing a Notice of Appearance and Intervention. Persons filing a Notice of Appearance and Intervention may cross-examine the witnesses presented by the applicant. The Hearing Officer may examine any witness testifying at the public hearing. The amount of time allotted for cross-examination is within the authority of the Hearing Officer. Re-cross shall not be permitted, except by the Hearing Officer.
- i. All testimony shall be taken under oath of affirmation.
- j. Strict rules of evidence shall not apply, but evidence must be relevant to the issues and hearsay evidence shall be avoided whenever possible. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in the courts of Florida. Hearsay evidence may be used only for the purpose of supplementing or explaining other evidence, but it shall not be sufficient, in and of itself to support a finding unless it would be admissible over objection in civil actions. Any public records must be authenticated by a seal or signature of an individual in his or her official capacity which indicates that the records are true copies from a public record.
- k. The Hearing Officer may take such other appropriate actions he may deem necessary to obtain the information needed to complete his report and recommendation concerning the pending application, including continuing the proceedings and

requesting the Commission staff to conduct further factual investigation with respect to the pending application.

1. All costs (Hearing Officer, public notice, court reporter if required, etc.) associated with the public hearing shall be the responsibility of the applicant in the absence of any intervention by one or more existing Certificate Holders. Otherwise, said costs shall be shared on a pro-rata basis between the applicant and each intervenor(s). The initial and minimum public hearing fee is listed in appendix 1 of these Rules.
- m. The original application and supporting documentation, all written opinions and supplemental documentation, evidence admitted at the public hearing, the transcript of the public hearing, and the original documentation setting forth the report and recommendation of the Hearing Officer, shall be maintained by the Commission staff in a separate file in custody of the secretary of the Commission. The file shall be open to inspection to the public at any time; however, members of the Commission should refrain from viewing any portion of the file until the Hearing Officer has issued his Report and Recommendation.
- n. Applicants seeking a limited certificate to operate limousines or vans at Tampa International Airport and ports of entry within Hillsborough County may establish public convenience and in demonstrating, by a preponderance of the evidence, that there exists a recurring need to pick up passengers at Tampa International Airport and ports of entry for which the limited certificate is sought, and that the applicant's business operation is in a county other than Hillsborough County.
- o. Applicants requesting a certificate to operate a taxicab service based in an area designated as a restricted taxicab operation zone, who demonstrate public convenience and necessity to provide a restricted taxicab operation within the zone designated by the Commission, may be recommended by the hearing officer for a limited certificate that restricts operation to that zone. The Zone established for restricted taxicab operations is:

South-East Zone (SE Zone). The area that is south of Interstate 4, outside of the City of Tampa and Ybor City but, includes all of Plant City.

- p. In that Florida Statutes section 427.0157 authorizes Transportation Disadvantaged Coordinating Boards (TDCB5) to address local service needs of the transportation disadvantaged, applications seeking a certificate limited to the provision of services to the transportation disadvantaged, as defined in Chapter 427, Florida Statutes using transportation disadvantaged funds, and incidental to other social service, public convenience and necessity may be established if the following factors are satisfied:
- q. The Transportation Disadvantaged Coordinating Board of the Metropolitan Planning Organization certifies to the Commission that the private nonprofit entity serves a transportation need within Hillsborough County which will assist in the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective and efficient;
- r. If the applicant submits the Transportation Disadvantaged Coordinating Board certification with its application, the Hearing Officer and the Commission will presume necessity and focus its consideration at the public hearing to the private nonprofit applicant's financial status, character, and responsibility to provide, maintain

and operate the number of vehicles proposed to be operated in accordance with the character of service proposed in the Application;

- s. Notwithstanding the above, existing Certificate Holders may express an opinion regarding any aspect of the private nonprofit entity's application. Any opinions regarding the Transportation Disadvantaged Coordinating Board certification should be addressed to that Board. If the Commission members find it necessary, it will address any questions regarding the certification to the Transportation Disadvantaged Coordinating Board.
- t. Each certificate issued hereunder shall be signed by the Chairperson or Vice-Chairperson of the Commission, and shall contain, in addition to the name and address of the applicant, a statement of the type of service authorized and the number of permits authorized. The certificate shall also have stated thereon such additional conditions, and/or limitations as the Commission may deem necessary.
- u. The certificate will be provided to the applicant when all administrative requirements have been fulfilled, to include payment of permit fees. A copy of each certificate shall be filed with the Commission.

Commission Public Hearings

- 1. Commission Public Hearings shall be preceded by a minimum of twenty (20) days' written notice. After a public hearing has been opened, the Chairman or the Chairman's designee will oversee the proceedings. The Chairman will offer all parties an opportunity to present their positions. Legal representation shall be allowed for any party to present their position. The Chairman will offer any member of the public to speak towards the public hearing issue and the Chairman will set a time limit for all involved to present or speak at the hearing.
- 2. At least ten (10) calendar days before a Commission Public Hearing to consider an application for additional permits, a copy of the report and recommendation of the Hearing Officer shall be forwarded to the applicant, persons who submitted a written opinion and all certificate holders that filed a Notice of Appearance and Intervention.
 - a. Facts not presented to the Hearing Officer shall not be considered by the Commission at the Commission Public Hearing. However, if new and relevant facts are presented by the applicant to, and received by, the Commission staff at least three (3) business days prior to the Commission Public Hearing or otherwise upon a finding by the Commission that certain relevant facts do not appear to have been adequately ascertained at the public hearing, the Hearing Officer may be directed by the Commission to reopen the public hearing to consider or ascertain such facts.
 - b. The applicant, members of the public, and other certificate holders may speak at the public comment portion of the Commission Public Hearing provided that such comments are limited to the findings of fact and recommendations of the Hearing Officer.
 - c. Commission members shall base their decision solely on record evidence which was presented to the Hearing Officer, the report and recommendations of the Hearing Officer, and public comment at the Commission Public Hearing. Commissioners should avoid any ex parte communication regarding a pending application.

Administrative Hearings

1. Administrative hearings shall be preceded by a minimum of twenty (20) days' written notice to participants. Notice may be by citation or a letter and shall specify the Commission's proposed action and the grounds upon which the action is predicated. The participants may be represented by legal counsel and shall be allowed to present a defense. Failure to appear at any noticed hearing may result in a waiver of due process rights and may result in a fine, suspension or revocation of certificate, permit(s) or license. All such hearings shall be recorded for public record. Any participant may bring a court reporter for that purpose at their expense. The Commission, director/interim director, or hearing officer shall promptly notify all participants of its decision and shall state the reasons therefore.
2. If an administrative hearing before the Commission is an appeal of an action of the director/interim director or hearing officer following contest of a citation, the following rules shall also apply:
 - a. Facts not presented to the director/interim director or hearing officer shall not be considered by the Commission at the administrative hearing. However, if new and relevant facts are presented to the Commission or otherwise upon a finding by the Commission that certain relevant facts were not adequately ascertained at the director/interim director or hearing officer hearing, then the Commission may direct that the director/interim director or hearing officer administrative hearing be reopened to consider or ascertain such facts.
 - b. Commission members shall base their decision solely on record evidence that was offered during the director/interim director or hearing officer administrative hearing and the written findings of the director/interim director or hearing officer.

Appendix 4 **Rates**

1. **Taxicabs Meter Rates:** Standard taxicabs shall charge no more than:
 - a. Two dollars (\$2.00) for the first one-fifth (1/5) mile or any part thereof;
 - b. Forty-five cents (\$.45) for each additional one-fifth (1/5) mile or any part thereof;
 - c. Thirty cents (\$.30) for each minute of waiting time.
 - d. A fifteen dollar (\$15.00) minimum applies when the passenger(s) departs Tampa International Airport or when the passenger's destination is Tampa International Airport from the pickup location. The actual taximeter rate shall be the total rate once the taximeter exceeds fifteen dollar (\$15.00) minimum.
 - e. There will be no additional charge for handling groceries
 - f. The amount of fare collected from any passenger shall not exceed that shown by the taximeter.
 - g. There shall be no prescribed rate for package delivery or messenger service when such goods or messages are transported without passengers.
2. **Taxicabs Meter Rates: Luxury taxicabs** shall charge:
 - a. Three dollars and fifty cents (\$3.50) for the first one-fifth (1/5) mile or any part thereof;
 - b. Fifty cents (\$.50) for each additional one-fifth (1/5) mile or any part thereof;
 - c. Forty cents (\$.40) for each minute of waiting time.
 - d. A fifteen dollar (\$15.00) minimum applies when the passenger(s) departs Tampa International Airport or when the passenger's destination is Tampa International Airport from the pickup location. The actual taximeter rate shall be the total rate once the taximeter exceeds fifteen dollar (\$15.00) minimum.
 - e. There will be no additional charge for handling groceries.
 - f. There shall be no prescribed rate for package delivery or messenger service when such goods or messages are transported without passengers.
 - g. The amount of fare collected from any passenger shall not exceed that shown by the taximeter.
3. **Taxicab Flat and Zone Rates (standard taxicabs only):**
 - a. An "in-town short ride" zone is designated in the downtown Tampa area with the following boundaries: Howard Avenue, South of Kennedy, to the West; 22nd Street to the East; Interstates 4 and 275 to the North. This zone also includes: Tampa General Hospital on Davis Islands; Westin/Wyndham Hotel on Harbor Island; University of Tampa Campus and Stetson Law School Campus.
 - b. Two or more passengers. For standard taxicab trips that originate in and end in this zone, regardless of route taken or delays enroute, a taxicab operator can charge a maximum \$3.00 per person for each passenger over the age of 12 years. The taximeter will not be operated during these trips.

- c. Single passenger trips. For standard taxicab trips carrying a single passenger and that trip originates in and ends in this zone, the taxicab operator can either operate the taxicab meter and charge that rate or charge a \$3.00 flat rate, but not both.
- d. For those destinations outside of the zone (excluding the airport), the taximeter will be operated and that rate will apply and the \$3.00 per passenger rate is not permitted.
- e. Standard taxicabs may charge a flat rate not to exceed twenty-five dollars (\$25.00) for fares between Tampa International Airport and the designated “in-town short ride” zone.
- f. When a flat fare rate is to be used between the airport and the “in-town short ride zone”, the taxicab meter will not be operated for that trip.

4. Limousines. Minimum rates for limousines will be as follows:

- a. Luxury sedans, luxury SUVs: Established rates for limousine service are intended to be the minimum rates allowed to be charged. Service providers are at full liberty to charge more than these rates if desired:
 - Hourly - minimum of \$40.00 per hour, with a one hour minimum per trip exclusive of gratuities or other added rates or charges.
 - Daily, weekly, monthly or other contractual chartered arrangements must result in a minimum of \$40.00 per hour per trip exclusive of gratuities or other added rates or charges.
- b. Stretch limousines. Established rates for limousine service are intended to be the minimum rates allowed to be charged. Service providers are at full liberty to charge more than these rates if desired:
 - Hourly minimum of \$50.00 per trip exclusive of gratuities or other added rates or charges.
 - Daily, weekly, monthly or other contractual chartered arrangements must result in a minimum of \$50.00 per hour per trip exclusive of gratuities or other added rates or charges.
- c. Limousine buses: There are no minimum rates for this subcategory of limousine. Certificate Holders of this type of service must submit a complete schedule of rates for services provided and these rates will remain on file with the PTC as a public record.

5. Handicabs, BLS ambulances, vans:

- a. No rates are established for these types of service at this time.
- b. Certificate Holders of this type of service must submit a complete schedule of rates for services provided and these rates will remain on file with the PTC as a public record.

Appendix 5
Civil Penalties Guidelines

Chapter 2001-299, Laws of Florida authorizes the Public Transportation Commission to “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”. The following is a list of offenses and monetary civil penalties that will be assessed. The monetary penalty recorded on the initial citation is the amount to be paid if the citation is uncontested. If a citation is contested, the monetary penalty may be more or less than the original amount and will be decided at the administrative hearing. If determined guilty at the hearing, costs of the hearing will be assessed at a rate of \$25.00 per quarter (1/4) hour.

	Section 2 Violations	Penalty
Rule 2.2	Unlawful operation without a certificate	\$500.00
Rule 2.2.12	Failure to notify of ownership/control of a certificate	\$100.00
Rule 2.2.13	Failure to comply with Florida Statutes or Administrative Code	\$50.00
Rule 2.2.6	Operation or causing to operate restricted taxicab outside of Zone	\$200.00
	Section 3 Violations	Penalty
Rule 3.2	Unlawful operation without a vehicle permit	\$100.00
Rule 3.2	Causing or allowing the operation of a vehicle without a permit	\$200.00
Rule 3.2	Operation or causing the operation while vehicle permit is suspended	\$100.00
Rule 3.3	Using a false or altering a temporary permit	\$200.00
Rule 3.4	Unauthorized removal, hiding or altering an “Out of Service” sticker	\$50.00
Rule 3.5	Failure to properly display/affix a permit	\$50.00
Rule 3.6	Unauthorized transfer of a permit	\$100.00
Rule 3.8	Unauthorized modification or altering of a vehicle	\$50.00
Rule 3.13	Failure to remove permit and sticker	\$100.00
	Section 4 Violations	Penalty
Rule 4.1	Failure to maintain required insurance minimums	\$100.00
	Section 5 Violations	Penalty
Rule 5.1	Unlawful vehicle operation without a valid PVDL or a PVDL expired more than 12 months	\$100.00
Rule 5.1	Causing or allowing the operation of a public vehicle by a driver without a valid PVDL or a PVDL expired more than 12 months	\$200.00
Rule 5.1	Unlawful vehicle operation with PVDL expired 12 months or less	\$50.00
	Section 6 Violations	Penalty
Rule 6.1	Failure to comply with Florida Regulatory Traffic Laws	\$50.00
Rule 6.2	Refuse or neglect to transport	\$50.00
Rule 6.3	Failure to properly display a PVDL	\$30.00
Rule 6.3	Operating without possession of a PVDL	\$30.00
Rule 6.4	Operating a vehicle when the permit or certificate is suspended/revoked	\$100.00
Rule 6.5	Operating a taxicab without a properly sealed taximeter	\$50.00
Rule 6.5	Operating a taxicab with passenger without operating the taximeter	\$50.00
Rule 6.7	Failure to maintain appropriate hygiene and appearance	\$30.00
Rule 6.7	Failure to be suitably dressed while on duty	\$30.00
Rule 6.8	Collect fares or compensation other than at the approved rate	\$100.00

Rule 6.9	Operating a vehicle not in good working order	\$50.00
Rule 6.10	Knowingly transporting for the purpose of committing a crime	\$100.00
Rule 6.11	Use of abusive language or discourteous treatment to a customer	\$50.00
Rule 6.12	Using cell phone not in a hands-free mode	\$50.00
Rule 6.13	Failure to maintain clean luggage or passenger compartment	\$40.00
Rule 6.14	Smoking cigarettes or cigars while a passenger is in the vehicle	\$40.00
Rule 6.15	Failure to operate air conditioner at the request of the passenger	\$50.00
Rule 6.16	Failure to remain with vehicle as required	\$30.00
Rule 6.18	Soliciting passengers outside of area authorized to operate	\$30.00
Rule 6.19	Allowing unauthorized driver to operate a permitted vehicle	\$100.00
Rule 6.20	Failure to comply with Florida Statutes and Administrative Code	\$100.00
Rule 6.21	Operating public vehicle while capacity is exceeded	\$50.00
Section 7 Violations		Penalty
Rule 7.1	Failure to maintain records as required	\$100.00
Rule 7.2	Failure to maintain central place of business as required	\$200.00
Rule 7.3	Failure to maintain approved vehicle color scheme	\$40.00
Rule 7.4	Failure to follow approved taxi stand procedures	\$50.00
Rule 7.5	Unauthorized solicitation of customers or non-prearranged services	
	\$500.00	
Rule 7.6	Failure to return personal property left in a vehicle	
	\$200.00	
Rule 7.7	Operating or causing to operate a suspended for-hire vehicle	\$50.00
Rule 7.9	Unauthorized advertising	\$50.00
Rule 7.10	Providing prohibited compensation	\$50.00
Section 8 Violations		Penalty
Rule 8.1	Failure to maintain prescribed vehicle standards	
	\$100.00	
Rule 8.1.20	Operation of a prohibited communication device	\$100.00
Rule 8.2	Failure to maintain prescribed vehicle standards	
\$100.00		
Rule 8.3	Failure to maintain prescribed vehicle standards	
\$100.00		
Rule 8.4	Failure to maintain prescribed vehicle standards	
\$100.00		
Rule 8.5	Failure to maintain prescribed vehicle standards	
\$100.00		
Section 9 Violations		Penalty
Rule 9.1	Charging and/or collecting more than maximum rates	\$100.00
Rule 9.5	Charging for unauthorized services	\$50.00
Rule 9.6	Failure to file rates as required	\$50.00
Rule 9.7	Accepting prohibited fare subsidy	\$50.00
Section 10 Violations		Penalty
Rule 10.1	Operation of a taxicab without an inspected, sealed taximeter	\$100.00
Rule 10.1	Causing or allowing a violation of Rule 10.1	\$100.00
Rule 10.5	Tampering with a taximeter or seal	\$100.00
Rule 10.6	Operating with an inoperable cruise bight	\$20.00
Section 11 Violations		Penalty

Rule 11.1	Failure to properly maintain daily manifest	\$50.00
Rule 11.3	Failure to collect and store daily manifests	\$50.00
Rule 11.7	Allowing a driver to operate who did not file manifests	\$50.00
Rule 12.1	Section 12 Violations Violation of suspension, condition, revocation or probation order	Penalty \$100.00
Rule 13.1	Section 13 Violations Failure to comply with drug-free workplace policy requirements	Penalty \$50.00

Appendix 6 Taxicab Company Classification and Criteria

The chart below consists of information that PTC hearing officers may use as guidelines to assist in their assessment of taxicab companies as apply for COPCNs to start taxicab services or applications for additional permits. The criteria on the right are not requirements of the companies but, instead, are items that can be used to better describe the quality of the character of the service provided or proposed to be provided.

Small Company	1-9 permits	Service Contract for Maintenance
Medium Company	10-24 permits	Service Contract for Maintenance or PartTime Maintenance Personnel 24 x 7 Operations Schedule Central Dispatching Capability %Accessible Vehicles
Large Company	25-49 permits	Full Time Mechanic Fixed Facility for Company Minimum One Maintenance Bay Non-driver Management Personnel 24 x 7 Operations Meter Inspection Capability % Accessible Vehicles
Extra-Large Company	50 permits and up	Full Time Mechanics Fixed Facility for Company Minimum Three Maintenance Bays Non-driver Management Personnel 24 x 7 Operations Meter Inspection Capability % Accessible Vehicles
All Companies		Operating Voice Communication Capability Vehicle Records Maintenance Driver File Maintenance Driver Training Program
Additional Criteria		Age of Vehicles (5 year rotation policy) Global Positioning System Use Credit Card Scanning! Receipt Equipment Hybrid-fuel consumption vehicles

**Hillsborough County
Public Transportation Commission**

Rules

Adopted March 19, 2013
(Amended August 15, 2014, November 2, 2015,
& March 23, 2016)

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Hillsborough County
Public Transportation Commission

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Chapter 1-1 Definition
RULE 1-1.001 Definitions

For the purpose of these Rules, the following definitions shall apply and shall supplement the definitions contained in 2001-299, Laws of Florida as amended (hereafter the Special 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 infection using a premeasured auto injector 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 its original manufacture. Capacity, for the purposes of these Rules, is determined by the original manufacturer, or manufacturer’s approved alterer and printed on the certification label affixed to the Vehicle at the Time of Original Manufacture. For those Vehicles that do not have an approved certification label or the label does not state the Vehicle Capacity, Capacity will be determined by seat measurements. If the Vehicle is 10,000 lbs. gross Vehicle weight rating (GVWR) and over and seat belts are not required, the designated seating positions (DSP) will be determined by measuring the back of a straight bench seat and the knee bend area of a curved bench seat and computing the number of 18 inch seating positions.
- (5) **“Carrier” or “Car-Carrier”** means a type of Wrecker that carries a Vehicle on a flat bed mounted to the Vehicle chassis. Generally, the bed tilts to allow a Vehicle to be pulled, via winch and cable, up the bed to which it is secured during movement.
- (6) **“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. For Taxicab Certificate, Certificate shall Transfer and grant to the Certificate holder such property and other inherent rights as are consistent with the terms of the Special Act, including, but not limited to the right for Taxicab Certificate holders to sell, devise, pledge and Transfer the

Certificate and any related Permits as authorized by the Special Act and these Rules. The Certificate shall be annually renewed, upon payment of any applicable fees, for Certificate holders in good standing with the Commission.

- (7) **“Certificate holder”** means the Person or entity issued a Certificate by the Commission.
- (8) **“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 the Special Act or the Rules adopted in accordance with the Special Act. The Citation must contain:
 - (a) The date and time of issuance.
 - (b) The name and address of the Person.
 - (c) The date and time the violation was committed.
 - (d) The facts constituting reasonable cause.
 - (e) The section of the Special Act or rule violated.
 - (f) The name and authority of the director, any interim director, or Inspector.
 - (g) The procedure and time limits for the Person to observe to contest the Citation or to appear before the Commission.
 - (h) The applicable civil penalties that could be imposed if the Person elects to contest the Citation.
 - (i) The applicable civil penalty if the Person elects not to contest the Citation and the procedure for satisfying said civil penalty.
 - (j) 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.
- (9) **“Classifications”** means arrangement into sub-groups or sub-categories within each Type of service.
- (10) **“Commission”** means the Hillsborough County Public Transportation Commission.
- (11) **“Compensation”** means all forms of remuneration, whether direct or indirect and in any form whatsoever, which remuneration is used to either reduce the expenses of transporting passengers, pay for such transportation (in whole or part), or otherwise involves the transport of Persons within Hillsborough County, Florida for any remuneration or benefit as a business.
- (12) **“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.
- (13) **“Correction Card”** means a Vehicle inspection form issued by an Inspector for the purpose of identifying corrections that are required to be made and by what date.

- (14) **“County”** means Hillsborough County, Florida.
- (15) **“District”** means the Hillsborough County Public Transportation Commission.
- (16) **“Driver”** means a Person holding a Public Vehicle Driver’s license which authorizes him or her to Operate a Permitted Vehicle.
- (17) **“Driver Ownership Program”** means the program created pursuant to Commission Rules to promote Taxicab ownership by Eligible Taxicab drivers. The program may reserve up to one-third of the additional Permits authorized due to an increase in the population cap until April 14, 2019, for distribution to Eligible Taxicab drivers under Commission Rules, which Rules must specify the procedure by which the Certificate and Permits may be acquired.
- (18) **“Eligible Taxicab driver”** means a Taxicab Driver who is eligible to be issued a Certificate and Permit under the Driver Ownership Program, who holds a valid Driver’s license issued by the Commission, who has continuously Operated as a full-time Taxicab Driver in Hillsborough County for a minimum of 3 years immediately preceding the date of the Transfer, and who has not been found by the Commission or the director of the Commission to have violated the requirements of chapter 2001-299, Laws of Florida, as amended, or Rules of the Commission. In order to qualify as a full-time Driver, a Person must drive a Taxicab for at least 40 hours per week, for a minimum of 48 weeks per year.
- (19) **“For hire”** means any motor Vehicle in the County transporting Persons for Compensation.
- (20) **“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 comfortable 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.
- (21) **“Hearing officer”** means a Person designated by the Commission to perform the duties prescribed by the Special Act and any Rules adopted in accordance with the Special 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.
- (22) **“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 the Special Act and any rules adopted in accordance with the Special Act.
- (23) **“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.

(24) **“Limousine”** means any motor Vehicle For hire not equipped with a Taximeter, with the Capacity for 15 passengers or less, including the Driver. This definition consists of Vehicles which are recognized by the industry as “luxury” Vehicles, that are considered as high-end luxury Vehicles by the manufacturer and Vehicles that have been uniquely modified so as to provide “luxury” Limousine service. The “luxury” quality of Vehicles will be determined by assessing aesthetics of the interior and exterior of the Vehicle, amenities provided to the passenger, spaciousness and comparison to current industry standards for Vehicles performing Limousine service in Hillsborough County. Unless otherwise indicated, use of the word “Limousine” within these Rules shall be meant to include all varieties of Limousines discussed in these Rules, collectively. Limousines can be sub-categorized as follows:

- (a) “Stretch Limousine” or a sedan/SUV model that was manufactured or remanufactured with an extended wheel base or;
- (b) “Limousine Sedans” or luxury Vehicles with space for at least two passengers behind the Driver and additional space behind those passengers for luggage, or;
- (c) “Sport Utility Vehicles” (SUV) that are top-of-the-line models and have the luxury package options included to provide a luxury service, or;
- (d) “Limousine Buses” that are used for passenger transport for-hire. These buses can have forward facing seating or can be modified for circular or “party” seating.

The Director, subject to Commission review, may develop and update a list of Vehicles which qualify as Limousine Sedans and SUVs. To accommodate special events such as these listed in Rule 1-8.001(1)(v), the Director may temporarily revise the list for up to seven (7) consecutive days, unless the event lasts longer than 7 days.

(25) **“Luxury Taxicab”** — A classification of Taxicab Operating at premium Taxicab metered Rates. Luxury Taxicabs provide seating accommodations for not more than nine (9) Persons, including the Driver and are recognized by the industry as luxury Vehicles such as Cadillac, Lincoln, other similar top-of-the-line model luxury sedans or vintage classic sedans.

(26) **“Manifest”** means a daily trip sheet approved by the Commission and completed by a Driver listing required information.

(27) **“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.

(28) **“Non-consensual towing”** means towing or removing a Vehicle or vessel from private property without the consent of the registered owner or other legally authorized Person in control of that Vehicle or vessel.

(29) **“Operate”** or **“Operating”** means causing a Public Vehicle to function on the roads, streets, or highways of Hillsborough County following or during the act of picking up a passenger at a location within Hillsborough County, for the purpose of transporting the

passenger to any location inside the State of Florida. “Operate” or “Operating” does not include the following:

- (a) A Public Vehicle transporting a passenger into Hillsborough County that was originally picked up outside of Hillsborough County, wherein the Public Vehicle remains with the original passenger by being continually contracted or hired and available on-demand to the original passenger, and not used or available to transport other passengers while waiting for the continuation of the service. During the course of the service, the Public Vehicle may pick up additional non-paying passengers inside of Hillsborough County with the consent of the original passenger, provided the Public Vehicle remains with the original passenger for the duration of the contracted service.
- (b) The discharge within Hillsborough County of any passenger picked up outside of Hillsborough County.

(30) **“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 the Special Act.

(31) **“Permit”** means a license issued by the Commission to allow the operation of a particular Public Vehicle for which a Certificate has been issued. The Permit shall Transfer and grant to the Certificate holder such property and other inherent rights as are consistent with the terms of the Special Act, including, but not limited to the right to sell, devise, pledge and Transfer Taxicab Permits and shall be annually renewed, upon remittance of the prescribed fee and when done in compliance with these Rules, for Certificate holders in good standing with the Commission.

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

(33) **“Public highway”** means any of the public streets, boulevards, avenues, drives, or alleys within the County and its Municipalities.

(34) **“Public transportation”** means any Public Vehicle under the jurisdiction of the Commission.

(35) **“Public Vehicle”** means a Taxicab, Van, Limousine, Handicab, Basic life support ambulance, and Wrecker.

(36) **“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.

(37) **“Rates”, “Fares” and “Charges”** means the Rates, Fares or Charges as established or approved by the Commission to be paid by passengers for the transportation services provided by a Certificate, Permit, and license holder. For Wreckers, it means the

maximum allowable Charges as established by the Commission to be paid for the Wrecker transportation and tow services provided.

- (38) **“Recovery Vehicle”** means a Wrecker that is configured with a boom and winches to provide the leverage required to recover Vehicles from abnormal locations or positions. These Vehicles will normally be configured to tow Vehicles with the boom and sling, tow bars or wheel lifting devices.
- (39) **“Repeated violations”** means two or more violations that present an imminent danger to the health, safety, and welfare of the traveling public.
- (40) **“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 the Special Act, or moneys from any other source and interest income thereon.
- (41) **“Rules”** shall mean the Rules adopted by the Commission.
- (42) **“Sight-seeing cars and buses, streetcars and motor buses Operated pursuant to a franchise”** is limited to such Vehicles that have a Capacity in excess of 15 passengers, including the Driver at the Time of Original Manufacture.
- (43) **“Special Act”** when used in the context of these Rules, means Chapter 2001-299, Laws of Florida, as amended.
- (44) **“Standard Taxicab”** means a classification of Taxicab Vehicle Operating at Standard Taxicab metered rates or other special rates established or approved by the Commission.
- (45) **“Storage”** means the securing of a towed Vehicle on the approved Storage site of a business holding a Certificate issued by the Commission and where an authorized rate of Storage is established by the Commission.
- (46) **“Surplus funds”** means Revenues of the District, less the Contingency funds, which funds may be carried forward from one fiscal year to the next.
- (47) **“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. Taxicab includes the Taxicab classification of Standard Taxicab and Luxury Taxicab. Unless otherwise indicated, use of the word “Taxicab” within these Rules shall be meant to include “Standard Taxicabs” and “Luxury Taxicabs”, collectively.
- (48) **“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.

- (49) **“Time of Original Manufacture”** means the point at which a motor driven Vehicle is first certified by the manufacturer as meeting Federal Motor Vehicle Safety Standards and is considered a finished product or complete Vehicle by the manufacturer or; for those Vehicles considered as an unfinished product or incomplete Vehicle by the manufacturer, the first time the Vehicle is considered as finished and is certified as meeting Federal Motor Vehicle Safety Standards by a manufacturer’s approved alterer.
- (50) **“Transfer”**, in the case of a Taxicab Certificate or Permit includes a Transfer by pledge, sale, assignment, sublease, devise, or other means of Transfer.
- (51) **“Type of service”** means Taxicab or Van or Limousine or Handicab or Basic life support ambulance or Wrecker.
- (52) **“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.
- (53) **“Vehicle(s)”** means any motor driven device in, upon or by which any Person or property is or may be transported or drawn upon a highway or other place.
- (54) **“Wrecker”** means any truck or other 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 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.

Credits

Adopted March 19, 2013; Amended November 2, 2015

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Section 5(1)(a).

Chapter 1-2 Certificate.
Rule 1-2.001 Certificate

(1) 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.

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 the Special Act and any Rules adopted in accordance with the Special 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. Unless otherwise indicated in the Rules, if application is for a new Certificate, or if the application is for Permits to Operate additional Vehicles under a Certificate previously issued, or the application is for modification or deletion of restrictions on 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 approval of the application. If the Commission determines that public convenience and necessity will not be promoted by approval of the application, then the application shall not be approved. If the Commission finds that public convenience and necessity will be promoted by the approval of the application, then the application shall be approved subject to any limitations or restrictions reasonably requested by the Commission.

(2) The applicant has the burden of establishing whether public convenience and necessity require the operation of Public Vehicles proposed in the application. The application form contains details regarding the information to be provided that will assist the Commission in making decisions regarding public convenience and necessity establishment by the applicant.

(3) Applicants requesting a Certificate to Operate Limousines or Van service, whose business operation is in a County other than Hillsborough, who demonstrate by a preponderance of the evidence that there exists a recurring need only to pick up passengers at Tampa International Airport and ports of entry within Hillsborough County, may be recommended by the Hearing officer for a limited Certificate that restricts operations to those areas.

(4) Applicants requesting a Certificate to Operate a Taxicab service based in an area designated as a restricted Taxicab operation zone, who demonstrate public convenience and necessity to provide a restricted Taxicab operation within the zone designated by the Commission, may be recommended by the Hearing officer for a limited Certificate that restricts operations to those zones. The Zone established for restricted Taxicab operations is:

East Zone. The area east of Interstate 275 North. At the Interstate 275 and Interstate 4 interchange, the boundary will run south along Nebraska Avenue to Garrison Channel.

Taxicabs Operating under a Certificate for a former zone may continue to Operate in said zone.

(5) Any 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. However, the applicant may seek one reconsideration of the denial.

(6) An initial application for a Certificate must specify a requested number of Vehicle Permits as justified by the applicant's demonstrated public convenience and necessity. This number of Permits may be adjusted downward prior to or during the public hearing by the applicant.

(7) The Commission may at no time authorize more than one (1) Taxicab Type of service Permit per each one thousand-nine hundred (1,900) inhabitants of Hillsborough County according to the most recent official estimate by the University of Florida, Population Division, Bureau of Economic Business Research. All existing zone Taxicab Permits are hereby grandfathered as approved Taxicabs under these Rules, but are nonetheless restricted in operations to their currently approved zones. All future zone Taxicab Permits issued, if any, shall be in compliance with the population cap requirements stated in these Rules. The Existing Zone restricted Taxicabs shall be brought into compliance with this population cap by December 31, 2022, at a rate to be determined by the Executive Director, thereby becoming unrestricted permits. All Taxicab Certificates that are restricted by class of service (e.g. Luxury or Standard) and shall Operate solely in accordance with these Rules for their authorized class of service, unless a change of service is authorized in accordance with these Rules by the Commission's Executive Director, pursuant to an application for administrative change.

(a) If all Taxicab Permits available under the 1 per 1,900 inhabitants cap have been issued or have been applied for, no additional applications for a Taxicab Certificate and/or Vehicle Permits will be accepted by the Office of the PTC until it is determined that additional Permits are available. Once it is determined that additional Permits are available, a time and date will be announced when applications for Taxicab service Certificate and/or Permits will be accepted by the Office of the PTC.

(b) In the event that the Commission finds that pursuant to its population cap limits new Permits are to be issued, the Director shall conduct an auction of the new Permits under the following terms:

The Director shall provide notice of the auction in writing to the existing Taxicab Certificate holder and publish notice in a newspaper of general circulation at least 20 days prior to the auction.

Eligible bidders at the auction shall be existing Taxicab Certificate holders and Eligible Taxicab drivers, who must apply for and receive a Certificate if they are the successful bidder, and other Persons or individuals who have applied for and been approved for a Certificate for the purpose of bidding at the auction. Eligible bidders must have demonstrated the ability to provide all operational functions required of a Taxicab company under the Special Act and the Rules of the Commission.

Permits shall be auctioned individually and not in groups.

Proceeds of the auction shall be paid to the Commission to support general operations of the Commission.

Payment in full by the successful bidder other than Eligible Taxicab drivers shall be made within 30 days following the auction and the Permit shall not be issued until payment is received. Eligible Taxicab drivers who are the successful bidder shall have the right to spread their successful bid price over five years without interest in quarterly payments in advance. Eligible Taxicab drivers' payments shall be due on the fifth day of the month for each quarterly payment beginning on January 1 of each year. Failure to make the aforesaid payments as specified herein shall constitute a default and result in the forfeiture of the applicable Certificate and Permit(s).

Driver Ownership Program Auctions – a certain number, not to exceed one third, of all Taxicab Permits that shall become available for auction each year from population cap increases, until April 14, 2019, shall be awarded to the Eligible Taxicab drivers who have submitted the highest bids at that year's auction. Each Eligible Taxicab driver is limited to only one Permit under this Driver Ownership Program. Once an Eligible Taxicab driver has been issued a Certificate and Permit under this Driver Ownership Program, he or she shall no longer be eligible for any Permits under the program and will be required to participate as an existing Certificate holder to acquire any additional Permits in the auction process. In the event the Eligible Taxicab driver who has acquired a Certificate and Permit under the program fails to timely pay the sums due for acquisition and maintenance of the Certificate and Permits, such Certificate and Permits shall be forfeited to the Commission and re-auctioned to other existing Certificate holders.

The Commission will endeavor to process applications to become a Certificate holder in the order received.

- (c) A certain number of the additional Permits, as identified below, shall be limited for acquisition by "Eligible Taxicab drivers", under a Taxicab Driver Ownership Program (hereinafter "DOP") as detailed below.

An “Eligible Taxicab driver” means a Taxicab Driver, who has never previously been awarded a Certificate and who: (1) is eligible for issuance of a special Driver Ownership Program Certificate and Permit; (2) holds a valid Public Vehicle Driver’s license issued by the Commission; (3) has continuously Operated as a Full Time Taxicab Driver in Hillsborough County, for a minimum of three years immediately prior to the date of the application for the DOP Certificate and Permit; and (4) has never been issued a PTC Citation and never having had his or her Public Vehicle Driver’s license suspended or revoked. A Full Time Taxicab Driver shall mean a Person who actually drives a Taxicab for at least forty hours per week, for a minimum of forty-eight weeks per year, either as certified to the Commission by his employing Certificate holder, or as evidenced by written receipts.

An Eligible Taxicab driver, who is to be awarded a Certificate and Permit, may at the Driver’s option have the Certificate and Permit issued in the name of a separate legal entity which does not currently hold a Certificate, for which the Driver is the qualifier. Should the Driver cease to be affiliated with the separate legal entity, any previously issued Certificate and Permit shall lapse and revert to the Commission, and be reissued by the Commission in accordance with this subsection of the Rules.

The number of additional Permits which shall be eligible for inclusion in the DOP will vary depending on the total number of additional Permits determined available under the existing cap on Taxicab Permits. If the total number of additional Permits that become available is one or two, then no Permits will be eligible for inclusion in the DOP. If the total number of additional Permits that become available is between three and five, one Permit will be eligible for inclusion in the DOP. If the total number of additional Permits that become available is between six and eight, two of the Permits will be eligible for inclusion in the DOP. If the total number of additional Permits that become available is nine or greater, then three of the Permits will be eligible for inclusion in the DOP.

Regardless of how many Permits are eligible for inclusion in the DOP, no natural Person, or separate legal entity qualified by an Eligible Taxicab driver, may be awarded more than one Certificate and one Permit under the DOP. Any Eligible Taxicab driver, or separate legal entity qualified by an Eligible Taxicab driver, that is awarded a Certificate and Permit under the DOP, will also thereafter be eligible for award of Permits not issued under the DOP.

All Certificates or Permits issued under the DOP shall be non-transferable, save and except, to other Eligible Taxicab drivers or their qualified separate legal entities as noted above, and then only as authorized by the Commission’s Rules and after the Certificate and Permit have been actively and continuously used by the Eligible Taxicab driver, or the entity he qualified, for at least 5 years from the date of its issuance. In the event of serious illness, reservist duty, or other good cause, the Eligible Taxicab driver has not continuously used the Certificate and Permit for the required 5 years, the Commission may nonetheless provide appropriate credit for such periods of

time as the Eligible Taxicab driver was seriously ill, on reservist duty, or otherwise showed good cause, toward the 5 year continuous use requirement referenced herein. Upon issuance of such Certificate and Permit, the Eligible Taxicab driver must continue to be a Full Time Taxicab Driver, or shall otherwise forfeit the Certificate and Permit back to the Commission. In the event the Certificate and Permit are not used for at least 5 years, as may be calculated or credited as provided herein, from the date of their issuance, or the Eligible Taxicab driver fails to remain a Full Time Taxicab Driver, then in such event, the Certificate and Permit shall lapse and be forfeited back to the Commission and be reissued in accordance with this subsection of the rule. All Certificates and Permits issued under the DOP shall, on their face, reflect they were issued under this program, and are non-transferable except to other Eligible Taxicab drivers as defined by these Rules and the Special Act.

Any Permits issued, or eligible for issuance under the DOP, which, for whatever reason, either lapse back to the Commission, or which are never issued by the Commission because of lack of demand, shall be made generally available to other Certificate or Permit applicants one year after either the lapse or they became first eligible for issuance under the DOP.

- (8) Each Certificate except for Taxicab Certificates shall expire, unless expressly extended by the Commission or Director for good cause, on September 30 of each year, and shall be renewed, in the absence of any basis for suspension or revocation as outlined in Rule 1-12.001 of these Rules, upon the timely receipt by the Commission staff of:
 - (a) Written certification by the Certificate holder of any material changes which may have occurred with respect to the information provided in connection with the application(s) on file.
 - (b) Any and all information required for application by the Commission at the time of renewal which was not required at the time of the initial application;
 - (c) Payment of the prescribed renewal fee (see Rule 1-17.001).

Taxicab Certificates and Permits shall not expire, but must be administratively renewed in order to Operate on September 30 of each year, unless expressly extended by the Commission or Director for good cause.

- (9) All changes in the ownership or control of a Certificate or Permit requires either notice to or the approval of the Commission. Procedurally, when such is required, either notice to or an application for ownership change must be submitted by the proposed transferee. The application will be reviewed by the Director and a subsequent staff recommendation will be submitted to the Commission for approval at a public meeting. The Taxicab Certificate shall Transfer and grant to the Certificate holder such property and other inherent rights as are consistent with the terms of the Special Act. No Transfer or other change in ownership of a Certificate or any Permits shall be effective until either the Notice is provided to the Commission's Director, or if required, the Transfer is first

approved by the Commission in accordance with these Rules and the Special Act. Except for Taxicab Certificate and Permits, failure to acquire approval or subsequent disapproval of the ownership change may result in immediate revocation of the Certificate.

However, in the case of a Transfer of Taxicab Certificate and Permits which results from a devise or intestate succession, the transferee must conditionally qualify as a Taxicab Certificate holder or Permit holder under Commission Rules within 120 days after the Transfer, unless otherwise extended by the Commission.

- (a) With the express written consent of the Certificate holder, however, a prospective transferee may, upon filing of an ownership change application with the Commission staff, enjoy the beneficial use of the Certificate and the Permits associated therewith until the Commission renders a final decision on the application, or for a period not to exceed one hundred and twenty days from the date the Transfer application is filed, whichever is less.
- (b) The privilege of the beneficial use of a Certificate extended to a prospective new owner pending final approval by the Commission of an application is expressly subject to and conditioned upon the consent of the new owner to abide by all obligations of the previous owner with respect to the Commission, any restrictions, limitations or conditions imposed on the Certificate by the Commission, and any violation thereof by the prospective new owner shall be grounds for immediate revocation of the privilege, but as to Taxicab Certificate and Permits, shall result in suspension thereof.
- (c) Taxicab Certificate holders may only Transfer Taxicab Certificates or Taxicab Permits as provided by this section.
- (d) Unless otherwise stated, all Transfers of Taxicab Certificates or Permits, save and except for a pledge, devise or inheritance, must be to an existing Taxicab Certificate holder, or if otherwise, such proposed Transfer requires the formal approval of the Commission before the Transfer may be effective. Any proposed transferee who is not an existing Taxicab Certificate holder must first: (1) submit an application as described in these Rules; (2) proceed to a public hearing as described in these Rules; (3) meet all of the qualifications and other requirements of the Special Act and these Rules; (4) and be formally approved by the Commission, in order to obtain a Taxicab Certificate before the proposed Transfer becomes effective. The Transfer of a Taxicab Certificate to another existing Taxicab Certificate holder shall require the approval of Commission; however, no such Transfer shall be effective until prior written notice, of the Transfer has first been provided to the Commission's Director by the transferor Certificate holder via the filing of an administrative change application. Any proposed Transfer of a Taxicab Certificate must be of the entire Certificate and same shall not authorize more than one holder to Operate pursuant to its terms at any one time. Taxicab Certificate holders may Transfer all or a portion of their authorized Permits by lease, license, assignment, or otherwise, but shall at all times remain fully responsible to the Commission for the Permit transferee's compliance with the Special Act and the Rules, unless the transferee is an existing Taxicab Certificate holder, when in such event, the transferee shall become fully responsible to the

Commission for the transferee's compliance with the Special Act and the Rules upon submission of the written notice of such Transfer to the Commission's Director as stated above in this paragraph.

- (e) The proposed transferee of a Taxicab Certificate by devise or intestate succession, must conditionally qualify as a Taxicab Certificate holder or Permittee under these Rules within 120 days after the Transfer, unless otherwise extended by the Commission. The conditional nature of the qualification shall be removed upon the probate court's final adjudication that the proposed transferee is actually entitled to the ownership of the transferred Certificate or Permit(s). The proposed transferee shall file the probate court's final adjudication with the Commission Director within ten days of its entry by the court. Upon the filing of the court's final adjudication confirming the proposed transferee is entitled to the Taxicab Certificate and/or Permits, the Director shall issue a new Taxicab Certificate and any related Permit(s) removing the conditional qualification placed upon any previously issued Certificate or Permits. In the event the probate court does not approve the proposed transferee as the being entitled to the ownership of the transferred Taxicab Certificate or Permit(s), then in such event, the Person so entitled to such ownership, as determined by the probate court, may take Transfer of the Certificate and Permit(s) only if he or she has otherwise been qualified and approved pursuant to the procedures for becoming a Certificate holder otherwise provided in these Rules. In the event the Person whom the court approves as entitled to Transfer of the Certificate and Permit(s) is not already qualified under these Rules as a Certificate holder, then in such event, he or she shall have 120 days from the entry of the court's order, or such longer time as the Commission shall authorize, within which to qualify as a Taxicab Certificate holder. In the event such Person fails to qualify, then the Certificate and Permit(s) shall be suspended from further use until such time as a qualified Certificate holder is approved by the Commission. In the event the suspension shall extend for a period of one year, then in such event, the Certificate and Permits shall be deemed forfeited and shall be auctioned to the other existing Taxicab Certificates holders and sold to the highest bidder. The proceeds of the auction, less cost of conducting the auction and an auction fee of \$500, shall be paid to the Person determined by the probate court as the ultimate owner of the Certificates and Permits which were transferred by devise or intestate succession.
- (f) A Taxicab Certificate holder may voluntarily pledge his Certificate and/or Permits as collateral to a creditor. In the event the creditor is entitled to foreclosure upon or otherwise to take the pledged collateral, then in such event, the creditor may present the Commission with a copy of the promissory note evidencing the loan by the creditor to the Certificate holder, a copy of the security agreement establishing the creditor's right to foreclose upon and take the collateral and the related UCC-1 financing statement with evidence of filing thereof, together with an affidavit attesting to the fact that the note is in default, all cure periods have expired and the creditor is legally entitled to take the security. Upon receipt of same, the payment of the \$500 Transfer fee and all associated costs of the Transfer, the Director shall notify all existing Certificate holders (including the pledging Certificate holder) in the same Type of service, via certified mail, return receipt requested, that a Certificate holder's auction of the collateral will take place at the Commission's offices and the particulars thereof. The Director shall conduct the Certificate holder's auction within not less than 30 days nor more than 45 days from the later of his receipt of the documentation and

payments which would authorize the auction or the date of mailing to the Certificate holders. At the time and place provided in the mailed notice, the Director shall then auction the collateral and sell it to the highest bidder. The proceeds of the auction, less any costs thereof, shall be remitted by the Director to the creditor. In the event the proceeds of the Certificate holder's auction are insufficient to satisfy the creditor's judgment, or the stipulated amount due, then in such event the creditor may elect, within 7 days, to return the auction proceeds to the Director, together with an additional \$500 fee and the costs of publication, and demand a public auction of the collateral which will be opened to both the existing Certificate holders in the same Type of service, and the general public. The Director shall set the date for the public auction within 45 days of the day of notification and payments by the creditor that it has rejected the results of the Certificate holder's auction. In the event the highest bidder at the public auction is not an existing Certificate holder in the same Type of service, such Person or entity shall be required to apply for and be approved by the Commission as a Taxicab Certificate holder under the procedures established by the Special Act and these Rules before the Director may Transfer the Certificate and any related Permit(s). In the event the highest bidder is an existing Certificate holder of the same Type of service, then in such event, the Commission may approve the Transfer of the collateral.

(g) Certificates or Permits shall not be subject to involuntary Transfer by judicial execution or otherwise, nor shall the Commission approve any Transfer of a Certificate or Permit(s) to any Person, entity or creditor of a Certificate holder unless the Certificate holder has voluntarily pledged such Certificate or Permit(s) in accordance with Chapter 1-2 of these Rules.

(10) Certificate holders must comply at all times with applicable Florida Statutes and the Florida Administrative Code, when applicable, and are subject to immediate suspension for any violation thereof.

Credits

Adopted March 19, 2013; Amended August 15, 2014; Amended November 2, 2015

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b), and Ch. 2012-247, Laws of Florida, Section 1(4). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(1)(a), 5(2)(v), 5(2)(cc), 5(2)(dd), 5(2)(ee), 5(2)(ii), 5(1)(j), and 7(2)(d), and Ch. 2012-247, Laws of Florida, Section 1(2),1(3),1(4), and 1(5).

Chapter 1-3 Permits
Rule 1-3.001 Permits

(1) Each Certificate holder will be granted authorization for a specific number of Vehicle Permits. The Taxicab Permits shall Transfer and grant to the Certificate holder such property and other inherent rights as are consistent with the terms of the Special Act, including, but not limited to the right to sell, devise, pledge and Transfer Taxicab Permits and shall be annually renewed, upon remittance of the prescribed fee and when done in compliance with these Rules, for Certificate holders in good standing with the Commission. All Vehicles must be inspected by the Commission staff to validate compliance with the respective Vehicle standards and insurance requirements prescribed in these Rules before the Vehicle may be Operated under a Certificate.

As a minimum, each Wrecker Certificate holder must have at least the capability to perform light-duty recovery and light-duty Car-Carrier service. A heavier duty Vehicle may perform the light-duty service, but will only be able to charge the rate associated with the Vehicle transported.

(2) It shall be unlawful to Operate or to cause or allow the operation of any Public Vehicle without a valid Permit or temporary Permit or if the Permit is suspended. Except for Taxicab Permits, each Permit shall expire, unless expressly extended by the Commission or Director for good cause, on September 30 of each year, and may be renewed upon the timely receipt by the Commission of:

- (a) successful Vehicle inspection(s);
- (b) appropriate insurance certification;
- (c) payment of the prescribed fees for Certificate and Permit(s) renewals (see Rule 1-17.001).

(3) The director, or interim director, may issue and reissue, 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 and must be for the same type of Vehicle service that the Certificate holder is authorized. Upon showing of good cause, temporary Permits may be reissued, but shall not be reissued more than four (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 to estop the Commission from subsequently denying an application for a permanent Permit. Companies applying for temporary Permits must state the reason for additional Permits and give the Commission Director factual information on the groups or clients and how the Vehicles will be utilized. Prior to the issuance of such temporary Permits, payment of the prescribed fees, proof of insurance and successful inspection of the Vehicle in question must be complete.

(4) In the event any Public Vehicle for which a Permit has been issued becomes unsafe to

Operate or its body or seating facilities become so damaged, deteriorated or unclean as to render it unfit for public use, the Commission shall authorize the Director to suspend, without hearing, the Permit until the condition is remedied. Further, the same summary suspension may take place in the case of Basic life support ambulance(s) which fail for any reason to meet Basic life support ambulance standards set forth in Florida Statutes and the Florida Administrative Code. Further, the same summary suspension may take place in the case any Wrecker fails to meet standards set forth in Florida Statutes. In conjunction with this suspension, the PTC staff may place an "Out of Service" sticker on the window of the suspended Vehicle and this sticker may only be removed by the PTC staff when the suspension is lifted. The "Out of Service" sticker may not be disguised, altered or covered to hide it from the traveling public.

- (5) Each Permit shall be separately numbered. The Permit shall, at all times, be displayed according to these Rules. Except as otherwise expressly provided for by these Rules. Public Vehicles issued a permit to operate in one class of service shall not be permitted to operate in another class of service.
- (6) If a Permit is transferred from one Certificate holder to another within the same Type of service and classification, the Vehicle Permit may be transferred to the new Certificate holder upon payment of the prescribed fee (see Rule 1-17.001). Additionally within the Taxicab Type of service, such a Transfer is permissible between Classifications. A Certificate holder may Transfer a Permit between Vehicles upon approval of the Commission and payment of the prescribed fee (See Rule 1-17.001). The Director may approve such intra-Certificate Permit Transfers where the Permitted Vehicle has been wrecked, disabled, or otherwise rendered unusable.
- (7) A Vehicle must be physically presented before a Permit will be issued.
- (8) After a Permit has been issued, no Vehicle shall be reconstructed, altered or modified without approval of the Commission. This includes extra lights or other ornaments attached to the Vehicle. The Director may, however, approve changes to Vehicle color schemes, notifying the Commission of said approval at its next public meeting, or as soon thereafter as practicable.
- (9) A metal plate and/or Permit decal will be issued for each Vehicle that has been approved. For Standard Taxicabs, the Permit plate shall be affixed to the lower left trunk lid or on the left rear bumper and/or the Permit decal on the inside of the front windshield on Driver's side, and only on the Vehicle for which it is issued. An issued Permit plate shall be affixed to the lower left rear door of a Van, Handicab or Basic life support ambulance and/or the Permit decal on the inside of the front windshield on Driver's side, only on the Vehicle for which it is issued. A metal Permit plate and/or the Permit decal will be issued to a Limousine and it should be retained in the Vehicle on the inside of the front windshield on Driver's side, only on the Vehicle for which it is issued. A validation decal sticker shall also be issued and shall be affixed to the lower left section on the rear window of the Limousine and the front left of the windshield of all other Vehicles, if the new Permit decal is affixed all Vehicles will display the validation sticker in the same fashion as Limousines. A Permit plate and/or Permit decals issued to a Luxury Taxicab shall be displayed in the lower left side of the rear window of the Vehicle on the inside of the front windshield on Driver's side,

only on the Vehicle for which it is issued.

(10) A Certificate holder may apply for additional Permits in accordance with the procedures set forth in these Rules on the condition that the Certificate holder has no current authorized Permits which are not in use at the time the application is submitted. The additional Permits will be issued only to Vehicles within the same Type of service for which the original Certificate was issued. In the case of Taxicabs, the additional Permits will only be issued within the same classification for which the original Certificate was issued. For Certificate holders who hold more than one Certificate, application for additional Permits must be made separately for each such Certificate. The requirements and procedures of Rule 1-2.001 and the Special Act shall apply to each application for additional Permit(s) issued pursuant to this section, except:

- (a) Except for Taxicab Permits applications submitted pursuant to this section for two (2) additional Permits or less, to which no other Certificate holder has filed a notice of intervention, shall be reviewed by the Director and brought before the Commission at a Commission Public Hearing scheduled for this purpose. Notice of said hearings will be provided under the procedures set forth in these Rules. In the event any Certificate holder files a notice of intervention, the Director of the Commission will schedule a Hearing officer for the Public Hearing on the Application.
- (b) All applications for additional Permits must wait twelve (12) months before submitting another application for additional Permits under the same Certificate. The twelve (12) month period will begin at the Commission meeting when the application is denied. A dismissal or withdrawal of the application, after the application is submitted to a Hearing Officer, shall be treated as a denial.
- (c) A Wrecker Certificate holder may apply for additional Vehicle Permits by submitting the appropriate Permit fees, completing the Vehicle inspection, producing the appropriate registration documentation and updating the insurance Certificate to reflect the addition of the Vehicle.

(11) Fees for additional Permit applications, Permit fees and Hearing officer costs are explained in Rule 1-17.001.

(12) All authorized Permits, except for Taxicab Permits, not affixed or issued to a Vehicle within one (1) year from the date it is authorized may be declared forfeited by the Commission at a public meeting. Prior to any such forfeiture action by the Commission, the Certificate holder shall be provided with written notice at least 20 days in advance of the public meeting, delivered Personally or mailed to the address of the Certificate holder on file with the Commission, and the Certificate holder shall be afforded an opportunity to be heard at the public meeting.

(13) If a Vehicle is sold or otherwise disposed of and out of the operational control of the Certificate holder, the Certificate holder is required to ensure that the metal Vehicle Permit

is removed and returned to the PTC. The Certificate holder must also ensure that Permit stickers on Limousines must be removed from the Vehicle and disposed of.

Credits

Adopted March 19, 2013; Amended November 2, 2015

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(1)(a), 5(2)(cc), 5(2)(dd), and 5(2)(kk).

Chapter 1-4 Insurance
Rule 1-4.001 Insurance

(1) Each Certificate holder shall at all times maintain Business Automobile Liability insurance providing for bodily injury and property damage liability coverage on each Permitted Vehicle in an amount not less than:

Taxicabs: \$300,000.00 combined single limit (CSL) each accident or split limits of
 \$125,000.00 bodily injury each Person and
 \$300,000.00 each accident and
 \$50,000.00 property damage each accident.

Limousines: \$1,000,000.00 combined single limit (CSL) each accident or split limits of
 \$500,000.00 bodily injury each Person and
 \$1,000,000.00 each accident and
 \$100,000.00 property damage each accident.

Handicabs: \$300,000.00 combined single limit (CSL) each accident or split limits of
 \$125,000.00 bodily injury each Person and
 \$300,000.00 each accident and
 \$50,000.00 property damage each accident.

Vans: \$300,000.00 combined single limit (CSL) each accident or split limits of
 \$125,000.00 bodily injury each Person and
 \$300,000.00 each accident and
 \$50,000.00 property damage each accident.

Basic Life Support Ambulances:

 \$300,000.00 combined single limit (CSL) each accident or split limits of
 \$125,000.00 bodily injury each Person and
 \$300,000.00 each accident and
 \$50,000.00 property damage each accident.

Wreckers: \$300,000.00 combined single limit (CSL) each accident or split limits of
 \$100,000.00 bodily injury each Person and
 \$300,000.00 each accident and
 \$50,000.00 property damage each accident.

(2) Additionally, Wrecker Certificate holders must maintain the coverage types identified below:

(a) Garage Liability insurance shall be maintained by the Wrecker Certificate holder insuring its legal liability for its operation as a Wrecker and Vehicle Storage operator, including contractual Liability insurance for this agreement and Personal injury liability coverage, covering the Wrecker Certificate holder's operations and including all its locations

coming under the Commission's jurisdiction and certification. The limit of coverage shall not be less than:

Bodily Injury, Personal	\$300,000	Combined Single Limit
Injury, & Property		Each Occurrence and
Damage Liability		Aggregate.

(The aggregate limit shall apply separately for each location to be used by the Certificate holder)

(b) Garage Keeper's legal liability/ on-hook insurance shall be maintained by the Wrecker Certificate holder insuring its legal liability for physical loss of or damage to Vehicles of others towed or stored under the Certificate resulting from comprehensive and collision coverage perils, including but not limited to: "fire, lightning, explosion, theft, mischief or vandalism," and collision coverage. Coverage shall include the Commission as an additional insured as to its responsibility in issuing the Certificate. The deductible for these coverages shall not exceed \$1000 per Vehicle. The limits of coverage shall not be less than:

Property Damage Liability	\$50,000	Each occurrence
		Each location
		Including towing

(If separate on-hook Liability insurance is obtained, the minimum coverage will also be \$50,000 as with Property Damage Liability.)

(3) A Certificate of Insurance must be executed and filed with the Commission by the insurance carrier or its authorized representative prior to the issuance or renewal of a Vehicle Permit. The insurance carrier must be qualified as an insurance company authorized to transact business in the State of Florida. The insurance carrier shall issue and forward directly to the Commission an original Certificate of insurance, on a form provided or approved by the Commission. If a Certificate holder has more than one insurance policy for Vehicles Operated under a single Certificate, the policies must have the same expiration date.

(4) An insurance carrier schedule of all Vehicles covered by the insurance policy must accompany the Certificate of Insurance. A change Certificate must be provided to the PTC from the authorized insurance representative when Vehicles are added or deleted. The PTC Certificate holder must be a named insured on any insurance policy maintained to satisfy the requirements of this section.

(5) The insurance carrier must certify that the policy will not expire or be cancelled unless a thirty (30) days prior written notice is provided to the Commission by the insurance company; said thirty (30) day notice shall be deemed to commence from the date the notice is actually received at the office of the Commission and kept on file. The insurance policy must be endorsed to this effect.

(6) The validity of any Certificate granted or renewed hereunder is expressly conditioned on the maintenance of all insurance coverage required under these Rules. The failure of a Certificate holder to maintain valid insurance as required by these Rules shall result in the automatic suspension of the Certificate without a hearing. The suspension shall be lifted

upon receipt by the Commission staff of proper evidence of the valid requisite insurance and the payment of a reinstatement fee by the Certificate holder. The amount of the fee is listed in Rule 1-17.001 of these Rules.

- (7) The PTC Certificate holder shall provide a Certificate of Insurance to the Commission staff at any time upon reasonable request.
- (8) Certificate holders will provide the Office of the PTC a Certificate of Insurance for Worker's Compensation Insurance in those instances where this insurance is required by Chapter 440, Florida Statutes. Those Certificate holders who are not required to carry Worker's Compensation Insurance per Chapter 440, Florida Statutes, will submit a letter to the PTC explaining why they are not required to carry this insurance.
- (9) Failure to comply with the provisions of this section may result in the suspension of the Certificate holder's Certificate pending full compliance and the payment of a reinstatement fee by the Certificate holder. The amount of the fee is listed in Rule 1-17.001 of these Rules.
- (10) In the event that a Taxicab Certificate is transferred under these Rules to another existing Taxicab Certificate holder, then in such event, the transferee shall be fully and solely responsible for compliance with the insurance requires of this Section, for such transferred Permits.
- (11) No Certificate or Permit issued shall be considered a dangerous instrumentality, and Certificate holders, transferees in the case of a Transfer of a Permit to an existing Taxicab Certificate holder, shall not be held financially responsible for losses or liabilities merely because of their ownership interests any such Certificate or Permit.

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(1)(a), and 5(2)(gg).

Chapter 1-5 Public Vehicle Driver's license
Rule 1-5.001 Public Vehicle Driver's license

- (1) No Person shall Operate, cause another to Operate, or allow another to Operate a Public Vehicle unless the Driver has a current Public Vehicle Drivers license. The Person shall also have a motor Vehicle operator's Permit as required by the State of Florida. Applicant must present an original Social Security card, U.S. passport, valid residence card or authorization to work in the United States. A suspension, expiration or revocation of a motor Vehicle operator's Permit or residence card or authorization to work in the United States shall result in an immediate suspension of the Driver's PVDL until such time as the suspension is removed or authorization is reissued.
- (2) Application for the license must be fully completed by the applicant and signed by the Certificate holder for which that Driver will drive and the applicant must present the application in Person to the office of the Commission for processing.
- (3) Application, obtained from the Certificate holder, shall provide general information under oath (notarized), on forms supplied by the Commission.
- (4) The applicant shall have a photograph and fingerprints taken at the Hillsborough County Sheriffs Office (HCSO) located at Falkenburg Road. These documents will be provided to the PTC by the HCSO and maintained in the Driver's file.
- (5) As a result of the health information provided by the applicant in the PVDL application, the applicant may be required to submit an additional health Certificate completed and signed by a physician licensed in accordance Florida Statutes.
- (6) The submission of a PVDL application authorizes any physician, Person, or agency having knowledge of any mental or physical impairment which may affect the applicant or Driver's ability to drive to report such knowledge to the Commission.
- (7) Upon receiving any report concerning a Driver's alleged physical or mental impairment of the ability to safely Operate a Vehicle For hire, the Commission shall require an investigation into the Charges and may require written certification by a physician before making a final determination as to the Driver's fitness to hold a license. Such certification shall be at the Driver's expense.
- (8) Each applicant shall submit the prescribed non-refundable license fee (See Rule 1-17.001) along with the application.
- (9) The Commission shall issue a Public Vehicle Drivers license when it is shown that the applicant is duly qualified, of good moral character, of sound health and otherwise meets the requirements of the law. The Commission may consider the following factors in determining whether an applicant is duly qualified:
 - (a) Whether the applicant demonstrates the ability to communicate with the public by being

able to speak, read and write the English language; and

- (b) Whether applicant demonstrates the Capacity to transport the public or their Vehicles in the case of Wreckers, in a Vehicle For hire by showing that the applicant is knowledgeable of these Rules and of the geography of Hillsborough County.

(10) No Person shall be issued a license who is addicted to the use of narcotics or intoxicating liquors.

(11) No Person shall be issued a license who is on probation or parole for a felony or misdemeanor, who is covered by diplomatic immunity, who has less than 6 months' driving experience or who is less than the age of majority.

(12) The Commission may deny a license to a Person who has been convicted of a felony, a sex offense including conviction as a sexual offender or has been found to be a sexual predator as provided in Florida Statutes, soliciting for or engaging in prostitution, an alcohol or narcotics offense, drunkenness, violation of the gambling laws, a crime involving moral turpitude, or Repeated violations of the motor Vehicle laws.

(13) The Commission may, in order to protect the public, deny a license to Operate a Vehicle For hire to an applicant whose Florida Drivers' license has been suspended or revoked within the past eight (8) years for: driving while under the influence of alcoholic beverages or narcotic drugs, reckless driving, or exceeding the point limit set by the Drivers License Division of the Florida Department of Highway Safety and Motor Vehicles.

(14) Any 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. However, the applicant may seek one reconsideration of the denial.

(15) Each Driver is to be given a copy of the Rules of the Commission and must sign a receipt for them before a license is issued.

(16) Licenses may be renewed for a one-year period during licensee's birth month provided that:

- (a) The Commission's investigation of the Driver's traffic (DUI's or license suspensions) and criminal record reveals no violations during the period of his expiring license. If the investigation reveals such violations, the license shall be renewed for a period not to exceed sixty (60) days. The Director shall, after review of the Driver's traffic and criminal record recommend either renewal, suspension or revocation as the safety of the public may dictate.
- (b) The Driver timely submits to the Commission written certification of any material changes which may have occurred with respect to the information provided in connection with the initial license application.

- (c) The Driver timely submits to the Commission any and all information required by the Commission for license applications at the time of renewal which was not required at the time of initial license application;
- (d) The Driver pays the prescribed fee for license renewal (see Rule I-17.001).

(17) If a license becomes expired and is not renewed within twelve (12) months of the expiration date, the license shall not be renewed. Instead, a new application must be submitted for the Commission approval (refer to Rule 1-5.001(2) through Rule 1-5.001(15)).

(18) Basic Life Support ambulance Drivers and attendants shall comply with the requirements of these Rules, Florida Statutes and the Florida Administrative Code.

(19) Handicab Drivers shall satisfactorily complete and maintain the following training: State certified standard first aid; State certified standard CPR certification; and defensive driving course approved by the Commission. Copies of the training Certificates or other evidence of training completion must be provided to the Commission at the time of application and renewal.

(20) Upon leaving the employment of or discontinuation of an agreement to drive for a Certificate holder or when a Driver is placed on suspension by the Commission, the Public Vehicle Driver License is to be returned to the Commission Office where it will be retained on file until the Driver gains employment with another Certificate holder, completes the suspension period, or the PVDL expires.

(21) It is important that any question regarding criminal history be answered completely and truthfully when completing the PVDL application or other required documents. Failure to do so may result in the denial of the PVDL.

(22) An applicant determined eligible for a PVDL and subsequently arrested, charged, committed, and/or found guilty of any disqualifying offense (as listed above) shall immediately (5 calendar days) notify the Commission.

(23) Persons believing that the Commission relied upon inaccurate information in making its decision shall contact the Commission within thirty (30) calendar days of receipt of the denial notification. The Commission may decline to consider information received beyond thirty days.

(24) After an applicant has been denied a license, he or she may appeal that decision to the Commission at a public meeting by completing an appeal form provided by the Commission and by paying the fees associated with this appeal (see Rule I-17.001). Once a Driver has been denied his or her appeal before the Commission, he or she may not reapply for a PVDL within twelve (12) months from the date the appeal was denied. However, the applicant may seek one reconsideration of the denial.

(25) The director, or interim director, may issue and reissue, for good cause and without the

necessity of notice or public hearing, temporary Public Vehicle Driver's licenses provided that such 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 Public Vehicle Driver's licenses may be reissued, but shall not be reissued more than four (4) successive seven-day periods without Commission approval. Issuance of a temporary Public Vehicle Driver's licenses pursuant to the provisions of this section shall not in any way be construed as a commitment to issue an annual Public Vehicle Driver's license. No action taken shall be construed to stop the Commission from subsequently denying an application for an annual Public Vehicle Driver's license.

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(1)(a), 5(1)(o), 5(2)(cc), 5(2)(dd), 5(2)(ee), and 5(2)(ff).

Chapter 1-6 Driver Duties
Rule 1-6.001 Driver Duties

- (1) All Drivers shall be familiar and comply with the Florida Regulatory Traffic Laws.
- (2) No Taxicab Driver shall refuse or neglect to transport to any place in the County any orderly Person willing to pay the prescribed fare, in advance, and no Driver shall accept any additional passengers without consent of the passengers by whom the Vehicle may have already been engaged.
- (3) Each Driver licensed pursuant to these Rules shall possess and display the PVDL in a manner that allows visibility of the license, at all times while driving his Vehicle or while on duty as a Vehicle Driver and shall not Operate a Vehicle if the license is expired or has been revoked or suspended. The license will be clipped, badge-style, to the Driver's shirt or outer garment or may be hung around the neck on a chain or string. The Drivers of all types of service will wear the PVDL license while on duty as a Vehicle operator. The Driver will allow a customer to review the PVDL upon request.
- (4) A Driver shall not Operate a Vehicle if the Vehicle Permit or Certificate holder's Certificate has been revoked or suspended.
- (5) No Driver Operating a Taxicab shall transport passengers without a properly sealed and Operating Taximeter with the flag down, meter running, and cruise light off (Does not apply if Operating using an authorized flat rate. See Rule 1-20.001)

Wrecker Drivers shall comply with the following:

- (a) The Wrecker Driver shall be thoroughly familiar with the operation of the Wrecker and may be required to provide proof of a training certification as a Wrecker operator. The criteria may be established by the Director.
- (b) Wrecker operators shall sweep glass from the roadway and remove all debris or hazards from the motor Vehicle crash scene, as required by Florida Statutes.
- (c) Wrecker operators shall abide by all applicable city, County, state and federal laws, Rules regarding removal, towing, recovery and Storage of Vehicles or property.
- (d) Wrecker operators shall impound Vehicles as requested by the law enforcement officer on the scene.
- (e) When a Vehicle is released at the scene by the investigating law enforcement officer, the Wrecker operator shall tow it to any location the owner/operator of the Vehicle requests. When the disabled Vehicle is transported to the specific location requested by the owner, a Person of lawful age or the owner/operator should be available and competent to pay the Wrecker fee. In the event no Person is present at the designated location, the Wrecker operator should take the Vehicle to the Wrecker Storage lot. The Wrecker operator may charge the lawful amount Permitted for the trip from the designated drop location to the operator's Storage lot.

- (f) All activities required to perform the towing service, such as dropping and hooking up linkage and normal site clean-up, etc., will not be considered as "extra service" and no extra labor Charges for these activities will be assessed.
- (g) The licensed Wrecker company owner or operator is responsible for any damage to a Vehicle caused by a Wrecker operator.
- (h) It shall be unlawful for a Wrecker owner or operator, their agents, servants or employees to coerce or pressure the owner/operator of a disabled Vehicle into signing a work order or any agreement for repairs.
- (i) Flashing amber lights shall only be used as described in Florida Statutes.

(6) Drivers shall keep their Vehicle clean and orderly at all times.

(7) Every Driver having charge of a Permitted Vehicle shall be hygienically clean, well groomed and neat and clean in appearance and suitably dressed. Male Drivers shall be clean shaven, and hair shall be neatly trimmed and groomed. If a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance. The term suitably dressed shall be interpreted to mean:

- (a) The Driver, if male shall wear clean trousers or knee-length hemmed shorts, shoes and socks and a shirt with a collar, with or without a tie, Appropriate clean outer garments may be worn, if desired, over the collared shirt. Luxury Taxicab and Limousine Drivers shall wear a collared shirt with tie (with or without jacket), trousers, socks and dress shoes.
- (b) The Driver, if female must wear clean trousers or knee-length hemmed shorts, slacks, shoes and an appropriate shirt with a collar. Appropriate clean outer garments may be worn, if desired, over the collared shirt or blouse. Female Luxury Taxicab and Limousine Drivers must wear a collared shirt or blouse, with or without a tie, with or without a jacket, dress slacks or mid-calf hemmed skirt, socks/nylons and closed toed dress shoes.
- (c) The following articles of clothing are not Permitted to be worn as an outer garment when the Driver, either male or female, is Operating a Permitted Vehicle: t-shirts, underwear, tank tops, body shirts, swimwear, jogging suits, or similar types of attire. Also prohibited are swimming or athletic shorts, sandals, or any type of open-toed footwear. For females- no sheer blouses (able to see undergarments), skirts can not be shorter than mid-calf or have a split longer than 7 inches from the hem to the knee, blouse with buttons can not be unbuttoned more than 5 inches from neck.

(8) No Driver shall collect Fares or Compensation for transportation services other than at the approved rate for that Certificate holder. Drivers must utilize the shortest possible route to the passenger's destination, unless a specific or different route is requested by or approved by the passenger paying the fare. The Driver, if requested, shall furnish the passenger with a receipt bearing the Certificate holder's name, the taxi number, and stating the amount of the fare. Taxi Cab, Limousine, and Van Drivers working for a

Certificate holder who accepts and advertises credit cards must accept credit card for payment, provided it is an advertised card and charge is authorized when submitted. No additional fee may be charged for the use of a credit card.

- (9) No Vehicle shall be driven unless the Driver has satisfied himself that the Vehicle is in good working order and that the Vehicle meets the standards set forth in these Rules.
- (10) No Driver shall knowingly transport any Person to any place for the purpose of participation in any illegal activity.
- (11) A Driver shall not use abusive language, nor be discourteous to passengers or Vehicle owners.
- (12) A Driver will not use a cell phone, other than in a hands-free mode, while driving the Vehicle.
- (13) A Driver will ensure the Vehicle's luggage compartment (trunk) and passenger compartment is clean and free of any item or substance that will damage, stain or otherwise harm a passenger's luggage or possessions.
- (14) A Driver will not smoke cigarettes or cigars while a passenger is in the Vehicle.
- (15) A Driver will Operate the Vehicle's air conditioner at the request of the passenger, if not already Operating.
- (16) Taxicab Drivers must remain with their respective Vehicles while the Vehicle is at an official taxi stand, in line at the Tampa cruise terminals or in line at the TIA terminal.
- (17) Drivers shall immediately notify the Commission of each change of company or address.
- (18) No Driver shall solicit passengers outside the jurisdictional area of the Certificate under which he is Operating.
- (19) No Driver licensed by the Commission shall allow any Vehicle in their possession to be Operated by any Person not duly licensed by the Commission and without specific authority from the Certificate holder.
- (20) Basic life support ambulance Drivers and attendants shall comply with the requirements of these Rules, Florida Statutes and the Florida Administrative Code.
- (21) Drivers must ensure that Vehicle Capacity, as defined by the Vehicle manufacturer or modifier, is not exceeded
- (22) No Driver shall transport any child 5 years of age or younger, unless the child's parent(s), guardian or other person responsible for the child's welfare as defined in Section 39.01(47), Florida Statutes, provides for the protection of the child during transport by properly using a crash-tested, federally approved child restraint device as described in Section 316.613, Florida Statutes. For children aged through 3 years, such restraint device

must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 5 years, a separate carrier, an integrated child seat, or a seat belt may be used. The child's parent(s), guardian or other person responsible for the child's welfare as defined in Section 39.01(47), Florida Statutes, is solely responsible for the proper installation of the child restraint device prior to transport and removal of the child restraint device after transport.

Credits

Adopted March 19, 2013; Amended August 15, 2014

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Section 5(1)(a).

**Chapter 1-7 Procedure for Operation,
Rule 1-7.001 Procedure for Operation**

- (1) Each Certificate holder shall keep accurate records of receipts from operations, other expenses, capital expenditures, and other Operating information as may be required by the Commission. The Commission and its staff shall be allowed access to these records during normal business hours for the purpose of inspection or copying same.
- (2) Each Certificate holder shall maintain a central place of business, at which place he shall provide a properly listed telephone number for receiving all calls for service, and at which central place of business it shall keep such business records and required Manifests and other documentation. It shall also be the responsibility of every Certificate holder to keep on file at the office of the Commission a telephone number, where they may be reached at all times. In the case of Wrecker Certificate holders, the Commission will forward this information to the affected agencies.
- (3) Each Certificate holder shall adopt and use, after approval by the Commission, a distinctive, uniform color scheme for all Taxicabs, Vans, BLS Ambulances and Handicabs Operated pursuant to such Certificate. Certificate holders shall comply with all applicable Statutes and the Florida Administrative Code.
- (4) Taxicabs using any officially designated public standard taxi stand shall be in single file and faced in accordance with applicable traffic regulations. The Driver of the Taxicab at the head of the line shall accept as a passenger any orderly Person who agrees to pay the proper fare; however, any Person shall have the right to select any Taxicab regardless of its position in the line. Upon the departure of any Taxicab from the line, the Vehicles in line shall move forward in order. The taxi stand will have a designated number of spaces available and this is the most allowed to remain at the stand. No Driver may hold a spot open at any taxi stand for other Drivers. All Drivers entering a taxi stand line must enter at the end of the line. Luxury Taxicabs are not authorized to use officially designated public Standard Taxicab stands.
- (5) Limousines, Vans, and Handicabs will Operate as a prearranged service and shall not solicit “walk-up” passengers unless Operating under contract, authority of or explicit agreement with the ownership or management of the location of the business solicitation. “Prearranged service” means for hire transportation services booked prior to the start of the vehicle trip, through reservations which have been received at least thirty (30) minutes in advance of the vehicle trip. When Limousine or Van operators are displaying signage for identification/customer contact purposes (such as at the airport or cruise terminal), the sign may advertise only in the name of the Certificate holder and must contain a Manifested passenger’s or client’s name in letters that are equal to or larger in size than the Certificate holder’s name on the sign . No additional language that could be perceived as solicitation of walk-up customers is Permitted.
- (6) A Limousine service is prohibited from combining separately contracted customers in a single trip or Transfer (share-ride) unless each contracted customer is charged Rates that meet or exceed the minimum established Limousine Rates.

- (7) Personal property left by a passenger in any Vehicle shall, upon its discovery by the Driver of the Vehicle, be reported to and deposited at the office of the Certificate holder where a record shall be maintained and the property held for the owner for a period of sixty (60) days, at the end of which time it shall be treated as abandoned property.
- (8) The Commission staff shall annually inspect all Vehicles subject to the provisions of these Rules and may inspect any Vehicle at any time. The inspection shall make certain that the Vehicle is in good working order for the public safety and comfort of the passenger. The results of each inspection shall be recorded. Any Vehicle failing to pass the inspection shall automatically have its Permit suspended until such time as the Vehicle satisfactorily passes inspection. It shall be unlawful to Operate or to cause to Operate a Vehicle with a suspended Permit.
- (9) If a Vehicle is found to be or is suspected, due to observation or customer complaint, to be in an unsatisfactory condition, the Commission staff will notify the Certificate holder to immediately suspend the Vehicle with guidance to have it report to the office of the Commission for inspection or to the Certificate holder's location for repair.
- (10) Certificate holders, or their representatives or independent contractors, shall not advertise by printed, electronic media or other means, to include business cards, in any name other than the name to which the Certificate has been issued by the Commission. All such advertising in phone directories and similar publications shall include the Certificate number issued to the holder by the Commission. Additionally, all such advertising shall specify what Type of service may be lawfully provided under Certificate from the Commission, i.e., Limousine, Van, Taxicab, Basic life support ambulance, wheelchair Handicab and/or stretcher Handicab, or Wrecker.
- (11) No Certificate holder, chauffeur, Public Vehicle operator or any other Person shall directly or indirectly provide Compensation in any form to any individual or entity or engage in any activity in connection with the payment of Compensation for the right to pick up passengers or provide service from any hotel, motel, apartment, restaurant, nightclub, or any other business establishment, or public facility. This subsection does not apply to payment of Compensation to governmental entities. The Certificate and/or Public Vehicle Driver's license for any Limousine, Van, Taxicab, BLS ambulance, Handicab service provider, or Wrecker, or Vehicle operator/chauffeur shall be subject to suspension or, except for Taxicab Certificates, revocation for violation of this rule.
- (12) 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 the Special Act and these Rules.

Wrecker operators may not sub-contract with individual operators holding licensure as prescribed herein for the operation of its Wreckers.
- (13) Taxicab service must be provided 24 hours a day, seven days a week. Companies must be centrally dispatched and dispatching of Fares by Drivers, while Operating a Vehicle is

prohibited.

(14) Wrecker Operators shall comply with the following additional procedures:

- (a) All Certificate holders shall abide by all applicable city, County, state and federal laws, Rules regarding the removal, towing, recovery and Storage of Vehicles or property.
- (b) Hold orders placed by law enforcement agencies shall be honored and the Vehicle and/or property shall not be released without authorization from said law enforcement agency. Release forms shall be filed for future reference for a period of one year.
- (c) Any Wrecker Certificate holder or Driver/operator or their agents, servants, or employees called to the scene of a motor Vehicle accident by or at the request of the owner or operator of the disabled Vehicle, may solicit repair work from the owner or operator of any motor Vehicle involved in said accident; further, any Wrecker operator called to the scene of any accident by a police agency may solicit repair work from the owners or operators of Vehicles involved in the accident, so long as said solicitation does not impede the flow of traffic or cause a danger to life or property. The investigating police officer or officers at the scene of the accident shall determine the existence of an impediment to the flow of traffic or the existence of a danger to life or property.
- (d) The Wrecker operator shall respond to all requests for service made through a governmental agency within thirty (30) minutes. If response cannot be made within the thirty (30) minute time period, under existing conditions and circumstances, the Wrecker operator shall notify the agency of the estimated time of delay and the reasons therefore, and the communications officer may cancel the request for service and use another participating Wrecker operator if the delay is determined unreasonable.
- (e) Certificate holders desiring to be temporarily removed from service shall contact the communications supervisor at each affected agency and advise them of same. This shall not affect the operator's position on the call list. When back in service, the operator shall advise the communications supervisor(s) who will place the company back into active status. This temporary removal from service shall not exceed thirty (30) days.
- (f) Personal property left in any Vehicle shall be released to the registered owner during normal office hours. This shall include the license plate. There will be no obligation to the owner other than signing a receipt for the Personal property. Failure to sign the receipt will be the only grounds for refusal to release such property. This does not include any parts of the Vehicle such as tires, radio, batteries, or similarly installed equipment.
- (g) The Certificate holders shall, within the time frames required and Permitted by Florida Statutes send, by certified mail, notice of said impoundment to the owner and lien holder of an impounded motor Vehicle. The owner's address may be obtained from the Department of Motor Vehicles. The notice shall state the fact of the seizure of the Vehicle, the place the Vehicle is stored and the accruing Storage Charges of the Vehicle.

The certified mail receipt shall be kept by the Wrecker company for a period of two (2) years following the release or disposition of the motor Vehicle. Failure to provide notice to the owner by certified mail may forfeit the Wrecker company's entitlement to any Storage Charges.

(15) Wrecker Operators shall comply with the following Storage Requirements:

- (a) The Storage facility must have sufficient area to store a minimum of six (6) Vehicles outdoors and must be co-located with the business office. The facility must be fenced and locked for the protection of Vehicles and property. Fences will be a minimum of six(6) feet in height. The facility must be illuminated with lighting of sufficient intensity to reveal Persons and Vehicles at a distance of at least 150 feet during nighttime. The facility must use at least one of the following security measures: a night dispatcher or watchman remains on duty at the Storage facility from sunset to sunrise; a security dog remains at the Storage facility from sunset to sunrise; security cameras or other similar surveillance devices monitor the Storage facility; or a security guard service examines the Storage facility at least once each hour from sunset to sunrise.
- (b) Each facility must have facilities to provide weather protective inside Storage sufficient to protect two (2) Vehicles simultaneously.
- (c) Signs will be posted at or near the entrances of the business and Storage facilities, having the name, address and telephone number of the business. Telephone numbers of Persons to be contacted during non-business hours, who have the authority to release Vehicles shall be posted. Said telephone number lettering will be a minimum of three inches (3") in height.
- (d) Prior to a Certificate holder changing a business location, the Certificate holder must submit an administrative change application to the Commission for approval. Before a Wrecker Certificate holder can commence operations at the new address, the location must be inspected to ascertain that the facilities comply with the Rules of the Commission. In addition, Certificates of insurance must be revised, telephone numbers must be changed to reflect the new business location. Upon approval of the change by the Commission and completion of all required inspections, the new information will be forwarded to the affected agencies.
- (e) Failure of the Certificate holder to comply with these requirements will result in an immediate suspension of the Certificate without notice until the Wrecker Certificate holder shall come into compliance.
- (f) Unless specifically authorized by the Commission, Wrecker Certificate holders shall have nothing on Vehicles, buildings, or correspondence that implies any official relationship between the Wrecker company and any governmental agencies.
- (g) Unless otherwise required by the contracting agency, Storage facilities meeting the requirements of this Section shall be at the same location as the Wrecker Certificate

holder's business location and no more than one Certificate holder may use the same Storage facility.

- (h) Vehicles may be moved to a secondary Storage facility meeting the requirements of this Section after legal notification has been made to the registered owner and any lien holder of the Vehicle. No additional towing charge shall be made for this movement.
- (i) Any Vehicle recovered and stored subject to these Rules shall be released within one (1) hour of an oral or written request therefore by the owner, lien holder, or other Person authorized to secure the release of the Vehicle, at any time the Wrecker service is open for operations.
- (j) Required operation hours for rotation Wrecker services will be between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday as a minimum. The office must have Personnel on duty from 8:00 a.m. to 6:00 p.m., Monday through Friday to answer calls from the duty officer and to serve the public. However, on the following holidays observed by state agencies, no Personnel are required to be on duty at the office to serve the public: New Year's Day; Birth of Martin Luther King, Jr. (third Monday in January), Memorial Day, Independence Day, Labor Day, Veteran's Day (November 11), Thanksgiving Day, Friday after Thanksgiving Day, Christmas Day. If any holiday falls on a Sunday, the following Monday shall be observed as the holiday. If any holiday falls on a Saturday, a Wrecker Certificate holder may observe the holiday on the preceding Friday, meaning personnel need not be physically present on duty, at the office, but available to answer calls serving the public. However, under such circumstances, the service charge described in Rule 1-7.001 (15)(k) shall not be assessed and the Wrecker Certificate holder shall advise the public of such by means of posting this information at the Storage site. Wrecker Certificate holders may open their operations on Saturdays, Sundays and holidays and later hours are Permitted.
- (k) Vehicles requested to be released after hours or on days which operations are closed will be subject to a service charge of not more than fifty dollars (\$50.00) to open after hours or on Sundays, if closed. If a Wrecker Certificate holder is open for normal business on Sunday or any holiday, the \$50 dollar service charge shall not be assessed, except in the case of nonconsensual towing, provided that three (3) hours have passed since the person or firm removing the Vehicle or vessel notified the municipal police department or, in the unincorporated area, the Sheriff as required by law, and the Vehicle or vessel owner contacted the wrecker company before 8:00 a.m. Upon agreement of the Parties, the time for release may be extended for up to eighteen (18) hours from the time the request is made with no additional fee charged. No additional Storage or lien notice Charges shall be assessed under the eighteen (18) hour extension provision once agreement of the Parties has been reached. The fees due shall be those that were actually due at the time that the eighteen (18) hour extension was requested. All Storage and recovery fees shall be payable prior to release of the Vehicle
- (l) Vehicles that are authorized to be retrieved/relocated by an agent of the owner or insurance company will be stored/positioned in such a manner that the retrieving agent can access the Vehicle for the purposes of driving, towing or loading the Vehicle. If the towing service will not allow the retrieving agent to enter the Storage yard, the Vehicle

must then be repositioned by the towing service to a safe location outside the Storage yard where the Vehicle can be accessed, for no additional charge for the relocation. If the owner or agent of the owner/insurance company does not have the proper equipment to safely enter the Storage area to remove and/or load the Vehicle and the towing service must move the Vehicle for them to a location so they can load the Vehicle, the towing service may charge a maximum of twenty-five dollars (\$25.00) fee per Vehicle relocated.

(16) Wreckers operators providing non-consensual towing shall comply with the following conditions and restrictions:

- (a) Any towed or removed Vehicle or vessel must be stored at a site within a 10-mile radius of the point of removal. The Vehicle must be towed or removed directly to a Storage facility meeting the requirements of Rule 1-7.001(15) and § 713.78, F.S. It shall not be towed or removed to a temporary site or any other site which does not meet the above referenced requirements. That site must be open for the purpose of redemption of Vehicles on any day that the Person or firm towing such Vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a Vehicle or vessel, the operator shall return to the site within 1 hour.
- (b) The Person or firm towing or removing the Vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the Storage site, the time the Vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the Vehicle or description and registration number of the vessel and shall obtain the name of the Person at that department to whom such information was reported and note that name on the trip record.
- (c) A Person in the process of towing or removing a Vehicle or vessel from the premises or parking lot in which the Vehicle or vessel is not lawfully parked must stop when a Person seeks the return of the Vehicle or vessel. The Vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service. The Vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized Person in control of the Vehicle or vessel is unable to pay the service fee. If the Vehicle or vessel is redeemed, a detailed signed receipt must be given to the Person redeeming the Vehicle or vessel.
- (d) A Person may not pay or accept money or other valuable consideration for the privilege of towing or removing Vehicles or vessels from a particular location.
- (e) Except for property appurtenant to and obviously a part of a single-family residence, and except for instance when notice is personally given to the owner or other legally authorized Person in control of the Vehicle or vessel that the area in which that Vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized Vehicles or vessel and that the Vehicle or vessel is subject to being removed at the owner's or operator's expense, a Wrecker operator may not tow or remove any Vehicle

or vessel from private property without the consent of the owner or other legally authorized Person in control of that Vehicle or vessel, unless a notice is posted meeting the following requirements:

1. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.
2. The notice must clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized Vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.
3. The notice must also provide the name and current telephone number of the Person or firm towing or removing the Vehicles or vessels.
4. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not less than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to the towing or removal of any Vehicles or vessels.
5. In those local government jurisdictions that require Permitting and inspection of these signs prior to any towing or removal of Vehicles or vessels being authorized, the sign has a Permit.
6. If the Vehicle or vessel is towed from a business with 20 or fewer parking spaces, if there is a sign prominently displayed stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background, the posted notice requirements of this section are considered satisfied.
7. A posted tow-away zone sign is not required at a business when the Vehicle or vessel is parked in such a manner that restricts the normal operation of the business. If a Vehicle or vessel is parked on a public right-of-way obstructs access to a private driveway, and the Wrecker operator receives a signed order from the real property owner, lessee, or agent, a posted tow-away sign is not required. A posted tow-away zone sign is not required on property owned by any governmental entity.

(f) Wrecker Operators must file and keep on record with the Public Transportation Commission, Sheriff, Tampa Police Department, Temple Terrace Police Department and Plant City Police Department, a complete copy of the current Rates to be charged for such services and post at the Storage site an identical rate schedule and any written contracts with property owners, lessees, or Persons in control of property which authorize such Person or firm to remove Vehicles or vessels.

(g) Wrecker Operators shall, on any Wreckers used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly

printed in contrasting colors on the Driver and passenger sides of the Vehicle. The name shall be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.

- (h) Wrecker Operators shall exercise reasonable care when entering the Vehicle or vessel for the purpose of removing the Vehicle or vessel.
- (i) When a Vehicle or vessel has been towed or removed, it must be released to its owner or custodian within one hour after requested. Any Vehicle or vessel owner or agent shall have the right to inspect the Vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the Person or firm towing the Vehicle or vessel from liability for damages noted by the owner or other legally authorized Person at the time of the redemption may be required from any Vehicle or vessel owner, custodian, or agent as a condition of release of the Vehicle or vessel to its owner. A detailed, signed receipt showing the legal name of the company or Person towing or removing the Vehicle or vessel must be given to the Person paying towing or Storage Charges at the time of payment, whether requested or not.
- (j) No law enforcement, firefighting, rescue squad, ambulance, or other emergency Vehicles or vessels that are marked as such may be towed or removed.
- (k) Rates charged shall comply with Rates in Rule 1-20.001(7), or Rates adopted by governing, applicable local governmental jurisdiction. Wrecker Operators shall maintain sufficient bills and coins, so that upon payment of the Charges, exact change can be provided.
- (l) No Wrecker Operator may tow or remove a Vehicle parked on the property of a business licensed to sell alcoholic beverages for consumption on the licensed premises from 9:00p.m. until noon, unless the Wrecker operator at the time of towing or removing is in receipt of a order signed by the property owner, lessee, or authorized employee thereof authorizing the removal of the particular Vehicle.

Such order must be signed prior to the Vehicles removal and must include: Vehicle make, model, color, and license plate number, address of Vehicle location, date and time of order, date and time of removal, name of Person issuing order and their employer, name of towing service to which order is issued, name of Driver, and address of Storage site.

Copies of Order shall be maintained for a minimum of 3 years. Copies of Orders shall be available for inspection by the Vehicle owner, Public Transportation Commission, County, Municipalities, or any law enforcement agency.

- (m) Prior to towing or removing a Vehicle or vessel, the Wrecker Operator shall photograph or video record the Vehicle or vessel. If the Vehicle or vessel is being towed because of a physical feature of the Vehicle, or its location, then the photograph or video should document this feature or location. Copies of photograph or video, shall be maintained for

a minimum of 1 year. Copies shall be available for inspection during normal business hours by the Vehicle or vessel owner, Public Transportation Commission, County, Municipalities, or any law enforcement agency. For example if a Vehicle is towed because it is occupying two spaces, then photograph should show the Vehicle's placement relative to the parking spaces.

Credits

Adopted March 19, 2013; Amended August 15, 2014; Amended November 2, 2015

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Section 5(1)(a).

Chapter 1-8 Vehicle Standards
Rule 1-8.001 Vehicle Standards

(1) Taxicab Equipment Standards

- (a) Taxicabs shall be subject to inspection by the Commission and other law enforcement officials.
- (b) All Taxicabs must have the following equipment installed and maintained in proper Operating condition: brakes, tires, wheelcovers or hubcaps (all of the same type), horn, steering mechanism, windshield wipers, headlights, tail lights, tag light, interior lights, emergency flashing lights, cruise light, directional signals, exhaust system, rear-view mirror and side view mirror, speedometer, odometer, safety belts, air conditioning system, approved safety non-shatterable glass in the windshield and all windows, a Taximeter approved by the Commission and two-way radio communication Operating with the capability to dispatch twenty-four (24) hours a day, seven (7) days a week.
- (c) Taxicab tires shall be considered unsafe if they have: any ply or cord exposed; any bump, bulge, or knot affecting the tire structure; any break repaired with a boot; a tread depth of less than 2/32 of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, the tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire; a marking “not for highway use”, or “for racing purposes only”; or such other conditions as may be reasonably judged to render it unsafe.
- (d) The interior must be kept clean, sanitary, free from torn upholstery or floor coverings and from damaged or broken seats.
- (e) Door hinges and latches must be in good mechanical working order and all doors must Operate easily and close securely;
- (f) The Vehicle must be structurally sound and Operate with a minimum of noise and vibration;
- (g) The body, fenders, doors, trim, grill, and paint must be reasonably free from cracks, breaks, dents and fading that would impair the safety or appearance of the Vehicle.
- (h) Vision from the Vehicle must be unobstructed on all four sides.
- (i) A Standard Taxicab must display a notice to passenger service standards decal approved by the Commission inside the left rear door window which must be visible from the back section of the Vehicle.
- (j) Luxury Taxicabs must display a notice for passengers, approved by the Commission, that states the following: “This Vehicle is a Luxury Taxicab and by regulation Charges a rate

higher than a Standard Taxicab. The operator is required to charge the metered rate”.

- (k) A Standard Taxicab must display the company Vehicle number (decal or painted) on the back of the front seat and must be visible from the back section of the Vehicle.
- (l) A Standard Taxicab shall be five (5) model years old or newer when initially inspected to be placed in service. If a Permitted Vehicle is taken out of service for longer than thirty (30) calendar days, the Vehicle will lose its status as a previously in-service Vehicle.
- (m) A Standard Taxicab, if currently Permitted, cannot exceed ten (10) model years at the point of the annual inspection.
- (n) A Luxury Taxicab shall be five (5) model years old or newer when initially inspected to be placed in service. If a Permitted Vehicle is taken out of service for longer than thirty (30) calendar days, the Vehicle will lose its status as a previously in-service Vehicle.
- (o) A Luxury Taxicab, if currently Permitted, cannot exceed ten (10) model years at the point of the annual inspection.
- (p) Luxury Taxicabs shall be a model of Vehicle approved by the Commission as a luxury Vehicle and shall be a sedan with 4 doors and a trunk with space to carry luggage for at least 2 people.
- (q) The Taxicab Certificate holder's trade name, Taxicab number and telephone number must be permanently displayed upon both sides of the Vehicles metal exterior with letters at least three inches (3") high. The Taxicab number must be painted upon the outside rear panel of the Taxicab in betters at least three inches (3") high. The color scheme for each Vehicle in the fleet must match the approved version filed with the Commission. Certificate holders that have designated Permits for both Luxury and Standard Taxicab service shall have separate color schemes, trade names and telephone numbers for each class of Taxicabs provided that each are approved by the Director. A Taxicab service that has been approved for a geographically restricted Certificate must identify the assigned zone in 3" letters on the front right and left fender and rear of the Vehicle (e.g., SE Zone).
- (r) A Taxicab shall not be equipped with shades or curtains which can be manipulated in such a way as to shield the occupants or Driver from observation or obstruct the view through the rear window.
- (s) All window tinting must conform with Florida State Statutes.
- (t) Any citizen band radio, scanner or other communication device capable of receiving a frequency assigned to Taxicabs shall be prohibited.
- (u) Taxicabs will not display stickers on the bumpers, body or windows of the Taxicabs unless expressly authorized by the Commission.

(v) Taxicabs may display advertisements on the wheelcovers cosigning lower panels of side doors, rear window (provided it is see through) and Vehicle roof-tops provided that the advertisement method does not create any safety hazards. PTC Staff may approve other displays on Taxicabs only during special event(s) and for the sole purpose of advertising the special event(s) (ex. Super Bowl, ACC Bowl, Outback Bowl, NCAA Tournaments, Guavaween, Gasparilla, Conventions). No approval shall exceed seven (7) consecutive days, unless the event lasts longer than 7 days.

(2) Handicab Equipment Standards

- (a) Handicabs shall be subject to inspection by the Commission and other law enforcement officials.
- (b) A Handicab may not be a Taxicab and it may not be older than five (5) model years when initially inspected to be placed in service. If a Permitted Vehicle is taken out of service for longer than thirty (30) calendar days, the Vehicle will lose its status as a previously in-service Vehicle.
- (c) A Handicab, if currently Permitted, cannot exceed ten (10) model years at the point of the annual inspection.
- (d) The use of the term “ambulance” or “ambulatory service” shall not be used and no representations shall be made that any medical service is available. No emergency equipment other than a required fire extinguisher shall be carried.
- (e) All Handicabs must have the following equipment installed and maintained in proper Operating condition: brakes, tires, wheelcovers, horn, steering mechanism, windshield wipers, headlights, tail lights, tag light, interior lights, emergency flashing lights, cruise light, directional signals, exhaust system, rear-view mirror and side view mirror, speedometer, odometer, approved safety non-shatterable glass in the windshield and all windows, safety belts, an air conditioning system, two-way radio communication Operating with the capability to dispatch twenty-four (24) hours a day, seven (7) days a week, an inside rear-vision mirror which will enable the Driver to view the passenger compartment, at the level at which the passengers ride.
- (f) Handicab tires shall be considered unsafe if they have: any ply or cord exposed; any bump, bulge, or knot affecting the tire structure; any break repaired with a boot; a tread depth of less than 2/32 of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, the tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire; a marking “not for highway use”, or “for racing purposes only”; or such other conditions as may be reasonably judged to render it unsafe.
- (g) The interior must be kept clean, sanitary, free from torn upholstery or floor coverings and

from damaged or broken seats.

- (h) Door hinges and latches must be in good mechanical working order and all doors must Operate easily and close securely.
- (i) The Vehicle must be structurally sound and Operate with a minimum of noise and vibration.
- (j) The body, fenders, doors, trim, grill, and paint must be reasonably free from cracks, breaks, dents and fading that would impair the safety or appearance of the Vehicle.
- (k) Vision from the Vehicle must be unobstructed on all four sides.
- (l) A Handicab must display a notice to passenger service standards decal approved by the Commission inside the left rear door window which must be visible from the back section of the Vehicle.
- (m) A Handicab must display the company Vehicle number (decal or painted) on the back of the front seat and must be visible from the back section of the Vehicle.
- (n) The Certificate holder's trade name, Handicab number and telephone number must be permanently displayed upon both sides of the Vehicles metal exterior with letters at least three inches (3") high. The Handicab number must be painted upon the outside rear panel of a Handicab in letters at least three inches (3") high. The color scheme for each Vehicle in the fleet must match the approved version filed with the Commission.
- (o) A Handicab shall not be equipped with shades or curtains which can be manipulated in such a way as to shield the Driver from observation.
- (p) All window tinting must conform with Florida State Statutes.
- (q) All Handicabs equipped for wheelchair transportation shall comply with the following:
 1. Each Vehicle shall have a lift or ramp, Operated manually, electrically and/or hydraulically, with sufficient Capacity to safely and smoothly facilitate the entrance of passengers into the Vehicle and exit from the Vehicle;
 2. Each Vehicle shall have, for each passenger transported two (2) positive means of securely latching or locking to the Vehicle the wheelchair in which a passenger will ride. The latching device shall be designed to prevent any lateral, longitudinal or vertical motion of the passenger conveyance within the Vehicle;
 3. Each Vehicle shall have, for each passenger transported, restraining belts or straps designed to securely confine passengers to wheelchairs in which they are transported;
 4. Vehicle entry and exit doors shall be equipped with latching devices sufficient to

restrain individual passenger conveyances within the passenger compartment of the Vehicle;

5. Each Vehicle must have a minimum of fifty-six inches (56") headroom from the finished floor to the finished ceiling in the passenger compartment, including door opening to allow for proper head clearance of the passenger seated in the wheelchair;
6. The floor covering shall be seamless, one piece, permanently applied material, which can be maintained in a safe, sanitary and odor free manner, and shall extend the full length and width of the passenger compartment. Where side panels and covering meet at the joints and side walls, they shall be sealed and bordered with rustproof, corrosion-resistant cove moldings.

- (r) All Handicabs equipped for stretcher transportation shall comply with the following:
 - (s) Each Vehicle shall have a crash stable side or center mounting style litter fastener of the quick release type.

Each Vehicle will have at least two (2) strap type restraining devices provided per stretcher, cot, and litter to prevent longitudinal or transverse dislodging of the patient during transit.

- (t) Each Vehicle must have a smooth floor which has a minimum of voids or pockets at the floor to side wall areas where water or moisture can become trapped.
 1. Each Vehicle must have clean blankets, linen, or disposable sheets to be used for each patient.
 2. Each Vehicle must have airtight Storage compartments for soiled linen.
 3. Each Vehicle must have two (2) attendants who are properly licensed by the Commission.

(3) Van Equipment Standards

- (a) A Van may not be older than five (5) model years when initially inspected to be placed in service. If a Permitted Vehicle is taken out of service for longer than thirty (30) calendar days, the Vehicle will lose its status as a previously in-service Vehicle.
- (b) A Van, if currently Permitted, cannot exceed ten (10) model years at the point of the annual inspection.
- (c) A Van shall be subject to inspection by the Commission and other law enforcement officials.
- (d) A Van must have the following equipment installed and maintained in proper Operating

condition: Brakes, tires, wheelcovers, horn, steering mechanism, windshield wipers, headlights, tail lights, tag light, interior lights, emergency flashing lights, directional signals, exhaust system, rear-view mirror and side view mirror, speedometer, odometer, safety belts, air conditioning system, approved safety non-shatterable glass in the windshield and all windows.

- (e) Van tires shall be considered unsafe if they have: any ply or cord exposed; any bump, bulge, or knot affecting the tire structure; any break repaired with a boot; a tread depth of less than 2/32 of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, the tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire; a marking "not for highway use", or "for racing purposes only"; or such other conditions as may be reasonably judged to render it unsafe.
- (f) Interior must be kept clean, sanitary, free from torn upholstery or floor coverings and from damaged or broken seats;
- (g) Door hinges and latches must be in good mechanical working order and all doors must Operate easily and close securely;
- (h) Vehicle must be structurally sound and Operate with a minimum of noise and vibration;
- (i) The body, fenders, doors, trim, grill, and paint must be reasonably free from cracks, breaks, dents and fading that would impair the safety or appearance of the Vehicle;
- (j) Vision from the Vehicle must be unobstructed on all four sides.
- (k) A Van must display the company Vehicle number (decal or painted) on the back of the front seat or any conspicuous place where it is visible from the back section of the Vehicle.
- (l) The Certificate holder's trade name, Van number and telephone number permanently displayed upon both sides of the Vehicles metal exterior with letters at least three inches (3") high. The Van-Limousine number must be painted upon the outside rear panel of the Van in letters at least three inches (3") high. The color scheme for each Vehicle in the fleet must match the approved version filed with the Commission.
- (m) A Van shall not be equipped with shades or curtains that can be manipulated in such a way as to shield the Driver from observation.
- (n) All window tinting must conform with Florida State Statutes.
- (o) The Director may, on a temporary basis, not to exceed 60 days, waive the signage requirements for any Van Operating under a written contract for service upon receipt of a

copy of the contract or other written statement signed by the contracting customer acknowledging and agreeing to the hiring of the Van without requisite signage.

(p) Vans may display advertisements on the rear of the Vans provided that it does not create any safety hazards or permanently block the trade name, phone number or Vehicle number.

(4) Limousine Equipment Standards

- (a) A Limousine shall be subject to inspection by the Commission and other law enforcement officials.
- (b) A Limousine sedan or SUV shall be five (5) model years old or newer when initially inspected to be placed in service. If a Permitted Vehicle is taken out of service for longer than thirty (30) calendar days, the Vehicle will lose its status as a previously in-service Vehicle.
- (c) A stretch Limousine may not be older than five (5) model years when initially inspected to be placed in service.
- (d) A Limousine sedan or SUV, if currently Permitted, cannot exceed ten (10) model years at the point of the annual inspection.
- (e) A stretch Limousine, if currently Permitted, cannot exceed ten (10) model years at the time of annual inspection.
- (f) A Limousine must have the following equipment installed and maintained in proper Operating condition: Brakes, tires, wheelcovers, horn, steering mechanism, windshield wipers, headlights, tail lights, tag light, interior lights, emergency flashing lights, directional signals, exhaust system, rear-view mirror and side view mirror, speedometer, odometer, safety belts, air conditioning system, approved safety non-shatterable glass in the windshield and all windows.
- (g) Limousine tires shall be considered unsafe if they have: any ply or cord exposed; any bump, bulge, or knot affecting the tire structure; any break repaired with a boot; a tread depth of-less than 2/32 of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, the tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire; a marking “not for highway use”, or “for racing purposes only”; or such other conditions as may be reasonably judged to render it unsafe.
- (h) Interior must be kept clean, sanitary, free from torn upholstery or floor coverings and from damaged or broken seats.
- (i) Door hinges and batches must be in good mechanical working order and all doors must

Operate easily and close securely.

- (j) The Vehicle must be structurally sound and Operate with a minimum of noise and vibration.
- (k) The body, fenders, doors, trim, grill, and paint must be reasonably free from cracks, breaks, dents and fading that would impair the safety or appearance of the Vehicle.
- (l) Vision from the Vehicle must be unobstructed on all four sides.
- (m) A Limousine must display the Vehicle Permit sticker in the left-hand bottom of the rear windshield. The front “courtesy plate” on the Limousine cannot have the name of a Limousine service provider other than the name of the Certificate holder.
- (n) A Limousine shall not be equipped with shades or curtains which can be manipulated in such a way as to shield the Driver from observation from the side or front windows.
- (o) All window tinting must conform with Florida State Statutes.
- (p) Limousines may not be re-configured, mechanically or electrically, from its original design to enable a Taximeter to be installed or Operated.
- (q) The company name must be displayed on the side or rear of the Vehicle in permanent letters that contrast with the Vehicle color and are not less than **1/2** inch high. Front “courtesy plates” and magnetic signs or easily removable letters will not meet this requirement.

(5) Basic Life Support Ambulance Standards

- (a) Basic Life Support Ambulances shall be subject to inspection by the Commission and other law enforcement officials.
- (b) A BLS ambulance may not be older than five (5) model years when initially inspected to be placed in service. If a Permitted Vehicle is taken out of service for longer than thirty (30) calendar days, the Vehicle will lose its status as a previously in-service Vehicle.
- (c) A BLS ambulance, if currently Permitted, cannot exceed ten (10) model years at the point of the annual inspection.
- (d) All Basic life support ambulances must have the following equipment installed and maintained in proper Operating condition: Brakes, tires, wheelcovers, horn, steering mechanism, windshield wipers, headlights, tail lights, tag light, interior lights, emergency flashing lights, directional signals, back-up lights, back-up audible signal, parking lights, rear-view mirror and side view mirror, speedometer, odometer, safety belts, a spare tire, equipment to change a tire and one set of battery jumper cables, an operable air conditioning system and exhaust system.

- (e) BLS ambulance tires shall be considered unsafe if they have: any ply or cord exposed; any bump, bulge, or knot affecting the tire structure; any break repaired with a boot; a tread depth of less than 2/32 of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, the tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire; a marking "not for highway use", or "for racing purposes only"; or such other conditions as may be reasonably judged to render it unsafe.
- (f) Interior must be clean, sanitary, free from torn upholstery or floor coverings and from damaged or broken seats.
- (g) Door hinges and latches must be in good mechanical working order and all doors must Operate easily and close securely.
- (h) Vehicle must be structurally sound and Operate with a minimum of noise and vibration.
- (i) The body, fenders, doors, trim, grill, and paint must be reasonably free from cracks, breaks, dents and fading that would impair the safety or appearance of the Vehicle.
- (j) Vision must be unobstructed on all four sides.
- (k) All Vehicles must be equipped with approved safety non-shatterable glass in the windshield and all windows. All the glass windows should function efficiently.
- (l) The interior seats of all Basic life support ambulances shall be of a leather or similar non-absorbent washable material and shall be kept clean and free of stains, rips and tears.
- (m) A Basic life support ambulance must display the company Vehicle number (decal or painted) at least 3" high that is visible from the back section of the Vehicle.
- (n) The Certificate holder's trade name, Basic life support ambulance number and telephone number must be permanently displayed upon both sides of the Vehicles metal exterior with betters at least three inches (3") high. The Basic life support ambulance number must be painted upon the outside rear panel of a Basic life support ambulance in letters at least three inches (3") high;
- (o) BLS ambulance radio communications systems must comply with the requirements of Florida Statutes.
- (p) In addition to the above mentioned Rules, the Basic life support ambulance shall adhere to the requirements of Florida Statutes and the Florida Administrative Code.

(6) Wrecker Standards

(a) Wreckers will be classified into three categories: light-duty, medium-duty and heavy duty. Each Certificate holder must have, as a minimum, a light Car-Carrier and a light recovery Wrecker. Wrecker operators not on a government rotation list need only have one of the above. If a Certificate holder has medium or heavy Recovery Vehicles/Car-Carriers, the minimum requirements would be met. Certificate holders shall not transport Vehicles whose gross Vehicle weight (GVW) exceeds the rated Capacity of the Wrecker Vehicles.

1. Light-duty Wreckers, either a Recovery Vehicle or a Car-Carrier, can generally tow or carry a four-tire Vehicle up to 10,001 lbs. gross Vehicle weight (GVW).
2. Medium-duty Wreckers, either a Recovery Vehicle or a Car-Carrier, can generally tow or carry a six-tire Vehicle from 10,000 lbs. to 26,000 lbs. gross Vehicle weight (GVW), but may be limited due to lift factors, Vehicle loads or other factors that might determine the class of Wrecker required.
3. Heavy-duty Wreckers, either a Recovery Vehicle or a Carrier, can generally tow or carry a Vehicle with six tires or more from 26,001 lbs. gross Vehicle weight and over, but might be required to tow/carry a lesser weight Vehicle due to lift factors, Vehicle load or other factors that might determine the class of Wrecker required.

(b) All Classifications of Wreckers shall have the following:

1. A cradle or tow plate to pick up Vehicles. The cradle or tow plate shall be equipped with safety chains and constructed in such a manner that it will not damage the Vehicle towed.
2. Dual rear wheels.
3. Clearance and marker lights and all other equipment as required by Chapter 316, Florida Statutes.
4. A rotor beam or strobe-type light, amber in color, mounted on the Vehicle in such a manner that it can be seen from the front, rear and both sides.
5. The name, address and telephone number of the trade name of the Certificate holder permanently affixed in a conspicuous place on both sides of the trucks. A unit number shall be permanently affixed on both sides of the cab of each Vehicle. The same unit number on two Vehicles under the same Certificate is prohibited. Multiple addresses and telephone numbers are prohibited.
 - a. The name must be in letters at least three (3) inches in height.
 - b. The address and telephone number must be in letters at least one (1) inch in height.

- c. The unit number must be at least three (3) inches in height and in contrasting color.
- d. Magnetic or removal signs or placards will not meet these requirements.

6. At least one heavy duty push broom with a minimum width of twenty-four inches.
7. One square shovel.
8. One ax.
9. One crowbar or prybar with a minimum length of thirty (30) inches.
10. Minimum of one (1) five pound CO₂ or dry chemical fire extinguisher or equivalent. Must be approved type and have a current inspection tag.
11. One pair of bolt cutters with a minimum opening of $\frac{1}{2}$ inch.
12. One set of jumper cables/jump box.
13. One four-way lug wrench.
14. One flashlight.
15. Five thirty-minute fuses.
16. One snatch block for each winch with manufacturer's rating to match winch (exclusive of Car-Carriers).
17. Two (2) flood lights mounted on the hoist of each Recovery Vehicle or Car-Carrier.
18. A one and seven-eighth (1 7/8) inch trailer hitch ball and a two (2) inch trailer hitch ball along with a hitch to utilize both (exclusive of Car-Carriers).
19. Extra towing chain six to eight feet in length with hooks.
20. At least three (3) safety cones or triangle reflectors.
21. Fifty pounds of sand or equivalent.
22. Cell-phone or a properly licensed two-way voice capability, installed and Operating with access to a central dispatch facility manned twenty-four (24) hours a day, seven (7) days a week. Scanners or any other radio or device capable of receiving frequencies assigned to public safety agencies shall be prohibited.

1. Two (2) portable tail lamps which can be affixed to the rear of a towed Vehicle which when lighted meet the requirements of Florida Statutes regarding stop lights, turn

signals and other signaling devices as required by Florida Statutes.

Except, as to Wreckers which are not on a government towing rotation, the following items listed above are only optional: 6, 7, 8, 9, 11, 12, 13, 15, 16, 17, 20 and 21.

Additionally, for such wreckers, the specifications and requirements below relating to winches are not applicable.

- (c) Light-duty Recovery Vehicles, for the removal of cars and light-duty trucks and Vehicles weighing 10,000 lbs. GVW or less must meet the following specifications and equipment requirements in addition to the requirements of Rule 1-8.001(6)(b):
 - 1. A truck chassis with a manufacturer's rated Capacity of at least 10,000 lbs. GVW or less. A complete, twin-winch, commercially manufactured boom having a manufacturer's combined rating of at least four (4) tons must be mounted on the chassis. Hand crank winches do not satisfy these requirements. The Recovery Vehicle boom can be a double boom construction so as to Permit splitting or separating each boom to Operate independently or jointly; or, a single boom which has a single boom which is hydraulically Operated and has twin cables which are Operated individually; or, hydraulically Operated with lift equipment with twin cables.
 - 2. A minimum of one hundred feet of 3/8 inch cable on each drum.
 - 3. Dollies and associated equipment.
- (d) Light-duty Car-Carriers used to pick up disabled Vehicles and to prevent damage to disabled Vehicles, including, but not limited to sport type Vehicles, small trailers and boats and which may also be used to transport cargo from an accident scene must meet the following specifications and equipment requirements in addition to the requirements of Rule 1-8.001(6)(b):
 - 1. Minimum manufacturer's Capacity of not less than one (1) ton and shall have a truck bed at least sixteen (16) feet long and shall be equipped with dual wheels;
 - 2. A power winch, with a pulling Capacity of not less than four (4) tons;
 - 3. A brake locking device;
 - 4. Two spot (flood) lights mounted on the rear of the Carrier;
 - 5. A minimum of four (4) safety tie down chains (minimum 10 feet long each), straps of at least twenty (20) feet in length and two (2) safety chains affixed to the rear of the Vehicle.
 - 6. A minimum of fifty (50) feet of three-eighths (3/8) inch or larger cable.

(e) Medium-duty Recovery Vehicles used for the removal of medium weight classification of six tire Vehicles such as trucks, buses and recreational Vehicles with a GVW of more than 5 tons and less than 13 tons, must meet the following specifications and equipment requirements in addition to the requirements of Rule 1-8.001(6)(b):

1. A truck chassis with a manufacturer's rated Capacity of at least 20,000 lbs. GVW. A complete, twin-winch, commercially manufactured boom and power winches having a manufacturer's combined rating of at least ten (10) tons must be mounted on the chassis. Hand crank winches do not satisfy these requirements.
2. A minimum of one hundred and seventy-five (175) feet of at least 7/16 inch cable on each drum.

(f) Medium-duty Car-Carriers used to pick up disabled Vehicles and to prevent damage to disabled Vehicles of medium class GVW (10,001 lbs. to 26,000 lbs.), and which may also be used to transport cargo from an accident scene must meet the following specifications and equipment requirements in addition to the requirements of Rule 1-8.001(6)(b):

1. Minimum manufacturer's Capacity of not less than five (5) tons and shall have a truck bed at least nineteen (19) feet long and shall be equipped with dual wheels;
2. A power winch, with a pulling Capacity of not less than eight (8) tons;
3. A brake locking device;
4. A minimum of four (4) safety tie down chains (minimum 10 feet long each), straps of at least twenty (20) feet in length and two (2) safety chains affixed to the rear of the Vehicle;
5. A minimum of fifty (50) feet of three-eighths (3/8) inch or larger cable.

(g) Heavy-duty Recovery Vehicles used for the removal of heavy-weight classification of six tire or more Vehicles such as trucks and buses with a GVW of more than 13 tons, must meet the following specifications and equipment requirements in addition to those in Rule 1-8.001(6)(b):

1. A truck chassis with a manufacturer's rated Capacity of at least 30,000 lbs. GVW and 50,000 lbs. GVW for tandem axle trucks. A complete, twin-winch, commercially manufactured boom and power winches having a manufacturer's combined rating of at least twenty-five (25) tons must be mounted on the chassis.
2. A minimum of two hundred feet of at least 5/8 inch cable on each drum.
3. Air brakes so constructed as to lock the rear wheels automatically upon failure.

4. External air hookup and hoses, to supply air to disabled Vehicles.
5. One set of scotch blocks for wheels or hydraulic rear-extendable scotch blocks.

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(1)(a), 5(1)(k), 5(1)(m), and 5(2)(hh).

Chapter 1-9 Rates (Fares)
Rule 1-9.001 Rates (Fares)

- (1) It shall be unlawful for any Certificate holder, or Driver to charge, demand, or request any fare or Rates that violate the Rates established pursuant to these Rules.
- (2) Provisions of these Rules shall not apply to gratuities.
- (3) The Commission shall reserve the right to fix and approve Rates for all regulated services.
As used in this section (See Rule 1-20.001 for current established Rates):
 - (a) The term '*fix*' shall mean any action of the Commission to determine the Rates, Fares, or Charges generally applicable to any Type of service Certificate, including, but not limited to, minimums, maximums and schedules.
 - (b) The term '*approve*' shall mean any action of the Commission causing ratification of any Rates, Fares, and Charges proposed by the Certificate holder, whether or not Rates, Fares, or Charges generally applicable to the Type of service Certificate have been fixed by the Commission.
- (4) Rates shall be established or changed in accordance with the following procedure:
 - (a) The Commission may consider requests to establish a rate or to change a rate change from any Certificate holder or member of the public.
 - (b) The Commission may require the staff to hold public workshops to gather information from the public and the respective industry.
 - (c) The Commission may request research from staff or other sources to gather information related to proposed rate changes.
 - (d) The Commission shall hold a public hearing to take hear public input and make a determination on proposed rate change(s).
- (5) The Commission may, upon request by a Certificate holder, create special Rates for providing specialized services.
- (6) Certificate holders shall be required to file their Rates with the Commission at the time of application and also may be required to post their Rates inside the passenger compartment of each Vehicle Operating under Permit from the Commission. For Taxicabs the rate shall be the same as that rate for which the Taximeter is calibrated. Certificate holders may not change the rate charged to passengers without filing with the Commission a letter of intent to do so not less than sixty (60) days prior to such change going into effect. Such notice shall be by certified mail, addressed to the Commission and all Certificate holders. Such change shall become effective upon approval by the Commission.

(7) Except in the case of minors or other incapacitated Persons, passengers are ordinarily expected to pay their own Fares directly. No commercial business may, directly or indirectly, subsidize a fare for any passenger through any contractual or other arrangement with a Certificate holder, Permit Holder, or Driver licensed under these Rules with the intent, purpose, or effect of circumventing the Rates, Fares, or Charges established by the Commission with respect to any form of transportation under its jurisdiction.

(8) The following apply specifically to Wreckers:

- (a) The maximum rate charged is based upon the gross Vehicle weight (GVW) of Vehicle towed not the type of Wrecker used to perform the service. For example, if a Certificate holder elects to use a heavy-duty Recovery Vehicle to tow a light/medium classification passenger car, the light/medium Rates apply.
- (b) When additional recovery or Car-Carriers are required, the maximum Rates in Rule 1-20.001 will apply for the additional Vehicle.
- (c) No Storage rate, of any class, shall be charged unless a Vehicle is stored in excess of twenty-four (24) hours for normal impounds and six (6) hours for any impound generated from a criminal offense. Storage begins when the towed Vehicle is secured at the Certificate holder's approved Storage site. After twenty-four (24) hours for normal impounds and six (6) hours for any impound generated from a criminal offense, the maximum Storage fee for light-duty Vehicles shall not exceed twenty-five dollars (\$25.00) per calendar day for inside or outside Storage. Inside Storage shall be applicable when it is necessary and practical for the protection of Vehicles or property or when requested by the owner. For medium-duty classification Vehicles, the Storage rate shall not exceed thirty-five dollars (\$35.00) per calendar day. For medium/heavy-duty classification of Vehicles, the Storage rate shall not exceed fifty-five dollars (\$55.00) per calendar day (tractor and trailer may be considered two Vehicles).
- (d) A Wrecker Certificate holder may charge for the costs associated with the preparation and service of lien notices required and Permitted by Florida law to reimburse them for actual expenses incurred in obtaining the required information and for preparing, processing and serving the required notices with the following limitations, no charge for processing of a lien notice shall be imposed until after the third day from the date of Storage excluding Saturday and Sunday.
- (e) Wrecker Certificate holders shall be required to post their Rates inside their business establishment.
- (f) The maximum Rates provided in these Rules are to be considered as all inclusive, except when other Rates are specifically authorized in Rule 1-20.001. Extra-ordinary towing and recovery events that result in excessive Rates will be considered on a case-by-case basis by the Commission staff and may be adjusted by Commission directive.

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(1)(a), 5(2)(hh), 5(2)(ii), and 5(2)(jj).

Chapter 1-10 Taximeters
Rule 1-10.001 Taximeters

- (1) Each Taxicab shall be equipped with a Taximeter approved by the Commission. It shall be unlawful to Operate any Taxicab unless its Taximeter has been inspected and found to be accurate and in satisfactory Operating condition by the Department of Agriculture and Consumer Services or other State agency. The Director shall suspend a Taxicab Permit if the Taximeter is found to be defective or inaccurate. Such Permit suspension shall remain in effect until the defective Taximeter has been replaced or repaired to the satisfaction of the Director. The Director may approve the lifting of any such suspension where the defective Taximeter has been repaired or replaced. The Director may invalidate the reinstatement of a Permit if the Taximeter is again found to be defective or inaccurate.
- (2) The Commission staff shall inspect all Taxicab Taximeters annually to assure compliance with these Rules.
- (3) The face of the Taximeter shall illuminate and be visible from the passenger compartment so that passengers may ascertain the amount of the fare.
- (4) No Taxicab shall be Operated unless the Taximeter has been sealed by the Department of Agriculture and Consumer Services or other State agency.
- (5) It shall be unlawful for any Person to tamper with, mutilate or break any Taximeter or the seal thereon.
- (6) The cruise light, Operating in conjunction with a Taximeter shall indicate that the Taxicab is vacant. The cruise light shall be off when the Taximeter is on.
- (7) A Taxicab with a transferred Taximeter shall not be used to transport passengers unless the Taximeter has been inspected, tested and sealed as required by these Rules.

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(1)(a), and 5(1)(l).

Chapter 1-11 Manifest and other Records
Rule 1-11.001 Manifest and other Records

- (1) Except for Wrecker Drivers, every Driver shall maintain a daily Manifest, otherwise known as a trip sheet, upon which they shall promptly and legibly record the following information: name of Driver, Vehicle number, year, month, date, the starting time, place of origin and destination of each trip during a Driver's Operating period.
- (2) The Manifest forms shall be furnished to the Driver by the Certificate holder.
- (3) Manifests shall be collected weekly by the Certificate holder and maintained for one (1) year. Certificate holders shall not destroy, mutilate, alter or otherwise deface daily Manifests without approval by the Commission. Manifests shall be available for inspection and/or copying by the Commission during regular business hours.
- (4) All trips dispatched by Certificate holder shall be immediately recorded on a dispatch ticket indicating the time, date and origin of each trip dispatched.
- (5) All dispatch tickets shall be maintained by the Certificate holder for at least thirty (30) days.
- (6) A systematic method of filing the daily Manifests shall be established and maintained by the Certificate holder so that any individual Manifest may be easily located by the Driver's license number, Vehicle number, date, time of trip and Permit number of the Vehicle.
- (7) No Certificate holder shall allow a Driver to Operate any Vehicle unless the Manifest for the preceding week has been correctly prepared and filed.
- (8) Wrecker Operators shall comply with the following records requirements:
 - (a) All trips dispatched by a Wrecker Certificate holder shall be immediately recorded on a dispatch ticket indicating the time, date and origin of each trip dispatched.
 - (b) All dispatch tickets shall be maintained by the Wrecker Certificate holder for at least one (1) year.
 - (c) A systematic method of filing the dispatch tickets shall be established and maintained by the Wrecker Certificate holder. The dispatch ticket must be easily located by a Public Vehicle Driver's license number, Vehicle number, date, time of trip and Permit number of the Vehicle.
 - (d) Invoices shall be itemized listing all Charges and shall be kept on file for review by the Commission for at least one (1) year.
 - (e) All dispatch documents and invoices shall be completed to the greatest degree possible. Every attempt should be made to include name, address, operator's name, PVDL number,

Vehicle identification number, Vehicle make/model/year, license plate number, color, mileage towed, towed to location, Charges, times, etc..

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Section 5(1)(a).

Chapter 1-12 Suspension, Revocation, Conditions, Probations and Citations
Rule 1-12.001 Suspension, Revocation, Conditions, Probations and Citations

(1) Certificates, Permits, and licenses shall be subject to suspension, revocation, probation, Citation or other conditions set by the Commission as set forth below.

Taxicab Certificates and Permits shall not be subject to revocation; however, they shall be subject to suspension from Operating in accordance with these Rules. If a Taxicab Certificate or Permit is suspended from Operating for a period of 545 calendar days or more, unless extended by the Commission, then in such event the Taxicab Certificate or Permit holder shall permanently forfeit the right to Operate under the Certificate or Permit(s). Upon such forfeiture, the Commission shall be entitled to auction an equivalent number of new Certificate(s) and Permit(s). No Permit(s), where the right to Operate has been forfeited, shall be counted as part of the Taxicab population cap and limits

(a) Certificates, upon notice and hearing (see Rule 1-19.001 for hearing procedures) when it shall appear that:

1. The Certificate holder has failed to render the service authorized by the Certificate.
2. The Certificate was obtained by an application in which any fact was intentionally omitted or falsely stated.
3. The Certificate holder thereof has intentionally Permitted his Vehicle to be Operated in violation of any law.
4. The Certificate holder has failed to comply with or has violated any of the provisions of these Rules.
5. The Certificate holder has Operated or caused his Drivers to Operate beyond the Operating limits specified upon approval of the Certificate by the Commission.
6. The Certificate holder has failed to receive Commission approval for a change of ownership or change of control of a Certificate.
7. The Certificate holder has failed to pay the civil penalties in the time prescribed in the Citation that has not been contested in the manner described in these Rules.
8. The Certificate holder is on probation or parole.
9. The Certificate holder is convicted or pleads guilty or nolo contendre to a felony.
10. The Certificate holder is convicted of an offense of driving under the influence of alcohol or any controlled substance or chemical substance to the extent of driving with an unlawful blood alcohol level, or any criminal traffic offense.

11. The Wrecker Certificate holder responds to accident scenes without proper request from a law enforcement agency for the purpose of attempting to "jump" the rotation list.
12. The Wrecker Certificate holder solicits at the accident scene when prohibited.
13. The Wrecker Certificate holder fails to properly Operate the Wrecker in the removal of disabled or towing of Vehicles.
14. The Wrecker Certificate holder removes a wrecked or disabled Vehicle without proper clearance from a proper investigating agency or prior to the completion of the investigation.
15. The Wrecker Certificate holder is convicted guilty or pleads guilty or nolo contendre to a misdemeanor or violation of any law directly related to the business operation of a Wrecker service. For the purpose of this Rule, any offense involving perjury or false statements shall be considered as directly related to the business operation of a Wrecker service.

(b) Permits, upon notice and hearing (see Rule 1-19.001 for hearing procedures) when it shall appear that:

1. The Permit was obtained by an application in which any fact was intentionally omitted or falsely stated.
2. The Certificate holder has failed to comply with the provisions of these Rules or any order of the Commission.
3. The Certificate holder has Operated or caused his Drivers to Operate beyond the Operating limits specified upon approval of the Certificate by the Commission.
4. The Certificate holder has failed to pay the civil penalties in the time prescribed in the Citation that has not been contested in the manner described in these Rules.

(c) Licenses, upon notice and hearing (see Rule 1-19.001 for hearing procedures) when it shall appear that:

1. The Driver has failed to comply with or has violated any of the provisions of these Rules.

To that end, there is established a point system for evaluation of convictions of violations of applicable provisions of Chapter 2001-299, as amended, and the Rules of the Hillsborough County Public Transportation Commission (PTC) when such violations involve the use of Public Vehicles, for the determination of the continuing qualification of any person to operate a Public Vehicle within Hillsborough County. Conviction shall mean a finding by the Director/Interim Director, Hearing Officer, or Commission that the alleged violator violated the Special Act or Rules, unless overturned on appeal. The Commission is authorized to suspend the Public Vehicle Driver's License (PVDL) of any person upon a showing of its records or other good and sufficient evidence that the licensee has been

convicted of violation of PTC Rules, as may be amended, or applicable provisions of Chapter 2001-299, Laws of Florida, as may be amended, amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 30 days, with a graduated penalty of revocation should violations continue. Points will be removed from the licensee's PVDL after 36 months from the date of the conviction.

(a) When a licensee accumulates 12 points within a 12-month period, the period of suspension shall be for not more than 30 days.

(b) When a licensee accumulates 18 points, including points upon which suspension action is taken under paragraph (a), within an 18-month period, the PVDL shall be revoked.

(c) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations where monetary civil penalties are assigned, pursuant to Rule 1-21.001:

VIOLATIONS WHOSE CIVIL PENALTIES ARE ASSIGNED THE FOLLOWING VALUES	POINTS ASSIGNED
\$0-\$100	3 POINTS
\$101-\$200	4 POINTS
\$201-\$500	5 POINTS

2. The Driver has been convicted, plead guilty, or nolo contendere to an alcohol related offense, or a crime involving moral turpitude.
3. The license was obtained by an application in which any fact was intentionally omitted or falsely stated.
4. The Driver has picked up a passenger or otherwise Operated outside the Operating limits specified upon approval of the Certificate by the Commission.
5. Repeated violations of the motor Vehicle laws.
6. The Licensee has failed to pay the civil penalties in the time prescribed in the Citation that has not been contested in the manner described in these Rules.
7. The Driver is on probation or parole.
8. The Driver is convicted of an offense of driving under the influence of alcohol or any controlled substance or chemical substance to the extent of driving with an unlawful blood alcohol level, or any criminal traffic offense.
9. The Wrecker Driver, responds to accident scenes without proper request from a law enforcement agency for the purpose of attempting to "jump" the rotation list.
10. The Wrecker Driver, solicits at the accident scene when prohibited.
11. The Wrecker Driver, fails to properly Operate the Wrecker in the removal of disabled or

towing of Vehicles.

12. The Wrecker Driver, removes a wrecked or disabled Vehicle without properly clearance from a proper investigating agency or prior to the completion of the investigation.
 - (d) The Public Vehicle Driver's license is revoked and shall be immediately surrendered upon conviction or a plea of guilty or nolo contendere to any offense involving: Commission of a felony, a sex offense, including conviction as a sexual offender as defined in Florida Statutes, or has been found to be a sexual predator as provided in Florida Statutes, soliciting for or engaging in prostitution, narcotics or an offense for which the penalty includes revocation of state motor Vehicle operator's license.
- (2) Suspension is a temporary withdrawal of permission to Operate pursuant to this section. The duration of the suspension will be established at the time of the suspension.
- (3) Revocation is a permanent withdrawal of the Certificate, Permit or license pursuant to this Section. The application process must be initiated to re-obtain a Certificate, Permit or license.
- (4) Notwithstanding any language in this section to the contrary, and if not prohibited by the Special Act, the Commission Director, with approval of the Chairman of the Commission, may, in circumstances in which it has been determined that there exists an immediate risk to public safety, immediately suspend, on a temporary basis not to exceed thirty (30) days, any Certificate, Permit, or license. Upon such temporary suspension, the Certificate holder or licensee shall be promptly notified of the suspension in writing, either in Person or by mail to the holder's last address in the records of the Commission. Unless the suspension is otherwise lifted, the Commission may conduct a public hearing (see Rule 1-19.001 for hearing procedures) to render a final determination whether the Certificate, Permit, or license shall be revoked or subject to other appropriate sanctions.
- (5) The issuance by the Commission of Certificates, Permits, and licenses may be conditioned on any reasonable requirement that the Commission may, in its discretion, establish; and the Certificate holder or Driver may be placed on probationary status by the Commission for any violation of these Rules, or for the violation of any law or regulation. The removal or modification of any such condition or restriction on a Certificate or Permit requires a full public hearing in accordance with Chapter 1-2 of these Rules.
- (6) Citations; administrative hearings; Persons aggrieved.

Any alleged violator who has received a Citation and wishes to contest the Citation, may request an administrative hearing in front of a Hearing officer by service of notice of appeal within twenty (20) days after service of a Citation. The administrative hearing will be noticed and held in accordance with the procedures set forth in Rule 1-19.001 of these Rules. The Commission, 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 (See Rule 1-21.001 for approved civil penalties guidelines).

Credits

Adopted March 19, 2013; Amended November 2, 2015

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(1)(a), 5(2)(y), 5(2)(dd), 5(2)(w), and 12(1)(b).

Chapter 1-13 Drug Free Workplace
Rule 1-13.001 Drug Free Workplace

- (1) This policy shall apply to Certificate holders not otherwise subject to mandatory state or Federal Drug-Free Workplace provisions.
- (2) Every Certificate holder shall submit annually a statement of such date of dates the Commission may specify from time to time, certifying that it has in place a Drug-Free Workplace for employees and licensees in “safety-sensitive” positions. A “safety-sensitive” position shall be defined as one in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety, or a position in which a momentary lapse in attention could result in injury or death to another Person. “Safety-sensitive” positions shall include, but are not limited to Drivers, dispatchers and mechanics. Every applicant for a Certificate shall submit such a statement as a condition of each annual Certificate renewal following initial submission of the Drug-Free Workplace statement.
- (3) At a minimum, the Certificate holder must adopt in writing a detailed policy setting forth specifics of such a program which includes at least the following information:
 - (a) A statement of the Certificate holder’s policy regarding drug and alcohol use by employees and licensees in safety-sensitive positions;
 - (b) The job classification for which employees, licensees or job applicants are subject to testing;
 - (c) The circumstances under which testing may be required;
 - (d) The substances for which testing may be conducted;
 - (e) The testing methods and collection procedures to be used;
 - (f) The standards to determine what constitutes a positive drug test and what constitutes alcohol use;
 - (g) The consequences of a refusal to participate in the testing;
 - (h) The adverse action that may be taken based on the testing procedure or results;
 - (i) The right of an individual to explain in confidence positive test results;
 - (j) The right of an individual to obtain all information related to the testing of that individual;
 - (k) Confidentiality requirements for the testing;
 - (l) The available appeal procedures, remedies and sanctions;
 - (m) The provision for an annual drug education program; and
 - (n) The provisions for a Certificate holder’s employee/licensee assistance program.
- (4) Each Certificate holder must post notice of the policy in a prominent employee and licensee access area and give a written copy of the policy to each affected employee, licensee and applicant. Notice must be posted and the policy distributed, any time the policy is changed.
- (5) At a minimum, the following substances shall be tested: marijuana, opiates, phencyclidine, cocaine, amphetamines, and alcohol. The following substances may be tested at the option of the Certificate holder: methaqualone, barbiturates, benzodiazepine, methadone, and propoxyphene.

(6) Drug testing of employees and licensees shall be conducted in conformity with the standards and procedures established in Section 440.102, Florida Statutes. Specifically, and without limitation, standards for probable cause, laboratory security, chain of custody, transporting and receiving of specimens, specimen processing, retesting, Storage of specimens, instrument calibration, reporting of results, and confidentiality provisions shall be in accordance with Section 440.102, Florida Statutes, and its attendant Rules as established by the Agency for Health Care Administration. Only drug testing laboratories licensed by the State of Florida Agency for Health Care Administration may be utilized.

(7) Testing to be conducted pursuant to this rule includes:

- (a) Post accident testing - all Drivers shall be tested immediately after any chargeable vehicular accident, or after a vehicular accident where probable cause exists.
- (b) Testing for cause - employees and licensees in safety-sensitive positions shall be tested if reasonable suspicion exists to believe the employee or licensee is under the influence of drugs or alcohol, which could adversely affect, or has affected, performance of duties and responsibilities.
- (c) Pre-employment or Public Vehicle Driver's license Applicant testing — every Certificate holder shall require all job applicants for safety-sensitive positions to submit to testing prior to employment. In order to assure that every Driver is tested, at a minimum, prior to receipt of the Public Vehicle Driver's license, present proof of negative testing before signing the application for a Public Vehicle Driver's license.
- (d) Testing after prior use and unannounced testing — An employee or licensee in a safety-sensitive position who has received a confirmed positive test result shall be required to satisfactorily complete the Certificate holder's assistance program. Upon returning to work, the employee or licensee may be required to submit to periodic unannounced testing at reasonable intervals for a period of two years after the positive test.
- (e) Random testing — Because there is the likelihood that employees or licensees in safety-sensitive positions may harm the public if impaired by alcohol or drug use, all such employees and licensees shall be subject to random testing on an annual basis.

(8) Every Certificate holder shall require pre-employment and Public Vehicle Driver's license applicant testing as provided in Rule 1-13.001(7)(c) for the substances enumerated in Rule 1-13.001(5).

(9) Any employee or licensee in a safety-sensitive position who has received a confirmed positive test shall not be Permitted by a Certificate holder to Operate a Vehicle under the jurisdiction of the Commission or perform any job in which injury to the public could occur until the Certificate holder determines that the employee or licensee has received treatment and has been assessed as capable of resuming work. Should any such employee or licensee receive a second confirmed positive test during periodic random testing during the two years following the initial positive test, the Certificate holder shall immediately restrict the

employee or licensee from Operating any Vehicle under the jurisdiction of the Commission or performing any job in which injury to the public could occur until further notice. The Certificate holder shall, to the extent allowed by law, communicate all information rebated to any confirmed positive tests to the Commission Director immediately upon the termination or resignation of the employee or licensee.

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(1)(a), and 5(2)(nn).

Chapter 1-14 Waivers and Variances
Rule 14.001 Waivers and Variances

- (1) Any Person who is subject to regulation by the Commission may file a petition with the Commission, on a form designated by the Commission, requesting a variance or waiver from the Commission's Rule. Each petition shall specify:
 - (a) The Rule from which a variance or waiver is requested;
 - (b) The type of action requested;
 - (c) The specific facts that would justify a waiver or variance for the petitioner;
 - (d) The reason why the variance or the waiver requested would serve the purposes of the Special Act.
- (2) Within 30 days after receipt of a petition for a variance or waiver, the Commission staff shall review the petition and request submittal of all additional information required to process the petition. Within 30 days after receipt of such additional information, the Commission may request further information needed to clarify the additional information or to answer new questions raised by or directly related to the additional information.
- (3) The Commission shall grant or deny a petition of variance or waiver within 90 days of receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. A petition not granted or denied within 90 days as set forth above is deemed approved.
- (4) Variances and waivers shall be granted when the Person subject to the rule demonstrates that the purpose of the Special Act will be or has been achieved by other means by the Person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the Person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a Rule affects a particular Person in a manner significantly different from the way it affects other similarly situated Persons who are subject to the Rule.
- (5) The Commission may limit the duration of any grant of a variance or waiver or otherwise impose conditions on the grant only as to the extent necessary for the purposes of the underlying statute or Rule to be achieved.

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented

Ch. 2001-299, Laws of Florida, Section 5(2)(mm).

Chapter 1-15 Enforcement and Lobbying by Former Members and Staff
Rule 1-15.001 Enforcement and Lobbying by Former Members and Staff

- (1) These Rules may be enforced by the Commission, the Commission staff and other law enforcement officials. The Commission or Director may temporarily suspend a Certificate, Vehicle Permit or Public Vehicle Driver's license in order to complete an investigation, inspect a Vehicle and/or ensure administrative requirements in order to enact the proper enforcement of these Rules. The temporary suspension will be lifted immediately upon completion of the task that required the temporary suspension.
- (2) The Commission is authorized to issue warnings, Citations and/or develop and issue a summons to appear before it to any Person who shall violate any of these Rules.
- (3) No regular or alternate member of the Commission, a Director, Inspector, or other staff member of the Commission, or legal counsel to the Commission, may appear before the Commission as a petitioner or a lobbyist for a period of two (2) years after vacating such a position.

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(1)(a), 5(2)(aa), and 5(2)(bb).

Chapter 1-16 Severability
Rule 1-16.001 Severability

If any provision of these Rules or their application is held invalid by a court of competent jurisdiction, it is the legislative intent that the invalidity shall not affect other provisions or applications of the Rules which can be given effect without the invalid provision or application, and to this end the provisions of these Rules are declared severable.

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Section 18.

Chapter 1-17 Fees
Rules 1-17.001 Fees

(1) Fees shall be imposed by the Commission as follows:

- (a) The filing fee for the initial application for a Certificate is one thousand dollars (\$1,000.00). The filing fee for ownership change/Transfer is five hundred dollars (\$500.00). The filing fee for additional Permits under an existing Certificate is five hundred dollars (\$500.00). In the case of Wreckers, the Permit fee is three hundred fifty (\$350.00) for the first Permit and one hundred (\$100.00) for each additional Permit, regardless of the class of Wreckers. The filing fee for applications for name/color scheme change, address change and other significant administrative changes to the existing application is two hundred fifty (\$250.00).
- (b) Public hearing fee for a Certificate must be paid by the applicant/intervenor. The fee is based on the complexity and the amount of time the public hearing takes to arrive at a conclusion. The minimum fee for the hearing will be six hundred dollars (\$600.00). The applicant will have responsibility for the minimum fee prior to the hearing, but if existing Certificate holders officially intervene in the hearing process, they will assume responsibility for an equal share of all hearing fees.
- (c) The fee for the annual renewal of a Certificate is three hundred dollars (\$300.00).
- (d) The annual fee for Vehicle Permits other than Taxicabs is three hundred fifty dollars (\$350.00) per Permit. In the case of Wreckers, the annual renewal fee for Vehicle Permits is three hundred fifty (\$350.00) for the first Permit and one hundred (\$100.00) for each additional Permit, regardless of the class of Wreckers. The annual fee for Taxicab Permits shall be five hundred fifty dollars (\$550.00) per Permit. Permits approved during the year will be prorated according to the fiscal year quarter in which they were approved. 1st quarter approvals will pay the full Permit fee. 2d quarter approvals will pay three-fourths of the Permit fee. 3rd quarter approvals will pay one-half of the Permit fee and 4th quarter approvals will pay one-fourth of the Permit fee.
- (e) The fee for temporary seven (7) day Permits and temporary Public Vehicle Driver's licenses and renewals thereof shall be one hundred dollars (\$100.00) per Permit or Public Vehicle Driver's license. However, four weeks prior to the start of a special event and for one week after the end of the special event, the fee for temporary seven (7) day Permits and temporary PVDLs and renewals thereof shall be one hundred fifty dollars (\$150.00) per Permit or PVDL. A Special Event is any event Tampa Bay & Co., formerly known as the Tampa Bay Convention and Visitors Bureau, estimates the attendance population to be greater than 50,000 people.
- (f) The Permit fee for those approved to Operate only at ports of entry is two hundred fifty dollars (\$250.00) per Vehicle.
- (g) Permit Transfer, replacement, or reinspection fee shall be thirty-five dollars (\$35.00) per Vehicle.
- (h) The application fee for a Public Vehicle Driver's license is one hundred dollars (\$100.00).

- (i) The fee for renewal or replacement of a Public Vehicle Driver's license is seventy-five dollars (\$75.00) for renewal and twenty-five dollars (\$25.00) for replacements.
- (j) The fee for replacing a lost Correction Card is twenty dollars (\$20.00).
- (k) All renewal fees for authorized Permits, whether issued or not, and Certificates must be paid prior to October 1 of each year, or as approved by the Commission or Director.
- (l) The fee for the reinstatement of a suspended Certificate is one hundred dollars (\$100.00).
- (m) The fee for submitting an appeal of a PVDL denial is twenty-five dollars (\$25.00).
- (n) The fee for a Petition for Rule variance or waiver is one hundred dollars (\$100.00).
- (o) Any annual renewal fee which is not paid on time, if accepted, can be assessed a late fee of 25% of the amount owed.
- (p) The fee for the conduct of any auction, whether a Certificate holder or public auction shall be \$500.00, plus the direct cost of all auction related expenses.

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(2)(e), 5(2)(t), and 5(2)(ee).

Chapter 1-18 Applications and Instructions
Rule 1-18.001 Applications and Instructions

- (1) Every application shall be completed per the instructions on the form(s) provided, signed, sworn to and notarized where applicable and shall be filed with the Commission.
- (2) The types of applications include:
 - (a) application for Certificate and Permits (Taxicab, Limousine, Van, Handicab, BLS ambulance or Wrecker).
 - (b) application for administrative change (name, ownership, location, other).
 - (c) application for additional Permits (Taxicab, Limousine, Van, Handicab, BLS ambulance or Wrecker).
 - (d) application for a Public Vehicle Driver license (PVDL).
- (3) The applicant shall have an affirmative duty to advise the Commission and its staff immediately of any changes to all information submitted in connection with any application prior to any public hearing on that application.
- (4) If the applicant is applying for a Taxicab Certificate, the applicant must designate whether the application is for a Certificate to Operate Standard Taxicabs or Luxury Taxicabs.
- (5) If the applicant is applying for a zone restricted Taxicab Certificate, the applicant must designate in which zone the applicant desires to Operate.
- (6) Separate Certificates shall be required for each Type of service. Separate Certificates shall be required for Standard Taxicab classification and Luxury Taxicab classification.
- (7) In the case of Taxicabs, the applicant's entire fleet of Vehicles must consist of only one classification, either Standard Taxicab or Luxury Taxicab and either zone restricted or not.
- (8) To convert a Standard Taxicab Certificate to a Luxury Taxicab Certificate, or vice versa, a Taxicab Certificate holder must submit an application in accordance with Rule 1-2.001.
- (9) If the application to convert a Taxicab Certificate is denied, the applicant shall not forfeit its Certificate to Operate Taxicabs within the classification currently held.
- (10) The applicant's fingerprints and photograph, shall be taken by the Hillsborough County Sheriff's Office (HCSO) at Falkenburg Road, who will forward them to the Commission after processing.
- (11) Where the applicant is a business entity with more than one (1) principal owner, the designated executive officer is the only Person required to have his fingerprints and photograph on file.
- (12) Each application shall be accompanied by an application fee which shall be non-refundable (See Rule 1-17.001 Fees).

- (13) Disclosure of contract rights, options, or agreements, written or oral, which may affect changes in the ownership or control of the business of the applicant or the Certificate sought by the applicant, or which could in any way materially affect the decision of the Commission relative to the issuance of the Certificate to the applicant.
- (14) Disclosure of all owners in the case of general and limited partnerships, limited liability companies, joint ventures, closely held for-profit corporations (35 or less shareholders), or other business entities, except that corporations with more than 35 shareholders must disclose only those shareholders owning ten percent (10%) or more of the voting or dispositive shares in the corporation.

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(2)(i), 5(2)(cc), and 5(2)(ee).

Chapter 1-19 Hearing Procedures
Rule 1-19.001 Hearing Procedures

(1) Hearing officer Public Hearings

- (a) Unless directed to schedule a committee public hearing, the Commission staff shall schedule a Hearing officer public hearing and refer each application requiring public hearings to a Hearing officer selected from a list of one or more Hearing officers qualified by the Commission. In the circumstance that a committee is directed to hold the public hearing by the Commission, the Hearing officer public hearing procedures described herein will apply and the chairman of the committee will lead the public hearing.
- (b) The Hearing officer shall conduct public hearings per the procedures adopted in these Rules.
- (c) All public hearings shall be recorded for public record. Any party to the procedures that desires an official Court Reporter may arrange for one and will be responsible for the cost.
- (d) The Hearing officer, upon completion of the public hearing, shall submit findings of fact and recommendations to the Commission who may then, after a Commission public hearing, approve the Hearing officer recommendation, disapprove the recommendation, or approve with such modifications, terms, or conditions as the Commission deems necessary.
- (e) Any Certificate holder providing the Type of service being applied for by the applicant, may submit an opinion about the pending application in writing. The written opinion must be received no later than five (5) business days prior to the scheduled hearing. An opinion may include relevant documentation in support thereof relevant documentation shall not include affidavits, declarations or sworn statements. Public records submitted in support of a written opinion shall be authenticated by seal or signature of an individual in his or her Capacity which indicates that the records are true and accurate copies of the original. Any written opinion will be considered by the Hearing officer in submitting his findings of fact and recommendations to the Commission.
- (f) Any Certificate holder authorized to intervene per the Special Act, who wishes to present testimony or cross-examine witnesses at the public hearing must file a Notice of Appearance and Intervention with the Commission no later than 12:00 noon, five (5) business days prior to the public hearing. The Notice of Appearance and Intervention shall include; the name, address, and telephone number of the Person filing the Notice of Appearance and Intervention; name, address, and telephone number of any representative or lawyer for that Person; the names of all Persons to be called as witnesses; and, the approximate amount of time needed to present testimony. The actual amount of time allotted each Person filing a Notice of Appearance and Intervention to present testimony is within the authority of the Hearing officer.

(g) The following are general powers and duties of the Hearing officer, as well as, Rules and procedures which shall govern all Hearing officer public hearings:

1. The public hearing will begin promptly at the time and date stated in the notice of the hearing, unless continued for cause.
2. Any Person wishing to speak at the public comment portion of the public hearing, other than a Person who filed a Notice of Appearance and Intervention, must enter his name on the speaker sign-up list. This must be done before the public hearing begins. The list shall be placed at the entry to the room where the public hearing is being held, or at some other convenient and conspicuous place.
3. The Hearing officer will commence the public hearing and make opening statements as they deem necessary.
4. Each Person who places their name on the speaker sign-up list will be called to speak. Each speaker will have a maximum of five (5) minutes to speak. Each speaker will be called to speak in order in which their name appears on the speaker sign-up list.
5. A speaker may be questioned by the Hearing officer. No one other than the Hearing officer shall question a speaker.
6. The Hearing officer may question the representative of the Commission present at the public hearing or legal counsel for the Commission, on the pending application, written opinions, testimony of any witness, and comments of any speaker. The Hearing officer may question the Applicant on any matters related to the application and may request additional information from the Applicant deemed necessary to demonstrate public convenience and necessity will be served by granting the Application.
7. The Applicant may present testimony and witnesses in support of the application at the public hearing. If the Applicant intends to exercise this option, the Applicant must so notify the Commission not later than 12:00 p.m., five (5) business days prior to the public hearing. Such notice shall include the names of all Persons to be called as witnesses and, the approximate amount of time needed to present testimony. The actual amount of time allotted the Applicant to present testimony is within the authority of the Hearing officer.
8. The applicant may cross-examine the witnesses presented by Persons filing a Notice of Appearance and Intervention. Persons filing a Notice of Appearance and Intervention may cross-examine the witnesses presented by the applicant. The Hearing officer may examine any witness testifying at the public hearing. The amount of time allotted for cross-examination is within the authority of the Hearing officer. Re-cross shall not be Permitted, except by the Hearing officer.
9. All testimony shall be taken under oath of affirmation.

10. Strict Rules of evidence shall not apply, but evidence must be relevant to the issues and hearsay evidence shall be avoided whenever possible. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent Persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in the courts of Florida. Hearsay evidence may be used only for the purpose of supplementing or explaining other evidence, but it shall not be sufficient, in and of itself to support a finding unless it would be admissible over objection in civil actions. Any public records must be authenticated by a seal or signature of an individual in his or her official Capacity which indicates that the records are true copies from a public record.
11. The Hearing officer may take such other appropriate actions he may deem necessary to obtain the information needed to complete his report and recommendation concerning the pending application, including continuing the proceedings and requesting the Commission staff to conduct further factual investigation with respect to the pending application.
12. All costs (Hearing officer, public notice, court reporter if required, etc.) associated with the public hearing shall be the responsibility of the applicant in the absence of any intervention by one or more existing Certificate holders. Otherwise, said costs shall be shared on a pro-rata basis between the applicant and each intervenor(s). The initial and minimum public hearing fee is listed in Rule 1-17.001.
13. The original application and supporting documentation, all written opinions and supplemental documentation, evidence admitted at the public hearing, the transcript of the public hearing, and the original documentation setting forth the report and recommendation of the Hearing officer, shall be maintained by the Commission staff in a separate file in custody of the secretary of the Commission. The file shall be open to inspection to the public at any time; however, members of the Commission should refrain from viewing any portion of the file until the Hearing officer has issued his Report and Recommendation.
14. Applicants seeking a limited Certificate to Operate Limousines or Vans at Tampa International Airport and ports of entry within Hillsborough County may establish public convenience and in demonstrating, by a preponderance of the evidence, that there exists a recurring need to pick up passengers at Tampa International Airport and ports of entry for which the limited Certificate is sought, and that the applicant's business operation is in a County other than Hillsborough County.
15. Applicants requesting a Certificate to Operate a Taxicab service based in an area designated as a restricted Taxicab operation zone, who demonstrate public convenience and necessity to provide a restricted Taxicab operation within the zone designated by the Commission, may be recommended by the Hearing officer for a limited Certificate that restricts operation to that zone. The Zone established for restricted Taxicab operations is:

South-East Zone (SE Zone). The area that is south of Interstate 4, outside of the City of Tampa and Ybor City but, includes all of Plant City.

16. In that Florida Statutes section 427.0157 authorizes Transportation Disadvantaged Coordinating Boards (TDCB5) to address local service needs of the transportation disadvantaged, applications seeking a Certificate limited to the provision of services to the transportation disadvantaged, as defined in Chapter 427, Florida Statutes using transportation disadvantaged funds, and incidental to other social service, public convenience and necessity may be established if the following factors are satisfied:
17. The Transportation Disadvantaged Coordinating Board of the Metropolitan Planning Organization certifies to the Commission that the private nonprofit entity serves a transportation need within Hillsborough County which will assist in the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective and efficient;
18. If the applicant submits the Transportation Disadvantaged Coordinating Board certification with its application, the Hearing officer and the Commission will presume necessity and focus its consideration at the public hearing to the private nonprofit applicant's financial status, character, and responsibility to provide, maintain and Operate the number of Vehicles proposed to be Operated in accordance with the character of service proposed in the Application;
19. Notwithstanding the above, existing Certificate holders may express an opinion regarding any aspect of the private nonprofit entity's application. Any opinions regarding the Transportation Disadvantaged Coordinating Board certification should be addressed to that Board. If the Commission members find it necessary, it will address any questions regarding the certification to the Transportation Disadvantaged Coordinating Board.
20. Each Certificate issued hereunder shall be signed by the ChairPerson or Vice-ChairPerson of the Commission, and shall contain, in addition to the name and address of the applicant, a statement of the Type of service authorized and the number of Permits authorized. The Certificate shall also have stated thereon such additional conditions, and/or limitations as the Commission may deem necessary.
21. The Certificate will be provided to the applicant when all administrative requirements have been fulfilled, to include payment of Permit fees. A copy of each Certificate shall be filed with the Commission.

(2) Commission Public Hearings

- (a) Commission Public Hearings shall be preceded by a minimum of twenty (20) days' written notice. After a public hearing has been opened, the Chairman or the Chairman's designee will oversee the proceedings. The Chairman will offer all Parties an opportunity

to present their positions. Legal representation shall be allowed for any party to present their position. The Chairman will offer any member of the public to speak towards the public hearing issue and the Chairman will set a time limit for all involved to present or speak at the hearing.

- (b) At least ten (10) calendar days before a Commission Public Hearing to consider an application for additional Permits, a copy of the report and recommendation of the Hearing officer shall be forwarded to the applicant, Persons who submitted a written opinion and all Certificate holders that filed a Notice of Appearance and Intervention.
 - 1. Facts not presented to the Hearing officer shall not be considered by the Commission at the Commission Public Hearing. However, if new and relevant facts are presented by the applicant to, and received by, the Commission staff at least three (3) business days prior to the Commission Public Hearing or otherwise upon a finding by the Commission that certain relevant facts do not appear to have been adequately ascertained at the public hearing, the Hearing officer may be directed by the Commission to reopen the public hearing to consider or ascertain such facts.
 - 2. The applicant, members of the public, and other Certificate holders may speak at the public comment portion of the Commission Public Hearing provided that such comments are limited to the findings of fact and recommendations of the Hearing officer.
 - 3. Commission members shall base their decision solely on record evidence which was presented to the Hearing officer, the report and recommendations of the Hearing officer, and public comment at the Commission Public Hearing. Commissioners should avoid any ex parte communication regarding a pending application.

(3) Administrative Hearings

- (a) Administrative hearings shall be preceded by a minimum of twenty (20) days' written notice to participants. Notice may be by Citation or a letter and shall specify the Commission's proposed action and the grounds upon which the action is predicated. The participants may be represented by legal counsel and shall be allowed to present a defense. Failure to appear at any noticed hearing may result in a waiver of due process rights and may result in a fine, suspension or revocation of Certificate, Permit(s) or license. All such hearings shall be recorded for public record. Any participant may bring a court reporter for that purpose at their expense. The Commission, director/interim director, or Hearing officer shall promptly notify all participants of its decision and shall state the reasons therefore.
- (b) If an administrative hearing before the Commission is an appeal of an action of the director/interim director or Hearing officer following contest of a Citation, the following Rules shall also apply:
 - 1. Facts not presented to the director/interim director or Hearing officer shall not be

considered by the Commission at the administrative hearing. However, if new and relevant facts are presented to the Commission or otherwise upon a finding by the Commission that certain relevant facts were not adequately ascertained at the director/interim director or Hearing officer hearing, then the Commission may direct that the director/interim director or Hearing officer administrative hearing be reopened to consider or ascertain such facts.

2. Commission members shall base their decision solely on record evidence that was offered during the director/interim director or Hearing officer administrative hearing and the written findings of the director/interim director or Hearing officer.
- (c) For the purpose of reviewing Wrecker service applications for a Certificate, the Director will review the application and hold an administrative hearing at the Office of the Commission in order to develop a recommendation as to whether the application meets the requirements of public convenience and necessity. The recommendation of the Director will be presented to the Commission at the first available PTC meeting for a decision from the Commission at a Public Meeting.

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(2)(x), 5(2)(z), 5(2)(s), 5(2)(t), 7(2)(a), 12(1)(b), and 12(2).

Chapter 1-20 Rates
Rule 1-20.001 Rates

- (1) Taxicabs Meter Rates: Standard Taxicabs shall charge no more than:
 - (a) Two dollars and fifty cents (\$2.50) for the first one-eighth (1/8) mile or any part thereof;
 - (b) Thirty cents (\$.30) for each additional one-eighth (1/8) mile or any part thereof;
 - (c) Thirty cents (\$.30) for each minute of waiting time.
 - (d) A fifteen dollar (\$15.00) minimum applies when the passenger(s) departs Tampa International Airport. The actual Taximeter rate shall be the total rate once the Taximeter exceeds fifteen dollar (\$15.00) minimum.
 - (e) There will be no additional charge for handling groceries
 - (f) The amount of fare collected from any passenger shall not exceed that shown by the Taximeter.
 - (g) There shall be no prescribed rate for package delivery or messenger service when such goods or messages are transported without passengers.
 - (h) A passenger may be charged up to fifty dollars (\$50.00) as a clean up charge if he or she soils the interior of a Standard Taxicab with bodily fluids or solids. This charge shall be in addition to the rates prescribed herein.
- (2) Taxicabs Meter Rates: Luxury Taxicabs shall charge:
 - (a) Three dollars and fifty cents (\$3.50) for the first one-fifth (1/5) mile or any part thereof;
 - (b) Fifty cents (\$.50) for each additional one-fifth (1/5) mile or any part thereof;
 - (c) Forty cents (\$.40) for each minute of waiting time.
 - (d) A fifteen dollar (\$15.00) minimum applies when the passenger(s) departs Tampa International Airport. The actual Taximeter rate shall be the total rate once the Taximeter exceeds fifteen dollar (\$15.00) minimum.
 - (e) There will be no additional charge for handling groceries.
 - (f) There shall be no prescribed rate for package delivery or messenger service when such goods or messages are transported without passengers.
 - (g) The amount of fare collected from any passenger shall not exceed that shown by the Taximeter.
 - (h) A passenger may be charged up to fifty dollars (\$50.00) as a clean-up charge if he or

she soils the interior of a Luxury Taxicab with bodily fluids or solids. This charge shall be in addition to the rates prescribed herein.

(3) Taxicab Flat and Zone Rates (Standard Taxicabs only):

- (a) An “in-town short ride” zone is designated in the downtown Tampa area with the following boundaries: Howard Avenue, South of Kennedy, to the West; 26th Street to the East; Interstates 4 and 275, to East Palm Avenue, west to North Highland Avenue, which turns into Doyle Carlton Drive and West Fortune Street, south to Cass Street, which turns into North Willow, to Kennedy Boulevard, to the North; Highway 60 to Ybor Channel, to Bayshore Boulevard, to the South. This zone also includes: Davis Islands; Harbour Island; University of Tampa Campus and Stetson Law School Campus.
- (b) Two or more passengers. For Standard Taxicab trips that originate in and end in this zone, regardless of route taken or delays enroute, a Taxicab operator can charge a maximum \$4.00 per Person for each passenger over the age of 12 years. The Taximeter will not be Operated during these trips. However, no trip will exceed \$12.00 regardless of the number of passengers.
- (c) Single passenger trips. For Standard Taxicab trips carrying a single passenger and that trip originates in and ends in this zone, the Taxicab operator can either Operate the Taxicab meter and charge that rate or charge a \$4.00 flat rate, but not both.
- (d) For those destinations outside of the zone (excluding the airport), the Taximeter will be Operated and that rate will apply and the \$4.00 per passenger rate is not Permitted.
- (e) Standard Taxicabs may charge a flat rate not to exceed twenty-five dollars (\$25.00) for Fares between Tampa International Airport and the designated “in-town short ride” zone.
- (f) When a flat fare rate is to be used between the airport and the “in-town short ride zone”, the Taxicab meter will not be Operated for that trip.
- (g) A passenger may be charged up to fifty dollars (\$50.00) as a clean-up charge if he or she soils the interior of a Standard Taxicab with bodily fluids or solids. This charge shall be in addition to the rates prescribed herein.

(4) Limousines. Minimum Rates for Limousines will be as follows:

- (a) Luxury sedans, luxury SUVs: Established Rates for Limousine service are intended to be the minimum Rates allowed to be charged. Service providers are at full liberty to charge more than these Rates if desired:
 1. Hourly - minimum of \$30.00 per hour, with a one hour minimum per trip exclusive of gratuities or other added Rates or Charges.
 2. Daily, weekly, monthly or other contractual chartered arrangements must result in a minimum of \$30.00 per hour per trip exclusive of gratuities or other added Rates or Charges.

(b) Stretch Limousines and Limousine buses: Established Rates for Limousine service are intended to be the minimum Rates allowed to be charged. Service providers are at full liberty to charge more than these Rates if desired:

1. Hourly - minimum of \$60.00 per hour, with a one hour minimum per trip exclusive of gratuities or other added Rates or Charges.
2. Daily, weekly, monthly or other contractual chartered arrangements must result in a minimum of \$60.00 per hour per trip exclusive of gratuities or other added Rates or Charges.

(5) Handicabs, BLS ambulances:

- (a) For Handicabs the minimum rate shall be \$18.00 for pick up and \$2.00 per mile; BLS Ambulance Certificate holders shall have no minimum Rates.
- (b) Certificate holders of this Type of service must submit a complete schedule of Rates for services provided and these Rates will remain on file with the PTC as a public record.

(6) Vans:

Minimum Rates for Vans must be as follows: A minimum of twelve dollars (\$12.00) for the first passenger in a party and then five dollars (\$5.00) for every additional passenger within the same party.

(7) Wreckers:

(a) Light – Duty Towing and Recovery (up to 10,000 lbs. GVW)

1. Ordinary towing shall be a maximum of one hundred and fifteen dollars (\$115.00). This cost shall include the first thirty (30) minutes of waiting time prior to hook-up or after hook-up is completed and includes all ordinary clean-up, equipment and materials required to complete the service. Any additional waiting time may be charged at the rate of eighty dollars (\$80.00) per hour, calculated in minimum one quarter (1/4) hour increments (no charge shall be allowed for less than fifteen (15) minutes time). An additional charge of five dollars (\$5.00) per towed mile may be charged. The number of miles which a Wrecker must travel shall be determined by calculating the shortest route between the location of the disabled Vehicle and the designated place of rest.
2. Inordinate labor, winching and recovery, when necessary, for extrication of passenger Vehicles from ditches, half-submerged Vehicles or off road shall not exceed one hundred dollars (\$100.00) per hour, calculated in one-half (1/2) hour increments, provided that a fee, not to exceed fifty dollars (\$50.00), may be imposed for the first one-half (1/2) hour or portion thereof.
3. A fee not to exceed twenty-five dollars (\$25.00) may be charged if the use of a "Go-Jak" or a Dolly System is necessary to remove a passenger Vehicle from private property, when providing non-consensual towing services.

(b) Medium – Duty Towing and Recovery (10,001 lbs. GVW to 16, 000 lbs. GVW and above)

1. Ordinary towing shall be a maximum of one hundred and sixty dollars (\$160.00). This rate shall include all labor normally associated with the towing to include, as a minimum, removing and replacing the drive shaft and pinning brakes when necessary. This cost shall include the first thirty (30) minutes of waiting time prior to hook-up or after hook-up is completed and includes all ordinary clean-up, equipment and materials required to complete the service. Any additional waiting time may be charged at the rate of one hundred and twenty-five dollars (\$125.00) per hour, calculated in minimum one quarter (1/4) hour increments (no charge shall be allowed for less than fifteen (15) minutes time). An additional charge of five dollars (\$5.00) per towed mile may be charged. The number of miles which a Wrecker must travel shall be determined by calculating the shortest route between the location of the disabled Vehicle and the designated place of rest.
2. Inordinate labor, winching and recovery, when necessary, for extrication of passenger Vehicles from ditches, half-submerged Vehicles or off road shall not exceed one hundred and twenty-five dollars (\$125.00) per hour, calculated in one-half (1/2) hour increments, provided that a fee, not to exceed sixty-two dollars and fifty cents (\$62.50), may be imposed for the first one-half (1/2) hour or portion thereof.
3. A fee not to exceed twenty-five dollars (\$25.00) may be charged if the use of a “Go-Jak” or a Dolly System is necessary to remove a passenger Vehicle from private property, when providing non-consensual towing services.
4. When additional tow trucks or Vehicles are required, the maximum Rates outlined above will apply.

(c) Medium/Heavy – Duty Towing and Recovery (16,001 lbs. GVW and above)

1. Ordinary towing shall be a maximum of three hundred fifty dollars (\$350.00) for a separate tractor and a maximum of three hundred fifty dollars (\$350.00) for a separate trailer. A maximum of three hundred fifty dollars (\$350.00) may be charged for a combination tractor-trailer if towed as a single Vehicle. Other heavy-duty towing maximum Rates shall not exceed three hundred fifty dollars (\$350.00). These Rates shall include all labor normally associated with the heavy-duty towing to include, as a minimum, removing and replacing the drive shaft and pinning brakes when necessary. This cost shall include the first thirty (30) minutes of waiting time prior to hook-up or after hook-up is completed and includes all ordinary clean-up, equipment and materials required to complete the service. Any additional waiting time may be charged at the rate of two hundred (\$200.00) per hour, calculated in minimum one quarter (1/4) hour increments (no charge shall be allowed for less than fifteen (15) minutes time). An additional charge of six dollars (\$6.00) per towed mile may be charged. The number of miles which a Wrecker must travel shall be determined by calculating the shortest route between the location of the disabled Vehicle and the designated place of rest.
2. Inordinate labor, winching and recovery, when necessary, for extrication of passenger

Vehicles from ditches, half-submerged Vehicles or off road shall not exceed two hundred and seventy-five dollars (\$275.00) per hour, calculated in one-half (1/2) hour increments, provided that a fee, not to exceed one hundred thirty seven-dollars and fifty cents (\$137.50), may be imposed for the first one-half (1/2) hour or portion thereof.

3. A fee not to exceed twenty-five dollars (\$25.00) may be charged if the use of a "Go-Jak" or a Dolly System is necessary to remove a passenger Vehicle from private property, when providing non-consensual towing services.
4. When additional tow trucks or Vehicles are required, the maximum Rates outlined above will apply.

(d) No Storage rate, of any class, shall be charged unless a Vehicle is stored in excess of twenty-four (24) hours for normal impounds and six (6) hours for any impound generated from a criminal offense. Storage begins when the towed Vehicle is secured at the Certificate holder's approved Storage site. After twenty-four (24) hours for normal impounds and six (6) hours for any impound generated from a criminal offense, the maximum Storage fee for light-duty Vehicles shall not exceed twenty-five dollars (\$25.00) per calendar day for inside or outside Storage. Inside Storage shall be applicable when it is necessary and practical for the protection of Vehicles or property or when requested by the owner. For medium-duty classification Vehicles, the Storage rate shall not exceed thirty-five dollars (\$35.00) per calendar day. For medium/heavy-duty classification of Vehicles, the Storage rate shall not exceed fifty-five dollars (\$55.00) per calendar day (tractor and trailer may be considered two Vehicles).

(e) The total Charges for processing the lien notice cannot exceed seventy-five dollars (\$75.00) per Vehicle.

(f) Rotator Rates are as follows; \$500.00 per hour for the exclusive use of rotator service. Any towing associated with the rotator will be charged the fee for heavy duty Rates.

Credits

Adopted March 19, 2013; Amended August 15, 2014; Amended November 2, 2015; Amended March 23, 2016.

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(1)(a), 5(1)(j), 5(2)(ii), and 5(2)(jj).

Chapter 1-21 Civil Penalties Guidelines
Rule 1-21.001 Civil Penalties Guidelines

The following is a list of offenses and monetary civil penalties that will be assessed. The monetary penalty recorded on the initial Citation is the amount to be paid if the Citation is uncontested. If a Citation is contested, the monetary penalty may be more or less than the original amount and will be decided at the administrative hearing. If determined guilty at the hearing, costs of the hearing will be assessed at a rate of \$25.00 per quarter (1/4) hour.

Chapter 1-2 Violations – Certificates		Penalty
Rule 1-2.001(10)	Failure to notify of ownership/control of a Certificate	\$100.00
Rule 1-2.001(11)	Failure to comply with Florida Statutes or Administrative Code	\$100.00
Rule 1-2.001(5)	Operation or causing to Operate restricted Taxicab outside of Zone	\$200.00
Chapter 1-3 Violations - Permits		Penalty
Rule 1-3.001(2)	Unlawful operation without a Vehicle Permit	\$100.00
Rule 1-3.001(2)	Causing or allowing the operation of a Vehicle without a Permit	\$200.00
Rule 1-3.001(2)	Operation or causing the operation while Vehicle Permit is suspended	\$100.00
Rule 1-3.001(3)	Using a false or altering a temporary Permit	\$200.00
Rule 1-3.001(4)	Unauthorized removal, hiding or altering an “Out of Service” sticker	\$50.00
Rule 1-3.001(5)	Failure to properly display/affix a Permit	\$100.00
Rule 1-3.001(6)	Unauthorized Transfer of a Permit	\$100.00
Rule 1-3.001(8)	Unauthorized modification or altering of a Vehicle	\$50.00
Rule 1-3.001(13)	Failure to remove Permit and sticker	\$100.00
Chapter 1-4 Violations – Insurance		Penalty
Rule 1-4.001	Failure to maintain required insurance minimums	\$100.00
Chapter 1-5 Violations – Public Vehicle Driver’s license		Penalty
Rule 1-5.001(1)	Unlawful Vehicle operation without a valid PVDL or a PVDL expired more than 12 months	\$100.00
Rule 1-5.001(1)	Causing or allowing the operation of a Public Vehicle by a Driver without a valid PVDL or a PVDL expired more than 12 months	\$200.00
Rule 1-5.001(1)	Unlawful Vehicle operation with PVDL expired 12 months or less	\$50.00
Rule 1-5.001(15)	Failure to comply with Florida Statute or Administrative Code	\$100.00
Rule 1-5.001(19)	Failure to timely notify of certain crimes	\$50.00
Chapter 1-6 Violations – Driver’s Duties		Penalty
Rule 1-6.001(1)	Failure to comply with Florida Regulatory Traffic Laws	\$50.00
Rule 1-6.001(2)	Refuse or neglect to transport	\$50.00
Rule 1-6.001(3)	Failure to properly display a PVDL	\$30.00
Rule 1-6.001(3)	Operating without possession of a PVDL	\$30.00
Rule 1-6.001(4)	Operating a Vehicle when the Permit or Certificate is suspended/revoked	\$100.00
Rule 1-6.001(5)	Operating a Taxicab without a properly sealed Taximeter	\$50.00
Rule 1-6.001(5)	Operating a Taxicab with passenger without Operating the	

	Taximeter	\$50.00
Rule 1-6.001(5)(b)	Refusal or failure to clean accident scene	\$60.00
Rule 1-6.001(5)(c)	Failure to comply with laws and ordinances for towing	\$50.00
Rule 1-6.001(5)(d)	Failure to properly impound Vehicles when officially requested	\$50.00
Rule 1-6.001(5)(h)	Coercing or pressuring owner/operators into agreements	\$100.00
Rule 1-6.001(5)(i)	Unauthorized use of flashing lights	\$50.00
Rule 1-6.001(7)	Failure to maintain appropriate hygiene and appearance	\$30.00
Rule 1-6.001(7)	Failure to be suitably dressed while on duty	\$30.00
Rule 1-6.001(8)	Collect Fares or Compensation other than at the approved rate	\$100.00
Rule 1-6.001(9)	Operating a Vehicle not in good working order	\$50.00
Rule 1-6.001(10)	Knowingly transporting for the purpose of committing a crime	\$100.00
Rule 1-6.001(11)	Use of abusive language or discourteous treatment to a customer	\$100.00
Rule 1-6.001(12)	Using cell phone not in a hands-free mode	\$50.00
Rule 1-6.001(13)	Failure to maintain clean luggage or passenger compartment	\$40.00
Rule 1-6.001(14)	Smoking cigarettes or cigars while a passenger is in the Vehicle	\$40.00
Rule 1-6.001(15)	Failure to Operate air conditioner at the request of the passenger	\$50.00
Rule 1-6.001(16)	Failure to remain with Vehicle as required	\$30.00
Rule 1-6.001(18)	Soliciting passengers outside of area authorized to Operate	\$30.00
Rule 1-6.001(19)	Allowing unauthorized Driver to Operate a Permitted Vehicle	\$150.00
Rule 1-6.001(20)	Failure to comply with Florida Statutes and Administrative Code	\$100.00
Rule 1-6.001(21)	Operating Public Vehicle while Capacity is exceeded	\$50.00
Chapter 1-7 Violations – Procedures for Operations		Penalty
Rule 1-7.001(1)	Failure to maintain records as required	\$100.00
Rule 1-7.001(2)	Failure to maintain central place of business as required	\$200.00
Rule 1-7.001(3)	Failure to maintain approved Vehicle color scheme	\$40.00
Rule 1-7.001(4)	Failure to follow approved taxi stand procedures	\$50.00
Rule 1-7.001(5)	Unauthorized solicitation of customers or non-prearranged services	\$500.00
Rule 1-7.001(7)	Failure to return Personal property left in a Vehicle	\$200.00
Rule 1-7.001(8)	Operating or causing to Operate a suspended for-hire Vehicle	\$200.00
Rule 1-7.001(10)	Unauthorized advertising	\$50.00
Rule 1-7.001(11)	Providing prohibited Compensation	\$50.00
Rule 1-7.001(12)	Unauthorized sub-contracting	\$50.00
Rule 1-7.001(13)	Failure to comply with service times, dispatching requirements	\$50.00
Rule 1-7.001(14)(a)	Failure to comply with laws, Rules, codes and regulations	\$100.00
Rule 1-7.001(14)(b)	Failure to comply with law enforcement hold orders	\$200.00
Rule 1-7.001(14)(c)	Unauthorized solicitation at accident scenes	\$500.00
Rule 1-7.001(14)(g)	Failure to provide notice of impoundment	\$20.00
Rule 1-7.001(15)(a)-(c)	Failure to maintain proper Storage facilities	\$100.00
Rule 1-7.001(15)(h)	Unauthorized use of alternate or unapproved Storage location	\$100.00
Rule 1-7.001(15)(i)	Improper release of or refund to release Vehicle from Storage	\$50.00
Rule 1-7.001(15)(j)	Failure to maintain required business operation hours and days	\$150.00
Rule 1-7.001(15)(k)	Charging or collecting more than authorized service Charges	\$100.00
Rule 1-7.001(16)	Failure to comply with Non-consensual towing conditions and restrictions	\$100.00
Chapter 1-8 Violations – Vehicle Standards		Penalty Rule
1-8.001	Failure to maintain prescribed Vehicle standards	\$100.00 Rule 1-
8.001(6)(a)	Transporting Vehicle that exceeds GVW of Wrecker Capacity	\$50.00

Chapter 1-9 Violations – Rates (Fares)		Penalty
Rule 1-9.001(1)	Charging and/or collecting more than maximum Rates	\$100.00
Rule 1-9.001(5)	Charging for unauthorized services	\$50.00
Rule 1-9.001(6)	Failure to file Rates as required	\$50.00
Rule 1-9.001(7)	Accepting prohibited fare subsidy	\$50.00
Rule 1-9.001(8)	Charging and/or collecting more than maximum Rates	\$100.00
Chapter 1-10 Violations - Taximeter		Penalty
Rule 1-10.001(1)	Operation of a Taxicab without an inspected, sealed Taximeter	\$100.00
Rule 1-10.001(1)	Causing or allowing a violation of Rule 1-10.001(1)	\$100.00
Rule 1-10.001(5)	Tampering with a Taximeter or seal	\$100.00
Rule 1-10.001(6)	Operating with an inoperable cruise light	\$20.00
Chapter 1-11 Violations – Manifest and Other Records		Penalty
Rule 1-11.001(1)	Failure to properly maintain daily Manifest	\$50.00
Rule 1-11.001(3)	Failure to collect and store daily Manifests	\$50.00
Rule 1-11.001(4)	Failure to properly record dispatch records	\$50.00
Rule 1-11.001(5)	Failure to maintain records	\$100.00
Rule 1-11.001(7)	Allowing a Driver to Operate who did not file Manifests	\$50.00
1-11.001(8)(a)	Failure to properly record dispatch records	\$50.00
1-11.001(8)(b), (d), or (e)	Failure to properly maintain records	\$100.00
Chapter 1-12 Violations – Suspension, etc.		Penalty
Rule 1-12.001	Violation of suspension, condition, revocation or probation order	\$100.00
Chapter 1-13 Violations – Drug Free Workplace Policy		Penalty
Rule 1-13.001	Failure to comply with drug-free workplace policy requirements	\$50.00
Special Act		
Section 7(1)	Operating a Public Vehicle without a Certificate	\$500.00
Section 8(1)	Operating a Public Vehicle without a Public Vehicle Driver's license	\$100.00
Section 8(5)(c)	Failing to surrender a Public Vehicle Driver's license when State Driver's license has been suspended, revoked, expired or is otherwise invalid	\$50.00
Section 8(5)(d)	Failing to show or properly display license	\$30.00
Section 9(1)	Failing to adhere to safety and equipment requirements	\$100.00
Section 9(2)	Failing to properly display Vehicle identification information	\$100.00
Section 9(3)	Failing to properly equip or represent Handicab service	\$100.00
Section 9(4)	Failing to provide two-way voice communications	\$100.00
Section 9(4)	Carrying or using a scanner or monitor type radio	\$100.00

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 5(2)(y), 5(2)(x), and 5(2)(w).

Chapter 1-22 Taxicab Company Classification and Criteria

Rule 1-22.001 Taxicab Company Classification and Criteria

The chart below consists of information that PTC Hearing officers may use as guidelines to assist in their assessment of Taxicab companies as apply for COPCNs to start Taxicab services or applications for additional Permits. The criteria on the right are not requirements of the companies but, instead, are items that can be used to better describe the quality of the character of the service provided or proposed to be provided.

Small Company	1-9 Permits	Service Contract for Maintenance
Medium Company	10-24 Permits	Service Contract for Maintenance or Part Time Maintenance Personnel 24 x 7 Operations Schedule Central Dispatching Capability % Accessible Vehicles
Large Company	25-49 Permits	Full Time Mechanic Fixed Facility for Company Minimum One Maintenance Bay Non-Driver Management Personnel 24 x 7 Operations Meter Inspection Capability % Accessible Vehicles
Extra-Large Company	50 Permits and up	Full Time Mechanics Fixed Facility for Company Minimum Three Maintenance Bays Non-Driver Management Personnel 24 x 7 Operations Meter Inspection Capability % Accessible Vehicles
All Companies		Operating Voice Communication Capability Vehicle Records Maintenance Driver File Maintenance Driver Training Program
Additional Criteria		Age of Vehicles (5 year rotation policy) Global Positioning System Use Credit Card Scanning! Receipt Equipment Hybrid-fuel consumption Vehicles

Credits

Adopted March 19, 2013;

Rulemaking Authority Ch. 2001-299, Laws of Florida, Section 5(1)(b). Law Implemented Ch. 2001-299, Laws of Florida, Sections 7(2)(a), and 7(2)(c).