

ORDINANCE NO. 16-XXX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING **CHAPTER 9, LICENSES AND BUSINESS REGULATIONS, ARTICLE II BUSINESS TAX, SEC. 9-30 FEES, (219) TAXICABS and AUTOMOBILE FOR HIRE**; AMENDING **ARTICLE VIII – VEHICLES FOR HIRE**, DIVISION 1 – GENERALLY, SEC. 9-221 DEFINITIONS; DELETING AND RESERVING SEC. 9-222 TO 9-245; AMENDING DIVISION 2 – CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; AMENDING SEC. 9-256 - REQUIRED; AMENDING SEC. 9-257 – APPLICATION; AMENDING 9-258 – PUBLIC HEARING; DELETING SEC. 9-259 – ISSUANCE; CONTENTS; AMENDING SEC. 9-260 TERRITORY SERVED BY EXISTING CERTIFICATE HOLDER; AMENDING SEC. 9-261 – DISPLAY; AMENDING 9-262 - LIABILITY INSURANCE; AMENDING SEC. 9-263 – TRANSFER; AMENDING 9-264 – SUSPENSION; REVOCATION; ADDING SEC. 9-265 – TRANSFER/ASSIGNABILITY; ADDING SEC. 9-266 – APPEALS; RESERVING SEC. 9-275-9-282; DELETING DIVISION 3 – DRIVER’S PERMIT, SEC. 9-276 – 9-28; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there is a need to clarify language concerning the conditions under which vehicles for hire may be operated in the City; to standardize the requirements for the issuance of certification and provide classifications of vehicles for hire which may operate in the City; and to provide for enhanced safety measures for operators of vehicles for hire.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. Chapter 9, Article II, BUSINESS TAX, Sec. 9-30 Fees (219) TAXICABS and AUTOMOBILES FOR HIRE, of the Code of Ordinances of the City of Fort Pierce, Florida shall hereinafter read as follows:

(219) TAXICABS and ~~AUTOMOBILES~~ VEHICLES FOR HIRE:

- a. ~~Cars carrying not exceeding ten (10) passengers~~ Vehicle designed to carry 15 or fewer passengers63.67
- b. ~~Cars carrying over ten (10) passengers~~ Vehicle designed to carry 16 or more passengers including the driver.....76.41

(For regulations relating to operators and drivers, see article VIII of this chapter)

SECTION 2. Chapter 9, Article VIII, “Vehicles for Hire”, of the Code of Ordinances of the City of Fort Pierce, Florida shall hereinafter read as follows:

ARTICLE VIII. - VEHICLES FOR HIRE

DIVISION 1. - GENERALLY

Sec. 9-221. - Definitions.

The following words and phrases when used in this article shall have the meanings set out herein:

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

Callbox stand: A place alongside a street or elsewhere where the city manager has authorized a holder of a certificate of public convenience and necessity to install a telephone or callbox for the taking of calls and the dispatching of taxicabs.

Certificate A certificate of public convenience and necessity issued by the city commission authorizing the holder thereof to conduct a taxicab business in the city, means the written authority granted by the City Commission or City Clerk, to the holder thereof, to engage in providing public transportation services in the city.

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

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

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

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

- (1) Taxicabs. The term "taxicab" means a motor vehicle designated to accommodate not more than five passengers, exclusive of the driver, operated for compensation and the route or destination is controlled by the passenger therein.
- (2) Limousines. The term "limousine" means any motor vehicle that is engaged for the exclusive use of the passenger, which provides seating accommodations for not less than six and not more than eight passengers, exclusive of the driver, and where the route or destination is controlled by the passenger.
- (3) Van. The term "van" means any motor vehicle which provides seating accommodations for not less than nine and not more than 15 passengers, exclusive of the driver, operated for compensation, and the route or destination is controlled by the passenger therein.

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

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

Sec. 9-222 to 9-255. Reserved.

Cruising: The driving of a taxicab on the streets, alleys or public places of the city in search of or soliciting prospective passengers for hire.

Driver's permit: The permission granted by the chief of police to a person to drive a taxicab upon the streets of the city.

Holder: A person to whom a certificate of public convenience and necessity has been issued.

Manifest: A daily record prepared by a taxicab driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

Open stand: A public place alongside the curb of a street or elsewhere, in the city which has been designated by the city manager as reserved exclusively for the use of taxicabs.

Person: An individual, a corporation or other legal entity, a partnership and any unincorporated association.

Rate card: A card issued by the owner for display in each taxicab which contains the rates of fare then in force.

~~Taxicab or taxi: A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than seven (7) persons and not operated on a fixed route.~~

~~Taximeter: A meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.~~

~~Waiting time: The time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger or passengers.~~

~~Sec. 9-222. – Bus franchises.–~~

~~The provisions of this article shall not be applicable to the holders of any franchise from the city for the operation of buses in the city.~~

~~Sec. 9-223. – Enforcement.–~~

~~The police department shall observe the conduct of holders and drivers and shall enforce this article according to law and report any violation of rules and regulations to the city commission that would revoke the certificate of public convenience of the holder.~~

~~Sec. 9-224. – Application for license; to set forth rates.–~~

~~Each application for a license under this article shall set forth the rate of fare to be charged, which shall not thereafter be increased or decreased without approval of the city commission.~~

~~Sec. 9-225. – Conduct of operators.–~~

~~No taxicab driver shall use indecent or profane language, or be guilty of loud or boisterous talking, shouting or disorderly conduct, or vex or annoy any passenger or any other person. No driver shall use intoxicants either immediately before or while on duty. No driver shall use narcotics at any time.~~

~~Sec. 9-226. – Designation of taxicabs and drivers; duties of owner.–~~

- ~~(a) Every taxicab, motor bus or other motor vehicle operated under the provisions of this article shall have a sign attached to or printed on said vehicle, with either the words "Public" or "Taxicab," "Motor Bus" or "For Hire," thereon.~~
- ~~(b) The owner shall notify the police department of the names and addresses of all taxicab drivers in its employ. It shall be the owner's responsibility to inform prospective drivers that they must obtain a taxicab driver's permit from the city. The owner must not permit drivers without a taxicab driver's permit to operate taxicabs or other vehicles for hire in the city. Violation of this provision shall cause automatic revocation of the owner's franchise. All changes of residence of the owner or any driver shall be reported to the police department within three (3) days. Changes of location of the business shall be reported to the city manager immediately. The owner shall notify the police department of any taxicab or other vehicle for hire which is being permanently taken out of service.~~

~~Sec. 9-227. – Vehicles; equipment and maintenance.–~~

- ~~(a) License. Prior to the use and operation of any vehicle under the provisions of this article, it shall be thoroughly examined and inspected by the police department and found to comply with such reasonable rules and regulations as may be prescribed and promulgated by the chief of police to provide safe transportation. They shall specify such safety equipment and regulatory devices as the chief of police shall deem necessary therefor. When the police department finds that a vehicle has met the standards established by the chief of police, the department shall issue a permit to that effect, which shall also state the authorized seating capacity of said vehicle.~~
- ~~(b) Inspection sticker. It shall be unlawful for any vehicle required under this article to be inspected, to be operated upon any streets of the city without first securing and having attached thereto an official inspection sticker issued by the police department.~~
- ~~(c) Equipment. All licensed taxicabs or other public vehicles, other than motor buses regulated under state law, shall be in sound operating condition. The brakes, tires, steering mechanism, windshield wipers, directional signals and all other equipment shall~~

~~be kept in such condition as to insure safe operation. Every taxi shall be equipped with front and rear bumpers. Taxis shall not be equipped with shades or curtains which can be manipulated in such a manner as to shield the occupants or the driver from observation. Radios and all other equipment which, in the opinion of the chief of police, are not reasonably useful in the furnishing of safe, adequate and convenient taxi service, are hereby prohibited. Each taxi shall be clean and sanitary throughout, and the owner shall see to it that the interior of the taxi is thoroughly cleaned at the end of each day's operation, or at intervals of no greater than twenty-four (24) hours.~~

- ~~(d) Inspection. Every taxi shall be inspected to determine its mechanical condition at least two (2) times a year, during the periods between April 1 and June 1, and between October 1 and December 1. This inspection shall take place at the city's garage or at a service garage designated by the chief of police. The owner shall pay to the city a fee of five dollars (\$5.00) per taxi for each inspection. A report of such inspection shall be submitted to the city manager and the chief of police within ten (10) days after the inspection has been made. The police department may make, or cause to be made, special inspections of any licensed taxi whenever it feels the public safety would be served thereby. The police department shall have the right to inspect or check taxis at any time in enforcing the provisions of this article. Whenever the chief of police or his duly designated agent believes that a licensed taxi is unsafe or unclean or in any manner is in violation of this article, he shall stop its operation in the city until the condition has been rectified.~~

~~Sec. 9-228. Taximeter.~~

~~All taxicabs operated under the authority of this article shall be equipped with taximeters fastened in front of the passengers, visible to them at all times, day and night; and, after sundown, the face of the taximeter shall be illuminated. Said taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. It shall be sealed at all points and connections which, if manipulated, would affect its correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed; and it shall be the duty of driver to throw the flag of such taximeter into a nonrecording position at the termination of each trip. Taximeters shall be subject to inspection from time to time by the police department. Any inspector or other office of said department is hereby authorized either on complaint of any person or without such complaint, to inspect any meter and, upon discovery of any inaccuracy therein, to notify the person operating said taxicab to cease operation. Thereupon said taxicab shall be kept off the highways until the taximeter is repaired and in the required working condition.~~

~~Sec. 9-229. Taxicab rates—Generally.~~

- ~~(a) Every person owning, operating or controlling any motor vehicle operated as a taxicab within the limits of the city shall file with the city manager a schedule of the rates or fares to be charged for transportation of passengers in such taxicabs, which rates or fares shall be approved by the city commission, and all charges shall be strictly in accordance with such schedule. Such person may file an amended schedule of fares at any time, and such amended schedule shall show the date on which it is to become effective and shall be approved by the city commission.~~
- ~~(b) Each taxicab shall have posted in a conspicuous place therein a schedule of rates for the transportation of persons within the corporate limits of the city, and no charges shall be made except as provided by the rates so posted.~~

~~Sec. 9-230. Same—Maximum amounts specified.~~

~~No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than the following rates:~~

- ~~(1) Hour rates: Six dollars (\$6.00) per hour for one or more passengers.~~
- ~~(2) Mileage rates: Two dollars (\$2.00) on the flag drop, and one dollar and fifty cents (\$1.50) per mile, or fifteen (15) cents for each one-tenth (1/10) mile.~~
- ~~(3) Waiting time: Thirty five (35) cents for each minute of waiting time or fraction thereof.~~
- ~~(4) Packages carried by passengers: No charge.~~
- ~~(5) Suitcase or large bag: After the first two (2) suitcases or large bags, fifty (50) cents for each suitcase or bag thereafter.~~
- ~~(6) Foot lockers: Fifty (50) cents each.~~
- ~~(7) Trunks: One dollar (\$1.00) each.~~
- ~~(8) Groceries handled by the driver: After the first two (2) bags or packages, fifty (50) cents each per bag or package regardless of number of bags or packages.~~

~~Every taxicab operated under this section shall have a rate card setting forth the authorized rates of fare displayed in such a place as to be in view of all passengers.~~

~~Sec. 9-231. Same Special rates.~~

~~The owners of taxicabs operated under the authority of this article may negotiate and contract for the transportation of children to and from schools or recreational centers and to transport adult laborers, maids and workers to and from any commercial plant, business or residence, at less than the price fixed for other passengers. Taxicabs while transporting or hauling persons under contract are exempt from the provisions of sections 9-228 and 9-230.~~

~~Sec. 9-232. Identification permit card.~~

- ~~(a) All persons over the age of fourteen (14) years under contract for transportation by any taxicab operated under the authority of this article and amendments thereto, shall be issued a transportation identification permit card by the chief of police and the said passengers shall retain the said transportation identification permit card and exhibit it upon the request of any police officer.~~
- ~~(b) Application for a transportation identification permit card shall be made in writing to the chief of police upon a form to be provided by him and shall furnish the following information:
 - ~~(1) Name and address of the applicant.~~
 - ~~(2) Place of employment.~~
 - ~~(3) Name of the taxicab owner or company.~~
 - ~~(4) Length of time permit is requested.~~~~

~~The application shall be signed by the applicant and countersigned by the taxicab owner or company. Upon receipt of the application, if the chief of police is satisfied that the application is made in good faith, he shall issue the transportation identification permit card to the applicant. Duplicate or renewal cards may be issued by the chief of police upon written request of the applicant.~~

~~Sec. 9-233. Taxicab service required.~~

~~All persons engaged in the taxicab business in the city operating under the provisions of this article shall render an overall service to the public desiring to use taxicabs. Holders of certificates of public convenience and necessity shall maintain a central place of business and keep the same open twenty-four (24) hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of the city as soon as they can do so and if such services cannot be rendered within a reasonable time they shall then notify the prospective passengers how long it will be before such call can be answered and give the reason therefor. Any holder who shall refuse to accept a call anywhere in the corporate limits of the city at any time when such holder has available taxicabs, or who shall fail or refuse to give overall service, shall be deemed a violator of this article and the certificate granted to such holder shall be revoked at the discretion of the city commission.~~

~~Sec. 9-234. Daily manifests.~~

- ~~(a) Every owner shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip, number of passengers and amount of fare. The forms for each manifest kept by the owner shall be of a character approved by the city manager.~~
- ~~(b) Every holder of a certificate of public convenience and necessity shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and such manifests shall be available to the city manager and the chief of police.~~

~~Sec. 9-235. Service contract reports; filed with city.~~

~~All holders must file with the city manager copies of all contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of taxicab service to any hotel, theater, hall, public resort, railway station or other place of public gathering, whether such arrangement is made with the holder or any corporation, firm or association with which the holder may be interested or connected. Failure to file such copies within seven (7) days shall be sufficient cause for the revocation of a certificate of any offending holder or the cancellation of any taxicab stand privileges.~~

~~Sec. 9-236. – Advertising.–~~

~~Subject to the rules and regulations of the city commission, it shall be lawful for any person owning or operating a taxicab or motor vehicle for hire to permit advertising matter to be affixed to or installed in or on such taxicabs or motor vehicles for hire.~~

~~Sec. 9-237. – Drivers' hours.–~~

~~It shall be unlawful for any person to drive or operate a taxicab for more than twelve (12) hours within any twenty-four-hour period. A taxicab driver's log shall be kept in the taxicab at all times during its operation.~~

~~Sec. 9-238. – Use of taxicab for prostitution generally.–~~

~~It shall be unlawful for the driver of a taxicab operated in the city to permit any person to accompany or use such taxicab for the purpose of prostitution, lewdness or assignation, or to direct, take or transport, or to offer or agree to direct, take or transport any other person with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution, lewdness or assignation.~~

~~Sec. 9-239. – Nonpaying passengers.–~~

~~It shall be unlawful for any driver, operator or chauffeur of any taxicab to carry in such taxicab any person except fare-paying passengers or employees of the person by whom the taxicab is owned or operated.~~

~~Sec. 9-240. – Receipts.–~~

~~The driver of any taxicab shall upon demand by the passenger render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or motor number, amount of meter reading or charges and date of transaction.~~

~~Sec. 9-241. – Refusal of passenger to pay legal fare.–~~

~~It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this article after having hired the same, and it shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such services. Every driver of any such public automobile, taxicab or motor vehicle shall have the right to demand payment of the legal fare in advance and may refuse employment unless so prepaid.~~

~~Sec. 9-242. – Solicitation, receiving and discharging of passengers.–~~

- ~~(a) Solicitation of passengers by driver. No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that, when necessary a driver may be absent from his taxicab for not more than thirty (30) consecutive minutes, and provided further that nothing contained in this section shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.~~
- ~~(b) Prohibited solicitation. No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.~~
- ~~(c) Receipt and discharge of passengers. Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right hand side of the road and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right or left hand sidewalk, or side of the roadway in the absence of a sidewalk.~~
- ~~(d) Cruising. No driver shall cruise in search of passengers except in such areas and at such time as shall be designated by the city manager, and only when the city manager finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.~~

- ~~(e) Solicitation of other common carrier passengers. No driver, owner or operator shall solicit passengers at the terminal of any other common carrier, nor at any intermediate points designated as an established bus stop along any established route.~~
- ~~(f) Additional passengers. No driver shall permit any other person to occupy or ride in such taxicab, unless the person or persons first employing the taxicab shall consent to the acceptance of additional passengers. No charge shall be made for an additional passenger except in accordance with the schedule of the rates and fares as posted.~~
- ~~(g) Restriction of number of passengers. No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab as stated in the permit for such vehicle issued by the police department. A child in arms shall not be counted as a passenger.~~
- ~~(h) Soliciting business for hotels, etc. It shall be a violation of this article for any driver of a taxicab to solicit business for any hotel, or to attempt to divert patronage from one hotel to another. Neither shall such driver engage in selling intoxicating liquors or solicit business for any house of ill repute or use his vehicle for any purpose other than the transporting of passengers.~~
- ~~(i) Refusal to carry passengers. It shall be unlawful for any driver of any taxicab to refuse or neglect to carry in such taxicab any orderly person or persons upon request, unless previously engaged or unable or forbidden by this article to do so.~~

~~Sec. 9-243. - Open stands; establishments; use.-~~

- ~~(a) The city manager or chief of police:
 - ~~(1) May establish open stands in such places upon the streets of the city as deemed necessary for the use of taxicabs operated in the city.~~
 - ~~(2) Shall not create an open stand without taking into consideration the need for such stands by the companies and the convenience to the general public.~~
 - ~~(3) Shall prescribe the number of cabs that shall occupy such open stands.~~
 - ~~(4) Shall not create an open stand in front of any place of business where the abutting property owners object to the same or where such stand would tend to create a traffic hazard.~~~~
- ~~(b) Open stands shall be used by the different drivers on a first-come-first-served basis. The driver shall pull on to the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five (5) feet of their cabs; they shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this section shall be construed as preventing a passenger from boarding the cab of his choice that is parked at open stands.~~

~~Sec. 9-244. - Callbox stands; establishment; use.-~~

- ~~(a) The city manager may establish callbox stands upon the streets of the city in such places as in his discretion he deems expedient. A holder desiring to establish a callbox stand shall make written application to the city manager. The applicant must attach to the application the written approval of the abutting property owners of such space, consenting to the creation of such stand. Upon filing of the application the police department shall make an investigation of the traffic conditions at such place and shall thereafter file their written recommendations with the city manager. The city manager shall then either grant or refuse the application, depending upon the traffic conditions. When a callbox stand has been established as provided in this section, it shall be used solely by the holder to whom the same was granted and his agents and servants, and no other holder shall be permitted to use the same; provided, however, that no holder shall be granted permits for more than three (3) such closed stands within the downtown business area.~~
- ~~(b) A holder operating a callbox stand may have on duty at such stand a starter or other employee for the purpose of assisting in the loading or unloading of passengers from cabs, for receiving calls and dispatching cabs and for soliciting passengers at such stand. The words "at such stand" shall mean that part of the sidewalk immediately adjacent to and of equal length with such callbox stand. It shall be unlawful for any such starter or other employee to go beyond the area herein designated for the purpose of soliciting passengers or assisting them in boarding cabs.~~

~~Sec. 9-245. - Other vehicles.-~~

~~Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established as either open stands or callbox stands.~~

~~Secs. 9-246 - 9-255. - Reserved.-~~

DIVISION 2. - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY CERTIFICATION

Sec. 9-256. - Required: Certificate of transportation.

~~No person shall operate or permit a taxicab or motor vehicle as defined in section 9-221 owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without having first obtained a certificate of public convenience and necessity from the city commission.~~

(a) It shall be unlawful for any motor carrier to use, drive, or operate or to cause or permit any person to use, drive, or operate any motor vehicle upon the streets within the city limits without first obtaining a certificate of transportation pursuant to the provisions of this article; provided, however, that this section shall not apply to the following:

- (1) Discharge of any passenger picked up outside the city limits; provided that the pickup and carriage of such passenger were legally authorized.
- (2) Operation under a valid certificate of public convenience issued by the interstate commerce commission.
- (3) Operation of a limousine by licensed embalmers, morticians, or funeral directors, or their employees, for purposes directly related to funerals.
- (4) Operation of privately owned buses engaged in intercity transportation, but only to the extent required by F.S. § 341.102.
- (5) Operation of a motor vehicle under a valid certificate of public convenience and necessity issued by the city.
- (6) Motor vehicles owned, or operated through contract, by the city providing local or special public transit services.
- (7) Ambulances and other emergency vehicles operated by the county fire district for purposes of medical transport.
- (8) Ambulances and other vehicles required to be licensed under the provisions of F.S. ch. 401 and/or chapter 18 of this Code.
- (9) Federal, state, county, or municipal vehicles when operated by a government employee providing transportation services without compensation.
- (10) Motor vehicles used for the transportation of passengers between the vicinity of their respective residences and the vicinity of their respective places of work when driven by a person travelling between his residence and his place of work in an arrangement commonly referred to as a car pool or van pool.
- (11) Vehicles operated by a governmental agency.
- (12) Vehicles owned and operated by hotels and motels which provide transportation services for their guests only, for which the guest does not incur a separate charge.

(b) There are hereby created two classes of certificates of transportation.

- (1) Class A. A Class A certificate of transportation shall be required for any individual, partnership, association, corporation, or other entity that owns, controls, operates, exercises dominion over, or manages any motor vehicle which holds itself out as engaged in the business of providing passenger transportation services to the public for compensation.
- (2) Class B. A Class B certificate of transportation shall be required for any individual employed or contracted as a chauffeur by an individual, partnership, association, corporation, or other entity that owns, controls, operates, exercises dominion over, or manages any motor vehicle which holds itself out as engaged in the business of providing passenger transportation services to the public for compensation.

(c) Any certificate issued pursuant to the provisions of this article shall be valid for one year only and shall expire on September 30 of each year.

Sec. 9-257. – Application; contents; investigation.

(a) Application for Class A certificate of transportation. Every application for a Class A certificate of transportation, and every application for amendment to a Class A certificate of transportation hereunder, shall be in writing, signed and sworn to by the applicant, and shall be filed with the City Clerk as provided for herein. The application shall be on a form provided by the City Clerk and shall contain the following:

- (1) General.

- a. If an individual, name, address and date of birth of the applicant, and names and addresses of all management personnel.
 - b. If a partnership or association, names, addresses and dates of birth of all partners or associates, and names and addresses of all management personnel.
 - c. If a corporation, name of corporation, date and state of incorporation, verified copy of registration to do business in the state, address of corporate headquarters in the state, or name and address of resident agent if foreign corporation, names, addresses and date of birth of all corporate officers, directors, and management personnel.
 - d. All previous addresses for the five years preceding the date of application for all individuals, partners, corporate officers, directors and management personnel.
- (2) A description of the type of transportation service which the applicant desires to furnish, including whether taxicab, limousine, or other; a brief description of the number, kinds and types of vehicles to be used; seating capacity of the vehicles; a statement indicating whether each vehicle is accessible for persons with disabilities and a description of the accessibility features of each vehicle; and the state motor vehicle license number of each vehicle.
 - (3) The trade name under which the motor carrier service will be operated.
 - (4) A statement indicating whether the applicant has paid its current annual state license tax on motor vehicles for hire for all motor vehicles to be used by the applicant and whether appropriate license tax is affixed to each such vehicle.
 - (5) Evidence of insurance as required in section 9-261.
 - (6) Two current passport-type photographs of the applicant. In the case of partnership, association or corporation, this information shall be obtained from all partners, associates, corporate officers and directors.
 - (7) A record of all vehicular and pedestrian accidents involving property damage and/or personal injury that the applicant has been directly involved in, which have occurred within five years of the date of the application, including an identification of all final judgments and/or criminal findings, along with any other pertinent information.
 - (8) A certified copy of a criminal background investigation disclosing a record of all crimes (excluding traffic) of which the applicant has been convicted within five years preceding the date of the application. In the case of partnership, association or corporation, this information shall be obtained from all partners, associates, corporate officers and/or directors.
 - (9) A list of all motor carrier certificates, permits, or authorizations granted or denied to the applicant by a governmental entity within the preceding three years, and a list of all failures by the applicant to perform on a motor carrier contract, franchise, or license within six years preceding the date of application. Partnership, association, or corporate applicants shall provide this information for all partners, associates, corporate officers and directors.
 - (10) A description of the geographic area proposed to be served by the applicant. This should be expressed as either a 50- or 200-mile radius out from the applicant's base of operations.
 - (11) Each original application, application for amendment, or application for certificate transfer shall be accompanied by a fee in the amount prescribed by resolution of the board. All such fees are nonrefundable.
- (b) Application for Class B certificate of transportation. Every application for a Class B certificate of transportation and every application for amendment to a Class B certificate of transportation hereunder shall be in writing, signed and sworn to by the applicant, and shall be filed with the City Clerk as provided for herein. The application shall be on a form provided by the City Clerk and shall contain the following:
- (1) Name, address and date of birth of the applicant.
 - (2) The name of the individual, partnership, association, corporation, or other entity that owns, controls, operates, exercises dominion over, contracts for or manages the motor vehicles which will be operated by the applicant to provide passenger transportation services to the public for compensation.
 - (3) Copy of current state driver's license.
 - (4) Two current passport-type photographs of the applicant.
 - (5) A record of all vehicular and pedestrian accidents involving property damage and/or personal injury that the applicant has been directly involved in, which have occurred within five years of the date of the application, including an identification of all final judgments and/or criminal findings, along with any other pertinent information.

- (6) A certified copy of a criminal background investigation disclosing a record of all crimes (excluding traffic) of which the applicant has been convicted within five years preceding the date of the application.
- (7) A list of all motor carrier certificates, certificate of transportation, or authorizations granted or denied to the applicant by a governmental entity within the preceding three years.
- (8) Each original application or application for an amendment shall be accompanied by a fee in the amount prescribed by resolution of the board. All such fees are nonrefundable.

An application for a certificate shall be filed with the city commission upon forms provided by the city. Such application shall be verified under oath and shall furnish the following information:

- ~~(1) The name, residence address and proposed place of business of the applicant; if the applicant is a co-partnership the application shall give the names and residence addresses of the co-partners; if the applicant is a corporation the application shall set forth the name of the corporation and the residence addresses of its officers and boards of directors.~~
- ~~(2) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to such judgments.~~
- ~~(3) The experience of the applicant in the transportation of passengers.~~
- ~~(4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.~~
- ~~(5) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.~~
- ~~(6) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.~~
- ~~(7) The proposed time schedule of operation and the rates of fare to be charged.~~
- ~~(8) Such further information as the city commission may require.~~
- ~~(9) Such application shall be accompanied by a tender of the license fee as provided by section 9-30(287) or other ordinances of the city.~~

Sec. 9-258. - ~~Public hearing. Review of Application.~~

(a) Review of Class A certificates of transportation.

- (1) Upon the filing of any application for a Class A certificate of transportation, the City Clerk, or his or her designee, shall review the application for completeness. The City Clerk may require additional information as may be necessary to adequately review an application for a Class A certificate of transportation.
- (2) The City Clerk or shall determine whether the submitted application is complete within ten working days of the date the application is filed with the director. Upon a showing of good cause, the City Clerk may extend this review period one time for ten additional working days. If the City Clerk does not certify the application as complete, return the application as incomplete, or notify the applicant that the review period is being extended for an additional ten-day period, the application for Class A certificate of transportation shall automatically be granted provisional status, subject to the provisions of subsection (a)(4) of this section.
- (3) If the City Clerk determines the application for Class A certificate of transportation to be incomplete and/or inconsistent with the standards of review set forth in section 9-260, the City Clerk shall return the application to the applicant, noting the items which are not complete or have been determined to be inconsistent with the standards of review. The applicant will then have 60 days from the date of transmittal to submit a revised/corrected application for certificate of transportation. Any application that has been returned for correction and is not resubmitted to the City Clerk within the described 60-day period shall be considered withdrawn and all filing fees forfeited.
- (4) Once the City Clerk determines an application for a certificate of transportation to be complete, the City Clerk shall, based upon the standards of review set out in section 9-260, approve, approve with conditions, or deny the application.
- (5) The City Clerk shall issue a Class A certificate of transportation if the City Clerk determines that the application complies with the requirements of this article and that the issuance of a certificate is consistent with the requirements of this article.

(b) Review of Class B certificates of transportation.

- (1) Upon the filing of any application for a Class B certificate of transportation, the City Clerk, or his or her designee, shall review the application for completeness. The City Clerk may require additional information as may be necessary to adequately review the application for a Class B certificate of transportation. Such review shall be a part of the record from which the City Clerk makes his or her decision.
- (2) The City Clerk shall determine whether the submitted application is complete within ten working days of the date the application is filed. Upon a showing of good cause, the City Clerk may extend this review period one time for ten additional working days. Good cause may include, but is not limited to, failure to receive the applicant's required driving record from the state department of highway safety and motor vehicles. If the City Clerk does not certify the application as complete, deny the application, return the application as incomplete, or notify the applicant that the review period is being extended for an additional ten-day period, the application for Class B certificate of transportation shall automatically be granted provisional status.
- (3) If the City Clerk determines the application for Class B certificate of transportation to be incomplete, the City Clerk shall return the application to the applicant, noting the items which are not complete. The applicant will then have 60 days from the date of transmittal to submit a revised/corrected application for a certificate of transportation. Any application that has been returned for correction and is not resubmitted to the community development director within the described 60-day period shall be considered withdrawn and all filing fees forfeited.
- (4) Once the application is complete, the City Clerk shall approve, approve with conditions, or deny the application based on the standards of review set forth in section 9-260.
- (5) If the City Clerk approves the application, the Clerk shall issue a Class B certificate of transportation. One of the photographs submitted with the application shall be affixed to the certificate. The certificate shall be prominently displayed in the motor carrier vehicle during all times of operation by the applicant.
- (6) Except as provided for under section 9-266, any applicant for a Class B certificate of transportation who has his application denied is prohibited from applying for any further certificates of transportation until such time as all requirements are met by the applicant.

- ~~(a) Upon filing application and payment of fees, the commission shall fix a time for hearing and acting upon such application. Notice of such hearing shall be given to the applicant and all other operators of any taxicab, motor bus or other public vehicle for the carriage of passengers for hire within the city. Such notice shall contain a brief summary of the subject matter of the application, the type of service proposed, the territory to be served and any other pertinent facts in connection therewith, and shall be mailed at least ten (10) days prior to the date assigned for hearing of such application. At the time specified in such notice or at such subsequent time as may be fixed by the commission, a public hearing upon such application shall be held by the commission. At or after such hearing the commission may issue a certificate of public convenience and necessity as prayed for or refuse to issue the same, or may issue the same with modifications or upon such terms and conditions as in its judgment the public convenience and necessity may require, taking into consideration the effect that the granting of such certificate may have upon transportation facilities within the territory sought to be served by the applicant and also the effect upon transportation as a whole within the city.~~
- ~~(b) When any such application is heard and denied, the commission shall not thereafter entertain any further application covering the identical or similar routes, schedules or service until the expiration of at least three (3) months from the date of such denial.~~
- ~~(c) In making the above findings, the city commission shall take into consideration the number of similar vehicles already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience and responsibility of the applicant.~~

~~Sec. 9-259. - Issuance; contents.-~~

- ~~(a) If the city commission finds that further transportation service in the city is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this article and the rules promulgated by the city commission, then the city commission shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under such certificate and the date of issuance; otherwise, the application shall be denied.~~
- ~~(b) Every certificate of convenience and necessity issued under the provisions of this article shall contain, among other things, the following:~~

- ~~(1) The rates of fare to be charged.~~
- ~~(2) The color scheme or insignia to be used.~~
- ~~(3) Such additional terms, conditions, provisions and limitations as the commission shall deem necessary or proper in the public interest.~~

~~Sec. 9-260. - Territory served by existing certificate holder. Standards of Review.~~

~~When any application for a certificate of public convenience and necessity, provided in this division, is made by any person, the commission shall grant such application only when the existing certificate holders fail to provide service and facilities which may reasonably be required by the commission.~~

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

- (1) Any permit holder or applicant for a certificate shall meet all of the following requirements:
 - a. Be at least 18 years of age on the date of application.
 - b. Hold a valid state driver's license of the appropriate classification for the vehicle driven.
 - c. Have no conviction or plea of nolo contendere within the preceding five years to any of the following:
 1. Any crime involving the sale or possession of controlled substances as defined in F.S. § 893.02.
 2. Any crime defined by F.S. ch. 796, related to prostitution.
 3. Any offense relating to driving under the influence of controlled substances or alcohol as set forth in F.S. § 316.193.
 - d. Have no conviction, or plea of guilty or nolo contendere, to any criminal offense or felony involving the use of deadly weapons unless the civil rights of the applicant or certificate holder have been restored.
 - e. Have no revocation or suspension within the preceding three years of a state driver's, chauffeur's or commercial driver's license.
 - f. Have no more than two traffic infractions resulting in accidents in the preceding three years.
 - g. Have no more than four convictions of moving traffic violations in the preceding eight years.
 - h. Meet the insurance requirements set forth in section 9-261, if required.
- (2) Failure to comply with the provisions of this section shall result in denial of a certificate, revocation or suspension of a certificate, a denial of a renewal of a certificate, or other such remedies available to the city.

~~Sec. 9-261. - Display. Certificate – Insurance requirement.~~

~~Each automobile for hire subject to the provisions of this article shall display in a conspicuous place the certificate provided for in section 9-259.~~

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

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

Sec. 9-262.—Liability insurance. Same—Revocation.

~~No certificate of public convenience and necessity shall be issued or continued in operation unless there is in force a liability insurance policy for each vehicle, and there shall be deposited with the director of finance, and a copy filed with the chief of police, a liability insurance policy for each vehicle authorized and operated in the amount of fifteen thousand dollars (\$15,000.00) for bodily injuries to any one person, and in the amount of thirty thousand dollars (\$30,000.00) for injuries to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000.00) for property damage resulting from any one accident. Said liability insurance shall inure to the benefits of any person who shall be injured or who shall sustain damages to property proximately caused by the negligence of a holder, his servants or agents. The liability insurance policy shall give the names of the owners of the taxicab and the make, model and serial number of the vehicle insured, all of which shall be shown upon the face of each policy.~~

- (a) The City Clerk shall revoke any certificate issued under this article for failure of the certificate holder to meet any requirement of this article or any rule or regulation adopted by the city or the state. Notice of the City Clerk's intent to revoke a certificate for failure to meet any of the above requirements shall be sent to the certificate holder by certified mail. If evidence of corrective measures is not presented to the City Clerk within 21 days of the date the notice is sent, the certificate shall be deemed revoked. If evidence of corrective measures is presented timely, the City Clerk shall determine whether that evidence is credible and whether it indicates full compliance with all governing requirements. Failure to present credible evidence of full compliance with all governing requirements shall be grounds for revoking the certificate.
- (b) Any certificate revoked pursuant to this section may only be reinstated through the filing of a new application for a certificate of transportation or through appeal as set forth in section 9-266.

Sec. 9-263.—Transfer. Renewal of certificate; evidence of continuing compliance.

~~No certificate of public convenience and necessity may be sold, assigned, mortgaged or otherwise transferred without the consent of the city commission.~~

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

to this article shall submit the following for renewal of the certificates and as evidence of continuing compliance with the provisions of this article:

- (1) Evidence of insurance in the amount and coverage required by section 9-261.
 - (2) A list of all chauffeurs employed by the holder of the certificate after the date of issuance of the current certificate and employed on the date of application for renewal of the certificate.
 - (3) A renewal fee in the amount prescribed by resolution of the City Commission.
- (b) Renewal of a Class B certificate of transportation. After September 1 of each year, but before October 1 of each year, every holder of a Class B certificate issued pursuant to this article shall submit the following for renewal of certificates and as evidence of continuing compliance with the provisions of this article:
- (1) Evidence of insurance in the amount and coverage required by section 9-261, if required.
 - (2) A renewal fee in the amount prescribed by resolution of the City Commission.
- (c) The certificate shall be renewed only if a certificate holder demonstrates continuing compliance with the provisions of this article. Otherwise, the certificate shall be subject to revocation as set forth in section 9-262.

Sec. 9-264. -~~Suspension; revocation.~~ Authority of City Commission to promulgate rules and regulations.

~~A certificate issued under the provisions of this article may be revoked or suspended by the city commission if the holder has:~~

- ~~(1) Violated any of the provisions of this article.~~
- ~~(2) Discontinued operations for more than ten (10) days.~~
- ~~(3) Violated any ordinance of the city, or the laws of the United States or the state, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.~~

The City Commission is hereby authorized to establish, by resolution, such rules and regulations concerning the operation and maintenance of any taxicab or limousine service permitted pursuant to this article as they may deem necessary to protect the public health and safety of the citizens of the city. Any failure by a certificate holder to meet and comply with such rules and regulations shall be grounds for permit revocation as provided in section 9-262.

~~Secs. 9-265 - 9-275. - Reserved.~~

Sec. 9-265. Transfers/assignability.

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

Sec. 9-266. - Appeals.

- (a) An applicant or certificate holder may appeal any decision made by the City Clerk to the City Commission by filing a petition of appeal with the city manager within 30 calendar days of the date of rendition of the decision. The board shall review the petition at a public meeting within 30 calendar days from the date of filing of the appeal. The petitioner shall be provided with notice of the time, date and place of the public meeting by certified mail, return receipt requested, and invited to attend. Testimony at the public meeting shall be limited to ten minutes per side, unless an extension of time is granted by the commission. The commission's decision shall be final for the purpose of administrative appeals. The commission's review of the petition shall be limited to the record and facts which were available to the City Clerk at the time of rendition of the decision appealed. The commission shall revoke the decision of the City Clerk if there is competent substantial evidence in the record that the decision fails to comply with this article.
- (b) Any person desiring to appeal a decision of the commission under this section may apply for judicial relief by writ of certiorari to the circuit court in the Nineteenth Judicial Circuit in and for

the city within 30 days after rendition of the decision by the commission. Review shall be governed by the Florida Rules of Appellate Procedure.

9-275 – 9-282. Reserved.

~~DIVISION 3.— DRIVER'S PERMIT—~~

~~Sec. 9-276.— Required; display—~~

~~No person shall drive any taxicab, motor bus or other vehicle for the carriage of passengers for hire upon the streets of the city without having first obtained a permit therefor. The permit, when issued, shall be displayed in a conspicuous place in the vehicle so operated by the holder of this permit so as to be easily seen by any person occupying said taxicab. This shall only apply while the driver is in possession of or operating the vehicle for hire. Any owner desiring to operate his or her own taxicab must obtain a taxicab driver's permit in accordance with this division, and he or she shall be governed by all provisions of this article in the same manner as any permitted driver.~~

~~Sec. 9-277.— Application—~~

- ~~(a) An application for a driver's permit shall be made in writing to the chief of police upon a form provided by him, and shall furnish the following information:~~
- ~~(1) Name and address of the applicant.~~
 - ~~(2) Place or places of residence for the past five (5) years.~~
 - ~~(3) Age, height, color of eyes and hair.~~
 - ~~(4) Place of birth.~~
 - ~~(5) Place of previous employment.~~
 - ~~(6) Marital status.~~
 - ~~(7) Whether the applicant has ever been convicted of a felony or a misdemeanor.~~
 - ~~(8) Whether he or she has ever held a taxicab driver's or a chauffeur's license, and if so, when and where.~~
 - ~~(9) Whether such license has ever been revoked, and if so, for what cause.~~
 - ~~(10) Whether his or her state operator's license has ever been revoked.~~
 - ~~(11) The names of three (3) reputable persons who have been personally acquainted with the applicant for at least one year.~~
 - ~~(12) Any other facts or information as the chief of police may require.~~
 - ~~(13) Any other facts deemed important by the applicant that he or she may wish to submit.~~
- ~~(b) Each application shall be accompanied by a health certificate from a physician acceptable to the city certifying that the applicant is of sound physique, and is not addicted to the use of drugs and intoxicants, has good eye sight and hearing, is not subject to heart disease, vertigo, epilepsy or any disease which might affect the operation of a motor vehicle, and is not affected with any infectious or venereal disease. Each application shall also be accompanied by three (3) prints of a recent photograph of the applicant of a size to be designated by the chief of police.~~

~~Sec. 9-278.— Qualifications; investigation; issuance; fee—~~

- ~~(a) To be issued a taxicab driver's permit, an applicant must meet the following requirements:~~
- ~~(1) Must be at least eighteen (18) years of age.~~
 - ~~(2) Must have a chauffeur's license issued by the state.~~
 - ~~(3) Must be able to read and write the English language.~~
 - ~~(4) Must be of good moral character.~~
 - ~~(5) Must be a careful and experienced driver.~~
 - ~~(6) Must not have been convicted of a felony within the preceding five (5) years.~~
 - ~~(7) Must not have been convicted of three (3) or more misdemeanors within the preceding year.~~
- ~~(b) The chief of police shall investigate all applicants for taxicab drivers' permits. He shall check the references of every applicant and shall interview each applicant personally, or by a subordinate designated by him. He shall determine the moral character and fitness of the applicant, as well as the latter's driving ability and knowledge of motor vehicle laws and regulations. He shall do everything needed to ensure himself that the applicant is a suitable person to operate a taxicab. The chief of police shall have sole discretion to grant or deny a taxicab driver's permit, but only on the basis of the provisions of this article and what can be fairly implied thereunder. If the chief is satisfied that the applicant is a suitable person to operate a taxicab, he shall grant him a taxicab driver's permit, after payment of the entire permit fee of twenty five dollars (\$25.00), regardless of when the permit is issued. The applicant shall also have his fingerprints taken by the police department before the permit is granted to him.~~

~~Sec. 9-279. – Destruction.~~

~~It shall be unlawful for any person holding a taxicab driver's permit to willfully deface, obliterate or destroy the same or to cause it to be defaced, obliterated or destroyed.~~

~~Sec. 9-280. – Revocation or suspension.~~

- ~~(a) A taxicab driver's permit may be suspended by the chief of police for a period of not more than ten (10) days, or revoked by the chief of police for any of the following reasons and for other proper reasons:~~
- ~~(1) Proof that the permittee is not of good moral character or has been convicted of a felony or addicted to the use of narcotics or intoxicants.~~
 - ~~(2) Suspension or revocation of his or her state operator's or chauffeur's license.~~
 - ~~(3) Proof that the permittee has been convicted of three (3) or more misdemeanors within the preceding year.~~
 - ~~(4) Proof that the permittee is a poor or reckless driver.~~
 - ~~(5) Evidence of bad health or physical disability.~~
 - ~~(6) Proof that information on the taxicab driver's application is false.~~
 - ~~(7) Violation of any of the provisions of this article, or any city, state or federal law.~~
 - ~~(8) Failure to conspicuously display the taxicab driver's permit in the taxicab while the taxicab is in operation.~~
- ~~(b) Notice of such suspension or revocation shall be sent to the permittee and to his or her employer, together with the reason for such action, and suspension or revocation shall become effective immediately upon delivery of said notice. The permittee shall have the right to demand a public hearing before the city commission on such suspension or revocation. Henceforth, the person whose permit was revoked shall not operate a taxicab within the city unless the city commission shall vote at a public hearing to rescind said revocation or unless a new permit shall subsequently be issued to him or her. No refund of permit fee shall be given to a person whose taxicab driver's permit has been suspended or revoked.~~

~~Sec. 9-281. – Term; renewal.~~

~~All taxicab drivers' permits shall expire on the first business day of January of each year, unless previously revoked by the chief of police or city commission. Permits shall be renewed by filing renewal applications and paying the permit fee of twenty dollars (\$20.00). However, no investigation need be made by the chief of police and no new fingerprints need be taken. Every permitted driver shall submit to the police department with his or her permit renewal application every year three (3) prints of a recent photograph of himself or herself of a size to be designated by the chief of police. Each application for renewal shall be accompanied by a health certificate from a physician acceptable to the city, in accordance with the provisions of section 9-277. The chief may refuse to renew a taxicab driver's permit for any of the reasons listed for permit revocation under section 9-280, subject to the right of the applicant to demand a public hearing before the city commission as set forth in section 9-280.~~

~~Secs. 9-282. – Reserved.~~

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall no further force of effect whatsoever.

SECTION 5. This Ordinance is and the same shall become effective immediately upon final passage.

APPROVED AS TO FORM AND CORRECTNESS:

James M. Messer
City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. _____ was duly advertised by title only in the St. Lucie News Tribune on _____, copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on _____; and was duly introduced, read by title only, and passed on second and final reading on _____, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the _____ day of _____, 2016.

Linda Hudson,
Mayor Commissioner

Linda W. Cox,
City Clerk

(CITY SEAL)