

R17-138

RESOLUTION

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RESOLUTION NO. R17-138

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN APPLICATION AND RENEWAL FEE STRUCTURE FOR VEHICLES FOR HIRE; ESTABLISHING RATES; ESTABLISHING THE APPOINTMENT PROCESS FOR HEARING OFFICERS; ESTABLISHING THE JURISDICTION AND POWERS OF HEARING OFFICERS; PROVIDING AN EFFECTIVE DATE.

Upon motion by Commissioner Higginbotham and seconded by Commissioner Miller the following resolution was adopted by a vote of 5 to 0 with Commissioner(s) _____ voting "No".

WHEREAS, the Hillsborough County Board of County Commissioners ("BOCC") has enacted the Hillsborough County Vehicle for Hire Ordinance (the "Ordinance") which requires any person who desires to engage in the business of operating vehicles for hire to first obtain a certificate from the Agency in order to provide such services and a permit for each vehicle for hire prior to operate as such; and

WHEREAS, the Ordinance also requires any person who desires to operate a vehicle for hire to first obtain a public vehicle driver's license; and

WHEREAS, such certificates, permits and public vehicle driver's licenses must be renewed on an annual basis; and

WHEREAS, the Ordinance provides that applicants for new and renewal certificates, permits and public vehicle driver's licenses must pay a fee based on an application/renewal fee structure, which shall be established by and set forth in a resolution adopted by the BOCC; and

WHEREAS, the BOCC desires to establish application and renewal fees for certificates, permits and public vehicle driver's licenses; and

WHEREAS, the Ordinance requires taxicab, limousine, handicab and van certificate holders and drivers to only charge rates established by and set forth in a resolution adopted by the BOCC; and

WHEREAS, the BOCC desires to establish such rates that may be charged by taxicab, limousine, handicab, and van certificate holders and drivers; and

WHEREAS, the Ordinance provides that any applicant, whose application for a certificate, permit(s) and public vehicle driver's license has been denied, or who is awarded less permits than requested, or, the certificate holder or public vehicle driver's licensee, whose certificate, permit(s) or public vehicle driver's license, has been suspended or revoked, has the opportunity to exercise his or her right to contest such denial, suspension or revocation before a Hearing Officer; and

WHEREAS, the Ordinance provides that such Hearing Officers shall be appointed pursuant to the provisions of, and shall have all of the powers ascribed to them, in a resolution adopted by the BOCC; and

WHEREAS, the BOCC desires to establish procedures applicable to the appointment of Hearing Officers and jurisdiction and powers of Hearing Officers.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AT A REGULAR MEETING ASSEMBLED THIS 1ST DAY OF NOVEMBER, 2017:

1. **DEFINITIONS.** Any term used in this Resolution which is defined in the Ordinance shall have the same meaning given to it in the Ordinance.

2. **FEES.**

- A. The nonrefundable application and renewal fee for a certificate is \$300.00.
- B. The nonrefundable application and renewal fee for a permit is \$150.00. The nonrefundable application fee for a temporary permit is \$50.00.
- C. The nonrefundable application and renewal fee for a public vehicle driver's license is \$65.00.
- D. The administrative fee for a replacement public vehicle driver's license is \$35.00.
- E. The administrative fee for changes made to certificate, permit and public vehicle driver's license records is \$6.25.
- F. A late fee of \$25.00 may be charged by the Agency for renewals of certificates, permits and public vehicle driver's licenses which are applied for more than thirty (30) days after the expiration date.

3. **RATES.**

- A. Taxicabs shall charge no more than the following for metered rates:
 - 1. Three dollars and fifty cents (\$3.50), for the first mile or portion thereof;
 - 2. Two dollars and fifty cents (\$2.50), for each additional mile or portion thereof;
 - 3. Forty cents (\$.40) for each minute of waiting time; and

4. 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 the fifteen dollar (\$15.00) minimum.
- B. Taxicabs have the option of charging either the metered rate as established above or a flat rate, as specified below, but only for trips originating within or arriving to the in-town short ride zone, which is comprised of the downtown Tampa area, with boundaries designated by the Agency. Flat rates may only be charged as set forth below:
1. For trips originating in and ending in this zone with a single passenger, a maximum flat rate of four dollars (\$4.00).
 2. For trips originating in and ending in this zone with two or more passengers, regardless of route taken or delays enroute, a maximum flat rate of four dollars (\$4.00) per person for each passenger over the age of twelve (12) years of age, with a maximum of twelve dollars (\$12.00), regardless of number of passengers.
 3. A flat rate not to exceed thirty dollars (\$30.00) for transport between Tampa International Airport and the in-town short ride zone, unless as agreed to between the passenger and the driver.
 4. A flat rate may be charged that is equal to or less than the metered rate specified above.
- C. Taxicabs may charge a passenger up to fifty dollars (\$50.00) as a clean-up charge if he or she soils the interior of the taxicab with bodily fluids or solids. This charge shall be in addition to the rates prescribed above.
- D. Taxicabs may charge a passenger a five dollar (\$5.00) surcharge, in addition to the metered or flat rates specified above, during times when there are major concert and entertainment events held in Hillsborough County or when they are departing from an airport or sea port facility.
- E. Limousines shall charge a minimum rate of thirty dollars (\$30.00) per hour, or portion thereof, regardless of whether such limousines are utilized on an hourly, daily, weekly, monthly or other contracted charter arrangement.
- F. Handicabs shall charge a minimum rate of eighteen dollars (\$18.00) for pick up and two dollars (\$2.00) per mile.
- G. Vans shall charge a minimum rate of twelve dollars (\$12.00) for the first passenger in a party and five dollars (\$5.00) for every additional passenger within the same party.

4. **APPOINTMENT OF HEARING OFFICERS.** The appointment of Hearing Officers to hear and decide administrative reviews pursuant to the Vehicle for Hire Ordinance shall be made in accordance with the following procedures:

- A. The appointment of Hearing Officers shall be made by the County Administrator. The County Administrator shall determine the requisite number of Hearing Officers.
- B. The County Administrator may appoint any existing Hearing Officer to consider matters related to this Ordinance if he or she was previously chosen by County Administrator appointment to serve as Hearing Officer during proceedings pursuant to one or more other County ordinances.
- C. To be eligible for appointment as a Hearing Officer, applicants must be members in good standing with The Florida Bar who are not employees of the County.
- D. Each Hearing Officer shall be appointed for an initial three-year term and may be reappointed for one additional consecutive renewal term. The first year of a Hearing Officer's term shall commence on the date of the initial appointment by the County Administrator and each subsequent term year shall commence on the anniversary of the initial appointment date. If a Hearing Officer is re-appointed, the renewal term shall also commence on the anniversary of the initial appointment date, irrespective, of the date of re-appointment by the County Administrator. Notwithstanding the foregoing, a Hearing Officer shall continue to serve in such capacity beyond the expiration date of such Hearing Officer's initial term or renewal term until such time as the Hearing Officer resigns, the Hearing Officer is removed by the County Administrator, the County Administrator appoints a replacement, or the Hearing Officer is re-appointed by the County Administrator for a renewal term as provided above, whichever occurs first.
- E. Hearing Officers may be removed by the County Administrator for: suspension or loss of the Hearing Officer's license to practice law issued by The Florida Bar; failure to appear at a hearing, unless such failure is due to an emergency; excessive conflicts; or excessive unavailability. The Department shall advise the County Administrator if any of the circumstances giving rise to removal of a Hearing Officer have occurred.
- F. Hearing Officers appointed pursuant to the Ordinance and this Resolution may be reasonably compensated as authorized by the County Administrator in an Administrative Directive.

5. **JURISDICTION AND POWERS OF HEARING OFFICERS.**

- A. Hearing Officers shall have jurisdiction to hear and decide administrative reviews pursuant to the Ordinance.

B. Hearing Officers shall have the power to:

1. Issue subpoenas to witnesses to appear at hearings;
2. Subpoena written documents in connection with hearings;
3. Take testimony under oath;
4. Question witnesses at a hearing;
5. Continue, reschedule and/or stay hearings;
6. Conduct a hearing despite a party's absence, if the party has been noticed as provided for in the Ordinance; and
7. Issue findings of fact and conclusions of law.

6. **EFFECTIVE DATE.** This Resolution shall become effective on the date of adoption.

PASSED AND ADOPTED this 1st day of November, 2017.

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, Pat Frank, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioner of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct of a Resolution adopted by the Board at its regular meeting November 1, 2017 as the same appears of record in Minute Book 498 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 2nd day of November, 2017.

ATTEST: PAT FRANK
 Clerk of Circuit Court

BY: *Diana M. Fern*
 Deputy Clerk



APPROVED BY COUNTY ATTORNEY
AS TO FORM AND LEGAL SUFFICIENCY

BY: *Cynthia S. Oster*
 Cynthia S. Oster, Sr. Assistant County Attorney