

House Bill No. 1629

An act relating to the Hillsborough County Public Transportation Commission; designating the commission an independent special district; prohibiting discrimination in employment and encouraging diversity in appointments to the taxicab advisory council; amending s. 2, ch. 83-323, Laws of Florida, as amended; providing additional powers of the commission; amending s. 3, ch. 83-423, Laws of Florida, as amended; providing definitions; amending s. 5, ch. 83-423, Laws of Florida, as amended; providing for the use of a hearing officer in certain circumstances and for holding public hearings, issuing recommendations, and filing and hearing exceptions; amending s. 10, ch. 83-423, Laws of Florida; revising enforcement powers of the commission; creating s. 16, ch. 83-423, Laws of Florida; providing for an interlocal agreement between the commission and the county and the payment of moneys to the commission by the county; amending s. 9, ch. 83-423, Laws of Florida; revising powers of the commission with respect to adopting rules for the investigation of applicants; repealing s. 6, ch. 423, Laws of Florida, relating to license fees; providing an effective date.

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

Section 1. (1) The Hillsborough County Public Transportation Commission created by chapter 83-423, Laws of Florida, as amended, is designated as an independent special district. Except as otherwise provided by this act, the commission must comply with all applicable provisions of chapter 189, Florida Statutes, and any other general law relating to special districts. The fiscal year of the district shall commence October 1 of each year.

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

Section 2. Subsection (3) is added to section 2 of chapter 83-423, Laws of Florida, as amended by section 2 of chapter 87-496, Laws of Florida, and section 2 of chapter 88-493, Laws of Florida, to read:

Section 2. General powers.—

(3) The commission has the power to:

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

(b) Maintain a minimum of \$1 million liability insurance coverage.

(c) Be responsible for its budget, including:

1. Preparation of a financial statement of revenue and expenditures during the prior fiscal year and a balance sheet as of the close of the fiscal year annually on November 30.

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

(d) By rule, establish a fee schedule to include annual fees for certificates, permits, and public vehicle driver licenses and charge fees as necessary to recover costs for the services rendered pursuant to this act and the rules adopted under this act.

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

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

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

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

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

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

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

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

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

(n) Designate and compensate hearing officers for the purposes provided by this act.

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

(p) Create a taxicab advisory council that includes representatives of the Tampa-Hillsborough County Convention and Visitors Association, the Greater Tampa Chamber of Commerce, and other civic associations, particularly those in traditionally underserved areas of the county and its municipalities, and seek the recommendation of that council as a prerequisite to changing any rule that limits the number of taxicabs permitted to operate within the county.

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

Section 3. Subsections (18) through (28) are added to section 3 of chapter 83-423, Laws of Florida, as amended by section 3 of chapter 87-496, Laws of Florida, and section 3 of chapter 88-493, Laws of Florida, to read:

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

(18) “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.

(19) “Board” means the Hillsborough County Board of County Commissioners.

(20) “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.

(21) “County” means Hillsborough County.

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

(23) “Hearing officer” means a person designated by the commission to perform the duties prescribed by this act who is licensed and in good stand-

ing with The Florida Bar and who has demonstrated experience of at least 5 years in administrative law in this state.

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

(25) “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 persons, irrespective of the legal liability of the insured, when issued as part of the legal liability of the insured.

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

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

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

Section 4. Section 5 of chapter 83-423, Laws of Florida, as amended by section 5 of chapter 87-496, Laws of Florida, and section 4 of chapter 88-493, Laws of Florida, is amended to read:

Section 5. Application for Certificate.—

(1) ~~It is shall be unlawful for any person to engage in the business of operating a public vehicle taxicabs, vans, limousines, handicabs, basic life support ambulances or wreckers on the public highways of the Hillsborough county unless that person has complied with the provisions of this act and the rules adopted under this act have been complied with.~~

(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 shall first make written application to the commission on a form provided by the commission for that purpose Public Transportation Commission for a certificate to operate such vehicles. Such application shall be made on forms issued by the Public Transportation Commission, and shall be filed with its secretary and shall contain the full name and address of the applicant (if a corporation, the names of the officers of said corporation), the principal location of the business, the number of vehicles to be operated under said certificate, if granted, and such other information as may be required by the commission. Upon receipt the filing of such application, the commission shall investigate the facts stated in the application make or cause to be made an investigation thereon and shall fix a date, time, and place for a public hearing on the upon such application. Wrecker applications are specifically excluded from the public hearing requirement of this~~

section since wreckers are not authorized to transport passengers for hire. Not less than 20 days before the public hearing, the commission ~~The secretary shall provide~~ serve a copy of such applications requiring public hearings, together with a notice of the date, time, and place of such public hearing, to upon all persons then providing the type of service being applied for under certificate issued by or franchise from the commission and notice that the pending application is available for inspection and copying at the office of the commission (taxicab, van, limousine, handicab, or basic life support ambulance).

(3) Such public hearings may be held by the commission as a whole, ~~or~~ by a committee made up of its members appointed by the commission for that purpose, or by a hearing officer as further provided by this act. The committee or hearing officer shall report but such committee shall report to the commission its 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 may deem necessary before taking final action passing upon the matter. If the person applying for such certificate is not operating vehicles in the Hillsborough county at the time this act becomes law, or if such said application is shall be for a certificate to operate additional vehicles under a certificate previously issued, ~~then~~ the commission shall determine, by the hearings and investigations ~~hereinbefore provided~~, whether or not public convenience and necessity will be promoted by the additional proposed service, and if the commission determines that public convenience and necessity will not be promoted by such additional proposed service, then a certificate shall not be granted. ~~If, on the other hand,~~ the commission finds that public convenience and necessity requires such additional proposed service, then the certificate shall be granted, subject to the limitations imposed in other sections in this act.

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

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

been offered which were not available at the time of the hearing before the committee or hearing officer, the commission may remand the report and recommendations, along with the exception or exceptions, to the committee or hearing officer and set the date, time, and place of another public hearing, with proper notice to the applicant and any person who intervened at the initial public hearing, of such supplementary public hearing. Thereafter, the committee or hearing officer shall file a supplemental report with the commission for its final action affirming, reversing, or modifying the recommendations.

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

Section 5. Section 10 of chapter 83-423, Laws of Florida, is amended to read:

Section 10. ~~The Public Transportation commission and law enforcement agencies operating within the Hillsborough county are responsible for the enforcement of this act and the rules adopted under this act. The Hillsborough County Board of County Commissioners shall provide to the Public Transportation Commission one or more inspectors to enforce the provisions of this act and the rules and regulations promulgated by the Public Transportation Commission. Commission~~ Such inspectors may call upon any law enforcement officer within an appropriate jurisdiction to assist in the enforcement of this act. ~~The Public Transportation commission is authorized to develop and issue a summons to appear before the commission to any person who violates this act or any rule adopted under this act shall violate any established rule or regulation, and may, through any of its inspectors~~ inspector(s), obtain from the state attorney a warrant or capias for violation of this act or any rule adopted under this act.

Section 6. Section 16 is added to chapter 83-423, Laws of Florida, as amended, to read:

Section 16. County responsibility.—The commission and the board shall execute an interlocal agreement that must include the appropriation of a sum of money to the commission to be negotiated and paid by the board to the commission for a period of 3 years beginning October 1, 2000.

Section 7. Subsection (3) of section 9 of chapter 83-423, Laws of Florida, is amended to read:

Section 9. The Commission shall adopt regulations for:

(3) Investigation of applicant: ~~The Public Transportation commission~~ shall have an investigation made of the facts stated in an application for a public vehicle driver's license and other relevant data. The file shall be available to the applicant or his agent upon request. ~~The Public Transportation commission is authorized to receive criminal history record information from the Florida Department of Criminal Law Enforcement and from local law enforcement agencies for the purpose of screening applicants and to pay a fee for any such record.~~

Section 8. Section 6 of chapter 83-423, Laws of Florida, is repealed.

Section 9. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.