

Introduced by: Council Member Cory Nichols

1st Reading: January 18, 2022

2nd Reading: February 7, 2022

**ORDINANCE NO. 2022-8170**

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO REPEAL CODE OF ORDINANCES CHAPTER 33, "VEHICLES FOR HIRE," IN ITS ENTIRETY; PROVIDING FOR REPEAL, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Jacksonville Beach ("City") has the authority to adopt this Ordinance and to repeal its ordinances pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes; and

**WHEREAS**, City Code of Ordinances Chapter 33, Article II, "Vehicles for Hire," originally created in 2006, has become outdated and irrelevant since the inception of transportation network companies (TNCs) such as Uber, Lyft, and the like, and serves no current or future purpose for City business or operations for the reasons set forth below; and

**WHEREAS**, the City of Jacksonville found that the regulation of taxicabs, shuttle vehicles, and other vehicles for hire should involve as little governmental influence as is consistent with the public health, safety, and welfare, leaving to the play of free enterprise and market forces such matters as the number of vehicles for hire, the fares they charge and the business organization and identification they use; and

**WHEREAS**, the City of Jacksonville determined that in order to provide for this minimal governmental regulation and to restore and encourage free enterprise in the vehicle for hire industry, that the free market with limited government oversight of insurance and driver background check is the most effective method; and

**WHEREAS**, on April 9, 2010, the City of Jacksonville adopted Ordinance No. 2019-183-E repealing and replacing Ch. 220 of its Code of Ordinances governing vehicles for hire; accordingly, effective April 16, 2019, the City of Jacksonville ceased all permitting, inspections, and medallions for taxicabs/vehicles for hire; and

**WHEREAS**, the history of the City of Jacksonville's permitting, inspection, and issuance of medallions for taxicabs/vehicles for hire is relevant inasmuch as Sec. 33-51 of the City's Code of Ordinances requires that to obtain a local business tax receipt, an applicant must be the holder of a permit and medallion issued by the City of Jacksonville, and a holder of a current vehicle inspection certificate issued by the City of Jacksonville for each vehicle operating in the city limits of Jacksonville Beach; and

**WHEREAS**, the City does not have record of any taxicab companies and/or drivers who currently have an active local business tax receipt for operation within the City limits; and

**WHEREAS**, TNCs are governed exclusively by state law pursuant to F.S. §627.748; and

**WHEREAS**, the Jacksonville Beach City Council finds that the current City Code of Ordinances Chapter 33, "Vehicles for Hire," in its current form dating to 2006, has no current or future purpose or use by the City, so it can be repealed in its entirety.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:**

**SECTION 1. RECITALS.** The above recitals are ratified and made a part of this Ordinance.

**SECTION 2. REPEAL.** City Code of Ordinances Chapter 33, "Vehicles for Hire," is hereby repealed in its entirety. The current Chapter 33, which shall be repealed, is attached hereto and incorporated into this Ordinance by reference.

**SECTION 3. SEVERABILITY.** It is the intention of the City Council that if any section, subsection, clause or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

**SECTION 4. CODIFICATION.** The City Council intends that this Ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon final reading and approval by the City Council for the City of Jacksonville Beach.

**AUTHENTICATED THIS** 7<sup>th</sup> **DAY OF** February **A.D., 2022.**

  
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Cory Nichols, Mayor pro-tem

  
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Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:

  
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Sandra R. Robinson, City Attorney

## Chapter 33 - VEHICLES FOR HIRE

### Footnotes:

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**Cross reference**— *Schedule of taxes and regulations, § 15-13; registration of taxicab drivers required, § 24-1; traffic and motor vehicles, Ch. 31.*

## ARTICLE I. - IN GENERAL

Secs. 33-1—33-15. - Reserved.

## ARTICLE II. - VEHICLES FOR HIRE

### Footnotes:

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**Editor's note**— *Ord. No. 2006-7912, § 1, adopted August 7, 2006, repealed the former Art. II, §§ 33-16—33-31, 33-36—33-43, 33-50—33-67, and enacted a new Art. II, §§ 33-16—33-23, 33-50—33-57, 33-65, 33-66, as set out herein. The former Art. II pertained to public vehicles and derived from Ord. No. 6940, § 1, adopted Sept. 7, 1977; Ord. No. 6949, §§ 1, 2, adopted Dec. 5, 1977; Ord. No. 7005, § 1, adopted July 2, 1979; Ord. No. 7044, § 1, adopted April 7, 1980.*

## DIVISION 1. - GENERALLY

Sec. 33-16. - Definitions.

For the purpose of this chapter the following terms shall respectively be deemed to mean:

*Applicant* includes every company or business proprietor who makes application to the city for a local business tax receipt to operate a vehicle for hire.

*Driver* includes every individual operating a vehicle for hire either as owner, agent, employee, or otherwise pursuant to a local business tax receipt issued as herein provided.

*Vehicle for hire* shall mean all motorized vehicles defined and classified in section 33-17.

*Street* shall mean and include all public streets, avenues, boulevards, ocean beach, alleys, lanes, highways, sidewalks, public parks, parking roads, and other public places laid out for the use of vehicles.

*Taximeter* shall mean a mechanical or electronic device which calculates and displays a predetermined rate and indicates the charge for hire of a taxicab and which also records and indicates a fare, rate or charge based on waiting time, extra passengers, initial charge and other fares, rates or charges.

*Transport* shall mean to operate or cruise over the streets of the city and its adjacent territory for the purpose of moving passengers or goods from one point to another.

(Ord. No. 2006-7912, § 1, 8-7-06)

Sec. 33-17. - Classification of vehicles for hire.

For the purpose of construing and applying the terms of this chapter all motorized vehicles which operate over and upon the streets and driveways of the city for the transportation of person(s) for compensation shall be classified and defined as follows:

- (1) *Bus*. Any bus, omnibus or other vehicle designed and constructed to comfortably transport seven (7) or more persons, which is not used for regularly conducted amusement rides or sight-seeing tours, and is not operated by another governmental agency.
- (2) *Cruising car*. Any vehicle for hire based upon a pre-established schedule of flat charges rather than by taximeter calculation, with an open touring or sedan body, designed and constructed to comfortably transport not more than six (6) persons, including the driver.
- (3) *Limousine*. A vehicle for hire only by prearrangement at a rate charged per hour, or fixed in advance, and is a chauffeured, luxury class passenger vehicle that is built or modified for the purpose as a limousine.
- (4) *Sightseeing cars*. A vehicle for hire designed and constructed to seat seven (7) or more persons used in regularly conducted sightseeing trips, which originate from and terminate at a single specified point, the destination or route of which is not under the direction of the passenger or passengers transported therein; which is not used as a means of local transportation within the city; and which neither receives nor discharges passengers along its routes.
- (5) *Taxicabs*. Any vehicle which is rented from a stand in the street or from a private station or garage, the destination and route of which is under the direction of the passenger or passengers transported therein, and fitted with a taximeter or other mechanical device by which the charge for hire is mechanically calculated by measuring and recording either the distance traveled with such vehicle or the waiting time or both.
- (6) *Van*. Any vehicle recognized as either a full-size passenger van or a passenger vehicle on a van or truck chassis. The term shall not include a cargo or panel van.

(Ord. No. 2006-7912, § 1, 8-7-06)

Sec. 33-18. - Manner of advertising

No holder of a local business tax receipt to operate a vehicle for hire shall be permitted to advertise such business before the public under any other name or names than the specified name or names recited in the particular local business tax receipt under which such holder is authorized to engage in the business of the transportation of person(s) for compensation within the city.

(Ord. No. 2006-7912, § 1, 8-7-06)

Sec. 33-19. - Printed matter appearing on a vehicle for hire, (except limousines); certain information required; advertising regulated.

- (a) The name of the company or firm operating a vehicle for hire shall be permanently displayed on both the right and left sides and the rear of the vehicle so that the name shall be plainly visible, with lettering at least four (4) inches in height, and made to reflect lights shined on them in the dark.

- (b) Each vehicle for hire shall have attached to the outside left rear portion of the vehicle the numbered medallion i by the City of Jacksonville.
- (c) Advertising matter on vehicles for hire shall be attached to the vehicle so that no portion extends below the bumper or beyond either side, and so as not to interfere in any manner with full vision through the rear window of the vehicle.

(Ord. No. 2006-7912, § 1, 8-7-06)

Sec. 33-20. - Inspection of vehicles.

It shall be the duty of the local business tax receipt holder to subject the vehicle to a complete and thorough inspection as required by the City of Jacksonville. Written certification of such inspection shall be maintained in the vehicle for hire while operating in the City of Jacksonville Beach.

(Ord. No. 2006-7912, § 1, 8-7-06)

Sec. 33-21. - Equipment and safety requirements for vehicles for hire.

All vehicles in service as vehicles for hire shall have the following equipment on each such vehicle, which equipment shall be maintained in good working condition:

- (1) Front and rear lights meeting state standards and a dashboard light that will indicate when any of the vehicle's doors are not securely closed;
- (2) Adequate brakes on all wheels;
- (3) Tires of the quality of original equipment as specified by the manufacturer, or better;
- (4) Speedometer in good working order;
- (5) Leather, vinyl, or some similar nonabsorbent fabric upholstery which can be easily cleaned and shall be free of tears and cuts;
- (6) Seatbelts for the driver and all passengers;
- (7) An unexpired A, B, C type fire extinguisher (minimum size of 2.5 lbs);
- (8) Adequate heater and air conditioner;
- (9) All seats in a shuttle vehicle shall be factory installed only;
- (10) Except for limousines, there shall be no shades, blinds or curtains between the rear seat or seats and the driver's seat, nor shall any shades, blinds or curtains shield the occupants or the for-hire driver from observation or obstruct the view through the rear window.

All vehicles for hire shall be maintained in a clean, well-painted manner so as to provide a generally good appearance. It shall be unlawful to operate any vehicle as a vehicle for hire which does not comply with the provisions of this section.

(Ord. No. 2006-7912, § 1, 8-7-06)

Sec. 33-22. - Meters required for taxicabs.

- (a) Every taxicab operating as a metered taxicab shall have affixed thereto, in operating condition, a taximeter.

- (b) The face of every taximeter shall be visible from the passenger compartment of every taxicab at all times and, a sundown, shall be illuminated by a suitable light so arranged as to throw a continuous steady light thereon.
- (c) No taxicab shall be permitted to operate as both a metered and non-metered (zone rate) vehicle. Each vehicle shall be identified in a manner to designate its status as a metered or non-metered vehicle.

(Ord. No. 2006-7912, § 1, 8-7-06)

**Sec. 33-23. - Designation of taxi stands.**

The city manager is empowered to designate the location of and extent of space for stands to be known as taxi stands on the streets within the city.

(Ord. No. 2006-7912, § 1, 8-7-06)

**DIVISION 2. - OBTAINING LOCAL BUSINESS TAX RECEIPT**

**Sec. 33-50. - Required.**

It shall be unlawful for any person owning a vehicle for hire to use, operate or run or cause or permit any of his agents or employees to use, operate or run such vehicle in, along, through, over or upon any of the streets of the city, or to carry on a business of transporting passengers for hire in such vehicle for hire in the city without first having obtained a local business tax receipt from the city clerk, as provided for in this division.

(Ord. No. 2006-7912, § 1, 8-7-06)

**Sec. 33-51. - Application.**

Application for a local business tax receipt shall be filed in writing with the city clerk, and such application shall set forth the following facts:

- (1) That the applicant is the holder of a permit and medallion issued by the City of Jacksonville, and same is affixed to each vehicle operated in the City of Jacksonville Beach.
- (2) That the applicant is the holder of a current vehicle inspection certificate issued by the City of Jacksonville for each vehicle operating in the city limits of Jacksonville Beach.

(Ord. No. 2006-7912, § 1, 8-7-06)

**Sec. 33-52. - Local business tax receipt**

No company shall be entitled to a local business tax receipt under this division until the company has paid all local business taxes due to the City of Jacksonville Beach.

(Ord. No. 2006-7912, § 1, 8-7-06)

**Sec. 33-53. - Liability insurance prerequisite to issuance.**

The application for a local business tax receipt shall include proof of a liability insurance policy providing for coverage of not less than fifty thousand dollars (\$50,000.00) for property damage, one hundred twenty-five thousand dollars (\$125,000.00) for any single injury in one accident and three hundred thousand dollars (\$300,000.00) for multiple injuries in one accident, for each vehicle owned or controlled by such local business tax receipt holder.

(Ord. No. 2006-7912, § 1, 8-7-06)

Sec. 33-54. - Issuance.

(a) The city clerk shall promptly consider the application for a local business tax receipt under this division and, if such application meets all of the conditions of this chapter, shall cause the local business tax receipt applied for to be issued. All local business tax receipts issued in accordance with the provisions of this chapter shall expire on September 30 of each year. Said local business tax receipts as issued by the city clerk to such applicant shall contain, in substance, the following:

- (1) Those things that are set out in the application for the local business tax receipt;
- (2) The respective number and length of time for which the local business tax receipt is issued;
- (3) Any restrictions, qualifications, conditions and limitations upon which same is issued.

(Ord. No. 2006-7912, § 1, 8-7-06)

Sec. 33-55. - Posting.

Upon issuance of a local business tax receipt under this division, a copy of the same shall be securely placed in each vehicle and kept in plain view of the passengers riding therein. In addition, the following items must be kept in the vehicle for hire while operating within the City of Jacksonville Beach:

- (1) Vehicle for Hire Driving Permit issued by the City of Jacksonville, Department of Environmental & Regulatory Services;
- (2) Florida Vehicle Registration and proof of current liability insurance;
- (3) Valid Florida Driver's License;
- (4) Current Vehicle Inspection Permit.

(Ord. No. 2006-7912, § 1, 8-7-06)

Sec. 33-56. - Duration.

No license shall be issued for more than one year, and all licenses shall expire on September 30 of each year, except as otherwise provided by law.

(Ord. No. 2006-7912, § 1, 8-7-06)

Sec. 33-57. - Local business tax.

Before the issuance of any local business tax receipt under this chapter, the city clerk shall collect thirty-six dollars and thirty cents (\$36.30) per vehicle, per license year.

(Ord. No. 2006-7912, § 1, 8-7-06)

DIVISION 3. - RATES AND CHARGES

Sec. 33-65. - Schedule of rates to be posted.

There shall be posted in every vehicle for which a local business tax receipt is issued under this article, and in full view of the passengers in plain conspicuous letters, a schedule of rates, charges and fares which shall be binding upon the operator of the vehicle and any collection of rates, fares or charges, in excess thereof shall constitute a misdemeanor.

(Ord. No. 2006-7912, § 1, 8-7-06)

Sec. 33-66. - Charging rates in excess of posted rates.

No driver of a vehicle for hire shall charge or demand from any customer any sum of money in excess of those rates or charges posted in such vehicle.

(Ord. No. 2006-7912, § 1, 8-7-06)