

Ordinance No. 2014-64

AN ORDINANCE AMENDING CHAPTER 55 OF THE CODE OF THE CITY OF ORLANDO, ENTITLED "REGULATION OF TAXICABS, LIMOUSINES, LUXURY PASSENGER VEHICLES, SHUTTLES AND OTHER VEHICLES FOR HIRE," BY AMENDING SECTION 55.02, DEFINITIONS, TO ADD DEFINITIONS OF "LIVERY VEHICLE" AND "TRANSPORTATION NETWORK COMPANY" AND MODIFY THE DEFINITION OF "PREARRANGED TRANSPORTATION," BY AMENDING SECTIONS 55.08, 55.14, 55.15, 55.17 and 55.18 TO ADD PROVISIONS RELATIVE TO LIVERY VEHICLES, BY AMENDING 55.11 RELATING TO TELECOMMUNICATION DEVICES, BY AMENDING SECTION 55.19 TO REQUIRE INFORMATION ON RECEIPT OF COMPLAINTS AND RECOVERY OF LOST PROPERTY ON PERMIT APPLICATIONS, BY AMENDING SECTION 55.21 RELATING TO PERMIT FEES, BY AMENDING SECTION 55.29 RELATING TO DRIVER PERMITS, BY AMENDING 55.31, 55.34 AND 55.35 RELATING TO DRIVER OBLIGATIONS AND ADMINISTRATIVE ENFORCEMENT, AND AMENDING SECTION 55.33 RELATING TO VEHICLE IMPOUNDMENT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

SECTION ONE: Section 55.02 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.02. - Definitions.

(1)

Charter Service means a:

(a)

chauffeur-driven;

(b)

passenger vehicle;

(c)

that is pre-arranged and pre-sold, which means: booked prior to the arrival of the passenger at the place of origin for the vehicle trip; through reservations which have

been received via email, fax or telephone; which have been made at least 30-minutes in advance of the vehicle trip; and are documented in writing; and

(d)

during which hired period the driver and vehicle remain under the direct supervision of the hiring party and accept no other fares throughout the hiring period.

(3)

Chauffeur-Driven means the operation of a Vehicle-for-Hire.

(4)

Chief of Police means the Chief of the Orlando Police Department or a duly authorized designee.

(5)

Compensation means any fare, reward, tip, gratuity, donation, or other thing of value which a driver or owner of a vehicle accepts or receives or offers to accept or receive in return for furnishing such service.

(6)

Continued services means a period during which services are provided by a Vehicle for Hire driver, throughout which the driver and vehicle remain under the direct supervision of the hiring party and may not accept any other fares.

(7)

Driver means any person who has been issued a Driver's Permit pursuant to Part V of this Chapter to operate a Vehicle-for-Hire within the City limits of the City of Orlando.

(8)

Driver's Permit means a permit issued pursuant to this Chapter which entitles a person to drive or operate a Vehicle-for-Hire within the jurisdictional limits of the City of Orlando.

(9)

Green Taxicab means

(a)

a taxicab as defined in this chapter;

(b)

that is certified by the United States Environmental Protection Agency to be an Inherently Low Emissions Vehicle (ILEV) or a Hybrid Electric Vehicle (HEV); and

(c)

complies with the minimum fuel economy standards set forth in Title 23 of the U.S. Code, section 166(f)(3)(B).

Green Taxicabs are considered taxicabs for purposes of administering this chapter and all regulations provided for taxicabs shall apply to Green Taxicabs unless otherwise indicated.

(10)

Limousine means a:

(a)

chauffeur-driven;

(b)

passenger vehicle; and

(c)

built or modified-for-the-purpose as a limousine.

(11)

Livery vehicle means a:

(a) chauffeur driven; and

(b) passenger vehicle seating a minimum of five (5) persons including the driver.

(1~~2~~4)

Low-speed vehicle means a four-wheeled electric vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour, including neighborhood electric vehicles as defined by § 320.01, Florida Statutes.

(1~~3~~2)

Luxury Passenger Vehicle means a:

(a)

chauffeur-driven;

(b)

passenger vehicle recognized by the industry as a full-size luxury passenger vehicle, including vintage or classic passenger vehicles; and

(c)

seating a maximum of eight (8) including the driver.

(1~~4~~3)

Luxury/Custom Van means a:

(a)

chauffeur-driven;

(b)

full-sized, customized (not assembly-line produced) van type passenger vehicle; and

(c)

outfitted with luxury amenities, as recognized by the industry.

(1~~5~~4)

Meter or Taxicab Meter means any mechanical, digital or electronic device which serves to monitor the distance, time, and mileage to determine the fare to be charged a passenger of a Vehicle-for-Hire.

(1~~6~~5)

Minority and Women-Owned Business Enterprise (M/WBE) Block Lottery means that method used for the selection of applicants for the distribution of one 20 permit block of new M/WBE Taxicab Vehicle Permits to a M/WBE to be determined in accordance with the guidelines established pursuant to Articles II and III Minority and Women-Owned Business Enterprise, [Chapter 57](#) of the Code of the City of Orlando by specifically incorporating by reference the provisions of Sections [57.15](#)(1) & (2), [57.22](#)(1), [57.28](#), [57.29](#)(1-3) of [Chapter 57](#) in general, and as they are applicable to the Vehicle-for-Hire permitting goals as set forth herein.

(1~~7~~6)

Motor Vehicle means a vehicle that is motorized or self-propelled by power other than muscular power or by animals. The term does not include traction engines, road rollers, bicycles, mopeds, or motorcycles.

(1~~8~~7)

New Entrant means any person that has complied with the minimum application requirements and the minimum entry level standards as set forth in this Chapter, and when applicable the Minority or Women-Owned Business Enterprise certification requirements as set forth in [Chapter 57](#), but who awaits the results of the appropriate Lottery in order to obtain the Taxicab Vehicle Permit.

(1~~9~~8)

New Entrant and Current Taxicab Permit Holder Lottery means that method used for the selection of applicants for the distribution of new or additional Taxicab Vehicle Permits to New Entrants and Current Taxicab Permit Holders, to include M/WBE and non-M/WBE Operators and New Entrants.

(20~~4~~9)

Operate or Operation means providing or offering to provide Vehicle-for-Hire Services by the (i) Driver or (ii) Vehicle Permit-Holder.

(2~~0~~1)

Passenger Vehicle means a motor vehicle used for the transportation of persons.

(2~~2~~4)

Prearranged Transportation means for hire services booked prior to the arrival of the passenger at the place of origin for the vehicle trip, through reservations which have been received via email, fax or telephone, internet or other electronic means, ~~at least 30 minutes in advance of the vehicle trip~~.

(2~~3~~2)

Prior Calendar Period or *Prior Period* means span of time from the last calendar year (January 1 to December 31) in which new Taxicab Vehicle Permits were issued through the calendar year immediately preceding the current calendar year.

(2~~4~~3)

Public Necessity and Convenience Formula or *Formula* means the formula used, at annual review, to determine the minimum number of new Taxicab Vehicle Permits to be authorized by the City, for purposes of providing for public necessity and convenience.

(2~~5~~4)

Residential shuttle means a:

(a)

low-speed vehicle;

(b)

that is chauffeur-driven;

(c)

for which no direct compensation is charged to the passengers;

(d)

with a maximum capacity of six (6) persons including the driver;

(e)

for which transport is prearranged or arranged through a third party; and

(f)

is owned or operated by a residential property with fifty (50) or more residential units.

(2~~5~~6)

Scheduled means the transportation of persons on pre-determined points of origin, destination, or schedules of service.

(2~~6~~7)

Scheduled Service means operating on a time schedule and/or a fixed route.

(2~~8~~7)

Shuttle Service means a chauffeur-driven passenger vehicle providing scheduled Vehicle-for-Hire service.

(298)

Statistical Metropolitan Area (SMA) means all of the land area within Orange, Seminole, Lake and Osceola Counties.

(3029)

Taxicab means a chauffeur-driven passenger vehicle transporting persons not on regular schedules with the routes traveled or the destination determined by the passengers.

(319)

Taxicab Permit-Holder means any person that has complied with the minimum application requirements, and the applicable entry level standards or requirements as set forth in this Chapter, has been issued a Taxicab Vehicle Permit(s), and operates a Taxicab in service pursuant to the Vehicle Permit, as prescribed by this Chapter.

(324)

Transportation Engineer means the Transportation Engineer for the City of Orlando, or a duly authorized designee.

(323)

Tri-County Area means all of the land area within Orange, Seminole and Osceola Counties.

(34))

Transportation Network Company means any company that provides or connects prearranged transportation services for compensation using an internet-enabled application or digital platform to connect passengers with drivers that use their personal vehicles to provide vehicle-for-hire services.

(353)

Van means a passenger vehicle with a minimum capacity of seven persons and a maximum capacity of fifteen (15) persons, including the driver.

(364)

Vehicle-for-Hire means any passenger vehicle engaged in the transportation of persons from or entirely within the municipal limits of Orlando with the intent to receive direct or indirect compensation for providing such transportation, including providers which only accept gratuities or tips.

(375)

Vehicle-for-Hire Administrator means the person who has been designated, or his or her designee, to administer, enforce, regulate and interpret the provisions of this chapter.

(3786)

Vehicle Permit means the permit issued pursuant to this Chapter which grants the privilege to operate one Vehicle-for-Hire within the jurisdictional limits or upon the public roadways of the City of Orlando.

(397)

Vehicle Permit-Holder means any person who holds a Vehicle Permit(s) for the operation of any category of Vehicle-for-Hire within the jurisdictional limits of or upon the public roadways of the City of Orlando. For purposes of interpretation within this Chapter, the term Vehicle Permit-Holder includes any agent, employee or any person acting with the Vehicle Permit-Holder's knowledge, consent or permission, whether express or implied. The term Vehicle Permit-Holder also includes a Taxicab Permit-Holder, as defined above.

SECTION TWO: Section 55.08 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.08. - Categories of Vehicles-for-Hire.

(1)

Classification. Every Vehicle-for-Hire permitted pursuant to this Chapter shall be classified according to one of the following categories:

(a)

Taxicab;

(b)

Limousine;

(c)

Luxury Passenger Vehicle;

(d)

Luxury/Custom Van;

(e)

Shuttle Service; ~~or~~

(f)

Residential Shuttle. or

(g) Livery vehicle

(2)

Method of Classification. The applicant for a Vehicle Permit shall request the particular category on the application for a Vehicle Permit submitted pursuant to Part III, below. The classification shall be made by the Vehicle-for-Hire Administrator by descending from subparagraph (1)(a) to ~~(ge)~~, above, until:

(a)

the first category definition contained in [§ 55.02](#) applies to the proposed Vehicle-for-Hire; and

(b)

the proposed Vehicle-for-Hire satisfies the applicable requirements contained in this Chapter.

The classification shall be consistent with the provisions of this Chapter.

(3)

Purpose of Classification. The purpose of the classification is to:

(a)

ensure that different forms of Vehicle-for-Hire Service are recognized;

(b)

avoid misleading or creating confusion among the traveling public; and

(c)

provide notice to the Vehicle Permit-Holder of the classification and the applicable limitations and regulations pertaining to the category.

(4)

Category Use Restrictions. Vehicle-for-Hire Permit-Holder shall only provide the service specified below:

(a)

Taxicab. A Taxicab Permit-Holder shall:

(i)

provide general transportation of persons not on regular schedules with the routes traveled or the destination determined by the passengers;

(ii)

provide good and reasonable service at all times to all parts of the City twenty-four (24) hours a day, each and every day of the year, unless prevented by a labor strike or an act of God;

(iii)

maintain a business office with sufficient employees to answer all calls twenty-four (24) hours a day, each and every day of the year;

- (iv) base the fare charged the passenger on the use of the vehicle without regard to the number of passengers carried;
- (v) determine the fare by a meter; and
- (vi) provide the Taxicab service in an automobile, station wagon or van that is capable of comfortably seating at least four adult passengers up to a maximum of nine adult passengers, including the driver.

(b)

Limousine. A Limousine shall provide the transportation of persons:

- (i) limited to a Limousine;
- (ii) leased, rented or charged upon for a minimum time period of one hour (60 minutes); and
- (iii) with the fare determined on a basis disclosed to and agreed upon by the passenger in advance of transportation, which fare shall total a minimum of 125% of the per mile fare established pursuant this part as the metered taxicab fare multiplied by the number of miles travelled; or with the fare determined on an hourly basis set pursuant to this chapter and not by a meter or mileage for the use of the vehicle; and
- (iv) pre-arranged or arranged through a third party (e.g., guest service desk or concierge desk).

(c)

Luxury Passenger Vehicle. A Luxury Passenger Vehicle shall provide the transportation of persons:

- (i) limited to a Luxury Passenger Vehicle;
- (ii) leased, rented or charged upon for a minimum time period of one hour (60 minutes); and
- (iii)

with the fare determined on a basis disclosed to and agreed upon by the passenger in advance of transportation, which fare shall total a minimum of 125% of the per mile fare established pursuant this part as the metered taxicab fare multiplied by the number of miles travelled; or with the fare determined on an hourly basis set pursuant to this chapter and not by a meter or mileage for the use of the vehicle; and

(iv)

pre-arranged or arranged through a third party (e.g., guest service desk or concierge desk).

(d)

Luxury/Custom Van. A Luxury/Custom Van shall provide the transportation of persons:

(i)

limited to a Luxury/Custom Van;

(ii)

leased, rented or charged upon for a minimum time period of one hour (60 minutes); and

(iii)

with the fare determined on a basis disclosed to and agreed upon by the passenger in advance of transportation, which fare shall total a minimum of 125% of the per mile fare established pursuant this part as the metered taxicab fare multiplied by the number of miles travelled; or with the fare determined on an hourly basis set pursuant to this chapter and not by a meter or mileage for the use of the vehicle; and

(iv)

pre-arranged or arranged through a third party (e.g., guest service desk or concierge desk).

(e)

Shuttle Service. A Shuttle Service shall provide the transportation of persons:

(i)

limited to a Van;

(ii)

on a scheduled service;

(iii)

with the fare determined on a per capita basis and not by a meter or mileage; and

(iv)

pre-arranged or arranged through a third party (e.g., guest service desk or concierge desk).

(f)

Residential Shuttle: A Residential Shuttle shall provide the transportation of persons:

(i)

limited to a low-speed vehicle;

(ii)

prohibited from operating on any street listed on the prohibited streets list established by the Vehicle-for-Hire Administrator or any street with a posted speed limit greater than thirty (30) mph;

(iii)

limited to operating in the area of Downtown Orlando defined as the area bordered by Colonial Drive to the North, Parramore Avenue to the West, East-West Expressway to the South and Summerlin Avenue to the East for pickup and drop off service, which boundaries may be temporarily adjusted by the Vehicle-for-Hire Administrator, applying the process provided in [Section 55.101](#), Establishment of Prohibited Streets, which is hereby made applicable to Residential Shuttles. Any extension in excess of sixty (60) days must be approved by the City Council; and

(iv)

limited to residents or guests of the property operating the vehicles.

In addition, each Vehicle Permit-Holder shall strictly comply with the regulations and requirements for the particular category of Vehicle-for-Hire as outlined in this Chapter.

(g)

Livery Vehicle. A Livery Vehicle shall provide the transportation of persons:

(i)

limited to a livery vehicle ;

(ii)

with the fare determined on a basis disclosed to and agreed upon by the passenger in advance of transportation, which fare shall total a minimum of 125% of the per mile fare established pursuant this part as the metered taxicab fare multiplied by the number of miles travelled; or with the fare determined on an hourly basis set pursuant to this chapter and not by a meter or mileage for the use of the vehicle; and

(iii)

pre-arranged or arranged through a third party (e.g., guest service desk or concierge desk).

(5)

The requirements in (4)(a)(iv) and (v), (4)(b)(ii) and (iii), (4)(c)(ii) and (iii), (4)(d)(ii) and (iii) and (4)(e)(iii), above, shall not apply if the transportation provided by the Vehicle-for-Hire is:

(a)

for an affinity group of eight persons or more;

(b)

a charter service; and

(c)

the rate charged and the name of the chartered service shall be retained by the Permit-Holder for not less than 90 days from the services provided date and shall be available for inspection and verification by the Vehicle-for-Hire Administrator and/or Officer(s).

SECTION THREE: Section 55.11 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.11. - Telecommunication Devices.

(1)

Two-way Radio Required. All ~~Taxicabs~~Vehicles-for-Hire shall be equipped with an operational two-way radio or comparable communication devices such that office dispatchers may immediately and effectively notify Drivers of requests for service and such that drivers may immediately and effectively request assistance should assistance be needed.

(2)

Electronic Devices Prohibited. Any electrical device such as radar detectors/"fuzz busters," police, two-way or similar scanners, or two-way radio frequency monitors are prohibited within the Vehicle-for-Hire or in the possession of the Driver. Hand-carried AM-FM radios, televisions or other similar entertainment musical devices are allowed.

(3)

Possession of Monitoring Devices. No Vehicle Permit-Holder shall possess at its place of business, dispatch operation or in any building or Vehicle-for-Hire any device used for the monitoring of a competitor's radio frequency.

SECTION FOUR: Section 55.14 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.14. - Display of Trade Name, Color Scheme, etc.

(1)

Shuttle Service. Every Shuttle shall:

(a)

have conspicuously and permanently affixed on each vehicle, on each side of the vehicle and in letters not less than six (6) inches in height, the Trade Name approved in [Section 55.13](#)

(b)

conspicuously and permanently display a company vehicle number on the front and rear bumpers and on both sides of the outside of the vehicle in figures two (2) to three (3) inches in height and in a color approved by the Vehicle-for-Hire Administrator;

(c)

not place any type or form of light device or other device on the roof, commonly known as a top light or top hat, whether or not permanently or temporarily affixed to the Vehicle, or have within the possession of the interior of the vehicle, except for the area exclusively limited to the storage of baggage behind the rearmost seat; and

(d)

not have the words or a sign with the words "Taxicab," "Taxi," "Cab," "Limousine," "Limo," "Luxury Passenger Vehicle" or "Luxury" or form thereof, placed or affixed permanently or temporarily on any portion of the outside Vehicle, or anywhere within the interior of the vehicle, except in the area exclusively limited to the storage of baggage behind the rearmost seat.

(2)

Taxicab. Every Taxicab shall:

(a)

have conspicuously and permanently affixed on such vehicle, on each side of the vehicle and in letters not less than ~~four (4)~~ two (2) inches in height, the Trade Name approved in [Section 55.13](#)

(b)

be painted with the uniform color scheme approved in [Section 55.13](#)

(c)

conspicuously and permanently display a company vehicle number on the front and rear ~~bumpers and on each side~~ of the outside of the vehicle in figures ~~two (2) to three (3)~~ not less than 1.5 inches in height and in the color approved by the Vehicle-for-Hire Administrator; and

(d)

may be equipped with a permanently installed roof mounted device commonly known as a top light which shall be illuminated whenever the meter is on, or when headlights and/or parking lights are illuminated.

(3)

Limousines. Every Limousine shall:

(a)

display the Trade Name or the approved Collective Trade Name on the front license plate of the vehicle and the approved City of Orlando vehicle number shall be on the front and rear bumpers of the vehicle in figures two (2) to three (3) inches in height and in the color approved by the Vehicle-for-Hire Administrator;

(b)

not be painted the uniform color or design scheme of any permitted Taxicab Vehicle-for-Hire;

(c)

not have the words or a sign with the words "Taxicab," "Taxi," "Cab," "Shuttle," or "Shuttle Service" or any form or translation thereof, placed or affixed permanently or temporarily on any window or portion of the outside Vehicle, or anywhere within the interior of the vehicle excluding the trunk.

(4)

Luxury Passenger Vehicles and Custom/Luxury Vans. Every Luxury Passenger Vehicle or Custom/Luxury Van shall:

(a)

display the Trade Name or the approved Collective Trade Name on the front license plate of the vehicle and the approved City of Orlando vehicle number shall be on the front and rear bumpers of the vehicle in figures two (2) to three (3) inches in height and in the color approved by the Vehicle-for-Hire Administrator;

(b)

not be painted the uniform color or design scheme of any permitted Taxicab Vehicle-for-Hire;

(c)

not have the words or a sign with the words "Taxicab," "Taxi," "Limousine," "Limo," "Cab," "Shuttle," or "Shuttle Service," or any form or translation thereof, placed or affixed permanently or temporarily on any window or portion of the outside Vehicle, or anywhere within the interior of the vehicle excluding the trunk; and

(d)

not place any type or form of light device or other device on the roof, commonly known as a top light or top hat, whether or not permanently or temporarily affixed to the Vehicle, or anywhere within the interior of the vehicle, except for the area exclusively limited to the storage of baggage behind the rear-most seat.

(5)

Residential Shuttle. Every Residential Shuttle shall:

(a)

conspicuously and visibly display the name of the residential property operating the vehicle and a sign stating "Not for Hire" on each vehicle, in letters not less than four (4) inches in height;

(b)

conspicuously and visibly display a company vehicle number on the front and rear of the outside of the vehicle in figures two (2) to three (3) inches in height and in a color approved by the Vehicle-for Hire-Administrator;

(c)

not place any type or form of light device or other device on the roof, commonly known as a top light or top hat, whether or not permanently or temporarily affixed to the Vehicle, or have within the possession of the interior of the vehicle, except for the area exclusively limited to the storage of baggage behind the rearmost seat; and

(d)

not have the words or a sign with the words "Taxicab," "Taxi," "Cab," "Limousine," "Limo," "Luxury Passenger Vehicle" or "Luxury" or form thereof, placed or affixed permanently or temporarily on any portion of the outside Vehicle, or anywhere within the interior of the vehicle, except in the area exclusively limited to the storage of baggage behind the rearmost seat.

(6)

Livery Vehicle. Every Livery Vehicle shall:

(a)

not place any type or form of light device or other device on the roof, commonly known as a top light or top hat, whether or not permanently or temporarily affixed to the Vehicle, or have within the possession of the interior of the vehicle, except for the area exclusively limited to the storage of baggage behind the rearmost seat; and

(b)

not have the words or a sign with the words "Taxicab," "Taxi," "Cab," "Limousine," "Limo," "Luxury Passenger Vehicle" or "Luxury" or form thereof, placed or affixed permanently or temporarily on any portion of the outside Vehicle, or anywhere within the interior of the vehicle, except in the area exclusively limited to the storage of baggage behind the rearmost seat; and

(c)

if accepting fares from or through a Transportation Network Company, display the name of that Transportation Network Company on the passenger side of the vehicle in letters between 2 and 3 inches in height.

(7)

Temporary Exemption of Display of Permanent Trade Name—Shuttle Service. The Vehicle-for-Hire Administrator shall have the authority to authorize a temporary exemption for Shuttle Services from the requirements to permanently display Trade Name as prescribed in [Section 55.13](#) above and this Section. Such exemption shall not exceed twenty-one (21) days, shall be authorized only for current Shuttle Service Permit-Holders, and shall require temporary displays in form as approved by the Vehicle-for-Hire Administrator in lieu of the permanent displays as prescribed in subparagraphs (1)(a) and (c) of this Section. Shuttle Services shall have a temporary exemption in order to come in to compliance with the six (6) inch lettering requirement as set forth in [55.14](#)(1)(a) above. This exemption will expire one hundred twenty (120) days from the passage of this ordinance.

SECTION FIVE: Section 55.15 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.15. - Advertisement Regulations.

(1)

Mandatory Advertisement in Local Telephone Directory for Taxicab Vehicle Permit-Holders. Every Taxicab Vehicle Permit-Holder shall obtain, at first opportunity, and thereafter continue to maintain for the duration of the Taxicab Vehicle Permit, a listing in the Taxicab section of the Yellow Pages of the local Bell South Telephone Book, Donnelly Directory or other telephone book distributed to a substantial majority of the residents and businesses within the City of Orlando. The listing shall include the Trade Name approved in [Section 55.13](#) for the Vehicle-for-Hire Operator and phone number(s) where the public can reach the Vehicle Permit-Holder's dispatch in order to obtain Taxicab service.

(2)

No Affirmative Advertisement Requirement for Non-Taxicab Vehicles-for-Hire. There shall be no affirmative requirement for a Vehicle Permit-Holder of a non-Taxicab Vehicle Permit to advertise.

(3)

Advertising Restrictions. Notwithstanding paragraphs (1) and (2) above, the following requirements shall be strictly complied with by every Vehicle Permit-Holder and Driver in any advertisement for each particular category of Vehicle-for-Hire:

(a)

Taxicab. No Taxicab Vehicle Permit-Holder shall advertise, or allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin, flyer, radio or television commercial, [electronic medium](#) or hotel leaflet, an advertisement or solicitation for business which includes the word(s) "Shuttle Service," "Limousine," "Limo," "Luxury Passenger Vehicle," "Shuttle" or "Custom/Luxury Van," ["Livery Vehicle."](#) or any form of these words.

(b)

Limousine. No Limousine Vehicle Permit-Holder shall advertise, or allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin, flyer, radio or television commercial, [electronic medium](#) or hotel leaflet, an advertisement or solicitation for business which includes the word(s) "Shuttle Service," "Taxicab," "Taxi," "Cab," "Luxury Passenger Vehicle," "Shuttle" or "Custom/Luxury Van," ["Livery Vehicle."](#) or any form of these words.

(c)

Luxury Passenger Vehicle. No Luxury Passenger Vehicle Permit-Holder shall advertise, or allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin, flyer, radio or television commercial, electronic medium or hotel leaflet, an advertisement or solicitation for business which includes the word(s) "Shuttle Service," "Taxicab," "Taxi," "Cab," "Limousine," "Limo," "Shuttle" or "Custom/Luxury Van," "Livery Vehicle," or any form of these words.

(d)

Custom/Luxury Van. No Custom/Luxury Van Vehicle Permit-Holder shall advertise, or allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin, flyer, radio or television commercial, electronic medium or hotel leaflet, an advertisement or solicitation for business which includes the word(s) "Shuttle Service," "Taxicab," "Taxi," "Cab," "Limousine," "Limo," "Shuttle" or "Luxury Passenger Vehicle," "Livery Vehicle," or any form of these words.

(e)

Shuttle Service. No Shuttle Service Vehicle Permit Holder shall advertise, or allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin, flyer, radio or television commercial, electronic medium or hotel leaflet, an advertisement or solicitation for business which includes the word(s) "Taxicab," "Taxi," "Cab," "Limousine," "Limo," "Luxury Passenger Vehicle," "Luxury/Custom Van," "Livery Vehicle," or any form of these words.

(f)

Livery Vehicle. No Livery Vehicle Permit Holder shall advertise or allow or cause to be advertised, in any telephone directory, newspaper, brochure, bulletin, flyer, radio or television commercial, electronic medium or hotel leaflet, an advertisement or solicitation for business which includes the word(s) "Taxicab," "Taxi," "Cab," "Limousine," "Limo," "Luxury Passenger Vehicle," "Luxury/Custom Van," "Shuttle Service," or any form of these words.

(g)

Exception for Multi-Category Vehicle Permit-Holder. A Vehicle Permit-Holder, who has been issued Vehicle Permits for multiple categories, may use in one advertisement the terms for each particular category of Vehicle Permit issued to the Vehicle Permit-Holder, however, consistent with restrictions in subparagraphs (3)(a)—(e).

(hg)

If the Vehicle Permit-Holder operates outside the City limits a category of Vehicle-for-Hire service for which no permit has been issued by the City, then the Vehicle Permit-Holder shall segregate the advertisement of the Services into two separate advertisements: one for City service and one for non-City service. In the City advertisement, the restrictions in (a) through (f) above, shall apply. In the non-City advertisement, the Vehicle Permit-Holder shall not use, or allow the use of, the word "Orlando" in the advertisement for the Vehicle-for-Hire service operated outside the City of Orlando.

SECTION SIX: Section 55.17 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.17. - Posting of Scheduled Rates and Adopted Surcharges.

(1)

Posting by the City. The rates and/or any surcharges adopted by City Council shall be filed with the City Clerk and shall be posted by the City Clerk and the Vehicle-for-Hire Administrator.

(2)

Posting of Rates by Vehicle Permit-Holder and Driver.

(a)

Printed schedules of the current applicable rates, and/or surcharges shall be available at all times for inspection in all Vehicles-for-Hire, except Taxicabs.

(b)

Within each Taxicab, the schedule of the current adopted rates and/or surcharges adopted by City Council shall be permanently posted in a place with a view to the general public within the interior ~~and on each door side of the outside~~ of the Taxicab.

(c)

In addition, if City Council adopts any rate or surcharge charge for the particular category of Vehicle-for-Hire, then the Vehicle Permit-Holder shall post a sign or decal at least 2 inches by 3 inches in size at a location, to be determined and approved by the Vehicle-for-Hire Administrator, in the interior, exterior or window of the vehicle, which states:

A Schedule of the Adopted Rates and/or surcharges, on file with the City of Orlando is available from the Driver. The Driver may only charge the Adopted Rates listed thereon.

(3)

Filing of Rates with the City Vehicle-for-Hire Administrator. Whether or not City Council adopts any form of rate or surcharge, every Vehicle Permit-holder shall place on file with the Vehicle-for-Hire Administrator the most current rates for its Vehicle-for-Hire Service.

(4)

Fare Strictly Consistent with the Rates Placed on File with the City. Any rate or surcharge imposed, required or collected by any Vehicle Permit-holder or Driver shall be in strict conformance to the rate or surcharge filed with the Vehicle-for-Hire Administrator in paragraph (3) above. Except for Livery Vehicles, All tolls shall be the responsibility of the passengers and notice thereof shall be posted in each vehicle in a manner approved by the Vehicle-for-Hire Administrator. However, such tolls, surcharges and other extras shall not be entered into the Taxicab meter until such time as they are incurred.

SECTION SEVEN: Section 55.18 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.18. - Trip Reports.

(1)

Driver Trip Reports. The Vehicle Permit-holder shall require that every Driver will keep a trip report which shall show the following minimum information for each trip:

(a)

Name of Vehicle Permit-holder;

(b)

The company unit number of the vehicle;

(c)

The name of the Driver;

(d)

The date and time of trip origin;

(e)

The origin and destination of the trip;

(f)

The fare charged or the voucher number for the trip;

(g)

The number of passengers transported on the trip.

Each such trip report shall be consecutively numbered and shall be recorded on a form approved by the Vehicle-for-Hire Administrator.

Each Driver shall, on a daily basis, submit said trip reports to the Vehicle Permit-holder who shall keep them for a period of at least ninety (90) days. The trip reports shall be submitted daily, except Drivers who lease the vehicle from the Vehicle Permit-holder for a period longer than one day may submit the trip reports at the end of the lease period or weekly, whichever is shorter.

(2)

Open to Inspection. All trip reports shall be at all times open to inspection by the Vehicle-for-Hire Administrator or Officer(s) and shall be produced on demand. The trip reports shall be kept at the business office of the Vehicle Permit-holder.

(3)

Dispatcher Reports. If the Vehicle Permit-holder has a Dispatcher(s), the Vehicle Permit-holder shall make a record of each call received, the time it is received, the point of origin, the time the request for service is dispatched, the time of pick-up and the destination, if indicated by the prospective passenger. Such record shall be kept in the dispatch office for a minimum period of ninety (90) days.

(4)

Taxicab Permit-Holder Record Retention Requirement. Each Taxicab Permit-holder shall maintain records detailing the following information for a period of no less than two years.

(a)

The total number of Taxicab trips originating from Orlando International Airport (OIA);

(b)

The total number of Taxicab service requests dispatched;

(c)

The total number of Taxicab trips made by all City-permitted Taxicabs excluding those Taxicab trips originating at OIA;

(d)

The total number of pick-ups that are over 20 minutes from the time dispatched;

(e)

The total revenues generated for all Taxicab metered miles for all City-permitted Taxicabs excluding those metered miles that originated from OIA;

(f)

The total revenues generated for all Taxicab metered miles for all City-permitted Taxicabs originating from OIA; and

(g)

The total Taxicab metered miles driven for all City-permitted Taxicabs excluding those originating at OIA; and

(h)

The total Taxicab metered miles driven for all City-permitted Taxicabs originating from OIA; and

(i)

The total vehicle miles driven for all City-permitted Taxicabs; and

(j)

The average Taxicab lease rate for a City-permitted Taxicab for one 24-hour period.

(5)

———Livery vehicles accepting fares from or through a Transportation Network Company will be in compliance with this section provided that they display the electronic version of any current fare to any Vehicle-For-Hire Administrator or Officer or officer of the Orlando ———Police Department who so requests and the Transportation Network Company allows records of trips that ——begin inside the City of Orlando to be audited by the Vehicle for Hire Administrator for -compliance with this Chapter.

SECTION EIGHT: Section 55.19 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.19. - Application for Vehicle Permit.

(1)

This Section shall apply to the application for a Vehicle Permit for all categories. In addition to the requirements of this Section, applications for Taxicab permits shall be subject to the requirements in Part IV below.

(2)

Application Fee. An application for a Vehicle Permit shall be filed with the Vehicle-for-Hire Administrator along with a Five Hundred Dollar (\$500) application fee. The application fee shall not apply to renewal or additional permit applications. Failure to submit the application fee with the completed application shall result in no action on the application until the application fee is paid.

(3)

Required Information. The application shall contain all of the following information:

(a)

The name of the applicant;

(b)

The name of the applicant's business and trade name under which the business will operate, a copy of the Business Tax Receipt issued by the City of Orlando or if the business is not based in the City of Orlando, the business tax receipt from the county or city in which the business is based;

(c)

If the business is to be a partnership, whether general or limited, the partnership instrument or certified copy thereof, and the business address of the partnership;

(d)

If the business is to be a corporation, the certificate of incorporation or certified copies thereof, and the business address of the corporation;

(e)

If the business is to be conducted under another name than that of the applicant, a copy of the fictitious name certificate, if required;

(f)

Applicant's business location;

(g)

Applicant's business mailing address;

(h)

Applicant's business phone number;

(i)

Applicant's home address and home phone number;

(j)

The category and number of permits requested;

(k)

The seating capacity, make, model, year of manufacture, mileage, equipment and amenities for each vehicle to be permitted;

(l)

The color scheme of the vehicles the applicant intends to operate;

(m)

The type and make of radios or communication devices the applicant will be using in the vehicles;

(n)

The names and addresses of any and all persons holding a ten percent (10%) or greater beneficial interest in the applicant's business or company;

(o)

The date the application is filed with the Vehicle-for-Hire Administrator;

(p)

The names, addresses and telephone numbers of at least three (3) references from persons not related to the applicant who have knowledge of the applicant;

(q)

Proposal for submission of appropriate insurance coverage, as required by [Section 55.12](#)

(r)

If applicable, a proposed agreement with Bell South or other telephone directory that is distributed within the entire corporate limits of the City of Orlando, indicating required advertising and the telephone number which will be used by customers to contact the business for service;

(s)

A factual statement and documentation indicating the portion(s) of the Vehicle-for-Hire market to be served and such other pertinent information as the applicant may desire to present; and

(t)

The phone number for receipt of complaints and a phone number and physical location within the City of Orlando where lost property can be claimed. Such phone number and location must be reasonably available on a daily basis.

(u) Any other information required, as deemed appropriate by the Vehicle-for-Hire

Administrator, of any applicant for the particular category of Vehicle-for-Hire service.
The additional requirements shall be consistent with the provisions of this Chapter.

SECTION NINE: Section 55.21 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.21. - Issuance of Vehicle Permits.

(1)

Issuance of Permit. Upon a determination in [Sec. 55.19](#) and [55.20](#) above that a Vehicle Permit shall be issued, the Vehicle-for-Hire Administrator shall issue the vehicle permits upon submission of the following documents:

(a)

Insurance certification proving that the applicant has met the insurance requirements of [Section 55.12](#)

(b)

Vehicle inspection certification from an inspection facility, as designated by City Council, certifying that the vehicle(s) to be permitted meet(s) the safety and equipment standards of [Section 55.09](#); provided, however, any person or company holding permits for 25 vehicles or more and operating a facility for maintaining and repairing said vehicles and such inspections are performed by A.S.E. (Automotive Service Excellence) certified mechanics, may conduct the safety inspections of those vehicles as required by this Chapter. Said certification shall have been issued not more than 30 days prior to the issuance of the permit. This requirement shall be waived for any vehicle with a manufacture date that is less than 365 days from the date such permit is to be issued and which has less than 10,000 miles in mileage. A Vehicle-for-Hire Officer shall conduct an inspection of such vehicle to determine compliance with requirements such as a "Doing Business As" tag and two-way communication device. There will be no cost for this inspection;

(c)

If required by [Section 55.15](#)(1), a receipt or certified copy from Bell South, or other applicable telephone carrier, for advertisement in the upcoming yellow pages;

(d)

Submission of every vehicle I.D. number, state license plate number, mileage and the original or copy of the State of Florida Registration; and

(e)

proof of current occupational license(s) including a Business Tax Receipt issued by the City of Orlando or if the business is not based in the City of Orlando, the business tax receipt from the county or city in which the business is based.

(2)

Permit Fee. The initial application fee will serve as the permit fee for one vehicle for the initial term of the permit. Prior to issuance of ~~the~~ any additional Vehicle Permit(s) by the Vehicle-for-Hire Administrator, the applicant shall pay a permit fee of three hundred dollars (\$300.00) for the first year for each additional Vehicle Permit for all vehicles, except Vehicle Permits for Green Taxicabs. Prior to the issuance of a Vehicle Permit for a Green Taxicab, the applicant shall pay a permit fee of one hundred-fifty dollars (\$150.00), for the first year.

(3)

Term of Vehicle Permit. Subject to paragraph (6) below, said Vehicle Permit shall be valid for one year until the last day of the month in which the permit was issued the year prior.

(4)

Category of Vehicle Permit. The issued Vehicle Permit shall be of the category approved by the Vehicle-for-Hire Administrator in Section 55.20 above.

(5)

Display of Vehicle Permit. The Permit decal for the Vehicle Permit shall be affixed to each Vehicle-for-Hire in a manner determined by the Vehicle-for-Hire Administrator.

(6)

Use of Taxicab Permit Required. Each Taxicab Vehicle Permit-holder shall maintain in active operation a Taxicab for which the Taxicab Vehicle Permit was issued. Any Taxicab Vehicle Permit which remains dormant for more than ninety (90) consecutive days or one-hundred and fifty (150) days in any calendar year may be revoked and declared void by the Vehicle-for-Hire Administrator.

(7)

A Vehicle Permit issued, renewed, awarded or transferred herein shall not vest the Vehicle Permit-holder with any property rights in said Vehicle Permit.

(8)

Temporary Exemption of Vehicle Inspection Certification Requirements. The Vehicle-for-Hire Administrator shall have the authority to authorize a temporary exemption from the required filing of the vehicle inspection certification as prescribed by subparagraph (1)(b) of this Section. Such exemption shall not exceed twenty-one (21) days, shall be authorized only for current Vehicle Permit-holders, shall be authorized only for a vehicle that has a manufacturing date that is less than 365 days from the date such permit is to be issued and such vehicle has less than 10,000 miles. The issuance of a Vehicle-for-Hire Permit under this exemption provision in no way is intended to exempt or relieve the Permit-holder's

responsibility that such vehicle meet the applicable Vehicle Safety and Equipment Standards as prescribed in [Section 55.09](#)

SECTION TEN: Section 55.21 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.29. - Application and Review for Driver Permit.

(1)

Any person being eighteen (18) years of age or older may make application to the Vehicle-for-Hire Administrator or Administrator's designee for a Driver Permit. The written application shall include the following items:

(a)

Applicant's name, date of birth, ~~social security number~~, sex, race or national origin, and any aliases or former legal names used during the preceding five year period;

(b)

Applicant's home address and mailing address;

(c)

Applicant's home phone number and existing work phone number;

(d)

Proof that the applicant holds a valid Florida Driver's License;

(e)

The names, addresses, and phone numbers of the applicant's existing employer;

(f)

A sworn affidavit by the applicant which states that the applicant has not been convicted, within the past five (5) years, nor have any charges pending against him or her for any of the following crimes:

(i)

driving under the influence of drugs or alcohol,

(ii)

reckless driving,

(iii)

any crime which is designated as a felony,

(iv)

any crime involving the sale or possession of a controlled substances as defined by Florida Statutes § 893.03, or any crime involving drug paraphernalia as defined by [F.S.]§ 93.145,

(v)

the Florida RICO Act,

(vi)

exposure of the sexual organs and any crime defined under Florida Statutes ch. 800, or

(vii)

any crime defined as Prostitution under Florida Statutes ch. 796, or under Chapter 43 of the Code of the City of Orlando including, but not limited to, assignation or solicitation for prostitution;

(i)

The name, address and phone number of the Vehicle Permit-holder for which the applicant is working or intends to work;

(j)

Such other information as the City may require of all applicants, including, but not limited to, an FDLE and NCIC inquiry;

(k)

Payment of an application fee, established by the City.

(2)

Completeness Review. Upon receipt of an application and evidence of the payment of the application fee, the Vehicle-for-Hire Administrator or the Administrator's designee shall review the application to ensure that the application is complete and all information requested has been provided. The Vehicle-for-Hire Administrator or the Administrator's designee shall determine whether the applicant understands and is reasonably conversant in the English language for the demands of a Driver and the requirements of this Chapter. Any such method shall receive the prior approval of the City.

(3)

Final Review. If the application is deemed complete by the Vehicle-for-Hire Administrator or the Administrator's designee and the applicant successfully shows that he/she is reasonably conversant in the English language, then the application and the affidavits shall be verified for accuracy by the Vehicle-for-Hire Administrator or the Administrator's designee.

(4)

Issuance of a Permit. A Driver's Permit shall not be issued if:

(a)

within the last five (5) years immediately preceding application, the applicant has been convicted of, or has pending charges for, any of the following:

(i)

Driving under the influence of drugs or alcohol,

(ii)

Reckless driving,

(iii)

any crime which is designated as a felony,

(iv)

any crime involving the sale or possession of controlled substances as defined by Florida Statutes § 893.03, or any crime involving drug paraphernalia as defined by § 893.145, Florida Statutes,

(v)

the Florida RICO Act,

(vi)

exposure of the sexual organs and any crime defined under Florida Statutes ch. 800,

(vii)

"Prostitution" as defined in Florida Statutes ch. 796, or under Chapter 43 of the Code of the City of Orlando pertaining to prostitution or assignation or loitering for prostitution or

(b)

the applicant has an outstanding debt owed to:

(i)

the City of Orlando, or

(ii)

the Orange County Clerk of Courts for violations of [Chapter 55](#), Orlando City Code.

(c) the applicant is a match in the National Sex Offender Registry database.

(5)

Appeal of Denial of Permit.

(a)

Burden, Evidentiary Requirement and Standard. In addition to the requirements in [Section 55.03](#)(4) above, on appeal of the denial of a Driver's Permit, the applicant shall have the burden of proof to show by substantial competent evidence that the applicant has been reformed, rehabilitated, and without any reasonable doubt, does not pose a safety risk to members of the traveling public. Substantial competent evidence shall not include testimony of the applicant without verification by independent sources such as employment records, parole records, evidence of completion of drug and/or alcohol rehabilitation and testimony of third parties. Ten days prior to the hearing, the applicant shall provide a list of the evidence and witnesses to the Vehicle-for-Hire Administrator. Failure to list the evidence or witnesses shall bar the submission of the unlisted evidence or witnesses to the Board.

(b)

Board Decision. The Board shall conduct a de novo review using the standard in paragraph (a) above and shall list specific findings for its decision. After review, the Board shall affirm the decision or overturn the decision of the Vehicle-for-Hire Administrator. Re-application may be made after 90 days for a permit which has been denied by the Vehicle-for-Hire Administrator and the Board.

SECTION ELEVEN: Section 55.31 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.31. - Driver Obligations.

(1)

Update Application Information. If any of the information supplied by the Driver in the application in [Sec. 55.28](#), is no longer accurate, the Driver shall then provide current and accurate information to the Vehicle-for-Hire Administrator or the Administrator's designee, within ten (10) days of the date the change occurs. The information filed with the Vehicle-for-Hire Administrator or the Administrator's designee, shall be assumed correct and exclusively relied upon as the correct address for all notices and enforcement proceedings herein. Failure to maintain the accuracy of the application information on file shall result in automatic suspension of said permit.

(2)

~~*Taxicab Driver*~~ *Service Requirement.* Unless otherwise prohibited by this Chapter, the City Code or any other applicable law or regulation, no Taxicab Driver shall refuse any request for transportation from any orderly passenger where the destination of the trip is within the

Tri-County Area. No Vehicle-For-Hire permit holder or driver shall refuse any request for transportation service from any person based on that person's race, color, religion, national origin, marital status, age, sex, sexual orientation, gender identity or handicap. No Vehicle-For-Hire shall refuse any request for transportation from any Vehicle-For-Hire Administrator or Officer or Officer of the Orlando Police Department, nor shall any Vehicle-For-Hire accept fares from any Transportation Network Company that has refused participation to any Vehicle-For-Hire Administrator or Officer or Officer of the Orlando Police Department. It shall be an affirmative defense to this section if service was denied to any Vehicle-For-Hire Administrator or Officer or Officer of the Orlando Police Department if the Vehicle-For-Hire Driver or Transportation Network Company can show a reason for refusal of service unrelated to enforcement activities or status of the individual refused service.

(3)

Fare Payment in Advance; Refusal or Termination of Trip. Notwithstanding (2) above, any Driver, including a Taxicab Driver, may request or demand advance payment prior to commencement of a trip, and refuse to initiate such trip and may terminate a trip and/or may request payment if (i) the Driver has reason to believe the passenger(s) may cause bodily injury to him/her, or (ii) the passengers become unruly, rowdy or cause physical damage to the vehicle or the Driver.

(4)

Most Direct Route. A Taxicab driver shall use the most direct available route on all trips unless the passenger specifically requests to change the route.

(5)

Providing Change. For payments made in cash, Aa driver shall be able to provide a reasonable and prudent amount of change, and if correct change is not available, no additional charge will be made to the passenger in attempting to secure the change.

(6)

Receipt to be Given Upon Demand. If demanded by the passenger and unless the fare is arranged via a Transportation Network Company, the Driver shall deliver to the person paying for the hiring of the same, at the time of such payment, a receipt therefor in legible writing, containing the trade name of the Vehicle Permit-holder, the company car number and the driver's name, showing upon such receipt all items for which a charge is made, the total amount paid and the date of payment.

(7)

Taxicab Stands. A Driver who occupies a Taxicab stand shall occupy it at the end of the line and move into the first out position on the stand in orderly, single file. Once obtaining the first out or loading position, he shall accept the first request for transportation as

provided in (2) above, except that a driver shall not be obligated to accept trips terminating beyond the Tri-County Area (Orange, Seminole, and Osceola counties). Such City of Orlando Taxicab stands shall be for exclusive use by City of Orlando permitted taxicabs. The parking on such Taxicab stands by a vehicle that is not a City permitted Taxicab shall be prima facie evidence of a violation of [Section 55.32\(1\)](#) below, and shall be subject to penalty in accordance with [Section 55.32\(7\)](#) herein.

(8)

Trip Reports. The Driver shall keep a Trip Report which shall show the following minimum information for each trip:

- (a) Name of Vehicle Permit-holder;
- (b) The company unit number of the vehicle;
- (c) The name of the Driver;
- (d) The date and time of trip origin;
- (e) The origin and destination of the trip;
- (f) The fare charged or the voucher number for the trip; and
- (g) The number of passengers transported on the trip.

Each such Trip Report shall be consecutively numbered, and shall be recorded on a form approved by the Vehicle-for-Hire Administrator.

Each Driver shall, on a daily basis, submit said Trip Reports to the Vehicle Permit-holder, except for Drivers who lease the vehicle(s) from the Vehicle Permit-holder for a period longer than one day may submit the Trip Reports at the end of the lease period or weekly, whichever is shorter. All Trip Reports shall be at all times open to inspection by representatives of the City of Orlando.

Livery vehicles accepting fares from or through a Transportation Network Company will be in compliance with this section provided that they provide the electronic version of any current fare to any Vehicle-For-Hire Administrator or Officer or officer of the Orlando Police Department and the Transportation Network Company allows records of trips that begin inside the City of Orlando to be audited by the Vehicle for Hire Administrator for compliance with this Chapter.

(9)

Unauthorized Solicitation of Vehicle For Hire Services.

(a)

Unauthorized solicitation occurs whenever any person, without being authorized by the City of Orlando, or the Greater Orlando Aviation Authority, or without having made a Prior Agreement to provide Vehicle-for-Hire services to a specific patron, offers to engage in any business, trade, or commercial transaction involving the rendering to another person of any Vehicle-for-Hire services. Unlawful solicitation occurs when a driver solicits passengers:

(i)

from a location other than the driver's compartment or the immediate vicinity of the driver's Vehicle for Hire;

(ii)

in a way that annoys or obstructs the movement of a person, or follows any person for the purpose of unlawful soliciting;

(iii)

in a loud, boisterous or annoying manner of voice, or by sign, or in any other annoying manner; or

(iv)

by paying an employee of another business to solicit passengers for or give preferential treatment in directing passengers to the driver's Vehicle for Hire.

(b)

No person shall without authorization solicit Vehicle-for-Hire services at any airport operated by the Greater Orlando Aviation Authority, or at any hotel, motel, bed and breakfast, restaurant, retail or wholesale facility, government facility or center, any entertainment facility or center, transportation facility or center, or any other location of public gathering.

(10)

A Driver shall not use obscene or profane language, nor be abusive to passengers.

SECTION TWELVE: Section 55.33 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.33. - Administrative Enforcement—General.

(1)

Procedure. Whenever there is reasonable cause to believe that a Vehicle Permit-holder or Driver is violating, or has violated, the provisions of this Chapter, the Vehicle-for-Hire Officer(s) may initiate enforcement proceedings and request a hearing before the Vehicle-for-Hire Administrator. The Vehicle Permit-holder or Driver shall be advised in writing, of the date, time and place of such hearing, mailed to the address on file with the Vehicle-for-Hire Administrator, no later than fifteen (15) days prior to the date of the hearing. Failure to appear shall result in an automatic suspension of the particular Vehicle Permit or Driver Permit, and may be grounds for revocation of said permit(s). The Vehicle-for-Hire Administrator shall conduct the hearing pursuant to Sections [55.34](#) and [55.35](#) below.

(2)

Impoundment of Vehicle. In addition to the penalty provisions of paragraph (7) of [Section 55.32](#) above, any citation issued for a violation of paragraphs (1) through (4) of [Section 55.32](#) above, may result in the immediate removal and impoundment of the vehicle by the City. The vehicle shall be released to the Owner upon payment of any tow, storage, inspection costs, and any other fines or penalties. The impoundment of any vehicle pursuant to this section may be appealed to the Vehicle-For-Hire Administrator. Such appeal may be filed at any time during the impoundment of the vehicle by the vehicle owner or Vehicle-For-Hire permit holder. The Vehicle-For-Hire Administrator or designee will accept evidence and arguments and grant or deny the appeal in writing within three (3) business days of receipt. The decision of the Vehicle-For-Hire Administrator will constitute final agency action on the appeal.

(3)

Immediate Removal for Faulty Equipment.

(a)

Authority. In addition to the suspension powers listed in [Section 55.35](#) below, the Vehicle-for-Hire Administrator or Officer(s) may, at their discretion, temporarily suspend any permitted Vehicle-for-Hire upon a factual determination by the Administrator or Officer(s) that the particular vehicle is unsafe or in substantial non-compliance with [Section 55.09](#) above, or the observation of a patent defect of the vehicle for the transportation of the traveling public. Unsafe shall mean that the condition of the Vehicle, whether one major violation or defect or an aggregate of minor defects, could pose a safety or health risk to the traveling public.

(b)

The suspension shall take effect immediately upon notice to the Driver of the Vehicle-for-Hire by issuance of a Notice of Suspension. The Vehicle-for-Hire Administrator or Officer(s) shall affix a decal to both door-sides of the particular vehicle which state that the vehicle is suspended pending further investigation and correction of safety and/or equipment violations, and that the vehicle shall not transport any person for hire. The

decal shall remain affixed to the vehicle until either the Vehicle Permit-holder corrects (i) the safety and/or equipment violations and has the vehicle inspected by the City pursuant to [Section 55.21](#) above, except that self inspection shall not apply, and pays the reinstatement fee as required by [55.35](#) below, or (ii) appeals the determination to the Board and has the determination of the Vehicle-for-Hire Administrator or Officer(s) overturned. The operation of a vehicle suspended pursuant to this paragraph or the unauthorized removal or alteration of the decals affixed to the vehicle shall result in revocation of the Vehicle Permit, as provided in [Section 55.35](#) below.

SECTION THIRTEEN: Section 55.35 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.34. - Administrative Enforcement—Drivers.

(1)

Specific Grounds for Suspension of Driver's Permit. Without limiting the generality of [Section 55.33](#) above, the following shall constitute specific grounds for suspension of the Driver's Permit:

(a)

Operation Without Public Display of Driver's Permit. If a Driver who operates any Vehicle-for-Hire fails to visibly display his/her Driver Permit on his/her outer garment or in such vehicle at all times when on duty.

(b)

Charging of Rates Inconsistent with Established Rates. If a Driver charges, receives, or obtains any fare from a passenger that is not strictly consistent with any rates and surcharges approved by the City.

(c)

Charging of Rates Inconsistent with Rates on File with the City. If a Driver charges, receives, or obtains any fare from a passenger that is not strictly consistent with any rates on file with the Vehicle-for-Hire Administrator.

(d)

Possession of Prohibited Electronic Devices. If a Driver is in possession of, or it is located within the interior of the Vehicle, any electrical device such as radar detector/"fuzz buster," police, two-way or similar scanners, or two-way radio frequency monitors.

(e)

Failure to Possess Printed Schedules. If a Driver fails to have printed schedules of the current adopted rates and/or surcharges available at all times for inspection in all Vehicles-for-Hire, except Taxicabs.

(f)

Driver Trip Reports. If the Driver fails to keep updated Trip Reports as required pursuant to [Section 55.18](#) above.

(g)

Operation of a Taxicab with Meter in Non-Calculating Position. If a Driver operates a Taxicab Vehicle-for-Hire with any passenger or occupant when the meter is in the non-calculating position, except when operating on a hourly or trip rate.

(h)

Tampering with Taxicab Meter. If any Driver tampers with or changes the adjustment of a meter.

(i)

Operation of a Taxicab with Inaccurate Meter. If the Driver operates a Taxicab Vehicle-for-Hire with the knowledge that the meter does not accurately register the mileage and the rate as set by the City. Evidence of the breaking of an official meter seal of the Florida Department of Agriculture and Consumer Services shall constitute prima facie evidence that a meter does not accurately register the mileage and rate required by City ordinances.

(j)

Failure to Produce Driver's Permit. If a Driver operating any Vehicle-for-Hire fails to produce his or her Driver Permit upon demand of any passenger, the Vehicle-for-Hire Officer(s) or Administrator, representative or agent of GOAA or law enforcement officer.

(k)

Smoking by Driver. If a Driver smokes a cigarette, cigar, pipe or other tobacco substance in the vehicle while such vehicle is occupied by a passenger, unless the passenger(s) consents otherwise.

(l)

Vehicle-for-Hire Limited to Driver and Passengers. If a Driver allows or permits any person not a passenger, other than the Driver him/herself, to occupy the Vehicle-for-Hire while it is hired.

(m)

Hours of Driving. If a Driver operates one or more Vehicles-for-Hire for more than twelve (12) cumulative hours within any continuous twenty-four (24) hour period.

(n)

Payment of "Turkey" Money. If a Driver pays any money or other gratuity including money, commonly referred to as "turkey money," to a hotel, motel, or restaurant, their agents or employees, skycaps or bellmen as consideration for diverting or attempting to divert a passenger or passengers from one transportation company, or particular category of Vehicle-for-Hire to another, Vehicle Permit-holder company, Driver, or other category of Vehicle-for-Hire services to the Driver's Company or Vehicle.

(o)

Receipt of "Turkey" Money. If a Driver receives or accepts any money or other gratuity including money, commonly referred to as "turkey money," from a hotel, motel, or restaurant, their agents or employees, or skycaps or bellmen, as consideration for diverting or attempting to divert a passenger or passengers from one hotel, motel, or restaurant to another hotel, motel, or restaurant.

(p)

Misleading Passengers. If a Driver intentionally or knowingly misleads, by any act or word, a passenger or potential passenger about:

(i)

- the time or place of arrival or departure of a train, airplane, any Vehicle-for-Hire or bus;
- (ii) the location of any building or place, or the distance between two points;
- (iii) the cost or amount of the trip; or
- (iv) information on the cost, availability or quality of another Vehicle Permit-holder or Driver.
- (q) *Unauthorized Use of Streets.* Except as provided in this Chapter, if a Driver allows the Vehicle-for-Hire to remain, park or occupy any space on the streets for the transaction of business other than the picking up of passengers and letting out of passengers.
- (r) *Operation of Permitted Vehicle-for-Hire for Non-Permitted Service.* If any Driver, operates, or causes to operate, the permitted Vehicle-for-Hire in a category of vehicle service which is not the category authorized by the Vehicle Permit.
- (s) *Possession of Sign.* If the Driver violates [Section 55.14](#)(1)(d) or (e) or [55.14](#)(3)(c) with the possession of an improper sign or top light.
- (t) *Failure to Update Application Information on File with City.* If a Driver violates [Section 55.31](#)(1) by failing to provide the most current application information to the Vehicle-for-Hire Administrator.
- (u) *Taxicab Stand Misconduct.* If a Driver violates any of the provisions of [Section 55.31](#)(7), regulating conduct of Taxicab stands.
- (v) *Passenger Receipts.* If a Driver violates [Section 55.31](#)(6), regulating the issuance of receipts.
- (w) *Wrongful Termination or Refusal of Trip.* If the Driver wrongfully terminates or refuses a trip for any reason not listed in [Section 55.31](#)(3).
- (x) *Unlawful Solicitation.* If the Driver engages in the unlawful solicitation of passengers as pursuant to [Section 55.31](#)(9) above.
- (y) *Driver Conduct.* Obscene, profane or abusive behavior by a Driver towards his/her passenger(s).
- (z) *Failure to Produce Documentation of Prearranged Transportation.* If a Driver operating any Vehicle-for-Hire fails to produce written documentation of prearranged for hire services upon demand of an Orlando Police or Vehicle-for-Hire Officer.

(aa) Operation of Non-Permitted Vehicle-for-Hire. If any Driver operates a non-permitted Vehicle-for-Hire.

SECTION FOURTEEN: Section 55.35 of Chapter 55 of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 55.35. - Administrative Enforcement—Vehicle Permit-Holder.

(1)

Grounds for Suspension of Vehicle Permit. Without limiting the generality of [Section 55.33](#) above, the following shall constitute grounds for suspension of the Vehicle Permit:

(a)

Operation Without Public Display of Vehicle Permit. If a Vehicle Permit-holder operates, allows, leases or causes to be operated any Vehicle-for-Hire which has been issued a Vehicle Permit without said Vehicle Permit affixed to the Motor Vehicle.

(b)

Charging of Rates Inconsistent with Established Rates. If a Vehicle Permit-holder charges, receives, or obtains any fare from a passenger that is not strictly consistent with any rates and surcharges approved by the Vehicle-for-Hire Administrator.

(c)

Charging of Rates Inconsistent with Rates on File with the City. If a Vehicle Permit-holder charges, receives, or obtains any fare from a passenger that is not strictly consistent with any rates on file with the Vehicle-for-Hire Administrator.

(d)

Possession of Prohibited Electronic Devices. If a Vehicle Permit-holder gives, leases or borrows to the Driver or installs or equips in the interior of the Vehicle any electrical device such as radar detector/"fuzz buster," police, two-way or similar scanners, or two-way radio frequency monitors.

(e)

Failure to Possess Printed Schedules. If a Vehicle Permit-holder fails to have provided in the Vehicle-for-Hire a printed schedule of the current adopted rates and/or surcharges available at all times for inspection in all Vehicles-for-Hire, except Taxicabs.

(f)

Driver Trip Reports. If the Vehicle Permit-holder fails to keep and file the applicable Trip Reports as required pursuant to [Section 55.18](#) above.

(g)

Tampering with Taxicab Meter. If any Vehicle Permit-holder tampers with or changes the adjustment of a meter.

(h)

Operation of Taxicab with Inaccurate Meters. If the Vehicle Permit-holder operates, leases or causes to operate a Taxicab with the knowledge that the meter does not accurately register the mileage and the rate as set by the Vehicle-for-Hire Administrator. Evidence of the breaking of an official meter seal of the Florida Department of Agriculture and Consumer Services shall constitute prima facie evidence that a meter does not accurately register the mileage and rate required by City ordinances.

(i)

Two-Way Radio Required. If the Vehicle Permit-holder fails to equip and maintain every ~~Taxicab~~[Vehicle-for-Hire](#) with an operational two-way radio or comparable communication devices such that office dispatchers may immediately and effectively notify drivers of requests for service, and such that drivers may immediately and effectively request assistance should assistance be needed.

(j)

Possession of Monitoring Devices. If the Vehicle Permit-holder has in its possession at its place of business, dispatch operation or in any building or vehicle under its control and possession any device used for the monitoring of a competitor's radio frequency.

(k)

Failure to Post Taxicab Rates. If the Taxicab Permit-holder fails to have permanently posted in a place with a view to the general public within the interior ~~and on each door-side of the outside~~ of each Taxicab Vehicle-for-Hire, the schedule of the current adopted rates, charges and/or surcharges adopted by the Vehicle-for-Hire Administrator.

(l)

Failure to Satisfy the Minimum Safety and Equipment Standards. If a Vehicle Permit-holder operates, leases, or causes to be operated a Vehicle-for-Hire that does not strictly comply with any of the Safety and Equipment Standards in [Section 55.09](#)

(m)

Failure to Post Informational Sign. If the City Council adopts any rate or surcharge for the particular category of Vehicle-for-Hire and the Vehicle Permit-holder fails to post the informational sign or decal as required by [Section 55.17\(2\)\(c\)](#) above.

(n)

Operation under Non-Approved Trade Name, Color Scheme and Logo. If a Vehicle Permit-holder operates, leases, or causes to operate a Vehicle-for-Hire under a Trade Name, color scheme or logo not approved pursuant to [Section 55.13](#) above.

(o)

Non-Compliance with Display and Advertisement Restrictions. If a Vehicle Permit-holder fails to strictly comply with the requirements in Sections [55.14](#) and [55.15](#) above.

(p)

Payment of "Turkey" Money. If a Vehicle Permit-holder pays any money or other gratuity including money, commonly referred to as "turkey money," to a hotel, motel, or restaurant, their agents or employees, or skycaps or bellmen, as consideration for diverting or attempting to divert a passenger or passengers from one category of Vehicle-for-Hire, transportation company, Vehicle Permit-holder or Drivers to its company or Drivers.

(q)

Receipt of "Turkey" Money. If a Vehicle Permit-holder receives or accepts any money or other gratuity including money, commonly referred to as "turkey money," from a hotel, motel, or restaurant, their agents or employees, or skycaps or bellmen, as consideration for diverting or attempting to divert a passenger or passengers from one hotel, motel, or restaurant to another hotel, motel, or restaurant.

(r)

Misleading Passengers. If a Vehicle Permit-holder intentionally or knowingly misleads, by any act or word, a passenger or potential passenger about:

(i)

the time or place of arrival or departure of a train, airplane, any Vehicle-for-Hire or bus;

(ii)

the location of any building or place, or the distance between two points;

(iii)

the cost or amount of the trip; or

(iv)

information on the cost, availability or quality of another Vehicle Permit-holder or Driver.

(s)

Operation of Permitted Vehicle-for-Hire for Non-Permitted Service. It shall be unlawful for any Vehicle Permit-holder or person to operate, or cause to be operated, a permitted Vehicle-for-Hire in a non-permitted category.

(t)

Dress Code. If a Vehicle Permit-holder fails to require and enforce the Driver Dress Code.

(u)

Possession of Top Lights, Signs, or Other Roof Devices. If a Vehicle Permit-holder provides, leases, gives, borrows or uses a Taxicab top light, sign, or other roof device in a non-Taxicab Vehicle-for-Hire in violation of [Section 55.14](#)

(v)

Failure to Submit Current Automobile Liability Insurance Certificate. If a Vehicle Permit-holder fails to supply the Vehicle-for-Hire Section with a current automobile liability insurance certificate or binder in accordance with [Section 55.12](#)

(w)

Unauthorized Solicitation. If a Vehicle Permit-holder engages in the unauthorized solicitation of passengers as pursuant to [Section 55.31](#)(9) above.

(x)

Display current Vehicle-for-Hire permit decal only.

(y)

Allowing Non Permitted Driver. If a company knowingly allows a Driver to operate as a vehicle for hire driver without having a valid Driver's Permit as required by this chapter.

(z) Refusal of Service. If a Vehicle Permit-holder or Driver refuses service in violation of Section 55.31(2).

(2)

Suspension of Vehicle Permit.

(a)

Time Certain for Suspension. If the Vehicle-for-Hire Administrator chooses to suspend a Vehicle Permit, the Vehicle-for-Hire Administrator shall set a time certain for the period of suspension.

(b)

With regard to the violations listed in (1)(m) and (n) above, the Vehicle-for-Hire Administrator shall adopt at least a minimum suspension of seven (7) days for each vehicle found in violation. For any violation in (1)(o) above, the Vehicle-for-Hire

Administrator shall levy a suspension of at least three (3) days and no greater than ten (10) days for:

(i)

five (5) percent or minimum of one permit, whichever is greater, of all permits issued to the Vehicle Permit-holder for the first violation;

(ii)

twenty-five (25) percent or a minimum of three permits, whichever is greater, of all permits issued to the Vehicle Permit-holder for the second violation within three-hundred and sixty-five (365) days; and

(iii)

fifty (50) percent or a minimum of six permits, whichever is greater, of all permits issued to the Vehicle Permit-holder for the third violation within three-hundred and sixty-five (365) days.

(c)

Suspension of Vehicle-for-Hire Service. During the period of suspension the Vehicle Permit-holder shall not operate, or cause to have operated or allow the operation of the vehicle(s) which is/are subject of the suspended Vehicle Permit(s).

(d)

Corrective Action by Vehicle Permit-Holder. The Vehicle Permit-holder shall correct the violation for which the suspension was ordered and submit proof of said correction to the Vehicle-for-Hire Administrator prior to the end of the suspension period.

(e)

Fee. The reinstatement fee for a suspended permit shall be \$250 for safety related offenses, more particularly, subsections 1(i), 1(l), 1(r), 1(s), and 1(v) of this section and \$500.00 for suspensions involving lapse in required insurance coverage. The reinstatement fee for all other offenses shall be fifty percent (50%) of the amount of a new permit.

(3)

Grounds for Revocation of Vehicle Permit. The following shall constitute grounds for revocation of the Vehicle Permit:

(a)

No Insurance. If the Vehicle Permit-holder fails to provide the insurance required in [Section 55.12](#) whether by a lapse in coverage or coverage below the minimum amount.

(b)

Failure to Correct During Suspension. If, at the end of the suspension period, the violation or violations have not been corrected, or proof thereof has not been submitted to or accepted by the Vehicle-for-Hire Administrator, the Vehicle Permit will be automatically revoked.

(c)

Multiple Suspensions. If a Vehicle Permit is suspended three or more times in one 365 day period.

(d)

Operation of Suspended Vehicle Permit. If the Vehicle Permit-holder, its agent or employee operates or causes to be operated a vehicle which is the subject of a suspended Vehicle Permit as provided in [Section 55.33\(3\)](#) or [Section 55.35\(2\)](#).

(e)

Loss of M/WBE Certification Status. If, for any reason, an M/WBE permit-holder loses M/WBE certification status, the Vehicle Permit shall be automatically revoked. All revoked vehicle permits shall be distributed as provided in [Section 55.25](#) herein.

(4)

Revocation of Vehicle Permit. If the Vehicle-for-Hire Administrator chooses to revoke a Vehicle Permit, the Vehicle Permit-holder shall scrape the Vehicle Permit decal from the vehicle and return it to the Vehicle-for-Hire Administrator within five (5) working days of the date of revocation. Any Vehicle Permit-holder whose permit or permits are revoked shall not be eligible to apply for any category of Vehicle Permits for six (6) months from the date of revocation. After six months, the former Vehicle Permit-holder shall be required to re-apply as a new applicant in order to obtain any Vehicle Permit issued herein. The former Vehicle Permit-holder shall be given no preference in the issuance of unused permits and shall pay the full permit fee for any Vehicle Permits he or she may obtain to replace the ones that were previously revoked.

(5)

Appeals—General. The decisions of the Board pursuant to [Section 55.32](#) through [55.35](#), shall be final decisions, shall not be reviewed by the City Council by appeal in [Section 55.04\(6\)](#), and shall constitute the final agency action of the City of Orlando with respect to the decision. Any review of the decision shall be made by writ for petition for certiorari to the circuit court as provided by law.

SECTION FIFTEEN: If any section, subsection, sentence, clause, phrases or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION FIFTEEN: This ordinance shall take effect thirty (30) days after passage.

ADVERTISED: _____, 2014.

READ FIRST TIME: _____, 2014.

READ SECOND TIME AND ADOPTED: _____, 2014.

Mayor/Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY

for the use and reliance of the

City of Orlando, Florida, only.

_____, 2014.

City Attorney

Orlando, Florida