

ORDINANCE 2021-36

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FERNANDINA BEACH, FLORIDA, BY AMENDING CHAPTER 86, VEHICLES FOR HIRE, BY REPEALING ARTICLE III, TAXICABS, IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach Code of Ordinances has contained provisions regulating taxicabs since 1955 to ensure drivers meet proper safety and insurance requirements; and

WHEREAS, the State of Florida recently pre-empted municipalities from enforcing such regulations on ridesharing services, Uber and Lyft and as such, the City may no longer regulate taxicabs operating within City limits; and

WHEREAS, the City Commission, at its September 21, 2021, Regular Meeting, removed registering taxicabs fees from the master fee schedule; and

WHEREAS, the City Commission no longer wishes to regulate taxicabs operating within City limits.

NOW, THEREFORE, THE CITY OF FERNANDINA BEACH, FLORIDA, HEREBY ENACTS:

SECTION 1. It is proposed that Chapter 86, Article III, Taxicabs, of the Code of Ordinances, of the City of Fernandina Beach, Florida, is hereby repealed as follows:

**ARTICLE III. Taxicabs**

**DIVISION 1. Generally**

**Sec. 86-90. Legislative purpose.**

~~The legislative purpose of this article is to regulate the vehicles for hire that use the public streets and highways to provide their services. The public use these vehicles for hire and are entitled to be able to ride in them with assurance that they meet minimum standards of service and safety. Regulation, however, 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. In order to provide for this minimal governmental regulation and to restore and encourage free enterprise in the vehicle for hire industry, it is determined that a system of permitting vehicles for hire is the most effective method.~~

**Sec. 86-91. Definitions.**

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Highway* means any of the streets, boulevards, avenues, drives, or alleys of the city.~~

~~*Medallion* means the tangible symbol that a permit has been granted to operate the vehicle for hire to which it is physically attached.~~

~~*Permit* means the written authority granted by the city commission under this article to engage in the vehicle for hire business in the city.~~

*Vehicle for hire* means any motor-driven vehicle for transportation of passengers for a fare, fee or other charge which operates in the corporate limits of the city, including but not necessarily limited to:

- ~~(1) *Digital dispatch service vehicles*: an internet-based software application, website, platform, or interface that allows for the solicitation, arrangement, or provision of vehicle for hire services and the display of rates, calculation of fares, or acceptance of payment for vehicle for hire services.~~
- ~~(2) *Pre-arranged transportation vehicles*: the transportation of passenger(s), whereby the operator of the vehicle knows the name(s) of the passenger(s) being picked up and/or the destination to which the passenger(s) are being transported; and this knowledge is secured prior to the passenger(s) making contact with the driver of the vehicle.~~
- ~~(3) *Taxicabs or taxi*: a chauffeur-driven, metered, passenger vehicle engaged in transportation of persons not on regular schedules with the routes traveled or the destination determined by the passengers, and whose fare is based on the use of the vehicle without regard to the number of passengers carried.~~
- ~~(4) *Vehicle for hire business*: an entity operating or providing one or more vehicles for hire through a digital dispatch system or by any other means, regardless of whether such business has employees or delivers its services through independent contractors, including a transportation network company.~~
- ~~(5) *Vehicle for hire driver*: a person who carries on the vocation of driving a vehicle for hire.~~

**Sec. 86-92. Compliance required.**

It shall be unlawful for any person to engage in the business of operating taxicabs on the highways of the city until the provisions of this article shall have been complied with.

**Sec. 86-93. Permit, medallion and local business tax receipt required.**

- ~~(a) No person shall engage in or manage the business or occupation of transporting passengers for hire in motor vehicles in the city, either on a meter or flat fee basis, without first having obtained a permit for such purposes from the city and paid the amount of business tax receipt required and satisfy the city's inspection requirements pursuant to section 86-142 below. However, this article shall not apply to sightseeing cars and buses, streetcars, and motor buses operated under or pursuant to a franchise or special ordinance.~~
- ~~(b) The fees for the required permit and annual permit renewals are set by ordinance of the city commission.~~
- ~~(c) A medallion must be displayed on the vehicle. The City of Fernandina Beach shall issue a permit, in duplicate reciting the fact of the filing and approval of the application and that the owner is authorized to operate the vehicles for hire described in the permit. The city shall issue as many permits as are approved. One of the duplicates of the permit shall be forthwith filed by the owner in his records at his place of business and the other duplicate shall be securely attached to each vehicle for hire in such a manner as to be plainly visible from within the vehicle. The city shall also issue for each vehicle for hire a numbered medallion, to be affixed to the outside left rear portion of the vehicle's rear window glass or rear bumper if no glass, for which the permit is granted, in plain view from the rear of the vehicle. A fee set by ordinance shall be paid before the medallion is issued. The fee shall be paid with respect to each medallion to be issued. If the permits and medallions are not paid for and the medallions attached to the vehicles within 60 days after the permit is granted and the applicant notified, the permits and medallions shall be deemed abandoned by the applicant and shall thereupon be available for reissuance as if they had not been approved for issuance.~~

**Sec. 86-94. Number of taxicabs.**

The total number of taxicabs permitted to be operated within the city shall be discretionary with the city commission.

**Sec. 86-95. Disclaimer of liability.**

No provision contained in this article shall be deemed to create liability on the part of the city, or any officer or employee thereof, for any damages that result from reliance on this article or any administrative decision lawfully made thereunder.

**Sec. 86-96. Transportation of disadvantaged persons.**

All taxicabs shall comply with the provisions of F.S. ch. 427 whenever they engage in the transportation of persons who, because of physical or mental disability, income status or age, are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life-sustaining activities, or children who are handicapped or high-risk or at risk as defined in F.S. § 411.202.

**Sec. 86-97. Penalty for violation of article.**

It shall be unlawful for any person to violate or fail to comply with any provision of this article. The violation of any provision of this article shall be punishable in accordance with section 1-12 of the City Code by a citation in the amount of \$75.00 for each offense or a fine not exceeding \$500.00, or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment. Each day any violation of any provision of this article shall continue shall constitute a separate offense. In addition, the city may institute proceedings in a court of competent jurisdiction to compel compliance with this article. A certified copy of an order imposing a civil fine or city bill for penalties due under this section may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien that remains unpaid, the city may foreclose or otherwise execute on the lien. All costs and attorneys' fees incurred by the city for collecting any fine shall be paid by the violator.

**Secs. 86-98—86-110. Reserved.**

**DIVISION 2. PERMIT**

**Sec. 86-111. Application.**

Any person desiring to operate taxicabs within the city shall first make written application to the city manager for a permit to operate taxicabs on the highways of the city. The application shall be in writing, and filed with the city manager or his/her designee. The application shall contain:

- (1) The full name, address and phone number of the applicant;
- (2) The principal location from which the business shall be operated (if a corporation, the application shall set forth the names of the officers of the corporation), as well as the business name;
- (3) The number of taxicabs to be operated under the permit;
- (4) Written proof that applicant has not violated the criminal traffic laws outlined in section 86-116 under this article within one year previous to the application date;
- (5) A certificate from a duly licensed automotive mechanic or garage that any and all vehicles conducting business as a vehicle for hire under this application meet road safety requirements, in accordance with section 86-140 under this article; and
- (6) Any other information which may be required by the commission and/or city manager or his/her designee.

**Sec. 86-112. Advertising.**

- (a) No holder of a local business tax receipt and/or vehicle for hire permit to operate a vehicle for hire shall be permitted to advertise such business to the public under any other name or names than the specified name or names recited in the particular local business tax receipt and/or vehicle for hire permit under which such

holder is authorized to engage in the business of the transportation of person(s) for compensation within the city.

- (b) ~~The name of the company or firm operating a vehicle for hire shall be permanently displayed on the vehicle so that the name shall be plainly visible, with lettering at least two inches in height, and made to be visible in the dark.~~

**Sec. 86-113. Annual renewal required.**

~~Any permit authorized by the city manager shall expire at the end of the city's fiscal year in which it was issued and can only be renewed by the person having made application to the city manager for renewal. This permit must be obtained and renewed annually before obtaining and renewing the required business tax receipt for a vehicle for hire. Both the permit and business tax receipt for a vehicle for hire. Both the permit and business tax receipt must be renewed annually on or before September 30 for the fiscal year beginning October 1. In addition, written proof must be provided that the operator(s) and/or owner(s) have not violated the criminal traffic laws outlined in section 86-116 under this article within one year previous to the renewal application date before both the permit and business tax receipt can be renewed. If such violations have occurred, the city manager can revoke the permit and license, as provided under section 86-116 of this article.~~

**Sec. 86-114. Suspension, revocation or amendment.**

~~The city manager after due notice has been given to the grantee of any permit of the hearing and the opportunity to be heard, may suspend, alter, revoke or amend any permit granted under the provisions of this article for any violation of the provisions of this article.~~

**Sec. 86-115. Revocation of dormant certificates.**

~~Whenever it shall appear that any person holding a permit has failed to operate any taxicabs within the city for a period of six months, without prior approval by the city manager of suspension of operation, the permit shall be declared to be dormant and abandoned. The city manager upon its own initiative and upon petition of any existing permit holder, after due notice and hearing, may revoke and cancel the permit.~~

**Sec. 86-116. Criminal traffic offenses.**

~~Upon acquiring a permit and license under this article, any person issued a license, medallion or permit under this article and/or their employee, volunteer or driver of a vehicle for hire who is convicted of a violation of a criminal traffic offense, including F.S. § 316.027, Accidents involving death or personal injuries; F.S. § 316.061, Accidents involving damage to vehicle or property; F.S. § 316.067, False reports; F.S. § 316.072, Obedience to and effect of traffic laws; F.S. § 316.192, Reckless Driving; F.S. § 316.193, Driving under the influence; F.S. § 316.1935, Fleeing or attempting to elude a law enforcement officer; and/or F.S. § 316.2045(2), Obstruction of public streets, highways, and roads; F.S. § 782.04, Murder; F.S. § 784.03, Battery; F.S. § 787.01, Kidnapping; F.S. § 794.011, Sexual Battery; F.S. § 812.13, Robbery; F.S. § 893.135, Drug Trafficking, within three years or any prostitution offenses, Ch. 796, Fla. Stats, shall automatically have his/her permit issued under this article revoked by the city manager for a minimum period of one year. Such revocation may be appealed to the city commission. The city commission may, upon notice and hearing, permanently revoke the permit of any person convicted as provided herein.~~

**Secs. 86-117—86-130. Reserved.**

**DIVISION 3. REGULATIONS**

**Sec. 86-131. Insurance prerequisite to operation.**

- (a) ~~No owner, operator, driver, or chauffeur of any motor vehicle for hire shall drive or operate the vehicle or permit the vehicle to be driven or operated on the public streets of the city unless he shall have first procured and filed with the city clerk a liability insurance policy with the City of Fernandina Beach as the additional insured. The policy shall be issued by a solvent incorporate insurance company authorized to write liability insurance in the state, possessed of the certificate duly issued by the state treasurer or such~~

other officer as may from time to time be designated by the laws of the state, and shall have fully complied with all federal, state and local laws, rules and regulations. The amount of the policy shall be not less than \$100,000.00 for each person injured, \$50,000.00 for all property damaged in one accident, and \$300,000.00 for more than one person injured in any one accident, for each motor vehicle owned, operated, driven, or controlled by the owner, operator, driver, or chauffeur.

- (b) ~~The policy required by this section may be in the form of a separate policy for each vehicle or may be in the form of a fleet policy covering all vehicles operated by the owner, operator, driver, or chauffeur. In the latter event, the policy shall provide insurance on each vehicle in an amount of not less than \$100,000.00 for one person injured, \$50,000.00 for all property damaged in any one accident, and not less than \$300,000.00 for more than one person injured in any one accident.~~
- (c) ~~The policy required by this section shall include an endorsement to the effect that it cannot be cancelled for any cause without notice of the cancellation being served upon the city clerk, at least 30 days prior to the date of the cancellation. The policy shall be in the generally accepted form in use in this state for liability insurance companies for public liability policies. The policy shall further provide that the insolvency or bankruptcy of the assured shall not relieve the company from the payment of damages for injuries or death sustained, or loss occasioned within the provisions of the policy, and the prepayment of any judgment that may be recovered against the assured upon any claim covered by the policy shall not set a condition precedent to any right of action against the company upon the policy, but that the company shall be bound to the extent of its liability under the policy, and shall pay and satisfy such judgment; and that an action may be maintained upon such judgment by the injured person, or his heirs or personal representatives, as the case may be, to enforce the liability of the company as therein set forth.~~

**Sec. 86-132. Maximum hours for operators.**

~~No operator, driver, or chauffeur of any motor driven vehicle for hire shall operate any public motor vehicle for more than ten hours in any 24-hour period.~~

**Sec. 86-133. Maximum number of passengers.**

~~It shall be unlawful for the driver of any taxicab operating in the city to permit more than five passengers to occupy the taxicab or motor driven vehicle at the same time, or in excess of the licensed capacity of the car.~~

**Sec. 86-134. Taking on and discharging passengers.**

~~It shall be unlawful for the operator of a public vehicle to take on or discharge passengers while the vehicle is in motion.~~

**Sec. 86-135. Soliciting business.**

- (a) ~~The owner, operator, driver, or chauffeur of any motor vehicle for hire may solicit business on any of the streets of the city, provided that the soliciting is not done in a loud and boisterous manner or by blowing or sounding of an automobile horn, so as to constitute a nuisance or annoy persons in the vicinity.~~
- (b) ~~No public vehicle, while waiting employment by passengers, shall stand on any public street or place other than at or upon a public vehicle stand established by order of the city manager and designated by suitable marks or signs to approximate the location. No driver of any such vehicle shall seek employment by repeatedly or persistently driving his vehicle to and from a short space before, or by otherwise interfering with the proper and orderly access to and egress from, any theatre, hall, building, public resort, or any public gathering. However, any driver may solicit employment by driving through any public street or place without stops, other than those due to obstruction of traffic, and at such speed as not to interfere with or impede traffic. Drivers may pass and repass before any theatre, hall, public building, resort, or any place of public gathering, provided that they shall not turn and repass until having gone a distance of two blocks upon the streets or highways of the city. No person shall solicit passengers for a public vehicle except from the driver's seat when sitting in his vehicle, and the solicitation of passengers by word of mouth or by any motion of the hands or feet is prohibited.~~

**Sec. 86-136. Schedule of rates to be posted, filed with clerk.**

- (a) ~~Rate schedules shall be posted in every taxicab for which a permit is issued under this article, in full view of the passengers and in plain conspicuous letters, a schedule of rates, charges and fares, which schedule shall be binding upon the operator of the vehicle. Any collection of rates, fares or charges in excess of such schedule shall constitute a violation of this article.~~
- (b) ~~All rate schedules required by this article shall be filed with the city clerk.~~

**Sec. 86-137. Daily manifests.**

- (a) ~~Every driver of a public vehicle for hire shall maintain a daily manifest upon which are recorded all trips made each day. The manifest shall show the time, place, origin, destination, and amount of fare for each trip. All completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the city manager.~~
- (b) ~~Every holder of a license to operate a taxicab in the city shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year. All manifests shall be available to the city manager and the chief of police.~~

**Sec. 86-138. Disposition of articles left in vehicles.**

~~It shall be unlawful for the operator of a public vehicle to fail to furnish the city manager with a full and complete description of every article left in a public vehicle by a passenger, within a reasonable length of time after the article is found by the driver or operator of the public vehicle, or to fail to surrender and deliver the article to the rightful owner.~~

**Sec. 86-139. Reporting suspicious observances.**

~~Every person holding an operator or driver's permit under this article shall be urged to report promptly to the police department any suspicious person, thing or act whom or which he may observe, regardless of whether or not the person, thing or act was observed inside or outside of his taxicab.~~

**Sec. 86-140. Required equipment; maintenance.**

- (a) ~~Reserved.~~
- (b) ~~All vehicles in service as vehicles for hire shall have the following equipment on each vehicle, and the equipment shall be maintained in good working condition:~~
  - (1) ~~Front and rear lights meeting state standards.~~
  - (2) ~~Adequate brakes on all wheels.~~
  - (3) ~~Tires of a quality of original equipment as specified by the manufacturer, or better.~~
  - (4) ~~A dashboard light that will indicate when any of the vehicle's doors is not securely closed.~~
  - (5) ~~Speedometer in good working order.~~
  - (6) ~~Upholstery shall be free of tears and cuts.~~
  - (7) ~~Adequate heater and air conditioner.~~
  - (8) ~~Seatbelts for the driver and all passengers.~~
  - (9) ~~An unexpired A, B, C type fire extinguisher (minimum size of two and one-half pounds).~~
  - (10) ~~All seats in a shuttle vehicle shall be factory installed only.~~

(11) 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.

(c) All vehicles for hire shall be maintained in a clean, well-painted manner, so as to provide a generally good appearance.

(d) It shall be unlawful to operate any vehicle as a vehicle for hire which does not comply with the provisions of this section.

**Sec. 86-141. Meters; unmetered vehicles.**

(a) Every taxicab operating as a metered taxicab shall have affixed thereto, in operating condition, a taximeter of a size and design approved by the city manager. No permit shall be issued to operate any taxicab until the taximeter shall have been inspected and found to be accurate, in accordance with the provisions of this article.

(b) The face of every taximeter shall be visible from the passenger compartment of every taxicab at all times. After sundown, the taximeter shall be illuminated by a suitable light so arranged as to throw a continuous steady light on the meter.

(c) The permit holder for each taxicab shall designate, on the owner's permit for each taxicab, whether the vehicle is to operate metered or unmetered. No taxicab shall be permitted to be operated as both a metered and unmetered (zone rate) vehicle; each vehicle shall be identified, in a manner determined by the city manager, to designate its status as a metered or nonmetered vehicle.

**Sec. 86-142. Inspection of vehicles.**

(a) Each applicant for a permit under this article shall provide a certificate of inspection by a duly licensed automotive mechanic or garage, certifying that the vehicles to be used by the applicant comply with section 86-140, such inspection certificate to be dated within 30 days of the application.

(b) Whenever it shall appear to the chief of police that the public vehicle covered by any permit is not in good and sufficient mechanical condition, then the chief may order the public vehicle withdrawn from service until it is placed in a condition which meets the requirements of this article.

(c) In order to apply for a permit and obtain the required annual renewal of the permit and occupational license for a taxicab under this article, the owner must obtain a certificate from a duly licensed automotive mechanic or garage that any and all vehicles conducting business as a vehicle for hire must meet road safety requirements, in accordance with section 86-140 under this article. This certification must be obtained and submitted each year, before September 30 of each year.

**Sec. 86-143. Cards required showing specified information.**

(a) Cards are required for each vehicle for hire and driver and shall display the driver's photograph, his/her name, address, and city license number, as well as display the name, address, and business phone number of the owner of such a vehicle.

(b) Such cards shall be posted in a conspicuous place within such vehicle while it is in use as a motor-driven vehicle for hire, so that it may be clearly visible to all passengers at all times in such vehicles.

**Sees. 86-144—86-160. Reserved.**

**ARTICLE III. Reserved.**

SECTION 2. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof is held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application will not be affected thereby.

SECTION 3. The provisions of this Ordinance will take effect immediately upon its passage and enactment.

ENACTED this 2nd day of November, 2021.

CITY OF FERNANDINA BEACH

---

Michael A. Lednovich  
COMMISSIONER – MAYOR

ATTEST:

APPROVED AS TO FORM & LEGALITY:



---

Caroline Best  
CITY CLERK

---

Tammi E. Bach  
CITY ATTORNEY

Date of First Reading: October 5, 2021

Date of Second Reading/Final Hearing: November 2, 2021