ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES, ENTITLED "VEHICLES FOR HIRE," ARTICLE I ENTITLED "IN GENERAL," BY AMENDING SECTION 78-5 BUSINESS LICENSE OR FRANCHISE REQUIRED FOR ALL VEHICLES FOR HIRE, ARTICLE II ENTITLED "PASSENGER VEHICLES FOR HIRE," SECTION 78-62 LIMITS ON PASSENGER VEHICLE FOR HIRE LICENSES, SECTION 78-64,INDEPENDENT PASSENGER VEHICLE FOR HIRE LICENSES, SECTION 78-67 REVOCATION OF AUTHORIZATION TO OPERATE A WHEELCHAIR ACCESSIBLE VEHICLE,DIVISION 3, ENTITLED "DRIVER'S PERMIT," SECTION 78-92 REQUIREMENTS FOR ISSUANCE,SECTION 78-93 RENEWAL, SECTION 78-94 DISPLAY, SECTION 78-95 DRIVER ACTIONS PROHIBITED,SECTION 78-96 RECEIPTS, DIVISION 4 ENTITLED "VEHICLE LICENSE" SECTION 78-126 REQUIRED,SECTION 78-127 DISPLAY OF DECAL; STANDBY VEHICLES,SECTION 78-128 REQUIREMENTS FOR ISSUANCE, SECTION 78-129 REQUIREMENTS OF LICENSEE, SECTION 78-130 RENEWAL, SECTION 78-132 PROVISIONAL LICENSE, DIVISION 5 ENTITLED "RATES AND CHARGES",SECTION 78-161 METERS; ZONES, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that it is necessary to amend Chapter 78 of the Code of Ordinances to update the Chapter to coincide with current taxi industry standards and practices; and

WHEREAS, amending Chapter 78 of the Code of Ordinances will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Chapter 78 of the Code of Ordinances is hereby amended as follows:

Sec. 78-5. - Business license or franchise required for all vehicles for hire.

(a)Before any person shall conduct or maintain a business of renting, leasing or providing any vehicle for hire within the territorial boundaries of the city as set forth in section 2.01 of the Charter, entitled "Boundaries," such person shall, as applicable make application with, and receive from, (i) the city manager or designee for a license, or, (ii) the city commission for a franchise, to operate such business. The pickup of a passenger for compensation within the territorial boundaries of the city shall constitute conducting or maintaining such a business. The application shall conform to all applicable requirements of this chapter and shall state the exact location of the intended place of business and any intermediate or way stations. No such business shall be conducted or maintained unless such license or franchise is duly issued, upon fees paid, in conformance with this chapter, as applicable, and unless the applicant has caused to be executed and shall maintain in full force and effect a liability insurance policy for each vehicle in amounts as prescribed in this chapter, the terms of which

shall provide protection for all persons or property suffering injury, damage or loss because of the negligent operation of such vehicle by any person.

Sec. 78-62. - Limits on passenger vehicle for hire licenses.

(b) These licenses may be transferred upon application to the city manager or designee. Such transfer application must include all applicable provisions of section 78-128 and section 78-129 and must include a bona fide transfer document from the transferor (seller) to the transferee (buyer).

(d) Available licenses will be distributed on a random basis by November 30 of each year, in a method approved by the city manager or designee. However, no available license may be offered to an applicant unless applicable provisions of sections 78-128 and 78-129, including the four-vehicle requirement, can be met by the applicant.

Sec. 78-64. - Independent passenger vehicle for hire licenses.

(b) Any additional Independent passenger vehicle for hire vehicle licenses that are issued by the City Commission shall be issued in a random drawing, held by the city clerk, from

applications received by the city manager or designee within five business days of the effective date of any ordinance increasing the amount of licenses described herein.

(d) Each independent passenger vehicle for hire vehicle license holder shall apply to the city manager or designee for a passenger vehicle for hire license for his or her vehicle.

Sec. 78-67. - Revocation of authorization to operate a wheelchair accessible vehicle.

(a) Any operator failing to meet the requirements of section 78-66(a)(e) may have its authorization to operate a wheelchair accessible vehicle revoked in accordance with the following provisions: (1) Prior to any revocation, notice and an opportunity to be heard shall be provided to the operator. All hearings required by this section shall be preceded by a minimum of ten (10) days notice. Said notice shall specify the grounds upon which the action is based. The hearing shall scheduled before the city manager or designee. Failure to appear at a duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice.

(2) In order to revoke the authorization, the city manager or designee must find:

A. The holder thereof has failed to comply with any provisions of this division or any lawful order of the licensing division; and

B. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.

(3) Within a reasonable time after the conclusion of the hearing, the city manager or designee shall issue a statement of findings, conclusions and recommendations. The city manager or designee shall promptly notify all parties of his or her decision.

(4) The city manager or designee's decision may be appealed to the city commission within ten (10) days of the date of said decision. Such appeal shall not stay the city manager's or designee's decision. Upon such an appeal, the city commission shall consider the transcript of the hearing and all evidence produced at the hearing. No further testimony or exhibits shall be permitted. The city commission, by majority vote, may affirm, reverse or modify the city manager's or designee's decision.

Sec. 78-92. - Requirements for issuance.

(a) Upon application and upon expiration of a reasonable investigation period for new applicants not seeking to renew a passenger vehicle for hire driver permit issued under section 78-93, the city manager or designee shall issue a passenger vehicle for hire driver permit only to any applicant who:

~~(8) Submits written acknowledgement from the chief of police that the applicant's class A, B, C or D license is current and valid;~~

(8) Submits two passport-size photographic portraits of the applicant;

(9) Provides all of the following information regarding the applicant on a form provided by the city manager or designee: a. Name, address, telephone number; b. Age, height, weight, color of eyes and hair; c. Date and place of birth; d. Explanations of all felony convictions within the ten years preceding the date of application; e. Descriptions of all driver's licenses previously held, including date, location, and an explanation of any suspension or revocation thereof; and

(10) Pays a fee of $50.00 for the passenger vehicle for hire driver permit, which fee shall be used to defray the city's investigation and regulatory costs, and is not refundable.

(b) Applicants who fail to comply with each requirement of this section shall not be issued a passenger vehicle for hire driver permit. Applicants who knowingly misrepresent information provided under this section shall suffer suspension or revocation of the permit in accordance with section 78-32.

Sec. 78-93. - Renewal.

(a) Upon application, the city manager or designee shall renew the passenger vehicle for hire driver permit for any applicant

Sec. 78-94. - Display.

No person shall operate a passenger vehicle for hire in the city unless a current and valid passenger vehicle for hire driver permit, reflecting the operator's name, is at all such times displayed inside the vehicle in full view from each passenger seat. Drivers who fail to comply with this section shall suffer ~~regulatory~~ penalties ~~as provided in section 78-32.~~ pursuant to the code enforcement authority of the special magistrate in sections 2-633 and 2-634.

Sec. 78-95. - Driver actions prohibited.

(6) Failing to notify the city manager or designee immediately and in writing of all changes in the information filed pursuant to sections 78-92 and 78-93.

(b) Permittees who violate this section shall suffer regulatory penalties ~~prescribed by section 78-32.~~ pursuant to the code enforcement authority of the special magistrate in sections 2-633 and 2-634.

Sec. 78-96. - Receipts.

Any holder of a passenger vehicle for hire driver permit shall, upon request by any passenger, provide the passenger with a receipt showing the amount of all charges, the name of the

driver, the permit number on his passenger vehicle for hire driver permit, and the date of the transaction. Violations of this section shall be penalized as provided ~~by section 78-32.~~ pursuant to the code enforcement authority of the special magistrate in sections 2-633 and 2-634.

DIVISION 4. - VEHICLE LICENSE

Sec. 78-126. - Required.

No person shall offer any passenger vehicle for hire within the city before obtaining from the city manager or designee a passenger vehicle for hire vehicle license for each such vehicle. *Violations of this section shall be penalized as provided in section 1-15.

Sec. 78-127. - Display of decal; standby vehicles.

(a) For each passenger vehicle for hire vehicle license issued, the city manager or designee shall issue a corresponding decal which shall be affixed to the left side of the rear bumper of the vehicle for which the passenger vehicle for hire vehicle license has been issued.

Sec. 78-128. - Requirements for issuance.

(a) Upon application, the city manager or designee shall issue a passenger vehicle for hire vehicle license only to any applicant who;

*(2) By written signed document, agrees to maintain the vehicle in sound, safe operating condition and in conformance with applicable federal, state, and local laws throughout the duration of the license and to allow inspection by the city manager or designee upon request.

(4) Produces a valid and appropriate commercial state vehicle registration and pays a fee of ~~$125.00~~ $225.00 for each passenger vehicle for hire vehicle license issued, which license shall expire on ~~September~~ June 30 of each year following the date of its issuance; provided that the cost of such licenses shall be annually adjusted by the city manager or designee on or about the anniversary date of the enactment of Ordinance No. 85-7 to meet the costs to the city of administering the passenger vehicle for hire licensing requirements.

Sec. 78-129. - Requirements of licensee.

(2) Maintain on file with the ~~city clerk~~ chief licensing official an accurate current schedule of services offered and rates charged and post on the exterior of the licensed vehicle and within the licensed vehicle in view of each passenger seat a copy of the schedule, of a size approved by the city manager or designee as being reasonable and legible, together with a current copy of the passenger vehicle for hire vehicle license.

(3) Maintain a daily manifest upon which is recorded the time and places of origin and destination of each trip, together with the number of passengers so transported and the total fare charged~~,~~ and make such manifests available upon request by the city manager or designee for one full year beyond the latest date on the manifest.

(5) Maintain a sign attached to, or painted upon, each licensed vehicle, with the term "taxicab," "taxi," "cab," or "for hire" thereon, of a size and design approved by the city manager or designee as being reasonable, durable and legible.

(7) Notify the city manager or designee of any change in the condition of the vehicle or of any change in information which could reasonably constitute a violation of the applicable standards contained in sections 78-1, 78-31, 78-32 and 78-61 through 78-63 and divisions 3, 4 and 5 of this article.

(10) Register all d/b/a business names with the city manager or designee.

Sec. 78-130. - Renewal.

Any licensee granted a passenger vehicle for hire vehicle license may renew the license by complying in full with each provision of section 78-128 and by furnishing to the city

manager or designee a signed document stating that the licensee has complied with section 78-129 and other applicable sections of this Code while operating under the license being renewed. A licensee who cannot comply with section 78-128 shall not be eligible for a renewed passenger vehicle for hire vehicle license. A licensee who has not fully complied with section 78-129 and other applicable sections of this chapter may receive a renewed license subject to the regulatory penalties provided in section 78-32. Any license not renewed by July 31 will become void and of no further use whatsoever to the license holder.

Sec. 78-132. - Provisional license.

Any applicant for a passenger vehicle for hire vehicle license, upon request and upon submitting evidence of full compliance with section 78-128(a)(3) and upon full payment in compliance with section 78-128(a)(4) for each passenger vehicle for hire vehicle license sought, shall be granted by the city manager or designee a provisional passenger vehicle for hire vehicle license, which shall entitle the applicant to apply for any Federal Communication Commission license necessary for compliance with the terms of this Code, but which shall not

entitle the applicant to operate such vehicle as a passenger vehicle for hire.

DIVISION 5. - RATES AND CHARGES

Sec. 78-161. - Meters; zones.

~~(a) The holder of a passenger vehicle for hire vehicle license may install a taximeter in the passenger vehicle for hire fastened in front of the passengers and visible to them at all times. After sundown, the face of the taximeter shall be illuminated. The taximeter shall be operated mechanically or electronically by a mechanism of standard design and construction and shall be approved, certified, and affixed with a security seal by the state bureau of weights and measures or that department's official city designee. A passenger vehicle for hire may not be commercially operated unless the security seal is in place. If a taximeter breaks down or is inaccurate, a flat rate or estimated rate that is less than or equal to the meter rate may be offered to a passenger, provided that it is disclosed in advance of departure. Taximeters that are inaccurate or broken must be reported to the city manager and repaired and resealed within one business day. Violations of this subsection will be subject to section 78-32(b).~~

a) Each taxicab shall be equipped with a taximeter of a size and design approved by the city manager or designee. It shall be

unlawful to operate any taxicab within the city boundaries of Key West unless and until its taximeter has been inspected and found to be accurate and in a satisfactory operating condition by the city manager or designee. The city manager or designee shall suspend a taxicab's operating permit if at any time the taxicab's taximeter is found to be defective or inaccurate. Such permit suspension shall remain in effect until such defective meter has been replaced or repaired to the satisfaction of the city manager or designee.

*(b) The city manager or designee may test and inspect any taxicab taximeter and place a seal and sticker on the taximeter. When a taximeter fails to comply with its standards, the city manager or designee shall immediately suspend the taxicab's operating permit for a period no less than thirty (30) days. After the initial 30 day suspension, the suspension shall remain in effect until the taximeter has been replaced or corrected to the satisfaction of the city manager or designee.

(c) The taximeter shall be mounted in the taxicab, illuminated, and have one (1) or more displays of sufficient size that passengers may view the fare registered by the taximeter from the taxicab's passenger compartment with ease.

(d) No taxicab shall be operated within boundaries of Key West unless the case of the taximeter installed has been sealed, or

in the case of a taximeter software program, platform, or application installed on an electronic device, approved by the city manager or designee.

(e) The signal affixed to any taximeter shall under no circumstances indicate that the taxicab is vacant when in fact such taxicab is engaged by a passenger.

(f) The amount of fare collected from any passenger shall not differ from that shown by the taximeter, nor exceed the amount established by the City as a legal fare, and the driver shall, upon demand, furnish the passenger with a receipt stating the amount of fare collected.

*(g) It shall be unlawful for any person to tamper with, mutilate, or break the taximeter or its seal in a currently licensed motor vehicle. Taximeters may be transferred from one taxicab to another; provided, however, that a taxicab with a transferred taximeter shall not be used to transport passengers unless and until the taximeter has been inspected, tested, and sealed by the city manager or designee.

(h) When there are four or more passengers and the per-person rate is disclosed in advance of departure, the passenger vehicle for hire driver may charge fares by zones. If the driver elects to charge by zones, the charge shall be on a per-person basis in accordance with the following zones:(1) Zone 1, all areas west

of White Street (old town zone).(2) Zone 2, all areas east of White Street and west of Kennedy Drive (midtown zone).(3) Zone 3, all areas east of Kennedy Drive and west of Cow Key Channel, including South Roosevelt Boulevard (uptown zone).(4) Zone 4, Stock Island, Key Haven zone.

(i) Zone fares shall be as follows: (1) Travel within a single zone, $2.00 per person. (2) Travel within two zones, $2.50 per person. (3) Travel within three zones, $3.00 per person. (4) Travel within four zones, $3.50 per person.

(j)A map delineating zones shall be posted in and on the passenger vehicle for hire. All passengers disembarking on a zone line shall be charged the lowest rate applicable in conformity with the posted schedule of services and rates. Such map shall also be attached as an exhibit to Ordinance No. . 99-1, on file in the office of the city clerk.

**(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.*

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall

be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

INTENTIONALLY LEFT BLANK

Read and passed on first reading at a regular meeting held this _____day of _____, 2025.

Read and passed on final reading at a regular meeting held this _____day of _____, 2025.

Authenticated by the presiding officer and Clerk of the Commission on ___day of _____, 2025.

Filed with the Clerk _____, 2025.

Mayor Danise Henriquez	_____
Vice Mayor Donald “Donie” Lee	_____
Commissioner Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____

_____
DANISE HENRIQUEZ, MAYOR

ATTEST:

_____
KERI O’BRIEN, CITY CLERK