

AN ORDINANCE AMENDING SECTION 28-6,
CITY CODE; REVISING THE
REQUIREMENTS FOR A PUBLIC VEHICLE
DRIVER PERMIT; MODIFYING AND
CLARIFYING REQUIREMENTS FOR
APPLICATIONS, APPEALS, DENIALS AND
REVOCATIONS; AND PROVIDING AN
EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. Section 28-6 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 28-6. Public vehicle driver's permit.

(a) Application for the public vehicle driver's permit shall be made in person to the Police Department.

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(1) Applications shall provide the required information under oath, on forms supplied by the Police Department and shall include the following:

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a. A copy of a valid Florida driver's license, and a list of every state where the applicant held a driver's license during the preceding three years and including, if available, the driver's license number.

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b. The addresses of each and every place of residence or domicile of the applicant during the preceding three years, including the current residence address;

c. Traffic record for three years previous to the application. Only pleas of nolo contendere, convictions and forfeitures of collateral need be reported. Parking citations need not be reported;

d. Criminal record. Only pleas of nolo contendere, convictions, or forfeitures of collateral need be reported;

(2) The Police Department shall make a record of the applicant's fingerprints.

(3) Each applicant shall submit the required nonrefundable permit fee along with the application and any renewal thereof.

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(4) A completed release and consent form in which the applicant designates and allows the Chief of Police to contact and obtain from the FBI, FDLE and/or Department of Motor Vehicles, for every state in which the

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applicant has lived for the past three years, all records regarding the applicant.

- (5) Each applicant shall furnish all the information required by the application.
- (b) The Police Department shall conduct an investigation made of the facts stated in the application for the permit and other relevant data. The file shall be available to the applicant or his agent upon request.
- (c) If the Police Department finds that the applicant meets the requirements of this chapter, it shall issue a permit to the applicant. The Police Department shall refuse to issue a permit to an applicant for any of the following reasons:
- (1) The applicant has repeated and persistent violations of the motor vehicle laws.
 - (2) The applicant has been convicted of any offense involving commission of a felony within the past five years or a misdemeanor within the last three years.
 - (3) The applicant is on parole or probation for a felony or misdemeanor, is covered by diplomatic immunity, has less than six months driving experience, does not have a valid Florida driver's license, or is less than 18 years of age.
 - (4) The applicant has been designated as a sexual predator.
 - (5) The applicant has submitted false or materially misleading statements in the application.
 - (6) If an applicant has been arrested prior to or subsequent to the submission of his initial application or application for renewal, said application shall be held in abeyance until a prosecutorial decision or a judicial determination has been rendered.
 - (7) For the purpose of the investigation of the applicant for a public vehicle driver's permit, the Police Department may require the applicant to submit to an examination as to the applicant's knowledge of the traffic regulations, the geography of the City and the applicant's skill and ability to drive a public vehicle. If the results of this stated examination are unsatisfactory, the application may be denied.

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a. Driving under the influence of drugs or alcohol;

b. Vehicular manslaughter;

c. Reckless driving;

d. Murder, manslaughter, armed robbery, assault with a deadly weapon, aggravated assault;

e. Any crime involving the sale or possession of a controlled substance as defined by F.S. Ch. 893; or

f. Exposure of the sexual organs and any/or "lewdness" as defined by F.S. Ch. 796;

g. If the applicant has been convicted of or had a finding of guilt entered with adjudication withheld on any of the foregoing, the applicant shall not be eligible to apply for a permit.

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(d) The permit shall be valid until the end of the fiscal year of the City and shall expire on the last day of September following the issuance; however, permits issued or renewed during the months of August and September shall expire on the last day of September of the year next following their issuance or renewal. The permit must be renewed each year.

(e) A public vehicle driver's employer or the public vehicle driver or owner of the public vehicle shall obtain and file a surety bond or evidence of insurance as required by this Chapter.

(f) Upon the issuance of the permit, the public vehicle driver shall obtain a photo identification permit card from the Police Department. It shall be unlawful for a driver of a public vehicle who begins a new fare in the City limits to operate any public vehicle unless that driver has at all times, in full and plain view of the fare, the photo identification permit card.

(g) Permits may be renewed for a one-year period, provided that the Police Department's authorized investigation of the driver's traffic and criminal record reveals no criminal or traffic violations during the period of his expiring permit. If the investigation reveals such violations, the permit shall not be valid.

(h) The permit is the property of the City of St. Petersburg and is not transferable to any other driver. It shall be surrendered to the Police Department by the driver upon such driver's ceasing to drive a public vehicle.

(i) A license holder shall make application for a renewal of the permit at least 30 days but not more than 60 days prior to the expiration of the permit.

(j) The applicant or the permittee shall have a right to appeal a decision to deny or revoke a permit. The appeal shall be on a form provided by the City Clerk and must be filed with the City Clerk within ten days of the decision. The appeal shall be heard by the City Administrator or by a department director or other senior management official who has been designated by the City Administrator for the purpose of conducting the hearing. The hearing shall be conducted at a reasonable time and place, following notice of the hearing to the appellant. The hearing shall be informal and the strict rules of evidence shall not be applicable, but the minimal requirements of due process shall be observed. The objective of the hearing shall be to determine whether the denial or revocation complies with the requirements of the City Code. At the hearing, the POD and the applicant may introduce such evidence as is deemed necessary. The decision of the City Administrator or the City Administrator's designee shall be final and the applicant shall be deemed to have exhausted all administrative remedies.

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~~Deleted:~~ The Police Department may issue a temporary driver's permit. In addition to the other requirements of this Article, a driver must meet the following conditions to obtain such a temporary permit.¶

(1) A copy of his declaration of domicile as set out in F.S. Ch. 222.¶

(2) A copy of his automobile registration bearing his name and local address.¶

(3) A copy of his employment identification bearing his name and/or local address.¶

(4) A copy of his property or federal income tax statement bearing his name and local address.¶

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Section 3. Section 28-5(b) of the St. Petersburg City Code is hereby amended to read as follows:

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(b) It shall be unlawful for any person to drive or operate a public vehicle for hire within the City of St. Petersburg unless that person has a valid, current public vehicle driver's permit. It shall be unlawful for any taxicab parent company to allow a person to drive or operate a public vehicle for hire, which is owned or leased by the taxicab parent company, within the City of St. Petersburg unless that person has a valid, current public vehicle driver's permit.

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Section 4. Words that are underlined are additions to, and words that are in margin balloons are deletions from, the existing St. Petersburg City Code.

Section 5. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the Ordinance, in which case the Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (designee)

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The applicant has been convicted of, or had a finding of guilt entered with adjudication withheld on, or has pending charges for any of the following:

- a. Driving under the influence of drugs or alcohol;
- b. Vehicular manslaughter;
- c. Reckless driving;
- d. Murder, manslaughter, armed robbery, assault with a deadly weapon, aggravated assault;
- e. Any crime involving the sale or possession of a controlled substance as defined by F.S. Ch. 893; or
- f. Exposure of the sexual organs and any/or "lewdness" as defined by F.S. Ch. 796;
- g. If the applicant has been convicted of or had a finding of guilt entered with adjudication withheld on any of the foregoing, the applicant shall not be disqualified by this conviction or adjudication withheld if there has been an intervening period of five years during which the applicant has not been incarcerated, has possessed a valid driver's license and has not been convicted of or had a finding of guilt entered with adjudication withheld on any of the foregoing offenses.

with the City's Legal Department. Such insurance shall provide protection and coverage for public liability and property damage which may arise from the issuance of temporary driver's permits and/or the acts or omissions, including but not limited to intentional torts of the permitted drivers and shall specifically list the City as an additional insured. The insurance coverage or surety bond shall be in an amount not less than \$1,000,000.00. Evidence of property insurance coverage shall be in the form of a certificate of insurance and shall be issued by an insurance carrier or its bona fide agent or broker who is authorized to transact business in this State. Evidence of an appropriate surety bond issued by a bond company or its bona fide agent authorized to transact business in this State shall be provided. The insurance coverage or surety bond shall remain in effect through each fiscal year in which temporary permits are issued to the employer's drivers. The employer or lessor of the vehicle(s) must provide 30 days' advance notice to the

City Legal Department of any contemplated modifications to or cancellations of the insurance coverage or surety bond. This requirement must be a condition stated on the insurance policy or in the surety bond agreement.

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(f) Driver's license record check. As a condition precedent to the issuance of a temporary driver's permit, the Police Department's designee shall conduct a State check of the applicant's driver license record. Approval or denial of the issuance of a temporary driver's permit shall be made in accordance with the criteria in Section 28-73.

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(g) Local criminal record check. As a condition precedent to the issuance of a temporary driver's permit, the Police Department designee shall conduct a local record check to ascertain the criminal background of the applicant. Approval or denial of the issuance of a temporary driver's permit shall be made in accordance with the criteria in subsection (c).

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(h) Duration of temporary driver's permit. The temporary driver's permit is valid only until the annual permit is issued. As outlined in subsection (c), a complete investigation shall be conducted forthwith. Should the results of the complete investigation reveal one or more of the items in subsection (c), the temporary permit shall be immediately revoked. The right to appeal the denial or revocation of a temporary permit shall be fully protected and will be governed by the provisions and procedures in subsection (h) below.

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(i) Definitions. For purposes of this section, the following definitions are applicable:

- (1) Local criminal record check refers to those records and files which are readily accessible to, or which are located at, the Police Department.
- (2) Residency refers to the applicant's physical presence in and maintenance of a place of abode in Pinellas County for a continuous time period.

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Original permits shall be valid for one year from date of issuance.

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On application denials or permit revocations or permit suspensions, t

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The decision of the Mayor or his designee on such appeal shall be final.