

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 648

INTRODUCER: Senator DiCeglie

SUBJECT: License or Permit to Operate a Vehicle for Hire

DATE: January 26, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	Favorable
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 648 relates to the licensing or permitting of a vehicle-for-hire. Specifically, the bill:

- Prohibits a county or municipality from requiring a person to obtain an additional license from such county or municipality when that person holds a valid, active license or permit to operate a vehicle for-hire in any other county or municipality if the person:
 - Holds a valid, active license or permit to operate a vehicle-for-hire in the county or municipality in which the person permanently resides.
 - Has not had a license or permit to operate a vehicle for hire suspended or revoked within the preceding five years.
- Exempts public-use airports from the requirements of the bill.
- Provides that certain persons who hold a valid, active license or permit to operate a vehicle-for-hire are exempted from the bill when such person provides transportation of persons:
 - While on stretchers or wheelchairs, or
 - Whose handicap, illness, other incapacitation makes it impractical to be transported by a regular common carrier such as a bus, taxi, non-taxi, limousine, or other vehicle-for-hire.

The bill takes effect July 1, 2024.

II. Present Situation:

Local Licensing of For-Hire Vehicles

With specified exceptions,¹ offering for lease or rent any motor vehicle or offering passenger transportation in exchange for compensation qualifies the vehicle as a “for-hire vehicle.”² A for-

¹ Section 320.01(15)(b), F.S.

² Section 320.01(15)(a), F.S.

hire vehicle does not include a transportation network companies like Uber or Lyft, the regulation of which is expressly preempted to the state.³

Counties are specifically authorized to license and regulate taxis, jitneys, limousines, rental cars, and other passenger vehicles for-hire operating in the unincorporated areas of the county.⁴

Municipalities have broad home rule powers authorizing them to enact legislation concerning any subject matter upon which the Legislature may act, except:

- The subjects of annexation, merger, and exercise of extraterritorial power, which require a general or special law;
- Any subject expressly prohibited by the constitution;
- Any subject expressly preempted to state or county government by the constitution or by general law; or
- Any subject preempted to a county pursuant to a county charter.⁵

A municipality may impose reasonable regulatory fees, proportionate with the cost of the regulatory activity.⁶

Various counties and municipalities differ on if and when vehicles-for-hire are regulated and their specific regulations. For example, Miami-Dade County's Passenger Transportation Regulatory Division regulates for-hire chauffeurs and vehicles such as taxicabs, limousines, passenger motor carriers, including jitneys and tour vans. The county charges various inspection fees, an annual license fee, licensees are subject to the Local Business Tax Receipt⁷

As another example, Hillsborough County requires any person engaged in the business of operating vehicles for-hire in the County to obtain a public vehicle driver's license from the Hillsborough County Tax Collector, in addition to a valid certificate for the operator and a valid permit for the vehicle after passing a safety and mechanical inspection. Vehicles 10 years of age or older require additional inspections.⁸

Preemption

Section 163.211, F.S., expressly preempts to the state the licensing of occupations and s. 163.211, F.S., supersedes any local government licensing requirement for occupations, with the exception of:

- Any local government that imposed licenses on occupations before January 1, 2021. However, any such local government licensing of occupations expires on July 1, 2024.
- Any local government licensing of occupations authorized by general law.⁹

³ See Section 627.748(17)(a), F.S.

⁴ Section 125.01(1)(n), F.S.

⁵ Section 166.021(3), F.S.

⁶ Section 166.221, F.S.

⁷ Miami-Dade County, Transportation and Public Work, *For-Hire Transportation*,

https://www.miamidade.gov/global/service.page?Mduid_service=ser1498077559199786 (last visited Dec. 13, 2023.)

⁸ Hillsborough County Tax Collectors Office, Ordinance 17-22 –Vehicle for Hire Ordinance, <https://www.hillstax.org/other-services/vehicle-for-hire/ordinance-information/> (Last visited Jan. 24, 2024).

⁹ Section 163.211(2), F.S.

Airports

Section 332.004(14), F.S., defines the term “public-use airport” to mean any publicly owned airport which is used or to be used for public purposes.

Some airports or airport authorities require vehicles-for-hire to obtain a permit to operate, which may be issued by the county, municipality, or airport authority. For example, Orlando International Airport requires vehicles for hire to have:

- A valid, current driver’s permit issued by the City of Orlando,
- A vehicle permit decal issued by the Orlando International Airport displayed on the vehicle at all times, and
- A vehicle-for-hire permit decal issued by the City of Orlando displayed on the vehicle at all times.¹⁰

The Fort Lauderdale-Hollywood International Airport requires persons that operate a vehicle for hire to first register with and obtain a permit from the Environmental and Consumer Protection Division of Broward County. Then, persons with a permit to operate a vehicle for hire must apply for a decal permit from the Broward County Aviation Department.¹¹

On the other hand, some airport authorities issue a separate permit for vehicles-for-hire for transporting passengers at the airport. For example, the Orlando Sanford International Airport requires a vehicle for hire to obtain an airport-issued ground transportation prearranged permit. This includes a ground transportation agreement, which excludes taxicabs.¹²

III. Effect of Proposed Changes:

The bill creates s. 320.0603, F.S., providing an exception from certain local licensing requirements to a person who holds a valid, active license or permit issued by a county or municipality to operate a vehicle for-hire. Such person may operate a vehicle-for-hire without being subject to additional licensing or permitting requirements and without paying additional fees if the person:

- Holds a valid, active license or permit to operate a vehicle-for-hire in the county or municipality in which the person is domiciled.
- Has not had a license or permit to operate a vehicle-for-hire suspended or revoked within the preceding five years.

The above provisions do not apply to transportation services to or from an airport. The bill defines the term “airport” to include an airport, airport authority, aviation authority, or other entity, including a county, municipality, or special district that operates a public-use airport.

¹⁰ Greater Orlando Aviation Authority, Vehicle-For-Hire (VFH): V-Permit Holders and Drivers Handbook p. 5, Orlando International Airport, <https://orlandoairports.net/site/uploads/VFH-Handbook.pdf> (last visited Jan. 24, 2024).

¹¹ *Operational Guidelines for Ground Transportation at Fort Lauderdale-Hollywood International Airport*, p. 5, Broward County Board of County Commissioners (Aug. 17, 2021), <https://www.broward.org/Airport/Business/about/Documents/Operationalguidelinesforgroundtransportationservices01.pdf> (last visited Jan. 24, 2024).

¹² Orlando-Sanford International Airport, *2023 Ground Transportation Pre-Arranged Permit*, <https://web1.osaa.net/GTX/docs/GT-Permit-2023-for-Website.pdf> (last visited Jan. 24, 2024).

The bill stipulates that it does not grant specific authority to counties, municipalities, or special districts to regulate or license vehicle-for-hire which is required by s. 163.211, F.S.

Furthermore, the bill provides that the reciprocity under certain circumstances *does not apply* to a person who holds a valid, active license or permit to operate a vehicle when such person provides transportation of persons:

- While on stretchers or wheelchairs, or
- Whose handicap, illness, other incapacitation makes it impractical to be transported by a regular common carrier such as a bus, taxi, non-taxi, limousine, or other vehicle-for-hire.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be an indeterminate positive economic impact on the vehicle-for-hire industry due to not being required to obtain multiple licenses or permits to operate a vehicle-for-hire in multiple jurisdictions

C. Government Sector Impact:

Counties and municipalities may experience a reduction in revenue associated with vehicles-for-hire operating in multiple municipalities or counties only being subject to licensing or permitting in one jurisdiction. However, the impact is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.0603 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.