



CITY OF ST. AUGUSTINE CITY COMMISSION

Special City Commission Meeting Workshop: Vehicles for Hire and Franchises Proposed

Ordinance Changes- May 8, 2026

FRIDAY, MAY 8, 2026 - 9:00 AM

ALCAZAR ROOM

1. CALL TO ORDER

- ◆ Roll Call

2. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS

- ◆ 3 minutes per individual

3. PROPOSED CHANGES TO ORDINANCES FOR VEHICLES FOR HIRE (CH27) AND FRANCHISES (CH14)

- 3.A.** Workshop for Proposed Ordinance Changes for Vehicles for Hire (CH27) and Franchises (CH14) (*R. Franklin, Assistant City Manager*)

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS

- ◆ 3 minutes per individual

5. ITEMS BY MAYOR AND COMMISSIONERS

6. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." ***In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: April 30, 2026

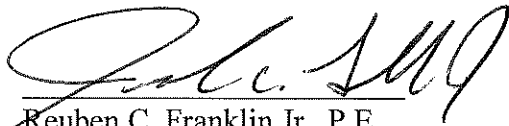
RE: Workshop for Proposed Ordinance Changes for Vehicles for Hire (CH27) and Franchises (CH14)

The City Commission heard first reading for the subject ordinances at the March 9, 2026, meeting. After robust discussion the Commission directed staff to schedule a workshop to further discuss and review the changes. The workshop is scheduled for May 8, 2026, from 9am to 12pm in the Alcazar Room. During first reading staff took detailed notes and used them to create a guide to facilitate the discussion at the workshop.

The following documents are included with this memo and will be used during the workshop as references and guides to facilitate the discussion and decision-making process:

1. Workshop Discussion Items – this document outlines all the feedback received during first reading and breaks items down into their respective sections in the ordinances
2. A list of all the licensed businesses currently operating in the city as March 9, 2026
3. A comparison of other cities for fees and insurance requirements
4. Annual staff expenses
5. Clean and redlined copy of Chapter 14 Franchises
6. Clean and redlined copy of Chapter 27 Vehicles for Hire

Please let me know if you have any questions.



Reuben C. Franklin Jr., P.E.
Assistant City Manager

Workshop Discussion Items

Based on March 9th Notes on VFH, Franchises

(The following are areas of discussion for the workshop based on input received at the first reading of the ordinances. Decisions made at the workshop will be incorporated into the ordinances and first reading will be scheduled at a future date.)

Chapter 27 is Vehicles for Hire and Chapter 14 is Franchises

Sec. 27-20. Permit Maximum

1. Too many pedicabs (100) – JS
2. 100 is too many pedicabs – CG
3. No problem with 100 pedicabs – JD
4. 100 is too many pedicabs – reduce by 50% - BB
5. 100 is too many for pedicabs – NSK

Sec. 27-67. Cruising and solicitation of passengers (c)

1. Noise from pedicabs, can be this be addressed in the ordinance - JS
2. 27-67 (c) acceptable range of music - BB

Sec. 27-13. Penalty and Enforcement, Sec. 14-24. Penalties for violation and Sec.14-80 Penalties

1. 27-13 too lenient (penalties) - JD
2. Penalties too lenient – BB

*Suggestion – add impoundment as penalty

Sec. 27- 40. Criminal traffic offenses

1. Can we be notified if a driver is convicted of a DUI
2. Concerned about alcohol used by drivers

Sec. 27-63. Restricted Areas and Sec. 14-12 City Approval of Routes

1. Discussed congested area designation -JD
2. Concern about operating in neighborhoods - JD
3. Exclusion zones for tours – BB
4. Pedicabs operating at AMP (Dangerous) - JS

Sec. 14-19. Performance committee and performance renewal

1. Review after 3-5 years – JD

Sec. 14-21. Prohibited vehicles

1. No party bikes, carts

Sec. 14-74. Animal-drawn vehicle safety during operation

1. 24-hour period – 8-hour workday - JS
2. Horses over 7-day period only work 5 days - BB

Sec. 14-79. Equine Heat

1. Like 90 degrees cut off for temp – JS
2. Humidity is just as big an issue as heat - Use heat index - BB

Insurance Sec. 14-9, 14-59 and 27-60

1. More data from other communities on insurance – NSK
2. Tier 1 insurance adequate - all others need insurance regulation raised - BB
3. Insurance regulation complementary to county - BB

*Refer to VFH comparison sheet in back up documents for comparable insurance with other cities

Franchise Agreements Sec. 14-4 and Sec. 14-54 (also referenced in Sec 14-6 and 14-63)

1. Mobility plan to reduce conflicts between modes and reduce adverse impacts – BB
2. Why Pedicabs aren't franchised and Tier 3 created – BB
3. Okay creating Tier 3 for simpler cart - JS
4. Look at Tier 3 - BB
5. Tier 3 – CG
6. Max passenger 9 for Tier 2 – BB
7. Grandfather Tier 2 operators using 3 vehicles -CG
8. Horse medallions limited to 3 - JS
9. Terms are too long except for horse carriages – BB
10. Okay with 20 years for tier 1 due to investments made - JS
11. Use medallions or lose them – JS
12. Tier 2 must operate more than 6 months/ one year - Regular Use Clause – BB
13. Ownership should be person or incorporated business with CEO for accountability – JS
14. Grantee should not be proven to own Tier 1 and 2 – BB
15. Methodology for selection (lottery) – JD
16. Use committee for selection – JS
17. Commission needs to decide when to hold back medallions - JS
18. Recognize who runs operations correctly - CG
19. Make sure businesses operating now are accommodating – CG

Sec. 14-13 and Sec. 14-63 Franchise Fee and Fees for Staffing for Administration, Enforcement and Maintenance

1. Understanding if code will pay for itself, prior to next hearing – JD
2. How much do we collect from Tier 1? - JD
3. Should we be making money (regarding Franchises)? -JD
4. No cost to taxpayers -JD
5. Look at total income of VFA and Franchises – JS
6. Make sure fees cover staff and wear and tear - JS
7. Opposed to revenue share (even with Tier 1) - JS
8. Fees proportionate to admin time - BB
9. Concerned about adding staff – NSK
10. Questioned keeping fees the same and data on fees needed -NSK

*Refer to staff analysis and fee comparison sheets provided in backup documentation.

Not addressed in these ordinances

1. Regulation on scooters/motor bugs - BB

**All Existing Business Licenses as of March 9, 2026
(56 Total)**

ID	Status	Operator Name	Business Owner Name	Start Date	Last License	VFH	F-Tier1	F-Tier2	Horse	NOTES
1540	ACTIVE	BRIHAMMAR, CARL	GHOST AUGUSTINE LTD. CO.	06/23/2014	08/28/2025	N	N	Y	N	
1885	ACTIVE	ST JOHNS COUNTY COUNCIL ON AGING	ST JOHNS COUNTY COUNCIL ON AGING	07/17/2014	08/28/2025	N	N	N	N	
2463	ACTIVE	ST AUGUSTINE GOLD TOURS, LLC	ST AUGUSTINE GOLD TOURS, LLC	08/05/2014	08/28/2025	N	N	Y	N	Pick up location is behind City Hall
3051	ACTIVE	ALEJANDRO RAMOS	SCOOTER SHUTTLE COMPANY LLC	06/25/2015	08/28/2025	N	N	N	N	Pedicab
3607	ACTIVE	SCOOTER SHUTTLE COMPANY LLC	SCOOTER SHUTTLE COMPANY LLC	02/21/2017	08/28/2025	N	N	N	N	Private shuttle company
3620	ACTIVE	EXPLORE TOURS INC	EXPLORE TOURS INC	03/07/2017	08/28/2025	N	N	Y	N	VFH and Tier 2
3696	ACTIVE	PLEASANT STREET PEDICAB COLLECTIVE LLC	PLEASANT STREET PEDICAB COLLECTIVE LLC	06/08/2017	08/28/2025	N	N	N	N	Pedicab Does Tours
3742	ACTIVE	JASON J WALL	JASON J WALL	08/03/2017	08/28/2025	N	N	N	N	
4057	ACTIVE	CHRISTOPHER W TAYLOR	CHRISTOPHER W TAYLOR	08/24/2018	08/28/2025	N	N	N	N	Pedicab Does Tours
4327	ACTIVE	E-PED LLC	E-PED LLC	06/26/2019	08/28/2025	N	N	N	N	Pedicab Does Tours
4454	ACTIVE	LIONS BRIDGE COMMUNITY DEVELOPMENT ALLIA	LIONS BRIDGE COMMUNITY DEVELOPMENT ALLIA	12/06/2019	08/28/2025	N	N	N	N	Nonprofit
4484	ACTIVE	RIDE APPLICATIONS INC	RIDE APPLICATIONS INC/PINEAPPLE RIDE & TOUR	01/31/2020	08/28/2025	N	N	Y	N	VFH and Tier 2
4665	ACTIVE	ST. AUGUSTINE LAND AND SEA TOURS	ST. AUGUSTINE LAND AND SEA TOURS	10/08/2020	08/28/2025	N	N	Y	N	Same as LLC?
4668	ACTIVE	ST AUGUSTINE LAND AND SEA TOURS LLC	ST AUGUSTINE LAND AND SEA TOURS LLC	10/09/2020	08/28/2025	N	N	N	N	
4679	ACTIVE	NATALIE BETANCOURT	NATALIE BETANCOURT/CER. TOUR GUIDE	10/28/2020	06/04/2024	N	N	N	N	Tour guide
4757	ACTIVE	JBL PEDICAB MANAGEMENT LLC	JBL PEDICAB MANAGEMENT LLC	03/25/2021	08/28/2025	N	N	N	N	Pedicab Does Tours
4797	ACTIVE	PASTIME TOURS INC	PASTIME TOURS INC	05/07/2021	01/07/2026	N	N	Y	N	
4927	ACTIVE	MICHAEL COLLINS PEDICAB	MICHAEL COLLINS PEDICAB/ STILL IN BUSINESS	10/07/2021	08/28/2025	N	N	N	N	Pedicab
4962	ACTIVE	DBA PANDA TOURS	DBA PANDA TOURS	11/23/2021	08/28/2025	N	N	Y	N	
4976	ACTIVE	ADAM C LYNN	ADAM C LYNN/SHUTTLE	12/17/2021	08/28/2025	N	N	N	N	OTC
5037	ACTIVE	JAMES HOLLENBEAK	JAMES HOLLENBEAK/PEDI CAB	04/11/2022	08/28/2025	N	N	N	N	Pedicab
5230	ACTIVE	UPTOWN LIFESTYLE CONCIERGE AND EXCURSION	UPTOWN LIFESTYLE CONCIERGE AND EXCURSION	12/07/2022	08/28/2025	N	N	N	N	
5245	ACTIVE	PEDALIST EXTRAORDINAIRE LLC	PEDALIST EXTRAORDINAIRE LLC	01/06/2023	08/28/2025	N	N	N	N	Pedicab
5342	ACTIVE	COASTAL CARRIAGES LLC	COASTAL CARRIAGES LLC	04/24/2023	08/28/2025	N	N	N	Y	
5496	ACTIVE	CELEBRATION CARRIAGE LLC	CELEBRATION CARRIAGE LLC	10/31/2023	08/28/2025	N	N	N	Y	
5500	ACTIVE	PRIVATE GOLF TOURS LLC	PRIVATE GOLF TOURS LLC	11/03/2023	08/28/2025	N	N	Y	N	
5507	ACTIVE	WOODY'S	WOODY'S/TAXI	11/15/2023	08/28/2025	N	N	N	N	
5508	ACTIVE	LAWRENCE LEO SPAYTH	LAWRENCE LEO SPAYTH	11/15/2023	08/28/2025	N	N	N	N	
5522	ACTIVE	JEFFERS CARRIAGE LLC	JEFFERS CARRIAGE LLC	12/15/2023	11/19/2025	N	N	Y	N	Electric carriage (horseless)
5532	ACTIVE	DAVID CORNELISON	DAVID CORNELISON/PEDI CAB	01/24/2024	08/28/2025	N	N	N	N	Pedicab
5914	ACTIVE	JOANNA ENGEL	JOANNA ENGEL	02/15/2024	06/10/2025	N	N	Y	N	Tasting Tours LLC
5568	ACTIVE	SERENDIPITY TOURS, LLC	JOSEPH REPOLE	03/15/2024	08/28/2025	N	N	Y	N	
5595	ACTIVE	EMERALD EXPEDITION SHUTTLE	EMERALD EXPEDITION SHUTTLE	04/17/2024	08/28/2025	N	N	N	N	
5647	ACTIVE	NOMAD TRANSIT	NOMAD TRANSIT/TAXI	07/10/2024	08/28/2025	N	N	N	N	
5650	ACTIVE	SUNSHINE LUXURY TRANSPORT LLC	SUNSHINE LUXURY TRANSPORT LLC	07/12/2024	08/28/2025	N	N	N	N	
5660	ACTIVE	AL WHITE	AL WHITE/PEDI CAB	08/02/2024	08/28/2025	N	N	N	N	Pedicab
5680	ACTIVE	FIRST COAST CART TOURS, LLC	FIRST COAST CART TOURS, LLC	09/04/2024	08/28/2025	N	N	Y	N	
5719	ACTIVE	MADHU RIDES	MADHU RIDES/PEDI CAB	10/11/2024	08/28/2025	N	N	N	N	Pedicab
5740	ACTIVE	CHRISTOPHER JOLLY	CHRISTOPHER JOLLY/PEDI CAB	11/01/2024	08/28/2025	N	N	N	N	Pedicab
5756	ACTIVE	BK ADVENTURE, LLC	BK ADVENTURE, LLC	11/15/2024	08/28/2025	N	N	Y	N	Pink Culture
5765	ACTIVE	407 PEDICABS LLC	407 PEDICABS LLC	11/22/2024	08/28/2025	N	N	N	N	Pedicab
5776	ACTIVE	SECOND CITY TUK TUKS LLC	SECOND CITY TUK TUKS LLC	11/27/2024	08/28/2025	N	N	N	N	Pedicab Does Tours
5801	ACTIVE	ST AUGUSTINE TRANSFER COMPANY INC	ST AUGUSTINE TRANSFER COMPANY INC	01/16/2025	08/28/2025	N	N	Y	N	
5895	ACTIVE	JAX TOURS LLC	JAX TOURS LLC	05/07/2025	08/28/2025	N	N	Y	N	
5906	ACTIVE	JEX RIDES LLC	JEX RIDES LLC	05/16/2025	08/28/2025	N	N	N	N	Taxi
5964	ACTIVE	BLACK DIAMOND COACH & LIMOUSINE LLC	BLACK DIAMOND COACH & LIMOUSINE LLC	08/01/2025	08/28/2025	N	N	N	N	Limo Service
5976	ACTIVE	PARROT PATROL TAXI	PARROT PATROL TAXI	08/20/2025	08/28/2025	N	N	N	N	
5981	ACTIVE	PARROT PATROL TAXI	PARROT PATROL TAXI	08/20/2025	08/28/2025	N	N	Y	N	
6042	ACTIVE	OLD CITY SHUTTLE LLC	OLD CITY SHUTTLE LLC	10/17/2025	10/17/2025	N	N	Y	N	
6060	ACTIVE	CHIVA PARTY TOURS ST AUGUSTINE, LLC	CHIVA PARTY TOURS ST AUGUSTINE, LLC	10/29/2025	10/29/2025	N	N	Y	N	
6081	ACTIVE	MICHAEL R JUTRAS	MICHAEL R JUTRAS	12/05/2025	12/05/2025	N	N	Y	N	
6096	ACTIVE	ANCIENT CITY EXCURSIONS LLC	ANCIENT CITY EXCURSIONS LLC	12/18/2025	12/18/2025	N	N	Y	N	Vehicle may exceed 11 passengers
6107	ACTIVE	ANASTASIA ISLAND BOAT TOURS LLC	ANASTASIA ISLAND BOAT TOURS LLC	01/09/2026	01/09/2026	N	N	N	N	Pedicab
6145	ACTIVE	TIMMY HAMILTON	TIMMY HAMILTON	02/25/2026	02/25/2026	N	N	N	N	
6146	ACTIVE	RAPID RIDE SERVICES	RAPID RIDE SERVICES	02/25/2026	02/25/2026	N	N	N	N	
6147	ACTIVE	THE ORB NETWORK LLC	THE ORB NETWORK LLC	03/04/2026	03/04/2026	N	N	Y	N	

Proposed Tier 2 Business Licenses as of March 9, 2026
(20 Total)

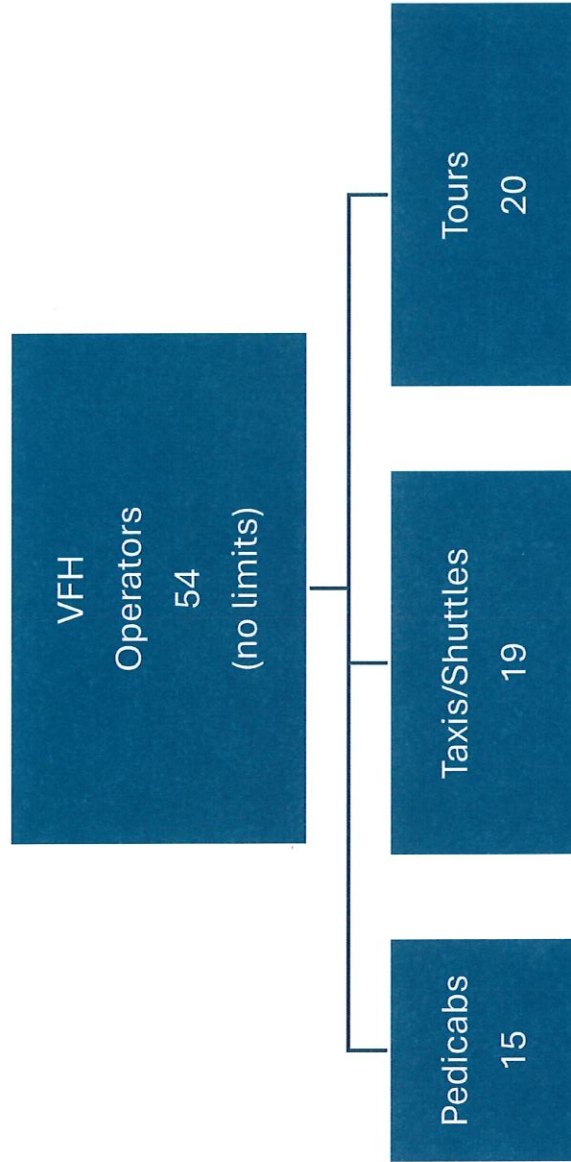
ID	Status	Operator Name	Business Owner Name	Start Date	Last License	VFH	F-Tier1	F-Tier2	Horse	NOTES
1540	ACTIVE	BRIHAMMAR, CARL	GHOST AUGUSTINE LTD. CO.	06/23/2014	08/28/2025	N	N	Y	N	
2463	ACTIVE	ST AUGUSTINE GOLD TOURS, LLC	ST AUGUSTINE GOLD TOURS, LLC	08/05/2014	08/28/2025	N	N	Y	N	Pick up location is behind City Hall
3620	ACTIVE	EXPLORE TOURS INC	EXPLORE TOURS INC	03/07/2017	08/28/2025	N	N	Y	N	VFH and Tier 2
4484	ACTIVE	RIDE APPLICATIONS INC	RIDE APPLICATIONS INC/PINEAPPLE RIDE & TOUR	01/31/2020	08/28/2025	N	N	Y	N	VFH and Tier 2
4665	ACTIVE	ST. AUGUSTINE LAND AND SEA TOURS	ST. AUGUSTINE LAND AND SEA TOURS	10/08/2020	08/28/2025	N	N	Y	N	Same as LLC?
4797	ACTIVE	PASTIME TOURS INC	PASTIME TOURS INC	05/07/2021	01/07/2026	N	N	Y	N	
4962	ACTIVE	DBA PANDA TOURS	DBA PANDA TOURS	11/23/2021	08/28/2025	N	N	Y	N	
5500	ACTIVE	PRIVATE GOLF TOURS LLC	PRIVATE GOLF TOURS LLC	11/03/2023	08/28/2025	N	N	Y	N	
5522	ACTIVE	JEFFERS CARRIAGE LLC	JEFFERS CARRIAGE LLC	12/15/2023	11/19/2025	N	N	Y	N	
5914	ACTIVE	JOANNA ENGEL	JOANNA ENGEL	02/15/2024	06/10/2025	N	N	Y	N	Electric carriage (horseless)
5568	ACTIVE	SERENDIPITY TOURS, LLC	JOSEPH REPOLE	03/15/2024	08/28/2025	N	N	Y	N	Tasting Tours LLC
5680	ACTIVE	FIRST COAST CART TOURS, LLC	FIRST COAST CART TOURS, LLC	09/04/2024	08/28/2025	N	N	Y	N	
5756	ACTIVE	BK ADVENTURE, LLC	BK ADVENTURE, LLC	11/15/2024	08/28/2025	N	N	Y	N	Pink Culture
5801	ACTIVE	ST AUGUSTINE TRANSFER COMPANY INC	ST AUGUSTINE TRANSFER COMPANY INC	01/16/2025	08/28/2025	N	N	Y	N	
5895	ACTIVE	JAX TOURS LLC	JAX TOURS LLC	05/07/2025	08/28/2025	N	N	Y	N	
5981	ACTIVE	PARROT PATROL TAXI	PARROT PATROL TAXI	08/20/2025	08/28/2025	N	N	Y	N	
6042	ACTIVE	OLD CITY SHUTTLE LLC	OLD CITY SHUTTLE LLC	10/17/2025	10/17/2025	N	N	Y	N	
6060	ACTIVE	CHIVA PARTY TOURS ST AUGUSTINE, LLC	CHIVA PARTY TOURS ST AUGUSTINE, LLC	10/29/2025	10/29/2025	N	N	Y	N	Vehicle may exceed 11 passengers
6096	ACTIVE	ANCIENT CITY EXCURSIONS LLC	ANCIENT CITY EXCURSIONS LLC	12/18/2025	12/18/2025	N	N	Y	N	
6147	ACTIVE	THE ORB NETWORK LLC	THE ORB NETWORK LLC	03/04/2026	03/04/2026	N	N	Y	N	

**Pedicab Business Licenses as of March 9, 2026
(15 Total)**

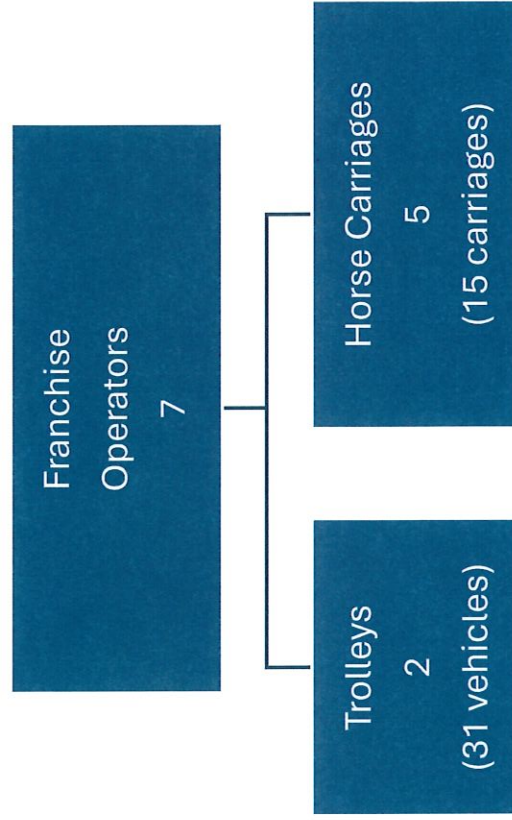
ID	Status	Operator Name	Business Owner Name	Start Date	Last License	VFH	F-Tier1	F-Tier2	Horse	NOTES
3051	ACTIVE	ALEJANDRO RAMOS		06/25/2015	08/28/2025	Y	N	N	N	Pedicab
3696	ACTIVE	PLEASANT STREET PEDICAB COLLECTIVE LLC	PLEASANT STREET PEDICAB COLLECTIVE LLC	06/08/2017	08/28/2025	Y	N	N	N	Pedicab
4057	ACTIVE	CHRISTOPHER W TAYLOR	CHRISTOPHER W TAYLOR	08/24/2018	08/28/2025	Y	N	N	N	Does Tours
4327	ACTIVE	E-PED LLC	E-PED LLC	06/26/2019	08/28/2025	Y	N	N	N	Does Tours
4757	ACTIVE	JBL PEDICAB MANAGEMENT LLC	JBL PEDICAB MANAGEMENT LLC	03/25/2021	08/28/2025	Y	N	N	N	Does Tours
4927	ACTIVE	MICHAEL COLLINS PEDICAB	MICHAEL COLLINS PEDICAB/ STILL IN BUSINESS	10/07/2021	08/28/2025	Y	N	N	N	Does Tours
5037	ACTIVE	JAMES HOLLEMBEAK	JAMES HOLLEMBEAK/ PEDI CAB	04/11/2022	08/28/2025	Y	N	N	N	Pedicab
5245	ACTIVE	PEDALIST EXTRAORDINAIRE LLC	PEDALIST EXTRAORDINAIRE LLC	01/06/2023	08/28/2025	Y	N	N	N	Pedicab
5532	ACTIVE	DAVID CORNELISON	DAVID CORNELISON/ PEDI CAB	01/24/2024	08/28/2025	Y	N	N	N	Pedicab
5660	ACTIVE	AL WHITE	AL WHITE/ PEDI CAB	08/02/2024	08/28/2025	Y	N	N	N	Pedicab
5719	ACTIVE	MADHU RIDES	MADHU RIDES/ PEDI CAB	10/11/2024	08/28/2025	Y	N	N	N	Pedicab
5740	ACTIVE	CHRISTOPHER JOLLY	CHRISTOPHER JOLLY/ PEDI CAB	11/01/2024	08/28/2025	Y	N	N	N	Pedicab
5765	ACTIVE	407 PEDICAPS LLC	407 PEDICAPS LLC	11/22/2024	08/28/2025	Y	N	N	N	Pedicab
5776	ACTIVE	SECOND CITY TUK TUKS LLC	SECOND CITY TUK TUKS LLC	11/27/2024	08/28/2025	Y	N	N	N	Does Tours
6081	ACTIVE	MICHAEL R JUTRAS	MICHAEL R JUTRAS	12/05/2025	12/05/2025	Y	N	N	N	Pedicab

Existing

Vehicles for Hire Currently Operating Under CH 27

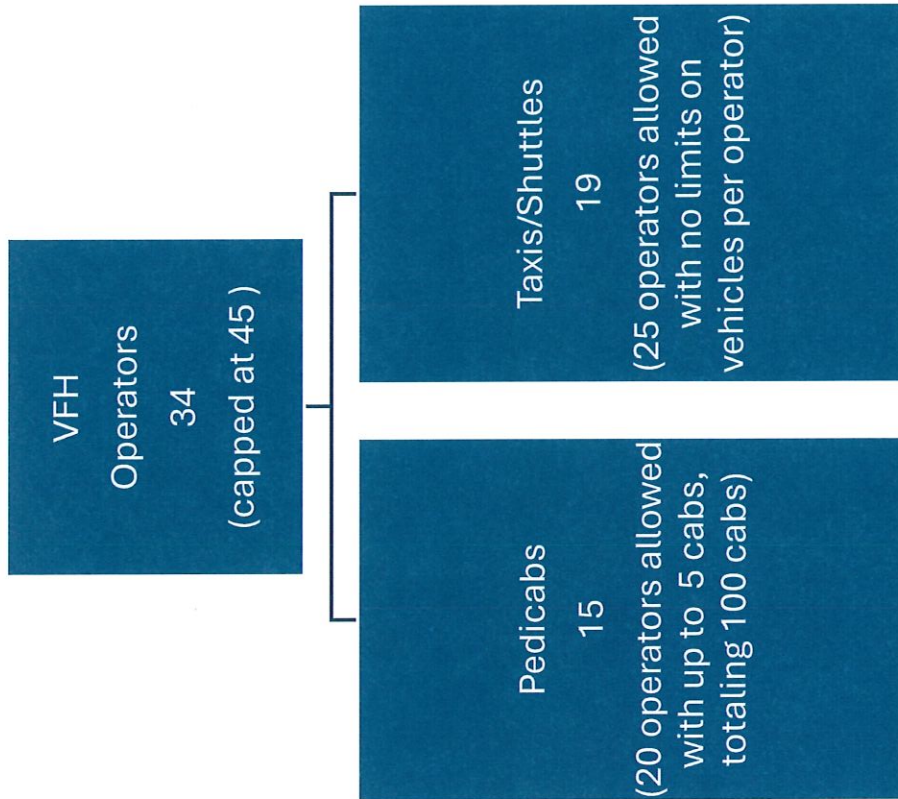


Franchises Currently Operating Under CH 14

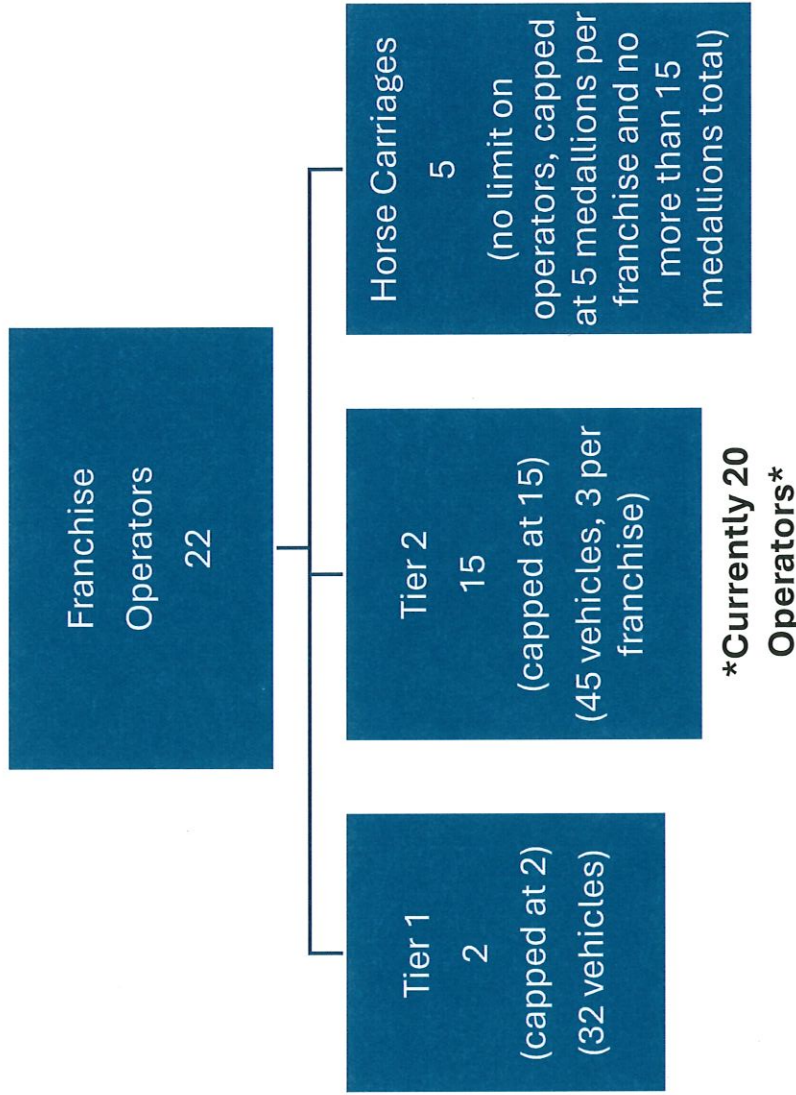


Proposed

Vehicles for Hire Operating Under
Proposed Amendments to CH 27



Franchises Operating Under
Proposed Amendments to CH 14



VFH Comparison

City	Permit/Application Fee	Annual Inspection Fee	Driver License Fee	Cap or Limit	Insurance	Total
Orlando (CH55)	\$ 250.00	Private Mechanic	\$ 50.00	None	FS 324.031 (minimum)	\$ 300.00
Nonmotorized (pedicab)	\$ 100.00		\$ 50.00	None	\$500,000 combined	\$ 150.00
Tampa	\$ 150.00	\$ 70.00	\$ 65.00	None	FS 324.031 (minimum)	\$ 285.00
Miami (CH57)	\$ 65.00	\$ 25.00	\$ 75.00	None	\$500,000 per occurrence	\$ 165.00
Nonmotorized (animal)	-	-	-	-	\$500,000 per occurrence	
Nonmotorized (pedicab)	\$ 250.00	-	-	Yes (100)	\$500,000 per occurrence, \$1,000,000 agg	\$ 250.00
Fort Lauderdale (CH27)	\$ 151.00	\$ 65.00	\$ 30.00	Yes (200)		\$ 246.00
Nonmotorized (animal)	\$ 150.00	-	-	None	\$1,000,000 per occurrence, \$2,000,000 agg	\$ 150.00
Nonmotorized (pedicab)	\$ 100.00	-	-	None	\$1,000,000 combined	\$ 100.00
Jacksonville (CH20)	\$ 100.00	-	\$ 25.00	None	FS 324.031 (minimum)	\$ 125.00
Gainesville (CH28)	\$ 350.00	-	\$ 50.00	None	\$125,000 per person, \$250,000 per occurrence; \$50,000 for property damage liability (PDL) coverage or with a combined single limit of \$1,000,000	\$ 400.00
Nonmotorized (pedicab)	\$ 300.00	-	\$ 50.00	None	\$500,000 combined	\$ 350.00
St. Augustine (CH27)	\$ 50.00	\$ 50.00	\$ 25.00	None	FS 324.031 (minimum)	\$ 125.00

Franchise Comparison

City	Revenue Share	Number of Operators	City Revenue FY25	City Revenue FY26
Key West (CH78)	5% or \$7,500/vehicle	2	\$500,000-\$600,000	\$500,000-\$600,000 (approximate)
St. Augustine (CH14)	4% or \$10,000/yr	2	\$ 792,581.37	\$ 498,546.49

Vehicle for Hire and Franchised Vehicle ANNUAL STAFF EXPENSES

Staff time for Vehicle Inspections

Annual Inspection by Fleet Department	Average time per vehicle is 0.5-1.0 hour. Hourly rate (salary & benefits) for staff is \$58.80	
Inspection Fee Paid by Each Vehicle Operator	Rate of \$50 per vehicle inspection is charged to the vehicle operator.	

Staff time for inspections is currently being covered with the inspection fee.

Staff time for Compliance and Permit Processing

Jabari White	Approximately 1200 hours per year spent with vehicles and franchises. Hourly rate (salary & benefits) for staff is \$41.46	49,752
Seasonal Help during Nights of Lights	Add 100 hours of seasonal/part-time help at average rate of \$40 per hour	4,000
Administrative Costs	Includes staff time to work on insurance requirements, inventory tracking, processing of payments, legal review, etc. 10%	5,375
Total Staff Expenses for Compliance and Permit Processing		59,127

Horse & Carriage Transfer Station

Costs for maintenance are covered by rental payments and contributions to a sinking fund for improvements.

Staff time for transfer station is currently covered by rental payments and sinking fund payments

ORDINANCE NO. 2026-11

AN ORDINANCE OF THE COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 14, ARTICLE I, OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR REGULATIONS FOR FRANCHISES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City of St. Augustine seeks to ensure that franchise operations—particularly those involving drivers and the use of animals—are conducted in a manner that protects public safety, promotes humane treatment, and maintains the City's historic and community character; and

WHEREAS, improving regulations governing driver conduct, operational safety, and animal care is necessary to support responsible mobility services and safeguard both residents and visitors; and

WHEREAS, the City's Comprehensive Plan establishes goals related to safe, efficient, and sustainable transportation systems, the protection of public welfare, and the responsible management of mobility services; and

WHEREAS, the City's Long-Range Mobility Plan emphasizes strategies that support safe, predictable, and well-managed mobility options, reduce conflicts among transportation modes, and enhance the experience of both residents and visitors; and

WHEREAS, strengthened franchise regulations directly advance the objectives of the Long-Range Mobility Plan by improving operational accountability, reducing adverse impacts on the transportation network, and supporting a safer and more sustainable multimodal system; and

WHEREAS, the City of St. Augustine is responsible for ensuring the safe, orderly, and efficient use of its public streets, rights-of-way, and transportation network, including the management of franchise operations that utilize these facilities; and

WHEREAS, franchise-based transportation services—particularly those involving drivers and animal-drawn conveyances—can generate operational impacts related to

congestion, roadway wear, pedestrian conflicts, queuing, staging, and competition for limited curb and loading space; and

WHEREAS, limiting the total number of authorized franchises is a reasonable and necessary regulatory tool to prevent oversaturation of the public rights-of-way, maintain safe multimodal mobility conditions, and preserve the City's historic and environmental character; and

WHEREAS, the City has a legitimate governmental interest in protecting public health, safety, and welfare, and courts have consistently recognized that municipalities may limit or cap franchise licenses where necessary to promote safety, manage congestion, or mitigate adverse impacts on the community; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending, reformatting and renumbering, Chapter 14, Sections 14-2 through 14-73. Chapter 14, Sections 14-2 through 14-73 of the Code of the City of St. Augustine are hereby amended, as follows:

Sec. 14-2. Definitions.

For the purpose of this article, the following terms, words, and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

City is the City of St. Augustine, Florida.

Commission is the City Commission of the City of St. Augustine, Florida.

Franchise administrator means the city manager or designee authorized to administer this chapter regulating franchises in the City of St. Augustine. The determination of the VFH administrator shall be deemed the final administrative action unless otherwise specified.

Franchise agreement shall mean the agreement between the city and a grantee confirming the right to operate sightseeing motor vehicles on the public streets of the city, subject to the terms of this article.

Grantee shall mean the grantee of rights under a franchise agreement entered into between the city and grantee, subject to the terms of this article.

Historic district shall mean that portion of the city that is so designated on the official zoning map of the city as Historic Preservation Districts.

Low speed vehicle shall have the same meaning as defined by Florida law.

Medallion shall mean the vehicle identification issued pursuant to this article which represents the permission granted to franchisee to operate a sightseeing motor vehicle within the jurisdictional limits of the city.

Motor vehicle shall have the same meaning as defined by Florida law.

Sightseeing motor vehicle shall mean every vehicle authorized for a franchise by the city commission used for the purpose of conveying passengers for sightseeing, sightseeing special tours, and sightseeing charters. Such term shall not include motorbuses and coaches legitimately engaged in interstate transportation as a common carrier or intercity tourist transportation provided that the transportation provided commences and terminates outside St. Johns County, Florida.

Sightseeing for purposes of these regulations shall mean any tour or touring activity, such as describing scenic, cultural, or historical landmarks, tasting, sampling, eating, or drinking at establishments, restaurants, ghost, haunted or cemetery tours, and significant events and people associated with the history of the City of St. Augustine, for compensation, whether for a fee or gratuity.

Tier one franchisee shall mean a franchisee, holding a tier one franchise agreement, that operates tractors, trailers, trailer trains or trolley, having a seating capacity of more than eleven (11) passengers, with an overall length not exceeding sixty (60) feet.

Tier two franchisee shall mean a franchisee, holding a tier two franchisee agreement, that operates motor vehicles or low speed vehicles having a maximum seating capacity of eleven (11) passengers, that is not a tractor, trailer, trailer train or trolley.

Tractor shall mean every motor vehicle designated and used primarily for drawing other vehicles and so constructed as to carry a load other than part of the weight of the vehicle and load so drawn.

Trailer shall mean every vehicle without power coupled to or drawn by a motor vehicle designed for or used for transportation of passengers, with an overall length, including the length of the motor vehicle or tractor pulling the trailer, not exceeding sixty (60) feet.

Trailer train or trolley shall mean every sightseeing motor vehicle, or tractor, to which is attached not more than two (2) trailers, as herein defined, and designed for the purpose of carrying passengers for sightseeing with an overall length not exceeding sixty (60) feet.

Sec. 14-3. Prohibition of operation without franchise agreement.

It is the intent of these regulations to provide for the opportunity, but not the right, for operators of certain sightseeing motor vehicles, motor vehicles, and other specified vehicles to obtain a franchise agreement pursuant to this article. These

regulations are an authorized implementation of state policy consistent with Section 111 of Chapter 11148, 1925 Laws of Florida, as interpreted by the U.S. Middle District Court of Florida in Avalon Carriage Service, Inc. v. Gamsey. It shall be unlawful for any person or entity to operate these conveyances while carrying passengers within the city without obtaining a franchise agreement pursuant to this article. It shall also be unlawful for any person or entity to conduct sightseeing tours, special sightseeing tours, or sightseeing charters, in any sightseeing motor vehicle, without first obtaining a franchise agreement from the city, except for pedicabs regulated under Chapter 27. Each day any violation of this section occurs shall constitute a separate offense, punishable as outlined in section 14-24 herein.

Sec. 14-4. Franchise agreements.

- (a) The city may, from time to time, enter into one (1) or more franchise agreements with particular grantee(s), granting the right, privilege, and franchise to use all streets, avenues and other public highways, together with other public property designated by the city commission in said city, for and during periods of up to twenty (20) years for tier one franchisees, up to ten (10) years for tier two franchisees.
 - (1) Said franchise agreements shall be for the purpose of a particular grantee's operating and maintaining these conveyances in said city, the enjoyment and exercise of the right so granted to be at all times in conformity with, and subject to, all provisions, terms and conditions of this article.
 - (2) A grantee's right to use the city's streets, alleys, public ways and places for the purposes herein shall not be exclusive, and the city reserves the right to grant the use of all streets, alleys, public ways and places to any person at any time during the period of any franchise granted pursuant to this article.
- (b) The enjoyment and exercise by a grantee of any and all rights to use the city's streets, alleys, public ways and places shall, at all times, be subject and subordinate to the dominant right of the public to use said streets, alleys, public ways and places and to the lawful exercise of control by the city over the use thereof.
- (c) The initial franchise agreements shall be issued only upon a finding by the city commission in public hearing, to be held within sixty (60) days of application by a prospective franchisee, that the issuance of the franchise agreement advances the public convenience and necessity based upon factors deemed relevant by the commission, which factors shall include, but not be limited to:
 - (1) Whether the need deemed necessary for visitor transporting exceeds the capacity of existing grantees.
 - (2) Whether the grant of the franchise would increase or decrease confusion to visitors and the likelihood that visitors would be more safely and efficiently conveyed through the historic district.
 - (3) Whether the applicant has demonstrated the ability to: (i) comply with the terms and conditions of the ordinance and other city regulations, and (ii)

safely transport visitors in the unique conditions of the city's streets and roads.

- (4) Whether grant of the franchise would unreasonably increase or decrease congestion in the historic district.
- (5) Whether an applicant wishes to serve an area not currently served by an existing franchise.
- (6) Whether an applicant has sufficient financial resources and sufficient sightseeing motor vehicles to safely and reliably operate on a regular basis in an uninterrupted manner. A background investigation check shall be conducted to evaluate any bankruptcies, judgements, or liens against the applicant and any owners as part of demonstrating financial stability and resources.
- (7) The applicant and any owners shall be subject to an initial background check for convicted criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify an applicant or owner from obtaining a franchise agreement. An applicant may appeal such disqualification to the city commission.

(d) If, upon weighting the factors outlined herein, the commission votes to approve a franchise agreement to a grantee, in no event shall the franchise agreement so granted be upon terms more favorable than those terms of an existing franchise agreement granted to an existing grantee.

(e) The maximum number of franchisee agreements shall not exceed the following for each franchise tier:

- (1) Tier one shall include a maximum of two (2) franchise agreements, with a maximum of sixteen (16) vehicles allowed to operate at any one time.
- (2) Tier two shall include a maximum of fifteen (15) franchise agreements, with a maximum of three (3) vehicles per agreement to operate at any one time.

(f) To ensure competition and limit monopolistic ownership, a grantee may not own, operate, or have any financial, legal, or ownership interest in more than one tier one franchisee and one tier two franchisee.

Sec. 14-5. Seating capacity and appearance approvals.

(a) Passenger seating capacity and external dimensions of each sightseeing motor vehicle shall be determined, established and approved by the franchise administrator, and the record of such passenger seating capacity shall be filed with the city manager of the city.

- (1) The appearance and design of all sightseeing motor vehicles shall be unique and distinct for each grantee. The currently approved appearance and design of existing tier one grantees is solely reserved for those existing tier one grantees and shall not be replicated by any tier two grantee.
- (2) The appearance, external dimensions and design of all sightseeing motor vehicles shall be approved by the city commission prior to the operation of said vehicles upon the streets of the city.

- (3) Such seating capacity and appearance/design approval may be based on photographs, images and/or schematic diagrams of the vehicle. Such seating capacity and appearance/design approval is hereby granted to the licensed vehicles of the existing tier one grantees.
 - (4) The seating capacity per sightseeing motor vehicle allowance for all grantees will be as follows:
 - a. Tier one seating capacity shall be more than eleven (11) passengers.
 - b. Tier two seating capacity shall be a maximum of eleven (11) passengers.
 - (5) Approvals of new vehicles for a tier one grantee, which vehicles are substantially similar to the existing approved vehicles operated by that grantee shall require approval by the franchise administrator and shall not be unreasonably denied. However, the franchise administrator shall have the authority to require new vehicles to conform to appearance standards that are compatible with existing grantee's and the structures within the city's historic districts.
 - (6) It shall be unlawful for a grantee to operate and maintain any sightseeing motor vehicle which has a passenger seating capacity in excess of the passenger seating capacity determined, established and approved by the city.
- (b) It shall be unlawful for a grantee to operate any sightseeing motor vehicle without city approval of the appearance and design. It shall also be unlawful for a grantee to operate any sightseeing motor vehicle without city approval of the passenger seating capacity for the vehicle.
 - (c) No sightseeing motor vehicle may carry any advertising or promotional materials relating to any event or business on the exterior thereof, except that the sightseeing motor vehicle shall carry writings or signs in a manner to be approved by the franchise administrator which identifies each vehicle and the franchise holder.

Sec. 14-6. Fleet size limitations and vehicle medallions.

- (a) No franchise agreement shall authorize a tier one grantee to operate more than sixteen (16) sightseeing motor vehicles upon the public streets of the city at any one (1) time, or a tier two grantee to operate more than three (3) sightseeing motor vehicles upon the public streets of the city at any one (1) time, except pursuant to this section.
- (b) If a grantee desires to operate more than the permitted number of sightseeing motor vehicles upon the public streets of the city at any one (1) time for special events, grantee shall make written application to the franchise administrator requesting the number of additional sightseeing motor vehicles desired, and the reasons therefor.
 - (1) Upon receipt of the written application, the franchise administrator shall, have thirty (30) days to review the application to determine if public necessity and convenience require the operation of the requested

- additional sightseeing motor vehicles upon the public streets of the city at any one (1) time.
- (2) The franchise administrator shall grant, deny or modify the request contained in grantee's written application.
 - (3) Any grant or modification of the request may include a determination that the authorization for the additional sightseeing motor vehicles shall be for a duration that is different from (but does not exceed) the then-remaining duration of the franchise agreement held by the grantee.
 - (4) Any appeal of such determination shall be filed with the franchise administrator within thirty (30) days and shall be heard by the city commission at the next reasonably available city commission meeting date.
- (c) Upon the effective date of a franchise agreement issued pursuant to this article, the franchise administrator shall coordinate the issuance of sightseeing motor vehicle permit tags and thereafter a sightseeing motor vehicle medallions upon approved inspection by city fleet maintenance staff.
- (1) Medallions shall be valid for one year from the date of approved inspection by city fleet maintenance staff.
 - (2) Additional sightseeing motor vehicle medallions require approval pursuant to this section.
 - (3) The sightseeing motor vehicle medallions shall be in form and substance consistent in appearance with existing medallions.
 - (4) Any additional sightseeing motor vehicle medallions are subject to an approved inspection by city fleet maintenance staff.
- (d) Each sightseeing motor vehicle being operated on the public streets shall conspicuously display a sightseeing motor vehicle medallion on the rear of the vehicle or on the rear of the last trailer of the vehicle.
- (e) It shall be unlawful for a grantee to operate upon the public streets, at any one time, more sightseeing motor vehicles than are authorized by the grantee's franchise agreement and these regulations. It shall also be unlawful to operate any sightseeing motor vehicle without conspicuously displaying a sightseeing motor vehicle medallion as required herein.
- (f) An existing franchisee shall be permitted to operate sightseeing motor vehicles with permit tags until the next annual inspection, where the vehicle is issued a medallion.

Sec. 14-7. Posting of fares; prohibition of street solicitation.

Rates of fare charged to passengers by grantees for sightseeing tours shall be publicly displayed on each sightseeing motor vehicle where same may be plainly seen by the public, or in the alternative may be posted conspicuously on websites, digital applications and links, brochures, ticket booths, or other points of sale. The rates of fare shall also be clearly displayed at any off-street parking area or depot used by a grantee. Street solicitation by grantees or their agents or employees, is strictly prohibited. For the purposes of this section,

the term "street solicitation" means the distribution, on public streets, of pamphlets or other printed materials to solicit business, and the use of hawkers, pullers-in, pamphleteers, or persons holding signs to solicit business.

Sec. 14-8. Designated loading zones.

- (a) It shall be unlawful for any sightseeing motor vehicle to load or unload passengers at any place within the city other than at designated loading zones determined by the city manager.
- (b) Loading zones are to be designated for tier one and tier two grantees which are separate and distinct from designated loading zones for vehicles for hire.
- (c) Tier two grantees shall be prohibited from parking in loading zones designated for use by tier one grantees. Any designated loading zones for tier two grantees shall zones shall be located at least 100 feet away from designated loading zones for tier one loading zones.
- (d) These restrictions shall not restrict or prohibit the loading and unloading of passengers at any off-street depot, so long as such loading or unloading of passengers occurs on property privately owned by the grantee or where a private property owner has agreed to allow a grantee to use the property as a loading zone.
- (e) Loading zones shall be designed in a safe and efficient manner for passengers and adjacent vehicular circulation.

Sec. 14-9. Insurance.

- (a) The city risk manager may, on an annual basis, determine the amount of insurance coverage to be required of a grantee. It shall be unlawful for a grantee to operate any sightseeing motor vehicles on the public streets, avenues and other public ways of the city until grantee shall have first procured and filed with the city risk manager, a liability insurance policy issued by a reliable and responsible insurance company authorized to write liability insurance and to conduct business in the State of Florida. Upon request by the city risk manager, grantee shall produce adequate proof that grantee is in compliance with all insurance requirements of this section.
- (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 such grantee (or grantee's affiliates). In either event, such policy or policies shall provide insurance on each vehicle in the following amounts:
 - (1) Tier one: not less than one million dollars (\$1,000,000.00) for one (1) person injured or killed, and one million dollars (\$1,000,000.00) for all property damaged or destroyed in any one (1) accident, and not less than four million dollars (\$4,000,000.00) for more than one (1) person injured or killed in any one (1) accident or a four million dollar combined single limit per occurrence.
 - (2) Tier two: not less than five hundred thousand dollars (\$500,000.00) for one (1) person injured or killed, and five hundred thousand dollars (\$500,000.00) for all property damaged or destroyed in any one (1) accident, and not less than one million dollars (\$1,000,000.00) for more

than one (1) person injured or killed in any one (1) accident or a one million dollar combined single limit per occurrence.

- (c) Such policy or policies shall cover:
- (1) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages, including damages for care, and loss of services, because of bodily injury, including death at any time resulting therefrom, sustained by any person, caused by accident and arising out of the ownership, maintenance, operation or use of sightseeing motor vehicles operated by the grantee.
 - (2) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages because of injury to, or destruction of, property, including the loss of use thereof caused by grantee's ownership, maintenance, operation or use of such sightseeing motor vehicle. Such policy or policies shall include an endorsement to the effect that the same cannot be altered, modified or cancelled for any cause without notice being served upon the city risk manager at least fifteen (15) days prior to the date of such alteration, modification or cancellation.
- (d) Such policy or policies shall be in the generally accepted form used in the State of Florida by liability insurance companies for such public and property damage liability insurance policies, and shall, among other things, provide that the insolvency or bankruptcy of the assured shall not relieve the insurer from the payment of damages for injuries or death sustained, or loss occasioned, within the provisions of the policy. All such policies, before becoming effective under this section, shall be approved by the city risk manager.

Sec. 14-11. Drivers.

- (a) All tier one sightseeing motor vehicles shall be operated by a driver who has a current, valid State of Florida CDL license. All tier two sightseeing motor vehicles shall be operated by a driver who has a current, valid State of Florida driver's license.
- (b) All drivers shall have met all of the requirements of the Code of the city pertaining to Chapter 17, Article V, Certified Guides.
- (c) The franchise administrator shall initiate an annual background check for convictions of criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify a driver from driving a sightseeing motor vehicle. A driver may appeal such disqualification to the franchise administrator. The franchise administrator may, upon administrative review and consultation with the City Attorney and City Police Chief may in limited instances, issue an approval where a driver has served their sentence or complied with the terms associated with such offense.
- (d) The franchisee shall ensure that each of its drivers are registered with the city and receive an identification badge. Each driver is required to be photographed by the franchise administrator or submit two copies of photos as specified on operator application forms or driver registration forms. Any driver registered under the provisions of this article is required to promptly notify the franchisee

administrator of any change of place of employment to a new operator, or change of the vehicle which they are driving, or any action or event that would disqualify them from operating a sightseeing motor vehicle. The franchisee is ultimately responsible, to the best of their knowledge, for ensuring the franchise administrator has the most recent information for registered drivers.

- (e) Every sightseeing motor vehicle driver shall be clean and neat in appearance and shall, while on duty, wear the identification badge issued by the city bearing the inscription, "Sightseeing Motor Vehicle Driver." The inscription may include the word "Licensed", "Approved", "Permitted", or "Authorized" before Sightseeing. The identification badge shall also include the franchisee's name, the driver's name, the official city St. Augustine photograph of the driver and the seal of the City of St. Augustine, and the license year for which the badge is valid. The driver shall carry, wear, or have readily available said badge at all times and shall make available for review while engaged in the provision of sightseeing motor vehicles.
- (f) It shall be unlawful for any driver of a sightseeing motor vehicle, to leave or absent themselves for a distance greater than ten (10) feet from such sightseeing motor vehicle, for which they have charge as driver, while such sightseeing motor vehicle is in service; parked or standing in a designated loading/unloading zone. This section shall be construed to govern the drivers named herein only while conducting their business as a sightseeing motor vehicle or at such times where the vehicle is parked in designated loading/unloading zones. In the event of an emergency, assisting passengers, as directed by a first responder, or to use the restroom, a driver may leave or absent themselves for a distance greater than ten (10) feet, for a period of no more than 30 minutes, if another employee of the franchisee is present to stay with the sightseeing motor vehicle to ensure that it is not unduly accessed or put into service by an unauthorized driver or to move the vehicle for emergency purposes or allow other sightseeing motor vehicles to load and unload passengers.

Sec. 14-12. City approval of routes.

- (a) A tier one (1) grantee's proposed regular tour routes shall be submitted to the city for review by the city as part of the application to operate as a franchisee. The requested routes shall be reviewed by the city commission at a public hearing, with approval by resolution prior to grantee using such tour routes.
- (b) Request for limited duration special sightseeing tours, sightseeing charters, or modification of existing routes, shall be made to the franchise administrator on an individual basis and shall be submitted in writing. The franchise administrator shall have 30 days, starting from the date that the franchise administrator acknowledges that the request has been received, to review the request for approval. If such request for route approval is not acted upon within the 30-day review period, the request shall be deemed approved. Should the request be denied, the grantee shall have the option to appeal the request to the city commission and file and appeal with the franchise administrator within thirty (30) days of the denial.

Sec. 14-13. Franchise fee.

- (a) Each tier one (1) grantee shall, until the first anniversary of the effective date of each grantee's franchise agreement, pay to the city, in the manner provided herein, a franchise fee of two (2) percent of grantee's gross revenues, as defined in this section.
- (b) The franchise fee paid by grantee to the city shall not be less than as stated herein for each tier:
 - (1) Tier one: not less than ten thousand dollars (\$10,000.00) in any given year of the franchise term.
 - (2) Tier two: two-thousand (\$2,000.00) in any given year of the franchise term.
- (c) After the third anniversary of the effective date of a grantee's franchise agreement, and each third year thereafter, the city may increase the percentage of gross revenue to be paid to the city by a grantee by no more than one-half ($\frac{1}{2}$) percentage point. However, the maximum percentage shall be capped at five (5) percent.
- (d) The annual franchise fee shall be payable in quarterly installments of two thousand five hundred dollars (\$2,500.00) each for tier one franchisee and five hundred dollars (\$500) each for each tier two franchisee, in advance, on the first day of January, April, July and October of each year commencing October 1st, and continuing thereafter during the term of any grantee's franchise term. The balance of a grantee's annual franchise fee, if any, shall be payable in full on January 15 of each year.
- (e) The term "gross revenues" as used in this section for the determination of the franchise fee shall mean the gross amount of revenue collected by the grantee from sales of passenger tickets, less any sales tax, admission tax and cost to grantee for admission tickets to other attractions, if any.
- (f) In order that the city may determine the proper amount of the franchise fee each year, the city shall furnish to grantee the forms and guidelines for a system of accounting records, which forms grantee shall be required to maintain and make available to the city at all times. Grantee shall file with the city, on the due date of each installment, a report on the form provided by the city showing yearly gross sales to the date of filing.

Sec. 14-14. City's audit rights.

The city shall, in addition to the accounting system as provided above, have access at all reasonable hours to all of each grantee's accounting, financial, statistical customer, and service records relating to the operation of grantee's sightseeing motor vehicles and to such other records as may be required by the city, together with such other information as the city may request in support of same. The city may conduct an annual audit of any grantee's records for the purpose of determining the accuracy of the gross sales reported by grantee. The nature and extent of the audit shall be determined by the franchise administrator.

Sec. 14-15. Reserved.

Sec. 14-16. Insurance companies.

All insurance policies which are required of the grantee under this article shall be written by a company or companies authorized and qualified to conduct business

in the State of Florida, and such companies shall be approved by the risk manager. Such approval shall not be unreasonably denied. Certification of all insurance coverage shall be on file at all times with the risk manager. Any renewal certificates of insurance policies shall be filed with the risk manager at least ten (10) days prior to the expiration date of the original policy or policies.

Sec. 14-17. Grantees subject to city's police power.

A grantee shall, at all times during the life of a franchise agreement granted pursuant to this article, be subject to all lawful exercise of the police power of the city. The city and grantee may agree to such other franchise terms and conditions. The right is hereby reserved to the city to adopt by ordinance additional regulations which shall apply uniformly to all grantees by their respective tier, if applicable.

Sec. 14-18. Termination of franchise rights "for cause"; restriction on transfer.

(a) In the event a grantee, his successors or assigns:

- (1) Violates or fails to promptly perform all of the provisions of section 14-9 of this article; or
- (2) Violates or fails to promptly perform all of the provisions of section 14-13 of this article; or
- (3) Is found to be in violation of this article by the city commission, special magistrate, or court with jurisdiction more than four (4) times in any calendar year.
- (4) Voluntarily or involuntarily becomes bankrupt; or
- (5) Voluntarily or involuntarily has a receiver appointed; or
- (6) Has assets sold at sheriff's sale or any other judicial sale; or
- (7) Involuntarily assigns, transfers, or encumbers any rights or privileges contained in the franchise; or
- (8) Voluntarily assigns, transfers, or encumbers any rights or privileges contained in the franchise without first obtaining the written consent of the city commission; or
- (9) Knowingly files false financial statements with the city; or
- (10) Has operator or ownership interest in more than one (1) tier one and one (1) tier two franchisee; or
- (11) Willfully fails to file the required financial information with the city.

(b) In the event a grantee, its successors or assigns, after notice (if practicable), fails to cure such action/inaction, the rights, permits and privileges granted to grantee, or its successors or assigns by its franchise agreement, shall be immediately forfeited, terminated, and cancelled by the city commission. The foregoing reasons for forfeiture, termination and cancellation are cumulative and not exclusive, and a franchise agreement may be forfeited, terminated and cancelled for any other reason authorized by the law of the State of Florida.

- (c) In the event of the proposed sale or transfer of twenty-five (25) percent or more of the outstanding stock or assets of a grantee, the grantee shall furnish prior written notice of such sale or transfer to the city of the names and addresses of the persons or entities offering to acquire such stock or assets. A public hearing shall be held within thirty (30) days of receipt of such written notice, at which time the city commission shall hold a public hearing to determine whether or not to approve the sale or transfer. Such approval shall not be unreasonably withheld.

Sec. 14-19. Performance committee and performance renewal.

- (a) From time to time during each grantee's franchise grant (the duration of which is established pursuant to each grantee's franchise agreement) the franchise administrator shall evaluate each grantee's performance based upon the following categories:
 - (1) Compliance with the terms and conditions of this article and grantee's franchise agreement;
 - (2) Responsiveness to customer complaints;
 - (3) Safety;
 - (4) Cleanliness, condition and appearance of sightseeing motor vehicles.
- (b) After each such evaluation the franchise administrator will issue an evaluation report specifically addressing each area of concern to the grantee.
- (c) Each grantee may, within five (5) years of the scheduled termination of that grantee's franchise agreement, apply to the city commission for a renewal of that grantee's franchise agreement. If, at the time of such application, the grantee has reasonably addressed all concerns outlined in the franchise administrator's most recent evaluation report of the grantee, said grantee shall be presumed, absent good cause shown to the contrary, to be entitled to a renewal of its franchise agreement for a term of years to be determined by the city commission, and such renewal shall be granted upon the terms and conditions as are then applicable to all similar tier franchisees under the terms of this ordinance, as amended. Nothing contained herein shall be construed to prohibit any amendment to this ordinance which is applicable to all grantees.

Sec. 14-20. Accessibility.

Each grantee hereunder shall comply with all provisions of any applicable law regarding accessibility, including, but not limited to, any and all applicable provisions of the Americans with Disabilities Act of 1991. Notwithstanding any provisions of any law regarding accessibility, each tier one grantee hereunder shall, within one (1) year of the granting of that grantee's franchise, maintain in its fleet at least one (1) motor vehicle which is wheelchair accessible, which wheelchair accessible motor vehicle shall be available for sightseeing purposes upon grantee receiving at least twenty-four (24) hours notice of the requested use of same.

Sec. 14-21. Prohibited vehicles.

Megacycles, amphibious vehicles, pedal pubs or similar type vehicle, golf carts, and pedicabs, are not qualified for use as franchise sightseeing motor vehicles pursuant to this chapter. Pedicabs are permitted to provide sightseeing services as provided for in Chapter 27.

Sec. 14-22. Observance of certain holidays.

Each grantee having a sightseeing motor vehicle franchise within the city is hereby given leave to cease operations on holidays specified in their respective franchisee agreements.

Sec. 14-23. Minimum equipment, maintenance.

- (a) Each sightseeing motor vehicle shall have the following equipment:
- (1) Brakes.
 - (2) Emergency brake.
 - (3) Exhaust system.
 - (4) Headlights.
 - (5) Horn.
 - (6) Stop lights.
 - (7) Tag lights.
 - (8) Tail lights.
 - (9) Tires.
 - (10) Turn signals.
 - (11) Windshield wipers.
- (b) Each sightseeing motor vehicle should be maintained in a clean, well painted manner so as to provide a generally good appearance.
- (c) The grantee, at least annually, shall subject each sightseeing motor vehicle to a complete and thorough inspection by the city's fleet maintenance staff in accordance with the policies, procedures, requirements and schedules established by the franchise administrator. If upon inspection the vehicle is found to comply with the requirements of subsections (a) and (b) above and there is a current franchise agreement on file for the owner of the vehicle, then a medallion will be issued. The medallion will be fixed to the outside left rear of the vehicle, in plain view from the rear of the vehicle. A vehicle may be inspected and found to comply with the requirements; however, if there is no current franchise agreement on file, a medallion will not be issued until a current franchise agreement is obtained.

- (d) The police chief is given full power to suspend a medallion if it is determined that the operation of a sightseeing vehicle would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the franchisee. The sight-seeing vehicle may not be returned to service until it has been inspected and found to comply with subsections (a) and (b) above.

Sec. 14-24. Penalties for violation.

- (a) Any violation of the provisions of this article may be punishable as provided in section 1-8 of this Code, pursuant to code enforcement proceedings, or pursuant to the administrative penalties identified herein. Each day any violation shall continue shall constitute a separate offense.
- (b) The franchise administrator is authorized to enforce this article, and to adopt rules and regulations for the proper administration and enforcement of this chapter. In addition, code enforcement officers and law enforcement officers may enforce violations of this code pursuant to law.
- (c) The franchise administrator shall have the right to audit the records of the franchise operations including, but not limited to, driver background checks, for purposes of verifying compliance with this article.
- (d) In the absence of a bona fide emergency, any person who violates or otherwise fails to comply with any provision of this article shall be subject to the following penalties:
 - (1) The penalty for a first violation under this chapter shall be an official warning.
 - (2) The penalty for a second violation under this chapter shall be no more than one hundred and fifty dollars (\$150.00), one hundred dollars (\$100.00) for each day thereafter a continued violation occurs, and a notice of a pending thirty (30) day suspension for a third violation.
 - (3) Upon three (3) violations under this chapter within a six-month period, the grantee will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed thirty (30) days. Should operations occur during the thirty (30) day suspension period, the grantee may be suspended for a period not to exceed six months.
 - (4) Upon four (4) violations under this chapter within a twelve-month period, the grantee will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed six-months. Should operations occur during the six-month suspension period, the grantee may be suspended for a period not to exceed one-year.
 - (5) Upon five (5) or more violations under this chapter within a twelve-month period, the grantee will have a hearing with the city commission to review the violations and may have its permit revoked. After one year of permit revocation, the franchisee operator may apply for reinstatement after payment of a five-thousand-dollar (\$5,000) penalty. Should operation occur after the license has been revoked, the grantee may be subject to a permanent ban and an additional five-thousand-dollar (\$5,000.000) penalty.

- (6) The franchisee operator, its agents, employees, or persons acting on its behalf, shall be liable for any penalties prescribed within this section, or pursuant to law.
 - (7) Prior to any suspension or revocation of a permit, the city commission shall hear evidence presented by the franchise administrator establishing the basis for the suspension and the operator shall have the right to present evidence to the city commission that supports why they feel they should not be suspended or have their permit revoked. The city commission shall hear the evidence from both parties and shall vote to approve a suspension or permit revocation prior to any suspension of operations or the revocation of a permit.
- (e) Any entity, company, or person not approved as a franchise shall be prohibited from offering any sightseeing activities and shall be subject to the following penalties:
- (1) The penalty for a first violation under this chapter shall be an official warning.
 - (2) The penalty for a second violation under this chapter shall be an applicable ticket legally allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the franchise administrator. In addition, any permitted vehicle for hire will be issued a thirty (30) day suspension for providing such service.
 - (3) The penalty for a third violation under this chapter shall be the maximum legal action allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the franchise administrator and the city actively working with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law. In addition, any permitted vehicle for hire will be issued a six (6) month suspension for providing such service.
 - (4) The penalty for a fourth violation under this chapter shall be the maximum legal action allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the franchise administrator and the city actively working with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law. In addition, any permitted vehicle for hire will have said permit permanently revoked.

ARTICLE II. TRANSPORTATION BY ANIMAL-DRAWN VEHICLES FOR PURPOSES OF TOURING

Sec. 14-50. Short title.

This article shall be known and may be cited as the "City of St. Augustine Transportation by Animal-Drawn Vehicles Ordinance" and may be cited herein as the "ordinance".

Sec. 14-51. Reserved.

Sec. 14-52. Definitions.

(a) *Definitions.* Except where the context clearly indicates otherwise, the following terms and phrases as used in this article shall have the following meanings:

Animal shall mean any horse or mule used for touring purposes and operated under a franchise agreement.

Animal-drawn vehicle shall mean a carriage or vehicle drawn or pulled by an animal used for touring purposes.

Business day shall exclude Saturday, Sunday and any day of the week determined to be a holiday according to the annual city holiday calendar.

Code enforcement shall mean the director of planning and building or designee.

Driver/operator shall mean the person or persons driving an animal-drawn vehicle.

Fire department shall mean the fire chief or designee.

Franchise agreement shall mean the agreement between the city and a franchisee authorizing the franchisee to operate animal-drawn vehicles on the public streets of the city, subject to the terms of this article.

Franchisee shall mean the grantee of authority to operate animal-drawn vehicles under a franchise agreement entered into between the city and franchisee, subject to the terms of this article.

Franchise administrator means the city manager or designee authorized to administer this chapter regulating franchises in the City of St. Augustine. The determination of the VFH administrator shall be deemed the final administrative action unless otherwise specified.

Medallion shall mean the vehicle identification issued pursuant to this article which represents the permission granted to franchisee to operate a animal-drawn vehicle within the jurisdictional limits of the city.

Out of service shall mean when the animal is unhitched from an animal-drawn vehicle and out of its harness.

Police department shall mean the chief of police or designee.

Rate or Fare shall mean the price paid for an animal-drawn vehicle tour.

Rest shall mean the time when the animal is in service but not actively engaged in the act of pulling an animal-drawn vehicle.

Stable shall mean the barn where the animals are kept.

Stall shall mean individual space within the barn where each animal is kept.

Tour guide shall mean any person who for compensation offers to show and describe the points of interest and historical places in the city.

Tour or touring shall mean the conducting of or the participation in sightseeing in the districts for hire or in exchange for a donation.

Transfer Station shall mean a designated facility or area designed to facilitate the loading, unloading and daily staging of horses that does not permit overnight storage of horses.

Sec. 14-53. Prohibition of operation without franchise agreement

- (a) It is the intent of these regulations to provide for the opportunity, but not the right, for operators of certain sightseeing animal-drawn vehicles, motor vehicles, and other specified vehicles to obtain a franchise agreement pursuant to this article. These regulations are an authorized implementation of state policy consistent with Section 111 of Chapter 11148, 1925 Laws of Florida, as interpreted by the U.S. Middle District Court of Florida in *Avalon Carriage Service, Inc. v. Gamsey*. It shall be unlawful for any person or entity to operate these conveyances while carrying passengers within the city without obtaining a franchise agreement pursuant to this article. It shall also be unlawful for any person or entity to conduct sightseeing tours, special sightseeing tours, or sightseeing charters, in any sightseeing animal-drawn vehicle, without first obtaining a franchise agreement from the city. Each day any violation of this section occurs shall constitute a separate offense, punishable as outlined in section 14-80 herein.

Sec. 14-54. Franchise agreements.

- (a) The franchise administrator may enter into a franchise agreement. Each franchise agreement shall be granted for a period not to exceed ~~twenty~~ (20) five (5) years and shall automatically renew upon the expiration of the initial franchise term on a year-to-year basis so long as the franchisee is in good standing, unless either party gives twelve (12) months written notice prior to the expiration of the current term that it does not intend to renew the agreement.
- (b) A franchisee's authorization to use the city's streets, alleys, public ways and places for the purposes herein shall not be exclusive, and the city reserves the authority to grant the use of the city's streets, alleys, public ways and places to any person at any time during the period of any franchise granted pursuant to this article.
- (c) The enjoyment and exercise by a franchisee of any and all rights to use the city's streets, alleys, public ways and places shall be subject and subordinate to the dominant right of the public to use streets, alleys, public ways and places and to the lawful exercise of control by the city over the use thereof.
- (d) During the term of the franchise agreement, the franchisee shall remain authorized to legally conduct business within the State of Florida, pursuant to Florida Statutes;
- (e) The franchisee shall agree to operate its business strictly in accordance with the ordinances of the city applicable thereto as from time to time amended;
- (f) The franchisee shall agree that upon the violation of any provisions of this article by the franchisee, its agents, employees or persons acting on its behalf, the franchisee shall be subject to penalties prescribed within this article.

- (g) To ensure competition and limit monopolistic ownership, a grantee may not own, operate, or have any financial, legal, or ownership interest in more than one franchisee.

Sec. 14-55. Franchise application requirements.

The applicant shall submit an application with the city for a franchise agreement with proof of the following:

- (1) Documentation demonstrating that the applicant is authorized to legally conduct business within the State of Florida pursuant to Florida Statutes and, if applicable, a completed application for a business tax receipt for operation of a business within the city limits;
- (2) Intended hours of operation;
- (3) Location of facilities to be used for the housing of animals;
- (4) Name of Doctor of Veterinary Medicine, duly licensed in the state, for compliance with city's requirement to provide the animal's certificate of health;
- (5) Applicant's previous experience in the operation of animal-drawn vehicles on the public streets;
- (6) Number of permits requested (subject to the provisions of this article);
- (7) Number of carriages to be operated (Number of carriages shall equal or exceed number of permits requested.);
- (8) Acknowledgment by the applicant that any franchise shall be nonexclusive; and
- (9) Acknowledgment by the applicant that upon the violation of any provisions of this article by the applicant/franchisee, its agents, employees or persons acting on its behalf, the applicant/franchisee shall be liable for any penalties prescribed within this article.
- (10) Identification of any bankruptcy, conviction of any crime, and proof of a valid Florida driver's license for the members of the proposed management team.

Sec. 14-56. Reserved

Sec. 14-57. Posting of fares

- (a) Animal-drawn vehicles shall clearly display, in a legible format approved by the franchise administrator, rates and charges for all passengers. The displays shall clearly indicate the forms of payment accepted by the animal-drawn vehicles. If there are any varying rates charged per route, time or passenger, then the animal-drawn vehicles shall clearly display the varying rates for passengers.
- (b) It shall be unlawful for the grantee or driver of any animal-drawn vehicle to charge or demand any passenger any sum of money in excess of the rates or charges displayed. The rates or charges for payment shall not vary during the time a ride is being provided. The only exception is if passengers request an extended route or time and agree to the rate charged.

- (c) The driver of animal-drawn vehicle shall document the agreed to rate, the date, and time of each ride. The driver shall also record any requested extension and agreed to rate.
- (d) Any gratuity, fee, service charge, or tax rate shall be clearly disclosed and displayed prior to providing any animal-drawn vehicle sightseeing service.

Sec. 14-58. Designated Loading and unloading.

- (a) The franchise administrator may formulate and promulgate reasonable rules and regulations for use of designated loading areas in order to ensure equality of opportunity among operators, prevent discrimination among animal-drawn vehicles and prevent unfair practices among the owners, operators and drivers of such animal-drawn vehicles for hire.

Sec. 14-59. Insurance.

- (a) The city risk manager may, on an annual basis, determine the amount of insurance coverage to be required of a grantee. It shall be unlawful for a grantee to operate any animal-drawn vehicles on the public streets, avenues and other public ways of the city until grantee shall have first procured and filed with the city risk manager, a liability insurance policy issued by a reliable and responsible insurance company authorized to write liability insurance and to conduct business in the State of Florida. Upon request by the city risk manager, grantee shall produce adequate proof that grantee is in compliance with all insurance requirements of this section.
- (b) The policy required by this section may be in the form of a separate policy for each animal-drawn vehicle or may be in the form of a fleet policy covering all animal-drawn vehicles operated by such grantee (or grantee's affiliates). In either event, such policy or policies shall provide insurance on each animal-drawn vehicle in the following amounts:
 - (1) not less than five hundred thousand dollars (\$500,000.00) for one (1) person injured or killed, and five hundred thousand dollars (\$500,000.00) for all property damaged or destroyed in any one (1) accident, and not less than one million dollars (\$1,000,000.00) for more than one (1) person injured or killed in any one (1) accident or a one million dollar combined single limit per occurrence.
- (c) Such policy or policies shall cover:
 - (1) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages, including damages for care, and loss of services, because of bodily injury, including death at any time resulting therefrom, sustained by any person, caused by accident and arising out of the ownership, maintenance, operation or use of animal-drawn vehicles operated by the grantee.
 - (2) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages because of injury to, or destruction of, property, including the loss of use thereof caused by grantee's ownership, maintenance, operation or use of such animal-drawn vehicle. Such policy or policies shall include an

endorsement to the effect that the same cannot be altered, modified or cancelled for any cause without notice being served upon the city risk manager at least fifteen (15) days prior to the date of such alteration, modification or cancellation.

- (d) Such policy or policies shall be in the generally accepted form used in the State of Florida by liability insurance companies for such public and property damage liability insurance policies, and shall, among other things, provide that the insolvency or bankruptcy of the assured shall not relieve the insurer from the payment of damages for injuries or death sustained, or loss occasioned, within the provisions of the policy. All such policies, before becoming effective under this section, shall be approved by the city risk manager.

Sec. 14-60. Reserved.

Sec. 14-61. Drivers.

- (a) All animal-drawn vehicles shall be operated by a driver who has a current, valid State of Florida driver's license.
- (b) The franchise administrator shall initiate an annual background check for convictions of criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify a driver from being a driver or operator. A driver may appeal such disqualification to the franchise administrator. The franchise administrator may, upon administrative review and consultation with the City Attorney and City Police Chief may in limited instances, issue an approval where a driver has served their sentence or complied with the terms associated with such offense.
- (c) All drivers offering sightseeing services shall have met all of the requirements of the Code of the city pertaining to Chapter 17, Article V. Certified Guides.
- (d) The franchisee shall ensure that each of its drivers are registered with the city and receive an identification badge. Each driver is required to be photographed by the franchise administrator or submit two copies of photos as specified on operator application forms or driver registration forms. Any driver registered under the provisions of this article is required to promptly notify the franchisee administrator of any change of place of employment to a new operator, or any action or event that would disqualify them from operating an animal-drawn vehicle. The franchisee is ultimately responsible for ensuring the franchise administrator has the most recent information for registered drivers.
- (e) Every animal-drawn vehicle driver shall be clean and neat in appearance and shall, while on duty, wear the identification badge issued by the city bearing the inscription, "Animal-Drawn Vehicle Driver." The inscription may include the word "Licensed", "Approved", "Permitted", or "Authorized" before Animal. The identification badge shall also include the franchisee's name, the driver's name, the official city of St. Augustine photograph of the driver, the seal of the City of St. Augustine, and the license year for which the badge is valid. Said

badge shall be worn in plain view at all times while engaged in the driving an animal-drawn vehicle.

- (f) It shall be unlawful for any driver of an animal-drawn vehicle, to leave or absent themselves for a distance greater than ten (10) feet from such animal-drawn vehicle of which they have charge as driver, while such animal-drawn vehicle is in service; parked or standing along the side of the curb of any public street within the city. This section shall be construed to govern the drivers named herein only while conducting their business as an animal-drawn vehicle or at such times where the vehicle is parked in designated areas. An employee of the franchisee may stay with the animal-drawn vehicle to ensure that it is not unduly accessed, disturbed, or put into service by an unauthorized driver in instances where a registered driver is located more than ten (10) feet from the animal-drawn vehicle.

Sec. 14-62. Prescribed routes; restrictions.

- (a) *Routes.* Animal-drawn vehicles shall only operate on routes established by resolution of the city commission after public hearing.
- (b) *Route modifications.* Such routes may be temporarily changed or altered by the franchise administrator if determined to be necessary for public safety reasons, with such changes being appealable to the city commission.
- (c) *Picking up off-route passengers.* An animal-drawn vehicle may leave a prescribed route to pick up *passengers* so long as the animal-drawn vehicle travels from a prescribed route and directly to the fare pick up location. Upon picking up an off-route fare, an animal-drawn vehicle shall immediately return directly to, and remain on, a prescribed route.
- (d) *Dropping off passengers.* An animal-drawn vehicle may leave a prescribed route to drop off a *passengers* so long as the animal-drawn vehicle travels from a prescribed route and directly to the fare drop off location. Upon dropping off a route *passengers*, an animal-drawn vehicle shall immediately return directly to, and remain on, a prescribed route.
- (e) *Temporary restrictions.* During special events or in the case of accidents or emergency incidents, the city shall be permitted to establish restrictions or relocate routes, pick-up and drop-off locations, or require detour or suspension of the provision of services.
- (f) Request for limited duration special sightseeing tours, sightseeing charters, or modification of existing routes, shall be made to the franchise administrator on an individual basis and shall be submitted in writing. The franchise administrator shall have fourteen (14) calendar days, starting from the date that the franchise administrator acknowledges that the request has been received, to review the request for approval. If such request for route approval is not acted upon within 14-day review period, the request shall be deemed approved. Should the request be denied, the grantee shall have the option to appeal the request to the city commission and file and appeal with the franchise administrator within thirty (30) days of the denial.

Sec. 14-63. Franchise Fee

One thousand dollars (\$1,000.00) times the number of medallions issued under the franchise shall be paid in quarterly installments from the date of execution of the franchise agreement on dates specified in the franchise agreement.

- (a) The franchise administrator shall limit the total number of medallions issued by the city. The total number of medallions issued by the city shall not exceed fifteen (15).
- (b) Except as provided in this subsection, the number of medallions issued to a single franchise shall not exceed five (5). Any franchisee who on the effective date of this ordinance has more than five (5) medallions issued by the city may keep the medallions in service until termination of said franchise agreement. At that time any new franchise agreement is subject to this ordinance. Any franchisee who on the effective date of this ordinance has less than five (5) medallions issued by the city may keep the medallions in service until termination of said franchise agreement.
- (c) All medallions granted to a franchisee shall remain with that franchise, unsevered and unassigned.
- (d) Franchises are nontransferable.
- (e) No franchisee, no subsidiary of a franchise and no person or entity who holds an ownership interest in a franchise may manage, operate or otherwise control, directly or indirectly, any medallion(s) not issued to that franchise.

Sec. 14-64. Reserved.

Sec. 14-65. Reserved.

Sec. 14-66. Reserved.

Sec. 14-67. Compliance with traffic regulations.

Any person, grantee, or driver having been issued a identification badge under this article to engage in the business of operating animal-drawn vehicles shall be subject to all traffic provisions of this Code and other ordinances and regulations now in effect in the city and all traffic ordinances and regulations which may pertain to the operation of animal-drawn vehicles, hereinafter enacted or adopted by the city, and such rules and regulations formulated and promulgated by the franchise administrator under authority of this article.

Sec. 14-68. Reserved.

Sec. 14-69. Reserved.

Sec. 14-70. Reserved.

Sec. 14-71. Reserved.

Sec. 14-72. Reserved.

Sec. 14-73. Minimum Equipment Maintenance.

- (a) The grantee of an animal-drawn vehicle franchise shall subject the vehicle to a complete and thorough inspection in accordance with the policies, procedures, requirements and schedules established by the franchise administrator. The franchise administrator shall exercise sole discretion in scheduling the time for such inspection with the city's fleet maintenance staff but in no event shall the inspection occur less frequently than once every twelve (12) calendar months. Every animal-drawn vehicle in service shall have the following equipment in good repair on the vehicle:
- (1) Body condition (free from corrosion or rot).
 - (2) Electrically powered lights or lanterns and reflectors that shall be visible from a distance of five hundred (500) feet in any direction.
 - (3) Grab handles.
 - (4) Traces.
 - (5) Harness.
 - (6) Seats.
 - (7) Rubber surfaced wheels.
 - (8) Top.
 - (9) Shafts.
 - (10) Steps.
 - (11) Lights on any vehicle licensed to operate at night.
 - (12) Brakes.
 - (13) Sign located on the rear of the vehicle indicating that the vehicle is "slow moving."
 - (14) Warning Triangles
 - (15) Diapering apparatus that prevents the droppings of the animal from being deposited on the ground or the right-of-way.
 - (16) Two-way communication system such as a radio or cell phone.
- (b) An animal-drawn vehicle will be maintained in a clean well painted manner so as to provide a generally good appearance.
- (c) The police chief is given full power to suspend a franchise/medallion if it is determined that the operation of a sightseeing vehicle would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the franchisee. The sightseeing vehicle may not be returned to service until it has been inspected and found to comply with subsections (a) and (b) above.

Sec. 14-74. Animal-drawn vehicle safety during operation.

- (a) At all times the animal-drawn vehicle must be occupied by an operator in the driver's seat or attend to the animal from the ground.

- (b) At no time shall a horse be separated from its carriage on any City street unless it is an emergency situation.
- (c) Animals shall not engage in work with harnesses or bits which harm or are unsafe to the animal.
- (d) Harnesses, bridles, bits and padding shall be properly fitted and kept clean and in good repair, free of makeshifts like wire, rope and rusty chain.
- (e) Trace chains shall not put pressure on the collar and shoulders of the animal when it starts pulling the carriage resulting in a jolting start versus a smooth start with a snug collar already in place.
- (f) Breeching shall fit so that it will not rub or hinder the hind leg movement of the animal.
- (g) Water shall be provided to each animal after completing a tour or offered at least once per hour.
- (h) Animals shall be provided electrolyte supplements as needed.
- (i) Animals shall have at least fifteen (15) minutes' rest between back-to-back tours.
- (j) In a twenty-four (24) hour period, animals shall not engage in work more than eight (8) consecutive hours in a twenty-four (24) hour period without a one and one-half (1½) hour break being disconnected from the vehicle.
- (k) Animals shall not engage in work more than six (6) days in a seven (7) day period.
- (l) Be responsible for removal from city's streets, alleys, public ways and places of all manure and droppings by 6:00 p.m. of the day of the occurrence and after completion of the last route of the day if the last route ends after 6:00 p.m. or, in the event of a charter on a route other than a prescribed route, immediately following the completion of that charter trip.

Sec. 14-75. Care of animals.

In the event of an allegation of animal abuse, neglect, or mistreatment involving the Franchisee, the City reserves the right, in its sole discretion, to temporarily suspend all or part of the Franchisee's operations pending the outcome of a formal investigation by a competent authority, including but not limited to, the City Manager or designee. Such suspension may be imposed immediately upon written notice to the Franchisee when the City determines that continued operation may pose a risk to animal welfare, public safety, or the public interest.

During any period of suspension, the Franchisee shall comply with all directives of the City and shall remain fully responsible for the proper care, housing, feeding, veterinary treatment, and general welfare of all horses.

If allegations of animal abuse are documented, formally investigated, and adjudicated by a competent authority, and such adjudication results in a finding of animal abuse, neglect, or mistreatment, the Franchise Agreement shall be immediately terminated, without notice or opportunity to cure. Termination shall be effective upon written notice to the Franchisee.

For purposes of this section, "documented abuse" includes findings issued by a court of law, administrative agency, animal control authority, or other governmental or regulatory body with jurisdiction. Termination under this provision shall not limit the City right to pursue any additional remedies available under this Agreement or under applicable law, including review by the City Manager or designee and recommended action to the City Commission.

If the investigation does not result in a finding of documented abuse, the City may, at its discretion, reinstate the Franchisee's operations, with or without conditions deemed necessary to protect animal welfare and the public interest.

No animal shall be used to draw a carriage unless the animal is in good health and the following standards are met:

- (1) The animal is kept in good care, health, and working condition; shall not have open sores or wounds nor shall such animal be lame or have any other ailments unless the driver has in the driver's possession a current written statement by a veterinarian that the animal is fit for such work, notwithstanding such condition.
- (2) The animal shall be properly and appropriately groomed.
- (3) Animals shall not engage in work with equipment causing an impairment of vision, other than normal blinders.
- (4) Animals shall not be driven at a speed faster than a slow trot.
- (5) Animals shall not be subject to any cruel or harassing treatment or equipment.
- (6) Animals daily shall receive an adequate amount of equine feed, free from contamination, sufficient in quantity, adequate in nutritional value and provided frequently enough to meet normal daily requirements for the animal's condition, special needs, environmental factors and size of the animal so as to maintain satisfactory health.
- (7) Any recently acquired horse for use in animal-drawn carriage operations shall be quarantined for a minimum period of twenty-one (21) consecutive days prior to being placed into service or commingled with other horses used in carriage operations.
- (8) The City shall be notified immediately of any suspected or confirmed equine infectious or communicable disease, reportable disease event, quarantine, movement restriction, or other veterinary-determined health condition requiring notification to the Florida Department of Agriculture and Consumer Services (FDACS).

Sec. 14-76 Training program.

- (a) Each horse-drawn carriage company shall at the City's request implement a training program for both its tour guides and horses to ensure proficiency when operating on the public right-of-way.
- (b) Training materials and records shall be made available for inspection by the City.

- (c) Any animal pulling a carriage shall be desensitized or otherwise trained to tolerate urban conditions prior to being placed in service. Records pertaining to desensitization training shall be maintained by carriage companies for inspection by the City.

Sec. 14-77. Sheltering of animals within city limits.

- (a) Stables within city limits shall be safe, well lit, ventilated, and shall provide protection from the weather as described herein:
 - (1) Stables and stalls shall be kept clean and in good repair and excreta shall be removed daily;
 - (2) Adequate water shall be provided in stables and stalls at all times while any animal is present.
 - (3) Adequate food shall be available and kept free of contamination. Out of service animals shall at all times have access to salt in a block or loose form.
 - (4) Fans shall be used to increase ventilation when the ambient temperature reaches 85 degrees Fahrenheit;
 - (5) Sharp surfaces and any other hazards shall not be permitted in any stable or stall where they can come in contact with the animals;
 - (6) Stables and stalls shall be kept free of leaks, including but not limited to, leaks from roofs or from plumbing;
 - (7) The practice of tethering the animal in a stall is permitted so long as the animal does not have the opportunity to lie down or is not laying down. Tethering down an animal that can lay down or is laying down risk entanglement or injury;
 - (8) Occupied stalls shall have a minimum of three (3) inches of bedding or have a specialized surface so as to keep animals clean, dry and free of concussion, abrasion or pressure points;
 - (9) Interior and exterior areas of the stable shall be kept clean, properly drained and free of nuisances including, but not limited to, unreasonable and excessive odors and unreasonable accumulation of refuse and excreta;
 - (10) There shall be no smoking at any time in stables; and
 - (11) Unless otherwise directed by a veterinarian, animals shall be given a pasture turn-out time of a minimum of two (2) non-consecutive weeks every four (4) months.
 - (12) The City may require that animals housed on city-owned property be promptly removed in advance of a weather emergency as determined by the franchise administrator.
- (b) All stables shall be subject to inspection by either code enforcement or the fire department. Fire extinguishers must be kept in obvious places in every stable as required by law and as recommended by the fire department.

Sec. 14-78. Certificate of health of animals required.

The following are required to ensure the health of animals:

- (a) Bi-annual City veterinary inspections required. As a condition of maintaining a franchise agreement, each franchisee shall ensure that every animal used in the operation of animal-drawn vehicles, and each stable area located within the City limits and used in the business, is inspected by a City-approved and licensed Doctor of Veterinary Medicine twice annually, no later than May 15 and November 15 of each calendar year, at the franchisee's expense.
- (b) Certification of fitness for carriage work. Following each required inspection, the examining veterinarian shall certify to the City that the animal has been examined and is in good health and physically fit to draw an animal-drawn vehicle without endangering the health or welfare of the animal.
- (c) Additional examinations upon reasonable notice by the City, animals shall be made available for additional physical examination by a licensed veterinarian selected by City at Franchise expense. Documentation of such examinations shall be maintained by the franchisee and provided to the City upon request.
- (d) Testing, vaccinations, and preventative care:
 - (1) Coggins test. Each animal shall maintain a current negative Equine Infectious Anemia (Coggins) test conducted annually, with documentation maintained on file and provided to the City upon request.
 - (2) Vaccinations. Animals shall be vaccinated by a licensed veterinarian for diseases and risk factors appropriate to the region, consistent with generally accepted veterinary practices.
 - (3) Parasite control. Animals shall receive parasite control treatment as determined necessary by a licensed veterinarian.
- (e) Records and compliance. All veterinary inspection reports, certifications, testing results, and related health records required under this section shall be maintained by the franchisee and made available for City inspection upon request.
- (f) Enforcement. Failure to comply with the requirements of this section shall constitute a violation of this article and may result in suspension of Franchise, or other penalties as provided by this Code.

Sec. 14-79. Equine Heat.

- (a) Franchisees and drivers shall use caution when working animals in adverse weather conditions including but not limited to high heat and humidity, heavy rain, and other slippery or reduced visibility situations.
- (b) Monitoring temperature. The official thermometer used for determining the temperature and heat index shall be permanently affixed and located at 111 Avenida Menendez, St. Augustine Municipal Marina. The backup thermometer

used for determining the temperature shall be located at the St. Augustine Airport (KSGJ).

(c) Heat Guidelines. The following air temperatures shall be applied:

1. Temperature of 85 degrees Fahrenheit or higher:

- a) Rectal temperature readings shall be taken by the carriage driver upon the completion of every tour route prior to hosing down the horse. This information shall be recorded in writing and maintained on the carriage, which shall be made available to the franchise administrator or designee upon request, to evaluate factors suggestive of undue equine stress or heat exhaustion.
- b) Inspections: Franchise administrator or designee may request to inspect the rectal temperature reading records for any horse in circulation. The franchise administrator or designee may order the return of any horse to the original starting point and require performance of a rectal temperature check in presence for any horse in circulation. Horse drawn carriage owners or operators failing to comply with either such request shall result in immediate removal of the horse from the street and return to its stabling facilities for the remainder of the calendar day.
- c) Elevated horse temperatures: if the temperature of any horse registers in excess of 102 degrees as determined by a rectal temperature check, its carriage owner or operator shall recheck the temperature thirty (30) minutes thereafter. If the horse's temperature remains in excess of 102 degrees, it shall immediately be returned to its stabling facility for the remainder of the calendar day, and the franchise administrator or designee shall be notified within thirty minutes of the second temperature reading.

2. Temperature of 90 degrees Fahrenheit or higher:

- a) Horse-drawn carriage tour operations shall not be allowed to operate on City streets. Drivers shall discontinue working their animals and pull them off the street until the temperature decreases below the above-stated temperatures as directed by the franchise administrator or designee.
- (b) In the event of a weather emergency, the franchise administrator may order all animals to be removed from the city's streets, alleys, public ways and places and stabled safely in advance of a storm.

Sec. 14-80. Penalties.

In the absence of a bona fide emergency, any person who violates or otherwise fails to comply with any provision of this article shall be subject to the following penalties:

- (1) The penalty for a first or second violation under this article shall be no more than one hundred dollars (\$100.00) and one hundred dollars (\$100.00) for each day thereafter a continued violation occurs.

- (2) Upon three (3) violations within a six-month period, the franchise will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed thirty (30) days.
- (3) Upon four (4) violations within a twelve-month period, the franchise grantee will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed one hundred eighty (180) days.
- (4) Upon five (5) or more violations within a twelve- month period, a franchisee will have a hearing with the city commission to review the violations and may have its permit revoked. After one year of permit revocation, the franchisee operator may apply for reinstatement after payment of a five-thousand-dollar (\$5,000) penalty. Should operation occur after the license has been revoked, the grantee may be subject to a permanent ban and an additional five-thousand-dollar (\$5,000.000) penalty.
- (5) Franchisee, its agents, employees, or persons acting on its behalf, shall be liable for any penalties prescribed within this section.
- (6) Prior to any suspension or revocation of a permit, the city commission shall hear evidence presented by the franchise administrator establishing the basis for the suspension and the franchisee shall have the right to present evidence to the city commission that supports why they feel they should not be suspended or have their permit revoked. The city commission shall hear the evidence from both parties and shall vote to approve a suspension or permit revocation prior to any suspension of operations or the revocation of a permit.
- (7) Any entity, company, or person not approved as a franchise that provides animal-drawn vehicle services within the city shall be subject to issuance of a violation by law enforcement and a written warning from the franchise administrator.
- (8) Any entity, company, or person not approved as a franchise that provides animal-drawn vehicle services within the city shall be subject to the maximum violation allowed to be administered by law enforcement and permanent suspension for being able to apply for a franchise agreement. The city may also work with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law.

Sec. 14-81. Administration and appeals.

- (a) All appeals by a franchisee or applicant from an interpretation or determination by the franchise administrator shall be made to the city commission within fifteen (15) calendar days after the date of service of written notice of such interpretation or determination, and shall be heard by the City Commission as soon as practical thereafter.
- (b) All appeals from an adverse decision by the city commission shall be made within thirty (30) calendar days of the date of entry of a written order regarding such decision.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 3. Inclusion in Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(5), Florida Statutes.

PASSED by the City Commission of St. Augustine, Florida, this _____ day of _____, 2026.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

ORDINANCE NO. 2026-11

AN ORDINANCE OF THE COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 14, ARTICLE I, OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR REGULATIONS FOR FRANCHISES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City of St. Augustine seeks to ensure that franchise operations—particularly those involving drivers and the use of animals—are conducted in a manner that protects public safety, promotes humane treatment, and maintains the City’s historic and community character; and

WHEREAS, improving regulations governing driver conduct, operational safety, and animal care is necessary to support responsible mobility services and safeguard both residents and visitors; and

WHEREAS, the City’s Comprehensive Plan establishes goals related to safe, efficient, and sustainable transportation systems, the protection of public welfare, and the responsible management of mobility services; and

WHEREAS, the City’s Long-Range Mobility Plan emphasizes strategies that support safe, predictable, and well-managed mobility options, reduce conflicts among transportation modes, and enhance the experience of both residents and visitors; and

WHEREAS, strengthened franchise regulations directly advance the objectives of the Long-Range Mobility Plan by improving operational accountability, reducing adverse impacts on the transportation network, and supporting a safer and more sustainable multimodal system; and

WHEREAS, the City of St. Augustine is responsible for ensuring the safe, orderly, and efficient use of its public streets, rights-of-way, and transportation network, including the management of franchise operations that utilize these facilities; and

WHEREAS, franchise-based transportation services—particularly those involving drivers and animal-drawn conveyances—can generate operational impacts related to

congestion, roadway wear, pedestrian conflicts, queuing, staging, and competition for limited curb and loading space; and

WHEREAS, limiting the total number of authorized franchises is a reasonable and necessary regulatory tool to prevent oversaturation of the public rights-of-way, maintain safe multimodal mobility conditions, and preserve the City's historic and environmental character; and

WHEREAS, the City has a legitimate governmental interest in protecting public health, safety, and welfare, and courts have consistently recognized that municipalities may limit or cap franchise licenses where necessary to promote safety, manage congestion, or mitigate adverse impacts on the community; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending, reformatting and renumbering, Chapter 14, Sections 14-2 through 14-73. Chapter 14, Sections 14-2 through 14-73 of the Code of the City of St. Augustine are hereby amended, as follows:

Sec. 14-2. Definitions.

For the purpose of this article, the following terms, words, and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

City is the City of St. Augustine, Florida.

Commission is the City Commission of the City of St. Augustine, Florida.

Franchise administrator means the city manager or designee authorized to administer this chapter regulating franchises in the City of St. Augustine. The determination of the VFH administrator shall be deemed the final administrative action unless otherwise specified.

Franchise agreement shall mean the agreement between the city and a grantee confirming the right to operate sightseeing motor vehicles on the public streets of the city, subject to the terms of this article.

Grantee shall mean the grantee of rights under a franchise agreement entered into between the city and grantee, subject to the terms of this article.

Historic district shall mean that portion of the city that is so designated on the official zoning map of the city as Historic Preservation Districts ~~1 through 5~~.

Low speed vehicle shall have the same meaning as defined by Florida law.

Medallion shall mean the vehicle identification issued pursuant to this article which represents the permission granted to franchisee to operate a sightseeing motor vehicle within the jurisdictional limits of the city.

~~*Motor vehicle* shall mean every vehicle or machine propelled by power other than muscular~~have the same meaning as defined by Florida law.

Sightseeing motor vehicle shall mean every vehicle authorized for a franchise by the city commission trailer train, trolley, bus, amphibious vehicle, and van used for the purpose of conveying carrying at least nine (9) passengers for sightseeing, sightseeing special tours, and sightseeing charters, ~~with an overall length not exceeding sixty (60) feet~~. Such term shall not include motorbuses and coaches legitimately engaged in interstate transportation as a common carrier or intercity tourist transportation provided that the transportation provided commences and terminates outside St. Johns County, Florida.

Sightseeing for purposes of these regulations shall mean any tour or touring activity, such as describing scenic, cultural, or historical landmarks, tasting, sampling, eating, or drinking at establishments, restaurants, ghost, haunted or cemetery tours, and significant events and people associated with the history of the City of St. Augustine, for compensation, whether for a fee or gratuity.

Tier one franchisee shall mean a franchisee, holding a tier one franchise agreement, that operates tractors, trailers, trailer trains or trolley, having a seating capacity of more than eleven (11) passengers, with an overall length not exceeding sixty (60) feet.

Tier two franchisee shall mean a franchisee, holding a tier two franchisee agreement, that operates motor vehicles or low speed vehicles having a maximum seating capacity of eleven (11) passengers, that is not a tractor, trailer, trailer train or trolley.

Tractor shall mean every motor vehicle designated and used primarily for drawing other vehicles and so constructed as to carry a load other than part of the weight of the vehicle and load so drawn.

Trailer shall mean every vehicle without power coupled to or drawn by a motor vehicle designed for or used for transportation of passengers, with an overall length, including the length of the motor vehicle or tractor pulling the trailer, not exceeding sixty (60) feet.

Trailer train or trolley shall mean every sightseeing motor vehicle, or tractor, to which is attached not more than two (2) trailers, as herein defined, and designed for the purpose of carrying passengers for sightseeing with an overall length not exceeding sixty (60) feet.

Sec. 14-3. Prohibition of operation without franchise agreement.

It is the intent of these regulations to provide for the opportunity, but not the right, for operators of certain sightseeing motor vehicles, motor vehicles, and other specified vehicles to obtain a franchise agreement pursuant to this article. These regulations are an authorized implementation of state policy consistent with Section 111 of Chapter 11148, 1925 Laws of Florida, as interpreted by the U.S. Middle District Court of Florida in Avalon Carriage Service, Inc. v. Gamsey. It shall be unlawful for any person or entity to operate these conveyances ~~a sightseeing motor vehicle~~ while carrying passengers within the city without obtaining a franchise agreement pursuant to this article. It shall also be unlawful for any person or entity to conduct sightseeing tours, special sightseeing tours, or sightseeing charters, in any sightseeing motor vehicle, without first obtaining a franchise agreement from the city, except for pedicabs regulated under Chapter 27. Each day any violation of this section occurs shall constitute a separate offense, punishable as outlined in section 14-~~21-24~~ herein.

Sec. 14-4. Franchise agreements.

- (a) The city may, from time to time, enter into one (1) or more franchise agreements with particular grantee(s), granting the right, privilege, and franchise to use all streets, avenues and other public highways, together with other public property designated by the city commission in said city, for and during periods of up to twenty (20) years for tier one franchisees, up to ten (10) years for tier two franchisees.
- (1) Said franchise agreements shall be for the purpose of a particular grantee's operating and maintaining ~~sightseeing motor vehicles~~ these conveyances in said city, the enjoyment and exercise of the right so granted to be at all times in conformity with, and subject to, all provisions, terms and conditions of this article.
- (2) A grantee's right to use the city's streets, alleys, public ways and places for the purposes herein shall not be exclusive, and the city reserves the right to grant the use of all streets, alleys, public ways and places to any person at any time during the period of any franchise granted pursuant to this article.
- (b) The enjoyment and exercise by a grantee of any and all rights to use the city's streets, alleys, public ways and places shall, at all times, be subject and subordinate to the dominant right of the public to use said streets, alleys, public ways and places and to the lawful exercise of control by the city over the use thereof.
- (c) The initial Franchise-franchise agreements shall be issued only upon a finding by the city commission in public hearing, to be held within sixty (60) days of application by a prospective franchisee, that the issuance of the franchise agreement advances the public convenience and necessity based upon factors deemed relevant by the commission, which factors shall include, but not be limited to:
- (1) Whether the need deemed necessary for visitor transporting exceeds the capacity of existing grantees.

- (2) Whether the grant of the franchise would increase or decrease confusion to visitors and the likelihood that visitors would be more safely and efficiently conveyed through the historic district.
 - (3) Whether the applicant has demonstrated the ability to: (i) comply with the terms and conditions of the ordinance and other city regulations, and (ii) safely transport visitors in the unique conditions of the city's streets and roads.
 - (4) Whether grant of the franchise would unreasonably increase or decrease congestion in the historic district.
 - (5) Whether an applicant wishes to serve an area not currently served by an existing franchise.
 - (6) Whether an applicant has sufficient financial resources and sufficient sightseeing motor vehicles to safely and reliably operate on a regular basis in an uninterrupted manner. A background investigation check shall be conducted to evaluate any bankruptcies, judgements, or liens against the applicant and any owners as part of demonstrating financial stability and resources.
 - (7) The applicant and any owners shall be subject to an initial background check for convicted criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify an applicant or owner from obtaining a franchise agreement. An applicant may appeal such disqualification to the city commission.
- (d) If, upon weighting the factors outlined herein, the commission votes to approve a franchise agreement to a grantee, in no event shall the franchise agreement so granted be upon terms more favorable than those terms of an existing franchise agreement granted to an existing grantee.
- (e) The maximum number of franchisee agreements shall not exceed the following for each franchise tier:
- (1) Tier one shall include a maximum of two (2) franchise agreements, with a maximum of sixteen (16) vehicles allowed to operate at any one time.
 - (2) Tier two shall include a maximum of fifteen (15) franchise agreements, with a maximum of three (3) vehicles per agreement to operate at any one time.
- (f) To ensure competition and limit monopolistic ownership, a grantee may not own, operate, or have any financial, legal, or ownership interest in more than one tier one franchisee and one tier two franchisee.

Sec. 14-5. Seating capacity and appearance approvals.

- (a) Passenger seating capacity and external dimensions of each sightseeing motor vehicle shall be determined, established and approved by ~~a designated city official~~the franchise administrator, and the record of such passenger seating capacity shall be filed with the city manager of the city.
 - (1) The appearance and design of all sightseeing motor vehicles shall be unique and distinct for each grantee. The currently approved appearance

and design of existing tier one grantees is solely reserved for those existing tier one grantees and shall not be replicated by any tier two grantee.

(2) The appearance, external dimensions and design of all sightseeing motor vehicles shall be approved by the city commission prior to the operation of said vehicles upon the streets of the city.

(3) Such seating capacity and appearance/design approval may be based on photographs, images and/or schematic diagrams of the vehicle. Such seating capacity and appearance/design approval is hereby granted to the licensed vehicles of the ~~two (2)~~ existing tier one grantees.

(4) The seating capacity per sightseeing motor vehicle allowance for all grantees will be as follows:

a. Tier one seating capacity shall be more than eleven (11) passengers.

b. Tier two seating capacity shall be a maximum of eleven (11) passengers.

(5) Approvals of new vehicles for ~~an existing~~ a tier one grantee, which vehicles are substantially similar to the existing approved vehicles operated by that grantee shall require approval by the franchise administrator and shall not be unreasonably denied. However, the ~~city—commission~~ franchise administrator shall have the authority to require new vehicles to conform to appearance standards that are compatible with existing ~~franchise holders~~ grantee's and the structures within the city's historic districts.

(6) It shall be unlawful for a grantee to operate and maintain any sightseeing motor vehicle which has a passenger seating capacity in excess of the passenger seating capacity determined, established and approved by the city.

(b) It shall be unlawful for a grantee to operate any sightseeing motor vehicle without city approval of, the appearance and design ~~of which has not been approved by the city commission of the city.~~ It shall also be unlawful for a grantee to operate any sightseeing motor vehicle without city approval of the passenger seating capacity for the vehicle ~~of which has not been approved by the city.~~

(c) No sightseeing motor vehicle may carry any advertising or promotional materials relating to any event or business on the exterior thereof, except that the sightseeing motor vehicle shall carry writings or signs in a manner to be approved by the ~~city manager~~ franchise administrator which identifies each vehicle and the franchise holder.

Sec. 14-6. Fleet size limitations and vehicle ~~permit tags~~ medallions.

(a) No franchise agreement shall authorize a tier one grantee to operate more than ~~fifteen (15)~~ sixteen (16) sightseeing motor vehicles upon the public streets of the city at any one (1) time, or a tier two grantee to operate more than three (3) sightseeing motor vehicles upon the public streets of the city at any one (1) time, except pursuant to this section.

- (b) If a grantee desires to operate more than ~~fifteen (15)~~ the permitted number of sightseeing motor vehicles upon the public streets of the city at any one (1) time for special events, grantee shall make written application to the ~~city commission~~ franchise administrator requesting the number of additional sightseeing motor vehicles desired, and the reasons therefor.
- (1) Upon receipt of the written application, the ~~city commission~~ franchise administrator shall, ~~within have~~ within thirty (30) days, ~~hold a public hearing to review the application~~ to determine if public necessity and convenience require the operation of the requested additional sightseeing motor vehicles upon the public streets of the city at any one (1) time.
 - (2) ~~At the conclusion of the public hearing, the city commission~~ The franchise administrator shall grant, deny or modify the request contained in grantee's written application.
 - (3) Any grant or modification of the request may include a determination that the ~~permits authorization~~ for the additional sightseeing motor vehicles ~~so authorized~~ shall be for a duration that is different from (but does not exceed) the then-remaining duration of the franchise agreement held by the grantee.
 - (4) Any appeal of such determination shall be filed with the franchise administrator within thirty (30) days and shall be heard by the city commission at the next reasonably available city commission meeting date to the circuit court.
- (c) Upon the effective date of a franchise agreement issued pursuant to this article, the ~~city finance director~~ franchise administrator shall ~~issue to a grantee up to fifteen (15)~~ coordinate the issuance of sightseeing motor vehicle permit tags and thereafter a sightseeing motor vehicle ~~permit tag~~ medallions upon approved inspection by city fleet maintenance staff.
- (1) Medallions shall be valid for one year from the date of approved inspection by city fleet maintenance staff.
 - (2) ~~Additional for any additional~~ sightseeing motor ~~vehicles~~ vehicle medallions require approval requested by grantee and approved by the city commission pursuant to this section.
 - (3) The sightseeing motor vehicle ~~permit tags~~ medallions shall be in form and substance consistent in appearance with existing medallions, approved by the city commission and shall be issued without charge. All original sightseeing motor vehicle permits shall be valid for the entire term of any franchise agreement issued pursuant to this article.
 - (4) Any additional sightseeing motor vehicle ~~permits~~ medallions are subject to an approved inspection by city fleet maintenance staff. shall be valid for the time determined and authorized by the city commission.
- (d) Each sightseeing motor vehicle being operated on the public streets shall conspicuously display a sightseeing motor vehicle ~~permit tag~~ medallion on the rear of the vehicle or on the rear of the last trailer of the vehicle.

- (e) It shall be unlawful for a grantee to operate upon the public streets, at any one time, more sightseeing motor vehicles than are authorized by the grantee's franchise agreement, ~~this article, and the city commission and these regulations~~. It shall also be unlawful to operate any sightseeing motor vehicle without conspicuously displaying a sightseeing motor vehicle ~~permit tag~~medallion as required herein.
- (f) An existing franchisee shall be permitted to operate sightseeing motor vehicles with permit tags until the next annual inspection, where the vehicle is issued a medallion.

Sec. 14-7. Posting of fares; prohibition of street solicitation.

- (a) ~~The grantee may charge such maximum rates of fare for passengers using the grantee's services as are reasonable, provided same have the prior approval of the city commission, which shall not be unreasonably withheld.~~
- (b) Rates of fare charged to passengers by grantees for sightseeing tours shall be publicly displayed on each sightseeing motor vehicle where same may be plainly seen by the public, or in the alternative may be posted conspicuously on websites, digital applications and links, brochures, ticket booths, or other points of sale. ~~The rates of fare and~~ shall also be clearly displayed at any off-street parking area or depot used by a grantee. Street solicitation by grantees or their agents or employees, is strictly prohibited. For the purposes of this section, the term "street solicitation" means the distribution, on public streets, of pamphlets or other printed materials to solicit business, and the use of hawkers, pullers-in, pamphleteers, or persons holding signs to solicit business.

Sec. 14-8. ~~Public depot limitations~~Designated loading zones.

- (a) It shall be unlawful for any sightseeing motor vehicle to load or unload passengers at any place ~~on municipal property~~ within the city other than at a ~~depot~~ designated loading zones determined by the city manager ~~from time to time as a loading and unloading passenger depot~~.
- (b) Loading zones are to be designated for tier one and tier two grantees which are separate and distinct from designated loading zones for vehicles for hire.
- (c) Tier two grantees shall be prohibited from parking in loading zones designated for use by tier one grantees. Any designated loading zones for tier two grantees shall zones shall be located at least 100 feet away from designated loading zones for tier one loading zones.
- (d) ~~This~~ These ~~restrictions~~ shall not restrict or prohibit the loading and unloading of passengers at any off-street depot, so long as such loading or unloading of passengers occurs on ~~privately owned~~ privately owned by the grantee or where a private property owner has agreed to allow a grantee to use the property as a loading zone.
- (e) Loading zones shall be designed in a safe and efficient manner for passengers and adjacent vehicular circulation.

Sec. 14-9. Insurance.

- (a) The city ~~commission~~ risk manager may, on an annual basis, determine the amount of insurance coverage to be required of a grantee. It shall be unlawful

for a grantee to operate any sightseeing motor vehicles on the public streets, avenues and other public ways of the city until grantee shall have first procured and filed with the city ~~Finance Director~~risk manager, a liability insurance policy issued by a reliable and responsible insurance company authorized to write liability insurance and to conduct business in the State of Florida. Upon request by the city ~~finance director~~risk manager, grantee shall produce adequate proof that grantee is in compliance with all insurance requirements of this section.

- (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 such grantee (or grantee's affiliates). In either event, such policy or policies shall provide insurance on each vehicle in the following amounts of:

(1) Tier one: not less than one million dollars (\$1,000,000.00) for one (1) person injured or killed, and one million dollars (\$1,000,000.00) for all property damaged or destroyed in any one (1) accident, and not less than four million dollars (\$4,000,000.00) for more than one (1) person injured or killed in any one (1) accident or a four million dollar combined single limit per occurrence.

(2) Tier two: not less than five hundred thousand dollars (\$500,000.00) for one (1) person injured or killed, and five hundred thousand dollars (\$500,000.00) for all property damaged or destroyed in any one (1) accident, and not less than one million dollars (\$1,000,000.00) for more than one (1) person injured or killed in any one (1) accident or a one million dollar combined single limit per occurrence.

- (c) Such policy or policies shall cover:

(1) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages, including damages for care, and loss of services, because of bodily injury, including death at any time resulting therefrom, sustained by any person, caused by accident and arising out of the ownership, maintenance, operation or use of sightseeing motor vehicles operated by the grantee.

(2) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages because of injury to, or destruction of, property, including the loss of use thereof caused by grantee's ownership, maintenance, operation or use of such sightseeing motor vehicle. Such policy or policies shall include an endorsement to the effect that the same cannot be altered, modified or cancelled for any cause without notice being served upon the city ~~finance director~~risk manager at least fifteen (15) days prior to the date of such alteration, modification or cancellation.

- (d) Such policy or policies shall be in the generally accepted form used in the State of Florida by liability insurance companies for such public and property damage liability insurance policies, and shall, among other things, provide that the insolvency or bankruptcy of the assured shall not relieve the insurer from the payment of damages for injuries or death sustained, or loss occasioned,

within the provisions of the policy. All such policies, before becoming effective under this section, shall be approved by the city risk manager ~~as to sufficiency and the city attorney as to form. Such approval of sufficiency and form shall not be unreasonably withheld.~~

Sec. 14-11. Drivers ~~s~~ qualifications.

- (a) ~~All tier one~~ sightseeing motor vehicles shall be operated by a driver who has a current, valid State of Florida CDL license. ~~All tier two sightseeing motor vehicles shall be operated by a driver who has a current, valid State of Florida driver's license.~~
- (b) ~~and All drivers~~ shall have met all of the requirements of the Code of the city pertaining to ~~guides~~ Chapter 17, Article V, Certified Guides.
- (c) ~~The franchise administrator shall initiate an annual background check for convictions of criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify a driver from driving a sightseeing motor vehicle. A driver may appeal such disqualification to the franchise administrator. The franchise administrator may, upon administrative review and consultation with the City Attorney and City Police Chief may in limited instances, issue an approval where a driver has served their sentence or complied with the terms associated with such offense.~~
- (d) ~~The franchisee shall ensure that each of its drivers are registered with the city and receive an identification badge. Each driver is required to be photographed by the franchise administrator or submit two copies of photos as specified on operator application forms or driver registration forms. Any driver registered under the provisions of this article is required to promptly notify the franchisee administrator of any change of place of employment to a new operator, or change of the vehicle which they are driving, or any action or event that would disqualify them from operating a sightseeing motor vehicle. The franchisee is ultimately responsible, to the best of their knowledge, for ensuring the franchise administrator has the most recent information for registered drivers.~~
- (e) ~~Every sightseeing motor vehicle driver shall be clean and neat in appearance and shall, while on duty, wear the identification badge issued by the city bearing the inscription, "Sightseeing Motor Vehicle Driver." The inscription may include the word "Licensed", "Approved", "Permitted", or "Authorized" before Sightseeing. The identification badge shall also include the franchisee's name, the driver's name, the official city St. Augustine photograph of the driver and the seal of the City of St. Augustine, and the license year for which the badge is valid. The driver shall carry, wear, or have readily available said badge at all times and shall make available for review while engaged in the provision of sightseeing motor vehicles.~~
- (f) ~~It shall be unlawful for any driver of a sightseeing motor vehicle, to leave or absent themselves for a distance greater than ten (10) feet from such sightseeing motor vehicle, for which they have charge as driver, while such sightseeing motor vehicle is in service; parked or standing in a designated loading/unloading zone. This section shall be construed to govern the drivers named herein only while conducting their business as a sightseeing motor~~

vehicle or at such times where the vehicle is parked in designated loading/unloading zones. In the event of an emergency, assisting passengers, as directed by a first responder, or to use the restroom, a driver may leave or absent themselves for a distance greater than ten (10) feet, for a period of no more than 30 minutes, if another employee of the franchisee is present to stay with the sightseeing motor vehicle to ensure that it is not unduly accessed or put into service by an unauthorized driver or to move the vehicle for emergency purposes or allow other sightseeing motor vehicles to load and unload passengers.

Sec. 14-12. City approval of routes.

- (a) A tier one (1) grantee's proposed regular tour routes shall be submitted to the city for review by the city as part of the application to operate as a franchisee. The requested routes shall be reviewed by the city commission at a public hearing, with approval by resolution prior to grantee using such tour routes.
- (b) ~~Routes Request for limited duration special sightseeing tours, and sightseeing charters, or modification of existing routes, shall be made to the franchise administrator require approval by the city manager. Requests for special tour and charter routes shall be made~~ on an individual basis and shall be submitted in writing ~~on reasonable prior notice. The franchise administrator shall have 30 days, starting from the date that the franchise administrator acknowledges that the request has been received, to review the request for approval.~~ If such request for route approval is not acted upon within ~~three (3) business days~~ the 30-day review period of such request, the ~~same request~~ shall be deemed approved. Should the request be denied, the grantee shall have the option to appeal the request to the city commission and file and appeal with the franchise administrator within thirty (30) days of the denial.

Sec. 14-13. Franchise fee.

- (a) ~~(a)~~ Each tier one (1) grantee shall, until the first anniversary of the effective date of each grantee's franchise agreement, pay to the city, in the manner provided herein, a franchise fee of two (2) percent of grantee's gross revenues, as defined in this article section. However,
- (b) ~~the~~ The franchise fee paid by grantee to the city shall not be less than as stated herein for each tier:
- (1) Tier one: not less than ten thousand dollars (\$10,000.00) in any given year of the franchise term.
- (2) Tier two: two-thousand (\$2,000.00) in any given year of the franchise term.
- (c) After the third anniversary of the effective date of a grantee's franchise agreement, and each third year thereafter, the city may increase the percentage of gross revenue to be paid to the city by a grantee by no more than one-half (½) percentage point. However, the maximum percentage shall be capped at five (5) percent.
- (bd) The annual franchise fee shall be payable in quarterly installments of two thousand five hundred dollars (\$2,500.00) each for tier one franchisee and five hundred dollars (\$500) each for each tier two franchisee, in advance, on the first day of January, April, July and October of each year commencing October 1, ~~2001st~~, and continuing thereafter during the term of any grantee's

franchise term. The balance of a grantee's annual franchise fee, if any, shall be payable in full on January 15 of each year.

- (ee) The term "gross revenues" as used in this section for the determination of the franchise fee shall mean the gross amount of revenue collected by the grantee from sales of passenger tickets, less any sales tax, admission tax and cost to grantee for admission tickets to other attractions, if any.
- (df) In order that the city may determine the proper amount of the franchise fee each year, the city shall furnish to grantee the forms and guidelines for a system of accounting records, which forms grantee shall be required to maintain and make available to the city at all times. Grantee shall file with the city, on the due date of each installment, a report on the form provided by the city showing yearly gross sales to the date of filing.

Sec. 14-14. City's audit rights.

The city shall, in addition to the accounting system as provided above, have access at all reasonable hours to all of each grantee's accounting, financial, statistical customer, and service records relating to the operation of grantee's sightseeing motor vehicles and to such other records as may be required by the city, together with such other information as the city may request in support of same. The city may conduct an annual audit of any grantee's records for the purpose of determining the accuracy of the gross sales reported by grantee. The nature and extent of the audit shall be determined by the ~~city manager~~franchise administrator.

Sec. 14-15. ~~Performance bond~~Reserved.

~~Each grantee shall furnish, at grantee's expense, a bond to the city in the form of cash or surety bond conditioned to guarantee the payment of all sums which may become due to the city under this article. The original amount of the bond shall be ten thousand dollars (\$10,000.00). Thereafter, sixty (60) days prior to the anniversary date of the effective date of any franchise agreement granted pursuant to this article, the city commission may increase or decrease the amount of the bond based upon the amount of the franchise fee paid to the city by grantee for the previous year. Any new bond required because of the change in amount shall be filed with the city finance director by grantee within ten (10) days from notification by the city finance director of said change in amount.~~

Sec. 14-16. Insurance ~~and bonding~~ companies.

All insurance policies ~~and surety bonds~~ which are required of the grantee under this article shall be written by a company or companies authorized and qualified to conduct business in the State of Florida, and such companies shall be approved by the ~~city finance director~~risk manager. Such approval shall not be unreasonably denied. ~~Bonds and current certification~~Certification of all insurance coverage shall be on file at all times with the ~~city finance director~~risk manager. Any renewal certificates of insurance policies shall be filed with the ~~city finance director~~risk manager at least ten (10) days prior to the expiration date of the original policy or policies.

Sec. 14-17. Grantees subject to city's police power.

A grantee shall, at all times during the life of a franchise agreement granted pursuant to this article, be subject to all lawful exercise of the police power of the city. The city and grantee may agree to such other ~~reasonable regulations as the city shall hereafter by ordinance provide~~ franchise terms and conditions; and ~~the~~ The right is hereby reserved to the city to adopt by ordinance additional regulations which shall ~~pertain~~ apply uniformly to all grantees, ~~provided that such ordinances and/or additional regulations shall be reasonable, and not in conflict with the rights herein granted (or granted in any franchise agreement) to any grantee by their respective tier, if applicable.~~

Sec. 14-18. Termination of franchise rights "for cause"; restriction on transfer.

(a) In the event a grantee, his successors or assigns:

- (1) Violates or fails to promptly perform all of the provisions of section 14-9 of this article; or
- (2) Violates or fails to promptly perform all of the provisions of section 14-13 of this article; or
- (3) Is found to be in violation of this article by the ~~performance committee or a court or other~~ city commission, special magistrate, or court board with jurisdiction more than four (4) times in any calendar year.
- (4) Voluntarily or involuntarily becomes bankrupt; or
- (5) Voluntarily or involuntarily has a receiver appointed; or
- (6) Has assets sold at sheriff's sale or any other judicial sale; or
- (7) Involuntarily assigns, transfers, or encumbers any rights or privileges contained in the franchise; or
- (8) Voluntarily assigns, transfers, or encumbers any rights or privileges contained in the franchise without first obtaining the written consent of the city commission; or
- (9) Knowingly files false financial statements with the city; or
- (10) Has operator or ownership interest in more than one (1) tier one and one (1) tier two franchisee; or
- (11) Willfully fails to file the required financial information with the city;

~~(b) and~~ In the event a grantee, ~~his~~ his-its successors or assigns, after notice (if practicable), fails to cure such action/inaction, the rights, permits and privileges granted to grantee, or ~~his~~ his-its successors or assigns by its franchise agreement, shall be immediately forfeited, terminated, and cancelled by the city commission. The foregoing reasons for forfeiture, termination and cancellation are cumulative and not exclusive, and a franchise agreement may be forfeited, terminated and cancelled for any other reason authorized by the law of the State of Florida.

~~(bc)~~ In the event of the proposed sale or transfer of twenty-five (25) percent or more of the outstanding stock or assets of a grantee, the grantee shall furnish prior written notice of such sale or transfer to the city of the names and addresses of the persons or entities offering to acquire such stock or assets. A public

hearing shall be held within thirty (30) days of receipt of such written notice, at which time the city commission shall hold a public hearing to determine whether or not to approve the sale or transfer. Such approval shall not be unreasonably withheld.

Sec. 14-19. Performance committee and performance renewal.

- (a) ~~There is hereby established a grantee performance committee whose members shall consist of the city manager and his/her designates ("the committee").~~ From time to time during each grantee's franchise grant (the duration of which is established pursuant to each grantee's franchise agreement) the ~~committee~~ franchise administrator shall evaluate each grantee's performance based upon the following categories:
- (1) Compliance with the terms and conditions of this article and grantee's franchise agreement;
 - (2) Responsiveness to customer complaints;
 - (3) Safety;
 - (4) Cleanliness, condition and appearance of sightseeing motor vehicles.
- (b) After each such evaluation ~~by the committee~~ the franchise administrator will issue, an evaluation report specifically addressing each area of ~~committee concern~~ shall be provided to the evaluated to the grantee (~~"evaluation report"~~).
- (c) Each grantee may, within five (5) years of the scheduled termination of that grantee's franchise agreement, apply to the city commission for a renewal of that grantee's franchise agreement. If, at the time of such application, the grantee has reasonably addressed all concerns outlined in the ~~committee's~~ franchise administrator's most recent evaluation report of the grantee, said grantee shall be presumed, absent good cause shown to the contrary, to be entitled to a renewal of its franchise agreement for a term of years to be determined by the city commission, and such renewal shall be granted upon the terms and conditions as are then applicable to all similar tier franchisees under the terms of this ordinance, as amended. Nothing contained herein shall be construed to prohibit any amendment to this ordinance which is applicable to all grantees.

Sec. 14-20. Accessibility.

Each grantee hereunder shall comply with all provisions of any applicable law regarding accessibility, including, but not limited to, any and all applicable provisions of the Americans with Disabilities Act of 1991. Notwithstanding any provisions of any law regarding accessibility, each tier one grantee hereunder shall, within one (1) year of the granting of that grantee's franchise, maintain in its fleet at least one (1) motor vehicle which is wheelchair accessible, which wheelchair accessible motor vehicle shall be available for sightseeing purposes upon grantee receiving at least twenty-four (24) hours notice of the requested use of same.

Sec. 14-21. Prohibited vehicles.

Megacycles, amphibious vehicles, pedal pubs or similar type vehicle, golf carts, and pedicabs, are not qualified for use as franchise sightseeing motor vehicles pursuant to this chapter. Pedicabs are permitted to provide sightseeing services as provided for in Chapter 27.

Sec. 14-22. Observance of certain holidays.

Each grantee having a sightseeing motor vehicle franchise within the city is hereby given leave to cease operations on holidays specified in their respective franchisee agreements.

Sec. 14-23. Minimum equipment, maintenance.

(a) Each sightseeing motor vehicle shall have the following equipment:

- (1) Brakes.
- (2) Emergency brake.
- (3) Exhaust system.
- (4) Headlights.
- (5) Horn.
- (6) Stop lights.
- (7) Tag lights.
- (8) Tail lights.
- (9) Tires.
- (10) Turn signals.
- (11) Windshield wipers.

(b) Each sightseeing motor vehicle should be maintained in a clean, well painted manner so as to provide a generally good appearance.

(c) The grantee, at least annually, shall subject each sightseeing motor vehicle to a complete and thorough inspection by the city's fleet maintenance staff in accordance with the policies, procedures, requirements and schedules established by the franchise administrator. If upon inspection the vehicle is found to comply with the requirements of subsections (a) and (b) above and there is a current franchise agreement on file for the owner of the vehicle, then a medallion will be issued. The medallion will be fixed to the outside left rear of the vehicle, in plain view from the rear of the vehicle. A vehicle may be inspected and found to comply with the requirements; however, if there is no current franchise agreement on file, a medallion will not be issued until a current franchise agreement is obtained.

(d) The police chief is given full power to suspend a medallion if it is determined that the operation of a sightseeing vehicle would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the franchisee. The sight-seeing vehicle may not be returned to service until it has been inspected and found to comply with subsections (a) and (b) above.

Sec. 14-~~2124~~. Penalties for violation.

(a) Any violation of the provisions of this article, ~~other than the provisions of sections 14-9, 14-13, or 14-18 hereof, shall~~ ~~may~~ be punishable as provided in section 1-8 of this Code, pursuant to code enforcement proceedings, or pursuant to the administrative penalties identified herein. Each day any violation shall continue shall constitute a separate offense.

(b) The franchise administrator is authorized to enforce this article, and to adopt rules and regulations for the proper administration and enforcement of this chapter. In addition, code enforcement officers and law enforcement officers may enforce violations of this code pursuant to law.

(c) The franchise administrator shall have the right to audit the records of the franchise operations including, but not limited to, driver background checks, for purposes of verifying compliance with this article.

(d) In the absence of a bona fide emergency, any person who violates or otherwise fails to comply with any provision of this article shall be subject to the following penalties:

(1) The penalty for a first violation under this chapter shall be an official warning.

(2) The penalty for a second violation under this chapter shall be no more than one hundred and fifty dollars (\$150.00), one hundred dollars (\$100.00) for each day thereafter a continued violation occurs, and a notice of a pending thirty (30) day suspension for a third violation.

(3) Upon three (3) violations under this chapter within a six-month period, the grantee will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed thirty (30) days. Should operations occur during the thirty (30) day suspension period, the grantee may be suspended for a period not to exceed six months.

(4) Upon four (4) violations under this chapter within a twelve-month period, the grantee will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed six-months. Should operations occur during the six-month suspension period, the grantee may be suspended for a period not to exceed one-year.

(5) Upon five (5) or more violations under this chapter within a twelve-month period, the grantee will have a hearing with the city commission to review the violations and may have its permit revoked. After one year of permit revocation, the franchisee operator may apply for reinstatement after payment of a five-thousand-dollar (\$5,000) penalty. Should operation occur

after the license has been revoked, the grantee may be subject to a permanent ban and an additional five-thousand-dollar (\$5,000.000) penalty.

- (6) The franchisee operator, its agents, employees, or persons acting on its behalf, shall be liable for any penalties prescribed within this section, or pursuant to law.
 - (7) Prior to any suspension or revocation of a permit, the city commission shall hear evidence presented by the franchise administrator establishing the basis for the suspension and the operator shall have the right to present evidence to the city commission that supports why they feel they should not be suspended or have their permit revoked. The city commission shall hear the evidence from both parties and shall vote to approve a suspension or permit revocation prior to any suspension of operations or the revocation of a permit.
- (e) Any entity, company, or person not approved as a franchise shall be prohibited from offering any sightseeing activities and shall be subject to the following penalties:
- (1) The penalty for a first violation under this chapter shall be an official warning.
 - (2) The penalty for a second violation under this chapter shall be an applicable ticket legally allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the franchise administrator. In addition, any permitted vehicle for hire will be issued a thirty (30) day suspension for providing such service.
 - (3) The penalty for a third violation under this chapter shall be the maximum legal action allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the franchise administrator and the city actively working with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law. In addition, any permitted vehicle for hire will be issued a six (6) month suspension for providing such service.
 - (4) The penalty for a fourth violation under this chapter shall be the maximum legal action allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the franchise administrator and the city actively working with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law. In addition, any permitted vehicle for hire will have said permit permanently revoked.

ARTICLE II. TRANSPORTATION BY ANIMAL-DRAWN VEHICLES FOR PURPOSES OF TOURING

Sec. 14-50. Short title.

This article shall be known and may be cited as the "City of St. Augustine Transportation by Animal-Drawn Vehicles Ordinance" and may be cited herein as the "ordinance".

Sec. 14-51. Reserved.

Sec. 14-52. Definitions.

(a) Definitions. Except where the context clearly indicates otherwise, the following terms and phrases as used in this article shall have the following meanings:

Animal shall mean any horse or mule used for touring purposes and operated under a franchise agreement.

Animal-drawn vehicle shall mean a carriage or vehicle drawn or pulled by an animal used for touring purposes.

Business day shall exclude Saturday, Sunday and any day of the week determined to be a holiday according to the annual city holiday calendar.

Code enforcement shall mean the director of planning and building or designee.

Driver/operator shall mean the person or persons driving an animal-drawn vehicle.

Fire department shall mean the fire chief or designee.

Franchise agreement shall mean the agreement between the city and a franchisee authorizing the franchisee to operate animal-drawn vehicles on the public streets of the city, subject to the terms of this article.

Franchisee shall mean the grantee of authority to operate animal-drawn vehicles under a franchise agreement entered into between the city and franchisee, subject to the terms of this article.

Franchise administrator means the city manager or designee authorized to administer this chapter regulating franchises in the City of St. Augustine. The determination of the VFH administrator shall be deemed the final administrative action unless otherwise specified.

Medallion shall mean the vehicle identification issued pursuant to this article which represents the permission granted to franchisee to operate a animal-drawn vehicle within the jurisdictional limits of the city.

Out of service shall mean when the animal is unhitched from an animal-drawn vehicle and out of its harness.

Police department shall mean the chief of police or designee.

Rate or Fare shall mean the price paid for an animal-drawn vehicle tour.

Rest shall mean the time when the animal is in service but not actively engaged in the act of pulling an animal-drawn vehicle.

Stable shall mean the barn where the animals are kept.

Stall shall mean individual space within the barn where each animal is kept.

Tour guide shall mean any person who for compensation offers to show and describe the points of interest and historical places in the city.

Tour or touring shall mean the conducting of or the participation in sightseeing in the districts for hire or in exchange for a donation.

Transfer Station shall mean a designated facility or area designed to facilitate the loading, unloading and daily staging of horses that does not permit overnight storage of horses.

Sec. 14-53. Prohibition of operation without franchise agreement

(a) It is the intent of these regulations to provide for the opportunity, but not the right, for operators of certain sightseeing animal-drawn vehicles, motor vehicles, and other specified vehicles to obtain a franchise agreement pursuant to this article. These regulations are an authorized implementation of state policy consistent with Section 111 of Chapter 11148, 1925 Laws of Florida, as interpreted by the U.S. Middle District Court of Florida in Avalon Carriage Service, Inc. v. Gamsey. It shall be unlawful for any person or entity to operate these conveyances while carrying passengers within the city without obtaining a franchise agreement pursuant to this article. It shall also be unlawful for any person or entity to conduct sightseeing tours, special sightseeing tours, or sightseeing charters, in any sightseeing animal-drawn vehicle, without first obtaining a franchise agreement from the city. Each day any violation of this section occurs shall constitute a separate offense, punishable as outlined in section 14-80 herein.

Sec. 14-54. Franchise agreements.

- (a) The franchise administrator may enter into a franchise agreement. Each franchise agreement shall be granted for a period not to exceed ~~twenty (20)~~ five (5) years and shall automatically renew upon the expiration of the initial franchise term on a year-to-year basis so long as the franchisee is in good standing, unless either party gives twelve (12) months written notice prior to the expiration of the current term that it does not intend to renew the agreement.
- (b) A franchisee's authorization to use the city's streets, alleys, public ways and places for the purposes herein shall not be exclusive, and the city reserves the authority to grant the use of the city's streets, alleys, public ways and places to any person at any time during the period of any franchise granted pursuant to this article.
- (c) The enjoyment and exercise by a franchisee of any and all rights to use the city's streets, alleys, public ways and places shall be subject and subordinate to the dominant right of the public to use streets, alleys, public ways and places and to the lawful exercise of control by the city over the use thereof.
- (d) During the term of the franchise agreement, the franchisee shall remain authorized to legally conduct business within the State of Florida, pursuant to Florida Statutes;
- (e) The franchisee shall agree to operate its business strictly in accordance with the ordinances of the city applicable thereto as from time to time amended;
- (f) The franchisee shall agree that upon the violation of any provisions of this article by the franchisee, its agents, employees or persons acting on its behalf, the franchisee shall be subject to penalties prescribed within this article.

(g) To ensure competition and limit monopolistic ownership, a grantee may not own, operate, or have any financial, legal, or ownership interest in more than one franchisee.

Sec. 14-55. Franchise application requirements.

The applicant shall submit an application with the city for a franchise agreement with proof of the following:

- (1) Documentation demonstrating that the applicant is authorized to legally conduct business within the State of Florida pursuant to Florida Statutes and, if applicable, a completed application for a business tax receipt for operation of a business within the city limits;
- (2) Intended hours of operation;
- (3) Location of facilities to be used for the housing of animals;
- (4) Name of Doctor of Veterinary Medicine, duly licensed in the state, for compliance with city's requirement to provide the animal's certificate of health;
- (5) Applicant's previous experience in the operation of animal-drawn vehicles on the public streets;
- (6) Number of permits requested (subject to the provisions of this article);
- (7) Number of carriages to be operated (Number of carriages shall equal or exceed number of permits requested.);
- (8) Acknowledgment by the applicant that any franchise shall be nonexclusive; and
- (9) Acknowledgment by the applicant that upon the violation of any provisions of this article by the applicant/franchisee, its agents, employees or persons acting on its behalf, the applicant/franchisee shall be liable for any penalties prescribed within this article.
- (10) Identification of any bankruptcy, conviction of any crime, and proof of a valid Florida driver's license for the members of the proposed management team.

Sec. 14-56. Reserved

Sec. 14-57. Posting of fares

- (a) Animal-drawn vehicles shall clearly display, in a legible format approved by the franchise administrator, rates and charges for all passengers. The displays shall clearly indicate the forms of payment accepted by the animal-drawn vehicles. If there are any varying rates charged per route, time or passenger, then the animal-drawn vehicles shall clearly display the varying rates for passengers.
- (b) It shall be unlawful for the grantee or driver of any animal-drawn vehicle to charge or demand any passenger any sum of money in excess of the rates or charges displayed. The rates or charges for payment shall not vary during the time a ride is being provided. The only exception is if passengers request an extended route or time and agree to the rate charged.

(c) The driver of animal-drawn vehicle shall document the agreed to rate, the date, and time of each ride. The driver shall also record any requested extension and agreed to rate.

(d) Any gratuity, fee, service charge, or tax rate shall be clearly disclosed and displayed prior to providing any animal-drawn vehicle sightseeing service.

Sec. 14-58. Designated Loading and unloading.

(a) The franchise administrator may formulate and promulgate reasonable rules and regulations for use of designated loading areas in order to ensure equality of opportunity among operators, prevent discrimination among animal-drawn vehicles and prevent unfair practices among the owners, operators and drivers of such animal-drawn vehicles for hire.

Sec. 14-59. Insurance.

(a) The city risk manager may, on an annual basis, determine the amount of insurance coverage to be required of a grantee. It shall be unlawful for a grantee to operate any animal-drawn vehicles on the public streets, avenues and other public ways of the city until grantee shall have first procured and filed with the city risk manager, a liability insurance policy issued by a reliable and responsible insurance company authorized to write liability insurance and to conduct business in the State of Florida. Upon request by the city risk manager, grantee shall produce adequate proof that grantee is in compliance with all insurance requirements of this section.

(b) The policy required by this section may be in the form of a separate policy for each animal-drawn vehicle or may be in the form of a fleet policy covering all animal-drawn vehicles operated by such grantee (or grantee's affiliates). In either event, such policy or policies shall provide insurance on each animal-drawn vehicle in the following amounts-of:

(1) not less than five hundred thousand dollars (\$500,000.00) for one (1) person injured or killed, and five hundred thousand dollars (\$500,000.00) for all property damaged or destroyed in any one (1) accident, and not less than one million dollars (\$1,000,000.00) for more than one (1) person injured or killed in any one (1) accident or a one million dollar combined single limit per occurrence.

(c) Such policy or policies shall cover:

(1) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages, including damages for care, and loss of services, because of bodily injury, including death at any time resulting therefrom, sustained by any person, caused by accident and arising out of the ownership, maintenance, operation or use of animal-drawn vehicles operated by the grantee.

(2) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages because of injury to, or destruction of, property, including the loss of use thereof caused by grantee's ownership, maintenance, operation or use of such animal-drawn vehicle. Such policy or policies shall include an

endorsement to the effect that the same cannot be altered, modified or cancelled for any cause without notice being served upon the city risk manager at least fifteen (15) days prior to the date of such alteration, modification or cancellation.

(d) Such policy or policies shall be in the generally accepted form used in the State of Florida by liability insurance companies for such public and property damage liability insurance policies, and shall, among other things, provide that the insolvency or bankruptcy of the assured shall not relieve the insurer from the payment of damages for injuries or death sustained, or loss occasioned, within the provisions of the policy. All such policies, before becoming effective under this section, shall be approved by the city risk manager.

Sec. 14-60. Reserved.

Sec. 14-61. Drivers.

(a) All animal-drawn vehicles shall be operated by a driver who has a current, valid State of Florida driver's license.

(b) The franchise administrator shall initiate an annual background check for convictions of criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify a driver from being a driver or operator. A driver may appeal such disqualification to the franchise administrator. The franchise administrator may, upon administrative review and consultation with the City Attorney and City Police Chief may in limited instances, issue an approval where a driver has served their sentence or complied with the terms associated with such offense.

(c) All drivers offering sightseeing services shall have met all of the requirements of the Code of the city pertaining to Chapter 17, Article V. Certified Guides.

(d) The franchisee shall ensure that each of its drivers are registered with the city and receive an identification badge. Each driver is required to be photographed by the franchise administrator or submit two copies of photos as specified on operator application forms or driver registration forms. Any driver registered under the provisions of this article is required to promptly notify the franchisee administrator of any change of place of employment to a new operator, or any action or event that would disqualify them from operating an animal-drawn vehicle. The franchisee is ultimately responsible for ensuring the franchise administrator has the most recent information for registered drivers.

(e) Every animal-drawn vehicle driver shall be clean and neat in appearance and shall, while on duty, wear the identification badge issued by the city bearing the inscription, "Animal-Drawn Vehicle Driver." The inscription may include the word "Licensed", "Approved", "Permitted", or "Authorized" before Animal. The identification badge shall also include the franchisee's name, the driver's name, the official city of St. Augustine photograph of the driver, the seal of the City of St. Augustine, and the license year for which the badge is valid. Said

badge shall be worn in plain view at all times while engaged in the driving an animal-drawn vehicle.

- (f) It shall be unlawful for any driver of an animal-drawn vehicle, to leave or absent themselves for a distance greater than ten (10) feet from such animal-drawn vehicle of which they have charge as driver, while such animal-drawn vehicle is in service; parked or standing along the side of the curb of any public street within the city. This section shall be construed to govern the drivers named herein only while conducting their business as an animal-drawn vehicle or at such times where the vehicle is parked in designated areas. An employee of the franchisee may stay with the animal-drawn vehicle to ensure that it is not unduly accessed, disturbed, or put into service by an unauthorized driver in instances where a registered driver is located more than ten (10) feet from the animal-drawn vehicle.

Sec. 14-62. Prescribed routes; restrictions.

- (a) *Routes.* Animal-drawn vehicles shall only operate on routes established by resolution of the city commission after public hearing.
- (b) *Route modifications.* Such routes may be temporarily changed or altered by the franchise administrator if determined to be necessary for public safety reasons, with such changes being appealable to the city commission.
- (c) *Picking up off-route passengers.* An animal-drawn vehicle may leave a prescribed route to pick up passengers so long as the animal-drawn vehicle travels from a prescribed route and directly to the fare pick up location. Upon picking up an off-route fare, an animal-drawn vehicle shall immediately return directly to, and remain on, a prescribed route.
- (d) *Dropping off passengers.* An animal-drawn vehicle may leave a prescribed route to drop off a passengers so long as the animal-drawn vehicle travels from a prescribed route and directly to the fare drop off location. Upon dropping off a route passengers, an animal-drawn vehicle shall immediately return directly to, and remain on, a prescribed route.
- (e) *Temporary restrictions.* During special events or in the case of accidents or emergency incidents, the city shall be permitted to establish restrictions or relocate routes, pick-up and drop-off locations, or require detour or suspension of the provision of services.
- (f) Request for limited duration special sightseeing tours, sightseeing charters, or modification of existing routes, shall be made to the franchise administrator on an individual basis and shall be submitted in writing. The franchise administrator shall have fourteen (14) calendar days, starting from the date that the franchise administrator acknowledges that the request has been received, to review the request for approval. If such request for route approval is not acted upon within 14-day review period, the request shall be deemed approved. Should the request be denied, the grantee shall have the option to appeal the request to the city commission and file and appeal with the franchise administrator within thirty (30) days of the denial.

Sec. 14-63. Franchise Fee

One thousand dollars (\$1,000.00) times the number of medallions issued under the franchise shall be paid in quarterly installments from the date of execution of the franchise agreement on dates specified in the franchise agreement.

- (a) The franchise administrator shall limit the total number of medallions issued by the city. The total number of medallions issued by the city shall not exceed fifteen (15).
- (b) Except as provided in this subsection, the number of medallions issued to a single franchise shall not exceed five (5). Any franchisee who on the effective date of this ordinance has more than five (5) medallions issued by the city may keep the medallions in service until termination of said franchise agreement. At that time any new franchise agreement is subject to this ordinance. Any franchisee who on the effective date of this ordinance has less than five (5) medallions issued by the city may keep the medallions in service until termination of said franchise agreement.
- (c) All medallions granted to a franchisee shall remain with that franchise, unsevered and unassigned.
- (d) Franchises are nontransferable.
- (e) No franchisee, no subsidiary of a franchise and no person or entity who holds an ownership interest in a franchise may manage, operate or otherwise control, directly or indirectly, any medallion(s) not issued to that franchise.

Sec. 14-64. Reserved.

Sec. 14-65. Reserved.

Sec. 14-66. Reserved.

Sec. 14-67. Compliance with traffic regulations.

Any person, grantee, or driver having been issued a identification badge under this article to engage in the business of operating animal-drawn vehicles shall be subject to all traffic provisions of this Code and other ordinances and regulations now in effect in the city and all traffic ordinances and regulations which may pertain to the operation of animal-drawn vehicles, hereinafter enacted or adopted by the city, and such rules and regulations formulated and promulgated by the franchise administrator under authority of this article.

Sec. 14-68. Reserved.

Sec. 14-69. Reserved.

Sec. 14-70. Reserved.

Sec. 14-71. Reserved.

Sec. 14-72. Reserved.

Sec. 14-73. Minimum Equipment Maintenance.

- (a) The grantee of an animal-drawn vehicle franchise shall subject the vehicle to a complete and thorough inspection in accordance with the policies, procedures, requirements and schedules established by the franchise administrator. The franchise administrator shall exercise sole discretion in scheduling the time for such inspection with the city's fleet maintenance staff but in no event shall the inspection occur less frequently than once every twelve (12) calendar months. Every animal-drawn vehicle in service shall have the following equipment in good repair on the vehicle:
- (1) Body condition (free from corrosion or rot).
 - (2) Electrically powered lights or lanterns and reflectors that shall be visible from a distance of five hundred (500) feet in any direction.
 - (3) Grab handles.
 - (4) Traces.
 - (5) Harness.
 - (6) Seats.
 - (7) Rubber surfaced wheels.
 - (8) Top.
 - (9) Shafts.
 - (10) Steps.
 - (11) Lights on any vehicle licensed to operate at night.
 - (12) Brakes.
 - (13) Sign located on the rear of the vehicle indicating that the vehicle is "slow moving."
 - (14) Warning Triangles
 - (15) Diapering apparatus that prevents the droppings of the animal from being deposited on the ground or the right-of-way.
 - (16) Two-way communication system such as a radio or cell phone.
- (b) An animal-drawn vehicle will be maintained in a clean well painted manner so as to provide a generally good appearance.
- (c) The police chief is given full power to suspend a franchise/medallion if it is determined that the operation of a sightseeing vehicle would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the franchisee. The sightseeing vehicle may not be returned to service until it has been inspected and found to comply with subsections (a) and (b) above.

Sec. 14-74. Animal-drawn vehicle safety during operation.

- (a) At all times the animal-drawn vehicle must be occupied by an operator in the driver's seat or attend to the animal from the ground.

- (b) At no time shall a horse be separated from its carriage on any City street unless it is an emergency situation.
- (c) Animals shall not engage in work with harnesses or bits which harm or are unsafe to the animal.
- (d) Harnesses, bridles, bits and padding shall be properly fitted and kept clean and in good repair, free of makeshifts like wire, rope and rusty chain.
- (e) Trace chains shall not put pressure on the collar and shoulders of the animal when it starts pulling the carriage resulting in a jolting start versus a smooth start with a snug collar already in place.
- (f) Breeching shall fit so that it will not rub or hinder the hind leg movement of the animal.
- (g) Water shall be provided to each animal after completing a tour or offered at least once per hour.
- (h) Animals shall be provided electrolyte supplements as needed.
- (i) Animals shall have at least fifteen (15) minutes' rest between back-to-back tours.
- (j) In a twenty-four (24) hour period, animals shall not engage in work more than eight (8) consecutive hours in a twenty-four (24) hour period without a one and one-half (1½) hour break being disconnected from the vehicle.
- (k) Animals shall not engage in work more than six (6) days in a seven (7) day period.
- (l) Be responsible for removal from city's streets, alleys, public ways and places of all manure and droppings by 6:00 p.m. of the day of the occurrence and after completion of the last route of the day if the last route ends after 6:00 p.m. or, in the event of a charter on a route other than a prescribed route, immediately following the completion of that charter trip.

Sec. 14-75. Care of animals.

In the event of an allegation of animal abuse, neglect, or mistreatment involving the Franchisee, the City reserves the right, in its sole discretion, to temporarily suspend all or part of the Franchisee's operations pending the outcome of a formal investigation by a competent authority, including but not limited to, the City Manager or designee. Such suspension may be imposed immediately upon written notice to the Franchisee when the City determines that continued operation may pose a risk to animal welfare, public safety, or the public interest.

During any period of suspension, the Franchisee shall comply with all directives of the City and shall remain fully responsible for the proper care, housing, feeding, veterinary treatment, and general welfare of all horses.

If allegations of animal abuse are documented, formally investigated, and adjudicated by a competent authority, and such adjudication results in a finding of animal abuse, neglect, or mistreatment, the Franchise Agreement shall be immediately terminated, without notice or opportunity to cure. Termination shall be effective upon written notice to the Franchisee.

For purposes of this section, "documented abuse" includes findings issued by a court of law, administrative agency, animal control authority, or other governmental or regulatory body with jurisdiction. Termination under this provision shall not limit the City right to pursue any additional remedies available under this Agreement or under applicable law, including review by the City Manager or designee and recommended action to the City Commission.

If the investigation does not result in a finding of documented abuse, the City may, at its discretion, reinstate the Franchisee's operations, with or without conditions deemed necessary to protect animal welfare and the public interest.

No animal shall be used to draw a carriage unless the animal is in good health and the following standards are met:

- (1) The animal is kept in good care, health, and working condition; shall not have open sores or wounds nor shall such animal be lame or have any other ailments unless the driver has in the driver's possession a current written statement by a veterinarian that the animal is fit for such work, notwithstanding such condition.
- (2) The animal shall be properly and appropriately groomed.
- (3) Animals shall not engage in work with equipment causing an impairment of vision, other than normal blinders.
- (4) Animals shall not be driven at a speed faster than a slow trot.
- (5) Animals shall not be subject to any cruel or harassing treatment or equipment.
- (6) Animals daily shall receive an adequate amount of equine feed, free from contamination, sufficient in quantity, adequate in nutritional value and provided frequently enough to meet normal daily requirements for the animal's condition, special needs, environmental factors and size of the animal so as to maintain satisfactory health.
- (7) Any recently acquired horse for use in animal-drawn carriage operations shall be quarantined for a minimum period of twenty-one (21) consecutive days prior to being placed into service or commingled with other horses used in carriage operations.
- (8) The City shall be notified immediately of any suspected or confirmed equine infectious or communicable disease, reportable disease event, quarantine, movement restriction, or other veterinary-determined health condition requiring notification to the Florida Department of Agriculture and Consumer Services (FDACS).

Sec. 14-76 Training program.

- (a) Each horse-drawn carriage company shall at the City's request implement a training program for both its tour guides and horses to ensure proficiency when operating on the public right-of-way.
- (b) Training materials and records shall be made available for inspection by the City.

(c) Any animal pulling a carriage shall be desensitized or otherwise trained to tolerate urban conditions prior to being placed in service. Records pertaining to desensitization training shall be maintained by carriage companies for inspection by the City.

Sec. 14-77. Sheltering of animals within city limits.

(a) Stables within city limits shall be safe, well lit, ventilated, and shall provide protection from the weather as described herein:

(1) Stables and stalls shall be kept clean and in good repair and excreta shall be removed daily;

(2) Adequate water shall be provided in stables and stalls at all times while any animal is present.

(3) Adequate food shall be available and kept free of contamination. Out of service animals shall at all times have access to salt in a block or loose form.

(4) Fans shall be used to increase ventilation when the ambient temperature reaches 85 degrees Fahrenheit;

(5) Sharp surfaces and any other hazards shall not be permitted in any stable or stall where they can come in contact with the animals;

(6) Stables and stalls shall be kept free of leaks, including but not limited to, leaks from roofs or from plumbing;

(7) The practice of tethering the animal in a stall is permitted so long as the animal does not have the opportunity to lie down or is not laying down. Tethering down an animal that can lay down or is laying down risk entanglement or injury;

(8) Occupied stalls shall have a minimum of three (3) inches of bedding or have a specialized surface so as to keep animals clean, dry and free of concussion, abrasion or pressure points;

(9) Interior and exterior areas of the stable shall be kept clean, properly drained and free of nuisances including, but not limited to, unreasonable and excessive odors and unreasonable accumulation of refuse and excreta;

(10) There shall be no smoking at any time in stables; and

(11) Unless otherwise directed by a veterinarian, animals shall be given a pasture turn-out time of a minimum of two (2) non-consecutive weeks every four (4) months.

(12) The City may require that animals housed on city-owned property be promptly removed in advance of a weather emergency as determined by the franchise administrator.

(b) All stables shall be subject to inspection by either code enforcement or the fire department. Fire extinguishers must be kept in obvious places in every stable as required by law and as recommended by the fire department.

Sec. 14-78. Certificate of health of animals required.

The following are required to ensure the health of animals:

- (a) Bi-annual City veterinary inspections required. As a condition of maintaining a franchise agreement, each franchisee shall ensure that every animal used in the operation of animal-drawn vehicles, and each stable area located within the City limits and used in the business, is inspected by a City-approved and licensed Doctor of Veterinary Medicine twice annually, no later than May 15 and November 15 of each calendar year, at the franchisee's expense.
- (b) Certification of fitness for carriage work. Following each required inspection, the examining veterinarian shall certify to the City that the animal has been examined and is in good health and physically fit to draw an animal-drawn vehicle without endangering the health or welfare of the animal.
- (c) Additional examinations upon reasonable notice by the City, animals shall be made available for additional physical examination by a licensed veterinarian selected by City at Franchise expense. Documentation of such examinations shall be maintained by the franchisee and provided to the City upon request.
- (d) Testing, vaccinations, and preventative care:
 - (1) Coggins test. Each animal shall maintain a current negative Equine Infectious Anemia (Coggins) test conducted annually, with documentation maintained on file and provided to the City upon request.
 - (2) Vaccinations. Animals shall be vaccinated by a licensed veterinarian for diseases and risk factors appropriate to the region, consistent with generally accepted veterinary practices.
 - (3) Parasite control. Animals shall receive parasite control treatment as determined necessary by a licensed veterinarian.
- (e) Records and compliance. All veterinary inspection reports, certifications, testing results, and related health records required under this section shall be maintained by the franchisee and made available for City inspection upon request.
- (f) Enforcement. Failure to comply with the requirements of this section shall constitute a violation of this article and may result in suspension of Franchise, or other penalties as provided by this Code.

Sec. 14-79. Equine Heat.

- (a) Franchisees and drivers shall use caution when working animals in adverse weather conditions including but not limited to high heat and humidity, heavy rain, and other slippery or reduced visibility situations.
- (b) Monitoring temperature. The official thermometer used for determining the temperature and heat index shall be permanently affixed and located at 111 Avenida Menendez, St. Augustine Municipal Marina. The backup thermometer

used for determining the temperature shall be located at the St. Augustine Airport (KSGJ).

(c) Heat Guidelines. The following air temperatures shall be applied:

1. Temperature of 85 degrees Fahrenheit or higher:

a) Rectal temperature readings shall be taken by the carriage driver upon the completion of every tour route prior to hosing down the horse. This information shall be recorded in writing and maintained on the carriage, which shall be made available to the franchise administrator or designee upon request, to evaluate factors suggestive of undue equine stress or heat exhaustion.

b) Inspections: Franchise administrator or designee may request to inspect the rectal temperature reading records for any horse in circulation. The franchise administrator or designee may order the return of any horse to the original starting point and require performance of a rectal temperature check in presence for any horse in circulation. Horse drawn carriage owners or operators failing to comply with either such request shall result in immediate removal of the horse from the street and return to its stabling facilities for the remainder of the calendar day.

c) Elevated horse temperatures: if the temperature of any horse registers in excess of 102 degrees as determined by a rectal temperature check, its carriage owner or operator shall recheck the temperature thirty (30) minutes thereafter. If the horse's temperature remains in excess of 102 degrees, it shall immediately be returned to its stabling facility for the remainder of the calendar day, and the franchise administrator or designee shall be notified within thirty minutes of the second temperature reading.

2. Temperature of 90 degrees Fahrenheit or higher:

a) Horse-drawn carriage tour operations shall not be allowed to operate on City streets. Drivers shall discontinue working their animals and pull them off the street until the temperature decreases below the above-stated temperatures as directed by the franchise administrator or designee.

(b) In the event of a weather emergency, the franchise administrator may order all animals to be removed from the city's streets, alleys, public ways and places and stabled safely in advance of a storm.

Sec. 14-80. Penalties.

In the absence of a bona fide emergency, any person who violates or otherwise fails to comply with any provision of this article shall be subject to the following penalties:

(1) The penalty for a first or second violation under this article shall be no more than one hundred dollars (\$100.00) and one hundred dollars (\$100.00) for each day thereafter a continued violation occurs.

- (2) Upon three (3) violations within a six-month period, the franchise will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed thirty (30) days.
- (3) Upon four (4) violations within a twelve-month period, the franchise grantee will have a hearing with the city commission to review the violations and may be suspended for a period not to exceed one hundred eighty (180) days.
- (4) Upon five (5) or more violations within a twelve-month period, a franchisee will have a hearing with the city commission to review the violations and may have its permit revoked. After one year of permit revocation, the franchisee operator may apply for reinstatement after payment of a five-thousand-dollar (\$5,000) penalty. Should operation occur after the license has been revoked, the grantee may be subject to a permanent ban and an additional five-thousand-dollar (\$5,000.000) penalty.
- (5) Franchisee, its agents, employees, or persons acting on its behalf, shall be liable for any penalties prescribed within this section.
- (6) Prior to any suspension or revocation of a permit, the city commission shall hear evidence presented by the franchise administrator establishing the basis for the suspension and the franchisee shall have the right to present evidence to the city commission that supports why they feel they should not be suspended or have their permit revoked. The city commission shall hear the evidence from both parties and shall vote to approve a suspension or permit revocation prior to any suspension of operations or the revocation of a permit.
- (7) Any entity, company, or person not approved as a franchise that provides animal-drawn vehicle services within the city shall be subject to issuance of a violation by law enforcement and a written warning from the franchise administrator.
- (8) Any entity, company, or person not approved as a franchise that provides animal-drawn vehicle services within the city shall be subject to the maximum violation allowed to be administered by law enforcement and permanent suspension for being able to apply for a franchise agreement. The city may also work with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law.

Sec. 14-81. Administration and appeals.

- (a) All appeals by a franchisee or applicant from an interpretation or determination by the franchise administrator shall be made to the city commission within fifteen (15) calendar days after the date of service of written notice of such interpretation or determination, and shall be heard by the City Commission as soon as practical thereafter.
- (b) All appeals from an adverse decision by the city commission shall be made within thirty (30) calendar days of the date of entry of a written order regarding such decision.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 3. Inclusion in Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(5), Florida Statutes.

PASSED by the City Commission of St. Augustine, Florida, this _____ day of _____, 2026.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

ORDINANCE NO. 2026-10

AN ORDINANCE OF THE COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 27 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR REGULATIONS FOR VEHICLES FOR HIRE; AMENDING ARTICLE I – IN GENERAL, ARTICLE II – VEHICLE DRIVERS, ARTICLE III – MOTOR VEHICLES FOR HIRE, ARTICLE IV – TRAILER TRAINS AND SIGHT-SEEING BUSES, AND ARTICLE V - TRANSPORTATION BY ANIMAL-DRAWN VEHICLES FOR PURPOSES OF TOURING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City of St. Augustine finds it necessary to update and strengthen the regulations governing vehicles for hire in order to protect the public health, safety, and welfare, ensure high-quality mobility services, and maintain the orderly use of the public rights-of-way; and

WHEREAS, vehicles for hire including taxis, shuttles, buses, and other passenger-service providers—play a significant role in the City's transportation network and require appropriate regulations to ensure safe operations, responsible business practices, and protection of residents and visitors; and

WHEREAS, the City's Adopted Mobility Plan emphasizes the importance of well-regulated passenger-service operations to reduce congestion, improve multimodal safety, and ensure that the transportation system functions efficiently for residents, businesses, and visitors; and

WHEREAS, vehicles for hire contribute to overall transportation demand within the City's constrained historic street network, and appropriate regulation is necessary to prevent conflicts among vehicles, bicycles, pedestrians, transit services, and emergency response operations; and

WHEREAS, the City's unique historic character, narrow street corridors, and high pedestrian volumes require adopted standards to protect public safety and maintain the City's cultural, environmental, and economic vitality; and

WHEREAS, vehicles for hire play an important role in supporting tourism and local economic activity, but must do so under a regulatory framework that prioritizes public safety, equitable service access, and protection of public infrastructure; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending, reformatting and renumbering, Chapter 27, Articles I, II, III, IV, and V, Sections 27-23 through 27-149. Chapter 27, Articles I, II, III, IV, and V, Sections 27-23 through 27-149 of the Code of the City of St. Augustine are hereby amended, as follows:

“ARTICLE I. – IN GENERAL

Sec. 27-11. Definitions.

- (a) *Driver* shall mean any person identified by a permitted operator that will drive authorized vehicles for hire on behalf of the operator and who has been issued an identification badge by the city. (b) *Low speed vehicle* shall have the same meaning as defined by Florida law.
- (c) *Medallion* shall mean the vehicle identification issued pursuant to this chapter which represents the permission granted to operate the vehicle to provide vehicle for hire services within the jurisdictional limits of the city.
- (d) *Motor vehicle* shall have the same meaning as defined by Florida law.
- (e) *Operator* shall mean a person, company, or corporation that has applied for and been approved by the city to operator a vehicle for hire service, with one or more vehicles, within the jurisdictional limits of the city. (f) *Pedicab* shall mean either:
 - (1) A person powered, pedal assist, or electric bicycle that has, three (3) or more wheels, that transports, or is capable of transporting, passengers in a carriage with seats attached to the bicycle as part of the original manufactured design, that is operated by an individual and that is used for transporting passengers for monetary consideration; whether a stated fee or gratuity; or
 - (2) Self-propelled gas motorized bicycles, mopeds, motorbikes, or similar vehicle are prohibited from being used as a pedicab.
 - (3) A bicycle that has a single unarticulated frame, that pulls a carriage, sidecar or similar device that transports, or is capable of transporting,

passengers on seats attached to the sidecar or similar device, that is operated by an individual are prohibited.

- (g) *Permit* shall mean the approval issued by the city pursuant to this chapter which grants the privilege to operate a vehicle for hire service within the jurisdictional limits of the city.
- (h) *Transportation network company, transportation network company driver, and transportation network company vehicle* shall have the same meaning as defined by Florida law.
- (i) *Transportation system* shall mean all the alleys, highways, roads, and streets within the city. The term transportation shall be as defined by Florida law.
- (j) *Vehicles for hire (VFH)* shall mean any motorized or non-motorized vehicle permitted by Florida law to operate on the transportation system used for transporting persons for compensation; offered for hire as a means of transportation for compensation; generally held out as being for hire; used in connection with a travel bureau; or offered or used to provide transportation for persons solicited through personal contact or advertised on a "share-expense" basis. Compensation includes fee, trade, or gratuity. The term excludes:
 - (1) Sightseeing motor vehicles
 - (2) College, School, and church buses;
 - (3) Ambulances;
 - (4) Funeral home vehicles;
 - (5) Any vehicle engaged in operations under a certificate or permit issued by the Interstate Commerce Commission;
 - (6) Horse drawn carriages;
 - (7) Shuttle buses/vehicles (a vehicle that is used for courtesy transportation without compensation);
 - (8) Passenger and transit vehicles owned, operated, leased or controlled by a governmental agency;
 - (9) Public transit, paratransit, or transportation services partially or fully funded by a government entity;
 - (10) Transportation network companies.
- (k) *Vehicles for hire (VFH) administrator* shall mean the city manager or designee authorized to administer this chapter regulating vehicles for hire. The determination of the VFH administrator shall be deemed the final administrative action unless otherwise specified.

Sec. 27-12. Applicability.

- (a) All operations of a vehicle for hire service rendered pursuant hereto shall be subject to the provisions of this chapter.

- (b) All operations of a vehicle for hire, except pedicabs, are prohibited from offering any sightseeing activities, charters, services, or tours. Offering any sightseeing activities are strictly limited to franchised horse drawn carriages, sightseeing motor vehicles, and pedicabs.

Sec. 27-13. Penalty and enforcement.

- (a) Violation of any provision of this article shall pay applicable fines and be punishable as provided in section 1-8 or code enforcement pursuant chapter 2, article VI of the Code.
- (b) The VFH administrator is authorized to enforce this article, and to adopt rules and forms for the proper administration and enforcement of this chapter.
- (c) The VFH administrator shall have the right to audit the records of the vehicle for hire operators for purposes of verifying compliance with this article.
- (d) In the absence of a bona fide emergency, any person who violates or otherwise fails to comply with any provision of this article shall be subject to the following penalties, which include code enforcement fines and administrative penalties:
 - (1) The penalty for a first violation under this chapter shall be an official written warning from the VFH administrator.
 - (2) The penalty for a second violation under this chapter shall pay applicable fines as permitted by code enforcement and a second written warning from the VFH administrator.
 - (3) Upon three (3) violations under this chapter within a six-month period, the penalty shall include applicable fines as permitted by code enforcement and suspension of the vehicle for hire permit for a period not to exceed thirty (30) days. Should operations occur during the thirty (30) day suspension period, the vehicle for hire may be suspended for a period not to exceed six months.
 - (4) Upon four (4) violations under this chapter within a twelve-month period, the penalty shall include applicable fines as permitted by code enforcement and suspension of the vehicle for hire permit for a period not to exceed six-months. Should operations occur during the six-month suspension period, the vehicle for hire may be suspended for a period not to exceed one-year.
 - (5) Upon five (5) or more violations under this chapter within a twelve-month period, the penalty shall include applicable fines as permitted by code enforcement and revocation of the vehicle for hire permit. Should operation occur after the permit has been revoked, the vehicle for hire may be subject to a permanent ban on obtaining a vehicle for hire permit.
- (e) Any operator or driver not permitted to provide a vehicle for hire service shall be prohibited from offering such service within the City subject to the following penalties:
 - (1) The penalty for a first violation under this chapter shall be an official warning.

- (2) The penalty for a second violation under this chapter shall be an applicable ticket legally allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the VFH administrator. In addition, the operator or driver would be prohibited from applying for a vehicle for hire permit or franchise for thirty (30) days.
 - (3) The penalty for a third violation under this chapter shall be the maximum legal action allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the VFH administrator and the city actively working with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law. In addition, the operator or driver would be prohibited from applying for a vehicle for hire permit or franchise for six (6) months.
 - (4) The penalty for a fourth violation under this chapter shall be the maximum legal action allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the VFH administrator and the city actively working with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law. In addition, the operator or driver would be permanently banned from applying for a vehicle for hire permit or a franchise agreement with the city.
- (f) The operator of a vehicle for hire service, its agents, drivers, employees, or persons acting on its behalf, shall be liable for any penalties prescribed within this section.”

ARTICLE II. PERMIT

Sec. 27-20. Permit maximum.

For the purposes of consistency with the Comprehensive Plan, the City’s adopted Mobility Plan, maintenance of traffic standards, as well as, safety and congestion management, the city shall issue no more than twenty five (25) vehicle for hire motor vehicle operator permits and no more than twenty (20) pedicab operator permits with a maximum of five (5) cabs per permit at any given time but may issue less than this number in furtherance of its stated policies. Nothing herein is intended to limit the City of St. Augustine’s delegated state action authority conveyed by Section 111 of Chapter 11148, 1925 Laws of Florida, to control and regulate carriages, wagons and all other vehicles, as decided in Avalon Carriage Service v. Gamsey, order dated March 4, 2008, United States Middle District of Florida. There are no entitlements for operators as to the number of prior or future vehicle for hire permits.

Sec. 27-21. Vehicle for hire permit.

- (a) It shall be unlawful for any operator to provide vehicle for hire service in the city without obtaining an annual operator permit issued by the VFH administrator.
- (b) The operator is the entity responsible for all aspects of the vehicle for hire service including applying for and maintaining the annual permit, identifying

drivers and securing their identification badges, securing medallions, and maintaining all vehicles.

- (c) The operator is responsible for payment of all required fees as set forth in the city's schedule of fees. Fees shall be paid prior to permit approval, annual renewals, issuance of medallions, and driver identification badges.
- (d) An operator's permit is valid for one year from the date of issuance and is non-transferable.

Sec. 27-22. Vehicle for hire permit application.

- (a) Application for the issuance or renewal of an operator permit shall be made in writing to the VFH administrator on a form provided by the city and signed and sworn to by the owner or by its authorized agent. Each application for issuance or renewal of a vehicle for hire permit shall include:
 - (1) The operator's name, address, email and telephone number; the date and state of formation; proof of active status with the Florida Division of Corporations authorizing it to do business under the laws of the State of Florida.
 - (2) An application for each driver working for the operator that includes documentation of a valid Florida driver's license, this includes all pedicab drivers.
 - (3) Proof of the insurance coverage as required by state statutes.
 - (4) Acknowledgment that the City will perform a background check for all drivers.
 - (5) The name, mailing, physical and email addresses and telephone number of a natural person(s) located within the State of Florida that the company has authorized to be its agent and a point of contact for the city with regards to:
 - a. Filing applications and paying rates and charges on behalf of the company; and
 - b. Receiving and accepting all legal process, correspondence and notices from the city pertaining to the company, or drivers operating for the company.
 - (6) Business tax receipt.
- (b) The application shall include documentation as to the location where rates will be displayed on the vehicle. The application shall also include all acceptable methods of payment and how the allowable payment options will be displayed or conveyed to passengers.

Sec. 27-23. Vehicle detail requirements.

- (a) Each application shall provide detail related to the vehicles to be utilized to provide vehicle for hire service.
- (b) The application shall provide detail related to the number of passengers than can be accommodated per vehicle.

- (c) Every vehicle for hire operators shall utilize a unique trade name or registered D/B/A (“Doing Business As”) name which is distinctive from and not substantially similar to any existing animal drawn vehicle or sightseeing vehicle franchise. All trade names or registered D/B/A names are subject to approval by the VFH administrator prior to permit issuance.
- (d) The following are vehicle detail requirements to be included with the application:
 - (1) The applicant shall provide documentation related to the appearance and design of all vehicles for hire. Each applicant shall provide designs that are unique and distinct from existing animal drawn vehicle or sightseeing vehicle franchise.
 - (2) The appearance, external dimensions, and design approval may be based on photographs, images and/or schematic diagrams of the vehicle, except for pedicabs.
 - (3) It shall be unlawful for a VFH operator to operate any vehicle for hire where the appearance and design of which has not been approved by the VFH administrator.
 - (4) No vehicle for hire may carry any advertising or promotional materials relating to any event or business on the exterior thereof, except that the vehicle for hire shall carry writings or signs in a manner to be approved by the VFH administrator which identifies each vehicle and operator.
- (e) The VFH administrator may approve limited duration special event advertisements on pedicabs. The pedicab operator shall seek prior authorization from the VFH administrator and shall provide details and an example of the advertisement that is event specific. The VFH administrator may approve limited duration pre-event advertisement leading up to the date of the event. This provision is not intended to allow for advertisements other than for special events that have been approved by the VFH administrator. No advertisements shall be approved using automatic changeable signage, videos, scrolling text or images or any other advertisement that would lead to distracted driving by adjacent vehicles. If law enforcement, code enforcement, or FDOT finds any advertisement to potentially be unsafe or against code and notifies the operator, driver or VFH administrator, the advertisement shall be promptly removed from the pedicab.

Sec 27- 24. Permit issuance.

Upon receipt of an application for the issuance or renewal of a permit, the VFH administrator may verify all information provided in the application for compliance with all applicable provisions of this article. The city may issue a permit and identification badges for drivers if doing so is consistent with the City’s adopted Comprehensive Plan, Mobility Plan, and policies, and if the applicant has met the requirements and has paid the required permit fees. It shall be unlawful for any person to drive or operate a vehicle for hire until issuance of a permit.

Sec. 27- 25. Annual renewal.

Annual fees proportionate to the cost of administration of the vehicle for hire program will be adopted as part of the city's schedule of fees and are to be paid annually by permit holders.

ARTICLE III. VEHICLE DRIVERS

Sec. 27-30. Florida driver's license.

Every vehicle for hire driver shall be required to have a valid Florida driver's license and maintain such driver's license in accordance with Florida law, this includes all pedicab drivers.

Sec. 27-31. Vehicle operation.

Every vehicle for hire driver and passenger shall be required to operate and ride in the vehicle for hire consistent with Florida Uniform Traffic Control Law and local regulations.

Sec. 27- 32. Driver's registration.

The operator of vehicle for higher services shall ensure that each of its drivers are registered with the city and receive an identification badge. Each driver is required to be photographed by the VFH administrator or submit two copies of photos as specified on operator application forms or driver registration forms. Duplicates of such photograph shall be retained by the city and shall appear on the identification badge issued pursuant to this article.

Sec. 27-33. Driver's appearance and identification.

Every vehicle for hire driver shall be clean and neat in appearance, including wearing a shirt and shall, while on duty, have on the driver the identification badge issued by the city bearing the inscription, "Vehicle for Hire Driver." The inscription may include the word "Licensed", "Approved", "Permitted", or "Authorized" before Vehicle. The identification badge shall also include the operator's name, the driver's name, the official city photograph of the driver and the seal of the City of St. Augustine, and the year for which the badge is valid. Said badge shall be worn in plain view at all times while engaged in the provision of vehicle for hire services.

Sec. 27- 34. To remain with vehicles.

It shall be unlawful for any driver of any vehicle for hire to leave or absent themselves for a distance than ten (10) feet from such for vehicle for hire, of which they have charge as driver, while such for vehicle for hire is in service; provided, however, that such driver may assist passengers in loading or unloading their hand baggage to and from such vehicle for hire. This section shall be construed to govern the persons named herein only while conducting their business as a vehicle for hire or at such times where the vehicle is legally parked.

Sec. 27- 35. Notice of change of address.

Any driver registered under the provisions of this article is required to promptly notify the VFH administrator of any change of place of employment to a new operator, or any action or event that would disqualify them from operating a vehicle for hire. The permitted operator, to the best of their knowledge, is ultimately responsible for ensuring the VFH administrator has the most recent information for registered drivers.

Sec. 27- 36. Background checks.

The VFH administrator shall initiate an annual background check for convicted criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify a driver from approval. A driver may appeal such disqualification to the VFH administrator. The VFH administrator may, upon administrative review and consultation with the City Attorney and City Police Chief may in limited instances, issue an approval where a driver has served their sentence or complied with the terms associated with such offense.

Sec. 27- 37. Pedicab drivers providing sightseeing services.

Any pedicab driver desiring to provide sightseeing services shall be required to meet all of the requirements of the Code of the city pertaining to Chapter 17, Article V. Certified Guides. A pedicab driver may only receive one warning from law enforcement or the vehicle for hire administrator that they provided sightseeing services without obtaining the credentials as a certified guide. A second incident shall result in permanent revocation of the driver's ability to provide vehicle for hire services in the City. A pedicab driver not providing sightseeing services is not required to be a certified guide.

Sec. 27- 39. Revocation of permit.

If any operator or driver registered under this article shall commit an infraction punishable as provided in F.S. § 316.655, as amended, or violate any of the provisions of this Code or other ordinances of the city pertaining to motor vehicles or traffic, and on a third conviction thereof, their permit for operating such vehicle may be permanently revoked by the VFH administrator upon notice and administrative review upon findings of fact which indicate violation of this article, and it shall thereafter be unlawful for them to operate such vehicle in the city.

Sec. 27- 40. Criminal traffic offenses.

Upon acquiring an identification badge or permit under this article, any driver or operator convicted of a violation of a criminal traffic offense, including s. 316.027, s. 316.061, s. 316.067, s. 316.072, s. 316.192, s. 316.193, s. 316.1935 or s. 316.2045, Florida Statutes, shall automatically have their badge or permit revoked for a minimum period of one (1) year. Such revocation may be appealed to the VFH administrator. The VFH administrator may, upon administrative

review, permanently revoke the badge of any driver or permit of any operator convicted as provided herein.

ARTICLE IV. VEHICLES

Sec. 27-60. Liability insurance—Required; amount; form; conditions; approval, etc.

- (a) It shall be unlawful for any operator or driver of any vehicles for hire, to drive or operate the same, or permit the same to be driven or operated, on the transportation system of this city, unless such operator or driver shall have first procured and filed with the city Risk Manager, at all times while such vehicle is being driven or operated, a liability insurance policy issued by a reliable and responsible insurance company authorized to write liability insurance and to do business in the state in amounts of not less than the amounts required by F.S. § 324.032, or any amendment thereto.
- (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 such permitted operator. In the latter event, such policy shall provide insurance on each vehicle in amounts of not less than the amounts required by F.S. § 324.032, or any amendment thereto.
- (c) Such policy or policies shall cover:
 - (1) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages, including damages for care and loss of services, because of bodily injury, including death at any time resulting therefrom, sustained by any person, caused by accident and arising out of the ownership, maintenance, operation or use of such vehicle.
 - (2) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance, operation or use of such vehicle. Such policy or policies shall include an endorsement to the effect that the same cannot be altered, modified or cancelled for any cause without notice being served upon the city Risk Manager at least fifteen (15) days prior to the date of such alteration, modification or cancellation.
- (d) Such policy or policies shall be in the generally accepted form in use in this state by liability insurance companies for such public and property damage liability insurance policies, and shall, among other things, provide that the insolvency or bankruptcy of the insured shall not relieve the insurer from the payment of damages for injuries or death sustained, or loss occasioned, within the provisions of the policy. All such policies, before becoming effective, under this article, shall be approved by the city Risk Manager as to sufficiency and the city attorney as to form.

Sec. 27-61. Same—Prerequisite to issuance of license.

No city license for the operation of any vehicle for hire shall be issued until the insurance policy shall have been filed and approved by the city Risk Manager.

Sec. 27-62. Same—Effect of lapse, expiration or termination.

If at any time during the effective period of any city license issued for the operation of any vehicle for hire the licensee suffers or allows the required insurance policy to lapse or to become ineffective, or if the insurer thereof becomes unable financially to respond to the obligation thereof, or such policy is suffered or allowed to expire or terminate in whole or in part, then at the same time the license of such vehicle shall ipso facto become null and void.

Sec. 27-63. Restricted Areas.

- (a) The city commission shall, by resolution, from time to time, as in its judgment public necessity, safety or convenience may require, create, define and declare any areas within the city as "restricted areas." Vehicles for hire shall be restricted from parking or stopping to load or unload any passenger in designated areas or spaces specifically restricted to use by franchised horse-drawn vehicles or sight-seeing vehicles.
- (b) Vehicles for hire shall be restricted from parking or stopping to load or unload any passenger in designated areas or spaces specifically restricted by any governmental entity.
- (c) Vehicles for hire shall be restricted from parking or soliciting passengers on property owned by franchisees.

Sec. 27-64. Designated areas.

Vehicles for hire may temporarily park in areas designated for use by vehicles for hire when not transporting passengers so long as they are not impeding traffic flow or the loading and unloading of passengers. The drivers of the vehicles for hire shall remain with the vehicle when parked in those areas. Vehicles for hire may elect to provide loading and unloading areas on private property they own or have permission to use by private property owners. Pedicabs may be permitted to temporarily park in additional designated areas that are smaller in size and do not accommodate motor vehicles for hire.

Sec. 27-65. Rates and charges.

Vehicles for hire shall clearly display, in a legible format approved by the VFH administrator, rates and charges for all passengers. The displays shall clearly indicate the forms of payment accepted by the vehicle for hire. If rates are charged per mile or per minute, then the vehicle for hire shall clearly display the total miles or minutes traveled by the passengers.

Sec. 27-66. Payment of displayed rates and charges.

- (a) It shall be unlawful for the operator or driver of any vehicle for hire to charge or demand of any passenger any sum of money in excess of the rates or charges displayed in or on the vehicle for hire.
- (b) It shall be unlawful for any person to refuse to pay the displayed rates and charges where vehicle for hire services has been appropriately provided to

the passenger. Passengers may be reimbursed by the operator in the event of inappropriate behavior or unsafe conditions by the driver. The passenger shall report the behavior or conditions to the operator within 24 hours of the incident and should report the same to the VHF Administrator. The operator shall have 72 hours to notify the VHF Administrator of such incidents.

Sec. 27-67. Cruising and solicitation of passengers.

- (a) Cruising or driving on the public streets soliciting prospective passengers for hire is hereby prohibited. No driver or other person shall stop or park any vehicle for hire on the transportation system of the city for the purpose of soliciting passengers, except at designated areas for vehicles for hire. No driver of any such vehicle shall solicit any patron to board such vehicle at any public place except at the curb within the boundaries of designated areas. No driver of such vehicle shall, within the transportation system of the city, solicit any person to become a passenger in such vehicle; provided, that no restriction contained herein shall prohibit any such vehicle from proceeding to any designated areas:
 - (1) To pick up any patron who has, prior to the beginning of that journey, by telephone or other communication, requested such vehicle to meet such patron at such designated area; or
 - (2) To deliver any patron to his requested destination; provided further, that no such vehicle shall load or unload passengers with any such restricted area or areas of the transportation system except at the curb of the street; or
 - (3) On private property owned by the vehicle for hire operator; or
 - (4) On private property where the owner has granted permission for vehicles for hire to operate.
- (b) It shall be unlawful for any vehicle for hire to park or solicit business on the transportation system of the city except as hereinabove provided.
- (c) Pedicab drivers are exempt from the provisions of Section 27-67 (a) and subsections under (a). Pedicabs may not operate in any manner that causes danger to passengers or any other user of the transportation system. Pedicab drivers may not stop to pick-up or off-load passengers in any areas where such activities are restricted or that would potentially endanger passengers. Pedicab drivers shall refrain from loud noises, calling out to pedestrians, or using any type of voice assisted device to solicit passengers. Any music played by the driver shall be within acceptable ranges. Pedicab operator shall respect private property owners that do not wish to permit pedicab operators from loading, unloading or soliciting passengers on their property. The VFH administrator or law enforcement may enact restrictions on the solicitation of business for a period not to exceed six months to allow for revisions to this Section or to strike the exemption for pedicab drivers.

Sec. 27-68. Signs or markings required on vehicles.

- (a) Every vehicle for hire in the city, shall have either a sign, or painted letters at least three (3) inches in height, and plainly visible and distinguishable from the vehicle, that provide the operator name, phone number, and unique vehicle number. The operator name and phone number shall be provided on both sides of the vehicle. The unique number will be displayed on the front, back and both sides of the vehicle. In addition, the unique number will be displayed on the dashboard and back of the front passenger seat of the vehicle and shall be clearly visible from the rear compartment of the vehicle.
- (b) Pedicabs are only required to have the sign or painted letters with the required information displayed on the rear of the pedicab and within the carriage or in a location visible to passengers riding in the carriage.

Sec. 27-69. Operator to register vehicle with city.

Every operator of a vehicle for hire in the city shall annually register such vehicle with City as part of the initial application or annual renewal. The registration shall include the medallion and vehicle number, along with applicable contact information as to the owner of the vehicle. The VFH administrator shall maintain the registration and shall provide it to the police department on or before January 1st of each year.

Sec. 27-70. Equipment and safety requirements.

Every vehicle for hire under this article shall be at all times in good order and repair in a clean condition and well-ventilated when in operation, so as to render safe, adequate and proper service, and so as not to be a menace to the safety of the patron of the vehicle or general public.

- (a) Every vehicle for hire shall comply with the equipment and safety standards to legally operate a vehicle on the transportation system in accordance with the Florida Uniform Traffic Control Law.
- (b) Every vehicle for hire shall be clean, in good working condition, without excessive wear and tear, maintain documented maintenance activities, ensure all doors are operational. All lights, windows, and windshields are not broken, cracked or unobstructed, all lamps operate as required, and the vehicles operate as intended by the manufacturer.
- (c) Every vehicle for hire shall annually meet the following equipment and safety standards:
 - (1) Motor Vehicles:
 - (i) The windshield and all side and rear windows shall provide clear visibility and operate according to the manufacturer's specifications. The windshield and all windows shall possess no breakage, cracks or pits that impair visibility or hinder the safety of passengers. All window cranks/power window switches shall be complete, intact and functioning. Windows on vehicles for hire shall not be covered by, or treated with a material which would

cause the vehicle to be in violation of F.S. §§ 316.2951—316.2956, as may be amended.

- (ii) All standard manufacturer's interior equipment shall be complete, intact and functioning; including, but not limited to interior lights, dashboard, trim, gear shifts and head rests. Vehicle interiors must not contain loose objects and must be clean, sanitary, and free of broken seats/protruding sharp edges or torn or damaged upholstery, headliner, or floor coverings. The vehicle's interior must be free of offensive odors. The floor board shall be free of rust and holes. Trunks and luggage compartments must be kept clean and free of debris.
- (iii) All doors must have operating handles, which allow opening from both the inside and outside, and door hinges and latches must function properly. Door locks must be operable by passengers at all times. Door seals and gaskets must be intact/operating and prevent water, odor and fumes from entering the vehicle from outside. All door panels must be intact to prevent accidental injuries on door and window mechanisms.
- (iv) Seat belts shall be available for all passengers (according to manufacturer's specifications and state law). Seat belts shall be in operating condition, easily accessible, clean and free of grease and other objectionable substances.
- (v) All vehicles shall be equipped with a fully functioning heating and air conditioning system. The vehicle shall be equipped with a fully functioning windshield defrost or defogging system.
- (vi) All vehicles shall be equipped with a light capable of illuminating the interior of the vehicle, controlled by the operation of the doors, or manually controlled by the driver.
- (vii) The transportation of children shall be in accordance with F.S. § 316.613, as may be amended.
- (viii) Those vehicles and operations, which are subject to the Americans with Disabilities Act (ADA), shall comply with the applicable provisions of said Act.
- (ix) The vehicle's body, fenders, doors, trim, grill and paint must be free from cracks, breaks, rust, and body damage that detracts from the overall appearance of the vehicle or could result in harm or injury to the passenger or his/her personal belongings.
- (x) The vehicle must be equipped with safe tires of the same size. No recaps shall be used. Maximum allowable tread wear shall be where tread is level with the wear bar, or two-thirty-seconds-inch when measured at three (3) random places in the tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges, or exposed belts.

- (xi) Windshield wipers must be operational according to the manufacturer's specifications. Wiper blades shall be in such a condition as to make firm contact with the windshield when operational, and shall not be torn or worn.
- (xii) Reflectors and lenses shall not be cracked or missing and must be the correct color and properly positioned.
- (xiii) Low and high beam headlights, turn signals, brake, tail and reverse lights shall be operable as required by state law. Each vehicle shall have a white light on the vehicle to illuminate the rear license plate so that it is clearly visible.
- (xiv) Steering mechanisms shall not be worn or jammed, nor shall there be more than two inches play to the left or right of center, measured at the steering wheel rim with the front wheels in a straight-ahead position. Power steering units shall not have visible signs of fluid leakage.
- (xv) The vehicle suspension shall function as designed by the manufacturer.
- (xvi) The vehicle shall be equipped with an operating horn with the actuating button mounted in the location designated by the vehicle manufacturer and operated in the manner designed and assembled by the vehicle manufacturer.
- (xvii) Each vehicle shall contain an operating parking brake and a primary brake system which acts on all four (4) vehicle wheels. There shall be no visible leaks in the brake line, hoses, wheel cylinders or any part of the brake system and no frayed cables. Brake linings and/or disc pads, when measured at the thinnest point shall not be less than one-sixteenth (1/16) of an inch and firmly attached to the brake shoe or disc. Disc brake rotors and brake drums shall be of a size and type appropriate for the vehicle, with no cracks or other damage which change or impair the functional surface. All primary brake systems shall demonstrate a reasonable total braking force when conducting a rolling stop.
- (xviii) There shall be no leakage of exhaust gas from the exhaust manifold, muffler or any other point in the exhaust system as determined through a visual and audible inspection. The tail pipe shall discharge exhaust from the rear of the vehicle according to manufacturer specifications.
- (xix) Belts shall show no signs of excessive wear and be free of cracks and frays. Hoses shall be firm and in good condition, free of leaks and cracks.
- (xx) All fluid levels shall be maintained according to manufacturer's specifications.

- (xxi) Vehicles are required to have manufacturer specified spare tires and tire changing equipment, unless all wheels are equipped with a "run flat tire" system.
- (xxii) Vehicles must be equipped with functioning speedometer and odometer.
- (xxiii) Vehicles must receive routine maintenance according to the manufacturer's recommendations pertaining to service intervals. A record of such routine maintenance must be maintained and is subject to inspection by the division.
- (xxiv) Businesses must ensure that each vehicle or driver has a means of communicating to a central dispatch or to emergency agencies with a two-way radio and/or cellular mobile telephone.
- (xxv) Failure to comply with the provisions of this section and applicable sections of F.S. ch. 316, as may be amended, may result in denial of a permit(s), revocation or suspension of the permit(s), a denial of renewal of such permits, issuance of a civil citation, a misdemeanor conviction or other such remedies available to the division by law.

(2) Each Pedicab must be equipped with the following, all of which shall be operational:

- (i) A headlight capable of projecting a beam of light for a distance of five hundred (500) feet.
- (ii) A taillight red in color and plainly visible from a distance of six hundred (600) feet to the rear of the pedicab.
- (iii) A schedule of fare rates.
- (iv) A signal bell or other warning device (except a siren, which is prohibited).
- (v) A reflective slow moving vehicle safety triangle on the rear of the carriage.
- (vi) The carriage for Pedicabs shall not be structurally modified from the original manufactured design, except for repairs or frame reinforcement.
- (vii) The carriage shall be placed over the rear axle of the bicycle and shall not be modified from the original manufactured design, except for repairs or frame reinforcement.
- (viii) Attached trailers, side cars, carriages, or any other attachment thereon not included in the original manufactured design and not directly mounted to a uniform bicycle frame are prohibited.
- (ix) Carriages shall not be modified in any manner to carry more passengers than originally designed by the manufacturer. Maximum seating capacity shall be displayed.

- (x) Brakes shall be in operable condition and adequate for the seating capacity provided and if the bicycle is pedal assist or electric. A brake check is required.
- (3) Each low-speed vehicle must be equipped with the following, all of which shall be operational:
- (i) Headlights
 - (ii) Stoplights.
 - (iii) Turn signals.
 - (iv) Taillights.
 - (v) Parking brakes.
 - (vi) Rearview mirrors.
 - (vii) Windshield.
 - (viii) Seat belts.
- (ix) Other equipment required by Florida law.

Sec. 27-71. Annual inspection.

- (a) It shall be unlawful for any operator or driver of any vehicle for hire, to drive or operate the same within the jurisdictional limits of the City of St. Augustine without a current valid medallion issued by the city fleet maintenance staff.
- (b) The operator of all other vehicles for hire shall, at least annually, subject each vehicle to a complete and thorough inspection by the city's fleet maintenance staff in accordance with the equipment and safety standards as listed in this chapter.
- (c) The city fleet maintenance staff may, for documented cause, determine that a motor vehicle, low speed vehicle, or pedicab does not pass inspection. City fleet maintenance staff may also require that prior to a re-inspection, that the motor vehicle or low speed vehicle shall be inspected by an ASE certified mechanic and that the vehicle be found in compliance with the equipment and safety requirements of this chapter. In the instance of a pedicab, the manufacture or a qualified bicycle repair shop must certify that pedicab is in good operating condition and found in compliance with the equipment and safety requirements of this chapter.
- (d) Upon inspection by the city, if the vehicle for hire is in good operational condition and all other permit requirements are met and all applicable fees are paid, then the city's fleet maintenance staff shall place a medallion on the vehicle. The medallion will be fixed to the outside left rear of the vehicle, in plain view from the rear of the vehicle.

Sec. 27-72. Suspension and revocation of vehicle medallion.

The chief of police is given full power to suspend a medallion if determined that the operation of a vehicle for hire would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the operator.

The vehicle may not be returned to service until it has been inspected and found to be in operable condition per the Florida Uniform Traffic Control Law and requirements of this chapter.

Sec. 27-73. Inspection fee.

- (a) Medallions issued are valid from October 1st through September 30th of each year. All vehicles for hire shall be inspected annually and the annual inspection fee will be as set forth in the city's schedule of fees.
- (b) The fee for reinspecting a vehicle that has been determined unsafe by the chief of police will be as set forth in the city's schedule of fees.
- (c) Any new vehicle placed in service after the issuance of a permit and the annual inspection shall be required to undergo an inspection, pay applicable fees, and is required to be issued a medallion by the city's fleet maintenance staff prior to being placed in service. The VFH administrator shall notify the police department upon approval that a new vehicle has been registered and placed in service. Upon receipt of the initial medallion, the vehicle will be required to be annually inspected along with all other vehicles.
- (d) The annual fee collected under this article is a fee paid for the purpose of examination and inspection of vehicles for hire and the administration of this article. Such fees are declared to be regulatory fees in addition to and not in lieu of the occupational license taxes imposed.

Sec. 27-74. Presumption of operation.

Any vehicle for hire being operated within the jurisdictional limits of the City of St. Augustine as defined in section 1.08 of the City Charter, or regularly used for transportation of passengers for compensation that is not a franchisee, shall be presumed to be used as a vehicle for hire for the purpose of this article.

Sec. 27-75. Transportation network company vehicle medallions.

- (a) A transportation network company driver may be issued a medallion for a transportation network company vehicle by providing proof of insurance as required by F.S. § 267.748(7); transportation network company disclosures provided in F.S. § 267.748(8); and by providing the transportation network company driver documentation required by F.S. § 267.748(11).
- (b) Annual renewal will be provided by providing proof of insurance as required by F.S. § 267.748(7), and by providing any updated information required by F.S. § 267.748(11).
- (c) The annual fee collected under this section is a fee paid for the benefit of the use of city designated areas.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 3. Inclusion in Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine, and that the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(5), Florida Statutes.

PASSED by the City Commission of St. Augustine, Florida, this _____ day of _____, 2026.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

ORDINANCE NO. 2026-10

AN ORDINANCE OF THE COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 27 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING FOR REGULATIONS FOR VEHICLES FOR HIRE; AMENDING ARTICLE I – IN GENERAL, ARTICLE II – VEHICLE DRIVERS, ARTICLE III – MOTOR VEHICLES FOR HIRE, ARTICLE IV – TRAILER TRAINS AND SIGHT-SEEING BUSES, AND ARTICLE V - TRANSPORTATION BY ANIMAL-DRAWN VEHICLES FOR PURPOSES OF TOURING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City of St. Augustine finds it necessary to update and strengthen the regulations governing vehicles for hire in order to protect the public health, safety, and welfare, ensure high-quality mobility services, and maintain the orderly use of the public rights-of-way; and

WHEREAS, vehicles for hire including taxis, shuttles, buses, and other passenger-service providers—play a significant role in the City’s transportation network and require appropriate regulations to ensure safe operations, responsible business practices, and protection of residents and visitors; and

WHEREAS, the City’s Adopted Mobility Plan emphasizes the importance of well-regulated passenger-service operations to reduce congestion, improve multimodal safety, and ensure that the transportation system functions efficiently for residents, businesses, and visitors; and

WHEREAS, vehicles for hire contribute to overall transportation demand within the City’s constrained historic street network, and appropriate regulation is necessary to prevent conflicts among vehicles, bicycles, pedestrians, transit services, and emergency response operations; and

WHEREAS, the City’s unique historic character, narrow street corridors, and high pedestrian volumes require adopted standards to protect public safety and maintain the City’s cultural, environmental, and economic vitality; and

WHEREAS, vehicles for hire play an important role in supporting tourism and local economic activity, but must do so under a regulatory framework that prioritizes public safety, equitable service access, and protection of public infrastructure; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending, reformatting and renumbering, Chapter 27, Articles I, II, III, IV, and V, Sections 27-23 through 27-149. Chapter 27, Articles I, II, III, IV, and V, Sections 27-23 through 27-149 of the Code of the City of St. Augustine are hereby amended, as follows:

“ARTICLE I. – IN GENERAL

Sec. 27-~~23~~11. Definitions.

- (a) Driver shall mean any person identified by a permitted operator that will drive authorized vehicles for hire on behalf of the operator and who has been issued an identification badge by the city. ~~For hire passenger transportation vehicle means any motorized or non-motorized vehicle other than a transportation network company vehicle, when used for transporting persons for compensation; let or rented to another for consideration; offered for rent or hire as a means of transportation for compensation; advertised in a newspaper or generally held out as being for rent or hire; used in connection with a travel bureau; or offered or used to provide transportation for persons solicited through personal contact or advertised on a "share-expense" basis.~~
- (b) Low speed vehicle shall have the same meaning as defined by Florida law. ~~means any four-wheeled vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour. Low-speed vehicles must comply with the safety standards in 49 C.F.R. Section 571.500 and Section 316.2122 as may be amended.~~
- (c) Medallion shall mean the vehicle identification issued pursuant to this chapter which represents the permission granted to operate the vehicle to provide vehicle for hire services within the jurisdictional limits of the city.
- (d) Motor vehicle shall have the same meaning as defined by Florida law.
- (e) Operator shall mean a person, company, or corporation that has applied for and been approved by the city to operator a vehicle for hire service, with one or more vehicles, within the jurisdictional limits of the city.
- (ef) Pedicab shall means either:

- (1) A person powered, pedal assist, or electric bicycle that has ~~two (2)~~, three (3) or more wheels, that transports, or is capable of transporting, passengers in a carriage with on-seats attached to the bicycle as part of the original manufactured design, that is operated by an individual and that is used for transporting passengers for monetary consideration; whether a stated fee or gratuity; or
 - (2) Self-propelled gas motorized bicycles, mopeds, motorbikes, or similar vehicle are prohibited from being used as a pedicab.
 - (3) A bicycle that has a single unarticulated frame, that pulls a carriage, sidecar or similar device that transports, or is capable of transporting, passengers on seats attached to the sidecar or similar device, that is operated by an individual are prohibited, and that is used for transporting passengers for monetary consideration.
- (g) Permit shall mean the approval issued by the city pursuant to this chapter which grants the privilege to operate a vehicle for hire service within the jurisdictional limits of the city.
- ~~(d) Taxicab means any motor vehicle for hire, other than a Transportation Network Company Vehicle, horse-drawn carriage, trailer train, low-speed vehicle, or pedicab, used for the transportation of passengers for hire, or offered for hire to the public for transportation.~~
- ~~(eh) Transportation network company, transportation network company driver, and transportation network company vehicle shall have the same meaning as defined by Florida law. are defined as they are in F.S. § 627.748.~~
- (i) Transportation system shall mean all the alleys, highways, roads, and streets within the city. The term transportation shall be as defined by Florida law.
- (j) Vehicles for hire (VFH) shall mean any motorized or non-motorized vehicle permitted by Florida law to operate on the transportation system used for transporting persons for compensation; offered for hire as a means of transportation for compensation; generally held out as being for hire; used in connection with a travel bureau; or offered or used to provide transportation for persons solicited through personal contact or advertised on a "share-expense" basis. Compensation includes fee, trade, or gratuity. The term excludes:
- (1) Sightseeing motor vehicles
 - (2) College, School, and church buses;
 - (3) Ambulances;
 - (4) Funeral home vehicles;
 - (5) Any vehicle engaged in operations under a certificate or permit issued by the Interstate Commerce Commission;
 - (6) Horse drawn carriages;
 - (7) Shuttle buses/vehicles (a vehicle that is used for courtesy transportation without compensation);

- (8) Passenger and transit vehicles owned, operated, leased or controlled by a governmental agency;
- (9) Public transit, paratransit, or transportation services partially or fully funded by a government entity;
- (10) Transportation network companies.
- (k) Vehicles for hire (VFH) administrator shall mean the city manager or designee authorized to administer this chapter regulating vehicles for hire. The determination of the VFH administrator shall be deemed the final administrative action unless otherwise specified.

Sec. 27-~~24~~12. Applicability.

- (a) All operations of ~~for hire passenger transportation vehicles business a vehicle for hire or~~ services rendered pursuant hereto shall be subject to the provisions of this chapter.
- (~~a~~)^(b) All operations of a vehicle for hire, except pedicabs, are prohibited from offering any sightseeing activities, charters, services, or tours. Offering any sightseeing activities are strictly limited to franchised horse drawn carriages, sightseeing motor vehicles, and pedicabs.

Sec. 27-~~25~~13. Penalty and enforcement.

- (a) Violation of any provision of this article shall ~~pay applicable fines and~~ be punishable as provided in section 1-8 or code enforcement pursuant chapter 2, article VI of the Code.
- (b) The VFH administrator is authorized to enforce this article, and to adopt rules and forms for the proper administration and enforcement of this chapter.
- (c) The VFH administrator shall have the right to audit the records of the vehicle for hire operators for purposes of verifying compliance with this article.
- (d) In the absence of a bona fide emergency, any person who violates or otherwise fails to comply with any provision of this article shall be subject to the following penalties, which include code enforcement fines and administrative penalties:
 - (1) The penalty for a first violation under this chapter shall be an official written warning from the VFH administrator.
 - (2) The penalty for a second violation under this chapter shall pay applicable fines as permitted by code enforcement and a second written warning from the VFH administrator.
 - (3) Upon three (3) violations under this chapter within a six-month period, the penalty shall include applicable fines as permitted by code enforcement and suspension of the vehicle for hire permit for a period not to exceed thirty (30) days. Should operations occur during the thirty (30) day suspension period, the vehicle for hire may be suspended for a period not to exceed six months.

- (4) Upon four (4) violations under this chapter within a twelve-month period, the penalty shall include applicable fines as permitted by code enforcement and suspension of the vehicle for hire permit for a period not to exceed six-months. Should operations occur during the six-month suspension period, the vehicle for hire may be suspended for a period not to exceed one-year.
- (5) Upon five (5) or more violations under this chapter within a twelve-month period, the penalty shall include applicable fines as permitted by code enforcement and revocation of the vehicle for hire permit. Should operation occur after the permit has been revoked, the vehicle for hire may be subject to a permanent ban on obtaining a vehicle for hire permit.
- (e) Any operator or driver not permitted to provide a vehicle for hire service shall be prohibited from offering such service within the City subject to the following penalties:
- (1) The penalty for a first violation under this chapter shall be an official warning.
- (2) The penalty for a second violation under this chapter shall be an applicable ticket legally allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the VFH administrator. In addition, the operator or driver would be prohibited from applying for a vehicle for hire permit or franchise for thirty (30) days.
- (3) The penalty for a third violation under this chapter shall be the maximum legal action allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the VFH administrator and the city actively working with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law. In addition, the operator or driver would be prohibited from applying for a vehicle for hire permit or franchise for six (6) months.
- (4) The penalty for a fourth violation under this chapter shall be the maximum legal action allowed to be administered by law enforcement or the maximum code violation permitted to be issued by the VFH administrator and the city actively working with law enforcement or the Florida Department of Highway Safety and Motor Vehicles to pursue suspension of driving privileges as permitted by Florida law. In addition, the operator or driver would be permanently banned from applying for a vehicle for hire permit or a franchise agreement with the city.
- (f) The operator of a vehicle for hire service, its agents, drivers, employees, or persons acting on its behalf, shall be liable for any penalties prescribed within this section."

ARTICLE II. VEHICLE DRIVERS PERMIT

Sec. 27-20. Permit maximum.

For the purposes of consistency with the Comprehensive Plan, the City's adopted Mobility Plan, maintenance of traffic standards, as well as, safety and

congestion management, the city shall issue no more than twenty five (25) vehicle for hire motor vehicle operator permits and no more than twenty (20) pedicab operator permits with a maximum of five (5) cabs per permit at any given time but may issue less than this number in furtherance of its stated policies. Nothing herein is intended to limit the City of St. Augustine's delegated state action authority conveyed by Section 111 of Chapter 11148, 1925 Laws of Florida, to control and regulate carriages, wagons and all other vehicles, as decided in Avalon Carriage Service v. Gamsey, order dated March 4, 2008, United States Middle District of Florida. There are no entitlements for operators as to the number of prior or future vehicle for hire permits.

Sec. 27-21. Vehicle for hire permit.

- (a) It shall be unlawful for any operator to provide vehicle for hire service in the city without obtaining an annual operator permit issued by the VFH administrator.
- (b) The operator is the entity responsible for all aspects of the vehicle for hire service including applying for and maintaining the annual permit, identifying drivers and securing their identification badges, securing medallions, and maintaining all vehicles.
- (c) The operator is responsible for payment of all required fees as set forth in the city's schedule of fees. Fees shall be paid prior to permit approval, annual renewals, issuance of medallions, and driver identification badges.
- (d) An operator's permit is valid for one year from the date of issuance and is non-transferable.

Sec. 27-22. Vehicle for hire permit application.

- (a) Application for the issuance or renewal of an operator permit shall be made in writing to the VFH administrator on a form provided by the city and signed and sworn to by the owner or by its authorized agent. Each application for issuance or renewal of a vehicle for hire permit shall include:
 - (1) The operator's name, address, email and telephone number; the date and state of formation; proof of active status with the Florida Division of Corporations authorizing it to do business under the laws of the State of Florida.
 - (2) An application for each driver working for the operator that includes documentation of a valid Florida driver's license, this includes all pedicab drivers.
 - (3) Proof of the insurance coverage as required by state statutes.
 - (4) Acknowledgment that the City will perform a background check for all drivers.
 - (5) The name, mailing, physical and email addresses and telephone number of a natural person(s) located within the State of Florida that the company has authorized to be its agent and a point of contact for the city with regards to:

- a. Filing applications and paying rates and charges on behalf of the company; and
- b. Receiving and accepting all legal process, correspondence and notices from the city pertaining to the company, or drivers operating for the company.

(6) Business tax receipt.

- (b) The application shall include documentation as to the location where rates will be displayed on the vehicle. The application shall also include all acceptable methods of payment and how the allowable payment options will be displayed or conveyed to passengers.

Sec. 27-23. Vehicle detail requirements.

- (a) Each application shall provide detail related to the vehicles to be utilized to provide vehicle for hire service.
- (b) The application shall provide detail related to the number of passengers than can be accommodated per vehicle.
- (c) Every vehicle for hire operators shall utilize a unique trade name or registered D/B/A (“Doing Business As”) name which is distinctive from and not substantially similar to any existing animal drawn vehicle or sightseeing vehicle franchise. All trade names or registered D/B/A names are subject to approval by the VFH administrator prior to permit issuance.
- (d) The following are vehicle detail requirements to be included with the application:
 - (1) The applicant shall provide documentation related to the appearance and design of all vehicles for hire. Each applicant shall provide designs that are unique and distinct from existing animal drawn vehicle or sightseeing vehicle franchise.
 - (2) The appearance, external dimensions, and design approval may be based on photographs, images and/or schematic diagrams of the vehicle, except for pedicabs.
 - (3) It shall be unlawful for a VFH operator to operate any vehicle for hire where the appearance and design of which has not been approved by the VFH administrator.
 - (4) No vehicle for hire may carry any advertising or promotional materials relating to any event or business on the exterior thereof, except that the vehicle for hire shall carry writings or signs in a manner to be approved by the VFH administrator which identifies each vehicle and operator.
- (e) The VFH administrator may approve limited duration special event advertisements on pedicabs. The pedicab operator shall seek prior authorization from the VFH administrator and shall provide details and an example of the advertisement that is event specific. The VFH administrator may approve limited duration pre-event advertisement leading up to the date of the event. This provision is not intended to allow for advertisements

other than for special events that have been approved by the VFH administrator. No advertisements shall be approved using automatic changeable signage, videos, scrolling text or images or any other advertisement that would lead to distracted driving by adjacent vehicles. If law enforcement, code enforcement, or FDOT finds any advertisement to potentially be unsafe or against code and notifies the operator, driver or VFH administrator, the advertisement shall be promptly removed from the pedicab.

Sec 27- 24. Permit issuance.

Upon receipt of an application for the issuance or renewal of a permit, the VFH administrator may verify all information provided in the application for compliance with all applicable provisions of this article. The city may issue a permit and identification badges for drivers if doing so is consistent with the City's adopted Comprehensive Plan, Mobility Plan, and policies, and if the applicant has met the requirements and has paid the required permit fees. It shall be unlawful for any person to drive or operate a vehicle for hire until issuance of a permit.

Sec. 27- 25. Annual renewal.

Annual fees proportionate to the cost of administration of the vehicle for hire program will be adopted as part of the city's schedule of fees and are to be paid annually by permit holders.

Sec. 27-26. To remain with vehicles.

~~It shall be unlawful for any owner, operator or driver of any for hire passenger transportation vehicle, or driver of any horse drawn vehicle for hire, to leave or absent himself for a greater distance than ten (10) feet from such for hire passenger transportation vehicle or horse drawn vehicle, of which he has charge as driver, while such for hire passenger transportation vehicle or horse drawn vehicle is parked or standing along the side of the curb of any public street within the city; provided, however, that such driver may assist passengers for hire in loading or unloading their hand baggage to and from such for hire passenger transportation vehicle or horse drawn vehicle for hire. This section shall be construed to govern the persons named herein only while conducting their business as a vehicle for hire.~~

Sec. 27-27. Drivers for hire to be photographed.

~~It shall be the duty of all drivers of for hire passenger transportation vehicles including, but not limited to taxicabs, pedicabs, low speed vehicles, horse drawn vehicles, trailer trains or other vehicles used for sightseeing, to be photographed by the city manager or his designee. Duplicates of such photograph shall be retained by the city and shall appear on the identification badge issued pursuant to this article.~~

Sec. 27-30. For hire driver's appearance and credentials.

~~Every for hire driver shall be clean and neat in appearance and shall, while on duty, wear the identification badge issued by the city bearing the inscription, "Licensed for Hire Driver," the license year, the official St. Augustine photograph~~

of the driver and the seal of the City of St. Augustine. Said badge shall be worn in plain view at all times while engaged in activities licensed under this section.

~~Sec. 27-46. -- Required examination; issuance of permit; data concerning convictions.~~

~~It shall be unlawful for any person to drive or operate a for hire passenger transportation vehicle including, but not limited to, taxicabs, pedicabs, low speed vehicles, horse drawn vehicles, trailer trains, or other vehicles used for sightseeing in the city, until such person has taken an examination to show a satisfactory knowledge of the principal streets of the city and all main thoroughfares leading out of the city, as well as a thorough knowledge of all the provisions of this Code and other ordinances relative to traffic regulations. Such examination shall be conducted by the city manager or his designee. Any person desiring to take such examination shall furnish a sworn written statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance. The city manager shall have the right to deny a permit under this section if it is determined that an applicant has been convicted of a felony or a criminal traffic offense as described in section 27-51 of this article. The applicant shall have the right to appeal such decision to the city commission within thirty (30) days, which shall hold a hearing at the next available city commission meeting and upon notice to the applicant, to determine whether to issue a permit to an applicant denied a permit due to such conviction. When such person shall comply with the provisions of this section and show satisfactory evidence of his qualifications as provided by this section, the city manager or his designee shall issue a permit and identification badge as provided within this article upon payment of the required fees.~~

~~Sec. 27-47. -- Notice of change of address, etc., required.~~

~~Any driver or operator registered under the provisions of this article is required to promptly notify the city manager of any change of his residence, place of employment or change of the vehicle which he is driving.~~

~~Sec. 27-48. -- Records to be kept.~~

~~It shall be the duty of the city manager or his or her designee to keep a record of all the data required by section 27-46.~~

~~Sec. 27-49. -- Permit to be on annual basis.~~

~~Any person to whom a permit and identification badge have been issued under the provisions of this article shall be entitled to such permit and identification badge from year to year upon payment of a fee of twenty five dollars (\$25.00) upon initial issuance and ten dollars (\$10.00) for each year renewed thereafter, plus any occupational license fee as required by section 17-73 of this Code and a fee, as established by the city manager, to cover the city's cost in administering examinations, performing criminal records searches and issuing badges required by this chapter; provided, however, that such person shall fully comply with the provisions of this article and such other ordinances, rules and regulations as shall be enacted or adopted from time to time by the city; and~~

~~provided further that the city commission, for good cause shown, may at any time revoke such permit and identification badge.~~

~~**Sec. 27-50. -- Revocation of permit.**~~

~~If any person licensed under this article shall commit an infraction punishable as provided in F.S. § 316.655, as amended, or violate any of the provisions of this Code or other ordinances of the city pertaining to automobiles or traffic, and on a third conviction thereof, his permit for operating such vehicle may be revoked by the city commission upon notice and hearing upon findings of fact which indicate violation of this article, and it shall thereafter be unlawful for him to operate such vehicle in the city.~~

~~**Sec. 27-51. -- Criminal traffic offenses.**~~

~~Upon acquiring a license under this article, any person convicted of a violation of a criminal traffic offense, including s. 316.027, s. 316.061, s. 316.067, s. 316.072, s. 316.192, s. 316.193, s. 316.1935 or s. 316.2045(2), Florida Statutes, shall automatically have his permit revoked for a minimum period of one (1) 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.~~

ARTICLE III. MOTOR VEHICLES FOR HIRE/VEHICLE DRIVERS

Sec. 27-30. Florida driver's license.

Every vehicle for hire driver shall be required to have a valid Florida driver's license and maintain such driver's license in accordance with Florida law, this includes all pedicab drivers.

Sec. 27-31. Vehicle operation.

Every vehicle for hire driver and passenger shall be required to operate and ride in the vehicle for hire consistent with Florida Uniform Traffic Control Law and local regulations.

Sec. 27- 32. Driver's registration.

The operator of vehicle for higher services shall ensure that each of its drivers are registered with the city and receive an identification badge. Each driver is required to be photographed by the VFH administrator or submit two copies of photos as specified on operator application forms or driver registration forms. Duplicates of such photograph shall be retained by the city and shall appear on the identification badge issued pursuant to this article.

Sec. 27-33. Driver's appearance and identification.

Every vehicle for hire driver shall be clean and neat in appearance, including wearing a shirt and shall, while on duty, have on the driver the identification badge issued by the city bearing the inscription, "Vehicle for Hire Driver." The inscription may include the word "Licensed", "Approved", "Permitted", or "Authorized" before Vehicle. The identification badge shall also include the operator's name, the driver's name, the official city photograph of the driver and

the seal of the City of St. Augustine, and the year for which the badge is valid. Said badge shall be worn in plain view at all times while engaged in the provision of vehicle for hire services.

Sec. 27- 34. To remain with vehicles.

It shall be unlawful for any driver of any vehicle for hire to leave or absent themselves for a distance than ten (10) feet from such for vehicle for hire, of which they have charge as driver, while such for vehicle for hire is in service; provided, however, that such driver may assist passengers in loading or unloading their hand baggage to and from such vehicle for hire. This section shall be construed to govern the persons named herein only while conducting their business as a vehicle for hire or at such times where the vehicle is legally parked.

Sec. 27- 35. Notice of change of address.

Any driver registered under the provisions of this article is required to promptly notify the VFH administrator of any change of place of employment to a new operator, or any action or event that would disqualify them from operating a vehicle for hire. The permitted operator, to the best of their knowledge, is ultimately responsible for ensuring the VFH administrator has the most recent information for registered drivers.

Sec. 27- 36. Background checks.

The VFH administrator shall initiate an annual background check for convicted criminal traffic offense, felony convictions, violent or sexual crimes, or registration as a sexual offender. Any of these shall disqualify a driver from approval. A driver may appeal such disqualification to the VFH administrator. The VFH administrator may, upon administrative review and consultation with the City Attorney and City Police Chief may in limited instances, issue an approval where a driver has served their sentence or complied with the terms associated with such offense.

Sec. 27- 37. Pedicab drivers providing sightseeing services.

Any pedicab driver desiring to provide sightseeing services shall be required to meet all of the requirements of the Code of the city pertaining to Chapter 17, Article V. Certified Guides. A pedicab driver may only receive one warning from law enforcement or the vehicle for hire administrator that they provided sightseeing services without obtaining the credentials as a certified guide. A second incident shall result in permanent revocation of the driver's ability to provide vehicle for hire services in the City. A pedicab driver not providing sightseeing services is not required to be a certified guide.

Sec. 27- 39. Revocation of permit.

If any operator or driver registered under this article shall commit an infraction punishable as provided in F.S. § 316.655, as amended, or violate any of the

provisions of this Code or other ordinances of the city pertaining to motor vehicles or traffic, and on a third conviction thereof, their permit for operating such vehicle may be permanently revoked by the VFH administrator upon notice and administrative review upon findings of fact which indicate violation of this article, and it shall thereafter be unlawful for them to operate such vehicle in the city.

Sec. 27- 40. Criminal traffic offenses.

Upon acquiring an identification badge or permit under this article, any driver or operator convicted of a violation of a criminal traffic offense, including s. 316.027, s. 316.061, s. 316.067, s. 316.072, s. 316.192, s. 316.193, s. 316.1935 or s. 316.2045, Florida Statutes, shall automatically have their badge or permit revoked for a minimum period of one (1) year. Such revocation may be appealed to the VFH administrator. The VFH administrator may, upon administrative review, permanently revoke the badge of any driver or permit of any operator convicted as provided herein.

ARTICLE ~~IIII~~IV. MOTOR VEHICLES FOR HIRE

Sec. 27-~~71~~60. Liability insurance—Required; amount; form; conditions; approval, etc.

- (a) It shall be unlawful for any ~~owner, operator, agent, lessee~~ or driver of ~~any any vehicles for hire for hire passenger transportation vehicle~~, to drive or operate the same, or permit the same to be driven or operated, on the ~~public street~~transportation system of this city, unless such ~~owner, operator, agent, lessee, chauffeur~~ or driver shall have first procured and filed with the city ~~director of financial services~~Risk Manager, at all times while such vehicle is being driven or operated, a liability insurance policy issued by a reliable and responsible insurance company authorized to write liability insurance and to do business in the state in amounts of not less than the amounts required by F.S. § 324.032, or any amendment thereto. ~~As of October 1, 2006, the requirements are as follows: One hundred twenty five thousand dollars (\$125,000.00) for one (1) person injured or killed, and fifty thousand dollars (\$50,000.00) for all property damaged or destroyed in any one (1) accident, and two hundred fifty thousand dollars (\$250,000.00) for more than one (1) person injured or killed in any one (1) accident, covering each motor driven passenger vehicle owned, operated, driven or controlled by such owner, operator, agent, lessee or driver.~~
- (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 such ~~owner, permitted operator, agent, lessee, chauffeur or driver~~. In the latter event, such policy shall provide insurance on each vehicle in amounts of not less than the amounts required by F.S. § 324.032, or any amendment thereto. ~~As of October 1, 2006, the requirements are as follows: One hundred twenty five thousand dollars (\$125,000.00) for one (1) person injured or killed, and fifty thousand dollars (\$50,000.00) for all property damaged or destroyed in any one (1) accident, and not less than two~~

~~hundred fifty thousand dollars (\$250,000.00) for more than one (1) person injured or killed in any one (1) accident.~~

- (c) Such policy or policies shall cover:
- (1) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages, including damages for care and loss of services, because of bodily injury, including death at any time resulting therefrom, sustained by any person, caused by accident and arising out of the ownership, maintenance, operation or use of such vehicle.
 - (2) All sums which the insured shall become obligated to pay by reason of the liability imposed upon the insured by law for damages because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance, operation or use of such vehicle. Such policy or policies shall include an endorsement to the effect that the same cannot be altered, modified or cancelled for any cause without notice being served upon the city ~~director of financial services~~Risk Manager at least fifteen (15) days prior to the date of such alteration, modification or cancellation.
- (d) Such policy or policies shall be in the generally accepted form in use in this state by liability insurance companies for such public and property damage liability insurance policies, and shall, among other things, provide that the insolvency or bankruptcy of the insured shall not relieve the insurer from the payment of damages for injuries or death sustained, or loss occasioned, within the provisions of the policy. All such policies, before becoming effective, under this article, shall be approved by the city ~~manager~~Risk Manager as to sufficiency and the city attorney as to form.

Sec. 27-~~7261~~. Same—Prerequisite to issuance of license.

No city license for the operation of any vehicle for hire ~~passenger transportation vehicle~~ shall be issued until the insurance policy shall have been filed and approved ~~by the city Risk Manager as provided for in section 27-71.~~

Sec. 27-~~7362~~. Same—Effect of lapse, expiration or termination.

If at any time during the effective period of any city license issued for the operation of any vehicle for hire ~~passenger transportation vehicle~~ the licensee suffers or allows the required insurance policy ~~required by section 27-71~~ to lapse or to become ineffective, or if the insurer thereof becomes unable financially to respond to the obligation thereof, or such policy is suffered or allowed to expire or terminate in whole or in part, then at the same time the license of such ~~licensee to drive or operate such~~ vehicle shall ipso facto become null and void.

Sec. 27-~~7463~~. ~~Congested areas To be designated by resolution, etc.~~Restricted Areas.

- (a) The city commission shall, by resolution, from time to time, as in its judgment public necessity, safety or convenience may require, create, define and declare any areas within the city as "~~congested restricted~~ areas." ~~When such~~

~~areas are so created and designated, all of the provisions in this article for or relating to congested areas shall be applicable and enforceable as to the congested areas created hereunder. Any congested area may be enlarged, restricted, changed, relocated or abolished by the city commission, by resolution, as in its judgment public necessity, safety or convenience may require. All such resolutions shall be published once before they shall become effective. Vehicles for hire shall be restricted from parking or stopping to load or unload any passenger in designated areas or spaces specifically restricted to use by franchised horse-drawn vehicles or sight-seeing vehicles.~~

- ~~(b) Vehicles for hire shall be restricted from parking or stopping to load or unload any passenger in designated areas or spaces specifically restricted by any governmental entity.~~
- ~~(c) Vehicles for hire shall be restricted from parking or soliciting passengers on property owned by franchisees.~~

~~Sec. 27-7564. Same—Vehicles to use "taxi" stands~~Designated areas.

~~Vehicles for hire may temporarily park in areas designated for use by vehicles for hire when not transporting passengers so long as they are not impeding traffic flow or the loading and unloading of passengers. The drivers of the vehicles for hire shall remain with the vehicle when parked in those areas. Vehicles for hire may elect to provide loading and unloading areas on private property they own or have permission to use by private property owners. Pedicabs may be permitted to temporarily park in additional designated areas that are smaller in size and do not accommodate motor vehicles for hire. Every taxicab, upon entering any congested area created under this article, shall proceed directly to an unoccupied "taxi" stand and shall enter and remain upon such stand until employed by a passenger or until such vehicle is otherwise ready to leave the congested area.~~

~~Sec. 27-7665. Rates and charges—To be fixed by resolution.~~

~~Vehicles for hire shall clearly display, in a legible format approved by the VFH administrator, rates and charges for all passengers. The displays shall clearly indicate the forms of payment accepted by the vehicle for hire. If rates are charged per mile or per minute, then the vehicle for hire shall clearly display the total miles or minutes traveled by the passengers. The city commission shall by resolution, from time to time, fix and establish reasonable rates and charges for the transportation of persons and their baggage within the city in for hire passenger transportation vehicles, and also in the same manner, amend, alter, change or abolish same. All such resolutions shall be published at least once before they shall become effective.~~

~~Sec. 27-7766. Same—Exceeding amounts fixed~~Payment of displayed rates and charges.

- ~~(a) It shall be unlawful for the operator or driver of any vehicle for hire passenger transportation vehicle to charge or demand of any customer passenger any sum of money in excess of the rates or charges fixed and established by the city commission under the provisions of section 27-76 displayed in or on the vehicle for hire.~~

~~(a)~~(b) It shall be unlawful for any person to refuse to pay the displayed rates and charges where vehicle for hire services has been appropriately provided to the passenger. Passengers may be reimbursed by the operator in the event of inappropriate behavior or unsafe conditions by the driver. The passenger shall report the behavior or conditions to the operator within 24 hours of the incident and should report the same to the VHF Administrator. The operator shall have 72 hours to notify the VHF Administrator of such incidents.

Sec. 27-7867. ~~Same~~—Cruising and solicitation of passengers.

- (a) Cruising or driving on the public streets ~~within any congested area created under section 27-74~~ soliciting prospective passengers for hire is hereby prohibited. No driver or other person shall stop or park any ~~for hire passenger transportation~~ vehicle for hire on ~~any street or highway~~the transportation system of the city ~~within any such congested area~~ for the purpose of soliciting passengers, except at designated areas for vehicles for hire~~such places designated as "for hire" or "taxi" stands~~. No driver of any such vehicle shall solicit any patron to board such vehicle at any public place ~~within any such congested area~~ except at the curb within the boundaries of a "for hire" or "taxi" stand~~designated areas~~. No driver of such vehicle shall, within ~~any such congested area, while such vehicle is not upon a "for hire" or "taxi" stand, by word, sign or other signal~~the transportation system of the city, solicit any person to become a passenger in such vehicle; provided, that no restriction contained herein shall prohibit any such vehicle from proceeding to any designated place~~areas~~:
- (1) To pick up any patron who has, prior to the beginning of that journey, by telephone or other communication, requested such vehicle to meet such patron at such designated place~~area~~; or
 - (2) To deliver any patron to his requested destination; provided further, that no such vehicle shall load or unload passengers with any such congested area~~restricted area or areas of the transportation system~~ except at the curb of the street; or
 - ~~(3) On private property owned by the vehicle for hire operator; or;~~
 - ~~(4) On private property where the owner has granted permission for vehicles for hire to operate.~~
- (b) It shall be unlawful for any vehicle for hire ~~passenger transportation vehicle~~ to park or solicit business on the ~~streets~~transportation system of the city ~~within any such congested area~~ except as hereinabove provided.
- ~~(c) Pedicab drivers are exempt from the provisions of Section 27-67 (a) and subsections under (a). Pedicabs may not operate in any manner that causes danger to passengers or any other user of the transportation system. Pedicab drivers may not stop to pick-up or off-load passengers in any areas where such activities are restricted or that would potentially endanger passengers. Pedicab drivers shall refrain from loud noises, calling out to pedestrians, or using any type of voice assisted device to solicit passengers. Any music played by the driver shall be within acceptable ranges. Pedicab operator shall respect private property owners that do not wish to permit~~

pedicab operators from loading, unloading or soliciting passengers on their property. The VFH administrator or law enforcement may enact restrictions on the solicitation of business for a period not to exceed six months to allow for revisions to this Section or to strike the exemption for pedicab drivers.

Sec. 27-79. Refusal to pay legal fare.

~~It shall be unlawful for any person to refuse to pay the legal fare, whether it is fixed by the city commission or a lesser amount agreed to between the parties, for the use of for hire passenger transportation vehicles.~~

Sec. 27-80. Cards showing schedule of rates, photograph and name of operator, etc., to be posted in vehicle.

~~(a) It shall be the duty of the owner, operator, agent, lessee, chauffeur or driver of any for hire passenger transportation vehicle to procure from the city director of financial services suitable cards, which shall be in a form prescribed by the city manager, and shall show the schedule of the rates and charges for the transportation services furnished by the operator of the vehicle; a photograph of the driver of such vehicle and his name, address and city license number; and also, the name and address of the owner of such vehicle.~~

~~(b) Such cards shall be posted in a conspicuous place within such vehicle while it is in use as a for hire passenger transportation vehicle, so that it may be clearly visible to all passengers in such vehicle.~~

Sec. 27-8168. Signs or markings required on vehicles.

~~(a) Every vehicle for hire passenger transportation vehicle in the city, while on the street, shall have placed thereon either a sign, or painted thereon in letters at least three (3) inches in height, and plainly visible and distinguishable from the vehicle, that provide the company-operator name, phone number, and unique vehicle number. The company-operator name and phone number will shall be provided on both sides of the vehicle. The unique number will be displayed on the front, back and both sides of the vehicle. In addition, the unique number will be displayed on the dashboard and back of the front passenger seat of the vehicle and shall be clearly visible from the rear compartment of the vehicle.~~

~~(b) Pedicabs are only required to have the sign or painted letters with the required information displayed on the rear of the pedicab and within the carriage or in a location visible to passengers riding in the carriage.~~

Sec. 27-8269. Owner-Operator to register vehicle with police city.

~~Every owner-operator of a vehicle for hire passenger transportation vehicle in the city shall annually register such vehicle used for hire with City as part of the initial application or annual renewal. the police department annually, on January first of each year. The registration shall include the medallion and vehicle number, along with applicable contact information as to the owner of the vehicle. The VFH administrator shall maintain the registration and shall provide it to the police department on or before January 1st of each year.~~

Sec. 27-~~8370~~. Equipment and safety requirements.

Every vehicle for hire ~~passenger transportation vehicle~~ under this article shall be at all times in good order and repair in a clean condition and ~~well-ventilated~~well-ventilated when in operation, so as to render safe, adequate and proper service, and so as not to be a menace to the safety of the patron of the vehicle or general public.

(a) Every vehicle for hire passenger transportation vehicle shall comply with the equipment and safety standards of this sub-section as applicable by type to legally operate a vehicle on the transportation system in accordance with the Florida Uniform Traffic Control Law.

(b) Every vehicle for hire shall be clean, in good working condition, without excessive wear and tear, maintain documented maintenance activities, ensure all doors are operational. All lights, windows, and windshields are not broken, cracked or unobstructed, all lamps operate as required, and the vehicles operate as intended by the manufacturer.

(a)(c) Every vehicle for hire shall annually meet the following equipment and safety standards:

~~(a) Taxicab:~~

~~(1) Taxicabs shall meet the following equipment and safety standards annually~~Motor Vehicles:

- (i) The windshield and all side and rear windows shall provide clear visibility and operate according to the manufacturer's specifications. The windshield and all windows shall possess no breakage, cracks or pits that impair visibility or hinder the safety of passengers. All window cranks/power window switches shall be complete, intact and functioning. Windows on vehicles for hire shall not be covered by, or treated with a material which would cause the vehicle to be in violation of F.S. §§ 316.2951—316.2956, as may be amended.
- (ii) All standard manufacturer's interior equipment shall be complete, intact and functioning; including, but not limited to interior lights, dashboard, trim, gear shifts and head rests. Vehicle interiors must not contain loose objects and must be clean, sanitary, and free of broken seats/protruding sharp edges or torn or damaged upholstery, headliner, or floor coverings. The vehicle's interior must be free of offensive odors. The floor board shall be free of rust and holes. Trunks and luggage compartments must be kept clean and free of debris.
- (iii) All doors must have operating handles, which allow opening from both the inside and outside, and door hinges and latches must function properly. Door locks must be operable by passengers at all times. Door seals and gaskets must be intact/operating and prevent water, odor and fumes from entering the vehicle from

outside. All door panels must be intact to prevent accidental injuries on door and window mechanisms.

- (iv) Seat belts shall be available for all passengers (according to manufacturer's specifications and state law). Seat belts shall be in operating condition, easily accessible, clean and free of grease and other objectionable substances.
- (v) All vehicles shall be equipped with a fully functioning heating and air conditioning system. The vehicle shall be equipped with a fully functioning windshield defrost or defogging system.
- (vi) All vehicles shall be equipped with a light capable of illuminating the interior of the vehicle, controlled by the operation of the doors, or manually controlled by the driver.
- (vii) The transportation of children shall be in accordance with F.S. § 316.613, as may be amended.
- (viii) Those vehicles and operations, which are subject to the Americans with Disabilities Act (ADA), shall comply with the applicable provisions of said Act.
- (ix) The vehicle's body, fenders, doors, trim, grill and paint must be free from cracks, breaks, rust, and body damage that detracts from the overall appearance of the vehicle or could result in harm or injury to the passenger or his/her personal belongings.
- (x) The vehicle must be equipped with safe tires of the same size. No recaps shall be used. Maximum allowable tread wear shall be where tread is level with the wear bar, or two-thirty-seconds-inch when measured at three (3) random places in the tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges, or exposed belts.
- (xi) Windshield wipers must be operational according to the manufacturer's specifications. Wiper blades shall be in such a condition as to make firm contact with the windshield when operational, and shall not be torn or worn.
- (xii) Reflectors and lenses shall not be cracked or missing and must be the correct color and properly positioned.
- (xiii) Low and high beam headlights, turn signals, brake, tail and reverse lights shall be operable as required by state law. Each vehicle shall have a white light on the vehicle to illuminate the rear license plate so that it is clearly visible.
- (xiv) Steering mechanisms shall not be worn or jammed, nor shall there be more than two inches play to the left or right of center, measured at the steering wheel rim with the front wheels in a straight-ahead position. Power steering units shall not have visible signs of fluid leakage.

- (xv) The vehicle suspension shall function as designed by the manufacturer.
- (xvi) The vehicle shall be equipped with an operating horn with the actuating button mounted in the location designated by the vehicle manufacturer and operated in the manner designed and assembled by the vehicle manufacturer.
- (xvii) Each vehicle shall contain an operating parking brake and a primary brake system which acts on all four (4) vehicle wheels. There shall be no visible leaks in the brake line, hoses, wheel cylinders or any part of the brake system and no frayed cables. Brake linings and/or disc pads, when measured at the thinnest point shall not be less than one-sixteenth (1/16) of an inch and firmly attached to the brake shoe or disc. Disc brake rotors and brake drums shall be of a size and type appropriate for the vehicle, with no cracks or other damage which change or impair the functional surface. All primary brake systems shall demonstrate a reasonable total braking force when conducting a rolling stop.
- (xviii) There shall be no leakage of exhaust gas from the exhaust manifold, muffler or any other point in the exhaust system as determined through a visual and audible inspection. The tail pipe shall discharge exhaust from the rear of the vehicle according to manufacturer specifications.
- (xix) Belts shall show no signs of excessive wear and be free of cracks and frays. Hoses shall be firm and in good condition, free of leaks and cracks.
- (xx) All fluid levels shall be maintained according to manufacturer's specifications.
- (xxi) Vehicles are required to have manufacturer specified spare tires and tire changing equipment, unless all wheels are equipped with a "run flat tire" system.
- (xxii) Vehicles must be equipped with functioning speedometer and odometer.
- (xxiii) Vehicles must receive routine maintenance according to the manufacturer's recommendations pertaining to service intervals. A record of such routine maintenance must be maintained and is subject to inspection by the division.
- (xxiv) Businesses must ensure that each vehicle or driver has a means of communicating to a central dispatch or to emergency agencies with a two-way radio and/or cellular mobile telephone.
- (xxv) Failure to comply with the provisions of this section and applicable sections of F.S. ch. 316, as may be amended, may result in denial of a permit(s), revocation or suspension of the permit(s), a denial of renewal of such permits, issuance of a civil citation, a

misdemeanor conviction or other such remedies available to the division by law.

~~(b2)~~ Pedicab Each Pedicab must be equipped with the following, all of which shall be operational.:

~~(1)~~ Each pedicab must be equipped with the following, all of which shall be operational:

- (i) A headlight capable of projecting a beam of light for a distance of five hundred (500) feet.
- (ii) A taillight red in color and plainly visible from a distance of six hundred (600) feet to the rear of the pedicab.
- (iii) A schedule of fare rates.
- (iv) A signal bell or other warning device (except a siren, which is prohibited).
- (v) A reflective slow moving vehicle safety triangle on the rear of the carriage.
- (vi) The carriage for Pedicabs shall not be structurally modified from the original manufactured design, except for repairs or frame reinforcement.
- (vii) The carriage shall be placed over the rear axle of the bicycle and shall not be modified from the original manufactured design, except for repairs or frame reinforcement.
- (viii) Attached trailers, side cars, carriages, or any other attachment thereon not included in the original manufactured design and not directly mounted to a uniform bicycle frame are prohibited.
- (ix) Carriages shall not be modified in any manner to carry more passengers than originally designed by the manufacturer. Maximum seating capacity shall be displayed.
- (x) Brakes shall be in operable condition and adequate for the seating capacity provided and if the bicycle is pedal assist or electric. A brake check is required.

~~(c3)~~ Low speed vehicle Each low-speed vehicle must be equipped with the following, all of which shall be operational.:

~~(1)~~ A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

- (i) Headlights
- (ii) Stoplights.
- (iii) Turn signals.
- (iv) Taillights.
- (v) Parking brakes.
- (vi) Rearview mirrors.

(vii) Windshield.

(viii) Seat belts.

(ix) Other equipment required by Florida law.

Sec. 27-8471. Periodic Annual inspection.

- (a) It shall be unlawful for any ~~owner, operator, agent, lessee~~ or driver of any vehicle for hire ~~passenger transportation vehicle~~, to drive or operate the same, ~~or permit the same to be driven or operated~~ within the jurisdictional limits of the City of St. Augustine without a current valid ~~numbered~~-medallion issued by the city ~~displayed as required in section 27-84(e) below~~fleet maintenance staff.
- ~~(b) Prior to receiving a medallion, each taxicab shall be inspected by an ASE certified mechanic that the vehicle is in compliance with the equipment and safety requirements as listed in section 27-83(a)(1)–(25) on a form provided by city fleet management. The applicant must provide to the city's fleet management the signed checklist from an ASE certified mechanic that the vehicle is safe prior to receiving their initial medallion.~~
- ~~(c) Each year prior to city renewing the medallion, each taxicab shall be inspected by an ASE certified mechanic that the vehicle is in compliance with a safety checklist as provided by city fleet management. The applicant must provide to the city's fleet management the signed checklist from an ASE certified mechanic that the vehicle is safe prior to receiving their renewed medallion.~~
- ~~(db) The owner-operator of all other vehicles for hire ~~passenger transportation vehicles~~ shall, at least annually, subject the each vehicle to a complete and thorough inspection by the city's fleet maintenance staff in accordance with the equipment and safety standards as listed ~~for the vehicle type in subsection 27-83~~in this chapter.~~
- ~~(c) The city fleet maintenance staff may, for documented cause, determine that a motor vehicle, low speed vehicle, or pedicab does not pass inspection. City fleet maintenance staff may also require that prior to a re-inspection, that the motor vehicle or low speed vehicle shall be inspected by an ASE certified mechanic and that the vehicle be found in compliance with the equipment and safety requirements of this chapter. In the instance of a pedicab, the manufacture or a qualified bicycle repair shop must certify that pedicab is in good operating condition and found in compliance with the equipment and safety requirements of this chapter.~~
- ~~(ed) If uUpon inspection by the city, if the vehicle for hire is in good operational condition and all other permit requirements are met and all applicable fees are paid, then the city's fleet maintenance staff shall place a medallion on the vehicle. The medallion will be fixed to the outside left rear of the vehicle, in plain view from the rear of the vehicle. ~~found to comply with the requirements of section 27-83 and there is a current regulatory license on file for the vehicle, then a numbered medallion will be issued. This medallion will be fixed to the outside left rear of the vehicle, in plain view from the rear of the~~~~

~~vehicle. A vehicle may be inspected and found to comply with requirements; however, if there is no current regulatory license on file, a numbered medallion will not be issued until a current regulatory license is obtained.~~

Sec. 27-~~85~~72. Suspension and revocation of vehicle medallion.

The chief of police is given full power to suspend a medallion if ~~he determines~~ determined that the operation of a vehicle for hire would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the ~~owneroperator~~. The ~~motor~~ vehicle may not be returned to ~~serve service~~ until it has been inspected and found to ~~comply with section 27-83~~ be in operable condition per the Florida Uniform Traffic Control Law and requirements of this chapter.

Sec. 27-~~86~~73. Inspection fee.

- (a) Medallions issued are valid from October 1st through September 30th of each year. All vehicles for hire ~~passenger transportation vehicles must~~ shall be inspected annually ~~as provided in section 27-84~~ and the annual inspection fee will be as set ~~by the city manager pursuant to section 2-74~~ forth in the city's schedule of fees.
- (b) The fee for reinspecting a vehicle that has been determined unsafe by the chief of police will be as set ~~by the city manager pursuant to section 2-74~~ forth in the city's schedule of fees.
- ~~(c) Any new vehicle placed in service after the issuance of a permit and the annual inspection shall be required to undergo an inspection, pay applicable fees, and is required to be issued a medallion by the city's fleet maintenance staff prior to being placed in service. The VFH administrator shall notify the police department upon approval that a new vehicle has been registered and placed in service. Upon receipt of the initial medallion, the vehicle will be required to be annually inspected along with all other vehicles.~~
- ~~(ed)~~ The annual fee collected under this article is a fee paid for the purpose of examination and inspection of vehicles for hire and the administration of this article. Such fees are declared to be regulatory fees in addition to and not in lieu of the occupational license taxes imposed.

Sec. 27-~~87~~74. Presumption of operation.

Any ~~automobile signed, marked, labeled or identified as provided in section 27-84~~ vehicle for hire being operated within the jurisdictional limits of the City of St. Augustine as defined in section 1.08 of the City Charter, or regularly used for transportation of passengers for compensation that is not a franchisee, shall be presumed to be used as a vehicle for hire ~~taxicab and for hire passenger transportation vehicle~~ for the purpose of this article.

Sec. 27-~~88~~75. Transportation network company vehicle medallions.

- (a) A transportation network company driver may be issued a medallion for a transportation network company vehicle by providing proof of insurance as

required by F.S. § 267.748(7); transportation network company disclosures provided in F.S. § 267.748(8); and by providing the transportation network company driver documentation required by F.S. § 267.748(11).

- (b) Annual renewal will be provided by providing proof of insurance as required by F.S. § 267.748(7), and by providing any updated information required by F.S. § 267.748(11).
- (c) The annual fee collected under this section is a fee paid for the benefit of the use of city designated areas ~~owned taxi stands~~.

~~Sec. 27-107. 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:~~

~~*Sight-seeing* means to show and describe, for hire or compensation, points of interest and historical places in the city.~~

~~*Tractors* means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than part of the weight of the vehicle and load so drawn.~~

~~*Trailer* means every vehicle with or without motor power designed for carrying persons or property, and for being drawn by a motor vehicle.~~

~~*Trailer train* means every motor-powered vehicle or tractor to which is attached any trailer or trailers as hereinabove defined, and designed for the purpose of carrying eight (8) or more passengers, and used for the transportation of passengers for hire.~~

~~*Trailer train not for hire* means every motor-powered vehicle or tractor to which is attached any trailer or trailers as hereinabove defined, and designated for the purpose of carrying eight (8) or more passengers, and used for the transportation of passengers not for hire.~~

~~Sec. 27-108. Operation prohibited after January 1, 1978.~~

~~Unless franchised by the city to do so, it shall be unlawful for any owner, operator, agent, lessee or driver of any trailer train, trailer train not for hire, or sight-seeing motor vehicle to drive or operate any trailer train, trailer train not for hire, or sight-seeing motor vehicle on the public streets of the city. Any person who is convicted of a violation of the provisions of this article shall be punished as provided in section 1-8.~~

~~Sec. 27-109. Observance of certain holidays.~~

~~Each grantee having a sight-seeing motor vehicle franchise within the city is hereby given leave to cease operations on Christmas and Easter of each year, nothing in their respective franchises to the contrary notwithstanding.~~

~~Sec. 27-110. Minimum equipment, maintenance; medallion.~~

- ~~(a) Each sight-seeing motor vehicle as defined by Ord. No. 77-18, § 2, and each trailer train as defined by Ord. No. 81-45, § 2, shall have the following equipment:~~
- ~~(1) Brakes.~~
 - ~~(2) Emergency brake.~~
 - ~~(3) Exhaust system.~~
 - ~~(4) Headlights.~~
 - ~~(5) Horn.~~
 - ~~(6) Stop lights.~~
 - ~~(7) Tag lights.~~
 - ~~(8) Tail lights.~~
 - ~~(9) Tires.~~
 - ~~(10) Turn signals.~~
 - ~~(11) Windshield wipers.~~
- ~~(b) Each sight-seeing motor vehicle or trailer train should be maintained in a clean, well-painted manner so as to provide a generally good appearance.~~
- ~~(c) The owner of each sight-seeing motor vehicle or trailer train shall, at least annually, subject the vehicle to a complete and thorough inspection by the city's fleet maintenance staff in accordance with the policies, procedures, requirements and schedules established by the office of the city manager. If upon inspection the vehicle is found to comply with the requirements of subsections (a) and (b) above and there is a current franchise agreement on file for the owner of the vehicle, then a numbered medallion will be issued. This medallion will be fixed to the outside left rear of the vehicle, in plain view from the rear of the vehicle. A vehicle may be inspected and found to comply with the requirements; however, if there is no current franchise agreement on file, a numbered medallion will not be issued until a current franchise agreement is obtained.~~
- ~~(d) The chief of police is given full power to suspend a medallion if he determines that the operation of a sight-seeing vehicle would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the owner. The sight-seeing vehicle may not be returned to service until it has been inspected and found to comply with subsections (a) and (b) above.~~

Sec. 27-126. Definitions.

- ~~(a) Definitions. Except where the context clearly indicates otherwise, the following terms and phrases as used in this article shall have the following meanings:~~

~~*Animal* shall mean any horse or mule used for touring purposes and operated under a franchise agreement.~~

~~*Animal-drawn vehicle* shall mean a carriage or vehicle drawn or pulled by an animal used for touring purposes.~~

~~*Business day* shall exclude Saturday, Sunday and any day of the week determined to be a holiday according to the annual city holiday calendar.~~

~~Code enforcement shall mean the director of planning and building or designee.~~

~~Driver/operator shall mean the person or persons driving an animal-drawn vehicle.~~

~~Fire department shall mean the fire chief or designee.~~

~~Franchise agreement shall mean the agreement between the city and a franchisee authorizing the franchisee to operate animal-drawn vehicles on the public streets of the city, subject to the terms of this article.~~

~~Franchisee shall mean the grantee of authority to operate animal-drawn vehicles under a franchise agreement entered into between the city and franchisee, subject to the terms of this article.~~

~~Out of service shall mean when the animal is unhitched from an animal-drawn vehicle and out of its harness.~~

~~Police department shall mean the chief of police or designee.~~

~~Rest shall mean the time when the animal is in service but not actively engaged in the act of pulling an animal-drawn vehicle.~~

~~Stable shall mean the barn where the animals are kept.~~

~~Stall shall mean individual space within the barn where each animal is kept.~~

~~Tour guide shall mean any person who for compensation offers to show and describe the points of interest and historical places in the city.~~

~~Tour or touring shall mean the conducting of or the participation in sightseeing in the districts for hire or in exchange for a donation.~~

~~Sec. 27-127. Franchise required; restrictions.~~

- ~~(a) No person shall operate or cause to be operated for hire any vehicle, of whatever nature, drawn by animals, for the purpose of conducting tours within the City of St. Augustine (hereafter "city") without first entering into a franchise agreement with the city.~~
- ~~(b) The city manager or designee may enter into a franchise agreement. Each franchise agreement shall be granted for a period not to exceed twenty (20) years and shall automatically renew upon the expiration of the initial franchise term on a year to year basis so long as the franchisee is in good standing, unless either party gives twelve (12) months written notice prior to the expiration of the current term that it does not intend to renew the agreement.~~
- ~~(c) A franchisee's authorization to use the city's streets, alleys, public ways and places for the purposes herein shall not be exclusive, and the city reserves the authority to grant the use of all streets, alleys, public ways and places to any person at any time during the period of any franchise granted pursuant to this article.~~
- ~~(d) The enjoyment and exercise by a franchisee of any and all rights to use the city's streets, alleys, public ways and places shall be subject and subordinate~~

~~to the dominant right of the public to use said streets, alleys, public ways and places and to the lawful exercise of control by the city over the use thereof.~~

~~Sec. 27-128. Franchise application required.~~

~~The applicant shall submit an application with the city for a franchise agreement with proof of the following:~~

- ~~(1) Documentation demonstrating that the applicant is authorized to legally conduct business within the State of Florida pursuant to Florida Statutes and, if applicable, a completed application for a business tax receipt for operation of a business within the city limits;~~
- ~~(2) Intended hours of operation;~~
- ~~(3) Location of facilities to be used for the housing of animals;~~
- ~~(4) Name of doctor of veterinary medicine, duly licensed in the state, for compliance with city's requirement to provide the animal's certificate of health;~~
- ~~(5) Applicant's previous experience in the operation of animal-drawn vehicles on the public streets;~~
- ~~(6) Number of permits requested (subject to the provisions of this article);~~
- ~~(7) Number of carriages to be operated (Number of carriages shall equal or exceed number of permits requested.);~~
- ~~(8) Proof that such animal-drawn vehicles will be insured under a liability insurance policy for personal injury or death and for injury to or destruction of property of one or more persons resulting from any one accident of not less than the minimum dollar amount of liability insurance coverage required by applicable vehicle and traffic statutes and laws to be maintained by owners of vehicles engaged in the business of carrying or transporting passengers for hire;~~
- ~~(9) Acknowledgment by the applicant that any franchise shall be nonexclusive; and~~
- ~~(10) Acknowledgment by the applicant that upon the violation of any provisions of this article by the applicant/franchisee, its agents, employees or persons acting on its behalf, the applicant/franchisee shall be liable for any penalties prescribed within this article.~~

~~Sec. 27-129. Permits.~~

- ~~(a) A fee equal to the greater of two and one-half (2½) percent of the franchisee's gross annual revenue or one thousand dollars (\$1,000.00) times the number of permits issued under the franchise shall be paid in quarterly installments from the date of execution of the franchise agreement on dates specified in the franchise agreement. Beginning on the fourth year of a franchise and each third year thereafter, the city may increase the percent of the franchisee's gross annual revenue for purposes of determining the franchise fee by no more than one-half (½) percent.~~

However, in no event shall the percentage exceed five (5) percent of the franchisee's annual gross revenue.

- ~~(b) At the end of a franchise year, the city shall multiply the number of permits issued under the franchise times the applicable percentage specified in subsection (a) of the franchisee's gross annual revenue for that year. If the result of that calculation exceeds the amount paid under subsection (a), the franchisee shall pay the difference within ninety (90) days.~~
- ~~(c) The term "gross annual revenue" as used in this section for the determination of the franchise fee shall mean the gross amount of revenue collected by the franchisee from sales of passenger tickets, less any sales tax, admission tax and cost to franchisee for admission tickets to other attractions, if any.~~
- ~~(d) In order that the city may determine the proper amount of the franchise fee each year, the city shall furnish to franchisee the forms and guidelines for a system of accounting records, which forms franchisee shall be required to maintain and make available to the city at all times. Franchisee shall file with the city, on a quarterly basis no later than the fifteenth (15th) day of January, April, July and October, a report on a form provided by the city showing yearly gross sales to the date of filing.~~
- ~~(e) The total number of permits issued by the city shall not exceed thirty (30).~~
- ~~(f) Except as provided in this subsection, the number of permits issued to a single franchise shall not exceed ten (10). Any person who on the effective date of this ordinance has in excess of ten (10) permits issued by the city and applies for a franchise shall be entitled to no more than fifteen (15) permits. Any person who on the effective date of this article has fewer than ten (10) permits issued by the city and applies for a franchise shall be entitled to the number of permits issued to such person and may apply for additional permits; provided that the total number of permits issued to such person shall not exceed ten (10).~~
- ~~(g) All permits granted to a franchisee shall remain with that franchise, unsevered and unassigned.~~
- ~~(h) Franchises are nontransferable.~~
- ~~(i) No franchisee, no subsidiary of a franchise and no person or entity who holds an ownership interest in a franchise may manage, operate or otherwise control, directly or indirectly, any permit(s) not issued to that franchise.~~

~~Sec. 27-130. Franchisee obligations.~~

~~The franchisee shall comply with the following obligations:~~

- ~~(1) During the term of the franchise agreement, the franchisee shall remain authorized to legally conduct business within the State of Florida, pursuant to Florida Statutes;~~
- ~~(2) The franchisee shall agree to operate its business strictly in accordance with the ordinances of the city applicable thereto as from time to time amended;~~

- ~~(3) The franchisee shall agree that upon the violation of any provisions of this article by the franchisee, its agents, employees or persons acting on its behalf, the franchisee shall be subject to penalties prescribed within this article.~~

~~**Sec. 27-131. City's audit rights.**~~

~~In addition to the accounting system as specified in section 27-129(d), the city shall have access at all reasonable hours to all of each franchisee's accounting, financial, statistical customer and service records relating to the operation of franchisee's animal-drawn vehicles. The city may conduct an annual audit of any of franchisee's records for the purpose of determining the accuracy of the gross sales reported by franchisee. The nature and extent of the audit shall be determined by the city manager.~~

~~**Sec. 27-132. Loading and unloading.**~~

- ~~(a) The city manager shall formulate and promulgate reasonable rules and regulations for use of designated loading areas in order to ensure equality of opportunity among operators, prevent discrimination among animal-drawn vehicles and prevent unfair practices among the owners, operators and drivers of such animal-drawn vehicles for hire.~~
- ~~(b) The cost or price of animal-drawn vehicle rides shall be established by resolution of the city commission after public hearing.~~

~~**Sec. 27-133. Prescribed routes; restrictions.**~~

- ~~(a) Routes. Animal-drawn vehicles shall only operate on routes established by resolution of the city commission after public hearing.~~
- ~~(b) Such routes may be temporarily changed or altered by the city manager if determined to be necessary for public safety reasons, with such changes being subject to immediate review of the city commission at the commission's next regularly scheduled meeting.~~
- ~~(c) Picking up off-route fares. An animal-drawn vehicle may leave a prescribed route to pick up a fare so long as the animal-drawn vehicle travels from a prescribed route and directly to the fare pick up location. Upon picking up an off-route fare, an animal-drawn vehicle shall immediately return directly to, and remain on, a prescribed route.~~
- ~~(d) Dropping off fares. An animal-drawn vehicle may leave a prescribed route to drop off a fare so long as the animal-drawn vehicle travels from a prescribed route and directly to the fare drop off location. Upon dropping off a route fare, an animal-drawn vehicle shall immediately return directly to, and remain on, a prescribed route.~~

~~**Sec. 27-134. Charters.**~~

- ~~(a) Every Tuesday or other day determined by the city manager, each franchisee shall notify the city manager or designee of any requests for a charter on a route other than a prescribed route to be performed during the next seven-day period. The franchisee shall also notify the city manager or designee of any such charter performed by the franchisee during the~~

~~preceding seven-day period which had not been previously reported. The notification shall contain the following information:~~

- ~~(1) The name of the franchisee;~~
 - ~~(2) The name of the animal-drawn vehicle operator;~~
 - ~~(3) Identification of the exact route taken or proposed to be taken;~~
 - ~~(4) The date of the route or proposed route; and~~
 - ~~(5) The approximate time of day of the charter or proposed charter.~~
- ~~(b) Upon receipt of a notification, the city manager or designee shall notify the franchisee of the approval or disapproval of a charter route and provide the franchisee with a certificate of approval for any approved proposed charter.~~
- ~~(c) A pre-approved charter shall display the certificate of approval on a plainly visible location on the animal-drawn vehicle during the entire charter.~~
- ~~(d) No franchisee shall operate on any route disapproved by the city manager or designee pursuant to this section. The city manager or designee shall notify all franchisees of any such disapproved route.~~
- ~~(e) Notifications by franchisees under this section may be submitted to the city manager or designee via facsimile or electronic mail.~~

~~Sec. 27-135. Drivers.~~

~~It shall be unlawful for any person to drive or operate an animal-drawn vehicle in the city until such person has taken an examination to show a satisfactory knowledge of the principal streets of the city and all main thoroughfares leading out of the city, as well as a thorough knowledge of all the provisions of the Code and other ordinances relative to traffic regulations. Such examination shall be conducted by the city manager or designee. Any person desiring to take such examination shall furnish to the examining officer his or her name, age and address, and in addition thereto, a sworn written statement as to whether or not the applicant has been either charged or convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the disposition or penalty assessed therein. When such person shall comply with the provisions of this section and show satisfactory evidence of his or her qualifications as provided by this section, the chief of police shall issue a certificate as to his or her qualifications, embracing the above facts, and the driver shall keep such certificate on his or her person and exhibit the same to any passenger when requested to do so.~~

~~Sec. 27-136. Drivers' appearance.~~

~~Every animal-drawn vehicle driver shall be neat and clean in appearance and, while on duty, shall wear a badge or nameplate with his or her name thereon on his or her shirt or coat, in plain view. No driver may smoke while he/she is carrying any passenger.~~

~~Sec. 27-137. Compliance with traffic regulations.~~

~~Any person having been issued a permit under this article to engage in the business of operating animal-drawn vehicles shall be subject to all traffic provisions of this Code and other ordinances and regulations now in effect in the~~

~~city and all traffic ordinances and regulations which may pertain to the operation of animal-drawn vehicles, hereinafter enacted or adopted by the city, and such rules and regulations formulated and promulgated by the city manager under authority of this article.~~

~~Sec. 27-138. Tour guide required.~~

~~All tours on animal-drawn vehicles must be conducted by a registered or temporary tour guide in accordance with chapter 17, article V of this Code.~~

~~Sec. 27-139. Equipment and safety requirements.~~

~~(a) Every animal-drawn vehicle in service shall have the following equipment on the vehicle, which equipment shall be maintained in good repair:~~

~~(1) Body condition.~~

~~(2) Reflectors.~~

~~(3) Grab handles.~~

~~(4) Traces.~~

~~(5) Harness.~~

~~(6) Seats.~~

~~(7) Rubber surfaced wheels.~~

~~(8) Top.~~

~~(9) Shafts.~~

~~(10) Steps.~~

~~(11) Lights on any vehicle licensed to operate at night.~~

~~(12) Brakes; provided, however, that brakes shall not be required on any vehicle in operation as of March 19, 1987.~~

~~(13) Sign located on the rear of the vehicle indicating that the vehicle is "slow moving."~~

~~(b) An animal-drawn vehicle should be maintained in a clean well-painted manner so as to provide a generally good appearance.~~

~~(c) Failure to comply with this section of the Code shall be considered a violation subject to penalty under this division.~~

~~Sec. 27-140. Animal safety.~~

~~(a) Animals shall not engage in work with harnesses or bits which harm or are unsafe to the animal.~~

~~(b) Harnesses, bridles, bits and padding shall be properly fitted and kept in clean and good repair.~~

~~(c) Harnesses shall be kept free of makeshifts like wire, rope and rusty chain.~~

~~(d) Trace chains shall not put pressure on the collar and shoulders of the animal when it starts pulling the carriage resulting in a jolting start versus a smooth start with a snug collar already in place.~~

~~(e) Breeching shall fit so that it will not rub or hinder the hind leg movement of the animal.~~

~~Sec. 27-141. Weather.~~

- ~~(a) Franchisees and drivers shall use caution when working animals in adverse weather conditions such as high heat and humidity, snow, ice, heavy rain and other slippery or reduced visibility situations.~~
- ~~(b) When either the ambient temperature reaches ninety-five (95) degrees Fahrenheit or the heat index reaches one hundred five (105) degrees Fahrenheit, as determined by the weather station at the St. Augustine Airport (KSGJ), the franchisees and drivers shall discontinue working their animals and pull them off the street until the temperature decreases below the above-stated temperatures as directed by the city manager, city manager designee or the police department.~~
- ~~(c) The official thermometer used for determining the temperature and the heat index shall be located at the St. Augustine Airport (KSGJ). In the event that this thermometer is out of service as determined by the city manager, city manager designee or the police department, the back up thermometer will be the thermometer located at the St. Augustine Police Department, 151 King Street, St. Augustine, Florida.~~

~~Sec. 27-142. Periodic inspections.~~

~~The owner of an animal-drawn vehicle for hire shall subject the vehicle to a complete and thorough inspection in accordance with the policies, procedures, requirements and schedules established by the city manager. The city manager shall exercise sole discretion in scheduling the time for such inspection but in no event shall the inspection occur less frequently than once every twelve (12) calendar months.~~

~~Sec. 27-143. Animal cleanliness.~~

~~Drivers of vehicles drawn by animals and operated on the streets of the city shall:~~

- ~~(1) Ensure that such animals are equipped with diapers or similar devices to prevent manure or droppings from falling on the city streets.~~
- ~~(2) Be responsible for removal from the streets of all manure and droppings by 6:00 p.m. of the day of the occurrence and after completion of the last route of the day if the last route ends after 6:00 p.m. or, in the event of a charter on a route other than a prescribed route, immediately following the completion of that charter trip.~~

~~Sec. 27-144. Care of animals.~~

~~No animal shall be used to draw a carriage unless the animal is in good health and the following standards are met:~~

- ~~(1) The animal shall not have open sores or wounds nor shall such animal be lame or have any other ailments unless the driver has in the driver's possession a current written statement by a veterinarian that the animal is fit for such work, notwithstanding such condition.~~
- ~~(2) The animal shall be properly and appropriately groomed.~~
- ~~(3) The animal is kept in good working condition.~~
- ~~(4) Water shall be provided to each animal immediately after completing a tour.~~

- ~~(5) Animals shall have at least fifteen (15) minutes rest between back to back tours.~~
- ~~(6) In a twenty four hour period, animals shall not engage in work more than eight (8) consecutive hours or shall not engage in work more than ten (10) hours in a twenty four hour period without a one and one half (1½) hour break being disconnected from the vehicle.~~
- ~~(7) Animals shall not engage in work more than six (6) days in a seven day period.~~
- ~~(8) Animals shall not engage in work with equipment causing an impairment of vision, other than normal blinders.~~
- ~~(9) Animals shall not be driven at a speed faster than a slow trot.~~
- ~~(10) Animals shall not be subject to any cruel or harassing treatment or equipment.~~
- ~~(11) Animals shall not be sold or disposed of except in a humane manner in accordance with American Association of Equine Practitioners' guidelines.~~

~~Sec. 27-145. Feeding of animals.~~

- ~~(a) Animals daily shall receive an adequate amount of equine feed, free from contamination, sufficient in quantity, adequate in nutritional value and provided frequently enough to meet normal daily requirements for the animal's condition, special needs, environmental factors and size of the animal so as to maintain satisfactory health.~~
- ~~(b) Clean drinking water free from contamination shall be available to an out of service animal at all times.~~
- ~~(c) Out of service animals shall at all times have access to salt in a block or loose form.~~

~~Sec. 27-146. Sheltering of animals within city limits.~~

~~Stables within city limits shall be safe, well lighted and ventilated and shall provide protection from the weather as described herein:~~

- ~~(1) Stables and stalls shall be kept clean and in good repair and excreta shall be removed daily;~~
- ~~(2) The floors of the stalls shall be graded and raked to keep their surface dry;~~
- ~~(3) Fans shall be used to increase ventilation when the ambient temperature reaches 90 degrees Fahrenheit;~~
- ~~(4) Sharp surfaces and any other hazards shall not be permitted in any stable or stall where they can come in contact with the animals;~~
- ~~(5) Stables and stalls shall be kept free of leaks, including but not limited to, leaks from roofs or from plumbing;~~
- ~~(6) The practice of tethering the animal in a stall is permitted so long as the animal can lie down without the risk of entanglement or injury;~~

- ~~(7) Occupied stalls shall have a minimum of three (3) inches of bedding or have a specialized surface so as to keep animals clean, dry and free of concussion, abrasion or pressure points;~~
- ~~(8) Interior and exterior areas of the stable shall be kept clean, properly drained and free of nuisances including, but not limited to, unreasonable and excessive odors and unreasonable accumulation of refuse and excreta;~~
- ~~(9) There shall be no smoking at any time in stables; and~~
- ~~(10) Unless otherwise directed by a veterinarian, animals shall be given a pasture turn-out time of a minimum of two (2) non-consecutive weeks every four (4) months.~~
- ~~(11) All stables shall be subject to inspection by either code enforcement or the fire department. Fire extinguishers must be kept in obvious places in every stable as required by law and as recommended by the fire department.~~

~~Sec. 27-147. Certificate of health of animals required.~~

~~The holder of each permit to drive or operate an animal-drawn vehicle within the city, as a condition to such permit remaining in full force and effect, shall have each animal and stable area, if the stable is within the city limits, owned or leased by such permit holder and used in the business, inspected by a city-approved doctor of veterinary medicine, duly licensed in the state, twice per year, no later than the fifteenth day of November and the fifteenth day of May of each year, at permit holder's expense. Upon examination, such veterinarian shall certify to the city that he or she has examined such animal and stable area and that the animal is in good health and able to draw a vehicle without endangering the health of such animal and shall invoice the city for the cost of performing such examination. The cost of such examination and certification shall be billed to the permit holder and shall be paid within ninety (90) days of billing.~~

~~Sec. 27-148. Penalties.~~

~~In the absence of a bona fide emergency, any person who violates or otherwise fails to comply with any provision of this article shall be subject to the following penalties:~~

- ~~(1) The penalty for a first or second violation under this article shall be no more than one hundred dollars (\$100.00) and one hundred dollars (\$100.00) for each day thereafter a continued violation occurs.~~
- ~~(2) Upon three (3) violations within a six-month period, the franchise may be suspended for a period not to exceed thirty (30) days.~~
- ~~(3) Upon four (4) violations within a twelve-month period, the franchise may be suspended for a period not to exceed one hundred eighty (180) days.~~
- ~~(4) Upon five (5) or more violations within a twelve-month period, a franchisee may be determined to no longer be in good standing by the city manager or designee.~~
- ~~(5) Franchisee, its agents, employees, or persons acting on its behalf, shall be liable for any penalties prescribed within this section.~~

~~Sec. 27-149. Administration and appeals.~~

- ~~(a) All appeals from an interpretation or determination by the city manager or designee shall be made to the city commission within fifteen (15) calendar days after the date of service of written notice of such interpretation or determination.~~
- ~~(b) All appeals from an adverse decision by the city commission shall be made within thirty (30) calendar days of the date of entry of a written order regarding such decision.~~
- ~~(c) The party filing an appeal from an adverse decision by the city commission must have legal standing, as determined under the laws of the State of Florida and rules of civil procedure or appellate procedure as established by the courts of the State of Florida.~~
- ~~(d) Failure to file an appeal in accordance with time limits as prescribed in this section shall be an express acknowledgment by both parties that the interpretation or determination by the deciding entity is final and that the right to appeal said interpretation or determination has been forfeited.~~

Section 2. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 3. Inclusion in Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine, and that the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 4. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(5), Florida Statutes.

PASSED by the City Commission of St. Augustine, Florida, this _____ day of _____, 2026.

ATTEST: _____ Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)