

## ARTICLE I - VEHICLES FOR HIRE

### Sec. 28-1. – Definitions

The following words and phrases when used in this chapter shall have the meanings indicated unless the text indicates otherwise:

**Business tax receipt:** Fee required of any business operating within the City by chapter 25-42 of this Code.

**Driver:** An individual permitted to drive or operate a vehicle for hire.

**Fees:** Nonrefundable payments required by this Chapter.

**Vehicle for hire driver's permit:** The written authority granted by the City to drive a vehicle for hire within the city limits.

**Limousine:** Any automobile, with chauffeur, contracted for with charges prepaid, engaged in the transportation of persons for a consideration, that does not operate regularly or at intervals over a designated route and that is not fitted with a meter or device for calculating or measuring the distance traveled or the waiting time of such vehicle and that is constructed so as to carry five or more passengers in the vehicle.

**Manifest:** A daily record prepared by a taxicab or limousine driver recording all trips made by the driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

**Medallion:** Identification permit attached to the exterior of any approved vehicle.

**Revocation:** Rescinding of a franchise's ability to lawfully operate in the city.

**Shuttle vehicle:** A vehicle for hire with a capacity of at least eight persons, including the driver, which is not equipped with a taximeter and is not used as a taxicab or for cruising.

**Suspension:** Temporary rescinding of a franchise's ability to lawfully operate in the city. The suspension may be for a time certain or indefinite pending compliance with the terms of this chapter.

**Taxicab:** shall mean a motor vehicle used as a public conveyance, subject to the rules and regulations of this chapter.

**Taximeter:** Any instrument or device attached to a vehicle and designed to measure mechanically or electronically the distance traveled by such vehicle, to record the times said vehicle travels or is in waiting, and to indicate the fare to be obtained.

**Vehicle for hire (VFH):** Any taxicab, shuttle, prearranged limousine and any other motor vehicle with a driver transporting passengers for a fare, fee, or other charge within the city limits. The term vehicle for hire excludes:

- (1) School and church buses;
- (2) Sightseeing cars and buses;
- (3) Ambulances and medical transport vehicles;
- (4) Funeral home vehicles;
- (5) Interstate buses;
- (6) Horse drawn carriages;
- (7) Shuttles from hotels and motels which provide this as a service for guest;

- (8) Passenger vehicles owned, operated, leased or controlled by a governmental agency; and
- (9) Vehicle for hire services provided:
  - a. As transportation services as outlined in F.S. § 427.015(2) to the Transportation Disadvantaged, as defined in F.S. § 427.011(1);
  - b. By a transportation operator, as defined in F.S. § 427.011(6);
  - c. Pursuant to a contract authorized in F.S. § 427.0155, with the community transportation coordinator (CTC), as defined in F.S. § 427.011(5) which contract is on file with the VFH administrator; and
  - d. The vehicles used to provide such services shall be clearly and distinctively marked as disadvantaged transportation.

**VFH Administrator:** Any city employees whose department is appointed by the City Manager to administer this chapter.

**VFH Company:** Any person, association, corporation or other organization which operates or intends to engage in the business of operating vehicles for hire.

#### **Sec. 28-2. - Application, Franchise, Business Receipt and Operational Fees**

- (a) It shall be unlawful for any person to be engaged in or carry on the business of operating a vehicle for hire within the city without first obtaining a business tax receipt from the city to do so as required by Chapter 25 of this Code. This business tax receipt will be issued only after a franchise is granted.
- (b) Any VFH Company requesting to operate within the City limits shall be required to pay a onetime non-refundable initial application fee of \$1000.00.
- (c) Once approved, an annually thereafter, the VFH Company shall be required to pay the required City VFH franchise fee under Appendix A and the business tax receipt under Chapter 25-42.
- (d) The VFH Company shall be required to pay the driver and vehicle permit fee as described in Appendix A prior to an issuance of either.
- (e) A VFH Company license is non-transferable.
- (f) This chapter shall not apply to any company that is temporarily in the city for the sole purpose of delivering passengers from another jurisdiction. However, such out-of-city cab or limousine shall not pick up passengers in the city without complying with this chapter, except that a limousine may return passengers delivered in the city, when such return is part of the same contract.

**Sec. 28-3. - Application for franchise and franchise owner**

(a) It shall be unlawful for any company as defined herein to operate or engage in the business of operating vehicles for hire within the city without having first obtained a franchise from the city.

(b) It shall be unlawful for any driver as herein defined to operate a VFH under the auspices of a company that doesn't have a valid franchise from the city.

(c) No company as defined herein shall operate or engage in the business of operating as a vehicle for hire provider within the city without completing and having approved the required application process, as determined by the city.

(d) In order to secure or renew a franchise, the applicant shall file an application with the Vehicle for Hire Administrator. The application shall include a checklist acknowledging submittal of all information and documentation required by this chapter:

(1) The name and address of the company. If the company is a corporation or partnership, the name and address of all officers, shareholders, partners or any principals or owners with an interest greater than five percent of the company must be listed.

(2) Provide a log listing the year, make, model, vehicle identification number (serial number) and ownership status of all vehicles in the company's fleet. The vehicles must be currently operating, licensed, and inspected, as required by this chapter.

(a) Each vehicle must conform to the United States Department of Transportation (USDOT) maximum passenger standards allowed for the vehicle to operate.

(b) The vehicle must be no more than ten years old from the date of manufacture listed on the vehicle registration or title.

(3) Proof of proper amount of insurance coverage on the vehicles listed as provided in section 28-11.

(4) A schedule of rates to be charged, including regular and any special event rates, baggage and other miscellaneous charges.

(5) All VFH companies operating as taxicabs shall provide a photograph reflecting the color scheme and insignia..

(6) Such other information as may be required by the VFH Administrator.

**Sec. 28-4. – Operation on private property.**

(a) Nothing in this ordinance shall limit any non-City entity (e.g. Gainesville Regional Airport, University of Florida) to develop their own rules, regulations, and fees when allowing a VFH to operate on their property.

(b) It shall be the responsibility of the property owner and/or their representative to collect any established fees from the VFH.

(c) A VFH driver shall not operate on private property if the owner/representative expressly forbids such operation. Prior to any finding of a violation under this subsection.

- (d) Prior to any finding of a violation under this subsection, the private property owner/representative shall provide written notice of such prohibition to both the VFH Company and the VFH Administrator.

**Sec. 28-5. – Required Information to VFH Administrator.**

In order to maintain a franchise to operate or engage in the business of operating vehicles for hire, the

- (a) Maintain the name, phone number and home address of each driver affiliated with the company;
- (b) Provide and maintain a log listing the year, make, model, vehicle identification number (serial number) of all vehicles in the company's fleet; and notify the VFH administrator of any changes within ten days.
- (d) Maintain proper amount of insurance as required by the state of Florida for vehicles for hire and as provided for in section 28-11; and notify the VFH Administrator of any changes within ten days.

**Sec. 28-6. - Duration of franchise; annual reports; fees.**

- (a) Each franchise owner shall file an annual report with the VFH Administrator containing the information required by section 28-3. This report shall be submitted at least 30 days and no more than 60 days prior to the annual expiration date of the business tax receipt, or, if no business tax receipt is required, at least 30 days and no more than 60 days prior to the anniversary of the initial franchise.
- (c) The franchise owner shall be responsible for all fees as established in Appendix A.
- (d) A fine, as established in Appendix A, will be paid for every month or part thereof that the annual report or payment is not filed on time, is incomplete, or is incorrect.
- (e) Any fees paid shall be non-refundable.

**Sec. 28-7 - Vehicle for hire driver permit requirements.**

- (a) No person shall operate a motorized VFH within the city limits without a current VFH driver permit issued by the VFH Administrator.
- (b) No VFH Company shall allow a VFH Company vehicle to be operated by a person not in possession of a current city issued VFH driver permit. Violations of this provision shall result in progressive penalties as follows and as indicated in City Ordinance under Sec. 2-339.:
  - (1) First violation— Citation and penalty.
  - (2) Second violation—Three month suspension of the franchise.
  - (3) Third violation—One year suspension of franchise.
  - (4) Subsequent violations shall result in revocation of the franchise as provided in subsection 28-12.
- (c) Effective April 21<sup>st</sup>, 2015, no VFH Company shall engage any person as a VFH driver unless the person:
  - (1) Possesses a valid Florida driver's license.
  - (2) Is a minimum of eighteen (18) years of age.

- (3) Shall have not have been convicted, pled nolo contendere to, or had adjudication withheld for any violent felony or sexual battery involving a weapon or firearm (as defined under FS.S. 790.001) or which resulted in great bodily harm.
- (4) Within the previous ten years of the actual offense, shall not have been convicted, pled nolo contendere to, or had adjudication withheld for any violent felony not referenced in subsection (3) above.
- (5) Shall have no misdemeanor convictions in the previous three (3) years for any crime involving the use or threat of use of force, possession or sale of a controlled substance, prostitution, indecent exposure, stalking, or any other sexually related criminal offense.
- (6) Shall not be under any form of community control nor be under any status as a sex offender in any state at the time of application.
- (7) At the time of application, shall have a driving record meeting the following standards:
  - a. No convictions in the previous five (5) years for any traffic related offenses involving injury or death;
  - b. No convictions in the previous three (3) years for any of the following offenses not involving injury or death:
    1. Hit and run; driving under the influence of an alcoholic beverage or drug; reckless driving.
- (d) The VFH Administrator and/or their designee shall be responsible for conducting VFH driver background checks.
- (e) The VFH driver permit shall be issued in duplicate. One shall be prominently displayed in the vehicle so as to be readily visible to a person of average visual acuity sitting in the rear passenger seat. The duplicate VFH driver permit shall be worn on the exterior garment of the VFH driver for identification purposes when the driver is on duty.
- (f) It shall be unlawful for any driver or operator of a taxicab or limousine to drive or operate or be on duty or on call for the operation of a taxicab or limousine for more than 12 hours within any 24-hour period.

**Sec. 28-8. – VFH vehicle requirements.**

- (a) All VFH vehicles shall have be inspected by an ASE-certified mechanic at a facility approved by the licensing official. Such inspection shall minimally be required to evaluate the vehicle's brake system, lights, steering, suspension, tires, and seat belts. Written copies of such documentation shall be provided to the licensing official/designee or a law enforcement officer upon request.
- (b) All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in a manner so that the face shall be visible and readable to passengers at all times both day and night.
  1. The face of the taximeter shall be set so that it will register and compute on a mileage basis while the taxicab is moving and on a time basis while the taxicab is standing and while the service is being rendered the base fare to be charged.

2. Each taximeter shall have a current inspection sticker issued by the state and shall remain sealed. No taximeter that has been unsealed shall be used until it is again inspected by the state.
3. The taximeter shall be used for all trips, and the fare charged shall be that shown on the taximeter, plus any posted extra passenger or other charges.

(d) Taxicabs shall be readily identifiable as a taxicab and shall bear on the doors of both sides, in letters not less than three inches in height, the name of the company to whom the franchise is issued. Each taxicab shall also be uniquely numbered with such numbers being placed both immediately below the name of the franchise and on the lower portion of the vehicle's trunk, with said numerals being not less than four and one-half inches in height.

1. All required markings set forth in subsection (d) above shall be permanently affixed to the vehicle. Magnetized or other temporary markings are prohibited.

(e) Each franchise shall have all of its taxicabs painted and marked in a manner approved by the VFH Administrator.

(f) Each approved VFH shall be assigned a City provided vehicle medallion. The medallion supplied by the City designee shall remain with and be affixed to the driver's side lower rear window.

(h) The VFH Administrator and/or law enforcement has the authority to place a VFH out of service/commission if it is deemed unsafe or hazardous until the vehicle is brought up to safe standards and a certified mechanic has completed a safety inspection and corrected any unsafe or hazardous conditions.

**Sec. 28-9 - Operating regulations.**

(a) In addition to all other applicable requirements provided by law, it shall be unlawful for any person:

(1) The VFH driver possesses a valid Florida driver's license.

(2) The VFH driver is at least eighteen (18) years old.

(3) The background check completed under subsection (a) shows that:

(i) The VFH driver has not been convicted, pled nolo contendere, or had adjudication withheld for any violent felony or sexual battery.

(ii) The VFH driver has not been convicted of a misdemeanor in the last five (5) years for any crime involving the use or threat of use of force, possession or sale of a controlled substance, prostitution, indecent exposure, stalking, or any other sexually related criminal offense;

(iii) The VFH driver is not under any form of community control or under any status as a sex offender in any state; and

(iv) The VFH driver has not been convicted in the last five years for any of the following offense involving injury or death: hit and run; driving under the influence of an alcoholic beverage or drug; reckless or careless driving;

(v) The VFH driver has not been convicted in the last three years for: hit and run; driving under the influence of an alcoholic beverage or drug; reckless or careless driving.

(4) The VFH driver has certified to the VFH Company that he does not have a physical or mental disability that would prevent them from safely operating a VFH vehicle and performing the normal duties of a VFH driver.

(b) No person may possess an open beverage alcohol container while such person is operating or being transported by a VFH vehicle, nor may any person transport, carry, possess or have any beverage alcohol while being transported by a VFH vehicle, except in the original package with the seal unbroken. The VFH driver shall be liable for violations of this provision by passengers.

(c) No VFH vehicle shall be unlawfully parked on any public way for a time longer than is reasonably necessary to accept and drop off passengers.

(d) Any VFH Company shall have an affirmative duty to respond to requests for service and shall be responsible for the actions of any of its employees, or other person that reports to, or acts as an agent of, the company, for any failure to respond to a request for service from an orderly passenger.

(e) Any VFH driver shall all times carry in the vehicle proof of the insurance policies required in this section.

(f) VFH drivers shall not:

(1) Provide false information to or refuse to obey or to comply with any lawful order or direction of the VFH Administrator or any police officer, or traffic-control officer;

(2) Take a circuitous route to a destination, or any route other than the most direct route, without the express consent of the passenger;

(3) Drop a passenger at any location other than the location requested unless prohibited by law;

(4) Refuse to convey an orderly passenger after accepting agreement to convey that passenger.

(5) Refuse to accommodate any passenger with a disability in violation of the American's with Disabilities act or similar State of Florida provisions.

(g) No VFH Company shall notify their VFH drivers that a potential customer is or may be a VFH Administrator or their designee, or in any way otherwise interfere with or obstruct enforcement of this Code by the city.

**Sec. 28-10. - Service charges and fare rates.**

- (a) Each franchise owner shall provide the VFH Administrator a copy of its proposed rates at least 30 days prior to any change in rates including any authorized flat rate charges or minimum fares.
- (b) Every taxicab operating under a franchise shall have rate cards setting forth the rates of fare, including any authorized flat rate charges or minimum fares, displayed both on the inside of the front windshield at the roof line of the passenger side, on the inside of the right rear window at the eye level of a seated passenger measuring at least five inches wide by five inches in height. All rate cards shall state the rates of fare, including any authorized flat rate charges or minimum fares, and any additional charges, such as for bags and luggage. Additionally, the same information shall be displayed on a sign outside the taxicab consisting of lettering not less than one inch in size for all information.
- (c) The taximeter shall be used for all trips, and the fare charged shall be that shown on the taximeter, plus any posted extra passenger or other charges, except:
  - (1) *Flat rates.* On special event days approved by the City, such as University of Florida football home games, trips from/to the Gainesville Regional Airport related to the event, may be charged a flat rate as posted in the taxicab pursuant to this section.
  - (2) *Minimum fares.* A franchise owner may establish a minimum fare per call for service or per trip. If such a minimum fare is established and utilized, it shall be part of the rates for such company, and subject to the requirements of this section. When a minimum fare is established and utilized, the taximeter shall still be used for the trip, but the minimum fare may be charged when the minimum fare exceeds the amount on the taximeter.
- (d) Except as authorized in subsections (c)(1) and (2) a driver may not charge or request any other flat rate or minimum fare in lieu of the rate on the meter.

**Sec. 28-11. - Records and reports.**

- (a) Every VFH Company shall keep accurate books and records of account of the licensee's operations at the licensee's place of business for a minimum of three (3) years. Such records shall be submitted or made available for inspection upon the request of the VFH Administrator. If the licensee keeps and intends to submit records in a physical format, they must be maintained on-site and available for inspection and copying at the licensee's place of business.
- (b) Each VFH Company shall provide the following data to the VFH Administrator, at such times and in a format and manner prescribed by the VFH Administrator::
  - (1) The number of rides provided by the VFH Company within the city;
  - (2) Information on any of the VFH company's drivers who were alleged to have committed a violation of this chapter or their terms of service or who have been suspended or banned from driving for the VFH company;
  - (3) The VFH Company must provide upon the request of the VFH Administrator or any law enforcement official factual information regarding their drivers, vehicles, any fare



related information so as to investigate any complaints or violations of law. Such information shall be provided upon request without a subpoena or other court order, within twenty-four (24) hours of the request unless otherwise required by the licensing official; and

(4) The VFH administrator, law enforcement, and code enforcement shall have the right to conduct an inspection for ordinance compliance during anytime the vehicle for hire franchise is in operation or appears to be in operation.

**Sec. 28-12. - Liability insurance required.**

(a) No franchise shall be granted or continue in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of Florida for each vehicle in not less than the minimum amounts as provided for under Florida law. Each VFH Company will maintain a \$200,000.00 general liability policy for the company. The City, its elected and appointed officers, employees and agents shall be named as additional insureds.

**Sec. 28-13 - Violations and penalties.**

Violations of the provisions of this chapter by a VFH Company or VFH driver shall be enforced by civil citation pursuant to Section 2-339 or by criminal citation pursuant to section 1-9. Each violation shall be deemed a separate and distinct offense and shall be penalized as a separate and distinct offense.

**Sec. 28-14. - License suspension or revocation.**

(a) The City may revoke the privilege of any person or franchise/business to conduct VFH services on any of the following grounds:

- (1) If the VFH owner and/or VFH driver fails to follow any requirements under this article;
- (2) If the original application or any other required documentation are found to contain any false statements of material fact;
- (3) If the VFH owner and/or VFH operator fails to pay and fees or fines as specified in any applicable section of Appendix A, Schedule of Fees, Rates and Charges of this Code of Ordinances;

(b) Three violations of the provisions of this article by any owner and/or operator of a VFH service or VFH vehicle within a one-year period shall result in the automatic suspension of the owner's and/or operator's privilege to engage in the VFH business. An owner shall not be suspended for acts of an operator in violation of this section unless the owner actively participated in or had knowledge of the violation and took no corrective action against the operator or unless repeated violations by an operator did not result in progressive discipline. The owner shall maintain written documentation of all corrective action taken against an

employee/operator for a minimum period of one year. In addition to the corrective action taken, the documentation shall detail the type and date of the specific ordinance/statutory violation. An operator may be suspended or revoked notwithstanding that the operator's violations may not be applicable against the owner for purposes of the owner's suspension. In the event of such suspension:

(1) The VFH Administrator shall inform the owner and/or operator in person or by certified mail at least seven days prior to the effective date of the suspension.

(2) The owner and/or operator may file a written request for a due process hearing within ten calendar days of the date of the suspension with the chief of police or designee. Failure to request a hearing within the ten calendar-day period shall constitute a waiver by the owner and/or operator of any rights to a hearing.

(3) At the due process hearing, the VFH owner and/or operator shall have the opportunity to present any testimony and/or documentation he/she believes negates or mitigates the suspension.

(4) Upon a review of the evidence presented at the hearing, the chief of police or designee may revoke the owner's and/or operator's privilege to engage in the business as a VFH for up to one year:

a. First revocation.....Six months

b. Second and subsequent revocations.....One year

(c) Any VFH service owner and/or operator whose privilege to engage in the VFH business has been revoked shall not be eligible to again obtain a permit with the City until such revocation period has expired. Any revocation shall include the period of suspension which led to the revocation.

(d) Any VFH owner and/or operator whose privilege to engage as a VFH service provider has been revoked by the chief of police or designee may file an appeal within 15 days of the date of revocation pursuant to the appeals process specified below.

(e) *Right of appeal.* Any VFH owner and/or operator whose privilege to provide VFH service has been revoked by the chief of police or designee may appeal such decision to the city manager or designee. Such appeal shall be taken by filing written notice with the chief of police or designee within 15 days after the decision by the police chief to revoke such privilege. The notice of the appeal shall contain the grounds for the appeal and shall contain information showing that either the finding is contrary to the law or is not supported by competent substantial evidence. The chief of police or designee shall transmit copies of the appeal to the city manager along with papers constituting the record upon which the action appealed from is based. The filing of a notice of appeal will not delay the effectiveness of any revocation. The city manager may decide to uphold or reverse the decision of the chief of police. If the city manager reverses the decision of the chief of police, the privilege to operate as a VFH will be immediately reinstated.

**Sec. 28-15. - Enforcement, rules and regulations.**

- (a) Upon request, a driver shall display to law enforcement personnel or the VFH Administrator, or any other person authorized to enforce this chapter, a physical or electronic record of documenting a ride.
- (b) If a passenger files a complaint against a VFH Company or their driver within the city, in addition to all other powers and remedies provided under this code, the VFH Administrator or other authorized staff shall have the right to inspect the VFH's Company records as necessary to investigate and resolve the complaint.
- (c) The VFH Administrator is authorized to enforce this chapter, and to adopt rules and regulations for the proper administration and enforcement of this chapter.
- (d) Any fees and fines imposed pursuant to the rules authorized by this chapter shall be budgeted to the designated City department charged with its administration and enforcement.
- (e) If a passenger files a complaint against a licensee or driver with the City, in addition to all other powers and remedies provided under this Code, the licensing official or authorized staff shall have the right to inspect the licensee's records as necessary to investigate and resolve the complaint to the same extent the licensing official and law enforcement personnel are permitted to inspect all other public passenger vehicles.
- (e) If a passenger files a complaint with the VFH Company regarding a potential criminal act the VFH Company shall forward the complaint to the Gainesville Police Department with twenty-four (24) hours from the receipt of the complaint.

**Sec. 28-16. – Taxi service bill of rights.**

- (a) All taxicabs operated under the authority of this chapter shall have prominently posted in a location visible to a passenger seated in the passenger seats of the vehicle a "taxi service bill of rights," or a notice that a "taxi service bill of rights" will be provided immediately upon request. If the entire "taxi service bill of rights" is not posted, and the option for a notice advising that said document is available on request is utilized, the taxicab must have available cards or circulars with the full text of the "taxi service bill of rights." These cards or circulars must list in clear and legible fashion the full contents of the approved "taxi service bill of rights." The copies of the "taxi service bill of rights" to be distributed shall be made available from the VFH Administrator, at a cost not to exceed the cost of production, or may be reproduced by the franchise owner as long as the format and appearance of said card or circular have been filed with, and approved by, the VFH Administrator.
- (b) This "taxi service bill of rights" shall be prepared by the VFH Administrator, and shall set forth the rights of taxicab passengers and taxicab drivers under state statutes and city ordinances, and shall provide additional information as to how to report violations. It may be changed from time to time as changes in law or ordinances require. Whenever the contents of the "taxi service bill of rights" are

changed, the franchise owners shall be provided notice at least 30 days prior to the effective change in order to obtain or prepare copies for distribution and posting.

DRAFT