

1 **CHAPTER 28 - VEHICLES FOR HIRE**

2 **ARTICLE I. - MOTORIZED VEHICLES**

3 ~~Sec. 28-1.— Business tax receipt required.~~

4 ~~(a) — It shall be unlawful for any person to be engaged in or carry on the business of operating~~
5 ~~a vehicle for hire within the city for the transportation of passengers within the city, other than~~
6 ~~buses operating on regularly scheduled routes, without first obtaining a business tax receipt from~~
7 ~~the city to do so as required by chapter 25 of this Code. This business tax receipt will be issued~~
8 ~~only after a franchise is granted.~~

9 ~~(b) — This chapter shall not apply to any company that is temporarily in the city for the sole~~
10 ~~purpose of delivering passengers from another jurisdiction. However, such out-of-city cab or~~
11 ~~limousine shall not pick up passengers in the city without complying with this chapter, except~~
12 ~~that a limousine may return passengers delivered in the city, when such return is part of the same~~
13 ~~contract.~~

14 ~~Sec. 28-2.— Definitions.~~

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

17 ~~Approved certified automobile mechanic means an automobile mechanic certified by the~~
18 ~~National Association of Certified Mechanics or the Association of Service Excellence.~~

19 ~~Barbiturate or barbiturates shall include all hypnotic or somnifacient drugs, whether or not~~
20 ~~derivatives of barbituric acids.~~

21 ~~Barbituric acid derivative means each of the salts and derivatives of barbituric acid, also known~~
22 ~~as malonyl urea, and derivatives, compounds, mixtures or preparations thereof.~~

23 ~~Business tax receipt means the license required of any business operating within the city by~~
24 ~~chapter 25 of this Code.~~

25 ~~Central nervous system stimulants means amphetamine and desocyphehrine, and any derivative,~~
26 ~~compounds, mixture or preparation thereof.~~

27 ~~Company means any person, association, corporation or other organization which operates or~~
28 ~~intends to engage in the business of operating vehicles for hire.~~

29 ~~Conviction means the conviction by a court including an adjudication of guilt on a plea of guilty~~
30 ~~or nolo contendere or the forfeiture of a bond when charged with a crime.~~

31 ~~Driver means an individual permitted to drive or operate a vehicle for hire.~~

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- 1 ~~Fees means nonrefundable payments required herein.~~
- 2 ~~For hire drivers permit means the written authority granted by the city to drive a vehicle for hire~~
3 ~~within the city limits.~~
- 4 ~~Limousine means any automobile, with chauffeur, contracted for with charges prepaid, engaged~~
5 ~~in the transportation of persons for a consideration, that does not operate regularly or at intervals~~
6 ~~over a designated route and that is not fitted with a meter or device for calculating or measuring~~
7 ~~the distance traveled or the waiting time of such vehicle and that is constructed so as to carry five~~
8 ~~or more passengers in the vehicle. Commercial non-emergency medical transport vehicles (such~~
9 ~~as medivans) shall be considered limousines for the purpose of this chapter.~~
- 10 ~~Manifest means a daily record prepared by a taxicab or limousine driver of all trips made by the~~
11 ~~driver showing time and place of origin, destination, number of passengers, and the amount of~~
12 ~~fare of each trip.~~
- 13 ~~Medallion means the tangible symbol that a permit has been granted to operate the vehicle for~~
14 ~~hire to which it is physically attached.~~
- 15 ~~Narcotic drugs means coca leaves, opium, cannabis, marijuana, isonipecaine and every synthetic~~
16 ~~substance known to have narcotic action.~~
- 17 ~~Revocation means the rescinding of a franchise.~~
- 18 ~~Shuttle vehicle means a vehicle for hire with a capacity of at least eight persons, including the~~
19 ~~driver, which is not equipped with a taximeter and is not used as a taxicab or for cruising.~~
- 20 ~~Suspension means the temporary rescinding of a franchise. The suspension may be for a time~~
21 ~~certain or indefinite pending compliance with the terms of this chapter.~~
- 22 ~~Taxicab means a motor vehicle used as a public conveyance, subject to the rules and regulations~~
23 ~~of this chapter.~~
- 24 ~~Taximeter means an instrument or device attached to a vehicle and designed to measure~~
25 ~~mechanically or electronically the distance traveled by such vehicle, to record the times said~~
26 ~~vehicle travels or is in waiting, and to indicate the fare to be obtained.~~
- 27 ~~Vehicle for hire (VFH) means any taxicab, shuttle, prearranged limousine and any other motor~~
28 ~~vehicle with a driver transporting passengers for a fare, fee, or other charge within the city limits.~~
29 ~~The term vehicle for hire excludes:~~
- 30 ~~(1) — School and church buses;~~
- 31 ~~(2) — Sightseeing cars and buses;~~
- 32 ~~(3) — Ambulances;~~

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- 1 ~~(4) — Funeral home vehicles;~~
- 2 ~~(5) — Interstate buses;~~
- 3 ~~(6) — Horse drawn carriages;~~
- 4 ~~(7) — Shuttles from hotels and motels which provide this as a service for guest;~~
- 5 ~~(8) — Passenger vehicles owned, operated, leased or controlled by a governmental agency; and~~
- 6 ~~(9) — Vehicle for hire services provided:~~
 - 7 ~~a. — As transportation services as outlined in F.S. § 427.015(2) to the Transportation~~
 - 8 ~~Disadvantaged, as defined in F.S. § 427.011(1);~~
 - 9 ~~b. — By a transportation operator, as defined in F.S. § 427.011(6);~~
 - 10 ~~c. — Pursuant to a contract authorized in F.S. § 427.0155, with the community transportation~~
 - 11 ~~coordinator (CTC), as defined in F.S. § 427.011(5) which contract is on file with the VFH~~
 - 12 ~~administrator; and~~
 - 13 ~~d. — The vehicles used to provide such services shall be clearly and distinctively marked as~~
 - 14 ~~disadvantaged transportation.~~
- 15 ~~Vehicle for hire administrator means the person(s) appointed by the chief of police to administer~~
- 16 ~~this chapter regulating vehicles for hire.~~
- 17 ~~Sec. 28-3. — Application for franchise and franchise owner.~~
 - 18 ~~(a) — It shall be unlawful for any company as defined herein to operate or engage in the~~
 - 19 ~~business of operating vehicles for hire within the city without having first obtained a franchise~~
 - 20 ~~from the city manager or designee.~~
 - 21 ~~(b) — It shall be unlawful for any driver as herein defined to operate a VFH under the auspices~~
 - 22 ~~of a company that doesn't have a valid franchise from the city.~~
 - 23 ~~(c) — No company as defined herein shall operate or engage in the business of operating~~
 - 24 ~~vehicles for hire within the city without having first obtained a franchise from the city manager~~
 - 25 ~~or designee. An application shall be submitted on forms furnished by the city containing~~
 - 26 ~~appropriate information reasonably related to the business of operating vehicles for hire.~~
 - 27 ~~(d) — In order to secure or renew a franchise, the company applicant shall file an application~~
 - 28 ~~with the city manager or designee. Effective October 1, 2007, the application shall be verified~~
 - 29 ~~under oath and shall include a notarized checklist acknowledging submittal of all information~~
 - 30 ~~and documentation required by this chapter.~~

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- 1 ~~(1) — The name and address of the company. If the company is a corporation or partnership, the~~
2 ~~name and address of all officers, shareholders, partners or any principals or owners with an~~
3 ~~interest greater than five percent of the company must be listed.~~
- 4 ~~(2) — Effective October 1, 2007, proof of compliance with F.S. § 865.0 (Fictitious Name Act).~~
- 5 ~~(3) — The location of proposed depots and terminals.~~
- 6 ~~(4) — Provide a log listing the year, make, model, vehicle identification number (serial number)~~
7 ~~and ownership status of all vehicles in the company's fleet. The vehicles must be currently~~
8 ~~operating, licensed, and inspected, as required by this chapter. Each vehicle must conform to the~~
9 ~~United States Department of Transportation (USDOT) maximum passenger standards allowed~~
10 ~~for the vehicle to operate.~~
- 11 ~~(5) — Proof of proper amount of insurance coverage on the vehicles listed as provided in~~
12 ~~section 28-11, with the insurance coverage being filed with and approved by the city manager or~~
13 ~~designee.~~
- 14 ~~(6) — Certified documentation from the department of highway safety and motor vehicles that~~
15 ~~each driver for the VFH company has a valid drivers license.~~
- 16 ~~(7) — Certified documentation from the department of highway safety and motor vehicles of~~
17 ~~each driver's seven year driver's license history.~~
- 18 ~~(8) — Criminal history report from the Florida Department of Law Enforcement (FDLE) for the~~
19 ~~owner of the VFH company and each driver.~~
- 20 ~~(9) — A schedule of rates to be charged, including regular and any special event rates, baggage~~
21 ~~and other miscellaneous charges.~~
- 22 ~~(10) — For all VFH companies operating as taxicabs, a description of the franchise color scheme~~
23 ~~and insignia including a photograph or drawing accurately reflecting the color scheme and~~
24 ~~insignia as required by section 28-8 of this chapter.~~
- 25 ~~(11) — Such other information as the city manager may require.~~
- 26 ~~Sec. 28-3.5. — Service at Gainesville Regional Airport.~~
 - 27 ~~(a) — All franchises providing service to the Gainesville Regional Airport, shall have a decal~~
28 ~~authorizing access to the airport permanently affixed to each VFH. The decal shall be affixed in~~
29 ~~a conspicuous and uniform location by the issuing authority.~~
 - 30 ~~(b) — Airport decals may be purchased each year from the City of Gainesville when yearly~~
31 ~~franchise fees are paid. Rates and charges for airport decals are set by Resolution of the~~
32 ~~Gainesville Alachua County Regional Airport Authority.~~

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1 ~~Sec. 28-4.— Maintaining a franchise.~~

2 ~~In order to maintain a franchise to operate or engage in the business of operating vehicles for~~
3 ~~hire, the company must:~~

4 ~~(a) — Obtain and hold a current business tax receipt from the city as required by chapter 25 of~~
5 ~~this Code;~~

6 ~~(b) — Maintain an office within the city staffed by company agents or employees between the~~
7 ~~hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except national holidays, where all~~
8 ~~records, logs, financial statements, manifests and franchise documents required by this chapter~~
9 ~~are kept and may be examined during business hours by the city manager or designee or by the~~
10 ~~police department (taxicabs only);~~

11 ~~(c) — Maintain the name and home address of each driver affiliated with the company;~~

12 ~~(d) — Provide and maintain a log listing the year, make, model, vehicle identification number~~
13 ~~(serial number) and ownership status of all vehicles in the company's fleet to city manager or~~
14 ~~designee; and notify the city manager or designee of any changes within ten days.~~

15 ~~(e) — Maintain proper amount of insurance as provided in section 28-11; and notify the city~~
16 ~~manager or designee of any changes within ten days.~~

17 ~~(f) — Comply with all state and local statutes, ordinances, rules and regulations regarding~~
18 ~~motor vehicles, taxicabs or limousines.~~

19 ~~(g) — Comply with the applicable Gainesville Alachua County Regional Airport rules and~~
20 ~~regulations if transporting to or from the Gainesville Regional Airport.~~

21 ~~Sec. 28-5.— Duration of franchise; annual reports; fees.~~

22 ~~(a) — All franchises granted by the city pursuant to this chapter shall have a five-year term.~~
23 ~~Each franchise owner shall, however, file an annual report with the city containing the~~
24 ~~information required by section 28-3. This report shall be filed at least 30 days and no more than~~
25 ~~60 days prior to the annual expiration date of the business tax receipt, or, if no business tax~~
26 ~~receipt is required, at least 30 days and no more than 60 days prior to the anniversary of the~~
27 ~~initial franchise.~~

28 ~~(b) — All franchises granted by the city for a five-year term will pay the yearly fees established~~
29 ~~in appendix A for each year of the franchise. The franchise owner shall be responsible for other~~
30 ~~fees as established in appendix A when assessed. Effective October 1, 2007, for each properly~~
31 ~~documented vehicle for which the fees have been paid, the VFH company shall receive a VFH~~
32 ~~medallion. The medallions shall be vehicle specific and may not be transferred from one vehicle~~
33 ~~to another.~~

1 ~~(c) — A penalty, as established in appendix A will be paid for every month or part thereof that~~
2 ~~the annual report or payment is not timely filed, or is incomplete, or is incorrect.~~

3

4 ~~Sec. 28-6. — Revocation or suspension of a franchise, grounds; right of appeal.~~

5 ~~(a) — Revocation or suspension of franchise. Upon a finding of due cause, as defined below,~~
6 ~~the city manager or designee shall have the authority to revoke or suspend any vehicle for hire~~
7 ~~franchise granted by the city. Prior to suspension or revocation, the franchise owner shall be~~
8 ~~served notice by certified mail or hand delivery of the proposed action to be taken; and upon~~
9 ~~request shall have an opportunity to present to the city manager or designee evidence as to why~~
10 ~~the franchise should not be revoked or suspended. The franchise owner must request a hearing~~
11 ~~within ten days after mailing or hand delivery of the notice of proposed action.~~

12 ~~(b) — Due cause for revocation or suspension. Due cause for revocation or suspension of a~~
13 ~~franchise shall include, but not be limited to, the following:~~

14 ~~(1) — The failure of the company to maintain any of the general qualifications applicable to the~~
15 ~~initial granting of the franchise as set forth in section 28-3 above;~~

16 ~~(2) — Obtaining a franchise by providing false information;~~

17 ~~(3) — Repeat violation of a provision of this ordinance within 60 days.~~

18 ~~(4) — Conviction by a court of competent jurisdiction of any shareholder, officer, partner,~~
19 ~~member, principal or owner of any corporation, partnership, firm or association holding a five~~
20 ~~percent interest or more in the entity, of any of the following: criminal homicide, rape,~~
21 ~~aggravated battery, mayhem, burglary, aggravated assault, kidnapping, robbery, child~~
22 ~~molestation, lewd and lascivious acts, criminal solicitation to commit any of the above, criminal~~
23 ~~attempt to commit any of the above, or possession, sale or distribution of narcotic drugs,~~
24 ~~barbituric acid derivatives and/or central nervous system stimulants if such violation or~~
25 ~~violations are related to operation of the company, or violation of any ordinance of the city~~
26 ~~governing the conduct of a franchise owner.~~

27 ~~(c) — Right of appeal. Any franchise owner whose franchise is revoked or suspended by the~~
28 ~~city manager or designee may appeal such decision to the city commission. Such appeal shall be~~
29 ~~taken by filing written notice with the clerk of the commission's office within five days after the~~
30 ~~decision of the city manager or designee. The notice of the appeal shall contain the grounds for~~
31 ~~the appeal and shall contain information showing that either the finding is contrary to the law or~~
32 ~~is not supported by competent substantial evidence. The clerk of the commission shall transmit~~
33 ~~copies of the appeal to the city commission along with papers constituting the record upon which~~
34 ~~the action appealed from is based. The filing of a notice of appeal will not delay the effectiveness~~

1 of any suspension or revocation. If the city commission decides the appeal in favor of the
2 franchise owner, the franchise will be immediately reinstated.

3 (d) — A person or entity whose franchise is revoked pursuant to subsection 28-8.5(b)4 shall not
4 be entitled to reinstatement or an opportunity to reapply for such franchise or license for a period
5 of three years from the date of such revocation. Second and subsequent revocations shall be for a
6 period of five years.

7

8 ~~Sec. 28 7. Transfer of franchise.~~

9 ~~No franchise may be sold, assigned, mortgaged or otherwise transferred without the consent of~~
10 ~~the city manager. Application for transfers of any franchise shall be filed jointly by the assignor~~
11 ~~and assignee and shall be subject to the same provisions as original applications for franchises.~~
12 ~~Transfer, sale or assignments of an interest of five percent or more of the corporate stock or~~
13 ~~partnership interest or transfer of effective control of the franchise from the person or persons~~
14 ~~granted the franchise, shall be deemed a transfer under the terms of this section.~~

15

16 ~~Sec. 28 8. Identifying signs and medallions.~~

17 (a) — ~~Each franchise with VFH which operate as taxicabs, shall be readily identifiable as a~~
18 ~~taxicab and shall bear on the doors of both sides, in letters not less than three inches nor more~~
19 ~~than six inches in height, the name of the company to whom the franchise is issued. Each such~~
20 ~~taxicab shall also be numbered uniquely, with such numbers being placed both immediately~~
21 ~~below the name of the franchise and on the lower left corner of the vehicle's trunk, with said~~
22 ~~numerals being not less than four and one-half inches nor more than six inches in height.~~

23 (b) — ~~Effective October 1, 2007, all required markings set forth in subsection (a) above shall be~~
24 ~~permanently affixed to each VFH by the franchise owner. Magnetized or other temporary~~
25 ~~markings are prohibited.~~

26 (c) — ~~Each franchise shall have all of its taxicabs painted in a unique color scheme, to be~~
27 ~~chosen by the franchise owner and approved by the city manager or designee. The color scheme~~
28 ~~shall have sufficient disparity so as to avoid franchise confusion. The taxicabs shall be kept in~~
29 ~~such condition so that the appearance of such taxicabs conforms to the approved color.~~

30 (d) — ~~The medallion granted by the city manager/designee shall at all times be held and~~
31 ~~registered with the city in the name of the owner and the privilege of operating the VFH in the~~
32 ~~city is vested in the owner. So long as a vehicle is operated under the authority of a franchise, the~~
33 ~~rights, requirements and responsibilities which attach to the medallion remain with the franchise~~
34 ~~owner, not the owner of the vehicle who drives it and these rights and responsibilities are~~

1 unaffected by any agreement, understanding or contractual arrangement between the franchise
2 owner and a vehicle owner or driver. The medallion supplied by the city designee shall remain
3 with and be affixed to the issued VFH so long as the vehicle is used as a VFH in the city or until
4 the medallion is surrendered to the city as required. Effective October 1, 2007, the VFH
5 medallion is to be uniformly placed on the driver's side lower rear window. The annual renewal
6 sticker shall be placed directly next to the medallion.

7 (e) — All franchise VFH operating as taxicabs shall have a roof mounted, lighted sign with the
8 word "TAXI" printed in letters at least four inches in height.

9 Sec. 28-8.5. — Vehicle for hire driver permit requirements.

10 (a) — Effective October 1, 2007, no person shall operate a VFH within the city limits without a
11 current city VFH driver permit.

12 (b) — Effective October 1, 2007, no franchise owner shall allow a franchise vehicle to be
13 operated by a person not in possession of a current city issued VFH driver permit. Violations of
14 this provision shall result in progressive penalties as follows:

15 (1) — First violation — A written warning.

16 (2) — Second violation — Three month suspension of the franchise.

17 (3) — Third violation — One year suspension of franchise.

18 (4) — Subsequent violations shall result in revocation of the franchise as provided in subsection
19 28-6(e).

20 (c) — Effective October 1, 2007, the VFH driver permit shall be issued in duplicate. One shall
21 be prominently displayed in the vehicle so as to be readily visible to a person of average visual
22 acuity sitting in the rear passenger seat. The duplicate VFH driver permit shall be worn on the
23 exterior garment of the VFH driver for identification purposes when the driver is outside of the
24 VFH while on duty.

25 (d) — Effective October 1, 2007, a VFH driver shall not have been convicted, pled nolo
26 contendere to, or had adjudication withheld for or been incarcerated after any conviction, plea of
27 nolo contendere or adjudication withheld for any of the following:

28 (1) — Any capital felony, any first degree felony, sexual battery, any violent felony involving
29 the use of a gun or knife or which results in great bodily harm.

30 (2) — Within the previous ten years, any violent felony not referenced in subsection (1) above.

31 (3) — Within the previous ten years, any felony or first degree misdemeanor directly related to
32 the business of towing motor vehicles; repossession of motor vehicles; motor vehicle theft; car

1 jacking or chop shops; or liens for recovering, towing, or storing vehicles and vessels (F.S. §
2 713.78).

3 (4) — Within the previous five years, of either: (1) driving under the influence of alcohol, a
4 controlled substance, or a chemical substance, to the extent that normal faculties are impaired; or
5 (2) driving with an unlawful blood alcohol level.

6 All timeframes referenced in the above subsections (2), (3) and (4) shall be calculated and run
7 from the date of the offense, as reflected in the charging documents.

8 ~~Sec. 28 9. Taximeter required; rates and fares; exceptions.~~

9 (a) — ~~All taxicabs operated under the authority of this chapter shall be equipped with
10 taximeters fastened in a manner so that the face shall be visible and readable to passengers at all
11 times both day and night. The face of the taximeter shall be set so that it will register and
12 compute on a mileage basis while the taxicab is moving and on a time basis while the taxicab is
13 standing and while the service is being rendered the base fare to be charged. They shall be sealed
14 at all points and connections which, if manipulated, would affect their correct reading and
15 recording shall be sealed.~~

16 (b) — ~~Each taximeter shall have a current inspection sticker issued by the state and shall remain
17 sealed. No taximeter that has been unsealed shall be used until it is again inspected by the state.~~

18 (c) — ~~The taximeter shall be used for all trips, and the fare charged shall be that shown on the
19 taximeter, plus any posted extra passenger or other charges, except:~~

20 (1) — ~~Flat rates. On special event days, such as University of Florida football home games, trips
21 from/to the Gainesville Regional Airport related to the event, may be charged a flat rate as
22 posted in the taxicab pursuant to section 28 15~~

23 (2) — ~~Minimum fares. A franchise owner may establish a minimum fare per call for service or
24 per trip. If such a minimum fare is established and utilized, it shall be part of the rates for such
25 company, and subject to the requirements of section 28 15. When a minimum fare is established
26 and utilized, the taximeter shall still be used for the trip, but the minimum fare may be charged
27 when the minimum fare exceeds the amount on the taximeter.~~

28 (d) — ~~Except as authorized in subsections (c)(1) and (2), and posted in the taxicab pursuant to
29 section 28 15, a driver may not charge or request any other flat rate or minimum fare in lieu of
30 the rate on the meter.~~

31

32 ~~Sec. 28 10. Two way communication required.~~

1 ~~(a) — All taxicabs or limousines covered by this chapter shall be equipped with an operable~~
2 ~~two-way radio or telephone allowing the vehicle to receive and transmit calls. Such~~
3 ~~communication system shall be functional whenever the vehicle is in operation.~~

4 ~~(b) — No taxicab, limousine or franchise operating under this chapter shall use or operate~~
5 ~~installed scanners to intercept calls to or from another franchise for the purpose of soliciting~~
6 ~~business directed to another franchise.~~

7 ~~(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06)~~

8 ~~Sec. 28-11. Liability insurance required.~~

9 ~~No franchise shall be granted or continue in operation unless there is in full force and effect a~~
10 ~~liability insurance policy issued by an insurance company authorized to do business in the State~~
11 ~~of Florida for each vehicle in not less than the minimum amounts as provided for under Florida's~~
12 ~~Financial Responsibility Law (F.S. § 324.032) Each franchise will maintain a \$200,000.00~~
13 ~~general liability policy for the company. The city, its elected and appointed officers, employees~~
14 ~~and agents shall be named as additional insureds.~~

15 ~~Sec. 28-12. Miscellaneous regulations.~~

16 ~~(a) — It shall be unlawful for any driver or operator of a taxicab or limousine to drive or operate~~
17 ~~or be on duty or on call for the operation of a taxicab or limousine for more than 12 hours within~~
18 ~~any 24-hour period.~~

19 ~~(b) — No driver shall solicit patronage by means of unwanted touching, detaining, impeding or~~
20 ~~intimidation, nor shall any driver obstruct the movement of any person or follow any person for~~
21 ~~the purpose of soliciting patronage.~~

22 ~~(c) — Upon discovery of any personal property left by a passenger, a driver shall deposit such~~
23 ~~property with the police department within 24 hours.~~

24 ~~(d) — A driver shall take either the most direct or the fastest route to a passenger's destination~~
25 ~~unless otherwise authorized or directed by the passenger.~~

26 ~~(e) — No company or driver shall discriminate against any person or refuse to accept a~~
27 ~~passenger on the basis of their sexual orientation, race, color, gender, age, religion, national~~
28 ~~origin, marital status, disability or gender identity.~~

29 ~~(f) — It shall be unlawful for the driver of a taxicab or limousine operated in the city to permit~~
30 ~~any person to accompany or use such vehicle for the purpose of prostitution or lewdness, or to~~
31 ~~direct, take or transport any other person with knowledge or reasonable cause to believe that the~~
32 ~~purpose of such directing, taking or transporting is for the purpose of prostitution or lewdness.~~

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- 1 (g) — No taxicab shall be permitted to carry non-paying passengers while transporting a paying
2 passenger or passengers except for the purpose of driver training.
- 3 (h) — No driver shall solicit or carry a paying passenger while in the process of carrying
4 another paying passenger except when requested to do so by the paying passenger.
- 5 (i) — Every taxicab and limousine driver shall maintain a daily manifest upon which are
6 recorded all trips made each day, showing time and place of origin and destination, of each trip
7 and amount of fare, and all such completed manifests shall be returned to the owner by the driver
8 at the conclusion of his/her tour of duty. The forms for each manifest shall be furnished to the
9 driver by the owner. These manifests must be kept for one year and be available during regular
10 business hours at the office of the franchise owner for inspection by the city.
- 11 (j) — A vehicle driver shall not smoke cigarettes, cigar, pipe or other tobacco substance in the
12 vehicle while such vehicle is occupied by a passenger, unless the passenger(s) consents
13 otherwise.
- 14 (k) — A vehicle driver on a public street or right-of-way shall receive and discharge passengers
15 on the side of the vehicle opposite traffic.
- 16 (l) — No driver shall permit more persons to be carried in a taxicab or limousine as passengers
17 than the rated seating capacity of the taxicab or limousine.
- 18 (m) — No driver shall solicit business for any hotel or motel, or attempt to divert patronage from
19 one hotel or motel to another.
- 20 ~~Sec. 28-13. — Seat belts required.~~
- 21 All taxicabs and limousines covered by this chapter shall be equipped with operational seat belts
22 and child restraints as required by state law. Notices shall be posted inside of each taxicab,
23 visible to passengers, that seat belts must be worn at all times by passengers in the front seat and
24 should be worn at all times by passengers in the rear seat. Child restraint seats should not be used
25 in the front passenger seat which is equipped with an airbag.
- 26 ~~Sec. 28-14. — Vehicle inspection.~~
- 27 (a) — In addition to all other vehicle inspections required by law, each vehicle for hire shall be
28 inspected prior to initially being put into service and every year thereafter by an approved
29 certified automobile mechanic. The inspection shall include items listed on a standardized
30 inspection form approved by the city.
- 31 (b) — Copies of completed inspection forms must be filed with the city manager or designee 30
32 days prior to expiration of the business tax receipt.

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1 ~~(c) — The city manager/designee and/or law enforcement has the authority to place a VFH out~~
2 ~~of service/commission if it is deemed unsafe or hazardous until the vehicle is brought up to safe~~
3 ~~standards and a certified mechanic has completed a safety inspection and corrected any unsafe or~~
4 ~~hazardous conditions. Proof of correction of unsafe or hazardous conditions, signed by and~~
5 ~~approved certified automobile mechanic as defined in section 28-2 above, must be submitted~~
6 ~~before a vehicle may be returned to service.~~

7 ~~Sec. 28-14.5. — Equipment and safety requirements of VFH.~~

8 ~~A motor vehicle in service as a VFH shall have and maintain the following equipment in good~~
9 ~~working order:~~

10 ~~Adequate heater and air conditioner;~~

11 ~~Adequate brakes on all wheels;~~

12 ~~Tires of good quality;~~

13 ~~Speedometer;~~

14 ~~Seat belts for the driver and all passengers.~~

15 ~~Each VFH shall be maintained in a clean, well painted manner so as to provide a generally good~~
16 ~~appearance.~~

17 ~~Sec. 28-15. — Rates.~~

18 ~~(a) — Each franchise owner shall provide the city manager or designee a copy of its proposed~~
19 ~~rates at least 30 days prior to any change in rates including any authorized flat rate charges or~~
20 ~~minimum fares.~~

21 ~~(b) — Every taxicab operating under a franchise shall have rate cards setting forth the rates of~~
22 ~~fare, including any authorized flat rate charges or minimum fares, displayed both on the inside of~~
23 ~~the front windshield at the roof line of the passenger side, on the inside of the right rear window~~
24 ~~at the eye level of a seated passenger measuring at least five inches wide by five inches in height.~~
25 ~~All rate cards shall state the rates of fare, including any authorized flat rate charges or minimum~~
26 ~~fares, and any additional charges, such as for bags and luggage. Additionally, the same~~
27 ~~information shall be displayed on a sign outside the taxicab consisting of lettering not less than~~
28 ~~one inch in size for all information.~~

29

30 ~~Sec. 28-16. — Overall service required; conditions for trip.~~

31 ~~(a) — All persons engaged in the taxicab or limousine business in the city operating under the~~
32 ~~provisions of this chapter shall render an overall service to the public desiring to use their~~

1 vehicles. All franchise owners shall answer all calls received by them for services inside the
2 corporate limits of Gainesville as soon as they can do so; and if said services cannot be rendered
3 within a reasonable time, they shall then notify the prospective passenger how long it will be
4 before the service can be rendered and provide a reason for delay. A franchise owner who shall
5 refuse to accept a call anywhere within the corporate limits of Gainesville at any time when such
6 holder has available cabs, or who shall fail or refuse to give overall service, shall be considered
7 in violation of this chapter; and the permit granted to such franchise owner may be revoked by
8 the city manager in accordance with the provisions of section 28-6 of this chapter.

9 (b) — Any vehicle driver, including a taxicab vehicle driver, after responding to a call, may
10 request or demand payment up front prior to commencement of a trip, may refuse to initiate such
11 trip, or may terminate a trip and may request payment if the vehicle driver has a bona fide,
12 justifiable reason to believe the passenger(s) may cause bodily injury to him/her or the
13 passengers become unruly, rowdy or cause physical damage to the vehicle or the vehicle driver.

14 Sec. 28-17. — Unlawful to refuse to pay fare; complaint procedure.

15 (a) — It shall be unlawful for any person to fail or refuse to pay the legal fare of any taxicab or
16 limousine used by such person.

17 (b) — When a passenger objects to the fare charged, the passenger shall pay the fare, and a
18 written receipt shall be issued to the passenger by the driver providing the following information:
19 the place where the passenger boarded the vehicle, the place to which passenger was driven, the
20 amount of the fare paid (exclusive of baggage charges), baggage charges, and the address and
21 telephone number of the city manager's office clearly indicating that a formal complaint may be
22 lodged with that office not later than 20 days following the payment of said fare.

23
24 Sec. 28-18. — Exemptions for vehicles regulated by ICC.

25 The provisions of this chapter shall not apply to any vehicle or the operator thereof when
26 engaged in operations under and by virtue of any certificate or permit from the Interstate
27 Commerce Commission of the United States when a permit, license or certificate is required for
28 such operation by that regulatory commission.

29 Sec. 28-19. — Taxi service bill of rights.

30 (a) — All taxicabs operated under the authority of this chapter shall have prominently posted in
31 a location visible to a passenger seated in the passenger seats of the vehicle a "taxi service bill of
32 rights," or a notice that a "taxi service bill of rights" will be provided immediately upon request.
33 If the entire "taxi service bill of rights" is not posted, and the option for a notice advising that
34 said document is available on request is utilized, the taxicab must have available cards or
35 circulars with the full text of the "taxi service bill of rights." These cards or circulars must list in

1 clear and legible fashion the full contents of the approved "taxi service bill of rights." The copies
2 of the "taxi service bill of rights" to be distributed shall be made available from the city manager
3 or his or her designee, at a cost not to exceed the cost of production, or may be reproduced by the
4 franchise owner as long as the format and appearance of said card or circular have been filed
5 with, and approved by, the city manager or his or her designee.

6 (b) — This "taxi service bill of rights" shall be prepared by the city manager, or his/her
7 designee, and shall set forth the rights of taxicab passengers and taxicab drivers under state
8 statutes and city ordinances, and shall provide additional information as to how to report
9 violations. It may be changed from time to time as changes in law or ordinances require.
10 Whenever the contents of the "taxi service bill of rights" are changed, the franchise owners shall
11 be provided notice at least 30 days prior to the effective change in order to obtain or prepare
12 copies for distribution and posting.

13

14 ~~Sec. 28 20. Soliciting passengers or baggage at railway, bus station or airport.~~

15 (a) — Vehicles for hire drivers, or persons acting for them, shall remain at their respective
16 vehicles while soliciting passengers or baggage in any bus station, airport facility or open stands,
17 and shall conduct themselves in a quiet and orderly manner while soliciting passengers or
18 baggage. VFHs operating at the airport shall serve on a first come first serve basis with an
19 orderly and professional approach. This shall not be construed to prevent passengers from
20 boarding taxicabs of their choice.

21 (b) — No maintenance shall be performed on vehicles at an open stand.

22

23 ~~Sec. 28 21. Inspection.~~

24 The city manager or designee has the right to conduct an inspection for ordinance compliance
25 during anytime the vehicle for hire franchise is in operation or appears to be in operation.

26 ~~Secs. 28 22 — 28 29. Reserved.~~

27 **Sec. 28-1. - Definitions.**

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

30 Active on the TNC digital platform means when the driver is logged onto the Transportation
31 Network Company (TNC) application dispatch system showing that the driver is available to
32 pick up passengers.

33 Compensation means remuneration or anything of economic value that is provided,
34 promised, or donated primarily in exchange for services rendered.

1 Conviction means the conviction by a court including an adjudication of guilt on a plea of
2 guilty or nolo contendere.

3 Driver means an individual permitted to drive or operate a vehicle for hire.

4 Limousine means any automobile, with chauffeur, contracted for with charges prepaid,
5 engaged in the transportation of persons for a consideration, that does not operate regularly or at
6 intervals over a designated route and that is not fitted with a meter or device for calculating or
7 measuring the distance traveled or the waiting time of such vehicle and that is constructed so as
8 to carry five or more passengers in the vehicle. Commercial non-emergency medical transport
9 vehicles (such as medivans) shall be considered limousines for the purpose of this chapter.

10 Passenger means an individual who is transported for compensation in a vehicle for hire.

11 Place of business means a physical location where (1) the city may send, and the vehicle for
12 hire company shall accept, notices of hearing or other notices or legal process documents from
13 the city; and (2) a place where records required by this chapter may be viewed and copied.

14 Rideshare means the traveling of two (2) or more persons by any mode of private passenger
15 vehicle, including, but not limited to, carpooling, vanpooling, or bus pooling to any location
16 incidental to another purpose of the driver for which compensation is neither accepted, collected,
17 encouraged, promoted, or requested, and for which the primary purpose of the driver cannot be
18 profit or revenue based.

19 Shuttle vehicle means a vehicle for hire with a capacity of at least eight persons, including
20 the driver, which is not used as a taxicab, TNC vehicle or for cruising.

21 Taxicab means a motor vehicle used to transport passengers for compensation within the
22 city limits, but excludes a TNC vehicle.

23 Taximeter means an instrument or device attached to a vehicle and designed to measure
24 mechanically or electronically the distance traveled by such vehicle, to record the times said
25 vehicle travels or is in waiting, and to indicate the base fare to be obtained.

26 Transportation network company (TNC) means a business that provides transportation
27 network services.

28 TNC driver means a driver providing transportation through a TNC.

29 TNC vehicle means a motor vehicle used by a TNC driver to provide services on the TNC
30 digital network or software application.

31 Transportation network service means a transportation service for compensation that is
32 offered and accepted through a TNC's digital network or software application before the
33 transportation commences.

34 Vehicle for hire (VFH) means any motor vehicle used to transport passengers for
35 compensation within the city limits. The term vehicle for hire excludes:

- 36 (1) School and church buses;
- 37 (2) Sightseeing cars and buses;
- 38 (3) Ambulances;
- 39 (4) Funeral home vehicles;

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

15 VFH administrator means the City Manager or his designee authorized to administer this
16 chapter regulating vehicles for hire.

17 VFH company means a business that provides vehicle for hire services.

18 VFH company license means the written authority granted by the city to a VFH company to
19 operate within the city limits pursuant to the requirements of this article.

20 VFH driver permit means the written authority granted by the city for a driver to operate a
21 vehicle for hire within the city limits pursuant to the requirements of this article.

22

23 **Sec. 28-2. – Vehicle for hire company license**

24 It shall be unlawful for any vehicle for hire company to provide service in the city without a
25 receiving a license issued by the VFH administrator. A VFH company shall pay the annual
26 license fee set forth in Appendix A. Such payment shall be paid at the time of application for the
27 license and thereafter each year. Any late fees shall be paid as set forth in Appendix A. A VFH
28 company license is non-transferable.

29 **Sec. 28-3. - Application for vehicle for hire company license**

30 1. Application for the issuance or renewal of a VFH company license shall be made in
31 writing to the VFH administrator on a form provided by the VFH administrator and
32 signed and sworn to by the owner or by its authorized agent. Each application for
33 issuance or renewal of a company license shall include:

34 (a) The applicant’s place of business within the State of Florida where records required
35 by this chapter are retained and may be accessed electronically. If the applicant intends
36 to retain and submit records in a physical format instead of an electronic format, the
37 applicant’s place of business shall be in the city limits.

1 (b) Proof of the insurance coverage required in Sec. 28-11.

2 (c) Information on the third party provider responsible for completion of driver
 3 background checks as required in Sec. 28-5. The provider shall be accredited by
 4 the National Association of Professional Background Screeners or comparable
 5 accreditation group deemed acceptable by the VFH administrator. In the
 6 alternative, the applicant may indicate that it will have its driver background checks
 7 performed by the VFH administrator.

8 (d) An active list or access to an active list of all approved VFH drivers that it employs
 9 or allows to access its TNC platform that shall, at a minimum, include the driver's
 10 legal name and Florida driver's license number.

11 (e) If the applicant is a natural person: the applicant's full name, social security
 12 number, residence address, business address, business e-mail address, business
 13 telephone number and proof that the applicant is at least eighteen (18) years of age.

14 (f) If the applicant is a legal entity: the entity name, business address and telephone
 15 number; the date and state of formation; proof of active status with the Florida Division of
 16 Corporations authorizing it to do business under the laws of the State of Florida; and the
 17 full names, titles, date of birth, residence addresses, e-mail addresses and residence
 18 telephone numbers of its officers, partners or members.

19 (g) The name; mailing, physical and email addresses and telephone number of
 20 a natural person(s) that the VFH company has authorized to be a point of contact
 21 for the City with regards to:

22 (1) Filing applications and paying rates and charges on behalf of the VFH
 23 company;

24 (2) Receiving and accepting all legal process, correspondence and notices from
 25 the city pertaining to the VFH company, or drivers operating for the VFH
 26 company; and

27 (3) Forwarding any correspondence, notices and/or legal process received by the
 28 VFH company and intended for a driver operating for the VFH company.

29 (h) An illustration of the distinctive VFH company identification that will be
 30 displayed on its vehicles for hire as required by Sec. 28-7.

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

32 2. If the applicant knowingly provides false information on the license application, in
 33 addition to any criminal charges, the applicant will automatically be denied the company
 34 license and will be ineligible for a company license for a period of five (5) years. If the
 35 driver's permit has been issued prior to the discovery of the fraudulent application, the
 36 driver's permit shall be revoked.

37 3. As a condition of maintaining its VFH company license, each VFH company:

38 (a) Shall keep accurate books and records of account of the licensee's
 39 operations at the licensee's place of business for a minimum of three (3) years. Such
 40 records shall be submitted or made available for inspection upon the request of the VFH
 41 administrator, for reasonable use in accordance with this chapter including, but not

1 limited to, verification of compliance and investigation of any complaint filed against a
 2 VFH driver or VFH company.

3 (b) Shall notify the VFH administrator in writing within 15 days of any
 4 change to the information provided in the license application.

5 (c) Shall not employ or contract with any driver who does not have a valid
 6 VFH driver permit issued by the city.

7 (d) Shall provide the following data to the VFH Administrator, at such times
 8 and in a format and manner prescribed by the VFH Administrator:

9 (1) Information on any of the VFH company's drivers who were alleged to have
 10 committed a violation of this chapter or their terms of service or who have been
 11 suspended or prohibited from driving for the VFH company;

12 (2) Information regarding their drivers, vehicles and any fare related information
 13 to assist with investigation of any complaints or violations of law. Such
 14 information shall be provided upon request without a subpoena or other court
 15 order, within twenty-four (24) hours of the request unless otherwise required by
 16 the VFH administrator; and

17 **Sec. 28- 4. License, verification and issuance.**

18 Upon receipt of an application for the issuance or renewal of a VFH company license, the
 19 VFH administrator may verify all information provided in the application for compliance
 20 with all applicable provisions of this code, and may verify the applicant's compliance or
 21 ability to comply with the company license requirements specified in this code. The city
 22 will issue a VFH company license if the company has met the qualifications set forth in
 23 this code and has paid the company license fee set forth in Appendix A.

24 **Sec. 28-5. Driver permits**

25 (a) Prior to operating a VFH within the city, each driver is required to obtain an annual
 26 VFH driver permit. Application for the issuance or renewal of a VFH driver permit
 27 shall be made in writing to the VFH administrator on a form provided by the VFH
 28 administrator and signed and sworn to by the applicant. The city will issue a VFH
 29 driver permit if the driver has met the qualifications set forth in this code and has paid
 30 the permit fee set forth in Appendix A.

31 (b) A VFH driver must meet the following requirements in order to obtain an annual VFH
 32 driver permit:

33 (1) Shall possess a valid Florida driver's license.

34 (2) Shall be at least eighteen (18) years old.

35 (3) Shall pass a nationwide background check that covers the preceding seven (7) years
 36 that shows:

1 (i) The VFH driver has not been convicted, pled nolo contendere, nor had
2 adjudication withheld for any violent felony or sexual battery.

3 (ii) The VFH driver has not been convicted, pled nolo contendere, or had
4 adjudication withheld for a felony or misdemeanor in the last five (5) years for
5 any crime involving the use or threat of use of force, possession or sale of a
6 controlled substance, prostitution, indecent exposure, stalking, or any sexually
7 related criminal offense.

8 (iii) The VFH driver is not under any form of community control, probation or
9 under any status as a sex offender in any state.

10 (iv) The VFH driver has not been convicted, pled nolo contendere, nor had
11 adjudication withheld in the last five (5) years for any of the following offenses
12 involving injury or death: leaving the scene of an accident, driving under the
13 influence of an alcoholic beverage or drug, reckless or careless driving.

14 (v) The VFH driver has not been convicted, pled nolo contendere, nor had
15 adjudication withheld in the last three (3) years for leaving the scene of an
16 accident, driving under the influence of an alcoholic beverage or drug, reckless
17 or careless driving.

18 If the VFH administrator finds that a driver has such a record in their history the
19 VFH administrator shall notify the VFH company who shall immediately suspend
20 the driver from accessing the TNC network or operating a VFH.

21 (4) Shall certify that he/she does not have a physical or mental disability that would
22 prevent him/her from safely operating a VFH and performing the normal duties of a
23 VFH driver.

24 (c) If the applicant provides false information on the driver's permit application to the city
25 or the VFH company, in addition to any criminal charges, the applicant will automatically
26 be denied a vehicle for hire driver's permit and will be ineligible for a permit for a period of
27 five (5) years.

28 (d) The background check required in subsection (3) above may, at the option of the driver,
29 be performed by the VFH administrator or by a third party provider on behalf of the
30 VFH company that employs or contracts with the VFH driver. If the VFH company
31 provides the background checks it shall certify that it performed the check in
32 accordance with the requirements of this code, shall allow such records to be reviewed
33 by law enforcement personnel and the VFH administrator upon request, and shall
34 maintain the records for a period of no less than three (3) years.

35
36 **Sec. 28-6. Display of driver permits.**

37 Each VFH driver shall either:

38 (a) Wear the permit at all times while the VFH driver is on duty or is active on the TNC
39 digital platform and have it prominently displayed in the vehicle so as to be readily
40 visible to a person of average visual acuity sitting in the rear passenger seat; or

- (b) Have the permit electronically displayed to passengers on the passenger’s mobile device during a VFH ride.

Sec. 28-7. VFH inspections and identification requirements.

- (a) Within 14 days of beginning service, and annually thereafter, a VFH company or a VFH driver shall have each VFH inspected by an automobile mechanic. Such inspection shall, at a minimum, evaluate the vehicle’s brake system, lights, steering, suspension, tires, and seat belts. Written copies of such documentation shall be provided to the VFH administrator or a law enforcement officer upon request.
- (b) The VFH company or driver shall maintain complete documentation of the current inspection in the VFH at all times.
- (c) The VFH administrator, and/or law enforcement officer has the authority to place a VFH out of service if it is deemed unsafe or hazardous, until an automobile mechanic certified by the National Institute for Automotive Service Excellence (ASE) has corrected the unsafe or hazardous conditions and completed a safety inspection.
- (d) Each VFH shall display a consistent and distinctive signage or emblem at all times while engaged in VFH services. Acceptable forms of distinctive signage include, but are not limited to, symbols or signs on vehicle doors, roofs, windshields, or grills. Magnetic or other removable signage is acceptable. The distinctive signage or emblem shall be sufficiently large and color contrasted so that it is readable during daylight hours at a distance of at least fifty (50) feet; and reflective, illuminated or otherwise patently visible so as to be seen in darkness.

Sec. 28-8. Operating regulations.

1. General regulations for VFH operations:

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

(1) To operate a VFH without a city issued VFH driver permit;

(2) To operate a VFH while under the influence of alcoholic beverages or controlled substances, other than medication prescribed by a physician, provided that such prescribed medication does not warn that the user not operate machinery while taking the medication or that the prescribed medication does not impair the normal faculties of the driver;

(3) To operate, or cause to be operated, a VFH in any area where the operation of such vehicle is prohibited by an applicable law;

1 (4) To operate, or cause to be operated, a VFH that does not meet the
2 requirements of this chapter.

3 (b) No person may possess an open alcohol beverage container while such person is
4 operating or being transported by a VFH, nor may any person transport, carry, possess or
5 have any alcoholic beverage while being transported by a vehicle for hire, except in the
6 original package with the seal unbroken. A VFH driver may not knowingly transport a
7 passenger in possession of an open alcoholic beverage container.

8 (c) All VFH companies shall adopt a policy of non-discrimination in service and rates
9 on the basis of destination, race, color, national origin, religion, disability, gender, gender
10 identity, or sexual orientation with respect to passengers and potential passengers and
11 shall notify its VFH drivers of such policy.

12 (d) All VFH companies and VFH drivers shall comply with all applicable laws
13 regarding non-discrimination against passengers or potential passengers on the basis of
14 destination, race, color, national origin, religion, disability, gender, gender identity, or
15 sexual orientation.

16 (e) All VFH companies and VFH drivers shall comply with all applicable laws
17 relating to the Americans with Disabilities Act, including the accommodation of service
18 animals.

19 (f) A VFH driver shall at all times carry in the VFH proof of the insurance policies
20 required by this chapter.

21 (g) VFH drivers shall not:

22 (1) Provide false information to or refuse to obey or to comply with any lawful
23 order or direction of the VFH administrator, law enforcement officer, or traffic-
24 control officer;

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

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

29 (4) Refuse to convey an orderly passenger once the passenger is in the VFH; or

30 (5) Operate, be on duty, or be on call for more than 12 hours within any 24-hour
31 period.

32 (h) No VFH shall be parked on any public way for a time longer than is reasonably
33 necessary to board passengers.

1 (i) No VFH driver shall transport passengers that exceed the designed capacity of the
 2 VFH, as determined by the number of factory installed seatbelts.

3 2. Specific operating regulations for transportation network service:

4 (a) TNC drivers may only provide transportation network service. No passenger may be
 5 accepted for transport in any other manner.

6 (b) No TNC or TNC driver may solicit potential passengers. For purposes of this
 7 subsection, the term "solicit" means an appeal by words or gestures for immediate
 8 patronage of a TNC vehicle or a TNC driver upon the public way attempting to direct
 9 people to a transportation network vehicle that is parked, stopped, standing or moving
 10 upon the public way.

11 (c) No TNC driver shall accept or respond to passengers' or potential passengers'
 12 requests for service via traditional street hail, including hand gestures and verbal
 13 statements.

14 (d)The digital network or software application used to arrange for transportation network
 15 service shall display for a passenger:

16 (1) The VFH driver permit if required under Section 28-6; and

17 (2) A picture or description of the TNC vehicle the driver is approved to use,
 18 including the make, model, and license plate number of the vehicle.

19 (e) No TNC or TNC driver shall disable, eliminate or otherwise prevent access to the
 20 TNC digital network or software application by the VFH administrator, or in any way
 21 interfere with or obstruct enforcement of this chapter by the VFH administrator.

22 **Sec. 28-9. Service charges and fare rates.**

23 1. Each VFH company or driver calculating fares based upon time and distance traveled with the
 24 fare not calculated and paid until the end of the trip.

25 (a) Shall have rate cards setting forth the rates of fare and minimum fares, displayed both
 26 on the inside of the front windshield at the roof line of the passenger side, on the
 27 inside of the right rear window at the eye level of a seated passenger measuring at
 28 least five inches wide by five inches in height. All rate cards shall state the base rates
 29 of fare, including any minimum fares, and any additional charges, such as for bags
 30 and luggage. Additionally, the same information shall be displayed on a sign outside
 31 the VFH consisting of lettering not less than one inch in size for all information.

32 (b) Shall be equipped with taximeters fastened in a manner so that the face shall be
 33 visible and readable to passengers at all times both day and night. The face of the
 34 taximeter shall be set so that it will register and compute on a mileage basis while the

1 VFH is moving and on a time basis while the VFH is standing, and while the service
2 is being rendered the base fare to be charged. The taximeter shall be used for all trips
3 and the fare charged shall be that shown on the taximeter, plus any posted extra
4 passenger or other charges.

5 (c) May establish a minimum fare per call for service or per trip. If such a minimum fare
6 is established and utilized, it shall be posted as are other rates for such company, and
7 subject to the requirements of this section. When a minimum fare is established and
8 utilized, the taximeter shall still be used for the trip, but the minimum fare may be
9 charged when the minimum fare exceeds the amount on the taximeter.

10 (d) May utilize demand or surge pricing which involves fare rates that vary from the
11 normally posted rate on the VFH. However, the passenger must affirmatively
12 acknowledge in writing that they agree to the demand or surge fare structure being
13 charged for the trip before the trip commences or any fees are charged to the
14 prospective passenger. The authorization must be completed in duplicate on a form
15 approved by the VFH administrator. A copy of the form shall be given to the
16 passenger (or sent electronically) and a copy shall be retained by the VFH company.

17 2. Each VFH company or driver that calculates fares and collects payment in full prior to
18 commencement of trip:

19 (a) May charge based on a flat fee or demand or surge pricing. If the flat fee or demand or
20 surge pricing rates to be paid prior to the commencement of the trip vary from the
21 normally posted rate of the VFH, the passenger must affirmatively acknowledge and
22 agree to the fare structure in writing on a form provided by the VFH administrator or
23 via the TNC’s digital network or software application, before the trip commences or any
24 fees are charged to the prospective passenger. A copy of the form shall be given (or sent
25 electronically) to the passenger and a copy shall be retained by the VFH company.

26 (b) Upon payment of a prepaid ride, a VFH shall immediately provide to the rider a receipt
27 in writing or electronically. The receipt shall document the following:

- 28 1. Point of origin and destination of the ride;
- 29 2. Total distance and duration of the ride;
- 30 3. Total fare paid including the base fare and any additional charges;
- 31 4. The driver's first name; and
- 32 5. A customer service telephone number or email address.

34 **Sec. 28-10. Operation on private property.**

35 Nothing in this ordinance shall limit any natural person or legal entity who owns or controls real
36 property from prohibiting VFH operation on its property or developing its own rules, regulations,
37 and fees when allowing a VFH to operate on its property.

38 **Sec. 28-11 - Liability insurance required.**

1 1. Vehicle for hire companies, excluding TNC's, shall have in full force and effect a
2 liability insurance policy issued by an insurance company authorized to do
3 business in the State of Florida for each VFH vehicle owned by the company or
4 operated by a VFH driver employed by the company in not less than the minimum
5 amounts as provided for under federal and Florida law, including without
6 limitation amount, no fault personal injury protection (PIP) in the minimum
7 required of a private passenger automobile, and primary automobile liability
8 coverage for Bodily Injury Liability coverage of at least \$125,000 per person,
9 \$250,000 per occurrence and \$50,000 for property damage liability (PDL)
10 coverage. Automobile liability coverage required by this section may be placed
11 with an insurer licensed under Florida law or with a surplus lines insurer eligible
12 under Florida law.

13
14
15 2. Transportation network companies:

16 (a) For the period of time when a TNC driver is active on the TNC digital
17 platform but is not transporting a passenger or traveling to pick up a passenger the TNC
18 or its TNC driver shall maintain automobile liability coverage which provides at least
19 fifty thousand dollars (\$50,000.00) for bodily injury for any one person in any one
20 accident, one hundred thousand dollars (\$100,000.00) for bodily injury to all persons in
21 any one accident, and twenty-five thousand dollars (\$25,000.00) for property damage in
22 any one accident.

23 (b) For the period of time when a TNC driver is active on the TNC digital
24 platform and is engaged in transporting a passenger, a TNC or a TNC driver shall
25 maintain primary automobile liability coverage for bodily injury liability (BIL) coverage
26 of at least \$125,000.00 per person, \$250,000.00 per occurrence and \$50,000.00 for
27 property damage liability (PDL) coverage. The insurance policy must provide coverage at
28 all times the driver is transporting a passenger or traveling to a pick up a passenger.

29 (c) In any instance where automobile liability coverage maintained by a TNC
30 driver to fulfill the insurance obligations of this section has lapsed or ceased to exist,
31 the TNC shall provide the coverage required by this section beginning with the first
32 dollar of a claim.

33 (d) In any instance where insurance maintained by the TNC driver refuses to
34 provide coverage due to a TNC driver being active on the TNC network the TNC
35 shall provide coverage as required by subsection (2)(a). Nothing in this ordinance
36 shall prohibit or limit the right of the TNC to later seek reimbursement from the
37 driver's personal insurance through any civil process.

38 (e) In any claims coverage investigation, a TNC shall cooperate with a liability
39 insurer that also insures the TNC driver's personal vehicle. The TNC shall include
40 the relevant dates and times at which an incident occurred that involved the TNC
41 driver while the TNC driver was active on the TNC network.

1 (f) The existence of the insurance required by this section shall be disclosed on
2 the TNC’s website, and no contractual provisions required in the TNC’s terms of
3 service shall be used to waive or otherwise evade the insurance requirements of this
4 chapter or state law.

5 (g) Each TNC driver shall provide, upon demand, to any authorized law
6 enforcement officer or the VHF administrator, proof of the insurance policies
7 required by this section.

8
9 **Sec. 28-12. Enforcement, rules and regulations, complaints.**

10 (a) The VFH administrator is authorized to enforce this article, and to adopt rules and
11 regulations for the proper administration and enforcement of this article.

12 (b) If a passenger files a complaint against a VFH company or VFH driver regarding a
13 potential criminal act or violation of this article with the city, in addition to all other
14 powers and remedies provided under this code, the VFH administrator or other
15 authorized staff shall have the right to inspect the VFH’s company records as necessary
16 to investigate and resolve the complaint. If a passenger files a complaint with the VFH
17 company regarding a potential criminal act or violation of this article, the VFH company
18 shall forward the complaint to the Gainesville Police Department within twenty-four (24)
19 hours from the receipt of the complaint.

20 (c) The VFH administrator or law enforcement shall have the right to conduct an
21 inspection for compliance with this chapter anytime a VFH is in operation or appears to
22 be in operation.

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

24 Violations of the provisions of this article by a VFH Company or VFH driver may be enforced
25 by a suspension or revocation of any license or permit issued hereunder, civil citation pursuant to
26 Section 2-339 and/or by criminal citation pursuant to Section 1-9 of this code. Each violation
27 shall be deemed a separate and distinct offense and shall be penalized as a separate and distinct
28 offense.

29 **Sec. 28-14. License revocation.**

30 (a) The City may revoke the license or permit which grants the privilege of any VFH
31 company or VFH driver to conduct VFH services on any of the following grounds:

- 32
33 (1) If the VFH company and/or VFH driver fails to follow any requirements of
34 this article;
35

1 (2) If the original application or any other required documentation are found to
2 contain any false statements of material fact; or

3
4 (3) If the VFH company and/or VFH driver fails to pay any fees or fines as
5 specified in any applicable section of this article and/or Appendix A, of this
6 code.

7
8 (b) Violations occurring within a one year period shall result in progressive
9 penalties as follows:

10
11 (1) First and second violations (if the violation is capable of correction):
12 Written warnings. The company or driver must correct the violation within
13 ten (10) calendar days.

14
15 (2) Third and subsequent violations or any violation not capable of being
16 corrected: One year revocation of the VFH company license and/or VFH
17 driver permit.

18
19 (c) A VFH company license shall not be revoked for acts of a VFH driver in
20 violation of this section unless the VFH company actively participated in or had
21 knowledge of the violation and took no action to address the issue. In instances
22 where a VFH company had knowledge of a violation and took corrective action,
23 the VFH company shall maintain written documentation of such actions for a
24 minimum period of one year from the date that the corrective action was taken.

25
26 (d) The procedure for revoking a license or permit is as follows:

27
28 (1)The VFH administrator shall provide written notice to the VFH company or
29 VFH driver, as applicable, by hand delivery or by certified or registered mail at
30 least 15 calendar days prior to the effective date of the revocation. The written
31 notice shall contain notice that the VFH company or VFH driver may contest
32 the revocation by requesting a hearing as provided below. Service shall be
33 deemed complete if personally delivered upon the owner or an employee of the
34 VFH company or VFH driver, as applicable, by any officer authorized by law
35 to serve process or a duly appointed law enforcement officer of the city police
36 department. The person serving process shall make proof of service within the
37 time during which the person served must respond to the process. If service
38 cannot be personally made within the city, then service may be made by notice
39 to a registered agent of the VFH company or VFH driver as applicable.

40
41 (2) The VFH company or VFH driver may file a written request for a hearing
42 prior to the effective date of the revocation with the city manager or his
43 designee. Failure to timely request a hearing shall constitute a waiver by the
44 VFH company or VFH driver of any rights to a hearing. Upon request for a

1 hearing, the revocation shall be stayed until final administrative action has been
2 effected.

3
4 (3) At the hearing, the VFH company or VFH driver shall have the opportunity
5 to present evidence (consisting of testimony and/or written documentation)
6 they believe negates or mitigates the revocation.

7
8 (4) In conducting the hearing, the city manager or designee shall have the power
9 to take testimony under oath, require the production of books, paper, and other
10 documents, and receive evidence. Should a party refuse to provide documents
11 as directed by the city manager or designee, then there may be an adverse
12 inference against the party who failed to produce said documents. All parties
13 shall have an opportunity to respond, to present evidence and argument on all
14 issues involved, to conduct cross-examination and submit rebuttal evidence,
15 and to be represented by counsel. Hearsay evidence may be used for the
16 purpose of supplementing or explaining other evidence, but it shall not be
17 sufficient in itself to support a finding unless it would be admissible over
18 objection in civil actions. Any party desiring the hearing be recorded shall be
19 responsible for arranging and paying the cost of a court reporter's attendance
20 and services.

21
22 (5) If the city manager or designee finds, by a preponderance of the evidence,
23 that the VFH company or VFH driver meets the requirements for permit
24 revocation, then the city manager or designee shall uphold the revocation of the
25 VFH company or VFH driver and set the revocation date to begin 15 days from
26 the date of the final administrative order, subject to a writ of certiorari being
27 filed pursuant to paragraph (8) below.

28
29 (6) If the city manager or designee finds that the VFH company or VFH driver
30 does not meet the requirements for permit revocation, then the city manager or
31 designee shall rescind the revocation of the VFH company or VFH driver.

32
33 (7) The city manager or designee shall provide written notice of the final order
34 to the VFH company or VFH driver as applicable. The decision of the city
35 manager or designee shall be the final administrative action.

36
37 (8) Right to appeal: The final administrative order of the city is subject to
38 certiorari review in a court of competent jurisdiction in Alachua County,
39 Florida by the timely filing of a petition. Upon the filing of a petition in the
40 Circuit Court, the revocation of the permit shall be stayed pending final
41 disposition of the civil case.

1 (e) Any VFH company or VFH driver whose ability to engage in VFH service has been
2 revoked shall not be eligible to obtain a VFH company license or VFH driver permit until
3 such revocation period has expired.
4

5 **Sec. 2-339. - Applicable codes and ordinances.**

6 Chapter 28 Vehicle For Hire Taxicab regulation I \$50.00
7

8 **Appendix A**

9 **VEHICLES FOR HIRE:**

10 VFH Company License Franchise fee/per year annual (section 28-52).....319.25
11

12 VFH company that chooses an unlimited number driver permits/vehicles.... 4,269.25;
13

14 VFH that chooses a limited number of drivers/vehicles:

15 Base company license fee....319.25

16 Fee per vehicle Medallion/permit (biennially — per vehicle)29.00

17 Fee per driver Individual driver permit fee (new, transfers and renewals)23.00
18

19 Duplicate driver Individual driver permit fee (If permit is duplicates for lost, stolen or
20 destroyed)12.50

21 Airport rates and charges (annual — per vehicle): As established by Resolution of the
22 Gainesville Alachua County Regional Airport Authority.

23 Late penalty, annual report, payment not timely filed, incomplete or inaccurate
24 (section 28-52), per month29.00
25

26

27