

## ARTICLE III - TRANSPORTATION NETWORK COMPANIES

**Sec. 28-42. - Definitions.**

Whenever used in this chapter the following words shall mean:

**Active on the TNC digital platform:** when the driver is logged onto the Transportation Network Company (TNC) application dispatch system showing that the driver is available to pick up passengers; when a passenger is in the vehicle; or when the driver has accepted a ride request and is on route to provide transportation services to a passenger.

**Compensation:** Remuneration or anything of economic value that is provided, promised, or donated primarily in exchange for services rendered.

**License:** A Transportation Network Company license.

**Licensing official:** The City Manager or his designee authorized to supervise the licensing and consumer services functions provided by this ordinance.

**Operation of a transportation network vehicle or operating a transportation network vehicle:** Offering, making available, or using a vehicle which is being operated pursuant to a Transportation Network Company network service system, including any time when a driver is logged onto the Transportation Network Company's internet or smart phone enabled application or digital platform showing that the driver is available to pick up passengers; when a passenger is in the vehicle; when the Company's records show that the vehicle is on route; or when the driver has accepted a ride request and is on route to provide a transportation network service to a passenger.

**Passenger:** An individual who is transported for compensation in an authorized TNC vehicle.

**Place of business in the state of Florida:** A location within the state of Florida where (1) the city may send, and the TNC shall accept, notices of hearing or other notices or legal process from the city; and (2) a place where records required by this chapter may be viewed and copied.

**Prearranged ride:** A period of time that begins when a TNC driver accepts a requested ride through a digital network controlled by a TNC and continues while the driver is en route to the requesting passenger's location. It shall continue while the driver transports the requesting passenger in a personal vehicle and end when the requesting passenger departs from the vehicle.

**Prearranged transportation service:** A transportation service that is offered and accepted through a TNC's internet or smart phone enabled application or digital platform before the transportation commences.

**Transportation Network Company (TNC) driver:** An individual who partners with with a transportation network Company, to transport passengers for compensation using an authorized transportation network Company vehicle, regardless of who owns the vehicle.

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

**TNC vehicle identification:** The unique visual element associated with a Transportation Network Company that is attached to a vehicle affiliated with a TNC so the public and passengers can identify the vehicle as being associated with that particular TNC.

**Transportation Network Company (TNC):** A person or entity licensed pursuant to this Article and operating in the City of Gainesville that uses a digital network or software application service to connect passengers to transportation network services provided by TNC drivers.

**Transportation Network Company (TNC) driver:** A for-hire driver affiliated with and accepting trips requested through a licensed transportation network Company's digital network or software application. A TNC endorsed driver is someone who has been screened and approved by a licensed TNC and meets the requirements of this chapter.

**Transportation network Company (TNC) representative:** The person or persons that a Transportation Network Company has authorized to be a point of contact for the City with regards to:

- (1) Filing applications and paying rates and charges on behalf of the TNC;
- (2) Receiving and accepting all legal process, correspondence and notices from the city pertaining to the TNC, or to affiliated drivers operating within the TNC; and
- (3) Forwarding any correspondence, notices and/or legal process received by the TNC and intended for an affiliated driver operating within the TNC.

**Transportation network Company (TNC) vehicle:** A private vehicle used by a TNC driver to provide services on the TNC network.

**Transportation network service:** A prearranged transportation service offered or provided for compensation using an internet-enabled application or digital platform to connect potential passengers with transportation network drivers.

**28-43. - License required.**

- (a) It shall be unlawful for any TNC to provide service in the city without a permit issued by the licensing official under this ordinance.
- (b) No vehicle shall be used as a transportation network vehicle in the city except by an endorsed driver affiliated with a TNC licensed pursuant to this chapter. Said vehicle shall at all times be in compliance with this chapter when it is being used by a driver active on the TNC network.

**Sec. 28-44. – Application, Franchise and Operational Fees**

(a) Once approved, an annually thereafter, the TNC shall be required to pay the business tax receipt under Chapter 25-42. It shall be unlawful for any person to be engaged in or carry on the business of operating a TNC within the city without first obtaining a business tax receipt from the city to do so as required by Chapter 25 of this Code. The business tax receipt will be issued only after a franchise is granted.

(b) If the TNC has no limits on the number of drivers on their network they shall be required to pay an annual fee of \$3950 a year. Such payment shall be paid annually each year and no later than 14 days after October 1<sup>st</sup>.

(c) Any TNC with a limited number of drivers shall be required to pay an annual fee for a driver and vehicle permit as listed in Appendix A. Such payments shall be made no later than fourteen (14) days after the driver and vehicle become active on the network.

(d) Any late fees shall be paid as listed in Appendix A.

(e) A TNC license is non-transferable.

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**Sec. 28-45. – License application.**

Application for the issuance or renewal of a TNC license shall be made in writing to the licensing official on a form provided by the licensing official and signed and sworn to by the applicant or, if the applicant is a corporation, limited liability Company, or partnership, by its authorized agent. Each application, in addition to any other information that the licensing official may reasonably require in connection with issuance or renewal of a license, shall contain at a minimum:

(1) If the license applicant is an individual:

- a. The individual's full name, social security number, residence address, business address, business e-mail address and business telephone number; and
- b. Proof that the applicant is at least eighteen (18) years of age.
- c. The full name, address, e-mail address and telephone number of a person authorized to receive notices issued pursuant to this chapter; and business address in the state of Florida for receiving the same.

(2) If the license applicant is a corporation:

- a. The corporate name, business address and telephone number of the applicant;
- b. The date and state of incorporation;

c. The full names, titles, date of birth, residence addresses, e-mail addresses and residence telephone numbers of its corporate officers.

d. The full name, address, e-mail address and telephone number of a person authorized to receive notices issued pursuant to this chapter; and business address in the state of Florida for receiving the same.

(3) If the license applicant is a partnership or limited liability Company:

a. The name, business address or principal office address and telephone number of the applicant;

b. The full names, date of birth, residence addresses, e-mail addresses and residence telephone numbers of the three (3) members who own the highest percentage interests in such partnership or limited liability Company;

c. The general partner of a partnership;

d. The managing member of a limited liability Company;

e. The applicant's authorized agent;

f. The full name, address, e-mail address and telephone number of a person authorized to receive notices issued pursuant to this chapter; and business address in the state of Florida for receiving the same.

**Sec. 28-46. – Qualifications for license.**

(a) In order to qualify for a TNC license, whether upon initial application or upon application for renewal of a license:

(1) An applicant shall be in compliance with all applicable city, State of Florida and federal laws;

(2) An applicant shall have a place of business within the State of Florida where records required by this chapter may be viewed and copied;

(3) With respect to any corporate or limited liability Company applicant, the Company shall be organized, registered, or qualified to do business under the laws of the State of Florida;

(4) The applicant shall maintain mandated insurance for the payment of personal injury, death, property damage, and other claims associated with the operation of a TNC; and [any such insurance shall be a member of the Florida Guarantee Association.](#)

(5) Applicant shall provide information on the third party provider responsible for completion of driver background checks as established in Sec. 28-52. The provider shall be accredited by the National Association of Professional Background Screeners or comparable accreditation group deemed as acceptable by the licensing official.

**Sec. 28-47. – License, investigation and issuance.**

Upon receipt of an application for the issuance or renewal of a TNC license, the licensing official may investigate the application for compliance with all applicable provisions of this code, including but not limited to, the applicant's compliance or ability to comply with the license qualification requirements specified in this code.

**Sec. 28-48. –Insurance requirements.**

- (a) Every TNC and TNC driver shall comply with all applicable insurance requirements mandated by federal, State of Florida, and city laws, including an obligation to cover no-fault personal injury protection (PIP) to the minimum required of a private passenger automobile in the state of Florida.
- (b) A TNC shall file with the licensing official certificates of insurance evidencing that ~~the~~ they have secured automobile liability insurance coverage as required and applicable by this Section.
- (c) For the period of time when a TNC driver is engaged in a prearranged ride the following insurance requirements apply:

~~(1) A TNC or a TNC driver shall maintain primary automobile liability coverage for at Bodily Injury Liability (BIL) coverage of at least \$125,000 per person, \$250,000 per occurrence and \$50,000 for property damage liability (PDL) coverage, least one million dollars (\$1,000,000) for bodily injury and property damage per occurrence. The insurance policy must provide coverage at all times the driver is engaged in a prearranged ride, travel to pick up location, and transporting rider to destination.~~

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- (d) For the period of time when a TNC driver is logged into a digital network controlled by a TNC but is not engaged in a prearranged ride, the following insurance requirements apply:

(1) A TNC or a TNC driver shall maintain automobile liability coverage which provides at least fifty thousand dollars (\$50,000.00) for bodily injury any one (1) person in any one (1) accident, one hundred thousand dollars (\$100,000.00) for bodily injury to all persons in any one (1) accident, and twenty-five thousand dollars (\$25,000.00) for property damage in any one (1) accident; and, is one (1) of the following:

- a. Full-time coverage equal to the coverage required by this code, or
- b. An insurance rider to, or endorsement of, the transportation network driver's own automobile liability insurance policy that contains coverage equal to or greater than those specific to this Code, or
- c. An automobile liability insurance policy purchased by the TNC that provides primary coverage in the event a participating TNC driver's own automobile

liability insurance policy denies coverage, has been canceled, or fails to provide the coverage limits required by this subsection (c)

(e) Automobile liability coverage required by this section may be placed with an insurer licensed under Florida law or with a surplus lines insurer eligible under Florida law.

(f) In every instance where automobile liability coverage maintained by a participating transportation network driver to fulfill the insurance obligations of this section has lapsed or ceased to exist, the TNC shall provide the coverage required by this section beginning with the first dollar of a claim.

(g) In any instance where a driver's personal insurance refuses to provide coverage due to a TNC driver being logged into the TNC network the TNC shall provide coverage as outlined in the amounts under section 28-41(d)(1). Nothing in this ordinance shall prohibit or limit the right of the TNC to later seek reimbursement from the driver's personal insurance through any civil process.

~~(h)~~ If more than one (1) insurance policy provides valid and collectible coverage for a loss arising out of an occurrence involving a motor vehicle operated by a TNC driver, the responsibility for the claim must be divided on a pro rata basis among all of the applicable policies. This equal division of responsibility may only be modified by the written agreement of all of the insurers of the applicable policies and the owners of those policies.

~~(i)~~ In any claims coverage investigation, a TNC shall cooperate with a liability insurer that also insures the driver's personal vehicle. The TNC shall include the relevant dates and times at which an incident occurred that involved the transportation network driver while the transportation network driver was logged into their digital network.

~~(j)~~ The existence of the insurance required by this section shall be disclosed on the TNC's website, and no contractual hold harmless required in the TNC's terms of service shall be used to evade the insurance requirements of this ordinance.

~~(k)~~ Any TNC driver shall provide, upon demand, to any authorized law enforcement officer or official city inspector, any applicable insurance, and proof of the insurance policies required by this section.

~~(l)~~ The city, its elected and appointed officers, employees and agents shall be named as additional insureds.

#### **Sec. 28-49. - Transportation network vehicles ownership and standards.**

(a) No TNC shall own transportation network vehicles unless approved by the licensing official.

(b) In addition to all other applicable legal requirements, it shall be unlawful for any person to operate or cause to be operated any transportation network vehicle unless such vehicle:

(1) Has a manufacturer's rated seating capacity of ~~eight (8) seven (7) persons~~ or less, including the transportation network driver;

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(2) Has at least four (4) doors and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use;

(3) Is a sedan, or light-duty vehicle, including a minivan, sport utility vehicle, pickup truck, hatchback or convertible; and

(4) The TNC and the TNC driver may be jointly cited if the TNC ~~knowingly and willfully~~ permits the TNC driver to use a vehicle that does not meet the requirements for a transportation network vehicle.

#### **Sec. 28-50. - Vehicle inspections.**

(a) Within 14 days of beginning service, and annually thereafter, a TNC or a transportation network driver shall have their vehicle 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) The TNC driver shall maintain complete documentation of the inspection in their vehicle at all times.

(c) The TNC and the TNC driver shall be jointly and severally liable if a TNC ~~knowingly and willfully~~ allows a TNC driver to accept trip requests from its platform with a vehicle that has not been inspected in accordance with this section.

(~~d~~e) The city manager/designee and/or law enforcement officer has the authority to place a vehicle 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. 28-51. - Transportation network vehicles, vehicle identification**

(a) A TNC vehicle shall display a consistent and distinctive signage or emblem at all times while the driver is active on the TNC dispatch system. The distinctive signage or emblem shall be sufficiently large and color contrasted:

(1) As to be readable during daylight hours at a distance of at least fifty (50) feet; and

(2) Reflective, illuminated or otherwise patently visible so as to be seen in darkness, and to identify that a particular vehicle is associated with a particular TNC.

(3) 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 distinctive signage is acceptable. TNC Companies shall file an illustration of their distinctive company identification with the license official. The license official shall approve the identification if it meets the requirements of this section.

(b) The TNC driver shall be held responsible for ensuring the TNC vehicle identification is in use during the time they are logged into or active on the TNC network.

~~(c) The TNC shall provide to the licensing official an active list or access to an active list of all approved TNC vehicles and shall minimally include the vehicle make, model, color, and state registration (auto plate) identification.~~

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#### Sec. 28-52. - Driver requirements.

(a) All TNC Companies shall perform a criminal history record check before authorizing an individual to accept trip requests from the TNC's digital platform. All TNC Companies shall also obtain and review each transportation network driver applicant's driving record in all states where the applicant driver has held a driver's license in the past five (5) years, before endorsing such driver.

(b) Before authorizing a TNC driver to accept trip requests from its digital platform, a TNC shall deny any driver applications that do not meet the following criminal and/or driving history found in a background check:

- (1) The TNC driver shall possess a valid Florida driver's license.
- (2) The TNC driver is at least eighteen (18) years old.
- (3) The background check completed under subsection (a) shows that:
  - (i) The TNC driver has not been convicted, pled nolo contendere, or had adjudication withheld for any violent felony or sexual battery. The TNC shall not be held responsible if a driver purposely failed to disclose any of the above in an application process and such a history was beyond the seven (7) years of a privately conducted background check. If, during random checks, the licensing official finds that a driver has such a record in their history they shall notify the TNC who shall immediately suspend the driver from accessing the TNC network.
  - (ii) The TNC 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 TNC driver is not under any form of community control or under any status as a sex offender in any state; and

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

(c) The TNC shall take steps to ensure that all drivers authorized to accept trip requests on its platform have notice of this ordinance, ~~and shall be held responsible for providing knowledge of the provisions of this chapter relating to the conduct of their endorsed drivers,~~

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(d) One (1) year after the TNC has granted a TNC driver access to its platform in accordance with this section, and annually thereafter, each TNC shall verify that the driver still meets all of the requirements specified in this section, to include the driving and criminal background check requirements. The TNC shall retain records of such verification for a period of no less than three (3) years.

(e) The TNC shall allow such records to be reviewed by law enforcement personnel and the licensing official upon request.

(f) It shall be unlawful for any driver or operator of a TNC vehicle to drive or operate or be on duty or on call for more than 12 hours within any 24-hour period.

(g) The TNC shall provide to the licensing official an active list or access to an active list of all approved TNC drivers ~~that and shall minimally include their -driver's full name and Florida driver's license number and corresponding TNC identification number.~~

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#### Sec. 28-53 - Driver Credential.

(a) The TNC shall issue a credential to each driver that authorizes them to accept trip requests via its digital platform. The credential ~~shall~~ display the first name of the driver and a photograph of the driver. Any TNC driver shall either:

- (1) wear the credential at all times while they are active on the TNC digital platform; or
- (2) Have the credentials electronically displayed to passengers on the passenger's mobile device during a TNC ride.

**Sec. 28-54 - Operating regulations.**

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

- (1) Who is under the age of eighteen (18) years to operate a transportation network vehicle;
- (2) To operate a transportation network vehicle 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;
- (3) To operate, or cause to be operated, a transportation network vehicle in any area where the operation of such vehicle is prohibited by an applicable law;
- (4) To operate a transportation network vehicle within the city while not in possession of a valid driver's license issued by the state of Florida;
- (5) To operate, or cause to be operated, a transportation network vehicle that does not meet the requirements of section or of this chapter; or
- (6) To transport or cause to be transported more than six (6) passengers on any given ride in a vehicle, or to exceed the designed capacity of the vehicle.

(c) No person may possess an open beverage alcohol container while such person is operating or being transported by a TNC vehicle, nor may any person transport, carry, possess or have any beverage alcohol while being transported by a TNC vehicle, except in the original package with the seal unbroken. A transportation network driver may not knowingly and willfully transport a passenger in possession of an open beverage alcohol container.

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(d) No TNC or driver shall solicit potential passengers. TNC vehicles may only be used to provide prearranged transportation service. For purposes of this subsection, the term "solicit" means an appeal by words or gestures for immediate patronage of by a TNC or a TNC driver upon the public way attempting to direct people to a transportation network vehicle that is parked, stopped, standing or moving upon the public way.

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

(f) No TNC vehicle shall be unlawfully parked on any public way for a time longer than is reasonably necessary to accept passengers in answer to a prearranged transportation service and no passenger shall be accepted except as provided in subsection (d) of this section.

(g) The internet-enabled application or digital platform used by a TNC to connect drivers and passengers shall display for a passenger:

- (1) The credential required under Section 28-53;

(2) A picture or description of the transportation network vehicle the driver is approved to use, including the make, model, and license plate number of the vehicle; and

(h) The TNC shall make the information set forth in subsection (g) of this section available on a website that may be accessed by a prospective passenger.

(i) Any TNC shall provide proof of insurance documents required in this Article to each driver who the TNC has authorized to accept trip requests on the TNC's digital platform.

(j) All TNC's shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious beliefs or affiliations, sex, disability, gender identity, or sexual orientation with respect to passengers and potential passengers and shall notify TNC partners of such policy;

(k) TNC partners shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious beliefs or affiliations, sex, disability, age, sexual orientation, or gender identity.

(l) A TNC shall not impose additional charges for providing services to persons with physical or mental disabilities because of those disabilities.

(m) TNC partners shall comply with all applicable laws relating to accommodation of service animals.

(n) Any TNC driver shall at all times carry in the TNC vehicle, proof of the insurance policies required in this section.

(o) TNC drivers shall not:

(1) Provide false information to or refuse to obey or to comply with any lawful order or direction of the licensing official 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 once the passenger is in the vehicle.

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

(p) No TNC or TNC driver shall disable, eliminate or otherwise prevent access to the TNC mobile application by the licensing official or designees of the licensing official for purposes of enforcing this chapter.

(g) No TNC shall notify TNC drivers that a potential customer is or may be a licensing official or designee, or in any way otherwise interfere with or obstruct enforcement of this Code by the licensing official.

**Sec. 28-55. - Service charges and fare rates.**

- (a) Compensation for service may be charged based on distance travelled and/or time elapsed during service, or a flat prearranged fare.
- (b) If the rates vary from the normally posted rate on the website and in the application, the TNC application must require that the passenger positively acknowledge on the application device used to summons the TNC driver that they agree to the rate structure being charged for the trip requested before the trip commences or any fees are charged to the prospective passenger.
- (c) Upon completion of a prearranged ride, a TNC shall transmit to the rider an electronic receipt, either by electronic mail or via text message. The message shall document the following:
  - 1. point of origin and destination of the ride;
  - 2. total distance and duration of the ride;
  - 3. total fare paid including the base fare and any additional charges;
  - 4. the driver's first name,
  - 5. and a customer service telephone number or email address.

**Sec. 28-56. - Records and reports.**

- (a) Every TNC shall keep accurate books and records of account of the TNC's operations at the TNC place of business for a minimum of three (3) years. If the TNC keeps and intends to submit records in a physical format, they must be maintained on-site and available for inspection and copying at the TNC's place of business which will then be required to be in the city of Gainesville.
- (b) If a passenger files a complaint against a TNC 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 TNC's records as reasonably necessary to investigate and resolve the complaint;
- (c) A TNC responding to a third party audit request may redact any records it produces to the requesting party to protect the privacy and identifying information of the TNC driver,

including the TNC driver's name, social security number (other than the last four digits), and address.

~~(d) If a third party submits a request to the City for records that the City obtains from a TNC pursuant to this Article, the City shall: (i) assert applicable exemptions to the request as set forth in the Florida Public Records Act and the Florida Statutes, in an effort to protect confidential personal, business, and proprietary information; and (ii) at least five days before the deadline to respond to the third party's request, notify the TNC that it has received a request and inform the TNC of whether it will release the requested record(s) so that the TNC has an opportunity to take steps to prevent disclosure.~~

~~(e)(d)~~ Unless agreed upon in advance by both parties, the TNC shall provide a response to the licensing official within seven (7) days of receiving the request.

~~(f)(e)~~ Each TNC shall file an annual report with the licensing official containing the information required by section 28-45 or any other information deemed necessary by the licensing official. 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.

#### Sec. 28-57 - Violations and penalties.

(a) Violations of the provisions of this chapter by a TNC or TNC 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. 28-58. - License suspension or revocation.

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

- (1) If the TNC and/or TNC 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 TNC and/or TNC driver 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;

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~~(b)~~ ~~(b)~~ Three violations of the provisions of this article by any TNC or TNC driver within a one-year period may result in the automatic suspension of the TNC or TNC driver's privilege to engage in the TNC business. A TNC shall not be suspended for acts of a TNC driver in violation of this section unless the TNC actively participated in or had knowledge of the violation and took no action to address the issue. In instances where a TNC had knowledge of a violation and took corrective action, the TNC shall maintain written

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documentation of such actions for a minimum period of one year from the date that the corrective action was taken.

(c) If it is found that the TNC or TNC driver meets the requirements for permit revocation, the permit shall be revoked for the following time periods:

- (1) First revocation: Six months from the final date of the revocation.
- (2) Second and subsequent revocations: One year from the final date of the revocation.

(d) The procedure for revoking a permit is as follows:

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

(2) The TNC or TNC driver may file a written request for a hearing prior to the effective date of the revocation with the city manager or his designee. Failure to timely request a hearing shall constitute a waiver by the TNC or TNC driver of any rights to a hearing. Upon request for a hearing, the revocation shall be stayed until final administrative action has been effected.

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

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

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(5) If the city manager or designee finds, by a preponderance of the evidence, that the TNC or TNC driver meets the requirements for permit revocation, then the city manager or designee shall uphold the suspension of the TNC or TNC driver and set the revocation date to begin 15 [days] from the date of the final administrative order, subject to a writ of certiorari being filed pursuant to paragraph (8) below.

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(6) If the city manager or designee finds that the TNC or TNC driver does not meet the requirements for permit revocation, then the city manager or designee shall rescind the suspension of the TNC or TNC driver.

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(7) The city manager or designee shall provide written notice of the final order to the TNC or TNC driver as applicable. The decision of the city manager or designee shall be the final administrative action.

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

(9) Upon the completion of the administrative hearing process and the final determination of the city manager or designee, the city manager or designee shall revoke the TNC or TNC driver to engage in the business as a TNC provider or driver if it is found that the either entity meets the requirements for permit revocation for the following time periods:

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a. First revocation: Six months from the final date of the revocation.

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b. Second and subsequent revocations: One year from the final date of the revocation.

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(e) Any TNC or TNC driver whose ability to engage in TNC service has been revoked shall not be eligible to obtain a TNC or TNC driver permit for TNC service until such revocation period has expired.

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~~(1) The chief of police or designee shall inform the TNC and/or TNC driver in person or by certified or registered mail within seven days prior to the effective date of the suspension.~~

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~~(2) The TNC and/or TNC driver 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 TNC and/or TNC driver of any rights to a hearing.~~

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

~~(3) Upon a review of the evidence presented at the hearing, the chief of police or designee may revoke the TNC's and/or TNC driver's privilege to engage in the business as a TNC for up to one year:~~

~~a. First revocation.....Six months~~

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

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

~~(d) Any TNC and/or TNC driver whose privilege to engage as a TNC 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 TNC and/or TNC driver whose privilege to provide TNC 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 TNC will be immediately reinstated.~~

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#### **Sec. 28-59 – 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 TNC 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 TNC.
- (c) A TNC 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 TNC representative and the licensing official

**Sec. 28-60 - Enforcement, rules and regulations.**

(a) Upon request, a driver shall display to law enforcement personnel or the licensing official, or other person authorized to enforce this chapter, a physical or electronic record of a ride in progress sufficient to establish that it was a prearranged transportation service.

~~(b)~~ (be) The licensing official is authorized to enforce this chapter, and to adopt rules and regulations for the proper administration and enforcement of this chapter.

~~(c)~~ (cd) 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, and shall be effective upon approval of the license fee schedule.

**Sec. 28-61. - Effective date.**

This chapter, except where otherwise specified, shall become effective on TBD.