



# MEMORANDUM

Office of the City Attorney

Legistar No. 070244  
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TO: MAYOR AND CITY COMMISSION

DATE: Sept. 10, 2007  
FIRST READING

FROM: CITY ATTORNEY

SUBJECT: Ordinance No. 0-07-71

An ordinance of the City of Gainesville, Florida, amending Chapter 28 Vehicles for Hire by providing organizational cohesiveness and adding clarity; amending Section 28-3 by providing a checklist for the application process for franchise and franchisee; amending Sections 28-8 and 28-8.5 by moving language related to medallion registration and placement to Section 28-8 and reorganizing disqualifying convictions; amending Section 28-11 to reference minimum statutory liability insurance requirements; amending Section 28-21 to reference inspection of Vehicle for Hire franchise; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

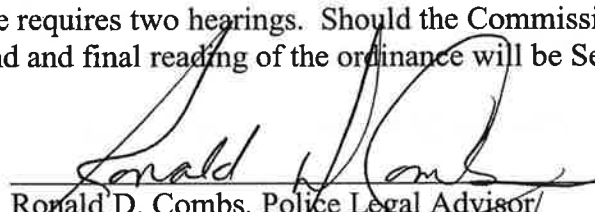
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Recommendation: The City Commission adopt the proposed ordinance.

The City Commission at its August 13, 2007 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance clarifying provisions of the "Vehicle for Hire" ordinance. These changes are clarifications, not substantive changes and if approved, will be in place prior to the next Vehicle for Hire registration cycle, which begins October 1, 2007. None of the changes affect the provisions relating to the airport.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be September 24, 2007.

Prepared by:

  
Ronald D. Combs, Police Legal Advisor/  
Sr. Assistant City Attorney

Approved and  
Submitted by:

  
Marion J. Radson, City Attorney

MJR:RDC:sw

# DRAFT

8-17-07

Ordinance No. \_\_\_\_\_  
0-07-71

An ordinance of the City of Gainesville, Florida, amending Chapter 28 Vehicles for Hire by providing organizational cohesiveness and adding clarity; amending Section 28-3 by providing a checklist for the application process for franchise and franchisee; amending Sections 28-8 and 28-8.5 by moving language related to medallion registration and placement to Section 28-8 and reorganizing disqualifying convictions; amending Section 28-11 to reference minimum statutory liability insurance requirements; amending Section 28-21 to reference inspection of Vehicle for Hire franchise; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

**WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

**WHEREAS**, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

**Section 1.** Paragraph (10) of Section 28-3 of the Code of Ordinances is amended to read as follows:

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

(10) Criminal history report from the Florida Department of Law Enforcement (FDLE) for the owner of the VFH company and each driver.

**Section 2.** Subsection (d) of Section 28-8 of the Code of Ordinances is amended to read as follows:

**Sec. 28-8. Identifying signs.**

(d) The medallion granted by the city manager/designee shall at all times be held and registered with the city in the name of the owner and the privilege of operating the VFH in the city is vested in the owner. The rights, requirements and responsibilities which attach to the medallion remain with the owner so long as the vehicle for hire is operated under the authority of the permit and are unaffected by an agreement, understanding or contractual arrangement between the owner and a for-hire driver, not the owner of the vehicle for hire, who drives the vehicle. The medallion supplied by the city designee shall remain with and be affixed to the issued VFH so long as the vehicle is used as a VFH in the city or until the medallion is surrendered to the city as required. Effective October 1, 2007, all VFH medallions shall be permanently affixed to each VFH by the issuing authority in a conspicuous and uniform location the VFH medallion is to be uniformly placed on the driver's side lower back window. The annual renewal sticker shall be placed directly next to the medallion.

**Section 3.** Section 28-8.5 of the Code of Ordinances is amended to read as follows:

**Sec. 28-8.5. Vehicle for hire driver permit requirements.**

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

(b) Effective October 1, 2007, no franchise owner shall allow a franchise vehicle to be operated by a person not in possession of a current city issued VFH driver permit.

Violations of this provision shall result in progressive penalties as follows:

- (1) First violation--A written warning.
- (2) Second violation--Three-month suspension of the franchise.
- (3) Third violation--One-year suspension of franchise.
- (4) Subsequent violations shall result in revocation of the franchise as provided in subsection 28-6(c).

(c) Effective October 1, 2007, the VFH driver permit shall be issued in duplicate. One shall be prominently displayed in the vehicle so as to be readily visible to a person of average visual acuity sitting in the rear passenger seat. The duplicate VFH driver permit shall be worn on the exterior garment of the VFH driver for identification purposes when the driver is outside of the VFH while on duty. ~~The medallion granted by the city manager/designee shall at all times be held and registered with the city in the name of the owner and the privilege of operating the VFH in the city is vested in the owner. The rights, requirements and responsibilities which attach to the medallion remain with the owner so long as the vehicle for hire is operated under the authority of the permit and are unaffected by an agreement, understanding or contractual arrangement between the owner and a for hire driver, not the owner of the vehicle for hire, who drives the vehicle. The medallion supplied by the city designee shall remain with and be affixed to the issued VFH so long as the vehicle is used as a VFH in the city or until the medallion is surrendered to the city as required. The VFH medallion is to be uniformly placed on the driver's side lower back window. The annual renewal sticker shall be place directly next to the medallion.~~

- (d) Effective October 1, 2007, a VFH driver permit shall not be issued and shall be automatically revoked upon conviction for any violent criminal offense, ~~or any criminal~~

~~offense indicated on the taxi driver conviction reference guide. including but not limited~~  
~~to: (1) F.S. ch. 784, Assault, Battery, Aggravated Battery; F.S. ch. 782, Vehicular~~  
~~Homicide, Murder; F.S. ch. 787, Kidnapping, False Imprisonment; F.S. ch. 794, Sexual~~  
~~Battery; F.S. ch. 806, Arson; F.S. ch. 812, Robbery; F.S. ch. 893, Conspiracy or principal~~  
~~to sell, or traffic in a controlled substance or any type of elderly abuse or child~~  
~~molestation, (2) any other similar violent criminal offense from another state that may not~~  
~~be listed exactly as Florida's state statute is written.~~

(e) ~~Effective October 1, 2007, the following are disqualifying convictions and a permit~~  
~~shall not be issued to a driver who has such conviction(s) and shall be revoked for a~~  
~~driver who obtains such conviction(s):~~

~~Any violent criminal offense including but not limited to F.S. ch. 784, Assault,~~  
~~Battery, Aggravated Battery; F.S. ch. 782, Vehicular Homicide, Murder; F.S. ch. 787,~~  
~~Kidnapping, False Imprisonment; F.S. ch. 794, Sexual Battery; F.S. ch. 806, Arson; F.S.~~  
~~ch. 812, Robbery; F.S. ch. 893, Conspiracy or principal to sell, or traffic in a controlled~~  
~~substance or any type of elderly abuse or child molestation. Any other similar violent~~  
~~criminal offense from another state that may not be listed exactly as Florida's state statute~~  
~~is written.~~

~~The following list is~~ are considered disqualifying convictions and a permit shall  
not be issued to a driver if the conviction is within three years of the time the permit is  
sought; F.S., § 316.193, DUI, DWI; F.S. § 316.1935, Fleeing and Eluding a police  
officer; F.S. 316.027, Hit and Run; F.S. ch. 796, Prostitution; F.S. ch. 810, Burglary; F.S.  
ch. 800, Lewdness and Indecent Exposure; F.S. § 893.147, use, possession, manufacture,  
delivery or advertisement of drug paraphernalia.

**Section 4.** Section 28-11 of the Code of Ordinances is amended to read as follows:

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

No franchise shall be granted or continue in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of Florida for each vehicle ~~authorized in the minimum amount of \$0,000/100,000/50,000~~ in not less than the minimum amounts as provided for under Florida's Financial Responsibility Law (§324.032 F.S.) Each franchise will maintain a \$200,000.00 general liability policy for the company. The city, its elected and appointed officers, employees and agents shall be named as additional insureds.

**Section 5.** Section 28-21 of the Code of Ordinances is amended to read as follows:

**Sec. 28-21. Inspection.**

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

**Section 6.** It is the intention of the City Commission that Sections 1 through 5 of this ordinance shall become and be made a part of the Gainesville Code of Ordinance, of the City of Gainesville, Florida, and that the Section and Paragraphs of this ordinance may be renumbered or re-lettered in order to accomplish such intentions.

**Section 7.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

# DRAFT

8-17-07

**Section 8.** All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

**Section 9.** This ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
PEGEEN HANRAHAN  
MAYOR

ATTEST:

Approved as to form and legality

\_\_\_\_\_  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2007.

This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2007.

