

Legislative #

140741

ORDINANCE NO. 140741

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to vehicles for hire; by amending in its entirety Article I. Motorized Vehicles of Chapter 28, Vehicles for Hire; by amending Section 2-339 of Chapter 2 to provide civil penalties for vehicle for hire violations; and by amending Appendix A – Schedule of Fees, Rates and Charges to provide fees for vehicles for hire; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, at least 10 days' notice has been given of the public hearing 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 meeting room, first floor, City Hall in the City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notice described at which hearings 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. The existing Article I. Motorized Vehicles of Chapter 28- Vehicles for Hire, is deleted in its entirety and a new Article I. Motorized Vehicles of Chapter 28 is adopted as set forth below.

CHAPTER 28 - VEHICLES FOR HIRE

~~ARTICLE I. - MOTORIZED VEHICLES~~

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

~~(a) — It shall be unlawful for any person to be engaged in or carry on the business of operating a vehicle for hire within the city for the transportation of passengers within the city, other than buses operating on regularly scheduled routes, without first obtaining a business tax~~

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1 receipt from the city to do so as required by chapter 25 of this Code. This business tax
2 receipt will be issued only after a franchise is granted.

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

8 ~~Sec. 28-2. Definitions.~~

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

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

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

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

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

19 ~~Central nervous system stimulants means amphetamine and desoxyephedrine, and any derivative,
20 compounds, mixture or preparation thereof.~~

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

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

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

4 ~~Fees means nonrefundable payments required herein.~~

5 ~~For hire drivers permit means the written authority granted by the city to drive a vehicle for hire~~
6 ~~within the city limits.~~

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

14 ~~Manifest means a daily record prepared by a taxicab or limousine driver of all trips made by the~~
15 ~~driver showing time and place of origin, destination, number of passengers, and the~~
16 ~~amount of fare of each trip.~~

17 ~~Medallion means the tangible symbol that a permit has been granted to operate the vehicle for~~
18 ~~hire to which it is physically attached.~~

19 ~~Narcotic drugs means coca leaves, opium, cannabis, marijuana, isonipecaine and every synthetic~~
20 ~~substance known to have narcotic action.~~

21 ~~Revocation means the rescinding of a franchise.~~

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

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1 ~~Suspension means the temporary rescinding of a franchise. The suspension may be for a time~~
2 ~~certain or indefinite pending compliance with the terms of this chapter.~~

3 ~~Taxicab means a motor vehicle used as a public conveyance, subject to the rules and regulations~~
4 ~~of this chapter.~~

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

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

11 ~~(1) School and church buses;~~

12 ~~(2) Sightseeing cars and buses;~~

13 ~~(3) Ambulances;~~

14 ~~(4) Funeral home vehicles;~~

15 ~~(5) Interstate buses;~~

16 ~~(6) Horse drawn carriages;~~

17 ~~(7) Shuttles from hotels and motels which provide this as a service for guest;~~

18 ~~(8) Passenger vehicles owned, operated, leased or controlled by a governmental agency; and~~

19 ~~(9) Vehicle for hire services provided:~~

20 ~~a. As transportation services as outlined in F.S. § 427.015(2) to the Transportation~~

21 ~~Disadvantaged, as defined in F.S. § 427.011(1);~~

22 ~~b. By a transportation operator, as defined in F.S. § 427.011(6);~~

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1 ~~e. Pursuant to a contract authorized in F.S. § 427.0155, with the community transportation~~
2 ~~coordinator (CTC), as defined in F.S. § 427.011(5) which contract is on file with the~~
3 ~~VFH administrator; and~~

4 ~~d. The vehicles used to provide such services shall be clearly and distinctively marked as~~
5 ~~disadvantaged transportation.~~

6 ~~Vehicle for hire administrator means the person(s) appointed by the chief of police to administer~~
7 ~~this chapter regulating vehicles for hire.~~

8 ~~Sec. 28-3. Application for franchise and franchise owner.~~

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

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

14 ~~(c) No company as defined herein shall operate or engage in the business of operating~~
15 ~~vehicles for hire within the city without having first obtained a franchise from the city~~
16 ~~manager or designee. An application shall be submitted on forms furnished by the city~~
17 ~~containing appropriate information reasonably related to the business of operating~~
18 ~~vehicles for hire.~~

19 ~~(d) In order to secure or renew a franchise, the company applicant shall file an application~~
20 ~~with the city manager or designee. Effective October 1, 2007, the application shall be~~
21 ~~verified under oath and shall include a notarized checklist acknowledging submittal of all~~
22 ~~information 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~~
3 ~~an 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~~
8 ~~currently operating, licensed, and inspected, as required by this chapter. Each vehicle~~
9 ~~must conform to the United States Department of Transportation (USDOT) maximum~~
10 ~~passenger standards allowed 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~~
13 ~~manager or 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.~~

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1 ~~(10) For all VFH companies operating as taxicabs, a description of the franchise color scheme~~
2 ~~and insignia including a photograph or drawing accurately reflecting the color scheme~~
3 ~~and insignia as required by section 28-8 of this chapter.~~

4 ~~(11) Such other information as the city manager may require.~~

5 ~~Sec. 28-3.5. Service at Gainesville Regional Airport.~~

6 ~~(a) All franchises providing service to the Gainesville Regional Airport, shall have a decal~~
7 ~~authorizing access to the airport permanently affixed to each VFH. The decal shall be~~
8 ~~affixed in a conspicuous and uniform location by the issuing authority.~~

9 ~~(b) Airport decals may be purchased each year from the City of Gainesville when yearly~~
10 ~~franchise fees are paid. Rates and charges for airport decals are set by Resolution of the~~
11 ~~Gainesville Alachua County Regional Airport Authority.~~

12 ~~Sec. 28-4. Maintaining a franchise.~~

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

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

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

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

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

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

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

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

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

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

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

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1 ~~(e) — 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-~~
7 ~~for hire franchise granted by the city. Prior to suspension or revocation, the franchise~~
8 ~~owner shall be served notice by certified mail or hand delivery of the proposed action to~~
9 ~~be taken; and upon request shall have an opportunity to present to the city manager or~~
10 ~~designee evidence as to why the franchise should not be revoked or suspended. The~~
11 ~~franchise owner must request a hearing within ten days after mailing or hand delivery of~~
12 ~~the notice of proposed action.~~

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

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

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

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

19 ~~(4) — Conviction by a court of competent jurisdiction of any shareholder, officer, partner,~~
20 ~~member, principal or owner of any corporation, partnership, firm or association holding a~~
21 ~~five percent interest or more in the entity, of any of the following: criminal homicide,~~
22 ~~rape, aggravated battery, mayhem, burglary, aggravated assault, kidnapping, robbery,~~
23 ~~child molestation, lewd and lascivious acts, criminal solicitation to commit any of the~~

1 ~~above, criminal attempt to commit any of the above, or possession, sale or distribution of~~
2 ~~narcotic drugs, barbituric acid derivatives and/or central nervous system stimulants if~~
3 ~~such violation or violations are related to operation of the company, or violation of any~~
4 ~~ordinance of the city governing the conduct of a franchise owner.~~

5 ~~(e) — Right of appeal. Any franchise owner whose franchise is revoked or suspended by the~~
6 ~~city manager or designee may appeal such decision to the city commission. Such appeal~~
7 ~~shall be taken by filing written notice with the clerk of the commission's office within~~
8 ~~five days after the decision of the city manager or designee. The notice of the appeal shall~~
9 ~~contain the grounds for the appeal and shall contain information showing that either the~~
10 ~~finding is contrary to the law or is not supported by competent substantial evidence. The~~
11 ~~clerk of the commission shall transmit copies of the appeal to the city commission along~~
12 ~~with papers constituting the record upon which the action appealed from is based. The~~
13 ~~filing of a notice of appeal will not delay the effectiveness of any suspension or~~
14 ~~revocation. If the city commission decides the appeal in favor of the franchise owner, the~~
15 ~~franchise will be immediately reinstated.~~

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

20
21 ~~Sec. 28-7. — Transfer of franchise.~~

22 ~~No franchise may be sold, assigned, mortgaged or otherwise transferred without the consent of~~
23 ~~the city manager. Application for transfers of any franchise shall be filed jointly by the~~

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1 ~~assignor and assignee and shall be subject to the same provisions as original applications~~
2 ~~for franchises. Transfer, sale or assignments of an interest of five percent or more of the~~
3 ~~corporate stock or partnership interest or transfer of effective control of the franchise~~
4 ~~from the person or persons granted the franchise, shall be deemed a transfer under the~~
5 ~~terms of this section.~~

6
7 ~~Sec. 28-8. Identifying signs and medallions.~~

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

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

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

1 ~~(d) — The medallion granted by the city manager/designee shall at all times be held and~~
2 ~~registered with the city in the name of the owner and the privilege of operating the VFH~~
3 ~~in the city is vested in the owner. So long as a vehicle is operated under the authority of a~~
4 ~~franchise, the rights, requirements and responsibilities which attach to the medallion~~
5 ~~remain with the franchise owner, not the owner of the vehicle who drives it and these~~
6 ~~rights and responsibilities are unaffected by any agreement, understanding or contractual~~
7 ~~arrangement between the franchise owner and a vehicle owner or driver. The medallion~~
8 ~~supplied by the city designee shall remain with and be affixed to the issued VFH so long~~
9 ~~as the vehicle is used as a VFH in the city or until the medallion is surrendered to the city~~
10 ~~as required. Effective October 1, 2007, the VFH medallion is to be uniformly placed on~~
11 ~~the driver's side lower rear window. The annual renewal sticker shall be placed directly~~
12 ~~next to the medallion.~~

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

15
16 ~~Sec. 28-8.5. — Vehicle for hire driver permit requirements.~~

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

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

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

22 ~~(1) — First violation — A written warning.~~

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

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- 1 ~~(3) — Third violation — One year suspension of franchise.~~
- 2 ~~(4) — Subsequent violations shall result in revocation of the franchise as provided in subsection~~
3 ~~28-6(e).~~
- 4 ~~(c) — Effective October 1, 2007, the VFH driver permit shall be issued in duplicate. One shall~~
5 ~~be prominently displayed in the vehicle so as to be readily visible to a person of average~~
6 ~~visual acuity sitting in the rear passenger seat. The duplicate VFH driver permit shall be~~
7 ~~worn on the exterior garment of the VFH driver for identification purposes when the~~
8 ~~driver is outside of the VFH while on duty.~~
- 9 ~~(d) — Effective October 1, 2007, a VFH driver shall not have been convicted, pled nolo~~
10 ~~contendere to, or had adjudication withheld for or been incarcerated after any conviction,~~
11 ~~plea of nolo contendere or adjudication withheld for any of the following:~~
- 12 ~~(1) — Any capital felony, any first degree felony, sexual battery, any violent felony involving~~
13 ~~the use of a gun or knife or which results in great bodily harm.~~
- 14 ~~(2) — Within the previous ten years, any violent felony not referenced in subsection (1) above.~~
- 15 ~~(3) — Within the previous ten years, any felony or first degree misdemeanor directly related to~~
16 ~~the business of towing motor vehicles; repossession of motor vehicles; motor vehicle~~
17 ~~theft; car jacking or chop shops; or liens for recovering, towing, or storing vehicles and~~
18 ~~vessels (F.S. § 713.78).~~
- 19 ~~(4) — Within the previous five years, of either: (1) driving under the influence of alcohol, a~~
20 ~~controlled substance, or a chemical substance, to the extent that normal faculties are~~
21 ~~impaired; or (2) driving with an unlawful blood alcohol level.~~
- 22 ~~All timeframes referenced in the above subsections (2), (3) and (4) shall be calculated and run~~
23 ~~from the date of the offense, as reflected in the charging documents.~~

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

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

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

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

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

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

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

4
5 ~~Sec. 28-10. — Two-way communication required.~~

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

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

12
13 ~~Sec. 28-11. — Liability insurance required.~~

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

20 ~~Sec. 28-12. — Miscellaneous regulations.~~

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

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- 1 ~~(b) — No driver shall solicit patronage by means of unwanted touching, detaining, impeding or~~
2 ~~intimidation, nor shall any driver obstruct the movement of any person or follow any~~
3 ~~person for the purpose of soliciting patronage.~~
- 4 ~~(c) — Upon discovery of any personal property left by a passenger, a driver shall deposit such~~
5 ~~property with the police department within 24 hours.~~
- 6 ~~(d) — A driver shall take either the most direct or the fastest route to a passenger's destination~~
7 ~~unless otherwise authorized or directed by the passenger.~~
- 8 ~~(e) — No company or driver shall discriminate against any person or refuse to accept a~~
9 ~~passenger on the basis of their sexual orientation, race, color, gender, age, religion,~~
10 ~~national origin, marital status, disability or gender identity.~~
- 11 ~~(f) — It shall be unlawful for the driver of a taxicab or limousine operated in the city to permit~~
12 ~~any person to accompany or use such vehicle for the purpose of prostitution or lewdness,~~
13 ~~or to direct, take or transport any other person with knowledge or reasonable cause to~~
14 ~~believe that the purpose of such directing, taking or transporting is for the purpose of~~
15 ~~prostitution or lewdness.~~
- 16 ~~(g) — No taxicab shall be permitted to carry non-paying passengers while transporting a paying~~
17 ~~passenger or passengers except for the purpose of driver training.~~
- 18 ~~(h) — No driver shall solicit or carry a paying passenger while in the process of carrying~~
19 ~~another paying passenger except when requested to do so by the paying passenger.~~
- 20 ~~(i) — Every taxicab and limousine driver shall maintain a daily manifest upon which are~~
21 ~~recorded all trips made each day, showing time and place of origin and destination, of~~
22 ~~each trip and amount of fare, and all such completed manifests shall be returned to the~~
23 ~~owner by the driver at the conclusion of his/her tour of duty. The forms for each manifest~~

1 shall be furnished to the driver by the owner. These manifests must be kept for one year
2 and be available during regular business hours at the office of the franchise owner for
3 inspection by the city.

4 ~~(j) — A vehicle driver shall not smoke cigarettes, cigar, pipe or other tobacco substance in the~~
5 ~~vehicle while such vehicle is occupied by a passenger, unless the passenger(s) consents~~
6 ~~otherwise.~~

7 ~~(k) — A vehicle driver on a public street or right-of-way shall receive and discharge passengers~~
8 ~~on the side of the vehicle opposite traffic.~~

9 ~~(l) — No driver shall permit more persons to be carried in a taxicab or limousine as passengers~~
10 ~~than the rated seating capacity of the taxicab or limousine.~~

11 ~~(m) — No driver shall solicit business for any hotel or motel, or attempt to divert patronage from~~
12 ~~one hotel or motel to another.~~

13 ~~Sec. 28-13. — Seat belts required.~~

14 ~~All taxicabs and limousines covered by this chapter shall be equipped with operational seat belts~~
15 ~~and child restraints as required by state law. Notices shall be posted inside of each~~
16 ~~taxicab, visible to passengers, that seat belts must be worn at all times by passengers in~~
17 ~~the front seat and should be worn at all times by passengers in the rear seat. Child~~
18 ~~restraint seats should not be used in the front passenger seat which is equipped with an~~
19 ~~airbag.~~

20 ~~Sec. 28-14. — Vehicle inspection.~~

21 ~~(a) — In addition to all other vehicle inspections required by law, each vehicle for hire shall be~~
22 ~~inspected prior to initially being put into service and every year thereafter by an approved~~

1 ~~certified automobile mechanic. The inspection shall include items listed on a standardized~~
2 ~~inspection form approved by the city.~~

3 ~~(b) — Copies of completed inspection forms must be filed with the city manager or designee 30~~
4 ~~days prior to expiration of the business tax receipt.~~

5 ~~(c) — The city manager/designee and/or law enforcement has the authority to place a VFH out~~
6 ~~of service/commission if it is deemed unsafe or hazardous until the vehicle is brought up~~
7 ~~to safe standards and a certified mechanic has completed a safety inspection and~~
8 ~~corrected any unsafe or hazardous conditions. Proof of correction of unsafe or hazardous~~
9 ~~conditions, signed by and approved certified automobile mechanic as defined in section~~
10 ~~28-2 above, must be submitted before a vehicle may be returned to service.~~

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

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

14 ~~Adequate heater and air conditioner;~~

15 ~~Adequate brakes on all wheels;~~

16 ~~Tires of good quality;~~

17 ~~Speedometer;~~

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

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

21 ~~Sec. 28-15. — Rates.~~

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- 1 ~~(a) — Each franchise owner shall provide the city manager or designee a copy of its proposed~~
2 ~~rates at least 30 days prior to any change in rates including any authorized flat rate~~
3 ~~charges or minimum fares.~~
- 4 ~~(b) — Every taxicab operating under a franchise shall have rate cards setting forth the rates of~~
5 ~~fare, including any authorized flat rate charges or minimum fares, displayed both on the~~
6 ~~inside of the front windshield at the roof line of the passenger side, on the inside of the~~
7 ~~right rear window at the eye level of a seated passenger measuring at least five inches~~
8 ~~wide by five inches in height. All rate cards shall state the rates of fare, including any~~
9 ~~authorized flat rate charges or minimum fares, and any additional charges, such as for~~
10 ~~bags and luggage. Additionally, the same information shall be displayed on a sign outside~~
11 ~~the taxicab consisting of lettering not less than one inch in size for all information.~~

12
13 ~~Sec. 28-16. — Overall service required; conditions for trip.~~

- 14 ~~(a) — All persons engaged in the taxicab or limousine business in the city operating under the~~
15 ~~provisions of this chapter shall render an overall service to the public desiring to use their~~
16 ~~vehicles. All franchise owners shall answer all calls received by them for services inside~~
17 ~~the corporate limits of Gainesville as soon as they can do so; and if said services cannot~~
18 ~~be rendered within a reasonable time, they shall then notify the prospective passenger~~
19 ~~how long it will be before the service can be rendered and provide a reason for delay. A~~
20 ~~franchise owner who shall refuse to accept a call anywhere within the corporate limits of~~
21 ~~Gainesville at any time when such holder has available cabs, or who shall fail or refuse to~~
22 ~~give overall service, shall be considered in violation of this chapter; and the permit~~

1 ~~granted to such franchise owner may be revoked by the city manager in accordance with~~
2 ~~the provisions of section 28-6 of this chapter.~~

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

9 ~~Sec. 28-17. Unlawful to refuse to pay fare; complaint procedure.~~

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

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

19
20 ~~Sec. 28-18. Exemptions for vehicles regulated by ICC.~~

21 ~~The provisions of this chapter shall not apply to any vehicle or the operator thereof when~~
22 ~~engaged in operations under and by virtue of any certificate or permit from the Interstate~~

1 ~~Commerce Commission of the United States when a permit, license or certificate is~~
2 ~~required for such operation by that regulatory commission.~~

3 ~~Sec. 28-19. Taxi service bill of rights.~~

4 (a) ~~All taxicabs operated under the authority of this chapter shall have prominently posted in~~
5 ~~a location visible to a passenger seated in the passenger seats of the vehicle a "taxi~~
6 ~~service bill of rights," or a notice that a "taxi service bill of rights" will be provided~~
7 ~~immediately upon request. If the entire "taxi service bill of rights" is not posted, and the~~
8 ~~option for a notice advising that said document is available on request is utilized, the~~
9 ~~taxicab must have available cards or circulars with the full text of the "taxi service bill of~~
10 ~~rights." These cards or circulars must list in clear and legible fashion the full contents of~~
11 ~~the approved "taxi service bill of rights." The copies of the "taxi service bill of rights" to~~
12 ~~be distributed shall be made available from the city manager or his or her designee, at a~~
13 ~~cost not to exceed the cost of production, or may be reproduced by the franchise owner as~~
14 ~~long as the format and appearance of said card or circular have been filed with, and~~
15 ~~approved by, the city manager or his or her designee.~~

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

1 ~~Sec. 28-20.—Soliciting passengers or baggage at railway, bus station or airport.~~

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

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

9

10 ~~Sec. 28-21.— Inspection.~~

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

13 ~~Secs. 28-22 — 28-29. Reserved.~~

14 **ARTICLE I. – MOTORIZED VEHICLES**

15 **Sec. 28-1. - Definitions.**

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

18 *Background check* means a nationwide criminal history check (including, without
19 limitation, the National Sex Offender Registry database) and driver record check
20 performed by a company accredited by the National Association of Professional
21 Background Screeners or comparable accreditation group deemed acceptable by the VFH
22 administrator.

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1 Company means a natural person or legal entity in the business of employing or
2 contracting with drivers to provide vehicle for hire services in accordance with this
3 article.

4 Company license means the written authority granted by the city to a company to
5 operate within the city limits pursuant to the requirements of this article.

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

8 Driver means a natural person authorized to operate a vehicle for hire in accordance
9 with this article.

10 Driver authorization means the written authority granted by the city for a driver to
11 operate a vehicle for hire within the city limits in accordance with this article.

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

13 Place of business means a physical location within the State of Florida where (1) the
14 city may send, and the company shall accept, notices of hearing or other notices or legal
15 process documents; and (2) a place where records required by this chapter may be viewed
16 and copied. If the company intends to retain and submit records in a physical format
17 instead of an electronic format, the company's place of business shall be within the city
18 limits.

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

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

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

6 (1) School and church buses;

7 (2) Sightseeing cars and buses;

8 (3) Ambulances;

9 (4) Funeral home vehicles;

10 (5) Any vehicle engaged in operations under a certificate or permit issued by the
11 Interstate Commerce Commission;

12 (6) Horse drawn carriages;

13 (7) Shuttle vehicles (a vehicle that is used for courtesy transportation without
14 compensation);

15 (8) Passenger and transit vehicles owned, operated, leased or controlled by a
16 governmental agency; and

17 (9) Transportation services for the Transportation Disadvantaged provided
18 pursuant to Part I of Chapter 427, Florida Statutes.

19 VFH administrator means the city manager or his designee authorized to administer
20 this chapter regulating vehicles for hire.

21 **Sec. 28-2. – Company license**

22 It shall be unlawful for any company to provide VFH service in the city without
23 obtaining an annual license issued by the VFH administrator. A company shall pay the annual

1 license fee set forth in Appendix A at the time of application for the license and thereafter each
2 year. A company license is valid for one year from the date of issue and is non-transferable.

3 **Sec. 28-3. - Application for company license**

4 (a) Application for the issuance or renewal of a company license shall be made in writing to
5 the VFH administrator on a form provided by the VFH administrator and signed and sworn to by
6 the owner or by its authorized agent. Each application for issuance or renewal of a company
7 license shall include:

8 (1) The applicant's place of business.

9 (2) Proof of the insurance coverage required in Sec. 28-11, if provided by the company.

10 (3) Information on the third party provider responsible for completion of driver
11 background checks as required in Sec. 28-5, if provided by the company.

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

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

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

23 (a) Filing applications and paying rates and charges on behalf of the company;

1 (b) Receiving and accepting all legal process, correspondence and notices from the
2 city pertaining to the company, or drivers operating for the company; and

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

5 (7) An illustration of the distinctive company signage that will be displayed on its
6 vehicles for hire as required by Sec. 28-7.

7 (8) Such other information as may be reasonably required by the VFH Administrator for
8 purposes of administration and enforcement of this article.

9 (b) If the applicant knowingly provides false statements of material facts or information on
10 the license application, in addition to any criminal charges, the applicant will automatically be
11 denied the company license and will be ineligible for a company license for a period of five (5)
12 years. If the company license has been issued prior to the discovery of the false information, the
13 company license shall be revoked and the company will be ineligible for a company license for a
14 period of five (5) years.

15 (c) As a condition of maintaining its company license, each company:

16 (1) Shall keep accurate books and records of account of the company VFH operations at
17 its place of business for a minimum of the past three (3) years. Such records shall be
18 submitted or made available for inspection upon the request of the VFH
19 administrator for verification of compliance with this article.

20 (2) Shall notify the VFH administrator in writing within 15 days of any change to the
21 information provided in the license application.

22 (3) Shall not employ or contract with any driver who does not have a valid driver
23 authorization issued by the city.

1 (4) Shall on its website, digital platform and electronic or written receipt provide
2 passengers with a phone number for the VFH administrator and the Gainesville
3 Police Department where the passenger may file a complaint regarding a potential
4 criminal act or violation of this article.

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

6 Upon receipt of an application for the issuance or renewal of a company license, the VFH
7 administrator may verify all information provided in the application for compliance with all
8 applicable provisions of this code. The city will issue a company license if the company has met
9 the requirements set forth in this code and has paid the company license fee set forth in
10 Appendix A.

11 **Sec. 28-5. Driver authorization**

12 (a) Prior to operating a VFH within the city, each driver is required to obtain an annual driver
13 authorization from the city. Application for the issuance or renewal of a driver authorization
14 shall be made in writing to the VFH administrator on a form provided by the VFH
15 administrator and signed and sworn to by the applicant. The city will issue a driver
16 authorization if the driver has met the requirements set forth in this code. The driver shall
17 have 45 calendar days to pay the driver authorization fee set forth in Appendix A. Failure to
18 timely pay the driver authorization fee shall result in the driver authorization being voided.

19 (b) A driver must meet the following requirements in order to obtain an annual driver
20 authorization:

21 (1) Shall possess and provide a copy of a valid Florida driver's license or a valid
22 driver's license issued by another state, if the applicant is not otherwise required to
23 obtain a Florida driver's license.

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

2 (3) Shall provide a copy of the background check that covers the preceding seven (7)
3 years that shows:

4 (a) The driver has not been convicted, pled nolo contendere, nor had adjudication
5 withheld for any violent felony or sexual battery.

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

11 (c) The driver is not under any form of community control, probation or under any
12 status as a sex offender in any state.

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

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

21 If the VFH administrator finds that a driver has such a record in their history the
22 driver shall be ineligible for a driver's authorization and if such authorization has

1 already been granted, the VFH administrator shall notify the company who shall
2 immediately suspend the driver from operating a VFH.

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

6 (c) If the applicant knowingly provides false statements of material facts or information on the
7 driver's authorization application to the city or the company, in addition to any criminal
8 charges, the applicant will be denied a driver's authorization and will be ineligible for a
9 driver's authorization for a period of five (5) years. If the driver's authorization has been
10 issued prior to the discovery of the fraudulent application, the driver's authorization shall be
11 revoked and the driver will be ineligible for a driver authorization for a period of five (5)
12 years.

13 **Sec. 28-6. Display of driver authorization.**

14 Each driver shall display the driver's authorization and a recent photograph of the driver
15 taken within one year, either in the vehicle in a printed format readily visible to a person of
16 average visual acuity sitting in the rear passenger seat; or electronically on the passenger's
17 mobile device during a VFH ride.

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

19 (a) Within 45 days of beginning service, and annually thereafter, a company or a driver shall
20 have each VFH inspected by an automobile mechanic certified by the National Institute for
21 Automotive Service Excellence (ASE). Such inspection shall, at a minimum, evaluate and
22 confirm the working condition of the vehicle's brake system, lights, steering, suspension,
23 tires, and seat belts.

1 (b) The company or driver shall maintain complete documentation of the current inspection in
2 the VFH at all times and shall provide a copy of such documentation to the VFH
3 administrator or a law enforcement officer upon request.

4 (c) The VFH administrator or law enforcement officer has the authority to place a VFH out of
5 service if it is deemed unsafe or hazardous, until an automobile mechanic certified by the
6 National Institute for Automotive Service Excellence (ASE) has corrected the unsafe or
7 hazardous conditions and completed a safety inspection.

8 (d) Each VFH shall display consistent and distinctive signage at all times while engaged in VFH
9 services. Acceptable forms of distinctive signage include, but are not limited to, symbols or
10 signs on vehicle doors, roofs, windshields, or grills. Magnetic or other removable signage is
11 acceptable. The distinctive signage shall be sufficiently large and color contrasted so that it is
12 readable during daylight hours at a distance of at least fifty (50) feet; and reflective,
13 illuminated or otherwise patently visible so as to be seen sufficiently at all times from a
14 distance of at least fifty (50) feet.

15 **Sec. 28-8. Operating regulations.**

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

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

18 (2) To operate a VFH while under the influence of alcoholic beverages or controlled

19 substances, other than medication prescribed by a physician, provided that such

20 prescribed medication does not warn that the user not operate machinery while

21 taking the medication or that the prescribed medication does not impair the normal

22 faculties of the driver;

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

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

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

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

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

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

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

21 (g) Drivers shall not:

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

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

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

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

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

10 (6) Transport passengers that exceed the designed capacity of the VFH, as determined
11 by the number of factory installed seatbelts.

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

14 (i) No company or driver shall disable, eliminate or otherwise prevent access to the digital
15 network or software application used by the company or driver to provide VFH services by
16 the VFH administrator, or in any way interfere with or obstruct enforcement of this chapter
17 by the VFH administrator.

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

19 (a) Each company or driver that exclusively accepts trips that are paid from a membership or
20 account with the company or exclusively accepts trips that are pre-paid in full:

21 (1) May charge any type of fare, including a flat fare, a fare based on distance
22 travelled, a fare based on time elapsed, or a fare based on a combination of
23 distance travelled and time elapsed; provided that, the company shall disclose to

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1 the passenger its standard fare calculation method on its website or within the
2 digital network or software application that it uses to accept trips from passengers.
3 If the fare calculation will vary from the standard method, the passenger must
4 affirmatively acknowledge and agree to the alternative fare in writing or via the
5 digital network or software application, before the trip commences or any fares
6 are charged to the prospective passenger. If a written form is used, a copy of the
7 form shall be given (or sent electronically) to the passenger and a copy shall be
8 retained by the VFH company.

9 (2) Is prohibited from soliciting potential passengers by words or gestures for
10 immediate patronage of a VFH that is parked, stopped, standing or moving upon
11 the public way.

12 (3) Is prohibited from accepting or responding to passengers' or potential passengers'
13 requests for service via traditional street hail, including hand gestures and verbal
14 statements.

15 (b) Each company or driver that does not meet the requirements of paragraph (a):

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

1 (2) Shall be equipped with taximeters fastened in a manner so that the face shall be
2 visible and readable to passengers at all times both day and night. The face of the
3 taximeter shall be set so that it will register and compute on a mileage basis while
4 the VFH is moving and on a time basis while the VFH is standing, and while the
5 service is being rendered the base fare to be charged. The taximeter shall be used
6 for all trips and the fare charged shall be that shown on the taximeter, plus any
7 posted extra passenger or other charges.

8 (3) May establish a minimum fare per call for service or per trip. If such a minimum
9 fare is established and utilized, it shall be posted on the company rate cards. When
10 a minimum fare is established and utilized, the taximeter shall still be used for the
11 trip, but the minimum fare may be charged when the minimum fare exceeds the
12 amount on the taximeter.

13 (4) May utilize an alternative fare calculation other than that set forth in paragraphs
14 (b)(1), (2) and (3), provided the passenger affirmatively acknowledges and agrees
15 to the alternative fare structure in writing or via the company's digital network or
16 software application, before the trip commences or any fare is charged to the
17 prospective passenger. If a written form is used, a copy of the form shall be given
18 (or sent electronically) to the passenger and a copy shall be retained by the VFH
19 company.

20 (c) Upon payment for any VFH ride, a company or driver shall immediately provide to the rider
21 a receipt in writing or electronically. The receipt shall document the following:

22 (1) Point of origin and destination of the ride;

23 (2) Total distance and duration of the ride;

1 (3) Total fare paid including the base fare and any additional or alternative
2 charges;

3 (4) The driver's first name;

4 (5) A customer service telephone number or email address; and

5 (6) The phone number for the VFH administrator and the Gainesville Police
6 Department where the passenger may file a complaint regarding a potential
7 criminal act or violation of this article.

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

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

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

13 (a) While transporting a passenger or traveling to pick up a passenger, the company or driver
14 or both, shall have in full force and effect a liability insurance policy for the VFH in not
15 less than the minimum amounts required under Florida law. But in no event shall the
16 coverage be less than: no fault personal injury protection (PIP) in the minimum required
17 of a private passenger automobile, if required by Florida law, and automobile liability
18 coverage for bodily injury liability coverage of at least \$125,000 per person and \$250,000
19 per occurrence and \$50,000 for property damage liability (PDL) coverage.

20 (b) For the period of time when a driver is on duty but is not transporting a passenger or
21 traveling to pick up a passenger, the company or driver or both shall have in full force
22 and effect a liability insurance policy for the VFH in not less than the minimum amounts
23 required under Florida law. But in no event shall the coverage be less than: no fault

1 personal injury protection (PIP) in the minimum required of a private passenger
2 automobile, if required by Florida law, and automobile liability coverage for bodily
3 injury liability coverage of at least \$50,000.00 per person and \$100,000.00 per
4 occurrence, and \$25,000.00 for property damage liability (PDL).

5 (c) In any instance where insurance coverage maintained by a driver to meet the
6 requirements of this section has lapsed, been cancelled or the drivers insurance denies
7 coverage or fails to provide coverage, the company shall provide the coverage required
8 by this section beginning with the first dollar of a claim.

9 (d) Nothing in this ordinance shall prohibit or limit the right of the company to later seek
10 reimbursement from the driver's insurance through any civil process.

11 (e) Insurance required by this section shall be issued by an insurance company authorized to
12 do business in Florida.

13 (f) Insurance required by this section may be placed with an authorized insurer or surplus
14 lines insurer eligible under the Florida Surplus Lines Law, Sections 626.913-.937, Florida
15 Statutes, if otherwise allowed under state law.

16 (g) In any claims coverage investigation involving a VFH, a company shall cooperate with a
17 liability insurer that insures the driver.

18 (h) The existence of the insurance required by this section shall be disclosed on the
19 company's website, and no contractual provisions required in the company's terms of
20 service shall be used to waive or otherwise evade the insurance requirements of this
21 chapter or state law.

1 (i) Each driver shall provide, upon demand, to any authorized law enforcement officer or the
2 VHF administrator, digital or written proof of the insurance policies required by this
3 section.

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

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

7 (b) If a passenger files a complaint against a company or driver regarding a potential criminal
8 act or violation of this article with the city, in addition to all other powers and remedies
9 provided under this code, the VFH administrator or law enforcement staff shall have the
10 right to inspect the company records as necessary to investigate and resolve the
11 complaint.

12 (c) The VFH administrator or law enforcement shall have the right to conduct an inspection
13 for compliance with this article anytime a VFH is in operation or appears to be in
14 operation.

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

16 Violations of the provisions of this article by a company or driver may be enforced by a
17 suspension or revocation of any company license or driver authorization issued hereunder, civil
18 citation pursuant to Section 2-339 and/or by criminal citation pursuant to Section 1-9 of this
19 code. Each violation shall be deemed a separate and distinct offense and shall be penalized as a
20 separate and distinct offense.

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

22 (a) The City may revoke the license or driver's authorization which grants the privilege of
23 any company or driver to conduct VFH services on any of the following grounds:

D R A F T

1 (1) If the company and/or driver fails to follow any requirements of this article;

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

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

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

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

10 (2) Third and subsequent violations or any violation not capable of being corrected:
11 One year revocation of the company license and/or driver authorization, or as
12 otherwise expressly provided in this article.

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

19 (d) The procedure for revoking a company license or driver authorization is as follows:

20 (1) The VFH administrator shall provide written notice to the company or driver, as
21 applicable, by hand delivery or by certified or registered mail at least 15 calendar
22 days prior to the effective date of the revocation. The written notice shall contain
23 notice that the company or driver may contest the revocation by requesting a

1 hearing as provided below. Service shall be deemed complete if personally
2 delivered upon the owner or an employee of the company or driver, as
3 applicable, by any officer authorized by law to serve process or a duly appointed
4 law enforcement officer. The person serving process shall make proof of service
5 within the time during which the person served must respond to the process. If
6 service cannot be personally made within the city, then service may be made by
7 notice to a registered agent of the company or driver as applicable.

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

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

16 (4) In conducting the hearing, the city manager or designee shall have the power to
17 take testimony under oath, require the production of books, paper, and other
18 documents, and receive evidence. Should a party refuse to provide documents as
19 directed by the city manager or designee, then there may be an adverse inference
20 against the party who failed to produce said documents. All parties shall have an
21 opportunity to respond, to present evidence and argument on all issues involved,
22 to conduct cross-examination and submit rebuttal evidence, and to be represented
23 by counsel. Hearsay evidence may be used for the purpose of supplementing or

1 explaining other evidence, but it shall not be sufficient in itself to support a
2 finding unless it would be admissible over objection in civil actions. Any party
3 desiring the hearing be recorded shall be responsible for arranging and paying
4 the cost of a court reporter's attendance and services.

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

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

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

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

20 (e) Any company or driver whose company license or driver authorization has been revoked
21 shall not be eligible to obtain a company license or driver permit until such revocation period
22 has expired.

23

1 **Section 2.** Section 2-339 is amended as set forth below. Except as amended herein, the
2 remainder of Section 2-339 remains in full force and effect.

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

Chapter 28	Vehicle For Hire Taxieab regulation	I	\$50.00
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4
5 **Section 3.** Appendix A. “Schedule of Fees, Rates and Charges”, of the Code of
6 Ordinances of the City of Gainesville, is hereby amended as set forth below. Except as amended
7 herein, the remainder of Appendix A remains in full force and effect.

8 **Appendix A - SCHEDULE OF FEES, RATES AND CHARGES**

9 **VEHICLES FOR HIRE:**

10 ~~For the period of January 1, 2015 through December 31, 2015 the following fees shall not~~
11 ~~be charged or collected by the City. Beginning January 1, 2016, the assessment and~~
12 ~~collection of the fees shall resume.~~

13 ~~Franchise fee/per year (section 28-5)319.25~~

14 ~~Medallion/permit (biennially ~~per vehicle~~)29.00~~

15 ~~Individual driver permit fee (new, transfers and renewals)23.00~~

16 ~~Individual driver permit fee (duplicates for lost, stolen or destroyed)12.50~~

17 ~~Late penalty, annual report, payment not timely filed, incomplete or inaccurate~~
18 ~~(section 28-5), per month29.00~~

19 Annual VFH Company License....319.25

20 Annual Driver Authorization.....25.00

21 **Section 4.** It is the intention of the City Commission that the provisions of Sections 1, 2
22 and 3 of this Ordinance shall become and be made a part of the Code of Ordinances of the City

1 of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be
2 renumbered or relettered in order to accomplish such intentions.

3 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance
4 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
5 finding shall not affect the other provisions or applications of the ordinance which can be given
6 effect without the invalid or unconstitutional provisions or application, and to this end the
7 provisions of this ordinance are declared severable.

8 **Section 6.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
9 such conflict hereby repealed.

10 **Section 7.** This ordinance shall become effective immediately upon final adoption.
11 However, any company franchise, vehicle medallion/permit or driver permit issued pursuant to
12 Chapter 28, Article I of the City Code of Ordinances prior to 6:00 p.m. on August 20, 2015 shall
13 remain valid until its expiration date, unless it is suspended or revoked prior to that date. Any
14 VFH company or driver (as defined in this ordinance) that does not have a valid company
15 franchise, vehicle medallion/permit or driver permit issued by the city prior to 6:00 p.m. on
16 August 20, 2015, shall have until 6:00 p.m. on September 21, 2015 to obtain a company license
17 or driver authorization pursuant to this ordinance.

18 PASSED AND ADOPTED this ____ of _____, 2015.

19 _____
20 EDWARD B. BRADDY
21 MAYOR

22
23 ATTEST: Approved as to form and legality

24
25
26 _____
27 KURT M. LANNON NICOLLE M. SHALLEY
CLERK OF THE COMMISSION CITY ATTORNEY

DRAFT

- 1
- 2 This Ordinance passed on first reading this ____ day of _____, 2015.
- 3 This Ordinance passed on second reading this ____ day of _____, 2015.
- 4