

ORDINANCE NO. 091038

An ordinance of the City of Gainesville, Florida, amending Chapter 28, Vehicles for Hire, City of Gainesville Code of Ordinances, relating to driver permit requirements; amending the calculation of time periods of the offenses set forth in Sections 28-8.5(d)(2), (3) and (4); 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. Subsection (d) of Section 28-8.5, Gainesville Code of Ordinances, is amended to read as follows:

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

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

- (1) Any capital felony, any first degree felony, sexual battery, any violent felony involving the use of a gun or knife or which results in great bodily harm.
- (2) Within the previous ten years, any violent felony not referenced in subsection (1) above.
- (3) Within the previous ten years, any felony or first degree misdemeanor directly related to the business of towing motor vehicles; repossession of motor vehicles; motor vehicle theft; car jacking or chop shops; or liens for recovering, towing, or storing vehicles and vessels (F.S. § 713.78).

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

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

Section 2. It is the intention that Section 1 of this ordinance shall become and be made a part of the Code of Ordinances, of the City of Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be renumbered or relettered in order to accomplish such intentions.

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

Section 4. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 5. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this ____ day of _____, 2010.

CRAIG LOWE
MAYOR

ATTEST

KURT M. LANNON
CLERK OF THE COMMISSION

APPROVED AS TO FORM AND LEGALITY

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this ____ day of _____, 2010.

This Ordinance passed on second reading this ____ day of _____, 2010.