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**ORDINANCE NO. 201151**

**An ordinance of the City of Gainesville, Florida, amending section 26-195 of Chapter 26, Article VII by changing the insurance requirements for micromobility services; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, on December 3, 2020, the City Commission passed Ordinance Number 180115, which established permit and operating requirements for micromobility services;

**WHEREAS**, as a condition of the permit, micromobility services are required to obtain certain insurance;

**WHEREAS**, it is in the best interest of the city to change the insurance requirements in the existing ordinance to enable the micromobility services to obtain insurance in the State of Florida;

**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 public hearings to be held in the City Commission Auditorium, City Hall, 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 RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:**

**Section 1.** Section 26-195 of Chapter 26, Article VII of the Code of Ordinances of Gainesville, Florida is hereby amended to read as follows:

**Sec. 26-195. Indemnification and insurance.**

- 1 (a) As a condition of the permit, the micromobility service shall indemnify, hold  
2 harmless and defend the city, its representatives, employees, and elected and  
3 appointed officials, from and against all liability, claims, damages, suits, losses,  
4 and expenses of any kind, including reasonable attorney's fees and costs for  
5 appeal, associated with or arising out of the permit, the use of right-of-way or city  
6 owned property for operations, or arising from any negligent act, omission or error  
7 of the micromobility service, owner, managing agent, its agents or employees, or  
8 from the failure of the micromobility service, its agents or employees, to comply  
9 with the requirements of this article or with any other federal or state traffic law.
- 10 (b) The micromobility service shall provide and maintain public liability and property  
11 damage insurance to protect the city, its representatives, employees, and elected  
12 and appointed officials, from all claims and damage to property or bodily injury,  
13 including death, which may arise from its operation. Such insurance must be  
14 provided from an insurance company that is ~~an admitted~~ a registered carrier in the  
15 state of Florida with an A.M. Best rating of not less than "A" and a financial  
16 strength rating of not less than "VII," acceptable to the city's risk management  
17 division, and must provide coverage of not less than two million dollars  
18 (\$2,000,000.00) for bodily injury, and property damage respectively per  
19 occurrence. Such insurance must name as additional insured the city, its officers  
20 and employees, and shall further provide that the policy must not terminate or be  
21 canceled prior to the expiration of the permit without 30 days' written notice prior  
22 to the termination to the department at the address shown in the permit.

1 (c) The micromobility service shall provide and maintain a performance bond in the  
2 amount of \$80.00 per micromobility device and \$10,000.00 for the fleet. After  
3 notification to the micromobility service, the city may call the bond in order to  
4 cover the city's losses, which consist of employee labor and actual costs, associated  
5 with the city's need to remove, store, and/or dispose of the micromobility devices as  
6 a result of the micromobility service's failure to comply with this article or in the  
7 event the micromobility service abandons the micromobility devices.

8 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of  
9 this ordinance will become and be made a part of the Code of Ordinances of the City of  
10 Gainesville, Florida, and that the sections and paragraphs of this ordinance may be renumbered  
11 or relettered in order to accomplish such intentions.

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

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

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1 **Section 5.** This ordinance will become effective immediately upon final adoption.


2 **PASSED AND ADOPTED** this 3rd day of June, 2021.

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4 \_\_\_\_\_  
5 LAUREN POE, MAYOR

6 Attest:

Approved as to form and legality:

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9 \_\_\_\_\_  
10 OMICHELE D. GAINNEY,  
11 CITY CLERK

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9 \_\_\_\_\_  
10 NICOLLE M. SHALLEY  
11 CITY ATTORNEY

12  
13 This ordinance passed on first reading this 20th day of May, 2021.

14  
15 This ordinance passed on second reading this 3rd day of June, 2021.