1		ORDINANCE NO. <u>091038</u>
2 3 4 5 6 7 8 9		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.
11	WHER	EAS, at least 10 days notice has been given once by publication in a newspaper of
12	general circul	ation notifying the public of this proposed ordinance and of a Public Hearing in the City
13	Commission	Auditorium in City Hall, City of Gainesville; and
14	WHER	EAS, a Public Hearing was held pursuant to the published notice described at which
15	hearing the pa	arties in interest and all others had an opportunity to be and were, in fact, heard;
16	NOW	THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
17	CITY OF GA	AINESVILLE, FLORIDA;
18	Section	1. Subsection (d) of Section 28-8.5, Gainesville Code of Ordinances, is amended to
19	read as follow	vs:
20	Sec. 28-8.5	Vehicle for hire driver permit requirements.
21 22 23 24 25	(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:	
26 27 28	(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.
29 30 31	(2)	Within the previous ten years, any violent felony not referenced in subsection (1) above.
32 33 34 35	(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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2	(4) Within the previous five years, of either: (1) driving under the influence of		
3	alcohol, a controlled substance, or a chemical substance, to the extent that normal		
4	faculties are impaired; or (2) driving with an unlawful blood alcohol level.		
5			
6	All timeframes referenced in the above subsections (2), (3) and (4) shall be calculated and run		
7	from the date of the offense, as reflected in the charging documents.		
8			
9	Section 2. It is the intention that Section 1 of this ordinance shall become and be made a part of		
10	the Code of Ordinances, of the City of Gainesville, Florida, and that the Sections and Paragraphs of this		
11	ordinance may be renumbered or relettered in order to accomplish such intentions.		
12	Section 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the		
13	application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall		
14	not affect the other provisions or applications of the ordinance which can be given effect without the		
15	valid or unconstitutional provisions or application, and to this end the provisions of this ordinance are		
16	declared severable.		
17	Section 4. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such		
18	conflict hereby repealed.		
19	Section 5. This ordinance shall become effective immediately upon final adoption.		
20	PASSED AND ADOPTED this 21st day of October, 2010.		
21			
22	(naic Lowe		
23	CRAIG LOWE		
24	MAYOR		
25			
26	ATTEST APPROVED AS TO FORM AND LEGALITY		
27	The Market		
28	KURT M. LANNON MARION J. RADSON		
29	CLERK OF THE COMMISSION CITY AFFORNEY OCT 2 1 2010		
30			
31	This Ordinance passed on first reading this 7 <sup>th</sup> day of October, 2010.		
32	This Ordinance passed on second reading this 21st day of October, 2010.		