

ORDINANCE NO. 170066

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**An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to vehicles for hire; by amending Sections 28-1, 28-8 and 28-9 to remove provisions regulating transportation network companies; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date.**

**WHEREAS**, the Florida Legislature in this past session enacted CS/HB 221, effective July 1, 2017, (now Chapter 2017-12, Laws of Florida) which, among other things, preempts to the State the regulation of transportation network companies (TNC). TNC is defined in the new State law, as "...an entity operating in this state pursuant to this section using a digital network to connect a rider to a TNC driver, who provides prearranged rides. A TNC is not deemed to own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract, and is not a taxi cab association or for-hire vehicle owner."

**WHEREAS**, this proposed ordinance brings the City Code into compliance with the newly enacted state law effective on July 1, 2017.

**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:**

1           **Section 1.** Section 28-1 of the Code of Ordinances is amended as follows; except as  
2 amended herein, the remainder of Section 28-1 remains in full force and effect.

3           **CHAPTER 28 - VEHICLES FOR HIRE**

4           **Sec. 28-1. - Definitions.**

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

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

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

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

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

17           *Driver* means a natural person authorized to operate a vehicle for hire in accordance with  
18 this article.

19           *Driver authorization* means the authority granted by a company for a driver to operate a  
20 vehicle for hire within the city limits in accordance with this article.

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

1 ~~Rideshare means the traveling of two or more persons by any mode of private passenger~~  
2 ~~vehicle, including, but not limited to, carpooling, vanpooling, or bus pooling to any location~~  
3 ~~incidental to another purpose of the driver for which compensation is neither accepted, collected,~~  
4 ~~encouraged, promoted, nor requested, and for which the primary purpose of the driver is not~~  
5 ~~profit or revenue based.~~

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

9 *Vehicle for hire (VFH)* means any motor vehicle used to transport passengers for  
10 compensation within the 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) Any vehicle engaged in operations under a certificate or permit issued by the Interstate  
16 Commerce Commission;

17 (6) Horse drawn carriages;

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

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

1 (9) Transportation services for the Transportation Disadvantaged provided pursuant to F.S.  
2 ch. 427, pt. I.

3 (10) Transportation network companies as defined and regulated by Section 627.748,  
4 Florida Statutes.

5 *VFH administrator* means the city manager or his designee authorized to administer this  
6 chapter regulating vehicles for hire.

7 **Section 2.** Section 28-8 of the Code of Ordinances is amended as follows; except as  
8 amended herein, the remainder of Section 28-8 remains in full force and effect.

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

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

11 (1) To operate a VFH without a company issued driver authorization;

12 (2) To operate a VFH while under the influence of alcoholic beverages or controlled  
13 substances, other than medication prescribed by a physician, provided that such  
14 prescribed medication does not warn that the user not operate machinery while taking  
15 the medication or that the prescribed medication does not impair the normal faculties of  
16 the driver;

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

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

21 (b) No person may possess an open alcohol beverage container while such person is operating a  
22 VFH.

1 (c) Each company and driver shall comply with all applicable laws and company policies  
2 regarding non-discrimination against passengers or potential passengers on the basis of  
3 destination, race, color, national origin, religion, disability, gender, gender identity, or sexual  
4 orientation.

5 (d) Each company and driver shall comply with all applicable laws relating to the Americans  
6 with Disabilities Act, including the accommodation of service animals.

7 (e) A driver shall at all times carry in the VFH proof of the insurance policies required by this  
8 article.

9 (f) Drivers shall not:

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

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

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

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

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

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

20 (g) No VFH shall be parked on any public way for a time longer than is reasonably necessary to  
21 board passengers.

1 ~~(h) No company or driver shall disable, eliminate or otherwise prevent access to the digital~~  
 2 ~~network or software application used by the company or driver to provide VFH services by~~  
 3 ~~the VFH administrator, or in any way interfere with or obstruct enforcement of this chapter~~  
 4 ~~by the VFH administrator.~~

5 **Section 3.** Section 28-9 of the Code of Ordinances is amended as follows; except as  
 6 amended herein, the remainder of Section 28-9 remains in full force and effect.

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

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

10 ~~(1) May charge any type of fare, including a flat fare, a fare based on distance travelled, a~~  
 11 ~~fare based on time elapsed, or a fare based on a combination of distance travelled and~~  
 12 ~~time elapsed; provided that, the company shall disclose to the passenger its standard~~  
 13 ~~fare calculation method on its website or within the digital network or software~~  
 14 ~~application that it uses to accept trips from passengers. If the fare calculation will vary~~  
 15 ~~from the standard method, the passenger must affirmatively acknowledge and agree to~~  
 16 ~~the alternative fare in writing or via the digital network or software application, before~~  
 17 ~~the trip commences or any fares are charged to the prospective passenger. If a written~~  
 18 ~~form is used, a copy of the form shall be given (or sent electronically) to the passenger~~  
 19 ~~and a copy shall be retained by the VFH company.~~

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

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

4 ~~(b)~~

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

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

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

20 (3) May establish a minimum fare per call for service or per trip. If such a minimum fare is  
21 established and utilized, it shall be posted on the company rate cards. When a minimum  
22 fare is established and utilized, the taximeter shall still be used for the trip, but the

1 minimum fare may be charged when the minimum fare exceeds the amount on the  
2 taximeter.

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

9 ~~(e)~~(b) Upon payment for any VFH ride, a company or driver shall immediately provide to the  
10 rider a written receipt that may be delivered in hard copy ~~in writing~~ or electronically. The  
11 receipt shall include the following:

- 12 (1) Point of origin and destination of the ride;
- 13 (2) Total distance and duration of the ride;
- 14 (3) Total fare paid including the base fare and any additional or alternative charges;
- 15 (4) The driver's first name;
- 16 (5) A customer service telephone number or email address; and
- 17 (6) The phone number provided by the VFH administrator where the passenger may file a  
18 complaint regarding a potential criminal act or violation of this article.

19 **Section 4.** It is the intention of the City Commission that the provisions of Sections 1, 2,  
20 and 3 of this Ordinance shall become and be made a part of the Code of Ordinances of the City  
21 of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be re-  
22 numbered or re-lettered in order to accomplish such intentions.



