

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES, ENTITLED "VEHICLES FOR HIRE" BY AMENDING SECTION 78-1 TITLED "DEFINITIONS" TO INCLUDE LIVE, RECORDED OR GPS ENABLED TO THE DEFINITION OF SIGHTSEEING VEHICLES; BY AMENDING SECTION 78-232 TO DELETE REFERENCE TO THE CHIEF OF POLICE AND CITY MANAGER MAKING RECOMMENDATIONS TO AMEND SIGHTSEEING PROVISIONS; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West currently has two categories of sightseeing vehicles including by franchise agreement and by business license; and

WHEREAS, the City Commission for the City of Key West finds that amending the definitions of both types sightseeing vehicles to include modern technology such as GPS-guided tours and clarifying that tours are narrated live or pre-recorded is necessary to reflect modern technology into the existing definitions ; and

WHEREAS, pursuant to Sec. 78-232, the City Manager and the Chief of Police recommend the changes proposed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 78-1 of the Code of Ordinances is hereby amended as follows*:

Sec. 78-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Compensation means payment by a passenger of a vehicle for hire or contract vehicle for hire which may be in the form of a fare, a gratuity, or any other form of consideration.

Contract means a written agreement between a passenger and the contract vehicle for hire that originates with the passenger at least 24 hours in advance of the service and states: (i) the time of origin of the contact; (ii) the names of specific passengers to be transported; (iii) the schedule of transportation; and (iv) the contact person, address, and phone number of the passenger or group that is paying the compensation. A contract will not be considered valid unless signed by both a passenger or passenger group representative and the contract vehicle for hire company representative. A reasonable change in time or itinerary due to weather or other delays does not invalidate a contract.

Contract vehicle for hire (C.V.H.) means any van with seating capacity of up to 14 persons, other than the driver, engaged in

the transportation of such persons and their accompanying baggage, if any, for compensation over the public streets of the city and not operating on a fixed route. A contract vehicle for hire shall not include vehicles owned by the city, passenger vehicles for hire, sightseeing vehicles as defined in [section 78-231](#), limousines as defined in [section 78-4](#), or motorized entertainment vehicles as defined in [section 6-116](#). A contract vehicle for hire has neither a taximeter installed nor undertakes any transportation on demand or in response to a street hail.

Cruising means the driving of a passenger vehicle for hire on the streets, alleys or public rights-of-way in search of or soliciting prospective passengers for hire.

Dispatch system means a communication system which receives requests for service and transmits this information to licensed passenger vehicles for hire.

Manifest means a daily record prepared by a driver of all trips made by such driver showing the time and place of origin, the destination, the number of passengers, and the amount of fare of each trip.

Passenger means a person who is not permitted to drive, but may only ride within any vehicle.

Passenger vehicle for hire means any vehicle for hire engaged in the transportation of persons and their accompanying baggage, if any, for compensation over the public streets, not operated on a fixed route, and not including vehicles owned by the city, contract vehicles for hire, sightseeing motor vehicles as defined in [section 78-231](#), or motorized entertainment vehicles as defined in [section 6-116](#).

Passenger vehicle for hire driver permit (P.V.H. driver permit) means the authorization granted by the city to a stated person to operate any duly licensed passenger vehicle for hire for a period of one calendar year from the date of issuance, which authorization shall be reflected in a document issued by the city identifying the permittee and the expiration date thereof.

Passenger vehicle for hire vehicle license (P.V.H. vehicle license) means the authorization granted by the city to a stated person to operate a specific vehicle as a passenger vehicle for hire. This authorization shall be reflected in a document issued by the city identifying the vehicle, the licensee, and the expiration date thereof.

Prearranged transportation means transportation for compensation on the public right-of-way by a contract vehicle for hire arranged

at least 24 hours in advance of the service. Prearranged transportation shall be by contract with the specific passenger.

Seating capacity means the maximum number of passengers allowed in a vehicle for hire, which shall be as determined by the manufacturer of the vehicle.

Sightseeing motor vehicles operated pursuant to business license means and includes every motor vehicle designed primarily for the purpose of carrying passengers for sightseeing for hire, whether by live or pre-recorded narration, or by electronic means such as GPS technology, operated on a scheduled route, and operated pursuant to article IV of this chapter.

Sightseeing motor vehicles operated pursuant to franchise means and includes every motor vehicle designed primarily for the purpose of carrying passengers for sightseeing for hire, whether by live or pre-recorded narration, or by electronic means such as GPS technology, or shuttle transportation, including vehicles operated for amphibious tours, and operating under a franchise ordinance granted by the city pursuant to article V of this chapter.

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

Standing by and *stand by* mean the parking, waiting or standing of a contract vehicle for hire in front of any business or along any public right-of-way for the purpose of soliciting or inducing passengers without a prearranged contract.

Stop, with respect to sightseeing vehicles, shall mean a location utilized solely for the loading and unloading of passengers. A stop shall not be utilized for the purpose of waiting, soliciting or inducing passengers who have not previously purchased a ticket for transport.

Taximeter means an electronic or mechanical device attached to a vehicle for hire which measures the distance driven and the waiting time upon which the fare is based.

Vehicle means any wheeled device by which any person or property may be transported or drawn upon any public road, and which is propelled wholly or in part by a motor or engine.

Vehicle for hire means any vehicle offered for rent or lease, or within which space is offered for rent or lease including, but not limited to, passenger vehicles for hire, contract vehicles for hire, sightseeing motor vehicles operated pursuant to business license, and sightseeing motor vehicles operated pursuant to franchise.

Waiting time means the elapsed period between the moment of acceptance of a passenger and the moment of discharge of the passenger during which a passenger vehicle for hire is held motionless.

Section 2: That Section 78-232 of the Code of Ordinances is hereby amended as follows*:

Sec. 78-232. - Regulatory power.

The city commission is granted the right to make such other rules and regulations pertaining to the operation of the vehicles under this article ~~as may be recommended by the chief of police and city manager.~~

Section 3: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 4: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 5: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and Clerk of the Commission and approval by the Florida Department of Commerce, pursuant to Chapter 380, Florida Statutes.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2024.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2024.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2024.

Filed with the Clerk _____, 2024.

Mayor Teri Johnston	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK