

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 78-92 TO ADJUST CERTAIN REQUIREMENTS THAT A PASSENGER VEHICLE FOR HIRE (PVH) DRIVER PERMIT APPLICANT MUST PROVIDE PRIOR TO ISSUANCE OF A PERMIT BY THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West finds that it is necessary to amend Section 78-92 to clarify that in addition to the requirement for vehicle for hire drivers to be able to read and write in English, it is essential to be able to understand and speak with customers in English as well; and

WHEREAS, an amendment to section 78-92 of the Code of Ordinances will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

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

Section 1: That Section 78-92 of the Code of Ordinances is hereby amended as follows*:

Sec. 78-92. - Requirements for issuance.

(a) Upon application and upon expiration of a reasonable investigation period for new applicants not seeking to renew a passenger vehicle for hire driver permit issued under section 78-93, the city manager shall issue a passenger vehicle for hire driver permit only to any applicant who:

- (1) Is 21 years of age or older;
- (2) Possesses a valid class A, B, C or D license issued in the applicant's name by the state;
- (3) Is able to read and write and speak and understand the English language;
- (4) Has not, within the ten years preceding the date of the application, been convicted of a felony against person or property;

*(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.)

(5) Has not been convicted of more than one ~~two~~ moving traffic violations within the one year preceding the date of the application;

(6) Submits at the time of application a written document, signed no more than 60 days previously by a physician licensed by the state, which document states the physician's opinion that the applicant is not addicted to the use of drugs or intoxicants, ~~that the applicant is not carrying an infectious disease,~~ and that the applicant has sound health, hearing and eyesight suitable for driving a motor vehicle for 12 consecutive hours;

(7) Within two years of the date of the application, has not had a driver license suspended or revoked:

a. For moving traffic or safety-related violations;

b. Upon recommendation of the state medical advisory board; or

c. Pursuant to an adjudication of mental or physical incompetency;

(8) Submits written acknowledgement from the chief of police that the applicant's class A, B, C or D license is current and valid;

(9) Submits two passport-size photographic portraits of the applicant;

(10) Provides all of the following information regarding the applicant on a form provided by the city manager:

- a. Name, address, telephone number;
- b. Age, height, weight, color of eyes and hair;
- c. Date and place of birth;
- d. Explanations of all felony convictions within the ten years preceding the date of application;
- e. Descriptions of all driver's licenses previously held, including date, location, and an explanation of any suspension or revocation thereof; and

(11) Pays a fee of ~~\$30.00~~ \$50.00 for the passenger vehicle for hire driver permit, which fee shall be used to defray the city's investigation and regulatory costs, and is not refundable.

(b) Applicants who fail to comply with each requirement of this section shall not be issued a passenger vehicle for hire driver permit. Applicants who knowingly misrepresent information provided under this section shall suffer

suspension or revocation of the permit in accordance with section 78-32.

Section 2: 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 3: 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 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2023.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2023.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2023.

Filed with the Clerk _____, 2023.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman _____

Commissioner Lissette Carey _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK