

Agenda Item:

54-1

miv 6-2  
R-2010-1461  
and

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

R-2010-1462

Meeting Date: September 14, 2010 [ ] Consent [X] Regular  
[ ] Workshop [ ] Public Hearing

Department:

Submitted By: Department of Airports  
Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) **Adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending the Airport Rules and Regulations (R-98-220, as amended) as codified in Appendix B of the Palm Beach County Code; amending definitions; providing for general compliance; providing for regulation of ground transportation services; providing for promulgation of rules and regulations; providing for severability; providing for codification; providing for an effective date (Regulatory Resolution).

B) **Direct** the Clerk of the Board to deliver a copy of the Regulatory Resolution amending the Airport Rules and Regulations to the Municipal Code Corporation for codification upon receipt of an affidavit that the posting requirements of Section 332.08(2)(b), Florida Statutes, have been satisfied.

C) **Adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, providing for airport ground transportation fees and charges; providing for adjustment of fees and charges; providing for administration by the Division of Consumer Affairs; providing for applicability; providing for severability; providing for an effective date (Administrative Resolution).

D) **Authorize** the Division of Consumer Affairs (Consumer Affairs) to increase its employee complement by one part-time position (20 hrs/week) to assist with administration of the new airport ground transportation regulations with the costs of the position to be offset by the fees and charges to be collected. Annual costs will be \$14,538 to \$23,153 for a Secretary position, pay grade 16.

**Summary:** The Regulatory Resolution amends existing airport regulations to provide for the issuance of airport ground transportation permits to vehicle for hire companies operating at PBI on a pre-arranged basis and to allow the permit process to be administered by Consumer Affairs on behalf of the Department of Airports (DOA). Palm Beach Transportation Group, LLC, currently provides all on-demand ground transportation services on PBI pursuant to an Airport Ground Transportation Concession Agreement (R-2005-1774) and pays concession fees in excess of \$250,000 for the privilege of operating on PBI. Countywide (AH) (Continued on page 3)

**Background and Policy Issues: (Continued on page 3)**

**Attachments:**

- 1. Regulatory Resolution (1)
- 2. Administrative Resolution (1)

LB  
Recommended By: [Signature] 8/30/10  
Department Director Date  
Approved By: [Signature] 8/31/10  
County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	<u>\$23,153</u>	<u>\$23,153</u>	<u>\$23,153</u>	<u>\$23,153</u>
Operating Revenues	<u>(\$0)</u>	<u>(\$200,000)</u>	<u>(\$200,000)</u>	<u>(\$200,000)</u>	<u>(\$200,000)</u>
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>0 + See below</u>	<u>(\$176,847)</u>	<u>(\$176,847)</u>	<u>(\$176,847)</u>	<u>(\$176,847)</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	.50	.50	.50	.50

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No: \_\_\_\_\_

DOA: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ RSRC \_\_\_\_\_  
 Reporting Category \_\_\_\_\_

Consumer Affairs: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Reporting Category \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

Consumer Affairs has estimated that it will issue between 2,000 to 3,000 decals at a cost of \$75.00 per decal. Consumer Affairs will retain 1/3 of the decal fees collected and remit the remainder to DOA. Palm Beach County vehicle for hire permittees will not be subject to an additional application fee for an airport permit; however, Consumer Affairs has estimated that it will issue between 200-300 permits that will be subject to an application fee at \$50.00 per application. Consumer Affairs will retain 100% of the application fees. Revenues are estimated to be \$125,000 for DOA in the revenue account indicated above and \$75,000 for Consumer Affairs (account number to be determined). The above analysis assumes the issuance of 2,500 decals and collection of application fees from 250 permittees. The cost of the additional part-time position will be funded by revenues generated by the program. Permits/decals will be issued on a calendar year basis, commencing on January 1, 2011.

C. Departmental Fiscal Review: CM Simms

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

*There is no fiscal impact in the current year FY2010.*

[Signature]  
 OFMB VA  
 8/26/10 8/25/10

[Signature]  
 Contract Dev. and Control

**B. Legal Sufficiency:**

Anne DeKant 8/30/10  
 Assistant County Attorney

**C. Other Department Review:**

[Signature]  
 Department Director

**Summary (continued):** Non-concessionaire vehicle for hire companies currently do not pay for the privilege of utilizing PBIA's roadways and facilities, unless they elect to utilize the paid public parking facilities. Under the new regulations, vehicle for hire companies will be required to obtain a permit/decals to be displayed on each vehicle operating at PBIA. The Administrative Resolution provides for the adoption of a fee schedule for issuance of permits/decals. The Administrative Resolution provides for a \$50.00 application fee, which will be waived for companies with a Palm Beach County Vehicle for Hire Permit; a \$75.00 per vehicle decal fee; and a \$25.00 replacement decal fee. Consumer Affairs has estimated issuing between 2,000 and 3,000 decals under this new program. DOA will be designating a remote location, initially to be located in a portion of the cell phone waiting lot, for vehicle for hire companies with an airport permit to park on a short term basis while waiting for pre-arranged rides. Vehicle for hire companies utilizing the remote parking location will be required to provide a copy of their manifest upon request to ensure that the parking location is not used as a staging area. Permits and decals will be issued on a calendar year basis, commencing on January 1, 2011.

**Background and Policy Issues (continued):** DOA is recommending the establishment of new ground transportation regulations applicable to vehicle for hire companies operating on PBIA, which are consistent with regulations adopted by airports operating throughout the State of Florida, including Fort Lauderdale-Hollywood International Airport and the Miami International Airport. Ground transportation fees for vehicle for hire companies are typically charged throughout the industry on a per trip or a flat permit fee/decals basis. The Board has approved ground transportation permits for various types of courtesy vehicles, including hotel-motel courtesy vehicles (R-2010-0707), off-airport rental car companies (R-2010-1107) and off-airport parking lot operators (R-2010-1107). DOA incurs costs for security and maintenance of PBIA's roadways and facilities, which are utilized by vehicle for hire companies. Additional non-airline revenues also help to reduce future airline rates and charges.

2

RESOLUTION NO. R-2010-1461

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE AIRPORT RULES AND REGULATIONS (R-98-220, AS AMENDED) AS CODIFIED IN APPENDIX B OF THE PALM BEACH COUNTY CODE; AMENDING DEFINITIONS; PROVIDING FOR GENERAL COMPLIANCE; PROVIDING FOR REGULATION OF GROUND TRANSPORTATION SERVICES; PROVIDING FOR PROMULGATION OF RULES AND REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Palm Beach County, through its Department of Airports, owns and operates the Palm Beach International Airport, Palm Beach County Park Airport, Palm Beach County Glades Airport, and the North County General Aviation Airport (hereinafter collectively referred to as the "Airports"); and

WHEREAS, Section 332.08, Florida Statutes, provides that where a County operates one or more airports, its regulation for the government thereof shall be by resolution of the Board of County Commissioners, shall be recorded in the Minutes of the Board and promulgated by posting a copy at the courthouse and at each such airport for four (4) consecutive weeks or by publication once a week in a newspaper published in the county for the same time period; and

WHEREAS, the Department of Airports regulates and controls commercial activities at the Airports in order to provide for fiscally sound and safe operations of the Airports; and

WHEREAS, the Board of County Commissioners has determined that it is necessary to amend the Airport Rules and Regulations, Resolution No. 98-220, as amended, to add general rules for the regulation of commercial activities to the Code of Laws and Ordinances and to the Airport Rules and Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Amendment of Definitions.

Appendix B of the Palm Beach County Code, Article I, Section 1-1, **Definitions**, is hereby amended as follows:

- (z) "Ground transportation permit" shall mean a permit, agreement, decal or other authorization issued by the Department or Palm Beach County Division of Consumer Affairs, on behalf of the Department, to operators of passenger transportation ground transportation services, shared ride services, courtesy vehicles or vehicles for hire, for the right to utilize certain designated parking areas at Palm Beach International Airport for applicable fees for the use of such areas access the Airport's roadways for the purpose of picking up customers at the Airport on a pre-arranged basis or dropping off customers at the Airport.
- (vv) "Taxicab"; "taxi" or "cab" shall mean any automobile that carries persons for a fare, determined by a meter, and that is appropriately licensed as a taxicab by the proper governmental authority a motorized vehicle equipped with a taximeter that is engaged in the transportation of passengers for compensation where the route or destination is controlled by the passenger.

**Section 2. New Definitions.**

Appendix B of the Palm Beach County Code, Article I, Section 1-1, **Definitions**, is hereby amended to add the following:

- (ddd) "Ground transportation services" shall mean vehicle for hire services or any person engaged in the transportation of passengers to or from the Airport to such person's off-airport business location, including, without limitation, hotel and motel courtesy vehicles, rental car courtesy vehicles and off-airport parking lot operators.
- (eee) "Prearranged" shall mean a written, e-mail, facsimile or telephone reservation made in advance by a person requesting ground transportation services and may be in an electronic format. Reservations for vehicle for hire services shall be made at least thirty (30) minutes in advance of picking up a passenger at PBI. Reservations shall be documented in writing and shall be made available immediately upon the request of authorized representatives of the Department, Palm Beach County Division of Consumer Affairs or law enforcement personnel.
- (fff) "Vehicle for Hire" shall mean any motorized, self-propelled vehicle engaged in the transportation of persons with the intent of receiving compensation for providing such transportation and shall include, without limitation, taxicabs, vans, shuttles, sedans, jitneys, non-medical transport vehicles, vehicles used for shared ride services, sports utility vehicles and limousines. The term shall not be construed to include ambulances.
- (ggg) "Vehicle for Hire Ordinance" shall mean the Palm Beach County Vehicle for Hire Ordinance 2008-043, as now or hereafter amended.

**Section 3. General.**

Appendix B of the Palm Beach County Code, Article I, Section 1-3, **Compliance**, is hereby amended to add the following:

- (c) No person shall conduct a commercial activity on any Airport without first obtaining a written agreement, permit or other appropriate approval authorizing such activity from the Department or County.

**Section 4. Commercial Ground Transportation.**

Appendix B of the Palm Beach County Code, Article X, Section 10-2, **Commercial Vehicles**, is hereby amended as follows:

**Sec. 10-2. Ground Transportation. Commercial vehicles.**

~~Only those taxicabs, busses, limos, shuttles, courtesy vehicles or other for-hire vehicles, licensed and operating in accordance with the Code, which hold a valid ground transportation permit issued by the department or are a party to the department's ground transportation concession agreement, shall have the right to transport persons and/or their baggage from areas designated as "ground transportation parking zones." The "ground transportation parking zones" shall not be used for any other purpose, unless prior authorization is given by the director.~~

- (a) No person shall engage in ground transportation services on PBI, including, without limitation, taxicabs, limousines, courtesy vehicles, shuttles, busses or vehicles for hire, without a ground transportation permit authorizing such ground transportation services.
- (b) Persons engaging in ground transportation services on PBI shall:

- (1) Not solicit passengers, customers, employees or any other person on PBJA property, including, without limitation, the PBJA commercial passenger terminal, for ground transportation services. With the exception of the PBJA's ground transportation concessionaire, ground transportation services shall be provided on a pre-arranged basis only.
  - (2) Load and unload its passengers in its vehicles only in those areas designated by the Department for such purposes. Drivers shall remain in their vehicles within such designated areas, except to assist customers with the loading or unloading of their baggage.
  - (3) Not park or loiter on PBJA's roadways or other public airport facilities. Notwithstanding the foregoing, persons engaging in ground transportation services at PBJA shall be permitted to park in PBJA's public parking facilities and other areas designated by the Department for use by ground transportation service providers, subject to payment of applicable fees and charges and compliance with the requirements of these Rules and Regulations.
  - (4) Comply with the requirements of the Vehicle for Hire Ordinance.
  - (5) Obtain and clearly display all required vehicle decal(s) authorizing access to PBJA issued by the Department or Palm Beach County Division of Consumer Affairs on behalf of the Department. Vehicle decals shall be displayed in the manner required by the Vehicle for Hire Ordinance. Display of a fraudulent vehicle decal shall be a violation of these Rules and Regulations.
  - (6) Pay all applicable fees and charges.
  - (7) Comply with all ground transportation permit requirements.
- (c) Fees and charges for ground transportation permits may be approved and amended from time to time by separate resolution of the Board.
  - (d) Ground transportation permits shall only be issued to those persons engaging in ground transportation services who are in compliance with the requirements of the Vehicle for Hire Ordinance.
  - (e) In addition to any other remedies available at law or under a ground transportation permit, the Director, or his designee, may suspend or revoke any ground transportation permit issued pursuant to this Section for failure to comply with the requirements of this Section or any terms or conditions of any ground transportation permit. Failure to comply with the terms and conditions of any ground transportation permit shall be considered a violation of these Rules and Regulations.

**Section 5. Promulgation of Rules and Regulations.**

The Board of County Commissioners hereby directs that a copy of this Resolution be recorded in the Minutes of the Board and promulgated in accordance with the requirements of Section 332.08(2)(b), Florida Statutes.

**Section 6. Severability.**

If any section, paragraph, sentence clause or word of this Resolution is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Resolution.

**Section 7. Codification.**

The provisions of this Resolution shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The Sections of the resolution may be renumbered or relettered to accomplish such, and the word "resolution" may be changed to "section", "article", or other appropriate word.

**Section 8. Effective Date.**

This Resolution shall be effective January 1, 2011.

The foregoing Resolution was offered by Commissioner Marcus, who moved its adoption. The motion was seconded by Commissioner Vana, and upon being put to a vote, the vote was as follows:

The Chair thereupon declared the Resolution duly passed and adopted this 14th day of September, 2010.

Commissioner Burt Aaronson, Chair	-	Aye
Commissioner Karen T. Marcus, Vice Chair	-	Aye
District 2	-	
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

**PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS**

**SHARON R. BOCK, CLERK & COMPTROLLER**

By: *Sharon R. Bock*  
Deputy Clerk



**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

By: *Anne Delgant*  
Assistant County Attorney

(b)

**RESOLUTION NO. R-2010- 1462**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; PROVIDING FOR AIRPORT GROUND TRANSPORTATION FEES AND CHARGES; PROVIDING FOR ADJUSTMENT OF FEES AND CHARGES; PROVIDING FOR ADMINISTRATION BY THE DIVISION OF CONSUMER AFFAIRS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Palm Beach County (the "County"), through its Department of Airports (the "Department of Airports"), owns and operates the Palm Beach International Airport (the "Airport"); and

**WHEREAS**, County desires to establish reasonable charges and fees for the privilege of engaging in ground transportation services at the Airport as contemplated by the Airport Rules and Regulations, Resolution No. 98-220, as amended ("Airport Rules and Regulations"); and

**WHEREAS**, absent a permitting process, ground transportation service providers would be permitted to use Airport facilities and roadways for business purposes without being charged a fee for the privilege of using such facilities and roadways; and

**WHEREAS**, in order to help defray the cost of construction, improvement, operation and maintenance of Airport facilities and roadways; to pay for service and retirement of Airport debts; to regulate the entrances to property and buildings at the Airport and ingress and egress to and from them; to preserve the good order and peace at the Airport; to provide for the public health, safety and welfare; and to govern the Airport, it is necessary to establish fees, charges and regulations for ground transportation service providers desiring access to the Airport; and

**WHEREAS**, the Palm Beach County Division of Consumer Affairs ("Division of Consumer Affairs") administers the Vehicle for Hire Ordinance No. 2008-043, as may be amended ("Vehicle for Hire Ordinance"); and

**WHEREAS**, the Vehicle for Hire Ordinance requires certain Vehicle for Hire Companies (as defined in the Vehicle for Hire Ordinance), which obtain Vehicle for Hire Permits from other jurisdictions entitled to reciprocity under the Vehicle for Hire Ordinance, to meet the requirements of the Airport Rules and Regulations; and

**WHEREAS**, in addition to continuing to allow access to paid parking facilities at the Airport, the Department of Airports also intends to designate a remote parking location, to be located initially within the existing cell phone waiting lot, for use by permitted Vehicle for Hire Companies engaging in pre-arranged ground transportation services; and

**WHEREAS**, the Board of County Commissioners ("Board") desires to authorize the Division of Consumer Affairs to issue certain airport ground transportation permits/decals on behalf of the Department of Airports to Vehicle for Hire Companies for the privilege of using the Airport's facilities and roadways.



NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

**Section 1. Recitals.**

The foregoing recitals are true and correct and are expressly incorporated herein by reference and made a part hereof. Terms not defined in this Resolution shall have the meanings ascribed to them in the Airport Rules and Regulations.

**Section 2. Airport Vehicle Decal/Permit Fees and Charges.**

Except as otherwise provided for herein, the Board hereby approves the following fees and charges applicable to Vehicle for Hire Companies operating at the Airport:

1. Business Application Fee – Fifty Dollar (\$50.00) annual business application fee (“Application Fee”) for Vehicle for Hire Companies that have obtained a Vehicle for Hire Permit from another jurisdiction, which jurisdiction is entitled to reciprocity under the Vehicle for Hire Ordinance. The Application Fee shall be waived for any Vehicle for Hire Company with a valid Vehicle for Hire Permit issued by the Division of Consumer Affairs pursuant to the Vehicle for Hire Ordinance.

2. Airport Ground Transportation Decal Fee – Seventy Five Dollar (\$75.00) permit/decal fee per vehicle per year (“Airport Decal”). Airport Decals issued pursuant to this Resolution shall be effective for one (1) year, terminating on December 31<sup>st</sup> of each year (“Permit Year”). The first Permit Year shall be calendar year 2011.

3. Replacement Decal Fee – Twenty Five Dollar (\$25.00) replacement fee for damaged or stolen Airport Decals.

4. Required Information. Applicants for Airport Decals shall be required to have: (i) a valid Vehicle for Hire Permit in order to be eligible to receive an Airport Decal; or (ii) provide evidence of a valid Vehicle for Hire Permit from a jurisdiction that has been granted reciprocity under the Vehicle for Hire Ordinance, proof of required insurance and copies of all Florida vehicle registrations.

**Section 3. Adjustment of Fees and Charges.**

The County Administrator or his designee, the Director of the Department of Airports, may annually increase the fees and charges set forth in this Resolution by an amount not to exceed ten percent (10%) per year, which may be rounded up to the nearest Five Dollar (\$5.00) increment, without further action of the Board. A summary of the new fees and charges approved pursuant to this Resolution shall be received and filed with the Clerk of the Board within ninety (90) days of approval.

**Section 4. Administration.**

The Airport Decals provided for in this Resolution shall be issued by the Division of Consumer of Affairs on behalf of the Department of Airports. The Division of Consumer Affairs shall remit all fees and charges collected pursuant to this Resolution to the Department of Airports less the Administrative Costs (as hereinafter defined) on a quarterly basis. The Division of Consumer of Affairs shall be entitled to retain the following amounts: (i) one hundred percent

(100%) of the Application Fees and Replacement Decal Fees collected pursuant to Section 2 above; (ii) one third (1/3) of the Airport Decal fees collected pursuant to Section 2 above; and (iii) one hundred percent (100%) of the actual costs of reproducing the Airport Decals or fifty percent (50%) of the actual costs of reproducing the Vehicle for Hire Decal if a joint decal is issued as both the Airport Decal and Vehicle for Hire Decal (collectively, "Administrative Costs"). The Division of Consumer Affairs shall maintain all information necessary for the issuance of Airport Decals pursuant to this Resolution, including the names and contact information for all permittees; a log of the Airport Decals issued and the associated vehicle identification information; and the amounts collected pursuant to this Resolution (collectively, the "Permit Report"). The Division of Consumer Affairs shall submit the Permit Report on a quarterly basis in a form and detail reasonably acceptable to the Department of Airports in an electronic format.

**Section 5. Applicability.**

This Resolution shall not apply to any ground transportation service providers subject to a separate agreement, license, permit or other similar authorization issued directly by the Department of Airports, including, without limitation, permits issued to non-concessionaire rental companies, off-airport parking lot operators, shared ride service providers, hotels and motels for courtesy vehicles, ground transportation companies with concession service agreements, and automobile transport companies. The Department of Airport shall retain responsibility for issuing permits and decals to any ground transportation service providers that are not subject to the provisions of this Resolution.

**Section 6. Severability.**

If any section, paragraph, sentence clause or word of this Resolution is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Resolution.

**Section 7. Effective Date.**

This Resolution shall be effective upon adoption.

(Remainder of page intentionally left blank.)

The foregoing Resolution was offered by Commissioner Marcus, who moved its adoption. The motion was seconded by Commissioner Vana, and upon being put to a vote, the vote was as follows:

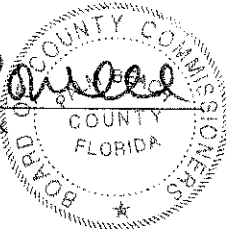
The Chair thereupon declared the Resolution duly passed and adopted this 14th day of September, 2010.

Commissioner Burt Aaronson, Chair	-	Aye
Commissioner Karen T. Marcus, Vice Chair	-	Aye
District 2	-	
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

**SHARON R. BOCK, CLERK & COMPTROLLER**

By: Sharon R. Bock  
Deputy Clerk



**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

By: Anne Welford  
Assistant County Attorney