

44-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: November 1, 2011 Consent Regular
 Ordinance Public Hearing

Department: Department of Public Safety
Submitted By: Department of Public Safety
Submitted For: Consumer Affairs Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for public hearing: ON NOVEMBER 15, 2011 AT 9:30 A.M. AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2001-015, AMENDED BY ORDINANCE NO. 2008-043, AMENDED BY ORDINANCE NO. 2011-007); RELATING TO TAXICABS AND OTHER VEHICLES FOR HIRE (VFH), TO BE KNOWN AS THE VEHICLE FOR HIRE ORDINANCE; PROVIDING FOR A MORATORIUM EXTENSION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CAPTIONS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Summary: On October 18, 2011, the Board of County Commissioners (BCC) voted to amend the current VFH Ordinance to extend the current moratorium that expires on November 25, 2011 for an additional six (6) months which will defer the acceptance of applications for the issuance of VFH business permits for new companies wishing to operate within Palm Beach County. Public Safety will return to the BCC in December 2011 to advertise for public hearing amending the Ordinance to include the remaining revisions discussed at the October 18, 2011 meeting. **Countywide (GB)**

Background and Justification: On May 17, 2011, the Board established a moratorium and directed staff to review the existing VFH Ordinance. Staff directed the VFH Advisory Committee to review the existing ordinance. On September 22, 2011, all of the proposed ordinance revisions were approved by a majority vote of the VFH Advisory Committee.

Attachments:

- 1. Proposed VFH Ordinance Amendments (With additions/deletions noted)
- 2. Current VFH Ordinance R-2011-007

Recommended by: Vinit Bonvento 10/26/11
Department Director Date

Approved By: Vinit Bonvento 10/26/11
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	<u>0</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

ADDITIONAL FTE POSITIONS (Cumulative) 0 0 0 0 0

Is Item Included In Current Budget? Yes _____ No _____

Budget Account Exp No: Fund Department Unit Object
 Rev No: Fund Department Unit Object

B. Recommended Sources of Funds/Summary of Fiscal Impact:
 Extending the moratorium will continue to defer the acceptance of applications for the issuance of VFH business permits for new companies wishing to operate within Palm Beach County.

C. Departmental Fiscal Review: Stephanie Lepore

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 10/27/11 [Signature] 10/27/11
 OFMB Contract Dev. and Control
 SW 10/27/11 JP 10/27/11

B. Legal Sufficiency:

[Signature] 10/27/11
 Assistant County Attorney

C. Other Department Review:

 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

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ORDINANCE NO. 2011-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2001-015, AMENDED BY ORDINANCE NO. 2008-043, AMENDED BY ORDINANCE NO. 2011-007); RELATING TO TAXICABS AND OTHER VEHICLES FOR HIRE (VFH), TO BE KNOWN AS THE VEHICLE FOR HIRE ORDINANCE; PROVIDING FOR A MORATORIUM EXTENSION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CAPTIONS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents of Palm Beach County by enacting such business regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds and declares that the public welfare and safety of the existing and future residents of Palm Beach County require the regulation and control of motor vehicles engaged in the transportation of persons, within the streets of Palm Beach County, with the intent to receive compensation; and

WHEREAS, Palm Beach County licenses and regulates taxicabs: limousines, sedans, vans, minibuses, SUVs for hire, non-medical transport vehicles and other passenger vehicles for hire that operate in the unincorporated and incorporated areas of the County; and

WHEREAS, On May 25, 2011, the Board of County Commissioners voted to impose a moratorium on the acceptance of applications for and the issuance of Vehicle for Hire business permits to new companies wishing to do business within Palm Beach County; and

WHEREAS, On October 18, 2011, the Board of County Commissioners voted to extend the current moratorium that expires on November 25, 2011 for an additional six (6) months which will defer the acceptance of applications for and the issuance of Vehicle For Hire business permits to new companies wishing to do business within Palm Beach County; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby

1 amends Palm Beach County Code Chapter 19, Article IX, (Ordinance No. 2011-007).

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

4
5 **SECTION 1. Moratorium.**

- 6 a. The Board of County Commissioners of Palm Beach County does hereby extend the
7 moratorium that began on May 25, 2011 and which expires on November 25, 2011 upon
8 the acceptance of applications for and the issuance of new Vehicle For Hire Company
9 business permits. The moratorium extension shall begin on November 25, 2011.
- 10 b. The moratorium shall not preclude companies with existing business permits from
11 obtaining additional or replacement vehicle decals nor shall it preclude existing permitted
12 companies from renewing business permits for the 2012 license year.
- 13 c. This moratorium extension shall expire upon the earlier of the following: (1) six months
14 from November 25, 2011 or (2) enactment of a resolution by the Board of County
15 Commissioners of Palm Beach County terminating the moratorium.

16
17 **SECTION 2. Repeal of Laws in Conflict.**

18 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
19 repealed as it relates to the enforcement of this Ordinance only.

20
21 **SECTION 3. Savings Clause.**

22 Notwithstanding Section 2, Repeal of Laws in Conflict, all administrative and court orders, fines
23 and pending enforcement issued pursuant to the authority and procedures established by Chapter
24 19, Article IX, Palm Beach County Code, as amended, shall remain in full force and effect.

25
26 **SECTION 4. Captions.**

27 The captions, section headings, and section designations used in this Ordinance are for
28 convenience only and shall have no effect on the interpretation of the provisions of this
29 Ordinance.

1 **SECTION 5. Inclusion in the Code of Laws & Ordinances.**

2 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
3 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered
4 or relettered to accomplish such, and the words "ordinance," "article," "section," "subsection," or
5 "paragraph" may be changed to any other appropriate word to accomplish codification.

6
7 **SECTION 6. Severability.**

8 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason
9 held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding
10 shall not affect the remainder of this Ordinance.

11
12 **SECTION 7. Effective Date.**

13 The provisions of this Ordinance shall be effective immediately upon filing with the Department
14 of State.

15
16 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County,
17 Florida, on this the _____ day of _____, 2011.

18
19
20 SHARON BOCK, CLERK
21 Board of County Commissioners

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

22
23 By _____
24 Deputy Clerk

By: _____
Karen T. Marcus, Chair

25
26
27 APPROVED AS TO FORM AND
28 LEGAL SUFFICIENCY

29
30 By: _____
31 County Attorney

32
33
34 Filed with the Department of State on the _____ day of _____, 2011.
35

1 WHEREAS, the Board of County Commissioners of Palm Beach County hereby
2 amends Palm Beach County Code Chapter 19, Article IX, (Ordinance No. 201108-
3 04307).

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

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7
8 **SECTION 1. MORATORIUM Moratorium.**

- 9 a. The Board of County Commissioners of Palm Beach County does hereby extend the
10 impose a moratorium that began on May 25, 2011 and which expires on November 25,
11 2011, beginning on the effective date of this ordinance upon the acceptance of
12 applications for and the issuance of new Vehicle For Hire Company business permits.
13 The moratorium extension shall begin on November 25, 2011.
- 14 b. The moratorium shall not preclude companies with existing business permits from
15 obtaining additional or replacement vehicle decals nor shall it preclude existing permitted
16 companies from renewing business permits for the 2012 license year.
- 17 c. This moratorium extension Ordinance shall expire upon the earlier of the following: (1)
18 six months from November 25, 2011 the effective date of this Ordinance or (2) enactment
19 of a resolution by the Board of County Commissioners of Palm Beach County
20 terminating the moratorium.

21
22 **SECTION 2. Repeal of Laws in Conflict.**

23 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
24 repealed as it relates to the enforcement of this Ordinance only.

25
26 **SECTION 3. Savings Clause.**

27 Notwithstanding Section 2, Repeal of Laws in Conflict, all administrative and court orders, fines
28 and pending enforcement issued pursuant to the authority and procedures established by Chapter
29 19, Article IX, Palm Beach County Code Ordinance 2008-043, as amended, shall remain in full
30 force and effect.

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SECTION 4. Captions.

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

SECTION 54. Inclusion in the Code of Laws & Ordinances.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the words "ordinance," "article," "section," "subsection," or "paragraph" may be changed to any other appropriate word to accomplish codification.

SECTION 65. Severability.

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 76. Effective Date.

The provisions of this Ordinance shall be effective immediately upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the _____ day of _____, 2011.

SHARON BOCK, CLERK
Board of County Commissioners

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

By _____
Deputy Clerk

By: _____
Karen T. Marcus, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

1 Filed with the Department of State on the _____ day of _____, 2011.
2

ORDINANCE NO. 2011-007

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ENACTING A SIX-MONTH MORATORIUM UPON THE ACCEPTANCE OF APPLICATIONS FOR AND THE ISSUANCE OF VEHICLE FOR HIRE BUSINESS PERMITS, BY AMENDING PALM BEACH COUNTY CODE CHAPTER 19, ARTICLE IX (ORDINANCE NO. 2008-043), PROVIDING FOR A MORATORIUM; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government) of the Florida Statutes establishes the right and power of counties to provide for the health, welfare and safety of the existing and future residents by enacting such business regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds and declares that the public welfare and safety of the existing and future residents requires the regulation and control of motor vehicles engaged in the transportation of persons, within the streets of Palm Beach County, with the intent to receive compensation; and

WHEREAS, Palm Beach County licenses and regulates taxicabs: limousines, sedans, vans, minibuses, SUVs for hire, non-medical transport vehicles and other passenger vehicles for hire that operate in the unincorporated and incorporated areas of the County; and

WHEREAS, On March 15, 2011, the Board of County Commissioners voted to impose a six-month moratorium on acceptance of applications for and the issuance of Vehicle For Hire business permits to new companies wishing to do business within Palm Beach County; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby amends Palm Beach County Code Chapter 19, Article IX, (Ordinance No. 2008-043).

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

1 **SECTION 1. MORATORIUM**

- 2 a. The Board of County Commissioners of Palm Beach County does hereby impose a
- 3 moratorium, beginning on the effective date of this ordinance upon the acceptance of
- 4 applications for and the issuance of Vehicle For Hire Company business permits.
- 5 b. The moratorium shall not preclude companies with existing business permits from
- 6 obtaining additional or replacement vehicle decals nor shall it preclude existing permitted
- 7 companies from renewing business permits for the 2012 license year.
- 8 c. The Ordinance shall expire upon the earlier of the following: (1) six months from the
- 9 effective date of this Ordinance or (2) enactment of a resolution by the Board of County
- 10 Commissioners of Palm Beach County terminating the moratorium.

11
12 **SECTION 2. Repeal of Laws in Conflict.**

13 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
14 repealed as it relates to the enforcement of this Ordinance only.

15
16 **SECTION 3. Savings Clause**

17 Notwithstanding Section 2, Repeal of Laws in Conflict, all administrative and court orders, fines
18 and pending enforcement issued pursuant to the authority and procedures established by
19 Ordinance 2008-043 shall remain in full force and effect.

20
21 **SECTION 4. Inclusion in the Code of Laws & Ordinances.**

22 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
23 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered
24 or relettered to accomplish such, and the words "ordinance," "article," "section," "subsection," or
25 "paragraph" may be changed to any other appropriate word to accomplish codification.

26
27 **SECTION 5. Severability.**

28 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason
29 held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding
30 shall not affect the remainder of this Ordinance.

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SECTION 6. Effective Date.

The provisions of this Ordinance shall be effective immediately upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 17th day of May, 2011.

SHARON BOCK, CLERK
Board of County Commissioners
By: [Signature]
Deputy Clerk

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS
By: [Signature]
Karen T. Marcus, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [Signature]
County Attorney

Filed with the Department of State on the 25th day of May, 2011.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller,
certify this to be a true and correct copy of the original
filed in my office on May 27, 2011
dated at West Palm Beach, Florida
By: [Signature]
Deputy Clerk



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

May 27, 2011

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Mr. Grant J. Skolnick, Board Services

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 23, 2011 and certified copies of Palm Beach County Ordinance Nos. 2011-007, 2011-008, 2011-009, 2011-010 and 2011-011, which were filed in this office on May 25, 2011.

Sincerely,

Liz Cloud
Program Administrator

LC/vm

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6282 • TDD: 850.922.4085 • <http://info.florida.gov>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

CAPITOL BRANCH
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282