

Meeting Date: November 15, 2011 ☐ Consent ☐ Regular
 ☐ Ordinance ☒ Public Hearing

I. EXECUTIVE BRIEF

Recommended by: V. A. [Signature] 11/3/11
Department Director Date

Approved By: V. A. [Signature] 11/3/11
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	*				
# 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: Stephane Seyrich

III. REVIEW COMMENTS

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

[Signature] 11/7/11
OFMB 11/14/11
5/17/11 JP 2/24/11

[Signature] 11/17/11
Contract Dev. and Control

B. Legal Sufficiency:

[Signature] 11/9/11
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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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, 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 October 18, 2011~~March 15, 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 ~~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

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:

6
7 **SECTION 1. MORATORIUM Moratorium.**

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

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

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23 repealed as it relates to the enforcement of this Ordinance only.

24
25 **SECTION 3. Savings Clause.**

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

1 **SECTION 4. Captions.**

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

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

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

12 **SECTION 65. Severability.**

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

17 **SECTION 76. Effective Date.**

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

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

25 SHARON BOCK, CLERK
26 Board of County Commissioners

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

28 By _____
29 Deputy Clerk

By: _____
Chair

32 APPROVED AS TO FORM AND
33 LEGAL SUFFICIENCY

35 By: _____
36 County Attorney

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

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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, 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.
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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.
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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.
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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
22

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

23 By _____
24 Deputy Clerk
25

By: _____
Chair

26
27 APPROVED AS TO FORM AND
28 LEGAL SUFFICIENCY
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30 By: _____
31 County Attorney
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33

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