

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: May 20, 2014

☐ Consent  
☐ Ordinance

☐ Regular  
☒ Public Hearing

Department:

Submitted By: County Attorney's Office

Submitted For: Public Safety/Consumer Affairs

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to adopt : An Ordinance of the Board of County Commissioners of Palm Beach County, Florida, adopting a Countywide Ordinance to be entitled "The Palm Beach County Water Taxi Registration Ordinance"; Providing for Title; Providing Definitions; Providing for Registration and Licensure Requirements; Providing for Insurance and Indemnification Requirements; Providing for Revocation, Suspension and Denial of License/Administrative Appeal/Court Appeal; Providing for Refusal of Service Regulations; Providing for Enforcement; Providing for Inclusion in the Code of Laws and Ordinances; Providing for Severability; Providing for Repeal of Laws in Conflict; And Providing for an Effective Date.

**Summary:** The Board of County Commissioners has determined that it is in the best interests of Palm Beach County and the general public to permit licensed and qualified water taxi service providers to operate water taxis, in order to provide services necessary to transport pedestrian passengers between Designated Docking Facilities and various municipalities in Palm Beach County. This Countywide Water Taxi Registration Ordinance is intended to provide only for a countywide registration and licensing process for these water taxi service providers. The initial registration fee shall be \$150.00 and the renewal registration fee shall be \$150.00. The initial registration shall be valid for a two (2) year period and a renewal registration shall be valid for a two (2) year period. Nothing herein prevents Providers from obtaining successive renewals from Palm Beach County so long as the requirements of this Ordinance are met. The League of Cities has no opposition to the proposed Ordinance. Countywide (DW)

**Background and Justification (or Policy Issues):** Palm Beach County desires to enter into one or more non-exclusive revocable license agreements with duly licensed, Coast Guard certified, persons or firms which own and/or operate water taxis so long as those persons or firms have the requisite number of taxis and equipment in good and working condition, are capable of performing the work prescribed in the revocable license agreement, and possess all current requisite licenses, registrations, certifications, permits, and other approvals from all entities with regulatory jurisdiction. Nothing contained in this countywide Water Taxi Registration Ordinance shall be construed to prohibit individual municipalities within Palm Beach County from adopting municipal ordinances to regulate the operation of water taxi service providers within their respective jurisdictions. A civil penalty of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each repeat violation will be assessed.

**Attachments**

1. Water Taxi Registration Ordinance

Recommended by:

  
 Department Director

Date

4/15/14

Approved By:

  
 County/Deputy/Assistant County Administrator

Date

4/15/14

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>*</b>	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
 Object \_\_\_\_\_ Reporting Category \_\_\_\_\_

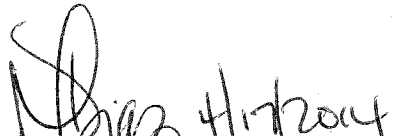
### B. Recommended Sources of Funds/Summary of Fiscal Impact:


\* Although this ordinance has a provision for a \$250 fine for the first violation and a \$500 fine for a repeat violation, the fiscal impact is indeterminable at this time

### C. Departmental Fiscal Review:


## III. REVIEW COMMENTS

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

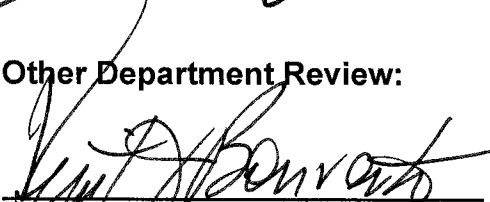
  
 OFMB  
 4/16/14

  
 Contract Dev. and Control  
 4-18-14

### B. Legal Sufficiency:

  
 Assistant County Attorney  
 4/15/14

### C. Other Department Review:

  
 Department Director

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

ORDINANCE NO. 2014 - \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING A COUNTYWIDE ORDINANCE TO BE ENTITLED "THE PALM BEACH COUNTY WATER TAXI REGISTRATION ORDINANCE"; PROVIDING FOR TITLE; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION AND LICENSURE REQUIREMENTS; PROVIDING FOR INSURANCE AND INDEMNIFICATION REQUIREMENTS; PROVIDING FOR REVOCATION, SUSPENSION AND DENIAL OF LICENSE/ADMINISTRATIVE APPEAL/COURT APPEAL; PROVIDING FOR REFUSAL OF SERVICE REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has determined that it is in the best interests of Palm Beach County and the general public to permit licensed and qualified water taxi service providers to operate water taxis in order to provide services necessary to transport pedestrian passengers between Designated Docking Facilities; and

WHEREAS, various municipalities in Palm Beach County regulate water taxi service providers; and

WHEREAS, Palm Beach County desires to provide a streamlined and uniform registration and licensing process with respect to these water taxi service providers; and

WHEREAS, Palm Beach County desires to enter into one or more non-exclusive revocable license agreements with duly licensed, Coast Guard certified, persons or firms which own and/or operate water taxis so long as those persons or firms have the requisite number of taxis and equipment in good and working condition, are capable of performing the work prescribed in the revocable license agreement, and possess all current requisite licenses, registrations, certifications, permits, and other approvals from all entities with regulatory jurisdiction; and

WHEREAS, nothing contained in this countywide Water Taxi Registration Ordinance shall be construed to prohibit individual municipalities within Palm Beach County from adopting municipal ordinances to regulate the operation of water taxi service providers within their respective jurisdictions; this countywide Water Taxi Registration Ordinance is intended to

1 provide only for a countywide registration and licensing process for these water taxi service  
2 providers.

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

5 **SECTION 1. TITLE:**

6 This Ordinance shall be titled "The Palm Beach County Water Taxi Registration  
7 Ordinance".

8 **SECTION 2. DEFINITIONS:**

9 A. "Designated Docking Facilities" shall refer to the publicly-owned or privately  
10 owned docks and/or wharves which have been identified by the Provider as the location where  
11 a Water Taxi may dock or moor for the purpose of picking-up and dropping-off passengers.

12 B. "Division or DCA" shall mean the Palm Beach County Division of Consumer  
13 Affairs.

14 C. "Provider" shall refer to the owner and/or operator of a water taxi for hire.

15 D. "Registration" shall refer to the registration of all providers of Water Taxi  
16 services required by Palm Beach County pursuant to this Ordinance.

17 E. "Tour Boat" shall refer to any boat that picks up and drops off passengers for a  
18 fee in exchange for tour services, including any vessel/amphibious vehicle that may also  
19 operate on both land and water in this capacity.

20 F. "Water Taxi" shall refer to any taxi for hire at prearranged rates of fare which is  
21 operated between the point of origin and a destination point different from the point of origin.  
22 Said term shall include but not be limited to water taxis and tour boats, but shall not include  
23 charter services, dive boats and fishing vessels.

24 **SECTION 3. WATER TAXI REGISTRATION:**

25 A. Providers of Water Taxi services shall register with Palm Beach County before  
26 commencing operations; or if currently operating before the adoption of this Ordinance, such  
27 Providers shall register within sixty (60) days after the effective date of this Ordinance.

28 (1) The registration shall be on forms designated by the Palm Beach County  
29 Department of Public Safety.

30 (2) Documentation shall indicate that all persons operating a Water Taxi are  
31 licensed and insured in accordance with applicable federal requirements, the Palm Beach

1 County Application for Water Taxi Business Permit and Vessel Decal, and the requirements  
2 set forth herein.

3 (3) Documentation shall indicate the Provider's Designated Docking  
4 Facilities. Subsequent requests to modify Designated Docking Facilities must be submitted to  
5 the County in writing and must be approved by the County before the Provider may  
6 commence services at a new Designated Docking Facility.

7 B. All Providers of Water Taxi services shall renew their registrations and pay all  
8 renewal fees with Palm Beach County on or before the date the initial registration is set to  
9 expire. If the registration expiration date falls on a weekend or holiday, the renewal  
10 registration is due and payable on or before the first business day following the expiration date.

11 C. The initial registration fee shall be \$150.00 and the renewal registration fee shall  
12 be \$150.00. The initial registration shall be valid for a two (2) year period and a renewal  
13 registration shall be valid for a two (2) year period. Nothing herein prevents Providers from  
14 obtaining successive renewals from Palm Beach County so long as the requirements of this  
15 Ordinance are met.

16 D. All Providers shall comply with the local rules of each Designated Docking  
17 Facility and all registration requirements of any municipality.

18 E. Once a Provider has completed the registration process, paid all registration  
19 fees, and submitted all forms required by Palm Beach County, the County shall issue the  
20 Provider a revocable license and a decal to provide Water Taxi services as prescribed in the  
21 registration documents and license. A Provider shall also obtain a decal from each  
22 municipality where the Provider intends to provide Water Taxi services prior to the  
23 commencement of these services. To obtain a municipal decal, the Provider must submit proof  
24 to the municipality that it has met all insurance and indemnification requirements under this  
25 Ordinance, and that it has paid the municipal fee for such decal. The County decal and all  
26 municipal decals must be displayed in a publicly visible area of the Water Taxi at all times.

27 **SECTION 4. INSURANCE:**

28 In order to obtain a revocable license from Palm Beach County for the provision of  
29 Water Taxi services, all Providers must secure and maintain, at their own expense and keep in  
30 effect during the full period of the revocable license agreement, a policy or policies of  
31 insurance, which must include the following coverages and minimum limits of liability:

1       A.     Commercial General Liability: Provider shall agree to maintain Commercial  
2     General Liability at a limit of liability not less than **\$1,000,000** each Occurrence. Coverage  
3     shall not contain any endorsement excluding nor limiting Contractual Liability,  
4     Products/Completed Operations Liability, or Cross Liability.

5       B.     Marine Protection & Indemnity Insurance: Provider shall agree to maintain  
6     Marine Protection and Indemnity, or similar Watercraft Liability, for owned, hired, or  
7     borrowed watercraft. Coverage may be provided either by way of endorsement under the  
8     Commercial General Liability (GC 24 12 Boats), or by separate Marine Protection and  
9     Indemnity insurance with limits not less than **\$1,000,000** each occurrence.

10      C.     Workers Compensation Insurance & Employers Liability: Provider shall agree  
11     to maintain Florida Workers Compensation Insurance & Employers Liability. Provider shall  
12     agree to maintain Federal Act endorsements for U.S. Longshoremens & Harbor Workers Act  
13     (WC 00 01 06 A) and The Jones Act (WC 00 02 01 A) when activities or operations involve  
14     work on or contiguous to navigable bodies of U.S. waterways and ways adjoining, or vessels.  
15     The Provider agrees to be responsible for the employment, control and conduct of its  
16     employees and for any injuries sustained by such employees in the course of their employment.

17      D.     Umbrella or Excess Liability: Provider may satisfy the minimum limits required  
18     above for Commercial General Liability, Marine Protection & Indemnity, or Employers'  
19     Liability coverage under Umbrella or Excess Liability. The Umbrella or Excess Liability shall  
20     have an Aggregate limit not less than the highest Each Occurrence limit for Commercial  
21     General Liability, Marine Protection & Indemnity, or Employers Liability. The County, and  
22     each municipality where the Provider provides Water Taxi services, shall be specifically  
23     endorsed as an Additional Insured on the Umbrella or Excess Liability, unless the Certificate of  
24     Insurance notes the Umbrella or Excess Liability provides coverage on a Follow-Form basis.

25      E.     Additional Insured: Provider shall agree to endorse the County and each  
26     municipality where the Provider provides Water Taxi services, as an Additional Insured with a  
27     CG 2026 Additional Insured - Designated Person or Organization endorsement, or its  
28     equivalent, to the Commercial General Liability, the Marine Protection & Indemnity, and the  
29     Employers Liability. The Additional Insured endorsement for Palm Beach County shall read  
30     "Palm Beach County Board of County Commissioners." The Additional Insured endorsement

1 for each municipality where the Provider provides Water Taxi services shall be in the form  
2 required by each municipality.

3 F. Waiver of Subrogation: Provider shall agree by entering into a revocable license  
4 agreement to a Waiver of Subrogation for each required policy. When required by the insurer,  
5 or should a policy condition not permit an Insured to enter into a pre-loss agreement to waive  
6 subrogation without an endorsement, then Provider shall agree to notify the insurer and request  
7 the policy be endorsed with a Waiver of Transfer of Rights of Recovery Against Others, or its  
8 equivalent. This Waiver of Subrogation requirement shall not apply to any policy, which a  
9 condition to the policy specifically prohibits such an endorsement, or voids coverage should  
10 Provider enter into such an agreement on a pre-loss basis.

11 G. Certificate(s) of Insurance: Immediately following notification of the award of  
12 the revocable license agreement, Provider shall agree to deliver to the County a Certificate(s) of  
13 Insurance evidencing that all types and amounts of insurance coverages required by the  
14 revocable license agreement have been obtained and are in full force and effect. Such  
15 Certificate(s) of Insurance shall contain a provision or endorsement that the coverage afforded  
16 shall not be cancelled, materially changed or renewal refused until at least thirty (30) days  
17 written notice has been given to the Palm Beach County Board of County Commissioners by  
18 certified mail. The Certificate Holder shall read Palm Beach County, Board of County  
19 Commissioners, 50 South Military Trail, Suite 201, West Palm Beach, Florida 33415 and each  
20 municipality.

21 H. Right to Review: The County, by and through its Risk Management Department,  
22 in cooperation with all applicable County Departments including, but not limited to the  
23 Departments of Public Safety and Parks and Recreation, reserves the right to review, modify,  
24 reject or accept any required policies of insurance, including limits, coverages, or  
25 endorsements, herein from time to time throughout the life of the revocable license agreement.  
26 The County reserves the right, but not the obligation, to review and reject any insurer providing  
27 coverage because of its poor financial condition or failure to operate legally.

28 SECTION 5. REVOCATION, SUSPENSION AND DENIAL OF  
29 LICENSE/ADMINISTRATIVE APPEAL/COURT APPEAL:

30 Provider agrees to perform the work under the license agreement as a licensee,  
31 and not as a contractor/subcontractor, agent or employee of the County or of any municipality

1 where the Provider provides Water Taxi services. A violation of the terms of the license  
2 agreement shall constitute a material breach by the Provider and the County, at its sole  
3 discretion, may cancel the license agreement and all rights, title and interest of the Provider  
4 shall thereupon cease and terminate.

5 A. The Director of the Division of Consumer Affairs is authorized to deny, suspend  
6 or revoke licenses/decals, upon written notice. Suspensions shall not be more than six (6)  
7 months. Providers not resolving issues related to suspensions within the six-month suspension  
8 period will be subject to license/decal revocation. Said notice of license/decal denial,  
9 suspension or revocation shall be by personal service (to the Provider by certified mail, return  
10 receipt requested, or posting in a conspicuous place at the place of business or home of the  
11 Provider).

12 B. Upon receipt of the notice of denial, revocation, or suspension of a  
13 license/decal, which notice shall specify the grounds for the denial, suspension or revocation,  
14 the Provider shall be entitled to an appeal according to the following:

15 (1) Administrative Appeal: Any Provider which has had a license/decal  
16 denied, revoked, or suspended by the Division, may appeal such decision to the Consumer  
17 Affairs Division within twenty (20) days of receipt of the decision. A non-refundable filing  
18 fee must accompany the written request for appeal. The Provider or attorney shall file a  
19 written notice of appeal signed by the Provider or attorney requesting a hearing and setting  
20 forth a brief statement of the reasons thereof. The filing fee shall be \$150.00. The appeal  
21 shall be reviewed at a hearing of the Consumer Affairs Hearing Board or Special Master  
22 within sixty (60) days of receipt by the Division of the notice of appeal. The determination  
23 of whether the appeal will be heard by the Consumer Affairs Hearing Board or Special  
24 Master will be made by the Division of Consumer Affairs in accordance with their policies  
25 and procedures. The Operator may be represented by an attorney and shall be entitled to  
26 present a defense.

27 (2) Court appeal: Any person may appeal a final determination of the  
28 Consumer Affairs Hearing Board/Special Master within thirty (30) days of the  
29 rendition of the decision by filing a petition for writ of certiorari in the Circuit Court  
30 of the Fifteenth Judicial Circuit in and for the County.

31 (3) Suspension of the license/decal: If, at the conclusion of the



1 hearing, the Consumer Affairs Hearing Board or Special Master decides to suspend the  
2 license/decal a time certain shall be set as the period of suspension. Prior to the end of  
3 such time certain, those violations for which the suspension was imposed shall be  
4 corrected; otherwise, the suspended license/decal shall be automatically revoked. A  
5 fee of fifty (50%) percent of the license/decal fee shall be collected to reinstate the  
6 suspended license/decal.

7 (4) Revocation of license/decal: If, at the conclusion of the hearing, the  
8 Consumer Affairs Hearing Board or Special Master votes to revoke the license/decal, the  
9 Provider shall return the license/decal and return same to the Division. A Provider whose  
10 license/decal has been revoked, shall not be eligible to reapply as a new applicant for a  
11 period of one (1) year from the date of revocation.

12 (5) If the Consumer Affairs Hearing Board or Special Master reverses  
13 the decision of the Director of the Division of Consumer Affairs, the Director of the  
14 Division of Consumer Affairs shall issue or restore the license/decal.

15 (6) When the license/decal of a Provider has been denied, suspended or  
16 revoked by the Consumer Affairs Hearing Board or Special Master, all operations of the  
17 Water Taxi/Tour Boat shall immediately cease.

18 (7) In the event a written notice of appeal and accompanying filing fees  
19 are not submitted within the time frames outlined in this Ordinance, the decision of the  
20 Director of the Division of Consumer Affairs shall be the final administrative action.

21 (8) Administrative Appeal-Insurance. When a license/decal has been  
22 denied, suspended or revoked for failure of the Provider to obtain or maintain the required  
23 insurance pursuant to this Ordinance and the Provider wishes to appeal the denial/  
24 suspension/revocation, the Provider may appeal such decision to the Consumer Affairs  
25 Hearing Board/Special Master within five (5) days of receipt of the decision. The appeal  
26 shall be heard by the Consumer Affairs Hearing Board/Special Master within ten (10)  
27 days of receipt of the written appeal. A non-refundable filing fee must accompany the  
28 written request for appeal. The filing fee shall be \$150.00.

29 (9) Effect of appeal. An appeal of the decision of the Director of the  
30 Division of Consumer Affairs to deny, suspend or revoke a Provider's license/decal or the  
31 renewal of same, shall stay the effective date of the denial, suspension or revocation. A

1 stay does not apply to a denial, revocation or suspension of a Provider's license/decal of a  
2 business or renewal thereof, which failed to maintain insurance as required by this  
3 Ordinance.

4 (10) Hearing procedures: Notwithstanding Section 4 of Palm Beach  
5 County Consumer Affairs Ordinance 2014-7 (as may be amended from time to time), the  
6 Consumer Affairs Hearing Board/Special Master shall give due regard to competent,  
7 reliable and technical evidence which will aid the Consumer Affairs Hearing Board/Special  
8 Master in making a fair determination of the matter, regardless of the existence of any  
9 common law or statutory rule which might otherwise make improper the admission of such  
10 evidence. All parties shall have an opportunity to present evidence and argument on all  
11 issues involved, to conduct cross examination and submit rebuttal evidence, and to be  
12 represented by counsel.

13 When appropriate, the general public may be given an opportunity to present oral or  
14 written communications. The Consumer Affairs Hearing Board/Special Master may  
15 consider any evidence, including evidence of the general reputation of the petitioner. All  
16 testimony shall be under oath and shall be recorded. Formal rules of evidence shall not  
17 apply, but fundamental due process shall be observed and shall govern the proceedings.  
18 Irrelevant, immaterial or unduly repetitious evidence may be excluded but all the other  
19 evidence of a type commonly relied upon by reasonably prudent persons in the conduct of  
20 their affairs shall be admissible, (including hearsay) whether or not such evidence would be  
21 admissible in a trial in the courts of the state. Orders of the Consumer Affairs Hearing  
22 Board/Special Master shall be based on competent and substantial evidence. The petitioner  
23 shall have the burden of proof by a preponderance of the evidence.

24 **SECTION 6. INDEMNIFICATION:**

25 In order to obtain a revocable license from Palm Beach County for the provision of  
26 Water Taxi services, all Providers must execute an indemnification agreement, which must  
27 include the following language:

28 A. To the fullest extent permitted by laws and regulations, the Provider shall  
29 indemnify, defend, save and hold harmless, Palm Beach County, its officers, agents and  
30 employees from any and all claims, damages, losses, liabilities and expenses, direct indirect or  
31 consequential arising out of, or in consequence of the services furnished by, or the operations

1 of the Provider, or its subcontractors, agents, officers, employees or independent subcontractors  
2 pursuant to the performance of the license agreement and provide written notification of same  
3 to Palm Beach County and the affected municipality(s).

4 B. To the fullest extent permitted by laws and regulations, the Provider shall  
5 indemnify, defend, save and hold harmless, any municipality which has a Designated Docking  
6 Facility where Provider intends to dock and operate its Water Taxi services, the municipality's  
7 officers, agents and employees from any and all claims, damages, losses, liabilities and  
8 expenses, direct indirect or consequential arising out of, or in consequence of the services  
9 furnished by, or the operations of the Provider, or its subcontractors, agents, officers,  
10 employees or independent subcontractors pursuant to the performance of the License  
11 Agreement and provide written notification of same to Palm Beach County and the affected  
12 municipality(s).

13 C. Provider shall pay all losses, claims, liens, settlements, or judgments of any  
14 nature whatsoever in connection with the foregoing indemnification, including but not limited  
15 to, reasonable attorney's fees (including appellate attorneys' fees and costs).

16 D. Palm Beach County and each affected municipality reserves the right to select  
17 its own counsel to conduct any defense in any such proceedings and all costs and fees  
18 associated therewith shall be the responsibility of the Provider under the indemnification  
19 agreement set forth herein. Nothing contained herein is intended nor shall it be construed to  
20 waive Palm Beach County's or an affected municipality's rights and immunities under the  
21 common law or Florida Statute 768.28, as amended from time to time.

22 **SECTION 7. VIOLATIONS:**

23 False statements on applications. It shall be unlawful for any person to knowingly and  
24 intentionally make or cause to be made any false statement in writing or omit material  
25 information for the purpose of procuring a license/decal or to knowingly and intentionally  
26 make any false statements or entries or material omissions on the records required to be kept by  
27 this Ordinance.

28 Failure to comply with the provisions of this Section may result in the Director of the  
29 Division of Consumer Affairs denying a license/decal, revoking or suspending the  
30 license/decal, denying the renewal of such license/decal or other such remedies available to the  
31 Division herein.

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**SECTION 8. REFUSAL OF SERVICE:**

No Water Taxi Provider shall refuse transportation to any passenger unless the passenger cannot pay the scheduled fare or the taxi is already at capacity as mandated by the U.S. Coast Guard or other authority. Service may be refused to persons who are visibly inebriated.

**SECTION 9. REPEAL OF LAWS IN CONFLICT:**

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 10. 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 11. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

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

**SECTION 12. ENFORCEMENT; APPLICABILITY:**

This Ordinance is enforceable by all means provided by law. Additionally, the County may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm Beach County. These rules shall be enforced by the applicable local government having jurisdiction by means of the Chapter 162, Florida Statutes, code enforcement process or by any other legal means available. Each day that a violation continues shall constitute a separate and distinct magistrate or in the County Court for Palm Beach County.

These rules and regulations shall apply to all Water Taxi and Tour Boat operations, including those using public or private docks or boat ramps within Palm Beach County.

The provisions of this Ordinance shall be applicable to the incorporated and unincorporated areas of the County. This Ordinance shall be effective in municipalities unless

1 the municipality opts out or shall be effective up to the extent of conflict with the municipal  
2 ordinance.

3 **SECTION 13. PENALTY:**

4 Any violation of any portion of this Ordinance shall be punishable as provided by law.

5 **SECTION 14. CAPTIONS:**

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

9 **SECTION 15. EFFECTIVE DATE:**

10 The provisions of this Ordinance shall become effective upon filing with the  
11 Department of State.

12  
13 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
14 County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2014.


15 SHARON R. BOCK, CLERK &  
16 COMPTROLLER

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

17  
18  
19 By: \_\_\_\_\_  
20 Deputy Clerk

By: \_\_\_\_\_  
Priscilla A. Taylor, Mayor

21  
22 APPROVED AS TO FORM AND  
23 LEGAL SUFFICIENCY

24  
25  
26 By:   
27 County Attorney  
28

29 EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of  
30 \_\_\_\_\_, 2014.

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33