

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: September 22, 2015 [] Consent [X] Regular
[] Ordinance [] Public Hearing

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

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida repealing and replacing Resolution No. R-2014-1221 and enacting a new schedule of fees and fines for the Vehicle for Hire Ordinance.

Summary: This Resolution provides for adoption of an updated fee and fine schedule in accordance with the provisions of the Vehicle for Hire Ordinance, Palm Beach County Code, Chapter 19, Article IX. The update is necessary to implement Ordinance changes scheduled for adoption on September 22, 2015 and to incorporate fees for all vehicle for hire companies. A summary of the changes to the existing schedule of fees and fines imposed by the Division of Consumer Affairs is attached to the agenda item. This agenda item will repeal Resolution 2014-1221. On September 10, 2015, the proposed schedule of fee changes were presented to the vehicle for hire industry which includes representation from Rasier, LLC. COUNTYWIDE (JB)

Background and Policy Issues: The Vehicle for Hire provisions of the Palm Beach County Code (Code) require a schedule of fees and provides that all such fees collected shall be deposited in a separate account and shall be used exclusively to accomplish the purpose of the Code.

Attachments:

- 1. Resolution including Schedule of Fees/Fines
- 2. Vehicle for Hire Industry at a Glance
- 3. Summary of Recommended Changes to the Annual Fee/Fine Schedule

Recommended by: Vincent J. Bonvento 9/10/15
Department Director Date

Approved By: Vincent J. Bonvento 9/10/15
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</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 _____ RevSc _____

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

The proposed fee adjustments are revenue neutral; however the fiscal impact is indeterminable at this time. Revenue assumptions are included on attachment #3.

Departmental Fiscal Review: Stephane Siroky

III. REVIEW COMMENTS

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

Sherry Bon
 5/10 OFMB AK 9/16/15

Don J. Johnson 9/17/15
 Contract Administration

B. Legal Sufficiency:

James Brub 9/17/15
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

RESOLUTION NO. R-2015 - _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA REPEALING AND REPLACING RESOLUTION NO. R-2014-1221 AND ENACTING A NEW SCHEDULE OF FEES AND FINES FOR THE VEHICLE FOR HIRE ORDINANCE.

WHEREAS, Section 125.01(1)(n), Florida Statutes, authorizes Palm Beach County to license and regulate taxis, non-taxis , and other passenger vehicles for hire that operate in the County; and

WHEREAS, the Palm Beach County Vehicle for Hire Ordinance, as codified in the Palm Beach County Code, Chapter 19, Article IX, requires certain fees to be established by resolution of the Board of County Commissioners; and

WHEREAS, Section 19-233 of the Vehicle for Hire provisions of the Palm Beach County Code require a schedule of fees and provides that all such fees collected shall be deposited in a separate account and shall be used exclusively to accomplish the purpose of the Code; and

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

- A) The Vehicle for Hire fees are hereby adopted as referenced in the chart entitled Palm Beach County Code of Ordinances - Vehicle for Hire Schedule of Fees – Exhibit “A,” attached hereto and made a part hereof.
- B) Resolution No. R-2014-1221 previously adopted for vehicle-for-hire fees is hereby repealed.

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

Shelley Vana, Mayor	_____
Mary Lou Berger, Vice-Mayor	_____
Commissioner Priscilla A. Taylor	_____
Commissioner Steven L. Abrams	_____
Commissioner Hal R. Valeche	_____
Commissioner Paulette Burdick	_____
Commissioner Melissa McKinlay	_____

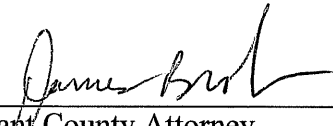
The Mayor thereupon declared the resolution duly passed and adopted this _____ day of
__ September 2015.

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

Sharon R. Bock, Clerk & Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
Assistant County Attorney

**County Code of Ordinances - Vehicle for Hire (VFH)
Schedule of Fees – Exhibit “A”**

Fees for VFH Companies Certified by Division of Consumer Affairs	Amount
Initial New Business Application Fee	\$10,000
Annual Vehicle for Hire Business Permit Application Fee	\$200
Annual Vehicle Decal Fee	\$100
Driver's Identification (I.D.) Badge Fee (2 years) includes: Florida Department of Law Enforcement Level 2 fingerprint based criminal history records check Florida DHSMV Driver Record History	\$100 (\$50 annually)
Vehicle for Hire Business Permit Application Late Fee	Up to 30 days \$50 From 31 to 60 days \$75 61 days or more \$100
Vehicle for Hire Business Permit Refiling Fee	\$50
Driver's I.D. Badge Late Fee	Up to 1 year \$30
Driver's I.D. Badge Replacement Fee (lost or stolen)	\$30
Administrative Appeal Filing Fee	\$100
Administrative Appeal Filing Fee for no proof of insurance	\$100
Short term Vehicle Decal Fee	\$25
Inspection Rescheduling Fee	\$25
Failed to Appear for Rescheduled Inspection Fee	\$50
Administrative Insurance Reactivation Fee	First time \$250 All other instances \$500
Reinstatement Fee for Suspended Business/Driver I.D. Badge (50% of regular fees) (except when the Administrative Insurance Reactivation Fee is applied)	Business \$50 Driver I.D. Badge \$30
Business name change, ownership change, or transfer fee	\$500
BUSINESS PERMIT FEES FOR VFH SELF-CERTIFIED COMPANIES	
Up to 5 vehicles	\$1,000
Up to 10 vehicles	\$2,000
Up to 25 vehicles	\$5,000
Up to 50 vehicles	\$10,000
Up to 100 vehicles	\$20,000
Up to 200 vehicles	\$40,000
Up to 250 vehicles	\$50,000
Up to 500 vehicles	\$95,000
Greater than 500 vehicles	\$100,000
Business permit fees may be reduced by Palm Beach County Director of Public Safety for audit costs paid for by a vehicle for hire company who self-certifies. The payment of these costs would be identified through the use of a contract/agreement with a third party auditor, vehicle for hire self-certified company, and Palm Beach County Board of County Commissioners.	
Civil Fines:	
1. <u>Violations of Section 19-218</u> (operating a vehicle for hire or working as a broker without a permit) <u>and Section 19-226</u> (automobile liability insurance requirements): \$500 - first offense, \$500 - second offense, and \$500 - third offense (with a possible mandatory court appearance).	
2. <u>Violations of Section 19-227</u> (driver requirements): \$250 - first offense, \$500 - second offense and \$500 - third offense (with a possible mandatory court appearance).	
3. <u>Violations for all other Sections of the Ordinance</u> : \$150 - first offense, \$300 - second offense and \$500 - third offense (with a possible mandatory court appearance).	

VEHICLE FOR HIRE (VFH) INDUSTRY AT A GLANCE

<u>Industry Category</u>	<u>Companies</u>	<u>Vehicles</u>	<u>Drivers</u>
Non-Taxi	413	1,901	2,311
Taxi	61	574	570
Total Industry by Category	474	2,475	2,881

<u>Company Type</u>	<u>Companies</u>	<u>Vehicles</u>	<u>Drivers</u>
1 vehicle	179	179	179
2-5 vehicles	197	568	568
6-10 vehicles	50	372	453
11-20 vehicles	34	501	692
21-30 vehicles	4	103	140
31-50 vehicles	5	221	312
51-200 vehicles	4	305	311
200-250 vehicles	1	226	226
250+ vehicles	0	0	0
Total Companies by Type	474	2,475	2,881

* The above data does not include the number of Transportation Network companies, drivers, or vehicles.

<u>Fee Type</u>	<u>Quantity</u>	<u>Current Fees</u>	<u>Current Revenue</u>	<u>Proposed Fees</u>	<u>Proposed Revenue</u>
VFH Company Certified by DCA					
Business Permit	474	\$225	\$106,650	\$200	\$94,800
Vehicle Decal (per vehicle)	2,475	\$100	\$247,500	\$100	\$247,500
ID Badge (per driver)	2,881	\$83	\$239,123	\$50	\$144,050
VFH Company Self-Certified					
Business permit fee for up to 5 vehicles	0	N/A	\$0	\$1,000	\$0
Business permit fee for up to 10 vehicles	0	N/A	\$0	\$2,000	\$0
Business permit fee for up to 25 vehicles	0	N/A	\$0	\$5,000	\$0
Business permit fee for up to 50 vehicles	0	N/A	\$0	\$10,000	\$0
Business permit fee for up to 100 vehicles	0	N/A	\$0	\$20,000	\$0
Business permit fee for up to 200 vehicles	0	N/A	\$0	\$40,000	\$0
Business permit fee for up to 250 vehicles	0	N/A	\$0	\$50,000	\$0
Business permit fee for up to 500 vehicles	0	N/A	\$0	\$95,000	\$0
Business permit fee for > than 500 vehicles	1	N/A	\$0	\$100,000	\$100,000
Total Revenue			\$593,273		\$586,350

The proposed fee adjustments assume the following:

- 1) All existing vehicle for hire companies will continue certification by the DCA. One new vehicle for hire company will self certify their drivers and vehicles.
- 2) The proposed fee ranges for vehicle for hire companies who self certify with less than 500 vehicles was calculated by adding 25% to the fees for vehicle for hire companies certified by the DCA. Companies that have greater than 500 vehicles, an annual fee of \$100,000 will be charged. Due to the significant impact, potential challenges in regulation, additional positions and audit costs to ensure enforcement and compliance of the Vehicle for Hire Ordinance for companies that are self certified, the 25% increase is necessary.
- 3) The proposed fee for companies certified by DCA was reduced by 15% and to offset the increase mentioned above.
- 4) The DCA will review revenue and expenses on an annual basis to determine fees charged are accurate and support necessary VFH operations.
- 5) Business permit fees may be reduced by Palm Beach County Director of Public Safety for audit costs paid for by a vehicle for hire company who self-certifies. The payment of these costs would be identified through the use of a contract/agreement with a third party auditor, vehicle for hire self-certified company, and Palm Beach County Board of County Commissioners.

**SUMMARY OF RECOMMENDED CHANGES TO THE
ANNUAL FEE/FINE SCHEDULE**

DESCRIPTION	Current	Proposed
FEEES FOR VFH COMPANIES CERTIFIED BY DIVISION OF CONSUMER AFFAIRS		
Business Permit Fee	\$225	\$200
ID Badge	\$83	\$50
BUSINESS PERMIT FEES FOR VFH SELF-CERTIFIED COMPANIES		
Up to 5 Vehicles	N/A	\$1,000
Up to 10 Vehicles	N/A	\$2,000
Up to 25 Vehicles	N/A	\$5,000
Up to 50 Vehicles	N/A	\$10,000
Up to 100 Vehicles	N/A	\$20,000
Up to 200 Vehicles	N/A	\$40,000
Up to 250 Vehicles	N/A	\$50,000
Up to 500 Vehicles	N/A	\$95,000
Greater than 500 Vehicles	N/A	\$100,000
<p>Business permit fees may be reduced by Palm Beach County Director of Public Safety for audit costs paid for by a vehicle for hire (VFH) company who self-certifies. The payment of these costs would be identified through the use of a contract/agreement with a third party auditor, vehicle for hire self-certified company, and Palm Beach County Board of County Commissioners.</p>		
INSURANCE LIMITS		
<p>Remove insurance limits in its entirety due to revised ordinance requiring insurance policies in accordance with Florida Statutes.</p>		