

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MOTOR CARRIER PERMITS; AMENDING SECTION 22½-3 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Dale V.C. Holness)

WHEREAS, in 2017, Chapter 22½ of the Code was amended to provide for the one-time issuance of fifty (50) certificates of public convenience and necessity for wheelchair accessible vehicles ("WAV Certificates"), fifty (50) associated bonus regular taxicab certificates of public convenience and necessity to be awarded to the recipients of the WAV Certificates, and twenty-five (25) regular taxicab certificates of public convenience and necessity awarded to persons who have driven a taxicab in Broward County for a minimum of sixty (60) consecutive months;

WHEREAS, only persons who had driven a taxicab in Broward County for a minimum of sixty (60) consecutive months were eligible to receive the WAVE Certificates and associated bonus certificates;

WHEREAS, wheelchair accessible vehicles that were issued WAV Certificates are expressly prohibited from entering the holding lots or taxicab waiting lines at Fort Lauderdale-Hollywood International Airport ("Airport") or Port Everglades ("Port");

WHEREAS, equipping a wheelchair accessible vehicle is substantially more costly than equipping a non-accessible taxicab;

WHEREAS, the prohibition against wheelchair accessible vehicles operating at the Airport and Port prevents these individual drivers from accessing a significant stream of

1 revenue that would enable them to recoup the costs associated with the outfitting of their
2 vehicles;

3 WHEREAS, the economic impact of the COVID-19 pandemic is felt more
4 significantly by Broward County's driver-owned taxicabs which are less likely than large
5 taxi companies to enjoy economies of scale in paying premiums for state-mandated
6 insurance;

7 WHEREAS, the individual drivers who are unable to weather the financial impact
8 of the COVID-19 pandemic are at significant risk of losing their livelihood, which would
9 result in the loss of small businesses in Broward County, and further result in a reduction
10 in the supply of taxi services available to residents and visitors who use wheelchairs; and

11 WHEREAS, the Board desires to remove operational restrictions for wheelchair
12 accessible driver-owned vehicles and allow these vehicles access to the holding lots and
13 waiting areas of the Airport and Port,

14

15 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
16 BROWARD COUNTY, FLORIDA:

17

18 Section 1. Section 22½-3 of the Broward County Code of Ordinances is hereby
19 amended to read as follows:

20 **Sec. 22½-3. Certificates of public convenience and necessity; application.**

21 (a) The Commission has determined that it shall be in the public interest to, at
22 no time, authorize more than one (1) taxicab vehicle, singly or in combination, per each
23 two thousand (2,000) inhabitants of Broward County nor to authorize more than one (1)
24 luxury sedan per each four thousand five hundred (4,500) inhabitants of Broward County

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 according to the most recent official estimate by the University of Florida, Population
2 Division, Bureau of Economic Business Research.

3 . . .

4 (2) In addition, in June 2017, there shall be a one-time application period to
5 obtain a certificate of public convenience and necessity which will be
6 awarded at a public hearing for the following categories: (a) fifty (50)
7 certificates of public convenience and necessity for wheelchair accessible
8 vehicles, and fifty (50) associated bonus regular taxicab certificates of public
9 convenience and necessity; and (b) twenty-five (25) regular taxicab
10 certificates of public convenience and necessity awarded only to persons
11 who have driven a taxicab in Broward County for a minimum of sixty (60)
12 consecutive months.

13 a. The requirements for the 2017 one-time application period for
14 wheelchair accessible certificates and permits are as follows:

15 . . .

16 ~~6. Wheelchair accessible vehicle taxicabs operating under these~~
17 ~~certificates shall not station in the holding lots or taxicab lines waiting~~
18 ~~to pick up passengers at the Fort Lauderdale Hollywood International~~
19 ~~Airport or Port Everglades.~~

20 . . .

21 Section 2. Severability.

22 If any portion of this Ordinance is determined by any court to be invalid, the invalid
23 portion will be stricken, and such striking will not affect the validity of the remainder of this
24 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be

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1 legally applied to any individual, group, entity, property, or circumstance, such
2 determination will not affect the applicability of this Ordinance to any other individual,
3 group, entity, property, or circumstance.

4 Section 3. Inclusion in the Broward County Code of Ordinances.

5 It is the intention of the Board of County Commissioners that the provisions of this
6 Ordinance become part of the Broward County Code of Ordinances as of the effective
7 date. The sections of this Ordinance may be renumbered or relettered and the word
8 "ordinance" may be changed to "section," "article," or such other appropriate word or
9 phrase to the extent necessary in order to accomplish such intention.

10 Section 4. Effective Date.

11 This Ordinance is effective as of the date provided by law.

12

13 ENACTED

PROPOSED

14 FILED WITH THE DEPARTMENT OF STATE

15 EFFECTIVE

16

17 Approved as to form and legal sufficiency:
18 Andrew J. Meyers, County Attorney

19 By /s/ Annika E. Ashton 10/20/2021
20 Annika E. Ashton (date)
21 Deputy County Attorney

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23

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AEA/jc
WAV Airport Amendment Ordinance
10/20/2021

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