

ITEM #25₍₂₎

(Exhibit 2 – Amended Ordinance)

**ADDITIONAL MATERIAL
REGULAR MEETING**

JANUARY 25, 2022

SUBMITTED AT THE REQUEST OF

COMMISSIONER MARK BOGEN

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO TRAFFIC REGULATIONS AT FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT; AMENDING VARIOUS SECTIONS OF CHAPTER 2, ARTICLE VI OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AUTHORIZING AWARD OF ATTORNEYS' FEES FOR PREVAILING DEFENDANTS AGAINST THE ENFORCING AUTHORITY; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Mark D. Bogen)

WHEREAS, the efficient movement of vehicular traffic at the Fort Lauderdale-Hollywood International Airport ("Airport") is critical to the operation of the Airport;

WHEREAS, the loading and unloading of passengers and baggage from and into vehicles at the Airport is a necessary, high-volume activity that significantly impacts timely access to the Airport;

WHEREAS, it is important that vehicle operators wrongfully obstructing Airport traffic be fairly ticketed, ~~and that photographic or video evidence of the infraction be maintained;~~

WHEREAS, to ensure citations are issued only where properly supported, citations issued wrongfully should be subject to an award of attorneys' fees to the prevailing defendants; and

WHEREAS, the Board of County Commissioners ("Board") finds it appropriate to clarify the rules and to amend the provisions regarding enforcement of violations of the vehicular traffic rules at the Airport,

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 BROWARD COUNTY, FLORIDA:

3 Section 1. Section 2-203 of the Broward County Code of Ordinances is hereby
4 amended to read as follows:

5 **Sec. 2-203. Definitions.**

6 For the purpose of this Article VI, the following terms, phrases, words, and their
7 derivations shall have the meanings given herein when not inconsistent with the text,
8 unless otherwise specifically defined, or the context of their usage clearly indicates
9 another meaning. The word "shall" is mandatory, and the word "may" is permissive.

10 (a) *Cell Phone Lot* shall mean the parking lot located on the eastern perimeter of the
11 Airport where vehicles may wait for a short period of time for their party to arrive.

12 (b) *Commercial Vehicle* shall mean any vehicle that is for-hire and used for the
13 purpose of transporting individuals to and from the Airport.

14 (c) *Driver or operator* shall mean any person who is in actual physical control of a
15 motor vehicle upon the roadway, or is exercising control over, or steering a vehicle being
16 towed by a motor vehicle.

17 (d) *Enforcement officer* shall mean any law enforcement officer, parking enforcement
18 specialist, or a member of the fire department at the scene of a fire, or the Aviation
19 Director, or designated representative, who is vested by law, ordinance, or otherwise with
20 authority to direct, control, or regulate traffic.

21 Loading or unloading shall mean actively engaged in loading or unloading
22 passengers, luggage, or cargo for a period of time no longer than reasonably required to
23 complete the actual loading or unloading.

1 (e) *Owner* shall mean a person who holds legal title to a vehicle, or in the event a
2 vehicle is the subject of an agreement for conditional sale or lease thereof with the right
3 of purchase upon performance of the conditions stated in the agreement and with an
4 immediate right of possession vested in the conditional vendee or lessee, or in the event
5 a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee,
6 or mortgagor shall be deemed the owner for the purposes of this Article VI.

7 (f) *Park* or *parking* shall mean the standing of a vehicle, whether occupied or not,
8 other than temporarily for the purpose of ~~and while actually engaged in~~ loading or
9 unloading ~~passengers, luggage, or cargo as may be permitted under this Article VI.~~

10 (g) *Stopping* or *standing* shall mean the halting of a vehicle, whether occupied or not,
11 other than temporarily for the purpose of ~~and while actually engaged in~~ loading or
12 unloading ~~passengers, luggage, or cargo as may be permitted under this Article VI.~~

13 Section 2. Section 2-209 of the Broward County Code of Ordinances is hereby
14 amended to read as follows:

15 **Sec. 2-209. Passenger loading zone; curbside parking.**

16 (a) No person shall stop, stand, or park a vehicle for any purpose or period of
17 time except ~~momentarily~~ for the ~~expeditious~~ loading or unloading of passengers or
18 luggage in ~~any place marked with an appropriate sign as a passenger a~~ loading or
19 unloading zone.

20 (b) Curbside parking is prohibited except for those vehicles actively engaged in
21 ~~active~~ loading ~~and or~~ unloading of passengers or luggage. Curbside parking, loading, and
22 unloading in zones designated for taxicabs or other ground transportation services
23 (Ground Transportation Area) ~~is~~ are prohibited for all vehicles other than taxicabs or
24 ground transportation services unless specifically authorized by the Aviation Department.

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

1 Section 3. Section 2-210 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 2-210. Parking for disabled persons.**

4 It is unlawful for any person to stop, stand, or park a vehicle within any parking
5 space designated and marked for disabled parking ~~in accordance with § 316.1955, F.S.~~
6 unless such vehicle displays a parking permit issued pursuant to § Sections 316.1958 or
7 320.0848, F.S. Florida Statutes, or a license plate issued pursuant to § Sections 320.084,
8 320.0842, F.S., § 320.084, F.S., 320.0843, or § 320.0845, F.S. Florida Statutes, as such
9 statutes may be amended from time to time, and such vehicle is transporting a person
10 eligible for such parking privileges; however, any person who is chauffeuring a disabled
11 person shall be allowed, without need for an identification parking permit or license plate,
12 momentary parking in any such parking space for the purpose of loading or unloading
13 such disabled person, and no penalty shall be imposed upon the driver for such
14 momentary parking.

15 Section 4. Section 2-214 of the Broward County Code of Ordinances is hereby
16 amended to read as follows:

17 **Sec. 2-214. Citations of illegally parked vehicles.**

18 Whenever any vehicle, with or without a driver, is found to be parked, standing, or
19 stopped in violation of any of the provisions of this Article VI, an enforcement officer shall
20 ~~document the violation by photograph or video and~~ conspicuously affix to such vehicle a
21 written citation, as hereinafter defined, on an appropriate form. ~~The photograph or video~~
22 ~~shall be made available to the driver, operator, or hearing officer upon request, and shall~~
23 ~~be retained by the enforcement officer's employer or agency for at least six (6) months~~
24 ~~after the date of the violation. This retention obligation is in addition to, and not in~~

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1 ~~derogation of, any other retention obligation that may apply.~~ This section shall not be
2 construed to prohibit the issuance of a citation in any other appropriate circumstance, and
3 an enforcement officer shall also have the authority to issue a citation to the driver of a
4 vehicle that is parked, standing, or stopped in violation of any provisions of this Article VI.
5 "Citation" shall include a "notice of violation" or any other written notification of a violation
6 of this Article VI issued by an enforcement officer.

7 Section 5. Section 2-218 of the Broward County Code of Ordinances is hereby
8 amended to read as follows:

9 **Sec. 2-218. Enforcement; Liability of Enforcement Agency.**

10 The enforcement of this Article VI, and any amendments to this Article VI, is vested
11 in the Broward County Sheriff, and each of his ~~or her~~ the Broward County Sheriff's
12 deputies, and any other enforcement officers and persons as may be lawfully authorized.
13 The entity employing the enforcement officer shall be solely liable for any attorneys' fees
14 awarded by the hearing officer or applicable court in accordance with Section 2-220(e).

15 Section 6. Section 2-220 of the Broward County Code of Ordinances is hereby
16 amended to read as follows:

17 **Sec. 2-220. Fines, penalties, and charges.**

18 (a) The penalty for each violation of any section of this Article VI by the owner
19 or operator of a vehicle shall be as provided by law.

20 (b) Fines for any violation of this Article VI shall be paid by the person charged
21 as provided by law.

22 (c) Whenever any unattended vehicle is removed in accordance with
23 Section 2-219(a)(9) of this Article VI, or § Section 316.1955, Florida Statutes, as same
24

1 may be amended from time to time, to a storage lot, garage, or other safe parking space,
2 the cost of such removal and storage shall constitute a lien against the vehicle.

3 (d) Failure to pay a fine imposed pursuant to this Article VI when it becomes
4 due and payable shall be punishable as provided by Chapters 316 and 318, Florida
5 Statutes, as same may be amended from time to time.

6 (e) The hearing officer or court, as applicable, may award reasonable attorneys'
7 fees actually incurred by a prevailing defendant, not to exceed \$1,000 per citation, if the
8 citation is invalidated for lack of the photographic or video record required under
9 Section 2-214 or if the hearing officer or court determines that the citation should not have
10 been issued.

11 Section 7. Severability.

12 If any portion of this Ordinance is determined by any court to be invalid, the invalid
13 portion will be stricken, and such striking will not affect the validity of the remainder of this
14 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
15 legally applied to any individual, group, entity, property, or circumstance, such
16 determination will not affect the applicability of this Ordinance to any other individual,
17 group, entity, property, or circumstance.

18 Section 8. Inclusion in the Broward County Code of Ordinances.

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

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Section 9. Effective Date.

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

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By /s/ René D. Harrod 01/05/2022
René D. Harrod (date)
Chief Deputy County Attorney

RDH/tb
FLL Parking Ordinance
01/05/2022

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