



# Broward County

## Legislation Text

File #: 20-514, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO ENACT Ordinance, the title of which is as follows (**continued from February 11, 2020 - Item No. 31**):

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO OFF-AIRPORT MOTOR VEHICLE RENTAL OPERATORS; AMENDING VARIOUS SECTIONS OF CHAPTER 2 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); CLARIFYING THAT COMPANIES PROVIDING PEER-TO-PEER CAR SHARING SERVICES AT FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT ARE OFF-AIRPORT MOTOR VEHICLE RENTAL OPERATORS AND THAT SUCH SERVICES CONSTITUTE COMMERCIAL ACTIVITY REQUIRING PRIOR WRITTEN APPROVAL BY BROWARD COUNTY; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Vice-Mayor Steve Geller)

#### Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of January 28, 2020.

#### What Action Accomplishes

Amends various sections of Chapter 2 of the Broward County Code of Ordinances ("Code") to clarify that companies providing peer-to-peer car sharing services at Fort Lauderdale-Hollywood International Airport are Off-Airport Motor Vehicle Rental Operators and that such services constitute commercial activity requiring prior written approval by Broward County.

#### Is this Action Goal Related

No

#### Previous Action Taken

#### Summary Explanation/Background

Based upon the observations of Broward County Aviation Department ("BCAD") staff, companies have been offering peer-to-peer car sharing services at Fort Lauderdale-Hollywood International Airport ("Airport") without first obtaining a permit.

Peer-to-peer car sharing is the renting of vehicles through an online platform (“Rental Platform”), whereby individual vehicle owners make their vehicles available for rent to the public utilizing the Rental Platform, the vehicle renters make reservations for the vehicle rental utilizing the Rental Platform, and the Rental Platform is compensated by retaining a portion of the amount paid for the vehicle rental.

Section 2-111 of the Broward County Code of Ordinances (“Code”) requires Off-Airport Motor Vehicle Rental Operators (“OFFRACs”) to obtain a permit from BCAD prior to engaging in any motor vehicle rental business or service at the Airport. Although companies providing peer-to-peer car sharing services are currently included within the definition of OFFRACs and are conducting commercial activity at the Airport, the proposed Ordinance, if enacted, would further clarify and expressly state that persons or entities offering peer-to-peer car sharing are included within the definition of OFFRACs, and that such services at the Airport constitute commercial activities and require a permit prior to operating at the Airport.

Airport staff and the Office of the County Attorney are preparing the appropriate form of Airport permit for OFFRACs providing peer-to-peer car sharing, and have drafted the necessary amendments to the fee structure for OFFRACs in Chapter 39 of the Broward County Administrative Code. The amended fee structure is set for public hearing on March 31, 2020 and will be considered together with this item.

On February 11, 2020, the item’s sponsor, Vice-Mayor Geller, requested that the public hearing on the item be opened but continued until March 31, 2020, to enable the County to address relevant developments, if any, during the current legislative session. As of the date of the submission of this item, no changes are required to the proposed Ordinance.

Additional material previously distributed by Mayor Dale V.C. Holness at the meeting of January 28, 2020, is attached as Exhibit 3.

**Source of Additional Information**

Carlos Rodriguez-Cabarrocas, Assistant County Attorney, 954-359-2358

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Fiscal Impact Statement by the Office of Management and Budget is attached as Exhibit 2.