

RESOLUTION NO. 141A-2017

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING RESOLUTION NO. 031-2016, ATTACHED HERETO, WHICH PROVIDED A GROUND TRANSPORTATION SYSTEM FOR THE KEY WEST INTERNATIONAL AIRPORT; AMENDING SECTIONS 2, 4; AMENDING THE DEFINITION OF CONTRACT VEHICLE FOR HIRE TO INCLUDE TRANSPORTATION NETWORK COMPANIES; ALLOWING TRANSPORTATION NETWORK COMPANIES TO BE EXEMPT FROM CITY OF KEY WEST PERMIT REQUIREMENTS; ALLOWING FOR AIRPORT PERMITS TO BE ISSUED ON GREATER THAN A MONTH BY MONTH BASIS IF INSURANCE REQUIREMENTS ARE IN EFFECT FOR THE PERIOD OF TIME INVOLVED; ELIMINATING THE OPTION FOR CONTRACT VEHICLES FOR HIRE TO PAY MONTHLY AIRPORT PERMIT FEES IN ARREARS AND TO MAKE OTHER MINOR CHANGES IN THE DOCUMENT;

WHEREAS, in 2009, the Key West International Airport opened the new Terminal and changed the uses of the existing Terminal; and

WHEREAS, the Airport Director, in consultation with local transportation entities, developed a revised plan for the parking, standing and circulation of vehicles at the Airport; and

WHEREAS, the Airport Director implemented the new ground transportation plan to coincide with the opening of the Airport's new Terminal; and

WHEREAS, the County Commission found the new ground transportation plan to be a fair and well-designed system for the several transportation entities that serve the Airport; and

WHEREAS, the Director of Airports has found it to be beneficial to make refinements to the plan since the implementation of the original plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

**Section 1.**

The foregoing recitals are incorporated herein by reference.

**Section 2. Definitions**

- a) Airport means the Key West International Airport.
- b) Airport Director or Director means the County employee charged with managing the Airport or designee.
- c) Charter bus means a motor vehicle that is operated on a regular scheduled route or is chartered for a specific prearranged purpose and is designed to transport more than fifteen persons, including the driver.
- d) Courtesy vehicle means a vehicle carrying passengers with reservations at a hotel, motel, resort facility, marina, off-site rental company, or local attraction, without a fee charged to the passenger

and is owned or leased by the hotel, motel, resort facility, marina, off-site rental company or local attraction. A courtesy vehicle shall not mean a vehicle owned by a transportation or tour company which itself is retained by the hotel, motel, resort facility, marina, off-site rental company or local attraction to perform a courtesy vehicle function.

- e) Commercial activity shall mean the exchange, trading, buying, hiring, or selling of commodities, goods, information, services, or property of any kind, or any revenue producing activity on the Airport.
- f) Contract Vehicle For Hire (CVH) means a vehicle engaged in the transportation of persons for compensation, rented or hired by prearranged contractual arrangement or rented or hired through a digital network controlled by a Transportation Network Company (i.e., UBER, LYFT, etc.) for specific passengers on an itinerary list, not capable of carrying more than fifteen passengers, including the driver.
- g) Delivery vehicle means a vehicle delivering goods or services to or from County personnel or tenants at the airport.
- h) Gross revenues mean the total charges for time, mileage, any and all insurance coverage charged to the renter, any and all fees, plans, charges or surcharges of any kind whatsoever including but not limited to roadside service fees, road side service plans, drop off fees, fuel fees, received or receivable, whether by cash or credit, before any federal, state or local tax and after any discount specifically shown on the car rental agreement for the rental of all motor vehicles by the operator to customers picked up at the airport for and in connection with the rental of a motor vehicle regardless of where the payment is made or where the vehicle is returned. It is the intent of the County that the definition of gross revenues be construed as broadly as permitted by law and that the only exclusions to the definition of gross revenues shall be state, federal and local taxes.
- i) License Holder shall mean the individual, partnership, LLC or corporation that holds an occupational license that is properly licensed by the State and County and the City of Key West if passengers and/or baggage are to be delivered within the city of Key West, for the provision of transportation services as a Charter Bus, Passenger Vehicle for Hire, Contract Vehicle for Hire, or Courtesy Vehicle.
- j) Motor vehicle or vehicle shall mean any and all motor driven vehicles.
- k) Operator means that person actually driving a bus, courtesy vehicle, vehicle for hire, contract vehicle for hire, or delivery vehicle conducting commercial business at the Airport.
- l) Passenger vehicle for hire shall mean a Taxi cab.
- m) Person shall mean any individual, partnership, LLC or corporation.
- n) Queuing area means that area of the Airport designated as the standing area for taxicabs, as set forth in "Exhibit A".
- o) Permit decal shall mean a decal that is affixed to a License Holder's vehicle showing evidence that the License Holder is in compliance with all State, County and City of Key West (if applicable) regulations, and has paid the appropriate fees.

- p) Solicit or solicitation means to ask or advertise, through verbal request, by sign, or by mere physical presence, if a potential customer desires transportation.
- q) Standing (or stand) shall mean temporary parking during which the driver remains with the vehicle.
- r) The owner of a beneficial interest means an individual, corporation, LLC or partnership that does not have title to a vehicle but has a right or rights in the vehicle that are normally considered an incident of ownership.

### **Section 3. Exhibits**

Exhibit A is a map depicting the various parking and standing areas at the Airport. Exhibit B contains the insurance requirements for the types of vehicles operating at the Airport under the terms of this Resolution. Exhibits A and B are attached to this Resolution and made part of it.

### **Section 4. Permitting; and Fees**

- a) A License Holder wishing to obtain an Airport Vehicle Permit or permit renewal must complete an Airport Vehicle Permit application form for their appropriate service which provides evidence that the applicant is in compliance with State, County and City laws, ordinances and resolutions that apply to the applicant's operation; provide proof of the insurance for each vehicle required by this Resolution; and pay the fee described in the following subsections. However, no City permit or license is required for license holders who deliver passengers and/or baggage to destinations outside the City of Key West or for Transportation Network Company drivers. The applicant must disclose on the application form the ownership of the vehicle for which the permit is sought. If the legal owner and the owner of a beneficial interest in the vehicle are different individuals, corporations, LLCs or partnerships, the applicant must list the legal owner(s) and the owner(s) of any beneficial interests. An owner that is a privately held corporation or LLC must list the officers and directors; an owner that is a partnership must list the general partner(s); an owner who is an individual must disclose his or her legal name; an applicant doing business as (d.b.a.) must disclose the entity that is using the d.b.a.name.
- b) Airport permits shall be issued on a month to month basis or longer, payable in advance and providing that all insurance requirements are in effect for the period of time involved.
- c) Courtesy vehicles
  - (1) Courtesy vehicle operators who wish to stop, stand, park, load, or pick up passengers at the Airport must possess an Airport Courtesy Vehicle permit from the Airport Director for that privilege.
  - (2) The courtesy vehicle permit fees are:
    - (i) Except for off-site rental car courtesy vehicles, \$400.00 per month per vehicle due the first of each month. If the permit fee is not paid by 4:00 p.m. on the fifth day of each month or if the vehicle fails to comply with any other applicable requirement of this Resolution, then the offending vehicle shall not provide any service at the airport until the permit fee has been paid and, if applicable, any other violation of this Resolution has been corrected.

- (ii) Off-site rental car courtesy vehicles, any number, shall pay a vehicle permit fee based on a percentage of annual gross revenues at a rate of 8% for all rental contracts generated from customers picked up at the airport and shall be due and payable on the first day of the month following the generation of the rental contract. If the permit fee is not paid by 4:00 p.m. on the fifth day of each month or if the vehicle fails to comply with any other applicable requirement of this Resolution, then the offending rental car company shall not provide any service at the Airport until the permit fee has been paid and, if applicable, any other violation of this Resolution has been corrected. Off-site rental car courtesy vehicles shall maintain all books, records, and documents directly pertinent to the calculation of the annual gross revenue in accordance with generally accepted accounting principles consistently applied. The County or its designated representative and the Monroe County Clerk of Court or his designated representative shall have reasonable and timely access to such records. If an auditor employed by either the County or Clerk determines that the off-site rental car company failed to remit the correct monthly payments as determined by the audit, the company shall repay the delinquent monies together with interest calculated pursuant to Sec. 55.03, FS, running from the date the monies were due to the County.
- (iii) The courtesy vehicle permit decal must be affixed to the vehicle in the lower right front (passenger side) windshield. Expired permit decals will be removed from the vehicle.

d) Charter buses

- (1) Charter bus operators who wish to stop, stand, park, load, or pick up passengers at the Airport must possess an Airport Charter Bus permit from the Airport Director for that privilege.
- (2) The charter bus permit fees are \$200.00 per vehicle per month due the first of each month. If the permit fee is not paid by 4:00 p.m. on the fifth day of each month or if the vehicle fails to comply with any other applicable requirement of this Resolution, then the offending vehicle shall not provide any service at the airport until the permit fee has been paid and, if applicable, any other violation of this resolution has been corrected.
- (3) The charter bus permit decal must be affixed to the vehicle in the lower right front (passenger side) windshield. Expired permit decals will be removed from the vehicle.

e) Passenger Vehicles For Hire and Contract Vehicles For Hire.

- (1) Passenger vehicle for hire and contract vehicle for hire operators who wish to stop, stand, park, load and pick up passengers at the Airport must possess an Airport Vehicle for Hire permit from the Airport Director.
- (2) Passenger vehicle for hire permit fees are \$200.00 per vehicle per month due the first of each month. If the permit fee is not paid by 4:00 p.m. on the fifth day of each month or if the vehicle fails to comply with any other applicable requirement of this Resolution, then the offending vehicle shall not provide any service at the Airport until the permit fee has been paid and, if applicable, any other violation of this Resolution has been corrected.
- (3) Contract vehicle for hire permit fees are \$200.00 per vehicle per month due the first of

each month. If the permit fee is not paid by 4:00 p.m. on the fifth day of each month or if the vehicle fails to comply with any other applicable requirement of this Resolution, then the offending vehicle shall not provide any service at the Airport until the permit fee has been paid and, if applicable, any other violation of this Resolution has been corrected.

- (4) The Passenger Vehicle for Hire permit decal or Contract Vehicle for Hire permit decal must be affixed to the vehicle in the lower right front (passenger side) windshield. Expired permit decals will be removed from the vehicle.
- (f) Temporary permits may be issued on a daily basis at a cost of \$10.00 per day per vehicle. An applicant for a temporary permit must fill out the appropriate permit form required by the Airport Director; which provides evidence that the applicant is in compliance with State, County and City laws, ordinances and resolutions that apply to the applicant's operation; provide proof of the insurance required by this Resolution; and pay the fee described.

### **Section 5. Unpermitted Operators**

The operators of vehicles for hire, contract vehicles for hire, courtesy vehicles and chartered buses without an Airport permit may unload passengers at the Airport area designated for general unloading. Unpermitted operators are prohibited from loading, picking up, or soliciting passengers anywhere at the Airport.

### **Section 6. Parking and Standing of Vehicles**

#### a) General

Commercial drop-off only is allowed curbside at the departure terminal for departing passengers. Members of the public may load, pickup, and unload passengers curbside at the departure terminal and in areas designated as public.

#### b) Designated parking areas.

- (1) Exhibit "A" describes different areas on the Airport grounds for the parking and standing of vehicles. There shall be nineteen (19) spaces allotted to taxicabs; and (7) spaces allotted to all other commercial vehicles including charter/city bus, courtesy vehicles, contract vehicles and delivery vehicles. The Airport Director may make other areas available for use by commercial delivery vehicles and charter/city buses. All operators must remain with their vehicle, at all times, unless otherwise permitted in this document.
- (2) A taxicab that is not a CVH, but whose driver has a manifest for a particular pickup may park or stand in the area allotted to the public. A driver of a taxicab bearing a manifest shall be subject to the rules governing courtesy vehicle operators set forth in sections 7 b) and c). In such instance, a manifest may be in the form of a sign with the passenger's name on it.

### **Section 7. Courtesy vehicle operations.**

- a) Operators of courtesy vehicles shall use the parking areas designated for courtesy vehicles as shown on "Exhibit A". Except as provided herein, the use of the area reserved for courtesy vehicles by anyone other than a courtesy vehicle is prohibited.

- b) Operators of courtesy vehicles may enter the terminal arrivals area to meet their passengers. Operators may temporarily park their vehicle on the designated courtesy vehicle curb for a period not to exceed 20 minutes when entering the terminal arrivals area. These operators shall display signs identifying themselves or identifying the passengers they are seeking.
- c) Operators of courtesy vehicles or their agents, employees, or accompanying personnel or other person, shall not solicit business in any manner whatsoever anywhere at the Airport and shall not accept for transport any individual without a reservation or a reservation request at the hotel, motel, resort facility or car rental agency for which the courtesy vehicle provides transportation. Upon request of the Airport Director, or designee, the operator of a courtesy vehicle, or accompanying personnel, shall furnish the Director or his designee with the names of its customers as may be necessary to determine compliance with this subsection.
- d) Courtesy vehicles shall display the name of the hotel, motel, resort facility, marina, off-site rental company, or local attraction, and their logo. The display shall be permanently affixed to the vehicle in a professional business graphic design.

**Section 8. Charter Bus and Delivery Vehicle Operations**

- a) Only the operators of buses or delivery vehicles may stop, stand, park, load, unload or pick up passengers at the Airport areas reserved for buses or delivery vehicles. The use of the area reserved for buses or delivery vehicles by anyone other than bus or delivery vehicle operators is prohibited, except for standing vehicles only, standing vehicles shall immediately give way and vacate the parking area to any bus or delivery vehicle needing that area.
- b) Operators of Charter Buses or their agents, employees, accompanying personnel or other person shall not solicit business in any manner whatsoever anywhere at the Airport and shall not accept for transport any individual without a reservation. Upon request of the Airport Director, or his designee, the operator of a Charter Bus, or accompanying personnel, shall furnish the Director or designee with the names of its customers as may be necessary to determine compliance with this subsection.

**Section 9. Contract Vehicles for Hire, Trolleys, Sightseeing Vehicles and Limousine Operations**

- a) In waiting for, and in loading of passengers and luggage, contract vehicles for hire, trolleys, sightseeing vehicles and limousine operators shall use the courtesy vehicle area as specified in Section 7 above.
- b) Contract vehicles for hire, trolleys, sightseeing vehicles, and limousine operators and or their agents, employees, accompanying personnel or other person may enter the terminal arrivals area to meet their passengers. Operators may temporarily park their vehicle on the designated courtesy vehicle curb for a period not to exceed 20 minutes when entering the terminal arrivals area. They shall display signs identifying themselves or identifying the passengers they are seeking.
- c) These operators shall not at any time solicit customers in the terminal area, shall not have a taximeter installed or engage in any transportation "on demand".

**Section 10. Taxicab Operations**

The following shall constitute the standards governing the conduct of operations for taxicabs operating at the Airport:

- a) The Airport Director shall establish a first-in, first-out system for taxicabs (passenger vehicles for hire). There shall be a nineteen (19) space waiting area outside the arrivals terminal, together known as the Queuing Area, designated exclusively for taxicab parking. The Queuing Area is specifically described in ‘Exhibit A.’ as Taxicab Parking. All operators in Queuing Area spaces 1 through 6 shall remain with their vehicles unless the operator is actively engaged in assisting a passenger, only operators in spaces 1 through 3 will be allowed to load passengers into their vehicles. All operators in Queuing Area spaces 7 through 19 shall remain with their vehicles unless they are using the airport restroom facilities. If an operator leaves his or her vehicle for any reason at the time a fare is available, then the operator forfeits their right to the fare.
- b) When the first operator in line in the Queuing Area obtains a fare, the next operator (s) shall move up in line. Jumping the waiting line or taking fares out of turn is not allowed.
- c) Operators shall only load one fare at a time and shall immediately depart the airport to provide transportation service for the fare paying passenger(s). Operators may not re-enter the queuing area with a passenger in the cab.
- d) Operators may not refuse a fare.
- e) Taxicabs picking up lost baggage by previous arrangement with an airline may park in the area allotted to the public, under the same time limitations. In this circumstance, no soliciting or acceptance of other fares is allowed.
- f) If a group request for transportation to the first driver in line exceeds the capability of that vehicle, the request shall be referred to the next driver in line that can accommodate the group, or the group may be broken into smaller groups with the permission of the passengers.
- g) There shall be no shouting to or soliciting of passengers inside the terminal buildings.
- h) No obscene language or rowdy or boisterous behavior by operators shall be allowed.
- i) When unloading passengers, an operator shall park the vehicles at the curb. No double parking shall be allowed.
- j) No double parking is allowed for cabs waiting to move into a taxicab parking spot.
- k) If an operator discovers or witnesses an alleged or suspected rule violation, he or she shall forward it to Airport Security in written form within 24 hours.
- l) While operators are expected to make best efforts to police themselves, they are subject to the direction of any on-site representative of the Monroe County Sheriff’s Department.
- m) All operators shall wear at least one item of clothing clearly identifying them as an operator of the cab company for which they are working for at that moment and thus providing a commercial service at the airport for.
- n) All operators shall have a fully operating credit card system when providing commercial service at the airport, if an operator’s credit card system is not functioning, the operator shall not provide service from the queuing area.

- o) In the event that a customer calls an individual taxicab operator to request pick up at the Airport, the operator may pick up that customer on the courtesy vehicle curb and shall be subject to the rules governing courtesy vehicle operators set forth in section 7.

## **Section 11. Violations**

- a) All operators of vehicles engaged in commercial activity at the Airport shall comply with this Resolution.
- b) A FIRST offense by an operator shall result in a written warning to the operator. The Monroe County Sheriff's Office shall prepare a report which shall be provided to the Airport Director detailing the date, time and place of the offense. The Airport Director shall issue written notification to the offending operator informing the operator that they have committed their first offense to the Airport's Ground Transportation Resolution. A copy of the written notification shall also be provided to the License Holder of the vehicle.
- c) A SECOND offense by an operator within a 12-month period of the first offense, shall result in the offending operator being banned from operating on the Airport property for a period of up to 14 consecutive calendar days. An operator so banned shall not be allowed to conduct commercial activity of any kind including pick up or drop off of passengers. The ban shall not apply to the operator's use of the airport for the operator's personal travel. The Monroe County Sheriffs Office shall prepare a report which shall be provided to the Airport Director detailing the date, time and place of the offense as well as all previous offenses. The Airport Director shall issue written notification to the offending driver informing the driver that their privilege to operate at the Airport has been suspended and the effective dates of the suspension. A copy of the written notification shall be provided to the License Holder.
- d) A THIRD offense by an operator within a 12 month period of the second offense shall result in the subject having their privilege to operate at the airport revoked immediately. The Airport Director shall issue a written notice to the offending operator informing the offending operator of the immediate revocation of operating privileges at the Airport. An operator so banned shall not be allowed to conduct commercial activity of any kind including pick up or drop off of passengers. The ban shall not apply to the operator's use of the airport for the operator's personal travel. The offending operator can petition, in the form of a letter, for reinstatement of his privileges to operate at the Airport upon the expiration of 90 calendar days from the effective date of revocation of operating privileges. A copy of the written notification shall be provided to the License Holder.
- e) The Airport Director, or designee, may request the Monroe County Sheriffs Office issue a trespass warning to any operator whose privileges to operate at the Airport has been suspended. Any operator who has been issued a trespass warning by the Monroe County Sheriffs Office and returns to the Airport property during the term of the suspension will be subject to arrest Under F.S. 810.09.
- f) An operator cited under subsection b), c) or d) above, may appeal in writing to the Airport Director within 7 calendar days of the written notification of the penalty. The Airport Director or designee shall review the written appeal and may hold a hearing on the appeal within 7 days (holidays and weekends excluded) of receipt of the appeal. Any penalty imposed pursuant to subsection c) or d) above shall remain in force during the pendency of the appeal. All appeals shall be informal in nature and strict rules of evidence shall not apply.



- g) Any written appeal submitted later than 7 calendar days of the written notification of the offense shall not be considered.

**Section 12. Authority**

The Airport Director shall have the authority to make adjustments to the ground transportation system without obtaining an amendment to this Resolution. This authority is delegated in consideration of the harmonious operation of the Airport. The Airport Director shall consult with those entities that provide transportation services at the Airport before implementing changes to the plan. Any such changes shall be in writing and affixed to this Resolution in the files of the County Clerk.

**Section 13. Severability**

If any section, subsection, sentence, clause, item, or provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity.

**Section 14. Inconsistency**

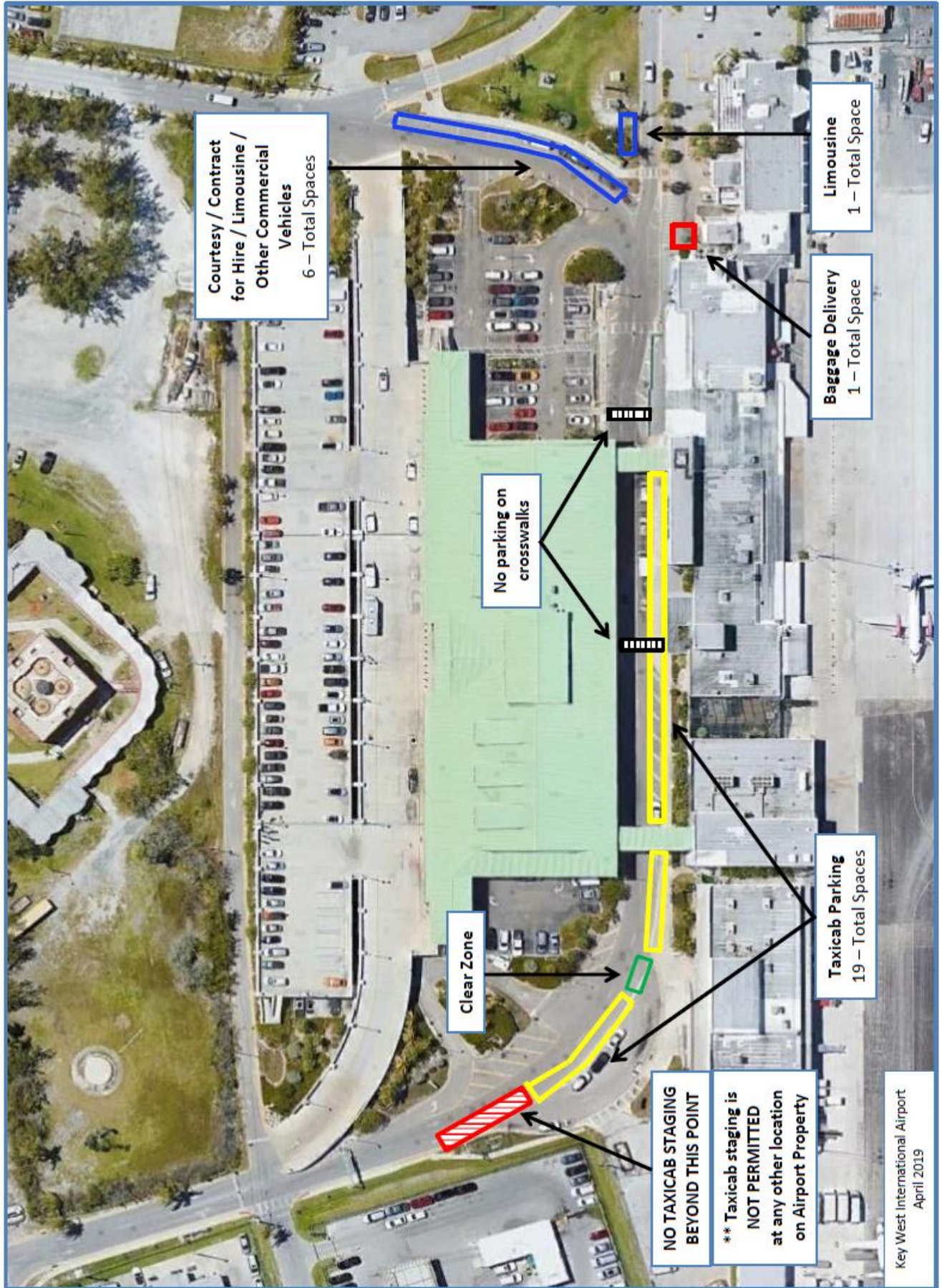
All Resolutions or parts of a Resolution in conflict herewith are hereby repealed to the extent of such conflict.

**Section 15. Effective Date**

This Resolution will take effect after the promulgation required in Sec. 332.08 (2) (b), Fla. Stat.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of the Board held on the 17<sup>th</sup> day of May 2017.

# Exhibit A – GTR, Airport Parking & Standing Layout



## **EXHIBIT B - INSURANCE REQUIREMENTS**

The insurance requirements for vehicles providing ground transportation at Key West International Airport shall be as set forth in this Exhibit. Applicants applying for a permit discussed in Section 4 of this Resolution must provide proof of insurance at least once every six (6) months or as requested by Airport Management. This proof of insurance should be in a form of a Certificate of Insurance issued by a licensed agent for the State of Florida. This certificate should be an original. In the description of operations section, it should clearly state that this is a public livery policy where the insured charges a fee. If the vehicle were a courtesy vehicle, this would not apply. Additionally, at least once per year, applicants will be required to execute the "Indemnification and Hold Harmless" form contained in this Exhibit.

### **VEHICLE LIABILITY INSURANCE REQUIREMENTS**

Recognizing that the work governed by this contract requires the use of vehicles, the Contractor, prior to the commencement of work, shall obtain Vehicle Liability Insurance, Coverage shall be maintained throughout the life of the contract and include, as a minimum, liability coverage for:

\*Owned, Non-Owned, and Hired Vehicles

The minimum limits acceptable shall be:

\$300,000 Combined Single Limit (CSL)

If split limits are provided, the minimum limits acceptable shall be:

\$100,000 per Person

\$300,000 per Occurrence

\$ 50,000 Property Damage

The Monroe County Board of County Commissioners shall be named as Additional Insured on all policies issued to satisfy the above requirements

Administration Instruction **VL2**