

RESOLUTION NO. 2014-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO RATES, FEES AND CHARGES AT FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT, AMENDING CHAPTER 39 OF THE BROWARD COUNTY ADMINISTRATIVE CODE; AMENDING SECTION 39.2, "RATES, FEES AND CHARGES—FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT," TO REFLECT CHANGES TO THE AIRLINE PASSENGER SERVICE INCENTIVE PROGRAMS SECTION; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as required by the Broward County Code of Ordinances, Chapter 2, Article I, Section 2-3, the Broward County Board of County Commissioners ("Board") fixes and establishes, through the adoption of a resolution, the rates, fees, and charges for the services and facilities provided at the Fort Lauderdale-Hollywood International Airport; and

WHEREAS, said resolution is included in Chapter 39 of the Broward County Administrative Code; and

WHEREAS, the Board desires to amend certain provisions of said Chapter 39 in order to revise the Airline Passenger Service Incentive Programs section; NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

1 Section 1. Chapter 39, Section 39.2, Broward County Administrative Code,
2 "Rates, Fees and Charges, Fort Lauderdale-Hollywood International Airport," is hereby
3 amended as follows:

4 39.2. Rates, Fees and Charges—Fort Lauderdale-Hollywood International
5 Airport.

6

7 n. Airline Passenger Service Incentive Programs ("Incentive Programs"). In
8 order to provide incentives to encourage one or more airlines to provide
9 new non-stop jet aircraft service between Fort Lauderdale-Hollywood
10 International Airport ("Airport") and location(s) within the "Target Areas"
11 specified in subparagraph 1, below, the Aviation Department may develop
12 and offer Incentive Programs for such destinations. Incentive Programs
13 may be established for one or more location(s) within the Target Areas, if
14 the Director of Aviation determines that establishment of an Incentive
15 Program for any such location is desirable in order to encourage the
16 desired level and type of new non-stop jet aircraft passenger service for
17 the Airport. This determination may be based upon passenger survey(s),
18 market analysis, or other data as may be appropriate under the
19 circumstances. The Aviation Department shall announce the
20 commencement date of any Incentive Program and the terms and
21 conditions of the program by written notice to the air carriers then
22 operating at the Airport under written agreement and notice to other air
23 carriers may be made through such other media as may be appropriate
24 under the circumstances. The commencement date of any Incentive

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1 Program and any additional criteria for such program beyond that set forth
2 in subparagraph 3, below, shall be established by the Aviation Department
3 taking into account operational requirements, marketing factors and such
4 other factors as considered necessary by the Aviation Department, and
5 nothing herein shall require the Aviation Department to implement an
6 Incentive Program for any location.

7

8 5. *Incentive Credits.* Under any Incentive Program, the County shall
9 provide "Incentive Credits" to airlines that meet the eligibility criteria
10 of the program, as established in accordance with subparagraph 3,
11 above. The Incentive Credits for the particular Incentive Program
12 shall be applied during the Incentive Credit Period against the full
13 amount of the fees and charges identified for inclusion in the
14 Incentive Program pursuant to subparagraph 5(b) below, that are
15 attributable to the provision of the desired level and type of non-
16 stop jet aircraft passenger service by the Eligible Airline to and from
17 the particular location(s) within the Target Area.

18 (a) The Incentive Credits shall be available during the Incentive
19 Credit Period available to the Eligible Airline under the
20 particular Incentive Program, provided that qualifying new
21 non-stop jet aircraft passenger service must be commenced
22 by the Eligible Airline during the Promotional Period for such
23 Incentive Program.

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(b) The not to exceed fees and charges per Fiscal Year for which Incentive Credits are available to Eligible Airlines are: Landing Fees (subsection 39.2.b) not to exceed One Hundred Thousand Dollars (\$100,000.00); Remote Parking Use Charges (subsection 39.2.d) not to exceed Ten Thousand Dollars (\$10,000.00); Per Use Gate Charges not to exceed Thirty-Three Thousand Four Hundred Dollars (\$33,400.00); Per Use Facilities Charges not to exceed One Hundred Thousand Dollars (\$100,000.00); and Federal Inspection Station Facility Use Charges not to exceed Eighty-Five Thousand Dollars (\$85,000.00) (subsection 39.2.e, as specified in Exhibit 39.A, Paragraphs I, II, IV, and V). The Aviation Department shall specify the Incentive Credits that are available for any particular Incentive Program from among the foregoing listed fees and charges. Incentive Credits shall only be applied to qualifying non-stop jet aircraft passenger service provided by the Eligible Airline between the Airport and the specified location(s) within the Target Area. If at any time an airline that is participating in an Incentive Program ceases to be an Eligible Airline, then such airline shall thereafter no longer be entitled to Incentive Credits.

(c) The Incentive Credits available to fees and charges for Eligible Airlines in the major emerging markets referred to as

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1 "BRICS" (Brazil, Russia, India, China and South Africa) that
2 may be within the Target Areas shall be one hundred
3 percent (100%) of the Landing Fees; one hundred percent
4 (100%) of the Remote Parking Use Charges; and fifty
5 percent (50%) of the Federal Inspection Station Facility Use
6 Charges.

7 Section 2. SEVERABILITY.

8 If any portion of this Resolution is determined by any Court to be invalid, the
9 invalid portion shall be stricken, and such striking shall not affect the validity of the
10 remainder of this Resolution. If any Court determines that this Resolution, or any
11 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),
12 property(ies), or circumstance(s), such determination shall not affect the applicability
13 hereof to any other individual, group, entity, property, or circumstance.

14 Section 3. INCLUSION IN THE ADMINISTRATIVE CODE.

15 It is the intention of the Board of County Commissioners that the provisions of
16 this Resolution shall become and be made a part of the Broward County Administrative
17 Code; and that the sections of this Resolution be renumbered or relettered and the word
18 "resolution" may be changed to "section," "article," or such other appropriate word or
19 phrase in order to accomplish such intentions.

20
21 Section 4. EFFECTIVE DATE.

22 This Resolution shall become effective on _____, 2014.
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ADOPTED this _____ day _____, 2014.

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