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RESOLUTION NO. 2017-

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 SECTION 39.2 AND EXHIBIT 39.A OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"), TO REFLECT CHANGES TO RATES, FEES, AND CHARGES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, as required by Section 2-3 of the Broward County Code of Ordinances, 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 Broward County's Fort Lauderdale-Hollywood International Airport; and

WHEREAS, the rates, fees, and charges established by resolution are included in Chapter 39 of the Broward County Administrative Code; and

WHEREAS, the Board desires to amend certain provisions of Chapter 39 in order to revise the schedule of rates, fees, and charges, NOW, THEREFORE,

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

Section 1. Section 39.2 of the Broward County Administrative Code is hereby amended as follows:

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

1 a. Terminal Rates and Charges:

2 *Fee*

3 1. Signatory Airlines:

4	a. Type 1 Space, per square foot, per annum ...	<del>\$104.73</del>	<u>71.25</u>
5	b. Type 2 Space, per square foot, per annum ...	<del>97.40</del>	<u>159.27</u>
6	c. Type 3 Space, per square foot, per annum ...	<del>75.41</del>	<u>123.30</u>
7	d. Type 4 Space, per square foot, per annum ...		1.00

8 2. All Others:

9	a. Type 1 Space, per square foot, per annum ...	<del>136.14</del>	<u>222.63</u>
10	b. Type 2 Space, per square foot, per annum ...	<del>126.62</del>	<u>207.05</u>
11	c. Type 3 Space, per square foot, per annum ...	<del>98.03</del>	<u>160.29</u>
12	d. Type 4 Space, per square foot, per annum ...		1.00

13 b. Landing Fee:

14 1. Signatory Airlines:

15 (a) Rate of one dollar and ~~forty-eight~~ seventy-seven cents (~~(\$1.48)~~  
 16 (\$1.77) per one thousand (1,000) pounds of nominal gross  
 17 landed weight, as determined by the Aviation Department, for  
 18 each revenue arrival. (A revenue arrival is a plane that arrives at  
 19 the airport which generates business from that arrival or  
 20 departure from the airport.)

21 (b) Wholly Owned Affiliated Airlines shall be charged the same rate  
 22 as Signatory Airlines. "Wholly Owned Affiliated Airline" shall  
 23 mean an airline that is at least one hundred percent (100%)  
 24 directly or indirectly owned by a Signatory Airline or its parent

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underscoring type are additions.

1 company. The foregoing ownership interests and relationships  
 2 must be established by the airline to the reasonable satisfaction  
 3 of the Aviation Department.

4 (c) Minimum Fee, per revenue arrival .....\$10.00

5 2. Non-Wholly Owned Affiliated Airlines:

6 (a) Rate of ~~one dollar and seventy-seven~~ two dollars and twelve  
 7 cents ~~(\$1.77)~~ (\$2.12) per one thousand (1,000) pounds of  
 8 nominal gross landed weight, as determined by the Aviation  
 9 Department, for each revenue arrival. (A revenue arrival is a  
 10 plane that arrives at the airport which generates business from  
 11 that arrival or departure from the airport.)

12 (b) "Non-Wholly Owned Affiliated Airline" shall mean any air  
 13 transportation company that otherwise operates under essentially  
 14 the same trade name as the Signatory Airline at the Airport and  
 15 uses essentially the same livery as the Signatory Airline.

16 (c) Minimum Fee, per revenue arrival .....\$10.00

17 3. All Others:

18 (a) Rate of ~~one dollar and ninety-two~~ two dollars and thirty cents  
 19 ~~(\$1.92)~~ (\$2.30) per one thousand (1,000) pounds of nominal  
 20 gross landed weight, as determined by the Aviation Department,  
 21 for each revenue and non-revenue arrival by a plane.

22 (b) Minimum Fee, per arrival .....\$10.00

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1 (c) U.S. Government owned or leased aircraft operated on official  
2 business will be exempt from payment of landing fees and  
3 parking fees.

4 4. All carriers whose operations exceed one (1) flight per week for three  
5 (3) consecutive months and either: (i) have not executed an Airline-  
6 Airport Lease and Use Agreement or a Field Usage Agreement, or (ii)  
7 have executed a Field Usage Agreement, but do not have in place the  
8 security deposit or the service company required by the option  
9 selected under the Field Usage Agreement, will be on a cash basis.  
10 Twenty-five percent (25%) will be added to the above landing fees and  
11 to the gate charges and facility use charges (listed on EXHIBIT 39.A)  
12 to cover the additional administrative expenses associated with such  
13 air carriers.

14 5. Carriers whose operations do not exceed one (1) flight per week for  
15 three (3) consecutive months will not be eligible to execute an Airline-  
16 Airport Lease and Use Agreement or a Field Usage Agreement, and  
17 such Carriers will also be on a cash basis. However, the additional  
18 twenty-five percent (25%) charge will not be imposed on such carriers  
19 due to the lower administrative cost associated with such infrequent  
20 use of the Airport.

21 6. The phrase "cash basis," as used in subsections 4 and 5, above, shall  
22 mean the requirement that payment of all applicable rates, fees, and  
23 charges must be made to the County immediately upon an air carrier's  
24 arrival and departure from the airport.

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1 . . .

2 Section 2. Exhibit 39.A of the Broward County Administrative Code is hereby  
3 amended as follows:

4 **EXHIBIT 39.A**

5 **BROWARD COUNTY AVIATION DEPARTMENT**

6 **I. PER USE GATE CHARGES.**

7 a. Signatory Airlines and Affiliates:

	<i>Class</i>	<i>Arrival or Departure (1) (8)</i>	<i>Turn (1) (8)</i>	<i>Overtime (1) (2) (8)</i>	<i>Overnight (3) (8)</i>
B-747, B-777, A340	1	\$135.50 <u>\$235.50</u>	\$271.00 <u>\$471.00</u>	\$ 95.00 <u>\$165.00</u>	\$217.00 <u>\$377.00</u>
Wide Body	2	\$116.50 <u>\$202.00</u>	\$233.00 <u>\$404.00</u>	\$ 82.00 <u>\$141.00</u>	\$186.00 <u>\$323.00</u>
Narrow Body	3	\$ 77.50 <u>\$134.50</u>	\$155.00 <u>\$269.00</u>	\$ 54.00 <u>\$ 94.00</u>	\$124.00 <u>\$215.00</u>
20—50 Passenger	4	\$ 39.00 <u>\$ 67.50</u>	\$ 78.00 <u>\$135.00</u>	\$ 27.00 <u>\$ 47.00</u>	\$ 62.00 <u>\$108.00</u>

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1	1—19 Passenger	5	\$ 19.50	\$ 39.00	\$ 14.00	\$ 31.00
2			<u>\$ 33.50</u>	<u>\$ 67.00</u>	<u>\$ 23.00</u>	<u>\$ 54.00</u>
3						
4	<del>1—50 Passenger</del>	6			N/A	
5	<del>(commuter lessee using</del>					
6	<del>commuter ramp)</del>					
7	20—50 Passenger	7	N/A	N/A	N/A	
8	<del>(using commuter</del>					
9	<del>terminal)(9)</del>					
10						
11	<del>1—19 Passenger</del>	8	N/A	N/A	N/A	
12	<del>(using commuter</del>					
13	<del>terminal)(9)</del>					

b. All Others:

	Class	Arrival or Departure (1) (8)	Turn (1) (8)	Overtime (1) (2) (8)	Overnight (3) (8)
15					
16					
17					
18					
19					
20	B-747, B-777, A340	1	\$176.00	\$352.00	\$123.00
21			<u>\$306.00</u>	<u>\$612.00</u>	<u>\$214.00</u>
22					
23	Wide Body	2	\$151.50	\$303.00	\$106.00
24					

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1			<u>\$262.50</u>	<u>\$525.00</u>	<u>\$184.00</u>	<u>\$420.00</u>
2	Narrow Body	3	<del>\$101.00</del>	<del>\$202.00</del>	<del>\$ 71.00</del>	<del>\$162.00</del>
3			<u>\$175.00</u>	<u>\$350.00</u>	<u>\$123.00</u>	<u>\$280.00</u>
4	20—50 Passenger	4	<del>\$ 50.50</del>	<del>\$101.00</del>	<del>\$ 35.00</del>	<del>\$ 81.00</del>
5			<u>\$ 88.00</u>	<u>\$176.00</u>	<u>\$ 62.00</u>	<u>\$141.00</u>
6	1—19 Passenger	5	<del>\$ 25.50</del>	<del>\$ 51.00</del>	<del>\$ 18.00</del>	<del>\$ 41.00</del>
7			<u>\$ 43.50</u>	<u>\$ 87.00</u>	<u>\$ 30.00</u>	<u>\$ 70.00</u>
8	1—50 Passenger (commuter lessee using commuter ramp)	6			N/A	
9						
10	20—50 Passenger (using commuter terminal)(9)	7				
11						
12	1—19 Passenger (using commuter terminal)(9)	8				
13						

14 **II. PER USE FACILITIES CHARGES.**

15 **PASSENGER CHECK-IN FACILITIES (4):**

16 Signatory Airlines \$11.00 ~~19.00~~ per hour per ticket counter position (5)

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18 underscored type are additions.

1 All Others ~~\$14.00~~ 25.00 per hour per ticket counter position (5)

2 Bag make-up facilities (6): ~~\$0.20~~ 0.40 per enplaned passenger

3 Bag make claim facilities (7): ~~\$0.70~~ 1.00 per deplaned passenger

4 **III. ADDITIONAL CHARGES FOR NON-LEASED SPACE.**

5 Janitorial Charge \$6.67 per Square Foot.

6 **IV. FACILITY USE CHARGE.**

7 A Facility Use Charge of ~~\$3.70~~ 8.20 per deplaning passenger is hereby established  
8 for incoming international flights utilizing the federal inspection station for taking on  
9 or discharging passengers.

10 **V. HARDSTAND CHARGE.**

11 A Hardstand Charge equal to the Per Use Gate Charges and a Bus Charge equal  
12 to the Loading Bridge Charge will be charged when an air carrier uses the remote  
13 aircraft parking for enplaning or deplaning of passengers.

14 **VI. UNAUTHORIZED USE OF GATES.**

15 Unauthorized use of Gates shall be charged \$100 per half hour, or any part thereof,  
16 in addition to all applicable County fees, including overtime fees. An unauthorized  
17 use shall be defined as, but not limited to: (1) an aircraft remaining on a gate after  
18 being requested to vacate by the County, or (2) when an aircraft occupies a gate  
19 without County approval. Determination of an unauthorized use will be made  
20 solely by the Aviation Department.

21 **NOTES:**

22 (1) Gate Per Use Charges include use of the loading bridge, hold room, and aircraft  
23 ramp. Gate Per Use Charges do not include Landing Fees. An aircraft turn is  
24

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1 defined as an operation not to exceed the following time limit for each aircraft  
2 category according to the number of passenger seats:

- 3 (a) One-half ( $\frac{1}{2}$ ) hour for a 1—50 passenger seat aircraft,  
4 (b) One (1) hour for a 51—199 passenger seat narrow body aircraft, and  
5 (c) Two (2) hours for a 200 or more passenger seat narrow body aircraft, all  
6 wide body aircraft, or B-747, B-777, or A340 aircraft.

7 If there is a conflict between the number of seats and the aircraft type, then the  
8 number of seats will prevail in determining the aircraft category. For example, a  
9 narrow body aircraft, such as a 757 with 210 passenger seats, will be allowed two  
10 (2) hours for a turn and be charged the per turn rate for a wide body aircraft,  
11 whereas a 757 with 190 passenger seats will be allowed one (1) hour for a turn at  
12 the gate and be charged the per turn rate for a narrow body aircraft.

- 13 (2) Overtime Fees shall be charged for each additional one-half (.5) hour, or any part  
14 thereof, exceeding the time permitted for an aircraft turn as described in (1) above.  
15 However, if authorized by the Aviation Department, an aircraft at a gate in excess  
16 of the permitted time for an aircraft turn (as defined in (1) above) may be charged  
17 the lesser of the Overtime Charge or Remote Aircraft Parking Charge, when such  
18 activity occurs between the hours of 0801 and 1959, and does not impact  
19 subsequent aircraft operations.

- 20 (3) Any aircraft remaining on a gate beyond the permitted time for an aircraft turn (as  
21 defined in (1) above), if authorized by the Aviation Department, shall be charged  
22 the lesser of the Remote Parking Charge or Overnight Fee when such activity  
23 occurs between the hours of 2000 and 0800.

24  
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1 (4) Charges for passenger check-in facilities (ticket counter and baggage conveyor  
2 system) are applied on a per use basis.

3 (5) All passenger check-in facilities must be reserved in advance, with the approval of  
4 the Aviation Department. Passenger check-in facilities charges shall be applied at  
5 the rate of ~~eleven dollars (\$11)~~ nineteen dollars (\$19) per hour, or any part thereof,  
6 for Signatory Carriers and ~~fourteen dollars (\$14.00)~~ twenty-five dollars (\$25) per  
7 hour, or any part thereof, for all other carriers, per ticket counter position for any  
8 passenger check-in facility reserved, whether utilized or not.

9 (6) Charges for bag make-up facilities are applied on a per use basis and only apply  
10 to airlines not leasing bag make-up space.

11 (7) Charges for bag make claim facilities are applied on a per use basis and only apply  
12 to airlines not subject to Joint Use Fees.

13 (8) Signatory Carriers using a per use gate shall not be charged more than the  
14 following amounts for Gate Charges for that gate, per month:

15	Concourse B	<del>\$19,226.00</del>	<u>31,437.00</u>
16	Concourse C	<del>19,726.00</del>	<u>32,256.00</u>
17	Concourse D	<del>22,689.00</del>	<u>37,100.00</u>
18	Concourse E	<del>17,037.00</del>	<u>27,858.00</u>
19	Concourse F	<del>14,675.00</del>	<u>23,996.00</u>
20	Concourse G	<del>21,136.00</del>	<u>34,561.00</u>
21	Concourse H	<del>13,030.00</del>	<u>21,307.00</u>

22 Section 3. SEVERABILITY.

23 If any portion of this Resolution is determined by any Court to be invalid, the invalid  
24 portion shall be stricken, and such striking shall not affect the validity of the remainder of

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1 this Resolution. If any Court determines that this Resolution, or any portion hereof, cannot  
 2 be legally applied to any individual(s), group(s), entity(ies), property(ies), or  
 3 circumstance(s), such determination shall not affect the applicability hereof to any other  
 4 individual, group, entity, property, or circumstance.

5 Section 4. INCLUSION IN THE ADMINISTRATIVE CODE.

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

11 Section 5. EFFECTIVE DATE.

12 This Resolution shall become effective on October 1, 2017.

13  
 14 ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017.

15  
 16 Approved as to form and legal sufficiency:  
 Joni Armstrong Coffey, County Attorney

17  
 18 By /s/ Carlos A. Rodriguez-Cabarrocas 08/02/17  
 Carlos A. Rodriguez-Cabarrocas (date)  
 19 Assistant County Attorney

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 21  
 22 CRC/ch  
 08/02/17  
 23 Reso - Chap39 Airlines Fees  
 17-009.00  
 24 #17-071.07

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