

PROPOSED

1 RESOLUTION NO. 2018-

2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 PERTAINING TO RATES, FEES, AND CHARGES AT FORT
5 LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT;
6 AMENDING SECTION 39.2 AND EXHIBIT 39.A OF THE
7 BROWARD COUNTY ADMINISTRATIVE CODE
8 ("ADMINISTRATIVE CODE"), TO REFLECT CHANGES TO
9 RATES, FEES, AND CHARGES; AND PROVIDING FOR
10 SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE
11 CODE, AND AN EFFECTIVE DATE.

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

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

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

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

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

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

a. Terminal Rates and Charges:

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

Fee

1. Signatory Airlines:

a. (a) Type 1 Space, per square foot, per annum: ~~... \$ 71.25~~ \$152.24

b. (b) Type 2 Space, per square foot, per annum: ~~..... 159.27~~ \$141.58

c. (c) Type 3 Space, per square foot, per annum: ~~..... 123.30~~ \$109.61

d. (d) Type 4 Space, per square foot, per annum: ~~.....~~ \$1.00

2. All Others:

a. (a) Type 1 Space, per square foot, per annum: ~~..... 222.63~~ \$197.91

b. (b) Type 2 Space, per square foot, per annum: ~~..... 207.05~~ \$184.06

c. (c) Type 3 Space, per square foot, per annum: ~~..... 160.29~~ \$142.50

d. (d) Type 4 Space, per square foot, per annum: ~~.....~~ \$1.00

b. Landing Fee:

1. Signatory Airlines:

(a) Rate of one dollar and ~~seventy-seven cents (\$1.77)~~ sixty-two cents (\$1.62) per one thousand (1,000) pounds of nominal gross landed weight, as determined by the Aviation Department, for each revenue arrival. (A revenue arrival is a plane that arrives at the airport which generates business from that arrival or departure from the airport.)

(b) Wholly Owned Affiliated Airlines shall be charged the same rate as Signatory Airlines. "Wholly Owned Affiliated Airline" ~~shall~~ means an airline that is at least one hundred percent (100%) directly or indirectly owned by a Signatory Airline or its parent company. The foregoing ownership interests and relationships

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1 must be established by the airline to the reasonable satisfaction
2 of the Aviation Department.

3 (c) Minimum Fee, per revenue arrival: \$10.00

4 2. Non-Wholly Owned Affiliated Airlines:

5 (a) Rate of ~~two dollars and twelve cents (\$2.12)~~ one dollar and
6 ninety-five cents (\$1.95) per one thousand (1,000) pounds of
7 nominal gross landed weight, as determined by the Aviation
8 Department, for each revenue arrival. (A revenue arrival is a
9 plane that arrives at the airport which generates business from
10 that arrival or departure from the airport.)

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

15 (c) Minimum Fee, per revenue arrival: \$10.00

16 3. All Others:

17 (a) Rate of two dollars and ~~thirty cents (\$2.30)~~ eleven cents (\$2.11)
18 per one thousand (1,000) pounds of nominal gross landed
19 weight, as determined by the Aviation Department, for each
20 revenue and non-revenue arrival by a plane.

21 (b) Minimum Fee, per arrival: \$10.00

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

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- 1 4. All carriers whose operations exceed one (1) flight per week for three
2 (3) consecutive months and either: (i) have not executed an Airline-
3 Airport Lease and Use Agreement or a Field Usage Agreement, or (ii)
4 have executed a Field Usage Agreement, but do not have in place the
5 security deposit or the service company required by the option
6 selected under the Field Usage Agreement, will be on a cash basis.
7 Twenty-five percent (25%) will be added to the above landing fees and
8 to the gate charges and facility use charges (listed on EXHIBIT 39.A)
9 to cover the additional administrative expenses associated with such
10 air carriers.
- 11 5. Carriers whose operations do not exceed one (1) flight per week for
12 three (3) consecutive months will not be eligible to execute an Airline-
13 Airport Lease and Use Agreement or a Field Usage Agreement, and
14 such ~~C~~carriers will also be on a cash basis. However, the additional
15 twenty-five percent (25%) charge will not be imposed on such carriers
16 due to the lower administrative cost associated with such infrequent
17 use of the Airport.
- 18 6. The phrase "cash basis," as used in subsections 4 and 5, above, shall
19 mean the requirement that payment of all applicable rates, fees, and
20 charges must be made to the County immediately upon an air carrier's
21 arrival and departure from the airport.

22 ...

23 Section 2. Exhibit 39.A of the Broward County Administrative Code is hereby
24 amended to read as follows:

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 underscored type are additions.

EXHIBIT 39.A

BROWARD COUNTY AVIATION DEPARTMENT

I. PER USE GATE CHARGES.

a. Signatory Airlines and Affiliates:

	Class <u>Class</u>	Arrival or Departure (1)-(8) <u>Arrival or</u> <u>Departure</u> ⁽¹⁾⁽⁸⁾	Turn (1)-(8) <u>Turn</u> ⁽¹⁾⁽⁸⁾	Overtime (1)-(2)-(8) <u>Overtime</u> ⁽¹⁾⁽²⁾⁽⁸⁾	Overnight (3)-(8) <u>Overnight</u> ⁽³⁾⁽⁸⁾
B-747, B-777, A340	1	\$235.50 <u>\$197.00</u>	\$471.00 <u>\$394.00</u>	\$165.00 <u>\$138.00</u>	\$377.00 <u>\$315.00</u>
Wide Body	2	\$202.00 <u>\$169.00</u>	\$404.00 <u>\$338.00</u>	\$141.00 <u>\$118.00</u>	\$323.00 <u>\$270.00</u>
Narrow Body	3	\$134.50 <u>\$112.50</u>	\$269.00 <u>\$225.00</u>	\$ 94.00 <u>\$ 79.00</u>	\$215.00 <u>\$180.00</u>
20—50 Passenger	4	\$ 67.50 <u>\$ 56.50</u>	\$135.00 <u>\$113.00</u>	\$ 47.00 <u>\$ 40.00</u>	\$108.00 <u>\$ 90.00</u>
1—19 Passenger	5	\$ 33.50 <u>\$ 28.00</u>	\$ 67.00 <u>\$ 56.00</u>	\$ 23.00 <u>\$ 20.00</u>	\$ 54.00 <u>\$ 45.00</u>

b. All Others:

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	Class <u>Class</u>	Arrival or Departure (1)-(8) <u>Arrival or</u> <u>Departure</u> ⁽¹⁾⁽⁸⁾	Turn (1)-(8) <u>Turn</u> ⁽¹⁾⁽⁸⁾	Overtime (1)-(2)-(8) <u>Overtime</u> ⁽¹⁾⁽²⁾⁽⁸⁾	Overnight (3)-(8) <u>Overnight</u> ⁽³⁾⁽⁸⁾
B-747, B-777, A340	1	\$306.00 <u>\$256.00</u>	\$612.00 <u>\$512.00</u>	\$214.00 <u>\$179.00</u>	\$490.00 <u>\$410.00</u>
Wide Body	2	\$262.50 <u>\$219.50</u>	\$525.00 <u>\$439.00</u>	\$184.00 <u>\$154.00</u>	\$420.00 <u>\$351.00</u>
Narrow Body	3	\$175.00 <u>\$146.50</u>	\$350.00 <u>\$293.00</u>	\$123.00 <u>\$103.00</u>	\$280.00 <u>\$234.00</u>
20—50 Passenger	4	\$ 88.00 <u>\$ 73.50</u>	\$176.00 <u>\$147.00</u>	\$ 62.00 <u>\$ 51.00</u>	\$141.00 <u>\$118.00</u>
1—19 Passenger	5	\$ 43.50 <u>\$ 36.50</u>	\$ 87.00 <u>\$ 73.00</u>	\$ 30.00 <u>\$ 26.00</u>	\$ 70.00 <u>\$ 58.00</u>

II. PER USE FACILITIES CHARGES.

PASSENGER CHECK-IN FACILITIES ~~(4)~~ ⁽⁴⁾:

Signatory Airlines \$ ~~19.00~~ 17.00 per hour per ticket counter position ~~(5)~~ ⁽⁵⁾

All Others \$ ~~25.00~~ 22.00 per hour per ticket counter position ~~(5)~~ ⁽⁵⁾

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

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

III. ADDITIONAL CHARGES FOR NON-LEASED SPACE.

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1 Janitorial Charge \$6.67 per ~~S~~square ~~F~~foot.

2 **IV. FACILITY USE CHARGE.**

3 A Facility Use Charge of ~~\$8.20~~ eight dollars and ten cents (\$8.10) per deplaning
4 passenger is hereby established for incoming international flights utilizing the
5 federal inspection station for taking on or discharging passengers.

6 **V. HARDSTAND CHARGE.**

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

10 **VI. UNAUTHORIZED USE OF GATES.**

11 Unauthorized use of Gates shall be charged one hundred dollars (\$100.00) per
12 half hour, or any part thereof, in addition to all applicable County fees, including
13 overtime fees. An unauthorized use shall be defined as, but not limited to: (1) an
14 aircraft remaining on a gate after being requested to vacate by the County, or (2)
15 when an aircraft occupies a gate without County approval. Determination of an
16 unauthorized use will be made solely by the Aviation Department.

17 **NOTES:**

18 (1) Gate Per Use Charges include use of the loading bridge, hold room, and aircraft
19 ramp. Gate Per Use Charges do not include Landing Fees. An aircraft turn is
20 defined as an operation not to exceed the following time limit for each aircraft
21 category according to the number of passenger seats:

- 22 (a) One-half (½) hour for a 1—50 passenger seat aircraft,
23 (b) One (1) hour for a 51—199 passenger seat narrow body aircraft, and
24

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1 (c) Two (2) hours for a 200 or more passenger seat narrow body aircraft, all
2 wide body aircraft, or B-747, B-777, or A340 aircraft.

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

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

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

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

22 (5) All passenger check-in facilities must be reserved in advance, with the approval of
23 the Aviation Department. Passenger check-in facilities charges shall be applied at
24 the rate of ~~nineteen dollars (\$19)~~ seventeen dollars (\$17.00) per hour, or any part

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thereof, for Signatory Carriers, and ~~twenty-five dollars (\$25)~~ twenty-two dollars (\$22.00) per hour, or any part thereof, for all other carriers, per ticket counter position for any passenger check-in facility reserved, whether utilized or not.

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

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

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

<u>Concourse A</u>	<u>\$60,680.00</u>
Concourse B	\$31,437.00 <u>\$27,951.00</u>
Concourse C	32,256.00 <u>\$28,675.00</u>
Concourse D	37,100.00 <u>\$32,981.00</u>
Concourse E	27,858.00 <u>\$24,765.00</u>
Concourse F	23,996.00 <u>\$21,332.00</u>
Concourse G	34,561.00 <u>\$30,724.00</u>
Concourse H	21,307.00

Section 3. SEVERABILITY.

If any portion of this Administrative Code Resolution is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Administrative Code Resolution. If any court determines that this Administrative Code Resolution, or any portion hereof, cannot be legally applied to any

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1 individual, group, entity, property, or circumstance, such determination will not affect the
2 applicability hereof to any other individual, group, entity, property, or circumstance.

3 Section 4. INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE
4 CODE.

5 It is the intention of the Board of County Commissioners that the provisions of this
6 Administrative Code Resolution become part of the Broward County Administrative Code
7 as of the effective date. The sections of this Administrative Code Resolution may be
8 renumbered or relettered and the word "resolution" may be changed to "section," "article,"
9 or such other appropriate word or phrase to the extent necessary in order to accomplish
10 such intention.

11 Section 5. EFFECTIVE DATE.

12 This Resolution is effective on October 1, 2018.

13

14 ADOPTED this day of , 2018.

15

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

17

18 By /s/ Carlos Rodriguez-Cabarrocas 07/12/18
19 Carlos Rodriguez-Cabarrocas (date)
20 Assistant County Attorney

20

PROPOSED

21 By /s/ Alexander J. Williams, Jr. 07/12/18
22 Alexander J. Williams, Jr. (date)
23 Senior Assistant County Attorney

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23 CRC/ch
07/12/18
Admin Code Reso – Chapter 39 Airline Fees
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