



# Canaveral Port Authority

## Ground Transportation Rules and Regulations

Revision 1

Effective Date – July 1, 2017

# Section 1

## Introduction and General Provisions

1. Authority – The Canaveral Port District, hereinafter referred to as the CPA, is vested with the authority to make rules and regulations consistent with the Constitution and laws of the State of Florida and with the Constitution and laws of the United States of America for the promotion and conduct of navigation, commerce, and industry in the Port District. Said rules and regulations shall be reasonable and shall apply uniformly to all similarly situated.
2. Fines, Penalties, and Punishment – The CPA has the power to prescribe, fix, and establish fines, penalties, and punishment for the violation of the rules and regulations of the CPA and to enforce such fines, penalties, and punishments. All fines and penalties so imposed or levied shall be recoverable in the name of the CPA in any court of the state having jurisdiction over the amount involved and shall inure and belong to said CPA.
3. Objective – The objective of these Rules and Regulations is to facilitate the effective and efficient administration of ground transportation services in a convenient manner consistent with public safety.
4. Adoption of Rules and Regulations Shall Not Constitute a Granting of Rights – The adoption of these Rules and Regulations is not intended, and shall not be construed, to grant any property rights or expectation to any person whomsoever. The CPA expressly reserves the right to amend these Rules and Regulations at any time and in any respect. The CPA reserves the right to enter into and/or amend concession agreements. Additionally, the CPA reserves the right to limit or restrict access to any area of the Port without the issuance of prior notice for reasons including, but not limited to, the safety and security of the general public, construction within the Port, or acts of God. Any person who determines to invest time or financial resources in ground transportation operations at the Port does so with full knowledge of the foregoing provisions and shall have no right or standing to make any claim whatsoever against the CPA by reason of any subsequent amendment to these Rules and Regulations, commencement or amendment to a concession agreement, or any limitation or restriction of access to the Port as aforesaid.
5. Severability – Any and all provisions and any and all portions of provisions of these Rules and Regulations are severable from all other provisions or portions of provisions of these Rules and Regulations. If any one or more provisions or portions of provisions of these Rules and Regulations are declared invalid, unconstitutional, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality,

or unenforceability shall not affect any of the remaining provisions or portions of provisions of these Rules and Regulations.

6. Discretion – Whenever any provision of these Rules and Regulations provides that certain action may be taken only with the consent or approval of the Chief Executive Officer (CEO) or a specific CPA Representative, or if a determination or judgment is to be made by the CEO or specific CPA Representative, such consent or approval may be granted or withheld, or such determination or judgment shall be made in the sole and absolute discretion of the CEO or specific CPA Representative.
7. Compliance with Rules, Regulations, and Policies of the CPA – Operators, Permit Holders, Concessionaires, Drivers, and Affiliates shall at all times comply with the rules, regulations, and policies of the CPA. The CPA may conduct, or contract with a third party to conduct, compliance inspections regarding CPA rules, regulations, and policies.
8. Compliance with Applicable Federal, State, and Local Laws, Regulations, and Ordinances Operators, Permit Holders, Concessionaires, Drivers, and Affiliates shall at all times comply with all applicable federal, state, and local laws, regulations, and ordinances. Failure to comply with applicable federal, state, or local laws, regulations, or ordinances shall constitute a violation of these Rules and Regulations.

## Section 2

### Definitions

1. Active Loading – The term “Active Loading” shall mean the active and on-going process of boarding passengers and/or luggage into a Commercial Vehicle at the Port.
2. Active Unloading – The term “Active Unloading” shall mean the active and on-going process of disembarking passengers and/or luggage from a Commercial Vehicle at the Port.
3. Affiliate – The term “Affiliate” shall mean individually, collectively, or in any combination an owner, partner, shareholder, officer, employee, driver, independent contractor, individual, or agent of a Permit Holder, Operator, Resort Transportation Service, Cruise Line Operator, Tour Operator, Destination Management Company or other person who engages in Ground Transportation Operations within the Port Jurisdictional Area. A Porter shall also be deemed to be an Affiliate for purposes of these Rules and Regulations.
4. Authorized Representative – The term “Authorized Representative” shall mean an owner, partner, officer, manager, or designated representative for the Permit Holder or Concessionaire as listed on the Permit Application on file with the CPA.
5. Automobile – The term Automobile shall mean any passenger motor vehicle, including pickup trucks, vans, sport utility vehicles, and station wagons. The term Automobile shall not include trucks (except pickup trucks), motorcycles, or any vehicles of a length that would obstruct vehicle circulation.
6. Canaveral Port Authority (CPA) – Shall mean the governing body of the “Canaveral Port District”, an independent special taxing district and political subdivision of the State of Florida as created and established by law.
7. Chief Executive Officer (CEO) – The term “Chief Executive Officer” or “CEO” shall mean the Chief Executive Officer of the Canaveral Port Authority or his or her designee.
8. Class I Vehicle – The term “Class I Vehicle” means a Commercial Vehicle that has a length of twenty-three (23) feet or less including any trailers or attachments.
9. Class II Vehicle – The term “Class II Vehicle” means a Commercial Vehicle that does not qualify as a Class I Vehicle and that has a length of thirty (30) feet or less including any trailers or attachments.
10. Class III Vehicle – The term “Class III Vehicle” means any Commercial Vehicle that does not qualify as a Class I or Class II Vehicle.

11. Commercial Vehicle – The term “Commercial Vehicle” shall mean any vehicle engaged in transporting passengers for a commercial entity or for compensation, regardless of whether the compensation for such service is paid directly, indirectly, or at all by the passenger(s) being transported. The term Commercial Vehicle shall exclude vehicles being operated by a governmental entity.
12. Commercial Zone – The term “Commercial Zone” means those areas designated on Addendum 1 for Ground Transportation Operations and shall include, but not be limited to, the encompassed roads, roadways, loading/unloading areas, parking areas, plazas, and sidewalks.
13. Commercial Zone Usage Fee – The term “Commercial Zone Usage Fee” shall mean a fee, as specified in Section 8 of these Rules and Regulations, which is assessed based on usage of the Port’s Commercial Zone as designated in Addendum 1.
14. Concessionaire – The term “Concessionaire” means a Person or Operator, engaged in Ground Transportation Operations, who has entered into a valid written agreement pursuant to which the Person or Operator agrees to compensate the CPA in exchange for enumerated considerations.
15. Courtesy Vehicle – The term “Courtesy Vehicle” shall mean any Commercial Vehicle engaged in transporting passengers between the Port and any facility of a Permit Holder without any direct charge to the passengers.
16. Cruises Line Operator – The term “Cruise Line Operator” shall mean a company, corporation, or other legal or business entity that operates one or more cruise vessels which berth at Port Canaveral.
17. Destination Management Company – The term “Destination Management Company” (“DMC”) shall mean a Person whose main business is the design and implementation of events, activities, tours, transportation, and program logistics for groups and conventions. Destination Management Companies must hold a valid Florida Seller of Travel License or meet the required exemption qualifications.
18. Driver – The term “Driver” means an individual who operates a Commercial Vehicle.
19. Drop Fee – The term “Drop Fee” shall mean the Taxicab meter rate for the initial metered increment of time or distance as approved by the CPA.
20. Facility – The term “Facility” shall mean a physical location which is owned, leased, subleased, or otherwise legally maintained by a Permit Holder for business purposes.
21. Floating Permit Decal – A “Floating Permit Decal” shall mean a Permit Decal that is assigned to a Permit Holder but not designated for a specific Commercial Vehicle.

22. Ground Transportation Administrator (Administrator) – The term “Ground Transportation Administrator” or Administrator shall mean an individual authorized in writing by the Chief Executive Officer to administer and enforce these Rules and Regulations of the CPA.
23. Ground Transportation Agent (Agent) – The term “Ground Transportation Agent” or “Agent” shall mean an individual authorized in writing by the Chief Executive Officer to enforce the Rules and Regulations of the CPA and to assist in the administration of Ground Transportation Services. An Agent’s enforcement authority shall include, but is not limit to, the authority to issue Notices of Violation and to request, on behalf of the CPA, the issuance of trespass warnings by law enforcement in accordance with the guidelines of these Rules and Regulations. Designation as an Agent does not provide the Agent with the power of arrest or subject the Agent to the applicable provisions of Chapter 943, Florida Statutes. The titles Ground Transportation Agent and Taxi / Code Enforcement Officer shall be synonymous.
24. Ground Transportation Operations – The term “Ground Transportation Operations” shall mean the act of providing or facilitating ground transportation services within the Port Jurisdictional Area. Ground Transportation Operations shall include, but are not limited to, the transporting of human beings to, from, or around the Port in a Commercial Vehicle. This term shall also include the transportation related activities of a Vehicle for Hire Driver, Starter, Courtesy Vehicle Operator, Destination Management Company, Resort Transportation Service Provider, Cruise Line Operator, Tour Operator, Rental Car Operator, Off-Port Parking Operator, and a Person performing Meet and Greets.
25. Ground Transportation Services – The term “Ground Transportation Services” shall mean a Department of the Canaveral Port Authority responsible for the oversight and regulation of Ground Transportation Operations within the Port Jurisdictional Area.
26. Group – The term “Group” means at least ten (10) Passengers or more who are bound together by a common event such as a business conference, training seminar, excursion, special event, school trip, or church group and who have pre-arranged ground transportation to or from the Port.
27. GTC – The term “GTC” shall mean the Ground Transportation Committee of the CPA. The GTC shall be comprised of five (5) voting member who shall be selected and appointed by the CEO. The term of each such appointment shall be at the discretion of the CEO. The General Counsel and Administrator shall serve as ex officio advisors to the GTC.
28. Holding Areas – The term “Holding Areas” shall mean areas authorized for Commercial Vehicle Parking outside the Commercial Zone as denoted on Addendum 2 and such other Commercial Vehicle Holding Areas as may be temporarily designated by the Administrator.
29. Loading Zone – The term “Loading Zone” shall mean a parking space or group of parking spaces located in the Commercial Zone designated for Commercial Vehicle parking, loading, and unloading.

30. Luggage – The term “Luggage” shall mean Passenger’s items including, but not limited to, carry-on luggage, suitcases, duffel bags, boxes, sporting equipment, pets, or any other item belonging to or in the possession of a Passenger.
31. Meet and Greet – The term “Meet and Greet” shall mean the act of meeting a Passenger whose transportation has been pre-arranged prior to the Driver’s or Affiliate’s entry into the Port Jurisdictional Area.
32. Meet and Greet Area – The term “Meet and Greet Area” shall mean those areas designated by the CPA on Addendum 4 for Meet and Greet Activities including, but not limited to, pedestrian and plaza areas.
33. Non-Concessionaire Operator – The term “Non-Concessionaire Operator” means an Operator that is a Permit Holder, but is not a Concessionaire.
34. Notice of Violation (NOV) – The term “Notice of Violation (NOV)” shall mean a notice, prepared by an Agent regarding an incident or action that the Agent believes constitutes a violation of these Rules and Regulations. The form shall set forth at a minimum, the name of the Person involved (if known), the name of the Permit Holder(s) or company involved (if known), the nature of the alleged violation, and the name of the issuing Agent.
35. Off-Port Parking Facility – The term “Off-Port Parking Facility” shall mean a parking lot, garage, or facility located outside the Port Jurisdictional Area which is operated by an Off-Port Parking Operator.
36. Off-Port Parking Operator – The term “Off-Port Parking Operator” shall mean a Person, other than the CPA, which is engaged in the business of operating one or more parking lots, garages, or facilities located outside the Port Jurisdictional Area. An Off-Port Parking Operator shall be required to be a Permit Holder.
37. Operator – The term “Operator” shall mean any Person that engages in Ground Transportation Operations.
38. Parking Garages – The term “Parking Garages” shall mean the public parking garages operated by the CPA.
39. Passenger – The term “Passenger” shall mean an individual being transported to, from, or within the Port Jurisdictional Area. This term shall include, but is not limited to, individuals seeking or receiving ground transportation services within the Port Jurisdictional Area.
40. Permit – The term “Permit” means a Permit, issued by the CPA, to conduct Ground Transportation Operations.

41. Permit Application – The term “Permit Application” shall mean an application, authorized in form and formation by the CPA, which serves as a formal request by an applicant to conduct Ground Transportation Operations within the Port Jurisdictional Area.
42. Permit Decal – The term “Permit Decal” shall mean a decal issued by the CPA to a Permit Holder indicating that a Commercial Vehicle is part of a Permit Holder’s authorized fleet.
43. Permit Holder – The term “Permit Holder” means an Operator to whom the CPA has issued a Permit.
44. Person – The term “Person” shall mean a human being or a company, corporation, partnership, joint venture, or other legal or business entity having obligations of a person under the terms and conditions of these Rules and Regulations.
45. Petitioner – The term “Petitioner” shall mean a Driver, Affiliate, or Permit Holder to whom a NOV has been issued and who has requested a hearing before the Ground Transportation Committee (GTC) and/or an appeal before the CEO.
46. Port – The term “Port” shall mean all lands and improvements encompassed within the Port Jurisdictional Area, including roads, cruise terminals, structures, and parking areas.
47. Porter – The term “Porter” means an individual authorized by a cruise line or business entity contracted by a cruise line to provide luggage, wheelchair, or other assistance to arriving or departing Passengers. For the purposes of these Rules and Regulations, a Porter shall be deemed to be an Affiliate and a business entity providing Porter services within the Port Jurisdictional Area shall be deemed to be a Permit Holder.
48. Port Jurisdictional Area – Port Jurisdictional Area shall mean all lands owned or under the authority of the Canaveral Port Authority.
49. Privately Owned Vehicle – The term “Privately Owned Vehicle” shall mean a motor vehicle, as defined by Florida Statutes, which is solely operated for personal use.
50. Provisional Classification – “Provisional Classification” shall mean a vehicle classification issued for permitted vehicles which are used principally to provide passenger transportation services in accordance with a contractual agreement between a Permit Holder and a Cruise Line Operator and such agreement was entered into on or before May 1, 2017. A vehicle, classified under this provision, will be assessed a fixed fee of \$5.00 for each trip into the Commercial Zone. A Provisional Classification must be requested by a Permit Holder on or before June 30, 2017; the classification shall sunset on October 1, 2020 after which date affected vehicles will be classified as a Class I, II, or III Vehicle in accordance with these Rules and Regulations.



51. Rental Car Operator – The term “Rental Car Operator” shall mean a person who is engaged in the business of operating a rental car facility and engages in Ground Transportation operations within the Port.
52. Rules and Regulations – The term “Rules and Regulations” shall mean Ground Transportation Rules and Regulations as adopted and amended by the CPA.
53. Security Deposit – The term “Security Deposit” shall mean a fixed sum of money on account with the CPA in accordance with the requirements of Section 4 of these Rules and Regulations.
54. Service Counter – The term “Service Counter” shall mean a CPA authorized area, including self-service kiosks, identified in a contractual agreement or Space Use Agreement where a Transportation Concessionaire, Rental Car Operator, Cruise Line Operator, Resort Transportation Service, or Tour Operator conducts Ground Transportation Operations or provides their services to Passengers.
55. Service Receipt – The term “Service Receipt” shall mean a written, accurate, and verifiable record of transportation services provided to a Passenger by a Permit Holder.
56. Solicitation – The term “Solicitation” means actions by a Driver, Affiliate, or any other Person which constitutes advertising, offering, arranging, agreeing to, or transporting of Passengers, in violation of Section 5 of these Rules and Regulations.
57. Space Use Agreement – The term “Space Use Agreement” shall mean a written agreement authorizing the use of specified space for a contractual period.
58. Starter – The term “Starter” means an Affiliate of a Transportation Concessionaire, Taxicab Operator, or Courtesy Vehicle Operator who facilitates Ground Transportation Operations by meeting or arranging transportation for arriving Passengers in accordance with these Rules and Regulations. For the purpose of Taxicab Operators, a Taxicab Starter means the individual employed by one or more of the Taxicab Operators who facilitates Taxicab transportation for arriving Passengers and ensures the accurate and orderly, non-preferential loading and departure of Taxicabs from the Taxicab Loading Zones.
59. Starter Agreement – The term “Starter Agreement” shall mean a written agreement among Taxicab Operators setting forth matters as provided in Section 7.
60. Starter Costs – The term “Starter Costs” means the actual monthly costs incurred by the Person(s) employing Taxicab Starters or, if less, any monthly amounts set forth in a Starter Agreement as the maximum monthly reimbursable Taxicab Starter Costs.
61. Starter Fees – The term “Starter Fees” means, with respect to each Taxicab Operator, a monthly charge equal to the Starter Costs for such month multiplied by a fraction, the numerator of which is the number of outbound trips made by such Taxicab Operator during

such month and the denominator of which is the number of outbound trips made by all Taxicab Operators during such month.

62. Support Services – “Support Services” shall mean a permit category exempt from the Commercial Zone Usage Fee. The following entities may be granted a Support Services designation: A non-profit charitable organization providing Courtesy Vehicle services for mariners and vessel crew; and a transportation provider serving at the direction or behest of the CPA.
63. Suspension – The term “Suspension” means the prohibition of entering Port property for the purpose of conducting Ground Transportation Operations, including but not limited to activity such as operating a Vehicle in a commercial ground transportation capacity, performing Meet and Greets, Starter activity, destination management services, and tour operations. For the purpose of this section, Suspension of a Permit Holder shall mean the prohibition of the Permit Holder and its Vehicles from being at the Port in a commercial ground transportation capacity; and a Suspension of a Porter shall mean the prohibition of working at the Port as a Porter.
64. Taxicab – The term “Taxicab” means a chauffeur-driven passenger vehicle transporting persons not on regular schedules with the routes traveled or the destination determined by the passengers.
65. Taxicab Loading Zones – The term “Taxicab Loading Zones” means, collectively and singularly, the areas designated by the CPA for the loading of Taxicabs.
66. Taxicab Operator – The term “Taxicab Operator” means an Operator that operates Taxicabs and is a Permit Holder.
67. Taxicab Staging Area – The term “Taxicab Staging Area” means the parking area designed by the CPA for the parking of Taxicabs prior to being called to the Taxicab Loading Zones.
68. Temporary Permit Decal – The term “Temporary Permit Decal” means a Permit other than a Permit Decal issued by the CPA to an Operator indicating that a Commercial Vehicle is authorized, in accordance with these Rules and Regulations, to operate within the Port.
69. Terminal – The term “Terminal” means, collectively, the cruise terminals owned by the CPA.
70. Transportation Concessionaire – The term “Transportation Concessionaire” means a Concessionaire that provides ground transportation service for Passengers in accordance with a written agreement with the CPA and these Rules and Regulations who is a Permit Holder.
71. Trip – The term “Trip” means a Commercial Vehicle entering the Port for the purpose of conducting Ground Transportation Operations or transporting a Passenger(s) in a Commercial Vehicle to, from, or within the Port Jurisdictional Area.
72. Tour Operator – The term “Tour Operator” means a Person, whose main business is to provide vacation elements, including transportation arrangements combined with land and/or

sea accommodations to individuals or Groups. Tour Operators must hold a valid Florida Seller of Travel License or meet the required exemption qualifications.

73. Transponder – The term Transponder shall mean a CPA issued or approved device which is required to be affixed to a Commercial Vehicle for the purpose of recording the Vehicle’s entry into and exit from the Commercial Zones.
74. Unattended Vehicle – The term “Unattended Vehicle” shall mean a motor vehicle, as defined by Florida Statutes, which is parked without the Driver being within ten (10) feet of the motor vehicle.
75. Vehicle for Hire – The term “Vehicle-for-Hire” shall mean any passenger vehicle, excluding taxis, engaged in the transportation of persons to, from, or entirely within the Port Jurisdictional Area with the intent to receive direct or indirect compensation for providing such transportation, including providers which only accept gratuities or tips.

## Section 3

### Commercial Vehicles – Permit Required

1. Permit Required – A CPA approved Permit shall be required to conduct Ground Transportation Operations within the Port Jurisdictional Area. Such Permit shall authorize a Permit Holder to provide ground transportation services in accordance with these Rules and Regulations.
  
2. Permit Categories – Permit Categories, as well as the number of Permits issued in each of those categories shall be at the sole and absolute discretion of the Canaveral Port Authority based on operational need and contractual considerations. Permit Categories may include, but are not limited to, the following classes:
  - A. Concessionaire (C) Permit – A Permit issued to a Transportation Concessionaire;
  
  - B. Non-Concessionaire (N) Permit – A Permit issued to an Operator to operate Commercial Vehicles within the Port that are not eligible to be issued a Ground Transportation Permit in one of the other Permit categories listed in this Article;
  
  - C. Off-Port Parking Operator (P) Permit – A Permit issued to an Off-Port Parking Operator;
  
  - D. Provisional Classification (PC) Permit – A Permit issued to a Provisional Classification Provider as defined in Section 2 of these Rules and Regulations;
  
  - E. Rental Car Operator (R) Permit – A Permit issued to a Rental Car Operator;
  
  - F. Support Services (S) Permit – A Permit issued to a Support Services Transportation Provider;
  
  - G. Taxicab (T) Permit – A Permit issued to a Non-Concessionaire Taxicab Operator; and
  
  - H. Vehicle for Hire (V) Permit – A Permit issued to a Vehicle for Hire Operator.
  
3. Term of Permits – The term of the first Permit issued to an Operator shall be for a period from the date the Operator becomes a Permit Holder until midnight on the 31<sup>st</sup> day of December following the date the Operator becomes a Permit Holder. The term of the second and each subsequent Permit shall be for a period from 12:00 a.m. on the first day of January until midnight of the 31<sup>st</sup> day of December following. From time to time the CPA, at its sole discretion, may extend the term of a Permit to facilitate Port operations.
  
4. Permit Application – An Operator desiring to obtain or renew a Permit may submit their application on-line at [www.portcanaveral.com/commercialtransportation](http://www.portcanaveral.com/commercialtransportation) or it may be hand delivered to the Ground Transportation Services Office located at 445 Challenger Road,

Cape Canaveral, FL 32920. In addition to any other condition established by the Administrator, the application requirements shall include at a minimum:

- A. Application Fee – For a new or renewal Permit, or for any ownership change of an existing Permit, a non-refundable Permit Application fee of \$50.00 is required. An additional non-refundable late fee of \$50.00 will be applied to a Permit Holder who fails to complete a Permit Application by the due date. Transportation Concessionaires shall not be required to pay an application fee;
  - B. Insurance – A current insurance policy for coverage within the State of Florida that satisfies the requirements specified in Section 4, Article 5;
  - C. Registrations – A copy of the registration for each vehicle that the Operator desires to operate under the Permit;
  - D. E-mail Address – A current e-mail address;
  - E. Address Designation and Telephone Contact – A list of current mailing addresses pursuant to the requirements of Section 10, Article 1 (C). In addition, each Permit Holder shall be required to maintain a verifiable physical business address. A Post Office Box will be allowable as a mailing address but not allowable as a business address. In addition, the Permit Holder must provide a primary contact telephone number. Failure to maintain a valid and verifiable business address and primary contact telephone will be cause for the CPA to immediately revoke the Permit and cancel the Permit Holder’s business account; and
  - F. Permit Category – The permit applicant shall indicate for which Permit Category or Categories they are making application.
5. Application Process – As a component of the application process, the following verifications may be conducted by the CPA:
- A. Good Standing Certificate – If the Operator is a corporation or a limited partnership, the CPA may verify the certificate evidencing that the Operator is either a Florida corporation or limited partnership in good standing in the State of Florida or is a foreign corporation or limited partnership authorized to transact business in the State of Florida;
  - B. Fictitious Name – If the Operator, including a sole proprietorship, operates under a fictitious name, the CPA may verify the Operator’s fictitious name registration with the State of Florida; and
  - C. Articles of Incorporation – If the Operator conducts business under a corporation, the CPA may verify the information registered with the State of Florida evidencing the Articles of Incorporation.

6. Information Changes – The Permit Holder shall be responsible for providing written notice to the CPA within fourteen (14) calendar days of any changes pertaining to Article 4 of this Section (Permit Application). The written notice shall be delivered by certified mail or hand delivered to the Port’s Ground Transportation Services Office. Such written notification requirement shall also apply to Section 10, Article 1(C) (Address Designation).
7. Issuance of Permit – The issuance of Permits shall be at the sole and absolute discretion of the Canaveral Port Authority based on operational need and contractual considerations.
  - A. An application shall be denied if an applicant fails to disclose complete and accurate information on the Permit Application. If it is determined after the Permit is issued that an applicant failed to disclose complete and accurate information, the Administrator may revoke or suspend the Permit.
8. Permit Holder Endorsement – An Operator shall be deemed to be a Permit Holder when the requirements of this section have been met and a Permit Decal or Temporary Permit has been issued by the CPA. Prior to the issuance of a new Permit, an applicant shall acknowledge that they have read and understand the duties, obligations, and requirements of these Rules and Regulations. Orientation training shall be provided to an applicant upon request.
9. Refusal to Issue or Renew Permit – The CPA will neither issue a Permit to, nor renew a Permit of, any person owing money to the CPA or who is currently under a period of suspension. In addition, the CPA will not issue a Permit to any person who was the owner, officer, director, shareholder, partner, or authorized representative of a Permit Holder owing money to the CPA or under a period of suspension until full payment is received and all applicable suspension periods have expired.
10. Permit Decals and Transponders – The CPA will issue, at no cost to the Permit Holder, a decal for each Commercial Vehicle the Permit Holder is authorized to operate within the Port Jurisdictional Area. There will be a non-refundable fee of \$20.00 for each Transponder issued.
  - A. Emergency Taxicab Operations – In cases of an emergency, the Administrator may authorize additional taxis, without Permit Decals, to operate within the Port Jurisdictional Area. For purposes of this Article, an emergency is defined as any occasion in which the number of available taxis is inadequate to serve passenger demand as determined by the Administrator.
  - B. Floating Permit Decal – A Permit Holder may be authorized to hold a Floating Permit Decal, issued to the Permit Holder but not a specific vehicle, if the Permit Holder demonstrates to the satisfaction of the Administrator that the Permit Holder has a business necessity for the Floating Permit Decal. Floating Permit Decals shall be visibly displayed in a manner prescribed by the CPA.
  - C. Permit Decal and Transponder Requirement – Operators are explicitly prohibited from operating a Commercial Vehicle within the Port which is not authorized in accordance

with these Rules and Regulations and without a properly affixed valid Transponder and Permit Decal. Violations of this Article shall be deemed to be a Category I [Evading Fees] Violation.

D. Temporary Permit – The CPA may issue a Temporary Permit to a Non-Permit Holder Operator of a Commercial Vehicle for access to the Commercial Zone provided the Non-Permit Holder Operator shows proof of insurance as required by Section 4, Article 5 and pays a twenty-five (\$25.00) dollar daily use fee. A Non-Permit Holder Operator may be issued a Temporary Permit no more than six (6) times in any twelve month period.

11. Addition or Reduction of Vehicles – A Permit Holder may add or reduce the number of Vehicles in his or her fleet by submitting written notice to the Administrator. If a vehicle is being added, the notification shall include proof that the vehicle has been added to the Permit Holder’s insurance policy, a copy of the vehicle’s registration, and, if applicable, the additional security deposit required pursuant to Section 4, Article 1.

A. Reduction of Vehicle(s) Requirement – The Permit Holder is required to return to the CPA the Permit Decal and Transponder assigned to the vehicle(s) reduced from his or her fleet. If the Permit Holder fails to return a Permit Decal and/or Transponder as directed by the CPA, the Permit Holder shall pay a non-refundable fine of \$50.00 for each Permit Decal and a non-refundable fine of \$50.00 for each Transponder as delineated in Article 14 (A) of this Section.

12. Renewal of Permit – At least thirty (30) days prior to the renewal period, the CPA will e-mail a renewal notice to the e-mail address on file for each Permit Holder. The CPA may, at its sole discretion, mail a secondary notification to the mailing address on file for a Permit Holder. Renewals may be completed on-line at [www.portcanaveral.com](http://www.portcanaveral.com) or be submitted by hand delivery to the Ground Transportation Services Office located at 445 Challenger Road, Cape Canaveral, FL 32920. Completed Permit Applications must be returned to the Ground Transportation Services Office on or before the date specified on the renewal notice. Any Permit Holder that fails to properly complete and return their renewal application on or before the date specified will be required to pay a non-refundable late fee of \$50.00 before a renewal Permit may be issued.

13. Permit Non-Transferable – Permits, Permit Decals, and Transponders may not be transferred, reassigned, or loaned by a Permit Holder. A Permit, Permit Decal, or Transponder may only be used by the Permit Holder to whom such Permit, Permit Decal or Transponder was issued.

14. Permit Decals and Transponders Remain Property of the CPA – Permit Decals and Transponders issued by the CPA shall at all times remain the property of the CPA. Permit Decals and Transponders must be returned to the CPA by the Permit Holder upon demand.

A. Failure to Return Permit Decal or Transponder – If a Permit Holder loses or fails to return a Permit Decal or Transponder as directed by the CPA, the Permit Holder shall

pay a non-refundable fine of \$50.00 for each Permit Decal which is not returned and a non-refundable fine of \$50.00 for each Transponder which is not returned.



## Section 4

### Security Deposit and Insurance

1. Security Deposit – A Permit Holder shall be required to provide a Security Deposit, as specified in this Article, in order to secure the obligations of these Rules and Regulations. No interest shall accrue to or for the benefit of the Permit Holder regarding the Security Deposit. CPA shall not be required to keep the Security Deposit separate from its other accounts and no trust relationship is created with respect to the Security Deposit.
  - A. Concessionaires – The terms and conditions a Concessionaire must meet regarding a Security Deposit shall be defined by and in accordance with the Concessionaire’s Agreement with the CPA.
  - B. Non-Concessionaire Permit Holders – A cash Security Deposit shall be required for Non-Concessionaire Permit Holders in the following amounts:
    - 1) A Permit Holder requesting to operate one Commercial Vehicle shall be required to provide a security deposit of the fixed sum of \$500.00;
    - 2) A Permit Holder requesting to operate two (2), three (3), or four (4) Commercial Vehicles shall be required to provide a security deposit of the fixed sum of \$1,000.00; and
    - 3) A Permit Holder requesting to operate five (5) or more Commercial Vehicles shall be required to provide a security deposit of the fixed sum of \$2,500.00.
2. Application and Restoration of Security Deposit – Any Security Deposit provided by a Permit Holder may be applied by the CPA against any amount charged to a Permit Holder under these Rules and Regulations including, but not limited to, Commercial Zone Usage Fees, interest charges, and penalties imposed under these Rules and Regulations. The Security Deposit shall not constitute liquidated damages. If the CPA applies any amount of the Security Deposit as permitted herein, the Permit Holder shall restore the Security Deposit to its full amount within twenty (20) calendar days of such application. Such Security Deposit may also be applied by the CPA to pay the non-refundable administrative fine(s) for any Permit Decal(s) or Transponder(s) a Permit Holder loses, destroys, has stolen or destroyed, or fails to return to the CPA upon termination or expiration without renewal of the Permit Holder’s Permit or otherwise upon demand of the CPA.

3. Application of Security Deposit to Renewal Permits – The Security Deposit held by the CPA for a Permit Holder that has not been applied to any charges or penalties during the preceding Permit Term shall be credited to that Permit Holder’s Security Deposit for the next Permit Term if such Permit Holder renews his or her Permit. The Permit Holder shall not earn nor be entitled to any interest for money on deposit with the CPA.
4. Return of Security Deposit – Permit Holders who cancel or fail to renew their annual Ground Transportation Permit within sixty (60) days of the renewal period shall be entitled to a refund of their Security Deposit Funds not obligated under the terms and conditions of these Rules and Regulations. Refunds shall be made as determined and directed by the Chief Financial Officer (CFO) of the CPA.
5. Insurance
  - A. Concessionaires – Each Concessionaire shall fulfill the insurance requirements contained in their concession agreement with the CPA. If no insurance requirements are contained in such agreement, the Concessionaire shall comply with the insurance requirements of this Article.
  - B. Comprehensive Automobile Liability Insurance Requirement – A Permit Holder shall be required to carry and maintain comprehensive automobile liability insurance with a limit of not less than \$1,000,000 per occurrence for bodily injury, \$500,000 per person and \$100,000 property damage or a combined single limit of \$1,000,000 for both owned and non-owned vehicles. Evidence of coverage must be provided to the CPA for each Commercial Vehicle for which a Permit Decal is requested.
  - C. Workers’ Compensation – A Permit Holder shall be required to meet the Workers’ Compensation requirements as provided in Chapter 440, Florida Statutes as amended.
  - D. Canaveral Port Authority as Additional Insured – Each Permit Holder shall be required to list the “Canaveral Port Authority” as additional insured. The Permit Holder shall be required to provide the CPA a certificate of insurance prior to the issuance of a Permit and thereafter at times of the policy renewal or changes in coverage or insurer. Insurance coverage may not be canceled until the CPA has been given written notice a minimum of thirty (30) days prior to the intended cancellation date. Such notice shall be by certified mail or personal delivery.
    - 1) Form of Policy – Each insurance policy shall be evidenced on a form of certificate acceptable to the Risk Manager for the Canaveral Port Authority. Each Permit Holder shall be required, prior to the issuance of a Permit, to present documentation of

comprehensive automobile liability insurance within the State of Florida. Such documentation shall, at a minimum, contain the following information:

- a. Name of the issuing Insurance Carrier/Underwriter;
  - b. The legal business name and address of the Permit Holder;
  - c. The minimum levels of coverage for any and all Vehicles listed within the policy; and
  - d. Documentation that the “Canaveral Port Authority” is listed as an additional insured.
- 2) Excess Policies – Excess automobile liability insurance policies meeting the above-prescribed limits of insurance may be acceptable to the CPA.
6. Indemnification – By acceptance of a Permit, the Permit Holder agrees to indemnify, defend, and hold completely harmless the Canaveral Port Authority and its Commissioners, Officers, Employees and Agents from and against any and all liabilities, losses, suits, claims, demands, judgments, fines, damages, costs, and expenses. Such expenses shall include, but not be limited to, investigative costs, defense costs, court costs, paralegal expenses, expert witness fees, and reasonable attorneys’ fees (collectively “Losses”) which may be incurred by, charged to, or recovered from any of the preceding by reason of or on account of personal injury or property damage caused by a Permit Holder or an Operator, Driver, or Affiliate of the Permit Holder. The provisions of this Article shall survive the expiration of any Permit term.

## Section 5

### General Provisions Governing Solicitation

1. Solicitation – No Affiliate may engage in solicitation at the Port. Except as provided for in this Section, Affiliates are prohibited from offering transportation services or transporting passengers whose transportation is not arranged prior to the passenger’s and the Affiliate’s initial meeting on Port property. If a passenger asks for transportation services or transportation information, the Affiliate shall direct the requesting passenger to a Ground Transportation Agent or to an information center designated by the CPA for providing ground transportation information. If a passenger asks a Porter for transportation services or transportation information, the Porter is required to direct the passenger to an information center designated by the CPA or to the location of the Concessionaire or taxicabs as requested by the passenger. Each Affiliate performing a Meet and Greet shall be solely responsible for verifying that his or her passenger is pre-arranged; incorrect belief that a passenger is pre-arranged shall not be a defense to a charge of solicitation.
  - A. Advertising on the CPA’s Web Site – No Permit Holder or Affiliate may link from the CPA’s web site without the express written permission of the CEO. The CEO reserves the right to immediately remove any company from the CPA’s web site, with or without cause.
  
2. Actions that Constitute Solicitation – It is a solicitation violation for an Affiliate to arrange or provide transportation for a passenger unless the transportation was arranged prior to the passenger’s initial meeting with the Affiliate at the Port. Additionally, except as described in Section 5, Article 3 below, unless a passenger’s transportation has been arranged prior to the passenger’s and Affiliate’s initial meeting on Port property, the following actions of an Affiliate constitute solicitation:
  - A. Engaging in a conversation regarding Ground Transportation Operations with any passenger on Port property for the purpose of arranging for the transportation of the passenger or providing transportation to a non-prearranged passenger;
  - B. Employing, inducing, arranging, or allowing any person to initiate or engage in a conversation regarding Ground Transportation Operations with any passenger on Port property for the purpose of arranging or providing transportation for a passenger or providing transportation to a non-prearranged passenger;
  - C. Offering ground transportation services on Port property to any passenger;

- D. Agreeing to transport any non-prearranged passenger from Port property;
  - E. Displaying or carrying a sign that advertises transportation in violation of Sections 5 or 6;
  - F. Distributing literature on Port property that discusses or describes Ground Transportation Operations;
  - G. Except as provided in Section 5, Article 3 below, transporting any person at the Port who is not a prearranged passenger;
  - H. An Affiliate discussing, offering, or directing passengers to ground transportation services other than those provided by Taxicabs, Transportation Concessionaire(s), or Rental Car Concessionaires;
  - I. An Affiliate employing, inducing, or arranging ground transportation services for a Passenger other than that which was pre-arranged by the passenger;
  - J. A Porter receiving, or agreeing to receive compensation from any Affiliate for offering or arranging ground transportation services for a passenger;
  - K. The actions of a Rental Car Operator to discuss, offer, or arrange ground transportation services to any person at the Port who is not a pre-arranged passenger while not behind a CPA authorized Service Counter;
  - L. The actions of a Transportation Concessionaire Operator to discuss, offer, or arrange ground transportation services to any person at the Port, who is not a pre-arranged passenger while not behind a CPA Authorized Service Counter; and
  - M. Actions by a Permit Holder dispatching a non-Permitted vehicle for the actual or intended pick up of a passenger by the Driver. The financial penalty for such violation by a Permit Holder or a Driver shall be assigned to both the Driver involved and the Permit Holder. However, the suspension from operating at the Port shall only be served by the Driver.
3. Actions That Do Not Constitute Solicitation – The following actions do not constitute Solicitation:
- A. Actions by a Taxicab Starter that would otherwise be considered solicitation provided that such actions are in accordance with these Rules and Regulations and such actions occur while the Starter is in the Taxicab Loading Zone or other location approved by the

CPA in writing and is working as a Taxicab Starter by arranging transportation for passengers;

- B. Actions by an employee of a Transportation Concessionaire who is working in a location approved in writing by CPA and such actions are in accordance with the contractual agreement with the CPA;
- C. Actions by an employee of a Transportation Concessionaire in giving passengers who are customers of such Transportation Concessionaire directions to the Transportation Concessionaire's Vehicles;
- D. Actions of an employee of a Rental Car Operator who is working on behalf of that Operator behind a CPA Authorized Service Counter;
- E. Actions by a Courtesy Vehicle Driver or employee acting to ensure the orderly loading of a Courtesy Vehicle that would otherwise be considered solicitation so long as such actions occur while the Courtesy Vehicle Driver or employee is working in the Loading Zone and does not initiate conversation with a passenger, direct a passenger to other ground transportation services, or offer services to a passenger who has not pre-arranged transportation with such Permit Holder;
- F. Actions by a Driver of a Taxicab or other Vehicle for Hire in transporting any Passenger from Port property if the passenger is loaded into the Driver's Commercial Vehicle by a Starter in accordance with these Rules and Regulations;
- G. Actions by employees or contract employees of any cruise line in arranging for transportation for any passenger of such cruise line;
- H. Actions by employees of a Tour Operator, contracted by a Cruise Line Operator to provide passenger tours and excursions, offering or arranging such tours or excursions to any passenger of that Cruise Line Operator; and
- I. Conducting a Meet and Greet in accordance with these Rules and Regulations.

## Section 6

### Other Provisions Governing Ground Transportation Operations

1. Improper Conduct – An Affiliate shall not engage in improper conduct or act in a manner that threatens or jeopardizes the safety and wellbeing of another person. Improper conduct shall include, but is not limited to, the following acts or omissions:
  - A. Boisterous or threatening conversation;
  - B. Use of profanity;
  - C. Assault, as defined by s.784.011, Florida Statutes;
  - D. Battery, as defined by s.784.03, Florida Statutes;
  - E. Failure to cooperate with a Ground Transportation Agent or the failure to properly respond to a verbal order, direction, or question of an Agent in the performance of his or her official duties;
  - F. The unlicensed carrying or transporting of a weapon or firearm as defined by s.790.001, Florida Statutes;
  - G. Refusal to transport a passenger in accordance with these Rules and Regulations;
  - H. Soliciting, coercing, or attempting to solicit or coerce gratuities from a passenger;
  - I. Intentionally or maliciously causing damage to a passenger's baggage or possessions;
  - J. Violation of Section 6, Article 17 – Invalid Classification of Commercial Vehicle; and
  - K. Violation of Section 6, Article 18 – Careless Vehicle Operation.
2. Misleading Information – An Affiliate shall not provide false or misleading information concerning ground transportation services at the Port.
3. Permit Decal and Transponder – A Commercial Vehicle may not be operated within the Port Jurisdictional Area unless and until a valid Permit Decal and valid Transponder have been issued and affixed to the Vehicle.

- A. A Commercial Vehicle shall at all time while on Port property properly display a valid and current Permit Decal issued for the Vehicle.
- B. A Commercial Vehicle shall at all time while on Port property have affixed a valid Transponder registered for that Vehicle.
  - 1) Transponder registration shall be by and with the CPA.
- 4. Identification of Permit Holder on Vehicle – The name, or fictitious name registered with the State of Florida, of the Permit Holder shall be clearly displayed on the exterior of all Commercial Vehicles operated by the Permit Holder. Displaying the name on the front license plate of the vehicle shall meet the requirements of this Article. In the case of a vehicle displaying the name of another Operator that contracted transportation services from the Permit Holder, the name, or fictitious name registered with the State of Florida, of the Permit Holder must be displayed on the vehicle’s dashboard and be visible from outside the vehicle.
- 5. Engine Idling – Unless a Commercial Vehicle is engaged in the Active Loading or Active Unloading of passengers, a Driver shall not allow his or her vehicle engine to idle and shall turn off the engine.
- 6. Meet and Greet Guidelines – Affiliates may perform Meet and Greet activities only in designated Meet and Greet Areas or areas authorized by a lease or Space Use Agreement. Meet and Greet Activities shall be conducted in accordance with these Rules and Regulations. A maximum of two (2) Permit Holder Representatives are allowed in a Meet and Greet Area when conducting a Meet and Greet. Meet and Greets in other areas of the Port are prohibited except as may be expressly authorized by the Administrator.
  - A. Meet and Greet Activities – An Affiliate performing a Meet and Greet may only stand in the Meet and Greet Area while waiting to meet a passenger whose transportation has been pre-arranged or while in the company of their pre-arranged passengers for the purpose of assisting with luggage. Affiliates otherwise are prohibited from being in a Meet and Greet Area unless expressly authorized by the Administrator.
  - B. Commercial Zone – An Affiliate doing business as a Vehicle for Hire Operator may only enter a Commercial Zone to conduct Ground Transportation Operations as set forth in Sections 5 and 6 and will be required to have the necessary pre-arranged passenger information.
  - C. Affiliates conducting Meet and Greet activities shall at all time wear appropriate attire.



- D. If an Affiliate is deemed to be in violation of the Meet and Greet Guidelines delineated in this Section, an Agent may order the Affiliate to leave the Meet and Greet Area, issue the Affiliate a NOV, or both as deemed appropriate by the Agent's assessment of the situation.
7. Sign Requirement – An Affiliate performing a Meet and Greet, excluding Courtesy Vehicle Operators, Concessionaire Vehicle Drivers, and Taxicab Operators, must have a Meet and Greet Sign prior to entering the Commercial Zone to pick up a passenger. A Meet and Greet Sign shall be:
- A. Clearly legible and at least 8" x 10" but not larger than 15" x 15" in size. A computer tablet, with a diagonal screen measurement of at least 9 inches, may be used in lieu of a traditional sign. The sign shall be used to display the name of the Passenger, Group, or company being met; and
  - B. The Affiliate must display the Meet and Greets Sign while awaiting the passenger, Group, or company arrival in the Meet and Greet Area.
8. Meet and Greet without a Sign – An Affiliate may perform a Meet and Greet without the use of a sign if the driver or Affiliate obtains prior authorization from the Administrator. Such authorization shall be granted only in cases where the driver or Affiliate demonstrates to the satisfaction of the Administrator that the use of a sign would create a crowd control hazard or security risk.
9. Meet and Greet Information – An Affiliate performing a Meet and Greet must provide, upon request of an Agent, the name of the Permit Holder for whom the Affiliate is operating together with verifiable information concerning the passenger's name or a copy of a contractual agreement for Meet and Greet Services in accordance with this Section. An Affiliate's refusal to respond when asked if he or she has a Meet and Greet shall constitute a violation of this Article.
10. Vehicle for Hire Service Receipt Requirements – Upon request of a passenger, a Vehicle for Hire Affiliate must provide a receipt for the transportation services provided. The receipt which may be sent electronically to the passenger must state the name of the Affiliate and Permit Holder of such vehicle that provided transportation to the passenger. In the case of transportation services contracted by a different Operator and a Service Receipt indicating an Operator name other than the Permit Holder of such Vehicle that provided transportation to the Passenger, the Service Receipt must include the Affiliate's name and Permit Decal number of the vehicle that provided transportation to the passenger.

11. Taxicab Staging Area – A Taxi issued a Permit pursuant to these Rules and Regulations is authorized to park in the Taxicab Staging Areas prior to proceeding to a Commercial Zone. Taxis are not limited in parking duration while in the Taxi Staging Areas.
12. Parked Blocking Traffic – A Driver of a Commercial Vehicle may not park such vehicle in any manner that blocks or significantly impedes the normal flow of traffic. An Agent, upon observing a Commercial Vehicle that in his/her opinion is blocking or significantly impeding the normal flow of traffic, shall request the Driver to promptly move the vehicle to a location that does not block or impede the normal flow of traffic. Failure of the Driver to promptly comply with the Agent’s request shall be deemed to be an Unauthorized Parking Violation.
13. Holding Areas – Only Commercial Vehicles with a valid Permit Decal and Transponder conducting Ground Transportation Operations may park in the Holding Areas.
  - A. Use of Holding Areas – Affiliates may use Holding Areas only if conducting commercial ground transportation business. Affiliates are subject to these Rules and Regulations while in the Holding Areas, including but not limited to the requirement for Non-Concessionaire Operators to have pre-arranged Passenger information prior to entry onto Port property. Unauthorized parking or unauthorized use of the Holding Area may result in the immediate towing and relocation of such vehicle at the owner’s expense.
14. Limits of Parking Duration – No Commercial Vehicle may remain in a Loading Zone for more than 15 minutes unless actively loading or unloading passengers. No Commercial Vehicle may remain in a Commercial Zone for more than one (1) hour at a time. No Commercial Vehicle may park in a Holding Area for more than five (5) hours at a time. Any Commercial Vehicle that is parked in violation of this Article may be issued a NOV and the vehicle towed, at the Permit Holder’s expense, if the Driver is not present or refuses to move the vehicle. Support Services Permit Holders who violate this Article five (5) or more times in any twelve month period may have their Support Services Classification revoked.
15. Authorization to Load, Unload, or Park – The Administrator may authorize Commercial Vehicles to load, unload, or park in areas that would not otherwise be authorized for the loading, unloading, or parking of a Commercial Vehicle in order to facilitate operational need and efficiency.
16. Unattended Vehicle – No Driver shall be more than ten (10) feet away from his or her vehicle while the vehicle is parked in a Commercial Zone. Unattended vehicles may be cited and/or towed by the CPA at the Permit Holder’s expense.

17. Invalid Classification of Commercial Vehicles – The Administrator shall immediately revoke the Permit Decal of any Commercial Vehicle for which it has been found to be incorrectly classified into a smaller vehicle classification based on information provided by the Permit Holder. When correct and verifiable information pertaining to the vehicle’s size has been received from the Permit Holder, which results in the correct vehicle classification, the Administrator shall issue a new Permit Decal indicating the correct vehicle classification. Permit Holders and Drivers shall allow an Agent the opportunity to measure and/or otherwise evaluate a Commercial Vehicle displaying a Permit Decal to ascertain whether it is correctly classified. Failure to provide an Agent the opportunity to measure or otherwise evaluate a Commercial Vehicle shall be considered Improper Conduct.
18. Careless Vehicle Operation – A Driver operating a Commercial Vehicle within the Port Jurisdictional Area who fails to operate the vehicle in a careful and prudent manner by not following the rules of the road such as traffic signs, traffic control devices, going against direction of traffic, yielding to pedestrians at a crosswalk, or operating the Commercial Vehicle in a manner that is indifferent to public safety, shall be deemed to have committed Improper Conduct.
19. Customer Service Requirement – Drivers and Affiliates are expected to provide quality customer service to their passengers in a professional, courteous, and helpful manner. Failure to provide such quality customer service, as documented by a written complaint, shall be a Customer Service Violation if deemed a creditable complaint by the Administrator based on a preponderance of evidence.
20. CPA Access to Permit Holder Apps (Applications) – All Permit Holders who utilize customer and/or driver internet apps (applications) must provide the CPA access to such apps without the requirement to have a credit card to establish access and shall not take any actions which result in such access being denied. Failure to provide initial access to customer or driver apps, or to cancel established access, shall be reason for the Administrator to suspend the operating Permit of the Permit Holder until such time as access is provided.

# Section 7

## Taxicab and Transportation Concessionaire Operations

1. Concessionaire Agreement – On-demand taxi and shuttle services may, at the sole and absolute discretion of the Canaveral Port Authority, be administered by means of a concessionaire agreement. In the absence of a superseding provision of a concessionaire agreement, the following terms shall govern the administration of on-demand taxi and shuttle services.
  
2. Taxicab Starter System – A Taxicab Starter shall be stationed at each active cruise terminal unless a terminal is expressly exempted by the Administrator. Taxicab Starter Stations shall be positioned outside the Meet and Greet Area. For purposes of this Section, Active Cruise Terminal shall mean the time period when a cruise vessel is berthed at the terminal and vessel passengers are actively disembarking. Taxicab Operators with Taxicab Permits will collectively enter into a Starter Agreement, to be approved by the Administrator. Each Taxicab Operator shall abide by these Rules and Regulations and any such Taxicab Starter Agreement. The consortium of Taxicab Operations will be collectively responsible for all actions of Taxicab Starters, including any and all penalties and suspensions for a Taxicab Starter’s violation of these Rules and Regulations. Unless specifically stated otherwise, the violation of any portion of Section 7 by a Driver of a taxicab or a Taxicab Starter shall be deemed a Category II Taxicab Violation with penalties described in Section 9, Article 6, except for violations which result in the loss of revenue to the CPA which shall be deemed to be a Category I Evading Fees Violation as stipulated by Section 9, Article 5(D).
  
3. Taxicab Dispatch Procedures
  - A. Assignment of Ranks Within Holding Areas – The Administrator shall assign, and may from time to time alter the assignment of, lanes or portions of lanes within the Holding Areas (“ranks”) to Taxicab Operators in a configuration determined by the Administrator to be most efficient in order to provide an opportunity for each Taxicab Operator to achieve a percentage of Taxicab Trips from the Port approximately equal to the percentage of Permit Decals issued to such Taxicab Operator.
  
  - B. Arrival to Holding Area – Upon arrival at the Port, Taxicab Drivers who desire to make Passenger pickups from the Taxicab Loading Zones are required to proceed to the Holding Area designated by the CPA and to the rank within the Holding Area assigned to the Taxicab Operator under whose Permit the Taxicab is operated. Upon entering a Holding Area, all Taxicabs are required to proceed to the first available position in their respective rank(s).

- C. Full Holding Area – Drivers of incoming Taxicabs who find that their assigned rank(s) is/are full upon such Taxicab’s entry into the Holding Area shall either depart the Port or travel to any alternative Holding Area as may be authorized by the Administrator.
- D. Progression Within the Holding Area – Within the Holding Area, each Taxicab shall move toward the Holding Area exit by directly following the vehicle ahead of it.
- E. Exit from the Holding Area – The signal for the next Taxicab to move forward shall be controlled by the Taxicab Starter(s) based on customer demand.
- F. Demand Taxicab Service – Taxicab Drivers dispatched to a Taxicab Loading Zone to provide demand service will be issued a dispatch ticket indicating the Taxicab Permit Holder’s name and the Taxicab number.
- G. Pre-Arranged Taxicab Service – Taxicab Drivers who are picking up a pre-arranged Passenger in accordance with the Meet and Greet requirements in Section 6 shall first report to the Taxicab Starter of the prearranged Passenger pick up before entering the Commercial Zone to pick up a Passenger.
- H. Direction to Taxicab Loading Zones and Offering Services to the Public – Upon exiting the Holding Area, each Taxicab shall proceed to the Taxicab Loading Zone designated by the Taxicab Starter(s). In loading vehicles Taxicab Starters shall ensure, as often as practical, that the Taxicab which has remained in a Taxicab Loading Zone the longest is provided with the next passenger(s) requesting service. However, the customer shall have the right to select any Taxicab in the Taxicab Loading Zone.
- I. Service Requirement – No Taxicab Driver shall refuse any request for transportation from any orderly passenger where the destination of the trip is within a fifty (50) miles of the Port. No Taxicab Operator shall refuse any request for transportation service from any person based on that person's race, color, religion, national origin, marital status, age, sex, sexual orientation, gender identity or handicap. No Taxicab Operator shall charge any additional fees to provide services to persons with disabilities. Taxicab Operator and Drivers will comply with all laws relating to accommodation of service animals.
- J. Additional Taxicabs – In the case of an emergency, the Administrator may authorize additional Taxicabs to operate at the Port. For purposes of this Section, an emergency is defined as any occasion when the Administrator determines that the number of available Taxicabs is inadequate to serve Passenger demand.

#### 4. Taxicab Customer Service Requirements

- A. Fare Payment by Credit Card – Permit Holders and Drivers of Taxicabs (“T” Permit Decals) must, at a minimum, accept VISA, MasterCard, and American Express Credit Cards from passengers for payment of fares at no additional cost to the passenger and must affirm this policy when discussing fare payment by credit card. Each Taxicab must display notice of each credit card accepted for payment on the exterior of the vehicle and adjacent to the taxicab meter in the interior of the taxicab. In addition, notice for each credit card accepted for payment will be posted at each Taxicab Starter station.
- B. Taxicab Meter – Prior to starting a trip originating from the Port, a Taxicab Driver is required to reset the Taxicab meter to show the authorized Taxicab Drop Fee (minimum charge). Highway tolls may be added to the Taxicab meter when they are incurred. The Taxicab meter shall not be covered or in any manner obscured from the passenger’s ability to see the Taxicab meter at all times during the trip.
- C. Taxi rates and fee shall be in accordance to Addendum 3.
- D. Customer Receipt – Prior to loading a passenger into a Taxicab, the Taxicab Starter is to provide the dispatch ticket for that trip to the passenger, regardless of whether the fare will be charged on a credit card or paid in cash, as the reverse of the dispatch ticket serves as a receipt for service and identifies the number of the Taxicab providing service.
- E. Taxicab Inspections – The CPA may conduct, or engage a third party to conduct, random Taxicab inspections to ensure Taxicabs, providing services within the Port, are well maintained and clean.
- F. Short Haul Fare Violation – No Taxicab Driver or Taxicab Starter may refuse a Passenger requesting service on the basis that the Passenger is traveling to a short haul destination. No Taxicab Driver assigned a short haul destination shall complain of such in the presence of the Passenger or in any way provide diminished customer service to the Passenger going to a short haul destination. Providing diminished customer service or complaining of a short haul destination to the Passenger of such destination shall, as documented by a Passenger written complaint, be deemed to be a Short Haul Fare Violation.

#### 5. Taxicab Starter Responsibilities – The Taxicab Starter shall be responsible for the following:

- A. Ensuring the smooth, orderly loading and departure of Taxicabs;

- B. Maintaining order in the Taxicab Loading Zones;
- C. Calling Taxicabs forward from the Holding Area to the Taxicab Loading Zones in the manner prescribed by the Administrator in connection with rank assignments;
- D. Reporting violations of these Rules and Regulations to the CPA;
- E. Reporting criminal violations to law enforcement and the CPA;
- F. Ensuring Taxicab trips are processed on a non-preferential basis and in accordance with the guidelines established in this Section;
- G. Ensuring that each Taxicab displays its Permit Decal, Transponder, and Credit Card displays as specified in Section 7, Article 4 (A);
- H. Directing passengers to alternative forms of transportation as may be requested. Failure to provide accurate information will constitute a violation of these Rules and Regulations for Misleading Information;
- I. Offering taxi service as provided in this Section and the Taxicab Starter Agreement and advising passengers of authorized Taxicab rates, if requested;
- J. Attempting to settle on-site disputes among Taxicab Drivers by individual effort or by requesting CPA and/or law enforcement assistance as warranted by circumstances;
- K. Maintaining and delivering to the CPA in a timely manner an accurate daily log which reflects for each outbound Taxicab trip, the number of the Taxicab making such trip, the Taxicab Operator that holds the Permit for the Taxicab, the number of passengers, the destination, and the time of departure;
- L. Maintaining and delivering to the CPA an accurate monthly log which reflects the number of outbound Taxicab trips from the Port made by Vehicles associated with each Taxicab Operator; and
- M. Investigating and responding to, or ensuring that the subject Taxicab Operator investigates and responds to, passenger complaints. Complaints shall be investigated whether they are received verbally or in writing. The Starter shall provide to the CPA a copy of any written complaint or a written description of any verbal complaint and a copy of the written response to each complaint. All Taxicab Operators shall conduct and cooperate in investigations of passenger or customer complaints, whether conducted by

the CPA or by a Starter and shall respond to any customer or passenger complaint concerning Taxicab service provided by such Taxicab Operator when requested to do so by the CPA.

6. Transportation Concessionaire – A Transportation Concessionaire will be responsible for providing ground transportation services in accordance with the Concession Agreement with the CPA. The Transportation Concessionaire will be responsible for its Affiliates in Ground Transportation Operations at the Port and if such actions constitute a violation of these Rules and Regulations the Transportation Concessionaire will be responsible for any and all penalties and suspensions resulting from a violation of these Rules and Regulations separate and aside from any action taken by the CPA regarding the Concession Agreement with the CPA.



## Section 8

### Fees

1. Payment of Fees – Each Permit Holder shall pay all applicable Commercial Zone Usage Fees and Taxicab Starter Fees.
  - A. Permit Decal and Transponder Requirement – Permit Holders are required to operate each Commercial Vehicle with the specific Permit Decal and Transponder assigned to that vehicle. Failure to operate a Commercial Vehicle with the specific Permit Decal and Transponder assigned to the vehicle will be a violation of Failure to Affix Permit Decal as specified in Section 9, Article 7 (C).
  - B. Payment of Commercial Zone Usage Fee – Permit Holders shall be required to have a valid Permit Decal and valid Transponder on each Commercial Vehicle operated within the Port for the purpose of determining Commercial Zone Usage. Permit Holders will be billed, on a monthly basis, a Commercial Zone Usage Fee based on Commercial Zone usage as tabulated by the CPA. Permit Holders are required to periodically review their assessed Commercial Zone Usage Fees. A Permit Holder shall have the affirmed duty to immediately report anomalies in their billing statement; including indicators that a CPA issued Transponder is malfunctioning or failing to accurately record Commercial Zone usage.
  - C. Transponder – Each Transponder shall be affixed to the Commercial Vehicle for which it was issued and in the manner prescribed by the CPA. Issued Transponders shall at all times remain the property of the CPA. Transponders shall be returned to the CPA on demand. If a Permit Holder loses or destroys a CPA issued Transponder or has a Transponder stolen or destroyed, the Permit Holder will be charged the non-refundable fee of \$50.00. Permit Holders must immediately notify the Ground Transportation Services Office regarding Transponders that are lost, destroyed, or stolen. The Permit Holder will be responsible for any and all fees associated with the Transponder until such time as notification is received.
  - D. Commercial Zone Usage Fee Adjustment – The Commercial Zone Usage Fee shall be evaluated on an annual basis by the Administrator who shall provide a written recommendation to the Chief Executive Officer. The Administrator shall notify all Permit Holders of any adjustment to the fee no less than thirty (30) days prior to the implementation of the new fee structure.

2. Evading Fees – Affiliates are prohibited from committing or attempting to commit any act that causes the CPA’s tolling system to fail to detect the presence of the Affiliate’s Commercial Vehicle within the Commercial Zone. Operators and Permit Holders are explicitly prohibited from operating any vehicle in a commercial manner within the Port Jurisdictional Area without a valid Transponder and Permit Decal.
  
3. Commercial Zone Usage Fee – A Permit Holder shall be charged a Commercial Zone Usage Fee each time a Commercial Vehicle, operating under his or her permit, enters the Commercial Zone as specified by Addendum 1. Tabulation of the Usage Fee begins when the Commercial Vehicle enters the zone and concludes upon exiting the zone. The fee amount will be determined based on the total time the vehicle remains in the zone and assessed in incremental periods. The following Permit Category increments will be used for fee tabulation:

Permit Category Increments	
Non-Concessionaire (N)	60 minutes
Off-Port Parking Operator (P)	60 minutes
Rental Car Operator (R)	60 minutes
Vehicle for Hire (V)	60 minutes

Each increment, or any part thereof, will be assessed at the follow rate:

Commercial Zone Usage Fee	
Class I Vehicles	\$ 5.00
Class II Vehicles	\$ 10.00
Class III Vehicles	\$ 15.00

Charges only will accrue while the vehicle is within the boundaries of the Commercial Zone. Travel time between sectors of the Commercial Zone shall not be charged. However, travel time between sectors shall be limited to 20 minutes. Intervals in excess of 20 minutes differentiate periods of Commercial Zone Usage.

If warranted by events or circumstances, as determined by the Administrator, the Commercial Zone Usage Fee may be assessed on a fixed fee [per trip] basis. Class I, II, and III Vehicles will be charged the above stipulated fee for each trip into the Commercial Zone. Toll booths may be used to collect the assessed fees and/or document the vehicle information.

- A. Taxis Commercial Zone Usage Fee – Taxis shall be assessed a fixed fee of \$3.00 for each trip into the Port’s Commercial Zone as designated by Addendum 1. The Commercial Zone Usage Fee shall not apply to on-demand taxi and shuttle services operated by a Permit Holder under the terms of a concessionaire agreement with the CPA. The number

of Taxicab trips made from the Port or over any part of Port property may be audited by such reasonable means and methods as deemed appropriate by the CPA.

- B. Vehicles classified under the Provisional Classification will be assessed a fixed fee of \$5.00 for each trip into the Commercial Zone.
  - C. Temporary Permit – The Administrator may grant an exception to Article 1 (A) of this Section to a Non-Permit Holder Operator of a Commercial Vehicle. In such exception, the CPA will issue a Temporary Permit for access to the Commercial Zone provided the Non-Permit Holder Operator shows proof of insurance as required by Section 4, Article 5 and pays a twenty-five (\$25.00) dollar daily use fee. A Non-Permit Holder Operator may be issued a Temporary Permit no more than six (6) times in any twelve (12) month period. The Temporary Permit shall be issued in accordance with the requirements of Section 3, Article 10 (D).
  - D. Authorization Restrictions – A Permit Holder may request authorization for one or more service categories during the application process as delineated in Section 3, Article 4. The Permit Holder must obtain authorization for each category of services provided. A Permit Holder is prohibited from providing any ground transportation services not authorized by their Permit with the CPA. The Administrator reserves the right immediately to revoke the Permit of an Operator providing unauthorized services.
  - E. Concessionaire (C) Permit Holders – Commercial Zone usage by C Permit Holders shall be assessed in accordance with the Concessionaire’s Agreement with the CPA.
  - F. Starter Fees – Each Taxicab Operator shall pay assessed Starter Fees.
4. Monthly Billing and Time for Payment – Each Permit Holder paying Commercial Zone Usage Fees and each Permit Holder responsible for paying Starter Fees shall pay all such fees in the following manner:
- A. Billing of Usage Fees
    - 1) Concessionaires – Each Concessionaire shall be assessed and pay Commercial Zone Usage Fees in accordance with the terms of the Concessionaire Agreement with the CPA.
    - 2) Non-Concessionaire Operators – Each Non-Concessionaire Operator will be billed monthly for assessed Commercial Zone Usage. Billed fees are due upon receipt and must be paid within thirty (30) calendar days of the date of billing.

B. Billing of Starter Fees – Each Taxicab Operator will be billed monthly for the Starter Fees incurred during the prior month. Billed Starter Fees are due upon receipt and must be paid within thirty (30) calendar days of the date of billing.

5. Place for Payment – Remittance of Commercial Zone Usage and/or Taxicab Starter Fees shall be mailed to:

Canaveral Port Authority  
Finance Department  
445 Challenger Road, Suite 301  
Cape Canaveral, Florida 32920

6. Failure to Pay Fees – No Permit Holder may operate within the Port Jurisdictional Area unless the Permit Holder has paid in a timely manner all accrued Commercial Zone Usage Fees, Taxicab Starter Fees, and other fees assessed pursuant to these Rules and Regulations including, but not limited to, fees associated with a Notice of Violation. All bills unpaid on the 30<sup>th</sup> calendar day following the day on which the invoice or notice was issued are delinquent. The Permit Holder shall pay to the CPA, in addition to any and all other late fees and penalties, interest on any overdue sum which shall accrue at the rate of the lesser of one and one-half percent (1½ %) for each month [eighteen percent (18%) per annum] or the maximum rate of interest allowed by law from the last day on which the sum should have been paid.

A. Non-Sufficient Fund Fee – A non-refundable fee of \$40.00 will be applied to a Permit Holder that remits a check that is returned to the CPA for non-sufficient funds and the Permit Holder immediately will be placed on suspension until all applicable fees, late fees, and penalties are paid in full.

B. Reinstatement Fee – Prior to being allowed to return to service at the Port, a Permit Holder who has been placed on suspension due to the Permit Holder's failure to fulfill financial obligations pursuant to Sections 8 and 9, or failure to comply with insurance requirements set forth in Sections 3 and 4, will be required to pay a non-refundable reinstatement fee of \$100.00 in addition to any and all other late fees and penalties due by the Permit Holder.

## Section 9

### Penalties for Violations of these Rules and Regulations

1. Compliance Requirement – All Concessionaires, Permit Holders, Drivers, Cruise Line Operators, Destination Management Companies, Tour Operators, Affiliates, Authorized Representatives, Porters, and Operators are subject to these Rules and Regulations. Permit Holders, Cruise Line Operators, Destination Management Companies, and Tour Operators are responsible for maintaining a current version of these Rules and Regulations and ensuring their employees are familiar with these Rules and Regulations. Concessionaires, Permit Holders, Cruise Line Operators, Destination Management Companies, and Tour Operators are responsible for the actions of their Affiliates performing Ground Transportation Operations within the Port Jurisdictional Area. Permit Holders are responsible for performing due diligence background checks of all Affiliates who perform Ground Transportation Operations at the Port. A violation of these Rules and Regulations committed by an Affiliate or Porter shall be attributed to the Affiliate or Porter and to the Permit Holder that a preponderance of the evidence indicates the Affiliate or Porter was operating for at the time of such incident.
2. Permit Holder Operating While Suspended – If a Permit Holder operates or allows their Affiliates to operate within the Port Jurisdictional Area while the Permit Holder’s operating privileges are suspended, Permit Holder will be required to pay \$1,000.00.
3. Affiliate Operating While Suspended – If an Affiliate operates within the Port Jurisdictional Area while that Affiliate’s operating privileges are suspended, such Affiliate will be suspended from operating at the Port for a period of six (6) months and the CPA will request a trespass warning to be issued to the Affiliate. The Permit Holder will be required to pay \$1,000.00.
4. Solicitation – If an Affiliate engages in Solicitation in violation of Section 5, such Affiliate will be suspended from operating at the Port for a period of thirty (30) days and the Permit Holder will be required to pay \$500.00.
5. Category I Violations – If an Affiliate commits any of the acts set forth in this Section 9, Article 5, such Affiliate will be suspended from operating at the Port for a period of ten (10) days and the Permit Holder will be required to pay \$250.00.
  - A. Improper Conduct – Engaging in improper conduct in violation of Section 6, Article 1.
  - B. Unauthorized Presence in the Meet and Greet Area – Unauthorized presence in the Meet and Greet Area while not actively engaged in a Meet and Greet as specified in Section 6.

- C. Failure to Provide Meet and Greet Information – Failure, inability, or unwillingness to provide complete and accurate Meet and Greet Information to a requesting Ground Transportation Agent in accordance with the requirements of Section 6, Article 9.
  - D. Evading Fees – A violation of Section 3, Article 10 (C); Section 6, Article 3; Section 8, Article 2; or any other violation of these Rules and Regulations which result in the loss of revenue to the CPA.
6. Category II Violations – If an Affiliate commits any of the acts set forth in this Article, such Affiliate will be suspended from operating at the Port for a period of three (3) days and the Permit Holder will be required to pay \$150.00.
- A. Misleading Information – Providing any Person with false or inaccurate information in violation of Section 6, Article 2.
  - B. Taxicab Violation – The violation of any portion of Section 7 by a Driver or a Taxicab Starter, except those violations which results in the loss of revenue to the CPA which shall be deemed to be a Category I violation.
  - C. Customer Service Violation – The violation of Section 6, Article 19 by any Driver or Affiliate.
7. Category III Violations – If an Affiliate commits any of the acts set forth in this Article, such Affiliate will be suspended from operating at the Port for a period of one (1) day and the Permit Holder will be required to pay \$100.00.
- A. No Meet and Greet Sign – Failing to have a Meet and Greet Sign in violation of Section 6, Article 7.
  - B. Improper Meet and Greet Sign – Having a Meet and Greet Sign that fails to meet the requirements of Section 6, Article 7.
  - C. Failure to Affix Permit Decal [Transponder] – Operating a Commercial Vehicle that has been issued a valid Permit Decal and Transponder but the Permit Decal or Transponder is not affixed or has not been affixed in a proper manner. For the purposes of this Article a valid Temporary Permit that is not visible on the Commercial Vehicle shall be deemed a violation of this Article.
  - D. Engine Idling – Idling a Vehicle engine in violation of Section 6, Article 5.
  - E. Unattended Vehicle – Leaving a Vehicle unattended in violation of Section 6, Article 16, which requires a Driver to be within ten (10) feet of his or her Vehicle while parked in a Commercial Zone.

- F. Failure to Provide Service Receipt – The failure of a Vehicle for Hire Operator to provide a Service Receipt to a Passenger in violation of Section 6, Article 10.
8. Category IV Violations – If an Affiliate or Permit Holder commits any of the acts set forth in this Article, the Permit Holder will be required to pay \$50.00.
- A. No Vehicle Identification – Operating a Commercial Vehicle that fails to be properly identified in violation of Section 6, Article 4.
  - B. Unauthorized Parking – Parking in violation of signage or the direction from a Ground Transportation Agent.
  - C. Uncategorized Violations – Violations of these Rules and Regulations for which a category has not been expressly indicated shall be deemed to be a Category IV Violation.
9. Category V Violations – It shall be a Category V Violation for a Driver or Operator, who is neither a Permit Holder nor operating for a Permit Holder, to conduct any Ground Transportation Operations. Directing another Person, who is neither a Permit Holder nor operating for a Permit Holder, to conduct Ground Transportation Operations shall also be a Category V Violation. A Driver who offers to rent or rents a Vehicle to another Person within the Port Jurisdictional Area without a Permit in violation of Section 3 commits a Category V Violation. The Person and anyone directing the Person to commit any of the above prohibited activities will each be required to pay \$250.00.
10. Suspension for Multiple Violations – Affiliates are subject to additional suspensions and financial penalties for multiple violations of these Rules and Regulations. A Permit Holder may request a listing of NOV's issued during the preceding two years to an Affiliate working under his or her Permit.
- A. Multiple Solicitations – In addition to all applicable penalties pursuant to Section 9, Article 4, if an Affiliate engages in Solicitation three (3) times in any twelve (12) month period, the Administrator shall, after expiration or exhaustion of all hearing and appeals rights with respect to the third Solicitation, suspend the Affiliate from operating at the Port for a period of six (6) months and the Permit Holder for which the representative Affiliate was operating at the time of the third Solicitation shall be required to pay \$1,000.00. If an Affiliate engages in a fourth or subsequent Solicitation in any twelve (12) month period, the Administrator shall, after expiration or exhaustion of all hearing and appeals rights with respect to the fourth and each subsequent Solicitation, suspend such Affiliate from operating at the Port for a period of six (6) months for each Solicitation violation exceeding three (3) times in any twelve (12) month period and the Permit Holder for which the Affiliate was operating at the time of the fourth and each subsequent Solicitation will be required to pay \$1,000.00. Any such financial penalty shall be due and any applicable suspension period shall be effective on the second Tuesday after the date the Administrator mails a notice of suspension to the Permit Holder and Affiliate. The notice shall state the effective date of the suspension. The notice shall be mailed to the mailing addresses on file with the CPA.

- B. Multiple Other Violations – In addition to all applicable penalties pursuant to Section 9 Articles 5, 6, and 7, if an Affiliate commits one or more of any of the violations punishable pursuant to Section 9 Articles 5, 6, and 7 on four (4) separate occasions (i.e. four (4) separate incidents) in any twelve (12) month period, the Administrator shall, after expiration or exhaustion of all hearing and appeals rights with respect to the violation amounting to the fourth occasion, suspend such Affiliate from operating at the Port for a period of ninety (90) days for the fourth violation and the Permit Holder for which the Affiliate was operating at the time of the fourth occasion will be required to pay \$500.00. If after the fourth violation pursuant to Section 9 Articles 5, 6 and 7, an Affiliate engages in a fifth violation pursuant to Section 9 Articles 5, 6, and 7 in any twelve (12) month period, the Administrator shall, after expiration or exhaustion of all hearing and appeals rights with respect to the fifth and each subsequent violation, suspend such Affiliate from operating at the Port for a period of ninety (90) days for the fifth and each subsequent violation exceeding four (4) times in any twelve (12) month period and the Permit Holder for which the Affiliate was operating at the time of the fourth and each subsequent violation will be required to pay \$500.00. Any such financial penalty shall be due and any applicable suspension period shall be effective on the second Tuesday after the date the Administrator mails a notice of suspension to the Permit Holder and Affiliate. The notice shall state the effective date of the suspension. The notice shall be mailed to the mailing addresses on file with the CPA.
- C. Multiple Suspensions Pursuant to this Section – If an Affiliate is suspended pursuant to Section 9, Article 10(A or B) two (2) or more times in any two (2) year period, the Administrator shall suspend such Affiliate from operating at the Port for a period of two (2) years. The Permit Holder for which the Affiliate was operating at the time of the second suspension will be required to pay \$2,500.00. Any such financial penalty shall be due and any applicable suspension period shall be effective on the second Tuesday after the date the Administrator mails a notice of suspension to the Permit Holder and Affiliate. The notice shall state the effective date of the suspension. The notice shall be mailed to the mailing addresses on file with the CPA.
- D. Determination of Time of Violation – For purposes of determining whether the number of multiple violations specified in Section 9, Article 10(A or B) occurred within the twelve (12) month period specified, an Affiliate shall be deemed to have committed a violation on the date the incident actually occurred.
- E. Determination of Time of Suspension – For purposes of determining whether the number of suspensions specified in Section 9, Article 10(C) occurred within the two (2) year period specified, the period shall be measured from the last day of the first suspension period to the first day of the second suspension period.
11. Insurance Violations – Upon the expiration or cancellation without renewal of a Permit Holder’s policy of insurance, the Administrator will immediately suspend the Permit Holder’s Ground Transportation Permit. The CPA shall attempt, prior to imposing the suspension, to provide telephonic notification to the Permit Holder. Following imposition of



the suspension, written notice shall be sent by certified mail to the Permit Holder's mailing address. An unexpired Permit will be reinstated upon satisfactory proof of requisite insurance and full payment by the Permit Holder of any and all administrative and penalty fees.

## 12. Failure of Financial Obligations

A. Suspension – A Permit Holder will be suspended for failing to fulfill the following of financial obligations:

- 1) Failure to pay assessed Commercial Zone Usage Fees;
- 2) Failure to pay assessed Taxicab Starter Fees;
- 3) Failure to maintain requisite insurance or Security Deposit;
- 4) Failure to pay any financial penalty, administrative fee, or late fee on or before the last day designated for payment thereof;
- 5) Failure to restore a Security Deposit to the full and requisite amount within twenty (20) days as required by Section 4, Article 2;
- 6) Failure to pay any financial penalty incurred as a result of a Notice of Violation or administrative cost associated with a hearing or appeal which the Permit Holder or their Authorized Representative requested;
- 7) Failure to meet the obligations set forth in Section 8 of these Rules and Regulations and a penalty for such failure isn't otherwise set forth herein;
- 8) Failure to provide CPA access to a Permit Holder's customer and driver internet app (application) as required by Section 6, Article 20.

B. The Administrator shall immediately suspend the Permit Holder's Permit for failures of financial obligations as delineated in this Section. The CPA shall attempt, prior to imposing the suspension, to provide telephonic notification to the Permit Holder. Following imposition of the suspension, written notice shall be sent by certified mail to the Permit Holder's mailing address. The Permit Holder's Permit shall be reinstated upon restoration of the requisite security deposit and full payment of the overdue funds, required interest, penalties, and late fees.

C. Payment Plans – Financial penalties associated with NOVs are not eligible for remittance under a payment plan. Requests for such arrangements shall not be considered.

D. Recovery Against Security – If a Permit Holder fails to remit full payment of an assessed Commercial Zone Usage Fee or Taxicab Starter Fee within thirty (30) days of the due

date or fails to pay any financial penalty on or before the last day as set by these Rules and Regulations, the CPA may recover the overdue sum from the security the Permit Holder is required to provide under Section 4, Article 1. By exercising its rights with respect to the security deposit, the CPA does not waive its right to compel the Permit Holder to remit any portion of the overdue sum that has not been satisfied by the security deposit. If the Permit Holder demonstrates to the satisfaction of the Administrator that it is making a good faith effort to submit any overdue sum, the Administrator may postpone, for such period as the Administrator deems appropriate, administrative or legal proceeding without waiving its right to so proceed in the future.

E. Court – In addition to and without waiving the rights delineated in these Rules and Regulations, the CPA may seek to recover funds that are due and owing to the CPA in an appropriate court of law. In such event, the CPA shall be entitled to recover reasonable attorney’s fees and costs incurred in such action.

13. Identification of Affiliate – If the CPA is unable to identify an Affiliate who is believed to have committed a violation but is able to identify the Permit Holder under whose Permit the unknown Affiliate was operating at the time of the alleged violation and the Permit Holder fails to provide the identity of the Affiliate within three (3) days of request thereof made either verbally, in person, or via telephone then the Permit Holder shall be treated as the Affiliate for purposes of imposition of the penalty. If, in the opinion of the Administrator, extenuating circumstances exist that prevent the Permit Holder from determining the identity of the Affiliate, the Administrator may waive the requirements of this Article.

14. Authority to Tow Vehicle - The CPA has the power to make rules and regulations for the promotion and conduct of navigation, commerce, and industry in the Port District. The CPA has determined that the safety and security of the traveling public is served by a uniform and consistent enforcement of these Rules and Regulations. Failure to follow these requirements may place the Port and travelling public at risk. Authorizing the towing of vehicles in violation of these Rules and Regulations is deemed a reasonable and necessary means for the application and enforcement of these Rules and Regulations. Agents shall be vested with such authority.

15. Trespass Warnings, Fines, Towing, and Ground Transportation Agent Imposed Suspensions

A. Operations by Driver that is not a Permit Holder

1) Mailing Notification of Permitting Requirement, Fines – A Ground Transportation Agent immediately shall issue a Notice of Violation to an unauthorized Driver who commits a Category V Violation by operating a Commercial Vehicle on Port property or otherwise engages in any activity in violation of these Rules and Regulations. The Ground Transportation Agent shall gather information to enable notifications to be mailed to the unauthorized Driver and anyone directing the prohibited actions of the unauthorized Driver. The unauthorized Driver, and anyone directing the actions of the unauthorized Driver, shall be fined \$250.00 for each violation. For purpose of this Article, an unauthorized Driver shall be defined as a human being committing an act

in violation of these Rules and Regulations who is neither a Permit Holder nor an Affiliate of a Permit Holder.

2) Trespass Warnings, Notifications, and Towing – A Ground Transportation Agent shall request law enforcement issue a trespass warning to an unauthorized Driver for a second violation of this Article [15] within a twelve (12) month period. The Administrator may request a rescission of the trespass warning prior to the end of the warning period if warranted by circumstances. Notification will be given to the unauthorized Driver and mailed to anyone directing the unauthorized Driver advising of the requirement to become permitted in accordance with Section 3. In addition, both the unauthorized Driver and anyone directing the unauthorized Driver shall each receive a Notice of Violation and be fined \$250.00 per violation. The Agent may, if warranted by circumstance, have the unauthorized Commercial Vehicle removed by towing. If the same unauthorized Driver returns to the Port and operates an unauthorized Commercial Vehicle on Port property or otherwise engages in any prohibited activities for a third or subsequent time within the trespass warning period, the unauthorized Driver and anyone directing the unauthorized Driver shall each receive a Notice of Violation and be fined \$500.00 per violation. The Ground Transportation Agent shall immediately request law enforcement assistance regarding the violation of the trespass warning.

B. Personal Business at Port – If a Person subject to a trespass warning needs to utilize the Port for personal business, such person shall advise the Administrator of his or her desire to be present on Port property, the time when such person will be present on Port property and the reason for his or her presence on Port property. The Administrator shall consider all such requests in consultation and coordination with law enforcement.

C. Immediate Driver or Affiliate Suspension – An Agent may impose an immediate suspension from the Port of a duration as specified below to an Affiliate if the Agent observes such Affiliate:

1) Fighting, threatening, or assaulting another person on Port property. The Agent shall issue an immediate suspension for a period of forty-five (45) days;

2) Disrupting the routine use of Port facilities, the flow of passengers through the Port, the flow of traffic on Port roadways, or engaging in the conduct that threatens the safety or welfare of any person on Port property. The Agent shall issue an immediate suspension for a period of thirty (30) days; and

3) Using profanity or creating a disturbance on Port property. The Agent shall issue an immediate suspension for a period of seven (7) days.

a. The immediate suspensions shall be implemented, provided the on-duty Cruise Operations Supervisor is advised of and approves of the immediate suspension action to be imposed by the Agent and the Ground Transportation Agent documents the immediately imposed suspension in an incident report

and issues a NOV if appropriate. Any such action shall be reviewed no later than on the second business day after the immediate suspension of a Driver or Affiliate by the Administrator. The review is to determine whether the action to impose an immediate Driver or Affiliate suspension and the suspension duration is appropriate.

- b. If a Driver or Affiliate refuses to leave Port property, or if the Driver or Affiliate returns to the Port during any portion of suspension imposed by the Agent, law enforcement shall immediately be notified and a trespass warning requested.

D. Ground Transportation Supervisor Trespass Warning Issuance – The Administrator may at his/her sole discretion request law enforcement to issue a trespass warning to any Affiliate for any incident which is deemed to have created a risk to public safety or significantly disrupted the normal operation of the Port.

16. Revocation of Permit Decal – The failure of a Permit Holder to provide accurate information upon which to determine the correct classification of a vehicle as stated in Section 6, Article 17 shall result in the revocation of said vehicle’s Permit Decal.

17. Reinstatement of Permit after Suspension – Following a period of suspension, a Permit Holder’s operating privileges shall be immediately and automatically reinstated so long as the Permit Holder’s Permit has not expired and the Permit Holder has paid all fees, interest, financial penalties, late fees, administrative fees, and has complied with these Rules and Regulations. In the case of a suspension resulting from a violation for which corrective action is required, a Permit shall not be reinstated after a period of suspension unless and until the Permit Holder submits proof that the violation has been corrected.

18. Courtesy Vehicle Operating Limitations – The Administrator may suspend the Permit of a Courtesy Vehicle Permit Holder for violating any of the below listed Courtesy Vehicle Operating Limitations. The suspension of the Permit Holder’s Courtesy Vehicle operating Permit shall remain in effect until the Permit Holder proves to the satisfaction of the Administrator the cause of the suspension has been corrected and has paid any and all administrative fees and penalties.

A. A Permit Holder, who operates a Courtesy Vehicle for the benefit of its business, may not use such vehicle to transport passengers for direct compensation or remuneration.

B. A Permit Holder, who operates a Courtesy Vehicle for the benefit of its business, may not use such vehicle to transport passengers to unaffiliated businesses or locations without the expressed prior approval of the Administrator.

## Section 10

# Issuance of Notices of Violation and Appeal Proceedings

1. Issuance of Notice of Violation – Notices of Violation (NOVs) shall be issued as set forth in this Section.
  - A. Delivery of Notice to Affiliate – The Agent shall attempt to provide the affected Affiliate a copy of the NOV at the time of an incident that the Agent believes constitutes a violation of these Rules and Regulations. If for any reason the Agent is unable to give the Affiliate a copy of the NOV, such notice shall be mailed to the Affiliate via United States mail as set forth in Section 10, Article 1 (C) below. If no address has been designated for the Affiliate, the notice shall be addressed to the Affiliate care of the Permit Holder for which the Affiliate was believed to have been operating at the time of the alleged violation.
  - B. Delivery of Notice to Permit Holder – The Administrator shall issue a NOV to the Permit Holder by mailing a copy of the NOV via United States mail to the Permit Holder at the mailing address on file with the CPA’s Ground Transportation Services Office.
  - C. Address Designation – Each Permit Holder shall provide the CPA their current mailing address and mailing addresses of their associated Affiliates. The Permit Holder may provide a list of the mailing addresses of associated Affiliates or simply designate the mailing address of the Permit Holder for Affiliate notification. The Permit Holder shall notify the CPA of address changes in order to ensure continued compliance with Section 3, Article 4 (E). An Affiliate may, at the time of the issuance of a NOV, provide the Agent an address at which the Affiliate desires to receive notices. If a Permit Holder and an Affiliate provide conflicting addresses, the CPA shall send the Affiliate’s notices to the mailing address provided by the Affiliate. If the Permit Holder designates his or her own mailing address for an Affiliate, the Permit Holder shall be responsible for delivering such notices to the Affiliate. Failure on the part of the Permit Holder to deliver any such notice shall neither relieve an Affiliate of the obligations set forth therein nor constitute a failure of the CPA to provide the required notice.
  - D. Time for Mailing Notice – If a NOV is issued at the time of an incident, the CPA shall mail the NOV to the Permit Holder no later than four (4) business days after the date of the incident. If the NOV is issued as a result of an investigation by the CPA, the NOV shall be mailed to the affected Affiliate and/or Permit Holder no later than four (4) business days after the date the Administrator receives the last piece of information that causes him or her to believe that the Permit Holder or Affiliate committed a violation of these Rules and Regulations, but, in any event, not later than thirty (30) calendar days

after the date of the incident. If the CPA is unable to comply with the requirements of this Article due to the Permit Holder's failure to provide an accurate mailing address, the Time for Mailing Notice requirement shall be extended until such time as the notice may be delivered. An electronic scan or photocopy of a properly addressed envelope together with an affirmative representation by the individual who deposited the NOV in the mail to the effect that the NOV was deposited in the mail, shall be deemed conclusive evidence of compliance with the notice requirements of this Article.

E. Incident Report – The Ground Transportation Agent shall prepare a report for each Notice of Violation written or issued in order to document the notable and pertinent incident information.

2. Due Date and Suspension Period Commencement – Unless an Affiliate to whom a NOV was issued requests a hearing before 4:00 p.m. on the fifteenth (15th) calendar day after the date of any NOV, any financial penalty shall be due in the Ground Transportation Services Office before 4:00 p.m. on such fifteenth (15th) calendar day and any suspension period shall commence on Tuesday of the first week after the fifteenth (15th) calendar day after the NOV date. If the fifteenth (15th) calendar day after the date of the NOV will occur on a day that is not a business day for the CPA, the financial penalty shall be due before 4:00 p.m. on the first business day after such fifteenth (15th) calendar day and the suspension shall commence on Tuesday of the first week after the due date of the financial penalty. If a NOV is issued at the time of the incident, the date of the NOV shall be the date of the incident. If a NOV is issued as a result of an investigation which results in mailing the NOV, the date of the NOV shall be four (4) days after the date the Administrator mailed the NOV to the Affiliate or Permit Holder.

A. Commencement of Multiple Suspensions – All multiple suspensions will be administered and applied on a consecutive basis unless allowed to run concurrently, in whole or in part, by the Administrator.

3. Hearing Request – A Driver, Affiliate, or Permit Holder to whom a NOV has been issued may request a hearing before the Ground Transportation Committee (GTC) by calling the Administrator at (321) 394-3203. The Administrator will schedule a GTC hearing in a timely manner. The CPA shall e-mail notice of the time and date of the hearing to the e-mail address on file for the requesting Driver, Affiliate, or Permit Holder (Petitioner). The CPA shall mail a secondary notification to the mailing address on file for the Petitioner. Such secondary notice shall be deemed conclusive evidence of compliance with the notice requirements of this Article. Requests by the Petitioner for additional records pertaining to a NOV will be processed in accordance with CPA's procedures for public records.

4. Review of NOV – Prior to any GTC hearing, the Administrator may withdraw from consideration any NOV the Administrator determines, in his or her reasonable discretion, fails to establish prima facie proof the violation was committed. If the Administrator withdraws a NOV, the Affiliate involved shall be notified in writing and notification shall be delivered in the same manner as provided in Section 10, Article 1 for initial delivery of a NOV.

5. GTC Hearings

A. GTC Hearing Schedules – GTC hearings for NOV's shall be scheduled by the Administrator.

B. Recording of Hearings – All hearings before the GTC shall be recorded and if a Petitioner decides to appeal the decision of the GTC, such individual may request in writing a copy of the recording from the Administrator.

C. Presence of Ground Transportation Agent – If a Petitioner requests a hearing before the GTC; the Agent who issued the NOV shall be present and may be asked to provide testimony at the GTC hearing. If such Agent is not present at the hearing and the Petitioner, or proper representative, requests the opportunity to have the GTC ask questions of such Agent, the NOV may be dismissed at the discretion of the GTC unless the absence is the result of a health emergency, family emergency or other reasonable justification as determined by the GTC. If the absence is the result of a health emergency, family emergency or other reasonable justification, the Administrator shall reschedule the hearing as soon as is reasonably practicable.

D. Presence of Petitioner – The Petitioner that requests the GTC hearing shall be required to appear or shall be represented as provided in Section 10, Article 5 (F) at the meeting of the GTC at which such action is considered, to present facts, documentation, passenger information and witnesses to refute the alleged violation. The GTC, in its sole discretion, may determine what information and witness the Petitioner may present at the hearing. At such meeting, CPA staff may also present evidence including, but not limited to, video recordings and witness testimony in support of the NOV. All questions are to be asked by members of the GTC and the Petitioner must direct his or her questions to the GTC.

E. Absence or Failure to Appear Before GTC – If the Petitioner that requested a GTC hearing fails to appear or be properly represented at the GTC hearing, then, unless such absence is excused and rescheduled by the Administrator, the NOV shall be treated as if a hearing were never requested. In such event, the GTC shall not consider the NOV and any financial penalty shall be due before 4:00 p.m. on Tuesday of the week following the

GTC hearing and suspension shall commence on Tuesday of the week following the GTC hearing. The discretion by the Administrator to reschedule a GTC hearing at the request of the Petitioner shall be based on acceptable and verifiable reasons of a health emergency, family emergency or other reasonable justification and will be limited to a one (1) time consideration. The Petitioner will be required to appear at the rescheduled GTC Hearing without exception. If the Petitioner requests a hearing for a NOV that has been issued and fails to appear before the GTC as scheduled and without authorized absence by the Administrator, such Affiliate will be assessed an Administrative Fee of \$100.00 in addition to any financial penalty and suspension associated with the NOV. Such financial penalty and administrative fee will be due before 4:00 p.m. on Tuesday of the week following the GTC hearing. Failure to remit the administrative fee will result in the suspension of such Petitioner that requested the GTC hearing.

- F. Representation Before GTC – A Petitioner may be represented by himself, herself, a principal of the Permit Holder, or an attorney. The uses of interpreter services are permissible during a GTC hearing; however, such services shall be at the expense of the requesting Petitioner.
- G. Evidence – The GTC may consider any and all evidence that a reasonable person would use in making a decision including, but not limited to, hearsay evidence.
- H. GTC Determinations – The GTC shall make a finding at the GTC hearing, with respect to each violation, as to whether or not these Rules and Regulations were violated. In order for the GTC to conclude that a violation was committed, the evidence must establish that it was more likely than not (a preponderance of the evidence) that the violation was committed.

## 6. Appeals

- A. Filing of Appeal – A Petitioner who is present, or is properly represented pursuant to Section 10, Article 5 at a GTC hearing may appeal any decision of the GTC to the CEO by delivering a written request for appeal to the CPA’s Ground Transportation Services Office prior to 4:00 p.m. on Monday of the week following the GTC hearing. The request must state the specific reason(s) the Petitioner believes the GTC made an incorrect decision. If after a review of the request for appeal the CEO determines the request for appeal fails to include a specific and valid reason for an appeal meeting, the CEO will not consider the appeal and the applicable financial penalty and/or suspension period will be due and/or will commence on the Tuesday of the second week following the GTC hearing. In such case, the CEO shall notify the Petitioner in writing, that the appeal will not be considered. By failing to timely submit a written request for appeal to the CEO, a



Petitioner shall be deemed to have waived the right to any further review of the decision of the GTC. Once an appeal has been filed, the obligation to pay any financial penalty and the imposition of any suspension period shall be stayed until a final decision has been rendered by the CEO.

- B. Appeal Meeting – If an appeal to the CEO is properly requested and approved, the CEO shall schedule a meeting with the Petitioner appealing the GTC decision and any CPA staff members or other persons the CEO determines is appropriate. The CEO shall notify the Petitioner of the date and time of the appeal meeting by mailing a notice thereof in the manner provided in Section 10, Article 1. If the Petitioner fails to appear at the scheduled meeting, the CEO shall uphold the decision of the GTC and such Affiliate will have no further right of appeal and will be assessed an Administrative Fee of \$100.00 in addition to any financial penalty and suspension associated with the NOV. Such financial penalty and administrative fee will be due before 4:00 p.m. on Tuesday of the week following the appeal meeting and suspension will commence on Tuesday of the week following the appeal meeting.
  - C. No New Evidence – The CEO shall not consider any evidence or argument that was not presented to the GTC for its consideration unless the CEO determines that such evidence or argument could not reasonably have been discovered or developed prior to the GTC hearing.
  - D. Determination – The CEO shall announce his or her decision promptly upon making such determination; however, all such decisions shall be made within three (3) business days. The CEO may uphold or reverse the decision of the GTC or may direct the GTC to reconsider its decision in light of new or additional evidence that the CEO determines could not reasonably have been discovered prior to the GTC hearing. If the CEO directs the GTC to reconsider its decision, the Administrator shall send notice of such meeting in the manner provided in Section 10, Article 1. The determination to direct the GTC to reconsider its decision shall be a one-time exception and the determination of the GTC and/or appeal meeting following the reconsideration of said violation will become a final determination.
7. Financial Penalty and Administrative Cost Due Date and Commencement Date for Suspension – The Petitioner will be responsible for any financial penalty, administrative cost, or suspension imposed. The financial penalty and/or administrative cost imposed shall be due before 4:00 p.m. on Tuesday of the week following the GTC hearing or appeal meeting and any suspension period shall commence on Tuesday of the week following the GTC hearing or appeal meeting.