



# Broward County

## Legislation Details (With Text)

**File #:** 23-332      **Version:** 1

**Status:** Agenda Ready

**In control:** PORT EVERGLADES DEPARTMENT

**On agenda:** 3/14/2023      **Final action:** 3/14/2023

**Title:** MOTION TO APPROVE License Agreement between Broward County and WFn Holdings, Inc., providing for WFn Holdings, Inc.'s continued access to certain Port property to operate and maintain its weather stations installed pursuant to a prior agreement, and, in lieu of payment, providing 12 access codes to County for the web-based application that provides access to the weather data generated from the weather stations, for a term of five years retroactive to April 22, 2022, with an option to extend for one additional three-year period; and authorize the Mayor and Clerk to execute same.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - License Agreement with WFn Holdings, 2. Exhibit 2 - Letter from WFN Holdings, Inc

| Date | Ver. | Action By | Action | Result |
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### Broward County Commission Regular Meeting

**Director's Name:** Jonathan Daniels

**Department:** Port Everglades

**Division:** Operations

### Information

#### Requested Action

MOTION TO APPROVE License Agreement between Broward County and WFn Holdings, Inc., providing for WFn Holdings, Inc.'s continued access to certain Port property to operate and maintain its weather stations installed pursuant to a prior agreement, and, in lieu of payment, providing 12 access codes to County for the web-based application that provides access to the weather data generated from the weather stations, for a term of five years retroactive to April 22, 2022, with an option to extend for one additional three-year period; and authorize the Mayor and Clerk to execute same.

#### Why Action is Necessary

License Agreements must be approved by the Broward County Board of County Commissioners ("Board").

#### What Action Accomplishes

Approves the License Agreement between Broward County and WFn Holdings, Inc., providing for WFn Holdings, Inc.'s continued access to certain Port property to operate and maintain its weather stations installed pursuant to a prior agreement, and, in lieu of payment, providing 12 access codes to County for the web-based application that provides access to the weather data generated from the weather stations.

**Is this Action Goal Related**

No

**Previous Action Taken**

None.

**Summary Explanation/Background**

THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

WeatherFlow, Inc. (now known as WFn Holding, Inc.) has operated weather stations at Port Everglades since 2007 through a series of License Agreements. The most recent License Agreement, approved by the Board on April 22, 2014 (Item No. 39), provided for the installation of a weather station atop the Harbormaster Tower and a second hurricane hardened station on a concrete pole in the Southport area at Port Everglades for the recording and dissemination of weather data ("Prior Agreement"). The Prior Agreement was for an initial term of five years with an option to extend for three additional years. WFn Holdings, Inc. ("WFn"), exercised the option to extend the Prior Agreement through April 21, 2022. By letter dated February 8, 2023, WFn requested a new agreement (see Exhibit 2).

The Prior Agreement with WFn allowed for the installation of a full-function, self-sustaining, solar-powered weather recording station at Port Everglades at no cost to the Port. Installation was performed by WFn, and the equipment (two weather stations) was maintained and upgraded by WFn during the eight year term of the Prior Agreement. In lieu of payment to County, WFn provided 12 access codes to County for the Data Center (the web-based application that provides access to data from the Weather Stations) at no cost to County. In addition to use by designated Port Everglades Department staff, access is also provided to the Broward County Emergency Management Division and the Port Everglades Pilots Association. Users also have access to data from more than 35 other WeatherFlow stations throughout Florida.

Forecasts and historical data are also valuable elements of the system. The former allows for the planning of ship movements and container crane use, and the latter provides critical documentation of local wind conditions should there be a weather event, such as a tropical storm or hurricane, where damage to facilities caused by high winds results in an insurance and/or FEMA claim.

The new agreement ("Agreement"), if approved, will be retroactive to April 22, 2022, to provide continuity with the Prior Agreement, and end five years thereafter unless County extends the Agreement for up to one additional three-year term. The Agreement grants WFn a nonexclusive, revocable license to enter certain Port property for the limited purpose of operating and maintaining the weather stations (one on the Harbormaster Tower and one on the south end of the Port) in accordance with the terms of the Agreement. In lieu of payment to the County, WFn will continue to provide 12 access codes to County for the Data Center, providing unlimited access to the Data Center for users designated by the County at no cost to County.

The Agreement has been reviewed and approved as to form by the Office of the County Attorney.

**Source of Additional Information**

Conrad F. Strong, Assistant Director of Operations, Port Everglades Department 954-468-0223

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

None.