



# Broward County

## Legislation Details (With Text)

**File #:** 23-056      **Version:** 1

**Status:** Agenda Ready

**In control:** REQUEST TO SET FOR PUBLIC HEARING

**On agenda:** 2/7/2023      **Final action:** 2/7/2023

**Title:** MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 21, 2023, at 10:00 a.m. in Room 422 of the Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida, to consider the application of Host at Port Everglades, LLC, for the granting of a nonexclusive, unrestricted cargo handler services franchise for a ten-year term to provide cargo handler services at Port Everglades, and termination of the Port Everglades Franchise Agreement with Host Terminals, LLC.

**Sponsors:**

**Indexes:** Established Commission Goals

**Code sections:**

**Attachments:** 1. Exhibit 1 - Resolution, 2. Exhibit 2 - Notice to Publish, 3. Exhibit 3 - Application

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

**Director's Name:** Jonathan Daniels

**Department:** Port Everglades

**Division:** Business Development

### Information

#### Requested Action

MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, February 21, 2023, at 10:00 a.m. in Room 422 of the Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida, to consider the application of Host at Port Everglades, LLC, for the granting of a nonexclusive, unrestricted cargo handler services franchise for a ten-year term to provide cargo handler services at Port Everglades, and termination of the Port Everglades Franchise Agreement with Host Terminals, LLC.

#### Why Action is Necessary

Pursuant to Section 32.22 of the Broward County Administrative Code ("Administrative Code"), Broward County (the "County") must hold a public hearing prior to granting, renewing, placing on probation, suspending, or revoking a franchise.

#### What Action Accomplishes

Directs the County Administrator to publish a Notice of Public Hearing during which the Broward County Board of County Commissioners will consider the granting of a nonexclusive, unrestricted cargo handler services franchise to Host at Port Everglades, LLC, for a ten-year term to provide cargo handler services at Port Everglades, and termination of the Port Everglades Franchise Agreement with Host Terminals, LLC.

#### Is this Action Goal Related

Yes

**Previous Action Taken**

None

**Summary Explanation/Background**

THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This action supports the Broward County Board of County Commissioners' ("Board") Value of "Ensuring economic opportunities for Broward's diverse population and businesses" and the Goal to "Increase the economic strength and impact of revenue-generating County enterprises balancing economic, environmental, and community needs."

On April 23, 2013 (Item No. 7-PH), the Board approved a Port Everglades Franchise Agreement between Broward County and Host Terminals, LLC ("Host Terminals"), formerly known as Paradise Point Marine, Inc., so that Host Terminals could provide cargo handler services at Port Everglades, with such agreement having a ten-year term commencing on June 26, 2013, and ending on June 25, 2023 ("Prior Franchise"). Host Terminals is in the process of restructuring and will, after the completion of the restructuring, operate as Host at Port Everglades, LLC ("Host at Port Everglades").

Host Terminals requested that its Prior Franchise be terminated and a new franchise be granted to Host at Port Everglades, and Port Everglades has received a franchise application under the name of Host at Port Everglades for a nonexclusive, unrestricted franchise to provide cargo handler services at Port Everglades.

Staff reviewed the cargo handler franchise application against the enumerated criteria outlined in Chapter 32 of the Administrative Code. Staff's due diligence included, among other things: (a) corresponding with Host at Port Everglades' representative to clarify franchise requirements; and (b) reviewing Host at Port Everglades' corporate status, resumes of executive staff, list of managerial personnel, business history/experience, litigation history, insurance certificate(s), financial documents and creditworthiness, required licenses and certificates, company programs and policies, and list of equipment to be used at Port Everglades. Staff also reviewed Host at Port Everglades' safety and environmental history and did not find any infractions.

Host at Port Everglades has agreed to comply with all franchise conditions outlined in Section 32.24 of the Administrative Code by submitting the signed franchise application.

Based on the review of information provided in the franchise application, staff recommends granting the cargo handler franchise and terminating the Prior Franchise. Past practice has been for staff to recommend granting first-time applicants for a nonexclusive cargo handler franchise a one-year restricted franchise, restricted to "New Business" as defined in Section 32.16.b.10 of the Broward County Administrative Code. However, Host at Port Everglades is the result of the restructuring of Host Terminals. The latter, acting as Host Terminals and through its prior name, Paradise Point Marine, Inc., has provided cargo handler services at Port Everglades since June 26, 2012, when the Board originally approved its cargo handler franchise (Item No. 6-PH). Therefore, pursuant to Section 32.16.b.10 of the Administrative Code, staff recommends that the Board waive the "New Business"

requirement for good cause and grant the franchise for a ten-year term.

The complete application and supporting documents are on file in the Port Everglades Business Development Division's office.

**Source of Additional Information**

Jorge Hernández, Director, Business Development Division, Port Everglades Department, (954) 468-3501

Paula Serpa, Franchise and Business Permit Manager, Business Development Division, Port Everglades Department, (954) 468-0185

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Host at Port Everglades, LLC has paid the required initial fee of \$11,550 and will pay an additional \$37,800 in annual franchise fees over the term of the franchise, for a total of \$49,350.00.