



# Broward County

## Legislation Text

File #: 21-2139, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** Jonathan Daniels

**Department:** Port Everglades

**Division:** Business Administration

### Information

#### **Requested Action**

**MOTION TO ADOPT** Resolution of the Board of County Commissioners of Broward County, Florida, granting a nonexclusive restricted franchise to SMS International Shore Operations US, Inc., for a one-year term to provide steamship agent services at Port Everglades, restricted to "New Business" as defined in Section 32.19 of the Broward County Administrative Code; providing for franchise terms and conditions; and providing for severability and an effective date.

#### **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**

Grants a nonexclusive franchise to SMS International Shore Operations US, Inc., for a one-year term to provide steamship agent services at Port Everglades, restricted to "New Business" as defined in Section 32.19 of the Broward County Administrative Code.

#### **Is this Action Goal Related**

Yes

#### **Previous Action Taken**

Request to set Public Hearing was approved by the Broward County Board of County Commissioners on December 7, 2021 (Item No. 55).

#### **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."

SMS International Shore Operations US, Inc. ("SMS"), a Delaware for profit corporation, registered to conduct business in the state of Florida on February 16, 2012. SMS has applied for a new nonexclusive restricted steamship agent franchise, restricted to "New Business" as defined in Section

32.19 of the Administrative Code.

Staff reviewed the steamship agent 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 SMS's representative to clarify franchise requirements; and (b) reviewing SMS's corporate status, resumes of executive staff, list of managerial personnel, business history/experience, litigation history, insurance certificate(s), financial documents, creditworthiness, required licenses and certificates, company programs and policies, and list of equipment to be used at Port Everglades. Staff also reviewed SMS's safety and environmental history and did not find any infractions.

By submitting the signed franchise application, SMS has agreed to comply with all franchise conditions outlined in Section 32.24 of the Administrative Code.

Based on its review of the information provided in the franchise application, staff recommends granting the steamship agent franchise. Per Section 32.19 of the Administrative Code, the County may grant steamship agent franchises for any period of up to five years. Past practice has been for staff to recommend granting first-time applicants for a nonexclusive steamship agent franchise a one-year franchise, restricted to "New Business" as defined in Section 32.19 of the Administrative Code. Accordingly, staff recommends granting the franchise for a one-year term, restricted to "New Business."

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

The Resolution to Publish Notice of Public Hearing and Notice of Public Hearing from the Request to Set Public Hearing agenda item approved by the Board on December 7, 2021 (Item No. 55), are attached as Exhibit 3 and Exhibit 4.

**Source of Additional Information**

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

Angela Osorno-Belleme, Franchises and Business Permit Manager, Business Administration Division, Port Everglades Department, (954) 468-0112

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

SMS has paid the required application fee of \$4,000 and annual fee of \$2,250, for a total of \$6,250 for the proposed one-year term.