



# Broward County

## Legislation Details (With Text)

**File #:** 22-1686 **Version:** 1

**Status:** Agenda Ready

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

**On agenda:** 11/15/2022 **Final action:** 11/15/2022

**Title:** MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held on December 6, 2022, at 10:00 a.m., in Room 422 of the Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida, to consider the application of SMS International Shore Operations US, Inc., for the granting of a renewal of a nonexclusive franchise for a five-year term to provide steamship agent services at Port Everglades.

**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 |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### 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 December 6, 2022, at 10:00 a.m., in Room 422 of the Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida, to consider the application of SMS International Shore Operations US, Inc., for the granting of a renewal of a nonexclusive franchise for a five-year term to provide steamship agent services at Port Everglades.

#### 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 Notice of Public Hearing during which the Broward County Board of County Commissioners may consider the granting of a renewal of a nonexclusive franchise to SMS International Shore Operations US, Inc., for a five-year term to provide steamship agent services at Port Everglades.

#### 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."

SMS International Shore Operations US, Inc. ("SMS"), has provided steamship agent services at Port Everglades since January 2022. On January 25, 2022 (Item No. 50), the Board granted SMS a nonexclusive steamship agent franchise restricted to "New Business" for a one-year term, from January 25, 2022, through January 24, 2023. SMS has applied for renewal of the franchise.

Staff reviewed the steamship agent franchise renewal application against the enumerated renewal 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; (b) reviewing SMS's corporate status, resumes of executive staff, list of managerial personnel, business history/experience, litigation history, insurance certificate(s), financial documents and creditworthiness, discharge of previous financial obligations to the County, compliance with all franchise terms and conditions and established rules and regulations of the County, required licenses and certificates, company programs and policies, list of equipment to be used at Port Everglades, statement of activities and actions indicating that SMS has maintained a favorable service performance record in Port Everglades during the term of its prior franchise agreement; and (c) ensuring that SMS has promoted and developed growth in the business activities, projects, or facilities of Port Everglades. Staff also reviewed SMS's safety and environmental history and found no infractions. During the initial one-year franchise term, SMS provided steamship agent services to Viking Ocean Cruises, a cruise line that had not previously called at Port Everglades and is considered "New Business."

SMS 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 renewal application, staff recommends renewing the steamship agent franchise. Per Section 32.19 of the Administrative Code, the County may grant steamship agent franchises for up to five years. Past Board practice has been to approve a restricted steamship agent franchise for a term of one year, and each subsequent renewal for a term of five years without the "New Business" restriction included in the initial one-year term. Therefore, consistent with past practice, staff recommends renewing the franchise for a five-year term without the previous restriction.

The complete application and supporting documents are 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, Administrative Coordinator, Business Development Division, Port Everglades Department, (954) 468-0185

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

SMS has paid the required annual fee of \$2,360 and shall pay an additional \$9,440 in annual franchise fees over the franchise term, for a total of \$11,800.