



Broward County

Legislation Details (With Text)

File #: 23-036 **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 assignment of a nonexclusive, unrestricted stevedore service franchise from Host Terminals, LLC, to Host at Port Everglades, LLC, to provide stevedore services at Port Everglades for the remainder of the current ten-year franchise term.

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - Resolution, 2. Exhibit 2 - Notice to Publish, 3. Exhibit 3 - Application, 4. Exhibit 4 - Request to Assign

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 assignment of a nonexclusive, unrestricted stevedore service franchise from Host Terminals, LLC, to Host at Port Everglades, LLC, to provide stevedore services at Port Everglades for the remainder of the current ten-year franchise term.

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. Pursuant to Section 32.26 of the Administrative Code, a franchise shall not be assigned without the prior written consent of the County.

What Action Accomplishes

Directs the County Administrator to publish a Notice of Public Hearing during which the Broward County Board of County Commissioners may consider the granting of the assignment of a nonexclusive, unrestricted franchise to Host at Port Everglades, LLC, for the remainder of a ten-year franchise term to provide stevedore 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."

On April 21, 2020 (Item No. 23), the Board granted the renewal of a nonexclusive franchise to Host Terminals, LLC, for a ten-year term to provide stevedore services at Port Everglades, from May 12, 2020, through May 11, 2030. On December 1, 2022, staff received a letter from Host Terminals, LLC, requesting that its stevedore franchise be assigned to Host at Port Everglades, LLC, for the remainder of the current term, which expires on May 11, 2030. The letter stated, "In October 2022, Host Terminals, LLC, formed a separate entity, Host at Port Everglades, LLC, to handle all terminal services operations in the state of Florida. Host Terminals, LLC is the 100% Sole Member of the new entity, and the officers and managers are the same."

Staff reviewed the stevedore franchise assignment application against the enumerated assignment criteria outlined in Chapter 32 of the Administrative Code. Staff's due diligence included, among other things: (a) corresponding with Host at Port Everglades, LLC's representative to clarify franchise assignment requirements; (b) reviewing Host at Port Everglades, LLC'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 Host at Port Everglades, LLC, will continue a favorable service performance record in Port Everglades during the term as of its prior franchise agreement as Host Terminals, LLC; and (c) ensuring that Host at Port Everglades, LLC, will continue to promote and develop growth in the business activities, projects, or facilities of Port Everglades. Staff also reviewed Host at Port Everglades, LLC's safety and environmental history and did not find any infractions.

Host at Port Everglades, LLC, 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 assignment application, Staff has determined that the applicant meets the criteria for the assignment. Accordingly, and consistent with past practice, staff recommends that the Board consent to the assignment of the stevedore franchise for the remainder of the franchise term, which expires on May 11, 2030.

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 assignment fee of \$11,550 and will pay an additional \$29,400 in annual franchise fees over the remainder of the franchise term, for a total of \$40,950.