

PROPOSED

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO PORT EVERGLADES BUSINESS PERMITS; AMENDING SECTION 22½-6D OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Barbara Sharief)

WHEREAS, Section 22½-6D of the Broward County Code of Ordinances ("Code") provides that motor carriers may not engage in business at Port Everglades without first obtaining a Port Everglades Motor Carrier Business Permit ("Business Permit");

WHEREAS, the Code provides for a term of one (1) year for such Business Permits, at fees set by the Board of County Commissioners ("Board") by resolution;

WHEREAS, the COVID-19 emergency resulted in a halt to cruise traffic at Port Everglades, which has continued for over one (1) year;

WHEREAS, as a result of the halt to cruise traffic, motor carriers that had paid for a Business Permit could not pick up passengers at Port Everglades for a majority of the period during which the Business Permit was valid;

WHEREAS, the Code does not provide for exceptions or waivers of Business Permit fees, even during an emergency that results in Port Everglades being closed to cruise ship passengers; and

WHEREAS, the Board desires to provide for flexibility to waive Business Permit fees or modify expiration dates in the event of a declared state or local emergency,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

1 Section 1. Section 22½-6D of the Broward County Code of Ordinances is
2 hereby amended to read as follows:

3 **Sec. 22½-6D. Port Everglades—Business permits.**

4 . . .

5 (h) The Business Permit initial application processing fee is a nonrefundable
6 fee assessed the first time an application is made to the County for a permit, except as
7 hereinafter provided. Business Permit holders who allow their permits to expire shall
8 reapply and pay the initial processing fee. Such fee will not be refunded if a permit
9 application is denied, not renewed, suspended, or revoked by the County for any reason.

10 (1) In addition, a nonrefundable annual Business Permit fee is assessed for
11 each calendar year as set forth in the Broward County Administrative Code.
12 (2) Business Permits shall be issued on an annual basis and shall expire on
13 June 30 each year. Fees will not be prorated.

14 (3) The Board, by resolution, may waive, prorate, or modify fees or extend or
15 modify the expiration date of Business Permits during a declared state or
16 local emergency.

17 . . .

18 Section 2. Severability.

19 If any portion of this Ordinance is determined by any court to be invalid, the invalid
20 portion will be stricken, and such striking will not affect the validity of the remainder of this
21 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
22 legally applied to any individual, group, entity, property, or circumstance, such
23 determination will not affect the applicability of this Ordinance to any other individual,
24 group, entity, property, or circumstance.

Section 3. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary in order to accomplish such intention.

Section 4. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Scott Andron 05/20/2021
Scott Andron (date)
Assistant County Attorney

By /s/ Annika E. Ashton 05/20/2021
Annika E. Ashton (date)
Deputy County Attorney

SA/jl
Port Business Permit Amendment
05/20/2021
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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscoring type are additions.