



Broward County

Legislation Details (With Text)

File #: 21-1424 **Version:** 1

Status: Agenda Ready

In control: REQUEST TO SET FOR PUBLIC HEARING

On agenda: 9/9/2021 **Final action:** 9/9/2021

Title: MOTION TO ADOPT Resolution No. 2021-412 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, September 21, 2021, at 10:00 a.m. in the County Commissioners' Meeting Room (Room 422), Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida, to consider adoption of a Resolution Amending the Broward County Administrative Code, the title of which is as follows:

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO PORT EVERGLADES TARIFF NO. 12; AMENDING SECTION 42.25 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); AMENDING TARIFF RATES AND REQUIREMENTS FOR VARIOUS ACTIVITIES AT PORT EVERGLADES; PROVIDING FOR GENERAL UPDATES TO TARIFF TEXT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - Resolution to Publish Notice of Public Hearing, 2. Exhibit 2 - Port Everglades Tariff No. 12 Amendments, 3. Exhibit 3 - Notice to Publish

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

Director's Name: Jonathan Daniels

Department: Port Everglades

Division: Operations

Information

Requested Action

MOTION TO ADOPT Resolution No. 2021-412 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, September 21, 2021, at 10:00 a.m. in the County Commissioners' Meeting Room (Room 422), Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida, to consider adoption of a Resolution Amending the Broward County Administrative Code, the title of which is as follows:

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Why Action is Necessary

The Broward County Charter requires the posting of notice and a public hearing for adoption of

amendments to the Broward County Administrative Code.

What Action Accomplishes

Directs the County Administrator to publish Notice of Public Hearing.

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."

Port Everglades Tariff No. 12 ("Tariff") provides the rules, regulations, and fees that govern the use of the facilities and services at Port Everglades that are not otherwise provided for in separate contractual agreements with Port Everglades port users. As required by the Federal Maritime Commission, the Tariff is published on the Internet. Port Everglades staff is proposing revisions to the Tariff that include increases in Tariff rates, as well as revisions to certain Tariff provisions governing operations at the Port.

The proposed Tariff rate increases include approximately 3.0% for cargo, container, and petroleum dockage and wharfage; 3.0% for container crane rental and for other marine services; 3.5% for cruise dockage and wharfage; and 5% for franchise fees. The proposal also includes a 10% increase for Fire Protection Service Fees (Item No. 1057) that apply to all liquid petroleum products, alternative fuels, and fuel blending components entering the Port from a vessel, pipeline, rail, or truck. This increase is offset in part by the proposed elimination of a separate Standby Fire Watch Service Fee (Item No. 1063). Port staff also proposes an increase of 10% in rates for Grid Yard Areas (Item No. 1140) for temporary assignment of land within the Port not covered by a lease. This proposed increase accounts for recent land appraisal values and negotiated lease rates to ensure that grid rates better reflect the land value. No rate increases are proposed for cargo security fees and garage and surface lot hourly and daily parking rates.

In addition to the proposed rate increases, the Resolution includes minor changes to several Tariff items to reflect current information or practice, or to delete outdated language. Language changes are proposed in Vessel Representation (Item No. 200); Access to Port Everglades (Item No. 205); Dockage Grace Period (Item No. 310); Notice of Sailing Time (Item No. 315); Vehicle Parking (Item No. 1030); and Parking Fees (Item No. 1135.)

Substantive changes are proposed for the following Tariff items:

- Container Gantry and Mobile Harbor Cranes - Specifications (Item No. 700): The language is modified to reflect the commissioning of three new container gantry cranes in March 2021.

- Container Gantry and Mobile Harbor Cranes - Rules & Regulations (Item No. 705): The language is modified to increase the training requirements for a container gantry crane operator to be presumed qualified to use a crane at Port Everglades to include 40 hours of training time in the cranes. The existing Tariff only requires training in a simulator.
- Franchises and Business Permits (Item No. 800): The requirement for a separate business permit for a Motor Vehicle Rental Service is deleted since it duplicates business permit requirements for all motor carriers operating at Port Everglades in Section 22½-6D of the Broward County Code of Ordinances. Related language requiring the retention of financial records, payment of a security deposit, and the completion of an annual special report is also deleted. Motor Vehicle Rental Service providers will still be subject to the Access To Records provisions in Tariff Item No. 955 to provide additional supporting documentation if requested on the number of motor vehicle rental contracts for customers picked up at Port Everglades.
- Insurance (Item No. 805): Insurance limits are increased for certain insurance categories for franchise and business permit holders to reflect the current risk environment at Port Everglades.
- Vehicle Parking (Item No. 1030): The authority for ticketing and towing of vehicles for parking enforcement is expanded to include Port staff in addition to the existing authority of the Broward Sheriff's Office.
- Fire Fighting Agents (Item No. 1054): Outdated language requiring petroleum companies at Port Everglades to provide 800 gallons of fire fighting foam to the Port Everglades Department is deleted, however, the requirement for companies to replace foam that may have been used at their terminal remains in place.
- Standby Fire Watch Service Fees (Item No. 1063): The proposal is to delete this separate fee since standby fire watch services are covered by the separate Fire Protection Service Fee.
- Security Fees (Item No. 1066): Language is added to update the citations for applicable US Coast Guard regulations.
- Cruise Terminal Security (Item No. 1069): Language is added to include additional sworn law enforcement that may be required by the US Coast Guard for cruise terminal security as a reimbursable expense to be paid by a cruise line.
- Surcharges for Use of Facilities (Item No. 1120): Language is added to clarify eligibility of Port users and tenants to reserve the use of meeting rooms in the Port Administration Building during and outside working hours with or without charge, and increasing the fee from \$25 to \$75 per hour to better reflect the rates charged by facilities outside the port.

All the proposed revisions to the Tariff would be effective as of October 1, 2021.

Source of Additional Information

Ricardo Charlton, Director of Operations, Port Everglades Department, 954-468-0218.

Fiscal Impact

Fiscal Impact/Cost Summary

The proposed Tariff increases have been budgeted and are projected to generate an additional estimated \$2,771,390 in revenues in Fiscal Year 2022.