



Broward County

Legislation Details (With Text)

File #:	21-1493	Version:	1
		Status:	Agenda Ready
		In control:	PUBLIC HEARING
On agenda:	9/21/2021	Final action:	9/21/2021
Title:	MOTION TO CONSIDER adoption of a Resolution No. 2021-462 Amending the 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, 2. Exhibit 2 - Port Everglades FY22 Projected Revenue, 3. Exhibit 3 - Resolution to Publish Notice of Public Hearing, 4. Exhibit 4 - Notice to Publish Tariff		

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 CONSIDER adoption of a Resolution No. 2021-462 Amending the 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.

Why Action is Necessary

The Broward County Board of County Commissioners ("Board") must approve all changes to the Administrative Code and Port Everglades Tariff.

What Action Accomplishes

Authorizes changes to the Broward County Administrative Code and Port Everglades Tariff.

Is this Action Goal Related

Yes

Previous Action Taken

Resolution directing the County Administrator to publish Notice of Public Hearing relating to these proposed changes was adopted by the Board on September 9, 2021 (Item No.18).

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 Tariff rates apply to approximately 44% of the business activity at the Port, with the remaining activity covered by contractual agreements (see Exhibit 2).

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 Services is deleted since it duplicates business permit requirements for all motor carriers operating at Port Everglades in Section 221/2-6D 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.

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 September 9, 2021 (Item No. 18), are attached as Exhibit 3 and Exhibit 4.

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.