



# Broward County

## Legislation Details (With Text)

**File #:** 23-856      **Version:** 1

**Status:** Agenda Ready

**In control:** PUBLIC HEARING

**On agenda:** 6/13/2023      **Final action:** 6/13/2023

**Title:** MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, granting renewal of a nonexclusive, unrestricted Port Everglades vessel oily waste removal service franchise to Cliff Berry, Inc., for a new five-year term; providing for franchise terms and conditions.

**Sponsors:**

**Indexes:** Established Commission Goals

**Code sections:**

**Attachments:** 1. Exhibit 1 - Resolution

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 of the Board of County Commissioners of Broward County, Florida, granting renewal of a nonexclusive, unrestricted Port Everglades vessel oily waste removal service franchise to Cliff Berry, Inc., for a new five-year term; providing for franchise terms and conditions.

#### Why Action is Necessary

Pursuant to Section 32.22 of the Broward County Administrative Code ("Administrative Code") and the applicable provisions of Chapter 94-429, Laws of Florida, Broward County (the "County") must hold a public hearing prior to granting, renewing, placing on probation, suspending, or revoking a franchise.

#### What Action Accomplishes

Allows for the Broward County Board of County Commissioners' ("Board") consideration of the Resolution granting renewal of a nonexclusive, unrestricted Port Everglades vessel oily waste removal service franchise to Cliff Berry, Inc., for a new five-year term.

#### Is this Action Goal Related

Yes

#### Previous Action Taken

Request to Set Public Hearing was approved by the Board on May 23, 2023 (Item No. 22)

#### Summary Explanation/Background

## THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This action supports the Broward County Board of County Commissioners' ("Board") Value of "Building partnerships and working collaboratively with others to meet shared objectives," and the Goal of "Ensuring economic opportunities and a sustainable economy, with an emphasis on Broward's lower and middle class."

Cliff Berry, Inc. ("Cliff Berry"), was incorporated in the State of Florida on November 23, 1993. Since then, Cliff Berry has grown its operations to provide petroleum and hazardous waste services in many locations in Florida, including Fort Lauderdale, Miami, Fort Myers, Tampa, Cape Canaveral, and Jacksonville, with a current workforce of over 150 employees.

On August 14, 2018 (Item No. 81), the Board approved a nonexclusive, unrestricted vessel oily waste removal service franchise for Cliff Berry from August 22, 2018, through August 21, 2023. Cliff Berry has applied for renewal of the franchise. Cliff Berry has also applied for renewal of its nonexclusive, unrestricted vessel sanitary wastewater removal service franchise which is the subject of a separate agenda item.

Staff reviewed the vessel oily waste removal service 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 Cliff Berry's representative to clarify franchise requirements; (b) reviewing Cliff Berry'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, and statement of activities and actions indicating that Cliff Berry has maintained a favorable service performance record in Port Everglades during the term of its prior franchise agreements; and (c) ensuring that Cliff Berry has promoted and developed growth in the business activities, projects, or facilities of Port Everglades.

Cliff Berry disclosed seven violations in Section Q of the application. One was issued in Cape Canaveral; two in Jacksonville; two in Miami; and two in Broward County. The two Broward County infractions were issued by the Florida Department of Health - one required the truck/trailer floors be resealed and biowaste labels adhered on the trucks and the second one was issued for not having the biomedical plan and training manuals in the actual vehicles. Regarding the latter, Cliff Berry stated it had always kept the written plan and training in the Corporate Headquarters Facility. Staff reviewed and verified that the violations had been corrected and that Cliff Berry had returned to compliance within the time limit specified by the different organizations in the different locations.

By submitting the signed franchise application, Cliff Berry has agreed to comply with all franchise conditions outlined in Section 32.24 of the Administrative Code.

Based on the review of information provided in the franchise renewal application, staff recommends renewing the vessel oily waste removal service franchise. Per Section 32.20 of the Administrative Code, the County may grant vessel oily waste removal service franchises for up to five years. Consistent with past practice, staff recommends renewing the franchise for a five-year term.

The resolution to publish notice of public hearing and the signed franchise application documents are

attached to the Request to Set Public Hearing Agenda Item (Item No. 22) that was approved by the Board on May 23, 2023.

**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**

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