



Broward County

Legislation Text

File #: 22-1157, Version: 1

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 franchise to Cemex Construction Materials Florida, LLC, for a ten-year term to provide cargo handler services at Port Everglades.

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.

What Action Accomplishes

Grants the renewal of a nonexclusive franchise to Cemex Construction Materials Florida, LLC, for a ten-year term to provide cargo handler services at Port Everglades.

Is this Action Goal Related

Yes

Previous Action Taken

The Broward County Board of County Commissioners approved the Request to Set Public Hearing on June 14, 2022 (Item No.19).

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."

Cemex Construction Materials Florida, LLC ("Cemex") and its predecessors have provided cargo handler services at Port Everglades under a series of approved franchise agreements since 1991. On September 11, 2012 (Item No. 6-PH), the Board granted renewal of a nonexclusive franchise to Cemex to provide cargo handler services at Port Everglades for a ten-year term, from September 16, 2012, through September 15, 2022. Cemex has applied for renewal of the franchise. Cemex has also applied for renewal of its stevedore franchise, which is the subject of a separate agenda item.

Staff reviewed the cargo handler 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 Cemex's representative to clarify franchise requirements; (b) reviewing Cemex'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 Cemex has maintained a favorable service performance record in Port Everglades during the term of its prior franchise agreements; and (c) ensuring that Cemex has promoted and developed growth in the business activities, projects, or facilities of Port Everglades. Staff also reviewed Cemex's safety and environmental history. In February 2022, the Florida Department of Environmental Protection ("FDEP") issued one citation for the improper storage of used batteries at Cemex's Brooksville, FL facility. Cemex corrected the infraction to the satisfaction of the FDEP, who did not assess any penalties.

Cemex 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 renewal application, staff recommends renewing the cargo handler franchise. Per Section 32.16 of the Administrative Code, the County may grant cargo handler franchises for up to ten years. Therefore, consistent with past practice, staff recommends renewing the franchise for a ten-year term.

The complete application and supporting documents are on file in the Port Everglades Business Development Division's office.

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 June 14, 2022 (Item No.19), are attached as Exhibit 3 and Exhibit 4.

Source of Additional Information

Jorge Hernández, Director, Business Development Division, Port Everglades Department, (954) 468-3501

Angela Osorno-Belleme, Franchises and Business Permit Manager, Business Development Division, Port Everglades Department, (954) 468-0112

Fiscal Impact

Fiscal Impact/Cost Summary

Cemex has paid the required annual fee of \$4,200 and will pay an additional \$37,800 in annual franchise fees over the term of the franchise, for a total of \$42,000.