

PROPOSED

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE ORGANIZATION OF THE PORT EVERGLADES DEPARTMENT; AMENDING CHAPTER 16 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 16 of the Broward County Administrative Code generally sets forth the organization of the Port Everglades Department; and

WHEREAS, the Broward County Board of County Commissioners desires to modify Chapter 16 in various respects, including to expand the authority of the Port Everglades Chief Executive Officer and Port Director regarding leases and license agreements, NOW, THEREFORE,

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

Section 1. Chapter 16 of the Broward County Administrative Code is hereby amended to read as follows:

Chapter 16

ORGANIZATION, PORT EVERGLADES

16.1. Port Everglades Department Established; Port Everglades Chief Executive/ Officer and Port Director as Head.

Pursuant to Chapter 91-346, Laws of Florida, the Port Jurisdictional Area (also known as "Port Everglades"), as more fully described in Chapter 99-475, Laws of Florida, was transferred to Broward County, Florida.

There is hereby established a Port Everglades Department, which shall be responsible for administering and operating ~~the seaport under the control of County government~~ Port Everglades. The Port Everglades Chief Executive Officer and Port Director, also referred to as the "Port Director," shall be the chief of the Port Everglades Department. ~~The Port Everglades Chief Executive shall possess an undergraduate or graduate degree from an accredited college or university and extensive progressively responsible experience in seaports, transportation, and/or business management, including several years of experience in an executive management or administrative capacity of complex governmental or private business organizations, or any equivalent combination of training and experience.~~

16.2. Port Everglades Department; Functions; Responsibilities.

The powers and duties of the County, regarding Port Everglades, are outlined in Chapter 94-429, Section 4, Laws of Florida. In furtherance of such powers and responsibilities, the Port Everglades Department shall:

. . .

j. Prepare, in a form approved by the Office of the County Attorney, and submit to the Board of County Commissioners for approval, appropriate documents authorizing the lease or use ~~by maritime businesses or other County or non-County agencies of County-controlled properties~~ County-owned property managed by the Port Everglades Department. The term "lease" as used in this section includes subleases.

45 ~~The Port Everglades Chief Executive, or his or her~~ Notwithstanding the foregoing,
46 the Port Director, or their written designee, may enter into and execute ~~short-term~~ lease(s)
47 ~~and sublease(s)~~ for office space, warehouse space, and vacant land located within the
48 Port Jurisdictional Area ~~in for~~ which the term does not exceed ~~one (1)~~ three (3) years. ~~The~~
49 ~~length of the term and, inclusive of~~ all renewal term(s), if any, ~~shall not exceed one (1)~~
50 ~~year. Each short-term lease or sublease to be executed by the Port Everglades Chief~~
51 ~~Executive, or his or her designee, must be approved as to form by the Office of the County~~
52 ~~Attorney. Each short-term lease or sublease shall include insurance provisions as~~
53 ~~established by County's Risk Management Division. A quarterly report shall be submitted~~
54 ~~to the Office of the County Administrator and the County Auditor by the Port Everglades~~
55 ~~Department, listing the short-term lease(s) and sublease(s) signed by the Port Everglades~~
56 ~~Chief Executive, or his or her designee, during the previous quarter. Consecutive leases~~
57 between the same parties for the same property are not considered renewals under this
58 section and may be signed by the Port Director if the subsequent lease term does not
59 exceed three (3) years, the subsequent lease complies with this section, and the tenant
60 is in full compliance with all contractual obligations at the time of execution. Rental
61 payments for ~~short-term~~ leases or ~~subleases~~ shall be in accordance with Chapter 32 of
62 the Broward County Administrative Code.

63 ~~The Port Everglades Chief Executive, or his or her~~ Notwithstanding the foregoing,
64 the Port Director, or their written designee, may enter into, and execute ~~short-term~~ license
65 and right-of-way agreements for use of County-owned property located within the Port
66 Jurisdictional Area ~~in for~~ which the term does not exceed ~~one (1)~~ three (3) years. ~~The~~
67 ~~length of the term and, inclusive of~~ all renewal term(s), if any, ~~shall not exceed one (1)~~

68 ~~year.~~ Consecutive license or right-of-way agreements between the same parties for the
69 same property are not considered renewals under this section and may be signed by the
70 Port Director if the subsequent agreement term does not exceed three (3) years, the
71 subsequent agreement complies with this section, and the licensee or grantee, as
72 applicable, is in full compliance with all contractual obligations at the time of execution.

73 Each ~~short-term~~ lease, license, and right-of-way agreement ~~to be executed by the~~
74 ~~Port Everglades Chief Executive, or his or her designee,~~ must be approved as to form by
75 the Office of the County Attorney. Each ~~short-term~~ lease, license, and right-of-way
76 agreement shall include insurance provisions as established by the County's Risk
77 Management Division. ~~A~~ The Port Everglades Department shall submit a quarterly report
78 ~~shall be submitted~~ to the Office of the County Administrator and the County Auditor ~~by~~
79 ~~the Port Everglades Department,~~ listing the ~~short-term~~ leases, license(s), and right-of-
80 way agreement(s) signed by the ~~Port Everglades Chief Executive,~~ Director or his or her
81 their written designee, during the previous quarter.

82 . . .

83 m. ~~Publicize, advertise, market and promote its business activities, projects,~~
84 ~~and port facilities and services, both within and without the United States, and make~~
85 ~~known the advantages and attributes of same and incur all necessary travel expenses in~~
86 ~~connection therewith. All obligations, expenses and costs incurred under the provisions~~
87 ~~of this section shall be paid by the enterprise fund and only with the prior approval of the~~
88 ~~Port Everglades Chief Executive. This provision is a specific exception to the provisions~~
89 ~~of § 112.061, Florida Statutes, as provided for in Chapter 94-429, Laws of Florida.~~
90 Develop, advertise, and promote through all forms of advertising media, both within and

91 outside the United States, the business activities, projects, and facilities of Port
92 Everglades, and incur all necessary travel expenses in connection therewith; however,
93 such expenditures shall be reasonably incurred and paid only upon approval of the Port
94 Director. This provision shall be a specific exception to the provisions of Section 112.061,
95 Florida Statutes, as provided for in Chapter 94-429, Laws of Florida.

96 . . .

97 o. ~~Biennially update the Port Everglades Master/Vision Plan and submit the~~
98 ~~update to the Board of County Commissioners for approval. This update may be less~~
99 ~~often than biennially if justified by the Port Everglades Chief Executive through a filing~~
100 ~~with the Board of County Commissioners. Any proposed changes to the Port Everglades~~
101 ~~Master/Vision Plan shall be submitted to the Board of County Commissioners for approval~~
102 ~~prior to submitting said proposed changes to any state or federal agency. The Port~~
103 ~~Everglades Department shall make recommendations to the Board of County~~
104 ~~Commissioners that the approved Master/Vision Plan is incorporated into the Broward~~
105 ~~County Comprehensive Plan in accordance with Chapter 163.3178(2)(k), Florida~~
106 ~~Statutes, and Chapter 9J-5.012(5), Florida Administrative Code. The Port Everglades~~
107 ~~Department shall implement the approved Plan and updates thereto by action of the~~
108 ~~Board of County Commissioners. Update the Port Everglades Master/Vision Plan at least~~
109 ~~once every five (5) years and submit it to the Board of County Commissioners for~~
110 ~~approval; provided, however, that the update may occur less frequently if recommended~~
111 ~~by the Port Director and approved by the Board of County Commissioners, but in no event~~
112 ~~shall more than ten (10) years elapse between updates. In all cases, the frequency and~~
113 ~~content of updates must comply with applicable law, support funding applications and~~

capital planning, and respond to changing conditions. The Port Everglades Master/Vision Plan must comply with applicable law, including, but not limited to, Sections 163.3177 and 163.3178(2)(k) and, to the extent applicable, Chapter 311, Florida Statutes, and must, upon approval by the Board of County Commissioners, be incorporated into the Broward County Comprehensive Plan. Market assessments related to the Port's Master/Vision Plan shall be conducted more frequently if warranted by market conditions, as determined by the Port Director, and are not required to be submitted to the Board of County Commissioners for approval.

...

q. Create a favorable climate of opinion concerning its facilities, resources, projects, and attributes; publicize, advertise, and promote its facilities, activities, and projects; cooperate with other agencies, public and private, in accomplishing these purposes; and in furtherance thereof, authorize expenditures for the purposes herein enumerated, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering good will towards Port Everglades' facilities, activities, resources, projects, and attributes. All obligations, expenses, and costs incurred in connection with the provisions of this section shall be paid by the Port Everglades Enterprise Fund in accordance with internal procedures and controls approved by the Port Everglades ~~Chief Executive~~ Director.

Section 2. Severability.

If any portion of this Administrative Code Resolution is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Administrative Code Resolution. If any court determines that this

Administrative Code Resolution, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Administrative Code Resolution to any other individual, group, entity, property, or circumstance.

Section 3. Inclusion in the Broward County Administrative Code.

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

Section 4. Effective Date.

This Administrative Code Resolution is effective upon adoption.

ADOPTED this day of , 2025.

PROPOSED

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

By: /s/ Carlos Rodriguez-Cabarrocas 10/01/2025
Carlos Rodriguez-Cabarrocas (date)
Senior Assistant County Attorney

CRC/cr
Exhibit 2 - Chapter 16 Resolution
10/1/2025
iManage file#80040-1000

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.