

**PROPOSED**

RESOLUTION NO.

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO COMPETITIVE SELECTION, NEGOTIATION,  
3 AND AWARD OF MARINE TERMINAL FACILITIES; AMENDING SECTION 32.4 OF  
4 THE BROWARD COUNTY ADMINISTRATIVE CODE (“ADMINISTRATIVE CODE”);  
5 AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE,  
6 AND AN EFFECTIVE DATE.

7  
8 WHEREAS, Section 32.4 of the Broward County Administrative Code  
9 (“Administrative Code”) requires certain Port-related agreements to be negotiated in  
10 accordance with the Sunshine Law, as set forth in Section 286.011, Florida Statutes, and  
11 the open meetings provision of Article I, Section 24(b) of the Florida Constitution;

12 WHEREAS, Section 315.18, Florida Statutes, provides that proposals for such  
13 agreements between the Port and a nongovernmental entity are confidential and exempt  
14 from Section 119.07(1), Florida Statutes, and Article I, Section 24(a) of the Florida  
15 Constitution; and

16 WHEREAS, Broward County desires to remove the Sunshine Law notice  
17 requirement and make other conforming changes to Section 32.4 of the Administrative  
18 Code, NOW, THEREFORE,

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

21 Section 1. Section 32.4 of the Broward County Administrative Code is hereby  
22 amended to read as follows:

23 **32.4. Competitive Selection, Negotiation, and Award of Marine Terminal Facilities.**

24 Port Everglades has a number of mechanisms by which use of its marine facilities  
25 may be assigned. A general description of each of these types of assignments follows:

26 . . .

27 h. Due to the unique nature of marine terminal assignments and their key role  
28 as a basis of most port-related activity, selection, negotiation, and award of preferential  
29 assignments, user or management agreements, and marine terminal leases shall be  
30 performed in accordance with the provisions of this ~~S~~section. Tariff (grid) assignments  
31 are made by the Operations Division, while operating franchises are prepared by the  
32 Business Administration Development Division. The Board of County Commissioners is  
33 the only awarding authority for all such preferential assignments, user or management  
34 agreements, and marine terminal leases.

35 1. All such preferential assignments, user or management agreements, and  
36 marine terminal leases ~~which~~ that fall within the scope of the Port's Master  
37 Plan shall be selected and negotiated by the Port Everglades Chief  
38 Executive Officer and Port Director (also referred to as the "Port Director")  
39 or their written designee in accordance with Sections ~~286.011 and~~ 315.18,  
40 Florida Statutes, as amended, and the following procedures:

41 . . .

42 (c) The selection and negotiation of such assignment(s), agreement(s),  
43 and lease(s) shall be conducted in a manner consistent with the

44 ~~Competitive Selection and Negotiation method of procurement as~~  
45 ~~defined in Subsection 21.8.b.7. of the Procurement Code of Broward~~  
46 ~~County as well as,~~ the procedures contained in the County  
47 Administrative Policies and Procedures Manual of Port Everglades  
48 Department, ~~including appropriate record-keeping and Sunshine~~  
49 ~~Law notification procedures~~ and applicable law.

50 (d) The Port Everglades Department may recommend the Board of  
51 County Commissioners exercise any renewal option(s) contained in  
52 a previously awarded preferential assignment, user or management  
53 agreement, or marine terminal lease provided any required renewal  
54 negotiations shall be conducted in conformance with ~~§ 286.011 and~~  
55 ~~§~~ Section 315.18, Florida Statutes, and procedures contained in  
56 ~~Paragraph~~ Section 32.4.h.1.(c) hereinabove. Any proposed  
57 assignment of a preferential assignment, user or management  
58 agreement, or marine terminal lease shall be processed in  
59 accordance with ~~§ 286.011 and §~~ Section 315.18, Florida Statutes,  
60 and the procedures contained in ~~Paragraph~~ Section 32.4.h.1.(c)  
61 hereinabove.

62 . . .

63 Section 2. Severability.

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

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

71 Section 3. Inclusion in the Broward County Administrative Code.

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

78 Section 4. Effective Date.

79 This Administrative Code Resolution is effective upon adoption.

ADOPTED this            day of            , 2026.

**PROPOSED**

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

By: /s/ Carlos Rodriguez-Cabarrocas    05/05/2026  
      Carlos Rodriguez-Cabarrocas        (date)  
      Senior Assistant County Attorney

CRC/cr  
Negotiation of MTLOA Resolution  
05/05/2026  
#80040-2074

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