



Business Development

1850 Eller Drive, Suite 603, Fort Lauderdale, Florida 33316
954-468-0170 • FAX 954-525-1910 • PortEverglades.net

Date: _____

Dear Franchise Applicant:

Enclosed is a Port Everglades franchise application package that includes an application form, table of contents, and the portion of Chapter 32 of the Broward County Administrative Code containing criteria for issuance of Port Everglades franchises.

Please complete the application and provide the required back-up documentation applicable to each section of the application.

With regard to Section M of the application (Financial Security), also enclosed are the Broward County approved formats for an indemnity and payment bond and for a letter of credit. The bond or letter of credit should not be submitted until staff review of the application is complete and a determination has been made by the Port's Finance Division as to the type and amount of security required for the franchise.

The franchise process may take two to three months from submittal of the application to the public hearing at which the application is considered for approval by the Broward County Board of County Commissioners.

Please contact Paula Serpa, the Port's Franchise & Business Permit Manager at (954) 468-0185, with any questions.

Sincerely,

Jorge Hernández
Director of Business Development

Enclosure(s)

Broward County Board of County Commissioners

Mark D. Bogen • Alexandra P. Davis • Lamar P. Fisher • Beam Furr • Steve Geller • Robert McKinzie • Nan H. Rich • Hazelle P. Rogers • Michael Udine
www.broward.org

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PORT EVERGLADES FRANCHISE APPLICATION

An application will not be deemed complete and ready for processing until all required documents and fees are received.

A separate application must be filed for each type of franchise applied for.

FRANCHISE TYPE

CHECK ONE

STEAMSHIP AGENT

STEVEDORE

CARGO HANDLER

TUGBOAT & TOWING

VESSEL BUNKERING

VESSEL OILY WASTE REMOVAL

VESSEL SANITARY WASTEWATER REMOVAL

MARINE TERMINAL SECURITY

MARINE TERMINAL SECURITY

FIREARMS CARRYING SECURITY PERSONNEL

NON-FIREARMS CARRYING SECURITY PERSONNEL

Note: Applicant is the legal entity applying for the franchise. If the Applicant is granted the franchise, it will be the named franchisee. All information contained in this application shall apply only to the Applicant and not to any parent, affiliate, or subsidiary entities.

Applicant's
Name

_____ (Name as it appears on the certificate of incorporation, charter, or other legal documentation as applicable, evidencing the legal formation of the Applicant)

Applicant's Business Address

Number /

Street

City/State/Zip

Phone # ()

E-mail address

@

Fax #: ()

Name of the person authorized to bind the Applicant (Person's signature must appear on Page 13.)

Name

Title

Business Address

Number /

Street

City/State/Zip

Phone # ()

E-mail address

@

Fax #: ()

Provide the Name and Contact Information of Applicant's Representative to whom questions about this application are to be directed (if different from the person authorized to bind the Applicant):

Representative's Name

Representative's Title

Representative's Business Address

Number /

Street

City/State/Zip

Representative's Phone # ()

Representative's E-mail address

@

Representative's Fax # ()

PLEASE COMPLETE THIS APPLICATION AND LABEL ALL REQUIRED BACKUP DOCUMENTATION TO CLEARLY IDENTIFY THE SECTION OF THE APPLICATION TO WHICH THE DOCUMENTATION APPLIES (I.E...., SECTION A, B, C, etc.).

Section A

1. List the name(s) of Applicant's officers, including, CEO, COO, CFO, director(s), member(s), partner(s), shareholder(s), principal(s), employee(s), agents, and local representative(s) active in the management of the Applicant.

Officers:

Title _____
First Name _____ Middle Name _____
Last Name _____
Business Street Address _____
City, State, Zip Code _____
Phone Number (____) _____ Fax Number (____) _____
Email Address _____@_____.

Title _____
First Name _____ Middle Name _____
Last Name _____
Business Street Address _____
City, State, Zip Code _____
Phone Number (____) _____ Fax Number (____) _____
Email Address _____@_____.

Title _____
First Name _____ Middle Name _____
Last Name _____
Business Street Address _____
City, State, Zip Code _____
Phone Number (____) _____ Fax Number (____) _____
Email Address _____@_____.

Title _____
First Name _____ Middle Name _____
Last Name _____
Business Street Address _____
City, State, Zip Code _____
Phone Number (____) _____ Fax Number (____) _____
Email Address _____@_____.

Attach additional sheets if necessary.

2. RESUMES: Provide a resume for each officer, director, member, partner, shareholder, principal, employee, agent, and local representative(s) active in the management of the Applicant, as listed above.

Section B

1. Place checkmark to describe the Applicant:
() Sole Proprietorship () Corporation () Partnership () Joint Venture () Limited Liability Company
2. Provide copies of the documents filed at the time the Applicant was formed including Articles of Incorporation (if a corporation); Articles of Organization (if an LLC); or Certificate of Limited Partnership or Limited Liability Limited Partnership (if a partnership). If the Applicant was not formed in the State of Florida, provide a copy of the documents demonstrating that the Applicant is authorized to conduct business in the State of Florida.

Section C

1. Has there been any change in the ownership of the Applicant within the last five (5) years? (e.g., any transfer of interest to another party)
Yes ___ No ___ If "Yes," please provide details in the space provided. Attach additional sheets if necessary.
2. Has there been any name change of the Applicant or has the Applicant operated under a different name within the last five (5) years?
Yes ___ No ___ If "Yes," please provide details in the space provided, including: Prior name(s) and Date of name change(s) filed with the State of Florida’s Division of Corporations or other applicable state agency. Attach additional sheets if necessary.
3. Has there been any change in the officers, directors, executives, partners, shareholders, or members of the Applicant within the past five (5) years?
Yes ___ No ___ If "Yes," please provide details in the space provided, including:
Prior officers, directors, executives, partners, shareholders, members
Name(s) _____
New officers, directors, executives, partners, shareholders, members
Name(s) _____
Also supply documentation evidencing the changes including resolution or minutes appointing new officers, list of new principals with titles and contact information, and effective date of changes. Attach additional sheets if necessary.

Section D

Provide copies of all fictitious name registrations filed by the Applicant with the State of Florida’s Division of Corporations or other State agencies. If none, indicate “None” _____.

Section E

1. Has the Applicant acquired another business entity within the last five (5) years?
Yes ___ No ___ If "Yes," please provide the full legal name of any business entity which the Applicant acquired during the last five (5) years which engaged in a similar business activity as the business activity which is the subject of this Port Everglades Franchise Application.
If none, indicate "None" _____.
2. Indicate in the space provided the date of the acquisition and whether the acquisition was by a stock purchase or asset purchase and whether the Applicant herein is relying on the background and history of the acquired firm's officers, managers, employees and/or the acquired firm's business reputation in the industry to describe the Applicant's experience or previous business history. Attach additional sheets if necessary.
3. Has the Applicant been acquired by another business entity within the last five (5) years? Yes ___ No ___ If "Yes," provide the full legal name of any business entity which acquired the Applicant during the last five (5) years which engaged in a similar business activity as the business activity which is the subject of this Port Everglades Franchise Application.
If none, indicate "None" _____.
4. Indicate in the space provided the date of the acquisition and whether the acquisition was by a stock purchase or asset purchase and whether the Applicant herein is relying on the background and history of the parent firm's officers, managers, employees and/or the parent firm's business reputation in the industry to describe the Applicant's experience or previous business history. Attach additional sheets if necessary.

Section F

Provide the Applicant's previous business history, including length of time in the same or similar business activities as planned at Port Everglades.

Section G

1. Provide a list of the Applicant's current managerial employees, including supervisors, superintendents, and forepersons.
2. List the previous work history/experience of the Applicant's current managerial employees, including their active involvement in seaports and length of time in the same or similar business activities as planned at Port Everglades.

Section H

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. **Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).**

If none, state "None" _____.

Seaport _____ Number of Years Operating at this Seaport _____

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant Has Provided Services to this Client

Section I

1. Provide a description of all past (within the last five (5) years) and pending litigation and legal claims where the Applicant is a named party, whether in the State of Florida or in another jurisdiction, involving allegations that Applicant has violated or otherwise failed to comply with environmental laws, rules, or regulations or committed a public entity crime as defined by Chapter 287, Florida Statutes, or theft-related crime such as fraud, bribery, smuggling, embezzlement or misappropriation of funds or acts of moral turpitude, meaning conduct or acts that tend to degrade persons in society or ridicule public morals.

The description must include all of the following:

- a) The case title and docket number
- b) The name and location of the court before which it is pending or was heard
- c) The identification of all parties to the litigation
- d) General nature of all claims being made

If none, indicate "None" _____.

2. Indicate whether in the last five (5) years the Applicant or an officer, director, executive, partner, or a shareholder, employee or agent who is or was (during the time period in which the illegal conduct or activity took place) active in the management of the Applicant was charged, indicted, found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of a plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, etc. or (3) results in a felony conviction where the crime is directly related to the business activities for which the franchise is sought.

Yes ___ No ___

If you responded "Yes," please provide all of the following information for each indictment, charge, or conviction:

- a) A description of the case style and docket number
- b) The nature of the charge or indictment
- c) Date of the charge or indictment
- d) Location of the court before which the proceeding is pending or was heard
- e) The disposition (e.g., convicted, acquitted, dismissed, etc.)
- f) Any sentence imposed
- g) Any evidence which the County (in its discretion) may determine that the Applicant and/or person found guilty or convicted of illegal conduct or activity has conducted itself, himself or herself in a manner as to warrant the granting or renewal of the franchise.

Section J

The Applicant must provide a current certificate(s) of insurance. Franchise insurance requirements are determined by Broward County's Risk Management Division and are contained in the Port Everglades Tariff No. 12 as amended, revised or reissued from time to time. The Port Everglades Tariff is contained in the Broward County Administrative Code, Chapter 42, and is available for inspection on line at: <http://www.porteverglades.net/development/tariff>.

Section K

1. The Applicant must provide its most recent audited or reviewed financial statements prepared in accordance with generally accepted accounting principles, or other documents and information which demonstrate the Applicant's creditworthiness, financial responsibility, and resources, which the Port will consider in evaluating the Applicant's financial responsibility.

2. Has the Applicant or entity acquired by Applicant (discussed in Section E herein) sought relief under any provision of the Federal Bankruptcy Code or under any state insolvency law filed by or against it within the last five (5) year period?

Yes ___ No ___

If "Yes," please provide the following information for each bankruptcy or insolvency proceeding:

- a) Date petition was filed or relief sought
- b) Title of case and docket number
- c) Name and address of court or agency
- d) Nature of judgment or relief
- e) Date entered

3. Has any receiver, fiscal agent, trustee, reorganization trustee, or similar officer been appointed in the last five (5) year period by a court for the business or property of the Applicant?

Yes ___ No ___

If "Yes," please provide the following information for each appointment:

- a) Name of person appointed
- b) Date appointed
- c) Name and address of court
- d) Reason for appointment

4. Has any receiver, fiscal agent, trustee, reorganization trustee, or similar officer been appointed in the last five (5) year period by a court for any entity, business, or property acquired by the Applicant?

Yes ___ No ___

If "Yes," please provide the following information for each appointment:

- a) Name of person appointed
- b) Date appointed
- c) Name and address of court
- d) Reason for appointment

Section L

List four (4) credit references for the Applicant, one of which must be a bank. Use this format:

Name of Reference _____ Nature of Business _____

Contact Name _____ Title _____

Legal Business Street Address _____

City, State, Zip Code _____

Phone Number (____) _____

(Provide on a separate sheet.)

Section M

1. Security: Pursuant to Port Everglades Tariff 12, Item 960, all Franchisees are required to furnish an Indemnity and Payment Bond or Irrevocable Letter of Credit drawn on a U.S. bank in a format and an amount not less than \$20,000 as required by Broward County Port Everglades Department.
2. Has the Applicant been denied a bond or letter of credit within the past five (5) years?
Yes ___ No ___
If "Yes," please provide a summary explanation in the space provided of why the Applicant was denied. Use additional sheets if necessary.

Section N

1. Provide a list and description of all equipment currently owned and/or leased by the Applicant and intended to be used by the Applicant for the type of service(s) intended to be performed at Port Everglades including the age, type of equipment and model number.
2. Identify the type of fuel used for each piece of equipment.
3. Indicate which equipment, if any, is to be domiciled at Port Everglades.
4. Will all equipment operators be employees of the Applicant, on the payroll of the Applicant, with wages, taxes, benefits, and insurance paid by the Applicant?
Yes ___ No ___
If "No," please explain in the space provided who will operate the equipment and pay wages, taxes, benefits, and insurance, if the franchise is granted. Use additional sheets if necessary.

Section O

Provide a copy of the Applicant's current Broward County Business Tax Receipt (formerly Occupational License).

Section P

1. Provide a copy of Applicant's safety program.
2. Provide a copy of Applicant's substance abuse policy.
3. Provide a copy of Applicant's employee job training program/policy.
4. Provide information regarding frequency of training.
5. Include equipment operator certificates, if any.

Section Q

1. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or fines from any federal, state, or local environmental regulatory agencies?
Yes ___ No ___

2. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or civil penalties from the U.S. Coast Guard?
Yes ___ No ___

3. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or fines from the Occupational Safety and Health Administration?
Yes ___ No ___

If you responded "Yes" to any of this section's questions 1, 2, or 3 above, please provide a detailed summary for each question containing the following information:

- a) Name and address of the agency issuing the citation or notice
- b) Date of the notice
- c) Nature of the violation
- d) Copies of the infraction notice(s) from the agency
- e) Disposition of case
- f) Amount of fines, if any
- g) Corrective action taken

Attach copies of all citations, notices of violations, warning notices, civil penalties and fines issued by local, state, and federal regulatory agencies, all related correspondence, and proof of payment of fines.

4. Provide a statement (and/or documentation) which describes the Applicant's commitment to environmental protection, environmental maintenance, and environmental enhancement in the Port.

Section R

Provide written evidence of Applicant's ability to promote and develop growth in the business activities, projects or facilities of Port Everglades through its provision of the services (i.e., stevedore, cargo handler or steamship agent) it seeks to perform at Port Everglades. For first-time applicants (stevedore, cargo handler, and steamship agent), the written evidence must demonstrate the Applicant's ability to attract and retain new business such that Broward County may determine in its discretion that the franchise is in the best interests of the operation and promotion of the port and harbor facilities. The term "new business" is defined in Chapter 32, Part II of the Broward County Administrative Code as may be amended from time to time.

If you have checked an Applicant box for VESSEL BUNKERING, VESSEL OILY WASTE REMOVAL, VESSEL SANITARY WASTEWATER REMOVAL, OR MARINE TERMINAL SECURITY, the following additional information is required:

VESSEL BUNKERING

Section T- A Letter of Adequacy from the U.S. Coast Guard and a copy of the applicant's operations manual approved by the U.S. Coast Guard.

Section V- A copy of the applicant's Oil Spill Contingency Plan for Marine Transportation Related Facilities approved by the U.S. Coast Guard.

Section W- A Terminal Facility Discharge Prevention and Response Certificate with a copy of an approved Oil Spill Contingency Plan from the Florida Dept. of Environmental Protection.

Section Z- An approved Discharge Cleanup Organization Certificate from the Florida Dept. of Environmental Protection, which has been issued to the applicant or to its cleanup contractor with a copy of the cleanup contract showing the expiration date.

VESSEL OILY WASTE REMOVAL

Section S - Certificate of Adequacy in compliance with the Directives of MARPOL 73/75 and 33 CFR 158, if applicable.

Section T- A Letter of Adequacy from the U.S. Coast Guard and a copy of the Applicant's operations manual approved by the U.S. Coast Guard.

Section U- A Waste Transporter License from the Broward County Environmental Protection Department identifying the nature of the discarded hazardous (or non-hazardous) material to be transported.

Section V- A copy of the Applicant's Oil Spill Contingency Plan for Marine Transportation Related Facilities approved by the U.S. Coast Guard.

Section W- A Terminal Facility Discharge Prevention and Response Certificate with a copy of an approved Oil Spill Contingency Plan from the Florida Dept. of Environmental Protection.

Section X- A Used Oil Collector, Transporter, and Recycler Certificate from the Florida Dept. of Environmental Protection.

Section Y- An Identification Certificate from the U.S. Environmental Protection Agency.

Section Z- An approved Discharge Cleanup Organization Certificate from the Florida Dept. of Environmental Protection, which has been issued to the Applicant or to its cleanup contractor with a copy of the cleanup contract showing the expiration date.

VESSEL SANITARY WASTEWATER REMOVAL

Section U- A Waste Transporter License from the Broward County Environmental Protection Department identifying the nature of the discarded hazardous (or non-hazardous) material to be transported.

Section Z1- A copy of the Applicant's operations manual.

Section Z2- A Septage Receiving Facility Waste Hauler Discharge Permit from the Broward County Water and Wastewater Services Operations Division.

MARINE TERMINAL SECURITY

Section N1- A list of all metal detection devices, walk-through and hand-held, as well as all luggage and carry-on x-ray machines owned or leased, to be used or domiciled at Port Everglades. The listing must include the brand name and model.

Section N2- A copy of all manufacturers' recommended service intervals and name of company contracted to provide such services on all aforementioned equipment.

Section N3- A description of current method employed to assure all equipment is properly calibrated and functioning.

Section N4- current training requirements and training syllabus for employees operating x-ray equipment. Highlight emphasis on weapon and contraband identification. Include equipment operator certificates, if any.

Section O1- Provide copies of all local, state and federal licenses, including:

- a. A copy of the Applicant’s State of Florida Business License.
- b. A copy of security agency’s Manager’s “M” or “MB” License and a copy of the security agency’s “B” or “BB” License issued by the Florida Department of Agriculture and Consumer Services.

Section P3- SECURITY GUARDS / SUPERVISORS

- a. Provide Applicant’s background requirements, education, training etc., for personnel hired as security guards.
- b. Provide historic annual turnover ratio for security guards.
- c. Provide a copy of Applicant’s job training program/policy including a copy of training curriculum and copies of all manuals and take-home materials made available to security guards. Include information regarding frequency of training.
- d. Provide background requirements, experience, licensing and any and all advanced training provided to supervisory personnel.
- e. Provide present policy for individual communication devices either required of security guards or supplied by the employer.
- f. Provide procurement criteria and source as well as Applicant’s certification requirements for K-9 workforce.
- g. Provide information on the number of security guards/supervisors currently employed or expected to be employed to provide security services at Port Everglades.

Supervisors _____
Class D Guards _____
Class G Guards _____
K-9 Handlers _____

Port Everglades Tariff 12

References to the Port Everglades Tariff 12 as amended or reissued: <http://www.porteverglades.net/business/tariff>

Application Fees

The following fees have been established for franchised businesses at Port Everglades. Initial processing fees are nonrefundable. A franchise is required for each category of business.

Stevedore

Initial processing fee, assignment fee, or reinstatement fee \$ 11,550.00

Annual Fee

\$ 4,200.00

Cargo Handler

Initial processing fee, assignment fee, or reinstatement fee \$ 11,550.00

Annual Fee

\$ 4,200.00

Steamship Agent

Initial processing fee, assignment fee, or reinstatement fee \$ 4,200.00

Annual Fee

\$ 2,360.00

Tugboat and Towing

Initial processing fee, assignment fee, or reinstatement fee \$ 27,300.00

Annual Fee

By Contract

Vessel Bunkering, Vessel Oily Waste Removal, Vessel Sanitary Wastewater Removal, and Marine Terminal Security Service

Initial processing fee, assignment fee, or reinstatement fee \$ 4,200.00

Annual Fee

\$ 2,360.00

For first-time franchise Applicants, both the initial application fee and the annual fee must be submitted at time of application. Thereafter, annual franchise fees are due and payable each year on the franchise anniversary date, which is defined as the effective date of the franchise.

Note: Check(s) should be made payable to:

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS and be mailed with this application to:

Port Everglades Business Development Division

1850 Eller Drive, Fort Lauderdale, FL 33316

Required Public Hearing

Staff review of this application will not commence until such time as all of the above-requested information and documentation has been provided and the franchise application has been determined by staff to be complete. All of the above-requested information and Sections are required to be completed prior to the scheduling of the public hearing. Staff will request that the Broward County Board of County Commissioners set a public hearing to consider the franchise application and hear comments from the public. The Applicant will be notified of the Public Hearing date and must plan to attend the Public Hearing.

By signing and submitting this application, Applicant certifies that all information provided in this application is true and correct. Applicant understands that providing false or misleading information on this application may result in the franchise application being denied, or in instances of renewal, a franchise revoked. Applicant hereby waives any and all claims for any damages resulting to the Applicant from any disclosure or publication in any manner of any material or information acquired by Broward County during the franchise application process or during any inquiries, investigations, or public hearings.

Applicant further understands that if there are any changes to the information provided herein (subsequent to this application submission) or to its officers, directors, senior management personnel, or business operation as stated in this application, Applicant agrees to provide such updated information to the Port Everglades Department of Broward County, including the furnishing of the names, addresses (and other information as required above) with respect to persons becoming associated with Applicant after its franchise application is submitted, and any other required documentation requested by Port Everglades Department staff as relating to the changes in the business operation. This information must be submitted within ten (10) calendar days from the date of any change made by the Applicant.

Applicant certifies that all workers performing functions for Applicant who are subject to the Longshore and Harbor Workers' Act are covered by Longshore & Harbor Workers' Act, Jones Act Insurance, as required by federal law.

This application and all related records are subject to Chapter 119, F.S., the Florida Public Records Act.

By its execution of this application, Applicant acknowledges that it has read and understands the rules, regulations, terms and conditions of the franchise it is applying for as set forth in Chapter 32, Part II, of the Broward County Administrative Code as amended, and agrees, should the franchise be granted by Broward County, to be legally bound and governed by all such rules, regulations, terms and conditions of the franchise as set forth in Chapter 32, Part II, of the Broward County Administrative Code as amended.

The individual executing this application on behalf of the Applicant, personally warrants that s/he has the full legal authority to execute this application and legally bind the Applicant.

Signature of Applicant's Authorized Representative _____ Date Signed _____

Signature name and title - typed or printed _____

Witness Signature (*Required*) _____
Witness name-typed or printed _____

Witness Signature (*Required*) _____
Witness name-typed or printed _____

If a franchise is granted, all official notices/correspondence should be sent to:

Name _____ Title _____

Address _____ Phone () _____

PART II. FRANCHISES

32.14. Generally.

No stevedore, cargo handler, steamship agent, tugboat or towing concern, vessel bunkering service, vessel oily waste removal service, vessel sanitary waste water removal service, or marine terminal security service shall operate in the Port Jurisdictional Area without first securing a franchise from the County. The requirement for a marine terminal security service franchise shall be effective as of January 1, 2009, and shall only apply to marine terminal security service which is performed on County-owned land or facilities located within the Port Jurisdictional Area as said Area is defined by Florida law.

(1994-1302, 10-25-94; 2008-382, 6-10-08; 2011-495, 9-13-11)

32.15. Types of franchises.

County may grant an exclusive or nonexclusive franchise under this Chapter. County may grant a restricted or unrestricted franchise under this Chapter. When considering the granting of a restricted franchise, the County shall, in addition to its review of the issuance criteria contained herein, determine that such a franchise is in the best interests of the operation and promotion of the port and harbor facilities within the Port Jurisdictional Area.

(1994-1302, 10-25-94; 2008-382, 6-10-08; Ord. No. 2009-862, 12-8-09)

32.16. Stevedore, Cargo Handler, and Tugboat or Towing Franchises.

- a. *Generally.* The County may grant a stevedore, cargo handler, and tugboat or towing franchise under this Section for any period of time up to ten (10) years.
- b. *Application for Stevedore, Cargo Handler, and Tugboat or Towing Franchises.* A franchise application form may be obtained from the Port Everglades Department Business Administration Division. An application will not be accepted and processed until the following documents and fees are received:
 1. A fully completed application form;
 2. The company's most recent financial statements, prepared in accordance with generally accepted accounting principles including the notes thereon, or other documentation which demonstrate the applicant's creditworthiness, financial responsibility and resources;
 3. Articles of incorporation, or other legal documentation as applicable, evidencing the legal formation of the applicant and if applicable, certificate of corporate status from the Secretary of the State of Florida;
 4. Resumes of president, vice-president, chief financial officer and local business representative;
 5. Insurance certificate(s) as specified in this Chapter;
 6. A current list of all equipment owned or leased by the company which will be used at the port;
 7. A copy of the applicant's safety and training programs, including substance abuse policies, if any;
 8. Fees and bond as provided in this Chapter;
 9. A list of the applicant's managerial employees, including supervisors and superintendents, who have been employed in similar positions as intended to be performed at Port Everglades.

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10. The applicant must provide, as part of its franchise application for or renewal of a stevedore or cargo handler franchise, written evidence of applicant's ability to promote and develop growth in the business activities, projects, or facilities of Port Everglades through its provision of stevedoring or cargo handling services (as applicable) at Port Everglades. For a first-time applicant, the written evidence must demonstrate applicant's ability to attract and retain new business, such that County may determine, in its discretion, that the franchise is in the best interests of the operation and promotion of the port and harbor facilities. For the purpose of this section, a first-time applicant shall mean an applicant who has never held a franchise (for the service which it is applying) from County or who has held a franchise (for the service which it is applying) that expired more than ninety (90) calendar days prior to its franchise application. New business shall mean any business which is not operating or calling at Port Everglades at the time the first-time applicant files its franchise application with County's Port Everglades Department. The deployment of a new cruise vessel(s) of an existing cruise line, which cruise line is operating or calling at Port Everglades at the time the first-time applicant files its franchise application, does not qualify as new business. The deployment of a new cargo vessel and/or container vessel of an existing cargo/container carrier or shipping line, which cargo/container carrier or shipping line is operating or calling at Port Everglades at the time the first-time applicant files its franchise application, does not qualify as new business. For first-time applicants, County may waive the new business requirement (as defined hereinabove) where no other authorized stevedore or cargo handler franchisees are available to provide services at Port Everglades, in instances involving cargo and/or vessel(s) which are proprietary to the applicant, or for good cause as determined by the Board of County Commissioners, to be in the best interests of the County. In such instances, written evidence of applicant's ability to promote and develop growth in the business activities, projects, or facilities of Port Everglades through its provision of stevedore or cargo handler services at Port Everglades will be accepted and made part of applicant's franchise application. The consolidation or merger of a terminal operating entity, steamship line, or cruise line with an existing franchised entity shall not be deemed a first-time applicant for the purpose of this section. In such instances, written evidence of applicant's ability to promote and develop growth in the business activities, projects, or facilities of Port Everglades through its provision of stevedore or cargo handler services at Port Everglades will be accepted and made part of applicant's franchise application.

11. Such other information as may be required by the County.

(1994-1302, 10-25-94; 2001-897, 8-28-01; 2007-520, 8-28-07; 2007-520, 8-28-07; 2008-382, 6-10-08; 2009-862, 12-8-09)

32.17. Issuance and Renewal Criteria for a Stevedore, Cargo Handler and Tugboat or Towing Franchises.

- a. In reviewing an application for, or renewal of, a stevedore, cargo handler, and tugboat or towing franchise, the County shall consider:
 1. The applicant's financial resources and financial responsibility, including but not limited to, prior payment record with Broward County, credit reference inquiry and other financial documentation;
 2. The applicant's past performance, including but not limited to, historical conformance with industry safety practices, implementation of safety and training programs and substance abuse policies, compliance with environmental regulations and other applicable laws;
 3. The applicant's equipment, including but not limited to, its ability to provide equipment necessary and suitable for the service(s) intended to be performed at Port Everglades;

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4. The applicant's previous business history including a detailed description of the applicant's history and applicant's active involvement in seaports and length of time the applicant has been engaged in the same or similar business activities as applied for at Port Everglades;
 5. The applicant's experience, including but not limited to, the work history of its managers and employees, including supervisors and superintendents, who have been employed in similar positions in the same or similar business activities as applied for at Port Everglades.
 6. The applicant's trustworthiness;
 7. The applicant's domicile, being the place considered by law as the center for its business affairs and place where its functions are discharged;
 8. The applicant's ability to promote and develop growth in the business activities, projects, or facilities of Port Everglades;
 9. Whether the applicant or an officer, director, executive, or a shareholder, employee, or agent who is active in the management of the applicant, is found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, or (3) results in a felony conviction where the crime is directly related to the business activities for which the franchise is sought;
 10. Whether the applicant or an officer, director, executive, shareholder, employee, or agent who was active in the management of the applicant during the time period in which illegal conduct or activity took place is found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, or (3) results in a felony conviction where the crime is directly related to the business activities for which the franchise is sought;
 11. Such other factors as the County may designate and which are made known to the applicant or franchisee; provided, however, that the granting or renewal of a franchise does not duplicate services leading to the impairment of the quality of services to persons using the port and harbor facilities, and does not lead to uncertainty, disruption, or instability in the rendering of such services.

With respect to items 9 and 10 hereinabove, the applicant may submit evidence satisfactory to County which County in its discretion, may determine that the applicant and/or person found guilty or convicted of illegal conduct or activity has conducted itself, himself, or herself in a manner as to warrant the granting or renewal of the franchise.

- b. Prior to renewing a stevedore, or cargo handler franchise, the County shall, in addition to considering the factors specified in subsection a., determine and establish that:
 1. The franchisee dutifully discharged its financial obligations to the County;
 2. The franchisee complied with the terms and conditions of its franchise and established rules and regulations of the County;
 3. The franchisee has not submitted false or misleading information;
 4. The franchisee has promoted and developed growth in the business activities, projects or facilities of Port Everglades;

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5. The best interests of the County dictate renewal.
- c. In reviewing an application for or renewal of a tugboat or towing franchise, the County, in addition to considering the factors specified in subsection a., shall determine that such a franchise is needed for the public convenience and necessity.

(1994-1302, 10-25-94; 2001-897, 8-28-01; 2006-247, 3-28-06; 2007-520, 8-28-07; 2008-382, 6-10-08; 2011-495, 9-13-11)

32.18. Criteria for Granting and Renewing Exclusive Franchises or Limiting the Number of Franchises to Stevedore or Cargo Handler or Tugboat or Towing Concerns.

- a. Before granting or renewing an exclusive franchise or limiting the number of franchises to any one type of concern, the County shall determine the necessity for an exclusive franchise or for limiting the number of franchises granted to any one type of concern in order to:
1. Create and promote commerce and industry within the geographic boundaries of Broward County, and
 2. Maintain and operate effectively port and harbor facilities within the geographic boundaries of Broward County, and
 3. Avoid duplication of services and destructive competition which may impair the quality of services to persons using the port and harbor facilities under the jurisdiction of the County or lead to uncertainty, disruption, or instability in the rendering of such services.
- b. The granting of an exclusive franchise or limiting the number of franchises as provided herein shall be by six (6) affirmative votes of the members of the Board of County Commissioners.

(1994-1302, 10-25-94; 2001-897, 8-28-01; 2002-108, 2-19-02)

32.19. Steamship Agent Franchise.

- a. Generally. The County may grant a steamship agent franchise under this section for any period of time up to five (5) years.
- b. Application for Steamship Agent Franchise. A franchise application form may be obtained from the Port Everglades Department Business Administration Division. An application will not be accepted and processed until the following documents and fees are received:
1. A fully completed application form;
 2. The company's most recent financial statements, prepared in accordance with generally accepted accounting principles including the notes thereon, and other documentation which demonstrates the applicant's creditworthiness, financial responsibility and resources;
 3. Articles of incorporation, or other legal documentation as applicable, evidencing the legal formation of the applicant and if applicable, certificate of corporate status from the Secretary of the State of Florida;
 4. Resumes of president, vice-president, chief financial officer and local business representative;
 5. Insurance certificate(s) as specified in this Chapter;
 6. Fees and bond as required in this Chapter;
 7. The applicant must provide, as part of its franchise application for or renewal of a steamship agent franchise, written evidence of applicant's ability to promote and develop growth in the business activities, projects, or facilities of Port Everglades through its provision of steamship agent services at

Port Everglades. For a first-time applicant, the written evidence must demonstrate applicant's ability to attract and retain new business, such that County may determine, in its discretion, that the franchise is in the best interests of the operation and promotion of the port and harbor facilities. For the purpose of this section, a first-time applicant shall mean an applicant who has never held a steamship agent franchise from County or who has held a steamship agent franchise that expired more than ninety (90) calendar days prior to its franchise application. New business shall mean any business which is not operating or calling at Port Everglades at the time the first-time applicant files its franchise application with County's Port Everglades Department. The deployment of a new cruise vessel(s) of an existing cruise line, which cruise line is operating or calling at Port Everglades at the time the first-time applicant files its franchise application, does not qualify as new business. The deployment of a new cargo vessel and/or container vessel or petroleum vessel of an existing cargo/container carrier, petroleum carrier, or shipping line, which cargo/container carrier, petroleum carrier, or shipping line is operating or calling at Port Everglades at the time the first-time applicant files its franchise application, does not qualify as new business. For first-time applicants, County may waive the new business requirement (as defined hereinabove) where no other authorized steamship agent franchisees are available to provide services at Port Everglades, in instances involving cargo and/or vessel(s) which are proprietary to applicant, or for good cause as determined by the Board of County Commissioners, to be in best interests of the County. In such instances, written evidence of applicant's ability to promote and develop growth in the business activities, projects, or facilities of Port Everglades through its provision of steamship agent services at Port Everglades will be accepted and made a part of applicant's franchise application.

The consolidation or merger of a terminal operating entity, steamship line, or cruise line with an existing franchised entity shall not be deemed a first-time applicant for the purpose of this section. In such instances, written evidence of applicant's ability to promote and develop growth in the business activities, projects, or facilities of Port Everglades through its provision of steamship agent services at Port Everglades will be accepted and made a part of applicant's franchise application.

8. A list of the applicant's managerial employees, including supervisors and superintendents, who have been employed in similar positions as intended to be performed at Port Everglades;
 9. Such other information as may be required by the County.
- c. Issuance and Renewal Criteria for a Steamship Agent Franchise. In reviewing an application for, or renewal of, a steamship agent franchise under this section, the County shall consider:
1. The applicant's financial resources and responsibility, including but not limited to, prior payment record with Broward County, credit reference inquiry and other financial documentation;
 2. The applicant's previous business history including a detailed description of the applicant's history and the applicant's active involvement in seaports and length of time the applicant has been engaged in the same or similar business activities as applied for at Port Everglades;
 3. The applicant's past performance, including but not limited to, historical conformance with industry safety practices, implementation of safety and training programs and substance abuse policies, compliance with environmental regulations and other applicable laws;
 4. The applicant's experience including, but not limited to, the work history of its managerial employees, including supervisors and superintendents, who have been employed in similar positions in the same or similar business activities as applied for at Port Everglades.
 5. The applicant's trustworthiness;
 6. The applicant's domicile, being the place considered by law as the center for its business affairs and place where its functions are discharged;

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7. The applicant's ability to promote and develop growth in the business activities, projects, or facilities of Port Everglades;
 8. Whether the applicant or an officer, director, executive, or a shareholder, employee, or agent who is active in the management of the applicant, is found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, or (3) results in a felony conviction where the crime is directly related to the business activities for which the franchise is sought;
 9. Whether the applicant or an officer, director, executive, shareholder, employee, or agent who was active in the management of the applicant during the time period in which illegal conduct or activity took place is found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, or (3) results in a felony conviction where the crime is directly related to the business activities for which the franchise is sought;
 10. Such other factors as the County may designate and which are made known to the applicant or franchisee.

With respect to items 8 and 9 hereinabove, the applicant may submit evidence satisfactory to County which County in its discretion, may determine that the applicant and/or person found guilty or convicted of illegal conduct or activity has conducted itself, himself or herself in a manner as to warrant the granting or renewal of the franchise.

- d. Prior to renewing a steamship agent franchise, the County shall, in addition to considering the factors specified in subsection c., determine and establish that:
 1. The franchisee dutifully discharged its financial obligations to the County;
 2. The franchisee complied with the terms and conditions of its franchise and the established rules and regulations of the County;
 3. The franchisee has not submitted false or misleading information;
 4. The franchisee has promoted and developed growth in the business activities, projects or facilities of Port Everglades; and
 5. The best interests of the County dictate renewal.

(1994-1302, 10-25-94; 2001-897, 8-28-01; 2006-247, 3-28-06; 2007-520, 8-28-07; 2008-382, 6-10-08; 2009-862, 12-8-09; 2011-495, 9-13-11)

32.20. Vessel Bunkering Service, Vessel Oily Waste Removal Service and Vessel Sanitary Waste Water Removal Service Franchises.

- a. Generally. The County may grant a vessel bunkering service, vessel oily waste removal service and vessel sanitary waste water removal service franchise under this Section for any period of time up to five (5) years.
- b. Application for a Vessel Bunkering Service, Vessel Oily Waste Removal Service and Vessel Sanitary Waste Water Removal Service Franchises:

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1. A franchise application form may be obtained from the Port Everglades Department Business Administration Division. An application will not be accepted and processed until the following documents and fees are received:
 - (a) A fully completed application form;
 - (b) The company's most recent financial statements, prepared in accordance with generally accepted accounting principles including the notes thereon, or other documentation which demonstrate the applicant's creditworthiness, financial responsibility and resources;
 - (c) Articles of incorporation, or other legal documentation as applicable, evidencing the legal formation of the applicant, and if applicable, certificate of corporate status from the Secretary of the State of Florida;
 - (d) Resumes of president, vice-president, chief financial officer and local business representative;
 - (e) A current list of all equipment owned or leased by the company which will be used at Port Everglades;
 - (f) Insurance certificates as specified in this Chapter, and pollution control-cleanup insurance;
 - (g) Fees and bond as provided in this Chapter;
 - (h) A list of the applicant's managerial employees, including supervisors and superintendents, who have been employed in similar positions as intended to be performed at Port Everglades;
 - (i) Such other information as the County may designate.
 2. In addition to those items provided in subsection b.1. above, a vessel bunkering service franchise application must also include:
 - (a) Terminal Facility Registration Certificate from the Florida Department of Environmental Protection;
 - (b) A Terminal Facility Discharge Prevention and Response Certificate and an approved copy of the Oil Spill Contingency Plan approved by the Florida Department of Environmental Protection;
 - (c) A Letter of Adequacy from the U. S. Coast Guard and a copy of the company's approved operation plan-manual;
 - (d) A copy of the company's Oil Spill Contingency Plan for Marine Transportation Related Facilities from the U.S. Coast Guard.
 - (e) An approved Discharge Cleanup Organization Certificate from the Florida Department of Environmental Protection which has been issued to the company or the company's cleanup contractor.
 3. In addition to those items provided in subsection b.1. above, a vessel oily waste removal service franchise application must also provide the following:
 - (a) A Hazardous Material Transporter License from the Broward County Environmental Protection and Growth Management Department, and other permits-licenses as may be required;
 - (b) A Letter of Adequacy from the U. S. Coast Guard and a copy of the company's approved operation plan-manual;
 - (c) A Used Oil Collector, Transporter, Recycler Certificate from the Florida Department of Environmental Protection;
 - (d) An Identification Certificate from the U.S. Environmental Protection Agency;

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- (e) A Terminal Facility Discharge Prevention and Response Certificate with a copy of an approved Oil Spill Contingency Plan from the Florida Department of Environmental Protection;
 - (f) An Approved Discharge Cleanup Organization Certificate from the Florida Department of Environmental Protection which has been issued to the company or the company's cleanup contractor.
4. In addition to those items provided in subsection b.1. above, a vessel sanitary waste water removal service franchise application must also provide the following:
- (a) A Hazardous Material Transporter License from the Broward County Environmental Protection and Growth Management Department, or other licenses as may be required;
 - (b) The company's operational manual.
- c. Issuance and Renewal Criteria for Vessel Bunkering Service, Vessel Oily Waste Removal Service, and Vessel Sanitary Waste Water Removal Service.
1. In reviewing an application for, or renewal of, a vessel bunkering service, vessel oily waste removal service, and vessel sanitary waste water removal service franchise, the County shall consider:
- (a) The applicant's financial resources and financial responsibility, including but not limited to, prior payment record with Broward County, credit reference inquiry and other financial documentation;
 - (b) The applicant's past performance, including but not limited to, historical conformance with industry safety practices, implementation of safety and training programs and substance abuse policies;
 - (c) The applicant's past record in complying with environmental regulations;
 - (d) The applicant's equipment, including but not limited to, its ability to provide equipment necessary and suitable for the service(s) intended to be performed at Port Everglades;
 - (e) The applicant's previous business history including a detailed description of the applicant's history and the applicant's active involvement in seaports and length of time the applicant has been engaged in the same or similar business activities as applied for at Port Everglades;
 - (f) The applicant's experience including, but not limited to, the work history of its managerial employees, including supervisors and superintendents, who have been employed in similar positions in the same or similar business activities as applied for at Port Everglades;
 - (g) The applicant's trustworthiness;
 - (h) The applicant's domicile, being the place considered by law as the center for its business affairs and place where its functions are discharged;
 - (i) Whether the applicant or an officer, director, executive, or a shareholder, employee, or agent who is active in the management of the applicant, is found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, or (3) results in a felony conviction where the crime is directly related to the business activities for which the franchise is sought;
 - (j) Whether the applicant or an officer, director, executive, shareholder, employee, or agent who was active in the management of the applicant during the time period in which illegal conduct or

activity took place is found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, or (3) results in a felony conviction where the crime is directly related to the business activities for which the franchise is sought;

- (k) Such other factors as the County may designate and which are made known to the applicant or franchisee.

With respect to items (i) and (j) hereinabove, the applicant may submit evidence satisfactory to County which County in its discretion, may determine that the applicant and/or person found guilty or convicted of illegal conduct or activity has conducted itself, himself or herself in a manner as to warrant the granting or renewal of the franchise.

2. Prior to renewing a franchise under this Section, the County shall, in addition to considering the factors specified in subsection c.1. above, determine and establish that:
- (a) The franchisee dutifully discharged its financial obligations to the County;
 - (b) The franchisee complied with the terms and conditions of its franchise and established rules and regulations of the County;
 - (c) The franchisee has not submitted false or misleading information;
 - (d) The franchisee has promoted and developed growth in the business activities, projects or facilities of Port Everglades;
 - (e) The best interests of the County dictate renewal.

(1994-1302, 10-25-94; 1999-0599, 4-13-99; 2001-897, 8-28-01; 2006-247, 3-28-06; 2007-520, 8-28-07; 2008-382, 6-10-08; 2011-495, 9-13-11)

32.20.1. Marine Terminal Security Service Franchise.

- a. *Generally.* The County may grant a marine terminal security service franchise under this Section for any period of time up to five (5) years.
- b. *Application for a Marine Terminal Security Service Franchise.*
 - 1. A franchise application form may be obtained from the Port Everglades Department Business Administration Division. An application will not be accepted and processed until the following documents and fees are received:
 - (a) A fully completed application form;
 - (b) The applicant's most recent financial statements, prepared in accordance with generally accepted accounting principles, including the notes thereon, or other documentation which demonstrates the applicant's creditworthiness, financial responsibility and resources;
 - (c) Articles of incorporation, or other legal documentation as applicable, evidencing the legal formation of the applicant and if applicable, certificate of corporate status from the Secretary of the State of Florida; a copy of the applicant's State of Florida Business License; a copy of security agency's Manager's "M" or "MB" License and a copy of the security agency's "B" or "BB" License issued by the Florida Department of Agriculture and Consumer Services; and a copy of the applicant's Broward County Business Tax Receipt (formerly Occupational License);

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- (d) A list of the applicant's managerial employees, including supervisors and superintendents, who have been employed in similar positions as intended to be performed at Port Everglades;
 - (e) Applicant's employment requirements for security guards and supervisors, to include minimum training, licensing and education necessary;
 - (f) A current list of all equipment owned or leased by the applicant, which will be used or domiciled at Port Everglades for security services, to include the name of the company that services and maintains the equipment, if applicable;
 - (g) Applicant's previous business history as it relates to providing seaport security services at Port Everglades, and at any other U.S. seaport within the last five (5) years;
 - (h) A list of all U.S. seaports where applicant is currently performing seaport security services;
 - (i) Insurance certificates as specified in this Chapter;
 - (j) Fees and bond as provided in this Chapter;
 - (k) Such other information as the County may designate.
- c. *Issuance and Renewal Criteria for Marine Terminal Security Service Franchise.*
1. In reviewing an application for, or renewal of, a Marine Terminal Security Service Franchise, the County shall consider:
 - (a) The applicant's financial resources and financial responsibility including, but not limited to, prior payment record with Broward County, credit reference inquiry and other financial documentation;
 - (b) The applicant's past performance including, but not limited to, historical conformance with industry safety practices, implementation of safety and training programs, and substance abuse policies;
 - (c) The applicant's past record in complying with environmental regulations;
 - (d) The applicant's equipment including, but not limited to, its ability to provide equipment necessary and suitable for Security Services, as intended to be performed at Port Everglades;
 - (e) The applicant's previous business history including a detailed description of the applicant's history and the applicant's active involvement in seaports and length of time the applicant has been engaged in the same or similar business activities as applied for at Port Everglades;
 - (f) The applicant's experience including, but not limited to, the work history of its managerial employees, including supervisors and superintendents, who have been employed in similar positions in the same or similar business activities as applied for at Port Everglades;
 - (g) The applicant's trustworthiness;
 - (h) The applicant's domicile, being the place considered by law as the center for its business affairs, and place where its functions are discharged;
 - (i) Whether the applicant, or an officer, director, executive, shareholder, employee, or agent who is active in the management of the applicant, is found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, or (3) results in a felony

conviction where the crime is directly related to the business activities for which the franchise is sought;

- (j) Whether the applicant or an officer, director, executive, shareholder, employee, or agent who was active in the management of the applicant during the time period in which illegal conduct or activity took place is found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, or (3) results in a felony conviction where the crime is directly related to the business activities for which the franchise is sought;
- (k) Such other factors as the County may designate and which are made known to the applicant or franchisee.

With respect to items (i) and (j) hereinabove, the applicant may submit evidence satisfactory to County, which County in its discretion, may determine that the applicant and/or person found guilty or convicted of illegal conduct or activity has conducted itself, himself or herself in a manner as to warrant the granting or renewal of the franchise.

- 2. Prior to renewing a marine terminal security service franchise under this Section, the County shall, in addition to considering the factors specified in subsection c.1. above, determine and establish that:
 - (a) The franchisee dutifully discharged its financial obligations to the County;
 - (b) The franchisee complied with the terms and conditions of its franchise and established rules and regulations of the County;
 - (c) The franchisee has not submitted false or misleading information;
 - (d) The franchisee has maintained a favorable service performance record;
 - (e) The best interests of the County dictate renewal.

(2008-382, 6-10-08; 2011-495, 9-13-11)

32.21. Reports and Identification Tags.

- a. Reports. Vessel sanitary waste water removal services must provide a monthly report to the Port Everglades Department Finance Division of services performed for vessels at Port Everglades. Vessel bunkering services must provide a monthly report to the Port Everglades Department Petroleum Section of services performed for vessels at Port Everglades.
- b. All trucks covered under Subsection a., above, in service at Port Everglades must display a current Port Everglades Department vehicle identification tag.

(1994-1302, 10-25-94; 2001-897, 8-28-01; 2011-495, 9-13-11)

32.22. Public Hearing.

- a. The County shall hold a public hearing prior to granting, renewing, placing on probation, suspending, or revoking any franchise under this Chapter.
- b. Each time an application is made for the renewal of any franchise under this Chapter, a notice of public hearing will be placed in a local newspaper of general circulation. In addition, such notice will be sent to the

applicant, each current franchisee, and known interested parties. Franchises shall be granted by resolution of the County.

(1994-1302, 10-25-94; 2000-1284, 11-14-00)

32.23. Fees.

- a. *Generally.* Franchise fees are established by the County and published in Port Everglades Tariff No. 12, any amendments thereto or reissues thereof.
- b. *Initial Processing Franchise Fees.* Franchise applicants shall be charged a nonrefundable initial franchise processing fee, as applicable. Such fees are required to be paid at the time an initial franchise application is submitted to the Port Everglades Department Business Administration Division.
- c. *Assignment Fee.* All applicants for assignment of a franchise shall, upon application, be required to pay the applicable initial franchise processing fee.
- d. *Revocation.* All revoked franchises shall upon reapplication be required to pay the initial franchise processing fee.
- e. *Annual Fee.* A franchisee shall pay an annual franchise fee for each year during the term of its franchise.
- f. *Initial Processing Fee and Annual Franchise Fees for Tugboat or Towing Services.* A nonrefundable initial franchise processing fee shall be charged and shall be paid at the time of application submission. All annual franchise fees for tugboat and towing companies are set by contract with the County.

(1994-1302, 10-25-94; 2001-897, 8-28-01; 2008-382, 6-10-08; 2011-495, 9-13-11)

32.24. Franchise Conditions.

- a. *Compliance with Laws, Rules and Regulations.* A franchisee, with respect to the conduct of the business operated and/or services provided, pursuant to its franchise, shall at its expense comply with the provisions of Chapter 32, Part II, Broward County Administrative Code, as well as all laws, ordinances, rules, regulations, Port Everglades Tariff No. 12, amendments thereto or reissues thereof and directives of the County, in addition to all applicable federal, state and local laws, including, but not limited to, applicable fire, safety and environmental laws, rules and regulations.
- b. *Surety Requirements.* Pursuant to the terms of the Port Everglades Tariff No. 12, amendments thereto or reissues thereof, all franchisees are required to furnish a payment and indemnity bond, or other type of security approved by the County. All such instruments shall be in a form approved by the County.
- c. *Insurance Requirements.*
 1. *Business Insurance.* All persons conducting business operations in the Port Jurisdictional Area are required to carry business insurance naming the County as an additional insured, and in amounts specified in the Port Everglades Tariff No. 12, amendments thereto or reissues thereof.

Insurance certificates must be provided to the Port Everglades Chief Executive or or designee and kept up-to-date in continuous effect throughout the franchise period.
 2. *Longshore Workers Insurance.* Franchise holders shall certify that all workers performing functions subject to the Longshore and Harbor Workers' Compensation Act are covered by Longshore and Harbor Workers' Compensation Insurance.

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3. Other Insurance Coverage. Franchisees may be required to obtain additional insurance coverage(s) particular to the type of operations being carried out at Port Everglades, i.e. automobile insurance, as determined by the County's Risk Management Division.
- d. *Bankruptcy*. Franchisee and County agree and acknowledge that the viability and full, continued and uninterrupted operation of the franchise is essential to the functions of Port Everglades not only as a commercial facility, but also as an international transport and transportation facility. Franchisee and County further agree and acknowledge that failure to fully, continuously and uninterruptedly operate the franchise will result in irreparable harm to Port Everglades which cannot be redressed or remedied by financial compensation nor other means. Therefore, the following rights are established and shall be fully enforceable as an essential term of the franchise:
1. Franchisee shall be considered in default of its franchise if any one of the following events shall occur:
 - i. The estate created by the franchise shall be taken by execution or other process of law; or
 - ii. The taking by a court of competent jurisdiction of the franchisee or any of its assets pursuant to proceedings under the provisions of any federal or state reorganization code or act; or
 - iii. If any court of competent jurisdiction shall enter a final order with respect to the franchisee providing for modifications or alterations of the rights of its creditors.

Upon the occurrence of one or more of the aforementioned events, County shall provide franchisee with written notice of its intention to review and inspect the financial books and records of franchisee to determine the financial capability of franchisee to continue to perform its obligations to County under the terms and conditions of its franchise. Franchisee shall, within three (3) days of its receipt of such notice, produce copies of its financial books and records to Port Everglades Department staff for purposes of said review and inspection. If the franchisee has defaulted with respect to this subsection and Port Everglades Department staff (following said review and inspection) determines that franchisee is unable, due to its current financial condition, to perform its franchised obligations, County, as determined by action of the Board of County Commissioners may, to the extent allowed by law, place the franchise on probation, or suspend or revoke the franchise pursuant to the requirements set forth in Section 32.29 herein.
 2. If the franchise is terminated for any reason in the event of the rejection or disaffirmance of the franchise pursuant to the United States Bankruptcy Code, as same may be amended (the "code") or any other federal or state statute or law affecting creditors rights, County shall, to the extent allowed by law, require franchisee to reapply for and execute a new franchise agreement.
- e. Franchisee agrees that its franchise is issued subject to strict compliance with all applicable provisions of the Americans With Disabilities Act (ADA) including Titles I and II of the ADA (regarding nondiscrimination on the basis of disability), and all applicable regulations, guidelines and standards. Franchisee shall not unlawfully discriminate against any person in its operations and activities or in its use or expenditure of funds in fulfilling its obligations under its non-exclusive franchise. In addition, franchisee shall take affirmative steps to ensure nondiscrimination in employment against disabled persons. Franchisee's decisions regarding the delivery of services under its non-exclusive franchise shall be made without regard to or consideration of race, age, religion, color, gender, sexual orientation (Broward County Code, Chapter 16½), national origin, marital status, physical or mental disability, political affiliation, or any other factor which cannot be lawfully used as a basis for service delivery. Franchisee shall not engage in or commit any discriminatory practice in violation of Broward County Human Rights Act (Broward County Code Chapter 16½) in performing any services pursuant to its non-exclusive franchise.

(1994-1302, 10-25-94; 2001-897, 8-28-01; Ord. No. 2008-382, 6-10-08; 2011-495, 9-13-11)

32.25. Periodic Franchise Evaluation.

- a. The County, through the Port Everglades Department Business Administration Division, shall conduct franchise evaluations annually, on a rotating basis, in such a manner whereby all franchisees are reviewed within a two-year period. Franchisees are required to respond to requests from County for completed periodic review questionnaires by the deadline established by County's Port Everglades Department, and to submit any other reports required by the Port Everglades Department for franchisees.
- b. Should the periodic evaluation indicate that a franchisee has not satisfactorily met, the terms and conditions of its franchise, the County may either suspend, revoke, or place its franchise on probationary status as provided in this Chapter.
- c. Should the periodic evaluation indicate that the franchisee has a delinquent payment history with Broward County, the amount and type of its security with the Port Everglades Department may be increased and changed at the request of the Port Everglades Chief Executive or designee.
- d. Each Port Everglades Department division will participate in the annual franchise evaluation process and provide to the Business Administration Division written evaluation, comments, and recommendations for each franchisee based upon the applicable issuance and/or renewal criteria and franchise condition provisions set forth in this Chapter.
- e. A Final Franchise Evaluation Report will be filed by the Port Everglades Department with the Broward County Board of County Commissioners within sixty (60) days following completion of same.

(1994-1302, 10-25-94; 2001-897, 8-28-01; 2008-382, 6-10-08; 2011-495, 9-13-11)

32.26. Assignment.

A franchise shall not be assigned without the prior written consent of the County.

(1994-1302, 10-25-94; 2008-382, 6-10-08)

32.27. Certificate.

The Port Everglades Department Business Administration Division will issue a franchise certificate setting forth the terms and conditions of the franchise.

(1994-1302, 10-25-94; 2001-897, 8-28-01)

32.28. Abandonment.

A franchise shall be considered abandoned and therefore, subject to termination by County, if the franchisee fails to conduct its franchised operations at Port Everglades for twenty-four (24) consecutive months.

(1994-1302, 10-25-94; 2008-382, 6-10-08; 2011-495, 9-13-11)

32.29. Probation, Suspension and Revocation of a Franchise.

- a. After reasonable written notice to the franchise holder, and opportunity for the franchise holder to be heard at a duly noticed public hearing conducted by the County as provided in Section 32.22, the County may suspend, revoke, or place a franchise on probationary status for any one of the following:

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1. Failure of the franchisee to adhere to the terms and conditions of its franchise, including but not limited to, the laws, rules and regulations of the County.
 2. The submittal by the franchisee of false or misleading information to the County.
 3. Failure of the franchisee to perform its business operations and/or services in accordance with industry safety practices or its adopted safety and substance abuse policy programs.
 4. Failure of the franchisee to perform its business operations and/or services in compliance with applicable federal, state and local laws, including but not limited to environmental regulations.
 5. Failure of the franchisee to provide equipment necessary and suitable for the service(s) intended to be performed at Port Everglades.
 6. Where franchisee or an officer, director, executive, partner, or a shareholder, employee or agent who is active in the management of franchisee, is found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of a plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, or (3) results in a felony conviction where the crime is directly related to the franchised business activities;
 7. Where franchisee or an officer, director, executive, partner, or a shareholder, employee or agent who was active in the management of franchisee during the time period in which illegal conduct or activity took place is found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of a plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, or (3) results in a felony conviction where the crime is directly related to the franchised business activities;
 8. Such other factors as the County may designate and which are made known to the franchisee.

With respect to items 6 and 7 hereinabove, the franchisee may submit evidence satisfactory to County which County in its discretion, may determine mitigates against taking any action to suspend or revoke a franchise or place a franchisee on probationary status.

- b. Notwithstanding the provisions of subsection a., the Port Everglades Chief Executive or designee, in instances he/she determines to be so serious and compelling as to adversely affect the public health, safety and welfare may, after written notice to the franchisee, suspend a franchise for a period of no more than four (4) weeks. In instances where the County Commission is in recess during the suspension period of a franchise, the Port Everglades Chief Executive or designee may enlarge the time of the suspension period to allow the Port Everglades Department time to process a public hearing request to the County Commission for its first available public hearing date to consider any further action on the suspended franchise.

(1994-1302, 10-25-94; 2001-897, 8-28-01; 2006-247, 3-28-06; 2007-520, 8-28-07; 2011-495, 9-13-11)

32.30. Implementation of Procedures.

The County shall, through the Port Everglades Chief Executive or designee, promulgate and implement procedures to effectuate the provisions of this Chapter.

(1994-1302, 10-25-94; 2001-897, 8-28-01; 2011-495, 9-13-11)

32.31. Appeal.

A decision of the County constitutes final agency action. Appeals shall be in accordance with applicable laws.
(1994-1302, 10-25-94)

32.32—32.37. Reserved.

PORT EVERGLADES TARIFF NO. 12

Item No. 800–Franchises and Business Permits.

Issue No. 6

Effective Date: October 1, 2023

No one may engage in the businesses or provide services at Port Everglades within the listed categories herein without obtaining a franchise or business permit and otherwise complying with all applicable Tariff requirements and applicable county, state, and federal regulations.

The following fees have been established for conducting business at Port Everglades. Initial processing fees are nonrefundable. A separate franchise or business permit is required for each category of business.

FRANCHISES

Stevedore -

Initial processing fee, assignment fee, or reinstatement fee when franchise revoked.....	\$ 11,550.00
Annual Fee.....	\$ 4,200.00

Cargo Handler – (Marine Terminals, Grid Space, and Cargo Yards) -

Initial processing fee, assignment fee, or reinstatement fee when franchise revoked.....	\$ 11,550.00
Annual Fee.....	\$ 4,200.00

Steamship Agent, Vessel Oily Waste Removal Service, Vessel Bunkering Service, Vessel Sanitary Wastewater Removal Service, and Marine Terminal Security Service -

Initial processing fee, assignment fee, or reinstatement fee when franchise revoked.....	\$ 4,200.00
Annual Fee.....	\$ 2,360.00

Tugboat or Towing -

Initial processing fee, assignment fee, or reinstatement fee when franchise revoked.....	\$ 27,300.00
Annual Fee.....	By Contract

Annual franchise fees are due and payable on the franchisee's anniversary date, defined as the effective date the franchise was most recently granted or renewed.

Item No. 800–Franchises and Business Permits. (Cont.)

Business Permits

	Initial Processing or Assignment Fee	Annual Fee
Crane Service	\$300	\$350
Mobile Motorized Food/Drink	\$300	\$350

Business permit fees will be charged on an annual calendar year basis and are not prorated.

Firms authorized to do business in Port Everglades pursuant to a business permit or franchise will be required to purchase identifying emblems at a cost of \$15.00 each to be displayed on their vehicles and by their personnel. Broward County will regulate the issue and use of these items. Broward County will regulate the issuance and use of these items.

Applications to Broward County to conduct business must include payment for the required fee. At its sole discretion, Broward County may refuse anyone a permit or franchise or cancel any permit or franchise previously issued. More information is available in the Broward County Administrative Code.

Companies conducting or engaging in motor vehicle rental business or services at Port Everglades must remit five dollars and fifty cents (\$5.50) per contract, payable monthly, for customers picked up at Port Everglades. Such motor vehicle rental companies must furnish to the Port Everglades Department's Finance Division, by the fifteenth of each month throughout the permit term, the monthly fees (plus applicable sales tax) for the prior calendar month, along with a statement, in a form and detail satisfactory to Broward County, certified by one of its officers, setting forth the number of motor vehicle rental contracts the company secured through its operations at Port Everglades during the prior month.

INDEMNITY AND PAYMENT BOND

BOND NO. _____

KNOW ALL BY THESE PRESENTS:

That we, _____ as INDEMNITOR and _____ as SURETY, a surety company authorized to do business in the State of Florida, are held and firmly bound unto BROWARD COUNTY, as OBLIGEE, a political subdivision of the State of Florida, in the full sum of _____ DOLLARS (\$ _____), for the payment of which we bind ourselves, our heirs, successors, assigns and personal representatives for the performance of the obligations hereinafter set forth:

NOW THEREFORE, the condition of this obligation is such that if INDEMNITOR, its heirs, executors, administrators, successors and assigns shall well and truly save harmless and keep indemnified BROWARD COUNTY, its successors and assigns, from and against all loss, costs, expenses, damages, injury, claims, actions, liabilities and demands of every kind (including but not limited to all reasonable attorney's fees to and through appellate, supplemental and bankruptcy proceedings) which arises from, is caused by, or results from or on account of:

- (i) failure of INDEMNITOR to pay to BROWARD COUNTY, when due, any and all tariff or other charges that have accrued at Port Everglades (whether relating to the furnishing of services or materials to INDEMNITOR, its principals, agents, servants or employees at Port Everglades; or, due to injury to property of Port Everglades; or, stemming from the use of Port Everglades facilities by INDEMNITOR, its principals, agents, servants or employees; or, otherwise); or
- (ii) non-compliance by INDEMNITOR, its principals, agents, servants or employees with applicable laws, ordinances, rules and regulations of the federal, state and local governmental units or agencies (including but not limited to the terms and provisions of the BROWARD COUNTY Code of Ordinances, Administrative Code, and all procedures and policies of the Port Everglades Department), as amended from time to time; or
- (iii) any act, omission, negligence or misconduct of INDEMNITOR, its principals, agents, servants or employees in Port Everglades (whether causing injury to persons or otherwise;

then these obligations shall be null and void, otherwise to remain in full force and effect.

AS A FURTHER CONDITION of this obligation that it shall remain in full force and effect until and unless the Surety provides at least ninety (90) days prior written notice to BROWARD COUNTY of its intention to terminate this Bond.

Any notices required herein shall be given in writing and be delivered to: Broward County's Port Everglades Department, Attn: Director of Administration, 1850 Eller Drive, Fort Lauderdale, Florida 33316, with a copy to: Broward County Administrator, Governmental Center, 115 S. Andrews Avenue, Fort Lauderdale, Florida 33301.

IN WITNESS WHEREOF, INDEMNITOR has caused this Bond to be executed by _____, on this ___ day of _____, 20___, and attested to by its Secretary and its corporate seal to be affixed, and the Surety has caused this Bond to be executed on this _____ day of _____, 20____, in its name, by its Attorney-in-Fact, duly authorized to do so.

INDEMNITOR:

ATTEST: _____
Corporate Secretary

(Print Name of Secretary)

(SEAL)

Company Name: _____

By: _____

(Print Name of Pres./Vice Pres.)

Title: _____
(Print)

_____ day of _____, 20____

SURETY:

ATTEST: _____
See Power of Attorney

(SEAL)

Company Name: _____

By: _____

(Print Name of Pres./Vice Pres.)

Title: _____
(Print)

_____ day of _____, 20____

UNCONDITIONAL LETTER OF CREDIT FORM

UNCONDITIONAL LETTER OF CREDIT

Date of Issue _____

Issuing Bank's No. _____

Beneficiary:

Applicant: _____

Broward County
c/o CEO & Port Director
Port Everglades Department
1850 Eller Drive
Fort Lauderdale, FL 33316

Amount: _____
(in United States Funds)

Expiry: _____
(Date)

We hereby authorize you to draw on _____ (Bank, Issuer Name) at _____ (Branch Address) by order of and for the account of _____ (Franchisee) ("Franchisee") up to an aggregate amount, in United States Funds, of \$ _____, available by your drafts at sight, accompanied by: A signed statement from the CEO & Port Director of the Port Everglades Department of Broward County or the CEO & Port Director's authorized representative that the drawing is due to default in performance of certain obligations on the part of Franchisee pursuant to its approved Franchise, approved by the Board of Broward County Commissioners via Resolution No. _____, or Port Everglades Tariff 12, Item 960, available at [Tariff No 12 entire10012023AdminCode 960740cc-54d5-4f0f-bf36-777ae77f906e.pdf](http://www.simpleviewinc.com/Tariff%20No%2012%20entire10012023AdminCode%20960740cc-54d5-4f0f-bf36-777ae77f906e.pdf) (simpleviewinc.com).

Drafts must be drawn and negotiated not later than _____ (expiration date).

Drafts must bear the clause: "Drawn under Letter of Credit No. _____ (number) of _____ (Bank name), dated _____."

This Letter of Credit shall be renewed for successive periods of one (1) year each unless we provide the CEO & Port Director of the Port Everglades Department of Broward County with written notice of our intent to terminate the credit herein extended, which notice must be provided at least thirty (30) days prior to the expiration date of the original term hereof or any renewed one (1) year term. Notification to Broward County that this Letter of Credit will expire prior to performance of the Franchisee's obligations will be deemed a default.

This Letter of Credit sets forth in full the terms of our undertaking, and such undertaking shall not in any way be modified or amplified by reference to any documents, instrument, or agreement referred to herein or to which this Letter of Credit is referred or this Letter of Credit

relates, and any such reference shall not be deemed to incorporate herein by reference any document, instrument, or agreement.

We hereby agree with the drawers, endorsers, and bona fide holders of all drafts drawn under and in compliance with the terms of this credit that such drafts will be duly honored upon presentation to the drawee.

This Credit is subject to the "Uniform Customs and Practice for Documentary Credits," International Chamber of Commerce (2007 revision), Publication No. 600 and to the provisions of Florida law. If a conflict between the Uniform Customs and Practice for Documentary Credits and Florida law should arise, Florida law shall prevail. If a conflict between the law of another state or country and Florida law should arise, Florida law shall prevail.

Authorized Signature