

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, GRANTING A NON-EXCLUSIVE RESTRICTED CARGO HANDLER FRANCHISE TO FAST TERMINAL CORP TO PROVIDE CARGO HANDLER SERVICES AT PORT EVERGLADES, RESTRICTED TO PROPRIETARY CARGO HANDLED ON VESSELS OWNED OR CHARTERED BY SC LINE, S.A. AND CARGO THAT IS "NEW BUSINESS" AS DEFINED BY SECTION 32.16.b.10 OF THE BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING FOR A ONE-YEAR TERM AT PORT EVERGLADES; PROVIDING FOR NON-DISCRIMINATION/APPLICABLE LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Broward County Board of County Commissioners (the "Board") adopted Resolution 94-1302 creating Chapter 32 of the Broward County Administrative Code, effective November 22, 1994, to provide for the regulation of businesses requiring franchises to conduct operations at Port Everglades; and

WHEREAS, Fast Terminal Corp, has submitted an application for a non-exclusive restricted cargo handler franchise and the Board has relied on the representations of Fast Terminal Corp, and reviewed the application in light of the requirements of Chapter 32 of the Broward County Administrative Code as amended; and

WHEREAS, the public hearing required for this franchise was conducted on April 22, 2014; and

WHEREAS, based on representations of Fast Terminal Corp, and information presented by County staff and the public, the Board does hereby find, determine and

1 declare the non-exclusive restricted franchise to be in the public interest; NOW,
2 THEREFORE,

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

5 **Section 1.** The foregoing "WHEREAS" clauses are true and correct and
6 hereby ratified by the Board of County Commissioners.

7 **Section 2. AWARD OF RESTRICTED FRANCHISE TO FAST TERMINAL**
8 **CORP**

9 Fast Terminal Corp, is hereby granted a non-exclusive restricted franchise to
10 provide cargo handler services at Port Everglades. The non-exclusive restricted
11 franchise extends only to cargo handler services for proprietary cargo handled on
12 vessels owned or chartered by SC Line, S.A. and cargo that is "New Business" as
13 defined in Section 32.16.b.10 of the Broward County Administrative Code.

14 **Section 3. TERM.**

15 The non-exclusive restricted franchise shall be for a period of one (1) year,
16 commencing April 22, 2014, and ending on April 21, 2015, unless sooner terminated in
17 accordance with the provisions of the franchise including, Broward County
18 Administrative Code, Chapter 32, Section 32.29 as amended.

19 **Section 4. NON-DISCRIMINATION/APPLICABLE LAW.**

20 By accepting this non-exclusive restricted franchise, Fast Terminal Corp, agrees
21 that its effectiveness is subject to strict compliance with Broward County Human Rights
22 Act (Broward County Code, Chapter 16-1/2), all rules, regulations and ordinances,
23 including the Broward County Administrative Code and Code of Ordinances, now or
24

1 hereafter promulgated by Broward County with respect to the conduct of the business
2 operated pursuant to this franchise and is also subject to the terms and provisions of all
3 federal and state laws, as amended from time to time, affecting the conduct of the
4 business for which Fast Terminal Corp, is hereby franchised. The imposition and
5 enforcement of such laws to which this franchise shall be subject, shall operate
6 uniformly with respect to all persons, firms, or corporations holding similar franchises
7 within Port Everglades.

8 **Section 5. SEVERABILITY.**

9 If any portion of this Resolution is determined by any Court to be invalid, the
10 invalid portion shall be stricken, and such striking shall not affect the validity of the
11 remainder of this Resolution. If any Court determines that this Resolution, or any portion
12 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
13 or circumstance(s), such determination shall not affect the applicability hereof to any
14 other individual, group, entity, property, or circumstance.

15 **Section 6. EFFECTIVE DATE.**

16 This Resolution shall become effective upon its adoption.
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19 ADOPTED this _____ day of _____, 2014.
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22 RJM:cr/dh
23 Rev. 4/2/14
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