

RESOLUTION NO. 2014-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, GRANTING RENEWAL OF A NONEXCLUSIVE FRANCHISE TO CHIQUITA FRESH NORTH AMERICA L.L.C. FOR A TEN-YEAR TERM TO PROVIDE CARGO HANDLER SERVICES AT PORT EVERGLADES; AND PROVIDING FOR NONDISCRIMINATION AND COMPLIANCE WITH APPLICABLE LAW, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Broward County Board of County Commissioners (the "Board") adopted Resolution No. 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, Chiquita Fresh North America L.L.C. has submitted an application for a franchise, and the Board has relied on the representations of Chiquita Fresh North America L.L.C. and reviewed the application in light of the requirements of Chapter 32 of the Broward County Administrative Code; and

WHEREAS, the public hearing required for this franchise was conducted on August 12, 2014; and

WHEREAS, based on representations of Chiquita Fresh North America L.L.C., and information presented by County staff and the public, the Board does hereby find, determine, and declare the franchise to be in the public interest; NOW, THEREFORE,

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

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

3 Section 2. AWARD OF FRANCHISE TO CHIQUITA FRESH NORTH  
4 AMERICA L.L.C.

5 Chiquita Fresh North America L.L.C., is hereby granted renewal of a  
6 nonexclusive franchise to provide cargo handler services at Port Everglades.

7 Section 3. TERM.

8 The franchise shall be for a period of ten (10) years, commencing  
9 September 24, 2014, and ending on September 23, 2024, unless sooner terminated in  
10 accordance with the provisions of the franchise, including Section 32.29 of the Broward  
11 County Administrative Code.

12 Section 4. NONDISCRIMINATION/APPLICABLE LAW.

13 By accepting this nonexclusive franchise, Chiquita Fresh North America L.L.C.  
14 agrees that the effectiveness of the franchise is subject to strict compliance with the  
15 Broward County Human Rights Act (Chapter 16½, Broward County Code of  
16 Ordinances), and all rules, regulations, and ordinances, including the Broward County  
17 Administrative Code and Code of Ordinances, now or hereafter promulgated by  
18 Broward County pertaining to the conduct of the business operated pursuant to this  
19 franchise, and is also subject to the terms and provisions of all federal and state laws,  
20 as amended from time to time, affecting the conduct of the business for which Chiquita  
21 Fresh North America L.L.C. is hereby franchised. The imposition and enforcement of  
22 such laws to which this franchise shall be subject, shall operate uniformly with respect  
23 to all persons, firms, or corporations holding similar franchises within Port Everglades.

1 Section 5. SEVERABILITY.

2 If any portion of this Resolution is determined by any Court to be invalid, the  
3 invalid portion shall be stricken, and such striking shall not affect the validity of the  
4 remainder of this Resolution. If any Court determines that this Resolution, or any  
5 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),  
6 property(ies), or circumstance(s), such determination shall not affect the applicability  
7 hereof to any other individual, group, entity, property, or circumstance.

8 Section 6. EFFECTIVE DATE.

9 This Resolution shall become effective upon its adoption.

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12 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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16 Approved as to form and legal sufficiency:  
17 Joni Armstrong Coffey, County Attorney

18 By: /s/ Russell J. Morrison 06/02/14  
19 Russell J. Morrison (Date)  
20 Senior Assistant County Attorney

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22  
23 RJM:dh  
06/02/14  
ChiquitaFresh\_CargoHandlerR2  
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