

1 RESOLUTION NO. 2017-

2  
3 A RESOLUTION OF THE BOARD OF COUNTY  
4 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,  
5 GRANTING RENEWAL OF A NONEXCLUSIVE FRANCHISE  
6 TO AFCO AGENCY USA LLC FOR A TEN-YEAR TERM TO  
7 PROVIDE STEVEDORE SERVICES AT PORT  
8 EVERGLADES; AND PROVIDING FOR  
9 NONDISCRIMINATION, COMPLIANCE WITH APPLICABLE  
10 LAW, SEVERABILITY, AND AN EFFECTIVE DATE.

11 WHEREAS, the Broward County Board of County Commissioners (the "Board")  
12 adopted Resolution No. 94-1302 creating Chapter 32 of the Broward County  
13 Administrative Code, effective November 22, 1994, to provide for the regulation of  
14 businesses requiring franchises to conduct operations at Port Everglades; and

15 WHEREAS, AFCO Agency USA LLC has submitted an application for a franchise,  
16 and the Board has relied on the representations of AFCO Agency USA LLC, and reviewed  
17 the application in light of the requirements of Chapter 32 of the Broward County  
18 Administrative Code; and

19 WHEREAS, the public hearing required for this franchise was conducted on  
20 August 22, 2017; and

21 WHEREAS, based on representations of AFCO Agency USA LLC, and information  
22 presented by County staff and the public, the Board does hereby find, determine, and  
23 declare the franchise to be in the public interest, NOW, THEREFORE,

24 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 hereby  
2 ratified by the Board of County Commissioners.

3 Section 2. AWARD OF FRANCHISE TO AFCO AGENCY USA LLC.

4 AFCO Agency USA LLC is hereby granted renewal of a nonexclusive franchise to  
5 provide stevedore services at Port Everglades.

6 Section 3. TERM.

7 The franchise shall be for a period of ten (10) years, commencing on  
8 September 27, 2017, and ending on September 26, 2027, unless sooner terminated in  
9 accordance with the provisions of the franchise, including Section 32.29 of the Broward  
10 County Administrative Code.

11 Section 4. NONDISCRIMINATION/APPLICABLE LAW.

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

23

24

1 Section 5. SEVERABILITY.

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

8 Section 6. EFFECTIVE DATE.

9 This Resolution shall become effective upon adoption.

10  
11  
12 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

13  
14  
15 Approved as to form and legal sufficiency:  
16 Joni Armstrong Coffey, County Attorney

17  
18 By /s/ Russell J. Morrison 00/00/17  
19 Russell J. Morrison (date)  
20 Sr. Assistant County Attorney

21  
22  
23 RJM:dh  
24 05/10/17  
AFCO\_stevedore\_R2  
#17-3600