

Administrative Order



Administrative Order No.: 4-50

Title: Appointment, Licensing and Bond of Stevedores

Ordered: 11/20/2001

Effective: 11/30/2001

AUTHORITY:

Miami-Dade County Home Rule Amendment and Charter, Sections 1.01(A) and 4.02; and Section 125.012(6), Florida Statutes; Chapter 28A, Code of Miami-Dade County, and Port of Miami Terminal Tariff No. 10, all as amended.

SUPERSEDES:

This Administrative Order supersedes A.O. No. 4-50, ordered June 16, 1998 and effective June 26, 1998.

POLICY:

The Director of the Seaport shall be responsible for the review and administration of all applications, examinations, bonds, stevedore licenses, and renewals of stevedore licenses.

FEES AND BONDS:

A one-time County application fee of \$50.00 payable to Seaport Department is hereby established and it shall be submitted with each original application for a stevedore license. The amount of \$1,000.00 is hereby established for a performance bond payable to Miami-Dade County and conditioned upon the proper performance of the licensee as a stevedore. Such bond shall be maintained throughout the term of each license.

PROCEDURE:

Stevedore license applications may be obtained from the Seaport Director, to whom they must be returned together with the fee. After review, the Seaport Director shall forward applications to the Miami-Dade Police Department for scrutiny, processing and return to the Seaport Director for further examination and recommendation.

All applicants denied a stevedore license shall receive written notification in person at

the time of denial or by certified mail. Denial letters shall be signed by the Director and shall contain the reason(s) for the denial. If the applicant is denied a license for any reason other than pursuant to section 28A-6.5, Code of Miami-Dade County, section 28A-7.1 affords the applicant the right to file a written request with the County Manager within ten (10) days of the denial pursuant to the provision contained in section 28A-7.1. Such person shall be entitled to an appeal before a hearing examiner pursuant to section 28A-7.1.

If the applicant is denied a license pursuant to section 28A-6.5 regarding criminal record, the applicant who wishes to appeal must submit a written request to the Seaport Director requesting an appeal hearing within 14 consecutive days of receipt of the written denial notification. The written request should be addressed to the Seaport Director, Miami-Dade Seaport Department, 1015 North America Way, 2nd Floor, Miami, Florida, 33132. Any applicant denied a stevedore license who fails to submit a request for an appeal hearing within 14 days shall surrender their temporary identification card to the identification section and shall forfeit all future appeal rights.

The Director or a designee (a Seaport employee at the Assistant Director level or higher) will set a hearing date that will occur within 60 days after receipt of the written request for appeal. When a hearing date is set, the department will send a certified letter to the applicant containing the hearing date, time and location. All applicants appearing at an appeal hearing shall have the right to have an attorney present.

The appeals committee shall be comprised of a member of the Dade Police Chiefs' Association, excluding the Director of the Miami-Dade Police Department, the Special Agent in charge of the U.S. Customs Service in Miami or a designee, a representative of the employee's employer or at the employer's option, the association representing the employer, the Port Director or his or her designee, and a union, labor, or employee representative, as enumerated in Section 28A-5.3(h) of the Code of Miami-Dade County and shall represent to the fullest extent possible the ethnic/racial/gender diversity of Miami-Dade County. Three members of the committee shall constitute a quorum.

At the hearing, the applicant shall have the right to present his/her case, including all relevant documents. The appeals committee through a majority vote of its members present shall determine whether the applicant shall be issued or denied a stevedore license and shall render a written decision so stating to the Director, with a copy sent by certified mail to the applicant within 14 days of the hearing date.

Pursuant to Section 28A-6.5 (c) of the Code, the Director shall, upon determination by the appeals committee and upon receipt of the performance bond, issue the applicant a license if the applicant qualifies. The license shall be effective from the beginning date of performance bond coverage to January 15th of the following year. Alternatively, if the appeals committee determines that the applicant shall be denied a license, the Director shall issue the applicant a letter so stating. In either event, the applicant or the Director, as the case may be, shall have available the review

procedures of Section 28A-7.1.

In the event of a two-two vote, the particular appeal shall be rescheduled for the next appeals committee meeting to take place not more than 60 days after the split decision. During this time, the applicant will be issued a second temporary identification card not to exceed a period of 60 days.

Section 28A-7.1 of the Code of Miami-Dade County affords any person (including the County) aggrieved with the decision of the Director and/or the Department, with reference to the written denial or issuance of an application for any permit, license, or identification card, the right to file a written request with the County Manager within ten (10) days of the denial. Such person shall be entitled to an appeal before a hearing examiner pursuant to section 28A-7.1.

RENEWALS:

Any renewal application shall be subject to the same review process as set forth above.

SCOPE:

Miami-Dade County stevedore licenses authorize a stevedore to perform as a stevedore within Miami-Dade County, except such County license does not include stevedoring on the Port of Miami which requires an additional permit issued by the Seaport Director.

PORT OF MIAMI STEVEDORE PERMITS

Port of Miami stevedore permits authorize stevedores to operate at the Port of Miami and are subject to fees as prescribed by the Port Tariff then in effect. These permits are subject to the same examination procedure designated above and the criteria in Chapter 28A, Code of Miami-Dade County.

This administrative order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Steve Shiver
County Manager