

# MEMORANDUM

Agenda Item No. 8(J)(1)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners


**DATE:** December 16, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution approving  
amendments to Implementing  
Order 4-4 and Item Number 714  
of Port of Miami Terminal Tariff  
Number 010, extending  
Stevedoring license and permit  
durations and authorizing permit  
fee payment options

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The accompanying resolution was prepared by the Port of Miami Department and placed on the agenda at the request of Chairwoman Rebeca Sosa.

  
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R. A. Cuevas, Jr.  
County Attorney


RAC/cp

# Memorandum



Date: December 16, 2014

To: Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

From: Honorable Carlos A. Gimenez,  
Mayor 

Subject: Resolution Approving Amendment of Implementing Order 4-4 and PortMiami Terminal  
Tariff No. 010, Item 714, Involving Stevedore Permit Fees

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## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) approve the accompanying resolution amending Implementing Order 4-4 and PortMiami Terminal Tariff No. 010, Item 714, extending port stevedoring permits and licenses from one (1) year to three (3) years, and authorizing certain permit fee payment options.

## **SCOPE**

PortMiami is located within District 5 which is represented by Commissioner Bruno A. Barreiro. The impact of this agenda item is countywide, as the PortMiami is a regional asset and generates employment for residents throughout Miami-Dade County.

## **FISCAL IMPACT/FUNDING SOURCE**

This proposed resolution is not anticipated to have a fiscal impact on PortMiami. However, permittees will now be required to pay for three (3) years of stevedoring permit fees at the current PortMiami Terminal Tariff No. 010 annual stevedoring renewal rate. Each stevedoring provider shall pay the three (3) year renewal fee upfront (\$17,400) or, if deemed credit worthy by the PortMiami Director, pay the renewal fee in annual installments (\$5,800 per year). PortMiami currently has a total of ten stevedoring companies licensed and permitted to do business at the port. Stevedoring licenses will continue to be processed at no charge.

## **TRACK RECORD/MONITOR**

The staff members responsible for monitoring this proposed resolution are Kevin Lynskey, Deputy Port Director, and Miriam Abreu, Assistant Director, Finance.

## **BACKGROUND**

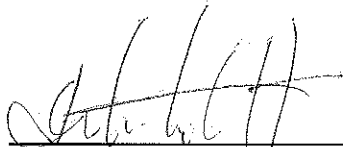
In an effort to streamline the permit renewal system for all stevedoring firms, PortMiami proposes to change the duration of port stevedoring permits and County stevedoring licenses from one (1) year to three (3) years. To implement this change, the annual one-year stevedoring permit fee currently set forth in PortMiami Terminal Tariff No. 010, Item 714, will be amended to reflect the new three-year permit period, adjusting the current \$5,800 annual fee to a \$17,400 three-year permit fee. The proposed amendment to Port Tariff Item 714 will also authorize the Director to approve a stevedore permit applicant's request to make three annual payments of \$5,800 each provided the applicant agrees to pay the entire three-year permit fee even if the applicant returns the permit or elects not to use the permit prior to the expiration of the three year permit period..

The PortMiami Director may rescind, revoke or suspend a permit for reasons relating to non-compliance with any terms of Ordinance 28A-6 of the Code of Miami-Dade County or Port Terminal Tariff No. 10. Most of the PortMiami's current permitted stevedoring firms have been permitted to conduct stevedoring at PortMiami for several years, and the permit information currently required to be submitted to the port annually rarely changes.

Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners  
Page 2

**DELEGATED AUTHORITY**

In accordance with Section 2-8.3 of the Code of Miami-Dade County requiring disclosure of delegations of Board authority contained in the body of contracts recommended for competitive award, this item contains no such delegations.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt, Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** December 16, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 8(J)(1)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised.
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(J)(1)  
12-16-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AMENDMENTS TO  
IMPLEMENTING ORDER 4-4 AND ITEM NUMBER 714 OF  
PORT OF MIAMI TERMINAL TARIFF NUMBER 010,  
EXTENDING STEVEDORING LICENSE AND PERMIT  
DURATIONS AND AUTHORIZING PERMIT FEE PAYMENT  
OPTIONS

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves the attached amended Implementing Order 4-4 and Port of Miami Terminal Tariff No. 010, Item 714.

The foregoing resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman	
Bruno A. Barreiro	Esteban L. Bovo, Jr.
Daniella Levine Cava	Jose "Pepe" Diaz
Audrey M. Edmonson	Sally A. Heyman
Barbara J. Jordan	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	Juan C. Zapata

The Chairperson thereupon declared the resolution duly passed and adopted this 16<sup>th</sup> day of December, 2014. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

AMS

Steven B. Bass

I.O. No.: 4-4  
Ordered:  
Effective:

MIAMI-DADE COUNTY  
IMPLEMENTING ORDER

PORT OF MIAMI TERMINAL TARIFF NO. 010

**AUTHORITY:**

The Miami-Dade County Home Rule Amendment Charter, including, among others, Sections 1.01 and 2.02A.

**SUPERSEDES:**

This Implementing Order supersedes prior Implementing Orders and revisions to PortMiami Terminal Tariff No. 010 ordered on \_\_\_\_\_ and effective on \_\_\_\_\_ as it relates to those items specified in the attached amended Tariff pages. Any items not expressly superseded herein remain in effect.

**POLICY:**

Port of Miami Terminal Tariff No. 010 shall be established providing for the rates, rules and regulations for the Seaport facilities of Miami-Dade County, Florida.

**PROCEDURE:**

The Director of the Dante B. Fascell Port of Miami-Dade (PortMiami) is responsible for the operation and management of the Port Miami, including establishing rates and fees for usage of Port facilities and collection of same. Reviews and revisions of rates and fees will occur on an annual basis with recommendations for changes forwarded to the County Mayor.

**TARIFF:**

The Tariff items adopted by this Implementing Order have been presented and are considered a part hereof. In accordance with Section 2.3 of the Code of Miami-Dade County, these official Tariff items are also filed with the Clerk of the Board of County Commissioners. Items, which are charged by the Port of Miami, shall be the same as those listed in the official PortMiami Terminal Tariff No. 010 on file with the Clerk of the County Commission.

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

Approved by the County Attorney as  
to form and legal sufficiency \_\_\_\_\_

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(Effective October 1, 2014)

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FFMC - T No 010

PORT MIAMI

TERMINAL TARIFF NO. 010  
RATES RULES AND REGULATIONS  
FOR THE  
SEAPORT FACILITIES  
OF  
MIAMI-DADE COUNTY  
FLORIDA

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3<sup>rd</sup> REVISED [title page]

EFFECTIVE: October 1, 2014

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THIS TARIFF IS ISSUED BY THE MIAMI-DADE COUNTY  
MAYOR UNDER AUTHORITY OF ADMINISTRATIVE  
ORDER NO. 4-4 PURSUANT TO SECTION 4.02 OF THE  
HOME RULE CHARTER; MIAMI-DADE COUNTY  
HAVING JURISDICTION OVER AND CONTROL OF THE  
OPERATION OF THE DANTE B. FASCELL PORT OF  
MIAMI-DADE.

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FOR FURTHER INFORMATION ADDRESS

PORT DIRECTOR  
DANTE B. FASCELL PORT OF MIAMI-DADE  
1015 NORTH AMERICA WAY  
MIAMI, FLORIDA 33132  
(305) 371-7678



TARIFF NO. 010

EFFECTIVE: OCTOBER 1, 2014

**SECTION TEN  
MISCELLANEOUS CHARGES**

**FMC SUBRULE: 34-F01**

**FOR EXPLANATION OF SYMBOLS, SEE PAGE 0-A (AFTER TITLE PAGE)**

ITEM	ANNUAL AND TEMPORARY PERMIT FEES (C) (I)
714	
<p>No one may engage in a business transaction or provide services on the Port Miami without first obtaining a business permit, supplying evidence of insurance coverage, and complying with all other applicable provisions of the tariff and/or other pertinent regulations issued by the Port Director and the Miami-Dade County Code. Exempt from the business permit requirement are: 1) those entities whose sole function on the Port is to fulfill the requirements of U.S. government regulatory agencies; 2) County-approved vendors, their sub-contractors and suppliers, while performing the tasks called for under their contract with Miami-Dade; and 3) Governmental entities. Applications for a permit to conduct business as a Stevedore must be in accordance with Miami-Dade Code Chapter 28A-6 and/or as determined by the Seaport Director.</p>	
<p>Obtaining a permit to do business at the Port Miami does not entitle the holder of the permit to, including but not limited to, land offices, access to restricted areas, guaranteed business opportunities, etc. The permit only allows the holder to conduct business at the Port Miami as per the rules and requirements of this Tariff.</p>	
<p>All cartage companies shall comply with the insurance requirements as described on Page 41-A of this Tariff.</p>	
<p>Permit fees shall be applied on an annual basis commencing on the date of issuance except for stevedore permit fees which shall be applied on an annual basis commencing on January 15 of every year.</p>	
<p>Permit renewals not received by the expiration date shall be cancelled, and the initial processing fee and annual permit fee shall be required for reinstatement.</p>	
<p>Companies engaging in business and/or providing services without first obtaining a business permit will, in addition to other fines, penalties, fees, costs, and damages arising under the county code, this tariff, other applicable laws, or otherwise; be subject to the following fees, costs, and/or actions:</p>	
<ul style="list-style-type: none"> <li>• First time; warning plus a \$100 administrative fee.</li> <li>• Second time; warning plus a \$250 administrative fee.</li> <li>• Third time; \$1,000 administrative fee plus potential denial of permit for up to one (1) year from third infraction.</li> </ul>	
<p><i>Company Name or Category Change</i> Any permit holder that requests a name or category change will be treated as a new applicant and shall pay the initial processing fee and annual permit fee.</p>	
<p>Companies holding an active stevedoring permit at the Port Miami are required to submit their final vessel loading and discharge reports for all vessels worked at the Port no later than 7 calendar days after vessel departure. Arrangements to submit said reports are to be coordinated with the Port's Cargo Operations division.</p>	
<p>Initial Processing Fee (non-refundable) (all categories, except shipping lines and cruise lines, not otherwise listed) <span style="float: right;">\$350.00</span></p>	

TARIFF NO. 010

EFFECTIVE: OCTOBER 1, 2014

**SECTION TEN  
MISCELLANEOUS CHARGES**

**FMC SUBRULE: 34-F01**

FOR EXPLANATION OF SYMBOLS, SEE PAGE 0-A (AFTER TITLE PAGE)

Initiation fee or Reinstatement Fee for tug Services.....	\$6,000.00		ITEM
The following annual permit fees are applicable to the following business categories:			
Fuel or bunker vessels, Up to 5 barges.....	\$ 200,000.00		
Each additional barge.....	\$ 25,000.00		
Mobile Food/Drink per Truck.....	\$2,500.00		
Pre-arranged Ground Transportation *	\$350.00		
Ship Chandlers/Suppliers.....	\$ 1,000.00		
Ship's Agents.....	\$ 1,750.00		
Sightseeing/Tour Services	\$350.00		
Shipping Lines and cruise lines	0.00	ANNUAL AND	714
Stevedoring Firms .....	<del>**\$17,400.00</del>	TEMPORARY	
	\$5,800.00	PERMIT	
Tug Services, per tug.....	\$15,000.00	FEES	
All other business categories.....	\$ 350.00	(C)	
Tow Truck/Vehicle Delivery Service (No Initial Processing Fee).....	\$ 70.00	(I)	
<p>* Note: Pre-arranged ground transportation companies residing outside of South Florida will be allowed two round trips (drop off/pick up) to be assessed at \$150.00 per trip. Beyond the allowed two trips, these companies will be required to get a permit. The fees paid for the first two trips will be credited towards the full permit fees. All visiting vehicles are to be registered and issued transponders prior to their visit and provide the required insurance requirements as per this Tariff.</p>			
<p>** Note: <u>For purposes of stevedoring firms obtaining or renewing Port stevedoring permits pursuant to applicable requirements of Section 28A-6 of the Code of Miami-Dade County, the fee shall be \$17,400.00 (for three years), payable in advance, provided, however, that credit-worthy permit applicants may, at the discretion of the Director, pay three annual installments of \$5,800.00 each, payable on or before December 15 of the calendar year preceding the first year of the three-year permit period and on or before December 15 of each of the following two calendar years, or payable on such other payment schedule as shall be determined by the Director and accepted in writing by the applicant. In the event the Director allows a credit worthy applicant to pay the stevedoring permit fee in multiple payments, upon issuance of the permit, the applicant shall be legally responsible for timely payment (to the Port) of the entire \$17,400.00 permit fee.</u></p>			
<p>Fees and time period for all other activities not listed above shall be determined by the Port Director.</p>			
<p>User permit renewal is subject to satisfaction of any outstanding balances due to the Seaport Department</p>			
<p>The Port has discretion in denying the issuing of a new permit and/or the renewal of a permit based on any circumstance and/or known fact that is not consistent with the Port's requirements and operating guidelines, such as, but not limited to; payment history, outstanding claims, criminal record, and convictions, etc.</p>			
<p>In addition to permit requirements for companies, all individuals must comply with all applicable local, state, and federal requirements to obtain a Port. I.D. for which the charge is as follows:</p>			
Port I.D. – New/Renewal (Unescorted Access – 1 years) Green Card	\$0.00		
New/Renewal (Escorted Access – 1 year) Yellow Card	\$0.00		

ISSUED BY

MIAMI-DADE COUNTY SEAPORT DEPARTMENT

TARIFF NO. 010

20<sup>TH</sup> REVISED PAGE 41 (3 pgs.)

EFFECTIVE: OCTOBER 1, 2014

SECTION TEN  
MISCELLANEOUS CHARGES

FMC SUBRULE: 34-F01

FOR EXPLANATION OF SYMBOLS, SEE PAGE 0-A (AFTER TITLE PAGE)

New/Renewal (Escorted Access – 1 year) Red Card	\$0.00
One Day Pass	\$0.00
Replacement (Lost or Stolen)	\$25.00
Replacement (Change of Company)	\$0.00

\*Words stricken through shall be deleted and words underscored are additions to text. Remaining provisions are now in effect and remain unchanged.