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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Amended
Agenda Item No. 7(E)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE:

(Second Reading 10-7-08)
July 17, 2008

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

SUBJECT:

Ordinance relating to
Seaport safety; amending
Sections 28A-6.4 and
28A-6.6 of the Code

Ordinance No. 08-114

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dorrin D. Rolle.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum



Date: October 7, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Borges
County Manager

A handwritten signature in black ink, appearing to read "George M. Borges", written over the printed name.

Subject: Ordinance relating to Seaport safety: amending Sections 28A-6.4 and 28A-6.6 of the Code

The ordinance relating to Seaport safety will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Ysela Llort", written over the printed name.

Ysela Llort
Assistant County Manager

fiscal06608



MEMORANDUM

(Revised)

TO: Honorable Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 7, 2008

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

SUBJECT: Amended
Agenda Item No. 7(E)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(E)
10-7-08

ORDINANCE NO. 08-114

ORDINANCE RELATING TO SEAPORT SAFETY; AMENDING SECTIONS 28A-6.4 AND 28A-6.6 OF THE CODE OF MIAMI-DADE COUNTY; REQUIRING THE PORT DIRECTOR TO CONSIDER A STEVEDORE APPLICANT'S WORK-RELATED SAFETY RECORD IN ISSUING STEVEDORE LICENSES AND PERMITS; AUTHORIZING THE PORT DIRECTOR TO SUSPEND OR REVOKE STEVEDORE LICENSES AND PERMITS BASED ON THE STEVEDORE'S WORK-RELATED SAFETY RECORD; CREATING SECTION 28A-6.8; REQUIRING STEVEDORE LICENSE AND PERMIT HOLDERS TO REPORT WORK-RELATED ACCIDENTS, INJURIES, DEATHS AND REGULATORY ACTIONS TO THE DIRECTOR; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Sections 28A-6.4 and 28A-6.6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 28A-6.4. Procedure for obtaining County stevedore license and/or Port of Miami stevedore permit.

(a) A County stevedore license application may be obtained at the office of the Director, where, upon completion, it shall be returned. The Director shall forward it to the Miami-Dade Police Department for the purpose of conducting a criminal background check. The Miami-Dade Police Department shall

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

process the application and return it to the Director with a memorandum indicating either that the applicant has passed or failed the criminal background check. The Director shall forward his recommendations with the application to the County Manager for his consideration pursuant to Section 28A-6.1.

(b) A Port of Miami stevedore permit application may be obtained from the office of the Director, where, upon completion, it shall be returned. The Director shall forward it to the Miami-Dade Police Department for the purpose of conducting a criminal background check. Following processing, the Miami-Dade Police Department shall return it to the Director with a memorandum indicating either that the applicant has passed or failed the criminal background check. The Port Director, in making his determination as to the issuance or denial of the permit, shall, in addition to the criteria set forth in subsection (c) below, make findings as to the need or lack of need for such permit.

(c) The County Manager and the Seaport Director shall, after examination, issue stevedore licenses and permits, respectively, to competent and trustworthy persons in such numbers as they deem necessary for the efficient operation of the county waterfront and Port of Miami facilities. The criteria for issuance shall, in the case of a permit in addition to the needs determination contained in subsection (b) above, include, but shall not be limited to, the following:

- (1) The physical ability of the port, the waterways, and the Miami River facilities, respectively, to handle the vessel(s), passengers, freight or support services necessary therefor, which may be proposed by the applicant, including plans (if any) approved by the Board for proposed facilities expansion;
- (2) The total and peak quantities of passengers or freight;
- (3) The frequency of dockings;
- (4) Special demands upon or savings to the County;
- (5) The inability or refusal of license or present permit holders, respectively, to adequately serve new or existing business;

- (6) The financial strength of the applicant, including the ability to secure insurance, indemnity and performance bonds;
- (7) The pendency or entry of any proceeding, judgment or order of any court or regulatory body respecting the ability of the applicant, its affiliates, and/or its principals or operating offices to conduct a stevedoring business;
- (8) The experience of the applicant, its affiliates, principals or operating officers;
- (9) Efficient operation of the port, having due regard for the business of the port, harbor and channels >>; and
- (10) The applicant's work-related safety record over the last five (5) years, including, without limitation, the frequency or severity or both of work-related accidents, injuries or deaths; and citations, judgments, consent decrees, notices of violation or rulings issued by OSHA and other regulatory agencies.<<

* * *

28A-6.6. Duration >>; Grounds for suspension or revocation<<.

A Miami-Dade County stevedore license or Port of Miami stevedore permit issued by the Board or Director, respectively, shall expire on January fifteenth annually. Upon expiration, a license or permit may be renewed by the Director when all the applicable requirements and procedures set forth in Sections 28A-6.1 through 28A-6.8 and Port of Miami Tariff No. 010, as amended, have been met. Failure of any person to timely file an application for renewal of a Miami-Dade County stevedore license or a Port of Miami stevedore permit shall cause the same automatically to lapse. In the event that a license or permit lapses, the holder may petition the County Manager or Director, respectively, for reinstatement of such license or permit. For good cause shown, the County Manager or Director, respectively, may reinstate such a license or permit to renewal status. >>A stevedore license or permit shall be subject to suspension or revocation upon a determination by the Mayor or Designee that the frequency or severity or both of work-related accidents, injuries or deaths, or

citations, judgments, consent decrees, notices of violation or rulings issued by OSHA or other regulatory agencies, warrants a suspension or revocation. The Mayor or Designee shall provide notice of suspension or revocation to the license or permit holder by certified mail ten (10) days before the license or permit is revoked or suspended. <<

Section 2. Section 28A-6.8 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 28A-6.8. Reporting of work-related accidents and injuries and regulatory actions. The holder of a stevedore license or permit shall report to the Director within three (3) days:

- (a) All work-related accidents, injuries and deaths that occur as part of, relate to, are caused by, or arise out of the license or permit holder's operations at the Port of Miami or in Miami-Dade County; and
- (b) All citations, judgments, consent decrees, notices of violation or rulings issued by OSHA or other regulatory agencies to the license or permit holder whether at the Port of Miami, in Miami-Dade County or elsewhere.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: October 7, 2008

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Jess M. McCarty

Prime Sponsor: Commissioner Dorrin D. Rolle