

MEMORANDUM

Agenda Item No. 8(J)(2)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the
the County Mayor to issue a new
stevedore license to James E.
Kuzdale in accordance with
Chapter 28A, section 28A-6 of
the Code

Resolution No. R-1102-22

The accompanying resolution was prepared by the Port of Miami and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: November 15, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Resolution Authorizing the County Mayor or the County Mayor’s Designee to
Issue a New County Stevedore License to James E. Kuzdale

Executive Summary

The purpose of this item is to gain authorization by the Board of County Commissioners (Board) to issue a new Miami-Dade County stevedoring license to James E. Kuzdale.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the accompanying resolution authorizing the County Mayor or the County Mayor’s designee to issue a new Miami-Dade County stevedoring license to James E. Kuzdale pursuant to Chapter 28A, Section 28A-6 of the Code of Miami-Dade County.

Scope

PortMiami is located within District 5, which is represented by Commissioner Eileen Higgins. The impact of this agenda item is countywide as PortMiami (Port) is a regional asset and generates employment for residents throughout Miami-Dade County.

Delegation of 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.

Fiscal Impact/Funding Source

This proposed resolution will have no fiscal impact on PortMiami.

Track Record/Monitor

The Port staff members responsible for monitoring compliance with terms of license are Fred Wong, Deputy Port Director, and Dalgis Betancourt, Assistant Director.

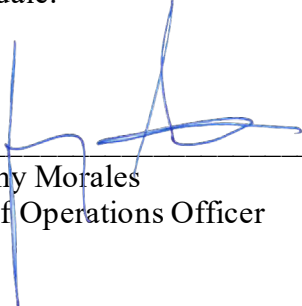
Background

Chapter 28-A, Section 28A-6, of the Miami-Dade County Code, mandates that applications for new County stevedore licenses be presented to the Board by the Mayor, after examination of the qualifications of the applicants by the Seaport Director, and after completion of a background investigation by the Miami-Dade Police Department.

Staff has reviewed the qualifications of the applicant for issuance of a new County stevedore license and determined that he is qualified in accordance with Code licensure requirements of

Chapter 28A, Section 28A-6 of the Code. An investigation of the applicant by the Miami-Dade Police Department has revealed no record of criminal activity as outlined in Chapter 28-A of the Code. The applicant has also provided the mandatory bond (attached).

As staff has determined that applicable licensure requirements have been met, it is recommended that the Board approve the issuance of a new County stevedore license to the applicant James E. Kuzdale.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(J)(2)

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
- ☐ Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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)(2)
11-15-22

RESOLUTION NO. R-1102-22

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO ISSUE A NEW
STEVEDORE LICENSE TO JAMES E. KUZDALE IN
ACCORDANCE WITH CHAPTER 28A, SECTION 28A-6 OF
THE CODE OF MIAMI-DADE COUNTY, FLORIDA

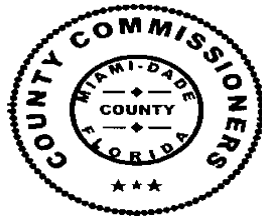
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board hereby authorizes the County Mayor or County Mayor's designee to issue a stevedore license to James E. Kuzdale in accordance with the provisions of Chapter 28A, section 6 of the Code of Miami-Dade County, Florida.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Kionne L. McGhee	aye
Jean Monestime	aye	Raquel A. Regalado	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	absent

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of November, 2022. 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SBB

Steven B. Bass

SOUTH FLORIDA CONTAINER TERMINAL, LLC



MDC007

LICENSE CERTIFICATE



PORTMIAMI

STEVEDORE LICENSE NO. 2022-22

Issue Date: January 18, 2022

Expiration Date: January 18, 2023

Miami-Dade County
STEVEDORE LICENSE
Granted to
JAMES E. KUZDALE

In accordance with Sections 1.01(A) and 4.02, Miami-Dade County Home Rule Charter; Section 125.012(6), Florida Statutes; Chapter 28A, Code of Miami-Dade County; and PortMiami Terminal Tariff No. 010, all as they may be amended from time to time, the above licensee, having met the qualifications prescribed and posted the required performance bond, is hereby licensed to perform as a STEVEDORE within Miami-Dade County, Florida.

Authorized By:
Miami-Dade Board Of County Commissioners

Hydi Webb
Port Director and CEO



PERSONAL CHARACTER FORM

**2022 STEVEDORING BUSINESS LICENSE
PERSONAL CHARACTER FORM**



PORTMIAMI

Applicant Name: **JAMES E KUZDALE**
Applicant Age: **59**
Applicant Citizenship: **UNITED STATES OF AMERICA**
Date of Birth: **[REDACTED]**
Address: **8101 BYRON AVENUE, APT. 404, MIAMI BEACH, FL 33141**
Work Phone: **305-347-3841**
Mobile Phone: **305-986-3218**
E-mail Address: **james.e.kuzdale@sfct.us.com**

1. Name and address of stevedore firm which applicant will conduct his/her stevedoring activities upon issuance of license:

**SOUTH FLORIDA CONTAINER TERMINAL, LLC
2299 PORT BOULEVARD, MIAMI, FL 33132**

2. Stevedore's Performance Bond: Check # 4000008880

3. Has applicant ever been refused such bond? NO N/A

4. List all connections applicant has had with stevedoring and with shipping industry, giving dates and locations.

May 1985. Licensed Third Officer, U.S. Merchant Service. Bachelor of Science degree in Marine Transportation, State University of New York, Maritime College, Fort Schuyler, Bronx, NY.

July 1989 to present. Thirty-two years working for the South Florida Container Terminal, LLC at Port Miami.



**2022 STEVEDORING BUSINESS LICENSE
PERSONAL CHARACTER FORM**



PORT MIAMI

5. List all supervisory capacities previously held by applicant in Question No. 4.

The supervisory positions listed below were held while working for the South Florida Container Terminal, LLC at Port Miami.

Vessel Operations, stevedore superintendent.

Health and Safety Manager.

Assistant Vessel Operations Manager.

IT Manager.

Yard and IT Manager.

Director of Operations.

6. Describe supervisory duties performed by applicant in No. 5.

Stevedore superintendent: direct supervisor of longshore labor for loading and discharging container ships.

Health and Safety Manager: responsible for all safety including personal injury reporting, claims management, risk management, hazardous materials spill response, etc.

Assistant Vessel Operations Manager: responsible for the operation of the Marine Department including direct management of Stevedore superintendents, ordering cranes and labor for vessel operations, berth scheduling with Port Miami.

Yard and IT Manager: directly responsible for daily management of marine terminal including gate operations, longshore labor Orders as well as the efficient use of information technology to support gate, yard and vessel operations.

Director of Operations: responsible for overall management of the marine department and yard department.

7. List at least 3 local individual references and their addresses, of persons knowing applicant for two years or more.

Name: **Ed Montoto**

Address: **Southeast Florida Employers Port Association
1007 N America Way, #403, Miami FL 33132**

Telephone: **305-374-2374**

Name: **Mark J. Baker**

Address: **South Florida Container Terminal, LLC
2299 Port Boulevard, Miami, FL, 33132**

Telephone: **305-347-3800**

Name: **Honorable John M. Kuzdale**

Address: **68 N. Jerboa St, Dunkirk, NY, 14048**
Telephone: **716-366-2055**

2022 STEVEDORING BUSINESS LICENSE
PERSONAL CHARACTER FORM



PORTMIAMI

8. List all bank business accounts:

NA _____

9. Education: List the name and address of high school, college, or specialty school attended, with dates of attendance and degrees, if any:

August 1981 to May 1985. Licensed Third Officer, U.S. Merchant Service. Bachelor of Science degree in Marine Transportation, State University of New York, Maritime College, Fort Schuyler, Bronx, NY.

10. List any other information which applicants think might be of value to the Miami-Dade County Board of Commissioner's regarding this application:

Resident of Miami Dade County from 1988 to present.



**2022 STEVEDORING BUSINESS LICENSE
PERSONAL CHARACTER FORM**



PORTMIAMI

The undersigned stevedoring license applicant hereby swears or affirms that all answers and information provided above are true and correct.

Signature *James E. Kuzdale*
Date 3/24/2022

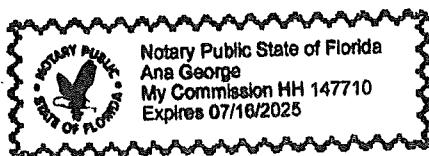
Before me, the undersigned authority, duly authorized to give oaths and take acknowledgments, personally appeared James E. Kuzdale, who being sworn, deposes and says that he is the person who executed the foregoing Stevedoring License Questionnaire, and that the matters and things therein contained are true and correct.

Witness my hand and official seal at Miami-Dade, Florida, this 24th day of March, 2022

Ana George
Notary Public, State of Florida at Large

My commission expires: July 16, 2025

(NOTARY SEAL)



LICENSE QUESTIONNAIRE

2022 STEVEDORING BUSINESS LICENSE QUESTIONNAIRE



PORTMIAMI

Completed questionnaires must be turned in by 5:00 PM on **Tuesday, November 30, 2021**. Failure to turn in a properly completed questionnaire, along with any other information required by this stevedore license solicitation by such deadline may result in your application being denied.

1. Pursuant to Section 28A-6.3, Code of Miami-Dade County, please report any affiliation, as an employee, partner, associate, officer, trustee, director or owner of greater than a twenty (20) percent share (directly or indirectly) of any person, corporation, partnership, joint venture, association, firm, business trust, syndicate, municipal or other governmental body which may directly or indirectly be involved with the shipment or handling of freight. If so affiliated, please provide a written list of such affiliations and the names and addresses of persons or members of any such corporation, partnership, joint venture, association, firm, business trust, or syndicate. Please provide the name and address of each person holding a controlling financial interest in the corporation, partnership, joint venture, association, firm, business trust, or syndicate, according to the definition of "controlling financial interest" contained in section 2-11.1(b)(8), code of Miami-Dade County.

Eddy Montoto

Southeast Florida Employers Port Association
1007 N. America Way, #403, Miami, FL 33132
Tel: 305-374-2374

Mark J. Baker

South Florida Container Terminal, LLC
2650 Port Blvd
Miami, FL 33132
Tel: 305-347-3800

Honorable John M. Kuzdale

68 N. Jerboa St.
Dunkirk, NY 14048
Tel: 716-366-2055

2. Provide evidence of the applicant's financial strength, including the ability to secure insurance, indemnity and performance bonds.



2022 STEVEDORING BUSINESS LICENSE QUESTIONNAIRE



PORTMIAMI

3. Disclose the pendency or entry within the last twenty (20) years of any and all proceedings, judgments, and/or orders of any court or regulatory body respecting the ability of the applicant, its affiliates, and/or its principals or operating officers to conduct a stevedoring business.

None

4. Disclose any outstanding fees, taxes, or charges assessed within the last twenty (20) years by Miami-Dade County, including PortMiami, to the applicant and any and all affiliates, principals or operating officers that remain unpaid at present that were required to be written off, or that remained unpaid for a period of more than six months.

None

5. Provide details of the stevedoring experiences of the applicant, principals, affiliates, and operating officers, including, but not limited to, (i) experience at PortMiami and (ii) experience with the equipment present at PortMiami.

The supervisory positions listed below were held while working for the South Florida Container Terminal, LLC at Port Miami.

1989 to 1993. Stevedore superintendent: direct supervisor of longshore labor for loading and discharging container ships.

1993 to 1997. Health and Safety Manager: responsible for all safety including personal injury reporting, claims management, risk management, hazardous materials spill response, etc.

1997 to 1999. Assistant Vessel Operations Manager: responsible for the operation of the Marine Department including direct management of Stevedore superintendents, ordering cranes and labor for vessel operations, berth scheduling with Port Miami.

1999 to 2022. Yard and IT Manager: directly responsible for daily management of marine terminal including gate operations, longshore labor orders as well as the efficient use of information technology to support gate, yard and vessel operations. 2022 to present. Director of Operations: responsible for overall management of the marine department and yard department.



2022 STEVEDORING BUSINESS LICENSE QUESTIONNAIRE



PORTMIAMI

6. Pursuant to section 28A-6.5, disclose whether the applicant, the firm on behalf of which the applicant has applied, or any officer, member or shareholder of greater than twenty (20) percent share thereof has within the last ten (10) years (i) been convicted of a felony or (ii) had a finding of guilt entered against him, her, or it (including, but not limited to, a withhold of adjudication).

None

7. Has the applicant or any of its employees, contractors, or affiliates, in the State of Florida, within the past 5 years, been a party to or subject of any civil, criminal, administrative, or disciplinary proceeding, action, investigation before, or had fines or citations imposed or issued upon or against it by any Federal, or State, local court, administrative, regulatory or licensing agency including, without limitation, OSHA and any environmental agencies, or any other governmental agencies. If yes, please provide details and outcomes, and attach copies of any identified citations and complaints. Attach supplemental pages as needed.

None

8. Identify: (A) all work related accidents, injuries and deaths that occurred as part of, related to, or arose out of the applicant's operations at the PortMiami or Miami-Dade County within the last five (5) years; and (B) any citations, judgments, consent decrees, notices of violations or other rulings or fines issued or imposed by OSHA or other regulatory agencies to applicant (or applicant's stevedoring firm or employer), or any employee or affiliate of applicant, relating to or arising from stevedoring operations at the Port of Miami, in Miami-Dade County, or elsewhere during the last five (5) years. For each identified citation, fine, injury, and/or accident, please describe the incident giving rise thereto, including the nature of any injuries arising therefrom or relating thereto and provide copies of all citations and related inspection or investigative reports and any attachments thereto, any appeal of same, and the final judgment, settlement or other disposition of such citations or fines. Attach supplemental pages as needed.

None



**2022 STEVEDORING BUSINESS LICENSE
QUESTIONNAIRE**



PORTMIAMI

9. Please report total stevedoring labor hours worked by your stevedoring company at PortMiami for the last year (including hours for direct employees and any retained ILA or other labor).

223,808 Stevedoring Labor Hours

CERTIFICATION OF ACCURACY:

By signing below, the undersigned authorized representative of the permit applicant swears or affirms that all information provided above and in the attachments hereto is true and correct.

Applicant Name:

James E. Kuzdale

Applicant Signature:

James E. Kuzdale

Title:

Date:

3/24/22

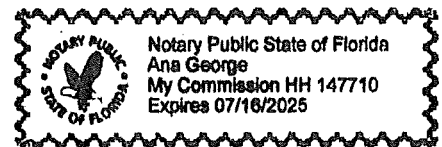
Before me, the undersigned authority, duly authorized to give oaths and take acknowledgments, personally appeared James E. Kuzdale, who being sworn, deposes and says that he is the person who executed the foregoing Stevedoring License Questionnaire, and that the matters and things therein contained are true and correct.

Witness my hand and official seal at Miami-Dade, Florida, this 24th day of March, 2022

Ana George
Notary Public, State of Florida at Large

My commission expires:

July 16, 2025



(NOTARY SEAL)

INITIAL PAYMENT FEE

M-176SFLOCONT

DREW & ROGERS, INC.

SUPPLIER 1022365

Check No 4000008881

Voucher No	Invoice/Prepayment No	Invoice Date	Gross Amount	Discount Amount	Net Amount
2022001143	APPLICATION/2022A	03/21/2022	50.00	0.00	50.00
Total Amount:			50.00		50.00

U.S. Pat. 6,095,407

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South Florida Container Terminal LLC

9300 Arrowpoint Blvd.
Charlotte, NC 28273-8136Bank of America
Controlled Disbursement
Atlanta, Dekalb County, Georgia

4000008881

64-1278/611

Date

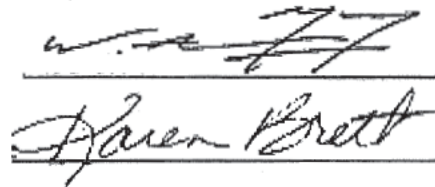
Net Amount

1022365

03/31/2022

*****\$50.00

Pay *****Fifty Dollars*****

Pay to the order of PORT OF MIAMI
1015 N AMERICA WAY
MIAMI, FL 33132-2017

MDC021



PORTMIAMI

Invoice No. 2022- 04679

DATE 04/06/2022

PortMiami

1015 North America Way, 2nd Floor

Miami, FL 33132-2081

T (305) 347-4984 and (305) 960-5401

www.miamidade.gov/portmiami

www.miamidade.gov

INVOICE

BILL TO:

SOUTH FLORIDA CONTAINER TERMINAL, LLC
2299 PORT BOULEVARD
MIAMI, FL 33132-

TARIFF	DESCRIPTION	QUANTITY	UNIT	RATE	AMOUNT
700.04	MISCELLANEOUS REVENUE CHARGE		VAR		50.00
SUB-TOTAL					50.00

TOTAL 50.00

COMMENTS:

NEW STEVEDORING LICENSE APPLICATION FEE: SOUTH FLORIDA CONTAINER, LLC

CHECK NO: 4000008881

DATE: 3/31/22

ALL INVOICES ARE PAYABLE UPON RECEIPT. INVOICES DELINQUENT BY 30+ DAYS WILL BE SUBJECT TO A LATE PENALTY IN ACCORDANCE WITH PORTMIAMI TARIFF, SECTION 218. ONLINE PAYMENTS CAN BE MADE BY ACCESSING OUR SECURE SEAPAL APPLICATION AT www.miamidade.gov/portmiami/online-services.asp (SELECT "FINANCIAL SERVICES")

Invoice No.
2022- 04679

MDC022

PERFORMANCE GUARANTEE

IM-176SFLOCINT

DREW & ROGERS, INC.

SUPPLIER 1022365

Check No 4000008880

Voucher No	Invoice/Prepayment No	Invoice Date	Gross Amount	Discount Amount	Net Amount
2022001144	APPLICATION/2022B	03/21/2022	1,000.00	0.00	1,000.00
Total Amount:			1,000.00		1,000.00

U.S. PAT. 6,055,407

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South Florida Container Terminal LLC

9300 Arrowpoint Blvd.
Charlotte, NC 28273-8136Bank of America
Controlled Disbursement
Atlanta, Dekalb County, Georgia

4000008880

64-1278/611

Date

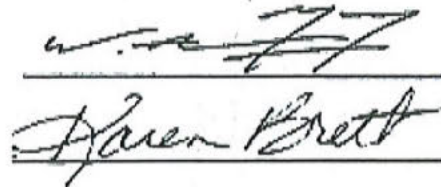
Net Amount

1022365

03/31/2022

****\$1,000.00

Pay *****One thousand Dollars*****

Pay to the order of PORT OF MIAMI
1015 N AMERICA WAY
MIAMI, FL 33132-2017

MDC024

BACKGROUND CHECK

Memorandum



Date: May 16, 2022

To: Hydi Webb,
Port Director

From:  Jose Aragu, Major
Seaport Operations Bureau

Subject: Local Background Checks for Stevedoring License Applicants

In response to your request regarding the above captioned subject, the Miami-Dade Police Department conducted a criminal background check pursuant to Section 28-6.4, of the Miami-Dade County Code, for the following individuals:

NAME

DOB

Albert Smalls Jr.
Charles J. Arocha
Christopher C. Arocha
Craig Mygatt
Dusko Pesic
Edward A. Gonzalez
Evangelia Moncandilos
Fernando N. Alvarez
Frank V. Rovirosa
Jordanis (Jordan) Monocandilos
James E. Kuzdale
James J. Pelliccio
Jorge P. Rovirosa
Lorenzo E. Looper
Mark J. Baker
Policarpo Mauricia
Richard Rodriguez
Shawn W. Bundy
Sherif Assal
Timothy Touzet



Based on the aforementioned, the Miami-Dade police Department found no disqualifying factors for the Stevedoring Licenses not to be issued to the applicant.

If you have any further questions, please contact me directly at (786) 717-1667.