

PORT EVERGLADES TARIFF NO. 12

TABLE OF CONTENTS

<u>ITEM NO.</u>	<u>TARIFF ITEM TITLE</u>
SECTION ONE	GENERAL INFORMATION
100	Location
105	Governance and Administration
110	Consent to Terms of Tariff
115	Application and Interpretation of Tariff
120	Communications (Phone and Fax)
125	Communications (Radio)
130	Piloting Services
135	Tug and Towing Services
140	Stevedoring, Cargo Handling, and Security Services
145	Foreign Trade Zone
150	United States Coast Guard
155	Potable Water
160	Truck Scales
165	Railroad
170	Recognized Working Hours
175	Holidays
180	Temporary Changes and Waivers to Tariff

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PORT EVERGLADES TARIFF NO. 12

TABLE OF CONTENTS

<u>ITEM NO.</u>	<u>TARIFF ITEM TITLE</u>
SECTION TWO	WATERWAYS AND BERTHS – RULES & REGULATIONS
200	Vessel Representation
205	Access to Port Everglades
210	Assignment of Berth
215	Entrance Channel
220	Turning Basins
225	Dock Facilities
230	Anchorage
235	Anchoring Prohibited in Turning Basins and Channels
240	Mooring
245	Vessel Speed
250	Collision and Allision
255	Harbor Transit Reporting Requirements
260	Change of Location of Vessels
265	Crewing of Vessels
270	Barges Entering or Leaving Port
275	Requirement of Vessels to Work Overtime

Last Issued: October 1, 2016

NOTICE TO TARIFF USERS

This document is electronically filed with the U.S. Federal Maritime Commission. The official Tariff filing is that contained in the FMC-ATFI system.

PORT EVERGLADES TARIFF NO. 12

TABLE OF CONTENTS

<u>ITEM NO:</u>	<u>TARIFF ITEM TITLE</u>
SECTION THREE	DOCKAGE – RULES & RATES
300	Basis of Dockage Charge
305	Dockage Duration
310	Dockage Grace Period
315	Notice of Sailing Time
320	Dockage Rates – Cargo Vessels
325	Dockage Rates – Cruise Ships
330	Dockage Rates – Lay-In Vessels
335	Dockage Rates – Yachts
340	Dockage Rates – Intercoastal Container Ocean Carriers
345	Dockage Rates – Cruise Ship Wet Docking
350	Berth Usage For Tendering/Fleet Landing

Last Issued: October 1, 2016

NOTICE TO TARIFF USERS

This document is electronically filed with the U.S. Federal Maritime Commission. The official Tariff filing is that contained in the FMC-ATFI system.

PORT EVERGLADES TARIFF NO. 12

TABLE OF CONTENTS

<u>ITEM NO:</u>	<u>TARIFF ITEM TITLE</u>
SECTION FOUR	FACILITIES – RULES & REGULATIONS
400	Disclaimers of All Implied Warranties and Exclusions of Liability
405	Indemnification of Broward County
410	General Restrictions and Limitations
415	Suspension of Operations
420	Unclaimed or Abandoned Cargo and Property
425	Illegal Loading and Discharging
430	Cleanliness of Premises
435	Removal of Empty Yacht/Boat Cradles
440	Obstruction of Facilities
445	Bunkering
450	Container and Cargo Staging
455	Storm Protection
460	Transit Sheds
465	Roll On/Roll Off Ramps
470	Cruise Ship Terminals
475	Location of Cargo
480	Dry Bulk Cargo
485	BackLoading Petroleum

Last Issued: October 1, 2016

NOTICE TO TARIFF USERS

This document is electronically filed with the U.S. Federal Maritime Commission. The official Tariff filing is that contained in the FMC-ATFI system.

PORT EVERGLADES TARIFF NO. 12

TABLE OF CONTENTS

<u>ITEM NO:</u>	<u>TARIFF ITEM TITLE</u>
SECTION FIVE	WHARFAGE – RULES & RATES
500	Earned Wharfage
505	Wharf Use Charge
510	Non-Waterborne Cargo
515	Wharfage and Container Crane Incentives for Qualifying Ocean Carriers
520	Non-Waterborne Liquid Bulk Transfer
525	Transshipment Cargo
530	Intercoastal Container Ocean Carriers
535	Wharfage Rates – Cargo
537	Container Unit Charges
540	Wharfage Rates – Cruise Passengers
545	Container Carrier Service Incentive

Last Issued: October 1, 2016

NOTICE TO TARIFF USERS

This document is electronically filed with the U.S. Federal Maritime Commission. The official Tariff filing is that contained in the FMC-ATFI system.

PORT EVERGLADES TARIFF NO. 12

TABLE OF CONTENTS

<u>ITEM NO.</u>	<u>TARIFF ITEM TITLE</u>
SECTION SIX	FREE TIME, STORAGE, AND DEMURRAGE (RULES & RATES)
600	Free Time Allowances
605	Computation of Free Time
610	Conditions Governing Storage of Cargo
615	Free Time and Storage During Longshore Strikes
620	Right to Terminate Storage
625	Inside Transit Shed Storage Rates
630	Open Ground Storage Rates
635	Wharf Demurrage Rates

Last Issued: October 1, 2016

NOTICE TO TARIFF USERS

This document is electronically filed with the U.S. Federal Maritime Commission. The official Tariff filing is that contained in the FMC-ATFI system.

PORT EVERGLADES TARIFF NO. 12

TABLE OF CONTENTS

<u>ITEM NO.</u>	<u>TARIFF ITEM TITLE</u>
SECTION SEVEN	CONTAINER GANTRY AND MOBILE HARBOR CRANES
700	Container Gantry and Mobile Harbor Cranes – Specifications
705	Container Gantry and Mobile Harbor Cranes – Rules & Regulations
710	Container Gantry and Mobile Harbor Cranes – Rental Rates

Last Issued: October 1, 2016

NOTICE TO TARIFF USERS

This document is electronically filed with the U.S. Federal Maritime Commission. The official Tariff filing is that contained in the FMC-ATFI system.

PORT EVERGLADES TARIFF NO. 12

TABLE OF CONTENTS

<u>ITEM NO.</u>	<u>TARIFF ITEM TITLE</u>
SECTION EIGHT	FRANCHISES, BUSINESS PERMITS, AND INSURANCE – RULES & FEES
800	Franchises and Business Permits
805	Insurance

Last Issued: October 1, 2016

NOTICE TO TARIFF USERS

This document is electronically filed with the U.S. Federal Maritime Commission. The official Tariff filing is that contained in the FMC-ATFI system.

PORT EVERGLADES TARIFF NO. 12

TABLE OF CONTENTS

<u>ITEM NO.</u>	<u>TARIFF ITEM TITLE</u>
SECTION NINE	FINANCE, BILLING AND WAIVER OF CHARGES – RULES & REGULATIONS
900	Payment of Bills and Credit Terms
905	Treatment of Accounts in Delinquent Status
910	Collection and Enforcement
915	Cargo and Cruise Passenger Statements for Wharfage and Statements for other Franchised Activities
920	Cargo Statements for Storage
925	Responsibility for Cargo and Cargo Charges
930	Sales and Use Taxes
935	Cargo Storage and Demurrage Billing
940	Waiver/Reduction of Dockage Charges
945	Waiver/Reduction of Parking Charges
950	Waiver of Charges for Declared Emergency
955	Access to Records
960	Posting of Financial Security

Last Issued: October 1, 2016

NOTICE TO TARIFF USERS

This document is electronically filed with the U.S. Federal Maritime Commission. The official Tariff filing is that contained in the FMC-ATFI system.

PORT EVERGLADES TARIFF NO. 12

TABLE OF CONTENTS

<u>TARIFF NO.</u>	<u>TARIFF ITEM TITLE</u>
SECTION TEN	SECURITY, SAFETY, DAMAGE, AND ENVIRONMENTAL (RULES, REGULATIONS, & FEES)
1000	Booming of Vessels
1003	Personnel on Docks
1006	Reporting of Hazardous Materials Shipments
1009	Damage to Facilities and Equipment
1012	Protection of Facilities and Waterways
1015	Discharge of Pollutants
1018	Pollutant Spill Cleanup
1021	Discharge of Oily Waste From Vessels
1024	Certificates of Adequacy
1030	Vehicle Parking
1033	Fumigation, Fogging, and Pest Control
1036	Sanitary Waste Water Removal From Vessels
1039	Operation of Petroleum Bulk Pipelines
1045	Operation of Asphalt Pipelines
1048	Conditions Governing Identification, Retirement, and Removal of Asphalt and Petroleum Bulk Product Piping
1051	Liquid Petroleum Pipeline and Cargo Hose Testing
1054	Fire Fighting Agents
1057	Fire Protection Service Fee
1060	Hot Work Permits
1063	Standby Fire Watch Service Fee
1066	Security Fees
1069	Cruise Terminal Security
1072	Petroleum & Liquefied Petroleum Gas Terminal Facilities
1075	Confined Space Entry Notification

Last Issued: October 1, 2016

NOTICE TO TARIFF USERS

This document is electronically filed with the U.S. Federal Maritime Commission. The official Tariff filing is that contained in the FMC-ATFI system.

PORT EVERGLADES TARIFF NO. 12

TABLE OF CONTENTS

<u>ITEM NO.</u>	<u>TARIFF ITEM TITLE</u>
SECTION ELEVEN	MISCELLANEOUS RATES AND FEES
1100	Harbormaster Fees
1105	Linehandler Fees
1110	Labor and Equipment Fees
1115	Potable Water, Hose Rental, and Hook-Up Fees
1120	Overtime Charges For Use of Facilities
1125	Electric Service Fee
1130	Electricity For Refrigerated Containers
1135	Parking Fees
1140	Grid Yard Areas

Last Issued: October 1, 2016

NOTICE TO TARIFF USERS

This document is electronically filed with the U.S. Federal Maritime Commission. The official Tariff filing is that contained in the FMC-ATFI system.

PORT EVERGLADES TARIFF NO. 12

TABLE OF CONTENTS

<u>ITEM NO.</u>	<u>TARIFF ITEM TITLE</u>
SECTION TWELVE 1200	DEFINITIONS Definitions

Last Issued: October 1, 2016

NOTICE TO TARIFF USERS

This document is electronically filed with the U.S. Federal Maritime Commission. The official Tariff filing is that contained in the FMC-ATFI system.

PORT EVERGLADES TARIFF NO. 12

Item No. 100–Location.

Issue No. 1

Effective Date: October 1, 2006

Port Everglades is located on the lower East Coast of the Florida Peninsula at the adjoining city limits of Fort Lauderdale, Hollywood and Dania Beach. It is located 23 miles north of Miami and 48 miles south of Palm Beach. The Port Everglades Sea Buoy is located at:

26° 05.5' North Latitude
80° 04.8' West Longitude

PORT EVERGLADES TARIFF NO. 12

Item No. 105–Governance and administration.

Issue No. 2

Effective Date: October 1, 2011

The Broward County Board of County Commissioners, hereafter referred to as Broward County, has jurisdiction and control of all operations and facilities of Port Everglades.

The day-to-day administration, operations, and maintenance of Port Everglades is under the direction of the Chief Executive of the Port Everglades Department of Broward County, hereafter referred to as the Port Everglades Department.

PORT EVERGLADES TARIFF NO. 12

Item No. 110–Consent to terms of tariff.

Issue No. 1

Effective Date: October 1, 2006

The use of the waterways and facilities under the governance of Broward County shall constitute a consent to the terms and conditions of this Tariff, and evidences an agreement on the part of all franchised steamship agents and vessel representatives and other users of the waterways and facilities, to pay all charges specified, and to be governed by all rules and regulations contained herein. Unless specifically described to the contrary in a written lease, operating agreement, or other contract, the rules, regulations, and charges contained in this Tariff shall apply.

PORT EVERGLADES TARIFF NO. 12

Item No. 115–Application and interpretation of tariff.

Issue No: 1

Effective Date: October 1, 2006

Broward County shall be the sole judge to interpret and determine the applicability of any of the rates, rules, regulations or services provided for in this Tariff. The rates, rules and regulations shall apply equally to all users of the waterways and facilities and shall apply to all traffic on the waterways and facilities on the effective date shown in this Tariff or amendments thereto. Broward County expressly retains the right to pursue all remedies available at law or in equity necessary to protect the public interest.

PORT EVERGLADES TARIFF NO. 12

Item No. 120–Communications (phone and fax).

Issue No: 4

Effective Date: October 1, 2011

Main telephone number and after-hours recorded message: (954) 523-3404.

<u>Office/Division</u>	<u>Phone Number</u> (Area Code 954)	<u>FAX Number</u> (Area Code 954)
Port Everglades Chief Executive	468-3516	523-8713
Deputy Port Director	468-3504	523-8713
Broward Sheriff's Office	765-4511	765-4853
Business Administration	468-3501	525-1910
Business Development	468-0170	468-3529
Seaport Engineering & Construction	468-0148	765-5389
Corp./Comm. Relations	468-3508	765-5345
Container Crane	468-3523	765-5061
Cruise Marketing	468-0176	765-5345
Finance	468-3511	765-4060
Fire Rescue	468-3533	765-4164
Foreign-Trade Zone	468-0214	765-4628
Harbormaster	468-0212	525-9512
Legal/County Attorney	468-3528	523-2613
Operations	468-0221	522-0873
Public Works	468-3546	765-5040

PORT EVERGLADES TARIFF NO. 12

Item No. 125–Communications (radio).

Issue No. 2

Effective Date: October 1, 2011

The following radio channels are available to communicate with the following entities at Port Everglades:

Port Everglades Harbormaster:	Channels 14 (156.7 mc), 77 (156.875 mc)
Port Everglades Pilots' Association:	Channels 16, 13, (156.65 mc), 14, 77 (156.875 mc)
Port Everglades Towing Co. & McAllister Towing of Port Everglades	Channels 13, 16, 14, 18A, 77(156.875 mc)
United States Coast Guard:	Channel 16

PORT EVERGLADES TARIFF NO. 12

Item No. 130–Piloting services.

Issue No. 2

Effective Date: October 1, 2010

Broward County does not perform piloting services for vessel movements, docking, undocking or shifting of vessels. Pilotage is provided by the Port Everglades Pilots' Association (954)522-4497; fax (954)522-4498 on a 24-hour basis, all days of the year. Contact the Harbormaster office (954)468-0212 for further details or to arrange for pilotage.

In the event of injury to persons or damage to, or loss of use of, property arising out of, or connected with, directly or indirectly, negligence or fault in the navigation or maneuvering of, or otherwise by the presence of, the vessel within Port Everglades, the vessel, her owners, master, operators, charterers and agents shall not assert any liability against Broward County or its Commissioners or employees. The vessel, her owners, master, operators, charterers, and agents shall indemnify and hold harmless Broward County and its Commissioners and employees from and against any and all actions, suits, proceedings, claims, demands, loss, liens, costs, expenses, liability, and damages, of any kind or nature whatsoever, by whomsoever brought or demanded, arising out of, or connected with, directly or indirectly, negligence or fault in the navigation or maneuvering of, or otherwise by the presence of, the vessel within Port Everglades, including reimbursement of legal fees, costs, and expenses should Broward County be required to defend any action or claim, etc, or file suit to enforce indemnity. The vessel and her owners, master, operators, charterers and agents shall pay promptly upon demand all damages to facilities owned or controlled by Broward County caused directly or indirectly by the vessel, including any loss of use or income occasioned thereby, together with interest at the highest legal rate permitted, and legal fees, costs and expenses of collection or suit, if required.

The obligations imposed by this section upon the vessel, her owners, master, operators, charterers, and agents shall not be diminished or impaired notwithstanding injury to persons or damage to, or loss of use of, property arising out of, or connected with, directly or indirectly, the negligence, fault, or other conduct of a pilot, the piloting contractor, or its officers or employees in providing piloting services, but the obligation imposed by this paragraph shall not apply where injury to persons or damage to, or loss of use of property is proximately caused by the negligence of Broward County.

PORT EVERGLADES TARIFF NO. 12

Item No. 135–Tug and towing services.

Issue No. 1

Effective Date: October 1, 2006

Port Everglades performs no tug assistance in docking and undocking vessels at berths and slips. Such service is performed under non-exclusive franchises issued to:

- Seabulk International
d/b/a Port Everglades Towing, Inc.
P.O. Box 13038
Fort Lauderdale, Florida 33316

Telephone: (954) 523-2200
Fax: (954) 828-1703
Website: www.seacorholdings.com

- Tugz Company L.L.C.
d/b/a McAllister Towing of
Port Everglades
P.O. Box 21623
Fort Lauderdale, Florida 33335-1623

Telephone: (954) 527-2500
Fax: (954) 527-5271
E-mail: opstugz@aol.com

PORT EVERGLADES TARIFF NO. 12

Item No. 140–Stevedoring, cargo handling, and security services.

Issue No. 1

Effective Date: October 1, 2006

Port Everglades does not provide longshore workers, checkers or handlers for cargo; nor does it handle, count or provide guards or security for cargo or ships. These services are provided by franchised stevedoring, cargo handling and steamship agency firms. A list of firms authorized to perform these services is available upon request from the Business Administration Division.

PORT EVERGLADES TARIFF NO. 12

Item No. 145–Foreign Trade Zone.

Issue No. 1

Effective Date: October 1, 2006

Broward County is the Grantee and Operator of Foreign Trade Zone No. 25 located within Port Everglades. Rules, regulations, and rates for the use of the facilities and services are contained in Foreign Trade Zone No. 25 Tariff No. 4 which may be obtained from the Foreign Trade Zone Operator.

PORT EVERGLADES TARIFF NO. 12

Item No. 150–United States Coast Guard.

Issue No: 1

Effective Date: October 1, 2006

The United States Coast Guard, Station Fort Lauderdale operates a permanent base on the Intercoastal Waterway east of Berth 24. Communications with the station are as follows:

FM Channel 16 (156.8 MHZ)
Telephone: (954) 927-1611

PORT EVERGLADES TARIFF NO. 12

Item No. 155–Potable water.

Issue No: 1

Effective Date: October 1, 2006

All vessel berths have metered shoreside connections for potable water.

PORT EVERGLADES TARIFF NO. 12

Item No. 160–Truck scales.

Issue No: 1

Effective Date: October 1, 2006

Port Everglades does not provide scales for the weighing of trucks or containers. Weighing services are provided by private entities.

PORT EVERGLADES TARIFF NO. 12

Item No. 165–Railroad.

Issue No: 2

Effective Date: October 1, 2016

Port Everglades is served by the Florida East Coast Railroad with an intermodal container transfer facility (ICTF) on a Broward County owned forty-three acre site adjacent to the Southport Container Terminals. In addition to ICTF daily operations, there is a dedicated project cargo track.

PORT EVERGLADES TARIFF NO. 12

Item No. 170–Recognized working hours.

Issue No. 1

Effective Date: October 1, 2006

The recognized working hours of the Port Everglades Department are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. During recognized working hours, services will be charged on a straight time basis. For services during times other than those described above, refer to Section 11.

PORT EVERGLADES TARIFF NO. 12

Item No. 175–Holidays.

Issue No. 1

Effective Date: October 1, 2006

When reference is made in this Tariff to "holidays," it means those days observed by Broward County Port Everglades. A listing is published annually and is available from the Business Administration Division.

PORT EVERGLADES TARIFF NO. 12

Item No. 180–Temporary changes and waivers to tariff.

Issue No. 1

Effective Date: October 1, 2012

The Port Everglades Chief Executive shall have the authority to add, delete, waive, and amend items to this Tariff for business, competitive, and emergency purposes as he/she determines to be necessary in the best interests of Broward County Port Everglades Department. All such actions will become effective in accordance with the publishing rules and regulations of the Federal Maritime Commission, as amended.

All such actions taken by the Port Everglades Chief Executive will be reported on a quarterly basis to the Broward County Board of County Commissioners.

All actions taken by the Port Everglades Chief Executive, will remain valid for a period not to exceed twelve (12) months unless the action(s) taken is subsequently approved by the Broward County Board of County Commissioners.

PORT EVERGLADES TARIFF NO. 12

Item No. 200–Vessel representation.

Issue No. 1

Effective Date: October 1, 2006

1. Broward County requires that each vessel using its facilities be represented by a franchised steamship agent unless the vessel has established its credit to the satisfaction of Port Everglades. Such franchised steamship agent or vessel representative shall be responsible for all charges assessed under this Tariff in connection with the use of Port Everglades facilities by the vessel or its cargo or its passengers.

2. In instances where a vessel already in Port Everglades desires to change representation from one franchised agent to another, said change can be effectuated with satisfaction to Port Everglades of each of the following items:

- (a) Receipt, prior to the date of change, of written notification to the Operations Division from the principal acknowledging its intended termination of the appointed franchised agent and its redesignation of the replacement franchised agent and the date and time on which such representation is intended to commence;
- (b) Receipt, prior to the date of change, of written notification to the Operations Division from the replacement franchised agent acknowledging acceptance of appointment as vessel franchised agent as of a stated date and time;
- (c) Receipt, prior to the date of change, of a completed Berth Application from the replacement franchised agent;
- (d) Payment of all Port Everglades charges incurred by the vessel up to the date of change;
- (e) That the account of the replacement franchised agent is found to be in current status as determined by the Finance Division.

PORT EVERGLADES TARIFF NO. 12

Item No. 205–Access to Port Everglades.

Issue No. 2

Effective Date: October 1, 2007

No vessel shall be permitted to enter or leave Port Everglades harbor without the authorization of the Port Everglades Department, acting through its Harbormaster, nor shall any vessel be allowed to shift berths or otherwise move within the harbor without such authorization.

The franchised steamship agent or vessel representative desiring a berth at Port Everglades shall, as far in advance as possible, but not less than 72 hours prior to the estimated time of arrival, file a written Berth Application with the Harbormaster. The Berth Application shall specify the below information. The Port Everglades Department reserves the right to modify the Berth Application Form from time to time to require the furnishing of additional information.

- Vessel Name
- Estimated times of arrival and sailing
- Name of Franchised Agent
- Name of Ship Line
- Vessel Registry
- Vessel length overall and beam
- Vessel Gross Tonnage
- Arrival and estimated sailing deep drafts
- Preferred Berth
- Docking side to
- Nature and quantity of cargo, if any, to be handled
- Name of Stevedore, if any
- Name of preferred tugboat service provider
- Services required such as:
 - Passenger Loading Bridge
 - Cruise Terminal
 - Portable Brows
 - Potable Water
 - Wastewater Removal
 - Oily Waste Removal
 - Container Cranes
 - Electricity for refrigerated containers
 - Notification of Hot Work

Item No. 205–Access to Port Everglades. (cont.)

All Berth Applications are to be in writing and transmitted to the Harbormaster via Fax at (954)525-9512.

In addition to the filing of a Berth Application, all vessels, through their franchised steamship agent or vessel representative, must provide the Harbormaster with a firm twenty-four (24) hours notice of estimated time of arrival and provide notice of any and all changes thereafter.

Daily cruise operations are exempt from the 72 and 24 hours notification provisions.

Unless specifically exempted as provided herein, any vessel which does not conform with 72-hour Berth Application or 24-hour firm estimated time of arrival provisions and conflicts with vessels that have properly complied with the Berth Application and notice provisions, may be assigned an alternate berth if available or await the vacancy of the berth requested on the Berth Application.

Notwithstanding a franchised steamship agent's or vessel representative's designation of a preferred tugboat or towing service provider on a vessel's Berth Application, the Port Everglades Department, through its Harbormaster, reserves the right to designate the tugboat and towing service provider to a vessel in instances where the Harbormaster determines that safety, efficient berth utilization and/or special circumstances within the Port Everglades harbor requires same. Such designation shall be final and non-appealable.

The Port Everglades Department reserves the right to refuse entry to any vessel carrying refrigerated liquefied petroleum gas, explosives or hazardous cargo as provided in 49 CFR Subchapter C, Parts 171-180 (as amended), or a vessel which is determined by the Port Everglades Department to be in an unseaworthy condition. All vessels, while in Port Everglades, shall remain at all times in a seaworthy condition. This includes, but is not limited to, the vessel having its main propulsion machinery in full working order so as to permit shifting from the assigned berth or sailing from the Port if so ordered by the Harbormaster, United States Coast Guard, or other entity having jurisdiction to order such movement. The Port Everglades Department reserves the right to prohibit departure from Port Everglades of any vessel deemed to be unseaworthy.

All vessels entering Port Everglades shall comply with Florida's Coastal Protection laws, rules and regulations (as amended) which include, but are not limited to, addressing financial responsibility and liability requirements, booming of vessels, anchorage areas, pilotage, ship specific spill contingency plans and approved vessel security plans.

Item No. 205–Access to Port Everglades. (cont.)

Further, notwithstanding any other provision of this Tariff, the Port Everglades Department may refuse entry of any vessel to Port Everglades when, in its discretion, such refusal shall be in the best interest of Broward County.

Any vessel wishing to undertake repairs to its main propulsion machinery to the extent that would result in the vessel not being able to shift or sail as described above must, as far in advance as possible, make request to the Harbormaster and United States Coast Guard and receive permission from both before undertaking the repairs. Consideration will be given to, among other factors, the extent of repairs, the time the repairs are to take, berth availability, weather conditions, and time of the year.

The Port Everglades Department reserves the right to require the vessel to have a tug(s) standing by while the vessel's main propulsion is out of service.

PORT EVERGLADES TARIFF NO. 12

Item No. 210–Assignment of berth.

Issue No. 1

Effective Date: October 1, 2006

Unless otherwise provided by written contract, all vessels, shall be assigned berthing facilities by the Harbormaster on a first come, first served basis.

All vessels shall be assigned to berths in the order in which they declare themselves as ready in all respects to commence work, provided they have fully complied with filing of Berth Application and notice provisions, and equal treatment shall be afforded all vessels in assigning berths in the order of arrival at the sea buoy, except as provided for in individual written contracts which stipulate preferential berthing. In such cases, vessels working on berth prior to the arrival of a preferentially assigned vessel must vacate the berth in advance of the arrival of the preferential vessel within a time frame required by the Harbormaster. Should any vessel fail to vacate a berth, the Port Everglades Department shall cause the vessel to be moved at the vessel's own expense, with the vessel's franchised steamship agent or vessel representative responsible for such expenses.

Notwithstanding the above, the Port Everglades Department reserves the right to assign berths for the best utilization of Port Everglades facilities taking into account any and all elements which the Port Everglades Department, in its sole discretion, chooses to consider in order to achieve the best berth and facilities utilization.

PORT EVERGLADES TARIFF NO. 12

Item No. 215–Entrance channel.

Issue No: 1

Effective Date: October 1, 2006

The entrance to Port Everglades is by a straight channel running in a due westerly direction for a distance of 1.7 miles from the 50 foot contour of the ocean to the turning basin. The channel is 500 feet wide at its seaward end, narrowing to 450 feet wide from the jetty entrance to the turning basin. The project water depth of the channel is 43 feet at mean low water.

PORT EVERGLADES TARIFF NO. 12

Item No. 220–Turning basins.

Issue No. 1

Effective Date: October 1, 2006

The main turning basin is 1,200 feet east and west and 2,450 feet north and south with a depth of 43 feet. The north extension of the turning basin is 620 feet wide east and west on the north limits and 900 feet wide east and west on the south limits 1,150 feet north and south, with a depth of 31 feet. The south extension of the turning basin is 1,300 feet wide east and west by 1,300 feet north and south, with a depth of 37 feet. The Southport turning basin is 900 feet east and west by 800 feet north and south with a depth of 44 feet. All depths are at mean low water.

PORT EVERGLADES TARIFF NO. 12

Item No. 225–Dock facilities.

Issue No. 2

Effective Date: October 1, 2011

Port Everglades has 24,522 linear feet of dock facilities, with fender systems and bollards as follows:

Berth	Length in Feet
1A	180'
1B	220'
1-2-3	1,601'
4	900'
4A-5A	290'
5	900'
6	380'
7-8	1,200'
8A-9A	300'
9-10	1,200'
11	500'
12-13	1,226'
12A-13A	300'
14-15	1,226'
16-17-18	1,648'
19-20	1,300'
21-22	1,475'
23	240'
24-25	1,369'
26-27	1,337'
28A	480'
28B	275'
28E	275'
28F	400'
29	800'
30	900'
31-32	2,000'
33A	800'
33B	400'
33C	400'

Water depths vary from berth to berth. Consult the Harbormaster for current water depths and vessel draft operating criteria.

PORT EVERGLADES TARIFF NO. 12

Item No. 230–Anchorage.

Issue No. 2

Effective Date: October 1, 2008

The authorized single anchorage area at Port Everglades is outside of the harbor, north of the Entrance Channel, and east of the outer reef. The anchorage area is designated on N.O.A.A. navigation charts and is under the control of the United States Coast Guard. Vessels desiring to anchor are required to do so in the prescribed anchorage area so as to avoid damage to the coral reefs. Vessels must contact the Harbormaster via radio prior to anchoring. Refer to code of Federal Regulations, CFR 110.186 for additional requirements.

South of the Entrance Channel, immediately offshore, there is a Government Restricted Area. No anchoring is permitted in this area.

Caution is to be exercised when anchoring a vessel north of the Entrance Channel due to spoil banks and other underwater obstructions. For this reason, the use of a pilot is recommended when anchoring a vessel.

PORT EVERGLADES TARIFF NO. 12

Item No. 235—Anchoring prohibited in turning basins *and channels*.

Issue No. 1

Effective Date: October 1, 2006

No person, firm, or corporation, whether as principal, servant, agent, employee or otherwise shall anchor any vessel in a turning basin or in a channel at Port Everglades, except in cases of emergency. In emergency situations immediate notification is to be made to the United States Coast Guard and the Port Everglades Harbormaster.

PORT EVERGLADES TARIFF NO. 12

Item No. 240–Mooring.

Issue No. 1

Effective Date: October 1, 2006

Vessels shall, at all times, be secured to the dock in a manner satisfactory to the Harbormaster and in keeping with the practices of good seamanship. Vessel mooring lines are to be tended by the vessel's crew to compensate for tidal changes, weather conditions and passing vessels. Lines in sufficient numbers, placement, and strength are to be used to account for all contingencies.

All vessels, while at Port Everglades, shall display proper lights from sunset to sunrise while lying at any dock.

All vessels while at Port Everglades, shall provide at least one fire warp at the bow and one at the stern rigged on the offshore side of wire rope or other fireproof material and of sufficient strength to tow the vessel from the dock. The fire warps are to be rigged at a distance of not more than six feet from the waterline.

PORT EVERGLADES TARIFF NO. 12

Item No. 245–Vessel speed.

Issue No. 1

Effective Date: October 1, 2006

No vessel shall proceed at a speed which will endanger other vessels, docks, structures, or the environment. Any official signs indicating limited speeds through portions of the waterways shall be strictly obeyed and will be enforced.

PORT EVERGLADES TARIFF NO. 12

Item No. 250–Collision and allision.

Issue No. 2

Effective Date: October 1, 2010

In the event of a collision between two vessels or an allision between a vessel and any dock or other structure, a written report of such collision or allision shall, within not more than twenty-four (24) hours after the incident, be furnished to the Port Everglades Department by the franchised steamship agent or vessel representative. Said report is to be furnished to both the Operations Division and Harbormaster. State licensed pilots are obligated to furnish their reports to the state only. They will not provide reports to the Port.

Verbal notification of a collision or allision is to be made to the Harbormaster via radio by the command of the ship immediately following the event.

PORT EVERGLADES TARIFF NO. 12

Item No. 255–Harbor transit reporting requirements.

Issue No. 1

Effective Date: October 1, 2006

Every commercial vessel with a length overall of ninety (90) feet or greater transiting the waters of Port Everglades anywhere between 17th Street (on the north) and the Dania Cutoff Canal (on the south), but not utilizing the berth facilities of Port Everglades and either arriving from or departing to international waters, is required to coordinate its movement through the Port Everglades Department, via radio with the Harbormaster on Channel 16 or 14. In addition, all vessels transiting the waters of Port Everglades must at all times be in a seaworthy condition.

PORT EVERGLADES TARIFF NO. 12

Item No. 260–Change of location of vessels.

Issue No. 1

Effective Date: October 1, 2006

Whenever it is deemed necessary in order to facilitate navigation and commerce or for the protection of other vessels or property, that a vessel be moved or the position thereof changed, the Port Everglades Department may order and enforce the removal or shifting of a vessel to such place as may be assigned by the Harbormaster. Notice of such order shall be given the franchised steamship agent or vessel representative, who shall take immediate steps to comply with the order. In case of failure or neglect to comply with such order, the Port Everglades Department may board the vessel with such assistance as deemed necessary to cause the vessel to be moved as ordered and at the expense and risk of the franchised steamship agent or vessel representative, such expenses to include, but not limited to, pilotage, tugboats, linehandling and personnel to work onboard the vessel.

PORT EVERGLADES TARIFF NO. 12

Item No. 265–Crewing of vessels.

Issue No. 1

Effective Date: October 1, 2006

Every vessel, while at Port Everglades, must at all times have onboard at least one English speaking person in charge with authority to take any action as may be directed by the Port Everglades Department, including but not limited to, shifting the vessel from one berth to another, and every vessel must at all times have onboard sufficient crew members to operate or handle the vessel should movement of the vessel be ordered by the Port Everglades Department. Having sufficient crew members onboard a vessel is an element of seaworthiness.

PORT EVERGLADES TARIFF NO. 12

Item No. 270–Barges entering or leaving port.

Issue No. 1

Effective Date: October 1, 2006

Barges on a hawser will only be permitted to enter or leave Port Everglades during the hours between sunrise and one hour before sunset, unless the operation is in the opinion of the licensed pilot in charge, a safe and efficient movement. A tug in the notch may enter or leave Port Everglades, day or night in calm weather, provided the tug is in complete control of the barge.

For the information and compliance of all concerned, "safe and efficient movement" is herewith defined as "under complete control of tugs with a minimum possibility of grounding, polluting the waterways or blocking Port Everglades channels or turning basins."

All barges exceeding 225 feet in overall length or exceeding 1,000 gross registered tons, shall be under the control and direction of a duly licensed State or Federal pilot as required, when entering, leaving or shifting at Port Everglades. In the event this individual is a member of the tug's complement, he/she will coordinate their vessel's movements with the Harbormaster. The Harbormaster will retain final authority for permission to enter or leave Port Everglades.

No tug and barge shall be considered "standing first" at the Port Everglades Sea Buoy unless they have complied with the above requirements. Barges may be required to berth at Port Everglades "bow in" or in such a manner that will perform the operation in the shortest possible time in the judgment of the Harbormaster.

PORT EVERGLADES TARIFF NO. 12

Item No. 275–Requirement of vessels to work overtime.

Issue No. 1

Effective Date: October 1, 2006

Franchised steamship agents or vessel representatives of all vessels which are approved for docking at the berths of Port Everglades may be required to work the vessel continuously to completion with overtime for ship's account in all cases, when the berth assigned to the vessel, or the assigned terminal facility of Port Everglades is declared by the Port Everglades Department to be congested.

Any vessel in berth which refuses to work continuously to completion shall vacate the berth upon orders of the Port Everglades Department. When a vessel loses the right to a berth by refusing to work continuously to completion, such vessels shall forfeit their turn at the berth assigned and go to the bottom of the list of vessels which are assigned to that berth or terminal.

In the event of a disruption of the vessel's power or any other impairment of its loading or unloading capabilities which renders the vessel unable to continue discharging or taking on cargo, Port Everglades reserves the right to order the vessel moved from its berth to a more suitable location including the anchorage pending necessary repairs.

Should any vessel fail to vacate the berth upon the above conditions, the Port Everglades Department shall exercise its right to move the vessel at the franchise steamship agents or vessel representative's own risk and expense, such expense to include, but not limited to, pilotage, tugboats, line handling and personnel to work on board the vessel.

PORT EVERGLADES TARIFF NO. 12

Item No. 300–Basis of dockage charge.

Issue No. 1

Effective Date: October 1, 2006

When dockage is based on gross registered tonnage, the highest gross registered ton of the vessel as shown in Lloyd's Register of Shipping will be used in determining the charge. When dockage is based on the length of the vessel, the overall length as shown in Lloyd's Register of Shipping will be used in determining the charge. If the length is not listed in the Register, it will be determined from the Certificate of Registry or other certified document. However, Port Everglades reserves the right to admeasure any vessel when deemed necessary and use such measurement as the basis of the charge.

PORT EVERGLADES TARIFF NO. 12

Item No. 305–Dockage duration.

Issue No. 3

Effective Date: October 1, 2008

Dockage charges shall commence against a vessel when it has been made fast to a dock, is nested alongside a vessel(s) made fast to a dock, is alongside breasting on mooring dolphins, or is occupying the berth immediately alongside and shall continue until such time as the vessel is completely freed from and has vacated the berth at such dock. Only one (1) dockage charge shall be assessed in any 24 hour period. No deduction shall be made for Saturdays, Sundays, holidays or due to weather conditions.

PORT EVERGLADES TARIFF NO. 12

Item No. 310–Dockage grace period.

Issue No. 1

Effective Date: October 1, 2006

In cases where a vessel is not able to vacate its berth within a twenty-four (24) hour period owing to extenuating circumstances, the Port Everglades Department may grant a grace period of up to one (1) hour without assessments of an additional days dockage charges. Only in instances where it is clearly demonstrated that there were extenuating circumstances will consideration be given. In order to be considered, the franchised steamship agent or vessel representative must apply, in writing, to the Director of Operations stating the reason(s) which prohibited the vessel from vacating the berth. In no instance will more than a one (1) hour grace period be considered.

PORT EVERGLADES TARIFF NO. 12

Item No. 315–Notice of sailing time.

Issue No. 1

Effective Date: October 1, 2006

All vessels shall be required to notify the Harbormaster of its sailing time at least one hour in advance of said sailing time. The Harbormaster on duty will notify the pilots, tugs and linehandlers.

PORT EVERGLADES TARIFF NO. 12

Item No. 320–Dockage rates–Cargo vessels.

Issue No. 11

Effective Date: October 1, 2016

Rates listed below apply per 24-hour period or fraction thereof.

Cargo Vessels – (Container, Dry Bulk, Neo Bulk) – When calling for the purpose of loading or discharging cargo:
Per gross registered ton.....\$.2570

Cargo Vessels (Petroleum) – When calling for the purpose of loading and/or discharging cargo:
Per gross registered ton.....\$.2656

Pure Car Carriers – When calling for the purpose of loading or discharging wheeled, motorized vehicles:
Per gross registered ton.....\$.1933

The Harbormaster may at his or her discretion, upon written application, grant additional days at rates specified in this item immediately prior to or following cargo operations. In no instance will the Harbormaster grant more than two (2) days prior to and two (2) days following cargo operations at rates specified in this item. Vessels in port outside of these parameters will be charged dockage as prescribed in Item #330.

The minimum dockage charge per 24-hour period is \$275.00.

PORT EVERGLADES TARIFF NO. 12

Item No. 325–Dockage rates–Cruise ships.

Issue No. 11

Effective Date: October 1, 2016

Rates listed below apply per 24-hour period or fraction thereof.

- (A) Ships offering multiday cruises, no minimum number of sailings:
Per gross registered ton..... \$.2682

- (B) Ships offering daily cruises, minimum 25 sailings per month:
Per gross registered ton..... \$.1255

Review of sailing activity will be conducted at the conclusion of each calendar month. In order to continue qualifying for the rate in Part (B), a vessel must have made a minimum of 25 sailings in the prior month. Failure of a vessel to maintain the aforementioned minimum sailing requirement will result in subsequent dockage being charged at the higher Part (A) rate until such time as the vessel requalifies. During the initial month of operations, vessels providing services in Part (B) will have their activities prorated from date of start up for purposes of determining minimum sailing requirements. Upon written application to the Port Everglades Chief Executive, a waiver of minimum sailing requirements may be granted for purposes of vessel dry docking, repairs, adverse weather conditions, or extenuating circumstances as determined qualifying by the Port Everglades Chief Executive. A replacement vessel is acceptable for purposes of qualifying as a Part (B) vessel.

The minimum dockage charge per 24-hour period for all cruise ships is \$275.00.

PORT EVERGLADES TARIFF NO. 12

Item No. 330–Dockage rates–Lay-in vessels.

Issue No. 10

Effective Date: October 1, 2016

Rates listed below apply per 24-hour period or fraction thereof.

Lay-in Vessels – All cargo and noncruise vessels in lay-in status, except Navy, Coast Guard, U.S. Government Research, and Training Vessels:

Per gross registered ton\$.2570

Per lineal foot\$ 4.5804

(Whichever provides the greater revenue)

Lay-in Vessels – Navy, Coast Guard, U.S. Government Research, and Training Vessels:

Per gross registered ton\$.2065

Per lineal foot\$ 3.715

(Whichever provides the greater revenue)

The minimum dockage charge per 24-hour period is \$275.00.

PORT EVERGLADES TARIFF NO. 12

Item No. 335–Dockage rate–Yachts.

Issue No. 10

Effective Date: October 1, 2016

- I. Yachts calling for stores or bunkers with less than six (6) hours on berth:
 - A. Yachts up to 100 lineal feet\$ 139.10
 - B. Yachts 101 to 200 lineal feet\$ 271.25
 - C. Yachts 201 to 300 lineal feet\$ 410.20
 - D. Yachts 301 to 400 lineal feet\$ 549.20

Upon docking, an initial free time period of two (2) hours will be granted. If, after the expiration of free time, a yacht has not vacated its assigned berth, dockage shall be assessed as of the time of first docking at the rates above.

- II. Yachts exceeding six (6) hours on berth shall be charged for dockage at the dockage rates for lay-in vessels from the time of first docking.
- III. Yachts in excess of 400 lineal feet will be charged for dockage at the dockage rates for lay-in vessels. There is no free time allowance for yachts in excess of 400 lineal feet.

PORT EVERGLADES TARIFF NO. 12

Item No. 340–Dockage rates–Intercoastal container ocean carriers.

Issue No. 2

Effective Date: October 1, 2011

U. S. flagged container ocean carriers engaged in intercoastal trade between Port Everglades and other Continental United States Ports will not be charged dockage on days for which containers are loaded and/or discharged. A composite rate covering both dockage and cargo wharfage is found in Section Five. On non-container loading/discharge days, dockage rates in tariff Item No. 320 will apply.

PORT EVERGLADES TARIFF NO. 12

Item No. 345–Dockage rates–Cruise ship wet *docking*.

Issue No. 1

Effective Date: October 1, 2006

Cruise ships home ported at Port Everglades when calling for purposes of wet docking repairs, refurbishment, and/or inspections will be charged dockage on the following basis:

Day 1.....	100% of Tariff
Day 2-4.....	75% of Tariff
Day 5 and beyond.....	50% of Tariff

On any days during which passengers embark or disembark, dockage will be charged at 100% of Tariff.

PORT EVERGLADES TARIFF NO. 12

Item No. 350–Berth usage for tendering/fleet landing.

Issue No. 10

Effective Date: October 1, 2016

Those vessels using the anchorage and providing tender service for passengers, crew, or other personnel between the ship at anchor and a berth within Port Everglades will be charged \$530.00 per each 24-hour period or fraction thereof.

PORT EVERGLADES TARIFF NO. 12

Item No. 400–Disclaimers of all implied warranties and exclusions of liability.

Issue No. 1

Effective Date: October 1, 2006

DISCLAIMERS OF ALL IMPLIED WARRANTIES

Broward County ("County"), which controls the operations and facilities of Port Everglades, hereby disclaims, to the full extent permitted by applicable law, all implied warranties arising from, related to or in connection with:

1. Any use, pursuant to this Tariff, of Port Everglades facilities or property; and
2. Any and all work performed or services provided by the County in connection with such use.

The implied warranties hereby disclaimed include, but are not limited to, the implied warranty of workerlike performance recognized in *Ryan Stevedoring Co. v. Pan-Atlantic Steamship Corp.*, 350 U.S. 124 (1996) and *Vierling v. Celebrity Cruises, Inc.*, 339 f.3d 1309 (11th cir.2003).

Use of Port Everglades property or facilities pursuant to this Tariff shall constitute acknowledgment and acceptance of this disclaimer.

This disclaimer is a material inducement to Broward County allowing use of the Port Everglades facilities or property pursuant to the terms of this Tariff.

Note: The term "workerlike" is used in this Tariff item as a gender neutral term and shall have the same meaning as that ascribed to the legal term "workmanlike" as used by the court in the aforementioned Ryan Stevedoring Co. case.

**Item No. 400–Disclaimers of all implied warranties and exclusions of liability.
(cont.)**

**EXCLUSION OF LIABILITY FOR LOSS AND/OR DAMAGE TO
VEHICLES AT PORT EVERGLADES' FACILITIES**

Broward County shall not be responsible for any loss and/or damage to a vehicle, its accessories or contents, located at Port Everglades' facilities, resulting from theft, vandalism, fire or other cause, except in instances where loss and/or damage results from negligence of Broward County.

**EXCLUSION OF LIABILITY FOR LOSS AND/OR DAMAGE
TO CARGO, VESSEL, AND OTHER PROPERTY**

Broward County shall not be responsible for any loss and/or damage sustained to cargo, vessel(s) and other property owned or used by Port Everglades tenants or Port users as a result of Broward County billing a vessel and/or its agent, tenant or Port user applicable Tariff charges.

Further, Broward County assumes no responsibility for any loss, damage or repair to goods, furniture, fixtures, equipment or other merchandise or property stored and/or handled in or through any Port Everglades' facilities which are owned, controlled and/or operated by Broward County, except in instances where loss and/or damage results from negligence of Broward County.

Broward County shall not be responsible or liable for any loss or damage to any vessel, cargo or other property stored, handled, used, kept or placed upon any wharf or other structure or property owned or controlled by Broward County occasioned by or on account of pilferage, rodents, insects, natural shrinkage, wastage, decay, seepage, leakage, heating, evaporation, fire, earthquakes, rain, floods, or the elements, war, riots, strikes, or other acts or actions beyond the control of Broward County or from discharge from sprinkler systems or collapse of a wharf or other structure unless the loss or damage is occasioned by the negligence of Broward County.

Broward County shall not be held liable for demurrage claimed by vessels.

EXCLUSION OF LIABILITY FOR INJURY TO PERSONS

Broward County does not provide services for handling cargo or processing cruise vessel passengers and shall not be responsible for any injury to persons arising from services provided by Broward County franchised and/or permitted entities, tenants, Port users or other independent third-party service providers at Port Everglades except in instances where injury results from negligence of Broward County.

PORT EVERGLADES TARIFF NO. 12

Item No. 405–Indemnification of Broward County.

Issue No. 1

Effective Date: October 1, 2006

All tenants and Port users of the facilities or property of Broward County's Port Everglades Department agree, by their use thereof, to protect, indemnify, keep and hold harmless, Broward County, its employees, officers, directors or agents from and against any and all losses, liabilities, costs, claims, charges, demands, expenses, including, but not limited to, reasonable attorneys' fees, penalties and damages imposed for the violation of any law of the United States of America, the State of Florida, or the ordinances or resolutions of local jurisdictions governing the operations of Port Everglades to the extent caused by the negligence, recklessness or intentionally wrongful conduct of the tenant or Port user. Further, tenants and Port users shall protect, indemnify and hold harmless Broward County, its employees, officers, directors or agents from any and all losses, liabilities, costs, claims, charges, demands, expenses, penalties and damages including, but not limited to, reasonable attorneys' fees to the extent caused by negligence, recklessness or intentionally wrongful conduct of the tenant or Port user. The provisions of this indemnity shall apply equally as well to all liabilities, obligations, claims, damages, penalties, causes of action, costs and expenses (reasonable attorneys' fees), imposed upon or incurred by Broward County by reason of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) 42 U.S.C.A. 9601 et seq. and Superfund Amendments and Reauthorization Act of 1986 (SARA). Except as specifically provided herein, this Tariff provision does not require that a tenant or Port user defend, indemnify and hold harmless Broward County, its employees, officers, directors or agents from any losses, liabilities, costs, claims, charges, demands, expenses including, but not limited to, attorneys' fees, penalties, damages, actions or proceedings. In the event that any action or proceeding is brought against Broward County by reason of any such claim or demand, tenant or Port user shall, upon written notice from Broward County, resist and defend such action or proceeding by counsel satisfactory to Broward County.

PORT EVERGLADES TARIFF NO. 12

Item No. 410—General restrictions and limitations.

Issue No. 1

Effective Date: October 1, 2006

Under the application of this Tariff, the Port Everglades Department is not obligated to provide storage for property which has not been transported, nor intended to be transported by water, to or from the Port; nor is it obligated to provide facilities beyond reasonable capacity.

PORT EVERGLADES TARIFF NO. 12

Item No. 415–Suspension of operations.

Issue No. 2

Effective Date: October 1, 2011

The Port Everglades Chief Executive or designee may at anytime immediately order halted any operation which he/she deems to create an unsafe condition which could lead to personal injury, damage to property, pollution, damage to the environment, or in anyway creates a hazardous or obnoxious condition or which otherwise impedes other operations or violates any other provision of this Tariff. Said operation will remain halted until necessary corrective measures are taken to the satisfaction of the Port Everglades Chief Executive or designee.

PORT EVERGLADES TARIFF NO. 12

Item No. 420—Unclaimed or abandoned cargo and property.

Issue No. 1

Effective Date: October 1, 2006

Broward County shall comply with applicable local, state and federal laws in dealing with unclaimed, lost or abandoned cargo and property.

PORT EVERGLADES TARIFF NO. 12

Item No. 425—Illegal loading and discharging.

Issue No. 1

Effective Date: October 1, 2006

No captain, franchised steamship agent, or vessel representative shall allow any loading from or discharge to the docks or any areas of Port Everglades of any commodity(s) unless the commodity(s) is properly manifested.

Damages in the amount of three (3) times the value of the commodity(s) will be assessed against the vessel by Broward County when it has been determined that the commodity(s) was not properly manifested.

PORT EVERGLADES TARIFF NO. 12

Item No. 430–Cleanliness of premises.

Issue No. 5

Effective Date: October 1, 2011

Franchised steamship agents and vessel representatives, stevedores, cargo handlers, and other users of the Port Everglades Department property and facilities shall be responsible for maintaining the property and/or facilities assigned to them in a clean and orderly manner to the satisfaction of the Port Everglades Department.

Furnishing of garbage dumpsters is the responsibility of the user. The Port Everglades Department does not provide dumpsters or trash removal services. Failure to comply with this requirement will result in a charge of \$1,000.00 for each calendar day or portion thereof the situation is not corrected to the satisfaction of the Port Everglades Department.

In addition to such charge, Port Everglades reserves the right to do any required cleaning with its own personnel and charge the user at rates specified in Section Eleven of this Tariff.

PORT EVERGLADES TARIFF NO. 12

Item No. 435–Removal of empty yacht/boat cradles.

Issue No. 5

Effective Date: October 1, 2011

Empty yacht/boat cradles are to be removed from dock aprons and other common use areas within Port Everglades not later than the day following the yacht/boat being removed from the cradle. Failure to comply will result in a charge of \$1,000.00 per calendar day, or portion thereof per cradle, until removed.

The Port Everglades Department will not accept empty yacht/boat cradles for storage.

PORT EVERGLADES TARIFF NO. 12

Item No. 440–Obstruction of facilities.

Issue No. 5

Effective Date: October 1, 2011

The tenants and users of the Port Everglades Department facilities will not be permitted to leave vehicles, gear, pallets, dunnage, containers, cargo, or other materials incidental to ship and/or terminal operations in any non-leased or non-assigned area, including, but not limited to, dock aprons, roadways, buildings, yard areas, and other facilities of Port Everglades without prior authorization of the Operations Division of Port Everglades. If ordered to be removed, and not removed within 24 hours of receipt of notice, a penalty charge of \$1,000.00 will be assessed the user for each 24 hour period or portion thereof of non-compliance. Additionally, the Port Everglades Department reserves the right to have removed at the user's expense any materials not removed by the user.

PORT EVERGLADES TARIFF NO. 12

Item No. 445–Bunkering.

Issue No. 8

Effective Date: October 1, 2015

Vessel bunkering shall include, but not be limited to, the transfer of liquid petroleum products, alternative fuels, and derivatives for fueling, lubricating, or other associated uses to a vessel as distinguished from loading such products as cargo.

All vessel bunkering must be performed by a Broward County franchised entity authorized to perform such services at Port Everglades.

All vessel berths Numbered 1 through 27 are accessible to pipeline hose connections for bunker fuels. These berths, as well as berths 28 through 33, are accessible by tank truck and barge.

Written reports of activity are to be submitted on a monthly basis within five (5) business days from the end of the month to the Port Everglades Department Petroleum Section and include the dates of services performed, the name of the vessel(s), and the source and number of gallons of product transferred by type. Late submission of the monthly report shall be penalized at the rate of twenty-five dollars (\$25.00) per business day, or portion thereof, for every day the report is submitted late or remains incomplete.

No wharfage will be charged on bunkers delivered across Port Everglades' docks by pipeline or truck.

No wharfage will be charged on bunkers delivered to vessels within Port Everglades by barge on which wharfage has previously been paid on the inbound movement of the bunker components.

Bunkers delivered directly to vessels within Port Everglades by barge on which wharfage has not previously been paid will be subject to charges in accordance with Items No. 535, 1057, 1066.

PORT EVERGLADES TARIFF NO. 12

Item No. 450–Container and cargo staging.

Issue No. 7

Effective Date: October 1, 2014

Containers, cargo, chassis, equipment and the like can only be staged on dock aprons and common use, non-leased, non-assigned areas with the prior approval of the Port Everglades Department, Operations Division. All requests must be made in a timely manner but not less than 24 hours prior to the staging area being needed. Consideration of a request will include the need for the requested staging area prior to and following the requested use. If the request is approved, it will be for a time certain period. Use of the staging area without permission, or prior to and/or after the time certain period, will result in a penalty of \$66.00 per calendar day or portion thereof for each container, chassis, piece of cargo or equipment.

PORT EVERGLADES TARIFF NO. 12

Item No. 455–Storm protection.

Issue No. 1

Effective Date: October 1, 2006

Franchised stevedores and/or cargo handlers, tenants, permitted crane companies and all other users of the Port Everglades facilities with cargo and material located at Port Everglades shall be responsible for adequately securing same to prevent injury and damage to persons and property which may result from hurricanes and other severe weather disturbances. All items are to be secured including, but not limited to, cargo, containers, chassis, cargo handling gear, pallets, dunnage and mobile equipment. At a minimum, users and tenants securing property at Port Everglades shall follow the instructions for storm protection issued by the Port Everglades Department and United States Coast Guard which will include, but will not be limited to, moving cargo, cargo handling gear, dunnage and pallets from open areas into transit sheds where available, reducing the height of container stacks, block stowing containers, moving containers away from public and internal roadways, and lowering booms on mobile cranes. Broward County assumes no responsibility or liability for any injury or damage to persons, cargo or materials resulting from hurricanes or other severe weather disturbances. In the event any cargo or materials are not stored and secured in accordance with the minimum requirements in the storm protection instructions issued by Port Everglades, then the Port Everglades Department may take appropriate measures to secure same at the sole cost and expense of the franchised stevedore and/or cargo handler, user or tenant.

PORT EVERGLADES TARIFF NO. 12

Item No. 460–Transit sheds.

Issue No. 2

Effective Date: October 1, 2013

The Port Everglades Department provides limited transit shed space for the receipt and marshaling of break-bulk cargo for loading to vessels and for break-bulk cargo discharged from vessels for inland delivery. The availability of transit shed space regularly changes. Contact the Operations Division for details of the current status.

PORT EVERGLADES TARIFF NO. 12

Item No. 465–Roll on/roll off ramps.

Issue No. 1

Effective Date: October 1, 2006

Port Everglades has a total of eight (8) Ro/Ro Ramps of various widths and water depths alongside. Contact the Operations Division for details.

PORT EVERGLADES TARIFF NO. 12

Item No. 470–Cruise ship terminals.

Issue No. 3

Effective Date: October 1, 2012

Port Everglades has eight (8) air conditioned full service cruise ship passenger terminals each capable of accommodating cruise ships of a minimum of 950 feet in length and 3,500 passengers. A ninth terminal is capable of accommodating a small cruise ship or ferry. All cruise terminals are equipped with elevators and escalators and at least one telescoping height adjustable passenger loading bridge.

PORT EVERGLADES TARIFF NO. 12

Item No. 475–Location of cargo.

Issue No. 1

Effective Date: October 1, 2006

Any cargo interfering with the discharge or loading of vessels must be moved, solely at the expense of the franchised steamship agent or vessel representative off Port Everglades property or, at the discretion of the Port Everglades Department to another location at Port Everglades. Port Everglades reserves the right to order the relocation of any cargo accepted for storage. Any risk or expense for the movement shall be for the account of the franchised steamship agent or vessel representative.

PORT EVERGLADES TARIFF NO. 12

Item No. 480–Dry bulk cargo.

Issue No. 2

Effective Date: October 1, 2014

Cargoes of certain dry bulk materials can be discharged from ships and barges at Port Everglades provided that all proper environmental, safety, and health measures are complied with at all times. A written proposed materials handling plan must be submitted to the Operations Division as far in advance of a ship arrival as possible but not less than thirty (30) days. A Berth Application filed with the Harbormaster will not be considered until a final materials handling plan is approved by the Operations Division.

Commodities of dry bulk that will not be considered for discharge at Port Everglades are red bauxite, mill scale, greek bauxite, bof/steel slag, Guyana bauxite-metallurgical grade, and petcoke (petroleum coke). Other commodities will be considered on a case by case basis. Port Everglades reserves the right to add and delete commodity types as it deems necessary.

All dry bulk cargo discharged from ships and barges must immediately be removed from Port Everglades. No storage or stock pile areas will be made available.

This Item does not apply to dry bulk cement that moves from ship directly to silos.

PORT EVERGLADES TARIFF NO. 12

Item No. 485–Backloading petroleum.

Issue No. 2

Effective Date: October 1, 2009

Backloading of petroleum, alternative fuels, fuel blending components (includes alcohol, bio-diesel and bio-diesel feed stocks) as cargo by pipeline from terminal facilities located within Port Everglades will be permitted on a case-to-case basis as approved by the Harbormaster. Backloading operations will be given a lower priority for berthing than ships and barges calling to discharge petroleum products.

No wharfage will be charged on products backloaded as cargo on which wharfage has previously been paid on the inbound movement unless such products have been processed, manufactured, blended for quality purposes, or otherwise changed or sold, in which case charges will be made in accordance with Items No. 535, 1057, and 1066.

No wharfage will be charged on bunkers backloaded to barges for re-delivery to vessels at Port Everglades.

PORT EVERGLADES TARIFF NO. 12

Item No. 500–Earned wharfage.

Issue No. 1

Effective Date: October 1, 2006

CARGO:

All cargo placed in transit sheds, on dock aprons, in open storage areas, or in, on, and/or across, any Broward County owned land, facilities or water shall be considered to have earned wharfage when so placed and wharfage will be collected on it whether or not it is eventually loaded aboard a vessel.

CRUISE PASSENGERS:

All cruise passengers embarking to, debarking from, or in-transit on a cruise ship at Port Everglades shall be considered to have earned wharfage.

Note: There is no wharfage charge for ship stores consigned to vessels at Port Everglades.

PORT EVERGLADES TARIFF NO. 12

Item No. 505–Wharf use charge.

Issue No. 6

Effective Date: October 1, 2014

Any use of the facilities of Port Everglades for other than loading or discharging manifested cargo or passengers will be assessed a use charge in the amount of \$125.00 per 24-hour period, or fraction thereof, with a minimum charge of \$500.00. Ship stores are exempt from this charge.

In cases that also involve a vessel docked at a berth, dockage will additionally be charged in accordance with the provisions and at rates contained in Section Three of this Tariff.

PORT EVERGLADES TARIFF NO. 12

Item No. 510–Non-waterborne cargo.

Issue No. 1

Effective Date: October 1, 2006

All cargo, containers and trailers delivered to Port Everglades by any transportation method other than waterborne transportation and placed in or on Broward County owned land or facilities (excluding land or facilities leased to others), which is not reshipped from Port Everglades via waterborne transportation will be assessed wharf demurrage charges in accordance with Section Six for the number of days the cargo, containers, and trailers were on-hand beginning from the date of receipt at Port Everglades. There is no free time provided to non-waterborne cargo.

In addition to being charged wharf demurrage, non-waterborne cargo will be considered to have earned wharfage for purposes of billing at the applicable wharfage charge.

PORT EVERGLADES TARIFF NO. 12

Item No. 515–Wharfage and container crane incentives for qualifying ocean carriers.

Issue No. 2

Effective Date: October 1, 2011

The provisions of this Item apply to non-terminal operating container cargo ocean carriers that do not have a wharfage and operating agreement or lease approved by Broward County. Such non-terminal operating container cargo ocean carriers that load/discharge containerized cargo at Port Everglades utilizing its vessels, or is participating in a Federal Maritime Commission filed vessel sharing agreement (VSA) with other lines (which will result in the VSA participants loading/discharging containerized cargo at Port Everglades), may apply to the Port Everglades Chief Executive in writing for approval of application of the provisions of this Item, which approval entitles such non-terminal operating container cargo ocean carriers to receive the herein below Tariff incentive discounts on an annual basis effective from the date of first vessel call. To qualify for Port Everglades Chief Executive approval, such non-terminal operating container cargo ocean carriers must use the County's container gantry and/or mobile harbor crane and demonstrate the ability to load/discharge a minimum of 100,000 container cargo tons annually at Port Everglades. For container cargo ocean carriers having a ship using, on the same port call, a combination of container lift on/lift off (LO/LO) using County's container gantry and/or mobile harbor crane and roll on/roll off (RO/RO) cargo that is discharged/loaded in ocean shipping containers, in over the road trailers, and/or on flat racks such RO/RO cargo qualifies for container cargo wharfage discounts. Such RO/RO cargo tonnage will be combined with LO/LO cargo discharged/loaded with County's container gantry and/or mobile harbor crane for determining discount level for cargo wharfage purposes only. For container cargo ocean carriers qualifying under this Tariff Item participating in a VSA, the combined container cargo tonnage of all VSA participating carriers will be considered in achieving the minimum 100,000 ton threshold and qualifying for levels of discounts.

Item No. 515–Wharfage and container crane incentives for qualifying ocean carriers (cont.)

(Annual Minimum Containerized Cargo Short Tons)	Percentage Discount from Published Tariff Rates for Container Cargo (Tonnage) Wharfage Rates and Container Gantry/Mobile Harbor Crane Rental Rates (excluding standby, start up, & shut down)
0-50,000 Tons per year	10%
50,001-100,000 Tons per year	20%
100,001-250,000 Tons per year	35%
250,001-300,000 Tons per year	40%
300,001-350,000 Tons per year	45%
350,001- Tons and over per year	50%

Annual Minimum Tonnage includes the container cargo tons loaded/discharged at Port Everglades during each twelve (12) month period commencing on the date of the first vessel loading/discharging operation and terminating 365 days thereafter. As additional qualified vessels are loaded/discharged during this time period, such activity is to be included within this 365-day time period. The enumerated incentive discounts herein above apply only where such non terminal operating container cargo ocean carrier utilizes the County's container gantry/mobile harbor cranes and only to container cargo (tonnage) wharfage rates and container gantry crane rental rates, (excluding charges for standby, start up & shut down) and shall have no effect on any other Tariff fee, charge, and/or rate under any other provision of Tariff No. 12 as amended or reissued.

In instances where a qualifying container cargo ocean carrier participates in two or more independent and/or VSA services at Port Everglades, container cargo tonnage and charges for container gantry/mobile harbor crane hours will be combined for purposes of application of discounts as provided for in this Item. During the course of each twelve (12) month period, each service in which a qualifying container cargo ocean carrier participates will be treated independently for purposes of application of cargo wharfage and container crane discounts. At the end of each twelve (12) month period, container cargo tons and charges for container crane rental hours for all services in which a qualifying container cargo ocean carrier participates will be combined. For purposes of combining container cargo tons and charges for container crane rental hours, the twelve (12) month period/effective date for all independent and/or VSA services is considered to be that of the first vessel call of the first qualifying service. Should the calculation combining container cargo tons and charges for container crane rental hours result in the ocean carrier reaching a higher level(s) of discount, a credit will be issued to the carrier within sixty (60) days of

Item No. 515–Wharfage and container crane incentives for qualifying ocean carriers (cont.)

the end of the twelve (12) month period provided the carrier has given the Port Everglades Department, in writing, its designation as to which of its account(s) is to receive the credit.

To remain eligible for the herein above enumerated incentive discounts such non-terminal operating container cargo ocean carrier's account with Broward County must be and remain current with no delinquent balances and such carrier shall continue to demonstrate its ability to load/discharge a minimum of 100,000 container cargo tons annually at Port Everglades. Under the Port Everglades Chief Executive's guidelines and Broward County's Port Everglades Department's Accounts Receivable Policy and Procedures, all accounts will be monitored and appropriate action taken on delinquent accounts. A qualified carrier whose account becomes delinquent will not receive discounts on cargo wharfage and charges for container crane rental during the period(s) of delinquency. During a period of account delinquency, container cargo wharfage and charges for container gantry/mobile harbor crane rental will be invoiced at full Tariff rates. For carriers participating in a VSA, only the individual member(s) of the VSA whose account is delinquent will be denied discounts. Once carrier's account returns to current status, the carrier will again be entitled to discounts at the level at which the service is then operating. Irrespective of a carrier's account status, all container cargo tons will be counted toward reaching additional levels of discount.

PORT EVERGLADES TARIFF NO. 12

Item No. 520–Nonwaterborne liquid bulk transfer.

Issue No. 12

Effective Date: October 1, 2016

All liquid bulk brought into the Port Everglades jurisdictional area by railroad and discharged from rail tank cars into tanks, whether fixed or portable, or trucks including, but not limited to, all petroleum products including fuels, lubricants (conventional or synthetic), LPG and asphalt; fuel or lubricant additives of any type; alternative fuels; renewable fuels; fuel blending components, including alcohols and bio diesel; chemicals; petrochemicals; solvents; alcohols; manufacturing or process feed stocks will be charged \$.0071 per gallon, in lieu of what otherwise would be charged for dockage, wharfage, fire service protection fee, and marine services. Operators, terminals, or facilities receiving liquid bulk by rail during any given month will provide a written report summarizing that month's activity to the Port Everglades Department, Petroleum Section within five (5) business days after the end of that month. The report will include the date of receipt, description of the commodity, and quantity in gallons received.

All liquid bulk alternative fuels, renewable fuels, including ethanol, other alcohols, and bio diesel brought into the Port Everglades jurisdictional area by truck and discharged into tanks, whether fixed or portable, and on which no wharfage or other Port Everglades charges have previously been paid, will be charged \$.0071 per gallon, in lieu of what otherwise would be charged for dockage, wharfage, fire service protection fee, and marine services. Operators, terminals, or facilities receiving bulk alternative or renewable fuels by truck during any given month will provide a written report summarizing that month's activity to the Port Everglades Department, Petroleum Section within five (5) business days after the end of the month. The report will include the date of receipt, description of the commodity, and quantity in gallons received.

PORT EVERGLADES TARIFF NO. 12

Item No. 525–Transshipment cargo.

Issue No. 1

Effective Date: October 1, 2006

Waterborne cargo that is discharged from a vessel which is not removed from Port Everglades by land transport and is reshipped in waterborne commerce from Port Everglades, will be charged wharfage on the inbound movement only provided that the cargo is reshipped by the same user or tenant on the same ocean shipping line and said user or tenant is not entitled to discounted wharfage rates via a written contract, this Tariff, or otherwise. Discounted wharfage rates shall not be utilized for purposes of calculating the amount due and owing under this Item unless the contract establishing such discounts is expressly stated to apply to transshipment cargo. In order for cargo to be entitled to the transshipment cargo wharfage rate, it will be necessary that the franchised steamship agent or vessel representative designate prior to entry at Port Everglades, that such cargo is to be transshipped.

Users and tenants with written contracts will pay wharfage for the cargo on both the discharge and loading segments at rates prescribed by the written contract.

Users and tenants entitled to wharfage discounts under Tariff Item No. 515 will pay wharfage for the cargo on both the discharge and loading segments at rates prescribed by Tariff Item No. 515.

PORT EVERGLADES TARIFF NO. 12

Item No. 530–Intercoastal container ocean carriers.

Issue No. 10

Effective Date: October 1, 2016

U.S. Flagged container ocean carriers engaged in intercoastal trade loading or discharging containers at Port Everglades for carriage between Port Everglades and other continental United States ports will be charged a composite cargo wharfage and dockage rate as follows:

Full containers.....\$	36.10 per container unit discharged or loaded
Empty containers.....\$	24.50 per container unit discharged or loaded

These rates are in lieu of dockage charges, cargo wharfage charges, and incentive discount provisions contained in Item No. 515. All other port services including, but not limited to, container crane rental will be charged in accordance with the provisions and at rates stipulated in this Tariff.

PORT EVERGLADES TARIFF NO. 12

Item No. 535–Wharfage rates–Cargo.

Issue No. 11

Effective Date: October 1, 2016

Rates per ton of 2,000 lbs. or 40 cubic feet, whichever is greater, except as otherwise noted:

ALL ARTICLES, not otherwise specified	\$3.4650
AUTOMOBILES, SUVs, pickup trucks, van; roll on/roll off; to/from a Pure Vehicle Carrier; charge per unit	\$6.928
AGGREGATES, TALLOW, OR GYPSUM, in bulk	\$1.195
CEMENT, PORTLAND, AND MASONRY, in bulk including super sacks or Palletized.....	\$1.031
CONTAINER CARGO – per 2,000 pounds	\$3.093
CONTAINER CARGO - "SMALL BOAT" per 2,000 pounds	\$2.413
LUMBER, per 1,000 feet B.M. (Net)	\$3.236
PETROLEUM, ALTRNATIVE FUELS, FUEL BLENDING COMPONENTS (INCLUDES ALCOHOL BIO-DIESEL & BIO-DIESEL FEED STOCKS) per barrel.....	\$1.700
STEEL PRODUCTS INCLUDING REINFORCING BARS, COILS, PLATE, & STRUCTURAL	\$3.406
VEHICLES, unboxed to include, but not be limited to, automobiles, trucks, tractors, trailers, buses, rolling stock per 2,000 pounds	\$6.139
YACHTS AND BOATS (float on/float off), per 2,000 pounds.....	\$5.589
YACHTS AND BOATS (lift on/lift off, roll on/roll off) per 2,000 pounds	\$8.456

PORT EVERGLADES TARIFF NO. 12

Item No. 537-Container unit charges.

Issue No. 6

Effective Date: October 1, 2016

Containers full and empty discharged and loaded to ships; per unit.

CONTAINERS & TRAILERS:

FULL, each\$4.85
EMPTY, each\$2.25
CHASSIS, each.....\$2.25

CONTAINERS & TRAILERS "SMALL BOAT":

FULL, each\$2.65
EMPTY, each\$2.25
CHASSIS, each.....\$2.25

PORT EVERGLADES TARIFF NO. 12

Item No. 540–Wharfage rates–Cruise passengers.

Issue No. 11

Effective Date: October 1, 2016

- A. Vessels offering multiday cruises, no minimum number of sailings, embark, disembark, in transit, per passenger.....\$10.620

- B. Vessels offering daily cruises, minimum 25 sailings per month, embark, disembark, in transit, per passenger.....\$ 2.435

Review of sailing activity will be conducted at the conclusion of each calendar month. In order to continue qualifying for the rate of category "B," a vessel must have made a minimum of 25 sailings in the prior month. Failure of a vessel to maintain the aforementioned minimum sailing requirement will result in subsequent cruise passenger wharfage being charged at the higher category "A" rate in the following month(s) until such time as the vessel requalifies.

Once requalified, the category "B" rate will apply in the month following requalification. During the initial month of operations, vessels providing services in category "B" will have their activities prorated from date of start-up for purposes of determining minimum sailing requirements. The category "B" rate will apply from the first sailing.

Upon written application to the Port Everglades Chief Executive, a waiver of minimum sailing requirements may be granted for purposes of vessel dry docking, repairs, adverse weather conditions, or extenuating circumstances as determined qualifying by the Port Everglades Chief Executive. A replacement vessel is acceptable for purposes of qualifying as a category "B" vessel.

Passenger wharfage will be charged against manifested revenue passengers only.

PORT EVERGLADES TARIFF NO. 12

Item No. 545–Container carrier service incentive.

Issue No. 2

Effective Date: October 1, 2011

The provisions of this Item apply to container cargo ocean carriers who establish a new regularly scheduled ocean container cargo service(s) calling at Port Everglades who do not have in effect a marine terminal lease and operating agreement. For purposes of this item, "new service" is one that is newly entered into or one that has not called at Port Everglades within the prior twelve months. Such container cargo ocean carrier must apply to the Port Everglades Chief Executive in writing, for approval of the application of the provisions in this Item, which approval entitles such container cargo ocean carrier to receive the herein below Tariff incentives from the date of the first vessel call in the new service following Port Everglades Chief Executive approval. The 1st year will commence with the arrival of the first approved ship and end twelve months later. The 2nd year will commence on the day following completion of the 1st year. The 3rd year will commence on the day following completion of the 2nd year. This Tariff incentive is provided to offset a portion of the carriers' startup costs associated with its locating to Port Everglades. To receive Port Everglades Chief Executive approval, such container cargo ocean carrier must provide evidence of its ability to load/discharge a minimum of 5,000 container shipmoves (see note) annually at Port Everglades and also provide service route documentation from the Florida Shipper or the container cargo ocean carrier's website.

New Container Cargo Ocean Carrier Service Incentive is as follows:

1st Year = \$3 per container shipmove

2nd Year = \$2 per container shipmove

3rd Year = \$1 per container shipmove

Item No. 545–Container carrier service incentive. (Cont.)

During the first year of qualification, the \$3 per container shipmoves incentive will be accumulated for the approved container cargo ocean carrier until the 5,000 container shipmoves level has been reached. Thereafter, the accumulated incentive, as well as future incentives earned, will be applied against open Port invoices and/or future Port charges until fully exhausted. Such earned credits must be applied directly against invoiced Port Everglades fees and are not transferrable.

To remain eligible for the incentives enumerated herein, such container cargo ocean carrier's account with Broward County must be and remain current with no delinquent balances and such ocean carrier shall continue to demonstrate its ability to load/discharge a minimum of 5,000 container shipmoves annually at Port Everglades. Under the Port Everglades Chief Executive's guidelines and Broward County's Port Everglades Department's Accounts Receivable Policy and Procedures, all accounts will be monitored and appropriate action taken on delinquent accounts. An approved carrier whose account becomes delinquent, will not receive these incentives for their container shipmoves during the period(s) of delinquency. Once a qualified ocean carrier's account returns to current status, the approved ocean carrier will again be entitled to receive the container shipmove credit appropriate for the year of operation at Port Everglades. Irrespective of an ocean carrier's account status, all container shipmoves will be counted towards demonstrating the ocean carrier's ability to load/discharge 5,000 containers annually at Port Everglades.

Note: Container Shipmoves as used herein means a truck trailer body (whether fully enclosed, open top, flat rack, vehicle rack, or bulk liquid) loaded or discharged from a ship or barge at berth in Port Everglades.

PORT EVERGLADES TARIFF NO. 12

Item No. 600-Free time allowances.

Issue No. 1

Effective Date: October 1, 2006

Unless otherwise provided, the free time allowed for assembling outbound cargo on or removing inbound cargo from non-lease, non-grid yard areas shall be as detailed below. Free time is inclusive of Saturdays, Sundays and legal holidays.

Inbound Cargo:

All containers, trailers, empty or loaded, and chassis.....	12 days
Steel products in shipments of up to 2,500 Tons.....	14 days
2,501 Tons to 5,000 Tons.....	26 days
5,001 Tons to 7,500 Tons.....	40 days
Over 7,501 Tons.....	48 days
Particle board, plywood, hardboard, lumber in bundles, in shipments of 1,200 tons and over.....	22 days
Dry bulk.....	12 days
All other cargo.....	12 days

Outbound Cargo:

All containers, trailers, empty or loaded, and chassis.....	15 days
All other cargo.....	12 days

PORT EVERGLADES TARIFF NO. 12

Item No. 605–Computation of free time.

Issue No. 1

Effective Date: October 1, 2006

The free time allowed for assembling outbound cargo to be loaded on a vessel shall commence at 8:00 a.m. of the day following the placement of cargo in the space assigned. Free time shall commence with the first lot of cargo unless the franchised steamship agent or vessel representative provides to the Port Everglades Department the number of tons placed each date. Once the vessel to which the cargo is consigned commences loading, the assessing of wharf demurrage that became effective at the expiration of free time ceases.

The free time allowed for removing inbound cargo discharged from a vessel shall commence at 8:00 a.m. of the day following the day the vessel completed discharging the cargo.

PORT EVERGLADES TARIFF NO. 12

Item No. 610—Conditions governing storage of cargo.

Issue No. 1

Effective Date: October 1, 2006

Port Everglades does not engage in the warehouse business. Transit sheds and open storage facilities are provided only for assembling and expediting waterborne commerce at Port Everglades. The acceptance of cargo for terminal storage is at the option and discretion of The Port Everglades Department. To apply for storage, franchised steamship agents or vessel representative must complete and submit a Port Everglades Storage Application. In addition, franchised steamship agents and vessel representatives shall complete all other documentation required by this Tariff, including a Storage Inventory Count Form.

Any cargo left in or on the premises of Port Everglades in excess of free time and not accepted for storage will be subject to wharf demurrage charges, or may be sent to a commercial storage facility at the expense and risk of the franchised steamship agent or vessel representative.

Storage charges published herein are applicable only on cargo received from or to be delivered to vessels over wharfs or piers of Port Everglades.

Highly flammable, explosive or obnoxious cargo will not be accepted for storage.

PORT EVERGLADES TARIFF NO. 12

Item No. 615–Free time and storage during longshore strikes.

Issue No. 1

Effective Date: October 1, 2006

Cargo on free time at the commencement of a longshore strike will be afforded additional free time for the duration of the strike. Upon termination of the strike, free time will continue to run for the unexpired number of days allowed on cargo.

Cargo which is on first period inside storage (30 days) or open ground storage at the commencement of the strike will continue on first period inside storage or open ground storage for the duration of the strike. At the conclusion of the strike, the remaining days of the first period of inside storage will be allowed.

Cargo in second period inside storage (60 days) at the commencement of the strike will be assessed charges at the first period inside storage rates (30 days) for the duration of the strike. At the conclusion of the strike, cargoes in this category will revert immediately to the period of storage applicable at the commencement of the strike.

Cargo in the third period inside storage (90 days) at the commencement of the strike will be assessed charges based on second period inside storage (60 days) for the duration of the strike. At the conclusion of the strike, cargoes in this category will revert immediately to full 90-day storage charges applicable at the commencement of the strike period.

PORT EVERGLADES TARIFF NO. 12

Item No. 620–Right to terminate storage.

Issue No. 1

Effective Date: October 1, 2006

Unless specifically described to the contrary in a written lease or other contract, the Port Everglades Department reserves the right to terminate storage of any cargo and to cause removal thereof wholly at the expense of the franchised steamship agent or vessel representative.

PORT EVERGLADES TARIFF NO. 12

Item No. 625–Inside transit shed storage rates.

Issue No. 11

Effective Date: October 1, 2016

Cargo accepted for inside storage by the Port Everglades Department will be assessed storage charges as detailed below. Cargo remaining beyond authorized storage period(s) will be assessed wharf demurrage charges as contained in this Tariff. Charges are for each 30-day period or fraction thereof.

1.	All articles not otherwise provided for, per ton	\$ 8.35
2.	Hardboard, particle board, plywood in bundles, per ton.....	\$ 4.90
3.	Cement, in bags, per ton	\$ 3.80
4.	Lumber, per 1,000 B.M. (Net)	\$ 6.55
5.	Steel products, per ton	\$ 5.85
	MINIMUM Storage Invoice.....	\$50.00

PORT EVERGLADES TARIFF NO. 12

Item No. 630–Open ground storage rates.

Issue No. 11

Effective Date: October 1, 2016

Cargo accepted for open ground storage by the Port Everglades Department will be assessed storage charges as detailed below. Cargo remaining beyond an authorized storage period(s) will be assessed wharf demurrage charges as contained in this Tariff.

1. All articles not otherwise provided for, each 6 days or fraction thereof,
per ton \$ 1.03
 2. Automobiles, trailers, trucks, container chassis, tractors, or other vehicles,
per day, each \$ 4.45
 3. Boats and yachts on cradles or trailers, per day, each \$31.10
 4. Lumber per 30 days or fraction thereof, per 1,000 B.M. (Net)... \$ 2.83
 5. Containers, on or off chassis, containing cargo or empty,
per day, each \$ 4.45
- MINIMUM Storage Invoice \$50.00

PORT EVERGLADES TARIFF NO. 12

Item No. 635–Wharf demurrage rates.

Issue No. 11

Effective Date: October 1, 2016

All cargo remaining in Port Everglades after free time has expired and not accepted for storage or remaining in Port Everglades after expiration of an authorized storage period, shall thereafter be assessed a wharf demurrage charge as detailed below. The vessel's franchised steamship agent or vessel representative is responsible for the payment of wharf demurrage charges.

Note:

- I. Located inside transit shed
- II. Located outside on open ground

	I.	II.
1. All articles not otherwise provided for; per day or fraction, per ton\$	1.03	.77
2. Automobiles, trucks, tractors, trailers or other vehicles; per day, each\$	N.A.	6.35
3. Boats and yachts on cradles or trailers; per day each, ...\$	N.A.	57.45
4. Lumber, per 1,000 B.M. (Net) per day or fraction\$	1.03	.77
5. Containers, on or off chassis, containing cargo or empty; per day, each\$	N.A.	8.65

Every two (2) calendar days after the initial commencement of demurrage, the franchised steamship agent or vessel representative shall complete and submit a Port Everglades Storage Inventory Count Form to the Finance Division, Port Everglades Department, and shall submit copies of all delivery receipts supporting the data thereon. Inventory Count Forms required by this Item to be submitted on a weekend shall be deemed submitted in a timely manner if said forms are received on the immediately succeeding business day.

Item No. 635–Wharf demurrage rates. (Cont.)

Failure to submit an Inventory Count Form in a timely manner or failure to provide all information requested (including all relevant delivery receipts) will result in a late charge of twenty-five dollars (\$25.00) per business day or any portion thereof for which the Inventory Count Form has not been submitted or remains incomplete.

PORT EVEGLADES TARIFF NO. 12

Item No. 700–Container gantry and mobile harbor cranes–Specifications.

Issue No. 3

Effective Date: October 1, 2010

Port Everglades Department maintains and makes available for rental a total of eight (8) rail mounted container gantry cranes. Seven (7) cranes are located in Southport and one (1) in Midport. In addition, the Port Department maintains and makes available for rental one (1) mobile harbor crane. Crane specifications are as follows:

TYPE: Container Gantry Crane "P2" - Midport
MANUFACTURER: PACECO

LIFT CAPACITY: •50 long tons under spreader,
•58 long tons under heavy lift beam

OUTREACH: (From face of pier) 113 feet
LIFT: (Pier to bottom of spreader) 100 feet

TYPE: Container Gantry Cranes "SP1, SP2, SP3, SP4, SP5, SP6, SP7"
MANUFACTURER: SAMSUNG HEAVY INDUSTRIES

LIFT CAPACITY: •46.5 long tons under spreader,
•57 long tons under heavy lift beam

OUTREACH: (From face of pier) 136.5 feet
LIFT: (Pier to bottom of spreader) 106 feet

Item No. 700–Container gantry and mobile harbor cranes–Specifications. (Cont.)

TYPE: Mobile Harbor Crane "MHC1"

MANUFACTURER: GOTTWALD

LIFT CAPACITY: •40.4 long tons under spreader in single lift mode to maximum radius of 135 feet

•49.2 long tons under spreader in twin lift Mode to maximum radius of 118 feet

•100 long tons under hook to maximum radius of 75 feet

OUTREACH: •167 feet from center of tower

LIFT: •154 feet from pier to bottom of hook

Additional details are available from the Operations Division, Container Crane Section.

PORT EVERGLADES TARIFF NO. 12

Item No. 705–Container gantry and mobile harbor cranes–Rules & regulations.

Issue No. 3

Effective Date: October 1, 2010

1. Crane rental time will be computed from the time a crane(s) is ordered to be available for work until the crane(s) is dismissed; subject to listed minimum charge.
2. The charges detailed in this Tariff do not include the crane operator who is supervised and employed by the franchised steamship agent/ or franchised stevedore renting the crane(s).
3. The franchised steamship agent/franchised stevedore renting the crane(s) agrees to be bound by all terms and conditions contained in this Tariff.
4. Broward County shall require of the crane user, certification of insurance with a minimum general liability and personal injury of at least five million dollars (\$5,000,000.00), and the Broward County Board of County Commissioners shall be named as an additional insured. This insurance shall cover the user, and its agents, servants and employees in the use of the crane(s) and equipment. In addition, Broward County reserves the right to require, in its sole discretion, such additional types and amounts of insurance, as it shall determine to be in its best interest, based upon the operations of the crane(s).
5. The crane user shall conform with all applicable laws, ordinances, rules and regulations of O.S.H.A., United States Coast Guard and other federal, state and municipal authorities having jurisdiction over the user or its activities.
6. Vessels, their owners, agents and all other users of the cranes and equipment shall indemnify, save harmless and defend Broward County, its agents, servants, and employees from and against any claim, demand, cause of action or proceeding of whatsoever kind or nature arising out of, incident to or resulting from the use of the cranes or equipment, by the vessels, its owners, agents, servants or employees and all other users of the cranes and equipment, together with all costs, expenses, and liabilities incurred in connection with each such claim or demand or action or proceeding including, but not limited to, all reasonable attorney's fees to and through appellate, supplemental, and bankruptcy proceedings.

**Item No. 705–Container gantry and mobile harbor cranes–Rules & regulations.
(Cont.)**

7. The franchised steamship agent/or franchised stevedore renting the crane agrees to operate the equipment within its rated capacity, as published in this Tariff, any amendment hereto or reissues hereof.
8. All rigging will be at the expense of the franchised steamship agent/or franchised stevedore.
9. The charge for the crane rental includes crane maintenance.
10. The franchised steamship agent/or franchised stevedore shall make application for crane rental use no later than twelve (12) hours prior to startup time. Application is to be made to the Harbormaster. Application Form will include date, time, type and quantity of cargo to be handled and estimated length of use.

After an order for a crane(s) is properly placed as described above and confirmed by the Harbormaster, the startup time can be set back once without penalty provided the request to set back the startup time is made no later than four (4) hours prior to the originally ordered startup time. If the request is made less than four (4) hours prior to the originally ordered startup time, charges will be imposed at the Item #710 Standby rates calculated from the originally ordered startup time until cargo operations commence or after a four (4) hour minimum period, whichever is less. If, after an original startup time is properly set back as described above to a revised startup time and cargo operations are not ready to commence at the revised startup time, charges will be imposed at the Item #710 Standby rates from the revised startup time until cargo operations commence or after a four (4) hour minimum period, whichever is less.

11. The Port Everglades Department will perform a pre-operation inspection and start cranes prior to vessel operations and will shut down cranes upon completion of vessel operations and perform a post-operation inspection.
12. The Port Everglades Department will be responsible for initial container gantry crane boom-down and each succeeding boom-up/boom-down cycle and final booming up to clear vessel and pinning down of the crane(s). The Port Everglades Department will be responsible for initial spotting of the mobile harbor crane and each movement of the crane along the dock apron.
13. The Port Everglades Department reserves the absolute and exclusive right to the assignment and scheduling of the cranes.
14. Any damages to the cranes and equipment during use are to be immediately reported by the user to a representative of the Container Crane Section or, when not available, to a representative of the crane maintenance contractor and

**Item No. 705–Container gantry and mobile harbor cranes–Rules & regulations.
(Cont.)**

acknowledged by signature of an authorized representative of the user on the crane rental report at the time of completion of crane operations.

15. Only qualified personnel will be permitted to operate the Port Everglades Department container gantry cranes and mobile harbor crane. The franchised agent and/or stevedore renting a crane will be the responsible party for violations of this item. An operator of a container gantry crane will be presumed qualified if he/she demonstrates satisfactory completion of training and testing on a recognized container gantry crane simulator within the previous twelve (12) months combined with actual time in operating rail mounted container gantry cranes.

In order to be determined qualified to operate the mobile harbor crane an operator must provide evidence of having previous experience in loading/discharging containers to/from ships with a mobile harbor crane, truck crane, ship crane, and/or rail mounted container gantry crane. Port Everglades reserves the right to establish an on-site mandatory training program.

Upon request, and on an as available basis, the Port Everglades Department may make available to a franchised steamship agent and/or franchised stevedore a container gantry crane or mobile harbor crane in order for an operator employed by the franchised steamship agent and/or franchised stevedore to demonstrate his/her ability. Based upon a demonstrated need and for a reasonable number of hours as determined by the Port Everglades Department, a crane so provided will be without charge. Evidence of operator qualification shall be made available to the Port Everglades Department upon request. The operator will be required to demonstrate his/her ability to the satisfaction of the franchised steamship agent or franchised stevedore renting the crane. The Port Everglades Department reserves the right to order removed from a crane any operator not qualified or otherwise observed operating a crane in other than a safe manner, which determination shall be within the Port Everglades Department's sole discretion. The operator shall be prohibited from any operation of a crane until such time as he/she can demonstrate his/her ability to safely operate a crane to the satisfaction of the franchised steamship agent/or franchised stevedore renting the crane, unless the Port Everglades Department has otherwise determined that it is not in the Port Everglades Department's best interest to allow the operator to operate the crane, which determination shall be within the sole discretion of the Port Everglades Department.

PORT EVERGLADES TARIFF NO. 12

Item No. 710–Container gantry (CG) and mobile harbor (MH) cranes-Rental rates.

Issue No. 11

Effective Date: October 1, 2016

I. Container Operations – "Small Boat":

A.	Straight Time Hours – Midport (CG).....	\$	693.95 Per Hour
	Straight Time Hours – Midport (MH).....	\$	624.55 Per Hour
	Straight Time Hours – Southport (CG).....	\$	740.25 Per Hour
B.	Overtime Hours – Midport (CG).....	\$	799.55 Per Hour
	Overtime Hours – Midport (MH).....	\$	719.60 Per Hour
	Overtime Hours – Southport (CG).....	\$	829.00 Per Hour
C.	Standby: Straight Time Hours	\$	149.05 Per Hour
D.	Standby: Overtime Hours	\$	198.95 Per Hour
E.	Minimum Invoice	2 Hours Per Crane Ordered	
F.	Initial Start-up Per Crane	\$	198.95
G.	Final Shut Down Per Crane	\$	198.95

II. All Other Container Operations:

A.	Straight Time Hours – Midport (CG).....	\$	877.75 Per Hour
	Straight Time Hours – Midport (MH).....	\$	790.00 Per Hour
	Straight Time Hours – Southport (CG).....	\$	928.20 Per Hour
B.	Overtime Hours – Midport (CG).....	\$	988.90 Per Hour
	Overtime Hours – Midport (MH).....	\$	890.00 Per Hour
	Overtime Hours – Southport (CG).....	\$	1,032.35 Per Hour
C.	Standby: Straight Time Hours	\$	149.05 Per Hour
D.	Standby: Overtime Hours	\$	198.95 Per Hour
E.	Minimum Invoice	4 Hours Per Crane Ordered	
F.	Initial Start-up Per Crane	\$	198.95
G.	Final Shut Down Per Crane	\$	198.95

III. General Cargo, Yachts, Heavy Lifts:

A.	Straight Time Hours – Midport (CG&MH).....	\$	487.30 Per Hour
	Straight Time Hours – Southport (CG).....	\$	526.35 Per Hour
B.	Overtime Hours – Midport (CG&MH).....	\$	585.50 Per Hour
	Overtime Hours – Southport (CG).....	\$	630.50 Per Hour
C.	Standby: Straight Time Hours	\$	149.05 Per Hour
D.	Standby: Overtime Hours	\$	198.95 Per Hour
E.	Minimum Invoice	2 Hours Per Crane Ordered	

**Item No. 710–Container gantry (GH) and mobile harbor (MH) cranes–Rental rates.
(Cont.)**

- F. Initial Start-up Per Crane \$ 198.95
- G. Final Shut Down Per Crane \$ 198.95

IV. Intercoastal Container Ocean Carriers

- A. Straight Time & Overtime Hours, Midport
& Southport; Containers Discharged/
Loaded/Shifted; per unit \$ 19.10
- B. Standby: Straight Time Hours \$ 149.05 Per Hour
- C. Standby: Overtime Hours \$ 198.95 Per Hour
- D. Minimum Invoice 2 Hours Per Crane Ordered
- E. Initial Start-up Per Crane \$ 198.95
- F. Final Shut Down Per Crane \$ 198.95

The Port Everglades Department will be the sole judge as to whether it is appropriate to utilize a container gantry crane or mobile harbor crane to lift a particular classification of cargo. Rental rates, as stipulated in Part III., are applicable only in operations which are exclusively noncontainer. When general cargo, yachts, or heavy lifts are loaded or discharged in conjunction with containers, rates specified in Parts I. and II. will apply for all hours of container gantry crane rental.

Charges for Parts I., II., III. shall be computed on a quarter-hour basis with any fraction of a quarter-hour to count as a full quarter-hour. In the event of a mechanical malfunction, deductions of a quarter-hour or more and on a quarter-hour basis thereafter shall be subtracted from the overall charges due.

Preference will be given to container operations in the assignment of container gantry cranes and mobile harbor crane over all other classifications of cargo.

PORT EVERGLADES TARIFF NO. 12

Item No. 800–Franchises and business permits.

Issue No. 3

Effective Date: June 10, 2008

No one may engage in the businesses or provide services at Port Everglades within the listed categories without obtaining a franchise or business permit and otherwise complying with all applicable Tariff requirements, and other applicable county, state, and federal regulations.

The following fees have been established for conducting business at Port Everglades. Initial processing fees are non-refundable. A separate franchise or business permit is required for each category of business.

FRANCHISES

Stevedore -

Initial processing fee, assignment fee, or
reinstatement fee when franchise
revoked..... \$ 11,000.00
Annual Fee..... \$ 4,000.00

Cargo Handler -

Initial processing fee, assignment fee, or
reinstatement fee when franchise
revoked..... \$ 11,000.00
Annual Fee..... \$ 4,000.00

**Steamship Agent, Vessel Oily Waste Removal Service, Vessel Bunkering Service,
Vessel Sanitary Waste Water Removal Service, and Marine Terminal Security
Service -**

Initial processing fee, assignment fee, or
reinstatement fee when franchise
revoked..... \$ 4,000.00
Annual Fee..... \$ 2,250.00

Tugboat or Towing -

Initial processing fee, assignment fee, or
reinstatement fee when franchise
revoked..... \$ 26,000.00
Annual Fee..... By Contract

Annual franchise fees for stevedore, cargo handler, steamship agent, vessel oily waste removal service, vessel bunkering service, vessel sanitary waste water removal service, tugboat or towing, and marine terminal security service franchises are due and payable on the franchisee's anniversary date, which is defined as the effective date the franchise was most recently granted or renewed.

Item No. 800–Franchises and business permits. (Cont.)

Business Permits

	<u>Initial Processing or Assignment Fee</u>	<u>Monthly Fee</u>	<u>Annual Fee</u>
Crane Service	\$200		\$250
Motor Vehicle Rental Service	\$200 (A)	(B)	N/A
Mobile Motorized Food/Drink	\$200		\$250

Business permit fees will be charged on an annual calendar year basis and are not prorated.

Firms authorized to do business in Port Everglades pursuant to a business permit or franchise will be required to purchase identifying emblems at a cost of \$15.00 each to be used on their vehicles and by their personnel. Issue and use of these items will be regulated by Broward County.

Applications to Broward County to carry on business will include a check for the required fee. Broward County, at its sole discretion, may refuse anyone a permit or franchise or cancel any permit or franchise theretofore issued. Applicants are referred to the Broward County Administrative Code. Companies conducting or engaging in motor vehicle rental business or services at Port Everglades shall make its books and financial records available for audit by the Finance Division of the Port Everglades Department upon reasonable notice and at reasonable times. If such books and financial records are kept at a location or at locations other than in Broward County, Florida, they shall be brought to a location convenient to the auditors for Broward County in order for the County to conduct an audit. To facilitate such audit, companies conducting or engaging in motor vehicle rental business or services at Port Everglades shall keep accurate records of their operation at the Port and shall show receipts from all business done in Broward County, Florida. Such companies shall issue an invoice and receipt, serially numbered, with each transaction at Port Everglades. All books and records customarily used in this type of operation, as may from time to time be required by Broward County, shall also be kept and maintained in accordance with generally accepted accounting principles. The books and records referred to in this paragraph shall be preserved for at least three (3) years following the end of each motor vehicle rental company's fiscal year and shall be subject to audit under this item.

- (A) Motor vehicle rental companies shall remit to the Port Everglades Department along with the initial processing fee, a cash security deposit in the amount of two hundred and fifty dollars (\$250.00). Broward County shall have the right to use the security deposit as a guarantee of the motor vehicle rental company's obligations at Port Everglades, and all or any part of the deposit applied by the County shall be repaid by the company within fifteen (15) calendar days after written demand, therefore, so that it is maintained at

Item No. 800–Franchises and business permits. (Cont.)

its original agreed amount. Upon non-renewal or cessation of a motor vehicle rental company permit, any security deposit held by the Port Everglades Department will be returned to the permit holder to the extent the company has fulfilled its permit obligations at Port Everglades.

- (B) Companies conducting or engaging in motor vehicle rental business or services at Port Everglades shall remit three dollars and ninety-five cents (\$3.95) per contract, payable monthly, for customers picked up at Port Everglades. Such motor vehicle rental companies shall furnish to the Finance Division of the Port Everglades Department, by the fifteenth of each month throughout the permit term, the monthly fees (plus applicable sales tax) for the prior calendar month, along with a statement, in a form and detail satisfactory to Broward County, certified by one of its officers, setting forth the number of motor vehicle rental contracts the company secured through its operations at Port Everglades during the prior month.

Companies engaging in motor vehicle rental business or services at Port Everglades shall also provide to the Finance Division of the Port Everglades Department annually a special report on all revenues from operations at Port Everglades. The special report shall be prepared by the Chief Financial Officer when payments made by the permit holder are less than twenty-five thousand dollars (\$25,000.00) during the permit term or a special report shall be prepared by a certified public accountant in accordance with the provisions of the Codification of Statements on Auditing Standards when payments by the permit holder are twenty-five thousand dollars (\$25,000.00) or more during the permit term. The special report shall be filed with the Finance Division of the Port Everglades Department by March 31 of each calendar year or within ninety (90) days following the non-renewal or cessation of a motor vehicle rental service permit and shall include the following:

- (a) schedule of all revenues by month;
- (b) schedule of revenues upon which the monthly payments to the County are computed and a list of the payments to the County for the permit term;
- (c) a calculation to determine annual payment to the County; and
- (d) compliance with the procedures for preparation of a special report as set forth in the procedures manual of the Port Everglades Department.

PORT EVERGLADES TARIFF NO. 12

Item No. 805–Insurance.

Issue No: 6

Effective Date: October 1, 2012

The rates and charges published in this Tariff do not include any amounts for insurance coverage. Insurance required by the owner and/or consignee of cargo to protect their respective interests shall be carried by the owner and/or consignee.

All persons or firms leasing Broward County property and/or conducting business operations on Broward County owned land, in accordance with a franchise or business permit granted by Broward County, shall be required to provide evidence of insurance coverage. Such insurance must name Broward County as an additional insured on commercial general liability and any excess policies (at no expense to Broward County) with the provision that such coverage will not extend to actions resulting from Broward County's own negligence. A certificate of such insurance must be provided to the Port Everglades Department, Business Administration Division and kept up-to-date in full force and continuous effect throughout the lease, permit or franchise period.

- All evidence of insurance shall be executed and filed with the Business Administration Division by the insurance carrier in a form or forms acceptable to the Port Everglades Department. The insurance carrier or company shall qualify and be authorized to transact insurance in the State of Florida pursuant to Chapter 624, Part III, Section 624.401 et seq., Florida Statutes, and be a participant in the Florida Insurance Guaranty Association. Any exceptions must be approved by Broward County.

For All Franchises

- Commercial General Liability – Single Limit Bodily Injury, Property Damage, Premises, Products/Completed Operations, Contractual Insurance, Broad Form Property Damage, and Independent Contractors \$1,000,000 per occurrence and \$1,000,000 per aggregate.
- Workers' Compensation per Florida Statutes with Employers' Liability of \$500,000 minimum each accident.

Item No. 805–Insurance. (Cont.)

For All Business Permits

- Commercial General Liability - Single Limit Bodily Injury and Property Damage \$500,000 per occurrence and \$500,000 per aggregate.
- Workers' Compensation per Florida Statutes with Employers' Liability of \$100,000 minimum each accident.

For All Franchises and Business Permits except Marine Terminal Security Service:

- Automobile - Combined Bodily Injury and Property Damage Coverage in an amount not less than \$300,000 per occurrence.

For Marine Terminal Security Service:

- Automobile - Combined Bodily Injury and Property Damage Coverage in an amount not less than:
\$500,000 per occurrence

Evidence of such insurance is to be provided for each motor vehicle to be operated at Port Everglades under said franchise or permit. Such insurance shall not include a deductible. A certificate of self-insurance issued by the Florida Department of Highway Safety and Motor Vehicles pursuant to Chapter 324, Florida Statutes, is not acceptable evidence of insurance.

For Stevedore, Cargo Handler, Vessel Oily Waste Removal Service, Vessel Sanitary Waste Water Removal Service, and Vessel Bunkering Service Franchises

- U.S. Longshore and Harbor Workers' Compensation Act Coverage

For Tugboat or Towing Franchises

- Jones Act Coverage as required by Federal Law

For All Franchises (except Steamship Agent and Marine Terminal Security Service)

- Pollution Control/Clean-up Insurance - in the amount of \$1,000,000 per occurrence and \$1,000,000 per aggregate.

Item No. 805–Insurance. (Cont.)

For Marine Terminal Security Service Franchises

- Professional Liability – Errors & Omission (E&O) for companies employing firearms carrying security personnel (Class G security guards), including intentional assault and battery; false arrest, detention or imprisonment; (authorized or unauthorized), \$2,000,000 per occurrence and \$2,000,000 per aggregate. Maximum deductible is \$150,000.
- Professional Liability – Errors & Omission (E&O) for companies employing non- firearms carrying security personnel (Class D security guards), including intentional assault and battery; false arrest, detention or imprisonment; (authorized or unauthorized), \$1,000,000 per occurrence and \$1,000,000 per aggregate. Maximum deductible is \$150,000.

Insurance requirements for tenants operating pursuant to a valid written lease with Broward County are set forth in the respective lease agreements.

PORT EVERGLADES TARIFF NO. 12

Item No. 900–Payment of bills and credit terms.

Issue No. 4

Effective Date: October 1, 2012

All vessels made fast to the docks of Port Everglades, shall be charged at the rates provided herein unless otherwise specified to the contrary in a written contract. Dockage, wharfage, storage, demurrage, harbormaster, line handling, container crane rental, and potable water, shall be the responsibility of the vessel's franchised steamship agent or vessel representative.

Broward County does not recognize the numerous shippers or consignees of cargoes. Charges rendered must be paid by the franchised steamship agent or vessel representative regardless of whether the franchised steamship agent or vessel representative has been reimbursed. Presentation of the Port Everglades Department invoices to a vessel's franchised steamship agent, owner, charterer or authorized vessel representative shall not constitute a waiver of Broward County's maritime lien against a vessel for services, supplies and other necessities provided by the Port Everglades Department.

Broward County maintains contracts and leases with various tenants and users of the waterways and facilities of Port Everglades. Unless specifically described to the contrary in a written lease or other contract, the rules and regulations outlined in this Tariff governing the use of and payment for Port Everglades facilities charges apply.

Users of the waterways and facilities of Port Everglades who are not governed by the terms of a lease or other contract, and are current in their payment status may request either thirty (30) or sixty (60) day payment terms by applying for such terms in writing.

Port Everglades' users who request to make payments within thirty (30) or sixty (60) days of the invoice date shall be required to post a minimum twenty thousand dollar

Item No. 900–Payment of bills and credit terms. (Cont.)

(\$20,000.00) indemnity and payment bond or irrevocable letter of credit, issued consistent with County standards. This security must be in a minimum amount representing thirty (30) or sixty (60) days of billable activity as applicable. This requirement may be waived where financial information as to credit worthiness, or financial stability, and ability to make timely payments are approved by the Director of Finance.

Port Everglades' users with thirty (30) or sixty (60) day terms, who have invoices that remain unpaid for more than thirty (30) or sixty (60) days, as applicable, will be automatically classified as delinquent and be placed in delinquent status.

Users with delinquent accounts may be required to increase the amount of security posted with Port Everglades.

Tenants and other Port users who have entered into agreements with Broward County, who fail to make required payments in a timely manner pursuant to their agreements will have their accounts placed in delinquent status. Collection proceedings will be instituted consistent with the terms of their agreement.

The Port Everglades Chief Executive shall have the authority to terminate an Agreement after consultation with the County Attorney's Office, in instances where there is substantial risk of serious financial loss to the Port Department, after an entity has received notice of default and has failed to cure the default within the allotted timeframe. The Port Everglades Chief Executive shall seek ratification of the termination by the Board of County Commissioners as soon as possible following the termination.

PORT EVERGLADES TARIFF NO. 12

Item No. 905–Treatment of accounts in *delinquent status*.

Issue No. 2

Effective Date: October 1, 2012

All accounts placed in delinquent status shall be subject to a finance charge of one and one-half percent (1.5%) for each month or portion of a month that any invoice remains delinquent. Regardless of whether an account has been delinquent for less than a full month, the entire one and one-half percent (1.5%) late charge will be assessed. Further, any user placed in delinquent status, may, at the discretion of Port Everglades, be denied use of the facilities of Port Everglades or the right to remove cargo from storage until all such charges, and any other outstanding charges, are paid in full.

Payment terms on leases at Port Everglades are normally provided for in each lease agreement. Unless stated to the contrary in such lease agreement, a late rent fee of ten percent (10%) will be applied to accounts with lease payments remaining unpaid fifteen (15) calendar days beyond due date, and charges which remain unpaid for more than thirty (30) calendar days will be subject to a finance charge of one and one half percent (1.5%) for each month or portion of a month that said lease payments remain unpaid. Regardless of whether such amounts remain unpaid for less than a full month, the entire one and one-half percent (1.5%) finance charge will be assessed.

PORT EVERGLADES TARIFF NO. 12

Item No. 910–Collection and enforcement.

Issue No. 4

Effective Date: October 1, 2012

Users of the waterways and facilities of Port Everglades whose account(s) have been placed in delinquent status pursuant to this Tariff will be subject to any or all of the following remedies as required:

Port users and tenants with accounts which have been placed in delinquent status will be handled in accordance with Port Everglades' Accounts Receivable Collections Procedures, a copy of which is available from the Port Everglades Finance Division. Users with delinquent accounts will be notified of same via a courtesy telephone call and or in writing. If payment is not received in a timely manner, then the account will be referred to the Broward County Attorney's Office who will send a Notice of Delinquent Account Status. The Notice will demand payment of all delinquent invoices, including finance charges, within five (5) business days of its posting (5 Day Notice), and will inform users that if payment is not received within this time frame, then the account will be put on pay-in advance status without further notice and an enforcement hearing will be scheduled.

Users who have not complied with the demand of the 5 Day Notice will receive written notice of the scheduled date and time for the enforcement hearing, at which time users will come before the Port Everglades Chief Executive or his/her designee. The enforcement hearing will provide users an opportunity to present information supporting their position in an informal setting. Pursuant to recommendations stemming from the enforcement hearing process, the Port Everglades Chief Executive or his/her designee will issue a written decision where any number of actions may be pursued to enforce payment, including the cashing of indemnity and payment bonds and/or drawing on the security deposit or irrevocable letter of credit, replenishing the security in an increased amount, and/or denying use of facilities at Port Everglades. The Port Everglades Department will recommend that the Broward County Attorney's Office pursue collection efforts against users who fail to attend a scheduled enforcement hearing or fail to perform in accordance with the terms and conditions resulting from the enforcement hearing.

Item No. 910–Collection and enforcement. (Cont.)

Port users and tenants in default will be dealt with in accordance with the default provisions in their respective agreements. However, said entities with delinquent accounts will be notified of same either via a courtesy call or in writing. If payment is not received in a timely manner, the non-performing entities will receive a letter from Port Everglades demanding immediate payment of all delinquent amounts, including late fees and finance charges. A recommendation will be made to hand the matter over to the Broward County Attorney's Office for pursuance of legal action as may be required.

The Port Everglades Department reserves the right to require advance payment on any delinquent account to cover all current and possible projected charges. In addition, the Port Everglades Department reserves the right to apply any payment received to the oldest outstanding invoice(s) on that account, draw down on security, and require replenishment of security in an increased amount within a specified timeframe.

Once an account has been turned over to the Broward County Attorney's Office for collection, it may be pursued via the filing of suit against the delinquent Port user and/or tenant for monies owed (such as accelerated amounts, late fees and finance charges) and all expenses, including reasonable attorney's fees, incurred by Broward County in collecting the account or in enforcing any provision of this Tariff.

PORT EVERGLADES TARIFF NO. 12

Item No. 915–Cargo and cruise passenger statements for wharfage and statements for other franchised activities.

Issue No. 7

Effective Date: October 1, 2015

All franchised steamship agents or vessel representatives shall, within five (5) business days after the departure of a vessel, report to the Port Everglades Department, Finance Division the amount of all cargo and cruise passengers discharged and loaded or in-transit (cruise passengers only).

All other franchisees shall, within five (5) business days of the previous month-end, report to the Port Everglades Department, Finance Division the amount of franchised activity/business incurred in the previous month.

Such report(s) shall be in the form of copies of the ship's manifest and certified statements showing the amount of cargo discharged or loaded, the number of passengers debarked, embarked, and in-transit, and the amount of other franchised activity and all other information that the Port Everglades Department deems necessary for the compilation of commercial statistics and for the reserving of transit shed or wharf space or for other purposes.

Failure to furnish the above required complete documentation disclosing all activity required for accurate invoicing in a timely manner will result in a late charge of twenty-five dollars (\$25.00) per business day, or any portion thereof, when such documents have not been submitted or remain incomplete.

PORT EVERGLADES TARIFF NO. 12

Item No. 920–Cargo statements for storage.

Issue No. 5

Effective Date: October 1, 2015

For purposes of cargo storage, franchised steamship agents or vessel representatives shall furnish the Port Everglades Department with a Port Everglades Storage Application and an Inventory Count Form for compilation of commercial statistics and calculation of storage billing.

Franchised steamship agents or vessel representatives shall complete and submit a Storage Application to the Port Everglades Department, Finance Division not less than two (2) business days prior to the expiration of free time and not less than two (2) business days prior to the expiration of each thirty (30) day storage period thereafter. Within two (2) business days of the commencement date of each storage period, franchised steamship agents or vessel representatives shall complete and submit a Port Everglades Storage Inventory Count Form to the Port Everglades Department, Finance Division, and shall submit copies of all delivery receipts supporting the data thereon.

Failure to submit Storage Applications within the time frame stated above or failure to provide all information requested by said applications will result in a late application charge of twenty-five (\$25.00) per business day, or any portion thereof, for which the application has not been submitted or remains incomplete. Failure to submit an Inventory Count Form within the time frame stated above or failure to provide all information requested (including all relevant delivery receipts) will result in a late charge of fifty dollars (\$50.00) per business day, or any portion thereof for which the Inventory Count Form has not been submitted or remains incomplete.

In addition to the foregoing late charge(s), if the documentation time frames and requirements specified in this item are not complied with, then all charges shall be assessed at wharf demurrage rates in lieu of storage rates.

PORT EVERGLADES TARIFF NO. 12

Item No. 925–Responsibility for cargo and cargo charges.

Issue No. 1

Effective Date: October 1, 2006

Broward County recognizes the franchised steamship agent or vessel representative as the entity responsible for the release of all cargo to be loaded or unloaded to/from a vessel and as the guarantor for payment of all charges incurred at Port Everglades associated with such cargo or related activities.

Franchised steamship agents or vessel representatives, shall be liable for all charges incurred at Port Everglades associated with cargo from the time the cargo is removed from a vessel represented by the franchised steamship agent or vessel representative until it departs Port Everglades (whether such charges are related to wharfage, storage, demurrage or otherwise). Said franchised steamship agents or vessel representatives shall be responsible for such cargo charges until Broward County receives a written request by another entity willing to guarantee the payment of all unpaid cargo-related charges and Broward County accepts the substituted party.

PORT EVERGLADES TARIFF NO. 12

Item No. 930—Sales and use taxes.

Issue No. 1

Effective Date: October 1, 2006

Rates and charges contained in this Tariff are exclusive of any sales and use taxes. Applicable sales and use taxes shall be invoiced by the Port Everglades Department to the entity responsible for payment of the Tariff charges for which the sales and use taxes are imposed.

PORT EVERGLADES TARIFF NO. 12

Item No. 935–Cargo storage and demurrage billing.

Issue No. 1

Effective Date: October 1, 2006

The Port Everglades Department will invoice charges to the franchised steamship agents or vessel representatives as defined by this Tariff and such franchised steamship agent or vessel representative will be solely responsible for making payments for cargo storage and demurrage. The franchised steamship agent or vessel representative is responsible for ensuring that all documents relating to any cargo loaded or offloaded from its vessel, including Storage Applications, Inventory Count Forms and delivery receipts, are submitted to the Port Everglades Department in accordance with the time frames set forth in this Tariff regardless of the party that has control of the cargo.

PORT EVERGLADES TARIFF NO. 12

Item No. 940–Waiver/reduction of dockage charges.

Issue No. 2

Effective Date: October 1, 2011

Upon written application submitted to the Port Everglades Chief Executive in a timely fashion prior to arrival, the Port Everglades Chief Executive may, subject to berth availability, intended use, length of stay, absence of interference with other Port Everglades users and activities, and other criteria as may from time to time be established by the Port Everglades Department, grant a waiver or reduction of dockage charges up to an amount not to exceed ten thousand dollars (\$10,000.00) for vessels calling for purposes of commissioning, christening, dedication, maiden voyage promotions, preparation for use as artificial reefs, as well as military vessels, maritime training vessels and sailing yachts calling in conjunction with Port Everglades sponsored special events and for vessels calling for purposes which provide express benefit to Broward County. In instances where such amount exceeds ten thousand dollars (\$10,000.00), approval is by Broward County.

PORT EVERGLADES TARIFF NO. 12

Item No. 945–Waiver/reduction of parking charges.

Issue No. 2

Effective Date: October 1, 2011

Upon written application submitted to the Port Everglades Chief Executive in a timely fashion prior to vessel arrival, the Port Everglades Chief Executive may, after considering private vehicle parking availability, length of stay, and absence of interference with other Port Everglades users and activities, grant a reduction in private vehicle parking charges of up to fifty percent (50%) per vehicle for invited guests of cruise ships calling at Port Everglades for purposes of christening, dedication, or maiden voyage promotions and for vessels calling for purposes which provide express benefit to Broward County to a total event amount not to exceed ten thousand dollars (\$10,000.00). In instances where such amount exceeds ten thousand dollars (\$10,000.00), approval is by Broward County.

Upon request submitted to the Port Everglades Chief Executive in a timely fashion, the Port Everglades Chief Executive may, after considering private vehicle parking availability, length of stay, and absence of interference with other Port Everglades users and activities, grant a waiver of private vehicle parking charges for events organized for County employees for purposes of education, instruction, training, seminar, and the like.

PORT EVERGLADES TARIFF NO. 12

Item No. 950–Waiver of charges for declared emergency.

Issue No. 3

Effective Date: October 1, 2011

Upon declaration of an emergency by the President of the United States or the Governor of the State of Florida affecting the State of Florida, or another state or for a natural disaster suffered by a country served by an ocean shipping line customer(s) of Port Everglades, the Port Everglades Chief Executive may waive any and all Tariff charges including dockage, harbormaster, line handling, potable water, cargo wharfage, container/trailer wharfage, security fees, and container crane rental up to an amount not to exceed ten thousand dollars (\$10,000.00) for facilities, equipment, and/or services for activities in support of humanitarian relief efforts where supplies, materials, labor, ocean shipping, and related assistance are donated on a voluntary basis or are resources provided by governmental or charitable agencies or organizations.

For ocean carriers who charge discounted ocean shipping rates for the carriage of cargoes of humanitarian relief supplies and materials in containers/trailers, Port Everglades may waive Tariff charges for cargo wharfage, container/trailer wharfage, security fees, and container crane rental in the amount of \$60.00 per container/trailer or the amount of the difference between the ocean carrier standard and discounted ocean shipping rates, whichever is less.

For ocean carriers who charge discounted ocean shipping rates for the carriage of cargo of humanitarian relief supplies in break-bulk or bulk form, Port Everglades may waive Tariff charges for cargo wharfage and security fees in an amount determined on a case-by-case basis using current Tariff rates. In no case shall the amount waived be greater than the difference between the ocean carriers' standard and discounted ocean shipping rates.

In order to qualify for a waiver(s), an ocean carrier must furnish a manifest and certified statement as required by Tariff Item No. 915 identifying those items that qualify for a waiver of Port charges. In addition, the Port reserves its right to access documentation and the ocean carrier agrees to comply with all conditions as described in Tariff Item No. 955.

In instances where the total amount to be waived for any single declared emergency exceeds ten thousand dollars (\$10,000.00), approval is by Broward County.

PORT EVERGLADES TARIFF NO. 12

Item No. 955–Access to records.

Issue No. 1

Effective Date: October 1, 2006

All information required to be submitted to the Port Everglades Department by this Tariff is subject to audit testing by the auditors of Broward County, including the Port Everglades Department Auditor. Previously unreported activity may be billed to and recovered from the appropriate user within the applicable statute of limitations under Florida law. Additional supporting documentation may be required and requested of any user. Users must respond to all requests within fifteen (15) business days of the sending of such requests.

Furthermore, all users of Port Everglades facilities and waterways shall be required to the extent provided by law, to permit access to manifests of cargo and all other documents by the Port Everglades Department or its designee for auditing purposes and for ascertaining the correctness of reports filed and assessment of published charges.

PORT EVERGLADES TARIFF NO. 12

Item No. 960–Posting of financial security.

Issue No. 3

Effective Date: October 1, 2008

Broward County may require all Port users to post financial security while doing business in Port Everglades. Users may be given the option of posting either an indemnity and payment bond or an irrevocable letter of credit enforceable in the United States, collectable in US Dollars, drawn on a bank that is subject to the regulatory and enforcement authority of state and/or federal regulatory authorities, and subject to review and approval by the Finance Division of the Port Everglades Department. Broward County shall determine the required type and amount of such bond or letter of credit for each user; provided however, that no user shall be allowed to post security in an amount less than twenty thousand dollars (\$20,000.00).

All indemnity and payment bonds or letters of credit required to be obtained pursuant to this Tariff shall protect Broward County from and against all losses, costs, damages, expenses or injury incurred or sustained by Broward County due to (a) failure of the user to pay to Broward County, when due, any and all Tariff or other charges that have accrued at Port Everglades (whether relating to the furnishing of services or materials to the user, its principals, agents, servants or employees at Port Everglades; or, due to injury to property of Port Everglades; or, stemming from the use of Port Everglades and its facilities by the user, its principals, agents, servants or employees; or, otherwise); or (b) non-compliance by the user, its principals, agents, servants or employees with applicable laws, ordinances, rules and regulations of the federal, state and local governmental units or agencies (including but not limited to the terms and provisions of the Broward County Code of Ordinances, Administrative Code, and all procedures and policies of the Port Everglades Department), as amended from time to time; or (c) any act, omission, negligence or misconduct of the user, its principals, agents, servants or employees in Port Everglades (whether causing injury to persons or otherwise).

In the event that Broward County utilizes the security for any reason outlined herein, then the User will be required to replenish the security in the same or increased amount and in a time frame established by the Port's Director of Finance.

Acceptable forms of indemnity and payment bonds, and irrevocable letters of credit are available from the Business Administration Division of the Port Everglades Department of Broward County.

PORT EVERGLADES TARIFF NO. 12

Item No. 1000–Booming of vessels.

Issue No. 4

Effective Date: October 1, 2010

In all instances where a vessel is transferring pollutants, including but not limited to bunker fuels, to and/or from a barge, the vessel and barge are to be boomed as a single unit for their full length and beam. Said booming is to be tied back to the dock face at the bow and stern of the vessels so as to contain any spillage of pollutants into the waterways of Port Everglades. Such booming shall be in addition to any required federal, state and local laws.

In all instances where a vessel is transferring pollutants, including but not limited to bunker fuels, to and/or from shore-based facilities, booms are to be set between the vessel and dock fifty (50) feet either side of the transfer point. Such booming shall be in addition to any required federal, state, and local laws.

For pollutants being transferred between sunset and sunrise, said vessel(s) will be responsible for providing cluster lights or other suitable means of lighting which will fully illuminate the surface of the water surrounding the vessel.

Failure to comply with these requirements will result in the immediate suspension of pollutant transfer operations and a charge of \$1,245.00 per infraction assessed to the franchised steamship agent or vessel representative.

For additional information, contact the Broward Sheriff's Office Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau at Port Everglades.

PORT EVERGLADES TARIFF NO. 12

Item No. 1003–Personnel on docks.

Issue No. 1

Effective Date: October 1 2006

Only those persons employed in pier operations, or with demonstrated needs and possessing valid identification credentials, shall be allowed on the piers and docks of Port Everglades. Persons found loitering, fishing, or performing other such unauthorized activities shall be subject to actions as prescribed by law and/or ordinance.

PORT EVERGLADES TARIFF NO. 12

Item No. 1006—Reporting of hazardous materials shipments.

Issue No. 5

Effective Date: October 1, 2011

Hazardous materials (as defined in Item No. 1200) may be handled over or received on the docks or other facilities of Port Everglades without prior approval provided that the receipt, handling, and storage of such materials is in compliance with all applicable Federal, state, and local laws, ordinances, and port policies. To facilitate emergency planning, not less than twenty-four (24) hours in advance of the intended movement of containerized, breakbulk, or dry bulk hazardous materials through Port Everglades, including as in transit cargo that remains on the vessel, the franchised steamship agent or vessel representative is required to provide to the Broward Sheriff's Office Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau at Port Everglades via facsimile or email, a Hazardous Materials Transit Notice following procedures provided by the Broward Sheriff's Office Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau at Port Everglades. Such notifications are to be made by the franchised steamship agent or vessel representative during recognized working hours. After review of the information, the Broward Sheriff's Office Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau at Port Everglades may request additional information from the franchised agent or vessel representative if required to assess the risk posed by the material transiting the port. Failure on the part of the franchised agent or vessel representative to file a Hazardous Materials Transit Notice will result in a charge of \$1,245.00 per occurrence. The transportation of manifest cargo classified as a firearm or ammunition is governed by Federal laws, rules, and regulations, including the Gun Control Act (18 U.S.C. Chapter 44), National Firearms Act (26 U.S.C. Chapter 2778), and applicable Florida law.

PORT EVERGLADES TARIFF NO. 12

Item No. 1009–Damage to facilities and equipment.

Issue No. 5

Effective Date: October 1, 2014

Damage to the Port Everglades Department facilities and equipment is to be reported immediately at time of occurrence via telephone to the Broward Sheriff's Office and the Harbormaster office at Port Everglades by the user of the equipment or facility. In the case of damages caused by vessels, said report is to be made by the franchised agent or vessel representative to both the Broward Sheriff's Office and the Harbormaster office. Failure to report damages will result in a charge of \$1,245.00 for each incident.

Users shall be liable for any and all damages they may cause to facilities or equipment in Port Everglades (whether such damages are the result of acts, omissions or otherwise). Users, tenants, steamship agents, and vessel representatives shall, at Broward County's option, either repair said damage to Broward County's satisfaction or reimburse Broward County for expenses and costs incurred in correcting same. If the option to repair is granted to the responsible party, Port Everglades personnel will periodically inspect the repair work to ensure that the repairs are done to the satisfaction of Port Everglades. The responsible party will be billed for the inspections in increments of a minimum of one (1) hour for each inspection at rates contained in Tariff Item No. 1110.

PORT EVERGLADES TARIFF NO. 12

Item No. 1012–Protection of facilities and *waterways*.

Issue No. 1

Effective Date: October 1, 2006

It is required that all users of Port Everglades Department facilities take prudent measures to protect the facilities provided to them. This includes, but is not limited to, insuring that no cargo or other materials spill or fall into the waterways of Port Everglades.

As related to vessels, the responsible party is the franchised steamship agent or vessel representative. Landside the responsible party will be the franchised stevedore, cargo handler, tenant, or user of the facilities.

PORT EVERGLADES TARIFF NO. 12

Item No. 1015-Discharge of pollutants.

Issue No. 2

Effective Date: October 1, 2014

No person or company shall deposit, place or discharge into the air, on the land, or into the waterways of Port Everglades, pollutants of any kind to include, but not limit to, any air pollution, ship smoke emissions, dust particles, sanitary sewage, garbage, liquid, gas, or solid matter or any other matter which is capable of producing floating matter or scum on the surface of the water, sediment on the bottom of the waterways, in the air, or on the land.

Except as provided by law, the blowing of whistles and horns, the running of loud sounding machinery or any other loud noises, including music, is prohibited.

Vessels, vehicles or facilities discharging solid matter or other pollutants, including oil into the waterways, vessel smoke emissions into the air, or other Port jurisdictional areas will be reported to the United States Coast Guard and other appropriate federal, state and local agencies.

Should any person or company cause pollution of any kind or character, within the Port Everglades jurisdictional area, they shall have the first responsibility for taking effective corrective action. It shall be the responsibility of the vessel to have on hand, at all times, adequate personnel to eliminate any contamination caused by petroleum products being discharged into the waters of Port Everglades. A requisite for entry of a vessel into Port Everglades is to have an approved contingency plan.

There shall be no shipboard incineration of materials while in Port Everglades.

There shall be no discharge of ballast water while in Port Everglades.

Item No. 1015–Discharge of pollutants. (cont.)

There shall be no cleaning of shipboard cargo tanks while in Port Everglades.

There shall be no gas freeing or purging of vapors of shipboard cargo tanks while in Port Everglades.

Chipping and scaling of paint from vessel hulls and equipment into the waterways of Port Everglades is prohibited.

PORT EVERGLADES TARIFF NO. 12

Item No. 1018–Pollutant spill cleanup.

Issue No. 1

Effective Date: October 1, 2006

In the event of a pollutant spill onto the property or into the waterways at Port Everglades, the party(s) responsible for the spill shall take immediate actions to cleanup the spill. Cleanup is to be accomplished in the shortest time possible, using industry approved methods, so as to limit, in every way possible, damage to the environment.

In any instance where it is determined by the Port Everglades Department that cleanup efforts are not being undertaken in a timely and/or adequate manner by the responsible party(s), the Port Everglades Department may order resources, as necessary, to commence and complete the pollutant spill cleanup. In such cases, the full cost of the cleanup plus an administrative fee of 15% will be charged to the responsible party(s). In instances where a vessel is a responsible party, full payment of the cleanup costs, including the administrative fee, must be paid by the franchised agent or vessel representative before the vessel will be permitted to sail from Port Everglades. In instances where a vessel is prohibited from sailing due to failure to pay cleanup costs as prescribed by this Item, dockage charges will continue to be applied until such time as the vessel sails from Port Everglades.

PORT EVERGLADES TARIFF NO. 12

Item No. 1021–Discharge of oily waste from vessels.

Issue No. 1

Effective Date: October 1, 2006

All vessel oily waste removal from vessels must be performed by a Broward County franchised entity authorized to perform such services at Port Everglades.

PORT EVERGLADES TARIFF NO. 12

Item No. 1024–Certificates of adequacy.

Issue No. 1

Effective Date: October 1, 2006

In compliance with the directives of MARPOL 73/75 and 33 CFR 158, operators of terminals or others as required by these regulations who are responsible for providing the capability of receiving oily waste and/or foreign garbage from vessels at Port Everglades are required to have a Certificate of Adequacy issued by the United States Coast Guard for each category as applicable.

The removal of oily waste can only be done by firms holding valid oily waste removal franchises issued by Broward County. A listing of current franchise holders is available from the Port Everglades Department, Business Administration Division.

The removal of foreign garbage from vessels is not a function regulated or franchised by Broward County. Foreign garbage removal must be in accordance with the rules and regulations of the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS).

PORT EVERGLADES TARIFF NO. 12

Item No. 1030–Vehicle parking.

Issue No. 1

Effective Date: October 1, 2006

Parking of all vehicles within Port Everglades is done in accordance with the provisions of the approved Port Security Plan, amendments thereto and reissues thereof, all local, state, and federal law, and the rules and regulations of the Maritime Transportation Security Act of 2002 (MTSA) and is subject to ticketing and towing enforcement by the Broward Sheriff's Office.

PORT EVERGLADES TARIFF NO. 12

Item No. 1033–Fumigation, fogging, and pest *control*.

Issue No. 1

Effective Date: October 1, 2006

Whenever activities of fumigation, fogging, or other forms of pest control are conducted on Port Everglades facilities, such activities must be in compliance with all applicable federal, state, and local laws. Companies wishing to provide such services must apply in writing to the Broward Sheriff's Office, Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau at Port Everglades for permission to perform pest control. In addition, approved companies must provide, not less than four (4) hours prior to the commencement of such activities, written notice to the Broward Sheriff's Office Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau at Port Everglades. The Port Everglades Department does not provide fumigation service for cargo or containers.

PORT EVERGLADES TARIFF NO. 12

Item No. 1036–Sanitary waste water removal from vessels.

Issue No. 11

Effective Date: October 1, 2016

Vessel sanitary waste water removal shall include the pumping of waste water from the sanitary holding tanks of vessels to shoreside trucks and portable tanks and subsequent transport from the Port or to a designated on-Port location at which the waste water is pumped into the Port's sanitary sewer system.

All vessel sanitary waste water removal must be performed only by companies with valid franchises issued by Broward County for this service at Port Everglades.

Companies with a valid franchise issued by Broward County removing sanitary waste water from vessels will be assessed a wharfage charge of \$.0342 per gallon. With the authorization of Port Everglades, said company may discharge sanitary waste water into the sewer system of Port Everglades for an additional fee of \$.0608 per gallon. When discharging into the Port Everglades sewer system, a Port employee will be assigned to monitor the operation, verify the quantity being discharged, and observe that only sanitary waste water is being discharged into the sewer system. Labor costs will be charged in accordance with Tariff Section Eleven. Labor costs will be in addition to the per-gallon fees.

Monthly written reports of activity and payment of related wharfage and labor charges for the removal of waste water shall be submitted to the Port Everglades Finance Division within five (5) business days after the end of the month and shall include the dates of services performed, the name of the vessel(s), and the number of gallons of product transferred. Failure to furnish the required monthly reports within the stipulated time will result in a late charge of twenty-five dollars (\$25.00) per business day or any portion thereof, for which the reports have not been submitted or remain incomplete.

PORT EVERGLADES TARIFF NO. 12

Item No. 1039–Operation of petroleum bulk pipelines.

Issue No. 4

Effective Date: October 1, 2011

I. Installation, Operation, & Maintenance

Facility Operators will install, operate, and maintain bulk product piping located on County owned land within Port Everglades in accordance with Chapter 62-762, F.A.C. and other state and federal regulations as applicable. Additionally, Facility Operators are required to conform to and abide by written rules, regulations and policies as may be adopted and imposed by the County with reference to installing, maintaining, operating, repairing, replacing, abandoning or removing bulk petroleum product pipelines located on County owned land within Port Everglades. County agrees that such rules, regulations and policies shall operate in a uniform way with respect to all entities engaged at Port Everglades in the same or similar class of business and handling the same commodities, products or materials.

If requested, Facility Operators shall provide the Port Everglades Department with copies of maintenance, testing, and inspection records for bulk product piping located on County owned land within Port Everglades.

Facility Operators shall comply with all applicable federal, state, and local statutes and administrative rules and shall follow industry standards to establish written criteria or standards for personnel who operate, maintain and repair bulk product piping to ensure an adequate level of competence. Said criteria or standards shall be furnished to the Port Everglades Department upon request.

Facility Operators shall establish a drug free work place for all personnel employed by the Facility Operators that operate, maintain, and repair bulk product pipelines at Port Everglades.

Item No. 1039–Operation of petroleum bulk pipelines. (Cont.)

II. Cathodic Protection of Bulk Product Piping in contact with soil or ground.

Facility Operators shall demonstrate the adequacy of the corrosion protection of underground bulk product piping located on County owned land within Port Everglades by either: (1) providing the Port Everglades Department with quarterly written reports detailing cathodic protection current readings of their equipment; or (2) actively participating in the Port Everglades Corrosion Coordinating Committee, which the Port Everglades Department monitors regularly and which provides the Port Everglades Department with an annual Cathodic Protection Survey.

To facilitate effective cathodic protection of underground bulk product piping on County owned land within Port Everglades and insure compatibility of the cathodic protection systems, as applied to numerous pipelines, in close proximity but owned by different Facility Operators, the Port Everglades Department supports and provides access for the activities of and associated cathodic protection equipment and facilities of the Port Everglades Corrosion Coordinating Committee subject to written rules, regulations, guidelines and policies as may be imposed by the Port Everglades Chief Executive with reference to cathodic protection systems on County owned land within Port Everglades.

III. Incident and/or Discharge Notification

Facility Operators shall provide the Port Everglades Department with immediate notification of all failures or incidents involving suspected failures of bulk petroleum piping located on County owned land within Port Everglades followed by copies of Incident Notification Form and/or Discharge Report Form concurrent with the State required filing. Facility Operators shall provide the Port Everglades Department with copies of all follow-up correspondence with State and County environmental officials regarding reported failures or incidents and any resulting discharge.

Item No. 1039–Operation of petroleum bulk pipelines. (Cont.)

In the event that a structural failure of bulk product piping occurs on County owned land within Port Everglades, the affected pipeline will immediately be taken out of service. The Facility Operator must conduct a timely initial environmental assessment of the potentially affected area in order to establish the environmental impact to soils and groundwater. The proposed scope and schedule of work for the initial environmental assessment must be approved in writing by the Port Everglades Department before the Port Everglades Department will consider allowing the affected pipeline to be put back in service. The Facility Operator, in addition to the standard requirements in place for hydrostatic testing, will also contract with an independent inspection and testing company, to provide an in-depth analysis of the condition of the pipeline utilizing the most current method of inspection acceptable to the Port Everglades Department and Facility Operator. At a minimum, such analysis will include a review of previous API 570 inspection reports, an assessment of the effectiveness of the cathodic protection system, cause of incident/failure, and a repair or replacement plan designed to avoid a reoccurrence.

Information regarding bulk product piping incidents or failures will be analyzed internally by the Port Everglades Department, and if necessary, referred to a consultant for further consideration at Facility Operator's expense. Any such consultant shall be approved by the Facility Operator and Port Everglades Department before being engaged and the approval of the consultant by either party shall not be unreasonably withheld.

The written approval of the Port Everglades Department will be required before the Facility Operator can return the repaired pipeline to active service.

PORT EVERGLADES TARIFF NO. 12

Item No. 1045–Operation of asphalt pipelines.

Issue No. 4

Effective Date: October 1, 2011

I. Operation and Maintenance

Facility Operators are required to conform to and abide by written rules, regulations, and policies as may be adopted and imposed by the County with reference to the installing, maintaining, operating, repairing, replacing, abandoning, or removing of asphalt piping on County land within Port Everglades. County agrees that such rules, regulations, and policies shall operate in a uniform way with respect to all entities engaged at Port Everglades in the same or a similar class of business handling the same commodities, products, or materials.

If requested, Facility Operators shall provide the Port Everglades Department with copies of maintenance, testing, and inspection records for asphalt piping located on County property within Port Everglades.

Facility Operators shall comply with all applicable federal, state, and local statutes and administrative rules and shall follow industry standards to establish written criteria or standards for personnel who operate, maintain and repair asphalt product piping to ensure an adequate level of competence. Said criteria or standards shall be furnished to Port Everglades Department upon request.

Facility Operators shall establish a drug free work place for all personnel employed by the Facility Operators that operate, maintain, and repair asphalt pipelines at Port Everglades.

II. Cathodic Protection of Underground Asphalt Piping

Corrosion protection shall be provided for below-grade asphalt piping and facilities and operated and maintained in accordance with paragraph 62-762.701(1)(b), F.A.C.

Facility Operators shall demonstrate the adequacy of the corrosion protection of underground asphalt piping located on County property within Port Everglades by either: (1) providing the Port Everglades Department with quarterly written reports detailing cathodic protection current readings of their equipment; or (2) actively participating in the Port Everglades Corrosion Coordinating Committee, which the Port Everglades Department monitors regularly and which provides the Port Everglades Department with an annual Cathodic Protection Survey.

Item No. 1045–Operation of asphalt pipelines. (Cont.)

To facilitate effective cathodic protection of underground asphalt piping on County land within Port Everglades and insure compatibility of the cathodic protection systems, as applied to numerous pipelines, in close proximity but owned by different Facility Operators, the Port Everglades Department supports and provides access for the activities of and associated cathodic protection equipment and facilities of the Port Everglades Corrosion Coordinating Committee subject to written rules, regulations, guidelines and policies as may be imposed by the Port Everglades Chief Executive with reference to cathodic protection systems on County owned land within Port Everglades.

III. Incident and/or Discharge Notification

Facility Operators shall provide the Port Everglades Department with immediate notification of all failures or incidents involving suspected failures of asphalt piping located on County_owned land within Port Everglades.

In the event that a structural failure of asphalt piping on County owned land within Port Everglades occurs, the affected pipeline will immediately be taken out of service. The Facility Operator, in addition to the standard integrity testing requirements in place will also contract with an independent inspection and testing company, to provide an in-depth analysis of the condition of the pipeline utilizing the most current method of inspection acceptable to the Port Everglades Department and the Facility Operator.

Information regarding asphalt piping incidents or failures will be analyzed internally by the Port Everglades Department, and if necessary, referred to a consultant for further consideration at the Facility Operators expense. Any such consultant shall be approved by the Facility Operators and Port Everglades Department before being engaged and the approval of the consultant by either party shall not be unreasonably withheld.

The written approval of the Port Everglades Department will be required before the facility Operator can return the repaired pipeline to active service.

PORT EVERGLADES TARIFF NO. 12

Item No. 1048—Conditions governing identification, retirement, and removal of asphalt and petroleum bulk product piping.

Issue No. 3

Effective Date: October 1, 2009

Facility Operators, when requested by the Port Everglades Department will, within 48 hours of such request, locate and mark any active asphalt or petroleum bulk pipelines located on County land within Port Everglades. Additionally if requested, Facility Operators will use their best efforts to assist the Port Everglades Department in locating and establishing ownership of abandoned or out-of-service asphalt or petroleum bulk product piping located on County land within Port Everglades formerly connected to, or having previously served a Facility Operator's terminal facility.

Unless otherwise agreed to in writing with the County, by June 30, 2011 Facility Operators shall provide the Port Everglades Department with a complete set of as built plans and locations of both active and inactive asphalt or petroleum bulk pipelines located on County land within Port Everglades using the Florida State Plane Coordinate Grid System and signed/sealed by a registered land surveyor. The submission is to include one set of machine readable disks containing electronic data in an AUTOCAD format or other format acceptable to the County.

The Port Everglades Department may require the closure and removal of petroleum bulk product piping located on County land within Port Everglades that is abandoned or continually out-of-service for a period of three (3) years.

Concurrent with asphalt or petroleum bulk product piping removal, the Port Everglades Department, at its sole discretion, may allow the abandonment of pipe sections in place using procedures acceptable to the Port Everglades Department and meeting all applicable State and Federal regulations. The Facility Operators owning any asphalt or petroleum bulk product piping abandoned in place remains responsible for the retired pipe in the event its future removal is required by the Port Everglades Department.

Item No. 1048—Conditions governing identification, retirement, and removal of asphalt and petroleum bulk product piping. (Cont.)

Facility Operators operating bulk asphalt or petroleum bulk piping on County land within Port Everglades shall deliver to the Port Everglades Department a payment bond, or other appropriate method of security, in a form approved by the Port Everglades Department. Such security, if a bond, shall be executed by a surety company authorized to transact business in the State of Florida. Security shall be in an amount of \$100,000.00. Such security shall ensure the payment, up to the amount of the security, to Broward County for damages, expenses, costs and reasonable attorneys' fees sustained by Broward County as a result of the Facility Operators failure to remove its pipelines from County owned land within Port Everglades where a Facility Operator has out-of-service or abandoned pipelines and the Port Everglades Department has requested removal of same.

PORT EVERGLADES TARIFF NO. 12

Item No. 1051–Liquid petroleum pipeline and cargo hose testing.

Issue No. 3

Effective Date: October 1, 2009

Testing of asphalt and petroleum bulk pipelines, manifolds, loading arms, cargo hoses, and other related components located on County owned land within Port Everglades shall be performed within twelve months of the previous test date or more frequently if required by an approved alternative procedure in place or upon evidence of a failure, a product release in the general area, or upon request of the Port Everglades Department. Pipeline and hose tests shall be made and maintained at no less than the hydrostatic pressure of one and one-half (1-1/2) times the maximum allowable working pressure. The hydrostatic pressure is to be maintained for a two (2) hour period. A schedule for such tests will be prepared by the Broward Sheriff's Office Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau at Port Everglades and submitted to each concerned person and/or entity. All testing shall be witnessed by Broward Sheriff's Office Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau at Port Everglades. All cargo hoses and piping shall be stenciled with the maximum allowable working pressure and date. A certified copy of said test shall be kept on file with the responsible terminal and made available to the Port Everglades Department upon request.

All hose and pipeline tests shall be performed during working hours. Owners, operators, agents and lessees shall comply with the United States Code of Federal Regulations as applicable and standard procedure instructions of the Broward Sheriff's Office Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau at Port Everglades. Pipeline and Cargo Hose Testing Inspection Service Fee is \$80.00 per graph.

Requests for approval of alternative testing procedures, to the hydrostatic pressure testing of petroleum bulk pipelines, will be considered by the Port Everglades Department if the proposed procedure(s) have been previously approved by federal and state agencies having regulatory authority over those pipelines.

PORT EVERGLADES TARIFF NO. 12

Item No. 1054–Fire fighting agents.

Issue No. 1

Effective Date: October 1, 2006

Each petroleum company, with storage capacity in excess of 100,000 barrels of petroleum products, is to provide 800 gallons of fire fighting foam to the Port Everglades Department inventory for use as needed in Port Everglades. Foam is to be to the specifications of and stored in a location at Port Everglades as designated by the Broward Sheriff's Office Department of Fire Rescue and Emergency Services at Port Everglades. Foam used from inventory by any one company is to be replaced in inventory on a gallon-for-gallon basis by that company in a timely manner, not to exceed fifteen (15) working days, unless written permission for an extension of time from the Fire Chief or his Designee of the Broward Sheriff's Office Department of Fire Rescue and Emergency Services is granted.

Fire fighting agents such as dry chemical powder and liquid foam may, upon request made in writing to the Fire Chief or his Designee of the Broward Sheriff's Office Department of Fire Rescue and Emergency Services at Port Everglades, be furnished to the requesting party. Said party shall replace all fire fighting agents with an amount equal to that used and in type, as specified by the Broward Sheriff's Office Department of Fire Rescue and Emergency Services, to insure compatibility with the other supplies of fire fighting agents on hand. The Port Everglades Department will not provide, without the prior approval of the Broward Sheriff's Office Department of Fire Rescue and Emergency Services at Port Everglades, any transportation nor furnish related labor or equipment to relocate fire extinguishing agents from their storage facility to the borrower's location. Further, notwithstanding any other provision of this Tariff, the Broward Sheriff's Office Department of Fire Rescue and Emergency Services at Port Everglades may refuse any such request(s) when such refusal shall be deemed to be in the best interests of the Port Everglades Department. The Port Everglades Department, neither expressly or impliedly, warrants nor otherwise guarantees any product furnished.

PORT EVERGLADES TARIFF NO. 12

Item No. 1057–Fire protection service fee.

Issue No. 10

Effective Date: October 1, 2016

All liquid petroleum products, alternative fuels, and fuel blending components, including, but not limited to, liquefied petroleum gas, distillate from any natural or synthetic source, alcohols, bio diesel, and bio diesel feedstocks entering storage tanks or vessels located at Port Everglades, regardless of the transportation method (maritime shipping, pipeline, railroad, or trucking), will be assessed a Fire Protection Service Fee of \$.0269 per barrel.

PORT EVERGLADES TARIFF NO. 12

Item No. 1060–Hot work permits.

Issue No. 5

Effective Date: October 1, 2013

General: Chapter 32, Part IV of the Broward County Administrative Code authorizes the Port Everglades Department to designate areas within the Port Everglades Jurisdictional Area wherein port users are required to obtain Hot Work Permits from the Port Everglades Department before conducting hot work, as well as the terms and conditions under which such Permits are issued. Hot Work Permits and Notifications required by the Port Everglades Department are administered through the Broward Sheriff's Office Department of Fire Rescue and Emergency Services Fire Marshal's Bureau at Port Everglades acting on the Port's behalf. Hot Work Permits are generally issued only to individuals or entities having an established relationship with the Port such as a Lessee, Licensee, Franchisee, Vessel Representative, etc., and Property Owners but can be issued to other entities such as Contractors, Vessels or Vessel Masters at the Port's discretion. To obtain a Hot Work Permit or make a required Notification regarding planned hot work, the following information is required: applicants name and address, relationship with the Port Everglades Department, location, nature and timing of the proposed work, designated contractor, contact information for both the applicant and contractor. Applications are available from the Fire Marshal's Bureau at Port Everglades.

All Hot Work performed within the Port Everglades Jurisdictional Area will be conducted in accordance with the current edition of NFPA 51B, Standards for Fire Prevention During Welding, Cutting, and Other Hot Work, other applicable NFPA Codes and applicable federal, state and local regulations. Port Everglades Hot Work Permit and Notification terms and conditions will be consistent with said codes.

Hot Work is defined in NFPA 51B, Section 3.3.2 as work involving burning welding or a similar operation that is capable of initiating fires or explosions. Sections 1.3.1 and 3.3.6 of NFPA 51B provide a more detailed list of hot work processes covered by the Standard.

Hot Work which takes place within the Landside Facilities listed in Section [I], below, requires a Port Everglades issued Hot Work Permit. Hot Work being performed on a vessel located within the Port Everglades Jurisdictional Area requires Notification to the Port Everglades Department in accordance with Section [II], below.

Item No. 1060–Hot work permits. (Cont.)

There is normally no charge associated with the issuance of a Hot Work Permit or processing a Hot Work Notification Form, however if an inspector assigned to review the work plan or inspect the work site is required to return for unscheduled duty, a call in fee will be charged in accordance with Tariff Item No. 1063.

Failure to obtain a required Hot Work Permit or provide required Notification under this Tariff Item will be dealt with as follows:

First offense – written warning

Second offense – a \$500.00 penalty will be assessed

Subsequent offenses – a \$1,000.00 penalty will be assessed

Information about Port Everglades Hot Work Permit requirements, Hot Work Permit Applications and Hot Work Notification Forms are available from the Broward Sheriff's Office Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau at Port Everglades.

[I] Landside Facilities Requiring Permits Prior to Engaging in Hot Work:

1. Petroleum Operations Areas defined as petroleum terminals, petroleum transfer areas and petroleum or natural gas pipeline right of ways located within the Port Everglades Jurisdictional Area.
2. Marine Terminal Facilities defined as piers, docks and container yards owned by Broward County to include Designated Waterfront Facilities under 33 CFR, Section 126.13.

Regular Hot Work Permits: Regular, project based Hot Work Permits from the Port Everglades Department are required for Hot Work taking place anywhere within Petroleum Operations Areas and Marine Terminal Facilities unless the work is performed under the terms and conditions of a valid Annual Hot Work Permit issued by the Port Everglades Department as outlined below. Facility Owners, Operators, Franchisee, Lessees, Licensees or their designee acceptable to the Port are required to submit a completed Hot Work Permit Application not less than twenty-four (24) hours in advance of the planned start of hot work. Forms are available from the Broward Sheriff's Office Department of Fire Rescue and Emergency Services Fire Marshal's Bureau at Port Everglades.

Annual Hot Work Permits: Annual Hot Work Permits are required in Petroleum Operations areas and Marine Terminal Facilities if a Designated Area as defined in NFPA 51B, Section 5.1.2.1 is needed by the facility operator or if an operator located on private property seeks the Port Everglades Department's acceptance of a corporate hot work permit program in accordance with the procedure outlined below.

Item No. 1060–Hot work permits. (Cont.)

Owners of Petroleum Operations Areas or Marine Terminal Facilities located on private property within the Port Everglades Jurisdictional Area with an established, formal, corporate wide hot work permit program may request a review of their internal hot work permit procedure as part of the Annual Hot Work Permit application review process. If the established, corporate wide hot work permit procedures are found to be in accordance with all applicable codes and regulations and deemed acceptable by the Fire Marshal's Bureau the internal hot work permit procedure will be recognized by the Port Everglades Department and incorporated by reference in an Annual Hot Work Permit.

Facilities with Port Everglades issued Annual Hot Work Permits recognizing a corporate wide internal hot work permit process will be permitted to conduct hot work within the privately owned facility in Permit-Required Areas as defined in NFPA 51B, Section 5.1.2.2.1 under an internal permit providing a completed Hot Work Notification Form is submitted to the Fire Marshal's Bureau not less than twenty four (24) hours prior to the planned start of work followed by a copy of the internal permit prior to initiating work, or with lesser notice if approved by the Fire Marshal's Bureau. Based upon a review of the completed Notification Form and the internal permit the Fire Marshal's Bureau may require an inspection of the work site and review of the proposed work plan and if deemed necessary impose additional requirements before work can proceed.

Facilities holding Annual Hot Work Permits with Designated Area(s) to conduct Hot Work are not required to provide Notification to the Port through the Fire Marshal's Bureau when conducting hot work in the Designated Area(s).

[II] Vessels at Port Everglades Required to Provide Notification Prior to Engaging in Hot Work:

Vessels located within the Port Everglades Jurisdictional Area planning to engage in hot work are required to submit a completed Vessel Hot Work Notification Form not less than twenty-four (24) hours in advance of starting work. Forms are available from the Broward Sheriff's Office Department of Fire Rescue and Emergency Services Fire Marshal's Bureau at Port Everglades. Notification is to be submitted by one of the following: franchised steamship agent, vessel representative or vessel hot work contractor. Information is to include: name of vessel, berth, nature and timing of the proposed work, designated contractor, contact information for both the applicant and contractor. Based upon a review of the completed Notification Form including the nature and location of the specified hot work the Fire Marshal's Bureau may require an inspection of the work site and review of the proposed work plan and if deemed necessary impose additional requirements up to and including requiring application for and issuance of a formal Hot Work Permit prior to allowing work to proceed.

PORT EVERGLADES TARIFF NO. 12

Item No. 1063–Standby fire watch service fee.

Issue No. 11

Effective Date: October 1, 2016

In accordance with Section 633.025, Florida Statutes (Florida Fire Prevention and control Code), and the Broward County Local Fire Code Amendments for standby Fire Watch, requiring the attention of Broward Sheriff's Office Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau, the following service fees will apply:

- Recognized working hours.....\$ 107.50 per hour
- Other than recognized working hours.....\$ 134.50 per hour
(Subject to a four (4) hour minimum billing)

PORT EVERGLADES TARIFF NO. 12

Item No. 1066–Security fees.

Issue No. 4

Effective Date: October 1, 2011

In order to fulfill its responsibilities for security, including but not limited to those mandated by the Maritime Transportation Security Act of 2002, United States Coast Guard Regulation 33CFR 105, Florida Department of Law Enforcement, and Florida Statutes, Section 311.12, Broward County will assess against and collect from all port users of port premises, services, and facilities a port security fee as set forth herein. Security fees shall be in addition to all other charges and fees due under this Tariff.

Vessels (per 24 hour period of fraction thereof)

- Cargo Vessels (other than pure car carriers)..... \$.0158 per GRT
- Pure Car Carrier..... \$.0118 per GRT
- Lay-In Vessels (other than Navy, Coast Guard, and U.S Government Research Vessels)..... \$.0158 per GRT or \$.283 per lineal foot (whichever is greater)
- Lay-In Vessels – Navy, Coast Guard, and U.S. Government Research Vessels..... \$.0127 per GRT or \$.230 per lineal foot
- Yachts (less than 6 hours on berth)
 - Up to 100 lineal feet..... \$ 8.65
 - 101 to 200 lineal feet..... \$ 16.85
 - 201 to 300 lineal feet..... \$ 25.50
 - 301 to 400 lineal feet..... \$ 31.15

Item No. 1066–Security fees. (Cont.)

Cargo

• Break Bulk Cargo.....	\$.173 per ton
• Dry Bulk Cargo.....	\$.035 per ton
• Liquid Bulk Cargo.....	\$.0051 per barrel
• Containers/Trailers.....	\$ 3.50 per full or empty container/trailer
• Vehicles.....	\$ 1.73 per unit

Broward County shall have all the rights and remedies provided in this Tariff for failure to pay amounts due Broward County in the event any user fails to timely pay the Security Fee set forth herein and, in addition, Broward County may: (I) require from said user a deposit estimated to cover such fees in advance of using Port premises, services, or facilities, and/or (II) deny service to said user until such deposit is made and/or all prior amounts due are paid.

PORT EVERGLADES TARIFF NO. 12

Item No. 1069–Cruise terminal security.

Issue No. 1

Effective Date: October 1, 2006

Cruise lines will reimburse the Port Everglades Department for the cost of providing up to a maximum of two (2) sworn Broward Sheriff's Office Deputies inside cruise terminals in compliance with the requirements of the Port Everglades Security Plan, Florida Statute 311.12, the regulations and standards of the United States Coast Guard, as well as any other relevant local, state or federal law.

PORT EVERGLADES TARIFF NO. 12

Item No. 1072–Petroleum & liquefied petroleum gas terminal facilities.

Issue No. 1

Effective Date: October 1, 2010

[I] Design, Installation, Operation, Testing & Maintenance

Facility operators will design, install, operate, test and maintain Petroleum Terminal Facilities located within the Port Everglades Jurisdictional Area in accordance with Chapter 62-762, F.A.C. and other state and federal regulations as applicable.

The most current editions of the Florida Fire Prevention Code (FFPC) and its applicable adopted National Fire Protection Association Standards, including NFPA 30 "Flammable and Combustible Liquids Code" and NFPA 58 "Liquefied Petroleum Gas Code," NFPA 72 "National Fire Alarm Code," and the following additional requirements as set forth in section [II] below, will apply to the design, installation, operation, testing and maintenance of Petroleum and Liquefied Petroleum Gas (LPG) Terminal Facilities located within the Port Everglades Jurisdictional Area.

[II] Additional Fire Prevention Related Requirements for Port Everglades Petroleum and LPG Terminal Facilities

Semifixed Foam Extinguishing Systems:

Semifixed foam extinguishing systems are required for all terminal storage tanks (excluding tanks covered by NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages) in which Class I liquids are stored. The storage tanks shall be equipped with an approved fixed fire fighting foam chamber with piping to the roadside.

Item No. 1072–Petroleum & liquefied petroleum gas terminal facilities. (Cont.)

- a. Fire fighting foam systems shall be designed to operate with 3% AR-AFFF fire fighting foam.
- b. Fire fighting foam system design shall not exceed the capabilities of the Broward Sheriff's Office Department of Fire Rescue and Emergency Services fire apparatus, equipment and the water supply capabilities of the Port Everglades Department.

Fire Department Connections (FDC):

Fire Department Connections shall be UL approved, standard fire department Siamese type connections consisting of 2 ½" diameter female hose connections (N.S.T.), clapper valves, caps and 5" Storz type connections.

Fire Department Connections shall be identified by signage at a location and of a size and colors approved by the Broward Sheriff's Office, Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau. Signs shall be located and of such size, distinctive color, and design that it is immediately visible and shall provide contrast with other signs. Signage shall include the storage tank identification number in 3" letters/numerals and, in 1" letters, the product type, working pressure, and gallons per minute required for the specific storage tank the connection serves.

Truck Loading Rack Fire Protection:

Truck loading rack fire protection is required where Class I and/or Class II liquids are handled.

Liquefied Petroleum Gas Fire Protection:

A terminal facility handling liquefied petroleum gas in bulk shall provide a water deluge fire protection system capable of reaching every storage tank, pump house and other gas handling apparatus with a volume of water sufficient to effect the required cooling of tanks or related gas handling apparatus on fire or exposed to fire.

Item No. 1072–Petroleum & liquefied petroleum gas terminal facilities. (Cont.)

Crude Oil Storage Dike Design Requirement:

Dikes providing containment for crude oil storage tanks shall be provided with a flareback section at the top of the dike to turn back a boil-over wave.

Fire Suppression Systems Emergency Notification:

All fire alarm and fire suppression and extinguishing systems shall be monitored by an approved fire alarm monitoring company and provide immediate notification of fire alarm/fire suppression system activation to emergency forces. Such monitoring arrangements shall be in compliance with the Florida Fire Prevention Code, including NFPA 72, and meet the approval of the Broward Sheriff's Office Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau.

Retroactivity:

The Port Everglades Department will permit the continued use petroleum and liquefied petroleum gas terminal facilities or equipment erected or installed in accordance with the regulations and codes in force at the time of construction or installation. Any substantive changes, alterations, additions or modifications to facilities made after the effective date of this Tariff Item shall be in accordance with the requirements of this Item.

Modification:

The Port Everglades Department in consultation with the Broward Sheriff's Office, Department of Fire Rescue and Emergency Services Fire Marshal's Bureau and applicable municipality shall have the power to grant exemptions from the application of the requirements of this Tariff Item, upon request in writing, when such request shows that enforcement of the requirements of this Item will cause unnecessary hardship to the petitioner, provided that such request shall not be granted where the requested exemption will constitute a distinct hazard to life, property or to the environment.

Item No. 1072–Petroleum & liquefied petroleum gas terminal facilities. (Cont.)

Equivalency:

Nothing in this Tariff Item is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by the requirements of this Item.

[III] Permits for Construction and Repairs

Consistent with Section 3.7 (iii) of the Interlocal Agreement between the City of Hollywood, the City of Fort Lauderdale, the City of Dania Beach and Broward County date May 6, 1994 issuance of building permits for new construction, repairs or alternations to petroleum terminal facilities occurring within the Port Everglades Jurisdictional Area and within overlapping municipal boundaries are subject to the requirements of the applicable municipality.

[IV] Annual Inspections of Petroleum Terminal Facilities

The Broward Sheriff's Office, Department of Fire Rescue and Emergency Services, Fire Marshal's Bureau, representing the Port Everglades Department, shall conduct annual inspections of petroleum terminal facilities including buildings and structures therein and any other facility that has the potential for creating a severe petroleum based fire within the Port Everglades Jurisdictional Area.

Note: This item replaces Sections 1,2,3,4 & 16 of "The Security Regulations at Port Everglades, Florida."

PORT EVERGLADES TARIFF NO. 12

Item No. 1075–Confined space entry notification.

Issue No. 1

Effective Date: October 1, 2011

Employers within the Port Everglades Jurisdictional Area planning confined space entry under a Permit-Required Confined Space Program as defined in Occupational Safety & Health Administration (OSHA) Standard Number 1910.146 which relies on the Broward Sheriff's Office Department of Fire Rescue and Emergency Services (BSO Fire Rescue) as an off-site rescue provider in order to comply with OSHA Standard 1910.146 (d) (9) will provide BSO Department of Fire Rescue and Emergency Services Fire Marshal's Bureau at Port Everglades notification not less than twenty four (24) hours prior to initiating entry or with lesser notice if approved by the Fire Marshal's Bureau. Employer will provide follow-up confirmation to BSO Fire Rescue when the operation is concluded.

PORT EVERGLADES TARIFF NO. 12

Item No. 1100–Harbormaster fees.

Issue No. 11

Effective Date: October 1, 2016

The following Harbormaster fees shall be charged against each vessel:

Up to 10,000 Gross Registered Tons.....\$335.45 per call

10,000 GRT and over.....\$424.65 per call

Passenger vessels making daily cruises.....\$117.70 per day

PORT EVERGLADES TARIFF NO. 12

Item No. 1105–Linehandler fees.

Issue No. 11

Effective Date: October 1, 2016

Linehandlers will be furnished for the services of handling lines for docking, undocking, and shifting vessels at the following rates. Rates are per movement and shifts shall be counted as two (2) movements.

0-9,000 Gross Registered Tons.....	\$385.85
9,001-25,000 GRT.....	\$580.10
25,001 GRT and over.....	\$762.05
Cruise ships making daily sailings.....	\$354.40

PORT EVERGLADES TARIFF NO. 12

Item No. 1110–Labor and equipment fees.

Issue No. 11

Effective Date: October 1, 2016

Labor, equipment, and supplies are furnished by the Port Everglades Department only upon request made to the Operations Division. Upon approval of such request, charges are as detailed below:

	During Recognized Working Hours	Outside of Recognized Working Hours
Labor-Per Hour		
• Supervisors	\$87.30	131.00
• All other classifications	\$76.35	114.60

Labor rates are inclusive of a 15% administrative charge. Rates are subject to a four (4) hour minimum billing.

Equipment-Per Hour		
• Backhoe	\$ 121.45	159.75
• Forklift (diesel)	118.75	157.05
• Forklift (electric)	34.20	34.20
• Street Sweeper	224.85	263.20
• Light Plant	111.80	150.10
• Portable Generator	111.80	150.10

Equipment is provided subject to availability and must be requested not less than twenty-four (24) hours in advance.

Electric forklifts are provided for use within the interior spaces of cruise passenger terminals only. They are not to be driven outside of the cruise terminal buildings. Electric forklifts are furnished without operators.

All equipment, with the exception of cruise terminal electric forklifts, are furnished with an operator. Rental rates, with the exception of cruise terminal electric forklifts, are inclusive of a 15% administrative charge.

All equipment is subject to a four (4) hour minimum billing.

PORT EVERGLADES TARIFF NO. 12

Item No. 1115–Potable water, hose rental, and hook-up fees.

Issue No. 11

Effective Date: October 1, 2016

Rates for potable water delivered to vessels via underground pipelines available at berths 1-33 shall be as follows:

Potable Water.....\$ 2.80 per ton

Hook-Up Fees

Monday-Sunday; 6:00 a.m.-5:00 p.m.....\$ 68.15 per vessel

Monday-Sunday; 5:00 p.m.-6:00 a.m.....\$101.20 per vessel per hour

The start time of the hook-up operation will determine the fee category that applies. Hook-ups from 5:00 p.m.-6:00 a.m. are subject to a four (4) hour minimum at the hourly rate listed.

If a vessel elects to use its own hoses to load potable water, said hoses must be clean and free of defects and leaks. If not, or if the vessel requests the Port Everglades Department to furnish hoses, a use fee of \$12.20 per fifty (50) foot length of hose will be charged.

PORT EVERGLADES TARIFF NO. 12

Item No. 1120—Overtime charges for use of facilities.

Issue No. 11

Effective Date: October 1, 2016

Transit sheds and cruise terminals, provided during hours other than recognized working hours, will be charged at a rate of \$89.55 per hour, or fraction thereof. Charges are for the account of the franchised steamship agent or vessel representative, stevedore, or cargo handler requesting the service. The charge applicable to cruise vessels providing daily cruise service is \$25.60 per hour. All such use is subject to a four (4) hour billing minimum.

Requests to have transit sheds and cruise terminals available during other than recognized working hours must be made not less than four (4) hours prior to the time the facility is needed.

There will be a charge for electricity within each transit shed and cruise terminal of \$24.10 per hour, or fraction thereof, between the hours of 5:00 p.m. and 8:00 a.m. during Eastern Standard Time. During Daylight Savings Time, the surcharge will apply between the hours of 6:00 p.m. and 7:00 a.m.

PORT EVERGLADES TARIFF NO. 12

Item No. 1125–Electric service fee.

Issue No. 11

Effective Date: October 1, 2016

When electricity is furnished by the Port Everglades Department for the operation of conveyors or other equipment, there will be a charge of \$24.10 per hour.

PORT EVERGLADES TARIFF NO. 12

Item No. 1130—Electricity for refrigerated containers.

Issue No. 11

Effective Date: October 1, 2016

Refrigerated containers placed in the Port's common use reefer yard will be charged for electricity and use of reefer plug-in receptacles. Rates listed below apply per 24-hour period, or fraction thereof, for use of electricity and space utilization:

Per 20 ft. unit.....	\$54.30
Per 40 ft. unit.....	\$64.55

The Port Everglades Department does not provide service, maintenance, nor monitoring of refrigerated containers while on electrical hook-up. Broward County assumes no responsibility or liability for reefer containers including that of an equipment malfunction. No other parking is allowed in the Reefer Yard, except for those units plugged into the electrical receptacles.

Outside of recognized working hours, labor costs to open and close the common use Reefer Yard for purposes of placing, removing, monitoring, or servicing containers will be in accordance with labor rates contained in Section Eleven of this Tariff.

Access to the common use Reefer Yard must be made by the requesting user not less than four (4) hours prior to the time access is needed.

PORT EVERGLADES TARIFF NO. 12

Item No. 1135–Parking fees.

Issue No. 4

Effective Date: October 1, 2016

The Port Everglades Department has designated areas and facilities for parking vehicles of passengers embarking and debarking on cruise ships at Port Everglades, for patrons of the Convention Center, and for the general public. Parking fees per vehicle are detailed below.

Within the parking garages and surface parking lots the charges are as follows:

Length of Stay	Parking Charge
Up to 1 hour or portion thereof	\$3.00
Up to 5 hours or portion thereof	\$6.00
Up to 6 hours or portion thereof	\$7.00
Up to 7 hours or portion thereof	\$8.00
Up to 9 hours or portion thereof	\$10.00
Up to 11 hours or portion thereof	\$12.00
Up to 12 hours or portion thereof	\$13.00
Over 12 hours & up to 24 hours	\$15.00
Maximum Daily Rate	\$15.00

For special events, such as heavily attended graduations and large conferences, where the majority of vehicles will be arriving or departing the parking facility at approximately the same time, daily flat fee parking rates, in lieu of the hourly parking rates above, will be charged. The Port Everglades Chief Executive will determine in consultation with the Convention Center staff what events and locations the flat fee parking rates will apply to.

Rates as Follows:

- For events expected to take up to five hours.....\$ 5.00
- For events expected to take more than five hours.....\$ 10.00

The above rates will apply to those vehicles that can be accommodated within a standard sized width, length, and height parking space.

Item No. 1135–Parking fees. (Cont.)

Within the parking garages and surface parking lots the charge for oversized vehicles that exceed the standard sized width or height of a parking space will be \$8.00 for the first five (5) hours, or portion thereof, and \$19.00 for up to twenty-four (24) hours, per entry.

Vehicles in excess of twenty (20) feet in length cannot be accommodated within the parking garages or in surface parking lots.

Persons operating vehicles that display a "DV" license plate issued under Section 320.084, Florida Statutes, or a Florida Toll Exemption permit, or vehicles that are equipped with specialized equipment, such as foot or hand controls, lifts, or ramps, for utilization by a person who has a disability will be provided with free parking.

All parking fees include sales taxes.

PORT EVERGLADES TARIFF NO. 12

Item No. 1140–Grid yard areas.

Issue No. 12

Effective Date: October 1, 2016

Upon written application made to the Operations Division and on a space available basis, yard areas will be provided to franchised stevedores, franchised cargo handlers, and tenants on an assignment basis for the purpose of marshaling and processing containers, trailers, chassis, and related container equipment as well as boats, heavy lifts, rolling stock to include, but not be limited to, bulldozers, graders, trucks, buses, tractors, and automobiles in connection with the loading or unloading of ocean going vessels or such other use determined by the Port Everglades Chief Executive to be consistent with the mission of Port Everglades. Said areas, designated as grids, will each be assigned for a minimum period of ten (10) days or one (1) calendar month at the election of the applicant, subject to early termination as set forth in this Tariff. Grids may be assigned by the Port Everglades Department for consecutive calendar monthly periods for up to a maximum of twelve (12) consecutive months. Submission of a single Grid Application for the requested number of calendar months is required. Grid use will be invoiced at the end of each calendar month utilizing the monthly billing rates for grid land use and yard lighting.

Although grids vary in size, assignees will be charged at the rate of \$1,361.60 per acre assigned for each ten (10) day period or portion thereof, or \$4,084.80 per acre per calendar month or portion thereof. For grids served by yard lighting, an additional charge of \$71.35 per acre per ten (10) day assignment period or \$214.00 per acre per calendar month will be assessed. Any other electric consumed by the assignee will be charged based upon electric meter readings or by proration in the absence of a meter.

Item No. 1140–Grid yard areas. (Cont.)

Renewal of an assignment shall be initiated by written application to the Operations Division not less than two (2) days before the expiration date of the current assignment period. Subject to early termination as set forth in this Tariff, assignment periods commence on the 1st, 11th, and 21st of each month for ten-day assignments, and on the first of a calendar month for monthly assignments. No subassignments by the assignee are permitted during any assignment period or renewal.

Notwithstanding an assignment of a grid(s), the Port Everglades Department reserves the right to cancel such assignment upon forty-eight (48) hours' written notice to the assignee for any reason whatsoever. An assignment may be immediately terminated if the Port Everglades Chief Executive or designee, in his or her sole discretion, determines that the assignees occupancy or use of a grid is in violation of any provision of this Tariff. Assignees will be responsible for paying double all amounts charged in connection with yard assignments hereunder if there is a failure to vacate in accordance with any termination notice issued under this Item.

No improvements or alterations are to be made to a grid without the prior written approval of the Port. To obtain approval, proposed plans and specifications are to be submitted to the Seaport Engineering and Construction Division. Once reviewed and approved, it is the responsibility of the grid user to obtain all required permits from the applicable permitting agencies and all other required approvals and submit copies of the issued permits and approvals to the Seaport Engineering and Construction Division prior to the commencement of any alterations or improvements.

Applications, renewals, and a listing of all grids showing location, size, and cost are available from the Operations Division.

PORT EVERGLADES TARIFF NO. 12

Item No. 1200–Definitions.

Issue No. 3

Effective Date: October 1, 2011

AGGREGATE:

Any of several hard, inert materials which, among other things, is used for mixing in various size fragments with a cementing material to form concrete, mortar, or plaster. Includes, but is not limited to, crushed rock and sand.

BARREL (PETROLEUM):

The net measure of 42 U.S. Gallons at 60 degrees Fahrenheit.

BERTH:

The place assigned to a vessel in Port when lying alongside a pier or dock where the vessel may load and discharge cargo or embark and disembark cruise passengers or otherwise lay-in.

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS:

Denoted in this Tariff as 'Broward County', the governing body of the Port Everglades Department which issues, amends, interprets, and enforces the terms and conditions of this Tariff.

BUSINESS DAYS:

Monday through Friday of each week, exclusive of holidays, between the hours of 8:00 a.m. and 5:00 p.m.

CHECKING:

The service of counting and checking cargo against appropriate documents for the account of the cargo or the vessel, or other person requesting same.

Item No. 1200–Definitions. (Cont.)

COMMON USE AREA:

Open yard area or transit shed space that is not leased or assigned as a grid. Subject to the terms of this Tariff for storage and wharf demurrage charges.

CONFINED SPACE:

Any space that is large enough and so configured that a person could bodily enter and perform assigned work. The space must have limited or restricted means for entry or exit and must not be designated for continuous employee occupancy.

A permit - required confined space is defined as a confined space that has one or more of four characteristics:

It contains or could contain a hazardous atmosphere;

It contains a material that has the potential to engulf an entrant;

It has an internal configuration such that an entrant could be trapped or asphyxiated; or

It contains any other recognized serious safety or health hazard

CONTAINERS:

A standard I.S.O. seagoing container 20 feet in length or over.

DOCKAGE:

The charge, calculated in accordance with the dockage charges named in this Tariff, assessed against a vessel for berthing at or making fast to a Broward County wharf, pier, dock, bulkhead structure, mooring dolphin, or for mooring to another vessel so berthed (nested).

Item No. 1200–Definitions. (Cont.)

FREE TIME:

The specified period during which cargo may occupy space assigned to it on terminal property free of wharf demurrage or terminal storage charges immediately prior to the loading or subsequent to the discharge of such cargo on or off the vessel.

FRANCHISED STEAMSHIP AGENT:

The entity which represents the interests of a vessel(s) calling at Port Everglades that has been franchised by Broward County.

GRID:

Open yard area assigned for ten (10) day periods to qualified Port users and tenants for the marshaling of cargo.

HANDLING:

The service of physically moving cargo between point of rest and any place on the terminal facility.

HAZARDOUS MATERIALS:

All Class 1 explosives and all other materials defined as certain dangerous cargoes in US Coast Guard regulations in 33 CFR Part 160 or as a cargo of particular hazard in 33 CFR Part 126.

HEAVY LIFT:

A piece of cargo, the weight of which, requires special equipment and gear to lift.

HOT WORK:

Any activity involving riveting, welding, burning, the use of powder - actuating tools, or similar fire-producing operations. Grinding, drilling, abrasive blasting, or similar spark - producing operations are also considered hot work except when such operations are isolated physically from any atmosphere containing more than 10% of the lower explosive limit of a flammable or combustible substance.

Item No. 1200–Definitions. (Cont.)

INTERCOASTAL TUG & BARGE CONTAINER OCEAN CARRIERS:

Those that load and/or discharge containers at Port Everglades for carriage between Port Everglades and other continental United States ports.

LAY-IN:

Lying alongside a pier or dock without loading and/or discharging cargo or embarking/debarking cruise passengers.

LOADING AND UNLOADING:

The movement of cargo between any place on the terminal and railroad cars, trucks, ships or barges.

NOAA:

National Oceanic & Atmospheric Administration, a federal agency focused on the condition of the oceans and the atmosphere.

PORT EVERGLADES:

The geographic location to include the Port facilities.

RECOGNIZED WORKING HOURS:

Monday through Friday of each week, exclusive of holidays, from 8:00 a.m. to 5:00 p.m.

SEAWORTHY:

The sufficiency of a vessel in materials, construction, equipment, machinery, and crew for the trade or service in which it is employed. Any sort of disrepair in the ship, or failure to properly perform by the crew, is a breach of the warranty of seaworthiness.

Item No. 1200–Definitions. (Cont.)

SHIP STORES:

Provisions and supplies for use onboard a vessel by crew and/or cruise passengers at sea or in Port.

SMALL BOAT:

(1) A vessel having a container or trailer capacity of 150 TEU's or less that uses ship's gear or truck cranes for lift on/lift off loading/discharging or roll on/roll off for loading/discharging.

Or

(2) A vessel having a container capacity of 300 TEU's or less that uses the Port's container gantry cranes for lift on/lift off loading/discharging.

TERMINAL STORAGE:

The service of providing transit sheds or other terminal facilities or yards for the in transit storage of inbound or outbound cargo after the expiration of free time.

TON (CARGO):

A unit of weight of 2,000 pounds ("short ton") or a unit of measure of 40 cubic feet ("measurement ton").

TON (FRESH WATER):

The equivalent of 240 gallons.

USER:

Any person or entity who avails themselves of facilities and/or property in Port Everglades, regardless of whether such person or entity has entered into a written contract with Broward County. This term includes, but is not limited to, franchised steamship agent and vessel representative.

Item No. 1200–Definitions. (Cont.)

VESSEL:

Every description of floating craft, whether self-propelled or non-self-propelled, used or capable of being used as a means of transportation on the water.

VESSEL REPRESENTATIVE:

An entity which represents the interests of its own vessels calling at Port Everglades that, in lieu of applying for and being approved by Broward County as a franchised steamship agent, has established its credit, ability to perform, insurance coverages, and trust worthiness to the satisfaction of the Port Everglades Department.

WHARF:

A structure of steel and/or concrete built on the shore extending into deep water, so that vessels may lie alongside. Also called a dock or pier.

WHARFAGE:

The charge assessed against all cargo and cruise passengers (embarking/disembarking/in transit), calculated in accordance with the wharfage charges set forth in this Tariff for the passage of that cargo and cruise passengers (embarking/disembarking/in transit) onto, over, through or under wharves or wharf premises or between vessels or overside vessels (to or from barge or water) when berthed at wharves or wharf premises or when moored in a slip adjacent to a wharf or wharf premise. Wharfage is solely the charge for use of wharves or wharf premises and does not include charges for any other service or facility.

WHARF DEMURRAGE:

A charge assessed against cargo remaining in or on terminal facilities after the expiration of free time, unless arrangements have been made for storage, or remaining in or on terminal facilities after expiration of an authorized storage period.