

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.

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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.