

PORT EVERGLADES TARIFF NO. 12

ITEM: ASSIGNMENT OF BERTH

ITEM NO: 210

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.