

PROPOSED

ORDINANCE NO. 2014 -

1 AN ORDINANCE OF THE BOARD OF COUNTY
2 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
3 PERTAINING TO ENVIRONMENTAL LICENSING;
4 AMENDING CHAPTER 27, ARTICLE I, DIVISION 5,
5 "LICENSES," OF THE BROWARD COUNTY CODE OF
6 ORDINANCES ("CODE"), TO INCORPORATE CHAPTER
7 62-330 AND THE RELEVANT PORTIONS OF CHAPTER 40E
8 OF THE FLORIDA ADMINISTRATIVE CODE; AND
9 PROVIDING FOR SEVERABILITY, INCLUSION IN THE
10 CODE, AND AN EFFECTIVE DATE.

11 (Sponsored by the Board of County Commissioners)

12 WHEREAS, on July 19, 2001, Broward County entered into an agreement with
13 the Florida Department of Environmental Protection and the South Florida Water
14 Management District to delegate to the Environmental Protection Growth Management
15 Division ("EPGMD"), Environmental Licensing and Building Permitting Division, certain
16 permitting, compliance, and enforcement responsibilities associated within the
17 implementation of the Environmental Resource Permitting program under Part IV of
18 Chapter 373, Florida Statutes; and

19 WHEREAS, Part IV of Chapter 373, Florida Statutes, was amended effective
20 October 1, 2013, to provide for statewide, consistent regulation of the Statewide
21 Environmental Resource Permitting Rules ("Rules"); and

22 WHEREAS, Subsection 373.4131(2)(b)1., Florida Statutes, was added requiring
23 counties that have delegation of environmental resource permitting authority to amend
24 their local ordinances to incorporate by reference the applicable Rules within twelve (12)
months after the effective date of the Rules; and

WHEREAS, it is necessary for Broward County to amend its local ordinance to
incorporate Chapter 62-330, Florida Administrative Code, and the relevant portions of
Chapter 40E of the Florida Administrative Code,

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2 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
3 BROWARD COUNTY, FLORIDA:
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5 Section 1. Chapter 27, Article I, Division 5, of the Broward County Code of
6 Ordinances, "Licenses," Section 27-52, is hereby amended to read as follows:

7 **Sec. 27-52. Combined EPGMD/state licenses.**

8 When a State of Florida program is delegated to EPGMD, a license applicant
9 may receive a combined EPGMD/state license. Where a delegated program requires
10 EPGMD to be governed by provisions of the Florida Administrative Code and Florida
11 Statutes generally applicable to the delegated program, those specific portions of the
12 Florida Administrative Code and Florida Statutes required by the delegated program
13 shall apply only to the state provisions of the combined license. Chapters 62-330,
14 40E-0, 40E-1, 40E-4, and 40E-41, Florida Administrative Code, together with the
15 associated Applicant's Handbook Volumes I and II that are incorporated by reference in
16 those rules, are hereby incorporated by reference in accordance with Subsection
17 373.4131(2)(b)1., Florida Statutes. EPGMD portions of the combined license shall be
18 governed by ~~this chapter~~ those chapters.

19 Section 2. SEVERABILITY.

20 If any portion of this Ordinance is determined by any Court to be invalid, the
21 invalid portion shall be stricken, and such striking shall not affect the validity of the
22 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
23 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
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underscoring type are additions.

1 or circumstance(s), such determination shall not affect the applicability hereof to any
2 other individual, group, entity, property, or circumstance.

3 Section 3. INCLUSION IN CODE.

4 It is the intention of the Board of County Commissioners that the provisions of
5 this Ordinance shall become and be made a part of the Broward County Code; and that
6 the sections of this Ordinance may be renumbered or relettered and the word
7 "ordinance" may be changed to "section," "article," or such other appropriate word or
8 phrase in order to accomplish such intentions.

9 Section 4. EFFECTIVE DATE.

10 This Ordinance shall become effective as provided by law.

11

12 ENACTED

13 FILED WITH THE DEPARTMENT OF STATE

14 EFFECTIVE

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17 Approved as to form and legal sufficiency:
Joni Armstrong Coffey, County Attorney

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19 By /s/ Daphne E. Jones 04/15/14
20 Daphne E. Jones (date)
Assistant County Attorney

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22 DEJ/tlr
04/15/14
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