

RESOLUTION NO. 2017-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT; AMENDING SECTIONS 2.11, 40.13, AND VARIOUS PROVISIONS IN CHAPTERS 8 AND 27 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"), TO REFLECT CHANGES IN DIVISION NAMES AND ORGANIZATIONAL STRUCTURE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 2.11 of the Broward County Administrative Code is hereby amended to read as follows:

2.11. Divisions and Offices; Established.

The following divisions and offices are hereby established and placed under the supervision and control of the following departments:

...

d. *Environmental Protection and Growth Management Department:*

1. Animal Care and Adoption Division;

2. Building Code Services Division;

3. Environmental and Consumer Protection Division;

4. Environmental Planning and Community Resilience Division;

~~3.~~ 5. Environmental Licensing Engineering and ~~Building~~ Permitting Division;

4. ~~6.~~ Emergency Management Division;
5. ~~7.~~ Housing Finance and Community Redevelopment Division;
6. ~~Pollution Prevention Division~~;
7. ~~8.~~ Planning and Development Management Division.

...

Section 2. Chapter 8 of the Broward County Administrative Code is hereby amended to read as follows:

**PART I. ENVIRONMENTAL PROTECTION
AND GROWTH MANAGEMENT DEPARTMENT**

8.1. Established; Scope.

There is hereby established an Environmental Protection and Growth Management Department which shall be responsible for the administration and coordination of the County's comprehensive planning and redevelopment programs; consumer protection; emergency management; and protection, restoration, and enhancement of Broward County's natural resources, public health, and environmental quality of life. The Environmental Protection and Growth Management Department shall include the divisions of Animal Care and Adoption; Emergency Management; Planning and Development Management; Environmental Planning and Community Resilience; Environmental ~~Licensing~~ Engineering and ~~Building~~ Permitting; Housing Finance and Community Redevelopment; Environmental and Consumer Protection; and ~~Pollution Prevention~~ Building Code Services. The Environmental Protection and Growth Management Department shall be proactive in balancing the needs of the natural and human community, ensuring a future in which the County's natural and urban resources

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

are preserved, protected, and enhanced in keeping with federal, state, and Broward County Board of County Commissioners' laws, regulations, rules, and ordinances.

...

8.3. Functions; Responsibilities.

The functions and responsibilities of the Department shall include the following:

- a. Direct and manage the operations of the divisions of Animal Care and Adoption; Environmental ~~Licensing~~ Engineering and ~~Building~~ Permitting; Environmental and Consumer Protection; Environmental Planning and Community Resilience; Emergency Management; Planning and Development Management; Housing Finance and Community Redevelopment; and ~~Pollution Prevention~~ Building Code Services.

...

~~8.9—81.11. Resaved.~~ 8.9 - 8.11. Reserved.

PART III. ENVIRONMENTAL ~~LICENSING~~ ENGINEERING AND ~~BUILDING~~ PERMITTING DIVISION

8.12. Environmental ~~Licensing~~ Engineering and ~~Building~~ Permitting Division Established; Director as Head.

There is hereby established an Environmental ~~Licensing~~ Engineering and ~~Building~~ Permitting Division ("Division") in the Environmental Protection and Growth Management Department ("Department") which shall be responsible for the ~~administration of the County's building code~~, regulating the use, storage, and disposal of solid waste to protect the environment and health, safety, and welfare of the people of Broward County; identifying and requiring abatement of contaminated sites; supporting Department efforts in resource protection, enforcement, and compliance; administering

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 the County's water engineering and licensing regulatory program, the aquatic and
2 wetland resources regulatory program, and the tree preservation and abuse regulatory
3 program, ~~and consumer protection functions;~~ and minimizing exposure of the public in
4 Broward County to air pollution and airborne nuisances through programs designed to
5 inform the public and to control emissions from stationary, mobile, and indoor sources.

6 The Division Director shall be the head of the Division. The Division Director shall have
7 a college degree with major course work in engineering, architecture, or related field
8 and at least six (6) years' experience in building, permitting, biological resources
9 programs, or water resources programs, ~~or consumer protection programs,~~ including
10 four (4) years of high level supervisory and administrative experience in planning, air
11 quality, biological resources, or water resources; or any equivalent combination of
12 relevant training and experience.

13 **8.13. Functions; Responsibilities.**

14 The Division shall have the authority to:

- 15 a. ~~Protect the public health, safety, and welfare by ensuring that all~~
16 ~~construction in the unincorporated areas of Broward County and those~~
17 ~~cities in Broward County under contract for building code services conform~~
18 ~~with all applicable ordinances, building codes, laws, rules, resolutions, and~~
19 ~~regulations in effect in Broward County, Florida.~~
- 20 b. ~~Administer and enforce the Florida Building Code, Mobile Home~~
21 ~~Regulations, minimum housing, and such other county ordinances relating~~
22 ~~to permitting that affect land, property structures, and the environment in~~
23 ~~the unincorporated areas of Broward County and those cities in Broward~~
24 ~~County under contract for building code services.~~

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

- 1 ~~c. Enforce the Florida Building Code by performing plan review, inspections,~~
2 ~~and issuing permits for construction projects.~~
- 3 ~~d. Provide services (Building Official, plan review, code enforcement,~~
4 ~~minimum housing, landscaping, and unsafe structures) on a cost-~~
5 ~~reimbursable basis to the incorporated municipalities in the County~~
6 ~~through contractual agreement and upon approval of the County~~
7 ~~Administrator and Broward County Commission.~~
- 8 ~~e. Provide liaison and administrative support to the Broward County Central~~
9 ~~Examining Boards (Building Construction Trades, Electrical Trades,~~
10 ~~Engineered Construction Trades, Plumbing Trades, Liquefied Petroleum~~
11 ~~Gas Trades, and Mechanical Construction Trades), the Unsafe Structures~~
12 ~~Board, Code Enforcement Board, and to all related advisory and~~
13 ~~regulatory boards.~~
- 14 a. Administer the cleanup of chemical contaminants from the sources.
- 15 b. Administer local Department oversight on federal Superfund site cleanup.
- 16 c. Develop and implement pollution prevention programs such as best
17 management practices and public outreach efforts.
- 18 d. Investigate any complaints relating to solid waste and take appropriate
19 action.
- 20 e. Coordinate Broward County's activities in regards to the federal Clean Air
21 Act and State Implementation Plan.
- 22 f. Develop and implement emissions reduction plans and programs for
23 motor vehicles, as well as stationary sources of air toxics, ozone
24 precursors, and chlorofluorocarbons.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
 underscored type are additions.

- 1 g. Continuously monitor criteria air pollutants.
- 2 h. Implement a stationary source licensing system and conduct a compliance
- 3 program.
- 4 i. Review annual air emissions reports and prepare air emissions
- 5 inventories.
- 6 j. Investigate complaints and prevent excessive air emissions, noise, or
- 7 objectionable odors.
- 8 k. Refer violations of county, state, or federal regulations to the proper
- 9 authorities and provide support in prosecution of the violations.
- 10 l. Review proposed developments for impacts from traffic-related air
- 11 pollution.
- 12 m. Operate the National Emissions Standards for Hazardous Air Pollutants
- 13 asbestos program including inspections, referrals, outreach, and public
- 14 education.
- 15 n. Coordinate air quality monitoring with state and federal agencies, as well
- 16 as with other local programs.
- 17 o. Coordinate with other divisions and agencies on special projects to protect
- 18 and improve the air quality of Broward County.
- 19 p. Perform air toxics analyses.
- 20 q. Formulate and implement protocols designed to ensure the production of
- 21 reliable air quality data.
- 22 r. Perform chemical and physical analyses of inorganic compounds using
- 23 spectrophotometry and classical analytical methods.
- 24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
 underscored type are additions.

- 1 s. Conduct field testing and sample collection to support laboratory
2 operations.
- 3 t. Conduct chromatographic organic chemical analyses.
- 4 u. Perform macro- and micro-biological evaluations of samples.
- 5 v. Perform sample manipulation procedures to prepare for analyses by
6 various scientific instruments.
- 7 w. Develop and utilize laboratory automation and information systems to
8 design studies, interpret data, and report findings of environmental
9 investigations.
- 10 x. Coordinate air quality monitoring with state and federal agencies, as well
11 as with other local programs.
- 12 ~~f.~~ y. Establish and collect such fees as may be prescribed by the County
13 Commission for providing ~~d~~Division services and related functions to the
14 public. It shall be the policy of Broward County that the fees shall be so
15 designed as to bear reasonable relationship to the cost of providing
16 ~~building code~~ the services.
- 17 ~~g.~~ ~~Perform inspection of buildings for proposed businesses to assure~~
18 ~~compatibility with the intended use as required by the Florida Building~~
19 ~~Code and as a prerequisite to obtaining a business tax receipt.~~
- 20 ~~h.~~ ~~Receive and investigate complaints of unfair or deceptive trade acts or~~
21 ~~practices.~~
- 22 ~~i.~~ ~~Encourage and promote consumer protection before administrative,~~
23 ~~regulatory, and legislative bodies.~~
- 24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
 underscored type are additions.

~~j.~~ Administer and enforce rules, policies, and ordinances affecting regulated businesses.

~~k.~~ z. Coordinate all activities of the County's environmental review team and prepare environmental impact reports for all projects located within a Local Area of Particular Concern or an area recommended as an Urban Wilderness Area and proposed land use actions.

~~l.~~ aa. Implement regulations relating to natural resources and delegated federal and state permit programs, including tree protection, septic tanks, and regulatory programs, to reduce nonpoint source pollution.

~~m.~~ bb. In concert with the Office of the County Attorney, monitor the provisions of and recommend necessary revisions to the Broward County Natural Resource Protection Code.

~~n.~~ cc. Develop and implement revisions to wetlands delineation procedures, as needed, to maintain current information on location, type, and quality of wetlands, wetland mitigation criteria, and develop a County wetland mitigation banking program.

~~o.~~ dd. Respond to complaints relating to natural resources and coordinate regulatory efforts to protect endangered and other designated plant and animal species.

~~p.~~ ee. Coordinate permitting activities with other divisions and agencies for the evaluation and protection of Broward County's natural resources.

~~q.~~ ff. Permit, inspect, and regulate the construction and operation of wastewater treatment plants and collection systems to prevent degradation of natural resources and coordinate with other governmental bodies and agencies

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

regarding implementation of water inflow infiltration prevention into wastewater collection systems.

~~r.~~ gg. Regulate the storage, collection, transportation, separation, processing, and disposal of solid waste.

~~s.~~ hh. Monitor local landfills and adjacent ground-water groundwater areas.

~~t.~~ Establish and collect such fees as may be prescribed by the County Commission for providing Division services and related functions to the public. It shall be the policy of Broward County that the fees shall be so designed as to bear a reasonable relationship to the cost of providing the services.

~~u.~~ Issue, process, and resolve administrative and environmental enforcement actions that require administrative or judicial hearings, including the initiation of actions to collect penalties.

~~v.~~ Coordinate Department response to environmental complaints, problems, or public records requests.

ii. Administer the Manatee Protection Plan.

jj. Develop and implement the Flood Insurance Coverage Improvement Plan for unincorporated Broward County.

~~8.14—8.16. Reserved.~~

PART IV. BUILDING CODE SERVICES DIVISION

8.14. Building Code Services Division Established; Director as Head.

There is hereby established a Building Code Services Division ("Division") in the Environmental Protection and Growth Management Department ("Department") which shall be responsible for the administration of the County's building code, including

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 elevators, and contractor permitting and licensing functions. The Division Director shall
2 be the head of the Division. The Division Director shall have a college degree with
3 major course work in engineering, architecture, or related field and at least six (6) years'
4 experience in building, permitting, or related regulatory programs, including four (4)
5 years of high level supervisory and administrative experience in engineering or
6 permitting and regulatory programs; or any equivalent combination of relevant training
7 and experience.

8 **8.15. Functions; Responsibilities.**

9 The functions and responsibilities of the Division shall include the following:

- 10 a. Protect the public health, safety, and welfare by ensuring that all
11 construction in the unincorporated area of Broward County, and those
12 cities in Broward County under contract for building code services,
13 conforms with all applicable ordinances, building codes, laws, rules,
14 resolutions, and regulations in effect in Broward County, Florida.
- 15 b. Administer and enforce the Florida Building Code, Mobile Home
16 Regulations, minimum housing, Florida Statutes, including those related to
17 elevators, and such other County ordinances relating to permitting that
18 affect land, property structures, and the environment in the unincorporated
19 area of Broward County and those cities in Broward County under contract
20 for building code services.
- 21 c. Enforce the Florida Building Code by performing plan review, inspections,
22 and issuing permits for construction projects.
- 23 d. Provide services (Building Official, plan review, code enforcement,
24 minimum housing, landscaping, and unsafe structures) on a cost

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 reimbursable basis to the municipalities in the County through contractual
2 agreement and upon approval of the County Administrator and County
3 Commission, as applicable.

4 e. Provide liaison and administrative support to the Broward County Central
5 Examining Boards (Building Construction Trades, Electrical Trades,
6 Engineered Construction Trades, Plumbing Trades, Liquefied Petroleum
7 Gas Trades, and Mechanical Construction Trades), the Unsafe Structures
8 Board, Code Enforcement Board, and to all related advisory and
9 regulatory boards.

10 f. Establish and collect such fees as may be prescribed by the County
11 Commission for providing Division services and related functions to the
12 public. It shall be the policy of Broward County that the fees shall be so
13 designed as to bear reasonable relationship to the cost of providing
14 building code services.

15 m. In concert with the Office of the County Attorney, monitor the provisions of
16 and recommend necessary revisions to the Broward County Contractor
17 Licensing Code.

18 u. Issue, process, and resolve administrative and enforcement actions that
19 require administrative or judicial hearings, including the initiation of actions
20 to collect penalties.

21 **8.16. Reserved.**

22 **PART IV. ENVIRONMENTAL PLANNING AND COMMUNITY**

23 **RESILIENCE DIVISION**

24 . . .

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

PART VI. EMERGENCY MANAGEMENT DIVISION

...

**PART VII. HOUSING FINANCE AND COMMUNITY
REDEVELOPMENT DIVISION**

...

**PART VIII. POLLUTION PREVENTION ENVIRONMENTAL
AND CONSUMER PROTECTION DIVISION**

**8.23. Pollution Prevention Environmental and Consumer Protection Division;
Director as Head.**

There is hereby established an Pollution Prevention Environmental and Consumer Protection Division ("Division") in the Environmental Protection and Growth Management Department ("Department") which shall be responsible for managing the use, storage, and disposal of hazardous substances ~~and solid waste~~ to protect the environment and health, safety, and welfare of the people of Broward County; to identify and abate contaminated sites; to develop and implement pollution prevention programs; to design and conduct scientific surveys and investigations; to support Department efforts in resource protection, enforcement, and compliance; ~~to serve as a countywide environmental laboratory resource;~~ to provide technical and scientific support for other Department functions; ~~and to minimize exposure of the public in Broward County to air pollution and airborne nuisances through programs designed to inform the public and to control emissions from stationary, mobile, and indoor sources~~ and to administer the County's consumer protection functions. The Division Director shall head the Division. The Director shall have a four-year college degree, preferably a graduate degree, and shall be qualified by education or experience, which will include at

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 least seven (7) years of experience in the fields of pollution prevention, air pollution,
2 hazardous material management, pollution remediation, ~~or solid waste management,~~
3 environmental monitoring, and enforcement, including at least four (4) years of
4 progressively responsible supervisory experience, or any equivalent combination of
5 training and experience.

6 **8.24. Functions; Responsibilities.**

7 The functions and responsibilities of the ~~Pollution Prevention~~ Environmental and
8 Consumer Protection Division ("Division") shall include the following:

9 . . .

- 10 f. ~~Administer the Florida Department of Environmental Protection Early~~
11 ~~Detection Incentive program for chemical contamination from petroleum~~
12 ~~storage tanks~~ Receive and investigate complaints of unfair or deceptive
13 trade acts or practices.
- 14 g. ~~Administer the cleanup of chemical contaminants from the sources~~
15 Encourage and promote consumer protection before administrative,
16 regulatory, and legislative bodies.
- 17 h. ~~Administer local Department oversight on federal Superfund site cleanup~~
18 Administer and enforce rules, policies, and ordinances affecting regulated
19 businesses.
- 20 i. ~~Develop and implement pollution prevention programs such as best~~
21 ~~management practices and public outreach efforts.~~
- 22 j. Investigate any complaints relating to hazardous materials ~~or solid waste,~~
23 and take appropriate action.
- 24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

- ~~k. j. Coordinate special projects with other divisions and agencies to regulate, manage, and prevent pollution from hazardous materials and solid waste in Broward County.~~
- ~~l. Coordinate Broward County's activities in regards to the federal Clean Air Act and State Implementation Plan.~~
- ~~m. Develop and implement emissions reduction plans and programs for motor vehicles, as well as stationary sources of air toxics, ozone precursors, and chlorofluorocarbons.~~
- ~~n. Continuously monitor criteria air pollutants.~~
- ~~o. Implement a stationary source licensing system and conduct a compliance program.~~
- ~~p. Review annual air emissions reports and prepare air emissions inventories.~~
- ~~q. Investigate complaints and prevent excessive air emissions, noise, or objectionable odors.~~
- k. Refer violations of county, state, or federal regulations to the proper authorities and provide support in prosecution of the violations.
- ~~s. Review proposed developments for impacts from traffic-related air pollution.~~
- ~~t. Operate the National Emissions Standards for Hazardous Air Pollutants asbestos program including inspections, referrals, outreach, and public education.~~
- ~~u. Coordinate air quality monitoring with state and federal agencies, as well as with other local programs.~~

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

- v. ~~Coordinate with other divisions and agencies on special projects to protect and improve the air quality of Broward County.~~
- w. ~~Perform air toxics analyses.~~
- x. ~~Formulate and implement protocols designed to ensure the production of reliable air quality data.~~
- y. ~~Perform chemical and physical analyses of inorganic compounds using spectrophotometry and classical analytical methods.~~
- z. ~~Conduct field testing and sample collection to support laboratory operations.~~
- aa. ~~Conduct chromatographic organic chemical analyses.~~
- bb. ~~Perform macro- and micro-biological evaluation of samples.~~
- cc. ~~Perform sample manipulation procedures to prepare for analyses by various scientific instruments.~~
- dd. ~~Develop and utilize laboratory automation and information systems to design studies, to interpret data, and to report findings of environmental investigations.~~
- ee. ~~Develop and monitor laboratory quality assurance programs.~~
- ff. ~~Design studies and identify equipment needs to support the scientific needs of the Department.~~
- gg. ~~Design, conduct, and coordinate research programs for improvement of the environment of Broward County, and to support the goals and objectives of the Department and Broward County.~~

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

- 1 ~~hh.~~ ~~Perform chemical and microbiological analyses to support prosecution of~~
2 ~~enforcement cases and to aid investigations of complaints: and comply~~
3 ~~with periodic sampling as required by regulation.~~
- 4 ~~ii.~~ ~~Coordinate air quality monitoring with state and federal agencies, as well~~
5 ~~as with other local programs.~~
- 6 ~~jj.~~ l. Establish and maintain an environmental, consumer protection, and
7 building code regulatory enforcement program and standards.
- 8 m. Establish and collect such fees as may be prescribed by the County
9 Commission for providing Division services and related functions to the
10 public. It shall be the policy of Broward County that the fees shall be so
11 designed as to bear reasonable relationship to the cost of providing
12 services.
- 13 n. In concert with the Office of the County Attorney, monitor the provisions of
14 and recommend necessary revisions to the Broward County Natural
15 Resource Protection Code.
- 16 o. Issue, process, and resolve administrative and environmental enforcement
17 actions that require administrative or judicial hearings, including the
18 initiation of actions to collect penalties.
- 19 p. Coordinate Department response to environmental complaints, problems,
20 or public records requests.

21 ...

22 **PART VIII ~~IX~~. PLANNING AND DEVELOPMENT**
23 **MANAGEMENT DIVISION**

24 ...

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
 underscored type are additions.

Section 3. Part VI of Chapter 40 of the Broward County Administrative Code is hereby retitled to read as follows:

PART VI. ~~ENVIRONMENTAL LICENSING AND BUILDING PERMITTING~~
CODE SERVICES DIVISION

Section 4. A new Part IX is hereby created in Chapter 40 of the Broward County Administrative Code, and Section 40.37 of the Broward County Administrative Code is hereby renumbered, amended, and placed under the new Part IX to read as follows:

PART IX. ENVIRONMENTAL AND CONSUMER PROTECTION
DIVISION

~~40.37.~~ 40.50. Environmental and Consumer Protection Fee Schedule.

...

Section 5. Exhibit 40.B of the Broward County Administrative Code is hereby amended to read as follows:

EXHIBIT 40.B

Regular and Premium Service Level Definitions

The Broward County ~~Environmental Licensing and Building Permitting Code~~ Services Division provides two (2) levels of service: regular and premium. The level of service normally provided for which permit and plan review fees are charged is considered to be regular service. Premium service is provided at a rate of One Hundred Seven Dollars (\$107.00) per hour of service for any plan review or inspection premium services. The premium hourly rate of One Hundred Seven Dollars (\$107.00) is charged in addition to any applicable permit and plan review fees.

...

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

Section 6. SEVERABILITY.

If any portion of this Resolution is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Resolution. If any Court determines that this Resolution, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property or circumstance.

Section 7. INCLUSION IN THE ADMINISTRATIVE CODE.

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

Section 8. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

ADOPTED this 24th day of January, 2017.

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

By /s/ Maite Azcoitia 01/24/17
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
01/24/17
#17-056
Elbpd-r02

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.