



Broward County

Legislation Text

File #: 22-1618, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO APPROVE Interlocal Agreement between Broward County and the City of Hollywood regarding the creation and maintenance of two anchoring limitation areas in Hollywood, Florida; and to authorize the Mayor and Clerk to execute same.

Why Action is Necessary

The proposed interlocal agreement was prepared by the Office of the County Attorney at the direction of the Board of County Commissioners at its meeting of April 26, 2022.

What Action Accomplishes

Approves the interlocal agreement between the City of Hollywood and the County regarding the creation and maintenance of two anchoring limitation areas.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

In 2021 the Florida Legislature passed a bill amending Section 327.4108, Florida Statutes, which allows counties to establish anchoring limitation areas adjacent to urban areas that have residential docking facilities and significant recreational boating traffic (the "Statute"). Under the Statute, the aggregate total of anchoring limitation areas in the County may not exceed 10% of the County's navigable-in-fact waterways.

The City of Hollywood (the "City") has requested that Broward County (the "County") designate two areas within the City as anchoring limitation areas in accordance with the Statute. On April 26, 2022 (Agenda Item No. 68), the Board directed this Office to draft an Interlocal Agreement ("ILA") with the City regarding the establishment of two anchoring limitation areas in the City. The ILA attached as Exhibit 1 provides that the City will bear the responsibility for the installation of all necessary signage and buoys to mark the anchoring limitation areas. Additionally, the City will be solely responsible for the repair and maintenance of the buoys and will undertake all enforcement actions regarding the restrictions of the anchoring limitation areas. The ILA also provides that the City and the County will work together to obtain all necessary permits for the installation of buoys and signage; however, the

City will reimburse the County for all associated application fees within thirty (30) days following notice from the County of same. The term of the ILA is for one year, with automatic yearly renewals.

Along with this item, the Board's October 11, 2022, agenda includes a resolution to set the proposed Hollywood Anchoring Limitation Areas Ordinance (the "Ordinance") for public hearing on November 15, 2022. In order for anchoring limitation areas to be established, the County must also give notice to the Florida Fish and Wildlife Conservation Commission (the "FWCC") of its intent to consider enacting an ordinance establishing the anchoring limitation areas so that the FWCC may provide the required statutory notice. If the anchoring limitation areas are not established within one year after the effective date of the ILA, the ILA will automatically terminate at that time.

County staff has estimated the navigable-in-fact waterways east of fixed bridges to be 3,811 acres. Based on that estimate, State law limits the County to designating a total of 381 acres as anchoring limitation areas. The City's request would utilize approximately 162 acres, which is roughly 43% of the total area available for designation within the County. If the County wishes to reallocate the available area for designation in the future, aside from amending the Ordinance, the County would be required to exercise its right to terminate the ILA with the City upon 30 days' written notice to the City.

The ILA was approved by the City at its September 21, 2022, City Commission meeting. However, the City is currently still processing the ILA for signatures. The signature pages will be distributed as additional material once received.

Source of Additional Information

Maite Azcoitia, Deputy County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Not applicable.