



Broward County

Legislation Text

File #: 22-1771, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held on December 6, 2022, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE REPEAL OF OBSOLETE OR OUTDATED PROVISIONS IN CHAPTERS 1, 15, 20, 21, AND 23 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); REPEALING SECTION 1-263 RELATING TO THE PROHIBITION ON USE OF LOBBYING STATEMENTS, SECTIONS 15-1 AND 15-2 RELATING TO THE SALE OF UNPASTEURIZED MILK AND THE SALE OF MEAT, SECTION 15-24 RELATING TO ADMINISTERING THE INFLUENZA VIRUS VACCINE, ARTICLE IV OF CHAPTER 15 RELATING TO PRIVATE AMBULANCE COMPANIES, ARTICLE VII OF CHAPTER 15 RELATING TO THE FIRE RESCUE DIVISION, ARTICLE IX OF CHAPTER 15 RELATING TO THE NARCOTICS GUIDANCE COUNCIL, ARTICLE XI OF CHAPTER 15 RELATING TO FOOD ESTABLISHMENTS, ARTICLE XI OF CHAPTER 20 RELATING TO TOBACCO PRODUCTS, SECTION 21-1 RELATING TO FOOD PURCHASES FROM THE DIVISION OF CORRECTIONS, SECTION 21-2 RELATING TO SOLICITATIONS OF CHARITABLE CONTRIBUTIONS BY MINORS, SECTION 21-5 RELATING TO THE PROHIBITED ACTIVITIES AT CERTAIN INTERSECTIONS, AND SECTION 23-3 RELATING TO INDEMNIFICATION CLAUSES IN AGREEMENTS WITH MUNICIPALITIES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

Why Action is Necessary

The proposed Ordinance was prepared by the Office of the County Attorney at the direction of the Board of County Commissioners at its meeting of August 25, 2022.

What Action Accomplishes

Enables the setting of a public hearing during which the Board may consider enacting the proposed Ordinance.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

On August 25, 2022, the Board of County Commissioners directed the Office of the County Attorney to prepare Ordinances to amend or repeal outdated or obsolete provisions of the Broward County Code of Ordinances ("Code") and present such Ordinances for consideration by the Board. Consistent with this direction, this is one of a series of proposed Ordinances that will be presented for Board consideration in 2022 and 2023. This proposed Ordinance repeals the sections of the Code detailed below, which are obsolete and no longer consistent with the County's current practice.

Section 1-263 prohibits information in lobbying statements from being sold or utilized to solicit campaign contributions or sell tickets to a fundraising affair or for commercial purposes. Case law interpreting the First Amendment has changed since this section's enactment, and the Office of the County Attorney recommends repeal of this section.

Section 15-1 prohibits the sale of unpasteurized milk, and Section 15-2 makes it unlawful to sell or offer to sell certain meat products as human food unless the meat products have been inspected and approved. Section 502.232, Florida Statutes, supersedes all local ordinances regulating milk or milk products, and Section 500.60, Florida Statutes, supersedes all local ordinances regulating meat, poultry, and fish.

Section 15-24 provides for an influenza virus vaccine program for County residents and establishes fees and a revolving fund to finance the program. This section was enacted in 1978 and is now obsolete.

Article IV of Chapter 15 authorizes the County to pay for private emergency ambulance services for County residents and provides for an audit of such services. This article is obsolete because of changes in law and because these emergency services are currently provided by public agencies.

Article VII of Chapter 15 establishes a Fire Rescue Division. This article is obsolete because the Broward County Sheriff's Office is responsible for managing and operating fire rescue through an interlocal agreement with the County.

Article IX of Chapter 15 establishes a Narcotics Guidance Council. This article was enacted in 1969 and is now obsolete.

Article XI of Chapter 15 regulates food establishments. Section 509.032, Florida Statutes, supersedes all County ordinances regulating public food service establishments.

Article XI of Chapter 20 limits the sale or possession of certain tobacco products to persons under the age of 18. Section 569.0025, Florida Statutes, supersedes all local ordinances regarding the marketing, sale, or delivery of tobacco products.

Section 21-1 authorizes the sheriff and district school board of Broward County to purchase certain food from the Division of Corrections. This section is obsolete as it references agencies that no longer exist and activities that no longer occur.

Section 21-2 prohibits minors from soliciting charitable contributions from vehicles temporarily

stopped in traffic, and Section 21-5 prohibits people from conducting commercial transactions with or seeking donations from vehicles at 20 enumerated intersections within unincorporated Broward County. These sections are duplicative of Section 316.130, Florida Statutes, are not currently enforced, and are arguably inconsistent with current constitutional standards.

Section 23-3 authorizes the Board to enter into certain agreements with municipalities that contain indemnification and hold harmless provisions. The law in the State of Florida has substantially changed since this provision was enacted in 1977, and this provision is no longer required.

Source of Additional Information

René D. Harrod, Chief Deputy County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

The Fiscal Impact Statement by the Office of Management and Budget will be provided at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code.