

PROPOSED

RESOLUTION NO. 2020-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE SUBMISSION OF UNSOLICITED PROPOSALS PURSUANT TO SECTION 255.065, FLORIDA STATUTES; CREATING A NEW PART VII IN CHAPTER 38 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE") ESTABLISHING A REASONABLE APPLICATION FEE FOR THE SUBMISSION OF UNSOLICITED PROPOSALS AND AUTHORIZING THE COUNTY ADMINISTRATOR TO TAKE ANY AND ALL ACTIONS ALLOWABLE UNDER SECTION 255.065, FLORIDA STATUTES, WITH RESPECT TO THE APPLICATION FEE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 255.065, Florida Statutes (the "Statute"), a private entity may submit an unsolicited proposal to a public entity for a qualifying project;

WHEREAS, the Statute authorizes a public entity to, among other things, establish a reasonable application fee for the submission of unsolicited proposals;

WHEREAS, if the reasonable application fee submitted by a private entity does not cover the public entity's costs to evaluate the unsolicited proposal, the public entity must request, and the private entity must pay, any additional amounts required; and

WHEREAS, the Broward County Board of County Commissioners has determined that it is in Broward County's best interest to establish a reasonable application fee for the submission of unsolicited proposals and to authorize the Broward County Administrator to take any and all actions allowable under the Statute with respect to the reasonable application fee, NOW, THEREFORE,

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

1 Section 1. Part VII of Chapter 38 of the Broward County Administrative Code is
2 hereby created to read as follows:

3 [UNDERLINING OMITTED]

4 **PART VII. UNSOLICITED PROPOSALS**

5 **38.40. Application Fee.**

6 a. Any private entity that submits an unsolicited proposal to Broward County
7 pursuant to Section 255.065, Florida Statutes, shall concurrently pay Broward County
8 the following application fee:

9 1. A fee of Ten Thousand Dollars (\$10,000) for qualifying projects for which
10 the estimated development and operation costs, including, but not limited
11 to, all costs associated with the planning, design, financing, acquisition,
12 installation, construction, expansion, and maintenance, are less than or
13 equal to Twenty-five Million Dollars (\$25,000,000); or

14 2. A fee of Twenty-five Thousand Dollars (\$25,000) for qualifying projects for
15 which the estimated development and operation costs, including, but not
16 limited to, all costs associated with the planning, design, financing,
17 acquisition, installation, construction, expansion, and maintenance, exceed
18 Twenty-five Million Dollars (\$25,000,000).

19 b. Payment of the application fee referenced in Section 38.40(a) must be
20 made by cash, cashier's check, or other noncancelable instrument.

21 c. If the Broward County Administrator determines that the application fee
22 referenced in Section 38.40(a) does not cover Broward County's costs to evaluate the
23 unsolicited proposal, the Broward County Administrator shall request in writing the
24 additional amounts required. The private entity shall pay the requested additional

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underscored type are additions.

1 amounts within thirty (30) days after receipt of the written notice. Broward County may
2 stop its review of the unsolicited proposal if the private entity fails to pay the additional
3 amounts.

4 d. If Broward County receives an unsolicited proposal and elects not to
5 evaluate the proposal, Broward County shall return the application fee to the private
6 entity.

7 e. The Broward County Administrator shall be authorized to take, on behalf of
8 Broward County, any and all actions permitted under Section 255.065, Florida Statutes,
9 with respect to the application fee, including, but not limited to, requesting any additional
10 amounts as set forth in Section 38.40(c), or returning the application fee as set forth in
11 Section 38.40(d).

12 Section 2. Severability.

13 If any portion of this Administrative Code Resolution is determined by any court to
14 be invalid, the invalid portion will be stricken, and such striking will not affect the validity
15 of the remainder of this Administrative Code Resolution. If any court determines that this
16 Administrative Code Resolution, in whole or in part, cannot be legally applied to any
17 individual, group, entity, property, or circumstance, such determination will not affect the
18 applicability of this Administrative Code Resolution to any other individual, group, entity,
19 property, or circumstance.

20 Section 3. Inclusion in the Broward County Administrative Code.

21 It is the intention of the Board of County Commissioners that the provisions of this
22 Administrative Code Resolution become part of the Broward County Administrative Code
23 as of the effective date. The sections of this Administrative Code Resolution may be
24 renumbered or relettered and the word "resolution" may be changed to "section," "article,"

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