

PROPOSED

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO EMERGENCIES; AMENDING VARIOUS SECTIONS OF CHAPTER 8 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") REGARDING DECLARATIONS OF EMERGENCIES AND AUTHORIZED EMERGENCY POWERS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, on November 11, 2020, the Broward County Board of County Commissioners adopted a revised Comprehensive Emergency Management Plan ("CEMP"), which included changes to the County's emergency procedures;

WHEREAS, certain changes to the Broward County Code of Ordinances ("Code") are necessary to reflect the updates in the revised CEMP; and

WHEREAS, this Ordinance conforms the Code to the CEMP and makes other technical changes to the Code to clarify its scope and purpose,

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

Section 1. Article IV of Chapter 8 of the Broward County Code of Ordinances is hereby amended to read as follows:

ARTICLE IV. EMERGENCY DECLARATIONS; EMERGENCY AUTHORITY; PROHIBITIONS ON PRICE GOUGING DURING EMERGENCIES

Sec. 8-51. Title; authority; purpose.

(a) *Title.* This article shall be known as the "Broward County Emergency Powers and Authorities and Anti-Price Gouging Ordinance." The provisions of this article

1 shall be applicable in all geographic areas of Broward County. Unless otherwise
2 provided, nothing in this article shall be construed to relieve a person from compliance
3 with applicable county or municipal regulations.

4 (b) *Authority.* This article is enacted by the authority of Chapter 125, ~~F.S.~~,
5 Chapter 252, ~~F.S.~~ Chapter 162, and Chapter 501, ~~F.S.~~ Florida Statutes.

6 . . .

7 Section 2. Section 8-53 of the Broward County Code of Ordinances is hereby
8 amended to read as follows:

9 **Sec. 8-53. Declaration of emergency.**

10 (a) When a disaster or threat of a disaster has placed all or some persons of
11 Broward County in danger of loss of life or property, a state of emergency shall be
12 declared, ~~pursuant to Broward County Resolution Number 95-335~~ by the eCounty
13 aAdministrator. A state of emergency so declared shall continue for seven (7) days,
14 unless extended, as necessary, in seven-day increments.

15 (b) A declaration of emergency shall activate the applicable Broward County
16 emergency management plans and shall constitute authority for the following in lieu of
17 the procedures and formalities otherwise required by the county by law pertaining to:

18 . . .

19 (9) Cancellation of any meeting of any board, committee, or commission
20 established under the Broward County Charter, the Broward County Code
21 of Ordinances, or the Broward County Administrative Code, but the County
22 Administrator shall provide notice of such cancellation as might be required
23 under state law. This power shall not extend past the termination of the
24 applicable declaration of emergency. ; and

1 (10) Calling a special meeting or workshop of the County Commission provided
2 that such meeting or workshop shall comply with all applicable legal
3 requirements not waived due to the emergency, including, but not limited
4 to, Article I, Section 24 of the Florida Constitution.

5 . . .

6 (c) For declared emergencies relating to tropical storms, hurricanes, or other
7 windstorm events, and for declared emergencies expected to remain in effect for no more
8 than fourteen (14) days (including extensions), ~~the~~ the ~~County~~ County ~~Administrator~~ Administrator or designee
9 or ~~and~~ enforcement officials shall implement the provisions of this ~~ordinance~~ article with
10 or without instructions as may be furnished by the ~~board of~~ County ~~Commissioners~~ Commissioners and
11 or the County ~~Administrator~~. For all other declared emergencies, the County
12 Administrator shall, prior to taking any action that directly and substantially affects the
13 health, safety, or economic wellbeing of the County's residents, seek and receive from
14 the County Commission guidance at a publicly noticed workshop or direction at a publicly
15 noticed meeting, whichever may be determined appropriate, unless the County
16 Administrator determines immediate action must be taken to protect the public before a
17 public meeting or workshop can be called, in which event the County Administrator must
18 provide written notice to the County Commission in advance of such action or as soon as
19 practicable after such action is taken. A formal vote by the County Commission regarding
20 an emergency order shall be binding and, under such circumstance, the emergency order
21 may be issued by the County Administrator, the Mayor, or any other County
22 Commissioner designated by the County Commission.

23 (d) Nothing in this article shall be construed to limit the authority of the ~~board of~~
24 ~~County~~ County ~~Commissioners~~ Commissioners to declare, limit, or terminate a state of emergency, ~~and~~ or to

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 underscored type are additions.

1 take any action authorized by law, when convened in a regular or special meeting,
2 including, without limitation, issuance of direction, emergency orders, ordinances, and
3 resolutions as the County Commission deems appropriate.

4 Section 3. Section 8-56 of the Broward County Code of Ordinances is hereby
5 amended to read as follows:

6 **Sec. 8-56. Supplemental emergency powers.**

7 (a) When necessary to protect the health, safety, and welfare of the County's
8 residents and visitors, upon declaration of local state of emergency issued by either the
9 County Administrator pursuant to Section 8-53 of the Broward County Code of
10 Ordinances, or the Mayor pursuant to Section 2.04.G. of the Broward County Charter, the
11 County Administrator is authorized to:

12 . . .

13 (4) Order any or all commercial or business locations or places of public
14 accommodation to close and remain closed until further order; ~~and~~

15 (5) Order individuals to shelter in place; and

16 (6) Take all other actions necessary to protect the health, welfare, and safety
17 of the public.

18 (b) Violations.

19 . . .

20 (2) ~~The County may issue~~ In addition, violations of any order promulgated
21 pursuant to this section may be enforced by issuance of citations for
22 violations of this section through its designated code inspectors, including
23 municipal code inspectors, or by law enforcement. Such citations shall be
24 enforced as provided in Section 8½ of the Broward County Code of

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1 Ordinance. A fine of up to One Thousand Dollars (\$1,000.00) per day per
2 violation shall be imposed for any act found to be in violation of this section,
3 except that a violation found to be a knowing violation and to be irreparable
4 or irreversible in nature shall be subject to a fine of up to Fifteen Thousand
5 Dollars (\$15,000.00) per day per violation.

6 . . .

7 (c) The County Administrator shall determine the scope and duration of any
8 measure taken pursuant to this section, but in no event shall the scope and duration of
9 any such measure exceed the duration of the applicable emergency declaration. In
10 exercising the powers under this section, the County Administrator should, to the fullest
11 extent practicable under the circumstances, coordinate and consult with federal, state,
12 and local governmental entities, and no power under this section shall be exercised if it
13 would frustrate the emergency response of any federal or state entity. All emergency
14 measures stated in this section are subject to the limitations provided for in
15 Section 8-53(c).

16 . . .

17 Section 4. Severability.

18 If any portion of this Ordinance is determined by any court to be invalid, the invalid
19 portion will be stricken, and such striking will not affect the validity of the remainder of this
20 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
21 legally applied to any individual, group, entity, property, or circumstance, such
22 determination will not affect the applicability of this Ordinance to any other individual,
23 group, entity, property, or circumstance.

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1 Section 5. Inclusion in the Broward County Code of Ordinances.

2 It is the intention of the Board of County Commissioners that the provisions of this
3 Ordinance become part of the Broward County Code of Ordinances as of the effective
4 date. The sections of this Ordinance may be renumbered or relettered and the word
5 "ordinance" may be changed to "section," "article," or such other appropriate word or
6 phrase to the extent necessary in order to accomplish such intention.

7 Section 6. Effective Date.

8 This Ordinance is effective as of the date provided by law.

9
10 ENACTED

PROPOSED

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE

13
14 Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

15
16 By /s/ Joseph K. Jarone 01/12/2021
Joseph K. Jarone (date)
Assistant County Attorney

17
18 By /s/ René D. Harrod 01/12/2021
René D. Harrod (date)
Deputy County Attorney

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21
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23 JKJ/jl
Emergency Powers Ordinance
24 01/12/2021
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