



# Broward County

## Legislation Text

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File #: 20-673, Version: 1

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### Broward County Commission Regular Meeting

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

A. MOTION TO WAIVE Section 18.5.e.1. of the Broward County Administrative Code ("Administrative Code"), which requires that the Board of County Commissioners ("Board") first direct the County Attorney to draft a proposed Ordinance.

***ACTION: (T-10:57 AM) Approved. (Refer to Minutes for full discussion.)***

***VOTE: 9-0. Commissioners Rich, Bogen, Fisher, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.***

B. MOTION TO WAIVE notice requirement of Section 125.66(2), Florida Statutes, by declaring that an emergency exists and that immediate enactment of this Ordinance is necessary.

***ACTION: (T-10:58 AM) Approved as amended waiving the requirements relative to meetings for as long as the Emergency Order is in effect. (Refer to Minutes for full discussion.)***

***VOTE: 9-0. Commissioners Rich, Bogen, Fisher, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.***

***ACTION: (T-11:07 AM) Approved as amended. (Refer to Minutes for full discussion.)***

***VOTE: 9-0. Commissioners Rich, Bogen, Fisher, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.***

C. MOTION TO ENACT Ordinance, the title of which is as follows:

AN EMERGENCY ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE EMERGENCY POWERS OF THE COUNTY ADMINISTRATOR; AMENDING ARTICLE IV OF CHAPTER 8 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

***ACTION: (T-11:07 AM) Filed proof of publication and Enacted the Ordinance to become effective as provided by law. (Refer to Minutes for full discussion.)***

***VOTE: 9-0. Commissioners Rich, Bogen, Fisher, Sharief and Vice-Mayor Geller voted in the affirmative telephonically.***

(Sponsored by the Board of County Commissioners)

**Why Action is Necessary**

Board action is necessary to waive the Administrative Code, waive the notice requirement Section 125.66(2), Florida Statutes, and enact an Ordinance.

**What Action Accomplishes**

Waives the Administrative Code, waives the notice requirements of Section 125.66(2) Florida Statutes, and enacts an Ordinance pertaining to a declaration of emergency and the emergency powers of the County Administrator.

**Is this Action Goal Related**

No

**Previous Action Taken**

**Summary Explanation/Background**

This Emergency Ordinance reinforces the County Administrator's existing authority to enter Administrative Orders and is necessary to ensure the health, safety, and welfare of the community. State law sets forth criminal penalties for the violation of the emergency orders issued by the County Administrator. However, there are currently no such penalties under County Ordinances. This Emergency Ordinance establishes that violations of the County Administrator's emergency orders may be prosecuted criminally or as a code enforcement matter and may be enforced by injunction. This item expressly permits municipalities and the Broward County Sheriff to enforce the County Administrator's emergency orders being issued in response to the COVID-19 pandemic.

This item also addresses several other matters in the context of the COVID-19 outbreak. It expressly states that the County Administrator may (1) order the cancellation of any meeting of any board, committee, or commission established under the Broward County Charter, the Broward County Code, or the Broward County Administrative Code; (2) impose a curfew; (3) direct an evacuation; (4) prohibit gatherings of individuals; (5) order businesses to close; and (6) issue shelter-in-place orders.

**Motion A:** Because of the emergency nature of this item and the current exigent circumstances, the Board has not had the opportunity to direct the County Attorney's Office to draft this Emergency Ordinance. Therefore, a majority of Board must vote to waive Section 18.5.e.1. of the Broward County Administrative Code, which requires the Board to direct the drafting of any Ordinance.

**Motion B:** Because of the item's emergency nature, the Board must, by an affirmative vote of eight (8) commissioners waive the ten-day notice requirement of Section 125.66(2), Florida Statutes.

**Motion C:** Upon waiver of the ten-day notice requirement, the Board may enact the Emergency

Ordinance pursuant to its normal voting procedures.

**Source of Additional Information**

Joseph K. Jarone, Assistant County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Pursuant to Section 18.5.e.7. of the Broward County Administrative Code, a fiscal impact statement is not required for an emergency Ordinance.