



# Broward County

## Legislation Text

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File #: 21-639, Version: 1

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### **Broward County Commission Regular Meeting**

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

**Department:** County Attorney

### **Information**

#### **Requested Action**

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MANATEE PROTECTION PLAN BOAT SLIPS AND FEES; AMENDING VARIOUS SECTIONS OF CHAPTER 27 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); PROVIDING FOR DEFINITIONS; CLARIFYING MANATEE PROTECTION PLAN IMPLEMENTATION AND EXEMPTIONS; ESTABLISHING PROCEDURES FOR BOAT SLIP ALLOCATION; FREEZING ANNUAL INCREASES IN BOAT SLIP FEES AND MANATEE PROTECTION PLAN FEES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Lamar P. Fisher)

#### **Why Action is Necessary**

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of April 6, 2021.

#### **What Action Accomplishes**

The Board may consider enacting an Ordinance amending implementation of the Manatee Protection Plan.

#### **Is this Action Goal Related**

No

#### **Previous Action Taken**

#### **Summary Explanation/Background**

Section 379.2431(2)(t)3, Florida Statutes, requires that each of Florida's coastal counties include a boat facility siting element in a manatee protection plan, and Objective 12-A.3 of the Broward County Comprehensive Plan's Conservation Element requires that new boat facilities will be located on sites that minimize potential manatee/boat overlap, injury to manatees, and disturbance of manatee habitat.

On June 26, 2007, the Board of County Commissioners ("Board") adopted the Boat Facility Siting

Plan ("BFSP") component of the Manatee Protection Plan, providing for a new slip impact fee and a manatee mitigation fee, which are necessary to fund the various conservation and monitoring elements of the BFSP to enhance manatee protection. On November 27, 2007, the Board amended Section 37-224, Broward County Code of Ordinances ("Code"), establishing an initial annual slip fee of four hundred dollars (\$400) and an initial annual manatee mitigation fee of twenty dollars (\$20), and providing for a four percent (4%) annual increase in both fees. Broward County staff has determined that these annual fee increases are no longer necessary and recommends freezing these fees at the current Fiscal Year 2021 rates.

The BFSP provides for the allocation of boat slips to individual facilities through a pool of available slips, divided into discrete geographic regions and zones within those regions, and utilizing the County's environmental resource and marine facility licensing processes. During 2020, the licensing of new boat slip development allocated all the remaining boat slips in the South Zone, raising the importance of the Board establishing procedures for waiting lists and future allocations. The proposed amendment establishes procedures for County staff and license applicants regarding the allocation of scarce boat slips and the return of unused boat slip capacity to applicable zones.

Attached as Exhibit 3 are two (2) amendments to the proposed Ordinance from staff of the Environmental Engineering and Permitting Division. The amendments have been approved by the sponsoring Commissioner. The first amendment corrects the number of areas of special concern established by the Manatee Protection Plan, and the second amendment ensures that the exemption for new slips at single-family residences which do not meet the definition of "boat or marine facility" is only from the additional requirements of the Manatee Protection Plan, rather than other applicable licensing requirements.

#### **Source of Additional Information**

Michael C. Owens, Senior Assistant County Attorney, 954-357-7600

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

Fiscal Impact Statement by the Office of Management and Budget is attached as Exhibit 2.