



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

3  
4 Section 1. Chapter 27, Article XI, Section 27-332, "Definitions," is hereby  
5 amended as follows:

6 . . .

7 ~~EDP~~ EPD means the Broward County Environmental Protection Department.

8 . . .

9 Section 2. Chapter 27, Article XI, Section 27-334, "Application requirement  
10 and standards," is hereby amended as follows:

11 . . .

12 (c) *Fees:*

13 (1) Each application shall be accompanied by a nonrefundable filing fee, as  
14 adopted by resolution of the ~~board~~ Board. Processing of an application  
15 will not begin until the appropriate fees are received by EPD.

16 (2) Pursuant to the Broward County Manatee Protection Plan ("MPP"), each  
17 Environmental Resource License applicant proposing one or more new  
18 boat slips above the historical number of slips present, except for projects  
19 at a single-family residence as defined in the MPP, is required to pay to  
20 EPD a nonrefundable application fee of one hundred dollars (\$100.00) per  
21 new slip as partial payment of the total new-slip fee in Table I. The  
22 application fee portion of the new-slip fee is due at the time an application  
23 is submitted. At the time that an application is determined by EPD to be in  
24 "good faith" pursuant to the MPP, slips for the proposed project are

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1 allocated to the project from the pool of slips available under the MPP. A  
 2 nonrefundable payment of the current fiscal year's total new-slip fee, less  
 3 any application fee already paid pursuant to this Subsection, is due and  
 4 must be received by EPD after the completion of the application process  
 5 and prior to issuance of the Environmental Resource License. If an  
 6 application denial becomes final without legal challenge, or a denial is  
 7 upheld as the end result of any legal challenge, the slips allocated to the  
 8 proposed project from those available pursuant to the MPP shall return to  
 9 the pool of slips. Additionally, starting in Fiscal Year 2009 (on October 1,  
 10 2008) and in accordance with Section 27-342, each multi-slip facility with  
 11 five (5) or more slips shall also pay to EPD an annual manatee mitigation  
 12 fee in accordance with Table I on or before the anniversary date of the  
 13 issuance of the facility's Marine Facility Operating License.

14 TABLE I

15 MANATEE PROTECTION PLAN FEES

16 TABLE INSET:

<u>Fiscal Year</u>	<u>New-Slip Fee per proposed slip</u>	<u>Manatee Mitigation Fee per each existing slip</u>
<u>2008</u>	<u>\$400.00</u>	<u>\$0.00</u>
<u>2009</u>	<u>\$416.00</u>	<u>\$20.00</u>
<u>2010</u>	<u>\$432.64</u>	<u>\$20.80</u>
<u>2011</u>	<u>\$449.95</u>	<u>\$21.63</u>
<u>2012</u>	<u>\$467.94</u>	<u>\$22.50</u>

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1	<u>2013</u>	<u>\$486.66</u>	<u>\$23.40</u>
2	<u>2014</u>	<u>\$506.13</u>	<u>\$24.33</u>
3	<u>2015</u>	<u>\$526.38</u>	<u>\$25.31</u>
4	<u>2016</u>	<u>\$547.44</u>	<u>\$26.32</u>
5	<u>2017</u>	<u>\$569.34</u>	<u>\$27.37</u>

6 New-slip fees and manatee mitigation fees not specifically listed in Table I  
7 shall continue to increase at a rate of four percent (4%) per year. There is  
8 created a Manatee Protection Plan Fund ("MPP Fund"), which is to be  
9 supervised and utilized by the County to expend monies to meet its  
10 obligations under the MPP. The MPP Fund shall consist of all monies  
11 collected as new-slip fees and manatee mitigation fees received pursuant  
12 to this Subsection, in addition to any other monies as may be authorized  
13 to be deposited or transferred into the MPP Fund by resolution of the  
14 Board or as otherwise established by County ordinance.

15 ...  
16 Section 3. Chapter 27, Article XI, Section 27-337, "Criteria for issuance or  
17 denial of an environmental resource license," is hereby amended as follows:

18 ...  
19 (d) *Mitigation Functional Assessment Methods.*

20 ...  
21 TABLE I. II BASE REPLACEMENT RATIOS FOR MITIGATION

22 ...  
23 d. EPD shall evaluate wetland quality in accordance with Table # III,  
24 Wetland Benefit Index. The ~~board~~ Board requires and delegates the

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1 authority for EPD to develop a standard operating procedure for the  
2 Wetlands Benefit Index. The standard operating procedure shall be  
3 based upon commonly accepted scientific criteria and methodology  
4 and used by EPD to evaluate the categories of Table # III.

5 TABLE # III

6 WETLAND BENEFIT INDEX

7 . . .

8 Section 4. Section 27-342 is hereby created to read as follows:

9 Section 27-342. Marine Facility Operating Licenses.

10 Pursuant to the MPP, a Marine Facility Operating License is hereby established.

11 Each existing, new, or reconstructed multi-slip facility with five (5) or more slips located  
12 in coastal waters as defined in the MPP is required to apply for and obtain a Marine  
13 Facility Operating License and pay the manatee mitigation fee required in  
14 Subsection 27-334(c)(2) prior to operation of the facility. Applications must be made on  
15 forms approved by EPD. Existing facilities must apply for a Marine Facility Operating  
16 License on or before October 1, 2008. A Marine Facility Operating License is valid for  
17 one (1) year and must be renewed annually prior to expiration. Renewal of a Marine  
18 Facility Operating License requires payment of the manatee mitigation fee applicable  
19 during the current fiscal year as established in Subsection 27-334(c)(2).

20 Section 5. SEVERABILITY.

21 If any portion of this Ordinance is determined by any Court to be invalid, the  
22 invalid portion shall be stricken, and such striking shall not affect the validity of the  
23 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion  
24 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),

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1 or circumstance(s), such determination shall not affect the applicability hereof to any  
2 other individual, group, entity, property, or circumstance.

3 Section 6. INCLUSION IN CODE.

4 It is the intention of the Board of County Commissioners that the provisions of  
5 this Ordinance shall become and be made a part of the Broward County Code; and that  
6 the sections of this Ordinance may be renumbered or re-lettered and the word  
7 "ordinance" may be changed to "section," "article," or such other appropriate word or  
8 phrase in order to accomplish such intentions.

9 Section 7. EFFECTIVE DATE.

10 This Ordinance shall become effective as provided by law.

11 ENACTED November 27, 2007

12 FILED WITH THE DEPARTMENT OF STATE

13 EFFECTIVE

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