

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 22, 2022 [] Consent [] Regular [] Workshop [X] Public Hearing

Department: DIVISION OF ENVIRONMENTAL PUBLIC HEALTH Submitted By: FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to Adopt: Ordinance of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Environmental Control Board; amending Palm Beach County Code Chapter 11, Article II, Section 11-20 (Ordinance 78-5, as amended by Ordinances 87-22, 89-14, 94-26, 97-58, 08-011, and 2014-028), and Section 11-24 (Ordinance 78-5, as amended by Ordinances 79-15, 85-25, 85-43, 87-22, 89-14, 92-23, 97-58, 08-011, and 2014-028); providing for County Health Department and Solid Waste Authority permits, licenses and approvals; providing for a fee schedule; providing for applicability; providing for a savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date.

Summary: On March 8, 2022, the Board of County Commissioners approved the preliminary reading and permission to advertise for Public Hearing. The Palm Beach County Environmental Control Act, Chapter 77-716, Laws of Florida, as amended, establishes the Palm Beach County Board of County Commissioners as the Palm Beach County Environmental Control Board and authorizes the Environmental Control Board to adopt, revise, and amend from time-to-time appropriate ordinances for the implementation, effective enforcement, administration and interpretation of the Act. Palm Beach County Environmental Control Ordinance No. 78-5, as amended and codified in Chapter 11, Article II of the Palm Beach County Code was adopted for this purpose. The proposed ordinance will amend the list of activities required to be permitted, licensed or approved as necessary due to change in the laws and regulations of the State of Florida, and update the fee schedule as necessary to keep pace with rising costs and current regulatory requirements. Major changes involve (a) adding fees in the newly established water laboratory for microbiological and chemical sampling, testing, and analysis, (b) increasing selected existing fees to offset increases in operating costs, (c) the addition of new fee categories. Attachment 2 provides a narrative and fiscal analysis of the proposed fee changes. If the ordinance is approved, the proposed fee schedule will result in a revenue increase of \$974,840. The League of Cities reviewed the proposed ordinance amendment and adopted a motion of "no objection". COUNTYWIDE (HH)

Background and Policy Issues: Continued on page 3 Chapter 11, Article II of the Palm Beach County Code, Environmental Control Ordinance No. 78-5, was last amended in 2014. Section 11-20 provides for the permitting, licensing and approval of activities regulated under the ordinance. Community-based residential and group care facilities and migrant labor housing facilities are added to the list of facilities that require payment of license or inspection fees payable to the Health Department.

- Attachments: 1. Proposed Ordinance (Clean Version) 2. Fiscal Analysis of Proposed Revised Fees 3. Proof of Publication

Recommended by: [Signature] Department Director Date 3/8/2022 Approved By: [Signature] Assistant County Administrator Date 3/14/2022

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures					
Operating Costs					
External Revenue					
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT					
#ADDITIONAL FTE POSITIONS (CUMULATIVE)	0	0	0	0	0

Is Item Included in Current Budget? Yes No
 Does this item include the use of federal funds? Yes No

Budget Account No:

Fund Agency Organization Object

B. Recommended Sources of Funds/Summary of Fiscal Impact:

The anticipated increase in County Fee revenue of \$ 974,840 represents 8.2% of the Division of Environmental Public Health FY 2022 proposed budget of \$11.9 million.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Joyanna
3/9/22
Lucy Malt 3/9/22
 OFMB 7A 3-9-22

Ar. Le. Jurebay 3/11/22
 Contract Dev. & Control
 3-11-22 TW

B. Legal Sufficiency

Helene C. H. 3-11-22
 Assistant County Attorney

C. Other Department Review

 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

Background and Policy Issues:

Section 11-24 provides for a fee schedule. These fees are used to support the operating costs of the Florida Department of Health in Palm Beach County, Division of Environmental Public Health in the administration and enforcement of the provisions of this ordinance. Some of these fees are one-time charges and on-demand based charges, while others will be incurred by regulated facilities on an annual basis. The anticipated increase in County Fee revenue represents 8.2% of the Division of Environmental Public Health FY 2022 proposed budget of \$11.9 million.

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ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD, AMENDING PALM BEACH COUNTY CODE CHAPTER 11, ARTICLE II, SECTION 11-20 (ORDINANCE 78-5, AS AMENDED BY ORDINANCES 87-22, 89-14, 94-26, 97-58, 08-011, AND 2014-028), AND SECTION 11-24 (ORDINANCE 78-5, AS AMENDED BY ORDINANCES 79-15, 85-25, 85-43, 87-22, 89-14, 92-23, 97-58, 08-011, AND 2014-028); PROVIDING FOR COUNTY HEALTH DEPARTMENT AND SOLID WASTE AUTHORITY PERMITS, LICENSES AND APPROVALS; PROVIDING FOR A FEE SCHEDULE; PROVIDING FOR APPLICABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 77-616, Laws of Florida, as amended establishes the Palm Beach County Board of County Commissioners as the Palm Beach County Environmental Control Board and authorizes the Environmental Control Board to adopt ordinances that will ensure sanitary practices and protect the environment from contaminants or synergistic agents injurious to human, plant, or animal life which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business; and

WHEREAS, the Board of County Commissioners sitting as the Environmental Control Board is specifically authorized to adopt, revise, and amend from time to time appropriate ordinances and rules necessary for the implementation and effective enforcement, administration and interpretation of the provisions of the Environmental Control Act; and

WHEREAS, the Board of County Commissioners is specifically authorized to provide for the effective and continuing control and regulation of the environment in the County within the framework of the Environmental Control Act; and

WHEREAS, the Board of County Commissioners has previously established the requirement that certain activities affecting the environment are required to be licensed and/or permitted, and the imposition of the fees are necessary; and

WHEREAS, due to changes in the Laws in Florida it is necessary from time to time to amend the list of activities required to be approved, licensed, or permitted and likewise

1 to amend the schedule of fees in order to align revenue with program costs and offset
2 other reductions in funding.

3
4 **NOW, THEREFORE**, be it ordained by the Board of County Commissioners of
5 Palm Beach County, Florida, sitting as the Environmental Control Board, that:

6
7 **SECTION 1. AMENDMENT TO COUNTY HEALTH DEPARTMENT AND**
8 **SOLID WASTE AUTHORITY PERMITS, LICENSES AND APPROVALS**
9 **Chapter 11, Article II, Section 11-20 of the Palm Beach County Code (§ 4, Ord. No.**
10 **78-5, as amended) is hereby amended as follows:**

11
12 **Sec. 11-20. County health department and Solid Waste Authority permits, licenses**
13 **and approvals.**

14 (a) Before any of the following activities may be commenced, written approval must
15 be obtained from the health department in accordance with subsection (d):

16 For the purpose of this ordinance the word "construction" shall include reconstruction
17 and renovation.

18 (1) Open burning for land clearing purposes.

19 (2) Construction of hazardous waste facilities.

20 (3) Utilization of on-site sewage treatment & disposal systems in
21 subdivisions.

22 (4) Initial operation of drinking water systems or distribution lines,
23 wastewater collection or transmission systems, or private lift stations.

24 (5) Renovation projects involving the removal of asbestos containing
25 material.

26 (6) Demolition of structures that require notification under the National
27 Emission Standards for Hazardous Air Pollutants (NESHAP), Code of Federal
28 Regulations, Title 40, Part 61, subpart M, as amended.

29
30 (b) Before any of the following activities may be commenced, permits must be
31 obtained from the health department:

32 (1) Construction of on-site sewage treatment and disposal systems.

33 (2) Construction of community, noncommunity, and nontransient
34 noncommunity water supply systems.

35 (3) Construction of water distribution systems.

36 (4) Construction of limited use community and limited use commercial water
37 supply systems.

38 (5) Construction of all water wells, including limited use, private, nonpotable,
39 and monitoring wells.

40 (6) Construction of sewage collection systems.

41 (7) Construction of sewage treatment facilities with capacity of under 0.5
42 million gallons per day.

- 1 (8) Construction of biohazardous waste incinerator facilities.
- 2 (9) Construction of other air pollution facilities as delegated by the Florida
- 3 Department of Environmental Protection (DEP).
- 4 (10) Construction of solid waste facilities as delegated by the Florida
- 5 Department of Environmental Protection.
- 6

7 (c) Operational activities pertaining to the following shall require payment of license
8 or inspection fees payable to the health department.

- 9 (1) Family day care facilities.
- 10 (2) Child care facilities and substantial compliance programs.
- 11 Religiously affiliated child care programs may obtain an annual certificate of
- 12 compliance in lieu of a license. A fee shall be paid in the same amount as a child
- 13 care license fee. Preschool programs for three- and four-year old children in
- 14 nonpublic schools may elect to be in substantial compliance in lieu of obtaining
- 15 a license. An inspection fee shall be paid in the same amount as a license fee and
- 16 on an annual basis.
- 17 (3) Air pollution sources.
- 18 (4) Water supply systems.
- 19 (5) Domestic wastewater and biosolids_treatment facilities.
- 20 (6) Private wastewater collection systems.
- 21 (7) Solid waste management facilities.
- 22 (8) Hazardous waste generators.
- 23 (9) Facilities and entities subject to Chapter 62-6, F.A.C..
- 24 (10) Community based residential and group care facilities.
- 25 (11) Migrant labor housing facilities.
- 26

27 (d) No permit, license or approval shall be issued until the county health department
28 determines that:

- 29 (1) The activity will not adversely affect human health and welfare, plant or
- 30 animal life, and the reasonable enjoyment of life, property or the conduct of
- 31 business; and
- 32 (2) The activity complies with the requirements contained in the applicable
- 33 statutes, special acts and rules adopted in section 11-19. Compliance may be
- 34 determined by the last recorded inspection.
- 35

36 (e) Unless otherwise provided by ordinance or rule or specified by the license, every
37 license shall expire on December 31 of each year or on change of ownership and shall
38 be renewable annually. Construction permits and written approvals shall be valid for the
39 duration of the activity for which they are issued unless otherwise specified by the
40 permit or approval.

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42 (f) No permit, license or written approval shall be issued until all fees have been paid.

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(g) Any license with an annual fee of more than \$125.00 that is issued to a new activity within six months of its expiration date shall have the fee prorated on a quarterly basis.

(h) Unless otherwise provided by ordinance or rule or specified by the permit, license or approval, said permits, licenses and approvals are not transferable.

(i) Solid Waste Authority of Palm Beach County permits, resolutions, and orders:

(1) Prohibitions:

- a. No person shall operate, maintain, construct, expand, or modify any resource recovery and/or waste management facility without first having applied for and received a valid operating permit from the Solid Waste Authority of the county.
- b. No person shall operate, maintain, construct, expand, or modify any resource recovery and/or waste management facility in violation of any resolutions, rules, or orders adopted by the Solid Waste Authority of the county.
- c. No person shall collect solid waste in violation of any rule or resolution including rules or resolutions creating exclusive franchises.

(2) Enforcement procedure:

- a. The Executive Director of the Solid Waste Authority of the county shall determine compliance with the provisions of subsection 11-20 (i)(1) of section 11-20. Upon determination that a violation of subsection 11-20(i)(1) has occurred, the Executive Director of the Solid Waste Authority of the county shall give the violator a reasonable time, by formal written notice, within which to correct such violation. Should the violation continue beyond the time specified for correction, the Executive Director of the Solid Waste Authority shall notify the Environmental Control Officer in writing of such failure to correct the violation.
- b. Upon notification by the Executive Director of the Solid Waste Authority of the county that there is a violation of subsection 11-20 (i)(1) of section 11-20, which has not been corrected within the time specified by the Executive Director of the Solid Waste Authority, the Environmental Control Officer shall follow the procedures provided by Chapter 77-616, Special Acts, Laws of Florida, as amended, and Ordinance No. 78-5, as amended by Ordinance No 97-58, to bring the case for hearing before the Environmental Control Hearing Board.

(3) Public health threat violations:

- a. Pursuant to Section 13 of Chapter 2001-331, Special Acts, Laws of Florida, as amended, the County Health Director shall continue to

1 determine compliance with the provisions of Chapter 2001-331, Special
2 Acts, Laws of Florida, as amended, which relate to sanitary collection,
3 storage, processing, and disposal of solid waste. If the County Health
4 Director determines that a health violation or public health threat exists,
5 the Health Director shall follow the procedures provided for in Section
6 13, Chapter 2001-331, Special Acts, Laws of Florida, as amended, to
7 obtain compliance by the violator, or, if compliance is not obtained, to
8 notify the Environmental Control Officer so the Environmental Control
9 Officer can cause the case to be heard by the Environmental Control
10 Hearing Board.

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12 **SECTION 2. AMENDMENT TO FEE SCHEDULE**

13 **Chapter 11, Article II, Section 11-24 of the Palm Beach County Code (§ 7, Ord. No.**
14 **78-5, as amended) is hereby amended as follows:**

15

16 **Sec. 11-24. Fee Schedule.**

17 The following fees are hereby adopted to supplement the costs of issuing permits,
18 licenses and approvals; performing inspections; reviewing plans and sites; and
19 performing other services in the administration of this article and the Environmental
20 Control Act [appendix G, § 11-21 et seq.]. These nonrefundable fees shall be paid to the
21 county health department. Fees for plan review, construction permits, site evaluation,
22 appeals and local written approval shall be paid at the time of application. Fees for
23 annual licenses shall be paid prior to the expiration of the existing license.

24

25 **(1) Annual license fees** -- *Operational activities relating to the following shall*
26 *require payment to the county health department of annual license fees:*

27

28 a. Reserved.

29 **Editor's note:** The provisions of this section dealing with child care licenses have been
30 superseded by the provisions of Section F of Article IV of Chapter 1 of Appendix D to
31 the County Code, and the provisions dealing with family day care licenses have been
32 superseded by the provisions of Section F of Article IV of Chapter 2 of Appendix D to
33 the County Code. These provisions have been removed at the direction of the county.

34

35 b. Air pollution activities (excluding Title V sources as defined by the Florida
36 Department of Environmental Protection and facilities licensed as multimedia):

37

1. Fuel-burning equipment (excluding incinerators):

38

(a). Less than 100 million BTU per hour . . . 130.00

39

(b). 100 million BTU per hour or greater . . . 460.00

40

2. Incinerators 225.00

41

3. Asphaltic concrete batch plants . . . 340.00

42

4. Concrete batch and block plants . . . 200.00

- 1 5. Minor permitted sources . . . 125.00
- 2 6. Other minor non-permitted sources . . . 75.00
- 3
- 4 c. Drinking water supply systems (excluding Limited Use Systems):
- 5 1. Up to and including 0.1 million gallons per day . . . 390.00
- 6 2. Over 0.1 million gallons per day up to and including 0.3 million gallons per
- 7 day . . . 1200.00
- 8 3. Over 0.3 million gallons per day up to and including 1.0 million gallons per
- 9 day . . . 1625.00
- 10 4. Over 1.0 million gallons per day up to and including 5.0 million gallons per
- 11 day . . . 2275.00
- 12 5. Over 5.0 million gallons per day . . . 3250.00
- 13
- 14 d. Wastewater:
- 15 1. Private lift stations (facilities not owned or operated by a DEP licensed
- 16 wastewater utility; discharging to a collection system owned or operated by a
- 17 DEP licensed wastewater utility; and, excluding systems utilized by one or two
- 18 residential dwelling units) . . . 250.00
- 19 2. Public Sewage Collection Systems and Treatment Systems with Capacities
- 20 as follows:
- 21 (a). Up to and including 0.05 million gallons per day . . . 1225.00
- 22 (b). Over 0.05 million gallons per day up to and including 0.5 million
- 23 gallons per day . . . 1550.00
- 24 (c). Over 0.5 million gallons per day up to and including 1.0 million
- 25 gallons per day . . . 1600.00
- 26 (d). Over 1.0 million gallons per day up to and including 3.0 million
- 27 gallons per day . . . 1800.00
- 28 (e). Over 3.0 million gallons per day . . . 2800.00
- 29 3. Sludge/Biosolids disposal sites:
- 30 (a). Less than 50 acres . . . 4875.00
- 31 (b). 50 acres or greater . . . 4875.00 plus 2.50 for each acre over 50
- 32 4. Septage, portable restroom, or portable or stationary holding tank waste
- 33 handling:
- 34 (a). Septage stabilization facility . . . 400.00
- 35 (b). Service vehicle, per vehicle . . . 350.00
- 36
- 37 e. Solid waste management facilities:
- 38 1. Solid waste disposal sites (landfills):
- 39 (a). Class I . . . 3000.00
- 40 (b). Class II . . . (discontinued)
- 41 (c). Class III . . . 2000.00
- 42 (d). Construction and demolition debris landfill . . . 1000.00

- 1 (e). Yard trash and land clearing disposal sites . . .1000.00
- 2 2. Solid waste transfer station . . . 1050.00
- 3 3. Permitted compost site . . . 2275.00
- 4 4. Solid waste processing facilities
- 5 (a). Waste processing facilities . . . 2000.00
- 6 (b). Waste processing with recoverable screen material (RSM) production
- 7 . . . 3000.00
- 8 5. Waste tire facilities
- 9 (a). Waste tire collection center . . . 500.00
- 10 (b). Waste tire processing facility . . . 750.00
- 11 6. Registered yard trash processing facilities . . . 125.00
- 12 7. Container to container solid waste facilities . . . 125.00
- 13 8. Other regulated solid waste management facilities . . . 200.00
- 14
- 15 f. Hazardous waste generators (excluding facilities licensed as multimedia):
- 16 1. Greater than zero kilograms (zero pounds) per month but less than 25
- 17 kilograms (55 pounds) per month . . . 115.00
- 18 2. 25 kilograms (55 pounds) to less than 100 kilograms (220 pounds) per
- 19 month . . . 200.00
- 20 3. 100 kilograms (220 pounds) to less than 500 kilograms (1100 pounds) per
- 21 month . . . 450.00
- 22 4. 500 kilograms (1100 pounds) to less than 1,000 kilograms (2200 pounds)
- 23 per month . . . 550.00
- 24 5. 1,000 kilograms (2200 pounds) per month or greater . . . 650.00
- 25
- 26 g. Multimedia:
- 27 1. Air & Hazardous Waste:
- 28 (a). Dry cleaning facilities producing less than 25 kilograms (55 pounds)
- 29 per month of hazardous waste . . . 125.00
- 30 (b). Dry cleaning facilities producing 25 kilograms (55 pounds) per month
- 31 but less than 1,000 kilograms (2200 pounds) per month of hazardous waste
- 32 . . . 275.00
- 33
- 34 **(2) Plan review fees**--*Plan reviews performed by the county health department shall*
- 35 *require payment of the fees provided below:*
- 36
- 37 a. Child care facilities - New, remodeled, or change of ownership . . . 250.00
- 38
- 39 b. Family day care facilities . . . 50.00
- 40
- 41 c. Private or charter schools - New / Remodeled . . . 100.00
- 42

- 1 d. Migrant labor camps and residential migrant housing . . . 100.00
- 2
- 3 e. Mobile home and recreational vehicle parks . . . 100.00
- 4
- 5 f. Community based residential facilities . . . 100.00
- 6
- 7 g. Temporary tattoo or body piercing establishment . . . 200.00
- 8
- 9 h. Public swimming pools - New / Modification . . . 300.00
- 10
- 11 i. Approval of building plans not specified in subparagraphs a--h above . . . 50.00
- 12

13 **(3) Permit fees**--*The activities and facilities below shall require payment to the county*
 14 *health department of the fees indicated:*

- 16 a. Permits for construction and repair of on-site sewage treatment and disposal
- 17 systems (OSTDS):
 - 18 1. Application fee (in addition to fees required under Chapter 62-6, F.A.C.)
 - 19 for new, repaired, modified, or existing septic tank system . . . 200.00
 - 20 2. Automatic dosing system construction:
 - 21 (a). Residential . . . 75.00
 - 22 (b). Commercial . . . 125.00
- 23
- 24 b. Permits for construction of wells, monitoring wells (as defined in Chapter 40E-
- 25 3.021(19), F.A.C.), and water supply systems:
 - 26 1. All potable water wells . . . 150.00
 - 27 2. Nonpotable water wells:
 - 28 (a). Monitoring wells per site (maximum 8 wells per permit) . . . 50.00
 - 29 (b). All others . . . 100.00
 - 30 3. Well abandonment when not associated with a replacement well, per site
 - 31 (maximum 8 wells per permit) . . . 75.00
 - 32 4. Sanitary survey for each new community, non-transient non-community,
 - 33 and transient non-community water well . . . 125.00
 - 34 5. Construction permit for water distribution lines requiring Health
 - 35 Department approval only (refers to lines requiring approval under
 - 36 Environmental Control Rule II, Sect. 11B.5 and exempted from DEP permits)
 - 37 . . . 500.00
- 38

39 **(4) Fees for local written approval** -- *Written approval of the activities below shall*
 40 *require payment to the county health department of the fees indicated:*

41

- 1 a. Approval for use of permitted water system or distribution lines, per release (full
2 or partial) . . . 50.00
3
- 4 b. Open burning site evaluation (land clearing debris generated on-site):
5 1. 2 acres or less . . . 25.00
6 2. Greater than 2 acres but less than 50 acres . . . 75.00
7 3. 50 to 100 acres . . . 150.00
8 4. Greater than 100 acres . . . 200.00
9 Note: Open burning activities conducted off-site shall likewise be so assessed
10 for each parcel of land that is cleared.
11
- 12 c. Wastewater collection/transmission system release, per release (full or partial) . . .
13 50.00
14
- 15 d. Utilization of on-site sewage treatment and disposal systems in subdivisions:
16 1. 3 -- 25 lots . . . 260.00
17 2. 26 -- 50 lots . . . 325.00
18
- 19 e. Private wastewater lift station release . . . 100.00
20
- 21 f. Fees for asbestos removal renovation and demolition of regulated structures for
22 projects that submit notifications as required under the asbestos NESHAP rules. The
23 appropriate fee shall be submitted with the required NESHAP notification.
24
- 25 1. Projects involving removal of regulated asbestos containing materials¹.
26 (a). 160 to 420 square feet . . . 200.00
27 (b). 260 to 420 linear feet . . . 200.00
28 (c). 421 to 3,000 square feet or linear feet . . . 400.00
29 (d). 3,001 to 5,500 square feet or linear feet . . . 600.00
30 (e). 5,501 to 8,000 square feet or linear feet . . . 800.00
31 (f). Greater than 8,000 square feet or linear feet . . . 1,000.00
32 (g). 35 to 45 cubic feet . . . 200.00
33 (h). 46 to 54 cubic feet . . . 500.00
34 (i). 55 to 64 cubic feet . . . 800.00
35 (j). Greater than 64 cubic feet . . . 1,000.00
36 ¹ Linear feet applies to piping. Cubic feet based on amount of asbestos
37 containing material removed when linear feet or square feet cannot be
38 determined.
39
- 40 2. Projects involving demolition of structures with the following square
41 footage¹:
42 (a). Less than 30,001 square feet . . . 250.00

- 1 (b). 30,001 to 50,000 square feet . . . 500.00
- 2 (c). 50,001 to 70,000 square feet . . . 750.00
- 3 (d). Greater than 70,000 square feet . . . 1,000.00
- 4 (e). Mobile homes (per unit) . . . 50.00*

5 *not to exceed 1,000.00 per demolition phase

6 ¹ Demolition fee may be waived if project was inspected under an asbestos
7 removal renovation notification.

8

9 **(5) Fees for miscellaneous services** -- *The following services performed by the*
10 *county health department shall require payment of the fees indicated:*

- 11
- 12 a. Approval of sanitary facilities for temporary events i.e., carnivals, circus, festivals,
13 cook-outs, revivals, etc. . . . 50.00
- 14
- 15 b. Appeals from Environmental Control Rule I [app. C, art. II, div. 2]:
 - 16 1. Single-family residence . . . 100.00
 - 17 2. All others, including, but not limited to multiple-family, commercial, or
18 subdivisions . . . 125.00
- 19
- 20 c. Appeals from Environmental Control Rule II [app. C, art. III, div. 3] . . . 100.00
- 21
- 22 d. Initial annual license application processing fee . . . 50.00
- 23
- 24 e. Processing fee for renewal of any state permit, license or certificate . . . 50.00
- 25
- 26 f. Site evaluation or re-evaluation (in addition to fees required under Chapter 62-6,
27 F.A.C.) . . . 150.00
- 28
- 29 g. Facility reinspection fee for any reinspections after the first reinspection . . . 50.00
- 30
- 31 h. Reissuance of transferable licenses pursuant to change of ownership . . . 25.00
- 32
- 33 i. Sanitation and safety inspections:
 - 34 1. Private or charter schools:
 - 35 (a). 1 to 49 children . . . 175.00
 - 36 (b). 50 children and more . . . 400.00
 - 37 2. Community based residential facilities:
 - 38 (a). 1 to 5 resident capacity . . . 100.00
 - 39 (b). 6 or more resident capacity . . . 20.00 per resident, not to exceed
40 500.00

- 1 3. Migrant labor camps and residential migrant housing (in addition to fees
- 2 required under Chapter 64E-14, F.A.C.) . . . 2.00 per occupant capacity, not to
- 3 exceed 500.00
- 4
- 5 4. Foster home inspection (per request) . . . 50.00
- 6
- 7 j. Site visit for facilities not listed above (per request) . . . 85.00
- 8
- 9 k. Community environmental health class, per person . . . 20.00
- 10
- 11 l. Late fee for payments received 30 days or more after the due date . . . 35.00
- 12

13 **(5) Fees for laboratory services -- laboratory services performed by the county**
 14 *health department shall require payment of the fees indicated:*

- 15
- 16 a. Water sample collection, per site:
- 17 1. Beach sample collection and reporting . . . 100.00
- 18 2. Potable or non-potable water supply sample collection . . . 75.00
- 19
- 20 b. Water sample analysis, per sample:
- 21 1. Beach sample analysis (Enterococci) . . . 50.00
- 22 2. Potable water analysis (Total Coliform/E. Coli) – 24-hour . . . 30.00
- 23 3. Potable water analysis (Total Coliform/E. Coli) – 18-hour . . . 35.00
- 24 4. Legionella pneumophila . . . 75.00
- 25 5. Wastewater (Total Suspended Solids) . . . 30.00
- 26 6. Wastewater (CBOD) . . . 45.00
- 27

28 **SECTION 3. APPLICABILITY**

29

30 This Ordinance shall be applicable in the incorporated and unincorporated areas of Palm

31 Beach County, Florida.

32

33 **SECTION 4. SAVINGS CLAUSE**

34

35 Notwithstanding anything to the contrary, all provisions of Chapter 11, Article II, Section

36 11-20 and Section 11-24 of the Palm Beach County Code, codifying Ordinance No. 78-

37 5, as amended, are specifically preserved and remain in full force and effect for the limited

38 purpose of enforcing any alleged violations of said Code, which occurred prior to its

39 amendment.

40

41 **SECTION 5. REPEAL OF LAWS IN CONFLICT**

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1 All local laws and ordinances in conflict with any provision of the Ordinance are hereby
2 repealed to the extent of such conflict.

3

4 **SECTION 6. SEVERABILITY**

5

6 If any section, paragraph, sentence, clause phrase, or word of this Ordinance is for any
7 reason held by the Court to be unconstitutional, inoperative, or void, such holding shall
8 not affect the remainder of this Ordinance. Further, if any provision of this Ordinance is
9 found to be in conflict with the Florida Building Code, the Florida Building Code shall
10 prevail as to that specific provision.

11

12 **SECTION 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

13

14 The provisions of this Ordinance shall become and be made part of the Code of Laws and
15 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be
16 renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed
17 to “section,” “article,” or other appropriate word.

18

19 **SECTION 8. EFFECTIVE DATE**

20

21 The provisions of this Ordinance shall become effective upon filing with the Secretary
22 of State.

23

24 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
25 County, Florida, sitting as the Environmental Control Board, on this the _____ day
26 of _____, 2022.

27

28 JOSEPH ABRUZZO, PALM BEACH COUNTY, FLORIDA,
29 CLERK & COMPTROLLER BY ITS
30 Board of County Commissioners BOARD OF COUNTY COMMISSIONERS
31 Sitting as the Environmental Control Board

32

33 By: _____ By: _____
34 Deputy Clerk Robert S. Weinroth, Mayor

35

36 APPROVED AS TO FORM AND
37 LEGAL SUFFICIENCY

38

39 By: Helene C. Abryd
40 County Attorney

41

Fiscal Analysis of Proposed Revised Fees

Florida Department of Health in Palm Beach County - Environmental Public Health Fees, 2022

The Division of Environmental Public Health (EPH) of the Florida Department of Health - Palm Beach County collects fees for certain annual licenses, plan reviews, permits, written approvals and other miscellaneous services. Collection of these fees supports regulatory activities which protect the public from disease-causing agents in the environment. **Palm Beach County Code Chapter 11, Article II, Section 11-24** authorizes fees for programs and services that the county has directed the Division to carry out, but for which fees are not established by state statute. Currently, these county-authorized fees provide approximately \$1,296,600 of revenue annually, or 11% of EPH's annual \$11.9 million dollar budget. An additional \$1.78 million comes from state authorized fees, meaning 26% of total division costs are supported by fees. The remaining funding comes from State General Revenue (43%), categorical funds such as State and Federal grants (12%), and County Ad Valorem funding (19%).

The county fee ordinance for County Health Department Licenses and Approvals was last updated in 2014. That revision added several new fees needed to address programmatic changes and eliminated certain fees due to changes in regulatory authority. The primary focus of the current amendment is to supplement existing state permit fees that are not sufficient to support the level of services currently being provided, including information technology resources for digital records retention and public access. Other supplemental fees are being added to meet the increased cost of providing services at an enhanced level (migrant labor housing inspections). New/increased fees are listed below, along with the anticipated revenue increases by category. Overall, these changes will increase fee support to 32% of total funding, reduce dependence on general revenue, and contribute to a more stable and sustainable staffing level.

New Fees	Annual (A) or One Time (O)	Current Fee	New Rate	Count*	Annual Net
Plan Review Fees					
Community Based Residential Facilities	O	New	\$100	40	\$4,000
Temporary Establishment (Tattoo / Piercing)	O	New	\$200	5	\$1,000
Public Pool Plan Review (New / Mod)	O	New	\$300	100	\$30,000
				Total	\$35,000
Fees for Miscellaneous Services					
Initial Application Processing Fee (All)	O	New	\$50	2,000	\$100,000
Annual Permit Renewal (State)	A	New	\$50	9,150	\$457,500
Inspection of Community Based Residential Facilities (1-5 residents)	A	New	\$100	58	\$5,800
Inspection of Community Based Residential Facilities (6 or more Residents)	A	New	\$20 per resident (Not to exceed \$500)	250	\$63,380
Inspection of Migrant Labor facilities	A	New	\$2 per occupant (Not to exceed \$500)	33	\$6,160
OSTDS Site Evaluation or Re-Evaluation	O	New	\$150	240	\$33,600
				Total	\$666,440
Fees for Laboratory Services					
Beach Sample Collection and Reporting, per site	O	New	\$100	260	\$26,000
Potable and non-potable water sample collection, per site	O	New	\$75	Tbd**	
Beach Sample Analysis (Enterococci), per sample	O	New	\$50	260	\$13,000
Potable Water Analysis (Total Coliform) 24-hour, per sample	O	New	\$30	tbd	
Potable Water Analysis (Total Coliform) 18-hour, per sample	O	New	\$35	tbd	

Legionella pneumophila, per sample	O	New	\$75	tbd	
Wastewater (TSS), per sample	O	New	\$30	tbd	
Wastewater (CBOD), per sample	O	New	\$45	tbd	
				Total	\$39,000
New Fees Total					\$740,440

Increased Fees	Annual (A) or One Time (O)	Current Fee	New Rate	Increase	Count*	Net
Annual License Fees						
Private lift stations	A	\$200	\$250	\$50	800	\$40,000
Hazardous waste <25 kg/month	A	\$65	\$115	\$50	600	\$30,000
Permit Fees						
Application fee for septic tank systems	O	\$50	\$200	\$150	1096	\$164,400
Increased Fees Total						\$234,400

Net Fee Change	\$974,840
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*Counts are an estimate of expected services or facilities that will incur the fees, based on current service levels.

** Tbd: to be determined

Annual License Fees for Sewage Lift Stations and the first tier of Hazardous Waste Generator are being increased to reflect the cost of conducting inspections and post-disaster monitoring.

Plan Review Fees are being established for newly opened locations in state programs where plan review is required but there is no established fee.

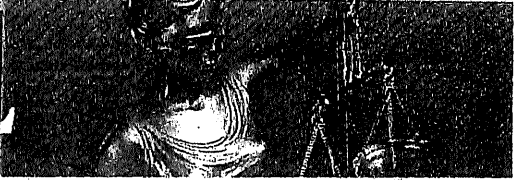
- Community Based Residential Facilities include Assisted Living Facilities, Residential Treatment Facilities, and Adult Family Care Homes. This will only impact new facilities, which have been increasing in number and capacity in recent years.
- Temporary Tattoo/Piercing permits are required for conventions and events held in non-permanent locations, typically with multiple artists.
- New and Modified Public Swimming Pools require engineering review for safety and sanitation standards. Public pools include those at hotels, condominiums, community associations, and clubs.

Miscellaneous Service Fees being added include an initial application fee for all newly permitted facilities, as well as a processing fee for annual permit renewals. This will affect all state annual permits (Pools, Biomedical, Food, Body Art, Tanning, Mobile Home Parks, Migrant Labor Camps, and Drinking Water Systems). Annual fees based on facility size are being implemented for Community Based Residential Facilities, which are inspected annually but currently have no fees. A per occupant fee is being added to supplement the state fee for Migrant Labor Camps, in order to support adequate staffing in the program. An additional county fee for septic site evaluations will apply when the applicant elects for the site work to be performed by the department instead of a private evaluator.

Permit Fees for the Onsite Sewage Treatment and Disposal System (septic tank) program will see an increase to the county Application fee for septic construction permits, including new construction, repairs, and modifications impacting the septic system. This will allow for permit specifications and site plan records to be digitized and made available in electronic format, benefiting clients and contractors.

Fees for Laboratory Services are being established to support the operation of the newly created Environmental Health Water Laboratory, which will be capable of performing in-house testing of potable and non-potable water supplies, beach water, and wastewater. These services will be available at the request of municipalities, utilities, and residents, and the in-house lab will be also be available for rapid post-disaster well clearances, which are essential in the wake of flooding and power outages.

DAILY LAW



0000689553-01

public notice

0000689611-01

NOTICE OF PUBLIC HEARINGS

PLEASE TAKE NOTICE THAT AT 9:30 A.M. ON March 22, 2021, in the Palm Beach County Governmental Center, Jane Thompson Memorial Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach FL, the Board of County Commissioners of Palm Beach County, FL, intends to hold a public hearing for the purpose of considering the following proposed Palm Beach County Ordinance (s):

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD, AMENDING PALM BEACH COUNTY CODE CHAPTER 11, ARTICLE II, SECTION 11-20 (ORDINANCE 78-5, AS AMENDED BY ORDINANCES 87-22, 89-14, 94-26, 97-58, 08-011, AND 2014-028); AND SECTION 11-24 (ORDINANCE 78-5, AS AMENDED BY ORDINANCES 78-18, 85-25, 85-43, 87-22, 89-14, 92-23, 97-58, 08-011, AND 2014-028); PROVIDING FOR COUNTY HEALTH DEPARTMENT AND SOLID WASTE AUTHORITY PERMITS, LICENSES AND APPROVALS; PROVIDING FOR A FEE SCHEDULE; PROVIDING FOR APPLICABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

A copy of above referenced proposed ordinance is available for inspection in the Minutes Department, 2nd floor, room 203.2, Governmental Center. All interested parties may appear at the meeting and be heard with respect to the proposed ordinance(s).

If a person decides to appeal any decision made by this commission with respect to any matter considered at this meeting or hearing they will need to have a record of the proceeding, and for that, for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

JOSEPH ABRUZZO,
Clerk of the Circuit Court &
Comptroller
Board of County Commissioners
3-11/2022

0000689609-01