

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

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Meeting Date: August 23, 2022

Consent  
 Ordinance

Regular  
 Public Hearing

**Department**

Submitted By: Health Department

Submitted For: Environmental Public Health

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**I. EXECUTIVE BRIEF**

**Motion and Title:** staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopting the FY 2022/2023 budget for the Air Pollution Control Program.

**Summary:** This Resolution is required by the August 21, 1984, Agreement with the Department of Health Palm Beach County (DOHPBC) to establish the annual budget for the expenditure of fees deposited into the Air Pollution Control Trust Fund. This Program is solely supported by motor vehicle license registration fees. **The proposed FY 2022/2023 budget for the Air Pollution Control Program from this funding source is \$994,345, which is a 3.41% increase from the current year budget.** This budget can be accommodated by future revenues and a surplus in the Air Pollution Control Trust Fund. Countywide (HH)


**Background and Justification:** In 1983, the State Legislature enacted Section 320.03(6), Florida Statutes, which provided for an additional fifty cent (50¢) motor vehicle license registration fee for the control of air pollution in the State. If this fee is collected in counties with approved air pollution control programs, such as the existing Health Department Program, then it is returned to a trust fund established by the County. This Statute also requires that these funds be used only for air pollution control purposes. Therefore, the County entered into an agreement with the DOHPBC authorizing the Health Department Air Pollution Control Program to act on behalf of Palm Beach County, and to establish an Air Pollution Control Trust Fund to support such a program. The Resolution, No. R-84-1196, was adopted on August 21, 1984 (Attachment 4) and was amended on September 15, 2020 via resolution R-2020-1385 (Attachment 5).


The 1990 State Legislature amended Section 320.03(6), Florida Statutes, to increase the registration fee to One Dollar (\$1.00) for support of air pollution control activities. **(Continued on page 3)**

**Attachments:**

1. Proposed Resolution approving FY 2022/2023 Budget
2. FY 2022/2023 Air Pollution Control Program Budget
3. Comparison of Tag Fee Budgets FY 2022 & FY 2023
4. Resolution No. R-84-1196;
5. Resolution No. R-2020-1385 (adopted September 15, 2020)

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Recommended By:  7/29/22  
 Department Director Date

Approved By:  8/15/2022  
 Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Health Department (see below)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	* _____	_____	_____	_____	_____

# ADDITIONAL FTE POSITIONS (Cumulative) 0 \_\_\_\_\_

Is Item Included in Proposed Budget? Yes X No \_\_\_\_\_

Does this item include the use of Federal Funds? Yes \_\_\_\_\_ No X

Budget Account No.: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

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

\*There is no direct fiscal impact associated with this item. The revenue and expenditure budget of the registration fees is accounted for in the Health Department budget which is submitted for approval under a separate item.

**C. Departmental Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

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

*for review  
8/2/22*  
Lisa Matus 8/2/22  
OFMB

Arvid J. Javelle 8/5/22  
Contract Dev. and Control

**B. Legal Sufficiency**

Arlene C. Hingel 8-5-22  
Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

**THIS SUMMARY IS NOT TO BE USED AS A BASIS**

**Background And Justification (Continued):**

**Background And Justification:** Section 320.03(6), Florida Statutes, was further amended to provide that an approved local air pollution control program is eligible to receive an additional twenty-five cents (25¢) from the fee for a total of seventy-five cents (75¢), provided the local air pollution control trust fund has an unencumbered balance not exceeding 50% of the previous year's revenue allocation. It is estimated that the unencumbered balance at the end of the current fiscal year will be more than 50% of the annual revenue thus making the County eligible to receiving funding at the 50¢ level. It is also estimated that annual tag fee revenues collected during FFY 2022/2023 will provide sufficient funds for this budget.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,  
ADOPTING THE FY 2022/23 BUDGET FOR THE AIR  
POLLUTION CONTROL PROGRAM.**

**WHEREAS**, on August 21, 1984, the Board of County Commissioners entered into an agreement with the Department of Health Palm Beach County to continue an Air Pollution Control Program and establish an Air Pollution Control Trust Fund pursuant to Sections 403.182 and 320.03(6), Florida Statutes; and

**WHEREAS**, the Agreement requires the Health Department to submit a budget to the County on an annual basis; and

**WHEREAS**, the projected budget for the expenditure of monies deposited into the Air Pollution Control Trust Fund for FY 2022/2023 is as follows:

	<b><u>Program Component</u></b>	<b><u>Annual Cost</u></b>
<b>1</b>	Salary	\$414,129
<b>2</b>	Fringe	\$152,722
<b>3</b>	Travel & Training	\$6,000
<b>4</b>	Communications	\$2,500
<b>5</b>	Utilities & Building Maintenance	\$15,000
<b>6</b>	Postage & Printing	\$4,000
<b>7</b>	Office Supplies, Equip. Maintenance & Repair	\$14,000
<b>8</b>	Motor Pool	\$15,000
<b>9</b>	Laboratory Services	\$1,500
<b>10</b>	Promotional items, Subscriptions & Books	\$1,200
<b>11</b>	Capital Items (> \$1,000)	\$28,000
<b>12</b>	Legal Services	\$17,500
<b>13</b>	105 Match	\$185,000
<b>14</b>	Division Administrative Support	\$45,000
<b>15</b>	Indirect Costs	\$92,794
	<b>TOTAL</b>	<b>\$994,345.00</b>

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA** that the projected budget of the Air Pollution Control Program as set forth herein is hereby adopted, subject to final adoption of the Palm Beach County FY 2022/2023 Budget.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

<b>Commissioner Robert S. Weinroth, Mayor</b>	_____
<b>Commissioner Gregg K. Weiss, Vice Mayor</b>	_____
<b>Commissioner Maria G. Marino</b>	_____
<b>Commissioner Dave Kerner</b>	_____
<b>Commissioner Maria Sachs</b>	_____
<b>Commissioner Melissa McKinlay</b>	_____
<b>Commissioner Mack Bernard</b>	_____

The Mayor thereupon declared the Resolution duly passed and adopted the \_\_\_\_ day of \_\_\_\_\_, 2022.

**APPROVED AS TO FORM  
& LEGAL SUFFICIENCY**

**PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS**

Joseph Abruzzo, Clerk & Comptroller

BY: *Adine C. Obizid*  
County Attorney

BY: \_\_\_\_\_  
Deputy Clerk

Attachment 2

**BUDGET SUPPORT INFORMATION - FISCAL YEAR 2022-2023**

<u>FUND</u> AIR POLLUTION CONTROL TRUST FUND	<u>DEPARTMENT</u> FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY			<u>DIVISION</u> ENVIRONMENTAL PUBLIC HEALTH
Position No.	ACCOUNT TITLE - SALARIES	RATE	EXPLANTATION	BUDGET REQUEST
02408	\$44,473.52	0.5	Environmental Specialist II (ES II)	\$22,237
04029	\$45,127.16	0.3	Engineer III (Eng III)	\$13,538
27861	\$48,686.82	0.25	Environmental Specialist III (ES II)I	\$12,172
28835	\$95,171.44	0.35	Division Director	\$33,310
29023	\$91,482.82	0.25	Env. Administrator	\$22,871
29024	\$32,468.80	0.25	Staff Assistant	\$8,117
30896	\$44,786.56	0.2	ACIII	\$8,957
31287	\$47,466.12	0.25	ES III	\$11,867
45575	\$59,171.58	0.3	ENV. Manager	\$17,751
45576	\$59,340.06	0.4	ENV. Manager	\$23,736
45810	\$50,345.88	0.3	ESIII	\$15,104
49849	\$32,468.80	0.7	Staff Assistant	\$22,728
58573	\$55,377.14	0.4	Eng Sup. III	\$22,151
65377	\$45,127.16	0.55	ENG III	\$24,820
68935	\$51,115.22	0.1	ESIII	\$5,112
69370	\$51,278.24	0.6	Env. Consultant	\$30,767
69837	\$49,442.12	0.25	ENG III	\$12,361
84874	\$49,975.64	0.4	ES III	\$19,990
64961	\$44,750.00	0.4	ES III	\$17,900
950580	\$41,600.00	0.5	OPS ES II	\$20,800
9064415	\$47,840.00	1	OPS Govt. Operations Consultant	\$47,840
		<b>SUB-TOTAL</b>		<b>\$414,129.00</b>

**Attachment 2**

**BUDGET SUPPORT INFORMATION - FISCAL YEAR 2022-2023**

<u>FUND</u> AIR POLLUTION CONTROL TRUST FUND	<u>DEPARTMENT</u> FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY			<u>DIVISION</u> ENVIRONMENTAL PUBLIC HEALTH
OBJECT CODE	ACCOUNT TITLE - FRINGE	Rate	Position Title	BUDGET REQUEST
02408	\$44,473.52	0.5	Environmental Specialist II (ES II)	\$12,500
04029	\$45,127.16	0.3	Engineer III (Eng III)	\$5,043
27861	\$48,686.82	0.25	Environmental Specialist III (ES III)	\$7,121
28835	\$95,171.44	0.35	Division Director	\$13,193
29023	\$91,482.82	0.25	Env. Administrator	\$9,268
29024	\$32,468.80	0.25	Staff Assistant	\$1,229
30896	\$44,786.56	0.2	ACIII	\$5,558
31287	\$47,466.12	0.25	ES III	\$4,296
45575	\$59,171.58	0.3	ENV. Manager	\$9,488
45576	\$59,340.06	0.4	ENV. Manager	\$12,662
45810	\$50,345.88	0.3	ESIII	\$8,496
49849	\$32,468.80	0.7	Staff Assistant	\$5,354
58573	\$55,377.14	0.4	Eng Sup. III	\$9,934
65377	\$45,127.16	0.55	ENG III	\$17,043
68935	\$51,115.22	0.1	ESIII	\$1,780
69370	\$51,278.24	0.6	Env. Consultant	\$4,589
69837	\$49,442.12	0.25	ENG III	\$7,119
84874	\$49,975.64	0.4	ES III	\$11,304
64961	\$44,750.00	0.4	ES III	\$6,000
950580	\$41,600.00	0.5	OPS ES II	\$226
9064415	\$47,840.00	1	OPS Govt. Operations Consultant	\$520
		<b>SUB-TOTAL</b>	<b>SUB-TOTAL</b> Note: FRINGE BASED ON ACTUAL AMOUNTS	<b>\$152,723.00</b>

**Attachment 2**

**BUDGET SUPPORT INFORMATION - FISCAL YEAR 2022-2023**

<u>FUND</u> AIR POLLUTION CONTROL TRUST FUND	<u>DEPARTMENT</u> FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY	<u>DIVISION</u> ENVIRONMENTAL PUBLIC HEALTH
<u>ACCOUNT TITLE</u>	<u>EXPLANATION</u>	<u>BUDGET REQUEST</u>
TRAVEL & TRAINING	Travel costs to attend meetings, conferences, and training courses. Employee development (Registration Fees).	\$6,000
COMMUNICATIONS	Telephone, cellular phones, & pagers.	\$2,500
UTILITIES	Electric, water and waste disposal costs and building maintenance & security.	\$15,000
POSTAGE & PRINTING	Mailing of correspondence, shipping & freight. Reports, brochures, visual aids, video & photography, and copying.	\$ 4,000
LABORATORY AND CONTRACTUAL ITEMS	Costs related to equipment maintenance, and service contracts for air monitoring trailers.	\$1,500
OFFICE SUPPLIES, EQUIPMENT	Costs related to repairs, maintenance and replacement of air monitoring equipment, and equipment used to conduct	\$14,000
MOTOR POOL	Costs for operating section vehicles, including fuel, maintenance & repair and monthly leases.	\$15,000
PROMOTIONAL ITEMS, SUBSCRIPTIONS	Purchase of small items for public distribution to promote air quality. Purchases will be consistent with PBC Policy. Costs of periodicals,	\$1,200
CAPITAL ITEMS >\$1,000	Thermo scientific 49iQ (analyzer)	\$ 28,000
LEGAL SUPPORT	Support from PBCHD attorney's office for permitting challenges and enforcement actions.	\$17,500
OTHER	Matching money required to receive Federal air program funding for FY/23 from the U.S. Environmental Protection Agency.	\$185,000
DIVISION ADM SUPPORT	Direct administrative support services for purchasing, records retention, data management and personnel actions.	\$45,000
INDIRECT COSTS	Support services from Human Resources, Finance & Accounting, Data Management and Purchasing. Based on 16.37% of salary & fringe.	\$92,794
	<b>SUB-TOTAL</b>	<b>\$427,494</b>
	<b>BUDGET TOTAL</b>	<b>\$994,345</b>



MONTH	REVENUE	
	FY 21	FY 22
Oct	\$ 79,290.00	\$ 51,992.00
Nov	\$ 72,585.00	\$ 51,553.50
Dec	\$ 86,801.25	\$ 61,603.00
Jan	\$ 96,759.00	\$ 50,960.50
Feb	\$ 78,144.75	\$ 54,810.50
March	\$ 90,569.25	\$ 56,991.00
April	\$ 83,701.50	\$ 45,170.00
May	\$ 90,349.50	\$ 61,369.50
June	\$ 18,525.64	\$ 40,196.00
July	\$ 316,110.00	\$ 191,946.33 *
Aug	\$ 79,836.00	\$ 50,781.50 *
Sep	\$ 78,418.50	\$ 51,726.67 *
<b>TOTAL</b>	<b>\$1,171,090.39</b>	<b>\$ 769,100.50</b>

**NOTE:**

During FY 21, we collected the revenue at 75 cents per dollar.

\* estimated at average of the last 3 years

Comparison of Tag Fee Budgets FFY 2022 & FFY 2023			
	FY/22		% Difference
	FFY/21-22	FFY/22-23	
Salary	\$ 374,129	\$ 414,129	10.69%
Fringe 37.7%	\$ 149,412	\$ 152,722	2.22%
Travel & Training	\$ 6,000	\$ 6,000	0.00%
Communications	\$ 2,500	\$ 2,500	0.00%
Utilities & Bldg Main	\$ 15,000	\$ 15,000	0.00%
Postage & Printing	\$ 4,000	\$ 4,000	0.00%
Office Supplies, Equip. Maint & R	\$ 14,000	\$ 14,000	0.00%
Motor Pool	\$ 15,000	\$ 15,000	0.00%
Laboratory Services /Contratual	\$ 1,500	\$ 1,500	0.00%
Promotional items, Subscriptions	\$ 1,200	\$ 1,200	0.00%
Capital (OCO)	\$ 45,620	\$ 28,000	-38.62%
Legal Services	\$ 17,500	\$ 17,500	0.00%
105 Match	\$ 185,000	\$ 185,000	0.00%
EHE Adm Support	\$ 45,000	\$ 45,000	0.00%
Indirect Costs	\$ 85,704	\$ 92,794	8.27%
	\$ 961,565	\$ 994,345	3.41%

FY 2021 Unencumbered Balance:	\$740,731.76
Add: FFY 2022 Revenue	\$769,100.50
<b>TOTAL Estimated 2021 Unencumbered Balance</b>	<b>\$1,509,832.26</b>
<b>Budget for 2021-22</b>	<b>\$ 961,565.25</b>
Interest Earned	\$ -
Estimated Balance on 9/30/2022	\$548,267.01
Estimated revenue during FY 2023	\$ 700,000.00
<b>TOTAL Est. BALANCE by 9/30/23</b>	<b>\$1,248,267.01</b>

Requested budget for FFY 2022-23 \$ 994,344.90

ATTACHMENT 3  
RESOLUTION NO. R-84-1196

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA APPROVING THE AGREEMENT BETWEEN PALM BEACH COUNTY AND THE PALM BEACH COUNTY HEALTH DEPARTMENT AND AUTHORIZING THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS TO ESTABLISH THE AIR POLLUTION CONTROL TRUST FUND PURSUANT TO FLORIDA STATUTE 320.03(6)

WHEREAS, Palm Beach County recognizes the need for the control of air pollution; and

WHEREAS, Palm Beach County currently has in effect an Environmental Control Ordinance, Ordinance No. 78-5, as amended, which provides for the adoption by reference of all State Air Pollution rules; and

WHEREAS, the Air Pollution Control Program in the Health Department is an approved and certified program in accordance with S.403.182, Florida Statutes; and

WHEREAS, Florida Statute 320.03(6) authorizes the establishment of a local Air Pollution Control Trust Fund with the monies deposited in said fund to be used only for Air Pollution Control programs relating to the control of emissions from mobile sources and toxic and odor emissions, air quality monitoring, and facility inspections pursuant to Florida Statute 320.03(6) or the Palm Beach County Environmental Control Ordinance.

WHEREAS, it is necessary for the parties to enter into a contractual agreement to delineate their responsibilities and obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

The above statements are hereby affirmed and the Palm Beach County Health Department Air Pollution Control Program is authorized to act as the local Air Pollution Control Program on behalf of Palm Beach County, and the Clerk of the Board of County Commissioners is authorized to accept and transfer funds from the Department of Environmental Regulation Air Pollution Control Trust Fund to a County Air Pollution Control Trust Fund for the support of such a program in accordance with Florida Statute 320.03(6).

Be it further resolved that the agreement between Palm Beach County and the Palm Beach County Health Department, a copy of which is attached hereto and made a part hereof, is approved and the Chairman and Clerk of the Board of County Commissioners are hereby authorized to execute said contract on behalf of Palm Beach County.

The foregoing Resolution was offered by Commissioner Wilken who moved its adoption. The motion was seconded by Commissioner Koehler and being put to a vote, the vote was as follows:

KEN SPILLIAS	Aye
DOROTHY WILKEN	Aye
PEGGY B. EVATT	Aye
DENNIS P. KOEHLER	Aye
BILL BAILEY	Aye

The Chairman thereupon declared the Resolution duly passed and adopted this 21st day of August 1984.

PALM BEACH COUNTY, FLORIDA, BY IT  
BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

By: *Keith S. Crompton*  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

*William J. Fournier*  
County Attorney

AN AGREEMENT BETWEEN PALM BEACH COUNTY AND  
THE PALM BEACH COUNTY HEALTH DEPARTMENT FOR  
THE CONTROL OF AIR POLLUTION

THIS AGREEMENT, made and entered into at West Palm Beach, Florida, on this 21st day of August 1984, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida hereinafter referred to as "County", and the PALM BEACH COUNTY HEALTH DEPARTMENT, a Health Unit of the State Department of Health and Rehabilitative Services, hereinafter referred to as "Health Department".

WHEREAS, the County desires to establish an Air Pollution Control Program; and

WHEREAS, the Health Department Air Pollution Control Program is an approved program in accordance with S.403.182, Florida Statutes; and

WHEREAS, Florida Statute 320.03(6) authorizes the establishment of a local Air Pollution Control Trust Fund with the monies deposited in said fund to be used only for Air Pollution Control programs, relating to the control of emissions from mobile sources and toxic and odor emissions, air quality monitoring, and facility inspections pursuant to Florida Statute 320.03(6) or the Palm Beach County Environmental Control.

NOW THEREFORE, in consideration of the premises and the mutual premises and undertakings contained herein, and for other good and valuable consideration, the parties hereby agree as follows:

1. The County will adopt the existing Health Department Air Pollution Control Program as the approved local Air Pollution Control Program specified in Florida Statute 320.03(6)
2. The Health Department will administer said local program in accordance with the mandates set forth in Florida Statute 320.03(6); Florida Statute 403; and the Palm Beach County Environmental Control Ordinance.
3. The County shall establish a local Air Pollution Control Trust Fund in accordance with Florida Statute 320.03(6).
4. The County shall disburse monies from said Trust Fund to the Health Department, and the Health Department will utilize and account for said funds, in accordance with the provisions of

Florida Statute 320.03(6), Florida Administrative Code Chapter 17-2.820, and generally accepted accounting procedures and principles Exhibit 1 is attached hereto as a summary example of the accounting procedure to be utilized.

5. The Health Department will submit semi-annual written reports to the County setting forth the goals, objectives and accomplishments of the Local Air Pollution Control Program.

6. The Health Department shall submit a proposed budget to the County on an annual basis, the first of which is attached hereto as Exhibit 2 and made a part hereof.

7. This agreement shall become effective on the date last signed by the parties below.

8. This agreement may be terminated by either party upon 30 days written notice given by either party to the other prior to the proposed date of termination.

9. Health Department shall indemnify and hold harmless County from liability of any kind, including cost expenses for or on account of any suits, actual or threatened, or damages arising out of acts of its employees or program participants during the period of this agreement.

IN WITNESS WHEREOF, the parties have caused this two page agreement to be executed by their officials thereunto duly authorized.

PALM BEACH COUNTY HEALTH  
DEPARTMENT

BOARD OF COUNTY COMMISSIONERS  
OF PALM BEACH COUNTY, FLORIDA

BY: C. L. Brumback, M.D.  
Director  
per Jules J. [unclear]

BY: [Signature]  
Chairman

JOHN B. DUNKLE, CLERK

BY: [Signature]  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

[Signature]  
COUNTY ATTORNEY

R2020 1385

**FIRST AMENDMENT  
TO AN AGREEMENT BETWEEN PALM BEACH COUNTY  
AND THE DEPARTMENT OF HEALTH PALM BEACH COUNTY  
FOR THE CONTROL OF AIR POLLUTION**

**SEP 15 2020**

**THIS FIRST AMENDMENT** is made as of the \_\_\_\_\_ day of \_\_\_\_\_ 2020, by and between Palm Beach County, a Political Subdivision of the State of Florida, by and through its Board of Commissioners, hereinafter referred to as the COUNTY, and the State of Florida Department of Health, Palm Beach County, hereinafter referred to a DOH, collectively referred to as the Parties.

**WITNESSETH:**

**WHEREAS**, on August 21, 1984, the Parties entered into An Agreement for the Control of Air Pollution wherein the COUNTY and DOH agreed that DOH would administer the COUNTY's local Air Pollution Control Program specified in Section 320.03(6), Florida Statutes; and

**WHEREAS**, the Parties desire to amend the agreement to conform the language of the indemnification provision in that agreement to current language.

**NOW THEREFORE**, the parties mutually agree that the Contract is amended as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. **PARAGRAPH 9** is hereby replaced in its entirety with the following:

9. Each party shall be liable for its own actions and negligence and, to the extent permitted by law, COUNTY shall indemnify, defend and hold harmless DOH against any actions, claims or damages arising out of COUNTY'S negligence in connection with this Agreement, and DOH shall indemnify, defend and hold harmless COUNTY against any actions, claims, or damages arising out of DOH'S negligence in connection with this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's negligent, willful or intentional acts or omissions.

*REMAINDER OF PAGE LEFT BLANK INTENTIONALLY*

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this First Amendment on behalf of the COUNTY, and the State of Florida Department of Health, Palm Beach County have hereunto set their hand the day and year above written.

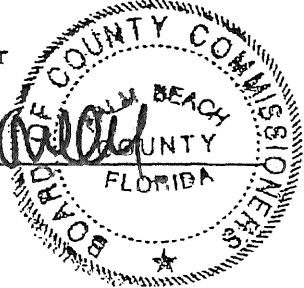
ATTEST:

R2020 1385 SEP 15 2020

Sharon R. Bock  
Clerk and Comptroller

PALM BEACH COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY *Sharon R. Bock*  
Deputy Clerk



BY *[Signature]*  
Dave Kerner, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

*[Signature]*  
Assistant County Attorney

APPROVED AS TO TERMS  
AND CONDITIONS

*Nancy J. Bolton*  
Nancy Bolton, Assistant County Administrator

STATE OF FLORIDA DEPARTMENT OF  
HEALTH, PALM BEACH COUNTY

*[Signature]*  
DR. ALINA ALONSO, DIRECTOR