

PUBLIC HEARING OF MAY 28, 2002

(The meeting convened at 2:00 p.m. and adjourned at 4:50 p.m.)

PLEDGE OF ALLEGIANCE was led by Commissioner Graber and Commissioner Lieberman.

CALL TO ORDER

1. MOTION TO APPROVE Contract for Sale and Purchase between Richard B. Silver, as Successor Trustee pursuant to the FMC Land Trust Agreement No. 1001 and Broward County, in the amount of \$1,561,875 for GOB Safe Parks and Land Preservation Bond Issue Sites 104 A/B (6.45 acre green space) and Site 105 (6.38 acre conservation land). GOB Safe Parks and Land Preservation Bond Issue authorizes Real Property Section to acquire this property using GOB Safe Parks and Land Preservation Bond Issue funds; authorize the Chair and Clerk to execute Contract for Sale and Purchase; and authorize acceptance and recordation of Deed. **(Commission District 9)**

ACTION: (Time-2:28 PM) Approved. See Page*****

2. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 10-80 OF THE BROWARD COUNTY CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF AN ADDITIONAL SUBSECTION 10-80 (5) RELATING TO THE IMPOSITION OF ADDITIONAL SERVICE CHARGES IN PROBATE MATTERS TO PROVIDE AND MAINTAIN EQUIPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Board of County Commissioners)

ACTION: (Time-2:28 PM) Filed proof of publication and enacted the Ordinance to become effective July 1, 2002. See Page*****

3. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

“AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 1, ADMINISTRATION, OF THE BROWARD COUNTY CODE CREATING A NEW ARTICLE ENTITLED “FALSE CLAIMS” TO PROHIBIT PRESENTATION, MAINTENANCE OR PROSECUTION OF FALSE OR FRAUDULENT CLAIMS; IMPOSING PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.”

(Sponsored by the Board of County Commissioners)

ACTION: (Time-2:31 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. See Page*****

4. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO LOCAL PREFERENCE; AMENDING DIVISION 5 OF CHAPTER 1,

CODE OF ORDINANCES, BIDDING PREFERENCE FOR LOCAL VENDORS; AMENDING DEFINITIONS AND PROCEDURES FOR APPLICATION FOR AWARD OF LOCAL PREFERENCE; AMENDING RECIPROCITY PROVISION; PROVIDING FOR ADMINISTRATIVE RULE-MAKING IN ADMINISTRATION OF LOCAL PREFERENCE PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Board of County Commissioners)

ACTION: (Time-2:31 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. See Page*****

5. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO HUMAN RIGHTS; AMENDING THE BROWARD COUNTY HUMAN RIGHTS ACT, AS CODIFIED IN CHAPTER 16½ OF THE BROWARD COUNTY CODE OF ORDINANCES; AMENDING SECTION 16½-1, CORRECTING CITATION REFERENCES; AMENDING SECTION 16½-2, CORRECTING CITATION REFERENCES, RENUMBERING PROVISIONS, AND DELETING OBSOLETE LANGUAGE; AMENDING SECTION 16½-3, AMENDING CERTAIN DEFINED TERMS, DELETING DEFINITIONS, AND RENUMBERING PROVISIONS; CREATING PART I OF CHAPTER 16½, TO BE ENTITLED "DISCRIMINATION IN EMPLOYMENT"; AMENDING SECTION 16½-21, PROHIBITING THE BOARD FROM ADOPTING CERTAIN RULES IN CONTRAVENTION OF FEDERAL OR STATE LAWS; AMENDING SECTION 16½-21.1, RENUMBERING PROVISIONS; AMENDING SECTION 16½-22, RENUMBERING PROVISIONS; AMENDING SECTION 16½-22.1, RENUMBERING PROVISIONS; CREATING A NEW ARTICLE III OF CHAPTER 16½, ENTITLED "DISCRIMINATION IN REAL ESTATE TRANSACTIONS"; AMENDING SECTION 16½-23, DEFINING CERTAIN TERMS RELATED TO REAL ESTATE TRANSACTIONS; AMENDING SECTION 16½- 23.1, RENUMBERING PROVISIONS AND CORRECTING CITATION REFERENCES; AMENDING SECTION 16½-24, RENUMBERING PROVISIONS; AMENDING SECTION 16½-25, RENUMBERING PROVISIONS; AMENDING SECTION 16½-26, RENUMBERING PROVISIONS; READOPTING SECTION 16½- 27; AMENDING SECTION 16½-28, RENUMBERING PROVISIONS AND CORRECTING CITATION REFERENCES; AMENDING SECTION 16½-29, RENUMBERING PROVISIONS, DEFINING "HOUSING FOR OLDER AMERICANS," AND DELETING OBSOLETE PROVISIONS; AMENDING SECTION 16½-30, RENUMBERING PROVISIONS; CREATING PART II OF ARTICLE III OF CHAPTER 16½, ENTITLED "ENFORCEMENT OF PROHIBITION AGAINST DISCRIMINATORY AND OTHER PROHIBITED PRACTICES IN REAL ESTATE TRANSACTIONS"; AMENDING SECTION 16½-30.1, AUTHORIZING CIVIL RIGHTS DIVISION TO ENTER INTO CONTRACTS FOR INVESTIGATION OF HOUSING COMPLAINTS AND AUTHORIZING COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS OR AMENDMENTS WITH REVENUE VALUE OF LESS THAN \$150,000; AMENDING SECTION 16½-30.2, REVISING PROCEDURE FOR FILING HOUSING COMPLAINTS, PROVIDING FOR JOINDER OF OTHER RESPONDENTS IDENTIFIED DURING COURSE OF INVESTIGATION, PROVIDING PURPOSES OF INVESTIGATION, PROVIDING RESPONSIBILITIES OF CIVIL RIGHTS DIVISION UPON THE FILING OF A HOUSING COMPLAINT, PROVIDING PROCEDURES FOR CIVIL RIGHTS DIVISION TO OBTAIN CERTAIN INFORMATION DURING COURSE OF INVESTIGATION, AND RENUMBERING PROVISIONS; AMENDING SECTION 16½-30.3, REVISING PROCESS FOR CONCILIATION, PROHIBITING CERTAIN STAFF OF CIVIL RIGHTS DIVISION FROM PARTICIPATING IN CONCILIATION, PROVIDING REQUIREMENTS FOR CONCILIATION

AGREEMENTS, PROVIDING RELIEF WHICH MAY BE SOUGHT BY AGGRIEVED PERSONS, AUTHORIZING INCLUSION OF CERTAIN PROVISIONS IN CONCILIATION AGREEMENTS TO VINDICATE THE PUBLIC INTERESTS, PROHIBITING USE OF INFORMATION RECEIVED DURING COURSE OF CONCILIATION TO BE INTRODUCED AS EVIDENCE IN SUBSEQUENT PROCEEDINGS, PROVIDING FOR APPROVAL OF CONCILIATION AGREEMENTS BY THE DIRECTOR OF THE CIVIL RIGHTS DIVISION AND THE BOARD UNDER CERTAIN CIRCUMSTANCES, AND DELETING OBSOLETE LANGUAGE; AMENDING SECTION 16½-30.4, RENUMBERING PROVISIONS AND MAKING TECHNICAL CORRECTIONS; AMENDING SECTION 16½-30.5, PROVIDING FOR DIRECTOR OF THE CIVIL RIGHTS DIVISION TO CONSULT WITH COUNTY ATTORNEY PRIOR TO REQUESTING AUTHORITY FROM BOARD TO FILE CIVIL ACTION AND PROVIDING THAT CIVIL ACTION COMMENCED BY COUNTY ATTORNEY SHALL NOT DEFER DIVISION'S INVESTIGATION OR INITIATION OF OTHER ADMINISTRATIVE PROCEEDINGS; AMENDING SECTION 16½-30.6, REVISING PROCEDURES FOR CIVIL RIGHTS DIVISION'S DETERMINATION OF HOUSING COMPLAINTS, REQUIRING DIVISION TO PROVIDE PARTIES WITH A FINAL INVESTIGATIVE REPORT WHEN THE DIVISION RENDERS ITS DETERMINATION, AUTHORIZING THE DIVISION TO FILE A CHARGE IF DIVISION MAKES A DETERMINATION OF REASONABLE CAUSE, REVISING PROCEDURES FOR REDETERMINATIONS, PROVIDING APPEAL OF REDETERMINATION TO BOARD BY ANY DISSATISFIED PARTY, DELETING OBSOLETE LANGUAGE, AND RENUMBERING PROVISIONS; CREATING NEW SECTION 16½-30.7, PROVIDING FOR AN ADMINISTRATIVE PROCEEDING AFTER FILING OF A CHARGE BY THE DIVISION, PROVIDING FOR APPOINTMENT OF HEARING PANEL, ESTABLISHING CERTAIN TIME FRAMES, PROVIDING FOR DISCOVERY, PROVIDING FOR ISSUANCE OF RECOMMENDED ORDER BY THE HEARING PANEL, FILING OF EXCEPTIONS THERETO, AND RENDITION OF FINAL ORDER BY BOARD, SAVING CERTAIN CONTRACTS, SALES, ENCUMBRANCES, AND LEASES FROM EFFECT OF FINAL ORDER RENDERED BY THE BOARD UNDER CERTAIN CIRCUMSTANCES, AND PROHIBITING COMMENCEMENT OF ADMINISTRATIVE PROCEEDINGS AFTER THE FILING OF A CIVIL ACTION BY THE AGGRIEVED OR COMPLAINANT PARTY; AMENDING SECTION 16½-30.7, RENUMBERING SECTION, MAKING TECHNICAL CHANGES, AND PROVIDING FOR COLLECTED PENALTIES TO BE DEPOSITED IN BROWARD COUNTY'S GENERAL FUND; REPEALING SECTION 16½--30.8; AMENDING SECTION 16½-30.9, RENUMBERING PROVISIONS AND REQUIRING DIVISION TO PROVIDE COPY OF BOARD'S FINAL ORDER TO ALL REGULATORY AGENCIES WITH WHOM VIOLATOR OF HOUSING PROVISIONS IS LICENSED OR REGULATED; REPEALING SECTION 16½-30.10; AMENDING SECTION 16½-30.11, RENUMBERING SECTION, RENUMBERING PROVISION THEREIN, AUTHORIZING CIVIL ACTION PURSUANT TO FEDERAL OR STATE LAWS AND HUMAN RIGHTS ACT, DELETING OBSOLETE LANGUAGE CONCERNING DEFERRAL OF CIVIL ACTION FOR CONCILIATION, AND MAKING TECHNICAL CORRECTIONS; AMENDING SECTION 16½-30.12, RENUMBERING SECTION AND AUTHORIZING COUNTY ATTORNEY TO INTERVENE IN CIVIL ACTIONS BROUGHT BY AN AGGRIEVED PERSON FOR VIOLATION OF HUMAN RIGHTS ACT'S FAIR HOUSING PROVISIONS UPON REQUEST OF BOARD AND NOTICE TO COUNTY COMMISSIONERS UNDER CERTAIN CIRCUMSTANCES; CREATING ARTICLE IV OF CHAPTER 16½, TO BE ENTITLED "HUMAN RIGHTS BOARD"; AMENDING SECTION 16½-61, RENUMBERING SECTION AND MAKING TECHNICAL AND CONFORMING CORRECTIONS; AMENDING SECTION 16½-62, RENUMBERING SECTION, PROHIBITING DELEGATION OF BOARD'S QUASI-JUDICIAL AUTHORITY TO NONGOVERNMENTAL ENTITIES, MAKING TECHNICAL AND CONFORMING CORRECTIONS; CREATING SECTION 16½-53, PROVIDING PROCEDURES FOR THE ASSIGNMENT OF HEARING PANELS AND BOARD MEMBERS FOR REDETERMINATIONS AND PROHIBITING CERTAIN CONDUCT BY PARTIES AND THEIR

REPRESENTATIVES WITH RESPECT TO THE ASSIGNMENT OF HEARING PANELS AND BOARD MEMBERS FOR REDETERMINATIONS; REDESIGNATING CURRENT ARTICLE III OF CHAPTER 16½ AS NEW ARTICLE V OF CHAPTER 16½, ENTITLED "ENFORCEMENT OF PROHIBITION AGAINST DISCRIMINATORY PRACTICES IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, AND RETALIATION"; AMENDING SECTION 16½-63, RENUMBERING PROVISIONS, REVISING PROCEDURE FOR FILING CHARGES OF DISCRIMINATION, PROVIDING FOR DEFERRAL OF INVESTIGATION UNDER CERTAIN CIRCUMSTANCES, PROVIDING PURPOSES FOR DIVISION INVESTIGATION OF CHARGES OF DISCRIMINATION, PROVIDING RESPONSIBILITIES OF CIVIL RIGHTS DIVISION UPON THE FILING OF A CHARGE OF DISCRIMINATION, PROVIDING PROCEDURES FOR CIVIL RIGHTS DIVISION TO OBTAIN CERTAIN INFORMATION DURING COURSE OF INVESTIGATION, PROVIDING FOR FACT-FINDING CONFERENCES, AUTHORIZING DISMISSAL OF CHARGE IF AGGRIEVED PERSON OR COMPLAINANT FAILS TO COOPERATE WITH DIVISION, AUTHORIZING DIVISION TO MAKE ADVERSE INFERENCE AGAINST RESPONDENT WHO FAILS TO COOPERATE WITH DIVISION'S INVESTIGATION, REVISING PROCEDURES FOR CIVIL RIGHTS DIVISION'S DETERMINATION OF CHARGES OF DISCRIMINATION, REQUIRING DIVISION TO ISSUE NOTICE OF DETERMINATION CONTAINING FINDINGS AND REASONS FOR DIVISION'S DETERMINATION, REVISING PROCEDURES FOR REDETERMINATIONS, PROVIDING APPEAL OF REDETERMINATION TO BOARD BY ANY DISSATISFIED PARTY, REQUIRING THE DIVISION TO PROVIDE THE PARTIES WITH A COPY OF ITS DETERMINATION WITHIN A SPECIFIED TIME, AUTHORIZING THE DIVISION TO FILE A COMPLAINT WITH THE BOARD FOR ADDITIONAL ADMINISTRATIVE PROCEEDINGS WITHIN A SPECIFIED TIME WHEN THE DIVISION MAKES A DETERMINATION OF REASONABLE CAUSE, AUTHORIZING THE DIVISION TO TRANSFER CHARGES PROCESSED ON BEHALF OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OR TO DISCONTINUE THE INVESTIGATION OF SUCH CHARGE UNDER CERTAIN CIRCUMSTANCES, AND DELETING OBSOLETE LANGUAGE; AMENDING SECTION 16½-64, SUBSTANTIALLY REVISING THE PROCEDURES FOR CONCILIATION OF CHARGES OF DISCRIMINATION, PROHIBITING CERTAIN STAFF OF CIVIL RIGHTS DIVISION FROM PARTICIPATING IN CONCILIATION EXCEPT AS OTHERWISE PERMITTED BY THE DIVISION DIRECTOR, PROVIDING REQUIREMENTS FOR CONCILIATION AGREEMENTS, PROVIDING RELIEF WHICH MAY BE SOUGHT BY AGGRIEVED PERSONS, AUTHORIZING INCLUSION OF CERTAIN PROVISIONS IN CONCILIATION AGREEMENT TO VINDICATE THE PUBLIC INTERESTS, PROHIBITING USE OF INFORMATION RECEIVED DURING COURSE OF CONCILIATION TO BE INTRODUCED AS EVIDENCE IN SUBSEQUENT PROCEEDINGS, PROVIDING FOR APPROVAL OF CONCILIATION AGREEMENTS BY THE DIRECTOR OF THE CIVIL RIGHTS DIVISION AND THE BOARD UNDER CERTAIN CIRCUMSTANCES, PROVIDING FOR ENFORCEMENT OF CONCILIATION AGREEMENTS, AND DELETING OBSOLETE LANGUAGE; CREATING SECTION 16½-64.1, PROVIDING BOARD WITH AUTHORITY TO AUTHORIZE COUNTY ATTORNEY TO FILE CIVIL ACTIONS UPON REQUEST OF DIVISION DIRECTOR, REQUIRING DIRECTOR TO CONSULT WITH COUNTY ATTORNEY PRIOR TO REQUESTING THE FILING OF A CIVIL ACTION, AND PROVIDING THAT CIVIL ACTION COMMENCED BY COUNTY ATTORNEY SHALL NOT DEFER DIVISION'S INVESTIGATION OR INITIATION OF ADMINISTRATIVE PROCEEDINGS WITH RESPECT TO A CHARGE OF DISCRIMINATION; AMENDING SECTION 16½-65, RENUMBERING PROVISIONS, PROVIDING THAT WILLFUL INTERFERENCE WITH THE PERFORMANCE OF DIVISION OR ITS EMPLOYEES BY TWO OR MORE INDIVIDUALS IS A DISCRIMINATORY PRACTICE, AND MAKING TECHNICAL CORRECTIONS; AMENDING SECTION 16½-66, PROVIDING FOR GENERAL RULES OF PROCEDURES TO APPLY IN ALL ADMINISTRATIVE PROCEEDINGS BEFORE THE BOARD UNLESS OTHER RULES APPLY, MAKING TECHNICAL CORRECTIONS, RENUMBERING PROVISIONS, MODIFYING THE

TERM 'FILING' FOR PURPOSES OF THE ACT, CLARIFYING PROCEDURE CONCERNING THE REPRESENTATION OF PARTIES NOT REPRESENTED BY COUNSEL IN PROCEEDINGS BEFORE THE BOARD, CLARIFYING THAT AN ATTORNEY IS NOT NEEDED TO FILE A CHARGE OF DISCRIMINATION, OR TO HAVE SUCH CHARGE INVESTIGATED AND ADJUDICATED THROUGH FINAL ORDER OF THE BOARD, PROVIDING THAT DISCOVERY LIMITATIONS IMPOSED BY HEARING PANEL OR THE BOARD SHALL APPLY EQUALLY TO ALL PARTIES IN THE PROCEEDING, PROVIDING THAT A HEARING PANEL MAY ASSIST THE PARTIES IN REACHING A SETTLEMENT OF A CHARGE OF DISCRIMINATION OR COMPLAINT IF REQUESTED BY THE PARTIES, REQUIRING SUCH SETTLEMENTS TO COMPLY WITH CERTAIN CONCILIATION PROVISIONS, AUTHORIZING THE DIVISION'S DIRECTOR AND THE COUNTY ATTORNEY TO ISSUE SUBPOENAS, REQUIRING HEARING TRANSCRIPTS TO BE FILED WITH THE DIVISION, AUTHORIZING THE DIVISION TO PROVIDE CERTAIN PARTIES WITH A COPY OF HEARING TRANSCRIPTS AT NO COST, AND REVISING ROLE OF COUNTY ATTORNEY AS LEGAL ADVISOR TO THE BOARD; AMENDING SECTION 16½-67, CONFORMING PROCEDURES FOR THE ASSIGNMENT OF HEARINGS, PROVIDING FOR EVIDENTIARY RULINGS TO BE MADE BY THE COUNTY ATTORNEY, SPECIFYING TIME FRAME FOR HOLDING ADMINISTRATIVE HEARINGS, CLARIFYING THAT A HEARING PANEL MAY GRANT AN AGGRIEVED PERSON RELIEF IF THE RESPONDENT FAILS TO ATTEND THE HEARING AFTER PRESENTATION OF EVIDENCE OR TESTIMONY IN SUPPORT OF THE CHARGE OR COMPLAINT, PROVIDING THAT COUNTY ATTORNEY SHALL MAKE RULINGS ON THE INTRODUCTION OF EVIDENCE AND OBJECTIONS MADE BY THE PARTIES AT THE HEARING, SUBJECT TO APPEAL, TO THE HEARING PANEL, MAKING TECHNICAL CORRECTIONS, AND RENUMBERING PROVISIONS; AMENDING SECTION 16½--68, RENUMBERING PROVISIONS AND REQUIRING THAT BOARD PROVIDE APPROPRIATE COUNTY AGENCIES WITH COPY OF ANY FINAL ORDER IN WHICH A RESPONDENT IS DETERMINED TO HAVE ENGAGED IN A DISCRIMINATORY PRACTICE WHILE PERFORMING UNDER A CONTRACT WITH BROWARD COUNTY OR SUCH AGENCY; AMENDING SECTION 16½-69, MAKING A TECHNICAL CORRECTION; AMENDING SECTION 16½-70, PROVIDING THAT A LICENSING AGENCY MAY TAKE ACTION AGAINST A RESPONDENT FOUND TO HAVE VIOLATED THE HUMAN RIGHTS ACT UPON RECEIPT OF BOARD'S FINAL ORDER; AMENDING SECTION 16½-71, CONFORMING PROVISION TO SECTION 16½-68; REPEALING SECTION 16½-72; AMENDING SECTION 16½-73, RENUMBERING SECTION, PROVIDING FOR CONFIDENTIALITY OF CHARGES AND COMPLAINTS FILED WITH THE DIVISION, PROHIBITING DISCLOSURE OF CONFIDENTIAL INFORMATION BY THE BOARD, BOARD MEMBERS, OR THE DIVISION, AND MAKING TECHNICAL CORRECTIONS; AMENDING SECTION 16½-74, RENUMBERING SECTION AND CONFORMING PROVISION; REDESIGNATING ARTICLE IV OF CHAPTER 16½; REDESIGNATING ARTICLE VI OF CHAPTER 16½; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (Time-2:33 PM) Filed proof of publication and enacted the Ordinance to become effective October 1, 2002. See Page*****

NON AGENDA

6. USAGE OF THE PARKING GARAGE ON WEEKENDS - COMMISSIONER LIEBERMAN

ACTION: (Time-2:35 PM) The Board directed the County Administrator to look into unauthorized use of the parking garage as well as the speed limits cars are driven in the parking garage. See Page*****

7. FEDERAL COURT TRIAL - COMMISSIONER SCOTT

ACTION: (Time-2:37 PM) Commissioner Scott informed the Board that he will be unable to attend next week's Commission meeting due to his appearance in Federal Court. See Page*****

8. PARKWAY COMMUNITY SCHOOL DISTRICT MEETING - COMMISSIONER EGDELTON

ACTION: (Time-2:38 PM) Commissioner Egdelton informed the Board that there will be a 7:00 PM meeting on Thursday at the Parkway Community School. See Page*****

9. DISTRICT ADVISORY MEETING - COMMISSIONER LIEBERMAN

ACTION: (Time-2:40 PM) Commissioner Lieberman informed the Board that District One's Advisory Meeting had been rescheduled to Thursday at 2:00. See Page*****

10. ACCEPTANCE BY KEN KRAUTER - COUNTY ADMINISTRATOR

ACTION: (Time-2:40 PM) The County Administrator informed the Board that Ken Krauter has accepted employment as the new Director for Port Everglades. See Page*****

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