

ORDINANCE
NUMBER 2025-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 2-1, ARTICLE III, DIVISION 2, SECTIONS 2-1-51 THROUGH 2-1-56 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA GOVERNING EMERGENCY MANAGEMENT REGULATIONS FOR CERTAIN STATUTORILY IDENTIFIED FACILITIES AND HOMES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, pursuant to Article VIII of the Florida Constitution and Section 125.66, Florida Statutes, Charlotte County possesses the police power to enact ordinances to protect the general health, safety, and welfare of the County's citizens; and

WHEREAS, the Charlotte County Board of County Commissioners (the "Board") previously adopted Ordinance No. 2015-048 which codified state-mandated emergency management regulations for Adult Congregate Living Facilities and Nursing Homes in the County's jurisdiction; and

WHEREAS, the Legislature has amended Chapter 252, Florida Statutes, and the State of Florida has promulgated amended rules relating to the County's required regulations for statutorily identified facilities and homes; and

WHEREAS, the Board finds that the Code must be amended to reflect current state law and to remove or amend extraneous, duplicative, outdated or inconsistent provisions; and

WHEREAS, the Board finds that amending Chapter 2-1, Article III, Division 2, Sections 2-1-51 through 2-1-56, of the Code of Laws and Ordinances of Charlotte County

relating to statutorily identified facilities and homes in the County's jurisdiction will serve to promote and protect the general health, safety, and welfare of the citizens of Charlotte County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. Charlotte County Code of Laws and Ordinances Chapter 2-1, Article III, Division 2 is hereby amended by adding the underlined language and by deleting the ~~stricken language~~ to provide as follows:

ARTICLE III. - EMERGENCY MANAGEMENT.

DIVISION 2. - EMERGENCY PLANS REGULATIONS AND REVIEW

Sec. 2-1-51. - Emergency plan required for emergencies and disasters.

~~Charlotte County Board of County Commissioners hereby requires that all health care facilities as defined in F.S. ch 252 and Rule 27P-20.002 of the Florida Administrative Code plan for emergencies and disasters. Unless such plans are in place said facilities will not be allowed to operate within Charlotte County.~~

Florida laws, rules and regulations require that certain facilities submit emergency management plans to the local emergency management agency periodically for review and/or approval. Such facilities that do not comply with Florida laws, rules and regulations or this Code of Laws and Ordinances may not operate within the corporate boundaries of Charlotte County, Florida.

Sec. 2-1-52. - Plan submission required annually to Charlotte County Office of Emergency Management.

~~Once the facility has prepared its plan, said plan is to be submitted to the Charlotte County Emergency Management Office (CCEMO). Once a facility's plans have been approved by the CCEMO said plan shall be readily available for use by that facility should the need arise for the facility to avail themselves of the plan. In addition, facilities must annually submit their plan to Charlotte County Emergency Management Office between March and April each year.~~

Facilities must submit their emergency management plans to the county's Office of Emergency Management pursuant to the schedule promulgated by the office. Notice will be provided to facilities that have submitted plans in the prior year regarding the schedule for submission and review. Facilities that have not previously submitted plans are required to submit plans pursuant to Florida laws, rules and regulations. Approved and/or reviewed plans must be available for implementation at each facility when a state of emergency is declared or when required to do so by law.

66 Sec. 2-1-53. - Training of staff to utilize emergency plans.

67 All staff hired and employed by ~~health care facilities~~ subject to this Chapter as defined by
68 ~~F.S. ch. 252 and Rule 27P-20.002 (2) of the Florida Administrative Code,~~ shall must be
69 ~~trained by said facility on how to implement and utilize the approved and/or reviewed~~
70 ~~emergency plans approved for their facility.~~

71 Sec. 2-1-54. - Criteria requirements for format and content of emergency plans.

72 Criteria requirements for format and content of emergency plan is defined by Florida law
73 and rules and regulations promulgated from time to time by the State of Florida, its
74 agencies the Agency for Health Care Administration and used by Charlotte County
75 Emergency Management Office to determine if said the plan meets the criteria set forth
76 by the agency regulating the facility. ~~The criteria requirements can be found on the~~
77 ~~Agency for Health Care Administration website or by request from the Charlotte County~~
78 ~~Emergency Management Office.~~

79 Sec. 2-1-55. - Enforcement.

80 ~~Violations of this Chapter may be enforced by the county bringing a code enforcement~~
81 ~~action, an action at law or in equity, including actions for injunctive relief, or any action~~
82 ~~available to the county to effectuate enforcement. Any health care facility as defined by~~
83 ~~F.S. ch. 252 and Rule 27P-20.002 (2) of the Florida Administrative Code, not abiding by~~
84 ~~the provisions set out in this division shall be subject to punishment for violating a~~
85 ~~Charlotte County Ordinance. To enforce this division the Charlotte County Emergency~~
86 ~~Management Office has the authority to bring any violator to the Charlotte County Code~~
87 ~~Enforcement Board. In addition, the Charlotte County Board of County Commissioners~~
88 ~~may enforce this division by any other means provided by law and may further enforce~~
89 ~~this division by actions at law and in equity, including actions for injunctive relief. If the~~
90 ~~county prevails in any such action, the county shall be entitled to its costs and reasonable~~
91 ~~attorney's fees incurred in such action.~~

92 Subsequent action will also include notifying the appropriate regulatory agency or
93 agencies of the existence of the Agency for Health Care Administration of the facility
94 violation, with which may result in possible monetary fines and/or loss of operating
95 license.

96 Sec. 2-1-56. - Plan review fee.

97 ~~Pursuant to Florida laws, rules and regulations~~In accordance with F.S. section
98 ~~252.38(1)(c), and Rule 9G-20 of the Florida Administrative Code, the county county~~
99 ~~emergency management agencies are is~~ authorized to charge and collect fees for the
100 review of emergency plans. The amount charged will be consistent with Florida laws,
101 ~~rules and regulations~~Chapter 9G-20 of the Florida Administrative Code, as may be
102 ~~amended from time to time.~~

103 Secs. 2-1-57—2-1-59. - Reserved.

104 Section 2. Codification. It is the intention of the Board and it is hereby provided that
105 the provisions of this Ordinance shall become and be made a part of the Charlotte County,

Florida Code of Ordinances, that the sections of the ordinance may be renumbered or lettered to accomplish such intention, and that the word "ordinance" may be changed to "section" or "article" or other appropriate designation.

Section 3. Severability. If any portion of the foregoing conflicts with any other Charlotte County Code or other applicable law, the more restrictive shall apply. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of this Ordinance.

Section 4. Effective Date. A certified copy of this Ordinance shall be filed with the Department of State of the State of Florida within 10 days of enactment and shall take effect upon filing with said department.

[SIGNATURE PAGE FOLLOWS]

121 PASSED AND DULY ADOPTED this 8th day of April, 2025.

122
123 BOARD OF COUNTY COMMISSIONERS
124 OF CHARLOTTE COUNTY, FLORIDA
125
126

127 By: _____
128 Joseph M. Tiseo, Chairman
129

130 ATTEST:
131 Roger D. Eaton, Clerk of the Circuit Court
132 and Ex-Officio Clerk of the
133 Board of County Commissioners
134

135
136 By: _____
137 Deputy Clerk
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139 APPROVED AS TO FORM
140 AND LEGAL SUFFICIENCY:
141

142
143 By: _____
144 Janette S. Knowlton, County Attorney
145 LR24-1047 