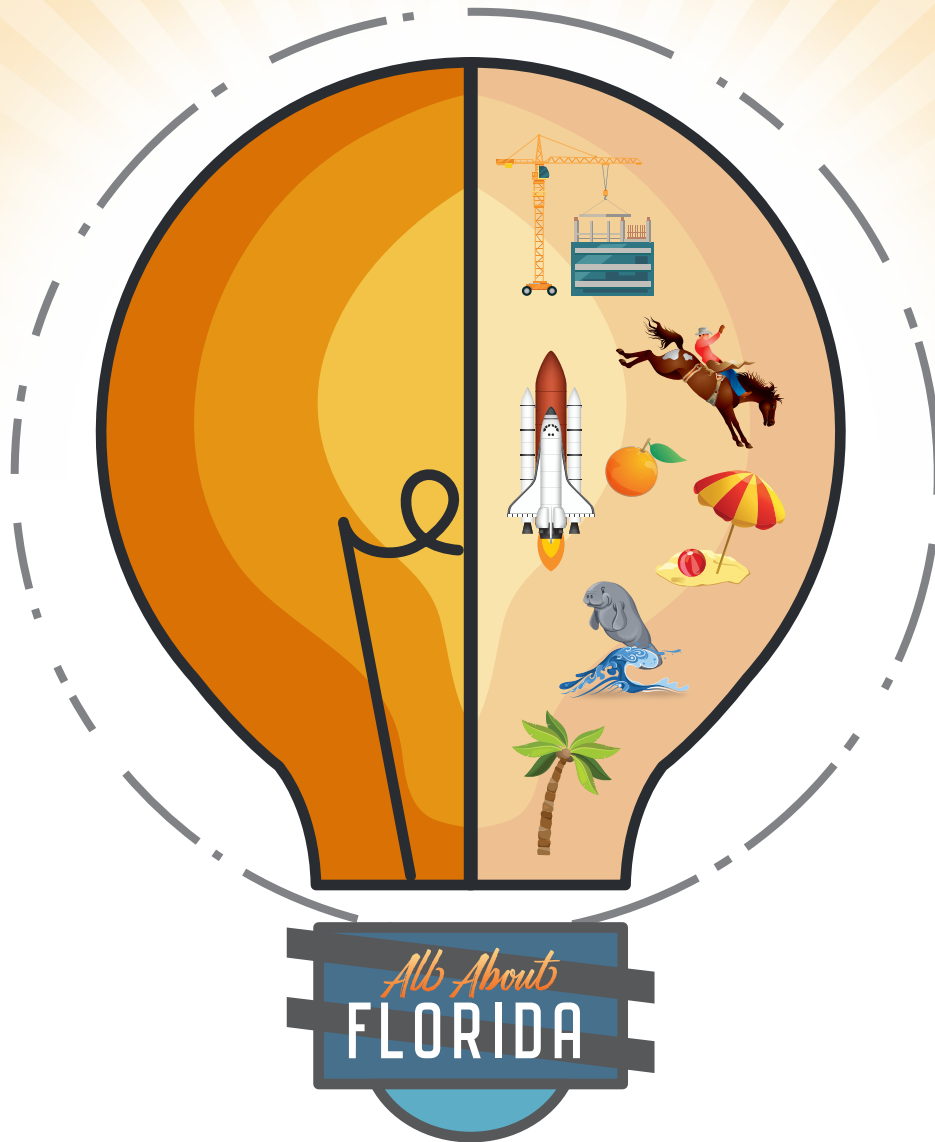


# GROWTH MANAGEMENT, AGRICULTURE, TRANSPORTATION & ENVIRONMENT COMMITTEE



2018

INNOVATION  
& POLICY  
CONFERENCE

# PUBLIC POLICY TEAM



2018  
INNOVATION  
& POLICY  
CONFERENCE



**Ginger Delegal**  
Executive Director  
gdelegal  
(850) 294-9295



**Davin Suggs**  
Director of Public Policy  
dsuggs  
(850) 320-2635

**Susan Alford**

Deputy Director of  
Public Policy  
sharbin  
(770) 546-8845



**Laura Youmans**  
Legislative Counsel  
lyoumans  
(850) 294-1838

**Casey Perkins**

Chief of Policy Research  
cperkins  
(850) 264-4527



**Tonnnette S. Graham**  
Associate Director of  
Public Policy  
tgraham  
(850) 294-1838

**Tiffany Henderson**

Senior Public Policy  
Coordinator  
thenderson



Email ending: @flcounties.com

Florida Association of Counties  
100 South Monroe Street  
Tallahassee, FL 32301  
flcounties.com  
@flcounties





TABLE OF CONTENTS

Table of Contents	Page 1
Committee Leadership	Page 3
Proposed 2018/2019 Guiding Principles	Page 5
Policy Proposals	Page 11
<b>GATE-1: Indian River/Martin/St. Lucie – Biosolids (Page 11)</b>	
<b>GATE-2: Indian River – 2020 Recycling Goal (Page 13)</b>	
<b>GATE-3: Marion – Municipal Service Areas (Page 15)</b>	
<b>GATE-4: Marion – Regional Water Supply Planning (Page 17)</b>	
<b>GATE-5: Marion – Small Cells in ROW (Page 19)</b>	
<b>GATE-6: Martin – Ocean Outfalls (Page 21)</b>	
<b>GATE-7: Orange – Brownfield Designations (Page 23)</b>	
<b>GATE-8: Pinellas – Regional Transportation and Transit (Page 25)</b>	
<b>GATE-9: Pinellas – Resiliency (Page 27)</b>	
<b>GATE-10: FAC – Beaches (Page 31)</b>	

## **2018 INNOVATION & POLICY CONFERENCE**



**Growth, Agriculture, Transportation, & Environment  
Policy Committee  
Committee Leadership**

**Chair**

Lee Constantine  
Seminole

**Vice-Chair**

John Meeks  
Levy

**Policy Leaders**

Charles Chestnut, Alachua  
Jim Barfield, Brevard  
Nan Rich, Broward  
Ken Doherty, Charlotte  
Ron Kitchen, Citrus  
Weston Pryor, Glades  
Stacy White, Hillsborough  
Susan Adams, Indian River  
Peter O'Bryan, Indian River  
Jim Peacock, Jackson  
Anthony Adams, Lafayette  
Sean Parks, Lake  
Jimbo Jackson, Leon

Lillian Rooks, Levy  
Priscilla Whisenant-Trace, Manatee  
Edward Ciampi, Martin  
Daniella Levine-Cava, Miami-Dade  
Nathaniel Boyles, Okaloosa  
Emily Bonilla, Orange  
Jack Mariano, Pasco  
Janet Long, Pinellas  
James Johns, St. Johns  
Cathy Townshend, St. Lucie  
Alan Maio, Sarasota  
Billie Wheeler, Volusia,  
Alan Bush, Washington

**Staff**

Susan Harbin Alford  
[sharbin@fl-counties.com](mailto:sharbin@fl-counties.com)

## **2018 INNOVATION & POLICY CONFERENCE**

### Growth Management

*The impact of growth and development in Florida during the last 30 years has brought significant benefits and costs to county government. Given Florida's expected future growth and because Florida's communities are remarkably diverse, Florida's counties must have flexibility in planning decisions to address unique local concerns and conditions. County officials must have the ability to make reasonable decisions for the advancement of the local community on zoning, comprehensive planning, transportation, and infrastructure issues without being subjected to prohibitive claims for damages for infringement on private property rights.*

- GATE 1. The Florida Association of Counties supports comprehensive policies that reduce a county's risk to the impacts of coastal and inland flooding.
- GATE 2. The Florida Association of Counties recognizes and supports the critical role Regional Planning Councils play in supporting communities by coordinating intergovernmental solutions to growth problems on greater-than-local issues, providing technical assistance to local governments.
- GATE 3. The Florida Association of Counties supports policies that provide a mechanism to ensure the extra-jurisdictional impacts from large-scale development projects are adequately addressed within the impacted counties prior to development approval.
- GATE 4. The Florida Association of Counties supports retaining the full amount of dedicated documentary tax revenues to fund state and local affordable housing programs.
- GATE 5. The Florida Association of Counties supports the development and maintenance of dedicated funding of the Florida Forever Grant Program and Florida Communities Trust which provide recreational opportunities for parks, open space, greenways and trails to help meet growth challenges and protect natural resources.
- GATE 6. The Florida Association of Counties supports the development and maintenance of dedicated funding the Rural and Family Lands Protection Act to allow for the purchase of rural easements to prevent the subdivision and conversion of such land into other uses.
- GATE 7. The Florida Association of Counties supports the distribution of land management appropriations to local governments in proportion to the percentage of public conservation lands managed within local jurisdictions.





### **Transportation**

*FAC believes that Florida's transportation system is a vital component in building and sustaining communities, moving people and goods, and developing competition at local and regional levels, and on a national scale. Florida's counties play a critical role in the state's transportation system. Florida's counties should be recognized as major partners in the maintenance and development of Florida's transportation infrastructure and provided levels of funding and authority that adequately reflect their role in the state's transportation system.*

- GATE 8. The Florida Association of Counties supports funding for all modes of the state and local transportation infrastructure network.
- GATE 9. The Florida Association of Counties supports policies and funding that encourage and facilitate more efficient and effective use of regional transportation solutions.
- GATE 10. The Florida Association of Counties supports critical state funding for the Small County Road Assistance program (SCRAP).
- GATE 11. The Florida Association of Counties supports continuing enhanced state funding for the Small County Outreach Program (SCOP).
- GATE 12. The Florida Association of Counties supports policies providing for Strategic Intermodal System funds to be used on roads and other transportation facilities not designated on the SIS network if the improvement relieves congestion on the SIS.
- GATE 13. The Florida Association of Counties opposes any effort to divert revenues from the state transportation trust fund for non-transportation purposes.

### **Environment**

*Conservation and protection of Florida's natural resources is critical to managing growth, promoting economic development, and maintaining a healthy environment to ensure a high quality of life for Floridians.*

- GATE 14. The Florida Association of Counties supports the allocation of matching funds to county governments to purchase environmentally sensitive and endangered lands.
- GATE 15. The Florida Association of Counties supports a comprehensive state climate change action plan, with energy policies and other initiatives to reduce greenhouse gases and to address ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic prosperity.

- GATE 16. The Florida Association of Counties supports state and federal recognition of adaptation and mitigation as critical to any climate change plan, and the funding necessary to assist local governments in developing and implementing these initiatives.
- GATE 17. The Florida Association of Counties supports collaboration among regional coalitions focused on resiliency and climate change in order to maximize resources, share information, analysis, and best practices, and foster useful collaboration.
- GATE 18. The Florida Association of Counties supports streamlining the permitting and regulatory processes for solar product manufacturers, installers, and consumers, and further supports reducing burdensome regulations that hinder solar market penetration.
- GATE 19. The Florida Association of Counties supports the ability of counties to utilize electricity produced at county-owned facilities at other adjacent and non-contiguous county-owned properties without penalty, or in the alternative, be able to sell surplus power at market rate.
- GATE 20. The Florida Association of Counties supports state designation of the Southeast Florida Coral Reef Conservation Area.
- GATE 21. The Florida Association of Counties supports maintaining funding of the Small County Consolidated Grant Program and maintaining the waste tire fee as a dedicated revenue source for funding mosquito control, solid waste and recycling programs.
- GATE 22. The Florida Association of Counties supports policies that provide appropriate resources and incentives to local governments to achieve statewide recycling goals, and further supports comprehensive recycling initiatives that encourage increased participation of the residential, commercial, and industrial sectors.

### Water

*Increased demands on Florida's water supply are forcing many diverse interests to work with county government to plan the future of water policy in Florida. In an effort to achieve the best possible result, county government should continue to expand partnerships with the agricultural community, urban water users, regional government agencies, and environmental organizations to encourage water conservation, water resource, and water supply development projects. The primary goal of such water resource planning efforts should be ensuring resource availability for all reasonable beneficial uses, consistent with the protection of water and related natural resources.*

- GATE 23. The Florida Association of Counties supports the allocation of matching funds to county governments to restore impaired springs, estuaries, lagoons and other waterbodies in accordance with state policy and local needs.
- GATE 24. The Florida Association of Counties supports state funding for water quality improvement projects designed to reduce nutrient pollution in Florida's impaired waterbodies, recognizing that multiple sources contribute to nutrient loading, including, but not limited to, wastewater and septic systems, industrial, agricultural, and residential water use.
- GATE 25. The Florida Association of Counties supports efforts of the Water Management Districts to facilitate regional partnerships and prescribe regional resolutions to address the need of finding alternative water sources to accommodate the state's growing population.
- GATE 26. The Florida Association of Counties supports policies that enhance regional and local financial capacity to address water supply development with allocation flexibility in all available funding sources.
- GATE 27. The Florida Association of Counties supports the funding of the Water Protection and Sustainability Program within the Department of Environmental Protection for the development of alternative water supplies, water quality improvement projects, and comprehensive water infrastructure needs.
- GATE 28. The Florida Association of Counties supports the "Florida Green Industries Best Management Practices" as a basic level of water quality protection, with more stringent protections authorized to address water bodies in need.
- GATE 29. The Florida Association of Counties supports the economically, technically and environmentally feasible use of reclaimed water with incentivized infrastructure investment and reliable distribution including reuse service areas and prioritized irrigation and nonpotable uses.
- GATE 30. The Florida Association of Counties supports state legislation to prohibit new well stimulation activities, including hydraulic fracturing (fracking).
- GATE 31. The Florida Association of Counties opposes efforts to increase offshore drilling activities.



GATE 32. The Florida Association of Counties supports continued state funding to end the ocean outfalls in south Florida by the legislature's deadline of 2025.

## **2018 INNOVATION & POLICY CONFERENCE**





## **GATE-1: Land Application of Biosolids**

**FAC Staff Recommendation:** Adopt

*Note: Defer to GATE Committee to determine which option or combination of options to pursue.*

### **Proposed Policy:**

- **Option 1:** SUPPORT prioritizing the reduction and eventual elimination of the land application of Human Wastewater Biosolids, and SUPPORT establishing a pilot project program for funding new state of the art wastewater technologies to improve recovery and afford more efficient use of human wastewater biosolids (*Martin & St. Lucie Counties*)
- **Option 2:** SUPPORT legislation that bans the land application of Class B biosolids in the State of Florida. (*Indian River County*)
- **Option 3:** SUPPORT legislation that bans the land application of Class B biosolids within the following watersheds that impact the St. Johns River: the Upper Basin, the Middle Basin, and the Lower Basin. (*Indian River County*)

### **Issue Summary:**

The state should develop strategies and prioritize funding for new state of the art wastewater technologies to improve recovery and afford more efficient use of human wastewater biosolids. The counties support the efforts of the state and local governments to prioritize the reduction and eventual elimination of the land application of Class AA biosolids. This includes efforts to immediately establish standard protocols and funding for the identification, quarterly tracking and monitoring of non-residential biosolid application and explore new wastewater treatment technologies to improve biosolids resource recovery and management options.

### **Background:**

Today, Florida's central sewer wastewater treatment facilities produce approximately 340,000 dry tons of biosolids. Approximately 100,000 dry tons of biosolids qualify as Class B biosolids, which are treated sewage sludge meeting U.S. Environmental Protection Agency (EPA) guidelines for land application as fertilizer, with restrictions, and are allowed to have detectable levels of pathogens. Another 100,000 dry tons of biosolids are deposited in various landfills throughout the state. The final 140,000 dry tons of biosolids are further processed, dried, and composted with material from the landscape industry to produce approximately 200,000 tons of Class AA biosolids, which can then be distributed and marketed as fertilizer. This class of biosolids is unregulated and land-applied mainly on pasture and, to a lesser extent, citrus. Bahia grass pastures in Florida can generally produce satisfactorily without total Phosphorous (TP) fertilization, and every crop in Florida can be grown economically without the use of biosolids as fertilizer. Biosolids provide an inefficient form of fertilization that provides only a fraction (less

than 40%) of plant available nitrogen that can result in both total Nitrogen (TN) and TP over fertilization, which may negatively affect surface and other coastal waters.

Of additional concern are compounds found in human wastewater biosolids which may include: hormones; steroids; bacteria; viruses; polychlorinated biphenyls (PCBs); pharmaceuticals; antibodies; polybrominated diphenyl ethers (PBDE fire retardants); polyfluoroalkyl substances (PFAS) like Teflon, polishes, waxes, paints, and household cleaning products; organics; metals; and artificial sweeteners. Although these materials are applied in a manner that may not be harmful to humans according to EPA guidelines, their accumulated secondary impacts are not entirely known. Both Class B biosolids and Class AA biosolid fertilizers contain approximately 5.5 % TN and 2.2% TP. Therefore, land application of 300,000 dry tons of Class AA and Class B biosolids deposits more than 33 million pounds of TN and 13.2 million pounds of TP on agricultural lands each year. Peer reviewed studies, such as those related to the Lake Okeechobee drainage basins, estimate that +/- 12% of both TN and TP imports will find their way to surface waters. This basin currently receives over 1,000 dry tons of TP from Class AA biosolids, which could amount to 120 dry tons or 240,000 pounds of TP to surface waters. Large areas within Florida such as the basins draining into Lake Okeechobee already exhibit enough legacy phosphorus to last for the next 25 to 60 years. While the practice of land-applying Class B biosolids was recently banned in the Lake Okeechobee, Caloosahatchee, St. Lucie River and Everglades watersheds, the St. Johns River Upper Basin received nearly 74,000 tons of Class B biosolids in 2016, or approximately 74% of the Class B biosolids produced in Florida, in its watershed.

#### **Analysis:**

One of the by-products or residuals of the wastewater treatment process is called biosolids, or the wet sludge that is left behind after initial processing, which is then collected for further treatment and processing. In Florida, biosolids are either land-applied as a soil amendment to improve agricultural productivity or disposed of in landfills. Either way it is an important source of water, energy, nitrogen, and phosphorous resources that some suggest could be recovered and used more efficiently. There is also concern statewide that excess nutrients from land application of human waste biosolids could reach surface waters because of rainfall runoff and continue to increase the occurrence of chronic harmful algal blooms (HABs).

#### **Fiscal Impact:**

Banning the land application of Class B biosolids either from the state or along the St. Johns River and its three basins may result in a positive fiscal impact to all levels of government due to the decreased future cost of projects to remediate the damage to waterways. There may also be a direct fiscal impact on Florida tourism due to improved water quality.

There may be a negative fiscal impact on the communities that need to find alternative techniques of disposing of their Class B biosolids. There may also be a negative impact on ranchers who financially gain from allowing Class B biosolids to be applied on their land.



## **GATE-2: 2020 Recycling Goal**

**FAC Staff Recommendation:** Defer to committee.

**Proposed Policy:** Support the modification of the 75% Recycling Goal by 2020 from Section 403.7032, Florida Statutes.

**Issue Summary:** Due to various market and other factors, the 2020 75% Recycling Goal has become unattainable and should be modified.

**Background:** The Energy, Climate Change and Economic Security Act of 2008 (“Act”) established a statewide weight-based recycling goal of 75% by 2020. The Act directed the Florida Department of Environmental Protection (DEP) to establish a reporting protocol and directed counties to report annually. The Legislature also established interim recycling goals: 40% by 2012, 50% by 2014, 60% by 2016 and 70% by 2018. The legislation also provided that large counties (counties over 100,000 in population) not achieving the recycling goals could be directed to develop a plan to expand recycling programs.

No one can deny that the program has the best of intentions, but all indications point towards the goal not being met by the year 2020. Specifically, DEP issued a 2018 report where DEP acknowledged that the goal is “aspirational” and without significant changes to the current approach, Florida’s recycling rate will likely fall short of the 2020 goal of 75%. This is because there have been many challenges that inhibit the State of Florida from being able to obtain and sustain the 75% recycling goal including, but not limited to, collection methods, shifts in recycling markets, and new and lighter weight packaging. It is important to note that there has actually been a decrease in Florida’s recycling rate from 56% in 2016 to 52% in 2017.

In addition to the declining recycling rate, there is a significant new challenge that concerns a decline in the global demand for recycled materials. In January of 2018, China restricted its receipt of recycling materials. The referenced restrictions make it no longer financially viable to send recyclable goods to China from the United States. DEP is currently discussing ideas with industry stake holders and scientists to come up with a new program that could lead to improvement to Florida’s recycling efforts at the state and local level. One of the top suggestions is to shift the focus from weight to energy-efficiency.

**Analysis:** Indian River County has gone to great lengths to try and meet the recycling goal of 75% by 2020. Specifically, Indian River County implemented a single stream recycling program and expanded our education and outreach program in 2015. This along with recycling data from private industry resulted in an increase in the recycling rate from 34% in 2015 to 64% in 2017.



County Policy Proposal  
Submitted by: Indian River County  
Contact: [kcotner@ircgov.com](mailto:kcotner@ircgov.com)

However, Indian River County finds the goal unachievable as heavy glass is being phased out and the global demand is diminishing. Please note that this is a statewide issue. Every county in the State of Florida is dealing with the same impossible goal and the same diminishing global demand. As DEP creates a new recycling plan for the future of the state, the 67 counties should not be required to continue spending public dollars trying to achieve an unobtainable goal.

**Fiscal Impact:**

FDEP acknowledges the only path to obtaining the 75% goal would require a huge capital expenditure for local governments, which neither FDEP nor the legislature originally anticipated. Modification of the 75% goal could result in a significant positive fiscal impact for counties.

### **GATE-3: Municipal Service Areas**

**FAC Staff Recommendation:** Defer to committee.

**Proposed Policy:** SUPPORT legislation that provides that where a county has, by ordinance, established one or more utility service areas in the unincorporated area and where the county has the current ability to provide service, a municipality may not provide utility services within such county service area(s) without consent of the county.

Counties and municipalities are encouraged to cooperatively establish utility service boundary agreements that will maximize the capacities and efficiencies of their respective systems, with the goal of providing the most cost-effective utility service to system customers.

**Issue Summary:**

FS. 180.02 – Power of municipalities:

The issue under consideration is the scope of power available to municipalities under Sec. 180.02, F.S., to establish extraterritorial utility zones or service areas within the unincorporated county. Once established, the municipality may require pursuant to subsection (3) that “all persons or corporations living or doing business within said area to connect, when available” with described municipal systems. Sec. 180.191, F.S., provides for a 25% surcharge under paragraph (1)(a) and the possibility, under paragraph (1)(b), that customers of the unincorporated area within such zone or service area may pay rates, fees and charges of up to 50% more than municipal customers pay for corresponding service. If only the surcharge is imposed over municipal rates, a public hearing is not even required under paragraph (1)(a). A public hearing is required under paragraph (1)(b).

This statutory scheme creates the possibility where customers in the unincorporated area will be paying higher rates to subsidize the lower rates of municipal customers, and the city’s elected officials have no political accountability to the customers in the unincorporated areas. This scenario recently occurred in the City of Dunnellon in Marion County, where the city acquired an investor owned utility in the unincorporated area and, pursuant to the above-statute, imposed the surcharges, and other impositions on the customers of that system. This resulted in litigation that was costly to the city, and ultimately led to the system being acquired by the Florida Governmental Utility Authority. In addition to the above-described concerns for residents of the unincorporated county, the municipality’s unrestricted power under Sec. 180.02 to establish such utility zones or service areas creates a disruptive influence for the planning and system development of County-owned utility systems.



**Background:**

Sec. 180.02 was originally adopted in 1935 and was last revised in 1995. It is suggested that the statute is obsolete, and not reflective of the scope of services provided by county governments in medium and large counties. When originally adopted, and for years thereafter, counties typically did not provide “municipal” services in the unincorporated areas. All of that has changed with the advent of the county home rule powers act, sec. 125.01, F.S, and many counties, including Marion, provide a broad range of municipal services. In fact, several of the municipalities in Marion County contract for the County to provide municipal services to their residents.

**Analysis:**

What is most problematic for county utility departments is the ability of cities, under Sec. 180.02, F.S., to create such zones in unincorporated areas, regardless of the impact thereof on county utility operations, and with no agreement or consent required by the county. While a county may file objections under subsection 180.03(2), the city is free to ignore those objections.

**Fiscal Impact:**

It is urged that a reasonable resolution of the above situation is found in Sec. 180.06, F.S. – Activities authorized by municipalities and private companies – where the last paragraph provides: “However, a private company or municipality shall not construct any system, work, project or utility authorized to be constructed hereunder in the event that a system, work, project or utility of a similar character is being actually operated by a municipality or private company in the municipality or territory immediately adjacent thereto, unless such municipality or private company consents to such construction.” It is the foregoing requirement for consent that is lacking for counties. It is proposed that legislation be enacted that would provide that where a county has, by ordinance, established one or more utility service areas in the unincorporated area, and within such services, has the current ability to provide service, a municipality may not provide utility services within such county service areas. Within any county service area where the county does have the ability to provide service within \_\_\_\_ months, a municipality may not provide service within such county service area without consent from the county. Counties and municipalities are encouraged to cooperatively establish utility service boundary agreements that will maximize the capacities and efficiencies of their respective systems, with the goal of providing the most cost-effective utility service to system customers.

## **GATE-4: Regional Water Supply Planning**

<b>FAC Staff Recommendation:</b> Incorporate into Guiding Principles ( <i>see proposed GATE 25 in Guiding Principles</i> )
--

**Proposed Policy:** SUPPORT efforts of the Water Management Districts to facilitate regional partnerships and prescribe regional resolutions to address the need of finding alternative water sources to accommodate the state's growing population.

**Issue Summary:** Sec. 373.199, F.S. – Florida Forever Water Management District Work Plan: The issue under consideration is the scope of the Florida Forever Water Management District Work Plan which directs each water management district to “develop a 5-year work plan that identifies projects that meet the criteria in subsections (3), (4), and (5)” which includes surface water improvement.

### **Background:**

Tasking the water management districts with alternative water policies to find feasible alternate water sources for the regions in Florida will be beneficial in helping to find other water sources to accommodate Florida's increasing population. As indicated in the chart linked below, Florida's population continues to grow which will, in turn, put a strain on the fresh water supply. According to case study, Condran, M., Schers, G. & Waller, P. *The Future of Water Supply in Florida*, “In the next 20 years, Florida's population is expected to grow from the current 20 million residents to more than 25 million, while the fresh water demand for all uses is expected to increase by over 20 percent to approximately 7.9 BGD.” The same study recommends that, “Regional partnerships among multiple government entities are necessary to develop the larger surface water projects such that costs are equitably shared, the water produced is fairly allocated, and the responsible operational entity is established.”

### **Analysis:**

Florida has already established the water management districts as well as put statutes in place that allow for regional collaboration to find alternative water sources for the growing population. It is urged that a reasonable solution would be to task the water management districts to prescribe unified regional resolutions instead of collaborating with individual cities, counties and municipalities. This holistic focus would accommodate problem-solving in larger areas that have the same water sources as well as streamlining the processes necessary to those areas.

### **Fiscal Impact:**

Florida population, supplemental chart for (referenced in background portion). (direct link: <https://www.marioncountyfl.org/Home/ShowImage?id=20740&t=636712704000000000>)

## **2018 INNOVATION & POLICY CONFERENCE**



### **GATE-5: Small Cells in Rights-of-Way**

<b>FAC Staff Recommendation:</b> Defer to committee.
--

**Proposed Policy:** SUPPORT legislation requiring the entities responsible for small cell towers in rights-of-way and public lands to register during the permitting process so that they can be contacted in the event of emergency, needed maintenance, or repair.

**Issue Summary:** The issue under consideration is the placement of small towers also known as “small cells” on Right-of-Ways (ROW) and/or public lands as well as the requirement of permits for these placements. As technology and the telecommunications industry has evolved, the need for cell towers has changed. Companies are not only seeking to put large 120-foot cell towers on the ROW but they are also asking to install smaller towers, or small cells, on the ROW. These small cells are generally the height of a telephone pole and are needed to support ever-changing smart phone technology. Companies are using the ROWs to accommodate the amount of these towers needed.

**Background:**

Last year’s legislation allowed the wireless communicators to be placed into ROWs, but without any regulation requiring the wireless company to be the responsible entity. Marion County has found that the company that owns and installs the small towers, sells field space to other service providers. The county’s primary concern is what might happen to the small cells during and after an emergency event, such as last’s year Hurricane Irma. It is not clear who to contact for clean-up and reinstatement of services.

**Analysis:**

It is proposed that a regulation be put into place that would require registering the entity responsible for the small towers on ROWs and public lands during the permit process so that counties, cities and municipalities know who to contact in the event of an emergency, needed maintenance or repair.

**Fiscal Impact:**

N/A

## **2018 INNOVATION & POLICY CONFERENCE**





## **GATE-6: Ocean Outfalls**

**FAC Staff Recommendation:** Incorporate into guiding principles (*see proposed GATE 32 in Guiding Principles*)

**Proposed Policy:** SUPPORT continued state funding to end the ocean outfalls in south Florida by the legislature’s deadline of 2025.

**Issue Summary:** The county supports continued state funding to end the ocean outfalls in south Florida by the legislature’s 2025 deadline.

### **Background:**

In Broward County and Miami-Dade County, the wastewater utility infrastructure discharges 188 million gallons of wastewater into the ocean every day from four pipes through the Southeast Florida coast. To protect the Florida Coral Reef Tract, the efforts of the counties needs to be supported to eliminate these outfalls. The 2025 deadline enacted by the legislature in 2008 is in sec. 403.086, F.S.

### **Analysis:**

The Florida Coral Reef Tract, which runs from Martin County to Monroe County, is experiencing an unprecedented disease event. Efforts to save the coral reef are two-fold, including water quality monitoring and coral rehabilitation. The water conditions along the coast must stabilize before the rehabilitated coral can be transplanted back into the environment. Eliminating these outfalls will resolve one of the contributing factors to the poor water conditions surviving coral must live in.

### **Fiscal Impact:**

Converting the waste water infrastructure in these counties is a multi-billion-dollar effort. According to the Sun Sentinel, Miami-Dade estimates it will cost about \$5.7 billion to comply with the legislation, according to a 2016 compliance plan update. The coral reef generates \$6 billion dollars annually to the state of Florida.

## **2018 INNOVATION & POLICY CONFERENCE**

## **GATE-7: Brownfield Designations**

**FAC Staff Recommendation:** Adopt.

*Note: This was adopted by the GATE committee last year, but legislation addressing the issue did not pass.*

**Proposed Policy:** SUPPORT creating clear guidance for the award of a brownfield designation and the local authority to decline to award the determination if the site does not meet the statutory criteria.

### **Issue Summary:**

1. **Timing of Applications:** There is currently no time limit specified by which an applicant must submit an application for designation as a brownfield area. At this time, applications could be received after development has occurred. The brownfield legislation is meant to encourage rehabilitation and redevelopment, not to provide after-the-fact incentives very late in redevelopment the process.
2. **Brownfield Site Rehabilitation Agreements (BSRA):** incentives are available without a BSRA.
3. **Public Input:** Sec. 376.80(1)(c).4.a, F.S. (“neighborhood residents’ concerns, and other relevant local concerns”) – This paragraph requires public input on issues that are not considered as part of the five criteria for designation outlines in sec. 376.80(2)(c), F.S. It is not clear how a local government can take public concerns into consideration when determining whether to designate a brownfield area.
4. **Language Change:** Sec. F.S. 376.80(1)(a), F.S. – “The local government with jurisdiction over a proposed brownfield area shall designate such area pursuant to this section.” This language is too restrictive, “shall” should to be changed to “may”.
5. **Perceived Contamination:** In sec. 376.79, F.S., there is no definition of “perceived environmental contamination” and thus no standards for determining when perception is no longer applicable during redevelopment.

### **Background:**

There were two recent brownfield area designation applications submitted after site work was completed and no contaminants were reported to the DEP during construction activities. This should have eliminated the "actual or perceived environmental contamination" clause in the Brownfield Site definition, Section 79(4), thus eliminating a Brownfield Area designation because a site does not exist.

### **Analysis:**

The aforementioned items leave the program and appropriated state funds vulnerable to use for developments outside the scope of the original legislative intent. Section 80(2)(c) **requires** municipalities to grant brownfield area designations to **any** applicant meeting the criteria without



County Policy Proposal  
**Submitted by:** Orange County  
**Contact:** [kelly.teague@ocfl.net](mailto:kelly.teague@ocfl.net)

offering clear guidance for the determination of worthy or appropriate recipients of the designation.

**Fiscal Impact:**

These changes would allow a more targeted application for the appropriated funds.

## **GATE-8: Regional Transportation and Transit**

**FAC Staff Recommendation:** Pursue under guiding principles (*see Guiding Principle GATE 9: The Florida Association of Counties supports policies and funding that encourage and facilitate more efficient and effective use of regional transportation solutions.*)

**Proposed Policy:** SUPPORT the coordination and funding of regionalized transportation and transit solutions for regions of the state that have lagged.

### **Issue Summary:**

Support the coordination and funding of regionalized transportation and transit solutions for regions of the state that have lagged in this area; in particular, Tampa Bay. \$1.5 million in reoccurring funding per year is requested for the Tampa Bay Area Regional Transit Authority (TBARTA).

### **Background:**

The formation and redesign of the Tampa Bay Area Regional Transit Authority seeks to find solutions to the growing transportation concerns in the region. On Wednesday, June 14, 2017 Governor Rick Scott signed Senate Bill 1672, changing the Tampa Bay Area Regional Transportation Authority into the Tampa Bay Area Regional Transit Authority (TBARTA) serving five counties, which includes Pinellas, Pasco, Hernando, Hillsborough, and Manatee. The changes, took effect on July 1, 2017. The legislation, sponsored by Senator Jack Latvala, aimed to refocus the agency that was founded in 2007 and was previously focused on providing a 25-year long range transportation plan to one that facilitates the development of a 10-year transit plan for the above mentioned 5 counties. The new board was constituted on August 25th and has representation from the two major transit operators in the region; HART and PSTA, one from each County and four Governor appointees.

**Current Work Underway:** TBARTA is currently focused on finding an avenue for funding both operational/administrative expenses as well as project development expenses. Meetings are underway to find a path forward during the upcoming legislative session. Those funding choices include: inclusion in the FDOT work plan; reoccurring or non-reoccurring appropriations request; or, to be included in a larger transportation package.

**MPO Coordination Structure Research:** TBARTA is partnering with FDOT to conduct research on how a regional MPO could be coordinated in the near future; the study should be complete by the end of 2018. According to a study done by the ENO Center for Transportation, “because transportation, by nature, should operate so widely over each region it cannot be dealt with effectively by individual governments acting separately. Of the largest 20 metropolitan areas in the United States, only two lack a regional MPO structure: Tampa Bay and South Florida. Stronger



metropolitan planning and capital programming entities and/or processes across jurisdictional and modal lines are essential prerequisites to making better decisions on the investment of scarce public resources.”

**Executive Director Review and Search:** With the new role and responsibilities that TBARTA is now taking on, it is the board’s responsibility to evaluate the current Executive Director and conduct due diligence on who would be appropriate to guide the Authority forward.

**Regional Transit Feasibility Study:** HART and FDOT have funded a study to determine an appropriate corridor and transit mode that would have the most leverage when applying for an FTA Grant and acquiring local matches. Through that process, they have identified 15 projects, a mix of transit modes and corridors that they will continue to whittle down through a public engagement process to select the best project. TBARTA has been tasked with coordinating with the appropriate agencies and taking ownership of bringing a project to fruition. TBARTA is in the midst of a radical change, and a change that is necessary to transform the Authority into one that is mandated with bringing transit and transportation coordination into a metro area that desperately needs it in order to compete with our peers in the coming decades.

**Analysis:**

Potential for increased economic development opportunities and improved quality of life.

**Fiscal Impact:**

TBD

## **GATE-9: Resiliency**

### **FAC Staff Recommendation:**

Action 1: Adopt

Action 2: Incorporate into guiding principles (*see proposed GATE 17 in Guiding Principles*)

**Proposed Policy:** Action 1: SUPPORT the development of a Florida Resiliency Plan.

Action 2: SUPPORT collaboration among regional coalitions focused on resiliency and climate change in order to maximize resources, share information, analysis, and best practices, and foster useful collaboration.

### **Issue Summary:**

Florida is one of the most vulnerable places to the impacts of a changing climate. Floridians are seeing sea level rise, increasing hurricane intensity, heavy rainfall, flooding, and other extreme weather events. Extreme weather and other sustained threats have the potential to severely impact community and economic development priorities, public health and natural resources. The State of Florida and its 67 counties must be prepared to both adapt to climate impacts such as sea level rise - already in the pipeline - and to reduce the principle driver of climate change with clean energy solutions so not to exacerbate the problem. A number of local and regional efforts are well underway or are developing around the state to address these challenges: the Tampa Bay Regional Resiliency Coalition; the decade old Southeast Florida Regional Climate Compact; the East Coast Florida Regional Planning Council; and, P2R2 (the Public/Private Partnership Regional Resiliency Committee of the Northeast Florida Regional Council in the Jacksonville area).

In light of the critical need and efforts underway, we propose **two actions**:

1. The development of a Florida Resiliency Plan with consistent statewide analysis and datasets and tools that improve integration of observed and projected knowledge about climate change into decision-making) starting with vulnerability assessments across key, multiple sectors (agriculture, tourism, insurance) and regions/characteristics (floodplains, watersheds and springs). Efforts and planning to become more resilient will incorporate local/regional adaptation efforts already underway.
2. Support the formation of a Consortium of Regional Resiliency Collaboratives (eg. the Tampa Bay Regional Resiliency Coalition and the Southeast Florida Regional Climate Compact) in Florida to share information and analysis, best practices and foster useful collaboration. This effort will foster research, technical reports, and provide for recommendations and information to directly inform vulnerability assessments and adaptation strategies for Florida's energy sector, water resources and management, oceans and coasts, forests,



wildfires, agriculture, biodiversity and habitat, and public health. For example, the value of resiliency will be considered in how counties promote the health and safety of the public, minimize loss of life, and reduce economic losses caused by flood damages.

**Background:**

Florida is ground zero for the impacts of climate change and policies to guide the state and local governments lags behind where we need to be. That said, many in Florida already see the benefits of regional collaboration. Tampa Bay has a legacy of successful regional collaborations building strong science to guide decisions and planning efforts. The South Florida local governments launched the Southeast Florida Regional Climate Change Compact in 2010. It is one of the nation's leading examples of regional-scale climate action mechanism for collaboration on climate adaptation and mitigation efforts. It's time that Florida Counties lead the way in planning for our future.

**Analysis:**

Karen Clark and Company in 2015 released a report that stated, while every coastal location is subject to storm surge flooding from the 100-year hurricane, the largest losses are concentrated in relatively few places along the coast. Four of the top cities are in Florida; the west coast of this state is more vulnerable than the east coast and Tampa/St Petersburg is the metropolitan area most vulnerable to flooding damage with a loss potential of \$175 billion. Using Geographic Information Systems, economic impact software, county property records and employment data, the Tampa Bay Regional Planning Council (TBRPC) prepared The Cost of Doing Nothing: Economic Impacts of Sea Level Rise in the Tampa Bay Region to consider the potential impacts of year round flooding on the regional economy. Together these impacts bear cumulative costs of \$162 billion to the region's Gross Regional Product. We must get out in front of these challenges with thoughtful planning for adaptation, resiliency and sustainability.

**Fiscal Impact:**

There is no specified financial impact for the collaboration and planning process. There is however, an opportunity to avoid costs down the road. Miami Beach is spending \$600 million in pumps and raising roads. The City of Miami has just directed \$192 in bond money to pay for climate impacts. There is also a concern about lost revenues to local governments. The Union of Concerned Scientists in their recent analysis of Zillow data under a sea level rise projection of an average of 1.8 feet of sea level rise for Florida in 2045 and 6.4 feet in 2100 entitled Underwater said that by 2045, about 64,000 of today's residential Florida properties, currently home to more than 100,000 people, are at risk of chronic inundation. Miami, the Florida Keys and the Tampa-St. Petersburg area stand out as being highly exposed within the next 30 years. This number jumps to more than 1 million properties at risk by 2100—about 10 percent of the state's current residential properties and home to approximately 2.1 million people today. More than 40 percent of the nation's homes at risk in 2100 are in Florida. The total value, in today's dollars, of Florida's at-risk properties is the largest of any coastal state. By 2045, about \$26 billion-worth of residential properties are at risk of chronic flooding. The million-plus homes that would face this





flooding at the end of the century are currently worth more than \$351 billion. Florida's municipalities could take a large hit to their property tax revenues in 2045 and the greatest hit of all coastal states in the lower 48 at the end of the century. The homes at risk in 2045 currently contribute nearly \$350 million in annual property tax revenue to their municipalities. The homes at risk by 2100 currently contribute roughly \$5 billion collectively in annual property tax revenue. Florida ranks second in 2045 and first in 2100 for the most commercial properties at risk in the lower 48. By 2045, about 2,300 of today's commercial properties, currently valued at more than \$3 billion, are expected to experience chronic inundation. In 2100, this number jumps to more than 37,500 properties valued at roughly \$46 billion today. Approximately 35 percent of the nation's commercial properties at risk at the end of the century are in Florida.

## **2018 INNOVATION & POLICY CONFERENCE**



## **GATE-10: Beaches and Shores**

<b>Committee Recommendation:</b> Adopt
--

**Proposed Policy:** **SUPPORT** the creation of a new dedicated and recurring statutory funding source for beach renourishment projects which accurately reflects the increase in participating programs and future beach and inlet project funding needs. **SUPPORT** the revision of statutory criteria for the annual ranking of beach projects for state cost sharing; specifically, the inclusion of criteria that prioritizes dune restoration, where feasible, as an investment in beach protection and preservation, and also recognizes economic benefits and cost effectiveness, the reduction in storm damage, and the ability to leverage federal dollars.

**Issue Summary:** Florida’s beach management program is a partnership between the federal, state, and local governments aimed at addressing beach erosion problems. A predictable, annual funding source for this program, along with updated ranking criteria that better accounts for economic benefits of dune restoration and storm damage reduction, will improve the program’s effectiveness.

**Background:** Florida has 825 miles of sandy coastline, which draw millions of tourists annually and serve as one of the state’s primary tourism attractions. Approximately half of Florida beaches are critically eroded. Of the 416 miles critically eroded beaches, only 229 miles are part of an active beach management project.

A 2015 Office of Economic and Demographic Research (EDR) study concluded that the state’s beach management program produced a 5.4 return on investment, with a \$44 million program investment generating an additional \$238 million in state revenue. Additionally, nourished beaches provide significant protection to upland properties against storm damages and coastal flooding, and also provide critical habitat for various species of plants and animals.

For the past few legislative sessions, bills have been filed to revise the beach renourishment project ranking criteria, adding enhanced emphasis on economic benefits of tourism and storm damage reduction as well as increasing focus on inlet management projects. The bills would also direct DEP to develop a three-year work plan for beach management. Additionally, the proposals would have appropriated the lesser of \$50 million or 7.6 percent of available Land Acquisition Trust Funds (LATF) annually to fund beach renourishment and inlet management projects. While the bills did not pass last session, the beach management program did receive \$50 million in funding.

**Analysis:**

Past funding amounts are no longer sufficient to meet Florida's needs. A simple adjustment for inflation would require \$54 million in 2017 dollars annually. This does not account for the fact that, since 1998, the number of miles participating in the program has increased by 50 percent. Funding half of the project requests over the last few years would require nearly \$50 million annually, and annualizing beach and inlet project funding needs over the next 20 years would require roughly \$60 million.

**Fiscal Impact:** Significant positive impact when local government cost share is calculated, dependent upon the project submitted.

# FAC Corporate Partners

## Platinum



**Nationwide®**  
is on your side



**T-Mobile®**

**Nabors  
Giblin &  
Nickerson P.A.**  
ATTORNEYS AT LAW

**healthstat**  
inspiring healthy change

**JetPay®**

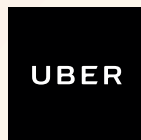


**JonesEdmunds**

## Gold



**aetna®**



## Silver

*Advanced Disposal  
Ygrene*

*AMR*

*Boston Mutual*

*Bridges International*

*NLC Service Line Warranty Program*

*Renovate America*


*Bryant Miller Olive*

*Communications International*

*The Ferguson Group*

*Renew Financial*

*IEM*

A large, stylized sunburst graphic in shades of orange and yellow, radiating from the top center of the page.

*Helping counties effectively serve and represent  
Floridians by strengthening and preserving  
county home rule through  
advocacy, education and collaboration.*

2018  
INNOVATION  
& POLICY  
CONFERENCE