



2017 Legislative Issue Briefs



Sustainable Florida

Priority Statement:

The Florida League of Cities SUPPORTS measures that promote a sustainable Florida, including legislation that:

- Incentivizes the development and expansion of reclaimed water while protecting public ratepayer investments in reclaimed water infrastructure;
- Assists municipal utilities in addressing infrastructure deficits;
- Maintains the authority of municipalities to operate public utilities;
- Protects and improves the quality of water, including surface water, drinking water and aquifers;
- Imposes a statewide ban on hydraulic fracturing;
- Increases the ability of local governments to address water quality impairment attributable to excess nutrients; and
- Increases state and local efforts to mitigate and adapt to increasing tidal and stormwater flooding.

Talking Points:

Water Quality, Water Supply, & Infrastructure Needs

- Excess nutrients, primary nitrogen and phosphorus from a variety of sources significantly contribute to water quality problems throughout Florida. State and federal laws require local governments to reduce nutrient pollution attributable to urban point and non-point sources, including wastewater treatment facilities, septic systems and stormwater runoff.
- One-third of Floridians rely on a septic system. Septic systems are a cost-effective alternative to central sewer when appropriately installed and maintained. Less than 1 percent of septic systems in Florida are subject to any maintenance requirements. More than half of Florida's 2.6 million septic systems are over 30 years old.
- State restrictions on local government septic system inspection programs make it difficult to accurately identify problem systems. State law requires connection to central sewer when it becomes "available," but many areas fall short of this requirement. Septic system inspection, repair or replacement is costly for property owners. Many local governments offer low-interest loans or partially subsidize these costs, but the need far outweighs local government fiscal resources.
- Centralized wastewater systems can also contribute to water quality impairment due to aging and substandard infrastructure. The cost of repair and replacement is substantial, and current investments are unable to keep up with need. 2012 estimates show that \$19.6 billion is needed to remedy existing deficits in Florida's wastewater systems.

Contact: Rebecca O'Hara, Senior Legislative Advocate – 850-701-3692 – rohara@flcities.com

- One of the state’s biggest challenges is ensuring a sufficient supply of water to meet the needs of the environment, a growing population, and agriculture. Reclaimed water is becoming an important alternative water supply source that serves as a substitute for water that would otherwise be withdrawn from freshwater ground or surface water sources. Despite the tremendous expense associated with developing these supplies, Florida has become a national leader in water reuse due to successful funding partnerships among the state and local utilities.
- SB 1082 (Brandes) and HB 663 (Peters) would dedicate the lesser of 12.5 percent or \$100 million annually for water projects identified in a regional water supply plan or basin management action plan. The League SUPPORTS these bills. These funds can be leveraged with local dollars to meet the enormous fiscal challenges of developing alternative water supplies and projects needed to meet state and federal nutrient load reduction requirements.
- SB 87 (Young) and HB 551 (Stone) would require the Department of Environmental Protection (DEP) to develop remediation plans for septic systems as part of a Basin Management Action Plan if DEP determines that remediation is necessary to achieve a Total Maximum Daily Load. This expands a requirement in law that currently applies only to basins surrounding Outstanding Florida Springs. The bills would also appropriate \$20 million annually from the Land Acquisition Trust Fund for septic tank remediation, muck dredging and stormwater improvements in counties contributing to watersheds of the Indian River Lagoon, St. Lucie Estuary, or the Caloosahatchee Estuary. The League SUPPORTS the septic tank remediation provisions of the bills.
- CS/SB 1748 (Stewart) and CS/CS/CS/HB 285 (Fine) require sellers of property to provide specified disclosures about septic tanks on the property, including information about potential water quality impacts and proper maintenance. The bills also requires the Department of Health to identify and report on the location of all septic systems in the state. The League SUPPORTS both bills, and further encourages state funding assistance to help local governments offset inspection, repair or replacement costs for property owners.

Fracking

- The Florida League of Cities supports a statewide ban on fracking because it could have multi-jurisdictional, adverse impacts on water resources. The state’s ground and surface waters are interconnected and support drinking water supplies, agriculture, industry, wildlife habitat and recreation.
- Florida has adopted statewide water quality standards through processes that offer multiple opportunities for public participation and scientific review. Florida’s municipal governments have long supported statewide water quality standards as means to protect a resource that crosses jurisdictional boundaries and is shared for many beneficial uses.
- Florida’s unique karst geology and extensive subsurface aquifers allow the rapid entry and dispersive flow of water, as well as contaminants. The highly pressurized nature of fracking could cause contaminants to disperse through the aquifer, and potentially impact multiple jurisdictions and millions of water users.

Contact: Rebecca O’Hara, Asst. General Counsel – 850-701-3692 – rohara@flcities.com

- The League supports multiple bills that would impose a statewide ban on fracking, including the following: HB 451 (Miller, M.) and SB 442 (Young); SJR 108 (Farmer); SB 98 (Farmer); and HB 35 (Jenne).

Natural Hazard Mitigation

- Increasing and recurring natural hazards threaten Florida’s public health, safety, quality of life, and economic prosperity. Damage from natural hazards such as flooding, storm surge and wind damage has resulted in billions of dollars in losses to existing infrastructure.
- A recent study by the *Risky Business Project*, a bipartisan coalition of business and policy leaders, warns that Florida has more private property at risk from flooding than any other state. The study states: “By 2030, \$69 billion in coastal property in Florida could flood at high tide that is not currently at risk. That amount is projected to continue to climb to \$152 billion in coastal Florida property by 2050.”
- SB 112 (Brandes) and HB 613 (Ahern) authorize a matching grant program to provide up to \$50 million annually, subject to legislative appropriation, to local governments to implement flood hazard risk reduction policies and projects. The League SUPPORTS these bills, and encourages the legislature to provide recurring, annual appropriations to support this grant program.
- CS/HB 181 (Jacobs) and SB 464 (Clemens) create an interagency working group for state agencies to share information and to coordinate on planning and initiatives relating to natural hazards. As defined in the bills, natural hazards include extreme heat, drought, wildfire, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff and flooding. The League SUPPORTS these bills.
- CS/SB 1590 (Latvala) and CS/CS/CS/HB 1213 (Peters) direct the development of a scoring system to determine annual project funding priorities for beach renourishment and inlet management restoration projects, using specified, weighted criteria. CS/SB 1590 would dedicate a minimum of \$50 million annually from the Land Acquisition Trust Fund for these projects. The League SUPPORTS the bills.

Background:

Florida faces myriad challenges to the sustainability of its natural resources and energy needs. Potential solutions should be coordinated among all levels of government, tailored to local conditions, and developed to maximize the return on investment of limited public resources.

Water Quality, Water Supply, & Infrastructure Needs:

State and federal laws mandate local governments to reduce nutrient pollution attributable to consumer fertilizer use, problematic septic systems and stormwater runoff. Local government strategies for reducing nutrient pollution include consumer fertilizer regulations, stormwater management and treatment, and septic system remediation.

Septic tank remediation strategies face practical, economic and political hurdles. Problematic septic tanks are difficult to identify because they are underground, and state law restricts the use of septic

Contact: Rebecca O’Hara, Asst. General Counsel – 850-701-3692 – rohara@flcities.com

system inspection programs. Septic system repair, replacement or conversion to central sewer is costly for homeowners and local governments. Mandatory inspection and connection requirements may raise property rights concerns.

Legislation passed in 2016 requires the Department of Environmental Protection (DEP) to develop septic tank remediation plans within Priority Focus Areas surrounding Outstanding Florida Springs, if DEP determines that septic systems contribute to at least 20 percent of nonpoint source nitrogen pollution or if remediation is necessary to achieve the Total Maximum Daily Load (TMDL). The remediation plan must be developed in conjunction with the Department of Health and local governments, and must include cost-effective and financially feasible projects necessary to reduce nutrient impacts from septic systems.

Water and wastewater infrastructure deficits exacerbate the state's water quality problems. Current investments are not able to keep up with need. An estimated \$12.8 billion to \$16.5 billion is needed to improve Florida's drinking water infrastructure to ensure it is safe for the next 20 years, and \$19.6 billion is needed for Florida's wastewater systems.

Florida is a national leader in the reuse of reclaimed water, overall reusing about 43 percent each year. Reclaimed water is water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility. Reclaimed water is becoming an important alternative water supply source. Reuse of reclaimed water reduces the reliance on traditional methods of wastewater disposal, such as surface water discharges, ocean outfalls or deep-well injection. The cost of developing and providing reclaimed water is much higher than the cost of traditional water sources.

Potential Multi-Jurisdictional Impacts of Fracking on Water Quality

Hydraulic fracturing and acid fracturing (collectively, "fracking") involve the pressurized injection of fluids into rock formations to allow oil and gas to escape. Due to Florida's porous limestone substrate and aquifers, fracking may adversely affect the quality of ground and surface water in areas well beyond the location of a drilling site.

Natural Hazard Mitigation & Adaptation

Florida is vulnerable to frequent and recurring flooding from tidal events and stormwater. These events are increasing in frequency and threaten municipal infrastructure, public safety and the state's tourism industry. In coastal and nearshore areas, seasonal high tides regularly flood downtown areas, sewer systems and canals, and have accelerated saltwater intrusion into drinking water supplies. Communities throughout Florida are vulnerable to stormwater flooding caused by extreme weather events. Strategies to adapt to and mitigate the potential impacts of these increasing natural hazards will require coordination among all levels of state and local government.

Status:

Water Quality, Water Supply & Infrastructure Needs:

SB 1082 (Brandes) and **HB 663** (Peters) would dedicate the lesser of 12.5 percent or \$100 million annually for water projects identified in a regional water supply plan or basin management action plan. The League SUPPORTS these bills. SB 1082 has been referred to three committees, starting with the Senate Environmental Preservation and Conservation Committee. HB 663 has been

Contact: Rebecca O'Hara, Asst. General Counsel – 850-701-3692 – rohara@flcities.com

referred to three committees, starting with the House Agriculture and Natural Resources Appropriations Subcommittee.

SB 87 (Young) and **HB 551** (Stone) would require the Department of Environmental Protection (DEP) to develop remediation plans for septic systems as part of a Basin Management Action Plan if DEP determines that remediation is necessary to achieve a Total Maximum Daily Load. The bills would also appropriate \$20 million annually from the Land Acquisition Trust Fund for septic tank remediation, muck dredging and stormwater improvements in counties contributing to watersheds of the Indian River Lagoon, St. Lucie Estuary, or the Caloosahatchee Estuary. The League SUPPORTS the septic tank remediation provisions of the bills. SB 87 is in the Senate Appropriations Subcommittee on the Environmental and Natural Resources. HB 551 is in the Natural Resources and Public Lands Subcommittee.

CS/CS/CS/HB 285 (Fine) and **CS/SB 1748** (Stewart) originally required septic tanks to be inspected at the point of sale in real estate transactions. The bills were amended to remove the inspection requirement and instead require that sellers of property provide a specified disclosure statement to buyers about the presence of a septic tank and the importance of proper maintenance. The bills also require the Department of Health to map and report on the location of all septic systems in the state. The League SUPPORTS both bills. CS/CS/CS/HB 285 passed the House on April 20th. CS/SB 1748 passed the Senate Environmental Preservation and Conservation Committee April 19 and has two remaining committee stops.

Fracking:

Several bills have been filed that would impose a statewide ban on fracking and are SUPPORTED by the League: **HB 451** (Miller) & **SB 442** (Young); **HB 35** (Jenne); **SB 98** (Farmer) and **SJR 108** (Farmer). The House bills failed to receive a committee hearing. The only Senate bill to receive a hearing, SB 442, passed its first committee but remains stalled in the Senate Appropriations Subcommittee on the Environment and Natural Resources.

Natural Hazard Mitigation & Adaptation:

SB 112 (Brandes) and **HB 613** (Ahern) authorize the Division of Emergency Management to administer a matching grant program to provide up to \$50 million in assistance (subject to appropriations) to local governments to implement certain flood risk reduction policies and projects. SB 112 has been referred to four Senate committees, starting with the Senate Banking and Insurance Committee. HB 613 has been referred to three House committees, starting with the House Oversight, Transparency and Administration Subcommittee.

CS/HB 181 (Jacobs) and **SB 464** (Clemens) create an interagency working group for state agencies to share information and coordinate on initiatives relating to various natural hazards, including drought, wildfire, flooding, sea-level change, storm surge and saltwater intrusion. CS/HB 181 passed the full House on March 30. SB 464 passed its last committee April 7 and is on Second Reading on the Senate Calendar.

CS/SB 1590 (Latvala) and **CS/CS/HB 1213** (Peters) direct the development of a scoring system to determine annual project funding priorities, using specified, weighted criteria. CS/CS/SB 1590 passed the Senate Appropriations Committee April 20th and is ready for the Senate floor. CS/CS/HB 1213 is in its final committee of reference, the House Government Accountability

Contact: Rebecca O'Hara, Asst. General Counsel – 850-701-3692 – rohara@flcities.com

Committee. The House budget recommendations include \$40 million in funding for these projects; the Senate has recommended \$50 million.

Revised: 4/21/2017

Contact: Rebecca O'Hara, Asst. General Counsel – 850-701-3692 – rohara@flcities.com