

UTILITIES, NATURAL RESOURCES & PUBLIC WORKS

**Friday, September 8, 2023
10:00 a.m. – 2:00 p.m. EDT**

**Salon 11/12
Rosen Centre Orlando
9840 International Drive,
Orlando, Florida 32819**

FLC Staff Contact: Rebecca O'Hara



FLORIDA LEAGUE OF CITIES



Agenda



**Utilities, Natural Resources & Public Works Legislative Policy Committee
Friday, September 8, 2023, from 10:00 a.m. to 2:00 p.m.
Rosen Centre Orlando – Meeting Room: Salon 11/12
9840 International Drive, Orlando, Florida**

AGENDA

- I. Introduction & Opening RemarksChair Denise Horland**
Councilmember, City of Plantation

- II. [FLC Policy Committee Process for 2023-2024](#).....Rebecca O’Hara, FLC Staff**

- III. Potential 2024 Priority and Policy IssuesRebecca O’Hara, FLC Staff**
 - A. Water Resources Planning & Comprehensive Watershed Management (One Water)
 - B. Per- and Polyflouroalkyl Substances
 - C. Property Assessed Clean Energy
 - D. Comprehensive Waste Reduction and Recycling Plan

- IV. Other Business.....Rebecca O’Hara, FLC Staff**

- V. Additional InformationRebecca O’Hara, FLC Staff**
 - A. [Key Legislative Dates](#)
 - B. [Home Rule Hero Criteria](#)
 - C. Key Contacts – [Click HERE to sign-up](#)
 - D. [2023 Legislative Session Final Report](#)

- VI. Closing RemarksChair Denise Horland**
Councilmember, City of Plantation

- VII. Adjournment**

Breakfast and Lunch provided by the Florida League of Cities

WiFi Available
Network: Convention Wireless
Access Code: RCRGH



Committee Roster



2023-2024 Legislative Policy Committee Utilities, Natural Resources & Public Works

Staffed by: Rebecca O'Hara, Deputy General Counsel

CHAIR:

The Honorable Denise Horland
Councilmember, City of Plantation

VICE CHAIR:

The Honorable Teresa Watkins Brown
Councilwoman, City of Fort Myers

MEMBERS:

The Honorable Jen Ahearn-Koch
Commissioner, City of Sarasota

Molly Alleger
Assistant to the City Manager, City of Jacksonville Beach

The Honorable Joaquin Almazan
Vice Mayor, City of Belle Glade

The Honorable David Bailey
Vice Mayor, City of Brooksville

Dennis Barron
Director of Public Works, City of Jacksonville Beach

The Honorable Joyce Barton
Vice Mayor, Town of Melbourne Beach

The Honorable Pat Bates
Mayor, City of Altamonte Springs

The Honorable Pat Bentley
Councilman, City of West Melbourne

Peter Bieniek
Director of Public Works, City of Fort Myers

The Honorable Nathaniel Birdsong
Mayor Pro Tem, City of Winter Haven

The Honorable BJ Bishop
Commissioner, Town of Longboat Key

Terry Bovaird
City Manager, City of Williston

The Honorable Doug Bryant
Councilmember, City of Mount Dora

The Honorable Phyllis Butlien
Vice Mayor, City of DeBary

The Honorable Anthony Caggiano
Mayor, City of Margate

Thomas Cloud
City Attorney, Fort Meade, Polk City, Davenport

The Honorable Victoria Colangelo
Commissioner, City of Winter Springs

The Honorable Ann Cosentino
Commissioner, City of Dade City

The Honorable Neil Devine
Commissioner, City of Mulberry

Bart Diebold
City Manager, City of Pinellas Park

James Dillon
Director of Public Works, City of Tavares

The Honorable Fred Forbes
Councilman, City of Bonita Springs

The Honorable Gregory Freebold
Mayor, Town of Lake Clarke Shores

Aleem Ghany
Public Services Director, Town of
Pembroke Park

The Honorable Steve Githens
Commissioner, City of Bartow

The Honorable Stu Glass
Deputy Mayor, Town of Indialantic

The Honorable Ted Hartselle
Councilman, City of Rockledge

Kate Helms
Stormwater Manager, City of Satellite
Beach

The Honorable Donna Holck
Commissioner, City of Largo

Gary Hubbard
Water Director, City of Winter Haven

Nzeribe Ihekweba
Deputy City Manager, City of Miami

The Honorable Richard Johnson
Mayor, City of Sanibel

**Dr. Jimmie Johnson, Ph.D, CWWO,
CPM**
Utilities Director, Village of Palm
Springs

The Honorable John Jones
Councilmember, City of Monticello

James Keene
Public Services Administrator, Haines
City

Rachel Keesling
Executive Director, Southwest Florida
League of Cities

The Honorable Lorraine Koss
Councilperson, City of Cocoa

The Honorable Charles Lake
Commissioner, City of Lake Alfred

Shannon Lewis
Director of Municipal Services, Anser
Advisory/GSG, Business Watch

The Honorable Michael McComas
Councilman, Everglades City

The Honorable Jane Mealy
Commissioner, City of Flagler Beach

Camden Mills
Manager, Capital Projects, City of
Sarasota

Francis Moehrle
Deputy City Attorney, City of Port St.
Lucie

The Honorable Lois Paritsky
Mayor, Town of Ponce Inlet

The Honorable Susan Persis
Commissioner, City of Ormond Beach

The Honorable David Pickett
Councilman, City of Port St. Lucie

The Honorable Jimmie Quinn
Councilor, City of Seminole

The Honorable Joe Rasco
Mayor, Village of Key Biscayne

The Honorable Gerald Renick
Council Member, City of Fellsmere

The Honorable Richard Roney
Vice Mayor, Town of Hypoluxo

The Honorable Keith Sabiel
Councilman, City of Pinellas Park

The Honorable Dan Saracki

Mayor, City of Oldsmar

The Honorable Rick Sartory

Council Member, Village of Tequesta

The Honorable Bev Smith

Mayor, Village of Palm Springs

The Honorable Phil Stokes

Commissioner, City of North Port

The Honorable April Thanos

Councilor, City of Gulfport

The Honorable Robert Walker

Commissioner, City of Dunedin

The Honorable Julie Wilkins

Mayor, City of LaBelle

The Honorable Brian Williams

Commissioner, City of Palmetto

The Honorable Rosemary Wilsen

Commissioner, City of Ocoee

The Honorable Justin York

Commissioner, City of Lake Mary



Policy Development Process



2023-2024 FLC Legislative Policy Process

The Florida League of Cities' (FLC's) Charter and Bylaws specify that the League shall engage only on legislation that pertains directly to "municipal affairs." "Municipal affairs" refers to issues that directly pertain to the governmental, corporate and proprietary powers to conduct municipal government, perform municipal functions, render municipal services and raise and expend revenues. Protecting Florida's cities from egregious far-reaching attacks on Home Rule powers will always be the top priority.

Each year, municipal officials from across the state volunteer to serve on the League's legislative policy committees. Appointments are a one-year commitment and involve developing the League's Legislative Platform. The Legislative Platform addresses priority issues of statewide interest that will most likely affect daily municipal governance and local decision-making during the upcoming legislative session.

Policy committee members also help League staff understand the real-world implications of proposed legislation, and they are asked to serve as advocates throughout the year. To get a broad spectrum of ideas and better understand the impact of League policy proposals on rural, suburban and urban cities of all sizes, it is ideal that each of Florida's cities be represented on one or more of the legislative policy committees.

The Florida Legislature convenes the 2024 Legislative Session on January 9. The League's legislative policy committee meetings commence in September 2023 and meet three times.

There are currently five standing **legislative policy committees**:

Finance, Taxation and Personnel Committee: This committee addresses municipal roles in general finance and tax issues, Home Rule revenues, infrastructure funding, insurance, local option revenues, pension issues, personnel and collective bargaining issues, revenue sharing, tax and budget reform, telecommunications and workers' compensation.

Land Use and Economic Development Committee: This committee addresses policies specific to municipal concerns with community redevelopment, economic development, growth management and land use planning issues, annexation, eminent domain, tort liability, property rights and ethics.



Municipal Administration Committee: This committee addresses municipal concerns with code enforcement, elections, emergency management, gaming, homeland security, public meetings, public property management, public records, public safety and procurement, charter counties and special districts.

Transportation and Intergovernmental Relations Committee: This committee addresses municipal concerns relating to transportation and highway safety, as well as aviation, affordable housing (and homelessness), billboards, building codes, charter schools, rights-of-way and veterans affairs.

Utilities, Natural Resources and Public Works Committee: This committee addresses policies specific to municipal concerns with coastal management, energy, environmental and wetlands permitting, hazardous and toxic wastes, recycling, solid waste collection and disposal, stormwater, wastewater treatment and reuse, water management and water quality and quantity.

At the last meeting, each of the five policy committees adopts ONE legislative priority that will be submitted to the Legislative Committee. The Legislative Committee is composed of:

- ▶ Each legislative policy committee chair and the chairs of the other standing committees
- ▶ The president of each local and regional league
- ▶ The presidents of several other municipal associations
- ▶ Chairs of the municipal trust boards
- ▶ Several at-large members appointed by the League President.

The policy priorities, as adopted by the Legislative Committee, are then recommended to the general membership for approval as the League's Legislative Platform.



In addition, a legislative policy committee may, but is not required to, recommend ONE policy position related to other relevant legislative issues. The policy position must satisfy the same criteria above for legislative priorities. The recommended policy position will be considered by the Legislative Committee. If favorably considered by that committee, it will be considered by the general membership. If adopted by the general membership, the policy position may be published and communicated to legislators and others, as appropriate.

Due to Sunshine Law issues, only one elected official per city can be represented on a committee, but a city could have an elected and a non-elected city official on each of the five policy committees. Appointments are made by the League President based upon a city official's support and advocacy of the Legislative Action Platform and participation at meetings, Legislative Action Days and other legislative-related activities.

2023 Legislative Policy Committee Meeting Dates

- ▶ September 8, 2023, 10:00 a.m. to 2:00 p.m. at the Rosen Centre Orlando, 9840 International Drive, Orlando, FL 32819
- ▶ October 6, 2023, 10:00 a.m. to 2:00 p.m. at the Gaylord Palms Resort & Convention Center, 6000 West Osceola Parkway, Kissimmee, FL 34746.
- ▶ November 30, 2023, during the FLC Legislative Conference at the Hilton Orlando, 6001 Destination Parkway, Orlando, FL 32819.

If you are interested in serving or learning more, please contact Mary Edenfield at 850.701.3624 or medenfield@flcities.com.



Past Priorities and Policies UNRPW Legislative Policy Committee

2023 Legislative Session

Priority – Water Resources Planning

The Florida League of Cities SUPPORTS legislation establishing a statewide coordinated planning and prioritization approach for water resource investments that funds Florida’s current and projected water needs in an equitable manner, and which authorizes Comprehensive Watershed Management projects to qualify for funding under the state Water Protection and Sustainability Trust Fund.

Policy – Water & Wastewater Operator Licensure (Passed in 2023)

The Florida League of Cities SUPPORTS legislation to address workforce shortages in municipal water and wastewater facilities by: 1) defining facility operators as critical and essential workers; 2) providing reciprocity with other states for licensure of facility operators; 3) allowing credit towards licensure for military experience and time served performing similar functions; and providing flexibility for facilities to use retired or out of state operators in emergencies.

2022 Legislative Session

Priority -- Tree Protection (Passed in 2022)

The Florida League of Cities SUPPORTS legislation to close loopholes and create standards in current law exemptions from municipal tree ordinances that have caused litigation and abuses, including the clear-cutting of land pre-development and the removal of healthy trees that present little, if any, risk to persons or structures. Current law should be amended to apply only to developed single-family residential property, identify industry-appropriate standards for assessing tree risk and identify necessary documentation.

Policy -- Per- and Polyfluoroalkyl Substances (PFAS) (Passed (partial) in 2022)

The Florida League of Cities SUPPORTS legislative action to address growing concerns about PFAS in soil and water, including coordinating with the Environmental Protection Agency to establish science-based cleanup target levels, providing resources for testing and research, public education and risk assessment guidelines, establishing liability protection for entities that have legally used PFAS for fire suppression or have passively received PFAS, and developing cost-effective and risk-based corrective strategies for PFAS.

2021 Legislative Session

Policy – Surface Water Discharges

The Florida League of Cities SUPPORTS legislation that establishes reasonable timeframes for utilities to eliminate, with specified exceptions, non-beneficial discharges to surface water unless a utility demonstrates it is not environmentally, technically and economically feasible.

Policy – Resiliency

The Florida League of Cities SUPPORTS legislation that promotes a resilient and sustainable Florida, including:

- Funding for water quality improvements
- Policies and funding for alternative water supply development
- Intergovernmental coordination and planning on strategies to address coastal and inland flooding

2020 Legislative Session**Priority – Water Resources**

The Florida League of Cities SUPPORTS legislation to address Florida’s water quality crisis and water supply deficiencies that:

- provides for an annual assessment of the state’s water infrastructure and water quality improvement needs at the state, regional and local levels.
- establishes a framework for a state water infrastructure and water quality funding program that includes objective criteria tied to beneficial returns on investment, sustainable utility practices and intergovernmental coordination.
- identifies potential sources of funding or financing.

Policy – Resiliency

The Florida League of Cities SUPPORTS the Office of Resilience and Coastal Protection and will SUPPORT legislation to fund and coordinate state resiliency programs with those of local governments.



Water Resources Planning & Comprehensive Watershed Management (One Water)

Water Resources Planning & Comprehensive Watershed Management

Draft Priority Statement:

The Florida League of Cities SUPPORTS legislation establishing a statewide coordinated planning and prioritization approach for water resource investments that funds Florida’s current and projected water needs in an equitable manner, and which authorizes Comprehensive Watershed Management projects to qualify for funding under the state Water Protection and Sustainability Trust Fund.

Background:

Statewide Water Resources Planning

Florida faces significant challenges in meeting its increasing needs for drinking water while also managing wastewater and protecting natural resources. The Office of Economic and Demographic Research estimates a gap between the state’s water needs and available funding exists in “every future year, growing to \$840.69 million by the end of the 10-year forecast period (excluding resiliency needs). State funding is subject to shifting legislative priorities and local perspectives rather than a strategic approach, leading to inefficiencies and a growing backlog of needed infrastructure. The fractured responsibility for water resources planning among state, regional, and local governments, and the uncoordinated investment of funds to meet various water needs are additional obstacles to addressing these challenges.

To address these issues, the League supports a comprehensive review of state water policy with the goal of developing recommendations relating to both governance and long-term funding. A review of governance issues would examine the current delineation of responsibilities between state, regional, and local governments. An examination of funding issues would contemplate the development of long- and short-term plans to address the growing funding gap, which may further require revising existing funding sources, the developing new funding sources, and developing new procedures for accessing state funding.

Comprehensive Watershed Management

The Florida Water Protection and Sustainability Program Trust Fund was established in 2005 and later modified. The Trust Fund now provides a way for the Florida Department of Environmental Protection to make wastewater grants, provide cost-share assistance for alternative water supply projects, and invest in water storage projects. Funding is appropriated by the Legislature. Florida law specifies that proceeds from the Trust Fund may be used for the following purposes:

- The alternative water supply program;
- The water storage facility revolving loan fund;
- The wastewater grant program.

As growth and increasing demands for water supply strain traditional water sources, utilities are beginning to develop new approaches that incorporate water supply, wastewater, stormwater, and natural systems into integrated water management or “One Water” strategies. This comprehensive approach can be more cost effective than traditional alternative water supply development because it results in additional benefits to the watershed, natural systems, and the surrounding population.

Rule 62-40.425, F.A.C., promotes a comprehensive watershed management approach for managing the cumulative impacts of human activities on Florida’s water resources, accounting for myriad issues such as water quality, water supply, natural systems, and floodplain management and flood protection. Despite the state’s expressed policy preference for a comprehensive watershed management approach, comprehensive watershed management projects do not have a dedicated source of state cost-share assistance. State funding sources are broken into specific silos that make it difficult to successfully plan and construct projects that incorporate comprehensive watershed management strategies. A project might receive funding for one aspect of such a project but not receive funding for other components because each component must pursue funding through a separate grant program.

To overcome this siloed approach that stymies such projects, the League proposes an amendment to section 403.890, F.S., the Water Protection and Sustainability Program, to include watershed management projects as a purpose eligible for funding from the Water Protection and Sustainability Program Trust Fund.

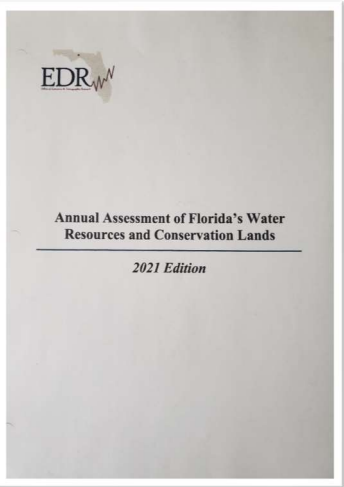
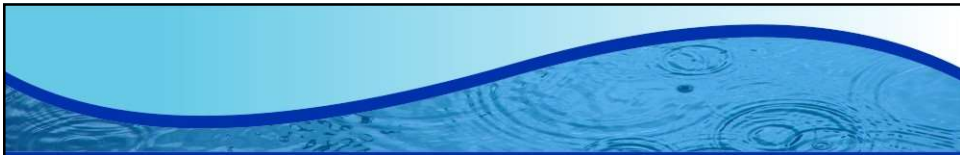


Florida's Water Infrastructure Needs and Opportunities

Florida League of Cities
Utilities, Natural Resources & Public Works
Legislative Policy Committee
October 7th, 2022




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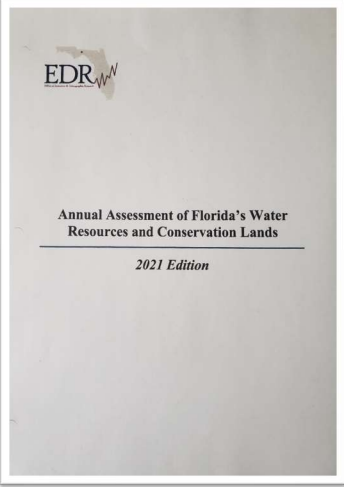


2016: SB 552

403.928 Assessment of water resources and conservation lands.—The Office of Economic and Demographic Research shall conduct an annual assessment of Florida's water resources and conservation lands.



2




EDR_W^N

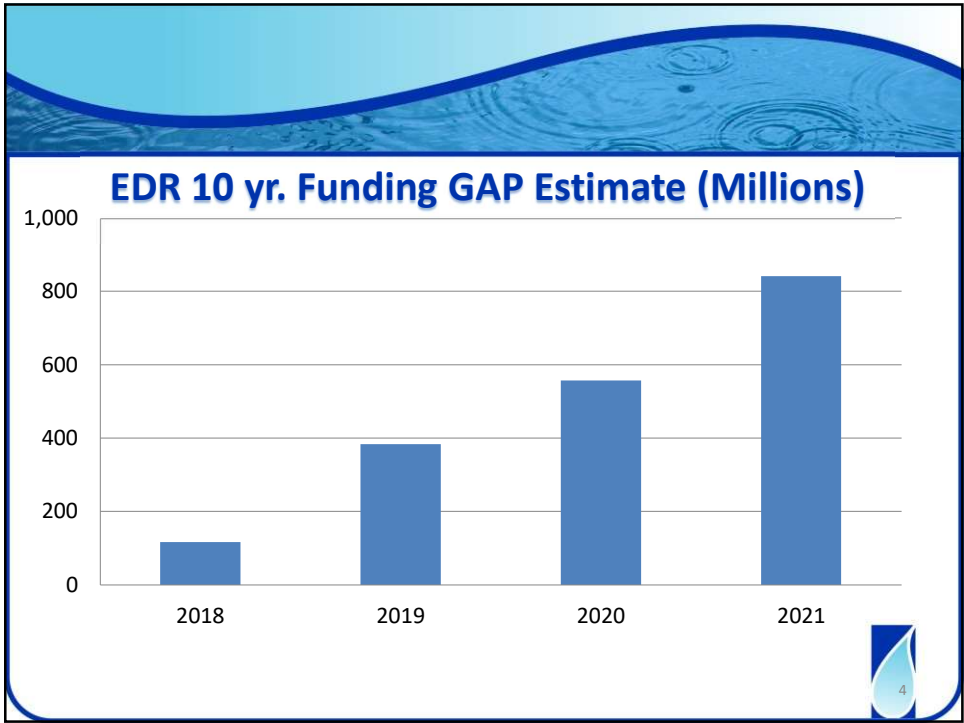
Annual Assessment of Florida's Water Resources and Conservation Lands

2021 Edition

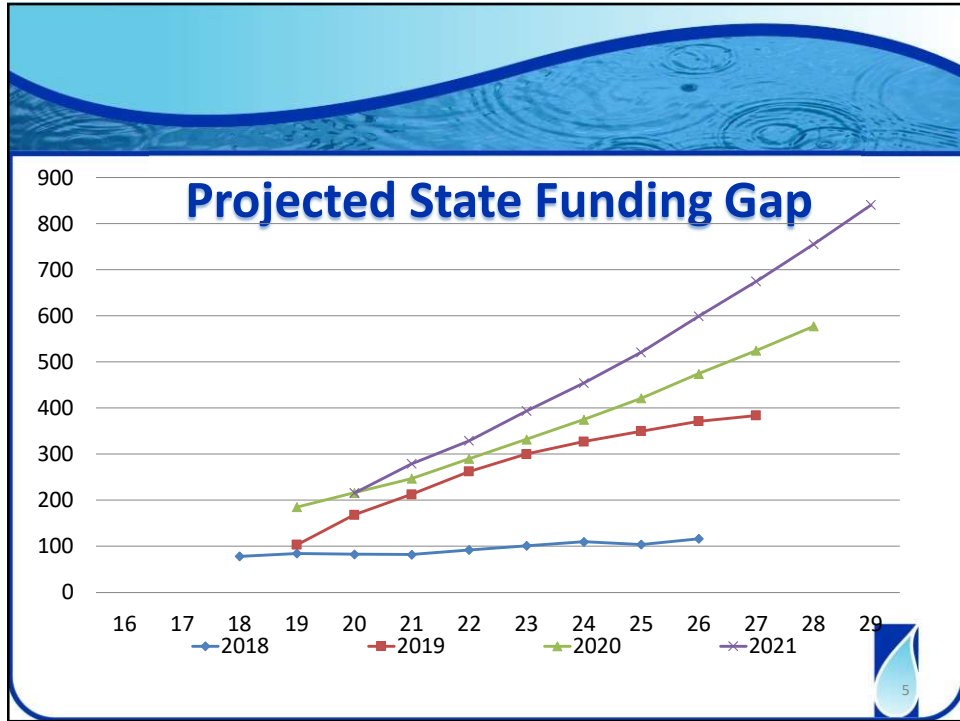
“a gap exists in every future year, growing to \$840.69 million by the end of the ten-year forecast period – and this does not include any specific adjustments for new or expanding initiatives.”



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Water Supply

- \$24.1 Billion for aging water infrastructure replacement (EPA, 2016)
- \$570 to 1.13 Billion to meet future water demands through 2040 (15% increase in demand)
- \$665.1 million to meet currently established minimum flows and levels (MFLs).

Water Quality

- \$40.3 Billion for aging wastewater and stormwater infrastructure 20yr capital-needs estimate.
- \$270.5 million for development of TMDL's.
- \$3.2 Billion for the implementation of BMP's.

6



- \$8.4 B for the State of Florida's share of the implementation of the Comprehensive Everglades Restoration Plan (CERP). (Source: EDR 2021 Edition – Annual Assessment of Florida's Water Resources and Conservation Lands).

Summary

Not including adaptation for Sea Level Rise, Florida will need \$66.09 Billion over the next 20 years to address its water resource protection and infrastructure needs.



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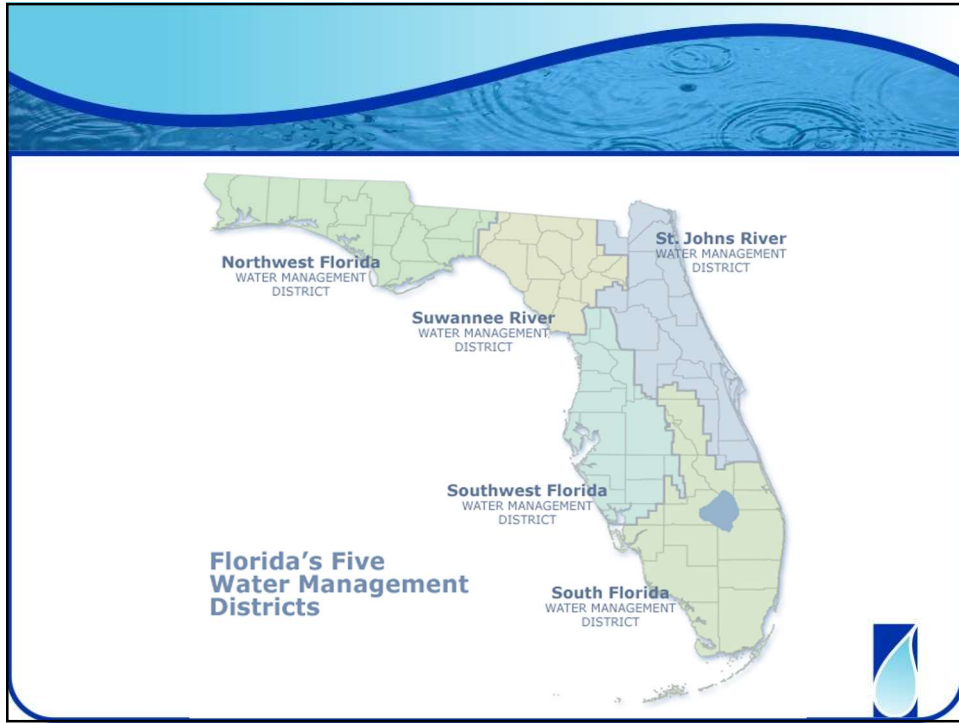


Historic Sources of State Funding Support

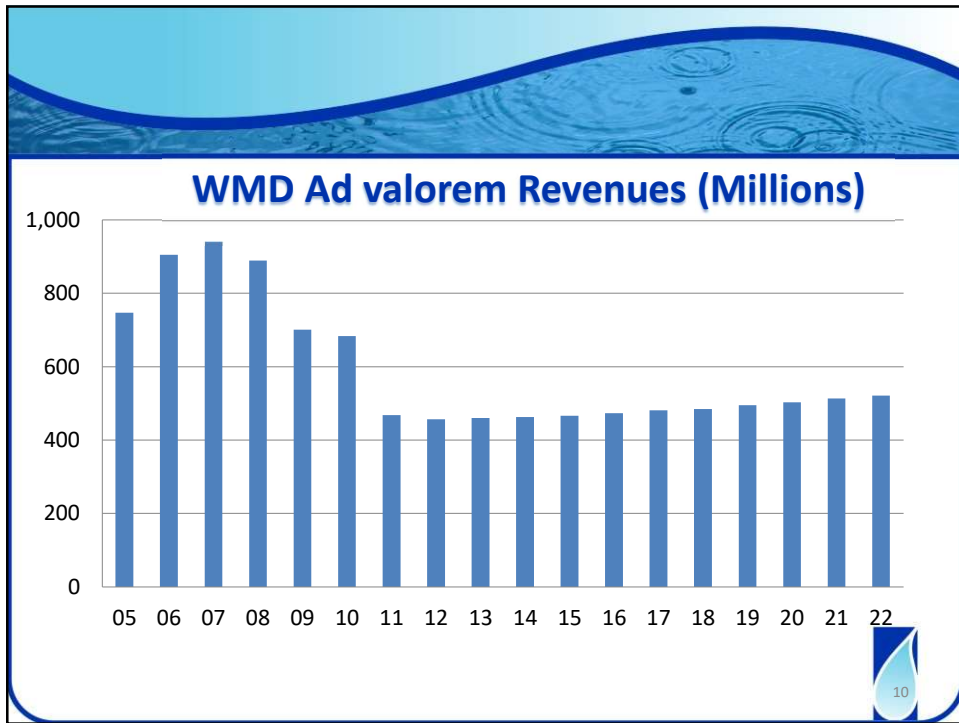
- (1) Water Management District Funding
 - Ad valorem; Grants for Water Supply, Dispersed Water Storage, Conservation and Water Quality.
- (2) Programmatic Funding
 - State Revolving Loans; Everglades; Springs
- (3) Member Water Projects
 - General Revenue



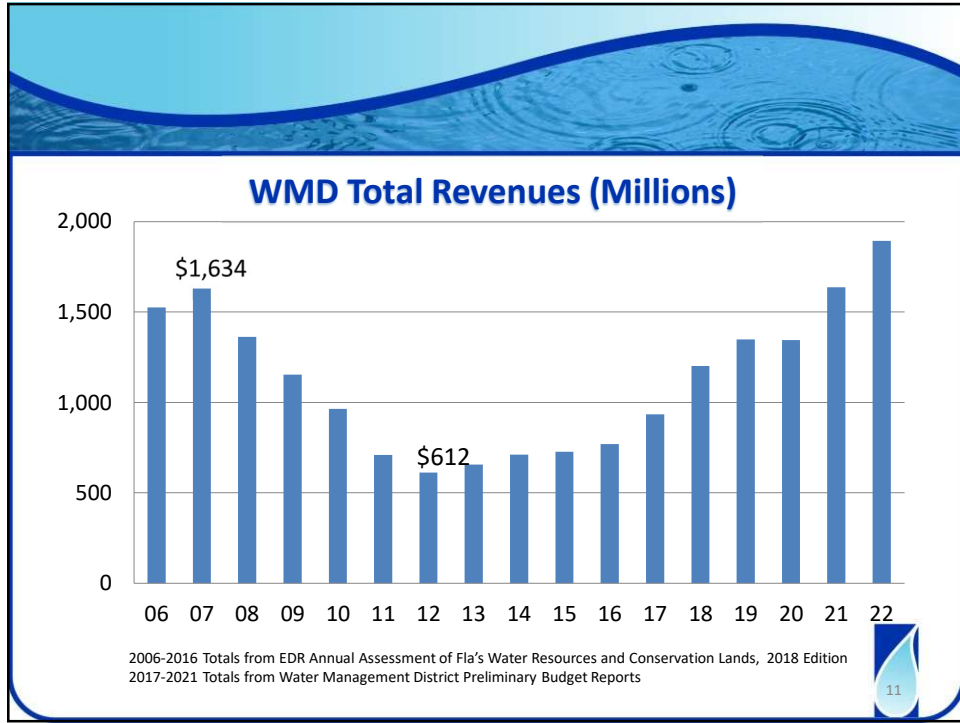
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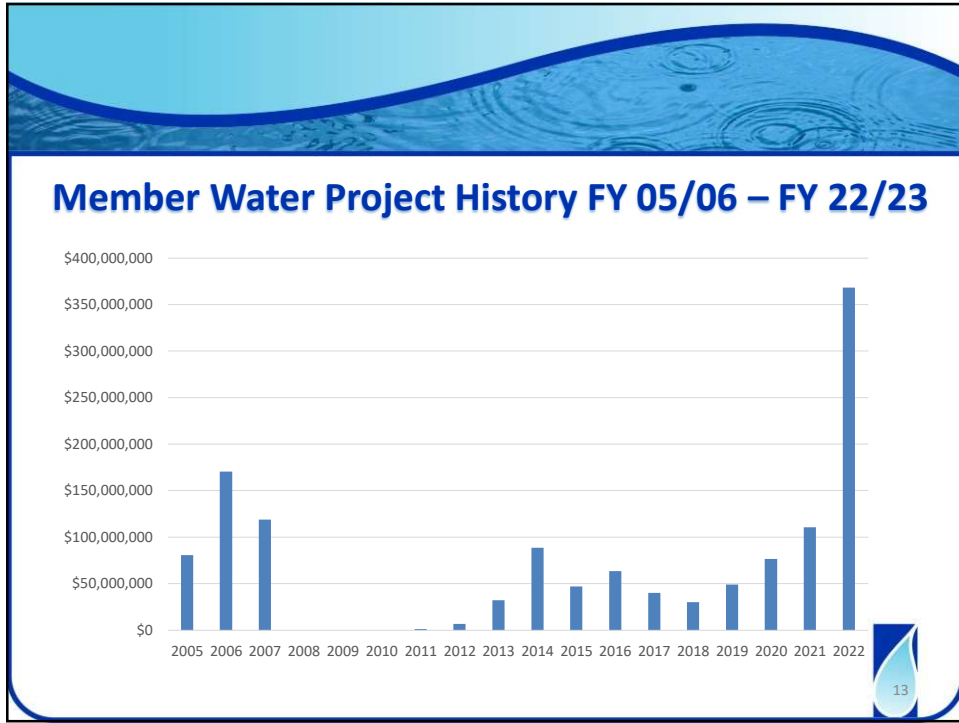


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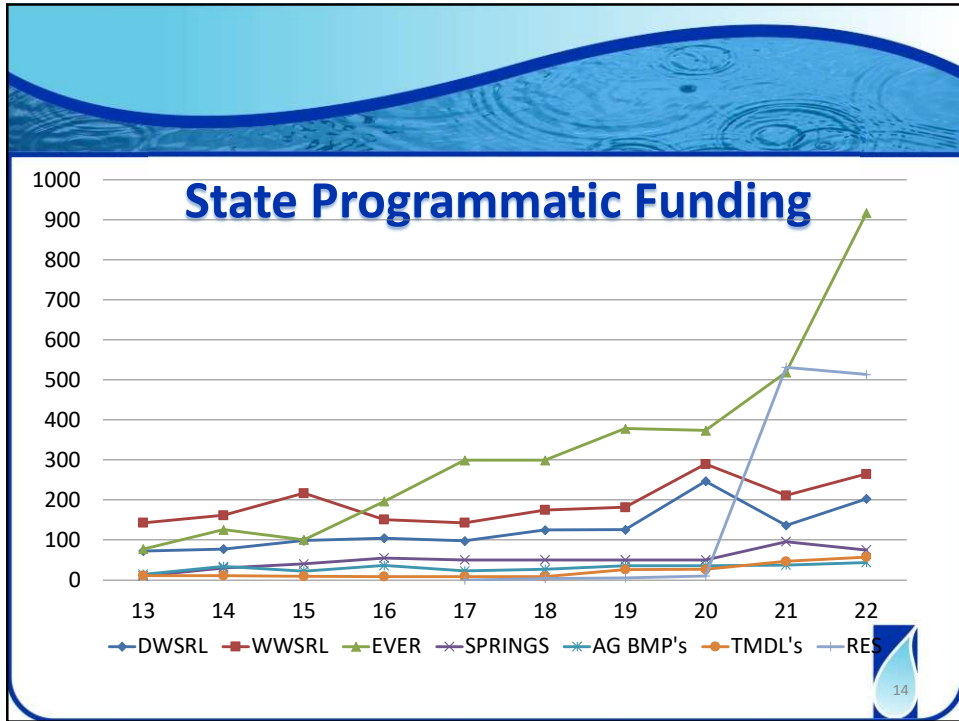
FY 2022-2023 WMD Cooperative Funding

	<u>Total Budget</u>	<u>%CF</u>
NFWWMD	\$136.2 mil	49.1
SRWMD	\$ 64.4 mil	37.8
SJRWMD	\$257.9 mil	14.9
SWFWMD	\$212.9 mil	43.1
SFWMD	\$1,221.6 mil	3.9

12



13



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FY 22-23 General Appropriations

- Everglades Restoration - \$885.9 million
- Flood and Sea-Level Rise - \$513.4 million
- Springs Restoration - \$75 million
- Drinking Water
 - State Revolving Loan - \$202.6 million
 - Alternative Water Supply - \$50 million
 - Lead Service Line Replacements - \$111.3 million
 - PFAS Test and Remediation - \$29.7 million
 - Small & Disadvantaged Communities - \$34.7 million



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FY 22-23 General Appropriations

- Wastewater
 - State Revolving Loan - \$264.8 million
 - Statewide Wastewater Grants - \$125 million
 - Small County WW Treatment Grants - \$12 million
 - PFAS Testing & Remediation - \$3.2 million
 - Septic Upgrade Incentives - \$10 million
- Water Quality Improvements
 - Total Maximum Daily Loads - \$50 million
 - Indian River Lagoon WQI - \$38 million



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Opportunities for Funding Assistance

- Water Quality Restoration
- Water Supply Restoration and Development
- Coastal Resilience & Inland Flooding
- Petroleum and Dry-Cleaning Clean-up
- Recreation and Conservation
- Waste Management




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DEP Water Resources Grants


- **Section 319(h)** - For projects that address nonpoint source pollution. Projects/programs must benefit Florida's priority watersheds; local sponsors must provide at least a 40 percent match.
- **TMDL Water Quality Rest.** - Projects that reduce pollutant loads to impaired waters from urban stormwater discharges. Applicant provides a minimum of 50 percent of the total project cost in matching funds, of which at least 25 percent are provided by the local gov.



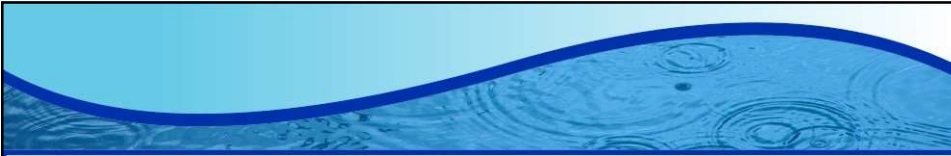
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- **Clean Water State Revolving Fund** - Low-interest loans for planning, designing and constructing water pollution control facilities. Small, disadvantaged communities may qualify for grants.
- **Small Community WW Construction Grants** - For small communities and wastewater authorities for planning, designing and building wastewater management facilities. Must be a municipality, county or authority with total population of 10,000 or less and a per capita income less than the state of Florida average PCI. Must accompany a Clean Water State Revolving Fund loan.



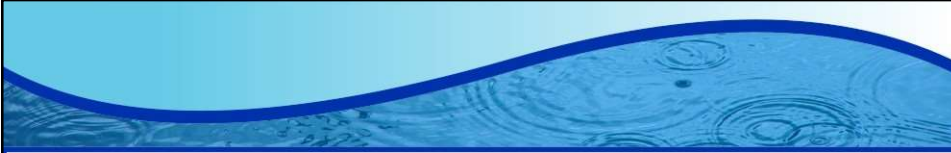
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- **Drinking Water State Revolving Fund** - Low-interest loans for planning, designing and constructing public water facilities. Small community assistance is available for those with populations less than 10,000.
- **Springs Protection** - Provides matching grants to assist local governmental entities with projects for land acquisition to protect springs and for capital projects that protect the quality and quantity of water that flows from springs. Access is through the water management districts.



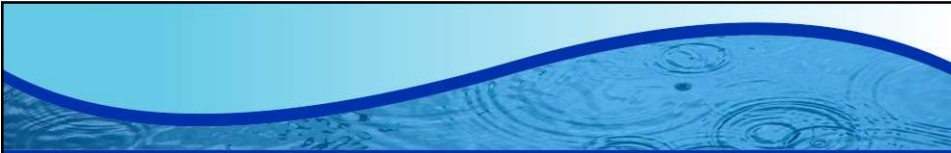
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- **Alternative Water Supply** – Helps communities plan for and implement conservation, reuse and other alternative water supply (AWS) and water resource development projects. Access is through the water management districts.
- **Innovative Technology Grants** – For local governmental projects that evaluate and implement innovative technologies and short-term solutions to combat algal blooms and nutrient enrichment, restore and preserve Florida waterbodies, and implement certain water quality treatment technologies.



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- **State WQ Assistance Grant (SWAG)** - For the implementation of BMP's designed to reduce pollutant loads to water not meeting water quality standards from urban stormwater requirements.
- **Deepwater Horizon** – Provides funding under three programs:
 - Natural Resource Damage Assessment Restoration,
 - National Fish and Wildlife Foundation, and
 - RESTORE ACT



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DEP Grants Portal

[HTTPS://PROTECTINGFLORIDATOGETHER.GOV/STATE-ACTION/GRANTS-SUBMISSIONS](https://protectingfloridatogether.gov/state-action/grants-submissions)




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What Comes Next?

- Honest discussion of values and priorities.
- Are our limitations real or a product of our choices?
- How strong is our foundation?
- Every stakeholder must be prepared to be uncomfortable.
- No sacred cows.



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Drinking Water

- Positive – State commitment to alternative supply dev.
- Negative – Regional approach has been difficult to advance.
- Solution – Increased state role in regional water supply project development.

Wastewater Management

- Positive – Commitment and technology advancements.
- Negative – Not yet maximizing the use of the resource.
- Solution – Incentives for increased storage and use of reclaimed water.

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Stormwater Management


- Positive – State updating 20+ yr. old regulations.
- Negative – Increased burden on all stakeholders.
- Solution – Regional off-site options to both accelerate recovery and reduce regulatory burden.

Ecosystem Restoration

- Positive – Record investment by the State.
- Negative – Delays in implementation of projects.
- Solution – Consideration of PPP alternatives.




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Resilience

- Positive – Recognition that this is both a coastal AND inland issue.
- Negative – Scale of challenge.
- Solution – Development of long-term plan for the identification and implementation (including funding) of resilience projects.



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Where do we start?

The state should undertake a comprehensive review of water policy with the goal of developing recommendations relating to both governance and long-term funding.




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Governance Issues

- Delineation of responsibilities between state and local governments.

<u>State</u>	<u>Local</u>
Water Resource Mgmt.	Water Supply
Ecosystem Restoration	Wastewater Mgmt.
Regional Flood Control	Stormwater Mgmt.
Water Quality Protection	BMAP Implementation
- Role of WMD's.
- Role of private sector.




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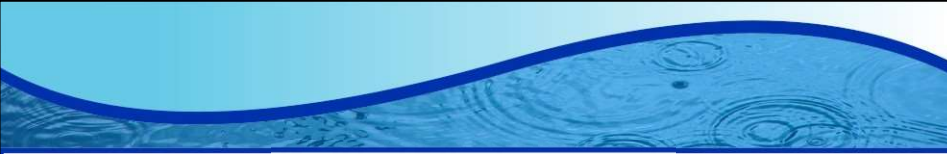


Funding Issues

- Development of a plan to address the growing funding gap including:
 - Federal, state, WMD and local revenue sources.
 - Review of limitations on WMD and local revenue sources and conditions under which these may be modified.
 - Identification of new revenue sources required to address state responsibilities.
 - Development of procedures for accessing state funding.
 - DOT Work Plan Model




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Water Work Plan

- Identification of project eligibility so as to not duplicate existing grant programs.
- Water Planning Organizations (WPO) comprised of the county and municipal governments.
- Local driven process. Each WPO would identify the priority projects within each county.
- WMD's would rank and prioritize projects regionally (hopefully with local government input)
- DEP combines WMD's list into final state plan.



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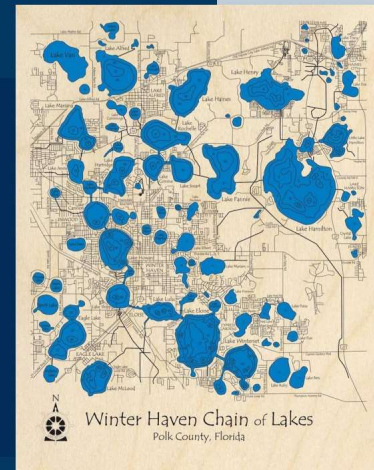
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STATE FUNDING SUPPORT FOR WATERSHED MANAGEMENT

(The One Water Approach)

September 8, 2023

Gary Hubbard, P.E.
Director, Winter Haven Water
ghubbard@mywinterhaven.com



1

One Water Definition

One Water is an integrated approach to managing all water, fresh and brackish, wastewater, stormwater, surface and groundwater, and recycled water within a watershed in a sustainable manner that maintains the ecosystem while providing reliable and resilient water resources that provide economic, environmental, and social benefits.

2

One Water Approach

- Envisions managing all water in an integrated, inclusive, resilient and sustainable manner
- Manages flood waters beneficially
- Provides multiple benefits for the community and improves the quality of life
- Transforms how we view, value and manage water

Utilities Master Planning

Lakes, Flooding, Natural Systems

Strategically Manage Water Resources

Recreation, Health, Quality of Life

Economic Development, Growth

3

ONE WATER PROJECTS

4 G Ranch, Pasco County

BEFORE

DURING

AFTER

4

ONE WATER PROJECTS

Green Cay, Palm Beach County



- Green Cay
Palm Beach County
Partnership between
Utility and Parks and
Recreation Department**
- Reuse: 2 MGD a day
 - Trail: 1.5 Mi. Loop
 - Nature Center

5

ONE WATER PROJECTS

McIntosh Preserve, Plant City



175 acres of expanded treatment wetlands that beneficially reuse 1.5 million gallons per day of advanced treated water to sustain wetland hydroperiods.

This project is included in the Southwest Florida Water Management District's Cooperative Funding program!

6

PROPOSED LEGISLATIVE CHANGE

403.890 Water Protection and Sustainability Program:

- (1) Revenues deposited into or appropriated to the Water Protection and Sustainability Program Trust Fund shall be distributed by the Department of Environmental Protection for the following purposes:
- (a) The alternative water supply program as provided in s. [373.797](#).
- (b) The water storage facility revolving loan fund as provided in s. [373.475](#).
- (c) The wastewater grant program as provided in s. [403.0673](#).
- **(d) The watershed management program as provided in FAC 62-40.425 incorporating a One Water approach.**

9

PROPOSED LEGISLATIVE CHANGE

403.890 Water Protection and Sustainability Program:

- **(d) The watershed management program as provided in FAC 62-40.425 incorporating a One Water approach.**
- **For the purpose of this section, One Water means an integrated approach to managing all water, fresh and brackish, wastewater, stormwater, surface and groundwater, and recycled water within a watershed in a sustainable manner that maintains the ecosystem while providing reliable and resilient water resources that provide economic, environmental, and social benefits. (Adding definition of One Water to Statute)**

10

**Nature Based Solutions Combined with Engineered Solutions Are Vital
For The Long Term Sustainability of Water Resources in Florida**

Questions

**Join the “One Water Coalition”
Gary Hubbard, P.E.
GHubbard@MyWinterHaven.com**

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Per- and Polyflouroalkyl Substances



PFAS Issue Update

Rebecca O'Hara,
Deputy General Counsel

1

Per- and Polyflouroalkyl Substances (PFAS)

- PFAS is catch-all name for a class of chemicals used since the '40s in a myriad of household and industrial applications
 - Nonstick and stain repellent materials – carpet, cookware, food packaging, clothing
 - Firefighting foam (AFFF)
- Very persistent in the environment, bioaccumulate over time, don't breakdown; incineration is the only known way to destroy them
- Detected in blood of virtually 100% of US population
- Evidence that PFAS exposure may lead to adverse effects on human health
- Older PFAS (PFOA & PFOS) no longer manufactured in US

2

PFAS Challenges

- Multisource (dry cleaners, fire stations, landfills, wastewater) and found everywhere – may be difficult to pinpoint single source or responsible party
- No cost effective technologies for removal on-site – best technology is carbon filtration
- 70ppt is current de facto groundwater standard but EPA has proposed new standard of near zero (4 ppt). FDEP will likely follow EPA.
- Assessment is expensive; remediation more so

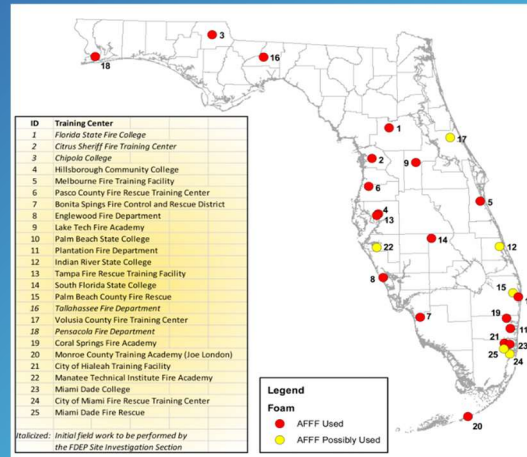
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FDEP Current Status

- DEP begin evaluating PFAS in 2018, starting with fire training facilities and fire departments, as well as military installations
- Scientific uncertainty remains about how much is “safe”
- 18 cities and airports received “62-780” letters from DEP directing assessment and, if found, remediation

4

FDEP Initial Assessment Locations



5

Federal Activity

- CERCLA: proposed rule to designate PFOA & PFOS as "Hazardous Substances"
- RCRA: EPA initiated rulemaking to address four PFAS compounds under RCRA corrective action
- Clean Water Act: guidance on PFAS in NPDES permitting and Effluent Limitation guidelines for PFAS
- Safe Drinking Water Act
 - New round of UCM monitoring and HALs issued
 - Proposed MCL/DWS for PFOA/PFAS (4ppt)
- FAA: mandated to find/use effective PFAS-free fire fighting foams

6

Federal Action Cont'd

- Proposal to set PFOA & PFAS enforceable levels at 4 ppt
- Would require public water suppliers to:
 - Monitor for PFAS
 - Notify public of the levels of PFAS
 - Reduce levels of PFAS in drinking water if found in quantities that exceed MCL

7

FLC PFAS Activity

- Formed a coalition in 2020-21 of stakeholders impacted by PFAS
 - Cities, counties, seaports, airports, solid waste facilities
 - Met with DEP several times
 - Coalition proposed legislation that was passed and signed by the Governor in 2022 CS/HB 1474/CS/SB 7012
 - If EPA has not set standards for soil, drinking water and groundwater by January 2025, DEP must adopt standards
 - Provides "time out" for DEP enforcement action against local govt to compel cleanup or payment for cleanup
 - DEP will likely wait for EPA action
 - Legislation did not address funding or programming for cleanup

8

What's Next

- State and federal increased regulation is certain
- Declaration of PFOA and PFOS as “hazardous substances” will have huge consequences
- Reopeners for closed sites in CERCLA liability
- Insurance issues
- Costs of site rehabilitation (strict liability) – innocent landowners and PFAS receivers
- Class action lawsuits – pending settlement with water and wastewater litigants won't be enough
- A new approach is needed

9

New Approach: Risk-based approach for managing risk to public health and liabilities

- Coalition is proposing approach based on potential vs. actual risk of exposure
- Reduce PFAS contamination sources and controlling exposure to PFAS through point of use
 - Screening level assessment of potential sources
 - Determine who is at imminent risk through an evaluation of permitted private wells and utility connections near sources. If connected to public water, risk is smaller
 - Sample private wells
 - Be prepared to provide alternative water supplies where necessary
 - Delineate sources
 - Plan for cost-effective source reduction

10

Policy Recommendations

- Form a “PFAS Response Action Team” that includes DEP, DOH, WMDs
- First objective is to protect potable water end users
- Use Risk Mitigation Principles
 - Statewide testing of private wells near suspected PFAS sources
 - Expand DOH testing of private wells
 - Where exceedance found, DEP provide filters and/or connection to public water
 - Test all public water wells for PFAS
 - DEP notify WMDs of areawide groundwater contamination (delineation) to prevent groundwater access via private wells; WMDs to require well construction to avoid contamination

11

Policy Recommendations Cont.

- Develop aggressive public information campaign
 - Create PFAS “dashboard”
 - Inform public about steps state is taking to address issue
 - Provide public with water well PFAS test results
 - Use GIS-based portal for city/county GIS specialists
 - DEP/DOH coordinate with cities and counties for testing private wells

12

Policy Recommendations Cont.

- Create a “PFAS Product Stewardship Program”
 - Focus on airports, city and county fire facilities, seaports
 - Appropriately dispose of existing stock of AFFF and manage new stocks of PFAS-free foam
- Create work groups to make additional policy recommendations
 - City and county workgroup
 - Funding workgroup
 - Others....

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Potential Legislation

- Authorize DEP to declare certain areas of wide groundwater contamination as “delineated areas,” which would allow groundwater access for private well users with safeguards
- Appropriation to WMDs, DEP, DOH to improve GIS software and hardware
- Appropriation to cities/counties to connect private wells to municipal water supply where needed
- Appropriation to airports/seaports/local govt to establish PFAS Product Stewardship Program to manage existing AFFF stock and train firefighters on new PFAS-free foam; equipment replacement

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Potential Legislation – Florida Attorney General

- HB 1053 and SB 102 (2021 Session) introduced; did not pass
- Gave attorney general broad authority to intervene in “matters of governmental concern” and “stand in the shoes” of governmental entities who bring civil actions
- Attorney General would be authorized to settle and distribute proceeds of settlement
- Idea is to avoid “rush to courthouse” and equitably disburse settlement proceeds



Property Assessed Clean Energy

**Florida PACE Funding Agency
("FPFA") Concerns Presentation
Frank X. Moehrle, Deputy City Attorney
City of Port St. Lucie City Attorney Office**

Packet Includes:

1. Presentation Information
2. Powerpoint Slides

Background:

The Florida Pace Funding Agency (“FPFA”) is a separate legal entity created pursuant to section 163.01, Florida Statutes, and was established in June 2011 by an interlocal agreement between Flagler County, Florida and Kissimmee, Florida, acting as the original incorporators. § 163.01, Fla. Stat. The Interlocal Agreement was restated and amended in 2017 (the “Amended Interlocal Agreement”).

The Amended Interlocal Agreement contemplates that additional local governments may execute the interlocal agreement with the Plaintiff and thereby join as “Incorporators” of the Plaintiff, or alternatively, may elect to become a “Subscribing Local Government” or “Subscriber” by entering a separate interlocal agreement with the Plaintiff, termed a “Subscription Agreement.”

Section 163.01, Florida Statutes, known as the Florida Interlocal Cooperation Act of 1969, permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities. Section 163.01(3)(b) defines “public agency” as a “political subdivision...including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, a separate legal entity or administrative entity created under subsection (7)....” § 163.01, Fla. Stat.

Section 163.01(4), Florida Statutes, states that “a public agency of this state may exercise jointly with any other public agency of the state, of any other state, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately.” § 163.01, Fla. Stat.

This provision has been interpreted by the Office of the Attorney General and confirms that section 163.01, Florida Statutes, permits any “public agency” of the state to enter into an interlocal agreement with any other public agency of the state for the purpose of exercising jointly “any power, privilege, or authority which agencies share in common and which each might exercise separately. See Fla. AGO 2003-03 (Fla.A.G.), 2003 WL 43237; see also § 163.01, Fla. Stat.

FPFA is defined as a local government pursuant to section 163.08(2)(a), Florida Statutes. § 163.08, Fla. Stat. FPFA has asserted that it is a local government with statewide authority. FPFA claims that it derives this fabricated “statewide local government” authority from section 163.08, Florida Statutes.

However, section 163.08, Florida Statutes, provides supplemental authority to an interlocal relationship already established under section 163.01, Florida Statutes, and expressly provides that the section additional and supplemental to county and municipal home rule authority, and not a derogation or limitation on such authority. § 163.08, Fla. Stat.

Current Pending Lawsuits:***Bond Validation Case (2011)***

Immediately following its execution per the Interlocal Agreement between FPFA, Flagler County, and the City of Kissimmee in June 2011, FPFA filed a lawsuit in the Second Judicial Circuit Court for a bond validation, in which FPFA was successful.

Leon County Bond Validation (2022)

FPFA filed its second bond validation case in Leon County again and was also successful. However, the court in this case also ordered that FPFA had the express authority to operate statewide, independently, without the execution of an interlocal agreement and without the counties or municipalities having to subscribe to the Amended Interlocal Agreement. Considered collateral issues to the goal of a bond validation hearing, this determination has been challenged consistently by counties.

Pinellas County (2023)

Pinellas County sued FPFA in April of 2023, seeking both a declaratory judgment and injunctive relief. Pinellas County alleged that Pinellas was not currently entered into an Interlocal Agreement with FPFA and never subscribed nor incorporated into the Amended Interlocal Agreement between FPFA and Flager County and the City of Kissimmee. Pinellas did, in 2019, enter into an interlocal agreement with FPFA but FPFA terminated the interlocal agreement, stating the “program will be conducted independently, not under the Agreement.” Pinellas claimed that FPFA conducting its business within its County’s jurisdiction violated both home rule authority and the County’s PACE Consumer Protection Code. Pinellas County challenged the 2022 Bond Validation case, claiming that the authority derived from the order was a collateral issue and not the main goal of the bond validation hearing. This case is currently under appeal and is set for oral arguments on September 5th, 2023.

Palm Beach County (2023)

Palm Beach County filed a similar lawsuit to Pinellas County, on April 28, 2023, challenging FPFA’s continued operations within the County. Palm Beach sought both declaratory and injunctive relief. Palm Beach claims that FPFA’s operation within the County violates the County’s PACE Ordinance and home rule authority. Palm Beach also challenged the affirmation of FPFA’s authority in the bond validation, explaining that it was a collateral issue and deprived the opportunity for other counties and municipalities to be heard. This case is currently still open and pending.

Sarasota County’s Tax Collector (2023)

On June 16, 2023, FPFA filed an Emergency Petition for Writ of Mandamus against the Sarasota Tax Collector for Sarasota County, Florida. The Tax Collector refused to place FPFA’s tax assessments on the tax roll, under the claim that such assessments were unauthorized, and FPFA filed the Writ, claiming that placing such taxes was a ministerial duty. The peremptory writ of mandamus was ordered on August 14, 2023.

Leon County (2023)

On August 11, 2023, Leon County filed a lawsuit against FPFA. Leon County alleged that the County attempted to enter into an interlocal agreement, authorizing FPFA to operate within the County but that FPFA initiated the Bond Validation hearing, in 2022, claiming it had the authority to operate in every local jurisdiction, independently. No interlocal agreement was ever executed between Leon County and the County challenges both the collateral issues ruled upon in the Bond Validation hearing and FPFA’s conduct within their jurisdiction.

St. Lucie County’s Tax Collector (2023)

Similar to Sarasota's Tax Collector, FPFA filed an Emergency Petition for Writ of Mandamus against the St. Lucie Tax Collector on August 23, 2023. The Tax Collector did not place the tax assessments on the tax roll, claiming that such assessment was unauthorized, due to a lack of an interlocal agreement between FPFA and St. Lucie County.

On August 29, 2023, both St. Lucie County and the City of Port St. Lucie filed Emergency Motions to Intervene in the Writ of Mandamus. The court ordered an Alternative Writ of Mandamus, requiring a response from the Tax Collector by September 15, 2023.

St. Lucie County (2023)

On August 25, 2023, St. Lucie County filed a complaint against FPFA, seeking both declaratory and injunctive relief. The County alleged that FPFA's conduct within its jurisdiction is unauthorized, due to the absence of an interlocal agreement. Similar to the other counties who filed lawsuits, St. Lucie County is challenging the 2022 Bond Validation order providing authority to FPFA to conduct business statewide and also alleges that FPFA infringes on the County's Consumer Protection Provisions and home rule authority.

City of Port St. Lucie's Current Involvement with FPFA:

Neither the City of Port St. Lucie, nor St. Lucie County, has entered into an interlocal agreement with FPFA and neither has authorized FPFA to operate within its jurisdiction. Further, the City is not an Incorporator, Subscribing Local Government, or Subscriber under FPFA's Amended Interlocal.

Eight-five percent (85%) of the financing agreements executed by FPFA in St. Lucie County are located within the City limits. The liens being filed with the Tax Collector by FPFA reflect that the majority of residential property owners are being charged interest rates as high as 9.99% for the qualified improvements, and the property owners will be paying such interest rates for at least 10 years, but the majority are for 30 years, for items such as windows, air conditioning units, and roofs etc.

Based upon interest rates charged by FPFA and terms of the financing agreements, the tax bill amount of the residential property owners in the City will increase significantly. Almost a third of the tax bills will double in amount. A few of the tax bills will increase five times.

On or about August 3, 2023, the City sent FPFA a cease-and-desist letter demanding that it immediately halt operating within the City and immediately stop executing new financing agreements with property owners within the City. FPFA has not responded to the City and in fact, recorded liens against residential real property owners in the City subsequent to the City sending its cease-and-desist letter.

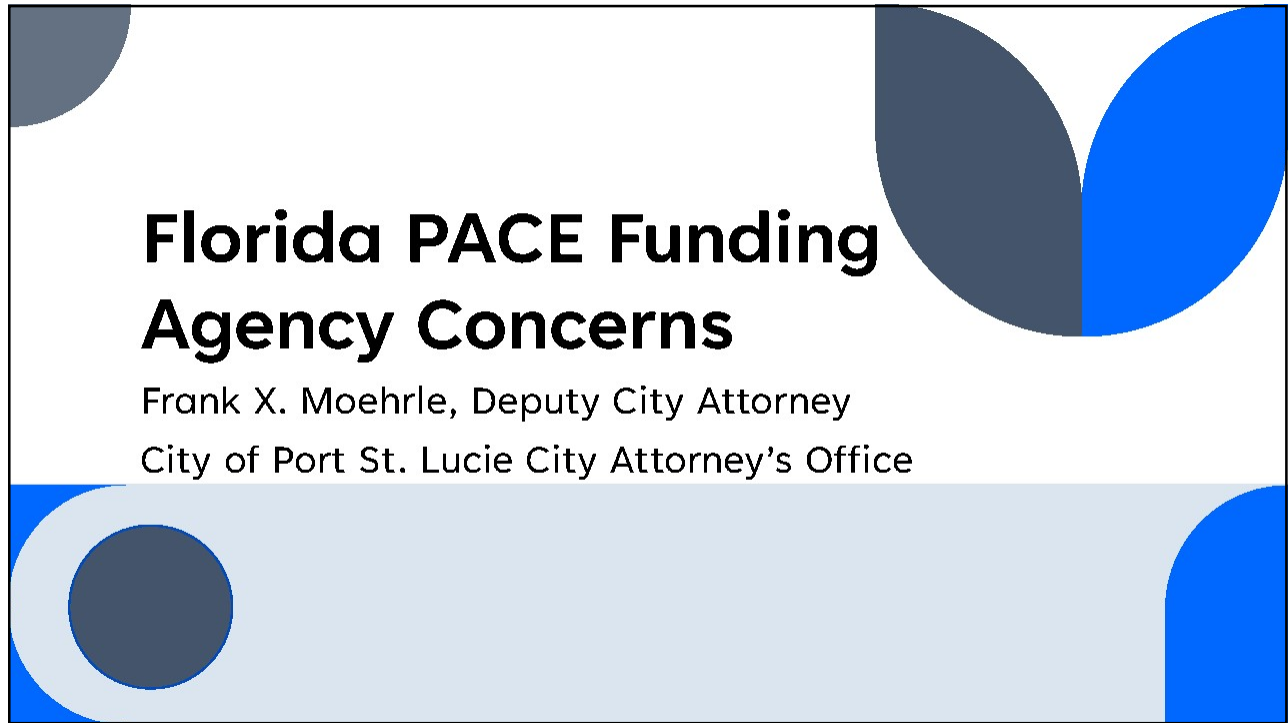
The City has a duty to ensure healthy, safety, and welfare for its residents. FPFA infringes on the City of Port St. Lucie's home rule authority, City Charter, and the Constitution. The City, as aforementioned, has filed an Emergency Motion to Intervene in the Emergency Petition for Writ of Mandamus against the St. Lucie Tax Collector, to support the position that the tax assessments by FPFA within the County and City jurisdiction are unauthorized.

Legislative Actions:

There have been efforts to amend 163.08, Florida Statutes, to clarify the authority FPFA possesses. In 2021, SB 1208 proposed language changes to 163.08, Florida Statutes, which would clarify FPFA's authority and classification as a local government. Both CS/HB 387 (2021) and HB 1151 (2023) also proposed language

changes to 163.08, Florida Statutes. While none of these bills have been enacted, it shows a pressing need to alter the language of 163.08, Florida Statutes and better explain the authority that FPFA confers from such statutes.

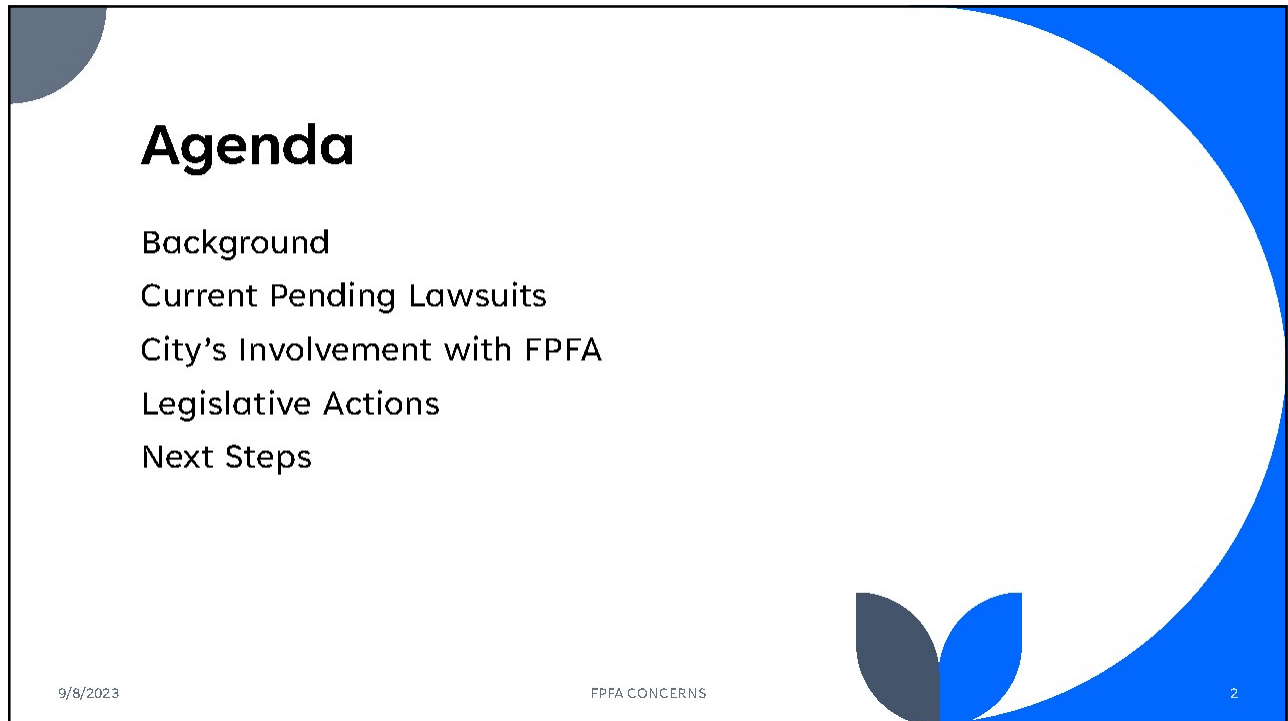
FPFA's existence as a separate legal entity derives from 163.01, Florida Statutes, its claims of statewide authority derive from 163.08, Florida Statutes, which appears to be the statute of focus for amendment.



Florida PACE Funding Agency Concerns

Frank X. Moehrle, Deputy City Attorney
City of Port St. Lucie City Attorney's Office

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Agenda

- Background
- Current Pending Lawsuits
- City's Involvement with FPFA
- Legislative Actions
- Next Steps

9/8/2023 FPFA CONCERNS 2

2

Background

- Florida Pace Funding Agency (FPFA) is a separate legal entity pursuant to 163.01, Florida Statutes. § 163.01, Fla. Stat.
- Established by an Interlocal Agreement between Flagler County and the City of Kissimmee, acting as original incorporators (“Amended Interlocal Agreement”)
- Section 163.01(4), Florida Statutes, states “a public agency of this state may exercise jointly with any other public agency of the state, of any other state, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately.” § 163.01, Fla. Stat.

9/8/2023

FPFA CONCERNS

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Background (cont'd)

- FPFA asserts it's a local government with statewide authority pursuant to 163.08, Florida Statutes. § 163.08, Fla. Stat.
- 163.08, Florida Statutes, provides supplemental authority to an interlocal relationship already established under 163.01 and expressly does not derogate home rule authority. See § 163.08, Fla. Stat.; see *also* § 163.01, Fla. Stat.

9/8/2023

FPFA CONCERNS

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Lawsuit history involving FPFA

- Sarasota Bond Validation Case (2011)
 - Following execution of Interlocal Agreement between Flagler County and City of Kissimmee
- Leon County Bond Validation Case (2022)
 - Second validation case that determined collateral issue of statewide authority of FPFA, which is later challenged
- Pinellas County (April 2023)
 - Declaratory and injunctive relief to enjoin alleged unauthorized operations with the County. Currently under appeal with oral arguments scheduled 9/5/23.
- Palm Beach County (April 2023)
 - Similar to Pinellas and filed declaratory and injunctive relief. Currently ongoing.

9/8/2023 FPFA CONCERNS 6

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Lawsuit history involving FPFA

- **Sarasota's Tax Collector (June 2023)**
 - FPFA filed an Emergency Petition for Writ of Mandamus to enjoin Tax Collector to place assessments on the tax roll. The writ was granted.
- **Leon County (August 2023)**
 - Similar to Pinellas and Palm Beach. Seeking declaratory and injunctive relief.
- **St. Lucie County's Tax Collector (August 2023)**
 - FPFA filed an Emergency Petition for Writ of Mandamus to enjoin Tax Collector to place assessments on the tax roll. St. Lucie County and City of Port St. Lucie have filed Emergency Motions to Intervene.
- **St. Lucie County (August 2023)**
 - Similar to Leon, Pinellas, and Palm Beach County. Seeking declaratory and injunctive relief.

9/8/2023

FPFA CONCERNS

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City of Port St. Lucie's Involvement:

- The City, nor St. Lucie County, has ever entered into an interlocal agreement with FPFA.
- The City is not an Incorporator, Subscribing Local Government, or Subscriber under Florida PACE's Amended Interlocal.

9/8/2023

FPFA CONCERNS

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City of Port St. Lucie's Involvement:



- Eighty-five percent (85%) of the financing agreements executed by FPFA in St. Lucie County are located within the City of Port St. Lucie.
- Residential Property owners are being charged interest rates as high as 9.99%
- Tax bills for these residents will increase significantly.

9/8/2023

FPFA CONCERNS

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City of Port St. Lucie's Involvement:



- On or about August 3, 2023, the City filed a cease-and-desist letter demanding it immediately halt operating within the City.
- Subsequent to the cease-and-desist letter, additional liens against residential real property owners in the City were recorded.

9/8/2023

PRESENTATION TITLE

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The City has a duty to ensure healthy, safety, and welfare for its residents. FPFA infringes on the City of Port St. Lucie's home rule authority, City Charter, and the Constitution.

9/8/2023

FPFA CONCERNS

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Legislative Actions

- There have been efforts to amend 163.08, Florida Statutes, to clarify the authority FPFA possesses.
- In 2021, SB 1208 proposed language changes to 163.08, Florida Statutes which would clarify FPFA's authority and classification as a local government.
- CS/HB 387 (2021) & HB 1151 (2023) also proposed language changes to 163.08, Florida Statutes.
- While FPFA's existence as a separate legal entity derives from 163.01, Florida Statutes, its claims of statewide authority derive from 163.08, Florida Statutes, which appears to be the statute of focus for amendment.

9/8/2023

FPFA CONCERNS

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Next Steps

The City of Port St. Lucie City Attorney's Office presents to provide insight into the current invasive issue of FPFA's authority and the need for legislative actions to clarify FPFA's authority and alleviate a statewide problem.

9/8/2023

FPFA CONCERNS

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Thank you

Frank X. Moehrle, Deputy City Attorney

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City of Port St. Lucie City Attorney Office

14



Comprehensive Waste Reduction and Recycling Plan



**Recycling Issues
2024 Legislative
Session**
Rebecca O'Hara,
Deputy General Counsel

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**Local Gov't Solid Waste & Recycling
Statutory Responsibilities – Part IV, Ch. 403, F.S.**

- Counties -- solid waste disposal facilities
- Muni's -- collecting and transporting MSW to a disposal facility
- Local gov't authorized to collect recyclables – counties must implement recycling programs to recover significant portion of at least four of the following:
 - Newspapers
 - Office paper
 - Yard trash
 - Aluminum cans
 - Plastic bottles
 - Glass
 - Steel cans
 - Cardboard
- Counties must ensure muni participation through ILAs or other means
- Report to DEP annually on MSW and recycling activities

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Local Gov't Responsibilities Cont.

- Local gov't can require all residential, multifamily, industrial, commercial, and institutions to create programs for separation of recyclables as designated by the local gov't
- Local gov't can require commercial to source-separate recovered materials but may not:
 - Require sale of materials to local gov't or its designee
 - Restrict right to sell recovered materials to certified dealer
 - Prevent dealer from contracting with a commercial property to purchase, collect, transport, etc., recovered materials

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Recycling in Florida - Background

- In 2008, the legislature established a 75% recycling goal for municipal solid waste by 2020
- In 2010, the legislature established interim goals for recycling solid waste:
 - 40% by December 2012
 - 50% by December 2014
 - 60% by December 2016
 - 70% by December 2018
 - 75% by December 2020
- 49% had been achieved by 2018 and it was clear by then we wouldn't get to 75% under current framework

4

Why didn't we hit the 75% goal?

- 75% was an arbitrary target that was never quantified by study
- As of 2019, FL has 42% recycling rate – 52% including Waste-to-Energy credits. By comparison:
 - Germany has the highest recycling rate in the world at 68%
 - U.S. national avg 35.2%
 - California 44%; Oregon 40.8%; Vermont 35%
- Is 75% even a realistic number?

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DEP Recycling Report

- DEP required to submit report to legislature in years when recycling goals are not met
- DEP submitted final report in 2020; it recommended:
 - Creation of Technical Assistance Group (TAG) to develop comprehensive waste reduction & recycling plan
 - Replacing 75% weight-based recycling goal with better indicators of performance and desired eco. & envt'l outcomes
 - Using sustainable materials mgmt. to prioritize which materials to recycle based on envt'l metrics and market availability
 - Focus on 3 strategies: education & outreach; funding and incentives to support local govt recycling; developing recycling markets

6

Florida Recycling Workgroup

- Began in 2018 to encourage and increase recycling by the FL Recycling Partnership, a coalition of FL companies and associations with mission to educate policymakers and public about recycling
- Members included Enterprise FL, FAC, FLC, FI Bev. Ass'n; DEP; FL Recyclers Ass'n; FL Recycling Partnership; Hinkley Center; Keep FL Beautiful; Nat'l Waste & Recycling Ass'n FI Chp; Recycle Fla Today; SWANA; SWIX; UF
- Goal was to suggest ways to improve recycling, including re-examining FL's current weight-based recycling targets
- Working groups for Weight-based Recycling; Diversion; Sustainable Materials Management

7

Florida Recycling Workgroup – The problem with Weight-Based Recycling Targets

- Weight-based targets put quantity over quality, leading to inefficient, expensive and confusing outcomes
- Weight-based goals alone are not the most effective way to measure materials conservation and environmental protection efforts
- Smarter indicators of program performance and desired outcomes are available
 - Sustainable Materials Mgmt: determine costs and benefits of recycling specific materials
 - Behavioral research to identify ways to guide public to recycle appropriately
 - Recycling education for public

8

Herbert Wertheim College of Engineering

POWERING THE NEW ENGINEER TO TRANSFORM THE FUTURE

State of Solid Waste in Florida (Hinkley Center Project)

- Mapped the flow of waste across all 67 counties for residential, commercial, yard trash, and C&D debris
- Estimated the GHG emissions footprint, energy footprint, and cost of waste management in Florida 2016
- Evaluated alternative management approaches (e.g., recycling ordinance, new WTE facilities) to identify impact on recycling rate and footprints/costs
- No one approach reaches the 75% recycling rate
- Assessment of SMM method for goal and priority setting
- SMM method uses similar recycling rate format but is weighted by environmental footprint
- Reuse and source reduction needs to be priority to reach goals

06/26/2020

Hinkley Center for Solid and Hazardous Waste Management

FLORIDA SOLID WASTE MANAGEMENT: STATE OF THE STATE¹

In 2017, Florida's residents, visitors, businesses and institutions produced 43.2 million tons of municipal solid waste (MSW). Florida's MSW is currently managed using an integrated approach of recycling, waste-to-energy and landfilling. In an effort to meet the State's goal of recycling 75% of generated MSW by 2020, a variety of strategies have been promoted, including educational efforts and collection strategies to increase recycling of residential and commercial recyclable materials, emphasizing the recycling of construction & demolition (C&D) debris and yard trash, and promoting alternative treatment technologies like composting of food waste. Obstacles such as changing global recycling markets and increasing contamination in the recycled stream, however, have frustrated the Florida solid waste community to reexamine the policies and practices for managing the State's waste stream as well as the best methods for setting goals and tracking progress. As part of a project funded by the Hinkley Center for Solid and Hazardous Waste Management, researchers from the University of Florida worked with stakeholders from the Florida solid waste community to characterize the state of solid waste in Florida, explore the economic and environmental implications of Florida's current solid waste management practices, and assess the potential for incorporating principles from the US EPA's sustainable materials management (SMM) model. A complete description of this project, summary results and recommendations are provided in the reference below.

PROJECT RESULTS

Results from the data gathering and research, as well as discussions with the stakeholder working group, include the following:

- Florida's recycling rate grew from 29% in 2005 to 42% in 2015, and when including renewable energy credits, the state's recycling rate stands at 56%.
- Recycling rates for residential solid waste correspond to 43%, while nonresidential waste, yard trash, and C&D debris reached 70%, 63%, and 65%, respectively.
- The largest components by mass collected were C&D debris and yard trash, and these were also the largest components recycled by MSW.
- Florida's 2016 waste management practices resulted in a net offset of greenhouse gas emissions and energy use primarily as a result of recycling. When recovered wastes are recycled into new products, the need for virgin materials is reduced, and in many cases less GHG emissions result and energy demands decrease. The net environmental benefit resulting from recycling in Florida corresponded to a reduction of GHG emissions from 1.7 million passenger vehicles each year and the annual electricity usage of 8.9 million homes.
- The 2016 costs of solid waste management for the state was estimated at \$5.20 billion, including the cost of collecting, recycling, composting, and landfilling.
- An examination of technology and policy changes needed to increase Florida's recycling rate to 75% found that a multi-faceted approach involving a massive investment in new waste management infrastructure would be required. At the current trajectory and under current economic, social and political constraints, the goal will not be reached by 2020.
- A methodology was developed and demonstrated that incorporates life cycle thinking into goal and priority setting in solid waste management. Benefits of this approach include the ability to track and reward efforts to reduce waste generation (source reduction, waste prevention), and the capacity to quantify the unique environmental benefits associated with different materials.

RECOMMENDATIONS

Recommendations based on project outcomes and stakeholder feedback include:

- Although the state's 75% recycling goal will not be reached by 2020, the progress achieved since the statute was enacted should continue to drive a new and rethought use of materials management goal.
- Future materials management goals should integrate metrics beyond simply tracking tons (which do not correspond to environmental benefits) and should include other measures of sustainability such as energy use, water consumption, job produced, and carbon footprint.
- Existing tools used by FDEP and local governments to record and track recycling and disposal of their waste stream should be expanded to also estimate sustainability metrics.
 - Policies should incentivize Florida's single-stream approach maintaining tons of materials recycled to those that encourage recycling of materials that have the most environmental benefits and have stable markets, reducing contamination or non-recyclability in the mixed recycling stream, toward source reduction, and focus on the net sustainable benefit across the entire material management stream.
 - An effective recycling education program and materials audit also be needed to raise the project successful.
 - Florida should develop a revised 15 or 10-year time frame solid waste management and recycling plan.

¹Florida Solid Waste Management: State of the State. [A project completed for the Hinkley Center for Solid and Hazardous Waste Management | Townsend, T. Lutz, S. Amthaus. M. | 2018 | Department of Environmental Engineering Science | University of Florida | <https://www.state.fl.us/honors/transportation/hinkley-center/solid-waste-report-18>]

9

Herbert Wertheim College of Engineering

POWERING THE NEW ENGINEER TO TRANSFORM THE FUTURE

Current Approach

All materials are treated the same

1 ton
paper
recycled

1 ton
aluminum
recycled

1 ton
yard trash
recycled

3

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UF Herbert Wertheim College of Engineering POWERING THE NEW ENGINEER TO TRANSFORM THE FUTURE

The SMM Approach

Different materials result in different outcomes

1 ton paper recycled

1 ton aluminum recycled

1 ton yard trash recycled

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Approach: Set Weight Based Recycling Rates prioritized by SMM

- Use SMM to guide what materials to prioritize; set weight-based recycling goals based for components or classes of materials
- For example set a recycling rate for C&D and yard trash that we know can be reasonably be achieved (we still want to encourage these to be recycled). But set the recycling rate for aluminum cans much more ambitiously as these this is a material that will make a bigger difference
- The goal here is to look at the relative impact of recycling different materials in Florida's waste stream and set numbers that keep encouraging the "less impactful" to be recycled, but prompt initiative that go after the "more impactful" materials

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Diversion-Reduction



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Source Reduction & Reuse

- Also called “waste prevention”
- Many forms, including: reusing or donating items, buying in bulk, reducing packaging, redesigning products, lightweighting of packaging, remanufacturing items.
- Reusing/Recycling – What about a Bottle Bill?

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Bottle Bills aka “bottle redemption programs”

- Require an additional fee on beverage containers at time of purchase.
- Fees work like a deposit and are usually totally or partially recovered by individuals when container is recycled
- Used in approximately 10 states and effectiveness/success is unclear
- FL Senate Interim Report on Bottle Deposits (2011)

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Bottle Bills Cont.

- 70s & 80s – some states reintroduced bottle deposits to recycle (not refill) valuable containers instead of landfilling them
- Today, bottle bill states charge a 5-10 cent fee on containers that is recouped when container returned
- Deposit is charged by distributor to the retailer then passed on to consumer
- Consumers may be reimbursed by retailers or redemption centers
- Retailers/redemption centers reimbursed by distributors
- Bottle bill states report avg decrease in bev container litter of 78%
- BUT – as total waste generation has increased nationwide, the amount landfilled has stayed relatively flat or decreased due to increased recycling rates of all material and increase in WTE programs

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Bottle Bills Cont. – Experience in Other States

- Higher deposit fee generates higher recycling rates
- Types of containers included may vary
- Experience varies among states using retailers vs redemption centers
 - Costly for retailers (sort and store onsite)
- Two major costs of bottle programs
 - Handling fees – the amt required for retailer or redemption center to collect and transport
 - Processing fees – cost of recycling the material
 - These costs average 4.1 cents per container and are in addition to the deposit amount. Must be passed to either consumers or absorbed by mfr, retailers, and distributors

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Some Bottle Bill Criticisms

- May not be the most cost-effective means to increase recycling rates
 - Single-stream vs dual stream curbside – glass gets broken and contaminated in single stream
- Expense to Combat Fraud – where product is purchased in non-deposit state and redeemed in deposit state
- Impairment of Contract – bottle bill programs reduce flow of containers to curbside programs, which impacts contracts with local waste haulers – haulers may increase recycling fees to offset loss (why MD League opposed)
- Paradox of revenue generation: programs have high up front and operating costs. As redemption rates improve (more consumer refunds), unredeemed deposits shrink, leaving state with an expanded program and fewer funds to run it

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Bottle Bill Alternatives

- Increase consumer education on recycling, pivot to Sustainable Materials Mgmt to fully capture env't'l and economic issues of recycling – recycle “smarter”; including improved curbside
- Flat Fees – Temporary fee on containers that is non-refundable; used to establish state recycling fund for grants and loans to improve recycling programs (Delaware)
- Ban containers from landfills – difficult to enforce
- Target Industries – NC ABC permit holders must collect, store and recycle containers for bev consumed on premises – success of program is aided by established in-state glass mfrs. (FL has only one)
- Recycle banks/reverse vending machines
- Pay as You Throw programs

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Florida's Experience – Advance Disposal Fee Legislation

- Florida passed Advanced Disposal Fee bill in 1988; implemented in 1992; sunset in 1995 after 3 years.
 - Imposed 1-cent per container fee on certain containers with recycling rates <50%.
 - Exemption for companies that met recycling or recycled content goals.
- SB 50 (2020) – deposit fee; use of redemption centers; reverse vending machines (no house bill; no hearing)
- WI 2008 study concludes any bill without beverage industry support will likely be defeated, which reflects Florida's experience.
- Bottle bill is just one of many options that could be on the table as Florida revisits its state recycling goals and policies

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2023 Legislation

- SB 506 & HB 1427 – directed DEP to develop a comprehensive waste reduction and recycling plan by July 2024, and to convene a technical assistance group to help develop the plan.
 - Identify recycling goals based on sustainable materials mgmt. and waste diversion
 - Include 3-year plan with strategies for:
 - Local recycling education & outreach
 - Local gov't recycling assistance including recommendations for grants or other help
 - Recycling materials market development (glass, anyone?)
- Submit report to legislature along with any recommendations for necessary statutory changes



Key Dates



2023 - 2024 Key Legislative Dates

September 2023

8 FLC Legislative Policy Committee Meetings (Round 1) – Rosen Centre
Orlando, 9840 International Drive, Orlando, FL 32819

18-22 Interim Legislative Committee Meetings (House only)

October 2023

6 FLC Legislative Policy Committee Meetings (Round 2) – Gaylord Palms
Resort & Convention Center, 6000 West Osceola Parkway, Kissimmee, FL
34746

9-13 Interim Legislative Committee Meetings

16-20 Interim Legislative Committee Meetings

17-18 FAST Fly-In – Washington, D.C.

November 2023

6-9 Interim Legislative Committee Meetings

13-17 Interim Legislative Committee Meetings

16-18 NLC City Summit – Atlanta, GA

29-Dec. 1 FLC Legislative Conference – Hilton Orlando, 6001 Destination Parkway,
Orlando, FL 32819

December 2023

4-7 Interim Legislative Committee Meetings

11-15 Interim Legislative Committee Meetings

January 2024

4 FLC Pre-Legislative Session Webinar at 2:00 p.m. ET



January 2024 continued

- 9 Regular Legislative Session Convenes
- 29-31 FLC Legislative Action Days – Tallahassee, FL

March 2024

- 8 Last Day of Regular Legislative Session
- 11-13 NLC Congressional City Conference – Washington, DC
- 19 FLC Post-Legislative Session Webinar at 2:00 p.m. ET

For further details about the mentioned events, contact medenfield@flicities.com.



Home Rule Hero Criteria

Do you want to become a **HOME RULE HERO?**

AS THE ADAGE GOES, "ALL POLITICS IS LOCAL." Successful advocacy starts at home, not in Tallahassee. No one – not even a professional lobbyist – can tell your community's story better than you. Your involvement helps the League's legislative team turn the abstract into concrete. It is essential to help legislators understand how their decisions may impact their communities back home.

The League appreciates the individual advocacy efforts undertaken by municipal officials throughout the state. Each year, there are some League members who make an extraordinary effort; people who stand out for their high level of participation and effectiveness. The Home Rule Hero Award was created to acknowledge and thank them for their efforts. Hundreds of municipal officials have been recognized as "Home Rule Heroes" since the award's inception in 2009, and we thank you!

Home Rule Hero Award recipients are selected by the League's legislative team following each legislative session.

For the award, the most important criteria are timely responses and actions to FLC's Legislative Alerts, and notifying FLC staff of communications with your legislators.

Other exceptional efforts are:

- Attending the Florida League of Cities' Legislative Action Days in Tallahassee and Legislative Conference.
- Testifying before a House or Senate committee on an FLC priority issue, when a call to action has been sent out.
- Participating in FLC's Monday Morning "Call-ins" during session and on FLC's pre-and post-legislative session webinars.
- Participating in FLC's Legislator "Key Contact" program.
- Meeting legislators in their districts or in Tallahassee.
- Responding to FLC requests for information and data about how proposed legislation will specifically impact your city (telling your city's "story").
- Speaking at local legislative delegation meetings to discuss FLC municipal issues.
- Setting up opportunities for legislators and their staff to attend a city council meeting or special event; tour a park, project or facility; and attend a local league meeting.
- Serving on a FLC legislative policy committee.
- Participating in a Federal Action Strike Team fly-in to Washington, D.C.
- During an election year, providing opportunities for candidates for legislative offices to learn about your city and its issues, and introducing candidates to key city stakeholders or those in your professional network.

For more information on these activities and ways to step up your advocacy game, please contact Allison Payne at apayne@flcities.com.





Notes

