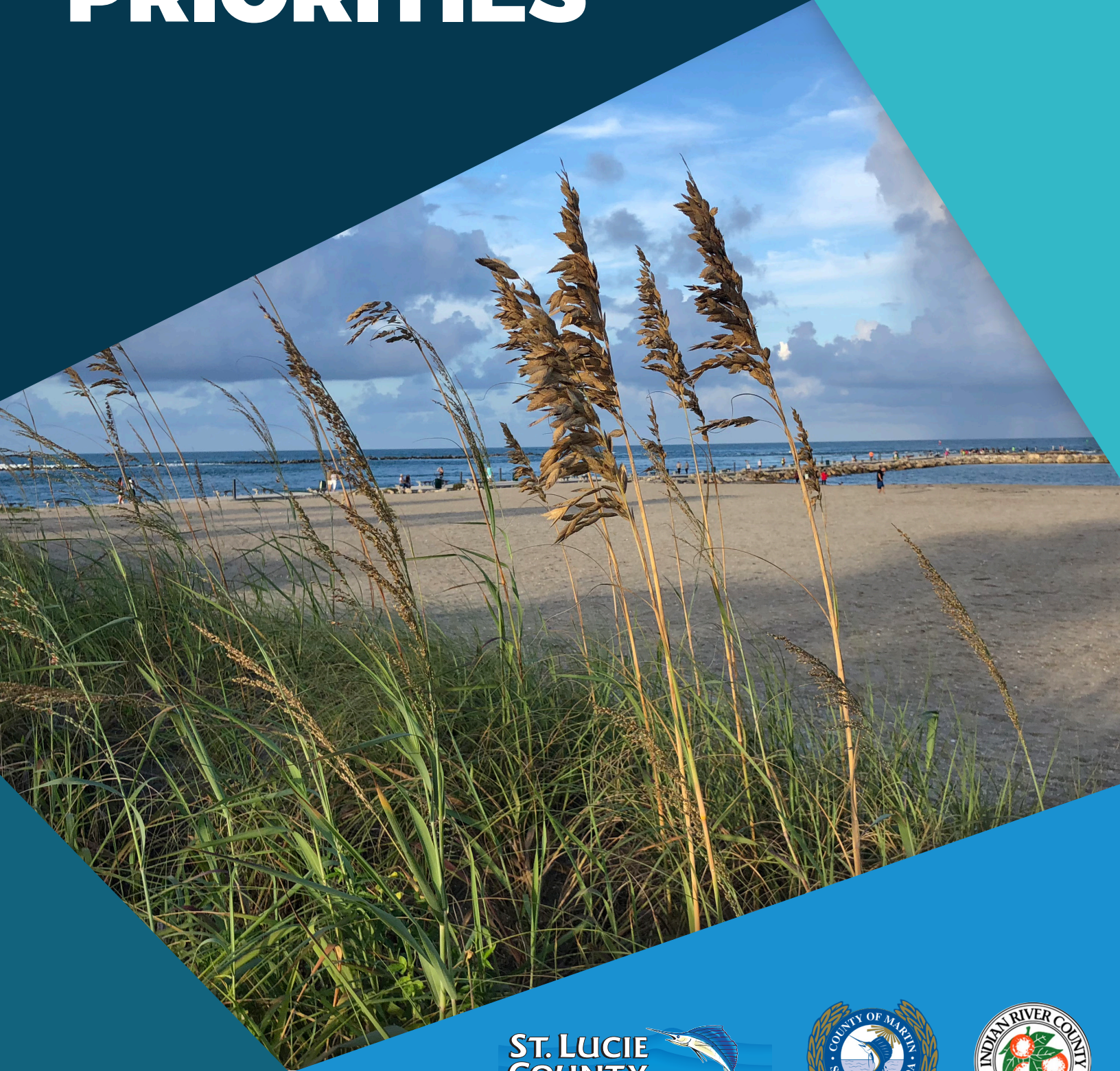


TREASURE COAST TRICOUNTY

LEGISLATIVE PRIORITIES





BIOSOLIDS

Today, Florida's central sewer wastewater treatment facilities produce approximately 340,000 tons of biosolids which are the human waste effluents from central sewer wastewater treatment facilities. Approximately 100,000 dry tons of biosolids are designated as Class B biosolids which are treated sewage sludge that meets U.S. Environmental Protection Agency guidelines for land application as fertilizer and are allowed to have detectable levels of pathogens. Another 100,000 dry tons of biosolids are deposited in various landfills throughout the state. The final 140,000 dry tons of biosolids are further processed, dried, and composted with material from the landscape industry to produce approximately 200,000 tons of Class AA biosolids. These biosolids can then be distributed and marketed as fertilizer. This class of biosolids is unregulated and land applied mainly on pasture lands, and to a lesser extent on citrus.

Both Class B biosolids and Class AA biosolid fertilizers contain approximately 5.5% Total Nitrogen (TN) and 2.2% Total Phosphorus (TP). Therefore, the 300,000 dry tons of land applied Class AA and Class B biosolids contribute over 33 million pounds of TN and 13.2 million pounds of TP to agricultural lands each year. While the practice of land-applying Class B biosolids was recently banned in the Lake Okeechobee, Caloosahatchee, St. Lucie River and Everglades watersheds, the St. Johns River Upper Basin in 2016 received nearly 74,000 tons of Class B biosolids in its watershed.

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

Support the efforts of the state and local governments to prioritize the reduction and eventual elimination of the land application, and most importantly the composting of Class B and AA biosolids.

This includes efforts to immediately establish standard protocols and funding for the identification, quarterly tracking and monitoring of non-residential biosolid and class AA application and explore new wastewater treatment technologies to improve biosolids resource, recovery and management options.

and other weather impacts on the Counties. Support continued funding for research and mitigation for harmful algal blooms (HABs), including blue green algae, and red tide.

HOME RULE AUTHORITY OF LOCAL GOVERNMENTS

In 1968, Florida voters amended the Constitution of the State of Florida to confer broad home rule powers to counties and municipalities. Pursuant to the Constitution and Section 125.01, Florida Statutes, the Counties are authorized to pass local ordinances and exercise all powers not specifically prohibited by law. This power is commonly referred to as home rule, and it is essential for the Board of County Commissioners to be able to establish local rules and regulations that are in the best interest for the residents.

For the past few legislative sessions, there were a significant number of bills filed that threatened to preempt the home rule authority of local governments. While most of the referenced bills were unsuccessful, we should anticipate future legislation that proposes to curtail, restrict and/or preempt the Board's home rule authority.

- Oppose legislation to preempt a local government's ability to respond to local concerns.
- Oppose legislation to preempt a local government's ability to regulate vacation rentals.
- Oppose legislation that would interfere with a local government's ability to impose a business or occupational tax.
- Oppose legislation that would interfere with a local government's ability to raise or lower its millage rate.



COMPREHENSIVE WATER REFORM/INDIAN RIVER LAGOON WATER QUALITY

Excessive discharges from Lake Okeechobee, local stormwater runoff, septic tanks, and land application of biosolids are threats to the health of our waterways. The Florida Section of the American Society of Civil Engineers' 2016 Report Card for Florida's Infrastructure gave Florida low marks for water infrastructure. The assessment pointed to a U.S. Environmental Protection Agency report that estimated that Florida will need to spend about \$16.5 billion in drinking water infrastructure improvements over the next 20 years to ensure that drinking water systems in Florida continue to provide safe and reliable drinking water to the public. Concerns related to both drinking water and wastewater infrastructure focused on the significant needs posed by high population growth, aging infrastructure, and sensitive ecological environments. For wastewater, the report highlighted the number of impaired waterbodies and emphasized the importance of improving wastewater standards in addressing those impairments. The report did not directly address flood control, but for stormwater, the report stated the following: Florida's capital improvement needs for stormwater management are estimated to be \$1.1 billion through 2019, yet utility fees to upkeep the systems have declined since 2011 while needs will double over the decade. More than half of Florida's stormwater entities revealed an inability to address all capital improvement needs, and only in stormwater utilities stated that today's operation and maintenance capabilities were adequate only to meet the most urgent needs.

In 2019, Senator Albritton introduced SB 628 and Representative Jacobs introduced HB 1199 which recognized the necessity of a long-term approach to our state's needs for ample supply and quality to meet our growing population. The bills would have required FDEP to conduct a comprehensive study on statewide needs and quantify appropriate funding amounts and sources. Both bills died in committee.

- Support legislation intended to assess and regularly report the financial need to address Florida's water infrastructure relating to water supply including conservation, the protection of water quality, stormwater, wastewater, water reuse, flood control and environmental resource protection and restoration.
- Support legislation that promotes the identification of potential sources of sufficient funding to address the documented need, as well as, the development of priority and science-based grant programs for the implementation of projects, programs, and studies identified by local governments, the water management districts and state agencies, as well as non-governmental organizations.
- Support legislation requiring the assessment and evaluation of state agency efforts to address sea level rise and other weather impacts on the Counties.
- Support continued funding for research and mitigation for harmful algal blooms (HABs), including blue green algae, and red tide.



BASIN MANAGEMENT ACTION PLANS (BMAP)

Basin Management Action Plans (BMAP) is the “blueprint” for restoring impaired waters by reducing pollutant loadings to meet the allowable loadings established in a Total Maximum Daily Load (TMDL). It represents a comprehensive set of strategies: permit limits on wastewater facilities, urban and agricultural best management practices, conservation programs, financial assistance and revenue generating activities, etc. designed to implement the pollutant reductions established by the TMDL.

The Florida Department of Environmental Protection has substantially increased the required reduction goals for stakeholders within the St. Lucie Estuary BMAP. These increases will force the County to seek alternative projects that provide for efficient nutrient reduction.

- Support efforts in crediting new activities and simplifying the process for existing activities to obtain nutrient removal credits towards a Basin Management Action Plans (BMAP).
- Consider to allow the following activities to be as reducing pollutant loadings to meet the allowable loadings (TMDLs) in a BMAP.
 - Aquatic Vegetation Removal
 - Grassed Swale Material Removal
 - Dispersed Water Storage
 - Natural Land Storage
- Support a reorganization of the Basin Management Action Plan credit and project calculations to be applied on a regional basis rather than on a county by county impact.



DEDICATED ANNUAL FUNDING FOR BEACH RENOURISHMENT PROJECTS

The Treasure Coast supports the creation of a new dedicated and recurring statutory funding source of at least \$50 million for beach renourishment projects which accurately reflects the increase in participating programs and future beach and inlet project funding needs. The previous statutory commitment of \$30 million created in 1998 was repealed during Amendment 1 implementation. Since that time, the beach program has received just over \$50 million each year between Land Acquisition Trust Funds and General Revenue.

During the 2019 Legislative Session, Representative LaMarca was successful in passing a comprehensive beach bill to address many issues impacting our beaches, however, this language was not included.

- Support the creation of a new dedicated and recurring statutory funding source of at least \$50 million for beach renourishment projects which accurately reflects the increase in participating programs and future beach and inlet project funding needs.



AFFORDABLE HOUSING

In 1992, the Florida Legislature created the William E. Sadowski Affordable Housing Act ("the Act"). This created a dedicated revenue source by increasing the documentary stamp tax paid on the purchase price of all residential and commercial deeds. The monies from the documentary stamp are split between all counties and entitlement municipalities and the Florida Housing Finance Corporation. Overall, the monies are split approximately 70-30 between local governments and the State, respectively.

Pursuant to section 420.9067 of the Florida Statutes, local governments receive annual allocations for affordable housing based on population. These funds are to be used to implement the housing element of

a counties local comprehensive plan, consistent with the State Housing Initiatives Partnership Program (SHIP) plan adopted by all local governments.

Over the past decade, the Florida Legislature has transferred nearly \$2 billion in Sadowski funds to different areas of the state's annual budget. This leaves a decreased amount of state funding available for local governments seeking to combat affordable housing issues, which has elevated itself as an increasingly problematic area of concern for many counties throughout the state.

- Support a prohibition on the ability of the Florida Legislature to transfer Sadowski Trust funds to different areas of the state's annual budget.



RECYCLING GOAL

In 2008, the Florida Legislature established a statewide weight-based recycling goal of 75% by 2020. The legislation directed the Florida Department of Environmental Protection (DEP) to establish a reporting protocol which requires annual reporting by counties. The legislation also established interim recycling goals and provided that large counties (> 100,000 in population) which do not achieve goals may be directed to develop a plan to expand recycling programs.

In attempting to reach the 75% goal, counties have implemented single stream recycling programs and expanded education and outreach programs to inform the public of the benefits of recycling. However, while this statutory recycling goal is the product of good intentions, DEP issued a report in 2018 wherein the Department acknowledged that the goal is

“aspirational” and, without significant changes to the current approach, Florida’s recycling rate will likely fall short of the 75% goal by 2020.

Challenges which inhibit local governments from achieving the 75% goal include collection methods, shifts in recycling markets, new and lighter weight packaging, and a diminishing global demand for recycled waste. Additionally, counties have gone to great lengths in an attempt to meet the 75% recycling goal.

- Support future recycling goals that are based on energy efficiency rather than weight.
- Oppose any fines or consequences associated with contamination or not meeting the recycling goal.



SHORT TERM RENTALS

In 2011, the Florida Legislature passed legislation prohibiting local governments from regulating short-term rentals (i.e., AirBnB, VRBO, etc.). The Florida Statutes define a short-term vacation rental as a property that is rented more than three times per year for less than 30 days at a time.

In 2014, the Florida Legislature loosened this statutory preemption on short-term rentals and permitted local governments to adopt ordinances specific to short-term rentals in order to address noise, parking, trash, and life-safety issues created by their increased presence in residential neighborhoods throughout the state. However, the 2014 legislation left in place existing statutory language which preempts local

governments from prohibiting short-term rentals or regulating the duration or frequency of the rental.

Since 2014, the Florida Legislature has been routinely confronted with proposed legislation which seeks to re-strengthen the preemption on a local government's ability to regulate short-term rentals.

- Oppose policies which would preempt a local government from establishing local ordinances related to short term rentals.
- Support policies which strengthen the ability of a local government to establish ordinances relating to short-term rental properties.



SINGLE USE PLASTIC

At present, global plastic production is equivalent to hundreds of millions of tons per year and is predicted to double within the next 10 years. Less than one fifth of all plastic is recycled. Approximately 40 percent of all plastic produced is in single use disposable plastics. These plastics include non-biodegradable beverage bottles, plastic bags, packaging, food containers and plastic straws. Each year an estimated 10 million tons of plastic enters the ocean mostly from land. This plastic waste stream joins the approximately 150 million tons of debris that are caught up in the world's ocean currents forming massive collections of marine trash. Eventually, as the plastic is exposed to the elements, it breaks down into smaller pieces that are consumed by marine life in place of food causing starvation and death. Plastic waste can sicken or kill coral reefs by blocking sunlight from reaching coral or by abrading the coral and introducing pathogens and infection. We now know that microplastic fibers have contaminated

virtually all the world's water and the health implications of consumption are not yet fully understood.

Plastic pollution that collects locally on the beaches, shorelines and waterways impacts the health and aesthetic beauty of our environment. Litter is costly to clean up and if left unchecked has impacts to recreation, tourism and to the economy. It is recognized that there are a number of local businesses, organizations and individuals that are taking affirmative action to reduce and eliminate use of single-use plastics. It is recognized that a collaborative effort is needed to preserve, protect and enhance coastal waters and to further support their environmental, ecological and socioeconomic value.

- Support single use plastic reduction initiatives and strategies to protect the health of our waterways and environment

CUSTOMARY USE

In 2018, the Florida Legislature created section 163.035, Florida Statutes, which established a two-step process for local governments to follow when considering a customary use affirmation on private property.

The first step in the process requires the local government to conduct a public hearing. The local government must provide notice of the public hearing by certified mail to each property owner, by newspaper, and by posting on the local government's website. At the public hearing, the governing board of the local government considers whether to adopt a formal notice of intent to affirm the existence of a recreational customary use on private property. The notice of intent must specifically identify the following:

1. The specific parcels of property, or the specific portions thereof, upon which a customary use affirmation is sought;
2. The detailed, specific, and individual use or uses of the parcels of property to which a customary use affirmation is sought; and
3. Each source of evidence that the governmental entity would rely upon to prove a recreational customary use has been ancient, reasonable, without interruption, and free from dispute.

After the public hearing, the statute requires the local government file a lawsuit within 60 days. During the lawsuit, the court conducts de novo review of the local government's initial determination.

Support a change to the statute that maintains the local government public hearing process as set forth in section 163.035(3)(a), but eliminates the judicial determination requirements set forth in section 163.035(3)(b).

Accordingly, a local government would still be required to meet the public hearing and evidentiary requirements set out in the Florida Statutes, but would not be required to initiate a lawsuit and obtain a judicial determination as currently required by law. This change would maintain the ability of an aggrieved party to appeal a local government's decision following the public hearing process.

INDEXING THE GAS TAX

Local fuel tax revenues, also known as gas tax, have been constantly eroding as the costs of road construction and maintenance has increased as well as vehicles becoming more fuel-efficient. Unlike local governments, the Florida Department of Transportation has the ability to index their motor fuel tax rate as it relates to the Consumer Price Index (CPI). Without the ability for local governments to index, we are unable to keep pace with our growing transportation costs and needs.

- Support legislation to allow counties and municipalities the ability to annually index the local fuel tax as it relates to the Consumer Price Index (CPI).





FEDERAL



NON DOMESTIC SAND SOURCE

Over the past several years, it has become clear that communities in south Florida need more sand for beach nourishment projects while there is a relatively large reserve of material off the Treasure Coast. However, transportation distance and grain size and color variations, plus other local concerns, make the Treasure Coast material less suitable for south Florida beaches.

With that in mind, the counties of St. Lucie, Broward, Indian River, Miami-Dade and Martin have joined together to amend law in a 1986 WRDA bill that generally prohibits the exploration of non-domestic sand for American shore protection projects. In the 2016 House version of WRDA, Rep. Frankel was successful in amending the legislation on the House floor to include language allowing for easier exploration of such material during planning efforts for

future shore protection projects. Unfortunately, the language was dropped in conference negotiations with the Senate and did not become law.

In the 115th Congress, Sen. Rubio and Rep. Frankel, along with nine original House cosponsors including Congressman Brian Mast, had introduced S. 279 and HR 833 which had mirrored the language in the 2016 House WRDA bill. The Passage of such legislation would have allowed for the option of using non-domestic sand in future federal beach nourishment projects. A similar bill is expected to be introduced in the 116th Congress.

- Support allowing local governments to acquire sand by purchase, exchange or otherwise from non-domestic sources to replenish shorelines due to beach erosion.

ST. LUCIE
COUNTY
FLORIDA

