



Water & Environmental Sustainability Committee

Agenda

- I. Call to Order
- II. Opening Remarks
- III. Sponsor Recognition and Remarks
- IV. Meeting Overview
- V. Meeting Process
- VI. Consent Agenda
 - a. ADOPT:
 - i. WES-PP-02: Waste-to-Energy Program Funding
 - ii. WES-PP-03: Bacteria Total Maximum Daily Loads
 - iii. WES-PP-05: Statewide Water Resources
 - iv. WES-PP-06: Conversion of Private Wells and Septic Tanks
 - v. WES-PP-07: Trail Improvements
 - b. NOT ADOPT:
 - i. WES-PP-01: State Recycling Goals
 - c. Guiding Principles
- VII. Additional Action Items:
 - a. WES-PP-04: Water Basin Boundaries
- VIII. Guest Speaker: Frank Bernardino, Anfield Consulting
- IX. Other Business
- X. Adjournment



WES-PP-01: STATE RECYCLING GOALS

COMMITTEE RECOMMENDATION: NOT ADOPT; COVERED BY GUIDING PRINCIPLES

PROPOSED POLICY: SUPPORT legislation that sets a new state recycling goal based on landfill diversion and sustainable materials management (SMM) priorities rather than a weight-based measurement.

BACKGROUND: The current state recycling goal was to be met by 2020. Being two years past this date, the state has still not met its goal. It is time to revisit the state's recycling direction and update the old legislation. Legislation has been proposed in the 2021 and 2022 legislative sessions to modify that goal. Neither passed. There is sure to be legislation proposed in 2023 and the counties need a strong voice at the table for how that new goal is going to be set and how subsequently measured.

ANALYSIS: This would have a statewide impact. Counties are charged with implementing and paying for recycling programs in their jurisdictions through sections 403.702(2)(n) and 403.702(2)(p), Florida Statutes. Section 403.706(1), Florida Statutes, reinforces that charge and gives the governing body of a county has the responsibility and power to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county. Per the 2021 FDEP recycling report, only 5 counties surpassed or met the 75% goal, and eight counties had a reported recycling percentage of 5% or less.

FISCAL IMPACT: The fiscal impact would vary among the different sized counties. Those with a smaller population and limited tax base may face additional challenges.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - The Committee recommended to not adopt WES-PP-01 as it is already covered by FAC Guiding Principles
- Statutes:
 - Section [403.7032](#), F.S., *Recycling*
 - A statewide recycling goal was established by section 95 of [Ch. 2008-227](#), L.O.F.
 - Established a statewide weight-based recycling rate goal of 75% by 2020.
 - Directed the Florida Department of Environmental Protection (DEP) to develop a comprehensive waste reduction and recycling plan to achieve this goal.

- DEP subsequently provided a series of incremental goals: 40% by 2012; 50% by 2014; 60% by 2016; 70% by 2018; and ultimately 75% by 2020.
 - While the state at-large met the first two interim goals in 2012 and 2014, it failed to meet the 60% goal in 2016, or any of the subsequent goals.
 - Beginning in 2017, the statewide recycling rate began a trend of general decline. A series of external phenomena coincided with this decline:
 - Improved instruments of measurement led to more precise (and accordingly higher) landfill disposal figures, per DEP.
 - Import restrictions and material bans in key Asian markets led to a diminished demand for recycled materials.
 - Per [DEP's final report](#) on the topic, the statewide recycling goal in 2020 was 50%—well short of the 75% goal.
- Bills:
 - [SB 1156](#)/HB 935—Comprehensive Waste Reduction and Recycling Plan (2022) by Sen. Stewart/Rep. Morales—Failed
 - Directed DEP to develop a new comprehensive waste reduction and recycling plan, based on their 2020 Final Report regarding the 75% recycling goal.
 - Stipulated that the plan must include a new set of recycling goals based on sustainable materials management and waste diversion.
- Past FAC Statements & Guiding Principles:
 - WES-PP-06 (2021-22): SUPPORT proposed legislation that addresses a new state recycling goal including:
 - Background from the counties' workgroup
 - State grant programs to encourage and incentivize the development of state recycling markets and improvements to local recycling infrastructure
 - Strengthen Section 403.706(2)(c) to ensure that newly developed property including multifamily residential or commercial purposes, provide adequate space and an adequate receptacle for recycling by tenants and owners of the property.
 - Remove Florida's labeling requirements in Section 403.708(7), Florida Statutes, from the chasing arrows symbol to something different and more apparent that it is the resin used in creating the product, and not the product's recyclability.
 - Guiding Principle WES 25. The Florida Association of Counties supports policies that provide appropriate resources and incentives to local governments to achieve statewide recycling goals, and further supports comprehensive recycling initiatives that encourage increased participation of the residential, commercial, and industrial sectors.
 - Guiding Principle WES 26. The Florida Association of Counties supports the modification of the Statewide Recycling Goal in Section 403.7032, Florida Statutes.
 - This guiding principle was modified last year to reflect the ongoing need to update the statewide recycling goal.



- Previous language referenced the 75% threshold and 2020 (year) deadline
- Florida Recycling Workgroup (FRW) Recommendations:
 - A partnership of associations (including FAC), governmental entities, and other stakeholders interested in ensuring that recycling is environmentally and economically sustainable in Florida.
 - Following the lapse of the 75% recycling rate by 2020 initiative, FRW began working to develop and recommend a new set of recycling goals.
 - FRW's most recent recommendations included the following considerations:
 - Weight-based recycling goals, the status quo in Florida, are not an appropriate indicator of program performance, from an environmental and sustainability perspective.
 - The principles of Sustainable Materials Management (SMM) should be applied in any recycling initiative going forward. Per the FRW report, "SMM is a systemic approach to using and reusing materials productively," throughout a product's entire lifecycle.
 - The recommendations included an emphasis on waste diversion, particularly conversion strategies to reclaim materials from landfill waste.

SUBMITTING COUNTY AND CONTACT: Palm Beach (Solid Waste Authority) – Willie Puz
wpuz@swa.org (561) 640-8914

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



WES-PP-02: WASTE-TO-ENERGY PROGRAM FUNDING

COMMITTEE RECOMMENDATION: ADOPT

PROPOSED POLICY: SUPPORT funding the Municipal Solid Waste-to-Energy Program.

BACKGROUND: During the 2022 Legislative Session, SB 1764 was signed into law. SB 1764 created the Municipal Solid Waste-to-Energy Program to provide financial assistance grants and incentive grants counties who operate municipal solid waste-to-energy facilities. The purpose of the program is to incentivize the production and sale of energy from municipal solid waste-to-energy facilities while also reducing the amount of waste that would otherwise be disposed of in a landfill. SB 1764 originally funded the program in the amount of \$100M annually, but the funding was removed from the bill prior to being passed by the legislature.

ANALYSIS: WTE avoids landfilling more than 6.5 million of tons of solid waste annually. By doing so, Florida WTE facilities annually reduce greenhouse gas emissions by 5.4 million tons of CO₂. That is the equivalent of taking 989,000 passenger vehicles off the road every year. In addition, Florida's WTE facilities produce 544 megawatts of electricity of baseload power. On a 24/7/365 basis, our facilities produce enough electricity to power 288,100 homes for a year. And there's a bonus, Florida's WTE facilities recycle 212,000 tons of metal a year, enough to build 156,000 cars.

FISCAL IMPACT: If the grant program is funded, counties that own or operate waste-to-energy facilities would see a positive fiscal impact. Pinellas County alone would be eligible to receive up to \$8.9M annually through the program.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - WES-PP-02 was recommended for adoption by the Committee.
- Statutes:
 - s. [377.814](#), F.S. *Municipal Solid Waste-to-Energy Program*
 - Establishes two different grant opportunities: a financial assistance grant and an incentive grant.
 - The financial assistance program will take precedence in available funding over the incentive grant program.
 - SB 1764 initially prescribed an appropriation of \$100 million in recurring GR funds, to fund the grant program.
 - This funding was ultimately not appropriated in the 2022 GAA.
- Bills:
 - [Ch. 2022-199](#), L.O.F. (SB 1764 by Sen. Albritton) Passed
- Past FAC statements:



- WES-PP-05 (2021-22)
 - SUPPORT legislation that affords local governments that own Waste-to-Energy (WTE) facilities the opportunity for additional revenue to offset solid waste enterprise expenses and capital costs. The legislation seeks to net meter power generated from municipally owned WTE Facilities to other city/county facilities and provide a new basis for calculating individually operated utility (IOU) capacity cost avoidance.

SUBMITTING COUNTY AND CONTACT: Pinellas – Brian Lowack
blowack@pinellascounty.org (727) 464-5758

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: No position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



WES-PP-03: BACTERIA TOTAL MAXIMUM DAILY LOADS

COMMITTEE RECOMMENDATION: ADOPT

PROPOSED POLICY: FAC SUPPORTS a thorough and methodical approach to bacteria Total Maximum Daily Load (TMDL) development for individual waterbodies based on adequate data regarding source identification, as opposed to the general consolidated statewide approach currently drafted by the Department of Environmental Protection.

BACKGROUND: Bacteria TMDLs are more complex than TMDL development for nutrients. According to the Florida Stormwater Association: There is a much lower correlation between bacterial best management practices (BMPs) and actual FIB [Fecal Indicator Bacteria] reductions; it is much more difficult and expensive to determine the actual source of FIB; and, it is much more difficult to accurately allocate pollutant reduction responsibilities among various stakeholders.

ANALYSIS: FDEP's March 2022 draft Fecal Indicator Total Maximum Daily Loads for southwest Florida has extensive ramifications for MSR permittees statewide; all stakeholders need to collaborate on an approach that will promote water quality improvements while assigning responsibility to appropriate parties.

FISCAL IMPACT: Unknown

FAC STAFF NOTES:

- 2022 Policy Conference
 - WES-PP-03 was recommended for adoption by the Committee.
- Federal Regulation:
 - [Section 303\(d\)](#) of the Federal Water Pollution Control Act, popularly known as the Clean Water Act, governs impaired waters within the U.S., and establishes a two-pronged approach to restoration and maintenance of impaired water bodies for states to follow:
 - 1) States identify impaired or threatened water bodies within their jurisdiction, as well as develop a priority ranking of impaired and threatened water bodies.
 - 2) States calculate a Total Maximum Daily Load (TMDL) for these waters, indicating the greatest amount of a pollutant that can be present in a water body while still meeting water quality standards.
- Florida Administrative Code:
 - [Ch. 62-302, F.A.C.](#) – *Surface Water Quality Standards* establishes the state standards by which water quality is measured.



- [Ch. 62-303, F.A.C.](#) - *Identification of Impaired Surface Waters* provides the methodology for cataloguing the state's impaired and threatened surface waters.
- [Ch. 62-304, F.A.C.](#) - *Total Maximum Daily Loads* establishes the TMDL's for all verifiably impaired and threatened water bodies, as well as waste load allocations for point-source pollution entities, and load allocations for nonpoint-source entities.
- DEP Fecal Indicator Bacteria TMDL Development:
 - As of March 2022, DEP drafted a [report regarding Fecal Indicator Bacteria TMDLs for the Everglades West Coast Basin](#).
 - The report documents fecal indicator bacteria (FIB) TMDL's for surface water bodies, according to the Surface Water Quality Standards of Ch. 62-302, F.A.C.
 - Ultimately, DEP intends to expand this report into a comprehensive statewide report concerning FIB TMDL's for all impaired state water bodies.
 - The report specifies *E. Coli* bacteria, Enterococci bacteria, and Fecal coliform bacteria as the relevant FIB to monitor.
- US Environmental Protection Agency (EPA) Guidance:
 - The U.S. EPA released the following guidance on the subject:
 - “Studies conducted by EPA to determine the correlation between different bacterial indicators and the occurrence of digestive system illness at swimming beaches suggest that the best indicators of health risk from recreational water contact in fresh water are *E. coli* and enterococci. For salt water, enterococci are the best. Interestingly, fecal coliforms as a group were determined to be a poor indicator of the risk of digestive system illness. However, many states continue to use fecal coliforms as their primary health risk indicator.”
 - The EPA lists the following as the primary sources of fecal contamination to surface waters:
 - Wastewater treatment plants
 - Failing septic systems
 - Domestic and wild animal manure
 - Stormwater runoff
 - Several of these represent nonpoint and non-discrete sources of FIB and are therefore hard to isolate as a causal source for a given water body.

SUBMITTING COUNTY AND CONTACT: Lee – Brian Hamman gsalyer@leegov.com

(239) 533-2204

ASSIGNED COMMITTEE: WES



BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



WES-PP-04: WATER BASIN BOUNDARIES

COMMITTEE RECOMMENDATION: DEFER TO LEGISLATIVE CONFERENCE

PROPOSED POLICY: FAC encourages the Legislature to 1) determine hydrological boundaries of water basins, and 2) develop appropriate policies to ensure that taxpayers are contributing to the sub-district that best serves them and that water management districts are providing equitable service to all basins.

BACKGROUND: As just one example, the Florida Legislature commissioned a Boundary Delineation study in 2020 for the Big Cypress Basin. It was determined that the scientific, watershed delineated boundary departs significantly from the current boundary lines. This situation is likely replicated within water management districts elsewhere throughout the state.

ANALYSIS: In Southwest Florida, this means taxpayers send money to another coast for flood control and mitigation projects that do not benefit them directly (or even at all). Meanwhile, these same taxpayers either do not get the flood control measures they need or have to double-pay for such benefits.

FISCAL IMPACT: Around \$6-7 million annually in Lee County. Statewide impacts for this policy implementation are currently unknown.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - The Committee recommended to defer WES-PP-04 for further discussion at Legislative Conference.
 - The scope of this issue appears to be limited to the Big Cypress Basin. Commissioners expressed concern that the proposal could impact Everglades restoration funding.

- Bills:
 - SB 406/HB 209 (2021) – Big Cypress Basin by Sen. Rodrigues and Rep. Botana – Failed
 - The bills contained provisions concerning the boundaries and administration of the Big Cypress Basin.
 - Under the status quo, the South Florida Water Management District (SFWMD) may revise the official boundaries of the Big Cypress Basin with a resolution by the SFWMD governing board.
 - In 2020, the SFWMD conducted a study, at the direction of the Legislature, to determine the verifiable hydrological boundaries of the Big Cypress Basin.



- The bills sought to require that the SFWMD's official boundaries coincide with the scientific boundaries as determined by the study.
 - Required that funds from SFWMD ad valorem taxes must be used proportionally for projects and maintenance within the county in which they were levied.
 - Required that the composition of the Big Cypress Basin governing board include 4 members from Collier County and one member from Lee County.
- Senate Environment & Natural Resources Committee:
 - Conversations with committee staff indicate that water boundary delineation issues have only occurred with respect to the Big Cypress Basin
 - DEP Guidance:
 - [delineationmanual.pdf \(floridadep.gov\)](https://www.floridadep.gov/delineationmanual.pdf)

SUBMITTING COUNTY AND CONTACT: Lee – Brian Hamman gsalyer@leegov.com
(239) 533-2204

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: No position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



WES-PP-05: STATEWIDE WATER RESOURCES & PLANNING

COMMITTEE RECOMMENDATION: ADOPT AND AMEND

RECOMMENDED AMENDED PROPOSED POLICY: SUPPORT creation of a recurring five-year water-related work plan and statewide strategic plan. SUPPORT increased funding for local water infrastructure projects with direction for coordination of the various state/regional entities funding water issues toward local priorities.

BACKGROUND: Florida needs a more effective comprehensive framework for coordinating and prioritizing funding for local water projects to address challenges such as but not limited to: algal blooms, water conservation, marine resources/habitat/coral reef protection, water quality protection, minimum flows and levels, stormwater management, and climate change adaptation and resiliency. Local governments need a framework for improving coordination and prioritization of funding for local and regional water projects similar to the organizational structure of the Florida Department of Transportation (FDOT), which has proven successful for transportation planning. FDOT includes a Transportation Commission that's mission is to provide leadership in meeting Florida's transportation needs through policy guidance on issues of statewide importance and by maintaining oversight, public accountability to the department, and other statutorily specified transportation authorities. The Florida Transportation Commission was created in 1987, under Section 20.23, Florida Statutes, to serve as a citizen's oversight board for FDOT. The Commission is assigned to the Department for administrative and fiscal purposes; otherwise, it functions independently of the control and direction of the Department. Additionally, the Florida Transportation Plan, under Section 339.155, Florida Statutes, provides the framework for the development of the state's long-range transportation goals and objectives to be updated every five years.

The State structure for addressing water issues includes programs at the Department of Environmental Protection; Dept. of Agriculture and Consumer Services; the Water Management Districts; and, the Fish and Wildlife Conservation Commission. In addition, the Florida Legislature annually provides funding through the member project process – outside the review of existing agency programs.

Florida's water infrastructure planning process should be modeled in state statute of similar structure to the Florida Transportation Commission. This would allow independent insight and expertise into the planning and prioritization process for Florida's water quality projects. This structure creates stability amongst stakeholders while streamlining and optimizing efficiency of limited state resources.

ANALYSIS: A cursory review of the GAA for FY 22-23 finds that the State of Florida allocates over \$1,000,000,000 in funding to address a variety of water-related issues. Issue where funding is allocated include –



- Water projects submitted by members – close to \$400,000,000
- Water Treatment Facility Revolving Loan funds - \$250,000,000
- Resiliency Grant funding - \$200,000
- Everglades Water Quality - \$100,000,000
- Springs Watershed and Restoration - \$95,000,000
- Ag Water Policy Coordination - \$47 million plus
- Funding through Water Management Districts and other DEP programs

The Office of Economic and Demographic Research (EDR) annually assesses Florida's water resources and conservation lands pursuant to section 403.928, Florida Statutes. Land conservation, water supply, water quality, and water infrastructure are all interrelated, and investments in one of these areas will almost certainly benefit another. Here is a link to the report [Annual Assessment of Florida's Water Resources and Conservation Lands – Annual Report for 2021](#)

In addition, CS/CS/CS/HB 53 passed in the 2021 Legislative Session. The bill indicated that wastewater and stormwater must be managed to protect public health, water quality, recreation, fish, wildlife, and the aesthetic appeal of Florida's waterways. The legislation requires the Office of Economic & Demographic Research (EDR) to include an analysis of the expenditures necessary to repair, replace, and expand water-related infrastructure in its annual assessment of Florida's water resources and conservation lands. The bill requires by June 30, 2022, and every five years thereafter, each county, municipality, or special district providing wastewater or stormwater services to develop a needs analysis for its jurisdiction over the subsequent 20 years. The analyses must be compiled and submitted to EDR and EDR must evaluate the compiled documents for the purpose of developing a statewide analysis for inclusion in the annual assessment due January 1, 2023. These needs analyses will highlight a significant number of infrastructure projects needed to address stormwater and wastewater needs at the local level.

FISCAL IMPACT: Indeterminate

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - WES-PP-05 and WES-PP-06 sponsors agreed to consolidate their proposals
 - Proposals, WES-PP-05 and WES-PP-06, were recommended by the committee to be combined and amended into one proposal
- Statutes:
 - [Section 373.036](#), F.S. – *Florida Water Plan; District Water Management Plans* directs the Department of Environmental Protection (DEP) to develop an annual plan addressing, at minimum, DEP's activities and programs concerning the following:

- Water supply, water quality, flood protection and floodplain management, and natural systems
- Specific DEP water quality standards
- The respective water management district water management plans
- Goals, objectives, and guidance for the development and review of new and existing programs, rules, and plans relating to water resources
- [Section 373.709](#), F.S. – *Regional Water Supply Planning* directs the governing board of each water management district to periodically conduct evaluations of whether adequate water supplies exist to meet the current and future reasonable-beneficial uses of their district.
 - In the event that future water supplies appear inadequate to meet these needs, the water management district must prepare a regional water supply plan, in coordination with local governments, regional water supply authorities, water and wastewater utilities, DEP, the Florida Department of Agriculture and Consumer Services (FDACS), and any other affected or interested parties
 - This water supply plan should address alternative water supply approaches to ensure water supply needs can be met for the next 20 years
- Florida Administrative Code:
 - [Ch. 62-40](#), F.A.C. – *Water Resource Implementation Rule*
 - Per the rule: This chapter is intended to provide water resource implementation goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources, based on statutory policies and directives in Chapters 187, 373, and 403, F.S.
- Bills:
 - [Ch. 2021-194](#), L.O.F. – Public Works (HB 53 by Rep. DiCeglie)
- Florida Department of Transportation (FDOT) Model:
 - [S. 339.135](#), F.S. - *Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment*
 - Provides the framework for FDOT's 5-Year Work Program
 - Each of the seven transportation districts submit their planned transportation projects for the subsequent five years to the central office
 - The FDOT central office then compiles each of the district 5-year plans into the FDOT Adopted Work Program
 - The current FDOT 5-year Program and Resource Plan can be found [here](#).
- Regional Resiliency Compacts:



- e.g.) The Southwest Florida Regional Resiliency Compact is currently comprised of 14 member jurisdictions: Collier County, Lee County, Charlotte County, City of Punta Gorda, City of Sanibel, City of Fort Myers, City of Cape Coral, Town of Fort Myers Beach, Village of Estero, City of Bonita Springs, Captiva Erosion Prevention District, City of Naples, City of Everglades, and City of Marco Island.
 - The Compact’s members ratified a non-legally binding memorandum of understanding, collectively committing their communities to:
 - Evaluating climate change and sea level rise vulnerabilities
 - Sharing resiliency strategies for adaptation and mitigation of climate change/sea level rise impacts
 - Leveraging shared resources
 - Pursuing public-private partnerships
 - Southeast Florida, East Central Florida, and the Tampa Bay metropolitan area have respectively developed similar regional compacts.
- Previous FAC Statements & Guiding Principles:
 - WES-PP-07 (21-22): SUPPORT state policies to improve coordination of water project planning on a recurring five-year work plan and a statewide strategic plan for all things water
 - Guiding Principle WES 3: The Florida Association of Counties supports efforts of the Water Management Districts to facilitate regional partnerships and prescribe regional resolutions to address the need of finding alternative water sources to accommodate the state’s growing population.
 - Guiding Principle WES 4: The Florida Association of Counties supports policies that enhance regional and local financial capacity to address water supply development with allocation flexibility in all available funding sources.

SUBMITTING COUNTY AND CONTACT: Gilchrist, Hendry, Levy – Darrell Smith, Ramon Iglesias, and John Meeks

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: No

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: This proposal seeks to coordinate local and regional control of water policy planning.



WES-PP-06: CONVERSION OF PRIVATE WELLS AND SEPTIC TANKS

COMMITTEE RECOMMENDATION: ADOPT

PROPOSED POLICY: SUPPORT recurring funding for conversion programs designed to move private wells to potable drinking water and private septic tanks to public wastewater collection systems. SUPPORT greater flexibility for programs that address the costs incurred by residents connecting to sewer and the proper abandonment of septic systems.

BACKGROUND: Modern permitting and environmental practices do not support the installation of septic systems in areas of dense populations, low-lying, tidally influenced areas, and other areas with high water tables. Densely populated areas on private wells and septic tanks are particularly vulnerable to these risks. However, many of these legacy systems remain thorough out the state which pose a public health challenge to homeowners on private wells and septic systems.

ANALYSIS: Utility programs are critical to the health of our current population and the success of future growth. These utility programs are also critical to the health of our ecosystem. Many counties need additional financial support to implement their utility plans. These utility programs directly support public and environmental health.

FISCAL IMPACT: Establish new or expand existing programs to provide a recurring funding source in the State's budget.

FAC STAFF NOTES:

- 2022 FAC Policy Conference
 - WES-PP-06 was recommended for adoption by the WES committee
 - This proposal was previously numbered WES-PP-07
- FY 2022-23 Budget Appropriations:
 - \$368 million was provided for Water Projects in specific appropriation of 1665A of the 2022 General Appropriations Act (GAA), a portion of which is dedicated to septic-to-sewer programs
 - \$10 million is appropriated in specific appropriation 1670B of the 2022 GAA toward the Department of Environmental Protection's Septic Upgrade Incentive program
 - Currently, the Septic Upgrade Incentive program is only operational in designated areas of Citrus, Hernando, Leon, Marion, Orange, Pasco, Seminole, Volusia, and Wakulla counties, identified as Priority Focus Areas due to their high density of natural springs
 - \$20 million is appropriated in specific appropriation 1779 of the 2022 GAA for water quality improvements in the Biscayne Bay area, a portion of which is designated for septic-to-sewer programs
- FAC Guiding Principles:



- WES 2: The Florida Association of Counties supports state funding for water quality improvement projects designed to reduce nutrient pollution in Florida's impaired waterbodies, recognizing that multiple sources contribute to nutrient loading, including, but not limited to, wastewater and septic systems, industrial, agricultural, and residential water use.

SUBMITTING COUNTIES: Lake—Sean Parks

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: Yes, Miami-Dade

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



WES-PP-07: TRAIL IMPROVEMENTS

COMMITTEE RECOMMENDATION: ADOPT

PROPOSED POLICY: SUPPORT state construction, improvement, and designation of additional trails for Floridians to increase accessibility between urban and rural areas.

BACKGROUND: According to the Florida Greenways & Trails 2019-2023 System Plan, “studies demonstrate that, in addition to economic prosperity, outdoor recreation delivers personal and social benefits on which healthy, happy communities thrive.” The Florida Department of Health has also stated that for every dollar spent on walking trails, approximately three dollars is saved in medical expenses. Based on empirical evidence, there is no doubt that recreational trails provide a benefit to local communities including contributing to economic development and personal health. Further, the US Treasury has recognized that investments in improving outdoor spaces is an appropriate and acceptable response to the negative impacts associated with the COVID-19 pandemic.

ANALYSIS: The Florida Department of Environmental Protection (DEP) Division (Division) of Recreation and Parks, through section 375.031(1), F.S., to develop and execute a comprehensive, multipurpose outdoor recreation plan with the assistance of other public recreation land managers. In addition, section 258.004(3), Florida Statutes, directs DEP to study and appraise the recreation needs of the state, and to assemble and disseminate information pertaining to recreation. To further emphasize the importance of providing outdoor recreation in Florida, DEP has identified as one of its objectives “to plan, promote and provide outdoor recreation opportunities through a network of trails, access and information.”

The Office of Greenways and Trails within the Division has the responsibility of leading, planning and facilitating the development of an interconnected Florida Greenways and Trails System. The Office works with local governments to compile trails data to track an interconnected system of trail networks. The Statewide Comprehensive Outdoor Recreation Plan (SCORP) is the state’s official document regarding outdoor recreation planning.

Currently, the Florida Department of Transportation administers multiple funding sources to help implement further development of trail systems. When combined with additional state appropriations and federal grants, local transportation planning organizations and county governments are able to realize trail network planning goals. Grant program funding sources include: Florida Forever, Florida Recreation Development Assistance Program, Recreational Trails Program and Florida Communities Trust.

FISCAL IMPACT: Indeterminate. Associated costs with additional trail expansion are indeterminate and based upon the potential appropriation of the Legislature.



FAC STAFF NOTES:

- 2022 FAC Policy Conference
 - WES-PP-07 was recommended for adoption by the WES committee
 - This proposal was previously numbered WES-PP-08
- Trail and Greenway Administration in Florida:
 - The administration of Florida's trails and greenways falls primarily to the Department of Environmental Protection (DEP) and its constituent offices, including the Office of Greenways and Trails (OGT).
 - A series of statutes and rules provide the framework by which DEP governs trail development and acquisition, and ultimately develops their 5-year Statewide Comprehensive Outdoor Recreation Plan (SCORP), as well as the Florida Greenways and Trails System (GTS) plan and map.
- Statutes:
 - [Ch. 260, F.S.](#), the *Florida Greenways and Trails Act*:
 - Recognizes the benefits of outdoor areas, and conserve, develop, and use the state's natural resources for recreational and healthful purposes.
 - Establishes a statewide system of Greenways and Trails to benefit environmentally sensitive lands and wildlife, and provide people access to healthful outdoor activities.
 - Provides guidelines for greenways and trails on both public AND private land and waterways.
 - Creates the Florida Greenways and Trails Council, to advise the Department on the execution of their powers and duties under Ch. 260.
 - Provides direction for coordination with the Florida Department of Transportation regarding leasing of abandoned or to-be-abandoned railroad rights of way for trail and greenway development.
 - [Ch. 253, F.S.](#) – *Public Lands and Property*, in conjunction with [Ch. 259, F.S.](#) – *Land Acquisitions for Conservation or Recreation*, governs the acquisition and stewardship of public lands for recreational and conservation purposes.
- Rules:
 - [Ch. 62-S1, F.A.C.](#) – *Florida Greenways and Trails Program*:
 - Establishes the procedures by which OGT solicits, evaluates, and selects lands for acquisition for the Florida Greenways and Trails System
 - [Ch. 62-S2, F.A.C.](#) – *Recreational Trails Program*
 - Governs Florida's administration of federally-matched Recreational Trails Program (RTP) grant funds from the U.S. Department of Transportation's Federal Highway Administration (FHWA).



- The program is administered by DEP's Land and Recreation Grants division
- Provides application requirements and evaluation criteria for project proposals addressing construction of new recreational trails (with restrictions for new trails on Federal lands); maintenance and restoration or renovation of existing recreational trails; development and rehabilitation of trailside and trailhead facilities; and recreational trail linkages.
- Current and Future Planning of Outdoor Spaces:
 - DEP is directed by the legislature to cooperate with state and federal agencies, private organizations, and commercial and industrial interests in the promotion of a statewide outdoor recreation system. The resulting product is the Statewide Comprehensive Outdoor Recreation Plan (SCORP).
 - The SCORP represents the state's official document regarding outdoor recreational planning and is developed on a five year basis.
 - The 2019 edition of the SCORP can be found [here](#).
 - Drafting of the revised 2023 SCORP is in progress.
 - The 5-year Florida Greenways and Trails System (GTS) Plan and Map will also receive a scheduled update in 2023
 - DEP is currently accepting public input on their 2023-2027 GTS DRAFT
 - In December 2022, following the public comment period, the plan will be presented to the Florida Greenways and Trails Council for final approval
- Bills:
 - 2022
 - [SB 1816](#) – *Land Acquisition Trust Fund*—Failed
 - Would amend section 201.15, F.S. to extend the retirement date of bonds issued to fund the *Florida Forever* program from 2040 to 2054.
 - Would prescribe a recurring appropriation of \$100 million to the Florida Forever Trust Fund.
 - [HB 1377](#) – *Land Acquisition Funding*
 - Would amend section 201.15, F.S. to extend the retirement date of bonds issued to fund the *Florida Forever* program from 2040 to 2054.
 - Would revise the distribution by DEP of *Florida Forever* bond proceeds. Most significantly, the measure would raise the distribution rate for the Florida Greenways and Trails program, from 1.5% to 2%.
- Miscellaneous:
 - Trails as an economic driver:
 - <https://floridadep.gov/sites/default/files/2019%20Trails%20Economic%20infographic.pdf>
- Past FAC statements & Guiding Principles



- WES-PP-09 (2021-22): SUPPORT state construction, improvement, and designation of additional trails for Floridians to increase accessibility between urban and rural areas.
- Guiding Principle WES 17: The Florida Association of Counties supports the allocation of matching funds to county governments to purchase environmentally sensitive and endangered lands.

SUBMITTING COUNTY: Lake

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: N/A

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



WATER & ENVIRONMENTAL SUSTAINABILITY

Water

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

- WES 1. The Florida Association of Counties supports the allocation of matching funds to county governments to restore impaired springs, estuaries, lagoons and other waterbodies in accordance with state policy and local needs.
- WES 2. The Florida Association of Counties supports state funding for water quality improvement projects designed to reduce nutrient pollution in Florida's impaired waterbodies, recognizing that multiple sources contribute to nutrient loading, including, but not limited to, stormwater runoff, wastewater and septic systems, industrial, agricultural, and residential water use.
- WES 3. The Florida Association of Counties supports efforts of the Water Management Districts to facilitate regional partnerships and prescribe regional resolutions to address the need of finding alternative water sources to accommodate the state's growing population.
- WES 4. The Florida Association of Counties supports policies that enhance regional and local financial capacity to address water supply development with allocation flexibility in all available funding sources.
- WES 5. The Florida Association of Counties supports the funding of the Water Protection and Sustainability Program within the Department of Environmental Protection for the development of alternative water supplies, water quality improvement projects, and comprehensive water infrastructure needs.
- WES 6. The Florida Association of Counties supports the "Florida Green Industries Best Management Practices" as a basic level of water quality protection, with more stringent protections authorized to address water bodies in need.
- WES 7. The Florida Association of Counties supports the establishment of legislative and budget policies that better recognize the return on investment in Green Infrastructure funding projects in response to nuisance flooding, water quality degradation, extreme weather, sea level rise, and climate change.



- WES 8. The Florida Association of Counties supports the economically, technically and environmentally feasible use of reclaimed water.
- WES 9. The Florida Association of Counties supports state legislation to prohibit new well stimulation activities, including hydraulic fracturing (fracking).
- WES 10. The Florida Association of Counties opposes efforts to increase offshore drilling activities.
- WES 11. The Florida Association of Counties supports state funding to end the ocean outfalls in south Florida by the legislature's deadline of 2025.
- WES 12. The Florida Association of Counties supports prioritizing the reduction of the land application of human wastewater biosolids.
- WES 13. The Florida Association of Counties supports continued funding for research and mitigation for harmful algal blooms (HABs), including blue green algae, and red tide.
- WES 14. The Florida Association of Counties supports crediting new activities and regional projects and simplifying the process for existing activities to obtain nutrient removal credits towards a Basin Management Action Plans (BMAP).
- WES 15. The Florida Association of Counties supports repealing or modifying the preemption on local fertilizer ordinances in sec. 576.181, F.S.
- WES 16. The Florida Association of Counties supports developing strategies and prioritizing funding for regional efforts to protect Florida Estuaries and supports development of special state designation to estuaries and their watersheds in getting funding for water quality and resiliency projects.

Environment

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

- WES 17. The Florida Association of Counties supports the allocation of matching funds to county governments to purchase environmentally sensitive and endangered lands.



- WES 18. The Florida Association of Counties supports a comprehensive state climate change action plan, with energy policies and other initiatives to reduce greenhouse gases and to address ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic prosperity.
- WES 19. The Florida Association of Counties supports state and federal recognition of adaptation and mitigation as critical to any climate change plan, and the funding necessary to assist local governments in developing and implementing these initiatives.
- WES 20. The Florida Association of Counties supports collaboration among regional coalitions focused on resiliency and climate change in order to maximize resources, share information, analysis, and best practices, and foster useful collaboration.
- WES 21. The Florida Association of Counties supports streamlining the permitting and regulatory processes for solar product manufacturers, installers, and consumers, and further supports reducing burdensome regulations that hinder solar market penetration.
- WES 22. The Florida Association of Counties supports the ability of counties to utilize electricity produced at county-owned facilities at other adjacent and non-contiguous county- owned properties without penalty, or in the alternative, be able to sell surplus power at market rate.
- WES 23. The Florida Association of Counties supports state designation of the Southeast Florida Coral Reef Conservation Area.
- WES 24. The Florida Association of Counties supports maintaining funding of the Small County Consolidated Grant Program and maintaining the waste tire fee as a dedicated revenue source for funding mosquito control, solid waste and recycling programs.
- WES 25. The Florida Association of Counties supports policies that provide appropriate resources and incentives to local governments to achieve statewide recycling goals, and further supports comprehensive recycling initiatives that encourage increased participation of the residential, commercial, and industrial sectors.
- WES 26. The Florida Association of Counties supports the modification of the Statewide Recycling Goal in Section 403.7032, Florida Statutes.
- WES 27. The Florida Association of Counties supports the creation of a new dedicated and recurring statutory funding source for beach renourishment projects.
- WES 28. The Florida Association of Counties supports the acquisition of conservation lands that ensure the continued viability, preservation, and enhancement of the Florida Wildlife Corridor.