

# **PALM BEACH COUNTY**

## **2016 STATE LEGISLATIVE AGENDA**

### ***ENVIRONMENTAL & NATURAL RESOURCES PRIORITIES***

#### **Board of County**

#### **Commissioners**

**Shelley Vana, Mayor  
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**Hal R. Valeche  
Paulette Burdick  
Steven L. Abrams  
Melissa McKinlay  
Priscilla A. Taylor**

**Verdenia C. Baker,  
County Administrator**

**Todd J. Bonlarron,  
Legislative Affairs Director**



# PALM BEACH COUNTY

## BOARD OF COUNTY COMMISSIONERS



**HAL R. VALECHE**  
**DISTRICT 1**  
561/355-2201  
[HVALECHE@pbcgov.org](mailto:HVALECHE@pbcgov.org)



**PAULETTE BURDICK**  
**DISTRICT 2**  
561/355-2202  
[PBURDICK@pbcgov.org](mailto:PBURDICK@pbcgov.org)



**SHELLEY VANA, MAYOR**  
**DISTRICT 3**  
561/355-2203  
[SVANA@pbcgov.org](mailto:SVANA@pbcgov.org)



**STEVEN L. ABRAMS**  
**DISTRICT 4**  
561/355-2204  
[SABRAMS@pbcgov.org](mailto:SABRAMS@pbcgov.org)



**MARY LOU BERGER, VICE MAYOR**  
**DISTRICT 5**  
561/355-2205  
[MBERGER@pbcgov.org](mailto:MBERGER@pbcgov.org)



**MELISSA MCKINLAY**  
**DISTRICT 6**  
561/355-2206  
[MMCKINLAY@pbcgov.org](mailto:MMCKINLAY@pbcgov.org)



**PRISCILLA A. TAYLOR**  
**DISTRICT 7**  
561/355-2207  
[PTAYLOR@pbcgov.org](mailto:PTAYLOR@pbcgov.org)

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# **ENVIRONMENTAL/NATURAL RESOURCES**

## ***LEGISLATIVE PRIORITIES***

### **LAKE REGION WATER INFRASTRUCTURE IMPROVEMENT PROJECTS \$1,000,000**

Water infrastructure in the Lake Region (including the economically distressed cities of Belle Glade, South Bay and Pahokee) suffers from a history of inadequate design, substandard construction, the utilization of improper materials and a severe lack of investment for replacement and repair. As a result, the Lake Region suffers from the inadequate provision of water pressure and quality during both average and maximum daily flow conditions. Provision of adequate fire flow pressure during daily flow conditions is also difficult due to the significant deterioration of existing water mains. The continued deterioration of the water infrastructure has resulted in historic rates of 40% water loss throughout the system, leading to threats to the health, safety and welfare of the citizens of the Lake Region. It has also curtailed the ability of Palm Beach County and the municipalities of the Lake Region to attract economic development and business expansion, including the anticipated development of an inland logistics center and supporting residential and commercial development. Additionally, the Lake Region Water Treatment Plant, previously funded with state and federal contributions to produce high quality water for the Region, is depreciating at an accelerating rate, further preventing the expansion of the water delivery system to promote economic growth in the Region. A suite of Water Infrastructure Improvement Projects (Projects) are required in order to repair and restore the water infrastructure of the Lake Region to a level that will ensure the provision of high quality water delivery, protect the health, safety and welfare of the public and businesses of the Lake Region and improve the economic development outlook of the Region. The proposed projects are prioritized in the Glades Region Master Plan and are being coordinated with necessary storm water and transportation improvements to provide a multi-faceted approach to foster economic development through the improvement of basic infrastructure throughout the Region. The total cost for the initial phase of Projects is estimated at \$60 million, to be completed over the next five years.

The Lake Region Infrastructure Improvement Projects were previously funded through a \$1 million appropriation during the 2014 Legislative Session. The appropriation resulted in the completion of the \$3 million Bacom Point Project that restored adequate potable water and fire flow to adjacent residents and businesses within the project footprint and was completed within a 12 month timeframe, with expenditure of the appropriated funds within the first 5 months.

	<b>FY 2016 Funding Request</b>	
Project Name	Estimated Project Cost	Requested State Allocation
Water Infrastructure Improvements: Zones 2E and 2W	\$3 million	\$1 million

**BEACH AND INLET MANAGEMENT PROJECT APPROPRIATIONS: \$30,293,687**

Florida’s beaches are the focus of our tourism industry and their role in providing upland property protection against storm damage makes them key components of our economy. State matching grants are a critical component of the funding required to maintain this essential infrastructure, but state budgetary restrictions continue to force many communities to advance the necessary funding for projects in anticipation of future reimbursements. The backlog of eligible funding requests continues to expand annually. The County is requesting inclusion of the following Palm Beach County shore protection projects in the State’s Beach Erosion Control Program:

FY 2016/17 Beach & Inlet Management FUNDING REQUESTS				
No.	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
1	Coral Cove Park Dune Restoration	\$400,000	\$400,000	\$800,000
2	Jupiter/Carlin Shore Protection	\$100,000	\$100,000	\$200,000
3	Juno Beach Shore Protection	\$5,110,000	\$5,110,000	\$10,220,000
4	Central Palm Beach County Erosion Control Project	\$2,628,460	\$2,628,460	\$6,571,150
5	South Lake Worth Inlet Mgmt	\$90,000	\$30,000	\$120,000
6	Ocean Ridge Shore Protection	\$100,000	\$100,000	\$200,000
7	Delray Beach Nourishment	\$25,515	\$25,515	*\$116,852
8	Boca Raton North Beach Shore Protection	\$158,600	\$158,700	*\$605,000
9	Boca Raton Central Beach Shore Protection	\$4,793,600	\$6,732,200	\$11,525,800
10	Boca Raton South Beach Shore Protection	\$1,004,587	\$1,049,815	\$2,054,400
11	Boca Raton Inlet	\$392,325	\$130,775	\$586,600
12	Lake Worth Inlet Maintenance Dredging	\$196,500	\$65,500	\$262,000
13	Midtown Beach Restoration	\$7,856,800	\$9,223,200	\$17,080,000
14	Phipps Park Restoration	\$7,437,300	\$11,632,700	\$19,070,000
<b>TOTAL</b>		<b>\$30,293,687</b>	<b>\$37,386,865</b>	<b>\$68,689,950</b>

\*includes federal funding

**LOXAHATCHEE RIVER PRESERVATION INITIATIVE \$3,130,963**

The Loxahatchee River is the southernmost tributary of the Indian River Lagoon and includes the North Fork of the Loxahatchee River, one of two nationally designated Wild and Scenic Rivers in Florida. Despite its Federal designation as a Wild and Scenic River and the protective status associated with classification as an Outstanding Florida Water, significant problems need to be addressed.

The Loxahatchee River Preservation Initiative (LRPI) is the outgrowth of a watershed management effort started by the FDEP in 1996. LRPI has a long history of working with the South Florida Water

Management District (“SFWMD”) to request and receive legislative appropriations to complete essential restoration. SFWMD is a local presence in the region that understands the system and the benefit each of these projects provide to the River.

**Loxahatchee River Preservation Initiative  
Fiscal Year 2016-17 Projects**

Rank		Legislative		
Order	Project Name	Funding Request	Local Match Funds	Local Sponsor
1	Hydrologic Restoration Phase II	\$125,000	\$125,000	Jonathan Dickinson State Park
2	Cypress Creek Weir: Phase 1 Design	\$85,000	\$85,000	Martin County
3	Moonshine Creek Oxbow Restoration	\$375,000	\$375,000	Jupiter Inlet District
4	Jones Creek Preserve Hydrologic Enhancement	\$88,000	\$89,400	Town of Jupiter
5	Jupiter Farms Elementary Force Main	\$ 175,000	\$ 175,000	Loxahatchee River District
6	Pine Glades Natural Area Habitat Restoration	\$225,000	\$225,000	Palm Beach County
7	Jupiter Inlet Village Water Quality Improvements	\$624,731	\$624,731	Town of Jupiter
8	Loxahatchee Slough Restoration & Educational Public Use Facility	\$310,000	\$310,000	Palm Beach County
9	Neighborhood Sewering Phase 6	\$498,000	\$498,000	Loxahatchee River District
10	Seminole Avenue Stormwater Basin Improvements	\$475,232	\$475,232	Town of Jupiter
11	Riverbend Park Picnic Island Sewer Line Extension	\$150,000	\$150,000	Palm Beach County
<b>Totals</b>		<b>\$3,130,963</b>	<b>\$3,132,363</b>	

## **LAKE WORTH LAGOON INITIATIVE \$2,200,000**

The Lake Worth Lagoon (LWL) estuary stretches 20 miles along the shores of 13 municipalities from North Palm Beach to Ocean Ridge and has been subjected to pollution and habitat losses for decades. The Lake Worth Lagoon Initiative is supported by Palm Beach County, South Florida Water Management District, Florida Department of Environmental Protection, Florida Inland Navigation District and the League of Cities, which have endorsed the LWL Management Plan to restore the Lagoon. This plan includes projects to restore sea grasses, mangroves and oysters, capping of muck sediments and construction of storm water control projects. Revitalizing this important water body provides long-term environmental, recreational and economic benefits to the region.

The Initiative was created to define and evaluate the status of the entire watershed and propose actions that would improve and protect the natural resources within the lagoon and watershed. Each State dollar is matched at the local level on a minimum 50:50 cost-share basis. Through this program, over \$17 million in State funds and \$59 million in local funds have been dedicated to restoring the Lagoon.

### **LWL Funding Requests for Fiscal Year 2016-17**

FY 2016-17 LWLI FUNDING REQUESTS				
	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
1	Bonefish Mangrove Islands & Seagrass	\$1,500,000	\$1,500,000	\$3,000,000
2	Lake Worth Lagoon Living Shorelines	\$500,000	\$500,000	\$1,000,000
3	Monitoring and Administration	\$200,000	\$200,000	\$400,000
	<b>TOTAL</b>	<b>\$2,200,000</b>	<b>\$2,200,000</b>	<b>\$4,400,000</b>

## **FRESHWATER LAKE RESTORATION \$165,000**

The Chain of Lakes System of Palm Beach County includes five major lakes as well as a significant portion of Lake Okeechobee. Palm Beach County's lakes management goals are to restore fish and wildlife habitat along the lake shorelines, improve water quality, reduce stormwater discharges, and promote public outreach and education. Freshwater projects completed with State appropriations, include creation of shoreline habitat, wetlands restoration, and dredging over 200,000 cubic yards of muck sediments. Our focus on Lake Okeechobee includes efforts to restore native wetlands habitat that would enhance fisheries and wildlife utilization. Since 2009, no State appropriations have been received for freshwater restoration.

**FLF Funding Requests for Fiscal Year 2016**

FY 2016 Lake Okeechobee FUNDING REQUESTS				
	Project Name	Grant Funding Request	Local Match	Estimated Project Cost
1	Lake Okeechobee Artificial Reef	\$150,000	\$150,000	\$300,000
2	Monitoring and Administration	\$15,000	\$15,000	\$30,000
		<b>\$165,000</b>	<b>\$165,000</b>	<b>\$330,000</b>

**FUND THE FDACS BIOLOGICAL CONTROL RESEARCH AND CONTAINMENT LABORATORY**

**Background:** The joint University of Florida – Institute of Food and Agricultural Services and the Florida Department of Agricultural and Consumer Services Biological Control Research and Containment Laboratory has been an important partner in the effort to develop and release appropriate biological control agents (BCAs) in the integrated management of invasive exotic species. Since 2004, the Laboratory’s staff has discovered and implemented the release of BCAs on tropical soda apple and air potato and is awaiting approval to release two biological control agents on Brazilian peppertree. Several other BCA are currently being used in agricultural practices.

**Recommendation:** State funding is essential to keep the research and implementation of BCAs that will ultimately result in substantial cost savings to state and local land management agencies.

**S-155 CONTROL STRUCTURE RECONFIGURATION**

**Background:** The S155 tidal gate discharges stormwater from the C-51 canal to the Lake Worth Lagoon. It is the largest such structure with the highest discharge volume along the Lagoon. The stormwater discharges also carry suspended sediments that settle out as muck over the natural shelly-sand substrate of the Lagoon. Muck sediments are easily resuspended, reducing needed light penetration to nearby seagrasses. Sediments coat natural benthic and oyster habitat, leaving large areas devoid of sea life. Within two miles of the structure, 1.2 million cubic yards of muck has accumulated (~.9cm/yr). Significant federal, state and local funding is being expended to cap the sediment and restore the habitat, but continued discharge must be restricted in order for these projects to remain successful.

A muck trap, built just upstream in concert with Palm Beach County and the City of West Palm Beach, is able to accumulate ~150 tons/year , but the canal carries an average of 8,000 tons of sediment per year (USGS). The existing S-155 structure discharges from its base.

**Recommendation:** Support efforts by the South Florida Water Management District to empty the C-51 sediment trap. Also, a modified structure could act as an additional muck trap, minimizing further degradation to the Lagoon’s resources and dramatically reducing the cost of habitat restoration in the area.

## *DEPARTMENT OF ENVIRONMENTAL PROTECTION – BEACH FUNDING & PERMITTING*

**Background:** A Beach Management Working Group, formed pursuant to proviso language contained in the General Appropriations Act for FY 2008-9, was directed to review the state’s beach management program and make recommendations for improvements. While a few of the recommendations were subsequently implemented and recent rule clarifications represent a significant step in improving the Department’s efficiency, additional changes are necessary to streamline a program that is vital to both the state and local economies.

**Recommendation:** Encourage additional state beach program streamlining.

- With the reduction in federal, state and local funding availability for shoreline protection projects, the state’s grant program should be adjusted to focus on reimbursement for completed rather than anticipated work.
- Eliminating redundancy in state and federal permit application review would reduce project costs, accelerate the permitting process and eliminate agency conflicts.

## *WATER AND LAND CONSERVATION INITIATIVE: AMENDMENT 1*

The County **SUPPORTS** setting aside 10% of the available Amendment 1 funds for the management and maintenance of local government natural lands (based on local governments managing 10 % of the government-owned land in the state), and **SUPPORTS** additional funding for beach restoration, Everglades Restoration, efforts to benefit Lake Okeechobee, Lake Worth Lagoon, the Loxahatchee River, alternative water supply and regional multi-faceted projects that benefit the environment and inhabitants of Palm Beach County.

Additionally, the County **SUPPORTS** legislation expanding the approved uses of funding under the Florida Communities Trust (Chapter 380, F.S.) to address climate change, land management and coastal resiliency projects, as well as the expansion of funding appropriated for land acquisition under the FCT.

## *MAINTAIN PETROLEUM STORAGE TANK COMPLIANCE LOCAL PROGRAM FUNDING*

**Background:** Since 1988 the Palm Beach County Department of Environmental Resources Management (ERM) has contracted with the Florida Dept. of Environmental Protection (FDEP) to administer the Petroleum Storage Tank Compliance Verification Program. During 2012, FDEP moved towards a regional approach with the program and this resulted in ERM receiving approval to expand its program duties into Martin and St. Lucie Counties. The current budget for FDEP’s compliance program is \$5,900,000 and this represents a 41% budget reduction since FY 2010-11. The budget reductions over the past few years have resulted in a decrease in the number of facilities being inspected annually from 100% to approximately 43%. The rationale behind this reduction was that all petroleum storage tank systems are now double walled and less likely to leak, therefore require less frequent inspections. The reality is:

- The requirement for double walled storage tank systems began in 1992 and many of the double-walled petroleum storage tank systems statewide are approaching or are more than 20 years old.

- Historical inspection records show that as petroleum storage tank systems age equipment failures and maintenance issues occur more frequently. These issues are only discovered by regular site inspections.
- Reduced inspection frequencies has decreased compliance rates and increased the chances for petroleum discharges as equipment failures and maintenance issues persist for longer periods before being discovered by inspectors.

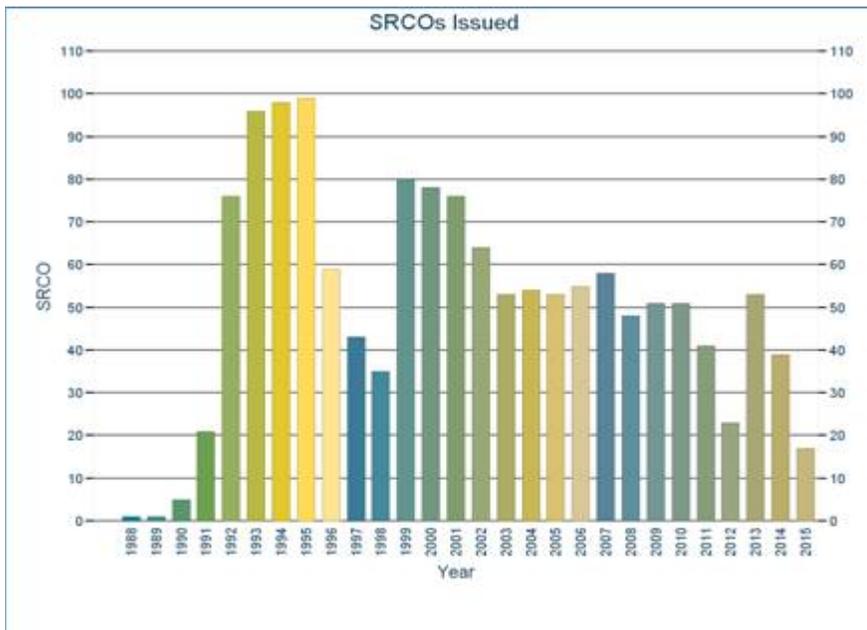
**Recommendation:** Encourage the legislature to continue supporting the Petroleum Storage Tank Compliance Verification Program at the local program level and maintain the current \$5,900,000 budget level resulting in approximately 43% of the facilities being inspected annually. Preferably, restore funding to the FY 2010-11 level of \$10,000,000 and this will result in 100% of the facilities being inspected annually. The Storage Tank Compliance Program provides the first line of defense for protecting the State’s drinking water supplies and early detection of leaks prevents costly clean-up efforts by the property owner.

COUNTY	# OF REGULATED FACILITIES TO MANAGE	# OF TANKS TO INSPECT
PALM BEACH	1377	2898
ST. LUCIE	358	825
MARTIN	229	484
<b>TOTAL</b>	<b>1964</b>	<b>4207</b>

**MAINTAIN FUNDING FOR THE STATE PETROLEUM CLEANUP PROGRAM**

**Background:** Palm Beach County’s local petroleum cleanup program provides supervision of state contractors conducting assessment and remediation of petroleum contamination within the County. The Program also provides enforcement and oversight for non-eligible contamination cleanups. Contamination cleanups in Palm Beach County are overseen by an experienced local program staff with the ability to maintain on-site observation and supervision of the many phases of the cleanup process essential to conducting contamination cleanups in a timely and cost-effective manner. Palm Beach County has four licensed professional geologists and an Environmental Analyst specializing in operation and maintenance of remediation equipment. If the petroleum contamination cleanup process is discontinued, the threat to local drinking water supplies will increase significantly.

**Recommendation:** The Petroleum Restoration Program (PRP) currently uses MyFloridaMarketplace (MFMP) as a clearing house for the cleanup contracting process. MFMP was designed as a purchasing process, not a contracting process resulting in an unreasonable amount of red tape and related delay. FDEP should be allowed to provide an alternate contracting and invoicing process outside MFMP for the PRP in order to streamline the contracting process and accelerate contamination cleanup.



It should be noted that local programs have accounted for an estimated 75% of the total number of sites cleaned up. Palm Beach County staff has supervised cleanup of an average of approximately 40 sites per year since 1988.

## **RENEWABLE ENERGY/SOUTH FLORIDA CLIMATE CHANGE COMPACT**

### Background

Southeast Florida is one of the most vulnerable areas in the country to climate change and sea level rise. Recognizing their shared challenges, Palm Beach, Broward, Miami-Dade and Monroe counties (“Compact counties”) adopted the Southeast Florida Regional Climate Change Compact (“Compact”) in 2010. The Compact includes a commitment to develop and advocate for joint state and federal legislative policies. Accordingly, the Compact counties have adopted a *State Energy and Climate Legislative Program* each year since 2011.

The County has identified its top priorities from the Compact Program as:

- 1) **SUPPORT** expansion of the state’s natural gas vehicle rebate program to include fueling stations and associated infrastructure.
- 2) **SUPPORT** Land Acquisition Trust Fund appropriations for the Florida Forever land acquisition program, the Florida Communities Trust program, and the management of public conservation lands.

3) **SUPPORT** legislation providing expanded opportunities for additional funding of transit projects including lane miles for buses, pedestrian and bike traffic, as well as grants for bus shelters and other secondary transit improvements.

**The following policies and priorities form the Southeast Florida Regional Climate Change Compact Counties 2015 State Energy and Climate Legislative Program:**

**Sea Level Rise and Adaptation**

OPPOSE any infringement on local home rule authority to plan for and adapt to future climate conditions, including sea level rise, changing precipitation patterns, and more extreme temperatures.

SUPPORT greater incorporation of adaptation strategies in state climate/energy policies, legislation, and appropriations.

SUPPORT legislation and policies requiring state agencies, water management districts, local governments, and industries regulated by the state (e.g. electric utilities) to consider projected sea-level rise, coastal flooding, and potential storm surge in all infrastructure and facility-siting decisions.

SUPPORT legislation, programs, and funding that support local governments' adaptation activities, including the establishment and use of Adaptation Action Areas.

SUPPORT legislation directing closer coordination among state agencies on climate and extreme weather preparedness, resilience, and adaptation issues.

SUPPORT a recurring line-item appropriation of \$10 million in the state budget to provide matching funds for implementation of local government hazard risk reduction projects resulting from Adaptation Action Area designations or the risk reduction policies and actions included in the coastal elements of comprehensive plans pursuant to Chapter 2015-69.

**Energy**

SUPPORT integrated resource planning/least cost planning for electric utilities to ensure that energy efficiency and renewable energy sources are fully considered as strategies for meeting future needs.

OPPOSE legislation limiting the ability of the Florida Department of Environmental Protection to craft a State Implementation Plan in response to the US Environmental Protection Agency's Clean Power Plan.

SUPPORT energy efficiency and renewable energy finance options, including the retention and strengthening of Property Assessed Clean Energy (PACE) programs, to advance local economic development, alternative and renewable energy technologies, and pollution reduction goals.

SUPPORT legislation to establish stringent energy conservation targets and meaningful renewable energy programs for electric utilities.

SUPPORT rebate programs, tax credits, and other financial incentives that encourage property owners to invest in energy efficiency and renewable energy systems.

SUPPORT legislation allowing local water conservation amendments to an edition of the Florida Building Code to carry over into the next edition, subject to the normal review and modification procedures outlined in the Code.

SUPPORT legislation creating a green bank or state investment fund to finance renewable energy and energy efficiency projects.

SUPPORT renewable portfolio standards for utilities that would require a set percentage of electricity to be generated from renewable energy sources by a given date.

SUPPORT legislation requiring investor-owned utilities to offer a competitively-priced official rate for energy-efficient street lighting (including, but not limited to, LED and induction lighting) to advance local governments' ability to retrofit street lighting fixtures in order to reduce energy consumption and spending on electricity.

#### Solar Energy

SUPPORT the expansion of existing net metering policies to allow for off-site or “virtual” net metering.

OPPOSE any weakening of existing net metering policies.

SUPPORT legislation and/or constitutional amendments that will exempt solar photovoltaic systems from commercial property assessments and the tangible personal property tax.

SUPPORT legislation allowing Power Purchase Agreements.

SUPPORT existing statutory authority for the Florida Solar Energy Center (FSEC).

#### Water

SUPPORT legislation enhancing the authority and finances of the state's Water Management Districts, in recognition of their vital role in protecting water resources.

OPPOSE legislation centralizing management of water resources at the state level at the expense of the regional Water Management Districts.

## Oil and Gas Drilling

OPPOSE relaxation of prohibitions against leases or permits for oil or gas drilling within Florida's territorial seas and the Everglades, given the risks posed by exploration and drilling activities to the health and resilience of inland and coastal ecosystems and economies and the guarantee of additional harmful greenhouse gas emissions from continued dependence on fossil fuels.

OPPOSE legislation authorizing any form of extreme well stimulation for the purpose of oil and gas resource extraction, including hydraulic and acid fracturing, near conservation land or drinking water aquifers.

OPPOSE legislation limiting the Florida Department of Environmental Protection's authority to block requests for offshore drilling in federal waters off Florida's coast.

## Everglades Restoration and Land Conservation

SUPPORT legislation and funding supporting complete implementation of the Comprehensive Everglades Restoration Plan, advancement of the Central Everglades Planning Project, and storage and treatment in the Northern Everglades, recognizing that a restored Everglades ecosystem will make the region more resilient to sea level rise and extreme weather events and protect potable water supplies.

SUPPORT legislation amending the Florida Communities Trust program to provide authority and funding for local governments to acquire land that mitigates the effects of sea-level rise, reduces flood risk, and protects potable water supplies.

SUPPORT Land Acquisition Trust Fund appropriations under the terms of the Water and Land Conservation Amendment for regional and local priorities, including extreme-weather and climate resilience, shoreline protection and restoration, Everglades restoration, and water resource protection.

SUPPORT the dedication of a specific percentage of Land Acquisition Trust Fund appropriations under the terms of the Water and Land Conservation Amendment to Everglades restoration and protection.

SUPPORT Land Acquisition Trust Fund appropriations for the Florida Forever land acquisition program, the Florida Communities Trust program, and management of public conservation lands.

## Investment Priorities

SUPPORT funding for alternative water supply development through the Water Protection and Sustainability Program.

SUPPORT funding for adaptation planning and no-regrets investments in water management, water supply, conservation land acquisition, transportation, and other infrastructure that provide hazard mitigation and improve immediate and long-term resilience.

SUPPORT legislation prioritizing non-structural, nature-based investments in coastal protection and flood control, including dunes, wetlands, marshes, reefs, mangroves, and other natural features, alone and in combination with built infrastructure.

SUPPORT prioritized funding for infrastructure investments in Adaptation Action Areas or other areas subject to the impacts of sea level rise.

SUPPORT increase in state funding for transit by raising the percentage of transportation trust funding for transit from 15 to 20 percent or by other methods.

### Transportation

SUPPORT development of electrical vehicle infrastructure, including statewide policies to streamline siting and permitting of electrical vehicle charging stations and inclusion of electric vehicle models and specifications in the state contract system.

SUPPORT funding for the siting and installation of electric vehicle infrastructure on public and private property and along the strategic intermodal state highway system and local roads.

SUPPORT legislation that encourages the adoption of Complete Streets policies by the Florida Department of Transportation and local transportation agencies and the establishment of integrated local and regional networks of non-motorized transportation corridors (such as bike lanes).

SUPPORT legislation that would provide additional local transit connectivity to existing and proposed regional transit systems (i.e., a “first and last mile strategy”).

SUPPORT legislation that supports planning and construction of transit-oriented developments (TODs).

SUPPORT expansion of the state’s natural gas vehicle rebate program to include fueling stations and associated infrastructure.

SUPPORT incentives to increase the use of renewably-produced biogas in natural gas vehicle fleets.

### **FLEXIBILITY IN MITIGATION CREDIT GENERATION**

The County **SUPPORTS** efforts to create flexibility in the ability of businesses to obtain mitigation credits for the impacts of proposed projects when those projects are economic drivers for a local economy and will result in a certain level of job creation within the area.

## ALTERNATIVE WATER SUPPLY, WATER RESOURCE DEVELOPMENT AND INFRASTRUCTURE FUNDING

In 2005, the State Legislature enacted the Water Protection & Sustainability Program, requiring the regional water supply planning function of the water management districts to promote alternative water supply projects and enhance the state's water supplies. At the beginning of each fiscal year revenues were to be distributed by the Florida Department of Environmental Protection into the alternative water supply trust fund accounts created by each water management district. A total of \$100 Million was established in recurring funding. The funds were to be used to assist in funding alternative water supply construction costs selected by each District's Governing Board for priority implementation. In 2008, funding from the Water Protection & Sustainability Program Trust Fund was reduced to \$7.7 Million statewide. Funding was further reduced in 2009 to only \$2.2 Million. Since 2009, the funding level has been zero.

As water and wastewater infrastructure ages, it becomes necessary to repair or replace aged components of the water infrastructure framework, as well as to integrate innovative technologies and approaches to provide high quality water and wastewater service. In its most recent Drinking Water Infrastructure Needs Survey and Assessment, the United States Environmental Protection Agency Identified Significant infrastructure Repairs and Replacements (R+R) that will be required in the decades ahead. The assessment identified nearly \$17 billion worth of upgrades needed in Florida. Provision of high quality water and wastewater provides basic building blocks for economic sustainability and advancement. Municipal and County Governments will require assistance from State and Federal sources to tackle these growing challenges.

The County **SUPPORTS** restoring previous alternative water supply funding through existing mechanisms and creating a new statewide program to provide substantial and perennial funding to:

- Enhance regional and local water resource and supply capacity development
- Provide adequate and reliable long-term funding for water and wastewater infrastructure
- Provide funding for alternative water supply development
- Provide funding for water quality protection and treatment of impaired waters
- Establish a system for prioritizing water resource projects to ensure that funding is utilized in the most efficient manner available

## UTILITY WORKER SAFETY

Currently, Florida Statutes provide for the reclassification of the misdemeanor or felony degree of specified assault and battery offenses when those offenses are knowingly committed against law enforcement officers, firefighters, and other specified persons engaged in the lawful performance of their duties. The effect of this reclassification is that the maximum penalty increases. Proposed legislation, as originally filed in previous sessions, would add utility workers (a term defined in the bill) to the list of specified persons. Therefore, the felony or misdemeanor degree of certain assault and battery offenses

would be reclassified if committed against a utility worker engaged in the lawful performance of his or her duties in the same manner as if those offenses were committed against a law enforcement officer or firefighter engaged in the lawful performance of his or her duties. Palm Beach County Water Utilities Department has experienced an increase in incidents involving angry and disgruntled customers threatening employees. Since June 2012 there have been several cases of aggravated assault, threats against utility workers and illegal tampering with criminal intent. Each of the cases was investigated as active case files by the Palm Beach County Sheriff's Office.

The County **SUPPORTS** legislation that would reclassify certain assault and battery offenses committed against a utility worker engaged in the lawful performance of their duties in the same manner as if those offenses were committed against a law enforcement officer engaged in the lawful performance of their duties.

### *USE OF RECLAIMED WATER FOR RESIDENTIAL GARDENS AND AGRICULTURE*

During the 2014 Legislative Session, SB 536 passed, requiring DEP, DACS and the Water Management Districts, in cooperation with interested stakeholders, to investigate options for expanding the beneficial reuse of reclaimed water throughout the State. The final report is due to the Legislature by December 1, 2015. Current technology provides an opportunity to treat reclaimed wastewater to standards that would allow for its broad application and use for agriculture when that application and use is permitted in accordance with all public health requirements and environmental standards. The County **SUPPORTS** legislation that would allow for the use of reclaimed water for residential gardens and the broad application and use of reclaimed water for agricultural purposes, as supported by the conclusions of the statewide reuse study mandated by SB 536 and only where the DEP and/or Department of Health concludes that its use is able to be permitted and would not be considered a public health or safety concern.

### *AMENDMENTS TO THE CONSULTANTS COMPETITIVE NEGOTIATION ACT*

Section 287.055, Florida Statutes, requires state government agencies, municipalities or political subdivisions, school boards and school districts, to select a consulting firm based on qualifications rather than on a "lowest bid" basis. The CCNA allows "continuing contracts," defined as contracts for professional services entered into in accordance with all the procedures of the CCNA whereby the firm provides professional services for which the estimated construction cost of each individual project under the contract does not exceed \$2 million, the fee for professional services for each individual study under the contract does not exceed \$200,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause.

As County Departments develop project management processes for the implementation of their Capital Improvement Plans, many packages will include construction projects in excess of the \$2 million threshold. The accompanying requirement to undertake the competitive procedures of the CCNA for every project bundle can delay the ability of a Department to efficiently and effectively roll out projects for bid. This results in the expenditure of additional resources and administrative costs to undertake the

competitive procedures of the CCNA, delays in getting projects to the street, and negative impacts on private entities that seeking consistent work with the County.

The County **SUPPORTS** legislation amending the CCNA to increase the dollar amounts for construction costs and studies under a continuing contract or to clarify the definition of "work of a specified nature," as defined in the CCNA, to be exempt from the monetary limitations, subject to certain conditions.

### **RELOCATION OF UTILITY LINES**

The Palm Beach County Water Utilities Department is frequently forced to relocate lines associated with the implementation of a State road or bridge widening or improvement program, often without having the opportunity to adequately plan for the expenditure. These unbudgeted costs have been identified as a recurring problem for water and wastewater utilities that could benefit from improved interagency coordination and funding support from the State. The establishment of a state funding assistance program would not only provide much-needed relief to local governments, but would significantly stimulate the sector of the economy that supports and provides services associated with the financing, design and construction of new water and wastewater infrastructure projects.

The County **SUPPORTS** legislation that enhances communication and collaboration between the FDOT and local governments with respect to the implementation of the transportation work plan, and provides funding assistance to local utilities for line relocation required by road or bridge projects, allowing utilities to direct their limited financial capacity to addressing water supply development and infrastructure needs. The County additionally **SUPPORTS** any study required by the Legislature to be undertaken to determine the costs to local government as a result of required relocations and investigation of the establishment of a collaborative program between FDOT and local governments.

### **REGULATORY FLEXIBILITY**

The County **SUPPORTS** legislation that increases regulatory flexibility in permitting and promoting cost effective solutions to deal with compliance priorities. The County specifically **SUPPORTS** legislation that amends or eliminates statutory provisions that duplicate requirements or causes of action already provided for in statute or rule, or that clarifies the sovereign immunity of local governments in the provision of necessary public services.

### **FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM**

The Florida Department of Environmental Protection administers the Florida Recreation Development Assistance Program (FRDAP). This program is a competitive grant program that provides financial assistance through grants to local governments for the acquisition and development of land for public outdoor recreation purposes. This grant program has two funding thresholds, the Large Project Fund provides grants of up to \$200,000, and the Small Project Fund provides grants of up to \$50,000. In 2015/2016, the Legislature approved \$5,491,500 in funding with proviso language that the funds were to be dedicated to the Small Development Project list containing projects under \$50,000. In 2014/2015 the state approved \$2,479,820 in funding with proviso language that all the money was to fund municipal

projects of \$50,000 or less. In 2013/2014 the state provided only \$642,000 in funding and FRDAP was not funded during the 2012 Legislative Session. For FY 2010-2011, total statewide funding for FRDAP was \$300,000 and the Village of Royal Palm Beach received \$200,000 for their Village Commons Park, one of only two applications funded statewide. In FY 2008-2009, funding was \$24 million and funded 212 projects in 54 counties/cities.

The County **SUPPORTS** restoring FRDAP funding to levels that fund at least the top twenty projects in the Large Project Development list.

Palm Beach County Parks and Recreation submitted two FRDAP applications last year for Large Development projects and while both projects scored well no Large Project Funds were appropriated.

- Improvements at John Prince Park (Mound Circle Area Improvements) totaling \$200,000
- Improvements at Okeeheelee Park South (Trails, Boating Center) totaling \$200,000