



UTILITIES, NATURAL RESOURCES & PUBLIC WORKS

**Thursday, August 12, 2021
1:00 p.m. – 3:00 p.m. EDT**

**Cypress Ballroom 1A
World Center Marriott Resort
8701 World Center Drive
Orlando, FL 32821**

**Call Number: (888) 585-9008
Conference Room Number: 274-115-784**

FLC Staff Contact: Rebecca O'Hara



FLORIDA LEAGUE OF CITIES



Agenda



Utilities, Natural Resources & Public Works Policy Committee
Thursday, August 12, 2021 ~ 1:00 p.m.—3:00 p.m.
Orlando World Center Marriott

AGENDA

- I.** Introduction & Opening Remarks..... **Chair Heidi K. Herzberg**
Mayor, City of Deltona

- II.** Finalize Language of Recommended Priority & Policy Statement..... **Chair Heidi K. Herzberg**
Mayor, City of Deltona
 - A.** Priority: Tree Protection
 - B.** Policy Position: PFAS

- III.** Vote on Recommended Priority and Recommended Policy **Chair Heidi K. Herzberg**
Mayor, City of Deltona

- IV.** Presentation on Outreach to Key Legislators for Priority and Policy..... **Rebecca O’Hara, FLC Staff**

- V.** Announcements..... **Rebecca O’Hara, FLC Staff**
 - A.** FLC Policy Committee Process for 2021-2022
 - B.** Key Legislative Dates
 - C.** Home Rule Hero Criteria
 - D.** Key Contacts – Click [HERE](#) to sign up

- VI.** Adjournment



Committee Roster



2021-2022 Legislative Policy Committee

Utilities, Natural Resources & Public Works

Staffed by: Rebecca O'Hara, Deputy General Counsel

CHAIR:

The Honorable Heidi Herzberg

Mayor, City of Deltona

VICE CHAIR:

The Honorable Jen Ahearn-Koch

Commissioner, City of Sarasota

MEMBERS:

The Honorable David Bailey

Council Member, City of Brooksville

The Honorable Joseph Barkley

Commissioner, City of Belleair Bluffs

The Honorable Pat Bates

Mayor, City of Altamonte Springs

The Honorable Nathaniel J. Birdsong, Jr.

Mayor Pro Tem, City of Winter Haven

The Honorable Richard H. Bryan

Council Member, Daytona Beach Shores

Mr. Roget V. Bryan

Attorney, Village of Islamorada, Village of Islands

Ms. Debra R. Buff, MMC

City Clerk, City of Belle Glade

The Honorable Phyllis Butlien

Vice Mayor, City of DeBary

The Honorable Anthony N. Caggiano

Commissioner, City of Margate

The Honorable Kevin Cannon

Commissioner, City of Winter Springs

Mr. Chris Castro

Director of Sustainability & Resilience, City of Orlando

Mr. Thomas A. Cloud

Attorney, GrayRobinson, P.A. of Orlando

The Honorable Daniel J. Comerford, III

Mayor, Town of Jupiter Inlet Colony

The Honorable Kristine de Haseth

Mayor, Town of Ocean Ridge

The Honorable Fred Forbes

Councilman, City of Bonita Springs

The Honorable Stuart Glass

Deputy Mayor, Town of Indialantic

The Honorable Robert Hagerty

Mayor, Town of Lantana

Ms. Terri L. Hall

Special Projects Coordinator, City of Cape Coral

The Honorable Ted Hartselle

Councilman, City of Rockledge

The Honorable Donna Holck

Commissioner, City of Largo

Mr. Gary Hubbard

Utility Services Director, City of Winter Haven

The Honorable Richard Johnson

Vice Mayor, City of Sanibel

The Honorable John S. Jones, Jr.

Councilmember, City of Monticello

The Honorable Ilan G. Kaufer

Councilmember, Town of Jupiter

Mr. James Keene

Public Infrastructure Director, City of Haines City

Ms. Rachel Keesling

Executive Director, Southwest Florida League of Cities

Mr. Irvin Kety

Director of Environmental Management/Services, City of Largo

The Honorable Deborah Kynes

Commissioner, City of Dunedin

Ms. Terri Lowery

Managing Director - Senior Vice President, Jones Edmunds & Associates/Business Watch

The Honorable Jill Luke

Mayor, City of North Port

Ms. Janice M. McLean

Senior Assistant City Attorney, City of Tampa

The Honorable Jane Mealy

Commissioner, City of Flagler Beach

The Honorable Michael J. Meier

Commissioner, City of Stuart

The Honorable KaShamba Miller-Anderson

Councilperson, City of Riviera Beach

Mr. Francis Moehrle, Jr.

Deputy City Attorney, City of Port St. Lucie

The Honorable Clara Murvin

Commissioner, City of Pahokee

The Honorable Michael O'Rourke

Mayor, Town of Lake Park

The Honorable Lois Paritsky

Vice Mayor, Town of Ponce Inlet

Ms. Judy S. Rice, MMC

City Clerk, City of Newberry

The Honorable Richard J. Roney

Vice Mayor, Town of Hypoluxo

The Honorable Keith V. Sabiel

Councilman, City of Pinellas Park

The Honorable Dan Saracki

Councilmember, City of Oldsmar

Ms. Suzanne Sherman

City Manager, City of Palm Bay

The Honorable Beverly Smith

Mayor, Village of Palm Springs

The Honorable Nick Sortal

Councilmember, City of Plantation

The Honorable Marty Sullivan

Commissioner, City of Winter Park

The Honorable April Thanos

Councilmember, City of Gulfport

Mr. Jeff Vredenburg

Sustainability Coordinator, City of Sarasota

The Honorable Rosemary Wilsen

Commissioner, City of Ocoee

The Honorable Justin York

Commissioner, City of Lake Mary



Tree Protection



Tree Protection

Draft Priority Statement:

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

Background:

Local government tree ordinances ensure the maintenance of healthy trees and canopies that are beneficial for habitat, climate adaptation and mitigation, nutrient uptake and filtration, stormwater management, open space, quality of life and community character.

In 2019, in the wake of several hurricanes that caused extensive vegetation damage, the legislature passed a bill that was intended to provide residential homeowners flexibility to quickly address immediate hazards to their homes caused by storm-damaged trees. The bill created section 163.045, F.S., which exempts homeowners from obtaining prior authorization from a local government before pruning or removing these immediate hazards. Specifically, the statute provides that a local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property.

Key terms in this new statute are vague and undefined, which has led to conflicts and litigation since it became law.

- “danger” is not a term used or commonly understood by industry professionals (arborists and landscape architects);
- “residential property” is vague; some claim the term applies to vacant or undeveloped land that is simply zoned for residential use, as well as commercial property;
- “documentation” is vague and does not clearly require a physical inspection by the professional in accordance with any professionally recognized standards.

While repealing the statute is unlikely, property owners, arborists, landscape architects, and local governments would benefit by clarifying ambiguities in the statute that have caused conflicts. The League worked with the Florida Society of Landscape Architects and the Florida Chapter of the International Society of Arboriculture on specific recommendations for clarification. SB 916 (Brodeur), which was filed for the 2021 Session but did not pass, represents the work product of these organizations. The League will work with these organizations again in the 2022 Session to pass similar legislation.



PFAS



Per- and Polyflouro Alkyl Substances (PFAS)

Draft Policy Position Statement:

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

Background:

PFAS are chemicals commonly found in thousands of households, commercial, industrial, and medical products, from stain repellants to nonstick cookware. These chemicals have been used lawfully for years and, in some cases, their use is required by law. For example, PFAS is a necessary component in the foam used for firefighting at airports, required by the FAA.

PFAS are pervasive, never fully degrade and tend to stick around in the environment. There is growing concern about the public health impact of PFAS – what it does and at what levels it may cause harm. Public pressure is growing for state and federal agencies to do something and to do it quickly. The Environmental Protection Agency (EPA) began monitoring PFAS in 2013 but is now moving quickly to establish regulations and maximum contaminant levels for PFAS. In 2016 EPA issued a Health Advisory Level (HAL) of 70 parts per trillion (ppt) for PFAS. A HAL is intended as an unenforceable, non-regulatory target designed to “inform” the public but in practice, the HAL for PFAS has become a de-facto standard. EPA has a “PFAS Action Plan” identifying various strategies, including plans to develop a “Maximum Contaminant Level” (MCL) for PFAS. MCL’s are regulatory in nature and enforceable.

The Florida Department of Environmental Protection (DEP) has initiated regulatory action on certain property owners and facilities based on the provisional HAL of 70 ppt -- even though the agency has not engaged in rulemaking, as required by law, to establish a legal standard for PFAS.

There are no validated EPA methods for analyzing PFAS in soil, ground- or surface water, and there are no approved remedial technologies (carbon filtration is really the only available option and it’s very expensive). The testing and assessment for PFAS are expensive and require local governments to hire costly environmental consultants. If PFAS levels are discovered at 70 ppt or greater, local governments are forced to undertake additional and costly measures, such as closing drinking water wells, installing costly carbon filters at wellheads, or providing bottled water to residents.

Contact: Rebecca O'Hara, Deputy General Counsel – 850.701.3692 – rohara@flcities.com

Lawsuits are being filed against the companies that manufacture and market PFAS. Multiple local governments in Florida have joined such lawsuits as class action plaintiffs. At some point, lawsuits may get filed against the owners of properties or facilities where PFAS has migrated or where it is used or stored. These owners may be cities, airports, seaports, dry cleaners, solid waste management facilities, and many other businesses.

Bills introduced in the 2020 legislative session would have required notification of adjacent property owners if PFAS was detected and provided protection under the Brownfields Program for the lawful use of PFAS. Bills introduced in the 2021 session would have required DEP to adopt rules establishing maximum contaminant levels for PFAS in soil and groundwater, provided liability protection to property owners cooperating in good faith with regulatory agencies for testing and remediation, and directed DEP to develop strategies for risk assessment, public education and funding for remediation.



Policy Development Process

2021-2022 FLC Legislative Policy Process

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

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

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

The Florida Legislature convenes the 2022 Legislative Session on January 11. The League's legislative policy committee meetings commence in June 2021 and meet three times.

There are currently five standing legislative policy committees:

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

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



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

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

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

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

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

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



2021-2022 FLC LEGISLATIVE POLICY PROCESS

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

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

2021 Legislative Policy Committee Meeting Dates

- ▶ June 11, 2021, 10:00 a.m. to 3:00 p.m. at the Hyatt Regency Orlando Airport, 9300 Fuqua Blvd., Orlando, FL 32827.
- ▶ July 16, 2021, 10:00 a.m. to 3:00 p.m. at the Hyatt Regency Orlando Airport, 9300 Fuqua Blvd., Orlando, FL 32827.
- ▶ August 12, 2021, 1:00 p.m. to 3:00 p.m. during FLC Annual Conference. The Conference will be held at the Orlando World Center Marriott, 8701 World Center Drive, Orlando, FL 32821.
- ▶ Legislative Policy Committees will meet during FLC Legislative Conference on November 3-5, 2021, at the Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Rd., Kissimmee, FL 34746.

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





Key Dates



2021 – 2022 Key Legislative Dates

August

12-14 FLC Annual Conference – Orlando World Center Marriott, 8701 World Center Dr, Orlando, FL 32821. Legislative Policy Committees (Round 3) meet August 12 at 1:00 p.m. – 3:00 p.m. ET.

September

20-24 Legislative Interim Committee Meetings

October

11-15 Legislative Interim Committee Meetings

18-22 Legislative Interim Committee Meetings

November

1-5 Legislative Interim Committee Meetings

3-5 FLC Legislative Conference – Embassy Suites Lake Buena Vista South, 4955 Kyns Heath Road, Kissimmee, FL 34746

15-19 Legislative Interim Committee Meetings

18-20 NLC City Summit – Salt Lake City

29-December 3 Legislative Interim Committee Meetings

January

11 Regular Legislative Session Convenes

February

8-9 FLC Legislative Action Days

March

11 Last Day of Regular Session



Home Rule Hero Criteria

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

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

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

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

For the award, the most important criteria is timely response and action to FLC's Legislative Alerts, and notifying FLC staff of communications with their legislators.

Other exceptional efforts are:

- Attending the Florida League of Cities' Legislative Action Days in Tallahassee and Legislative Conference.
- Testifying before a House or Senate committee on an FLC issue.
- Participating in FLC's Monday Morning "Call-ins" during session and on FLC's pre-and post-legislative session webinars.
- Participating in FLC's Legislator "Key Contact" program.
- Meeting legislators in their districts or in Tallahassee.
- Providing information and data about how proposed legislation will specifically impact your city (telling your city's "story").
- Communicating frequently and effectively with legislators and their staff, and publicly recognizing them for their assistance.
- Attending local legislative delegation meetings to discuss municipal issues.
- Setting up opportunities for legislators and their staff to attend a city council meeting or special event; tour a park, project or facility; and attend a local league meeting.
- Placing an opinion editorial piece on FLC priority issues in a news media outlet.
- Participating on a FLC legislative policy committee.
- Participating in a Federal Action Strike Team fly-in to Washington, D.C.
- During an election year, providing opportunities for candidates for legislative offices to learn about your city and its issues, and introducing candidates to key city stakeholders or those in your professional network.

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



Notes

