

COMMISSION

Pat Kemp, *Chair*
Lesley "Les" Miller, Jr., *Vice Chair*
Ken Hagan
Sandra L. Murman
Kimberly Overman
Mariella Smith
Stacy White



Executive Director

Janet L. Dougherty

General Counsel

Richard Tschantz

Meeting time

9:00 a.m.

COMMISSION AGENDA

May 16, 2019

Location

601 E. Kennedy Blvd., Tampa
County Center, 2nd Floor

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, and INVOCATION**
- 2. CHANGES TO THE AGENDA**
- 3. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, or SEPARATE VOTE**
- 4. RECOGNITIONS**
 - a. **Terrell Mathis**, Retirement from the Civil Service Board
 - b. **Don Rogers**, PhD, P.E., Induction into the Executive Director’s Hall of Fame
- 5. PUBLIC COMMENT** - *Each speaker is allowed 3 minutes unless the Commission directs differently.*
- 6. APPROVAL OF CONSENT AGENDA**

AGENDA ITEMS

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes – April 18, 2019..... 2
2. Monthly Activity Reports – April 2019..... 6
3. FY2019 Pollution Recovery Fund Budget 8
4. Legal Case Summary 10

B. PUBLIC HEARING

None

C. REGULAR AGENDA

1. Fiscal Year 2020 and 2021 EPC Budget Presentation..... 13
2. Legislative Update 15
3. Executive Director’s Report

ADJOURN

Any person who might wish to appeal any decision made by the EPC regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A1

Date of EPC Meeting: May 16, 2019

Subject: Approval of April 18, 2019 EPC meeting minutes

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: Approve the April 18, 2019 EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission meeting held on April 18, 2019.

Financial Impact: No Financial Impact

List of Attachments: Draft copy of the April 18, 2019 EPC meeting minutes.

Background: None.

APRIL 18, 2019 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, April 18, 2019, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Pat Kemp and Commissioners Ken Hagan, Lesley Miller Jr., Sandra Murman, Kimberly Overman, Mariella Smith, and Stacy White.

The following members were absent:

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND INVOCATION

▶ Chairman Kemp called the meeting to order at 9:02 a.m. Commissioner White led in the pledge of allegiance to the flag and gave the invocation.

2. CHANGES TO THE AGENDA

▶ Ms. Janet Dougherty, EPC Executive Director, stated there were no changes to the agenda.

3. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, OR SEPARATE VOTE - ▶
None.

4. RECOGNITIONS OF:

- a. Elizabeth McCaffrey of Carrollwood Day School, winner of the EPC Environmental Merit Award. Her project was "Solar Power Electrocoagulation Cell for Removal of Nitrate and Phosphate from Wastewater Retention Ponds"

▶ Ms. Dougherty honored Ms. McCaffrey, who made remarks. Dialogue ensued.

- b. Gloria Hernandez, upon her retirement from Hillsborough County Human Resources

▶ Ms. Dougherty recognized Ms. Hernandez, who made comments. ▶ Ms. Rebecca Buehrle, Human Resources, added comments.

- c. Leslie Campbell, upon her retirement from EPC after 42 years of service

▶ Ms. Dougherty acknowledged Ms. Campbell and displayed a video. ▶ Mr. Hooshang Boostani, Director, EPC Waste Management Division, included statements. Ms. Campbell offered reflections. Discussion occurred.

5. PUBLIC COMMENT - ▶ None.

THURSDAY, APRIL 18, 2019

6. APPROVAL OF CONSENT AGENDA

AGENDA ITEMS

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - February 21, 2019
2. Monthly Activity Reports - February and March 2019
3. Fiscal Year 2019 Pollution Recovery Fund (PRF) Budget
4. Legal Case Summary
5. Action Plans Quarterly Update
6. Select Performance Measure Goals Quarterly Update
7. Website Services Agreement Amendment with Granicus Incorporated

► **Commissioner White moved consent, seconded by Commissioner Smith, and carried seven to zero.**

B. PUBLIC HEARING - None.

C. REGULAR AGENDA

1. PRF Allocation for Replacement of Water Monitoring Vessel

► Mr. Thomas Ash, EPC, spoke on the item. ► **Commissioner Miller moved approval, seconded by Commissioner Overman, and carried seven to zero.**

2. Legislative Update

► Senior Assistant Attorney Rick Muratti, EPC Legal and Administrative Services, provided the update. ► Commissioner Overman asked about a companion bill for Florida Senate Bill 1758. Chairman Kemp made remarks.

3. Executive Director's Report

► Ms. Dougherty summarized background material and showed images. Dialogue occurred.

THURSDAY, APRIL 18, 2019

ADJOURN

▶ There being no further business, the meeting was adjourned at 9:50 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____

Deputy Clerk

jh

DRAFT



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A2

Date of EPC Meeting: May 16, 2019

Subject: Agency Monthly Activity Report

Agenda Section: Consent Agenda

Division: All five EPC Divisions

Recommendation: None. Informational report.

Brief Summary: The Agency-wide report represents the total number of select divisional activities that were tracked within a specific month.

Financial Impact: No financial impact.

List of Attachments: Monthly reports for April FY19

Background: Select data that is associated with the EPC's five core functions is tracked by each Division (i.e. outreach events, monitoring, compliance inspections, permits issued, etc.) Monthly activity tracking reports from each Division are tallied to generate one final Agency-wide report.

EPC STAFF ACTIVITIES - AGENCY-WIDE
Monthly Activity Report
FY19

		April	FISCAL YEAR TO DATE
A.	<u>Core Function: Citizen Support & Outreach</u>		
1	Environmental Complaints Received	133	822
2	Number of Presentations/Outreach Events	13	52
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	611	3578
B.	<u>Core Function: Air & Water Monitoring</u>		
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	92.5%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	100.0%	N/A
3	Number of Noise Monitoring Events	2	14
C.	<u>Core Function: Environmental Permitting</u>		
1	Permit/Authorization Applications Received	160	1000
2	Applications In-house >180 days	10	N/A
3	Permits/Authorizations Issued	156	938
4	Petroleum Cleanup Cases	119	782
D.	<u>Core Function: Compliance Assurance</u>		
1	Compliance Inspections	445	2361
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	62	752
3	Compliance Assistance Letters Issued	254	2662
4	Warning Notices Issued	15	83
E.	<u>Core Function: Enforcement</u>		
1	New Cases Initiated	1	24
2	Active Cases	27	N/A
3	Tracking Cases	52	N/A



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A3

Date of EPC Meeting: May 16, 2019

Subject: Pollution Recovery Fund Budget

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: Informational Report Only

Brief Summary: The EPC staff provides a monthly summary of the funds allocated and available in the Pollution Recovery Fund.

Financial Impact: No Financial Impact

List of Attachments: PRF Budget Spreadsheet

Background: The EPC staff provides a monthly summary of the funds allocated and available in the Pollution Recovery Fund (PRF). The PRF funds are generated by monetary judgments and civil settlements collected by the EPC staff. The funds are then allocated by the Commission for restoration, education, monitoring, the Artificial Reef Program, and other approved uses.

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 19 POLLUTION RECOVERY FUND
10/1/2018 through 4/30/2019**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 752,608	Artificial Reef	\$ 33,339	Minimum Balance	\$ 120,000	
Interest	\$ 11,988	Open Projects	\$ 273,801	Est. FY 20 Budget	\$ 33,339	
Deposits	\$ 61,988			Asbestos Removal	\$ 5,000	
Total	\$ 826,584	Total	\$ 307,140	Total	\$ 158,339	\$ 361,105

PROJECT		Project Amount	Project Balance
FY 16 Projects			
TBW McKay Bay South Oyster Reef	10131.102063.582990.5370.1267	\$ 48,010	\$ 8,468
USF Fecal Pollution in Tampa Bay	10131.102063.581990.5370.1271	\$ 50,000	\$ 6,269
		\$ 98,010	\$ 14,737
FY18 Projects			
Ecosphere Restoration Ignacio Haya Park	10131.102063.582990.5370.1292	\$ 47,000	\$ 12,674
Audubon Florida Invasive Removal	10131.102063.582990.5370.1293	\$ 50,000	\$ 50,000
Keep T.B. Beautiful Trash Free Waters	10131.102063.582990.5370.1296	\$ 20,000	\$ 20,000
TBW MacDill AFB Living Shoreline	10131.102063.582990.5370.1294	\$ 49,324	\$ 49,324
UF Small Farms For Clean Water	10131.102063.581990.5370.1295	\$ 15,750	\$ 15,547
		\$ 182,074	\$ 147,545



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A4

Date of EPC Meeting: May 16, 2019

Subject: Legal Case Summary update

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: None. Informational update only.

Brief Summary: The EPC Legal Department provides an updated summary of its ongoing civil, appellate and administrative matters.

Financial Impact: No financial impact anticipated. Informational update.

List of Attachments: Legal Case Summary

Background: In an effort to provide the Commission with timely information regarding legal challenges, the EPC staff provides this summary. The update serves not only to inform the Commission of current litigation but may also be used as a tool to check for any conflicts they may have in the event a legal matter is discussed by the Commission. The summary provides general details as to the status of the civil and administrative cases.

EPC LEGAL DEPARTMENT
SUMMARY REPORT OF LEGAL CASES
May 16, 2019

I. ADMINISTRATIVE CASES

Willard and Rose Ottman vs. William Clink and EPC [19-EPC-005]: On April 29, 2019, the Appellants filed a Notice of Appeal to challenge the EPC's intent to issue Minor Work Permit #61418(R2) for the installation of vinyl sheet pile in front of an existing seawall. The Appeal was deemed insufficient and dismissed with leave to amend. The Appellants have until May 17, 2019 to file an amended appeal in this matter.

Andrew Bufalo vs. EPC [19-EPC-004]: On April 10, 2019, the Appellant filed a request for an extension of time to file an appeal to challenge Citation # 2016-1026E issued for the unauthorized additions to a dock. The request for an extension of time was granted and the Appellant has until May 13, 2019 to file an appeal.

Tanima Srivastava vs. EPC [19-EPC-003]: On February 8, 2019, the Appellant filed a notice of appeal to challenge the EPC denial of an application to impact additional wetlands (#63720). On March 8, 2019, the Appeal was transferred to a Hearing Officer to conduct an administrative hearing.

Leo Caruso vs. EPC [19-EPC-001]: On January 30, 2019, Appellant filed a request for an extension of time to file an appeal to challenge EPC's denial of an application for a Minor Work Permit to construct a boatlift (#61541[R1]). The request was granted. Subsequently, the Appellant was granted a second extension and the deadline to file an appeal in this matter is now September 30, 2019.

Starlite MHP, LLC vs. EPC [18-EPC-029]: On November 26, 2018 Petitioner Starlite MHP, LLC filed a request for an extension of time to file an appeal to challenge EPC's issuance of Permit Denial for Permit #FLA012163-008-DW3P/NRL. The extension was granted and the Petitioner had until January 18, 2019 to file a petition in this matter. A request for a second extension of time was granted and the Petitioner has until April 18, 2019 to file a petition in this matter. The applicant modified the application and on April 18, 2019 a permit was issued. The permitting case will be closed.

Mosaic Fertilizer, LLC Variance Request [18-EPC-012]: On September 6, 2018, Mosaic Fertilizer, LLC filed a request for a variance to allow them to establish a wetland conservation easement in an alternate location. EPC filed a request for additional information.

J.E. McLean, III and RaceTrac Petroleum, Inc. [12-EPC-014]: On October 24, 2012, the Appellants, RaceTrac Petroleum, Inc. and the property owner filed a request for an extension of time to file an Appeal challenging the Executive Director's denial for wetland impacts on the corner of Lumsden and Kings Avenue. The extension was granted and the Appellants filed an appeal in this matter on December 7, 2012. A Hearing Officer has been assigned and conducted a case management conference. This matter was placed in abeyance as the parties discussed options. A conceptual wetland impact approval letter was sent to the applicant on December 8, 2015 after a modification to the application was submitted. The Appellants have not filed a dismissal as they are waiting for final approval of the proposed project by Hillsborough County.

II. CIVIL CASES

Petrol Mart, Inc. [LEPC07-018]: On December 29, 2017 EPC filed a motion to reopen Civil Court Case #07-CA-012545 for the purpose of filing a motion for the appointment of a Receiver for the Defendant Petrol Mart, Inc. On January 26, 2018, the EPC filed a Motion for Appointment of a Receiver. On February 16, 2018 a Notice of Action in the matter was issued by the Clerk of Court for service of process by publication. The Court appointed a Receiver for the dissolved judgement debtor on April 17, 2018. The Receiver and the EPC are researching options to address the environmental conditions at the subject property. The plan is for the property to be conveyed to the city of Plant City who will conduct any assessment and remediation.

David A. Stumbo [17-EPC-013]: On October 19, 2017, the EPC authorized staff to take appropriate legal action against David A. Stumbo for failure to close unmaintained underground storage tanks. Daniel A. Stumbo owns real property located at 1102 East Laura Street, Plant City. The property includes four underground storage tanks of unknown capacity or type and which are currently in violation of the underground storage tank rules adopted in Chapter 1-12, Rules of the EPC. The EPC Legal Department filed a civil lawsuit and is attempting to serve the Defendant.

Mouhammed Z. Al-Samkari [17-EPC-012]: On October 19, 2017, the EPC authorized staff to take appropriate legal action against Mouhammed Z. Al-Samkari. Mr. Al-Samkari owns real property and operates a gasoline station known as Hope Food Store located at 4002 North 22nd Street in Tampa. The underground petroleum storage tank system is currently in violation of the storage tank rules adopted in Chapter 1-12, Rules of the EPC. On September 21, 2018, the EPC Legal Department filed a civil lawsuit in this matter and no responsive pleading has been filed. The Clerk entered a Default on January 3, 2019 and the action is set for trial on June 26, 2019.

Volkswagen AG, et al. [16-EPC-002]: On March 24, 2016, the EPC filed a complaint against Volkswagen AG, et al. for activities that violate the EPC Enabling Act and the rules promulgated thereunder. On April 16, 2018, the EPC's complaint was dismissed. The EPC appealed the order granting the motion to dismiss.

Janet Layer [15-EPC-009]: In December of 2015 the EPC Commission authorized staff to take appropriate legal action against Ms. Janet Layer for failure to comply with various wastewater regulations regarding her operation of the domestic wastewater treatment plant and disposal system at Little Manatee Isles Mobile Home Park in Ruskin. The EPC and the estate of Ms. Layer settled the matter via a Consent Final Judgment entered on September 5, 2018.

U.S. Bankruptcy Court in re Jerry A. Lewis Adversary Proceeding [15-EPC-007]: An Adversary Proceeding pertaining to the ongoing Chapter 13 Bankruptcy Case regarding Jerry A. Lewis (see EPC Case No. LEPC09-011) was entered on October 9, 2013, in the U.S. Bankruptcy Court Middle District of Florida. EPC is defendant in the matter and will seek to protect a monetary judgment awarded to us by the Circuit Court.

Thomas Jennings and Lorene Hall-Jennings [14-EPC-011]: On October 7, 2014, the EPC was served with a Declaratory Action challenging the validity of a conservation easement conveyed to the EPC on September 16, 1997. The EPC Legal Department has responded to the lawsuit with an Answer and Affirmative Defenses on October 27, 2014 and the case will move forward as appropriate. On October 12, 2015, the Plaintiff filed a Motion for Judgment on the Pleadings. On the January 4, 2017 the Judge denied the Plaintiff's motion and the case will continue. On December 11, 2017, the Plaintiff filed a Motion for Summary Judgment. On October 12, 2018 the Court referred the parties to non-binding Arbitration. The Arbitration hearing took place on February 14, 2019 and the arbitrator ruled in favor of the EPC. The Plaintiff is now seeking a trial at the circuit court.

Boyce E. Slusmeyer [LEPC10-019]: On Sept 20, 2001, the EPC staff received authority to take legal action for failure to comply with an Executive Director's Citation and Order to Correct Violation for the failure to initiate a cleanup of a petroleum-contaminated property. The Court entered a Consent Final Judgment on March 13, 2003. The Defendant has failed to perform the appropriate remedial actions for petroleum contamination on the property. The EPC filed a lawsuit on October 7, 2010 seeking injunctive relief and recovery of costs and penalties. The property ownership is currently owned by a family member. The EPC staff were in negotiations with the representative of the property owner regarding eligibility to utilize a state petroleum cleanup program to resolve the case. The eligibility was denied for the site and the EPC will take appropriate action.

U.S. Bankruptcy Court in re Jerry A. Lewis [LEPC09-011]: On May 1, 2009, the U.S. Bankruptcy Court Middle District of Florida filed a Notice of Chapter 13 Bankruptcy Case regarding Jerry A. Lewis. On May 26, 2009, the EPC filed a Proof of Claim with the Court. The EPC's basis for the claim is a recorded judgment lien awarded in Civil Court against Mr. Lewis concerning unauthorized disposal of solid waste. The EPC obtained an award of stipulated penalties from the state court. The site remains out of compliance with applicable EPC solid waste regulations and no liens have been paid. The bankruptcy case is ongoing.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C1

Date of EPC Meeting: May 16, 2019

Subject: FY20/21 EPC Budget Discussion

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Forward EPC's FY20/21 budget requests to the County Administrator to include additional funding in the FY20/21 recommended budget allowing the EPC to meet its outstanding needs.

Brief Summary: The EPC has outstanding budgetary needs that will be outlined for the Commission. These include two additional FTE's and operating funds for the Wetlands Division, additional administrative support operating funds and capital equipment replacement needs.

Financial Impact: The General Fund Financial Impact is estimated to be \$415,000 in FY20 and \$463,600 in FY21.

List of Attachments: None.

Background: The EPC has several outstanding budgetary needs that are required in order to keep our level of service in line with the significant increase in development we are experiencing. These requests were submitted to the County Administrator for consideration in the FY20/21 budget and will be detailed for the Commission's consideration.

Staff is requesting two Environmental Scientist I positions along with associated operating costs. Over the last ten years, Wetland Division staffing levels have remained relatively static. However, new project applications have increased by ~72% over the same time-period. Recurring personnel and associated operating costs are estimated at \$133,000 annually.

EPC's administrative operating costs have increased for service related items. Our FY20 request is for \$34,000 in recurring funds for increased use of the online credit card payment system, increased recycling costs from our paperless/on-line records initiative and conversion to a cloud-based phone system. \$60,000 in "one-time" funding is being requested for replacement of the Roger P. Stewart building control access system. For FY21, in addition to the recurring requests described above, we are requesting \$50,000 "one-time" funds for the replacement of Virtual Desktop Infrastructure (VDI) clients. VDI's are hardware staff uses to access servers and the internet in lieu of more costly desktops.

Our three-year Microsoft software license agreement expires in FY21 when the next three-year agreement will be due. This is a \$150,000 **continuation** budget paid for on a three-year basis rather than being budgeted annually. The three-year agreement reduces the annual cost.

Lastly, it is necessary to replace outdated, end-of-service capital equipment. This includes replacement of water quality monitoring equipment, computer work stations servers and field tablets as well as the capital portion of our building access control system replacement. \$188,000 in FY20 and \$96,600 in FY21.

The total General Fund impact for FY 20 is approximately \$415,000 and in FY21 approximately \$463,000.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C2

Date of EPC Meeting: May 16, 2019

Subject: 2019 Florida Legislative Update on Environmental and Administrative Legislation

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Informational Report

Brief Summary: The regular session of the Florida Legislature adjourned on May 4, 2019. EPC staff will provide updates on various environmental and administrative bills. Most bills the EPC tracked did not pass, including most preemption bills of concern. Bills regarding wetland mitigation, tree trimming, and Red Tide control passed.

Financial Impact: No Financial Impact

List of Attachments: None

Background:

The regular session of the Florida Legislature convened on Tuesday, March 5, 2019. The 60-day regular session was extended by one day and adjourned on May 4, 2019. This session had a high volume of bills filed, including environmental bills. EPC staff reviews environmental and administrative bills to determine if they may impact the EPC's functions and budget. The majority of the bills the EPC tracked did not pass, including most preemption bills of concern. Some notable bills that did pass contain legislation regarding wetland mitigation, tree trimming pre-emption, Ride Tide control, and the Hillsborough County Civil Service Board. The following is a brief summary of relevant bills and whether the Legislature passed them. The bills that are noted as having "failed" were not necessarily voted down, usually they did not make it out of committee or may have passed one chamber but were not heard by the other chamber.

BILLS THAT PASSED

WETLAND MITIGATION

SB 532 by Senator Lee

[HB 521](#) by Representative McClure

In accordance with State law, the adverse impacts of wetland destruction may be offset by the creation, maintenance, and use of wetland mitigation banks. With limited exception, Section 373.4135, Florida Statutes (F.S.) prohibits governmental entities from creating wetland mitigation banks for projects (other than their own) on lands purchased for conservation. The existing law favors the use of private mitigation banks. Currently governments can only establish mitigation banks on lands not purchased for conservation and offer those credits to third parties only if the same financial assurance required of private companies is acquired. The Legislature

passed House Bill 521 and it allows a private permittee to construct mitigation (via enhancement or restoration) on land owned by the government if other mitigation banks are unavailable.

FLORIDA RED TIDE MITIGATION AND TECHNOLOGY DEVELOPMENT INITIATIVE

[SB 1552](#) by Sens. Gruters and Hooper

[HB 1135](#) by Reps. Grant and Gregory

[SB 1552](#) was passed by the Legislature. It creates a partnership between the Fish and Wildlife Research Institute (FWRI) within the Fish and Wildlife Conservation Commission (FWC) and Mote Marine Laboratory with a goal to develop, test, and implement innovative and environmentally sustainable technologies for controlling and mitigating the impacts of red tide. The bills also create a Technical Advisory Council (TAC) with representatives from Mote, a private commercial enterprise, a public or private university (appointed by Senate President), a non-university public or private marine environmental organization (appointed by Speaker of the House), Florida Department of Environmental Protection (DEP), and FWRI.

ENVIRONMENTAL REGULATION

[HB 771](#) by Reps. Overdorf and Clemons

HB 771 was passed by the Legislature. The bill prohibits local governments from requiring further verification (i.e. – written proof) from the DEP that a particular wetland or other water activity is exempt from Environmental Resource Permit (ERP) permitting. The bill also allows for the replacement or repair of certain docks or piers within 5’ of their original location, the current law requires it to be in the exact location. No new natural resources can be impacted by the slight adjustment in location. Moreover, the bill creates a moratorium on local governments regulating single-use plastic straws until July 1, 2024. This section of the bill requires Office of Program Policy Analysis and Government Accountability to study of existing ordinances regulating straws and the rationale for them by December 2019. Finally, the bill requires local governments to address non-hazardous contamination of recyclable materials in contracts with residential recycling collectors and recovered materials processing facilities. Contracts executed or renewed after July 1, 2019, must contain plans to reduce the amount of contaminated recyclable material being collected.

HILLSBOROUGH COUNTY CIVIL SERVICE ACT

[HB 1373](#) by Rep. J. Grant

The Legislature passed HB 1373. It abolishes the Civil Service Act (CSA) and the Hillsborough County Civil Service Board effective on October 1, 2019. The bill requires that any agency previously covered by the CSA “must provide a fair, neutral, and impartial system for administering employee discipline of a suspension, involuntary demotion, or dismissal and appeals of such discipline. The system for administering employee discipline and appeals will be uniform for all agencies and shall provide a tenured employee with substantially similar protections and rights as set forth in” the CSA. The EPC has contacted Hillsborough County Human Resources to explore partnering with them for certain services currently performed by the Civil Service staff.

PRIVATE PROPERTY RIGHTS (and Trees)

[HB 1159](#) by Reps. La Rosa and Sabatini

The Legislature passed HB 1159. Among other provisions, the bill prohibits a local government from requiring a notice, application, permit, fee, or mitigation (e.g. – replanting) for the trimming or removal of a tree on residential property if a certified arborist or licensed landscape architect documents that the tree presents a danger to property or persons. While it is another local government preemption, it does not impact EPC regulatory functions, as the bill specifically excludes mangrove regulation from the preemption.

BILLS THAT FAILED

STATE SHARED REVENUES

SB 594 by Senator Hutson

The bill which did not pass would have allowed legislators to ask the Attorney General to investigate any local ordinance or official action adopted or taken by the local governing body which impacts commerce and which allegedly violates state law or the State Constitution. If the Attorney General (AG) finds that a violation occurred (i.e. commerce has been impeded in violation of State law or the Constitution), the AG must initiate a civil action for declaratory or injunctive relief. If the Circuit Court finds a violation occurred and the City or County does not remedy it promptly, the Department of Revenue may be ordered to withhold a share of revenues.

PREEMPTION OF LOCAL REGULATIONS

HB 3 by Representative Michael Grant

SB 1748 by Senator Perry

[House Bill 3](#) by Representative Michael Grant as originally drafted prohibited local governments from adopting new regulations on businesses after July 1, 2019, unless the regulation meets very detailed criteria including but not limited to showing that is required for public health and safety or a minimal use of police power, performing a cost analysis, adopting the lowest cost method, requiring a two-thirds vote by the local legislative body, and requiring the regulation to sunset within two years unless renewed. This was one of the strongest local government pre-emption bills proposed and would have severely impacted local government regulatory functions. The EPC Commission voted to oppose the bill on February 21, 2019, and opposition letters signed by the Chair were sent to select legislators. After much opposition, the bill was been revised to focus on licensing. Specifically, it stated, “licensing of occupations is expressly preempted to the state, and this section supersedes any local government licensing requirement of occupations with the exception of...” local licensing laws enacted before July 1, 2019, or local licensing laws allowed by general law. Nonetheless, the 2019 grandfathering would expire in 2021. Both bills did not pass, even though HB 3 did pass the House of Representatives.

SINGLE-USE PLASTIC STRAWS (but see HB 771)

SB 588 by Senators Hutson and Bradley

HB 603 by Representatives Sabatini, Fine, Hill, McClure, Perez, and Roach

SB 502 by Senator Rader

HB 1299 by Representative Roach

Efforts to ban or limit the use of plastic straws failed, but HB 771 (detailed above) created a 5-year moratorium on local regulation of plastic straws.

FRACKING BAN

SB 314 by Senators Montford, Stewart, and Berman

HB 7029 by Ag. & Nat. Resources Subcom. and Representative Raschein

HB 239 by Representatives Fitzenhagen, Jenne, and Plasencia

SB 146 by Senators Stewart, Berman, Book, and Torres

SB 7064 by Agriculture Committee

Hydraulic fracturing, “well stimulation,” or “fracking” is a method of extracting oil or gas by injecting high volumes of fluids into a rock formation in order to propagate fractures that release trapped oil or gas. The DEP currently regulates well stimulation but lacks a detailed law or rule to give the DEP staff guidance on how to regulate it. In 2016 and 2017, bills failed that attempted to further regulate it. In 2018, there were many bills proposing a ban on fracking, but all failed. All efforts to ban fracking failed again this year.

SEPTIC TANKS

HB 973 by Ag. & Nat. Resources Subcom. and Representative Payne

SB 1022 by Senator Albritton

Bills proposing to transfer the regulation of septic tanks from the Department of Health to the DEP failed.

WATER QUALITY IMPROVEMENTS

SB 1758 by Senator Mayfield

HB 1395 by Representative Raschein

HB 141 by Reps. Fine, Altman, Duran, etc.

SB 216 by Sens. Gruters and Harrell

SB 368 by Sen. Harrell

Various omnibus water quality improvement bills all failed. They primarily proposed to revise the basin management action plan (BMAP) laws. For example, the bills state local governments with waters substantially impaired by septic tanks must propose remediation programs. Also notable, if a local government facility has a sewage spill into water, the government must notify customers within 24 hours and it disqualifies the local government from specific water quality grant programs, until the spill is remediated.