

**Revised 11/10/15 Board of County Commissioners**  
**Wakulla County, Florida**  
**Agenda**  
**Regular Public Meeting**  
**Monday, November 16, 2015**  
**@ 5:00 P.M.**

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**Invocation**

**Pledge of Allegiance**

**Approval of Agenda:**

*(The Chairman and members of the Board will approve and/or modify the official agenda at this time).*

**Citizens to be Heard**

*(There is a Three (3) minute time limit; non-discussion by Commission; there shall be no debate and no action by the Commission. Citizens will have the opportunity to speak once under the Citizens to be Heard portion of the agenda which will be at the start or end of each meeting).*

(To ensure fairness and encourage participation, citizens who would like to speak on any item will need to fill out a speaker's card and turn in to Mrs. Taylor prior to the beginning of discussion on that particular item. Citizens are allowed a maximum of 3 minutes to speak.)

**Awards and Presentations**

*(Members of the Board will have the opportunity to acknowledge members of the community or commendable efforts at this time. Presentations will be made from individuals concerning issue of importance).*

Presentation Relating to the Foley Cellulose Mill and Fenholloway Water Quality Project – Scott  
Mixon, Public Affairs Manager (10 Minutes)

Obama Care's Effect on Wakulla County – Commissioner Kessler (5 Minutes)

**Consent**

*(All items contained herein may be voted on with one motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past Board direction or policy. However, any Commissioner, the County Administrator, or the County Attorney may withdraw an item from the consent agenda, either in writing prior to the meeting, or at the beginning of the meeting and it shall then be voted on individually. Every effort shall be made to provide such a request to the Chairman at least 24 hours before the meeting).*

1. Approval of Minutes from the November 2, 2015 Regular Board Meeting  
(Brent Thurmond, Clerk of Court)

2. Approval for Payment of Bills and Vouchers Submitted for October 29, 2015 – November 11, 2015  
(Brent Thurmond, Clerk of Court)
3. Request Board Approval of the Disposal of County Property  
(Brandy, King, Budget Coordinator/Fixed Asset Officer)
4. Request Board Approval of JEA Task Order No. 34 in the amount of \$46,562 for the Permit-Required Compliance and Evaluation Monitoring at the Lower Bridge Landfill  
(Cleve Fleming, Public Works Director)
5. Request Board Approval of JEA Task Order No. 35 in the Amount of \$24,127 for the Permit-Required Compliance Monitoring and Reporting at the Closed Medart Landfill  
(Cleve Fleming, Public Works Director)
6. Request Board Approval of JEA Task Order No. 36 in the Amount of \$31,458 for the Permit-Required Groundwater Compliance Monitoring & Reporting at the Otter Creek WWTF #2  
(Cleve Fleming, Public Works Director)

### **Consent Items Pulled for Discussion**

*(Members requesting further information on items placed under “Consent Agenda,” may withdraw those items and place them here, for further discussion).*

### **General Business**

*(General Business items are items of a general nature that require Board directions or pertain to Board policy)*

7. Request Board Approval to Remove Two Stop Signs on Old Shell Point Road from the Roberts Williams Road and Belin Court intersections  
(Keith Blackmar, CTST Chairman)
8. Request Board Direction Relating to Private Road Grading **This item has been tabled to a future meeting**  
(Cleve Fleming, Public Works Director)

### **Public Hearing**

*(Public Hearings are held as required to receive public comments on matters of special importance or as prescribed by law. For regular Board meetings, public hearings shall be scheduled as the first substantive item on the agenda and heard at the time scheduled for the start of the meeting or as soon thereafter as is possible. Individual speakers are encouraged to adhere to a three (3) minute time limit. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers)*

9. Request Board Approval to Conduct the Public Hearing and Adopt an Ordinance Amending Section 2-4 of the Land Development Code Pertaining to the definition of Development  
(Somer Strickland, Interim Planning & Community Development Director)
10. Request Board Approval to Conduct the Public Hearing and Adopt an Ordinance Amending Section 5-38 of the Land Development Code Pertaining to the C-2 Zoning District  
(Somer Strickland, Interim Planning & Community Development Director)

## **Planning and Zoning**

*(Members will be provided with planning and zoning amendment requests five (5) business days prior to the scheduled meeting. To the maximum extent possible, all support information and documentation for P&Z items shall be made available through a variety of means including the County website that will provide the public with the greatest opportunity to review documentation at the date of advertisement pursuant to Resolution No. 04-43. "In accordance with Sec. 24.01 of County Code, for all quasi-judicial proceedings each Commission member must disclose all contact received from interested parties and/or their representatives, lobbyists, or any other third parties concerning any application and any personal investigation or knowledge being relied upon during the consideration of any quasi-judicial planning and zoning matters".)*

## **Commissioner Agenda Items**

*(Items with supporting documentation shall be provided by a Commissioner to the County Administrator three (3) business days prior to the scheduled meeting. Items that are agendaed by Commissioners and fail to gain approval may not be replaced on the agenda by a Commissioner on the non-prevailing side for a period of six (6) months without approval of the Chairman unless there is substantive new information to present).*

### **11. Commissioner Thomas**

- a. Request Board Approval of a Resolution Encouraging our Florida Legislators to Amend 2016 HB 191 and SB 318
- b. Request Board Approval to Direct Staff to Initiate an Amendment Referendum to the County Charter regarding Fracturing (Fracking) in Wakulla County to Appear on the Ballot in the 2016 General Election

## **County Attorney**

*(County Attorney items are items of a legal nature that require Board direction or represent general information to Board Members, staff or the public).*

### **12. Request Board Approval for the County Attorney's Office to Review and Proceed with Foreclosures for Eligible Code Enforcement Liens**

## **County Administrator**

*(County Administrator items are items that require Board direction or represent general information to Board Members, staff or the public).*

### **13. Request Board Select and Vote for the FY2015/16 Chairman & Vice-Chairman**

## **Citizens to be Heard**

*(There is a Three (3) minute time limit; non-discussion by Commission; there shall be no debate and no action by the Commission. Citizens will have the opportunity to speak once under the Citizens to be Heard portion of the agenda which will be at the start or end of each meeting).*

## **Discussion Issues by Commissioners**

*(The purpose of this section is for Commissioners to request staff action on various issues, including scheduling of a future agenda item for later Board action, based on the approval of a majority of the Board. No assignments or request for agenda items shall be given to the County Administrator or County Attorney without the express approval of the majority of the Board. The Board shall take no policy action without an agenda item unless such is accomplished through a unanimous vote of the Board. The remarks of each Commissioner during his or her "discussion items" shall adhere to Robert Rules of Order, for proper decorum and civility as enforced by the Chairman.*

**Adjourn**

*(Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the members of the Commission present at the meeting)*

*The next Board of County Commissioners Meeting is scheduled for  
**Monday, December 7, 2015 at 5:00p.m.***

## Regular Board Meeting and Holiday Schedule January 2015 – December 2015

**January 2015**

| S  | M  | T  | W  | Th | F  | Sa |
|----|----|----|----|----|----|----|
|    |    |    |    | 1  | 2  | 3  |
| 4  | 5  | 6  | 7  | 8  | 9  | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

**February 2015**

| S  | M  | T  | W  | Th | F  | Sa |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |

**March 2015**

| S  | M  | T  | W  | Th | F  | Sa |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 |    |    |    |    |

**April 2015**

| S  | M  | T  | W  | Th | F  | Sa |
|----|----|----|----|----|----|----|
|    |    |    | 1  | 2  | 3  | 4  |
| 5  | 6  | 7  | 8  | 9  | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 |    |    |

**May 2015**

| S  | M  | T  | W  | Th | F  | Sa |
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|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 |    |    |    |    |    |    |

**June 2015**

| S  | M  | T  | W  | Th | F  | Sa |
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|    | 1  | 2  | 3  | 4  | 5  | 6  |
| 7  | 8  | 9  | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 |    |    |    |    |

**July 2015**

| S  | M  | T  | W  | Th | F  | Sa |
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|    |    |    | 1  | 2  | 3  | 4  |
| 5  | 6  | 7  | 8  | 9  | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 |    |

**August 2015**

| S  | M  | T  | W  | Th | F  | Sa |
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|    |    |    |    |    |    | 1  |
| 2  | 3  | 4  | 5  | 6  | 7  | 8  |
| 9  | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 |    |    |    |    |    |

**September 2015**

| S  | M  | T  | W  | Th | F  | Sa |
|----|----|----|----|----|----|----|
|    |    | 1  | 2  | 3  | 4  | 5  |
| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 |    |    |    |

**October 2015**

| S  | M  | T  | W  | Th | F  | Sa |
|----|----|----|----|----|----|----|
|    |    |    |    | 1  | 2  | 3  |
| 4  | 5  | 6  | 7  | 8  | 9  | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

**November 2015**

| S  | M  | T  | W  | Th | F  | Sa |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 |    |    |    |    |    |

**December 2015**

| S  | M  | T  | W  | Th | F  | Sa |
|----|----|----|----|----|----|----|
|    |    | 1  | 2  | 3  | 4  | 5  |
| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 |    |    |

|  |                                   |
|--|-----------------------------------|
|  | Regular Board Meeting & Workshops |
|  | Special Meeting                   |
|  | Holiday                           |

## **PUBLIC NOTICE**

### **2014/15 Tentative Schedule**

**All Workshops, Meetings, and Public Hearings are subject to change**

All sessions are held in the Commission Chambers, 29 Arran Road, Suite 101, Crawfordville, FL.

Workshops are scheduled as needed.

| <b>Month</b>         | <b>Day</b> | <b>Time</b> | <b>Meeting Type</b>         |
|----------------------|------------|-------------|-----------------------------|
| <b>November 2015</b> | Monday, 16 | 5:00P.M.    | Regular Board Meeting       |
| <b>December 2015</b> | Monday, 7  | 5:00P.M.    | Regular Board Meeting       |
|                      | Monday, 14 | 7:00P.M.    | Planning Commission Meeting |

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: November 16, 2015

Date Submitted: October 29, 2015

To: Honorable Chairman and Members of the Board

From: Brent X. Thurmond, Clerk of Court

Subject: Approval of Minutes from the November 2, 2015 Regular Board Meeting

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### **Statement of Issue:**

This agenda item requests Board approval of the minutes of the November 2, 2015 Regular Board Meeting (Attachment #1).

### **Options:**

1. Approve the minutes of the November 2, 2015 Regular Board Meeting.
2. Do not approve minutes of the November 2, 2015 Regular Board Meeting.
3. Board direction.

### **Recommendation:**

Option #1

### **Attachment(s)**

1. Draft of Minutes – November 2, 2015 Regular Board Meeting

Board of County Commissioners  
Regular Public Meeting  
Monday, November 2, 2015

The Board of County Commissioners in and for Wakulla County, Florida met for a Regular Public Meeting on Monday, November 2, 2015 at 5:00 p.m. with Chairman Ralph Thomas presiding. Present were Commissioners Randy Merritt, Richard Harden, Jerry Moore and Howard Kessler. Also present were County Administrator David Edwards, County Attorney Heather Encinosa and Deputy Clerk Desiree Willis.

The Invocation and Pledge of Allegiance were provided by Commissioner Harden.

**(CD 5:00) *APPROVAL OF AGENDA***

Commissioner Merritt made motion to approve; second by Commissioner Kessler and motion passed 5/0

***CITIZENS TO BE HEARD***

(CD 5:00) Mary Tollefsen-- Waive fee for Relay for Life for Health/ Wellness Fair

(CD 5:03) Herb Shelton---Seismic Testing/Ban on Fracking

(CD 5:06) Ed Creel---Wakulla County Fair Association: 50th Annual Swine Show

(CD 5:08) Tom Richardson---Swine show

(CD 5:09) Dana Peck—Correct statement about Commissioner Moore being on Wakulla Advisory Committee; Support Oysterman

(CD 5:12) James Hennessey—Fracking

(CD 5:14) Nikki Barnes—Support Relay for Life: Better pricing on rental of facility: Fracking

(CD 5:17) Jack Rudloe— Fracking; Trip to Washington DC as Gulf Specimen being honored by National Geographic Magazine

(CD 5:20) Cindy Webster—WEI Oyster ranching class

(CD 5:23) Commissioner Thomas recognized Alex Quintana with Congresswoman Gwen Graham's Office

***AWARDS AND PRESENTATIONS***

(CD 5:24) Presentation on Seismic Testing in Calhoun County – Amy Datz

(CD 5:46) Announcement of a Proclamation Declaring November 5, 2015 as David Miller Day – Commissioner Thomas

(CD 5:46) 14. Commissioner Thomas -

a. Request Board Approval of a Proclamation Declaring November 5, 2015 as David Miller Day

Commissioner Moore made motion to approve; second by Commissioner Merritt and motion passed 5/0



***CONSENT AGENDA***

(CD 5:49)

Commissioner Merritt moved to approve: second by Commissioner Kessler and motion passed 5/0

1. Approval of Minutes from the October 19, 2015 Regular Board Meeting

Approve - Minutes from the October 19, 2015 Regular Board Meeting

2. Approval of Bills and Vouchers Submitted for October 15, 2015 through October 28, 2015

Approve - Bills and Vouchers Submitted for October 15, 2015 through October 28, 2015

3. Request Board Approval of Administrative Regulation 3.03 Relating to Budget & Financial Policies

Approve - Administrative Regulation 3.03 Relating to Budget & Financial Policies

4. Request Board Approval and Ratification of SHIP Certification for Submittal of the Annual Report for FY 2013-2014

Approve - Ratification of SHIP Certification for Submittal of the Annual Report for FY 2013-2014

5. Request Board Approval to Award SHIP Housing Rehabilitation ITB #2015-08 to the Lowest Responsive Bidder(s)

Approve - Award SHIP Housing Rehabilitation ITB #2015-08 to the Lowest Responsive Bidder(s)

6. Request Board Approval to Schedule and Advertise a Public Hearing to Consider an Ordinance Providing Procedures for the Disposition of Real Property

Approve - Schedule and Advertise a Public Hearing to Consider an Ordinance Providing Procedures for the Disposition of Real Property

7. Request Board Approval to Accept a Small Cities Community Development Block Grant (CDBG) Award for the Federal Fiscal Year (FFY) 2014 Grant Cycle and Approval of a Resolution and Budget Amendment

Approve - Accept a Small Cities Community Development Block Grant (CDBG) Award for the Federal Fiscal Year (FFY) 2014 Grant Cycle and Approval of a Resolution and Budget Amendment

8. Request Board Approval of a Resolution Amending the County's Housing Assistance Plan for the Small Cities Community Development Block Grant (CDBG) to Incorporate Florida Department of Economic Opportunity Comments

Approve - Resolution Amending the County's Housing Assistance Plan for the Small Cities Community Development Block Grant (CDBG) to Incorporate Florida Department of Economic Opportunity Comments

9. Request Board Approval of the 2016 Board of County Commissioners Meeting Calendar  
Approve - 2016 Board of County Commissioners Meeting Calendar

10. Request Board Approval of a Resolution Accepting the Small County Road Assistance Program (SCRAP) Agreement for Roadway Widening and Resurfacing for County Road 61 (Shadeville Highway) and Approval of Preble Rish Task Order No. 15-131  
Approve - Resolution Accepting the Small County Road Assistance Program (SCRAP) Agreement for Roadway Widening and Resurfacing for County Road 61 (Shadeville Highway) and Approval of Preble Rish Task Order No. 15-131

11. Request Board Approval to Schedule and Advertise a Public Hearing to Consider an Ordinance Repealing the Industrial Development Authority  
Approve - Schedule and Advertise a Public Hearing to Consider an Ordinance Repealing the Industrial Development Authority

12. Request Board Approval to Submit the Federal Election Activities (HAVA) Grant Application, Approval for Matching Funds and Authorize the Chairman to Execute the Certificate  
Approve - Submit the Federal Election Activities (HAVA) Grant Application, Approval for Matching Funds and Authorize the Chairman to Execute the Certificate

16. Request Board Approval of Temporary Road Closure for Panacea Waterfronts Christmas Parade on December 5, 2015  
Approve - Temporary Road Closure for Panacea Waterfronts Christmas Parade on December 5, 2015

17. Request Board Ratification of the United States Department of Agriculture Natural Resource Conservation Service Grant Agreement No. 68-4209-15-167 for Emergency Repairs to Hilliardville Rd/Black Creek, Ratification of Amendments No. 1 and 2, Approval of Payment to Ben Withers, Inc. for Repairs and, Approval of a Resolution and Budget Amendment  
Approve - Ratification of the United States Department of Agriculture Natural Resource Conservation Service Grant Agreement No. 68-4209-15-167 for Emergency Repairs to Hilliardville Rd/Black Creek, Ratification of Amendments No. 1 and 2, Approval of Payment to Ben Withers, Inc. for Repairs and, Approval of a Resolution and Budget Amendment

***CONSENT ITEMS PULLED FOR DISCUSSION***

None

## ***GENERAL BUSINESS***

(CD 5:49) 13. Request Board Approval to Remove Two Stop Signs on Old Shell Point Road from the Roberts Williams Road and Belin Court intersections

After discussion among the Board, Commissioner Harden made motion to table to next meeting; second by Commissioner Merritt and motion passed 5/0

(CD 6:11) 18. Request Board Approval of a Resolution to Recognize the Future Consolidation of the Ochlockonee Bay Volunteer Fire Rescue Department and the Panacea Volunteer Fire Rescue Department into the Coastal Volunteer Fire Rescue Department

After discussion among the Board, Commissioner Merritt moved to approve a Resolution to Recognize Consolidation of the Ochlockonee Bay Volunteer Fire Rescue Department and the Panacea Volunteer Fire Rescue Department into the Coastal Volunteer Fire Rescue Department; second by Commissioner Moore and the motion passed 5/0

## ***PUBLIC HEARING***

None.

## ***PLANNING AND ZONING***

None.

## ***COMMISSIONER AGENDA ITEMS***

(CD 6:49) ***Add on Item:*** Request Board Approval to Waive the Rental Fee for Hudson Park, for the 10<sup>th</sup> Annual Community Feast on November 21, 2015

Commissioner Merritt made motion to approve; second by Commissioner Moore and motion passed 5/0

(CD 6:52) 15. Commissioner Kessler

a. Request Board Approval to Schedule a Workshop to Help Our Oystermen

Commissioner Kessler made motion to approve and Workshop was scheduled for January 19<sup>th</sup>, 2016 at 3pm for 2 hours; second by Commissioner Merritt and motion passed 5/0:

b. Request Waiver of Rental Fees for Relay for Life Event

Commissioner Kessler made motion to approve; second by Commissioner Merritt and motion passed 5/0

(CD 7:09) ***COUNTY ATTORNEY***

Judge Johnson denied Bob Danzy's request to be re-instated to the Code Board

(CD 7:10) ***COUNTY ADMINISTRATOR***

First major hit from Affordable Healthcare Act; County may have to pull money out of reserve

### ***CITIZENS TO BE HEARD***

(CD 7:14) Alex Quintana with Congresswoman Gwen Graham's office: Veterans issues-contact their office

(CD 7:15) Pat Thomas; Commissioners' make her smile; Oysterman; Faucet Fires: Seismic Testing

### ***DISCUSSION ISSUES BY COMMISSIONERS***

(CD 7:18) Commissioner Harden: Veteran's Day Parade

(CD 7:19) Commissioner Moore: Fracking -most biased environmental organization presentation

(CD 7: 21) Commissioner Thomas: How we waive fees-blanket policy for non-profit organizations with 501- C3 paperwork and proper insurance

Commissioner Merritt made motion for staff to come back with proposed policy: second by Commissioner Kessler and motion passed 5/0

(CD 7:30) Commissioner Kessler: Veteran's Day Ceremony; look into County Administrator Contract; Fracking

There being no further business to come before the Board, Commissioner Merritt made a motion to adjourn; second by Commissioner Thomas and the motion passed unanimously, 5/0.

The meeting adjourned at 7:44 p.m.

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: November 16, 2015

Date Submitted: October 31, 2015

To: Honorable Chairman and Members of the Board

From: Brent X. Thurmond, Clerk of Court

Subject: Approval for Payment of Bills and Vouchers Submitted for October 29,  
2015 – November 11, 2015

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### **Statement of Issue:**

This agenda item requests Board approval for payment of bills and vouchers submitted for October 29, 2015 – November 11, 2015.

### **Background:**

It is the policy of the Board to pre-approve payment of bills and vouchers prior to the release of funds.

### **Options:**

1. Approve payment of bills and vouchers submitted for October 29, 2015 – November 11, 2015.
2. Do not approve payment of bills and vouchers submitted for October 29, 2015 – November 11, 2015.
3. Board direction.

### **Recommendation:**

Option #1

### **Attachment(s)**

1. Statement of bills and vouchers submitted for October 29, 2015 – November 11, 2015

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: November 16, 2015

Date Submitted: October 29, 2015

To: Honorable Chairman and Members of the Board

From: David Edwards, County Administrator  
Brandy King, Budget Coordinator/Fixed Asset Officer

Subject: Request Board Approval of the Disposal of County Property

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### **Statement of Issue:**

This agenda item requests Board approval of the Disposal of County Property that is included in Wakulla County's asset inventory (Attachment #1).

### **Background:**

On February 4, 2013, the Board adopted Wakulla County Fixed Asset Policy #13-01. The primary goal of the policy was to establish guidelines regarding the management of County property in compliance with Florida Statutes, Chapter 274 and the Florida Administrative Code, Chapter 69I-73.

### **Analysis:**

Pursuant to Chapter 274 of Florida Statutes, authority for the disposal of property shall be recorded in the minutes of the governmental unit and the following information shall be recorded on the individual property record by the Fixed Asset Officer: date of disposition, authority for disposition, manner of disposition and identity of employee(s) witnessing disposition.

Approval of this agenda item ensures compliance with all applicable Florida Statutes, Rules of the Florida Administrative Code and Wakulla County Fixed Asset Policy #13-01.

### **Budgetary Impact:**

The equipment was reported as lost/missing on September 15, 2015. An insurance claim was processed and a check has been received in the amount of \$8,510. Purchase of a replacement pump has been quoted at \$8,760.

### **Options**

1. Approve the Disposal of County Property.
2. Do not approve the Disposal of County Property.
3. Board Direction.

### **Recommendation:**

Option #1

**Attachments:**

1. WC6283 Fixed Asset Record and Disposal Report
2. Property Loss Notice
3. Rescue Systems Unlimited Quote



## Wakulla County Board of County Commissioners Fixed Asset Form

Action Information: 

| Purchase | Transfer | Disposal | Surplus |
|----------|----------|----------|---------|
|          |          | X        |         |

 Fixed Asset Number: WCL6283

Employee Name: Michael Morgan

Department: \_\_\_\_\_

Date of Purchase: \_\_\_\_\_

Purchase Amount: \_\_\_\_\_

Date of Transfer: \_\_\_\_\_

Vendor: \_\_\_\_\_

Date of Disposition: 9-15-15

Vendor ID # \_\_\_\_\_

Transferred to Department: \_\_\_\_\_

Custodian: \_\_\_\_\_

~~Added to~~ removed from WASP Database: 10-29-15 → By: Brandy Raye King

### Item Information:

Item Description: hydraulic pump for extracation tools

Serial Number: 0209M21168

Manufacturer/Model Number: Honda Outlaw

Condition of Item: \_\_\_\_\_

Miscellaneous Notes: reported missing on 9/15/15, insurance check read - \$8,510.  
posted to 180.8900-90.522.5645

Supervisor Signature: \_\_\_\_\_

Date \_\_\_\_\_

Fixed Asset Officer Signature: Brandy King

Date 10.29.15

*\*Please attach a copy of the invoice to this form*

*\* on November 16, 2015 agenda for approval*



# Transaction Dispose Report

Wakulla County

**Date Disposed:** 10/29/2015

**User Name:** King, Brandy Raye

| Asset Tag | Description                                   | Serial No  | Purchase Cost | Purchase Date | Total Depreciation | Book Value | Reason |
|-----------|---|------------|---------------|---------------|--------------------|------------|--------|
| WC6283    | pump: Hydraulic pump for<br>extrication tools | 0209M21168 |               |               |                    |            | Lost   |

Unit was reported missing on 9/15/15. Insurance check was received 10/26/15 and deposited to 180.8900-90.522.5645

|   |  |   |  |   |  |   |  |
|---|--|---|--|---|--|---|--|
| <b>ACORD™ PROPERTY LOSS NOTICE</b>  |  |   |  |   |  | DATE (MM/DD/YYYY)   |  |
| PRODUCER<br>PHONE (A/C, No, Ext): <b>386-252-6176</b><br><b>Public Risk Insurance Agency</b><br><b>P O Box 2416</b><br><b>Daytona Beach, FL 32115</b><br><b>Fax: 386-239-4049</b> |  | MISCELLANEOUS INFO (Site & location code)   |  | DATE OF LOSS AND TIME<br><b>09/16/2015</b> <b>01:01</b> |  | PREVIOUSLY REPORTED<br><input type="checkbox"/> AM <input checked="" type="checkbox"/> PM <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |  |
| POLICY TYPE<br>PROP/ HOME<br>FLOOD<br>WIND  |  | COMPANY AND POLICY NUMBER<br>CO: <b>American Alternative Ins. Corp.</b><br>POL: <b>VFIS-TR-2059205-07/000</b> |  | NAIC CODE<br><b>VFIS</b>                                |  | POLICY DATES<br>EFF: <b>10/15/2014</b><br>EXP: <b>10/15/2015</b>  |  |
|   |  | CO: <b>Incl</b>   |  |   |  | EFF:  |  |
|   |  | POL:  |  |   |  | EXP:  |  |
|   |  | CO: <b>Incl</b>   |  |   |  | EFF:  |  |
| CODE:   |  | SUB CODE:   |  | AGENCY CUSTOMER ID                                      |  |   |  |

|   |  |   |  |
|---|--|---|--|
| <b>INSURED</b>  |  | <b>CONTACT</b> <input checked="" type="checkbox"/> <b>CONTACT INSURED</b>   |  |
| NAME AND ADDRESS OF INSURED<br><b>Wakulla County BOCC</b><br><b>P.O. Box 1263</b><br><b>Crawfordville, FL 32726</b> |  | DATE OF BIRTH<br>SOC SEC # OR FEIN<br><b>59-6031876</b>   |  |
| RESIDENCE PHONE (A/C, No)<br><b>850.745.7707</b>  |  | NAME AND ADDRESS OF INSURED<br><b>Deborah DuBose</b><br><b>Wakulla County BoCC</b><br><b>3093 Crawfordville Highway</b><br><b>Crawfordville, FL 32327</b> |  |
| NAME AND ADDRESS OF SPOUSE (IF APPLICABLE)<br><b>N/A</b>  |  | DATE OF BIRTH<br>SOC SEC # OR FEIN  |  |
| RESIDENCE PHONE (A/C, No)<br><b>N/A</b>   |  | BUSINESS PHONE (A/C, No, Ext)<br><b>850.745.7707</b>  |  |
| NAME AND ADDRESS OF SPOUSE (IF APPLICABLE)<br><b>N/A</b>  |  | RESIDENCE PHONE (A/C, No)<br><b>N/A</b>   |  |
| BUSINESS PHONE (A/C, No, Ext)<br><b>N/A</b>   |  | WHERE TO CONTACT<br><b>N/A</b>  |  |

|   |  |
|---|--|
| <b>LOSS</b>   |  |
| LOCATION OF LOSS<br><b>Crawfordville, FL</b>  | POLICE OR FIRE DEPT TO WHICH REPORTED<br><b>N/A</b>                            |
| KIND OF LOSS<br><input type="checkbox"/> FIRE <input type="checkbox"/> LIGHTNING <input type="checkbox"/> FLOOD <input checked="" type="checkbox"/> OTHER (explain)<br><input type="checkbox"/> THEFT <input type="checkbox"/> HAIL <input type="checkbox"/> WIND | PROBABLY AMOUNT ENTIRE LOSS<br><b>Lost/Missing - unknown</b> <b>\$8,760.00</b> |
| DESCRIPTION OF LOSS & DAMAGE (Use separate sheet, if necessary)<br><b>Honda Outlaw 6.5 pump, #0209M21168 - reported as lost/missing to administration. See attached documents.</b>  |  |

|  |   |                      |   |              |   |
|--|---|----------------------|---|--------------|---|
| <b>POLICY INFORMATION</b>  |   |                      |   |              |   |
| <input type="checkbox"/> NO MORTGAGEE  |   |                      |   |              |   |
| HOMEOWNER POLICIES SECTION 1 ONLY (Complete for coverages A, B, C, D & additional coverages. For Homeowners Section II Liability Losses, use ACORD 3.) |   |                      |   |              |   |
| A. DWELLING  | B. OTHER STRUCTURES   | C. PERSONAL PROPERTY | D. LOSS OF USE  | DEDUCTIBLES  | DESCRIBE ADDITIONAL COVERAGES PROVIDED  |
|  |   |                      |   |              |   |
| <input type="checkbox"/> COVERAGE A. EXCLUDES WIND<br>SUBJECT TO FORMS (insert form numbers and edition dates, special deductibles)                    |   |                      |   |              |   |
| FIRE, ALLIED LINES & MULTI-PERIL POLICIES (Complete only those items involved in loss.)  |   |                      |   |              |   |
| ITEM   | SUBJECT OF INSURANCE  | AMOUNT               | % COINS   | DEDUCTIBLE   | COVERAGE AND/OR DESCRIPTION OF PROPERTY INSURED   |
|  | <input type="checkbox"/> BLDG <input type="checkbox"/> CNTS |                      |   |              |   |
|  | <input type="checkbox"/> BLDG <input type="checkbox"/> CNTS |                      |   |              |   |
|  | <input type="checkbox"/> BLDG <input type="checkbox"/> CNTS |                      |   |              |   |
| SUBJECT TO FORMS (insert form numbers and edition dates, special deductibles)  |   |                      |   |              |   |
| FLOOD POLICY   | BUILDING:    DEDUCTIBLE:                                    | ZONE                 | <input type="checkbox"/> PRE FIRM <input type="checkbox"/> POST FIRM                              | DIFF IN ELEV | FORM TYPE <input type="checkbox"/> GENERAL <input type="checkbox"/> CONDO <input type="checkbox"/> DWELLING |
| WIND POLICY  | BUILDING:    DEDUCTIBLE:                                    | ZONE                 | <input type="checkbox"/> GENERAL <input type="checkbox"/> CONDO <input type="checkbox"/> DWELLING |              |   |

|   |                                      |   |                       |               |  |
|---|--------------------------------------|---|-----------------------|---------------|--|
| REMARKS/OTHER INSURANCE (List companies, policy numbers, coverages & policy amounts) / NY ONLY: PREVIOUS ADDRESS & WIFE'S MAIDEN NAME |                                      |   |                       |               |  |
| CAT #   | FICO #                               | ADJUSTER ASSIGNED                             | ADJUSTER #            | DATE ASSIGNED |  |
| REPORTED BY<br><b>Mike Morgan</b>   | REPORTED TO<br><b>Deborah DuBose</b> | SIGNATURE OF INSURED<br><i>Deborah DuBose</i> | SIGNATURE OF PRODUCER |               |  |



## Quote

| Date    | Quote # |
|---------|---------|
| 9/15/15 | 1676    |

|                                   |
|-----------------------------------|
| Name / Address                    |
| Wakulla Fire Dept<br>Chief Morgan |

Rescue Systems Unlimited  
107 Meridian Hills rd  
Tallahassee, FL 32312  
hal.eastman@genesissrescue

| Rep | PO |
|-----|----|
|     |    |

| Description                     | Qty | Total      |
|---------------------------------|-----|------------|
| MACH III OUTLAW 6.5 HONDA PUMP  |     | 7,210.00   |
| 30' EXTENSION HOSE/BLUE STD-OSC |     | 775.00     |
| 30'EXTENSION HOSE/RED STD-OSC   |     | 775.00     |
| Total                           |     | \$8,760.00 |

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: November 16, 2015

Date Submitted: October 28, 2015

To: Honorable Chairman and Members of the Board

From: David Edwards, County Administrator  
Cleve Fleming, Public Works Director

Subject: Request Board Approval of JEA Task Order No. 34 in the amount of \$46,562.00 for the Permit-Required Compliance and Evaluation Monitoring at the Lower Bridge Landfill

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### **Statement of Issue:**

This agenda item requests Board approval of JEA Task Order No. 34 in the amount of \$46,562.00 for the permit-required compliance and evaluation monitoring at the Lower Bridge Landfill.

### **Background:**

The Lower Bridge Landfill has two waste areas—the closed Class I Landfill and the Class III Landfill. The landfills are regulated under Florida Department of Environmental Protection (FDEP) Permits 0013134-011SF and 0013134-012SO, which outline a plan for the compliance monitoring for the site groundwater and landfill gas. In addition to the compliance monitoring, FDEP correspondence dated October 21, 2008, as revised in the memo of October 7, 2014, requires evaluation monitoring in response to elevated concentrations of Arsenic, Iron, and Ammonia Nitrogen in site groundwater wells.

The specific monitoring tasks that must be conducted at the Lower Bridge Landfill included in Task Order No. 34 are summarized as follows:

#### **Task 1 – Conduct FDEP-Permit-Required Compliance Monitoring**

- JEA will conduct two semiannual groundwater and one annual landfill gas monitoring events.

#### **Task 2 – Conduct FDEP-Required Evaluation Monitoring**

- JEA will conduct four quarterly groundwater evaluation monitoring events as required by FDEP correspondence dated October 21, 2008, as revised in the FDEP memo of October 7, 2014.

### **Analysis:**

The County is required by FDEP to complete the tasks outlined above. Jones Edmunds & Associates, Inc. has been conducting the compliance monitoring at the Lower Bridge Landfill since 1996 and has the expertise to continue this work.

Staff is recommending approval of this task order with a total cost of \$46,562.00. A detailed scope of work of the services to be provided by JEA and a cost summary for this task order are attached for your review (Attachment #1). The work detailed in the task order will be completed during FY2015/16 (the individual report deadlines for each requirement are outlined in the task order).

**Budgetary Impact:**

Funding for this project comes from the DEP Solid Waste Grant for which has been budgeted for in FY2015/16.

**Options:**

1. Approve the JEA Task Order No. 34 in the amount of \$46,562.00 for the permit-required compliance and evaluation monitoring at the Lower Bridge Landfill.
2. Do Not Approve the JEA Task Order No. 34 in the amount of \$46,562.00 for the permit-required compliance and evaluation monitoring at the Lower Bridge Landfill.
3. Board Direction.

**Recommendation:**

Option #1

**Attachments:**

1. JEA Task Order No. 34 and Cost Summary



September 28, 2015

David Edwards, County Administrator  
Wakulla County  
Board of County Commissioners  
P. O. Box 1263  
Crawfordville, FL 32327

Re: Wakulla County Lower Bridge Landfill  
WACS No.: 14494  
Proposal for Compliance and Evaluation Monitoring  
Task Order No. 34  
Jones Edmunds Proposal No.: 95154-338-15

Dear Mr. Edwards:

Jones Edmunds & Associates, Inc. prepared this proposal to provide compliance and evaluation monitoring and reporting services for the Wakulla County Lower Bridge Landfill. The compliance monitoring is required by FDEP Permit #0013134-011SF and 0013134-012SO. The evaluation monitoring is required in FDEP correspondence dated October 21, 2008, as revised in the FDEP memo of October 7, 2014. The duration of this project is October 1, 2015 through September 30, 2016.

The proposed scope of services is as follows.

**TASK 1—Conduct FDEP-Permit-Required Compliance Monitoring**

Jones Edmunds will conduct two semiannual groundwater and one annual landfill gas monitoring events:

- Sample 10 groundwater monitoring wells—2 detection wells, 5 compliance wells, and 3 background wells—semiannually.
- Analyze the groundwater samples for the parameters listed in Appendix 3, Specific Condition H of the permit and as summarized in the table below:

| Monitoring Well Compliance Sampling Analytical Parameters |  |   |
|---|--|---|
| Monitoring Wells  | Laboratory Parameters  | Field Parameters  |
| MW-3<br>MW-12<br>MW-21                                    | Ammonia Nitrogen<br>Arsenic<br>Iron<br>Total Dissolved Solids<br>Benzene<br>Cis-1,3-dichloropropene<br>Trans-1,3-dichloropropene<br>Vinyl Chloride                                 | pH<br>Turbidity<br>Temperature<br>Dissolved Oxygen<br>Specific Conductivity<br>Redox Potential<br>Colors/Sheens |
| MW-5  | Ammonia Nitrogen<br>Arsenic<br>Iron<br>Total Dissolved Solids<br>Benzene<br>Cis-1,3-dichloropropene<br>Trans-1,3-dichloropropene<br>Vinyl Chloride<br>Thallium                     |   |
| MW-10   | Ammonia Nitrogen<br>Arsenic<br>Iron<br>Total Dissolved Solids<br>Benzene<br>Cis-1,3-dichloropropene<br>Trans-1,3-dichloropropene<br>Vinyl Chloride<br>Nitrate Nitrogen<br>Antimony |   |
| MW-25<br>MW-26<br>MW-27<br>MW-28<br>MW-29                 | Ammonia Nitrogen<br>Chloride<br>Iron<br>Mercury<br>Nitrate Nitrogen<br>Sodium<br>Total Dissolved Solids<br>Those parameters in<br>40CFR Part 258 Appendix I                        |   |

- Measure depth-to-water in a continuous round in the groundwater monitoring wells before sampling activities. The depth-to-water measurements will be used to prepare groundwater potentiometric surface maps.
- Prepare two semiannual compliance reports. The reports will include a summary letter, authorized signature pages, a groundwater contour map, analytical data summary tables of groundwater results, field data sheets, Parameter Monitoring Report forms, and the laboratory analytical reports.
- Submit the semiannual reports to FDEP. Two hardcopies of each report will be provided to the County. The reports will be submitted to FDEP electronically. All data will be submitted to FDEP in EDD format compatible with ADaPT via email. This proposal includes the following two semiannual reports:
  - The 2<sup>nd</sup> Semiannual 2015 report is due by January 1, 2016.
  - The 1<sup>st</sup> Semiannual 2016 report is due by July 1, 2016.

Jones Edmunds will conduct the 2016 annual landfill gas monitoring event:

- Measure landfill gas (LFG) concentration as percent of the lower explosive limit of Methane at 17 monitoring locations—7 structures and 10 gas probes.
- Submit the annual report to FDEP electronically by email.
- The 2015 annual LFG monitoring report will be due to FDEP 15 days after the sampling event.

## **TASK 2—Conduct FDEP-Required Evaluation Monitoring**

Jones Edmunds will conduct four quarterly groundwater evaluation monitoring events as required by FDEP correspondence dated October 21, 2008, as revised in the FDEP memo of October 7, 2014. Jones Edmunds, working with FDEP, reduced the evaluation monitoring network from 9 wells to 4 wells sampled quarterly along with a significant reduction in the monitoring parameters. The new evaluation monitoring requirements are

- Sample four groundwater monitoring wells—MW-29, MW-27, MW-26D, and MW-26—quarterly.
- Analyze the groundwater samples for the parameters listed in the memo of October 7, 2014 and as listed below:



| Monitoring Well Evaluation Monitoring Sampling Analytical Parameters |   |  |
|--|---|--|
| Monitoring Wells   | Laboratory Parameters   | Field Parameters   |
| MW-29  | Iron<br>Total Dissolved Solids  | pH<br>Turbidity<br>Temperature<br>Dissolved Oxygen<br>Specific Conductivity<br>Redox Potential<br>Colors/Sheens<br>Water Level |
| MW-27<br>MW-26D  | Ammonia Nitrogen<br>Arsenic<br>Iron<br>Total Dissolved Solids                       |  |
| MW-26  | Ammonia Nitrogen<br>Arsenic<br>Chloride<br>Iron<br>Sodium<br>Total Dissolved Solids |  |

- Prepare four quarterly evaluation monitoring reports. The reports will include a summary letter, authorized signature pages, a groundwater contour map, analytical data summary tables of groundwater results, field data sheets, Parameter Monitoring Report forms, and the laboratory analytical reports.
- Submit the quarterly reports to FDEP. Two hardcopies of each report will be provided to the County. The reports will be submitted to FDEP electronically. All data will be submitted to FDEP in EDD format compatible with ADaPT via email.
  - 4<sup>th</sup> Quarter 2015 report is due by January 1, 2016.
  - 1<sup>st</sup> Quarter 2016 report is due by April 1, 2016.
  - 2<sup>nd</sup> Quarter 2016 report is due by July 1, 2016.
  - 3<sup>rd</sup> Quarter 2016 report is due by October 1, 2016.

## SCHEDULE

The work detailed in this proposal will be completed during Fiscal Year 2016 (October 2015 through September 2016). The individual report deadlines for each requirement are outlined in the tasks.

## EXCLUSIONS AND ASSUMPTIONS

- The quantities and labor hours listed in this proposal are intended as documentation and justification for the total cost of the project. Deviations or

changes in the quantities and labor hours shall not be reason for non-payment if the total fee has not been exceeded.

### **BUDGET FOR PROPOSED TASKS**

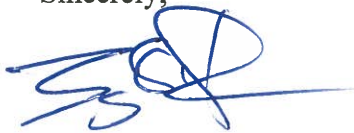
The proposed fee is as follows:

|  |                     |
|--|---------------------|
| Task 1— Conduct FDEP-Permit-Required Compliance Monitoring | \$ 21,272.00        |
| Task 2— Conduct FDEP-Required Evaluation Monitoring        | \$ 25,290.00        |
| <b>TOTAL</b>   | <b>\$ 46,562.00</b> |

Jones Edmunds proposes to complete this work for the not-to-exceed amount of \$46,562.00. Services and expenses will be billed in accordance with our Professional Services Agreement.

With your approval, we will perform this work as Task Order #34 under the Engineering Services Contract. We appreciate the opportunity to provide this proposed scope of work and look forward to working with you on this project. Please call me if you have any questions.

Sincerely,



Troy D. Hays, PG  
Department Manager

M:\22500-WakullaCounty\MKTG\2015\95154-338-15\_LB FY 2016 CM\2015-09-28-PR-DEdwards-TaskOrder34-FY2016LB.THays.doc

Attachment

**ATTACHMENT 1**

**TASK ORDER FORM**

**AGREEMENT BETWEEN WAKULLA COUNTY AND  
JONES EDMUNDS & ASSOCIATES, INC.  
FOR PROFESSIONAL SERVICES**

**TASK ORDER NO. 34**

This **TASK ORDER**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015 by mutual agreement of the parties hereto, is made a part of the Agreement for Professional Services dated \_\_\_\_\_ by and between Wakulla County (OWNER) and Jones, Edmunds & Associates, Inc. (Jones Edmunds) [ENGINEER], and by being made a part of said Agreement is therefore subject to the conditions and considerations contained therein, unless otherwise provided herein.

This **TASK ORDER** consists of providing engineering services described in the Workscope and Fee Estimate attached hereto. This Task Order consists of providing all engineering and related services described in the Workscope attached hereto as a letter from Troy D. Hays dated September 28, 2015, and incorporated herein by reference, and the Fee Estimate contained in Wakulla County Lower Bridge Landfill Proposal for Compliance and Evaluation Monitoring – Task Order No. 34, which is also attached hereto and incorporated herein by reference.

The maximum compensation authorized by this **TASK ORDER** is a not-to-exceed amount of \$46,562.00. Compensation for these services shall be in accordance with the Agreement for Professional Services.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this **TASK ORDER**, upon the terms and conditions above stated on the day and year first above written.

ENGINEER:

COUNTY:

JONES, EDMUNDS & ASSOCIATES, INC.

WAKULLA COUNTY

By: \_\_\_\_\_

Kenneth S. Vogel, PE  
Sr. Vice President

By: \_\_\_\_\_

David Edwards  
County Administrator

ATTEST

ATTEST

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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Date: \_\_\_\_\_

*THHS*

| Wakulla County Lower Bridge Landfill Compliance and Evaluation Monitoring - Task Order #34 |                       |                          |               |                    |                      |                    |                     |                   |           |           |          |                |      |  |        |
|--|-----------------------|--------------------------|---------------|--------------------|----------------------|--------------------|---------------------|-------------------|-----------|-----------|----------|----------------|------|--|--------|
| Cost Estimate  |                       |                          |               |                    |                      |                    |                     |                   |           |           |          |                |      |  |        |
|  |                       |                          |               |                    |                      |                    |                     |                   |           |           |          |                |      |  |        |
| TASK DESCRIPTION   |                       | Sr. Proj<br>Man. (QA/QC) | Proj.<br>Man. | Proj.<br>Geologist | Sr. Env<br>Scientist | Engineer<br>Intern | Admin.<br>Assistant | Sr. Field<br>Tech |           |           |          |                |      |  |        |
|  |                       |                          |               |                    |                      |                    |                     |                   | Raw Labor | Labor     | ODCs     | Total<br>hours | Cost |  |        |
|  | base                  | 46.25                    | 43.44         | 33.44              | 33.13                | 25.00              | 20.31               | 26.56             |           |           |          |                |      |  |        |
|  | 3.2                   | 148.00                   | 139.00        | 107.00             | 106.00               | 80.00              | 65.00               | 85.00             |           |           |          |                |      |  |        |
| 1  | Compliance Monitoring | 4                        | 16            | 16                 | 24                   | 8                  | 12                  | 80                | \$ 4,779  | \$ 15,292 | \$ 5,980 | 160            |      |  | 21,272 |
| 2  | Evaluation Monitoring | 4                        | 30            | 24                 | 40                   | 8                  | 12                  | 80                | \$ 6,184  | \$ 19,790 | \$ 5,500 | 198            |      |  | 25,290 |
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# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: November 16, 2015

Date Submitted: October 28, 2015

To: Honorable Chairman and Members of the Board

From: David Edwards, County Administrator  
Cleve Fleming, Public Works Director

Subject: Request Board Approval of JEA Task Order No. 35 in the Amount of \$24,127 for the Permit-Required Compliance Monitoring and Reporting at the Closed Medart Landfill

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### **Statement of Issue:**

This agenda item requests Board approval of JEA Task Order No. 35 in the amount of \$24,127 for the permit-required compliance monitoring and reporting at the closed Medart Landfill.

### **Background:**

The Medart Landfill is regulated under the Florida Department of Environmental Protection (FDEP) Long-Term Care permit (Permit Number 0065425-001-SO). The FDEP Permit outlines the maintenance and groundwater monitoring of the landfill over the 30-year post-closure period.

The specific monitoring tasks that must be conducted at the Closed Medart Landfill included in Task Order No. 35 are summarized below:

#### **Task 1 – Conduct Two Semiannual Groundwater Sampling and Reporting Events**

- JEA will conduct two semiannual groundwater sampling and reporting events; and prepare and file reports associated therewith.

#### **Task 2 – Prepare the Annual Report**

- JEA will prepare and submit one annual report as required.

### **Analysis:**

The County is required by FDEP to complete the tasks outlined above. Jones Edmunds & Associates, Inc. has been conducting the groundwater and landfill gas monitoring at the Medart Landfill since 1996 and has the expertise to continue this work.

Staff is recommending approval of this task order with a total cost of \$24,127.00. A detailed scope of work to be completed by JEA and a cost summary for this task order are attached (Attachment #1). The work detailed in the proposed Task Order will be completed by September 30, 2016.

**Budgetary Impact:**

Funding for this project comes from the DEP Solid Waste Grant for which has been budgeted for in FY2015/16.

**Options:**

1. Approve the JEA Task Order No. 35 in the amount of \$24,127 for the permit-required compliance monitoring and reporting at the Closed Medart Landfill.
2. Do Not Approve the JEA Task Order No. 35 in the amount of \$24,127 for the permit-required compliance monitoring and reporting at the Closed Medart Landfill.
3. Board Direction.

**Recommendation:**

Option #1

**Attachments:**

1. JEA Task Order No. 35 and Cost Summary



September 28, 2015

David Edwards  
County Administrator  
Wakulla County  
Board of County Commissioners  
P. O. Box 1263  
Crawfordville, FL 32327

Re: Wakulla County Medart Landfill  
FDEP Facility ID# 1065C00011  
Proposal for Compliance Monitoring  
Task Order No. 35  
Jones Edmunds Proposal No.: 95154-339-15

Dear Mr. Edwards:

Jones Edmunds & Associates, Inc. prepared this proposal to provide compliance monitoring and reporting services for the Wakulla County Medart Landfill as required by the Florida Department of Environmental Protection (FDEP) Long-Term Care Permit (Permit Number 0065425-001-SO) issued May 29, 2014

The proposed scope of services includes monitoring groundwater, preparing two semiannual reports, and preparing an annual assessment report. The duration of this project is October 1, 2015 through September 30, 2016.

The proposed scope of services is as follows:

**TASK 1—Conduct Two Semiannual Groundwater Sampling and Reporting Events**

Jones Edmunds will conduct two semiannual groundwater sampling events that will include:

- Sample the following nine monitoring wells semiannually:

Background Well: MW-6  
Detection Wells: MW-9, MW-10



Compliance Wells: MW-7, MW-8

Assessment Wells: MW-11, MW-12, TW-2, TW-5

Analyze the samples for the parameters outlined in Specific Condition D.8 of the permit.

- Sample the following three plume delineation wells semiannually:

Plume Delineation Wells: DMW-1, DMW-2, DMW-3

Analyze the samples from the Plume Delineation Wells for Ammonia, Iron, Arsenic, and field parameters.

- Measure depth-to-water in a continuous-round in the monitoring wells before sampling activities. The depth-to-water measurements will be used to prepare groundwater potentiometric surface maps.
- Prepare two semiannual compliance reports. The reports will include a summary letter, authorized signature pages, a groundwater contour map, analytical data summary tables, field data sheets, Parameter Monitoring Report forms, and the laboratory analytical reports. Submit the semiannual reports to FDEP.
- Two hardcopies of each report will be provided to the County. The reports will be submitted to FDEP electronically. All data will be submitted to FDEP in EDD format compatible with ADaPT via email.
  - The 1<sup>st</sup> Semiannual 2016 Report is due by June 30, 2016.
  - The 2<sup>nd</sup> Semiannual 2016 Report is due by December 31, 2016. Note: The report will be submitted to FDEP by September 30, 2016.

## **TASK 2—Prepare the Annual Report**

Jones Edmunds will prepare one annual report:

- Prepare and submit to FDEP the Annual Report summarizing the groundwater analytical data collected for that year's Monitoring Events. This report is required in the Natural Attenuation Monitoring-Only Plan Approval Order.
- The annual report is due at the end of December and summarizes the analytical data collected over the past year. Because the project duration is for the 2016 fiscal year only, the annual report covering the data collected during 2015 is included in this proposal. The 2015 Annual Report is due by December 31, 2015.

## SCHEDULE

The work detailed in this proposal will be completed by September 30, 2016. The individual report deadlines for each requirement are outlined in the tasks.

## EXCLUSIONS AND ASSUMPTIONS

- The quantities and labor hours listed in this proposal are intended as documentation and justification for the total cost of the project. Deviations or changes in the quantities and labor hours shall not be reason for non-payment if the total fee has not been exceeded.
- Jones Edmunds and the County are working with FDEP to end long-term care at the Medart Landfill. The monitoring tasks detailed in this proposal must continue until FDEP has approved the end of long-term care.

## BUDGET FOR PROPOSED TASKS

The proposed fee is as follows:

Task 1—Conduct Two Semiannual Groundwater Sampling and Reporting Events \$19,893.00


Task 2—Prepare the Annual Report \$ 4,234.00

**TOTAL \$24,127.00**

Jones Edmunds proposes to complete this work for the not-to-exceed amount of \$ 24,127.00. Services and expenses will be billed in accordance with our Professional Services Agreement.

With your approval, we will perform this work as Task Order #35 under the Engineering Services Contract. We appreciate the opportunity to provide this proposed scope of work and look forward to working with you on this project. Please call me if you have any questions.

Sincerely,



Troy D. Hays, PG  
Project Manager

**ATTACHMENT 1**

**TASK ORDER FORM**

**AGREEMENT BETWEEN WAKULLA COUNTY AND  
JONES EDMUNDS & ASSOCIATES, INC.  
FOR PROFESSIONAL SERVICES**

**TASK ORDER NO. 35**

This **TASK ORDER**, made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2015 by mutual agreement of the parties hereto, is made a part of the Agreement for Professional Services dated \_\_\_\_\_ by and between Wakulla County (OWNER) and Jones, Edmunds & Associates, Inc. (Jones Edmunds) [ENGINEER], and by being made a part of said Agreement is therefore subject to the conditions and considerations contained therein, unless otherwise provided herein.

This **TASK ORDER** consists of providing engineering services described in the Workscope and Fee Estimate attached hereto. This Task Order consists of providing all engineering and related services described in the Workscope attached hereto as a letter from Troy D. Hays dated September 28, 2015, and incorporated herein by reference, and the Fee Estimate contained in Wakulla County Medart landfill Proposal for Compliance Monitoring – Task Order No. 35, which is also attached hereto and incorporated herein by reference.

The maximum compensation authorized by this **TASK ORDER** is a not-to-exceed amount of \$24,127.00. Compensation for these services shall be in accordance with the Agreement for Professional Services.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this **TASK ORDER**, upon the terms and conditions above stated on the day and year first above written.

ENGINEER:

COUNTY:

JONES, EDMUNDS & ASSOCIATES, INC.

WAKULLA COUNTY

By: \_\_\_\_\_

Kenneth S. Vogel, PE  
Sr. Vice President

By: \_\_\_\_\_

David Edwards  
County Administrator

ATTEST

ATTEST

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

*THMS*

| Wakulla County Medart landfill Compliance Monitoring - Task Order #35 |          |        |        |        |           |       |          |       |           |  |       |           |           |          |             |           |
|---|----------|--------|--------|--------|-----------|-------|----------|-------|-----------|--|-------|-----------|-----------|----------|-------------|-----------|
| Cost Estimate   |          |        |        |        |           |       |          |       |           |  |       |           |           |          |             |           |
| TASK DESCRIPTION  | Sr. Proj |        | Proj.  |        | Sr. Env   |       | Engineer |       | Admin.    |  | Field |           | Labor     | ODCs     | Total hours | Cost      |
|   | Man.     |        | Man.   |        | Scientist |       | Intern   |       | Assistant |  | Tech  | Raw Labor |           |          |             |           |
|   | base     | 46.25  | 43.44  | 33.44  | 33.13     | 25.00 | 20.31    | 26.56 |           |  |       |           |           |          |             |           |
|   | 3.2      | 148.00 | 139.01 | 107.01 | 106.02    | 80.00 | 64.99    | 84.99 |           |  |       |           |           |          |             |           |
|   |          |        |        |        |           |       |          |       |           |  |       |           |           |          |             |           |
| 1 Two Semiannual Groundwater Sampling Events                          |          | 4      | 21     | 8      | 21        | 8     | 8        | 60    |           |  |       | \$ 4,017  | \$ 12,853 | \$ 7,040 | 130         | 19,893    |
|   |          |        |        |        |           |       |          |       |           |  |       | \$ -      |           |          |             |           |
| 2 Prepare the Annual Report   |          |        | 8      | 8      | 12        | 8     | 4        |       |           |  |       | \$ 1,294  | \$ 4,140  | \$ 94    | 40          | 4,234     |
|   |          |        |        |        |           |       |          |       |           |  |       |           |           |          |             |           |
|   |          |        |        |        |           |       |          |       |           |  |       |           |           |          |             |           |
|   |          |        |        |        |           |       |          |       |           |  |       |           |           |          |             |           |
|   |          |        |        |        |           |       |          |       |           |  |       |           |           |          |             |           |
| TOTALS  |          | 4      | 29     | 16     | 33        | 16    | 12       | 60    | 0         |  |       | \$ 5,310  | \$ 16,993 | \$ 7,134 | 170         | \$ 24,127 |

AMF

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: November 16, 2015

Date Submitted: October 28, 2015

To: Honorable Chairman and Members of the Board

From: David Edwards, County Administrator  
Cleve Fleming, Public Works Director

Subject: Request Board Approval of JEA Task Order No. 36 in the Amount of \$31,458 for the Permit-Required Groundwater Compliance Monitoring & Reporting at the Otter Creek WWTF #2

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### **Statement of Issue:**

This agenda item requests Board approval of JEA Task Order No. 36 in the amount of \$31,458 for the Permit-Required Groundwater Compliance Monitoring & Reporting at the Otter Creek WWTF #2.

### **Background:**

The FDEP permit for the Wakulla County Waste Water Treatment Facility (WWTF) (FDEP Permit #FLA010225-010-DWF/MM) requires groundwater monitoring and reporting. This permit is currently in the process of being renewed.

The specific tasks that must be conducted at the Otter Creek WWTF included in Task Order No. 36 are summarized as follows:

- JEA will conduct four quarterly groundwater monitoring events.
- JEA will conduct two semiannual residuals monitoring events.
- JEA will prepare and compile the quarterly groundwater data and submit to FDEP in two semiannual reports.

### **Analysis:**

The County is required by FDEP to complete the tasks outlined above. Jones Edmunds & Associates, Inc. has been conducting the monitoring at the Otter Creek WWTF since 1999 and has the expertise to continue this work.

Staff is recommending approval of this task order with a total cost of \$31,458. A detailed scope of work of the services to be provided by JEA and a cost summary for this task order are attached (Attachment #1). The work detailed in this task order will be completed by September 30, 2016.

Agenda Request: Request Board Approval of JEA Task Order No. 36 in the Amount of \$31,458 for the Permit-Required Groundwater Compliance Monitoring & Reporting at the Otter Creek WWTF #2

November 16, 2015

Page 2

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**Budgetary Impact:**

Funding for this project comes from the Waste Water Treatment Fund for which has been budgeted for FY2015/16.

**Options:**

1. Approve JEA Task Order No. 36 in the amount of \$31,458 for the Permit-Required Groundwater Compliance Monitoring & Reporting at the Otter Creek WWTF #2.
2. Do Not Approve JEA Task Order No. 36 in the amount of \$31,458 for the Permit-Required Groundwater Compliance Monitoring & Reporting at the Otter Creek WWTF #2.
3. Board Direction.

**Recommendation:**

Option #1

**Attachments:**

1. JEA Task Order No. 36 and Cost Summary



September 28, 2015

David Edwards, County Administrator  
Wakulla County  
Board of County Commissioners  
P. O. Box 1263  
Crawfordville, FL 32327

Re: Wakulla County WWTF #2, Otter Creek Facility  
FDEP Permit #FLA010225-010-DWF/MM  
Proposal for Compliance Monitoring  
Task Order No. 36  
Jones Edmunds Proposal No.: 95154-340-15

Dear Mr. Edwards:

Jones Edmunds & Associates, Inc. prepared this proposal to provide groundwater compliance monitoring and reporting services for the Wakulla County WWTF #2 as required by FDEP Permit # FLA010225-010-DWF/MM. The groundwater compliance monitoring is required by Specific Condition III of the permit as modified by FDEP correspondence dated November 5, 2012. The duration of this project is October 1, 2015 through September 30, 2016.

The proposed scope of services is as follows:

## **SCOPE OF SERVICE**

Jones Edmunds will conduct four quarterly groundwater monitoring events:

- Sample groundwater monitoring wells MWC-2D, MWC-2S, MWC-4D, MWC-4S, MWC-6D, MWC-6S, MWC-12D, MWC-12S, MWC-14D, MWC-14S, MWB-15D, and MWB-15S in June and December.
- Sample groundwater monitoring wells MWB-1D, MWB-1S, MWC-3D, MWC-3S, MWC-7D, MWC-7S, MWC-13D, MWC-13S, MWB-15D, and MWB-15S in March and September.
- Analyze the groundwater samples for the following parameters:
  - Nitrate Nitrogen
  - Total Dissolved Solids
  - Fecal Coliform



- pH
- Turbidity

Jones Edmunds will conduct two semiannual residuals monitoring events. The residuals sampling events will be conducted in June and December.

- Analyze the residual samples for the following parameters:
  - pH
  - Nitrate Nitrogen
  - Percent Solids
  - Total Kjeldahl Nitrogen
  - Total Nitrogen
  - Total Phosphorus
  - Total Potassium
  - Cadmium
  - Copper
  - Lead
  - Nickel
  - Zinc

Jones Edmunds will prepare and compile the quarterly groundwater data and submit it to FDEP in two semiannual reports.

- The reports will include a summary letter, authorized signature pages, analytical data summary tables of groundwater results, field data sheets, Parameter Monitoring Report forms, and the laboratory analytical reports. The semiannual residuals sampling results will be compiled with the 2<sup>nd</sup> quarter and 4<sup>th</sup> quarter groundwater data.
- Submit the two semiannual reports to FDEP. Two hardcopies of each report will be provided to the County. Two hardcopies of each report will be submitted to FDEP. All data will be submitted to FDEP in electronic data deliverable format compatible with FDEP databases via email. The two semiannual reports for fiscal year 2016 will be:
  - Second Semiannual 2015 Report: This report will include the groundwater data collected during the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2015. The groundwater sampling for the 3<sup>rd</sup> quarter 2015 sampling event was covered under the Fiscal Year 2015 task assignment. This report will be submitted to FDEP by January 31, 2015.
  - First Semiannual 2016 Report: This report will include the groundwater data collected during the 1<sup>st</sup> and 2<sup>nd</sup> quarter 2016 sampling events. This report will be submitted to FDEP by July 31, 2016.

## SCHEDULE

The work detailed in this proposal will be completed by September 30, 2016.

## EXCLUSIONS AND ASSUMPTIONS

- The quantities and labor hours listed in this proposal are intended as documentation and justification for the total cost of the project. Deviations or changes in the quantities and labor hours shall not be reason for non-payment provided the total fee has not been exceeded.

## BUDGET FOR PROPOSED TASKS

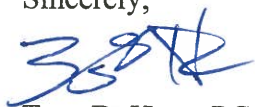
The proposed fee is as follows:

|   |                     |
|---|---------------------|
| Compliance Monitoring—Groundwater and Residuals | \$ 31,458.00        |
| <b>TOTAL</b>                                    | <b>\$ 31,458.00</b> |

Jones Edmunds proposes to complete this work for the not-to-exceed amount of \$31,458.00. Services and expenses will be billed in accordance with our Professional Services Agreement.

With your approval, we will perform this work as Task Order #36 under the Engineering Services Contract. We appreciate the opportunity to provide this proposed scope of work and look forward to working with you on this project. Please call me if you have any questions.

Sincerely,



Troy D. Hays, PG  
Project Manager

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WWTP2015.TaskOrderNo.36.THays.doc

Attachment



**ATTACHMENT 1**

**TASK ORDER FORM**

**AGREEMENT BETWEEN WAKULLA COUNTY AND  
JONES EDMUNDS & ASSOCIATES, INC.  
FOR PROFESSIONAL SERVICES**

**TASK ORDER NO. 36**

This **TASK ORDER**, made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2015 by mutual agreement of the parties hereto, is made a part of the Agreement for Professional Services dated \_\_\_\_\_ by and between Wakulla County (OWNER) and Jones, Edmunds & Associates, Inc. (Jones Edmunds) [ENGINEER], and by being made a part of said Agreement is therefore subject to the conditions and considerations contained therein, unless otherwise provided herein.

This **TASK ORDER** consists of providing engineering services described in the Workscope and Fee Estimate attached hereto. This Task Order consists of providing all engineering and related services described in the Workscope attached hereto as a letter from Troy D. Hays dated September 28, 2015, and incorporated herein by reference, and the Fee Estimate contained in Wakulla County WWTF #2 Proposal for Compliance Monitoring – Task Order No. 36, which is also attached hereto and incorporated herein by reference.

The maximum compensation authorized by this **TASK ORDER** is a not-to-exceed amount of \$31,458.00. Compensation for these services shall be in accordance with the Agreement for Professional Services.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this **TASK ORDER**, upon the terms and conditions above stated on the day and year first above written.

ENGINEER:

COUNTY:

JONES, EDMUNDS & ASSOCIATES, INC.

WAKULLA COUNTY

By: \_\_\_\_\_

Kenneth S. Vogel, PE  
Sr. Vice President

By: \_\_\_\_\_

David Edwards  
County Administrator

ATTEST

ATTEST

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

*TKH*



# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: November 16, 2015

Date Submitted: November 3, 2015

To: Honorable Chairman and Members of the Board

From: David Edwards, County Administrator  
Keith Blackmar, Chairman of the Wakulla County Community Traffic Safety Team (CTST)

Subject: Request Board Approval to Remove Two Stop Signs on Old Shell Point Road from the Roberts Williams Road and Belin Court intersections

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### **Statement of Issue:**

This agenda item requests Board approval to remove two stop signs on Old Shell Point Road from the Roberts Williams Road and Belin Court intersections.

### **Background:**

The Wakulla County Sheriff's Office has had complaints from the community about too many stop signs along Old Shell Point Road. The result has been motorists driving through the stop signs without stopping and posing a danger to motorists on the side roads thinking the opposing traffic will stop.

After discussion with the Department of Transportation, DOT officials said the stop signs should never have been used as speed control devices. The placement of the signs was not justified by any standard engineering design.

After discussion about the 35 and 45 mile per hour speed limits, the CTST recommended the removal of the stop signs on Old Shell Point Road from the Roberts Williams Road and Belin Court intersections while leaving the stop sign at the Ball Court intersection due to sight distance issues.

The WCSO will also set up the speed spies to determine how fast motorists are traveling on the road. The stop signs on the side roads were recommended to remain. The CTST's motion to send the recommendation to the County Commission was unanimous.

### **Analysis:**

Florida Department of Transportation officials agreed that the stop signs on Old Shell Point Road should never have been used as speed reduction devices. The stop signs are too close together and eliminate the purpose of paving Old Shell Point Road as another transportation alternative to reduce traffic on the major highways.

Upon approval, ESG will remove the signs as directed.

Agenda Request: Request Board Approval to Remove Two Stop Signs on Old Shell Point Road from the Roberts Williams Road and Belin Court intersections

November 16, 2015

Page 2

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**Budgetary Impact:**

None.

**Options:**

1. Approve to remove two stop signs on Old Shell Point Road from the Roberts Williams Road and Belin Court intersections.
2. Do Not Approve to remove two stop signs on Old Shell Point Road from the Roberts Williams Road and Belin Court intersections.
3. Board Direction.

**Recommendation:**

Option #1.

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: November 16, 2015

Date Submitted: November 10, 2015

To: Honorable Chairman and Members of the Board

From: David Edwards, County Administrator  
Somer Strickland, Interim Director, Planning and Community Development

Subject: Request Board Approval to Conduct a Public Hearing and Adopt an Ordinance Amending Section 2-4 of the Land Development Code Pertaining to the Definition of Development

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### **Statement of Issue:**

This agenda item requests Board approval to conduct a public hearing and adopt an Ordinance amending Section 2-4 of the Land Development Code pertaining to the Definition of Development.

### **Background:**

On August 3, 2015, the Board of County Commissioners directed staff to prepare amendments to the definition of development which would provide a specific threshold for minor filling and excavation activities to be excluded from the define term of “development”.

On November 9, 2015, the Planning Commission considered the proposed amendments and voted 7-1 to recommend approval.

### **Analysis:**

The proposed ordinance amends Section 2-4 of the Land Development Code, pertaining to the definition of development, to include the following:

“Minor excavation and fill activities on residentially developed parcels, not involving more than 20 cubic yards per acre of land, not to exceed 100 cubic yards per parcel. This exemption shall not apply to wetlands as defined by Florida Statute, lands within the floodplain and/or floodways, undeveloped parcels of land and parcels associated with nonresidential uses.”

Approval of the proposed ordinance will allow property owners to conduct such activities without the need to obtain a permit.

The advertisement for this public hearing appeared in The Wakulla News on October 29, 2015 (Attachment 1).



Agenda Request: Request Board Approval to Conduct a Public Hearing and Adopt an Ordinance Amending Section 2-4 of the Land Development Code Pertaining to the Definition of Development

November 16, 2015

Page 2

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**Budgetary Impact:**

If the Board approves the proposed ordinance, the County will incur the cost to file the Ordinance with Muni-Code of \$19.50 per page for a total of \$58.50.

**Options:**

1. Conduct the Public Hearing and adopt the proposed ordinance amending Section 2-4 of the Land Development Code pertaining to the Definition of Development.
2. Conduct the Public Hearing and do not adopt the proposed ordinance amending Section 2-4 of the Land Development Code pertaining to the Definition of Development.
3. Board Direction.

**Recommendation:**

Option #1.

**Attachment(s):**

1. Advertisement
2. Proposed Ordinance

# HEARING

The Wakulla County Planning Commission and Board of County Commissioners propose to consider the following ordinance. Public Hearings are scheduled regarding the following before the **Wakulla County Planning Commission on Monday, November 9, 2015, beginning at 7:00 P.M., unless otherwise noted below or as time permits** and before the **Wakulla County Board of County Commissioners on Monday, November 16, 2015, beginning at 5:00 P.M., unless otherwise noted below or as time permits.** All public hearings are held at the County Commission Chambers located west of the County Courthouse at 29 Arran Road, Crawfordville Florida 32327. Interested parties are invited to attend and present testimony.

ATTACHMENT # 1  
PAGE 1 OF 1

**AN ORDINANCE OF WAKULLA COUNTY  
FLORIDA, AMENDING SECTION 2-4  
OF THE WAKULLA COUNTY LAND  
DEVELOPMENT CODE, RELATING TO  
DEFINITION OF TERMS; AMENDING  
THE LISTED EXEMPTIONS TO THE  
DEFINITION OF DEVELOPMENT TO  
ALLOW MINOR FILL AND EXCAVATION  
ACTIVITIES ON RESIDENTIAL LOTS  
WITHOUT A PERMIT; PROVIDING FOR  
SEVERABILITY AND FOR AN EFFECTIVE  
DATE.**

Copies of applications, draft ordinances, and any related public record files may be viewed at the County Planning Department located at 11 Bream Fountain Road, Crawfordville, FL 32327, 8 AM to 4:30 PM M/F; Phone (850) 926-3695. Any person desiring to appeal a decision of a County Board must ensure a verbatim transcript or copy is made of the testimony and exhibits presented at said hearings. Persons with a disability needing a special accommodation should contact the Wakulla County Board of County Commissioners Administration Office at least two (2) days prior to the meeting at (850) 926-0919; Hearing and Voice Impaired at 1-800-955-8771; or email at [ADARquest@mywakulla.com](mailto:ADARquest@mywakulla.com) October 29, 2015

**WAKULLA COUNTY ORDINANCE 2015-\_\_\_\_\_**

**AN ORDINANCE OF WAKULLA COUNTY, FLORIDA,  
AMENDING SECTION 2-4 OF THE WAKULLA COUNTY  
LAND DEVELOPMENT CODE, RELATING TO  
DEFINITION OF TERMS; AMENDING THE LISTED  
EXEMPTIONS TO THE DEFINITION OF DEVELOPMENT  
TO ALLOW MINOR FILL AND EXCAVATION  
ACTIVITIES ON RESIDENTIAL LOTS WITHOUT A  
PERMIT; PROVIDING FOR SEVERABILITY AND FOR AN  
EFFECTIVE DATE.**

**WHEREAS,** Wakulla County wishes to amend the definition of development within the unincorporated areas of Wakulla County, Florida so as to allow for minor fill and excavation activities on residential lots without a permit, subject to certain conditions; and

**WHEREAS,** the County finds that amending the definition of development is in the best interest of the citizens of Wakulla County, and adds to the protection of the health, safety, welfare and property values of the community at large.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, AS FOLLOWS:**

**ARTICLE 1. INCORPORATION OF RECITALS.** The above recitals are hereby incorporated herein and made a part of this Ordinance.

**ARTICLE 2. AMENDMENT OF SECTION 2-4 OF THE WAKULLA COUNTY  
LAND DEVELOPMENT CODE.** The Board of County Commissioners (the "Board") hereby amends Section 2-4, of the Wakulla County Land Development Code, pertaining to definition of the term, as follows.

(Words that are ~~stricken out~~ are deletions; words that are underlined are additions)

**Sec. 2-4. Definition of terms.**

\* \* \*

1. *Development*: The carrying out of any building or mining operation or the making of any material change in the use or appearance of any land or structure, and the dividing of land into two or more parcels.

(a) The following activities or uses shall be taken for the purposes of this Code to involve development, as defined in this section:

1. A reconstruction, alteration of the size or material change in the external appearance of a structure on land.

2. A change in the intensity of use of land such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments or offices in a structure or on land.

3. Alteration of a shore or bank of a seacoast, river, stream, lake, pond or canal, including any coastal construction, as defined in F.S. § 161.021.

4. Commencement of drilling, mining or excavation on a parcel of land, including excavation for or installation of a septic tank or other utilities, except to obtain soil samples or to drill individual water supply and irrigation wells.

5. Demolition of a structure.

6. Clearing of land as an adjunct of construction.

7. Deposit of refuse, solid or liquid waste or fill on land.

(b) The following operations or uses shall not be taken for the purposes of this Code to involve development as defined in this section:

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track carried out on land within the boundaries of the right-of-way.

2. Work by a utility or other person engaged in the distribution or transmission of gas or water for the purpose of inspecting, repairing, renewing or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like.

3. Work for the maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

4. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

5. A change in the ownership or form of ownership of any parcel or structure.

6. The creation or termination of rights of access, easements, riparian rights, covenants concerning development of land or any other rights in land.

7. Minor excavation and fill activities on residentially developed parcels, not involving more than 20 cubic yards per acre of land, not to exceed 100 cubic yards per parcel. This exemption shall not apply to wetlands as defined by Florida Statute, lands within the floodplain and/or floodways, undeveloped parcels of land and parcels associated with nonresidential uses.

(c) Development, as designated in this Code, includes all other development customarily associated with it, unless otherwise specified. When appropriate to the context, development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development.

\* \* \*

**ARTICLE 3. CODIFICATION IN THE CODE OF ORDINANCES.** It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Wakulla County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

**ARTICLE 4. SEVERABILITY.** Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

**ARTICLE 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment by the Board and shall be effective upon filing with the Department of State.

**PASSED AND ADOPTED** by the Board of County Commissioners of Wakulla County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**BOARD OF COUNTY COMMISSIONERS OF  
WAKULLA COUNTY, FLORIDA**

By: \_\_\_\_\_  
RALPH THOMAS, Chair

ATTEST:

\_\_\_\_\_  
BRENT X. THURMOND, Ex Officio  
Clerk to the Board

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
HEATHER J. ENCINOSA, ESQ.  
County Attorney

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: November 16, 2015

Date Submitted: November 10, 2015

To: Honorable Chairman and Members of the Board

From: David Edwards, County Administrator  
Somer Strickland, Interim Director, Planning and Community Development

Subject: Request Board Approval to Conduct the Public Hearing and Adopt an Ordinance Amending Section 5-38 of the Land Development Code Pertaining to the C-2 Zoning District

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### **Statement of Issue:**

This agenda item requests the Board approval to conduct the public hearing and adopt an Ordinance amending Section 5-38 of the Land Development Code pertaining to the C-2 Zoning District.

### **Background:**

On October 5, 2015, the Board of County Commissioners directed staff to prepare amendments to the C-2 (General Commercial) zoning district similar to amendments recently made to the AG (Agriculture) zoning district.

On August 3, 2015, the Board of County Commissioners adopted Ordinance 2015-12 amending the AG zoning district to allow for certain manufacturing and production uses as a conditional use.

On November 9, 2015, the Planning Commission considered the proposed ordinance and voted unanimously to recommend approval.

### **Analysis:**

The proposed ordinance amends Section 5-38 pertaining to the C-2 zoning districts, of the Land Development Code to include the following as conditional uses:

- Food and kindred products manufacturing, processing, and packaging.
- Production, processing and storage of apparel and piece goods, electronic and related products and miscellaneous durable and nondurable goods that are unlikely to cause objectionable impacts such as odor, noise, fumes, or dispersion of waste or radiation to be detected off-site.

In the event an applicant wished to conduct a use under one of these proposed categories, they would be required to submit an Application for Conditional Use and Application for Site Plan demonstrating consistency with Code and that the request would not adversely affect the health, safety and welfare of the general public.

Agenda Request: Request Board Approval to Conduct the Public Hearing and Adopt an Ordinance Amending Section 5-38 of the Land Development Code Pertaining to the C-2 Zoning District

November 16, 2015

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The advertisement for this public hearing appeared in The Wakulla News on October 29, 2015 (Attachment 1).

**Budgetary Impact:**

If the Board approves the proposed ordinance, the County will incur the cost to file the Ordinance with Muni-Code of \$19.50 per page for a total of \$117.00.

**Options:**

1. Conduct the final Public Hearing and adopt the proposed ordinance amending Section 5-38 of the Land Development Code pertaining to the C-2 Zoning District
2. Conduct the final Public Hearing and do not adopt the proposed ordinance amending Section 5-38 of the Land Development Code pertaining to the C-2 Zoning District
3. Board Direction.

**Recommendation:**

Option #1.

**Attachment(s):**

1. Advertisement
2. Proposed Ordinance

## NOTICE OF PUBLIC HEARING

The Wakulla County Planning Commission and Board of County Commissioners propose to consider the following ordinance. Public Hearings are scheduled regarding the following before the **Wakulla County Planning Commission on Monday, November 9, 2015, beginning at 7:00 P.M., unless otherwise noted below or as time permits** and before the **Wakulla County Board of County Commissioners on Monday, November 16, 2015, beginning at 5:00 P.M., and Monday, December 7, 2015, beginning at 5:00 P.M., unless otherwise noted below or as time permits.** All public hearings are held at the County Commission Chambers located west of the County Courthouse at 29 Arran Road, Crawfordville, Florida 32327. Interested parties are invited to attend and present testimony.

**AN ORDINANCE OF WAKULLA COUNTY, FLORIDA, AMENDING SECTION 5-38 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE, PERTAINING TO THE C2 (GENERAL COMMERCIAL) ZONING DISTRICT REGULATIONS; ADDING FOOD AND KINDRED PRODUCTS MANUFACTURING, PROCESSING, AND PACKAGING AS A CONDITIONAL USE WITHIN THE DISTRICT; ADDING PRODUCTION, PROCESSING AND STORAGE OF APPAREL AND PIECE GOODS, ELECTRONIC AND RELATED PRODUCTS AND MISCELLANEOUS DURABLE AND NONDURABLE GOODS AS CONDITIONAL USES WITHIN THE DISTRICT; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Copies of applications, draft ordinances, and any related public record files may be viewed at the County Planning Department located at 11 Bream Fountain Road, Crawfordville, FL 32327, 8 A.M. to 4:30 P.M. M/F; Phone (850) 926-3695. Any person desiring to appeal a decision of a County Board must ensure a verbatim transcript or copy is made of the testimony and exhibits presented at said hearings. Persons with a disability needing a special accommodation should contact the Wakulla County Board of County Commissioners Administration Office at least two (2) days prior to the meeting at (850) 926-0919; Hearing and Voice Impaired at 1-800-955-8771; or email at [ADARrequest@mvwakulla.com](mailto:ADARrequest@mvwakulla.com) October 29, 2015



**WAKULLA COUNTY ORDINANCE NUMBER 2015- \_\_\_\_\_**

**AN ORDINANCE OF WAKULLA COUNTY, FLORIDA, AMENDING SECTION 5-38 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE, PERTAINING TO THE C2 (GENERAL COMMERCIAL) ZONING DISTRICT REGULATIONS; ADDING FOOD AND KINDRED PRODUCTS MANUFACTURING, PROCESSING, AND PACKAGING AS A CONDITIONAL USE WITHIN THE DISTRICT; ADDING PRODUCTION, PROCESSING AND STORAGE OF APPAREL AND PIECE GOODS, ELECTRONIC AND RELATED PRODUCTS AND MISCELLANEOUS DURABLE AND NONDURABLE GOODS AS CONDITIONAL USES WITHIN THE DISTRICT; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 5-38 of the Land Development Code establishes the principal and conditional uses for the C2 (General Commercial) Zoning District;

**WHEREAS**, the Board desires to revise the C2 (General Commercial) Zoning District regulations to allow food and kindred products manufacturing, processing, and packaging; and the production, processing and storage of apparel and piece goods, electronic and related products and miscellaneous durable and nondurable goods as conditional uses within the District;

**NOW THEREFORE**, be it ordained by the Board of County Commissioners of Wakulla County, Florida, as follows:

**ARTICLE 1. INCORPORATION OF RECITALS.** The above recitals are hereby incorporated herein and made a part of this Ordinance.

**ARTICLE 2. AMENDMENT OF SECTION 5-38 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE.** The Board of County Commissioners (the "Board") hereby amends Section 5-38, of the Wakulla County Land Development Code, pertaining to the C-2 zoning district, as follows.

(Words that are ~~stricken-out~~ are deletions; words that are underlined are additions)

**Sec. 5-38. - C-2 General Commercial District regulations.**

(1) *District intent.* The provisions of this district are intended to provide for areas for general business uses to meet the needs of a community-wide market. The areas designated in this district are intended to abut certain principal streets, in conformance with the comprehensive plan, which have frontage adaptable to the designated uses. This district is intended to encourage concentrations of general commercial activities on contiguous parcels to be developed as a cohesive unit. Planned commercial developments are also encouraged. This zoning district is permissible in the Rural-2, Rural-3, Urban-1, Urban-2, Commercial, and Public Facilities land use categories as designated in the comprehensive plan.

(2) *Special requirements.*

1. For all uses within this district that abut a residential district, the following restrictions apply:

- (a) A landscape barrier pursuant to section 6-31 shall be erected to separate and screen the districts.
- (b) When abutting residential districts the abutting yard setback shall be twice the standard requirement.
- (c) Exterior lighting shall not be directed so that beams shine on and create a nuisance in residential areas.

2. Single-family residential dwelling units or community residential homes (small) are permitted in this district when accompanied by an on-going commercial business that complies with the requirements of this district. A community residential home (small) is permitted only when accompanied by a separate and distinct on-going commercial business that complies with the requirements of this district. The intent of this provision is to accommodate the joint use of a single property by one family that resides and operates a business on a single property.

3. Non-residential access to principal arterial roads shall be from frontage or service roads or from side streets rather than directly from the abutting arterial roadway, unless no such alternate access is available.

(3) *Principal uses.*

- 1. Amusement and recreation services—completely indoors.
- 2. Apparel and accessory stores.
- 3. Auto and home supply stores.
- 4. Banking/financial institutions.
- 5. Business services.
- 6. Candy, nut and confectionery stores.
- 7. Child care centers.

8. Churches and other houses of worship including convents and rectories.
9. Convenience stores, without fuel sales.
10. Credit agencies.
11. Dairy product stores.
12. Drug and proprietary stores.
13. Eating and drinking establishments.
14. Educational services.
15. Fruit and vegetable markets.
16. Funeral homes.
17. Furniture, home furnishing and equipment stores.
18. General merchandise stores.
19. Grocery stores.
20. Hotels, motels, motor lodges and tourist courts.
21. Light infrastructure.
22. Liquor stores without on-premises consumption.
23. Meat and fish markets.
24. Medical and dental offices and services, laboratories, and clinics.
25. Membership organizations.
26. Mini-warehouses, including boat and recreational vehicle storage.
27. Miscellaneous food stores.
28. Miscellaneous retail stores.
29. Miscellaneous services.
30. Miscellaneous shopping goods stores.
31. Motor vehicle dealers, new and used.
32. Multi-family dwellings if located above the first floor of any legally established non-residential use.
33. Museums, art galleries, botanical and zoological gardens.
34. Non-medical offices and services, including business and government offices and services.

- 35. Nonstore retailers.
- 36. Long-term care facilities.
- 37. Organization hotels and lodging houses on membership basis.
- 38. Outpatient care facilities.
- 39. Retail bakeries.
- 40. Security and commodity brokers, dealers, exchange and services.
- 41. Self-service laundries.
- 42. Shopping centers.
- 43. Social services.
- 44. Storage garages.
- 45. Studios for photography, music, art, dance, drama, and voice.
- 46. Theaters (except drive-ins).
- 47. Used merchandise stores.

(4) *Conditional uses.*

- 1. Alcoholic beverage establishments.
- 2. Amusement and recreation services—outdoors.
- 3. Automotive repair.
- 4. Automotive service stations.
- 5. Carwashes.
- 6. Cemeteries.
- 7. Convenience stores, with fuel sales.
- 8. Hospitals.
- 9. Live entertainment establishments.
- 10. Motion picture drive-in theaters.
- 11. Public and private recreation facilities.
- 12. Schools.
- 13. Food and kindred products manufacturing, processing, and packaging.
- 14. Production, processing and storage of apparel and piece goods, electronic and related products and miscellaneous durable and nondurable goods that are unlikely to cause

objectionable impacts such as odor, noise, fumes, or dispersion of waste or radiation to be detected off-site.

(5) *Development standards.*

1. *Minimum lot or site size.*

- (a) Area: none.
- (b) Width: none.
- (c) Depth: none.

2. *Minimum building setbacks.*

- (a) Front: 25 feet.
- (b) Rear: 25 feet.
- (c) Side: 15 feet.

3. *Maximum building restrictions.\**

- (a) Coverage: 60 percent.
- (b) Height: 35 feet.
- (c) Density: 8 dwelling units per acre.

**\*Note**—Density and building coverage may be further restricted by the comprehensive plan.

**ARTICLE 3. CODIFICATION IN THE CODE OF ORDINANCES.** It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Wakulla County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

**ARTICLE 4. SEVERABILITY.** Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

**ARTICLE 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment by the Board and shall be effective upon filing with the Department of State.

**PASSED AND ADOPTED** by the Board of County Commissioners of Wakulla County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**BOARD OF COUNTY COMMISSIONERS OF  
WAKULLA COUNTY, FLORIDA**

By: \_\_\_\_\_  
RALPH THOMAS, Chair

ATTEST:

\_\_\_\_\_  
BRENT X. THURMOND, Ex Officio  
Clerk to the Board

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
HEATHER J. ENCINOSA, ESQ.  
County Attorney

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: November 16, 2015

Date Submitted: November 5, 2015

To: Members of the Board

From: Ralph Thomas, County Commissioner, District 1

Subject: Request Board Approval of a Resolution Encouraging our Florida Legislators to Amend 2016 HB 191 and SB 318

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### **Statement of Issue:**

This agenda item requests Board approval of a Resolution encouraging our Florida Legislators to amend 2016 HB 191 and SB 318.

### **Background:**

Article VIII, sections 1(c) and 1(g), Florida Constitution, provides that a county government may be established by charter, which shall be adopted upon a majority vote of electors of the county. Wakulla County Ordinance No. 2008-14 was adopted, providing for adoption of a Home Rule Charter.

As stated in Wakulla Charter Sec. 1.1.;

Wakulla County shall be a home rule charter county, and except as may be limited by this Home Rule Charter ("Charter"), shall have all powers of self-government granted now or hereafter by the Constitution and laws of the State of Florida.

2016 HB 191 and SB 318 propose to preempt regulation of all matters relating to exploration, development, production, processing, storage, & transportation of oil & gas; declares existing ordinances & regulations *relating* thereto void.

### **Analysis:**

The proposed preemption included in HB 191 and SB 318 is an assault on Home Rule and will cause a loss of Wakulla County's self governance, prohibiting Wakulla County's ability to make decisions which directly affect our County and our natural resources.

This agenda item will allow Wakulla County to communicate our objection to a loss of Home Rule to our State Legislatures. It will also allow us to encourage other counties to join us in communicating this objection. Regardless of whether or not an individual county supports or opposes the remaining content of HB 191 and SB 318, it stands to reason; all counties should be opposed to the proposed loss of their self-governance and the loss of control of their natural resources.

Agenda Request: Request Board Approval of a Resolution Encouraging our Florida Legislators to Amend 2016 HB 191 and SB 318

November 16, 2015

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This resolution proposes a strike of the following:

1. Lines 3-8 in HB 191 and SB 318, “preempting the regulation of all matters relating to the exploration, development, production, processing, storage, and transportation of oil and gas; declaring existing ordinances and regulations relating thereto void; providing an exception for certain zoning ordinances;”
2. Lines 82-91 in HB 191 and lines 84-93 in SB 318, “The Legislature declares that all matters relating to the regulation of the exploration, development, production, processing, storage, and transportation of oil and gas are preempted to the state, to the exclusion of all existing and future ordinances or regulations relating thereto adopted by any county, municipality, or other political subdivision of the 87 state. Any such existing ordinance or regulation is void. A county or municipality may, however, enforce an existing zoning ordinance adopted before January 1, 2015, if the ordinance is otherwise valid.”

November 18th through 20th, I will attend the Legislative Conference with the Florida Association of Counties (FAC). As stated in their mission, “the Florida Association of Counties (FAC) helps counties to effectively serve and represent Floridians by strengthening and preserving home rule through advocacy, education and collaboration.” I currently serve on the Board of Directors for FAC and I am the Chairman of the Rural Caucus. I also serve on the Board of Directors of the Small County Coalition. The Small County Coalition's primary mission is to help Florida's small and rural counties address legislative issues from a small county/rural perspective and work effectively with state agencies leadership. I would like to present this proposed resolution to both organizations at the Legislative Conference and attempt to garner support from other counties with the ultimate goal of making this issue a legislative priority to FAC and the Small County Coalition.

**Budgetary Impact:**

None

**Options:**

1. Approve the Resolution to encourage the State Legislature to amend 2016 HB 191 and SB 318.
2. Do not approve the Resolution to encourage the State Legislature to amend 2016 HB 191 and SB 318.
3. Board direction.

**Recommendation:**

Option #1.

**Attachment(s):**

1. Proposed Resolution
2. 2016 HB 191
3. 2016 HB 318



**RESOLUTION NO. 2015-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
WAKULLA COUNTY, FLORIDA ENCOURAGING THE FLORIDA  
LEGISLATURE TO AMEND HB 191 AND SB 318.**

**WHEREAS**, Article VIII, sections 1(c) and 1(g), Florida Constitution, provides that a county government may be established by charter, which shall be adopted upon a majority vote of electors of the county.

**WHEREAS**, Wakulla County Ordinance No. 2008-14 was adopted, providing for adoption of a Home Rule Charter.

**WHEREAS**, Wakulla County Charter Sec. 1.1. states, Wakulla County shall be a home rule charter county, and except as may be limited by this Home Rule Charter ("Charter"), shall have all powers of self-government granted now or hereafter by the Constitution and laws of the State of Florida.

**WHEREAS**, 2016 HB 191 and SB 318 propose to preempt regulation of all matters relating to exploration, development, production, processing, storage, & transportation of oil & gas; declares existing ordinances & regulations *relating* thereto void.

**WHEREAS**, The proposed preemption included in HB 191 and SB 318 is an assault on Home Rule and will cause a loss of Wakulla County's self governance, prohibiting Wakulla County's ability to make decisions which directly affect our County and our natural resources.

**WHEREAS**, Wakulla County desires to communicate our objection to a proposed loss of Home Rule to our State Legislators.

**WHEREAS**, Wakulla County desires to encourage other counties to join us in communicating this objection.

**WHEREAS**, Regardless of whether or not an individual county supports or opposes the remaining content of HB 191 and SB 318, we should stand together in opposition to any proposed loss of self-governance and loss of control of our natural resources.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA:**

**Section 1.** We recommend striking lines 3-8 in HB 191 and SB 318, “preempting the regulation of all matters relating to the exploration, development, production, processing, storage, and transportation of oil and gas; declaring existing ordinances and regulations relating thereto void; providing an exception for certain zoning ordinances;”

**Section 2.** We recommend striking lines 82-91 in HB 191 and lines 84-93 in SB 318, “The Legislature declares that all matters relating to the regulation of the exploration, development, production, processing, storage, and transportation of oil and gas are preempted to the state, to the exclusion of all existing and future ordinances or regulations relating thereto adopted by any county, municipality, or other political subdivision of the 87 state. Any such existing ordinance or regulation is void. A county or municipality may, however, enforce an existing zoning ordinance adopted before January 1, 2015, if the ordinance is otherwise valid.”

**Section 3.** The Wakulla County Board of County Commissioners hereby directs staff to forward a copy of this resolution to the following:

Governor Rick Scott  
State of Florida  
The Capitol, 400 S. Monroe Street  
Tallahassee, FL 32399-0001

Senate President  
Senator Andy Gardiner  
The Florida Senate  
409 The Capitol,  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Speaker of the House  
Representative Steve Crisafulli  
Capitol Office, 420 The Capitol  
402 S. Monroe Street  
Tallahassee, FL 32399-1300

Senator Bill Montford  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Representative Halsey Beshears  
303 House Office Building  
402 S. Monroe Street  
Tallahassee, FL 32399-1300

This resolution will become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** at the meeting of the Board of County Commissioners of

Wakulla County, Florida on the 16th day of November 2015.

BOARD OF COUNTY COMMISSIONERS  
OF WAKULLA COUNTY, FLORIDA

By: \_\_\_\_\_  
Ralph Thomas, Chairman

ATTEST:

\_\_\_\_\_  
BRENT X. THURMOND, Ex Officio  
Clerk to the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
Heather Encinosa, Esq.

1                   A bill to be entitled

2       An act relating to the regulation of oil and gas  
3       resources; amending s. 377.06, F.S.; preempting the  
4       regulation of all matters relating to the exploration,  
5       development, production, processing, storage, and  
6       transportation of oil and gas; declaring existing  
7       ordinances and regulations relating thereto void;  
8       providing an exception for certain zoning ordinances;  
9       amending s. 377.19, F.S.; applying the definitions of  
10      certain terms to additional sections of chapter 377,  
11      F.S.; revising the definition of the term "division";  
12      conforming a cross-reference; defining the term "high-  
13      pressure well stimulation"; amending s. 377.22, F.S.;  
14      revising the rulemaking authority of the Department of  
15      Environmental Protection; amending s. 377.24, F.S.;  
16      requiring that a permit be obtained before the  
17      performance of a high-pressure well stimulation;  
18      specifying that a permit may authorize single or  
19      multiple activities; deleting provisions prohibiting  
20      the division from granting permits to drill gas or oil  
21      wells within the limits of a municipality without  
22      approval of the governing authority of the  
23      municipality; prohibiting the department from  
24      approving permits for high-pressure well stimulation  
25      until certain rules are adopted; amending s. 377.241,  
26      F.S.; requiring the Division of Water Resource

27 Management to give consideration to and be guided by  
28 certain additional criteria when issuing permits;  
29 amending s. 377.242, F.S.; authorizing the department  
30 to issue permits for the performance of a high-  
31 pressure well stimulation; revising permit  
32 requirements that permitholders agree not to prevent  
33 division inspections; amending s. 377.2425, F.S.;  
34 requiring an applicant or operator to provide surety  
35 that performance of a high-pressure well stimulation  
36 will be conducted in a safe and environmentally  
37 compatible manner; creating s. 377.2436, F.S.;  
38 directing the department to conduct a study on high-  
39 pressure well stimulation; providing study criteria;  
40 requiring the study to be submitted to the Governor  
41 and Legislature; amending s. 377.37, F.S.; increasing  
42 the maximum amount of a civil penalty; creating s.  
43 377.45, F.S.; requiring the department to designate  
44 the national chemical registry as the state's  
45 registry; requiring service providers, vendors, and  
46 well owners or operators to report certain information  
47 to the department; requiring the department to report  
48 certain information to the national chemical registry;  
49 providing applicability; requiring the department to  
50 adopt rules; amending ss. 377.07, 377.10, 377.243, and  
51 377.244, F.S.; conforming provisions; providing an  
52 appropriation; providing an effective date.

53  
54 Be It Enacted by the Legislature of the State of Florida:

55  
56 Section 1. Section 377.06, Florida Statutes, is amended to  
57 read:

58 377.06 Public policy of state concerning natural resources  
59 of oil and gas; preemption.—

60 (1) It is ~~hereby declared~~ the public policy of this state  
61 to conserve and control the natural resources of oil and gas in  
62 this state, and the products made from oil and gas in this  
63 state, ~~to~~ to prevent waste of natural resources; to provide for  
64 the protection and adjustment of the correlative rights of the  
65 owners of the land in which the natural resources lie, ~~of~~ the  
66 owners and producers of oil and gas resources and the products  
67 made from oil and gas, and ~~of~~ others interested in these  
68 resources and products; and to safeguard the health, property,  
69 and public welfare of the residents of this state and other  
70 interested persons ~~and for all purposes indicated by the~~  
71 ~~provisions in this section.~~

72 (2) ~~Further,~~ It is the public policy of this state  
73 ~~declared~~ that underground storage of natural gas is in the  
74 public interest because underground storage promotes  
75 conservation of natural gas, ~~to~~ to makes gas more readily available  
76 to the domestic, commercial, and industrial consumers of this  
77 state, ~~to~~ to and allows the accumulation of large quantities of gas  
78 in reserve for orderly withdrawal during emergencies or periods

79 of peak demand. It is not the intention of this section to  
80 limit, restrict, or modify in any way the provisions of this  
81 law.

82 (3) The Legislature declares that all matters relating to  
83 the regulation of the exploration, development, production,  
84 processing, storage, and transportation of oil and gas are  
85 preempted to the state, to the exclusion of all existing and  
86 future ordinances or regulations relating thereto adopted by any  
87 county, municipality, or other political subdivision of the  
88 state. Any such existing ordinance or regulation is void. A  
89 county or municipality may, however, enforce an existing zoning  
90 ordinance adopted before January 1, 2015, if the ordinance is  
91 otherwise valid.

92 Section 2. Section 377.19, Florida Statutes, is amended to  
93 read:

94 377.19 Definitions.—As used in ss. 377.06, 377.07, and  
95 377.10-377.45 ~~377.10-377.40~~, the term:

96 (1) "Completion date" means the day, month, and year that  
97 a new productive well, a previously shut-in well, or a  
98 temporarily abandoned well is completed, repaired, or  
99 recompleted and the operator begins producing oil or gas in  
100 commercial quantities.

101 (2) "Department" means the Department of Environmental  
102 Protection.

103 (3) "Division" means the Division of Water Resource  
104 Management of the Department of Environmental Protection.

105           (4) "Field" means the general area that is underlaid, or  
106 appears to be underlaid, by at least one pool. The term includes  
107 the underground reservoir, or reservoirs, containing oil or gas,  
108 or both. The terms "field" and "pool" mean the same thing if  
109 only one underground reservoir is involved; however, the term  
110 "field," unlike the term "pool," may relate to two or more  
111 pools.

112           (5) "Gas" means all natural gas, including casinghead gas,  
113 and all other hydrocarbons not defined as oil in subsection (16)  
114 ~~(15)~~.

115           (6) "High-pressure well stimulation" means all stages of a  
116 well intervention performed by injecting fluids into a rock  
117 formation at high pressure that exceeds the fracture gradient of  
118 the rock formation in order to propagate fractures in such  
119 formation to increase production at an oil or gas well by  
120 improving the flow of hydrocarbons from the formation into the  
121 wellbore. The term does not include well stimulation or  
122 conventional workover procedures that may incidentally fracture  
123 the formation near the wellbore.

124           (7)~~(6)~~ "Horizontal well" means a well completed with the  
125 wellbore in a horizontal or nearly horizontal orientation within  
126 10 degrees of horizontal within the producing formation.

127           (8)~~(7)~~ "Illegal gas" means gas that has been produced  
128 within the state from any well or wells in excess of the amount  
129 allowed by any rule, regulation, or order of the division, as  
130 distinguished from gas produced within the State of Florida from



131 a well not producing in excess of the amount so allowed, which  
132 is "legal gas."

133 (9)~~(8)~~ "Illegal oil" means oil that has been produced  
134 within the state from any well or wells in excess of the amount  
135 allowed by rule, regulation, or order of the division, as  
136 distinguished from oil produced within the state from a well not  
137 producing in excess of the amount so allowed, which is "legal  
138 oil."

139 (10)~~(9)~~ "Illegal product" means a product of oil or gas,  
140 any part of which was processed or derived, in whole or in part,  
141 from illegal gas or illegal oil or from any product thereof, as  
142 distinguished from "legal product," which is a product processed  
143 or derived to no extent from illegal oil or illegal gas.

144 (11)~~(10)~~ "Lateral storage reservoir boundary" means the  
145 projection up to the land surface of the maximum horizontal  
146 extent of the gas volume contained in a natural gas storage  
147 reservoir.

148 (12)~~(11)~~ "Native gas" means gas that occurs naturally  
149 within this state and does not include gas produced outside the  
150 state, transported to this state, and injected into a permitted  
151 natural gas storage facility.

152 (13)~~(12)~~ "Natural gas storage facility" means an  
153 underground reservoir from which oil or gas has previously been  
154 produced and which is used or to be used for the underground  
155 storage of natural gas, and any surface or subsurface structure,  
156 or infrastructure, except wells. The term also includes a right

157 or appurtenance necessary or useful in the operation of the  
158 facility for the underground storage of natural gas, including  
159 any necessary or reasonable reservoir protective area as  
160 designated for the purpose of ensuring the safe operation of the  
161 storage of natural gas or protecting the natural gas storage  
162 facility from pollution, invasion, escape, or migration of gas,  
163 or any subsequent extension thereof. The term does not mean a  
164 transmission, distribution, or gathering pipeline or system that  
165 is not used primarily as integral piping for a natural gas  
166 storage facility.

167        (14)~~(13)~~ "Natural gas storage reservoir" means a pool or  
168 field from which gas or oil has previously been produced and  
169 which is suitable for or capable of being made suitable for the  
170 injection, storage, and recovery of gas, as identified in a  
171 permit application submitted to the department under s.  
172 377.2407.

173        (15)~~(14)~~ "New field well" means an oil or gas well  
174 completed after July 1, 1997, in a new field as designated by  
175 the Department of Environmental Protection.

176        (16)~~(15)~~ "Oil" means crude petroleum oil and other  
177 hydrocarbons, regardless of gravity, which are produced at the  
178 well in liquid form by ordinary production methods, and which  
179 are not the result of condensation of gas after it leaves the  
180 reservoir.

181        (17)~~(16)~~ "Oil and gas" has the same meaning as the term  
182 "oil or gas."

(18)~~(17)~~ "Oil and gas administrator" means the State Geologist.

(19)~~(18)~~ "Operator" means the entity who:

(a) Has the right to drill and to produce a well; or

(b) As part of a natural gas storage facility, injects, or is engaged in the work of preparing to inject, gas into a natural gas storage reservoir; or stores gas in, or removes gas from, a natural gas storage reservoir.

(20)~~(19)~~ "Owner" means the person who has the right to drill into and to produce from any pool and to appropriate the production for the person or for the person and another, or others.

(21)~~(20)~~ "Person" means a natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind.

(22)~~(21)~~ "Pool" means an underground reservoir containing or appearing to contain a common accumulation of oil or gas or both. Each zone of a general structure which is completely separated from any other zone on the structure is considered a separate pool as used herein.

(23)~~(22)~~ "Producer" means the owner or operator of a well or wells capable of producing oil or gas, or both.

(24)~~(23)~~ "Product" means a commodity made from oil or gas and includes refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil,

209 residuum, gas oil, casinghead gasoline, natural gas gasoline,  
210 naphtha, distillate, condensate, gasoline, waste oil, kerosene,  
211 benzine, wash oil, blended gasoline, lubricating oil, blends or  
212 mixtures of oil with one or more liquid products or byproducts  
213 derived from oil or gas, and blends or mixtures of two or more  
214 liquid products or byproducts derived from oil or gas, whether  
215 hereinabove enumerated or not.

216 (25)~~(24)~~ "Reasonable market demand" means the amount of  
217 oil reasonably needed for current consumption, together with a  
218 reasonable amount of oil for storage and working stocks.

219 (26)~~(25)~~ "Reservoir protective area" means the area  
220 extending up to and including 2,000 feet surrounding a natural  
221 gas storage reservoir.

222 (27)~~(26)~~ "Shut-in bottom hole pressure" means the pressure  
223 at the bottom of a well when all valves are closed and no oil or  
224 gas has been allowed to escape for at least 24 hours.

225 (28)~~(27)~~ "Shut-in well" means an oil or gas well that has  
226 been taken out of service for economic reasons or mechanical  
227 repairs.

228 (29)~~(28)~~ "State" means the State of Florida.

229 (30)~~(29)~~ "Temporarily abandoned well" means a permitted  
230 well or wellbore that has been abandoned by plugging in a manner  
231 that allows reentry and redevelopment in accordance with oil or  
232 gas rules of the Department of Environmental Protection.

233 (31)~~(30)~~ "Tender" means a permit or certificate of  
234 clearance for the transportation or the delivery of oil, gas, or

products, approved and issued or registered under the authority of the division.

(32)~~(31)~~ "Waste," in addition to its ordinary meaning, means "physical waste" as that term is generally understood in the oil and gas industry. The term "waste" includes:

(a) The inefficient, excessive, or improper use or dissipation of reservoir energy; and the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner that results, or tends to result, in reducing the quantity of oil or gas ultimately to be stored or recovered from any pool in this state.

(b) The inefficient storing of oil; and the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner that causes, or tends to cause, unnecessary or excessive surface loss or destruction of oil or gas.

(c) The producing of oil or gas in a manner that causes unnecessary water channeling or coning.

(d) The operation of any oil well or wells with an inefficient gas-oil ratio.

(e) The drowning with water of any stratum or part thereof capable of producing oil or gas.

(f) The underground waste, however caused and whether or not defined.

(g) The creation of unnecessary fire hazards.

(h) The escape into the open air, from a well producing

both oil and gas, of gas in excess of the amount that is necessary in the efficient drilling or operation of the well.

(i) The use of gas for the manufacture of carbon black.

(j) Permitting gas produced from a gas well to escape into the air.

(k) The abuse of the correlative rights and opportunities of each owner of oil and gas in a common reservoir due to nonuniform, disproportionate, and unratable withdrawals, causing undue drainage between tracts of land.

(33)~~(32)~~ "Well site" means the general area around a well, which area has been disturbed from its natural or existing condition, as well as the drilling or production pad, mud and water circulation pits, and other operation areas necessary to drill for or produce oil or gas, or to inject gas into and recover gas from a natural gas storage facility.

Section 3. Subsection (2) of section 377.22, Florida Statutes, is amended to read:

377.22 Rules and orders.—

(2) The department shall issue orders and adopt rules pursuant to ss. 120.536 and 120.54 to implement and enforce ~~the provisions of~~ this chapter. Such rules and orders shall ensure that all precautions are taken to prevent the spillage of oil or any other pollutant in all phases of the drilling for, and extracting of, oil, gas, or other petroleum products, including high-pressure well stimulations, or during the injection of gas into and recovery of gas from a natural gas storage reservoir.

287 The department shall revise such rules from time to time as  
288 necessary for the proper administration and enforcement of this  
289 chapter. Rules adopted and orders issued in accordance with this  
290 section are for, but not limited to, the following purposes:

291 (a) To require the drilling, casing, and plugging of wells  
292 to be done in such a manner as to prevent the pollution of the  
293 fresh, salt, or brackish waters or the lands of the state and to  
294 protect the integrity of natural gas storage reservoirs.

295 (b) To prevent the alteration of the sheet flow of water  
296 in any area.

297 (c) To require that appropriate safety equipment be  
298 installed to minimize the possibility of an escape of oil or  
299 other petroleum products in the event of accident, human error,  
300 or a natural disaster during drilling, casing, or plugging of  
301 any well and during extraction operations.

302 (d) To require the drilling, casing, and plugging of wells  
303 to be done in such a manner as to prevent the escape of oil or  
304 other petroleum products from one stratum to another.

305 (e) To prevent the intrusion of water into an oil or gas  
306 stratum from a separate stratum, except as provided by rules of  
307 the division relating to the injection of water for proper  
308 reservoir conservation and brine disposal.

309 (f) To require a reasonable bond, or other form of  
310 security acceptable to the department, conditioned upon properly  
311 drilling, casing, producing, and operating each well, and  
312 properly plugging ~~the performance of the duty to plug properly~~

each dry and abandoned well and the full and complete restoration by the applicant of the area over which geophysical exploration, drilling, or production is conducted to the similar contour and general condition in existence before ~~prior to~~ such operation.

(g) To require and carry out a reasonable program of monitoring and inspecting ~~or inspection of~~ all drilling operations, high-pressure well stimulations, producing wells, ~~or~~ injecting wells, and well sites, including regular inspections by division personnel. Inspections will be required during the testing of blowout preventers, during the pressure testing of the casing and casing shoe, and during the integrity testing of the cement plugs in plugging and abandonment operations.

(h) To require the making of reports showing the location of all oil and gas wells; the making and filing of logs; the taking and filing of directional surveys; the filing of electrical, sonic, radioactive, and mechanical logs of oil and gas wells; if taken, the saving of cutting and cores, the cuts of which shall be given to the Bureau of Geology; and the making of reports with respect to drilling and production records. However, such information, or any part thereof, at the request of the operator, shall be exempt from ~~the provisions of~~ s. 119.07(1) and held confidential by the division for ~~a period of~~ 1 year after the completion of a well.

(i) To prevent wells from being drilled, operated, or produced in such a manner as to cause injury to neighboring



leases, property, or natural gas storage reservoirs.

(j) To prevent the drowning by water of any stratum, or part thereof, capable of producing oil or gas in paying quantities and to prevent the premature and irregular encroachment of water which reduces, or tends to reduce, the total ultimate recovery of oil or gas from any pool.

(k) To require the operation of wells with efficient gas-oil ratio, and to fix such ratios.

(l) To prevent "blowouts," "caving," and "seepage," in the sense that conditions indicated by such terms are generally understood in the oil and gas business.

(m) To prevent fires.

(n) To identify the ownership of all oil or gas wells, producing leases, refineries, tanks, plants, structures, and storage and transportation equipment and facilities.

(o) To regulate the "shooting," perforating, and chemical treatment, and high-pressure stimulations of wells.

(p) To regulate secondary recovery methods, including the introduction of gas, air, water, or other substance into producing formations.

(q) To regulate gas cycling operations.

(r) To regulate the storage and recovery of gas injected into natural gas storage facilities.

(s) If necessary for the prevention of waste, as herein defined, to determine, limit, and prorate the production of oil or gas, or both, from any pool or field in the state.

(t) To require, either generally or in or from particular areas, certificates of clearance or tenders in connection with the transportation or delivery of oil or gas, or any product.

(u) To regulate the spacing of wells and to establish drilling units.

(v) To prevent, so far as is practicable, reasonably avoidable drainage from each developed unit which is not equalized by counterdrainage.

(w) To require that geophysical operations requiring a permit be conducted in a manner which will minimize the impact on hydrology and biota of the area, especially environmentally sensitive lands and coastal areas.

(x) To regulate aboveground crude oil storage tanks in a manner which will protect the water resources of the state.

(y) To act in a receivership capacity for fractional mineral interests for which the owners are unknown or unlocated and to administratively designate the operator as the lessee.

(z) To evaluate the history of past adjudicated violations committed by permit applicants or the applicants' affiliated entities of any substantive and material rule or law pertaining to the regulation of oil or gas.

Section 4. Subsections (6) through (9) of section 377.24, Florida Statutes, are renumbered as subsections (5) through (8), respectively, present subsections (1), (2), (4), and (5) are amended, and a new subsection (9) is added to that section, to read:

391 377.24 Notice of intention to drill well; permits;  
392 abandoned wells and dry holes.—

393 (1) Before drilling a well in search of oil or gas, before  
394 performing a high-pressure well stimulation, or before storing  
395 gas in or recovering gas from a natural gas storage reservoir,  
396 the person who desires to drill for, store, or recover gas, ~~or~~  
397 drill for oil or gas, or perform a high-pressure well  
398 stimulation shall notify the division upon such form as it may  
399 prescribe and shall pay a reasonable fee set by rule of the  
400 department not to exceed the actual cost of processing and  
401 inspecting for each well or reservoir. The drilling of any well,  
402 the performance of any high-pressure well stimulation, and the  
403 storing and recovering of gas are prohibited until such notice  
404 is given, the fee is paid, and a ~~the~~ permit is granted. A permit  
405 may authorize a single activity or multiple activities.

406 (2) An application for the drilling of a well in search of  
407 oil or gas, for the performance of a high-pressure well  
408 stimulation, or for the storing of gas in and recovering of gas  
409 from a natural gas storage reservoir~~r~~ in this state must include  
410 the address of the residence of the applicant~~r~~ or applicants,  
411 which must be the address of each person involved in accordance  
412 with the records of the Division of Water Resource Management  
413 until such address is changed on the records of the division  
414 after written request.

415 (4) Application for permission to drill or abandon any  
416 well or perform a high-pressure well stimulation may be denied

417 by the division for only just and lawful cause.

418 ~~(5) No permit to drill a gas or oil well shall be granted~~  
419 ~~within the corporate limits of any municipality, unless the~~  
420 ~~governing authority of the municipality shall have first duly~~  
421 ~~approved the application for such permit by resolution.~~

422 (9) The department may not approve a permit to authorize a  
423 high-pressure well stimulation until rules for high-pressure  
424 well stimulation are adopted.

425 Section 5. Subsections (5) and (6) are added to section  
426 377.241, Florida Statutes, to read:

427 377.241 Criteria for issuance of permits.—The division, in  
428 the exercise of its authority to issue permits as hereinafter  
429 provided, shall give consideration to and be guided by the  
430 following criteria:

431 (5) For high-pressure well stimulations, whether the high-  
432 pressure well stimulation as proposed is designed to ensure  
433 that:

434 (a) The groundwater through which the well will be or has  
435 been drilled is not contaminated by the high-pressure well  
436 stimulation; and

437 (b) The high-pressure well stimulation is consistent with  
438 the public policy of this state as specified in s. 377.06.

439 (6) As a basis for permit denial or imposition of specific  
440 permit conditions, including increased bonding up to five times  
441 the applicable limits and increased monitoring, the history of  
442 past adjudicated violations committed by the applicant or an

443 affiliated entity of the applicant of any substantive and  
444 material rule or law pertaining to the regulation of oil or gas,  
445 including violations that occurred outside the state.

446 Section 6. Section 377.242, Florida Statutes, is amended  
447 to read:

448 377.242 Permits for drilling or exploring and extracting  
449 through well holes or by other means.—The department is vested  
450 with the power and authority:

451 (1)(a) To issue permits for the performance of a high-  
452 pressure well stimulation or the drilling for, exploring for, or  
453 production of oil, gas, or other petroleum products ~~that~~ ~~which~~  
454 are to be extracted from below the surface of the land,  
455 including submerged land, only through the well hole drilled for  
456 oil, gas, and other petroleum products.

457 1. A ~~No~~ structure intended for the drilling for, or  
458 production of, oil, gas, or other petroleum products may not be  
459 permitted or constructed on any submerged land within any bay or  
460 estuary.

461 2. A ~~No~~ structure intended for the drilling for, or  
462 production of, oil, gas, or other petroleum products may not be  
463 permitted or constructed within 1 mile seaward of the coastline  
464 of the state.

465 3. A ~~No~~ structure intended for the drilling for, or  
466 production of, oil, gas, or other petroleum products may not be  
467 permitted or constructed within 1 mile of the seaward boundary  
468 of any state, local, or federal park or aquatic or wildlife

469 preserve or on the surface of a freshwater lake, river, or  
470 stream.

471 4. A ~~Ne~~ structure intended for the drilling for, or  
472 production of, oil, gas, or other petroleum products may not be  
473 permitted or constructed within 1 mile inland from the shoreline  
474 of the Gulf of Mexico, the Atlantic Ocean, or any bay or estuary  
475 or within 1 mile of any freshwater lake, river, or stream unless  
476 the department is satisfied that the natural resources of such  
477 bodies of water and shore areas of the state will be adequately  
478 protected in the event of accident or blowout.

479 5. Without exception, after July 1, 1989, a ~~ne~~ structure  
480 intended for the drilling for, or production of, oil, gas, or  
481 other petroleum products may not be permitted or constructed  
482 south of 26°00'00" north latitude off Florida's west coast and  
483 south of 27°00'00" north latitude off Florida's east coast,  
484 within the boundaries of Florida's territorial seas as defined  
485 in 43 U.S.C. s. 1301. After July 31, 1990, a ~~ne~~ structure  
486 intended for the drilling for, or production of, oil, gas, or  
487 other petroleum products may not be permitted or constructed  
488 north of 26°00'00" north latitude off Florida's west coast to  
489 the western boundary of the state bordering Alabama as set forth  
490 in s. 1, Art. II of the State Constitution, or located north of  
491 27°00'00" north latitude off Florida's east coast to the  
492 northern boundary of the state bordering Georgia as set forth in  
493 s. 1, Art. II of the State Constitution, within the boundaries  
494 of Florida's territorial seas as defined in 43 U.S.C. s. 1301.

495           (b) Subparagraphs (a)1. and 4. do not apply to permitting  
496 or construction of structures intended for the drilling for, or  
497 production of, oil, gas, or other petroleum products pursuant to  
498 an oil, gas, or mineral lease of such lands by the state under  
499 which lease any valid drilling permits are in effect on the  
500 effective date of this act. In the event that such permits  
501 contain conditions or stipulations, such conditions and  
502 stipulations shall govern and supersede subparagraphs (a)1. and  
503 4.

504           (c) The prohibitions of subparagraphs (a)1.-4. ~~in this~~  
505 ~~subsection~~ do not include "infield gathering lines," provided no  
506 other placement is reasonably available and all other required  
507 permits have been obtained.

508           (2) To issue permits to explore for and extract minerals  
509 which are subject to extraction from the land by means other  
510 than through a well hole.

511           (3) To issue permits to establish natural gas storage  
512 facilities or construct wells for the injection and recovery of  
513 any natural gas for storage in natural gas storage reservoirs.

514  
515 Each permit shall contain an agreement by the permitholder that  
516 the permitholder will not prevent inspection by division  
517 personnel at any time, including during installation and  
518 cementing of casing, testing of blowout preventers, pressure  
519 testing of the casing and casing shoe, and integrity testing of  
520 the cement plugs in plugging and abandonment operations. The

provisions of this section prohibiting permits for drilling or exploring for oil in coastal waters do not apply to any leases entered into before June 7, 1991.

Section 7. Subsection (1) of section 377.2425, Florida Statutes, is amended to read:

377.2425 Manner of providing security for geophysical exploration, drilling, and production.—

(1) Before ~~Prior to~~ granting a permit for conducting ~~to conduct~~ geophysical operations; drilling of exploratory, injection, or production wells; producing oil and gas from a wellhead; performing a high-pressure well stimulation; or transporting oil and gas through a field-gathering system, the department shall require the applicant or operator to provide surety that these operations will be conducted in a safe and environmentally compatible manner.

(a) The applicant for a drilling, production, high-pressure well stimulation, or injection well permit or a geophysical permit may provide the following types of surety to the department for this purpose:

1. A deposit of cash or other securities made payable to the Minerals Trust Fund. Such cash or securities so deposited shall be held at interest by the Chief Financial Officer to satisfy safety and environmental performance provisions of this chapter. The interest shall be credited to the Minerals Trust Fund. Such cash or other securities shall be released by the Chief Financial Officer upon request of the applicant and



547 certification by the department that all safety and  
548 environmental performance provisions established by the  
549 department for permitted activities have been fulfilled.

550         2. A bond of a surety company authorized to do business in  
551 the state in an amount as provided by rule.

552         3. A surety in the form of an irrevocable letter of credit  
553 in an amount as provided by rule guaranteed by an acceptable  
554 financial institution.

555         (b) An applicant for a drilling, production, high-pressure  
556 well stimulation, or injection well permit, or a permittee who  
557 intends to continue participating in long-term production  
558 activities of such wells, has the option to provide surety to  
559 the department by paying an annual fee to the Minerals Trust  
560 Fund. For an applicant or permittee choosing this option the  
561 following shall apply:

562             1. For the first year, or part of a year, of a drilling,  
563 production, or injection well permit, or change of operator, the  
564 fee is \$4,000 per permitted well.

565             2. For each subsequent year, or part of a year, the fee is  
566 \$1,500 per permitted well.

567             3. The maximum fee that an applicant or permittee may be  
568 required to pay into the trust fund is \$30,000 per calendar  
569 year, regardless of the number of permits applied for or in  
570 effect.

571             4. The fees set forth in subparagraphs 1., 2., and 3.  
572 shall be reviewed by the department on a biennial basis and

adjusted for the cost of inflation. The department shall establish by rule a suitable index for implementing such fee revisions.

(c) An applicant for a drilling or operating permit for operations planned in coastal waters that by their nature warrant greater surety shall provide surety only in accordance with paragraph (a), or similar proof of financial responsibility other than as provided in paragraph (b). For all such applications, including applications pending at the effective date of this act and notwithstanding ~~the provisions of~~ paragraph (b), the Governor and Cabinet in their capacity as the Administration Commission, at the recommendation of the department ~~of Environmental Protection~~, shall set a reasonable amount of surety required under this subsection. The surety amount shall be based on the projected cleanup costs and natural resources damages resulting from a maximum oil spill and adverse hydrographic and atmospheric conditions that would tend to transport the oil into environmentally sensitive areas, as determined by the department ~~of Environmental Protection~~.

Section 8. Section 377.2436, Florida Statutes, is created to read:

377.2436 Study on high-pressure well stimulation.—

(1) The department shall conduct a study on high-pressure well stimulation. The study shall:

(a) Evaluate the underlying geologic features present in the counties where oil wells have been permitted and analyze the

599 potential impact that high-pressure well stimulation and  
600 wellbore construction may have on the underlying geologic  
601 features.

602 (b) Evaluate the potential hazards and risks that high-  
603 pressure well stimulation poses to surface water or groundwater  
604 resources. The study shall assess the potential impacts of high-  
605 pressure well stimulation on drinking water resources and  
606 identify the main factors affecting the severity and frequency  
607 of impacts and shall analyze the potential for the use or reuse  
608 of recycled water in well stimulation fluids while meeting  
609 appropriate water quality standards.

610 (c) Review and evaluate the potential for groundwater  
611 contamination from conducting high-pressure well stimulation  
612 under wells that have been previously abandoned and plugged and  
613 identify a setback radius from previously plugged and abandoned  
614 wells that could be impacted by high-pressure well stimulation.

615 (d) Review and evaluate the ultimate disposition of well  
616 stimulation fluids after use in well stimulation processes.

617 (2) The department shall continue conventional oil and gas  
618 business operations during the performance of the study. There  
619 shall not be a moratorium on the evaluation and issuance of  
620 permits for conventional drilling, exploration, conventional  
621 completions, or conventional workovers during the performance of  
622 the study.

623 (3) The study is subject to independent scientific peer  
624 review.

625       (4) The findings of the study shall be submitted to the  
626 Governor, the President of the Senate, and the Speaker of the  
627 House of Representatives by June 30, 2017, and shall be  
628 prominently posted on the department website.

629       Section 9. Paragraph (a) of subsection (1) of section  
630 377.37, Florida Statutes, is amended to read:

631       377.37 Penalties.—

632       (1)(a) A ~~Any~~ person who violates any provision of this  
633 chapter law or any rule, regulation, or order of the division  
634 made under this chapter or who violates the terms of any permit  
635 to drill for or produce oil, gas, or other petroleum products  
636 referred to in s. 377.242(1) or to store gas in a natural gas  
637 storage facility, or any lessee, permitholder, or operator of  
638 equipment or facilities used in the exploration for, drilling  
639 for, or production of oil, gas, or other petroleum products, or  
640 storage of gas in a natural gas storage facility, who refuses  
641 inspection by the division as provided in this chapter, is  
642 liable to the state for any damage caused to the air, waters, or  
643 property, including animal, plant, or aquatic life, of the state  
644 and for reasonable costs and expenses of the state in tracing  
645 the source of the discharge, in controlling and abating the  
646 source and the pollutants, and in restoring the air, waters, and  
647 property, including animal, plant, and aquatic life, of the  
648 state. Furthermore, such person, lessee, permitholder, or  
649 operator is subject to the judicial imposition of a civil  
650 penalty ~~in an amount~~ of not more than \$25,000 ~~\$10,000~~ for each

651 offense. However, the court may receive evidence in mitigation.  
652 Each day during any portion of which such violation occurs  
653 constitutes a separate offense. This paragraph does not ~~Nothing~~  
654 ~~herein shall~~ give the department the right to bring an action on  
655 behalf of a ~~any~~ private person.

656 Section 10. Section 377.45, Florida Statutes, is created  
657 to read:

658 377.45 High-pressure well stimulation chemical disclosure  
659 registry.—

660 (1) (a) The department shall designate the national  
661 chemical disclosure registry, known as FracFocus, developed by  
662 the Ground Water Protection Council and the Interstate Oil and  
663 Gas Compact Commission, as the state's registry for chemical  
664 disclosure for all wells on which high-pressure well  
665 stimulations are performed. The department shall provide a link  
666 to FracFocus through the department's website.

667 (b) In addition to providing such information to the  
668 department as part of the permitting process, a service  
669 provider, vendor, or well owner or operator shall report, by  
670 department rule, to the department, at a minimum, the following  
671 information:

672 1. The name of the service provider, vendor, or owner or  
673 operator.

674 2. The date of completion of the high-pressure well  
675 stimulation.

676 3. The county in which the well is located.

677        4. The API number for the well.

678        5. The well name and number.

679        6. The longitude and latitude of the wellhead.

680        7. The total vertical depth of the well.

681        8. The total volume of water used in the high-pressure  
682 well stimulation.

683        9. Each chemical ingredient that is subject to 29 C.F.R.  
684 s. 1910.1200(g)(2) and the ingredient concentration in the high-  
685 pressure well stimulation fluid by mass for each well on which a  
686 high-pressure well stimulation is performed.

687        10. The trade or common name and the CAS registry number  
688 for each chemical ingredient.

689        (c) The department shall report to FracFocus all  
690 information received pursuant to paragraph (b), excluding any  
691 information subject to chapter 688.

692        (d) If the chemical disclosure registry cannot accept and  
693 make publicly available any information specified in this  
694 section, the department shall post the information on the  
695 department's website, excluding any information subject to  
696 chapter 688.

697        (2) A service provider, vendor, or well owner or operator  
698 shall:

699        (a) Report the information required under subsection (1)  
700 to the department within 60 days after the initiation of the  
701 high-pressure well stimulation for each well on which such high-  
702 pressure well stimulation is performed.

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703        (b) Notify the department if any chemical ingredient not  
704 previously reported is intentionally included and used for the  
705 purpose of performing a high-pressure well stimulation.

706        (3) This section does not apply to an ingredient that:

707        (a) Is not intentionally added to the high-pressure well  
708 stimulation; or

709        (b) Occurs incidentally or is otherwise unintentionally  
710 present in a high-pressure well stimulation.

711        (4) The department shall adopt rules to administer this  
712 section.

713        Section 11. Section 377.07, Florida Statutes, is amended  
714 to read:

715        377.07 Division of Water Resource Management; powers,  
716 duties, and authority.—The Division of Water Resource Management  
717 of the Department of Environmental Protection is ~~hereby~~ vested  
718 with power, authority, and duty to administer, carry out, and  
719 enforce ~~the provisions of this part law as directed in s.~~  
720 ~~370.02(3).~~

721        Section 12. Section 377.10, Florida Statutes, is amended  
722 to read:

723        377.10 Certain persons not to be employed by division.—A  
724 ~~No~~ person in the employ of, or holding any official connection  
725 or position with any person, firm, partnership, corporation, or  
726 association of any kind, engaged in the business of buying or  
727 selling mineral leases, drilling wells in the search of oil or  
728 gas, producing, transporting, refining, or distributing oil or

gas may not ~~shall~~ hold any position under, or be employed by, the Division of Water Resource Management in the prosecution of its duties under this part ~~law~~.

Section 13. Subsection (1) of section 377.243, Florida Statutes, is amended to read:

377.243 Conditions for granting permits for extraction through well holes.—

(1) Before ~~Prior to~~ the application to the Division of Water Resource Management for the permit to drill for oil, gas, and related products referred to in s. 377.242(1), the applicant must own a valid deed, or other muniment of title, or lease granting the ~~said~~ applicant the privilege to explore for oil, gas, or related mineral products to be extracted only through the well hole on the land or lands included in the application. However, unallocated interests may be unitized according to s. 377.27.

Section 14. Subsection (1) of section 377.244, Florida Statutes, is amended to read:

377.244 Conditions for granting permits for surface exploratory and extraction operations.—

(1) Exploration for and extraction of minerals under ~~and by virtue of~~ the authority of a grant of oil, gas, or mineral rights, or which, subsequent to such grant, may ~~be interpreted to~~ include the right to explore for and extract minerals which are subject to extraction from the land by means other than through a well hole, that is by means of surface exploratory and



755 extraction operations such as sifting of the sands, dragline,  
756 open pit mining, or other type of surface operation, which would  
757 include movement of sands, dirt, rock, or minerals, shall be  
758 exercised only pursuant to a permit issued by the Division of  
759 Water Resource Management upon the applicant's compliance  
760 ~~applicant complying~~ with the following conditions:

761 (a) The applicant must own a valid deed, or other muniment  
762 of title, or lease granting the applicant the right to explore  
763 for and extract oil, gas, and other minerals from the ~~said~~  
764 lands.

765 (b) The applicant shall post a good and sufficient surety  
766 bond with the division in such amount as the division determines  
767 ~~may determine~~ is adequate to afford full and complete protection  
768 for the owner of the surface rights of the lands described in  
769 the application, conditioned upon the full and complete  
770 restoration, by the applicant, of the area over which the  
771 exploratory and extraction operations are conducted to the same  
772 condition and contour in existence before ~~prior to~~ such  
773 operations.

774 Section 15. For the 2016-2017 fiscal year, the sum of \$1  
775 million in nonrecurring funds is appropriated from the General  
776 Revenue Fund to the Department of Environmental Protection to  
777 perform a high-pressure well stimulation study pursuant to s.  
778 377.2436, Florida Statutes.

779 Section 16. This act shall take effect July 1, 2016.

By Senator Richter

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A bill to be entitled

An act relating to the regulation of oil and gas resources; amending s. 377.06, F.S.; preempting the regulation of all matters relating to the exploration, development, production, processing, storage, and transportation of oil and gas; declaring existing ordinances and regulations relating thereto void; providing an exception for certain zoning ordinances; amending s. 377.19, F.S.; applying the definitions of certain terms to additional sections of ch. 377, F.S.; revising the definition of the term "division"; conforming a cross-reference; defining the term "high-pressure well stimulation"; amending s. 377.22, F.S.; revising the rulemaking authority of the Department of Environmental Protection; amending s. 377.24, F.S.; requiring that a permit be obtained before the performance of a high-pressure well stimulation; specifying that a permit may authorize single or multiple activities; deleting provisions that prohibit the Division of Water Resource Management from granting permits to drill gas or oil wells within the limits of a municipality without approval of the governing authority of the municipality; prohibiting the department from approving permits for high-pressure well stimulation until certain rules are adopted; amending s. 377.241, F.S.; requiring the Division of Water Resource Management to give consideration to and be guided by certain additional criteria when issuing permits; amending s. 377.242,

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F.S.; authorizing the department to issue permits for the performance of a high-pressure well stimulation; revising permit requirements that permit holders agree not to prevent division inspections; amending s. 377.2425, F.S.; requiring an applicant or operator to provide surety that performance of a high-pressure well stimulation will be conducted in a safe and environmentally compatible manner; creating s. 377.2436, F.S.; requiring the department to conduct a study on high-pressure well stimulation; providing study criteria; requiring the study to be submitted to the Governor and Legislature and posted on the department website; amending s. 377.37, F.S.; increasing the maximum amount of a civil penalty; creating s. 377.45, F.S.; requiring the department to designate the national chemical disclosure registry as the state's registry; requiring service providers, vendors, and well owners or operators to report certain information to the department; requiring the department to report certain information to the national chemical registry; providing applicability; requiring the department to adopt rules; amending ss. 377.07, 377.10, 377.243, and 377.244, F.S.; making technical changes; conforming provisions to changes made by the act; providing an appropriation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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59       Section 1. Section 377.06, Florida Statutes, is amended to  
60 read:

61       377.06 Public policy of state concerning natural resources  
62 of oil and gas; preemption.—

63       (1) It is ~~hereby declared~~ the public policy of this state  
64 to conserve and control the natural resources of oil and gas in  
65 this state, and the products made from oil and gas in this  
66 state; to prevent waste of natural resources; to provide for the  
67 protection and adjustment of the correlative rights of the  
68 owners of the land in which the natural resources lie, of the  
69 owners and producers of oil and gas resources and the products  
70 made from oil and gas, and of others interested in these  
71 resources and products; and to safeguard the health, property,  
72 and public welfare of the residents of this state and other  
73 interested persons ~~and for all purposes indicated by the~~  
74 ~~provisions in this section.~~

75       (2) ~~Further,~~ It is the public policy of this state declared  
76 that underground storage of natural gas is in the public  
77 interest because underground storage promotes conservation of  
78 natural gas, + makes gas more readily available to the domestic,  
79 commercial, and industrial consumers of this state, + and allows  
80 the accumulation of large quantities of gas in reserve for  
81 orderly withdrawal during emergencies or periods of peak demand.  
82 It is not the intention of this section to limit, restrict, or  
83 modify in any way the provisions of this law.

84       (3) The Legislature declares that all matters relating to  
85 the regulation of the exploration, development, production,  
86 processing, storage, and transportation of oil and gas are  
87 preempted to the state, to the exclusion of all existing and

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future ordinances or regulations relating thereto adopted by any county, municipality, or other political subdivision of the state. Any such existing ordinance or regulation is void. A county or municipality may, however, enforce an existing zoning ordinance adopted before January 1, 2015, if the ordinance is otherwise valid.

Section 2. Section 377.19, Florida Statutes, is amended to read:

377.19 Definitions.—As used in ss. 377.06, 377.07, and 377.10-377.45 ~~377.10-377.40~~, the term:

(1) "Completion date" means the day, month, and year that a new productive well, a previously shut-in well, or a temporarily abandoned well is completed, repaired, or recompleted and the operator begins producing oil or gas in commercial quantities.

(2) "Department" means the Department of Environmental Protection.

(3) "Division" means the Division of Water Resource Management of the Department of Environmental Protection.

(4) "Field" means the general area that is underlaid, or appears to be underlaid, by at least one pool. The term includes the underground reservoir, or reservoirs, containing oil or gas, or both. The terms "field" and "pool" mean the same thing if only one underground reservoir is involved; however, the term "field," unlike the term "pool," may relate to two or more pools.

(5) "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in subsection (16) ~~(15)~~.

(6) "High-pressure well stimulation" means all stages of a

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117 well intervention performed by injecting fluids into a rock  
118 formation at high pressure that exceeds the fracture gradient of  
119 the rock formation in order to propagate fractures in such  
120 formation to increase production at an oil or gas well by  
121 improving the flow of hydrocarbons from the formation into the  
122 wellbore. The term does not include well stimulation or  
123 conventional workover procedures that may incidentally fracture  
124 the formation near the wellbore.

125 (7)~~(6)~~ "Horizontal well" means a well completed with the  
126 wellbore in a horizontal or nearly horizontal orientation within  
127 10 degrees of horizontal within the producing formation.

128 (8)~~(7)~~ "Illegal gas" means gas that has been produced  
129 within the state from any well or wells in excess of the amount  
130 allowed by any rule, regulation, or order of the division, as  
131 distinguished from gas produced within the State of Florida from  
132 a well not producing in excess of the amount so allowed, which  
133 is "legal gas."

134 (9)~~(8)~~ "Illegal oil" means oil that has been produced  
135 within the state from any well or wells in excess of the amount  
136 allowed by rule, regulation, or order of the division, as  
137 distinguished from oil produced within the state from a well not  
138 producing in excess of the amount so allowed, which is "legal  
139 oil."

140 (10)~~(9)~~ "Illegal product" means a product of oil or gas,  
141 any part of which was processed or derived, in whole or in part,  
142 from illegal gas or illegal oil or from any product thereof, as  
143 distinguished from "legal product," which is a product processed  
144 or derived to no extent from illegal oil or illegal gas.

145 (11)~~(10)~~ "Lateral storage reservoir boundary" means the

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146 projection up to the land surface of the maximum horizontal  
147 extent of the gas volume contained in a natural gas storage  
148 reservoir.

149 (12)~~(11)~~ "Native gas" means gas that occurs naturally  
150 within this state and does not include gas produced outside the  
151 state, transported to this state, and injected into a permitted  
152 natural gas storage facility.

153 (13)~~(12)~~ "Natural gas storage facility" means an  
154 underground reservoir from which oil or gas has previously been  
155 produced and which is used or to be used for the underground  
156 storage of natural gas, and any surface or subsurface structure,  
157 or infrastructure, except wells. The term also includes a right  
158 or appurtenance necessary or useful in the operation of the  
159 facility for the underground storage of natural gas, including  
160 any necessary or reasonable reservoir protective area as  
161 designated for the purpose of ensuring the safe operation of the  
162 storage of natural gas or protecting the natural gas storage  
163 facility from pollution, invasion, escape, or migration of gas,  
164 or any subsequent extension thereof. The term does not mean a  
165 transmission, distribution, or gathering pipeline or system that  
166 is not used primarily as integral piping for a natural gas  
167 storage facility.

168 (14)~~(13)~~ "Natural gas storage reservoir" means a pool or  
169 field from which gas or oil has previously been produced and  
170 which is suitable for or capable of being made suitable for the  
171 injection, storage, and recovery of gas, as identified in a  
172 permit application submitted to the department under s.  
173 377.2407.

174 (15)~~(14)~~ "New field well" means an oil or gas well

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completed after July 1, 1997, in a new field as designated by the Department of Environmental Protection.

(16)~~(15)~~ "Oil" means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas after it leaves the reservoir.

(17)~~(16)~~ "Oil and gas" has the same meaning as the term "oil or gas."

(18)~~(17)~~ "Oil and gas administrator" means the State Geologist.

(19)~~(18)~~ "Operator" means the entity who:

(a) Has the right to drill and to produce a well; or

(b) As part of a natural gas storage facility, injects, or is engaged in the work of preparing to inject, gas into a natural gas storage reservoir; or stores gas in, or removes gas from, a natural gas storage reservoir.

(20)~~(19)~~ "Owner" means the person who has the right to drill into and to produce from any pool and to appropriate the production for the person or for the person and another, or others.

(21)~~(20)~~ "Person" means a natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind.

(22)~~(21)~~ "Pool" means an underground reservoir containing or appearing to contain a common accumulation of oil or gas or both. Each zone of a general structure which is completely separated from any other zone on the structure is considered a separate pool as used herein.



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204        (23)~~(22)~~ "Producer" means the owner or operator of a well  
205 or wells capable of producing oil or gas, or both.

206        (24)~~(23)~~ "Product" means a commodity made from oil or gas  
207 and includes refined crude oil, crude tops, topped crude,  
208 processed crude petroleum, residue from crude petroleum,  
209 cracking stock, uncracked fuel oil, fuel oil, treated crude oil,  
210 residuum, gas oil, casinghead gasoline, natural gas gasoline,  
211 naphtha, distillate, condensate, gasoline, waste oil, kerosene,  
212 benzine, wash oil, blended gasoline, lubricating oil, blends or  
213 mixtures of oil with one or more liquid products or byproducts  
214 derived from oil or gas, and blends or mixtures of two or more  
215 liquid products or byproducts derived from oil or gas, whether  
216 hereinabove enumerated or not.

217        (25)~~(24)~~ "Reasonable market demand" means the amount of oil  
218 reasonably needed for current consumption, together with a  
219 reasonable amount of oil for storage and working stocks.

220        (26)~~(25)~~ "Reservoir protective area" means the area  
221 extending up to and including 2,000 feet surrounding a natural  
222 gas storage reservoir.

223        (27)~~(26)~~ "Shut-in bottom hole pressure" means the pressure  
224 at the bottom of a well when all valves are closed and no oil or  
225 gas has been allowed to escape for at least 24 hours.

226        (28)~~(27)~~ "Shut-in well" means an oil or gas well that has  
227 been taken out of service for economic reasons or mechanical  
228 repairs.

229        (29)~~(28)~~ "State" means the State of Florida.

230        (30)~~(29)~~ "Temporarily abandoned well" means a permitted  
231 well or wellbore that has been abandoned by plugging in a manner  
232 that allows reentry and redevelopment in accordance with oil or

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gas rules of the Department of Environmental Protection.

(31)~~(30)~~ "Tender" means a permit or certificate of clearance for the transportation or the delivery of oil, gas, or products, approved and issued or registered under the authority of the division.

(32)~~(31)~~ "Waste," in addition to its ordinary meaning, means "physical waste" as that term is generally understood in the oil and gas industry. The term "waste" includes:

(a) The inefficient, excessive, or improper use or dissipation of reservoir energy; and the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner that results, or tends to result, in reducing the quantity of oil or gas ultimately to be stored or recovered from any pool in this state.

(b) The inefficient storing of oil; and the locating, spacing, drilling, equipping, operating, or producing of any oil or gas well or wells in a manner that causes, or tends to cause, unnecessary or excessive surface loss or destruction of oil or gas.

(c) The producing of oil or gas in a manner that causes unnecessary water channeling or coning.

(d) The operation of any oil well or wells with an inefficient gas-oil ratio.

(e) The drowning with water of any stratum or part thereof capable of producing oil or gas.

(f) The underground waste, however caused and whether or not defined.

(g) The creation of unnecessary fire hazards.

(h) The escape into the open air, from a well producing

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both oil and gas, of gas in excess of the amount that is necessary in the efficient drilling or operation of the well.

(i) The use of gas for the manufacture of carbon black.

(j) Permitting gas produced from a gas well to escape into the air.

(k) The abuse of the correlative rights and opportunities of each owner of oil and gas in a common reservoir due to nonuniform, disproportionate, and unratable withdrawals, causing undue drainage between tracts of land.

(33)~~(32)~~ "Well site" means the general area around a well, which area has been disturbed from its natural or existing condition, as well as the drilling or production pad, mud and water circulation pits, and other operation areas necessary to drill for or produce oil or gas, or to inject gas into and recover gas from a natural gas storage facility.

Section 3. Subsection (2) of section 377.22, Florida Statutes, is amended to read:

377.22 Rules and orders.—

(2) The department shall issue orders and adopt rules pursuant to ss. 120.536 and 120.54 to implement and enforce ~~the provisions of~~ this chapter. Such rules and orders shall ensure that all precautions are taken to prevent the spillage of oil or any other pollutant in all phases of the drilling for, and extracting of, oil, gas, or other petroleum products, including high-pressure well stimulations, or during the injection of gas into and recovery of gas from a natural gas storage reservoir. The department shall revise such rules from time to time as necessary for the proper administration and enforcement of this chapter. Rules adopted and orders issued in accordance with this

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section are for, but not limited to, the following purposes:

(a) To require the drilling, casing, and plugging of wells to be done in such a manner as to prevent the pollution of the fresh, salt, or brackish waters or the lands of the state and to protect the integrity of natural gas storage reservoirs.

(b) To prevent the alteration of the sheet flow of water in any area.

(c) To require that appropriate safety equipment be installed to minimize the possibility of an escape of oil or other petroleum products in the event of accident, human error, or a natural disaster during drilling, casing, or plugging of any well and during extraction operations.

(d) To require the drilling, casing, and plugging of wells to be done in such a manner as to prevent the escape of oil or other petroleum products from one stratum to another.

(e) To prevent the intrusion of water into an oil or gas stratum from a separate stratum, except as provided by rules of the division relating to the injection of water for proper reservoir conservation and brine disposal.

(f) To require a reasonable bond, or other form of security acceptable to the department, conditioned upon properly drilling, casing, producing, and operating each well and properly plugging ~~the performance of the duty to plug properly~~ each dry and abandoned well and upon the full and complete restoration by the applicant of the area over which geophysical exploration, drilling, or production is conducted to the similar contour and general condition in existence before ~~prior to~~ such operation.

(g) To require and carry out a reasonable program of

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320 monitoring and inspecting ~~or inspection of~~ all drilling  
321 operations, high-pressure well stimulations, producing wells, ~~or~~  
322 injecting wells, and well sites, including regular inspections  
323 by division personnel. Inspections are required during the  
324 testing of blowout preventers, during the pressure testing of  
325 the casing and casing shoe, and during the integrity testing of  
326 the cement plugs in plugging and abandonment operations.

327 (h) To require the making of reports showing the location  
328 of all oil and gas wells; the making and filing of logs; the  
329 taking and filing of directional surveys; the filing of  
330 electrical, sonic, radioactive, and mechanical logs of oil and  
331 gas wells; if taken, the saving of cutting and cores, the cuts  
332 of which shall be given to the Bureau of Geology; and the making  
333 of reports with respect to drilling and production records.  
334 However, such information, or any part thereof, at the request  
335 of the operator, shall be exempt from ~~the provisions of s.~~  
336 119.07(1) and held confidential by the division for ~~a period of~~  
337 1 year after the completion of a well.

338 (i) To prevent wells from being drilled, operated, or  
339 produced in such a manner as to cause injury to neighboring  
340 leases, property, or natural gas storage reservoirs.

341 (j) To prevent the drowning by water of any stratum, or  
342 part thereof, capable of producing oil or gas in paying  
343 quantities and to prevent the premature and irregular  
344 encroachment of water which reduces, or tends to reduce, the  
345 total ultimate recovery of oil or gas from any pool.

346 (k) To require the operation of wells with efficient gas-  
347 oil ratio, and to fix such ratios.

348 (l) To prevent "blowouts," "caving," and "seepage," in the

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sense that conditions indicated by such terms are generally understood in the oil and gas business.

(m) To prevent fires.

(n) To identify the ownership of all oil or gas wells, producing leases, refineries, tanks, plants, structures, and storage and transportation equipment and facilities.

(o) To regulate the "shooting," perforating, ~~and~~ chemical treatment, and high-pressure stimulations of wells.

(p) To regulate secondary recovery methods, including the introduction of gas, air, water, or other substance into producing formations.

(q) To regulate gas cycling operations.

(r) To regulate the storage and recovery of gas injected into natural gas storage facilities.

(s) If necessary for the prevention of waste, as herein defined, to determine, limit, and prorate the production of oil or gas, or both, from any pool or field in the state.

(t) To require, either generally or in or from particular areas, certificates of clearance or tenders in connection with the transportation or delivery of oil or gas, or any product.

(u) To regulate the spacing of wells and to establish drilling units.

(v) To prevent, so far as is practicable, reasonably avoidable drainage from each developed unit which is not equalized by counterdrainage.

(w) To require that geophysical operations requiring a permit be conducted in a manner which will minimize the impact on hydrology and biota of the area, especially environmentally sensitive lands and coastal areas.

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(x) To regulate aboveground crude oil storage tanks in a manner which will protect the water resources of the state.

(y) To act in a receivership capacity for fractional mineral interests for which the owners are unknown or unlocated and to administratively designate the operator as the lessee.

(z) To evaluate the history of past adjudicated violations committed by permit applicants or the applicants' affiliated entities of any substantive and material rule or law pertaining to the regulation of oil or gas.

Section 4. Subsections (1), (2), (4), and (5) of section 377.24, Florida Statutes, are amended, present subsections (6) through (9) of that section are redesignated as subsections (5) through (8), respectively, and a new subsection (9) is added to that section, to read:

377.24 Notice of intention to drill well; permits; abandoned wells and dry holes.—

(1) Before drilling a well in search of oil or gas, before performing a high-pressure well stimulation, or before storing gas in or recovering gas from a natural gas storage reservoir, the person who desires to drill for, store, or recover gas, ~~or~~ drill for oil or gas, or perform a high-pressure well stimulation shall notify the division upon such form as it may prescribe and shall pay a reasonable fee set by rule of the department not to exceed the actual cost of processing and inspecting for each well or reservoir. The drilling of any well, the performance of any high-pressure well stimulation, and the storing and recovering of gas are prohibited until such notice is given, the fee is paid, and a ~~the~~ permit is granted. A permit may authorize a single activity or multiple activities.

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407 (2) An application for the drilling of a well in search of  
408 oil or gas, for the performance of a high-pressure well  
409 stimulation, or for the storing of gas in and recovering of gas  
410 from a natural gas storage reservoir<sup>7</sup> in this state must include  
411 the address of the residence of the applicant<sup>7</sup> or applicants,  
412 which must be the address of each person involved in accordance  
413 with the records of the Division of Water Resource Management  
414 until such address is changed on the records of the division  
415 after written request.

416 (4) Application for permission to drill or abandon any well  
417 or perform a high-pressure well stimulation may be denied by the  
418 division for only just and lawful cause.

419 ~~(5) No permit to drill a gas or oil well shall be granted~~  
420 ~~within the corporate limits of any municipality, unless the~~  
421 ~~governing authority of the municipality shall have first duly~~  
422 ~~approved the application for such permit by resolution.~~

423 (9) The department may not approve a permit to authorize a  
424 high-pressure well stimulation until the department adopts rules  
425 for high-pressure well stimulation.

426 Section 5. Subsections (5) and (6) are added to section  
427 377.241, Florida Statutes, to read:

428 377.241 Criteria for issuance of permits.—The division, in  
429 the exercise of its authority to issue permits as hereinafter  
430 provided, shall give consideration to and be guided by the  
431 following criteria:

432 (5) For high-pressure well stimulations, whether the high-  
433 pressure well stimulation as proposed is designed to ensure  
434 that:

435 (a) The groundwater through which the well will be or has



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436 been drilled is not contaminated by the high-pressure well  
437 stimulation; and

438 (b) The high-pressure well stimulation is consistent with  
439 the public policy of this state as specified in s. 377.06.

440 (6) As a basis for permit denial or imposition of specific  
441 permit conditions, including increased bonding up to five times  
442 the applicable limits and increased monitoring, the history of  
443 past adjudicated violations committed by the applicant or an  
444 affiliated entity of the applicant of any substantive and  
445 material rule or law pertaining to the regulation of oil or gas,  
446 including violations that occurred outside the state.

447 Section 6. Section 377.242, Florida Statutes, is amended to  
448 read:

449 377.242 Permits for drilling or exploring and extracting  
450 through well holes or by other means.—The department is vested  
451 with the power and authority:

452 (1) (a) To issue permits for the performance of a high-  
453 pressure well stimulation or the drilling for, exploring for, or  
454 production of oil, gas, or other petroleum products ~~that~~ which  
455 are to be extracted from below the surface of the land,  
456 including submerged land, only through the well hole drilled for  
457 oil, gas, and other petroleum products.

458 1. A ~~No~~ structure intended for the drilling for, or  
459 production of, oil, gas, or other petroleum products may not be  
460 permitted or constructed on any submerged land within any bay or  
461 estuary.

462 2. A ~~No~~ structure intended for the drilling for, or  
463 production of, oil, gas, or other petroleum products may not be  
464 permitted or constructed within 1 mile seaward of the coastline

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of the state.

3. A ~~No~~ structure intended for the drilling for, or production of, oil, gas, or other petroleum products may not be permitted or constructed within 1 mile of the seaward boundary of any state, local, or federal park or aquatic or wildlife preserve or on the surface of a freshwater lake, river, or stream.

4. A ~~No~~ structure intended for the drilling for, or production of, oil, gas, or other petroleum products may not be permitted or constructed within 1 mile inland from the shoreline of the Gulf of Mexico, the Atlantic Ocean, or any bay or estuary or within 1 mile of any freshwater lake, river, or stream unless the department is satisfied that the natural resources of such bodies of water and shore areas of the state will be adequately protected in the event of accident or blowout.

5. Without exception, after July 1, 1989, a ~~no~~ structure intended for the drilling for, or production of, oil, gas, or other petroleum products may not be permitted or constructed south of 26°00'00" north latitude off Florida's west coast and south of 27°00'00" north latitude off Florida's east coast, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. s. 1301. After July 31, 1990, a ~~no~~ structure intended for the drilling for, or production of, oil, gas, or other petroleum products may not be permitted or constructed north of 26°00'00" north latitude off Florida's west coast to the western boundary of the state bordering Alabama as set forth in s. 1, Art. II of the State Constitution, or located north of 27°00'00" north latitude off Florida's east coast to the northern boundary of the state bordering Georgia as set forth in

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s. 1, Art. II of the State Constitution, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. s. 1301.

(b) Subparagraphs (a)1. and 4. do not apply to permitting or construction of structures intended for the drilling for, or production of, oil, gas, or other petroleum products pursuant to an oil, gas, or mineral lease of such lands by the state under which lease any valid drilling permits are in effect on the effective date of this act. In the event that such permits contain conditions or stipulations, such conditions and stipulations shall govern and supersede subparagraphs (a)1. and 4.

(c) The prohibitions of subparagraphs (a)1.-4. ~~in this subsection~~ do not include "infield gathering lines," provided no other placement is reasonably available and all other required permits have been obtained.

(2) To issue permits to explore for and extract minerals which are subject to extraction from the land by means other than through a well hole.

(3) To issue permits to establish natural gas storage facilities or construct wells for the injection and recovery of any natural gas for storage in natural gas storage reservoirs.

Each permit shall contain an agreement by the permitholder that the permitholder will not prevent inspection by division personnel at any time, including during installation and cementing of casing, during the testing of blowout preventers, during the pressure testing of the casing and casing shoe, and during the integrity testing of the cement plugs in plugging and abandonment operations. The provisions of this section

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prohibiting permits for drilling or exploring for oil in coastal waters do not apply to any leases entered into before June 7, 1991.

Section 7. Subsection (1) of section 377.2425, Florida Statutes, is amended to read:

377.2425 Manner of providing security for geophysical exploration, drilling, and production.—

(1) Before ~~Prior to~~ granting a permit for conducting ~~to conduct~~ geophysical operations; drilling of exploratory, injection, or production wells; producing oil and gas from a wellhead; performing a high-pressure well stimulation; or transporting oil and gas through a field-gathering system, the department shall require the applicant or operator to provide surety that these operations will be conducted in a safe and environmentally compatible manner.

(a) The applicant for a drilling, production, high-pressure well stimulation, or injection well permit or a geophysical permit may provide the following types of surety to the department for this purpose:

1. A deposit of cash or other securities made payable to the Minerals Trust Fund. Such cash or securities so deposited shall be held at interest by the Chief Financial Officer to satisfy safety and environmental performance provisions of this chapter. The interest shall be credited to the Minerals Trust Fund. Such cash or other securities shall be released by the Chief Financial Officer upon request of the applicant and certification by the department that all safety and environmental performance provisions established by the department for permitted activities have been fulfilled.

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552 2. A bond of a surety company authorized to do business in  
553 the state in an amount as provided by rule.

554 3. A surety in the form of an irrevocable letter of credit  
555 in an amount as provided by rule guaranteed by an acceptable  
556 financial institution.

557 (b) An applicant for a drilling, production, high-pressure  
558 well stimulation, or injection well permit, or a permittee who  
559 intends to continue participating in long-term production  
560 activities of such wells, has the option to provide surety to  
561 the department by paying an annual fee to the Minerals Trust  
562 Fund. For an applicant or permittee choosing this option the  
563 following shall apply:

564 1. For the first year, or part of a year, of a drilling,  
565 production, or injection well permit, or change of operator, the  
566 fee is \$4,000 per permitted well.

567 2. For each subsequent year, or part of a year, the fee is  
568 \$1,500 per permitted well.

569 3. The maximum fee that an applicant or permittee may be  
570 required to pay into the trust fund is \$30,000 per calendar  
571 year, regardless of the number of permits applied for or in  
572 effect.

573 4. The fees set forth in subparagraphs 1., 2., and 3. shall  
574 be reviewed by the department on a biennial basis and adjusted  
575 for the cost of inflation. The department shall establish by  
576 rule a suitable index for implementing such fee revisions.

577 (c) An applicant for a drilling or operating permit for  
578 operations planned in coastal waters that by their nature  
579 warrant greater surety shall provide surety only in accordance  
580 with paragraph (a), or similar proof of financial responsibility

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other than as provided in paragraph (b). For all such applications, including applications pending at the effective date of this act and notwithstanding ~~the provisions of~~ paragraph (b), the Governor and Cabinet in their capacity as the Administration Commission, at the recommendation of the department ~~of Environmental Protection~~, shall set a reasonable amount of surety required under this subsection. The surety amount shall be based on the projected cleanup costs and natural resources damages resulting from a maximum oil spill and adverse hydrographic and atmospheric conditions that would tend to transport the oil into environmentally sensitive areas, as determined by the department ~~of Environmental Protection~~.

Section 8. Section 377.2436, Florida Statutes, is created to read:

377.2436 Study on high-pressure well stimulations.—

(1) The department shall conduct a study on high-pressure well stimulations. The study must:

(a) Evaluate the underlying geologic features present in the counties where oil wells have been permitted and analyze the potential impact that high-pressure well stimulation and wellbore construction may have on the underlying geologic features.

(b) Evaluate the potential hazards and risks that high-pressure well stimulation poses to surface water or groundwater resources. The study must assess the potential impacts of high-pressure well stimulation on drinking water resources and identify the main factors affecting the severity and frequency of impacts and must analyze the potential for the use or reuse of recycled water in well stimulation fluids while meeting

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appropriate water quality standards.

(c) Review and evaluate the potential for groundwater contamination from conducting high-pressure well stimulation under wells that have been previously abandoned and plugged and identify a setback radius from previously plugged and abandoned wells that could be impacted by high-pressure well stimulation.

(d) Review and evaluate the ultimate disposition of high-pressure well stimulation fluids after use in high-pressure well stimulation processes.

(2) The department shall continue conventional oil and gas business operations during the performance of the study. There may not be a moratorium on the evaluation and issuance of permits for conventional drilling, exploration, conventional completions, or conventional workovers during the performance of the study.

(3) The study is subject to independent scientific peer review.

(4) The department shall submit the findings of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 30, 2017, and shall prominently post the findings on its website.

Section 9. Paragraph (a) of subsection (1) of section 377.37, Florida Statutes, is amended to read:

377.37 Penalties.—

(1)(a) A ~~Any~~ person who violates any provision of this chapter ~~law~~ or any rule, regulation, or order of the division made under this chapter or who violates the terms of any permit to drill for or produce oil, gas, or other petroleum products referred to in s. 377.242(1) or to store gas in a natural gas

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storage facility, or any lessee, permitholder, or operator of equipment or facilities used in the exploration for, drilling for, or production of oil, gas, or other petroleum products, or storage of gas in a natural gas storage facility, who refuses inspection by the division as provided in this chapter, is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state. Furthermore, such person, lessee, permitholder, or operator is subject to the judicial imposition of a civil penalty ~~in an amount~~ of not more than \$25,000 ~~\$10,000~~ for each offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense. This paragraph does not ~~Nothing herein shall~~ give the department the right to bring an action on behalf of a ~~any~~ private person.

Section 10. Section 377.45, Florida Statutes, is created to read:

377.45 High-pressure well stimulation chemical disclosure registry.—

(1) (a) The department shall designate the national chemical disclosure registry, known as FracFocus, developed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission, as the state's registry for chemical disclosure for all wells on which high-pressure well stimulations are performed. The department shall provide a link to FracFocus



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through its website.

(b) In addition to providing the following information to the department as part of the permitting process, a service provider, vendor, or well owner or operator shall report, as established by department rule, to the department, at a minimum, the following information:

1. The name of the service provider, vendor, or owner or operator.

2. The date of completion of the high-pressure well stimulation.

3. The county in which the well is located.

4. The API Well Number.

5. The well name and number.

6. The longitude and latitude of the wellhead.

7. The total vertical depth of the well.

8. The total volume of water used in the high-pressure well stimulation.

9. Each chemical ingredient that is subject to 29 C.F.R. s. 1910.1200(g)(2) and the ingredient concentration in the high-pressure well stimulation fluid by mass for each well on which a high-pressure well stimulation is performed.

10. The trade or common name and the CAS Registry Number for each chemical ingredient.

(c) The department shall report to FracFocus all information received under paragraph (b), excluding any information subject to chapter 688.

(d) If FracFocus cannot accept and make publicly available any information specified in this section, the department shall post the information on its website, excluding any information

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subject to chapter 688.

(2) A service provider, vendor, or well owner or operator shall:

(a) Report the information required under subsection (1) to the department within 60 days after the initiation of the high-pressure well stimulation for each well on which such high-pressure well stimulation is performed.

(b) Notify the department if any chemical ingredient not previously reported is intentionally included and used for the purpose of performing a high-pressure well stimulation.

(3) This section does not apply to an ingredient that:

(a) Is not intentionally added to the high-pressure well stimulation; or

(b) Occurs incidentally or is otherwise unintentionally present in a high-pressure well stimulation.

(4) The department shall adopt rules to administer this section.

Section 11. Section 377.07, Florida Statutes, is amended to read:

377.07 Division of Water Resource Management; powers, duties, and authority.—The Division of Water Resource Management of the Department of Environmental Protection is ~~hereby~~ vested with power, authority, and duty to administer, carry out, and enforce ~~the provisions of this part law as directed in s.~~ 370.02(3).

Section 12. Section 377.10, Florida Statutes, is amended to read:

377.10 Certain persons not to be employed by division.—A ~~No~~ person in the employ of, or holding any official connection or

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726 position with any person, firm, partnership, corporation, or  
727 association of any kind, engaged in the business of buying or  
728 selling mineral leases, drilling wells in the search of oil or  
729 gas, producing, transporting, refining, or distributing oil or  
730 gas may not ~~shall~~ hold any position under, or be employed by,  
731 the Division of Water Resource Management in the prosecution of  
732 its duties under this part ~~law~~.

733 Section 13. Subsection (1) of section 377.243, Florida  
734 Statutes, is amended to read:

735 377.243 Conditions for granting permits for extraction  
736 through well holes.—

737 (1) Before applying ~~Prior to the application~~ to the  
738 Division of Water Resource Management for the permit to drill  
739 for oil, gas, and related products referred to in s. 377.242(1),  
740 the applicant must own a valid deed, or other muniment of title,  
741 or lease granting the ~~said~~ applicant the privilege to explore  
742 for oil, gas, or related mineral products to be extracted only  
743 through the well hole on the land or lands included in the  
744 application. However, unallocated interests may be unitized  
745 according to s. 377.27.

746 Section 14. Subsection (1) of section 377.244, Florida  
747 Statutes, is amended to read:

748 377.244 Conditions for granting permits for surface  
749 exploratory and extraction operations.—

750 (1) Exploration for and extraction of minerals under ~~and by~~  
751 ~~virtue of~~ the authority of a grant of oil, gas, or mineral  
752 rights, or which, subsequent to such grant, may ~~be interpreted~~  
753 ~~to~~ include the right to explore for and extract minerals which  
754 are subject to extraction from the land by means other than

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755 through a well hole, that is by means of surface exploratory and  
756 extraction operations such as sifting of the sands, dragline,  
757 open pit mining, or other type of surface operation, which would  
758 include movement of sands, dirt, rock, or minerals, shall be  
759 exercised only pursuant to a permit issued by the Division of  
760 Water Resource Management upon the applicant's compliance  
761 ~~applicant complying~~ with the following conditions:

762 (a) The applicant must own a valid deed, or other muniment  
763 of title, or lease granting the applicant the right to explore  
764 for and extract oil, gas, and other minerals from the said  
765 lands.

766 (b) The applicant shall post a good and sufficient surety  
767 bond with the division in such amount as the division determines  
768 ~~may determine~~ is adequate to afford full and complete protection  
769 for the owner of the surface rights of the lands described in  
770 the application, conditioned upon the full and complete  
771 restoration, by the applicant, of the area over which the  
772 exploratory and extraction operations are conducted to the same  
773 condition and contour in existence before ~~prior to~~ such  
774 operations.

775 Section 15. For the 2016-2017 fiscal year, the sum of \$1  
776 million in nonrecurring funds is appropriated from the General  
777 Revenue Fund to the Department of Environmental Protection to  
778 conduct a high-pressure well stimulation study pursuant to s.  
779 377.2436, Florida Statutes.

780 Section 16. This act shall take effect July 1, 2016.

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: November 16, 2015

Date Submitted: November 9, 2015

To: Members of the Board

From: Ralph Thomas, County Commissioner, District 1

Subject: Request Board Approval to Direct Staff to Initiate an Amendment  
Referendum to the County Charter regarding Fracturing (Fracking) in  
Wakulla County to Appear on the Ballot in the 2016 General Election

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### **Statement of Issue:**

This agenda item requests Board approval to direct Staff to initiate an Amendment Referendum to the County Charter regarding Fracturing (Fracking) in Wakulla County to appear on the ballot in the 2016 General Election.

### **Background:**

Article VIII, sections 1(c) and 1(g), Florida Constitution, provides that a county government may be established by charter, which shall be adopted upon a majority vote of electors of the county. Wakulla County Ordinance No. 2008-14 was adopted, providing for adoption of a Home Rule Charter.

As stated in the Charter Preamble;

We, the people of Wakulla County, Florida, by the grace of God free and independent, in order to attain greater self-determination while preserving the existing system of governance in Wakulla County, and to avail ourselves of the full home rule benefits afforded by the Florida Constitution to exercise greater control over our own destiny, do hereby ordain and establish this Home Rule Charter as our form of government for Wakulla County.

As stated in the Charter Sec. 1.1.;

Wakulla County shall be a home rule charter county, and except as may be limited by this Home Rule Charter ("Charter"), shall have all powers of self-government granted now or hereafter by the Constitution and laws of the State of Florida.

2016 Florida Senate HB 191 and SB 318 are acts relating to the regulation of oil and gas resources. The proposed bills attempt to regulate "High Pressure Well Stimulation". High-pressure well stimulation is defined as "all stages of a well intervention performed by injecting fluids into a rock formation at high pressure that exceeds the fracture gradient of the rock formation in order to propagate fractures in such formation to increase production at an oil or gas well by improving the flow of hydrocarbons from the formation into the wellbore. The term does

Agenda Request: Request Board Approval to Direct Staff to Initiate an Amendment Referendum to the County Charter regarding Fracturing (Fracking), in Wakulla County to Appear on the Ballot in the 2016 General Election

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not include well stimulation or conventional workover procedures that may incidentally fracture the formation near the wellbore.” This process is commonly referred to as Fracking.

The origin of Fracking in the United States can be traced back to the 1860s. Hydraulic Fracking has been utilized since the 1940s.

**Analysis:**

In recent years Fracking has become a highly charged political issue across the State of Florida and the nation. When the Charter was adopted in 2008, Fracking wasn’t a high priority consideration. The Wakulla County Charter remains silent on this issue. The citizens of Wakulla County have never formally expressed their desire to allow Fracking, or to ban it within Wakulla County. An issue of this magnitude should never be decided by 5 people, including the Board of County Commissioners. Putting it to a vote of the people is the best way to measure the will of the people and communicate a strong message to the State Legislature and the Governor. Incorporating the outcome of the vote into the County Charter is the best way to ensure that the people’s desire carries weight, as opposed to 5 County Commissioners adopting a non-binding Resolution.

**Budgetary Impact:**

None

**Options:**

1. Direct staff to initiate an Amendment Referendum to the County Charter regarding Fracturing (Fracking) in Wakulla County to appear on the ballot in the 2016 General Election.
2. Do not direct staff to initiate an Amendment Referendum to the County Charter regarding Fracturing (Fracking) in Wakulla County to appear on the ballot in the 2016 General Election.
3. Board direction.

**Recommendation:**

Option #1.

**Attachment(s):**

1. Wakulla County Charter

## CHARTER<sup>[1]</sup>

### Wakulla County Ordinance No. 2008-14.

An ordinance of the Board of County Commissioners of Wakulla County, Florida, providing for adoption of a Home Rule Charter; providing for a preamble; providing for creation and general powers and home rule charter government; providing for body corporate, name and boundaries, providing for construction; providing for special powers and duties of county; providing for a municipal purposes provision; providing for transfer of powers; providing for separation of powers as relates to state law; providing for conflict of county ordinances with municipal ordinances; providing for a legislative branch board of county commissioners; providing for composition and redistricting; providing for qualifications and election and terms of office; providing for salary and other compensation; providing for vacancies and suspensions; providing for powers; providing for a Code of Ordinances and an administrative code; providing for administrative branch county manager; providing for compensation and terms of employment, powers and duties; providing for noninterference by board of county commissioners and for temporary absence or incapacity; providing for appointment of a county attorney; providing for a provision regarding county constitutional officers, providing for powers reserved to the people; initiative and recall; providing for a procedure for petition; consideration by board of county commissioners; providing for limitation on ordinances by initiative and recall; providing for effective date of the Charter as law; providing for transition; providing for continuation of laws, ordinances and contracts; providing for initial county commissioners and initial county manager and initial county attorney; providing for employee continuation and continuation of agencies and advisory bodies; providing for outstanding bonds, revenue certificates and other financial obligations; providing for charter amendments; providing for amendments by county commissioners; providing for amendments by petition, and amendments by referendum; providing for a charter review commission; providing severability and validity; and providing for an effective date.

Whereas, Wakulla County, Florida, is presently a non-charter government as an established under article VIII, section 1(f), Florida Constitution; and

Whereas, article VIII, sections 1(c) and 1(g), Florida Constitution, provide that a county government may be established by charter, which shall be adopted upon a majority vote of electors of the county; and

Whereas, section 125.80, et seq., Florida Statutes, provides a method whereby a noncharter county may locally initiate a county home rule charter;

Now therefore, be it ordained by the Board of County Commissioners of Wakulla County, Florida, that:

Footnotes:

--- (1) ---

**Editor's note**—Printed herein is the Charter of the County of Wakulla, Florida, Ordinance No. 2008-14, as adopted by the board of county commissioners on August 4, 2008. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

### Section 1 - HOME RULE CHARTER

The Board of County Commissioners of Wakulla County, Florida, hereby proposes, by ordinance, the following Charter for the governance of Wakulla County.

The proposed Charter of Wakulla County, Florida, as stated and incorporated herein, reads as follows:

## WAKULLA COUNTY HOME RULE CHARTER

### PREAMBLE

We, the people of Wakulla County, Florida, by the grace of God free and independent, in order to attain greater self-determination while preserving the existing system of governance in Wakulla County, and to avail ourselves of the full home rule benefits afforded by the Florida Constitution to exercise greater control over our own destiny, do hereby ordain and establish this Home Rule Charter as our form of government for Wakulla County.

### ARTICLE 1. - CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT

#### Sec. 1.1. - Creation and general powers of home rule charter government.

Wakulla County shall be a home rule charter county, and except as may be limited by this Home Rule Charter ("Charter"), shall have all powers of self-government granted now or hereafter by the Constitution and laws of the State of Florida.

#### Sec. 1.2. - Body corporate, name and boundaries.

Wakulla County shall be a body corporate and politic. The corporate name shall be Wakulla County. The county seat and boundaries shall be those designated by law on the effective date of this Charter.

#### Sec. 1.3. - Construction.

The powers granted by this Charter shall be construed broadly in favor of the charter government. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific power of the government, as stated in this article. It is the intent of this article to grant to the charter government full power and authority to exercise all governmental powers necessary for the effective operation and conduct of the affairs of the charter government.

#### Sec. 1.4. - Special powers and duties of county.

1.4.1. County purposes. The county, operating under this Charter, shall have all special powers and duties which are not inconsistent with this Charter, heretofore granted by law to the board of county commissioners, and shall have such additional county and municipal powers as may be required to fulfill the intent of this Charter.

1.4.2. Municipal purposes. The county shall have all necessary powers to accomplish municipal purposes within special districts. Property situated within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents not within municipal boundaries, nor shall property situated in the county be subject to taxation for services provided by the county exclusively for the benefit of the property or residents within municipal boundaries.

#### Sec. 1.5. - Transfer of powers.

Whenever a municipality, special district or agency shall request the performance or transfer of a function to the county, the county shall have the power and authority to assume and perform such functions and obligations. This section does not authorize a transfer in violation of article VIII, § 4 of the Constitution of Florida.

#### Sec. 1.6. - Separation of powers.



Wakulla County shall operate under an elected county commission and appointed county manager form of government with separation between the legislative and executive functions of the government in accordance with the provisions of this Charter. The establishment and adoption of policy shall be the responsibility of the board of county commissioners and the execution of that policy shall be the responsibility of the county manager, hereinafter referred to as the county administrator.

Sec. 1.7. - Relation to state law.

The provisions of this Charter are not intended, and shall not be construed, to conflict with the Constitution of the State of Florida, general law, or special law approved by vote of the electorate.

Sec. 1.8. - Conflict of county ordinances with municipal ordinances.

Any county ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict regardless of whether such municipal ordinance was adopted or enacted before or after the county ordinance. In the event a county ordinance and a municipal ordinance shall cover the same subject matter without conflict, then both the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other.

## ARTICLE 2. - LEGISLATIVE BRANCH: BOARD OF COUNTY COMMISSIONERS

Sec. 2.1. - Composition.

There shall be five county commissioners' districts in Wakulla County, which shall be numbered one to five, inclusive, the districts being as nearly equal in population as practicable. There shall be one commissioner for each of the five districts. County commissioners shall be elected on a countywide basis by all of the electors of the county.

Sec. 2.2. - Redistricting.

In the first odd-numbered year after each decennial census, the board of county commissioners shall divide the county into districts of contiguous territory. The board of county commissioners may redivide the districts in any other odd-numbered year so as to keep them as nearly equal in population as practicable. Whenever the boundaries of existing county commissioners' districts are changed by the board of county commissioners, it shall cause an accurate description of the boundaries of such districts, as changed, to be entered upon its minutes and a certified copy thereof to be published once each week for two consecutive weeks in a newspaper published in the county. Proof of such publication shall be entered on the minutes of the board of county commissioners.

Sec. 2.3. - Qualifications and Election.

County commissioners shall be qualified electors of the county. Commissioners shall reside one in each of the commission districts. During the term of office, each commissioner shall reside in the district for which he or she ran for office. Any commissioner who shall remove his or her residency from the district for which he or she is elected shall thereupon become disqualified to represent said district and the office of any such commissioner shall be deemed vacant, except that any commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office. All persons who have been duly elected to the office of county commissioner shall provide a notarized declaration and oath stating the intent of the person to reside in the District in which elected to serve for the full term of office. The person elected shall also provide their voter registration card, verifying their physical address in the district, within 30 days after election.

([Ord. No. 2014-10, art. 2](#), 11-4-2014)

Sec. 2.4. - Terms of office.

Each commissioner shall be elected for a term of four years, beginning on the second Tuesday after election, and continuing after such term until his or her successor is elected and qualified. Terms shall be staggered as provided in general law for the governing board of a non-charter county.

Sec. 2.5. - Salary and other compensation.

Salary and other compensation of the county commissioners shall be set by ordinance and shall be the same as those set by general law for the county commissioners of non-charter counties, and shall not be lowered during a county commissioner's term of office.

Sec. 2.6. - Vacancies and suspensions.

Vacancies in any county commissioner's office or other elected county office shall be filled in accordance with the Constitution and general laws of Florida. Commissioners may be suspended or removed from office in accordance with the Constitution and general laws of Florida, and in addition may be recalled from office as provided in this Charter.

Sec. 2.7. - Powers.

The board of county commissioners shall have all legislative authority, jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution, laws of the State of Florida and this Charter.

Sec. 2.8. - Code of ordinances.

The board of county commissioners shall maintain a current codification of all ordinances. Such codification shall be published and made available for distribution on a continuing basis.

Sec. 2.9. - Administrative Code.

The board of county commissioners shall adopt, and amend as necessary, an administrative code to govern the operation of the county.

ARTICLE 3. - ADMINISTRATIVE BRANCH: COUNTY ADMINISTRATOR

Sec. 3.1. - County administrator.

There shall be a county administrator who shall be appointed by the board of county commissioners and who shall serve at the pleasure of the board of county commissioners. The county administrator shall be chosen on the basis of his or her professional training, executive and administrative experience, and qualifications. The county administrator need not be a resident of the county at the time of appointment but shall maintain residency within the county during the tenure of office and shall not engage in any other business or occupation without the express approval of the board of county commissioners.

Sec. 3.2. - Compensation and terms of employment.

The board of county commissioners shall establish the salary for the county administrator at a level that is commensurate with the requirements of the position and shall at least annually review the performance and salary. Terms and conditions of compensation and employment shall be set forth in a contract.

Sec. 3.3. - Powers and duties.

The county administrator shall be head of the executive branch of county government; shall have the executive powers and duties that are now and that hereafter may be granted to the county administrator by the laws of the State of Florida and this Charter; and, shall be responsible to the board of county commissioners for the proper administration of all affairs of the county. The county administrator shall attend all regular and special meetings of the board and shall have the right to participate in its discussions. The county administrator shall prepare and submit the annual operating and capital program budgets to the board of county commissioners, and execute the budget and capital programs in accordance with appropriations and ordinances enacted by the board of county commissioners.

Sec. 3.4. - Noninterference by board of county commissioners.

Except for the purpose of inquiry and information, members of the board of county commissioners are expressly prohibited from interfering with the performance of the duties of any employee of the county government who is under the direct or indirect supervision of the county administrator by giving said employees instructions or directives. Such action shall be malfeasance within the meaning of article IV, section 7(a) of the Florida Constitution. However, nothing contained herein shall prevent a county commissioner from discussing any county policy or program with a citizen or referring a citizen complaint or request for information to the county administrator or County Attorney.

Sec. 3.5. - Temporary absence or incapacity.

The board of county commissioners may appoint an acting administrator in the case of vacancy or temporary absence or disability of the county administrator, until a successor has been appointed and qualified or until the county administrator returns.

ARTICLE 4. - COUNTY ATTORNEY

Sec. 4.1. - County attorney.

There shall be a county attorney who shall be appointed and terminated by the board of county commissioners, and who shall serve at the pleasure of the board. The county attorney shall be the head of the county attorney's office. The county attorney shall be responsible directly to the board of county commissioners and shall provide legal services to the board of county commissioners, county departments, and county boards and agencies. The terms and conditions of compensation and employment of the county attorney shall be set forth in a contract.

ARTICLE 5. - COUNTY OFFICERS

Sec. 5.1. - County constitutional officers.

The county constitutional officers of sheriff, property appraiser, tax collector, clerk of the circuit court, and supervisor of elections shall remain as elected constitutional officers, and their powers, duties and functions will not be altered by this Home Rule Charter. The constitutional officers shall perform their executive and administrative functions as specified by law. The clerk of the court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

ARTICLE 6. - POWERS RESERVED TO THE PEOPLE: INITIATIVE AND RECALL

Sec. 6.1. - Initiative.

The electors of Wakulla County shall have the right to initiate county ordinances in order to establish new legislation that is not in conflict with the State Constitution, general law or this Charter, and to amend or repeal existing ordinances when such amendments or repeal are not in conflict with the State Constitution or general law, upon petition signed by a number at least equal to thirty percent of electors qualified to vote in the last preceding general election; provided that the number shall contain at least thirty percent of the qualified electors in each of the election commission districts.

- 6.1.1. Procedure for petition. The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of a proposed ordinance to the Supervisor of Elections, with the proposed ballot summary and the form on which signatures will be affixed and obtain a dated receipt therefor. Any such ordinance shall embrace but one subject, and matter directly connected therewith. The sponsor shall cause a notice of such submission to be published within 14 days after the date of submission, in a newspaper of general circulation in the county. The allowable period for obtaining signatures on the petition shall be completed not later than six months after initial receipt of the petition by the supervisor of elections. The sponsor shall comply with all requirements of general law for political committees, and shall file quarterly reports with the supervisor of elections stating, to the best of the sponsor's information and belief, the number of signatures procured. The time and form of such reports may be prescribed by ordinance. When a sufficient number of signatures are obtained, the sponsor shall thereupon submit signed and dated forms to the supervisor of elections and upon submission shall pay all fees required by general law. The supervisor of elections shall, within 60 days after submission, verify the signatures thereon, or specify a reason for the invalidity of each rejected signature if the petition is rejected for insufficiency of the number of valid signatures. If the petition is rejected for insufficiency of the number of signatures, the sponsor shall have an additional 30 days within which to submit additional signatures for verification. The supervisor of elections shall, within 30 days verify the additional signatures. In the event sufficient signatures are still not acquired, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition.
- 6.1.2. Consideration by board of county commissioners. Within 60 days after the requisite number of names has been verified by the supervisor of elections and reported to the board of county commissioners, the board of county commissioners shall give notice and hold a public hearing on the proposed ordinance according to law and vote on it. If the board fails to enact the proposed ordinance, it shall, by resolution, call a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least 45 days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared by resolution of the board of county commissioners to be enacted and shall become effective on the date specified in the ordinance, or if not so specified, on January 1 of the succeeding year. The board of county commissioners shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding general election, without the approval of a majority of the electors voting at a referendum called for that purpose.
- 6.1.3. Limitation on ordinances by initiative. The power to enact, amend or repeal an ordinance by initiative shall not include ordinances or provisions relating to administrative or judicial functions; the county budget, debt obligations or capital improvement programs; salaries of county officers and employees; powers or duties of the county constitution officers; the assessment or collection of taxes; the zoning of land; or, matters inconsistent with the Charter, the general laws of Florida, or the Florida Constitution.

#### Sec. 6.2. - Recall.

Members of the board of county commissioners shall be subject to recall as provided by general law.

#### ARTICLE 7. - MISCELLANEOUS PROVISIONS

Sec. 7.1. - Effective date.

This Charter shall become law when approved by a majority of those electors voting on the matter in a referendum to be held in the county in conjunction with the general election occurring on November 4, 2008, under the provisions of the Constitution and laws of Florida. The Charter Government shall assume all powers and duties provided by this Charter on the first day of January, 2009, the effective date of this Charter.

Sec. 7.2. - Transition.

- 7.2.1. Continuation of laws, ordinances and contracts. Unless expressly provided otherwise in this Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Wakulla County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any elected county officer, whose term shall continue as if this Charter had not been adopted.
- 7.2.2. Initial county commissioners. The persons comprising the Wakulla County Board of County Commissioners on the effective date of this Charter shall become the initial members of the board of county commissioners of the charter government and shall perform the functions thereof until the expiration of their terms or until qualification of their successors as provided by law.
- 7.2.3. Initial county administrator and initial county attorney. The county administrator and county attorney serving on the effective date of this Charter shall serve as the initial county administrator and initial county attorney respectively.
- 7.2.4. Employee continuation. All employees of the former county government shall on the effective date of this Charter become employees of the county government created by this Charter. All existing wages, benefits, collective bargaining certifications and agreements, contracts and conditions of employment shall continue, until modified by lawful action of the board of county commissioners.
- 7.2.5. Continuation of agencies and advisory bodies. All existing appointments or designations of non-governmental agencies or corporations to act as official agencies of the county shall remain in full force and effect in accordance with their original terms, until amended or terminated by the board of county commissioners in accordance with the terms of such appointment and the provisions of this Charter. All members of advisory boards, resource groups or committees appointed for terms expiring after the effective date of this Charter shall continue to serve their terms without necessity of reappointment under this Charter.
- 7.2.6. Outstanding bonds. All bonds, revenue certificates, and other financial obligations of the county outstanding on the effective date of this Charter shall be obligations of the charter government. All actions taken by the former government relating to the issuance of such obligations are hereby ratified and confirmed. Payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this Charter not taken effect.

Sec. 7.3. - Charter amendment.

- 7.3.1. Amendment by board of county commissioners. The board of county commissioners, upon the concurrence of not less than a majority plus one of its entire membership, shall have the authority to propose by ordinance amendments or revisions to this Charter not inconsistent with the State Constitution or with general law, and may also propose by ordinance the repeal of the charter.
- 7.3.2. Amendment by petition. Amendments to this Charter, not inconsistent with the State Constitution or with general law, may be proposed by a petition signed by a number of electors at least equal to 30 percent of the number of electors qualified to vote in the last preceding general election; provided that the number shall contain at least 30 percent of the number of such qualified electors in each of the commission election districts; and further provided that any such amendment shall embrace but one subject and matter directly connected therewith. The sponsor of an amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the supervisor of elections,

with the proposed ballot summary and the form on which signatures will be affixed. The procedures for initiative petitions set forth in section 6.1.1 of this Charter shall thereafter be followed. The power to amend this Charter by initiative shall not extend to administrative or judicial functions; the county budget, debt obligations or capital improvement programs; the zoning of land; salaries of county officers and employees; the assessment or collection of taxes; or, matters inconsistent with the Constitution or General Laws of Florida.

7.3.3. Amendment referendum. The board of county commissioners shall cause any Charter amendment proposed under section 7.3.1 or 7.3.2 to be submitted to the electors for their approval during the next general election scheduled more than 90 days after the proposed amendment is validated. Notice of said referendum, together with the language of the proposed amendment, shall be published as provided by general law. Passage of proposed amendments, revisions or repeal shall require approval of a majority of electors voting in said election.

#### Sec. 7.4. - Charter review commission.

Not later than July 1 of the year 2015 and of every eighth year thereafter, the board of county commissioners shall appoint a Charter Review Commission to review the Charter of the county. The charter review commission shall consist of 15 electors of Wakulla County, shall be funded by the board of county commissioners pursuant to a budget set by said Board and shall be known as the "Wakulla County Charter Review Commission." Elected officials and their employees, and employees of local governments in Wakulla County shall be prohibited from serving on the charter review commission. The charter review commission shall, within one year from the date of its first meeting, present to the board of county commissioners its recommendations for amendment, revision or repeal of the Charter or its recommendation that no amendment, revision or repeal is appropriate. If amendment, revision or repeal of the Charter is to be recommended, the charter review commission shall conduct at least two public hearings, at intervals of not less than ten nor more than 20 days, immediately prior to the transmittal of its recommendations to the board of county commissioners. Such recommendations shall be approved by an affirmative vote of not less than ten members of the charter review commission. The board of county commissioners shall schedule a referendum on the proposed Charter amendments, revisions or repeal concurrent with the next general election. After adoption of its recommendations, the charter review commission may remain in existence until the general election for purposes of conducting and supervising public educational programs concerning the proposed amendments, revisions or repeal.

#### Sec. 7.5. - Severability and validity.

If any part of this Charter is held invalid or unconstitutional, the remainder thereof shall remain in full force and effect.

#### Sec. 7.6. - Nonpartisan elections.

7.6.1. Nonpartisan Offices. All elected County officials, which shall include all County Commissioners, the Clerk of Court, the Property Appraiser, the Sheriff, the Supervisor of Elections, and the Tax Collector shall be nonpartisan offices elected through nonpartisan elections, no candidate shall be required to pay any party assessment or be required to state the party of which the candidate is a member. All qualified candidates' names shall be placed on ballot without reference to political party affiliation.

#### 7.6.2. Nonpartisan Elections Procedures.

Unopposed Candidates: The name of an unopposed candidate shall not appear on any ballot and such candidate shall be deemed to have voted for herself or himself at the general election.

Two Qualified Candidates: If only two candidates, neither of whom is a write-in candidate, qualify for any of the offices outlined in Section 7.6.1. above, the names of those candidates shall be placed on the general election ballot.

Three or More Qualified Candidates: If three or more candidates, neither of whom is a write-in candidate, qualify for any of the offices outlined in Section 7.6.1. above, the names of those candidates shall first be placed on the ballot at the primary election. If any candidate for such office receives a majority of the votes cast for such office in the primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. If no candidate for such office receives a majority of the votes cast for such office in the primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

The candidate who receives the highest number of votes cast for such office in the general election shall be elected to such office. If the vote at the general election results in a tie, the outcome shall be determined by lot.

7.6.3. Qualification. A candidate for nonpartisan office shall qualify for election to such office by means of either the petitioning process, the payment of a filing fee and an election assessment, or any other means provided in general law.

([Ord. No. 2014-07, art. 2](#), 11-4-2014)

#### Sec. 7.7. - Debt policy.

7.7.1 Policy Adoption. The county commission shall adopt and adhere to a debt policy that regulates the acceptance, issuance, and management of debt. The debt policy shall be integrated with the operating budget, capital budget, enterprise funds and other financial policies of the county. The debt policy shall adhere to the fund balance policy to help ensure that debt is issued and managed prudently in order to maintain a sound fiscal position and protect the credit quality of the county.

7.7.2 Policy Elements. Any debt policy adopted by the county commission shall address at a minimum, the following elements:

- (1) The purposes for which any debt may be issued, and for any proposed debt issuance, require a cost vs. benefit analysis be performed regarding whether to issue debt or use reserves in excess of fund balance requirements.
- (2) Legal debt limitations, or limitations established by policy of the county to provide for a maximum debt ratio that should be outstanding at one time.
- (3) The types of debt permitted to be issued by the county and criteria for issuance of various types of debt.
- (4) Structural features of any debt to be issued by the county including interest rates, maturity or debt service structure.
- (5) Any credit objectives of the county.
- (6) Methods and procedures for the placement of any debt to be issued by the county.

([Ord. No. 2014-12, art. 2](#), 11-4-2014)

#### Sec. 7.8. - Fund balance policy.

7.8.1. Policy Adoption. The county commission shall adopt and adhere to a fund balance policy which regulates the management of budget fund balances and maintains the reservation of fund balances. The fund balance policy shall be integrated with the operating budget, capital budget, enterprise

funds and other financial policies of the county. The fund policy shall adhere to the debt policy to help ensure the fund balances are managed prudently in order to maintain a sound fiscal position and protect the credit quality of the county.

7.8.2. Policy Elements. Any fund balance policy adopted by the county commission shall address at a minimum, the following elements:

1. Spending order of fund balances.
2. Establishment of reserve fund balance targets for the general fund, special revenue fund, capital project fund, and enterprise fund.
3. Replenishment of reserve fund deficits.
4. Utilization of reserve funds.
5. Annual review and determination of fund balance reserve amounts.

([Ord. No. 2014-11, art. 2](#), 11-4-2014)

## Section 2 - BALLOT QUESTION TO BE PRESENTED TO THE ELECTORATE

The proposed Charter of Wakulla County, Florida, shall be presented to the qualified Wakulla County electorate by placing the question of whether to adopt the same on the ballot at the General Election to be held on November 4, 2008.

## Section 3 - BALLOT QUESTION FORM

The question on the ballot shall be substantially in the following form as proposed by Wakulla County Ordinance No. 2008-14.

Ballot Title:

"Proposed Home Rule Charter for Wakulla County"

Question:

"Shall there be a Home Rule Charter establishing the form and powers of Wakulla County government; preserving the elected county constitutional officers; providing for the recall of county commissioners from office by citizen referendum; authorizing the proposal and adoption of ordinances by voter initiative and referendum; preserving an appointed professional manager; preserving the legislative powers of a board of five commissioners elected countywide; and, providing methods for amendment only by vote of the electorate?"

|                        |                           |
|------------------------|---------------------------|
| Yes _____ For Approval | No _____ Against Approval |
|------------------------|---------------------------|

PASSED AND ADOPTED by the Board of County Commissioners of Wakulla County, Florida, by a vote of 3 to 2, this 4th day of August, 2008.

## CHARTER COMPARATIVE TABLE

This table shows the location of amendments to the Charter.

| Ordinance | Date | Section | Section |
|-----------|------|---------|---------|
|-----------|------|---------|---------|



| Number                  |            |                 | this Charter          |
|-------------------------|------------|-----------------|-----------------------|
| <a href="#">2014-07</a> | 11- 4-2014 | art. 2    Added | Sec. 1, Art. 7, § 7.6 |
| <a href="#">2014-10</a> | 11- 4-2014 | art. 2          | Sec. 1, Art. 2, § 2.3 |
| <a href="#">2014-11</a> | 11- 4-2014 | art. 2    Added | Sec. 1, Art. 7, § 7.8 |
| <a href="#">2014-12</a> | 11- 4-2014 | art. 2    Added | Sec. 1, Art. 7, § 7.7 |

# Board of County Commissioners

## Agenda Request

Date of Meeting: November 16, 2015

Date Submitted: October 23, 2015

To: Honorable Chairman and Members of the Board

From: David Edwards, County Administrator  
Heather J. Encinosa, County Attorney

Subject: Request Board Approval for the County Attorney's Office to Review and Proceed with Foreclosures for Eligible Code Enforcement Liens

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### **Statement of Issue:**

This agenda item provides a list of code enforcement liens eligible to be foreclosed and requests authorization for the County Attorney's Office to proceed with foreclosure actions. While some costs will be incurred by the County in bringing a foreclosure action, if the County is successful it is statutorily authorized to cover its costs and reasonable attorneys' fees associated with prosecuting the foreclosure.

### **Background:**

Pursuant to section 162.09(3), Florida Statutes, and section 8.067, Wakulla County Code, after three months from the filing of any code enforcement lien, the local governing body may foreclose upon such lien or sue to recover a money judgment for the amount of the lien upon authorization from the code enforcement board, except that a lien may not be foreclosed or money recovered against homestead property.

### **Analysis:**

Prior to actually proceeding with any foreclosure action, it will be necessary to run title searches and determine whether these properties have any higher priority liens, including unpaid taxes, special assessments and prior mortgages.

This item seeks approval to direct the County Attorney to proceed in conducting the necessary background research relating to each of the liens described below, and where appropriate, initiate foreclosure actions on the County's existing code liens.

| Case No.   | Property Address      | Lien Recording Date | Lien Amount (to date) |
|------------|-----------------------|---------------------|-----------------------|
| CE2014-101 | 20 Tarpine Drive      | 9/12/2014           | \$9,650               |
| CE2014-107 | 57 Ed Hartsfield Road | 3/17/2015           | \$28,250*             |
| CE2014-114 | 139 Quail Court       | 3/17/2015           | \$27,450*             |
| CE2015-446 | 40 Serafino Lane      | 8/17/2010           | \$4,650               |

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\*Continuing to accrue at a rate of \$100 per day.

**Budgetary Impact:**

Unknown. Each foreclosure case will involve filing fees of \$400 and attorney's fees for prosecution of each foreclosure, in addition to between \$85 and \$250 per property in conducting a title search (the normal range is between \$85 and \$150, but more complicated searches may cost up to \$250). However, as provided in section 162.10, Florida Statutes, all costs and reasonable attorney's fees incurred in prosecuting the foreclosure, as well as recording costs for filing and satisfying the lien, are recoverable if the County is the prevailing party in the foreclosure action.

**Options:**

1. Approve the County Attorney's Office to Review and Proceed with Foreclosures for Eligible Code Enforcement Liens.
2. Do not approve the County Attorney's Office to Review and Proceed with Foreclosures for Eligible Code Enforcement Liens.
3. Board Direction.

**Recommendation:**

Option #1

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: November 16, 2015

Date Submitted: November 3, 2015

To: Honorable Chairman and Members of the Board

From: David Edwards, County Administrator

Subject: Request Board Select and Vote for the FY2015/16 Chairman & Vice-Chairman

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### **Statement of Issue:**

This agenda item requests the Board to select and vote for the FY2015/16 Chairman and Vice-Chairman.

### **Background:**

On an annual basis, the Board of County Commissioners conducts the selection of the Chairman and Vice-Chairman of the Wakulla County Board of County Commissioners.

### **Analysis:**

The County Administrator will facilitate the nomination proceeding for the FY2015/16 Chairman and Vice-Chairman as follows:

- *County Administrator* calls for nominations for Chairman, calls for a second, and then the vote;
- *County Administrator* calls for nominations for Vice Chairman, calls for a second, and then the vote;

The County Administrator will announce the newly elected Chairman and Vice-Chairman which will officially be sworn in at the December 7, 2015 Board Meeting.