MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 17, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact SB 166, HB 19, SJR 358, HJR 453 or similar legislation prohibiting or placing before voters a constitutional amendment to prohibit hydraulic fracturing in the State of Florida; opposing SB 318, HB 191, or similar legislation which would preempt local governments from regulating oil and gas development and extraction; opposing any state legislation which would create a state public records law exemption for proprietary information provided by drilling companies to the Florida Department of Environmental Protection through permitting

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Daniella Levine Cava.

Abigail Price-Williams
County Attorney

APW/cp

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 17, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

__√__ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(2)
11-17-15

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 166, HB 19, SJR 358, HJR 453 OR SIMILAR LEGISLATION PROHIBITING OR PLACING BEFORE VOTERS A CONSTITUTIONAL AMENDMENT TO PROHIBIT HYDRAULIC FRACTURING IN THE STATE OF FLORIDA; OPPOSING SB 318, HB 191, OR SIMILAR LEGISLATION WHICH WOULD PREEMPT LOCAL GOVERNMENTS FROM REGULATING OIL AND GAS DEVELOPMENT AND EXTRACTION; OPPOSING ANY STATE LEGISLATION WHICH WOULD CREATE A STATE PUBLIC RECORDS LAW EXEMPTION FOR PROPRIETARY INFORMATION PROVIDED BY DRILLING COMPANIES TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION THROUGH PERMITTING

WHEREAS, hydraulic fracturing is the process of pumping a fluid into or under the surface of the ground in order to create factures in existing rock for the purpose of producing or recovering oil or gas; and

WHEREAS, Florida's water supply comes from highly permeable limestone formations which are vulnerable to contamination from hydraulic rock-fracturing activities designed to extract hydrocarbons; and

WHEREAS, Miami-Dade County gets all of its water from groundwater sources, including the Floridan Aquifer; and

WHEREAS, Florida's oil and gas regulations, Chapter 377, Florida Statutes, and Rules 62C-25 through 62C-30, Florida Administrative Code, make no reference to hydraulic fracturing; and

WHEREAS, in January 2014, an oil drilling company in Collier County was discovered to be using high-pressure injections of acid and water to blast open bedrock to gain access to oil reserves near underground aquifers; and

WHEREAS, in July 2014, the Florida Department of Environmental Protection revoked the drilling permits of the oil drilling company and fined the company $25,000; and

WHEREAS, hydraulic fracturing poses potential risks for contaminating the Floridian Aquifer, the source of drinking water for nearly 10 million Floridians; and

WHEREAS, this Board believes it is imperative to take measures to adequately protect our State and County's water supply and environment through better regulation of oil drilling methods and extraction techniques; and

WHEREAS, in 2014, voters overwhelmingly approved Florida Constitutional Amendment 1, the Florida Water and Land Conservation Initiative, which is designed to protect Florida's natural resources, including the state's drinking water; and

WHEREAS, on January 21, 2015, this Board passed Resolution No. R-54-15, which urged the state legislature to enact legislation prohibiting hydraulic fracturing in the State of Florida during the 2015 state legislative session; and

WHEREAS, Senate Bill 166 (SB 166) and House Bill 19 (HB 19) would prohibit hydraulic fracturing in the State of Florida and have been filed for consideration during the 2016 session of the Florida Legislature by Senator Darren Soto (D – Kissimmee) and Representative Evan Jenne (D – Hollywood), respectively; and

WHEREAS, Senate Joint Resolution 358 (SJR 358) and House Joint Resolution 453 (HJR 453), which have been filed for consideration during the 2016 session of the Florida Legislature by Senator Jeremy Ring (D – Margate) and Representative Jose Javier Rodriguez (D

– Miami), respectively, both propose an amendment to the Florida Constitution prohibiting the practice of hydraulic fracturing in Florida; and

WHEREAS, other bills have also been filed for consideration during the 2016 session of the Florida Legislature prohibiting local regulation of all matters relating to the exploration, development, production, processing, storage, and transportation of oil and gas, including hydraulic fracturing; and

WHEREAS, two such bills, Senate Bill 318 (SB 318) introduced by Senator Garrett Richter (R – Naples), and House Bill 191 (HB 191), introduced by Representative Ray Rodrigues (R – Fort Myers), would preempt Miami-Dade County's ability to regulate potentially harmful oil and gas extraction techniques; and

WHEREAS, this Board opposes Senate Bill 318, House Bill 191, or similar legislation which would preempt Miami-Dade County's ability to regulate oil and gas development and extraction within its borders; and

WHEREAS, this Board also opposes any legislation which would create a state public records law exemption for proprietary information provided by drilling companies to the Florida Department of Environmental Protection through permitting in connection with the department's online high pressure well stimulation chemical disclosure registry; and

WHEREAS, Senate Bill 1582, which would have created a public records exemption for drilling companies, was filed during the 2015 session of the Florida Legislature by Senator Richter; and

WHEREAS, SB 1582 died on the Senate calendar but may be re-filed in some capacity during the 2016 session; and

WHEREAS, this Board would like to express its support for SB 166, HB 19, SJR 358, HJR 453, and its opposition to SB 318, HB 191, and any state legislation which would create public records exemptions for proprietary information provided by drilling companies in Florida,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact SB 166, HB 19, SJR 358, HJR 453 or similar legislation prohibiting or placing before voters a constitutional amendment to prohibit hydraulic fracturing in the State of Florida.

Section 2. Opposes SB 318, HB 191 or similar legislation which would preempt local governments from regulating oil and gas development and extraction.

Section 3. Opposes any state legislation which would create a state public records law exemption for proprietary information provided by drilling companies to the Florida Department of Environmental Protection through permitting in connection with the department's online high pressure well stimulation chemical disclosure registry.

Section 4. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senators Darren Soto, Dwight Bullard, Jeremy Ring, and Garrett Richter, Representatives Jose Javier Rodriguez, Evan Jenne and Ray Rodrigues, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

Section 5. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 and against the legislation set forth in Sections 2 and 3, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of November, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Javier Zapata