MEMORANDUM

Agenda Item No. 11(A)(12)

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

DATE: September 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature to adopt legislation prohibiting well stimulation techniques collectively known as "fracking" in the State of Florida; opposing 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; urging the Florida Association of Counties to continue to support a statewide ban on fracking and to oppose legislation which would preempt local governments from regulating oil and gas development and extraction

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

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

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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)(12)
9-7-16

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ADOPT LEGISLATION PROHIBITING WELL STIMULATION TECHNIQUES COLLECTIVELY KNOWN AS "FRACKING" IN THE STATE OF FLORIDA; OPPOSING 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; URGING THE FLORIDA ASSOCIATION OF COUNTIES TO CONTINUE TO SUPPORT A STATEWIDE BAN ON FRACKING AND TO OPPOSE LEGISLATION WHICH WOULD PREEMPT LOCAL GOVERNMENTS FROM REGULATING OIL AND GAS DEVELOPMENT AND EXTRACTION

WHEREAS, fracking is a well stimulation technique which involves the pumping a fluid, which may contain harmful additives, into or under the surface of the ground in order to create fractures in existing rock formations for the purpose of producing or recovering oil or gas by increasing the flow of hydrocarbons from the formation into the wellbore; and

WHEREAS, fracking also includes, but is not limited to, the processes known as hydraulic fracturing, acid fracturing, cyclic steam injection, matrix acidizing, and fracture acidizing; and

WHEREAS, Florida's water supply comes from highly permeable limestone formations which are vulnerable to contamination from fracking or similar well stimulation techniques 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 fracking; 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 below 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 $25,000.00; and

WHEREAS, fracking poses potential risks for contaminating the Floridan Aquifer, the source of drinking water for nearly 10 million Floridians, including the residents of Miami-Dade County; 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, the Florida Association of Counties, which represents the interests of all Florida counties and advocates on behalf of issues which impact communities across the state, has supported a moratorium on all fracking activities in Florida; and

WHEREAS, this Board has passed Resolution Nos. R-54-15 and R-1041-15, both of which urged the state legislature to enact legislation prohibiting hydraulic fracturing and similar unregulated well stimulation techniques in the State of Florida during the past two legislative sessions; and

WHEREAS, during the past two legislative sessions, multiple bills have been filed for consideration seeking to prohibit local regulation of all matters relating to the exploration, development, production, processing, storage, and transportation of oil and gas, including fracking and similar well stimulation techniques; and

WHEREAS, this Board opposes any 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,

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 adopt legislation prohibiting well stimulation techniques collectively known as "fracking" in the State of Florida.

Section 2. Opposes 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. Urges the Florida Association of Counties to continue to support a statewide ban on fracking and to oppose legislation which would preempt local governments from regulating oil and gas development and extraction within their boundaries.

Section 5. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and remaining Members of the Miami-Dade State Legislative Delegation, and the Executive Director of the Florida Association of Counties.

Section 6. 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 include this item in the 2017 State Legislative Package when it is presented to the Board.

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 7th day of September, 2016. 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