

MEMORANDUM

Agenda Item No. 11(A)(16)

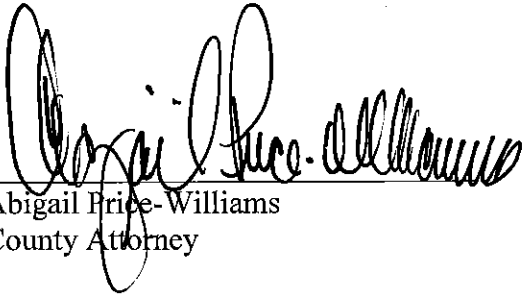
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 4, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact SB 1152 or
similar legislation that provides
that potential brownfield sites
owned by state or local
governments impacted
by perfluoroalkyl and
polyfluoroalkyl substances
are eligible to participate in a
brownfield site rehabilitation
agreement regardless of
contribution

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)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

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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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(16)
2-4-20

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 1152 OR SIMILAR LEGISLATION THAT PROVIDES THAT POTENTIAL BROWNFIELD SITES OWNED BY STATE OR LOCAL GOVERNMENTS IMPACTED BY PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES ARE ELIGIBLE TO PARTICIPATE IN A BROWNFIELD SITE REHABILITATION AGREEMENT REGARDLESS OF CONTRIBUTION

WHEREAS, Senate Bill 1152 (“SB 1152”) has been filed for consideration during the Florida Legislature’s 2020 session by Senator Doug Broxson (R-Pensacola); and

WHEREAS, among other things, SB 1152 would amend the “Brownfields Redevelopment Act” by adding a definition to section 376.79, Florida Statutes, for the term “PFAS,” which refers to perfluoroalkyl and polyfluoroalkyl substances that are used in fire suppressants and firefighting foams; and

WHEREAS, SB 1152 would also amend the “Brownfields Redevelopment Act” by adding a new subpart (d) to section 376.82, Florida Statutes, which would allow potential brownfield sites owned by the state or a local government which are impacted by PFAS to be eligible for participation in a brownfield site rehabilitation agreement, whether or not such contamination was caused or contributed to by the state or local government after July 1, 1997; and

WHEREAS, through testing by the Miami-Dade Water and Sewer Department and Miami-Dade Department of Regulatory and Economic Resources, PFAS has been detected within Miami-Dade County; and

WHEREAS, PFAS accumulates over time, does not break down easily, and can remain in and move through the environment for decades, including within groundwater; and

WHEREAS, exposure to PFAS in humans has been linked to health impacts such as certain forms of cancer and defects in infants and fetuses; and

WHEREAS, the County may want to, or may be compelled by the United States Environmental Protection Agency, Florida Department of Environmental Protection or the Miami-Dade Department of Regulatory and Economic Resources to, remediate sites within the County that are impacted by PFAS; and

WHEREAS, site rehabilitation can be costly and complicated; and

WHEREAS, under such circumstances, participation in a brownfield site rehabilitation agreement could be beneficial to the County because such an agreement could potentially: (1) protect the County from liability and enforcement consequences associated with contamination and its clean-up, and (2) allow for tax credits that could be sold to an entity that has Florida corporate income tax liability; and

WHEREAS, accordingly, this Board wishes to express support for SB 1152 or similar legislation,

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 1152 or similar legislation to provide that potential brownfield sites owned by state or local governments impacted by PFAS are eligible to participate in a brownfield site rehabilitation agreement regardless of contribution.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, Senator Doug Broxson and the Chair of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 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:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of February, 2020. 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.

SED

Sarah E. Davis