

MEMORANDUM

Agenda Item No. 11(A)(21)

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

DATE: January 21, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact SB 166 or
similar legislation prohibiting
hydraulic fracturing in the State
of Florida
Resolution No. R-54-15

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

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

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County Attorney

SUBJECT: Agenda Item No. 11(A)(21)

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
- 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)(21)
1-21-15

RESOLUTION NO. R-54-15

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT SB 166 OR SIMILAR LEGISLATION PROHIBITING
HYDRAULIC FRACTURING IN THE STATE OF FLORIDA

WHEREAS, hydraulic fracturing is the process of pumping a fluid into or under the surface of the ground in order to create fractures 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 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 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 Floridan 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, voters in Florida 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, Senate Bill (SB) 166 would prohibit hydraulic fracturing in the State of Florida, and has been filed for consideration during the 2015 session of the Florida Legislature by Senators Darren Soto (D-Kissimmee) and Dwight Bullard (D-Cutler Bay); and

WHEREAS, this Board would like to express its support for SB 166 or similar legislation prohibiting hydraulic fracturing in the State of 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 or similar legislation prohibiting hydraulic fracturing in the State of Florida.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, State Senator Darren Soto, State Senator Dwight Bullard, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

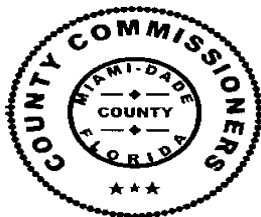
Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.

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

| | | |
|----------------------|-------------------------------------|----------------------------------|
| | Jean Monestime, Chairman | aye |
| | Esteban L. Bovo, Jr., Vice Chairman | aye |
| Bruno A. Barreiro | aye | Daniella Levine Cava aye |
| Jose "Pepe" Diaz | aye | Audrey M. Edmonson absent |
| Sally A. Heyman | absent | Barbara J. Jordan aye |
| Dennis C. Moss | aye | Rebeca Sosa aye |
| Sen. Javier D. Souto | aye | Xavier L. Suarez aye |
| Juan C. Zapata | aye | |

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Javier Zapata