

MEMORANDUM

Agenda Item No. 11(A)(29)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact Senate Bill 162, House Bill 23, or similar legislation that acknowledges that water and wastewater facility personnel are essential first responders and requires the Florida Department of Environmental Protection to issue reciprocal operator licenses to applicants who have not taken the Florida licensure exam but nonetheless meet specific equivalent requirements

Resolution No. R-237-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.


Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(29)

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)(29)
3-7-23

RESOLUTION NO. _____ R-237-23

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 162, HOUSE BILL 23, OR SIMILAR LEGISLATION THAT ACKNOWLEDGES THAT WATER AND WASTEWATER FACILITY PERSONNEL ARE ESSENTIAL FIRST RESPONDERS AND REQUIRES THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ISSUE RECIPROCAL OPERATOR LICENSES TO APPLICANTS WHO HAVE NOT TAKEN THE FLORIDA LICENSURE EXAM BUT NONETHELESS MEET SPECIFIC EQUIVALENT REQUIREMENTS

WHEREAS, the Miami-Dade County Water and Sewer Department (“WASD”) maintains more than 8,500 miles of underground water lines, as well as approximately 4,100 miles of sewer lines, serving 2.3 million residents and thousands of visitors; and

WHEREAS, as part of such service, WASD also operates three regional water treatment plants and five smaller plants that treat more than 300 million gallons of water per day; and

WHEREAS, in addition, WASD operates three wastewater treatment plants which treat nearly 300 million gallons of wastewater per day; and

WHEREAS, water and wastewater services are essential to the health and safety of the residents of, and visitors to, Miami-Dade County; and

WHEREAS, the County’s treatment plants operate 24 hours a day, 365 days per year, and licensed operators must always be present on site to ensure the safety of the community, environment, and water supply; and

WHEREAS, during emergencies, such as tropical storms or hurricanes, the safety of the County’s water and wastewater is paramount; and

WHEREAS, although an operator of a water treatment plant, a water distribution system, or a domestic wastewater treatment plant often must work extended and overtime shifts at the treatment plants during such emergencies because of the critical nature of such job, the current law does not acknowledge the essential nature of such positions; and

WHEREAS, it is in the best interest of the public to recognize that operators of such plants are essential first responders; and

WHEREAS, similarly, it is in the best interest of the public to ensure that those who meet the qualifications and experience levels required of an operator of a water treatment plant, a water distribution system, or a domestic wastewater treatment plant be licensed to do so; and

WHEREAS, section 403.867, Florida Statutes, currently provides that an operator of a water treatment plant, a water distribution system, or a domestic wastewater treatment plant must hold an operator's license issued by the Florida Department of Environmental Protection ("FDEP"); and

WHEREAS, to be licensed as an operator of a water treatment plant, a water distribution system, or a domestic wastewater treatment plant, a person must apply to FDEP to take a licensure exam and meet certain other criteria; and

WHEREAS, chapter 403 of the Florida Statutes does not currently provide a mechanism for FDEP to issue a license for an operator of a water treatment plant, a water distribution system, or a domestic wastewater treatment plant to out-of-state individuals who have not taken the Florida licensure exam but are otherwise qualified due to their experience, education, and/or licensure in other states; and

WHEREAS, Florida is the only state in the nation that does not currently offer reciprocal licensure to operators of domestic wastewater facilities; and

WHEREAS, because of the critical nature of such operators and the frequency of emergencies, such as hurricanes and tropical storms, it is in the public's interest to amend state law and allow qualified individuals to be licensed as operators of water treatment plants, water distribution systems, or domestic wastewater treatment plants even if said individuals have not taken the Florida licensure exam; and

WHEREAS, on December 6, 2022, Representative Melony M. Bell (R – Fort Meade), filed House Bill (“HB”) 23 for consideration during the 2023 session of the Florida Legislature; and

WHEREAS, on January 10, 2023, Senator Jay Collins (R – Tampa) filed Senate Bill (“SB”) 162, the companion bill to HB 23, for consideration during the 2023 session of the Florida Legislature; and

WHEREAS, SB 162 and HB 23 would amend chapter 403 of the Florida Statutes to specify that water and wastewater services are essential to the health and wellbeing of all citizens and that water and wastewater facility personnel are essential first responders; and

WHEREAS, SB 162 and HB 23 would also amend chapter 403 of the Florida Statutes to require FDEP to issue reciprocal licenses to water treatment plant operators, water distribution system operators, and domestic wastewater treatment plant operators who meet certain minimum requirements such as a comparable license from another state or for comparable work performed while in the United States Armed Forces; and

WHEREAS, this Board supports legislation that would acknowledge the critical role that operators of water treatment plants, water distribution systems, and domestic wastewater treatment plants play in ensuring the public's safety; and

WHEREAS, this Board supports legislation that would ensure that there is an adequate workforce available in Florida to provide such essential services,

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 Senate Bill 162, House Bill 23, or similar legislation that acknowledges that water and wastewater facility personnel are essential first responders and requires the Florida Department of Environmental Protection to issue reciprocal operator licenses to applicants who have not taken the Florida licensure exam but nonetheless meet specific equivalent requirements.

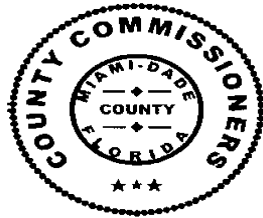
Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, Senator Jay Collins, Representative Melony M. Bell, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the actions set forth in section 1 above and authorizes and directs the Office of Intergovernmental Affairs to amend the 2023 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado. It was offered by Commissioner **Anthony Rodriguez** , who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of March, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "AB", written over a horizontal line.

Angela F. Benjamin