

2009 KEY LARGO WASTEWATER TREATMENT DISTRICT COMMITTEE OF THE WHOLE

Transition Meeting

AGENDA



Tuesday Nov. 10, 2009 4:00 PM
9880 Overseas Hwy
Key Largo, FL 33037

Susan Hammaker

Chair

Norman Higgins

Vice Chair

Charles Brooks

Secretary-Treasurer

Andrew Tobin

Commissioner

Robert Majeska

Commissioner

Charles F. Fishburn

General Manager

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the District Clerk at 30-43-804 at least 48 hours in advance to request accommodations.

4:00

A. CALL TO ORDER - PLEASE MUTE CELL PHONES

4:01

B. PLEDGE OF ALLEGIANCE

4:02

C. ROLL CALL

4:03

D. APPROVAL OF AGENDA WITH ANY ADDITIONS, DELETIONS, OR CONTINUANCES

4:05

E. ISLAMORADA UPDATE

4:25

F. PAVING COORDINATION WITH MONROE COUNTY

5:00

G. LEGISLATION UPDATE

5:30

H. OFFICE SPACE

5:40

I. COMMISSION'S ROUNDTABLE

6:00

J. ADJOURNMENT

E

**KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form**

Meeting Date: Nov. 10, 2009

Agenda Item No. E

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input checked="" type="checkbox"/> DISCUSSION | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Islamorada Update

RECOMMENDED MOTION/ACTION:

Approved by General Manager C.F. 2

Date: 11-10-09

Originating Department: General Manager	Costs: Approximately \$ Funding Source: Acct.	Attachments:
Department Review: <input checked="" type="checkbox"/> District Counsel <u>JJ</u> <input checked="" type="checkbox"/> General Manager <u>C.F. 2</u> <input checked="" type="checkbox"/> Finance <u>MW</u>	<input checked="" type="checkbox"/> Engineering <u>MB</u> <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required

Summary Explanation/Background: Coordination between Islamorada Staff and KLWTD Staff continues.

Resulting Board Action:

- Approved
 Tabled
 Disapproved
 Recommendation Revised6

F

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 10 2009 Agenda Item No. *F*

- PUBLIC HEARING
- DISCUSSION
- GENERAL APPROVAL OF ITEM
- Other:
- RESOLUTION
- BID/RFP AWARD
- CONSENT AGENDA

SUBJECT: Paving Coordination with Monroe County

RECOMMENDED MOTION/ACTION:

Approved by General Manager *C. J. R.*
 Date: *11-6-09*

Originating Department: General Manager	Costs: Approximately \$ Funding Source: Acct.	Attachments
Department Review: <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager <u><i>C. J. R.</i></u> <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required

Summary Explanation/Background: KLWTD is planning to make a presentation to the BOCC at the Nov. 18, 2009 meeting in Key Largo. The presentation will appeal to the County to coordinate paving with the KLWTD collection system projects. Specifically the KLWTD would like to apply the \$1.8 million from the 905 curve project to KLWTD collection systems. This \$1.8 million combined with KLWTD "Patching" money could result in more than \$4 million in overlaying of roads for (2700 homes benefited) the residents of KLWTD's service area.

G

**KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form**

Meeting Date: Nov. 10, 2009

Agenda Item No. *G*

PUBLIC HEARING

RESOLUTION

DISCUSSION

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: Legislation Update

RECOMMENDED MOTION/ACTION:

Approved by General Manager *C. J. 2*

Date: 11-6-09

Originating Department: General Manager	Costs: Approximately Funding Source: Acct.	Attachments: Revised Legislation
Department Review: <input checked="" type="checkbox"/> District Counsel <i>TL</i> <input checked="" type="checkbox"/> General Manager <i>C. J. 2</i> <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required

Summary Explanation/Background: The Deep Well Legislation has been removed from the FDEP Legislation. The FDEP Legislation is being revised to address KLWTD concerns.

Resulting Board Action:

Approved

Tabled

Disapproved

Recommendation Revised



BOARD OF COUNTY COMMISSIONERS

Mayor George Neugent, District 2
Mayor Pro Tem Sylvia J. Murphy, District 5
Kim Wigington, District 1
Heather Carruthers, District 3
Mario Di Gennaro, District 4

Suzanne A. Hutton, County Attorney**

Robert B. Shillinger, Chief Assistant County Attorney **
Pedro J. Mercado, Assistant County Attorney **
Susan M. Grimsley, Assistant County Attorney **
Natileene W. Cassel, Assistant County Attorney
Cynthia L. Hall, Assistant County Attorney
Christine Limbert-Barrows, Assistant County Attorney
Derek V. Howard, Assistant County Attorney
Lisa Granger, Assistant County Attorney

Office of the County Attorney

1111 12th Street, Suite 408
Key West, FL 33040
(305) 292-3470 – Phone
(305) 292-3516 – Fax

** Board Certified in City, County & Local Govt. Law

November 5, 2009

TO: Rebecca Jetton, DCA
Geoffrey Mansfield, DEP

FROM: Suzanne A. Hutton

RE: Discussion on Items of Change to Draft Legislation

To start this discussion, you should be aware that KLWTD has just told me that the municipalities & the District are very concerned about this legislation. Mr. Fishburn just stated on the phone to me that they would be OK if the legislation is tailored solely to affect the Lower Keys and the Conch Key/Duck Key areas of the unincorporated county, or if it can be tailored to except out any of the proposed connection requirement extensions if the properties have already been assessed. I think we can get language that is tailored to allow them to maintain their plan. Their attorney Tom Dillon has indicated an interest in drafting the language to allow the KLWTD to continue post haste with their financial plan & not jeopardize their bond issue they are pursuing. That language should be forthcoming pretty quickly, but I would like to get this out as soon as possible.

After meeting with Secretary Sole, Representative Saunders, DCA representatives Rebecca Jetton and Charles Gauthier, on October 22, 2009, the County and FCAA have conferred, with Rebecca on phone conference, in a long discussion, and also with our lobbyists in Tallahassee. As a result of those conversations, the County's and FCAA's engineering, administrative & legal people have settled on a re-draft of the "Agency Consensus" draft legislation for purposes of discussion initially with administrative and legal representatives of the other local entities responsible for WW treatment & collection systems, and for purposes of a workshop to bring a local consensus proposal back to the state agencies.

However, because government works slowly, especially where meetings and consensus-building are involved, and we are being requested to provide comments back on the "Agency Consensus" draft legislation, I am providing you now with the following comments and a copy of our re-draft, with the caveat that we have not had the opportunity to hold the workshop to get consensus from the municipalities & KLWTD. We hope to be able to schedule a workshop to do that in the very near future.

Explanation of changes made on the attached 11/5 version from the “Agency Consensus” draft legislation:

Lines 18-21: Revised language to allow for the entirety of the \$200 million to be appropriated rather than be subject to only 4 fiscal years during which any appropriations are made. If the appropriation in any of those years is less than \$50 million, the language currently in the legislation would not allow for subsequent funding until the \$200 million is met.

Line 57: Changed “population” to “permanent residents” to be consistent with line 230 and any other place the term “permanent residents” is used.

Line 204: Added language to allow development in areas not yet served by central WW but which are in the amended Master Plan to be served by central WW. This language is to deflect any takings cases which would result from this legislation if the language was not added, and to allow permits to be issued to properties that might be in more scarified and more densely built subdivisions than forcing the permit allocations to have to be diverted to those areas that have sewers. This is probably more important to the County than anyone else.

Lines 295-296: Added language because there was some expectation that an administrative rule could allow an exception, but the legislative proposal did not say that.

Line 304: Deleted “repaired” to avoid the possibility that someone who wants to make a minor repair is required to upgrade & then gets an extension on the connection requirement to 2030.

Lines 315-316: Added language to use a DOH permit as the trigger for determining who gets to 2030 to connect.

Lines 332-333: changed language to refer to the amended Master Plan in lieu of the exhibits from 2000 that are now obsolete because of the inclusion in the Master Plan of areas not previously slated for connection to central WW but will have sewer mains running past them to serve the areas in the original Master Plan.

Lines 344-345: Ditton.

Line 366, et al: Deleted whole segment regarding injection wells since KLWTD has already been working with Senator Bullard to sponsor the same language, which is in SB 422, already filed.

Lines 366-367: The intent of the original Agency consensus” language was to repeal sections of Ch. 99-395 and include them in statutes, which paragraphs (b) & (d) address. We removed the injection well segment of SB 422 amends Ch. 99-395, so Section (6) sub(7) is specifically excluded here as that was the part of 99-395 to remain in effect & be amended by SB 422.

Line 406: Ditto.

Lines 401—404: Totally removed the package plant extension to connect to central sewer because we need to encourage them to connect to central to maintain the efficiency of the systems being designed and built, and to not have to pass all of the operational costs on to fewer connected properties. Instead, the language would allow a local government the ability to allow credits for costs of upgrades when they connect. This was an issue that DCA seemed to have in wanting to encourage upgrades if the central sewers will take several years. The language probably needs to be tweaked some more to accommodate KLWTD, I just was thinking about the ability to pass ordinances when drafting.

As a final thought, I want to assure everyone that the County is more than willing to work with all of the wastewater authorities to achieve a bill that benefits everyone, and certainly does not want to create additional obstacles for any of the wastewater authorities. It is my understanding that is also the intent of the State agencies which worked together to come up with the original proposal.

Hopefully, after this is circulated, we can start talking about a workshop date. Since each of our boards/commissions/councils will still have to meet to deliberate on any action, I suggest we might want administrative & engineering and legal representatives at the workshop table to voice the concerns of the various entities.

SH 2d REVISED DRAFT KEYS LEGISLATIVE LANGUAGE – NOVEMBER 5, 2009
W/O PROVISIONS FOR SALES TAX OR INJECTION WELLS,
WORKING FROM DEP 10-26 VERSION

1 Section 1. Subsection (1) of section 215.619, Florida Statutes, is amended to read:

2 215.619 Bonds for Everglades restoration.—

3 (1) The issuance of Everglades restoration bonds to finance or refinance the cost of
4 acquisition and improvement of land, water areas, and related property interests and resources
5 for the purpose of implementing the Comprehensive Everglades Restoration Plan under s.
6 373.470, the Lake Okeechobee Watershed Protection Plan under s. 373.4595, the Caloosahatchee
7 River Watershed Protection Plan under s. 373.4595, the St. Lucie River Watershed Protection
8 Plan under s. 373.4595, and the Florida Keys Area of Critical State Concern protection program
9 under ss. 380.05 and 380.0552 to restore and conserve natural systems through the
10 implementation of water management projects, including wastewater management projects
11 identified in the "Keys Wastewater Plan" dated November 2007 and submitted to the Florida
12 House of Representatives on December 4, 2007, is authorized in accordance with s. 11(e), Art.
13 VII of the State Constitution. Everglades restoration bonds, except refunding bonds, may be
14 issued only in fiscal years 2002-2003 through 2019-2020 and may not be issued in an amount
15 exceeding \$100 million per fiscal year unless:

16 (a) The Department of Environmental Protection has requested additional amounts in
17 order to achieve cost savings or accelerate the purchase of land; or

18 (b) The Legislature authorizes an additional amount of bonds totaling \$200 million to be
19 appropriated in an amount not to exceed \$50 million per fiscal year until the \$200 million has
20 been bonded, appropriated and distributed for wastewater management projects, for no more than
21 4 fiscal years, specifically for the purpose of funding the Florida Keys Area of Critical State
22 Concern protection program. Proceeds from said bonds shall be managed by the Department of
23 Environmental Protection for the purpose of entering into financial assistance agreements with
24 local governments located in the Florida Keys Area of Critical State Concern to finance or
25 refinance the cost of constructing sewage collection, treatment and disposal facilities.

26
27 The duration of Everglades restoration bonds may not exceed 20 annual maturities, and those
28 bonds must mature by December 31, 2040. Except for refunding bonds, a series of bonds may
29 not be issued unless an amount equal to the debt service coming due in the year of issuance has
30 been appropriated by the Legislature. Beginning July 1, 2010, the Legislature shall analyze the

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31 ratio of the state's debt to projected revenues prior to the authorization to issue any bonds under
32 this section.

33 Section 2. Subsections (2), (4), (7), and (9) of section 380.0552, Florida Statutes, are
34 amended as follows:

35 380.0552 Florida Keys Area; protection and designation as area of critical state concern.-
36 -

37 (2) LEGISLATIVE INTENT.--It is hereby declared that the intent of the Legislature is:

38 (a) To establish a land use management system that protects the natural environment of
39 the Florida Keys.

40 (b) To establish a land use management system that conserves and promotes the
41 community character of the Florida Keys.

42 (c) To establish a land use management system that promotes orderly and balanced
43 growth in accordance with the capacity of available and planned public facilities and services.

44 (d) To provide for affordable housing in close proximity to places of employment in the
45 Florida Keys.

46 (e) To establish a land use management system that promotes and supports a diverse and
47 sound economic base.

48 (f) To protect the constitutional rights of property owners to own, use, and dispose of
49 their real property.

50 (g) To promote coordination and efficiency among governmental agencies with
51 permitting jurisdiction over land use activities in the Florida Keys.

52 (h) To promote an appropriate land acquisition and protection strategy for
53 environmentally sensitive lands within the Florida Keys.

54 (i) To protect and improve nearshore water quality of the Florida Keys through the
55 construction and operation of wastewater management facilities that meet the requirements of s.
56 381.0065(4)(l) and s. 403.086(10), as appropriate.

57 (j) To assure the permanent residents of the Florida Keys can be safely evacuated.

58 (4) REMOVAL OF DESIGNATION.--

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59 (a) The designation of the Florida Keys Area as an area of critical state concern under
60 this section may be recommended for removal upon fulfillment of the legislative intent and upon
61 completion of all the work program tasks as set forth in Administration Commission Rules.

62 (b) Beginning September 1, 2011, the state land planning agency shall submit annually a
63 written report to the Administration Commission describing the progress of the Florida Keys
64 Area toward completing the tasks of the work program as set forth in Administration
65 Commission Rules. The state land planning agency shall recommend to the Administration
66 Commission the removal of the designation, if it determines the following have been met:

67 1. All of the work program tasks have been completed, including construction and
68 operation of, and connection to, central wastewater management facilities pursuant to s.
69 403.086(10) and upgrade of onsite sewage treatment and disposal systems pursuant to s.
70 381.0065(4)(l);

71 2. All local comprehensive plans and land development regulations and the
72 administration of such plans and regulations are adequate to protect the Florida Keys Area, fulfill
73 the legislative intent incorporated in subsection (2), and are consistent with and further the
74 principles for guiding development.

75 3. A local government has adopted a resolution at a public hearing recommending the
76 removal of the designation.

77 (c) After receipt of the state land planning agency report and recommendation, the
78 Administration Commission shall determine whether the requirements above have been fulfilled
79 and may remove the designation. If the Administration Commission removes the designation, it
80 shall, within 60 days, initiate rulemaking pursuant to chapter 120 to repeal any rules relating to
81 the designation of the Florida Keys Area as an area of critical state concern. If, after receipt of
82 the state land planning agency's report and recommendation, the Administration Commission
83 finds that the requirements for recommending removal of designation have not been met, the
84 Administration Commission shall provide a written report to the local governments within 30
85 days after making such a finding detailing the tasks that must be completed by the local
86 government.

87 ~~(a) Between July 12, 2008, and August 30, 2008, the state land planning agency shall~~
88 ~~submit a written report to the Administration Commission describing in detail the progress of the~~

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89 Florida Keys Area toward accomplishing the tasks of the work program as defined in paragraph
90 (c) and providing a recommendation as to whether substantial progress toward accomplishing the
91 tasks of the work program has been achieved. Subsequent to receipt of the report, the
92 Administration Commission shall determine, prior to October 1, 2008, whether substantial
93 progress has been achieved toward accomplishing the tasks of the work program. The
94 designation of the Florida Keys Area as an area of critical state concern under this section shall
95 be removed October 1, 2009, unless the Administration Commission finds, after receipt of the
96 state land planning agency report, that substantial progress has not been achieved toward
97 accomplishing the tasks of the work program. If the designation of the Florida Keys Area as an
98 area of critical state concern is removed, the Administration Commission, within 60 days after
99 removal of the designation, shall initiate rulemaking pursuant to chapter 120 to repeal any rules
100 relating to the designation of the Florida Keys Area as an area of critical state concern. If, after
101 receipt of the state land planning agency's report, the Administration Commission finds that
102 substantial progress toward accomplishing the tasks of the work program has not been achieved,
103 the Administration Commission shall provide a written report to the Monroe County
104 Commission within 30 days after making such finding detailing the tasks under the work
105 program that must be accomplished in order for substantial progress to be achieved within the
106 next 12 months.

107 (b) If the designation of the Florida Keys Area as an area of critical state concern is not
108 removed in accordance with paragraph (a), the state land planning agency shall submit a written
109 annual report to the Administration Commission on November 1 of each year, until such time as
110 the designation is removed, describing the progress of the Florida Keys Area toward
111 accomplishing remaining tasks under the work program and providing a recommendation as to
112 whether substantial progress toward accomplishing the tasks of the work program has been
113 achieved. The Administration Commission shall determine, within 45 days after receipt of the
114 annual report, whether substantial progress has been achieved toward accomplishing the
115 remaining tasks of the work program. The designation of the Florida Keys Area as an area of
116 critical state concern under this section shall be removed unless the Administration Commission
117 finds that substantial progress has been achieved toward accomplishing the tasks of the work
118 program. If the designation of the Florida Keys Area as an area of critical state concern is

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119 removed, the Administration Commission, within 60 days after removal of the designation, shall
120 initiate rulemaking pursuant to chapter 120 to repeal any rules relating to the designation of the
121 Florida Keys Area as an area of critical state concern. If the Administration Commission finds
122 that substantial progress has not been achieved, the Administration Commission shall provide to
123 the Monroe County Commission, within 30 days after making its finding, a report detailing the
124 tasks under the work program that must be accomplished in order for substantial progress to be
125 achieved within the next 12 months.

126 (c) For purposes of this subsection, the term "work program" means the 10-year work
127 program as set forth in rule 28-20.110, Florida Administrative Code, on January 1, 2006,
128 excluding amendments to the work program that take effect after January 1, 2006.

129 (d) The determination of the Administration Commission concerning the removal of
130 designation, as to whether substantial progress has been made toward accomplishing the tasks of
131 the work program may be judicially reviewed pursuant to chapter 120 86. All proceedings shall
132 be conducted at the Division of Administrative Hearings and shall be initiated within 30 days
133 after rendition of the Administration Commission's determination in the circuit court of the
134 judicial circuit where the Administration Commission maintains its headquarters and shall be
135 initiated within 30 days after rendition of the Administration Commission's determination. The
136 Administration Commission's determination as to whether substantial progress has been made
137 toward accomplishing the tasks of the work program shall be upheld if it is supported by
138 competent and substantial evidence and shall not be subject to administrative review under
139 chapter 120.

140 (e) After removal of the designation as an area of critical state concern, the state land
141 planning agency shall review proposed local comprehensive plans, and any amendments to
142 existing comprehensive plans, which are applicable to the Florida Keys Area, the boundaries of
143 which were described in chapter 28-29, Florida Administrative Code, as of January 1, 2006, for
144 compliance with subparagraphs 1. and 2., in addition to reviewing proposed local comprehensive
145 plans and amendments for compliance as defined in s. 163.3184. All procedures and penalties
146 described in s. 163.3184 apply to the review conducted pursuant to this paragraph.

147 1. Adoption of construction schedules for wastewater facilities improvements in the
148 annually adopted capital improvements element and adoption of standards for the construction of

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149 ~~wastewater treatment facilities which meet or exceed the criteria of chapter 99-395, Laws of~~
150 ~~Florida.~~

151 ~~2. Adoption of goals, objectives, and policies to protect public safety and welfare in the~~
152 ~~event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent~~
153 ~~residents of no more than 24 hours. The hurricane evacuation clearance time shall be determined~~
154 ~~by a hurricane evacuation study conducted in accordance with a professionally accepted~~
155 ~~methodology and approved by the state land planning agency.~~

156 (f) The Administration Commission may adopt rules or revise existing rules necessary to
157 carry out the provisions of this subsection.

158 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.--State, regional, and local
159 agencies and units of government in the Florida Keys Area shall coordinate their plans and
160 conduct their programs and regulatory activities consistent with the principles for guiding
161 development as set forth in chapter 27F-8, Florida Administrative Code, as amended effective
162 August 23, 1984, which chapter is hereby adopted and incorporated herein by reference. For the
163 purposes of reviewing consistency of the adopted plan or any amendments to that plan with the
164 principles for guiding development and any amendments to the principles, the principles shall be
165 construed as a whole and no specific provision shall be construed or applied in isolation from the
166 other provisions. However, the principles for guiding development as set forth in chapter 27F-8,
167 Florida Administrative Code, as amended effective August 23, 1984, are repealed 18 months
168 from July 1, 1986. After repeal, the following shall be the principles with which any plan
169 amendments must be consistent:

170 (a) To strengthen local government capabilities for managing land use and development
171 so that local government is able to achieve these objectives without the continuation of the area
172 of critical state concern designation.

173 (b) To protect shoreline and marine resources, including mangroves, coral reef
174 formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

175 (c) To protect upland resources, tropical biological communities, freshwater wetlands,
176 native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and
177 beaches, wildlife, and their habitat.

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178 (d) To ensure the maximum well-being of the Florida Keys and its citizens through
179 sound economic development.

180 (e) To limit the adverse impacts of development on the quality of water throughout the
181 Florida Keys.

182 (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural
183 environment, and ensure that development is compatible with the unique historic character of the
184 Florida Keys.

185 (g) To protect the historical heritage of the Florida Keys.

186 (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and
187 proposed major public investments, including:

- 188 1. The Florida Keys Aqueduct and water supply facilities;
- 189 2. Sewage collection, treatment and disposal facilities;
- 190 3. Solid waste collection and disposal facilities;
- 191 4. Key West Naval Air Station and other military facilities;
- 192 5. Transportation facilities;
- 193 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 194 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
195 properties;
- 196 8. City electric service and the Florida Keys Electric Co-op; and
- 197 9. Other utilities, as appropriate.

198 (i) To protect and improve water quality by providing for the construction, operation,
199 maintenance, and replacement of stormwater management facilities, central sewage collection,
200 treatment and disposal facilities, and through the installation and proper operation and
201 maintenance of onsite sewage treatment and disposal systems.

202 (j) To ensure the improvement of near shore water quality by requiring advanced
203 treatment standards for wastewater effluent and by directing growth through permit allocations
204 for new development to areas served or included in the amended Master Plan to be served by
205 central wastewater treatment facilities.

206 (k) (†) To limit the adverse impacts of public investments on the environmental resources
207 of the Florida Keys.

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208 (l) ~~(j)~~ To make available adequate affordable housing for all sectors of the population of
209 the Florida Keys.

210 (m) ~~(k)~~ To provide adequate alternatives for the protection of public safety and welfare
211 in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.

212 (n) ~~(l)~~ To protect the public health, safety, and welfare of the citizens of the Florida Keys
213 and maintain the Florida Keys as a unique Florida resource.

214 (9) MODIFICATION TO PLANS AND REGULATIONS.—

215 (a) Any land development regulation or element of a local comprehensive plan in the
216 Florida Keys Area may be enacted, amended, or rescinded by a local government, but the
217 enactment, amendment, or rescission shall become effective only upon the approval thereof by
218 the state land planning agency. The state land planning agency shall review the proposed change
219 to determine if it is in compliance with the principles for guiding development set forth in
220 chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and shall
221 either approve or reject the requested changes within 60 days of receipt thereof. Amendments to
222 local comprehensive plans in the Florida Keys Area shall also be reviewed for compliance with
223 subparagraphs 1. and 2.

224 1. Construction schedules and detailed capital financing plans for wastewater
225 management improvements in the annually adopted capital improvements element and standards
226 for the construction of wastewater treatment and disposal facilities or collection systems that
227 meet or exceed the criteria of s. 403.086(10) for wastewater treatment and disposal facilities or s.
228 381.0065(4)(l) for onsite sewage treatment and disposal systems.

229 2. Goals, objectives, and policies to protect public safety and welfare in the event of a
230 natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of
231 no more than 24 hours. The hurricane evacuation clearance time shall be determined by a
232 hurricane evacuation study conducted in accordance with a professionally accepted methodology
233 and approved by the state land planning agency.

234 (b) ~~Further,~~ The state land planning agency, after consulting with the appropriate local
235 government, may, no more often than once a year, recommend to the Administration
236 Commission the enactment, amendment, or rescission of a land development regulation or
237 element of a local comprehensive plan. Within 45 days following the receipt of such

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238 recommendation by the state land planning agency, the commission shall reject the
239 recommendation, or accept it with or without modification and adopt it, by rule, including any
240 changes. Any such local development regulation or plan shall be in compliance with the
241 principles for guiding development.

242 Section 3. Paragraph (4)(l) of section 381.0065, Florida Statutes, is amended to read:

243 (4) PERMITS; INSTALLATION; AND CONDITIONS.-- A person may not construct,
244 repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first
245 obtaining a permit approved by the department. The department may issue permits to carry out
246 this section, but shall not make the issuance of such permits contingent upon prior approval by
247 the Department of Environmental Protection, except that the issuance of a permit for work
248 seaward of the coastal construction control line established under s. 161.053 shall be contingent
249 upon receipt of any required coastal construction control line permit from the Department of
250 Environmental Protection. A construction permit is valid for 18 months from the issuance date
251 and may be extended by the department for one 90-day period under rules adopted by the
252 department. A repair permit is valid for 90 days from the date of issuance. An operating permit
253 must be obtained prior to the use of any aerobic treatment unit or if the establishment generates
254 commercial waste. Buildings or establishments that use an aerobic treatment unit or generate
255 commercial waste shall be inspected by the department at least annually to assure compliance
256 with the terms of the operating permit. The operating permit for a commercial wastewater system
257 is valid for 1 year from the date of issuance and must be renewed annually. The operating permit
258 for an aerobic treatment unit is valid for 2 years from the date of issuance and must be renewed
259 every 2 years. If all information pertaining to the siting, location, and installation conditions or
260 repair of an onsite sewage treatment and disposal system remains the same, a construction or
261 repair permit for the onsite sewage treatment and disposal system may be transferred to another
262 person, if the transferee files, within 60 days after the transfer of ownership, an amended
263 application providing all corrected information and proof of ownership of the property. There is
264 no fee associated with the processing of this supplemental information. A person may not
265 contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite
266 sewage treatment and disposal system without being registered under part III of chapter 489. A
267 property owner who personally performs construction, maintenance, or repairs to a system

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268 serving his or her own owner-occupied single-family residence is exempt from registration
269 requirements for performing such construction, maintenance, or repairs on that residence, but is
270 subject to all permitting requirements. A municipality or political subdivision of the state may
271 not issue a building or plumbing permit for any building that requires the use of an onsite sewage
272 treatment and disposal system unless the owner or builder has received a construction permit for
273 such system from the department. A building or structure may not be occupied and a
274 municipality, political subdivision, or any state or federal agency may not authorize occupancy
275 until the department approves the final installation of the onsite sewage treatment and disposal
276 system. A municipality or political subdivision of the state may not approve any change in
277 occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system
278 until the department has reviewed the use of the system with the proposed change, approved the
279 change, and amended the operating permit.

280 (l) For the Florida Keys, the department shall adopt a special rule for the construction,
281 installation, modification, operation, repair, maintenance, and performance of onsite sewage
282 treatment and disposal systems which considers the unique soil conditions and which considers
283 water table elevations, densities, and setback requirements. On lots where a setback distance of
284 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met,
285 an injection well, approved and permitted by the department, may be used for disposal of
286 effluent from onsite sewage treatment and disposal systems. The following additional
287 requirements shall apply to onsite sewage treatment and disposal systems in Monroe County:

288 1. The county, each municipality and those special districts established for the purpose of
289 collection, transmission, treatment, or disposal of sewage, shall ensure, in accordance with the
290 specific schedules adopted by the Administration Commission under s. 380.0552, the completion
291 of onsite sewage treatment and disposal system upgrades to meet the requirements of this
292 paragraph.

293 2. Onsite sewage treatment and disposal systems shall cease discharge no later than
294 December 31, 2015 or shall comply with the rules of the department and provide the level of
295 treatment that, unless a lesser standard is adopted by department rule for areas not served by
296 electric utilities, will produce an effluent that contains not more, on a permitted annual average
297 basis, than the following concentrations:

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- 298 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
299 b. Suspended Solids of 10 mg/l.
300 c. Total Nitrogen, expressed as N, of 10 mg/l.
301 d. Total Phosphorus, expressed as P, of 1 mg/l.
302 e. In addition, onsite sewage treatment and disposal systems discharging to injection well
303 shall provide basic disinfection as defined by department rule.
304 3. After July 1, 2010, all new or modified and repaired onsite sewage treatment and
305 disposal systems shall provide the level of treatment required under subparagraph 2.
306 4. Onsite sewage treatment and disposal systems shall be monitored for total nitrogen
307 and total phosphorus concentrations as required by department rule.
308 5. The department shall enforce proper installation, operation and maintenance of onsite
309 sewage treatment and disposal systems pursuant to this chapter, including ensuring that the
310 appropriate level of treatment required under subparagraph 2 is met.
311 6. The county, each municipality and those special districts established for the purpose of
312 collection, transmission, treatment, or disposal of sewage may require connection of onsite
313 sewage treatment and disposal systems to a central sewer system within 30 days of notice of
314 availability of service. However, an onsite sewage treatment and disposal system that is installed
315 after July 1, 2010, to serve new development, or a renovation or redevelopment which requires a
316 permit from the department, pending the availability of a central sewer system and which meets
317 the requirements of subparagraph 2, shall not be required to connect to a central sewage system
318 until July 1, 2030 unless the department determines that the onsite system is unable to maintain
319 compliance with subparagraph 2.

320 Section 4. New subsection (10) is added to section 403.086, Florida Statutes, to read:

321 403.086 Sewage disposal facilities; advanced and secondary waste treatment--

- 322 (10) The Legislature finds that the discharge of inadequately treated and managed
323 domestic wastewater from dozens of small wastewater facilities and thousands of septic tanks
324 and other onsite systems in the Florida Keys compromises the quality of the coastal environment,
325 including nearshore and offshore waters, and threatens the quality of life and local economies
326 that depend on those resources. The Legislature also finds that the only practical and cost-
327 effective way to fundamentally improve wastewater management in the Florida Keys is for the

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328 local governments in Monroe County, including those special districts established for the
329 purpose of collection, transmission, treatment, or disposal of sewage, to timely complete, at a
330 minimum, the wastewater (sewage) treatment and disposal facilities initiated under the work
331 program of Administration Commission rule 28-20, Florida Administrative Code, and the
332 Monroe County Sanitary Master Wastewater Plan, dated June 2000, as amended January 28,
333 2009. The Legislature therefore declares that the construction and operation of comprehensive
334 central wastewater systems in accordance with this subsection is in the public interest. The
335 requirements of this subsection apply to all wastewater facilities in Monroe County, including
336 privately-owned facilities, unless otherwise provided herein.

337 (a) The discharge of domestic wastewater into surface waters is prohibited.

338 (b) New or expanded domestic wastewater discharges shall comply with the
339 requirements of paragraph (d) and with the rules of the department.

340 (c) Monroe County, each municipality and those special districts established for the
341 purpose of collection, transmission, treatment, or disposal of sewage in Monroe County shall
342 complete, at a minimum, the wastewater collection, treatment and disposal facilities within its
343 jurisdiction designated as hot spots in the Monroe County Sanitary Master Wastewater Plan,
344 dated June 2000, as amended January 28, 2009, specifically listed in Exhibits 6-1 through 6-3 of
345 Chapter 6 and mapped in Exhibit F-1 of Appendix F. The required facilities and connections,
346 and any additional facilities required by rules adopted by the Administration Commission under
347 s. 380.0552, shall be completed no later than December 31, 2015, pursuant to specific schedules
348 established by the Administration Commission.

349 (d)1. Wastewater treatment facilities with design capacities greater than or equal to
350 100,000 gallons per day shall provide basic disinfection as defined by department rule and the
351 level of treatment that will produce an effluent that contains not more, on a permitted annual
352 average basis, than the following concentrations:

353 a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.

354 b. Suspended Solids of 5 mg/l.

355 c. Total Nitrogen, expressed as N, of 3 mg/l.

356 d. Total Phosphorus, expressed as P, of 1 mg/l.

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357 2. Wastewater treatment facilities with design capacities less than 100,000 gallons per
358 day shall provide basic disinfection as defined by department rule and the level of treatment that
359 will produce an effluent that contains not more, on a permitted annual average basis, than the
360 following concentrations:

- 361 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 362 b. Suspended Solids of 10 mg/l.
- 363 c. Total Nitrogen, expressed as N, of 10 mg/l.
- 364 d. Total Phosphorus, expressed as P, of 1 mg/l.

365
366 (e) The requirements of paragraphs (b), (d) of this section and Section 6, sub-section (7)
367 of Ch.99-395, Laws of Florida do not apply to the following:

- 368 1. Class 1 injection wells as defined by department rule, including any authorized
369 mechanical integrity tests.
- 370 2. Authorized mechanical integrity tests associated with Class V wells as defined by
371 department rule.
- 372 3. The following types of reuse systems authorized by department rule:
 - 373 a. Slow-rate land application systems;
 - 374 b. Industrial uses of reclaimed water; and
 - 375 c. Use of reclaimed water for toilet flushing, fire protection, vehicle washing,
376 construction dust control, and decorative water features.

377
378 However, disposal systems serving as backups to reuse systems shall comply with the other
379 provisions of this subsection.

380 (f) For wastewater treatment facilities in operation as of July 1, 2010 that are located
381 within the areas to be served by Monroe County, municipalities in Monroe County or those
382 special districts established for the purpose of collection, transmission, treatment, or disposal of
383 sewage, but that are owned by other entities, the requirements of paragraphs (b), (d) and (e) do
384 not apply until January 1, 2016 except as otherwise provided in this paragraph. Wastewater
385 operating permits issued pursuant to this chapter and in effect for these facilities as of June 30,
386 2010, are hereby extended until December 31, 2015 or until the facility is connected to a local

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387 government central wastewater system, whichever is earlier. Wastewater treatment facilities in
388 operation after December 31, 2015 shall meet the requirements of paragraphs (b), (d) and (e).

389 (g) If it is demonstrated that a discharge, even if it is otherwise in compliance with this
390 subsection will cause or contribute to a violation of state water quality standards, the department
391 shall:

- 392 1. Require more stringent effluent limitations;
- 393 2. Order the point or method of discharge changed;
- 394 3. Limit the duration or volume of the discharge; or
- 395 4. Prohibit the discharge.

396 (h) All sewage treatment facilities shall monitor effluent for total nitrogen and total
397 phosphorus concentration as required by department rule.

398 (i) The department shall require the levels of operator certification and staffing necessary
399 to ensure proper operation and maintenance of sewage facilities.

400 (j) The department may adopt rules necessary to carry out the provisions of this
401 subsection.

402 (k) The county and each municipality may pass ordinances which allow credits for costs
403 of construction or modification of wastewater treatment facilities to meet the requirements of
404 sub-paragraph (d) in requiring connection to a central sewage system prior to July 1, 2030 unless
405 the department determines that the facility is unable to maintain compliance with this subsection.

406 Section 5. Sections 4, 5 and 6, except section 6, sub-section (7), of chapter 99-395, Laws
407 of Florida, as amended, are repealed.

408 Section 6. This act shall take effect upon becoming a law.

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H

**KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form**

Meeting Date: Nov. 10, 2009

Agenda Item No. *H*

PUBLIC HEARING

RESOLUTION

DISCUSSION

BID/RFP AWARD

GENERAL APPROVAL OF ITEM

CONSENT AGENDA

Other:

SUBJECT: Additional Office Space

RECOMMENDED MOTION/ACTION:

Approved by General Manager *C. J. L.*
Date: *11-6-09*

Originating Department: Commissioner Hammaker	Costs: Approximately \$ Funding Source:	Attachments: Power Point
Department Review: <input type="checkbox"/> District Counsel _____ <input checked="" type="checkbox"/> General Manager <u><i>C. J. L.</i></u> <input type="checkbox"/> Finance _____	<input type="checkbox"/> Engineering _____ <input type="checkbox"/> Clerk _____	Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required

Summary Explanation/Background: Inspection Staff have moved to the White Rhino Property.

Resulting Board Action:

Approved

Tabled

Disapproved

Recommendation