

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**REVISED (RND)**

Meeting Date: April 21, 2015

( ) Consent

(X) Regular

( ) Ordinance

( ) Public Hearing

Department

Submitted By: Administration

Submitted For: Legislative Affairs

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff requests direction:** regarding adoption of a resolution supporting a statewide prohibition on hydraulic fracturing, acid fracturing, and similar high pressure well stimulation practices performed for the purpose of exploration or production of oil or natural gas in the State of Florida and supporting legislation providing for the prohibition.

**Summary:** Commissioners Burdick and McKinlay have requested Board consideration of a resolution supporting legislation banning oil and gas drilling practices commonly referred to as “fracking” in the State of Florida. Resolutions for this purpose have been passed by several counties including Miami-Dade, Alachua, Leon, St. Lucie, Madison, Hamilton, and Union. The pending legislation prohibiting these drilling practices (SB 166 by Soto and HB 169 by Jenne) is being considered in the current legislative session along with various bills providing for additional regulation and permitting of fracking activities (CS/HB 1205 by Rodrigues and SB 1468 by Richter). A resolution supporting a prohibition would state the potential risk of contamination of groundwater resources and drinking water aquifers and the importance of protecting Florida’s natural resources.  
Countywide (DW)

**Background and Policy Issues:** The Board of County Commissioner has adopted a related 2015 legislative policy opposing legislation authorizing hydraulic fracturing operations near conservation lands or drinking water aquifers. The proposed resolution would support a statewide prohibition on hydraulic and acid fracturing and similar well stimulation practices used in oil and gas exploration and extraction. The primary concern associated with these practices expressed by supporters of a statewide ban is contamination of groundwater supplies.

**Attachments:**

- 1) Draft Resolution
- 2) Legislative Update dated April 13, 2015

Recommended by:

N/A

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Date

Approved by:

\_\_\_\_\_  
Assistant County Administrator

\_\_\_\_\_  
Date

4-15-15

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	* _____	_____	_____	_____	_____

**# ADDITIONAL FTE POSITIONS (Cumulative)**

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No.: Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org \_\_\_\_\_ Object \_\_\_\_\_ Program Code \_\_\_\_\_

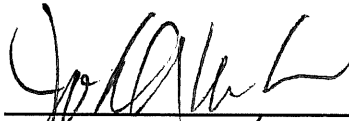
**B. Recommended Sources of Funds/Summary of Fiscal Impact**

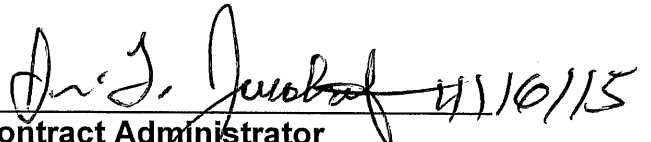
\*There is no fiscal impact associated with this item.

**C. Department Fiscal Review:**

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and /or Contract Administrator Comments:**

  
 \_\_\_\_\_  
 OFMB *adv 4/14* *24 4/16* *4/16* *SB* *4/16*

  
 \_\_\_\_\_  
 Contract Administrator *4/16/15*

**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney *4/16/15*

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

Resolution No. 2015 - \_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SUPPORTING A STATEWIDE PROHIBITION ON HYDRAULIC FRACTURING, ACID FRACTURING, AND SIMILAR HIGH PRESSURE WELL STIMULATION PRACTICES PERFORMED FOR THE PURPOSE OF EXPLORATION AND PRODUCTION OF OIL AND NATURAL GAS IN THE STATE OF FLORIDA AND SUPPORTING LEGISLATION PROVIDING FOR THE PROHIBITION**

**WHEREAS**, hydraulic fracturing, acid fracturing, and similar high pressure well stimulation practices, commonly called fracking, are methods of extracting underground oil and natural gas resources; and

**WHEREAS**, fracking typically involves the pumping or injection of millions of gallons of water mixed with sand and chemicals into the ground at high pressure to fracture rock under the surface of the ground in the vicinity of an extraction well; and

**WHEREAS**, most of Florida's water supply comes from highly permeable limestone formations which are vulnerable to contamination from fracking and any other activity which introduces potentially harmful substances into subsurface aquifers; and

**WHEREAS**, Florida's oil and gas regulations found in Chapter 377, Florida Statutes, and Florida Administrative Code Rules 62C-25 thru 30 make no reference to hydraulic fracturing or fracking; and

**WHEREAS**, in December 2013, high pressure acid fracturing was utilized by a Texas-based oil drilling company in Collier County prompting the Florida Department of Environmental Protection (DEP) to issue a cease and desist order, revoke the company's drilling permits, and issue a \$25,000 fine; and

**WHEREAS**, DEP has installed a series of groundwater wells in the vicinity of the Collier County fracking well to monitor for contamination; and

**WHEREAS**, the New York State Department of Health, in an extensive study of high volume hydraulic fracturing released in December 2014, found that there were significant uncertainties about

the kinds of adverse health outcomes that may be associated with hydraulic fracturing, the likelihood of the occurrence of adverse health outcomes, and the effectiveness of some of the mitigation measures in reducing or preventing environmental impacts which could affect public health; and

**WHEREAS**, there is legislation pending in the State of Florida that would provide a statewide prohibition on fracking as well as legislation that provides additional regulation and permitting requirements; and

**WHEREAS**, the Board of County Commissioners has consistently maintained policies and programs for the protection of public health and natural resources including drinking water supplies, conservation lands, and other local and state resources; and

**WHEREAS**, the Board of County Commissioners has determined that without compelling scientific evidence of the safety of fracking in the State of Florida, it is in the best interest of Palm Beach County to support a statewide prohibition on these activities.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

1. Palm Beach County supports a statewide prohibition on hydraulic fracturing, acid fracturing, and similar high pressure well stimulation practices more commonly known as fracking, and supports legislation providing for the prohibition.
2. A copy of this resolution be forwarded to the Governor of the State of Florida, the President of the Florida Senate, the Speaker of the Florida House of Representatives, the Chair and members of the Palm Beach County Legislative Delegation, and the Secretary of the Florida Department of Environmental Protection.

The foregoing resolution 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:

Shelley Vana, Mayor	-	_____
Mary Lou Berger, Vice Mayor	-	_____
Commissioner Hal Valeche	-	_____
Commissioner Paulette Burdick	-	_____
Commissioner Steven Abrams	-	_____
Commissioner Melissa McKinlay	-	_____
Commissioner Priscilla A. Taylor	-	_____

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**  
**CLERK & COMPTROLLER**  
Sharon R. Bock, Clerk and Comptroller

**Palm Beach County, Florida by its**  
**Board of County Commissioners**

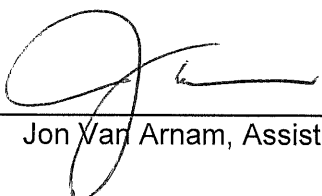
By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Mayor

**Approved as to Form and Legal**  
**Sufficiency:**

By: \_\_\_\_\_  
Assistant County Attorney

**Approved as to Content:**

By:  \_\_\_\_\_  
Jon Van Arnam, Assistant County Administrator



**Legislative Affairs**

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**Palm Beach County  
Board of County  
Commissioners**

Shelley Vana, Mayor  
Mary Lou Berger, Vice Mayor  
Hal R. Valeche  
Paulette Burdick  
Steven L. Abrams  
Melissa McKinlay  
Priscilla A. Taylor

**County Administrator**

Robert Weisman

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Affirmative Action Employer"*

printed on recycled paper

**INTEROFFICE MEMORANDUM**

TO: Jon Van Arnam, Assistant County Administrator  
FROM: Todd Bonlarron, Director, Legislative Affairs  
DATE: April 13, 2015  
RE: **Fracking Update – 2015 State Legislative Session**

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During the 2015 session several pieces of legislation have been filed regarding the issue of fracking.

Hydraulic fracturing, commonly called fracking, is a drilling technique used for extracting oil or natural gas from deep underground. The process involves injecting water, chemicals, and sand into the ground in order to break up shale rock and allow oil and gas deposits to escape.

The practice has been met with both support and skepticism. Several studies have been done to determine the effects of fracking on groundwater conservation and contamination, climate change, and air pollution. The results are varied but most conclude that additional research is required to determine the long term costs and benefits.

Legislative Affairs is providing the attached table summarizing those bills and their current status.

We will continue to provide periodic updates as session continues.

## 2015 Florida Legislative Session - Fracking Bills Summary

### PRO-FRACKING BILLS

Bill Number	Sponsors	Summary	Analysis	Status
CS/HB 1205 - Relating to Regulation of Oil and Gas Resources	Rep. Rodrigues. CoSponsor: Pigman. Committee Substitute Sponsor: Agriculture & Natural Resources Subcommittee.	Regulation of Oil and Gas Resources: Revises DEP rulemaking authority; requires permits be obtained before performance of any high pressure well stimulation; requires Div of Res Mgt to consider certain additional criteria when issuing permits; authorizes DEP to issue permits for performance of high pressure well stimulation; prohibits counties, municipalities, or other political subdivisions of state from adopting or establishing permitting programs for certain oil & gas activities; providers, vendors, & well owners or operators. Effective Date: July 1, 2015.	The bill prohibits a county, municipality, or other political subdivision of the state from adopting or establishing programs to issue permits for any activity related to oil and gas drilling, exploration, or production for which DEP has permitting authority.	Passed Agriculture & Natural Resources Appropriations Subcommittee; 9 yeas, 4 nays, on 4/7. Now in final committee, State Affairs. On agenda for 4/14 meeting at 9 am.
HB 1209 - Relating to Public Records/High- pressure Well Stimulation Chemical Disclosure Registry	Rep. Rodrigues. CS Sponsor: Agriculture & Natural Resources Subcommittee	Pub. Rec./High-pressure Well Stimulation Chemical Disclosure Registry: Provides exemption from public records requirements for proprietary business information contained within information relating to high-pressure well stimulations obtained by DEP in connection with DEP's online high-pressure well stimulation chemical	The bill does not appear to affect county or municipal governments.	Passed Government Operations Subcommittee; 7 yeas, 4 nays, on 3/24. Now in State Affairs Committee. On agenda for 4/14 meeting at 9 am.

		disclosure registry; provides procedures & requirements with respect to granting of confidential & exempt status; provides for disclosure under specified circumstances; provides for future review & repeal of exemption; provides statement of public necessity. Effective Date: on the same date that CS/HB 1205 or similar legislation takes effect.		
SB 1468 - Relating to Regulation of Oil and Gas Resources	Sen. Richter	Regulation of Oil and Gas Resources; Revising the rulemaking authority of the Department of Environmental Protection; providing that certain information may be considered proprietary business information; requiring that a permit be obtained before the performance of any high pressure well stimulation; requiring the Division of Resource Management to give consideration to and be guided by certain additional criteria when issuing permits, etc. Effective Date: 7/1/2015.		Passed first of three committees of reference, Environmental Preservation and Conservation, 6-2, on 3/31. Now in Appropriations Subcommittee on General Government. On agenda for 4/14 meeting at 1:30 pm.
SB 1582 - Relating to Public Records/High- pressure Well Stimulation Chemical Disclosure Registry	Sen. Richter	(Same as House Companion)		Passed Governmental Oversight and Accountability Committee; 3 yeas, 1 nay, on 4/7. Now in final committee, Appropriations.



## ANTI-FRACKING BILLS

Bill Number	Sponsors	Summary	Status
SB 166—Relating to Hydraulic Fracturing	Sen. Darren Soto. CoSponsored by Bullard, Clemens.	Hydraulic Fracturing; Prohibiting a person from engaging in hydraulic fracturing in this state, etc. Effective Date: 7/1/2015.	Referred to Environmental Preservation and Conservation, Commerce and Tourism, Community Affairs, and Fiscal Policy Committees on 12/17/14.
HB 169 - Relating to Well Stimulation Treatments	Rep. Evan Jenne. CoSponsors: Rehwinkel Vaslinda, Stark, Clovis Watson.	Well Stimulation Treatments: Prohibits well stimulation treatments for exploration or production of oil or natural gas; defines term "well stimulation treatment." Effective Date: October 1, 2015.	Referred to Agriculture & Natural Resources Subcommittee; Energy & Utilities Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee, on 1/15/15. Now in Agriculture & Natural Resources Subcommittee.