



REPLACEMENT AGENDA

COMMITTEE OF THE WHOLE WORKSHOP BOARD OF COUNTY COMMISSIONERS

Board Chambers
Suite 100
Ernie Lee Magaha Government Building - First Floor
221 Palafox Place

November 9, 2017
9:00 a.m.

Notice: This meeting is televised live on ECTV and recorded for rebroadcast on the same channel. Refer to your cable provider's channel lineup to find ECTV.

1. Call to Order

(PLEASE TURN YOUR CELL PHONE TO THE SILENCE OR OFF SETTING.)
2. Was the meeting properly advertised?
3. Recycling
(Patrick Johnson/Jim Howes - 15 min)
 - A. Board Discussion
 - B. Board Direction
4. Contractor Competency Board Composition Ordinance
(Alison Rogers - 15 min)
 - A. Board Discussion
 - B. Board Direction
5. Perdido Key Habitat Conservation Plan Implementation Discussion
(Timothy Day - 15 min)
 - A. Board Discussion
 - B. Board Direction

6. New Sign Ordinance
(Horace Jones/Griffin Vickery - 15 min)
 - A. Board Discussion
 - B. Board Direction

7. Housing Tax Credit Application Update
(Meredith Reeves - 10 min)
 - A. Board Discussion
 - B. Board Direction

8. Code Enforcement MSBUs
(Alison Rogers - 15 min)
 - A. Board Discussion
 - B. Board Direction

9. BCC 2018 Holiday Calendar
(Jack Brown - 5 min)
 - A. Board Discussion
 - B. Board Direction

10. Alternates for the Design/Build of the Escambia County Correctional Facility
(Amy Lovoy - 30 min)
 - A. Board Discussion
 - B. Board Direction

11. Escambia COPES - Block by Block
(Jack Brown - 15 min)
 - A. Board Discussion
 - B. Board Direction

12. Agreement between Escambia County and the Agency for Health Care Administration (AHCA) on Behalf of the Escambia Community Clinics
(Amy Lovoy/Chandra Smiley - 10 min)
 - A. Board Discussion
 - B. Board Direction

13. Triumph Projects Update
(Chips Kirschenfeld - 15 min)
 - A. Board Discussion
 - B. Board Direction

14. Adjourn

Committee of the Whole

3.

Meeting Date: 11/09/2017

Issue: Recycling

From: Pat Johnson, Department Director

Information

Recommendation:

Recycling

(Patrick Johnson/Jim Howes - 15 min)

A. Board Discussion

B. Board Direction

Attachments

Recycling Information Rprt.

FS 403.706

House Bill 7243

75% Recycling Goal Report

FDEP Notification

County Resource Cons Recycling Policy



**ESCAMBIA
COUNTY
WASTE
SERVICES**

01 *Recycling Update*
Information Report

02 *Recycling Best Management
Practices (BMPs)*
Information Report



01

Recycling Update

Information Report

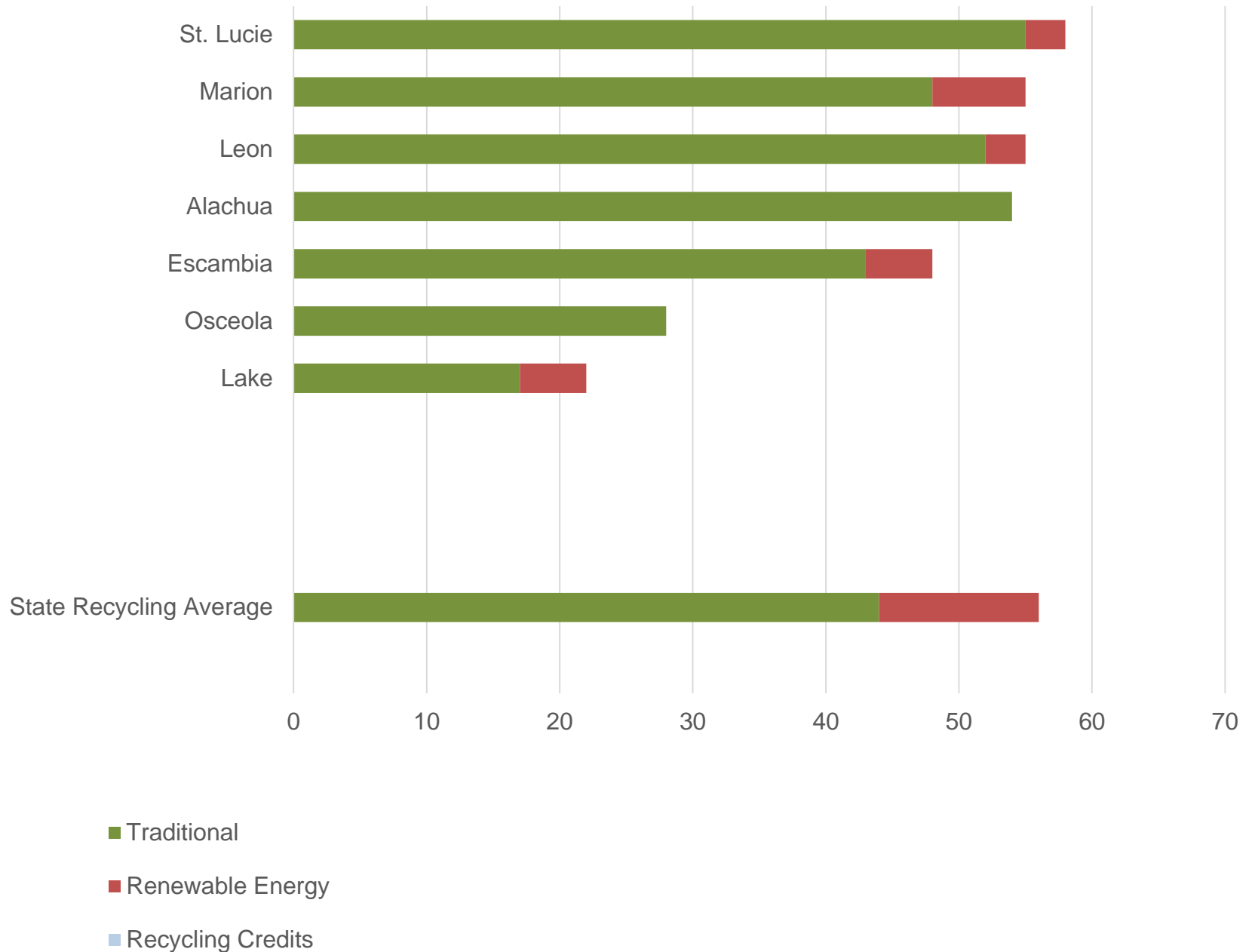
Escambia County Recycling:



- Per FS [403.706](#), FDEP is to report to the State Legislature if interim recycling goals are not obtained (Legislative review pending)
- Per [HB 7243](#), FDEP may direct counties who have not reached interim recycling goals to develop a plan to expand recycling programs
- On 8/7/2017, Escambia County Waste Services Department received [notification from FDEP](#) to provide a plan by 11/10/2017 to expand recycling

- Escambia County's recycling rate is 48%. This is a 13% increase since 2013.
- Escambia County ranks 21st among 36 large counties
- Current state overall recycling rate is 56%
- State of FL interim recycling goal is 60% for 2016 and 70% by 2018
- 69% of large counties are below the 60% interim recycling goal.

Recycling Rates of Comparable Counties

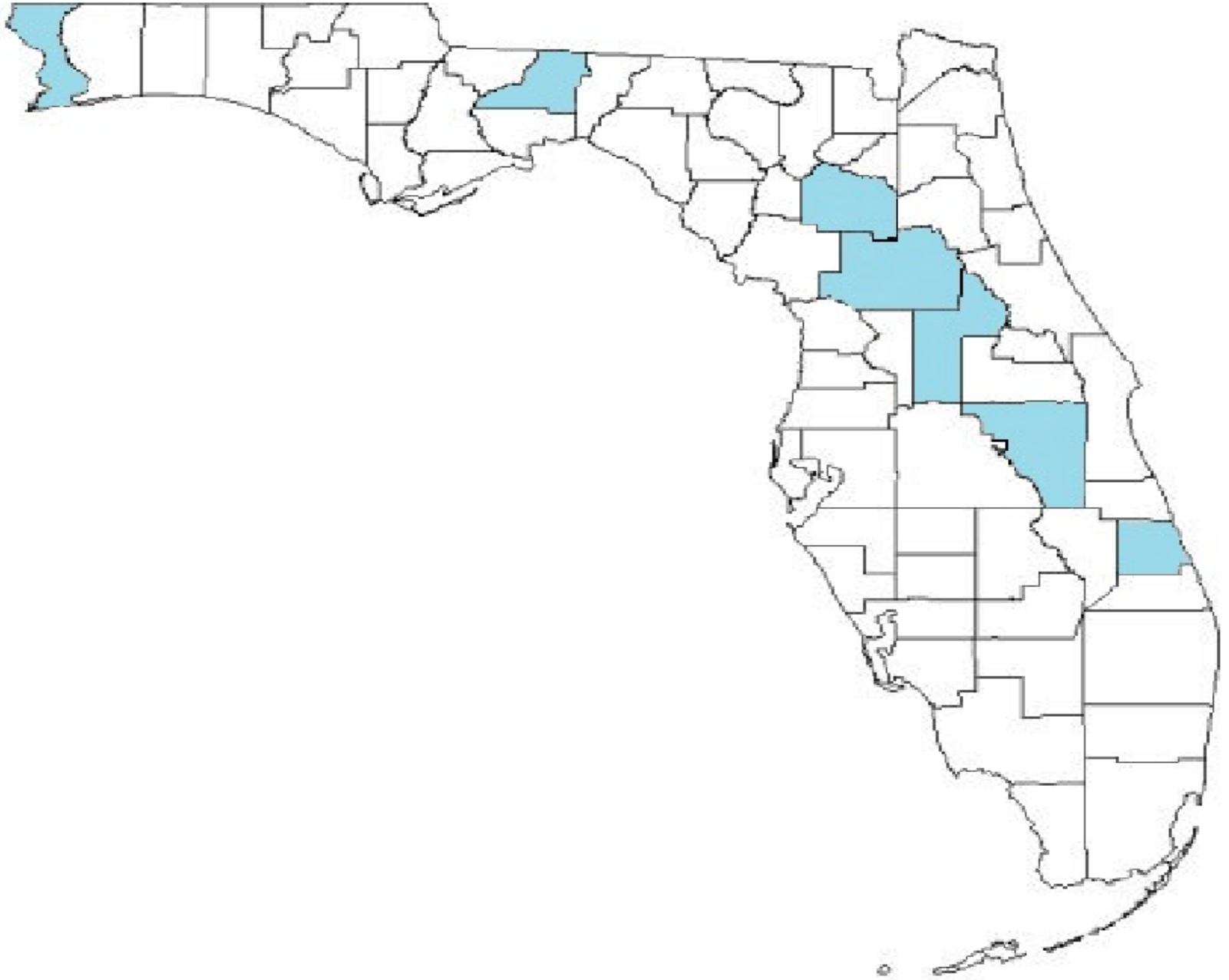


Counties of Comparable Population

COUNTY

POPULATION

- Marion 345,749
 - Lake 323,985
 - Osceola 322,862
 - Escambia 309,986
 - St. Lucie 292,826
 - Leon 287,671
 - Alachua 257,062
-



Escambia County Recycling:

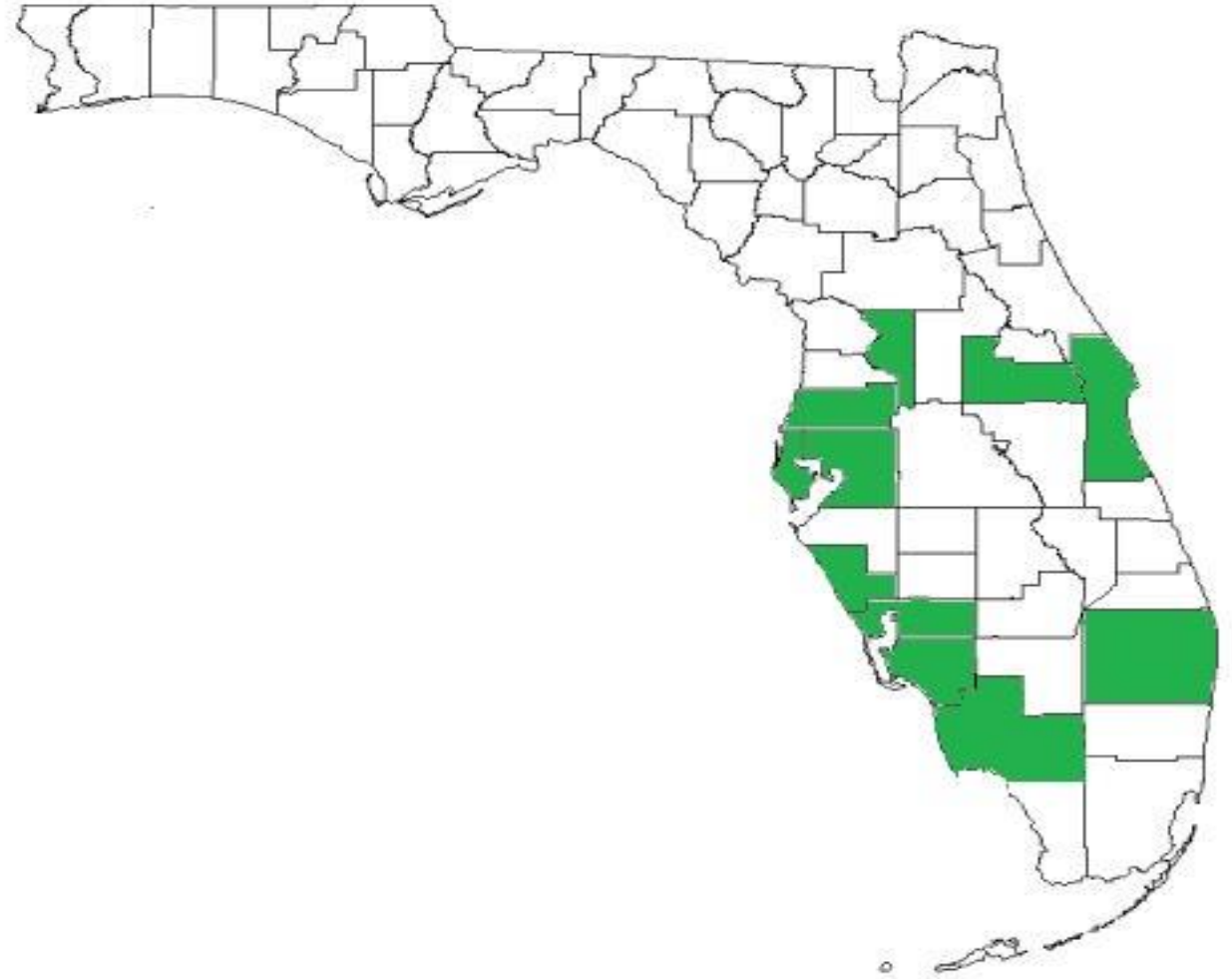


- Current programs offered in EC:
 - BCC, ECUA and COP, operate volunteer programs primarily serving residents with minimum commercial participation
 - Credit for LFG-to-energy and recycling demo asphalt/concrete
 - Credit for recycling from commercial recyclers, e.g.: Target, Walmart, Publix, etc.
 - *Note:* Current recycling rate of 48% in 2016 did not include nine months of MRF operations or Republic Services MRF data.

Escambia County Recycling:



- Staff researched Charlotte, Sumter, Orange, Lee, Collier, Sarasota, Pasco, Brevard, Palm Beach, Pinellas, Hillsborough counties to determine best practices to increase recycling
- Research indicated other counties typically have the same type volunteer programs as EC; e.g. composting, renewable energy, demo asphalt/concrete, residential, commercial programs



Escambia County Recycling:



In addition to existing Escambia County programs, counties researched also had local ordinances, CDD processing, Incineration and HOA imposed recycling

Findings:

No “*one size fits all*” scenario or “*silver bullets*” were discovered to obtain higher recycling rates

Escambia County Recycling:



Areas of opportunities to increase recycling rate:

- Businesses
- Multi-unit Dwellings
- Construction and Demolition Debris
- Land Clearing Debris

Escambia County Recycling:



Action items to be included in recycling expansion plan response to FDEP:

- A) With BCC approval, extend contracts with ECUA, COP for IMRF, compost and yard waste
 - Existing contracts are 5 year terms
- B) Continue to verify all applicable recycling data from EC is being provided to FDEP

Escambia County Recycling:

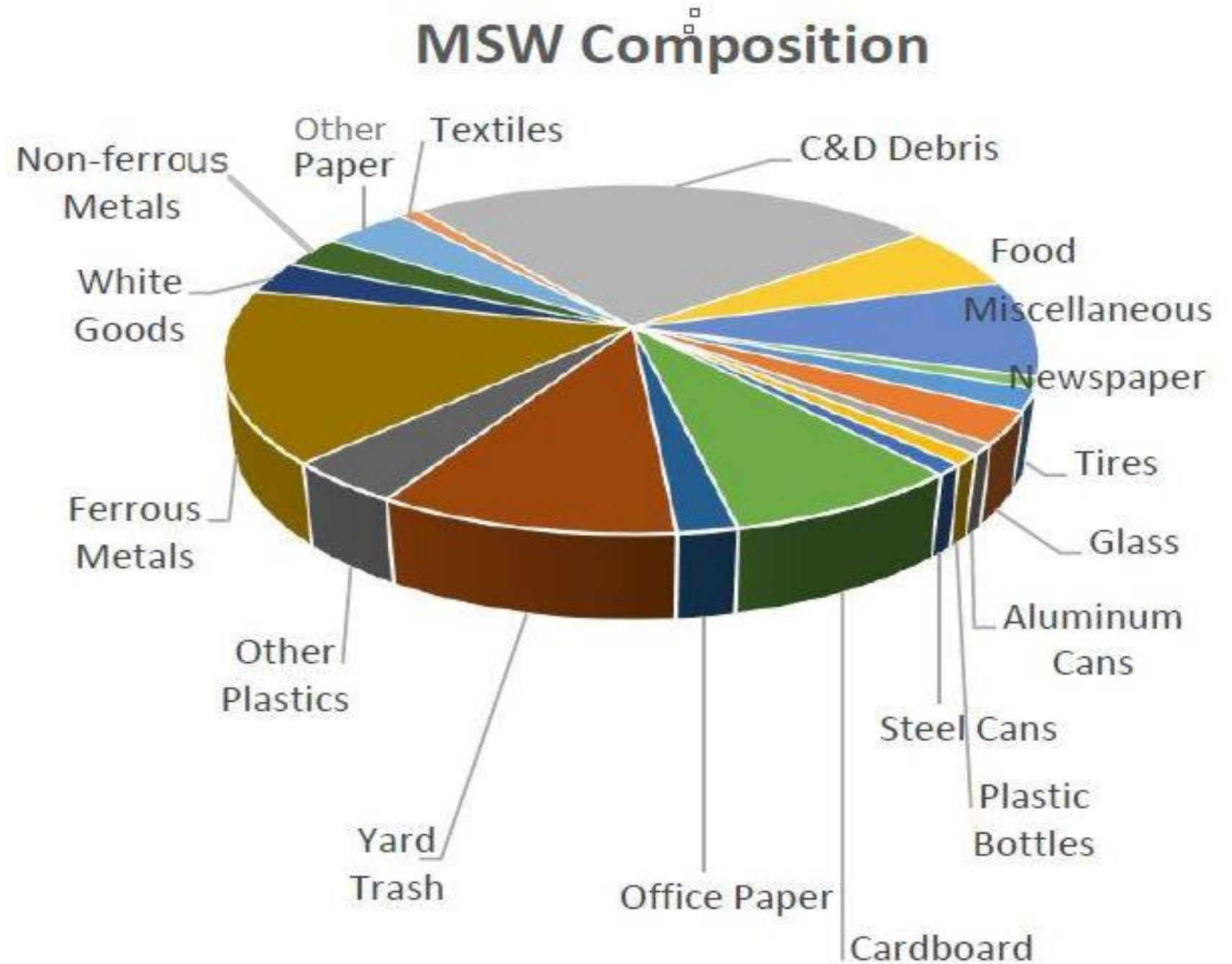


Action items to expand recycling (cont'd):

- C) Solicit input from Franchisees concerning efforts to increase recycling in commercial sector e.g. businesses, multi-unit dwellings
- D) Evaluate feasibility for CDD/LCD processing
- E) Expand Citizen Drop Off Centers

A closer look at Escambia County recycling data:

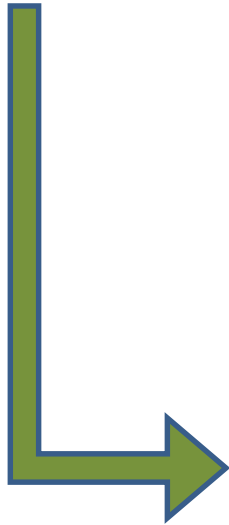
- Graphic depicting 2016 waste composition per FDEP:



Targets for Improvement:

MSW Collected & Recycled

	Collected (tons)	Recycled (%)
A. Minimum 4 of 8		
Newspaper	11,339	10%
Glass	17,008	5%
Aluminum Cans	5,670	12%
Plastic Bottles	5,669	8%
Steel Cans	5,668	2%
Cardboard	45,355	20%
Office Paper	11,339	0%
Yard Trash	56,694	82%



Targets for
Improvement:

Other Recyclables	Collected	Recycled
Other Plastics	22,679	2%
Ferrous Metals	90,710	39%
White Goods	17,008	36%
Non-ferrous Metals	17,009	31%
Other Paper	22,678	8%
Textiles	5,669	0%
C&D Debris	141,734	77%
Food	34,016	2%
Miscellaneous	51,023	53%
Tires	5,668	5%
Processed Fuel	N/A	0%



Targets for
Improvement
(cont'd):

Participation in Recycling	Units¹	Percent²
1) Single Family Curbside	107,500	70%
2) Multi-Family Curbside	20,000	0%
3) Commercial		
a) Scheduled Collection	14,000	6%
b) On Call Collection		0%



¹Represents the number of units with curbside service available.

²Represents the percent participation of units with service available.

Note: participation data requested for multi-family curbside is a false low, no data provided resulted in 0% participation.



02

Recycling Best Management Practices (BMPs)

Information Report

Recycling BMPs:



Existing BCC BMPs:

- Resource Conservation and Recycling Policy
- Contracted recycling collection for selected BCC facilities
- Landfill Gas-to-Energy
- Waste Oil Recovery

Recycling BMPs:



Existing BCC BMPs (cont'd):

- Drop Off Centers
- Materials Recovery Facility
- Oyster shell collection
- E-Waste Recovery

Recycling BMPs:



Existing BCC BMPs (cont'd):

- Composting Program
- CDD Processing
- Web page
- Franchise Agreements
- Re-Blended Paint Program

Recycling BMPs:



Existing BCC BMPs (cont'd):

- Beneficial reuse of vegetative waste for landfill daily cover
- Beneficial reuse of vegetative cover for landfill slope stabilization
- Organic waste screening generating top soil for road shoulders



References:

- FS 403.706*
- HB 7243 – 2010 Legislature*
- FDEP 75% Recycling Goal Report*
- FDEP Request for Development and Submittal of
County Recycling Program Plans*
- Escambia County Resource Conservation/Recycling Policy*



QUESTIONS?

The 2017 Florida Statutes

[Title XXIX](#)

[Chapter 403](#)

[View Entire Chapter](#)

PUBLIC HEALTH ENVIRONMENTAL CONTROL

403.706 Local government solid waste responsibilities.—

(1) The governing body of a county has the responsibility and power to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county. Unless otherwise approved by an interlocal agreement or special act, municipalities may not operate solid waste disposal facilities unless a municipality demonstrates by a preponderance of the evidence that the use of a county designated facility, when compared to alternatives proposed by the municipality, places a significantly higher and disproportionate financial burden on the citizens of the municipality when compared to the financial burden placed on persons residing within the county but outside of the municipality. However, a municipality may construct and operate a resource recovery facility and related onsite solid waste disposal facilities without an interlocal agreement with the county if the municipality can demonstrate by a preponderance of the evidence that the operation of such facility will not significantly impair financial commitments made by the county with respect to solid waste management services and facilities or result in significantly increased solid waste management costs to the remaining persons residing within the county but not served by the municipality's facility. This section shall not prevent a municipality from continuing to operate or use an existing disposal facility permitted on or prior to October 1, 1988. Any municipality which establishes a solid waste disposal facility under this subsection and subsequently abandons such facility shall be responsible for the payment of any capital expansion necessary to accommodate the municipality's solid waste for the remaining projected useful life of the county disposal facility. Pursuant to this section and notwithstanding any other provision of this chapter, counties shall have the power and authority to adopt ordinances governing the disposal of solid waste generated outside of the county at the county's solid waste disposal facility. In accordance with this section, municipalities are responsible for collecting and transporting solid waste from their jurisdictions to a solid waste disposal facility operated by a county or operated under a contract with a county. Counties may charge reasonable fees for the handling and disposal of solid waste at their facilities. The fees charged to municipalities at a solid waste management facility specified by the county shall not be greater than the fees charged to other users of the facility except as provided in s. [403.7049\(5\)](#). Solid waste management fees collected on a countywide basis shall be used to fund solid waste management services provided countywide.

(2)(a) Each county shall implement a recyclable materials recycling program that shall have a goal of recycling recyclable solid waste by 40 percent by December 31, 2012; 50 percent by December 31, 2014; 60 percent by December 31, 2016; 70 percent by December 31, 2018; and 75 percent by December 31, 2020. Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs.

(b) In order to assist counties in attaining the goals set forth in paragraph (a), the Legislature finds that the recycling of construction and demolition debris fulfills an important state interest. Therefore, each county must implement a program for recycling construction and demolition debris.

(c) In accordance with applicable local government ordinances, newly developed property receiving a certificate of occupancy, or its equivalent, on or after July 1, 2012, that is used for multifamily residential or commercial purposes, must provide adequate space and an adequate receptacle for recycling by tenants and owners of the property. This provision is limited to counties and municipalities that have an established

residential, including multifamily, or commercial recycling program that provides recycling receptacles to residences and businesses and regular pickup services for those receptacles.

(d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021, the county, as determined by the department in accordance with applicable rules, has not reached the recycling goals as set forth in paragraph (a), the department may direct the county to develop a plan to expand recycling programs to existing commercial and multifamily dwellings, including, but not limited to, apartment complexes.

(e) If the state's recycling rate for the 2013 calendar year is below 40 percent; below 50 percent by January 1, 2015; below 60 percent by January 1, 2017; below 70 percent by January 1, 2019; or below 75 percent by January 1, 2021, the department shall provide a report to the President of the Senate and the Speaker of the House of Representatives. The report shall identify those additional programs or statutory changes needed to achieve the goals set forth in paragraph (a). The report shall be provided no later than 30 days prior to the beginning of the regular session of the Legislature. The department is not required to provide a report to the Legislature if the state reaches its recycling goals as described in this paragraph.

(f) Such programs shall be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling: newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper, and yard trash. Local governments which operate permitted waste-to-energy facilities may retrieve ferrous and nonferrous metal as a byproduct of combustion.

(g) Local governments are encouraged to separate all plastics, metal, and all grades of paper for recycling prior to final disposal and are further encouraged to recycle yard trash and other mechanically treated solid waste into compost available for agricultural and other acceptable uses.

(h) The department shall adopt rules establishing the method and criteria to be used by a county in calculating the recycling rates pursuant to this subsection.

(i) Each county is encouraged to consider plans for composting or mulching organic materials that would otherwise be disposed of in a landfill. The composting or mulching plans are encouraged to address partnership with the private sector.

(3) Each county shall ensure, to the maximum extent possible, that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements pursuant to s. [163.01](#) or other means provided by law. Nothing in a county's solid waste management or recycling program shall affect the authority of a municipality to franchise or otherwise provide for the collection of solid waste generated within the boundaries of the municipality.

(4)(a) In order to promote the production of renewable energy from solid waste, each megawatt-hour produced by a renewable energy facility using solid waste as a fuel shall count as 1 ton of recycled material and shall be applied toward meeting the recycling goals set forth in this section. If a county creating renewable energy from solid waste implements and maintains a program to recycle at least 50 percent of municipal solid waste by a means other than creating renewable energy, that county shall count 1.25 tons of recycled material for each megawatt-hour produced. If waste originates from a county other than the county in which the renewable energy facility resides, the originating county shall receive such recycling credit. Any byproduct resulting from the creation of renewable energy that is recycled shall count towards the county recycling goals in accordance with the methods and criteria developed pursuant to paragraph (2)(h).

(b) A county may receive credit for one-half of the recycling goal set forth in subsection (2) from the use of yard trash, or other clean wood waste or paper waste, in innovative

programs including, but not limited to, programs that produce alternative clean-burning fuels such as ethanol or that provide for the conversion of yard trash or other clean wood waste or paper waste to clean-burning fuel for the production of energy for use at facilities other than a waste-to-energy facility as defined in s. [403.7061](#). The provisions of this paragraph apply only if a county can demonstrate that:

1. The county has implemented a yard trash mulching or composting program, and
2. As part of the program, compost and mulch made from yard trash is available to the general public and in use at county-owned or maintained and municipally owned or maintained facilities in the county and state agencies operating in the county as required by this section.

(c) A county with a population of 100,000 or less may provide its residents with the opportunity to recycle in lieu of achieving the goal set forth in this section. For the purposes of this section, the "opportunity to recycle" means that the county:

- 1.a. Provides a system for separating and collecting recyclable materials prior to disposal that is located at a solid waste management facility or solid waste disposal area; or
- b. Provides a system of places within the county for collection of source-separated recyclable materials.
2. Provides a public education and promotion program that is conducted to inform its residents of the opportunity to recycle, encourages source separation of recyclable materials, and promotes the benefits of reducing, reusing, recycling, and composting materials.

(5) As used in this section, "municipal solid waste" includes any solid waste, except for sludge, resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. The term includes yard trash but does not include solid waste from industrial, mining, or agricultural operations.

(6) The department may reduce or modify the municipal solid waste recycling goal that a county is required to achieve pursuant to subsection (2) if the county demonstrates to the department that:

- (a) The achievement of the goal set forth in subsection (2) would have an adverse effect on the financial obligations of a county that are directly related to a waste-to-energy facility owned or operated by or on behalf of the county; and
- (b) The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.

The goal shall not be waived entirely and may only be reduced or modified to the extent necessary to alleviate the adverse effects of achieving the goal on the financial viability of a county's waste-to-energy facility. Nothing in this subsection shall exempt a county from developing and implementing a recycling program pursuant to this act.

(7) In order to assess the progress in meeting the goal set forth in subsection (2), each county shall, by April 1 each year, provide information to the department regarding its annual solid waste management program and recycling activities.

(a) The information submitted to the department by the county must, at a minimum, include:

1. The amount of municipal solid waste disposed of at solid waste disposal facilities, by type of waste such as yard trash, white goods, clean debris, tires, and unseparated solid waste;
2. The amount and type of materials from the municipal solid waste stream that were recycled; and

3. The percentage of the population participating in various types of recycling activities instituted.

(b) Beginning with the data for the 2012 calendar year, the department shall by July 1 each year post on its website the recycling rates of each county for the prior calendar year.

(8) A county or municipality may enter into a written agreement with other persons, including persons transporting solid waste on October 1, 1988, to undertake to fulfill some or all of the county's or municipality's responsibilities under this section.

(9) In the development and implementation of a curbside recyclable materials collection program, a county or municipality shall enter into negotiations with a franchisee who is operating to exclusively collect solid waste within a service area of a county or municipality to undertake curbside recyclable materials collection responsibilities for a county or municipality. If the county or municipality and such franchisee fail to reach an agreement within 60 days from the initiation of such negotiations, the county or municipality may solicit proposals from other persons to undertake curbside recyclable materials collection responsibilities for the county or municipality as it may require. Upon the determination of the lowest responsible proposal, the county or municipality may undertake, or enter into a written agreement with the person who submitted the lowest responsible proposal to undertake, the curbside recyclable materials collection responsibilities for the county or municipality, notwithstanding the exclusivity of such franchise agreement.

(10) In developing and implementing recycling programs, counties and municipalities shall give consideration to the collection, marketing, and disposition of recyclable materials by persons engaged in the business of recycling, whether or not the persons are operating for profit. Counties and municipalities are encouraged to use for-profit and nonprofit organizations in fulfilling their responsibilities under this act.

(11) A county and the municipalities within the county's boundaries may jointly develop a recycling program, provided that the county and each such municipality must enter into a written agreement to jointly develop a recycling program. If a municipality does not participate in jointly developing a recycling program with the county within which it is located, the county may require the municipality to provide information on recycling efforts undertaken within the boundaries of the municipality in order to determine whether the goal for municipal solid waste reduction is being achieved.

(12) It is the policy of the state that a county and its municipalities may jointly determine, through an interlocal agreement pursuant to s. [163.01](#) or by requesting the passage of special legislation, which local governmental agency shall administer a solid waste management or recycling program.

(13) The county shall provide written notice to all municipalities within the county when recycling program development begins and shall provide periodic written progress reports to the municipalities concerning the preparation of the recycling program.

(14) Nothing in this act shall be construed to prevent the governing body of any county or municipality from providing by ordinance or regulation for solid waste management requirements which are stricter or more extensive than those imposed by the state solid waste management program and rules, regulations, and orders issued thereunder.

(15) Nothing in this act or in any rule adopted by any agency shall be construed to require any county or municipality to participate in any regional solid waste management or regional resource recovery program until the governing body of such county or municipality has determined that participation in such a program is economically feasible for that county or municipality. Nothing in this act or in any special or local act or in any rule adopted by any agency shall be construed to limit the authority of a municipality to regulate the disposal of solid waste within its boundaries or generated within its boundaries so long as a facility for any such disposal has been approved by the department, unless the municipality is included within a solid waste

management program created by interlocal agreement or special or local act. If bonds had been issued to finance a resource recovery or management program or a solid waste management program in reliance on state law granting to a county the responsibility for the resource recovery or management program or a solid waste management program, nothing herein shall permit any governmental agency to withdraw from said program if said agency's participation is necessary for the financial feasibility of the project, so long as said bonds are outstanding.

(16) Nothing in this chapter or in any rule adopted by any state agency hereunder shall require any person to subscribe to any private solid waste collection service.

(17) To effect the purposes of this part, counties and municipalities are authorized, in addition to other powers granted pursuant to this part:

(a) To contract with persons to provide resource recovery services or operate resource recovery facilities on behalf of the county or municipality.

(b) To indemnify persons providing resource recovery services or operating resource recovery facilities for liabilities or claims arising out of the provision or operation of such services or facilities that are not the result of the sole negligence of the persons providing such services or operating such facilities.

(c) To waive sovereign immunity and immunity from suit in federal court by vote of the governing body of the county or municipality to the extent necessary to carry out the authority granted in paragraphs (a) and (b), notwithstanding the limitations prescribed in s. [768.28](#).

(d) To grant a solid waste fee waiver to nonprofit organizations that are engaged in the collection of donated goods for charitable purposes and that have a recycling or reuse rate of 50 percent or better.

(18) Each operator of a solid waste management facility owned or operated by or on behalf of a county or municipality shall weigh all solid waste when it is received. The scale used to measure the solid waste shall conform to the requirements of chapter 531 and any rules promulgated thereunder.

(19) In the event the power to manage solid waste has been granted to a special district or other entity by special act or interlocal agreement, any duty or responsibility or penalty imposed under this part on a county or municipality shall apply to such special district or other entity to the extent of the grant of such duty or responsibility or imposition of such penalty. To the same extent, such special district or other entity shall be eligible for grants or other benefits provided pursuant to this part.

(20) In addition to any other penalties provided by law, a local government that does not comply with the requirements of subsections (2) and (4) shall not be eligible for grants from the Solid Waste Management Trust Fund, and the department may notify the Chief Financial Officer to withhold payment of all or a portion of funds payable to the local government by the department from the General Revenue Fund or by the department from any other state fund, to the extent not pledged to retire bonded indebtedness, unless the local government demonstrates that good faith efforts to meet the requirements of subsections (2) and (4) have been made or that the funds are being or will be used to finance the correction of a pollution control problem that spans jurisdictional boundaries.

(21) Local governments are authorized to enact ordinances that require and direct all residential properties, multifamily dwellings, and apartment complexes and industrial, commercial, and institutional establishments as defined by the local government to establish programs for the separation of recyclable materials designated by the local government, which recyclable materials are specifically intended for purposes of recycling and for which a market exists, and to provide for their collection. Such ordinances may include, but are not limited to, provisions that prohibit any person from knowingly disposing of recyclable materials designated by the local government and that

ensure the collection of recovered materials as necessary to protect public health and safety.

(22) Nothing in this act shall limit the authority of the state or any local government to regulate the collection, transportation, processing, or handling of recovered materials or solid waste in order to protect the public health, safety, and welfare.

History.—s. 1, ch. 74-342; s. 142, ch. 77-104; s. 1, ch. 77-466; s. 3, ch. 78-329; s. 1, ch. 79-118; s. 7, ch. 80-302; s. 2, ch. 87-107; s. 11, ch. 88-130; s. 15, ch. 93-207; s. 15, ch. 98-258; s. 32, ch. 2000-153; s. 20, ch. 2000-211; s. 6, ch. 2000-304; s. 4, ch. 2002-291; s. 42, ch. 2003-1; s. 429, ch. 2003-261; s. 97, ch. 2008-227; s. 112, ch. 2010-102; s. 7, ch. 2010-143; s. 16, ch. 2012-205.

ENROLLED

HB 7243, Engrossed 3

2010 Legislature

1 A bill to be entitled
2 An act relating to environmental control; amending s.
3 288.9015, F.S.; requiring Enterprise Florida, Inc., to
4 provide technical assistance to the Department of
5 Environmental Protection in the creation of the Recycling
6 Business Assistance Center; amending s. 403.44, F.S.;
7 eliminating a greenhouse gas registration and reporting
8 requirement for major emitters; eliminating a requirement
9 for the Department of Environmental Protection to
10 establish methodologies, reporting periods, and reporting
11 systems relating to greenhouse gas emissions; amending s.
12 403.7032, F.S.; requiring all public entities and those
13 entities occupying buildings managed by the Department of
14 Management Services to report recycling data; providing
15 exceptions; encouraging certain private entities to report
16 the disposal of recyclable materials; requiring the
17 Department of Management Services to report on green and
18 recycled products purchased through its procurement
19 system; directing the Department of Environmental
20 Protection to create the Recycling Business Assistance
21 Center; providing requirements for the center; amending s.
22 403.7046, F.S., relating to regulation of recovered
23 materials; deleting a requirement that the Department of
24 Environmental Protection appoint a technical advisory
25 committee; revising reporting requirements; amending s.
26 403.7049, F.S.; conforming a cross-reference; amending s.
27 403.705, F.S.; conforming a cross-reference; requiring
28 that the Department of Environmental Protection report

ENROLLED

HB 7243, Engrossed 3

2010 Legislature

29 biennially to the Legislature on the state's success in
30 meeting solid waste reduction goals; providing for the
31 creation of a voluntary recyclers certification program;
32 amending s. 403.706, F.S.; requiring counties to meet
33 specific recycling benchmarks; providing legislative
34 intent; requiring certain multifamily residential and
35 commercial properties to make certain provisions for
36 recycling receptacles; providing applicability;
37 authorizing the Department of Environmental Protection to
38 require counties to develop a plan to expand recycling
39 programs under certain conditions; requiring the
40 Department of Environmental Protection to provide a report
41 to the Legislature if a specified recycling rate is not
42 met; eliminating a requirement that counties develop
43 composting goals; providing for waste-to-energy production
44 to be applied toward meeting recycling benchmarks;
45 providing exceptions; providing deadlines for the
46 reporting of recycling data; amending s. 403.7061, F.S.;
47 revising requirements for review of new waste-to-energy
48 facility capacity by the Department of Environmental
49 Protection; amending s. 403.707, F.S.; establishing
50 recycling rates for source-separation activities;
51 providing an exception; amending s. 403.709, F.S.;
52 conforming a cross-reference; amending s. 403.7095, F.S.;
53 revising provisions relating to the solid waste management
54 grant program; deleting provisions requiring the
55 Department of Environmental Protection to develop a
56 competitive and innovative grant program for certain

ENROLLED

HB 7243, Engrossed 3

2010 Legislature

57 | counties, municipalities, special districts, and nonprofit
 58 | organizations; deleting application requirements for such
 59 | grant program; deleting a requirement for the Department
 60 | of Environmental Protection to evaluate and prioritize
 61 | grant proposals for inclusion in its annual budget
 62 | request; revising the distribution of funds for the small-
 63 | county consolidated grant program; deleting obsolete
 64 | provisions; amending s. 403.7145, F.S.; revising recycling
 65 | requirements for certain state buildings; providing for a
 66 | pilot project for the Capitol recycling area; amending s.
 67 | 533.77, F.S.; requiring the Florida Building Commission to
 68 | develop specified recommendations relating to recycling
 69 | and composting and the use of recyclable materials;
 70 | repealing s. 288.1185, F.S., relating to the Recycling
 71 | Markets Advisory Committee; providing an effective date.

72 |
 73 | Be It Enacted by the Legislature of the State of Florida:

74 |
 75 | Section 1. Subsection (9) is added to section 288.9015,
 76 | Florida Statutes, to read:

77 | 288.9015 Enterprise Florida, Inc.; purpose; duties.—

78 | (9) Enterprise Florida, Inc., shall provide technical
 79 | assistance to the Department of Environmental Protection in the
 80 | creation of the Recycling Business Assistance Center pursuant to
 81 | s. 403.7032(5). As the state's primary organization devoted to
 82 | statewide economic development, Enterprise Florida, Inc., is
 83 | encouraged to cooperate with the Department of Environmental
 84 | Protection to ensure that the Recycling Business Assistance

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

85 Center is positioned to succeed in helping to enhance and expand
 86 existing markets for recyclable materials in this state, other
 87 states, and foreign countries.

88 Section 2. Subsections (5) through (8) of section 403.44,
 89 Florida Statutes, are renumbered as subsections (3) through (6),
 90 respectively, and present subsections (3) and (4) of that
 91 section are amended to read:

92 403.44 Florida Climate Protection Act.—

93 ~~(3) A major emitter shall be required to use The Climate~~
 94 ~~Registry for purposes of emission registration and reporting.~~

95 ~~(4) The department shall establish the methodologies,~~
 96 ~~reporting periods, and reporting systems that shall be used when~~
 97 ~~major emitters report to The Climate Registry. The department~~
 98 ~~may require the use of quality-assured data from continuous~~
 99 ~~emissions monitoring systems.~~

100 Section 3. Section 403.7032, Florida Statutes, is amended
 101 to read:

102 403.7032 Recycling.—

103 (1) The Legislature finds that the failure or inability to
 104 economically recover material and energy resources from solid
 105 waste results in the unnecessary waste and depletion of our
 106 natural resources. As the state continues to grow, so will the
 107 potential amount of discarded material that must be treated and
 108 disposed of, necessitating the improvement of solid waste
 109 collection and disposal. Therefore, the maximum recycling and
 110 reuse of such resources are considered high-priority goals of
 111 the state.

112 (2) By the year 2020, the long-term goal for the recycling

ENROLLED

HB 7243, Engrossed 3

2010 Legislature

113 efforts of state and local governmental entities, private
114 companies and organizations, and the general public is to
115 recycle at least 75 percent of the municipal solid waste that
116 would otherwise be ~~reduce the amount of recyclable solid waste~~
117 disposed of in waste management facilities, landfills, or
118 incineration facilities ~~by a statewide average of at least 75~~
119 ~~percent~~. However, any solid waste used for the production of
120 renewable energy shall count toward the long-term recycling goal
121 as set forth in this part section.

122 (3) Each state agency, K-12 public school, public
123 institution of higher learning, community college, and state
124 university, including all buildings that are occupied by
125 municipal, county, or state employees and entities occupying
126 buildings managed by the Department of Management Services,
127 must, at a minimum, annually report all recycled materials to
128 the county using the department's designated reporting format.
129 Private businesses, other than certified recovered materials
130 dealers, that recycle paper, metals, glass, plastics, textiles,
131 rubber materials, and mulch, are encouraged to report the amount
132 of materials they recycle to the county annually beginning
133 January 1, 2011, using the department's designated reporting
134 format. Using the information provided, the department shall
135 recognize those private businesses that demonstrate outstanding
136 recycling efforts.

137
138 Notwithstanding any other provision of state or county law,
139 private businesses, other than certified recovered materials
140 dealers, shall not be required to report recycling rates. Cities

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

141 with less than a population of 2,500 and per capita taxable
 142 value less than \$48,000 and cities with a per capita taxable
 143 value less than \$30,000 are exempt from the reporting
 144 requirement specified in this paragraph.

145 ~~(4)(3)~~ The Department of Environmental Protection shall
 146 develop a comprehensive recycling program that is designed to
 147 achieve the percentage under subsection (2) and submit the
 148 program to the President of the Senate and the Speaker of the
 149 House of Representatives by January 1, 2010. The program may not
 150 be implemented until approved by the Legislature. The program
 151 must be developed in coordination with input from state and
 152 local entities, private businesses, and the public. Under the
 153 program, recyclable materials shall include, but are not limited
 154 to, metals, paper, glass, plastic, textile, rubber materials,
 155 and mulch. Components of the program shall include, but are not
 156 limited to:

157 (a) Programs to identify environmentally preferable
 158 purchasing practices to encourage the purchase of recycled,
 159 durable, and less toxic goods. The Department of Management
 160 Services shall modify its procurement system to report on green
 161 and recycled products purchased through the system by September
 162 30, 2011.

163 (b) Programs to educate students in grades K-12 in the
 164 benefits of, and proper techniques for, recycling.

165 (c) Programs for statewide recognition of successful
 166 recycling efforts by schools, businesses, public groups, and
 167 private citizens.

168 (d) Programs for municipalities and counties to develop

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

169 and implement efficient recycling efforts to return valuable
 170 materials to productive use, conserve energy, and protect
 171 natural resources.

172 (e) Programs by which the department can provide technical
 173 assistance to municipalities and counties in support of their
 174 recycling efforts.

175 (f) Programs to educate and train the public in proper
 176 recycling efforts.

177 (g) Evaluation of how financial assistance can best be
 178 provided to municipalities and counties in support of their
 179 recycling efforts.

180 (h) Evaluation of why existing waste management and
 181 recycling programs in the state have not been better used.

182 (5) The Department of Environmental Protection shall
 183 create the Recycling Business Assistance Center by December 1,
 184 2010. In carrying out its duties under this subsection, the
 185 department shall consult with state agency personnel appointed
 186 to serve as economic development liaisons under s. 288.021 and
 187 seek technical assistance from Enterprise Florida, Inc., to
 188 ensure the Recycling Business Assistance Center is positioned to
 189 succeed. The purpose of the center shall be to serve as the
 190 mechanism for coordination among state agencies and the private
 191 sector in order to coordinate policy and overall strategic
 192 planning for developing new markets and expanding and enhancing
 193 existing markets for recyclable materials in this state, other
 194 states, and foreign countries. The duties of the center must
 195 include, at a minimum:

196 (a) Identifying and developing new markets and expanding

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

- 197 and enhancing existing markets for recyclable materials.
- 198 (b) Pursuing expanded end uses for recycled materials.
- 199 (c) Targeting materials for concentrated market-
- 200 development efforts.
- 201 (d) Developing proposals for new incentives for market
- 202 development, particularly focusing on targeted materials.
- 203 (e) Providing guidance on issues such as permitting,
- 204 finance options for recycling market development, site location,
- 205 research and development, grant program criteria for recycled
- 206 materials markets, recycling markets education and information,
- 207 and minimum content.
- 208 (f) Coordinating the efforts of various governmental
- 209 entities having market-development responsibilities in order to
- 210 optimize supply and demand for recyclable materials.
- 211 (g) Evaluating source-reduced products as they relate to
- 212 state procurement policy. The evaluation shall include, but is
- 213 not limited to, the environmental and economic impact of source-
- 214 reduced product purchases to the state. For the purposes of this
- 215 paragraph, the term "source-reduced" means any method, process,
- 216 product, or technology that significantly or substantially
- 217 reduces the volume or weight of a product while providing, at a
- 218 minimum, equivalent or generally similar performance and service
- 219 to and for the users of such materials.
- 220 (h) Providing evaluation of solid waste management grants,
- 221 pursuant to s. 403.7095, to reduce the flow of solid waste to
- 222 disposal facilities and encourage the sustainable recovery of
- 223 materials from Florida's waste stream.
- 224 (i) Providing below-market financing for companies that

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

225 manufacture products from recycled materials or convert
 226 recyclable materials into raw materials for use in manufacturing
 227 pursuant to the Florida Recycling Loan Program as administered
 228 by the Florida First Capital Finance Corporation.

229 (j) Maintaining a continuously updated online directory
 230 listing the public and private entities that collect, transport,
 231 broker, process, or remanufacture recyclable materials in the
 232 state.

233 (k) Providing information on the availability and benefits
 234 of using recycled materials to private entities and industries
 235 in the state.

236 (l) Distributing any materials prepared in implementing
 237 this subsection to the public, private entities, industries,
 238 governmental entities, or other organizations upon request.

239 (m) Coordinating with the Agency for Workforce Innovation
 240 and its partners to provide job-placement and job-training
 241 services to job seekers through the state's workforce services
 242 programs.

243 Section 4. Subsection (1) of section 403.7046, Florida
 244 Statutes, is amended to read:

245 403.7046 Regulation of recovered materials.—

246 (1) Any person who handles, purchases, receives, recovers,
 247 sells, or is an end user of recovered materials shall annually
 248 certify to the department on forms provided by the department.
 249 The department may by rule exempt from this requirement
 250 generators of recovered materials; persons who handle or sell
 251 recovered materials as an activity which is incidental to the
 252 normal primary business activities of that person; or persons

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

253 | who handle, purchase, receive, recover, sell, or are end users
 254 | of recovered materials in small quantities as defined by the
 255 | department. The department shall adopt rules for the
 256 | certification of and reporting by such persons and shall
 257 | establish criteria for revocation of such certification. ~~Prior~~
 258 | ~~to the adoption of such rules, the department shall appoint a~~
 259 | ~~technical advisory committee of no more than nine persons,~~
 260 | ~~including, at a minimum, representatives of the Florida~~
 261 | ~~Association of Counties, the Florida League of Cities, the~~
 262 | ~~Florida Recyclers Association, and the Florida Chapter of the~~
 263 | ~~National Solid Waste Management Association, to aid in the~~
 264 | ~~development of such rules.~~ Such rules shall be designed to
 265 | elicit, at a minimum, the amount and types of recovered
 266 | materials handled by registrants, and the amount and disposal
 267 | site, or name of person with whom such disposal was arranged, of
 268 | any solid waste generated by such facility. By February 1 of
 269 | each year, registrants shall report all required information to
 270 | the department and to all counties from which it received
 271 | materials. Such rules may provide for the department to conduct
 272 | periodic inspections. The department may charge a fee of up to
 273 | \$50 for each registration, which shall be deposited into the
 274 | Solid Waste Management Trust Fund for implementation of the
 275 | program.

276 | Section 5. Subsection (5) of section 403.7049, Florida
 277 | Statutes, is amended to read:

278 | 403.7049 Determination of full cost for solid waste
 279 | management; local solid waste management fees.—

280 | (5) In order to assist in achieving the municipal solid

ENROLLED

HB 7243, Engrossed 3

2010 Legislature

281 waste reduction goal and the recycling provisions of s.
 282 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which owns
 283 or operates a solid waste management facility is hereby
 284 authorized to charge solid waste disposal fees which may vary
 285 based on a number of factors, including, but not limited to, the
 286 amount, characteristics, and form of recyclable materials
 287 present in the solid waste that is brought to the county's or
 288 the municipality's facility for processing or disposal.

289 Section 6. Paragraph (c) of subsection (2) and subsection
 290 (3) of section 403.705, Florida Statutes, are amended, and
 291 subsection (4) is added to that section, to read:

292 403.705 State solid waste management program.—

293 (2) The state solid waste management program shall
 294 include, at a minimum:

295 (c) Planning guidelines and technical assistance to
 296 counties and municipalities to aid in meeting the municipal
 297 solid waste recycling ~~reduction~~ goals established in s.
 298 403.706(2) ~~s. 403.706(4)~~.

299 (3) The department shall ~~periodically seek information~~
 300 ~~from counties to~~ evaluate and report biennially to the President
 301 of the Senate and the Speaker of the House of Representatives on
 302 the state's success in meeting the solid waste recycling
 303 ~~reduction~~ goal as described in s. 403.706(2).

304 (4) The department shall adopt rules creating a voluntary
 305 certification program for materials recovery facilities. The
 306 certification criteria shall be based upon the amount and type
 307 of materials recycled and the compliance record of the facility
 308 and may vary depending on the location in the state and the

ENROLLED

HB 7243, Engrossed 3

2010 Legislature

309 available markets for the materials that are processed. Any
310 materials recovery facility seeking certification shall file an
311 application to modify its permit, or shall include a
312 certification application as part of its original permit
313 application, which application shall not require an additional
314 fee. The department shall adopt a form for certification
315 applications, and shall require at least annual reports to
316 verify the continued qualification for certification. In order
317 to assist in the development of the certification program, the
318 department shall appoint a technical advisory committee.

319 Section 7. Subsections (2), (4), (6), (7), and (21) of
320 section 403.706, Florida Statutes, are amended to read:

321 403.706 Local government solid waste responsibilities.—

322 (2) (a) Each county shall implement a recyclable materials
323 recycling program that shall have a goal of recycling recyclable
324 solid waste by 40 percent by December 31, 2012, 50 percent by
325 December 31, 2014, 60 percent by December 31, 2016, 70 percent
326 by December 31, 2018, and 75 percent by December 31, 2020.

327 Counties and municipalities are encouraged to form cooperative
328 arrangements for implementing recycling programs.

329 (b) In order to assist counties in attaining the goals set
330 forth in paragraph (a), the Legislature finds that the recycling
331 of construction and demolition debris fulfills an important
332 state interest. Therefore, each county must implement a program
333 for recycling construction and demolition debris.

334 (c) In accordance with applicable local government
335 ordinances, newly developed property receiving a certificate of
336 occupancy, or its equivalent, on or after July 1, 2012, that is

ENROLLED

HB 7243, Engrossed 3

2010 Legislature

337 used for multifamily residential or commercial purposes, must
 338 provide adequate space and an adequate receptacle for recycling
 339 by tenants and owners of the property. This provision is limited
 340 to counties and municipalities that have an established
 341 residential, including multifamily, or commercial recycling
 342 program that provides recycling receptacles to residences and
 343 businesses and regular pick-up services for those receptacles.

344 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,
 345 the county, as determined by the department in accordance with
 346 applicable rules, has not reached the recycling goals as set
 347 forth in paragraph (a), the department may direct the county to
 348 develop a plan to expand recycling programs to existing
 349 commercial and multifamily dwellings, including, but not limited
 350 to, apartment complexes.

351 (e) If the state's recycling rate for the 2013 calendar
 352 year is below 40 percent, below 50 percent by January 1, 2015,
 353 below 60 percent by January 1, 2017, below 70 percent by January
 354 1, 2019, or below 75 percent by January 1, 2021, the department
 355 shall provide a report to the President of the Senate and the
 356 Speaker of the House of Representatives. The report shall
 357 identify those additional programs or statutory changes needed
 358 to achieve the goals set forth in paragraph (a). The report
 359 shall be provided no later than 30 days prior to the beginning
 360 of the Regular Session of the Legislature. The department is not
 361 required to provide a report to the Legislature if the state
 362 reaches its recycling goals as described in this paragraph.

363 (f) ~~(b)~~ Such programs shall be designed to recover a
 364 significant portion of at least four of the following materials

ENROLLED

HB 7243, Engrossed 3

2010 Legislature

365 from the solid waste stream prior to final disposal at a solid
366 waste disposal facility and to offer these materials for
367 recycling: newspaper, aluminum cans, steel cans, glass, plastic
368 bottles, cardboard, office paper, and yard trash. Local
369 governments which operate permitted waste-to-energy facilities
370 may retrieve ferrous and nonferrous metal as a byproduct of
371 combustion.

372 (g)~~(e)~~ Local governments are encouraged to separate all
373 plastics, metal, and all grades of paper for recycling prior to
374 final disposal and are further encouraged to recycle yard trash
375 and other mechanically treated solid waste into compost
376 available for agricultural and other acceptable uses.

377 (h) The department shall adopt rules establishing the
378 method and criteria to be used by a county in calculating the
379 recycling rates pursuant to this subsection.

380 ~~(d) By July 1, 2010, each county shall develop and~~
381 ~~implement a plan to achieve a goal to compost organic materials~~
382 ~~that would otherwise be disposed of in a landfill. The goal~~
383 ~~shall provide that up to 10 percent and no less than 5 percent~~
384 ~~of organic material would be composted within the county and the~~
385 ~~municipalities within its boundaries. The department may reduce~~
386 ~~or modify the compost goal if the county demonstrates to the~~
387 ~~department that achievement of the goal would be impractical~~
388 ~~given the county's unique demographic, urban density, or~~
389 ~~inability to separate normally compostable material from the~~
390 ~~solid waste stream. The composting plan is encouraged to address~~
391 ~~partnership with the private sector.~~

392 (i)~~(e)~~ Each county is encouraged to consider plans for

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

393 composting or mulching organic materials that would otherwise be
 394 disposed of in a landfill. The composting or mulching plans are
 395 encouraged to address partnership with the private sector.

396 (4) (a) In order to promote the production of renewable
 397 energy from solid waste, each megawatt-hour produced by a
 398 renewable energy facility using solid waste as a fuel shall
 399 count as 1 ton of recycled material and shall be applied toward
 400 meeting the recycling goals set forth in this section. If a
 401 county creating renewable energy from solid waste implements and
 402 maintains a program to recycle at least 50 percent of municipal
 403 solid waste by a means other than creating renewable energy,
 404 that county shall count 2 tons of recycled material for each
 405 megawatt-hour produced. If waste originates from a county other
 406 than the county in which the renewable energy facility resides,
 407 the originating county shall receive such recycling credit. Any
 408 county that has a debt service payment related to its waste-to-
 409 energy facility shall receive 1 ton of recycled materials credit
 410 for each ton of solid waste processed at the facility. Any
 411 byproduct resulting from the creation of renewable energy does
 412 not count as waste. A county's solid waste management and
 413 ~~recycling programs shall be designed to provide for sufficient~~
 414 ~~reduction of the amount of solid waste generated within the~~
 415 ~~county and the municipalities within its boundaries in order to~~
 416 ~~meet goals for the reduction of municipal solid waste prior to~~
 417 ~~the final disposal or the incineration of such waste at a solid~~
 418 ~~waste disposal facility. The goals shall provide, at a minimum,~~
 419 ~~that the amount of municipal solid waste that would be disposed~~
 420 ~~of within the county and the municipalities within its~~

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

421 ~~boundaries is reduced by at least 30 percent.~~

422 (b) A county may receive credit for one-half of the
 423 recycling goal set forth in subsection (2) ~~for waste reduction~~
 424 from the use of yard trash, or other clean wood waste or paper
 425 waste, in innovative programs including, but not limited to,
 426 programs that produce alternative clean-burning fuels such as
 427 ethanol or that provide for the conversion of yard trash or
 428 other clean wood waste or paper waste to clean-burning fuel for
 429 the production of energy for use at facilities other than a
 430 waste-to-energy facility as defined in s. 403.7061. The
 431 provisions of this paragraph apply only if a county can
 432 demonstrate that:

433 1. The county has implemented a yard trash mulching or
 434 composting program, and

435 2. As part of the program, compost and mulch made from
 436 yard trash is available to the general public and in use at
 437 county-owned or maintained and municipally owned or maintained
 438 facilities in the county and state agencies operating in the
 439 county as required by this section.

440 (c) A county with a population of 100,000 or less may
 441 provide its residents with the opportunity to recycle in lieu of
 442 achieving the goal set forth in this section ~~paragraph (a)~~. For
 443 the purposes of this section subsection, the "opportunity to
 444 recycle" means that the county:

- 445 1.a. Provides a system for separating and collecting
- 446 recyclable materials prior to disposal that is located at a
- 447 solid waste management facility or solid waste disposal area; or
- 448 b. Provides a system of places within the county for

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

449 collection of source-separated recyclable materials.

450 2. Provides a public education and promotion program that
 451 is conducted to inform its residents of the opportunity to
 452 recycle, encourages source separation of recyclable materials,
 453 and promotes the benefits of reducing, reusing, recycling, and
 454 composting materials.

455 (6) The department may reduce or modify the municipal
 456 solid waste recycling ~~reduction~~ goal that a county is required
 457 to achieve pursuant to subsection (2) ~~(4)~~ if the county
 458 demonstrates to the department that:

459 (a) The achievement of the goal set forth in subsection
 460 (2) ~~(4)~~ would have an adverse effect on the financial
 461 obligations of a county that are directly related to a waste-to-
 462 energy facility owned or operated by or on behalf of the county;
 463 and

464 (b) The county cannot remove normally combustible
 465 materials from solid waste that is to be processed at a waste-
 466 to-energy facility because of the need to maintain a sufficient
 467 amount of solid waste to ensure the financial viability of the
 468 facility.

469
 470 The goal shall not be waived entirely and may only be
 471 reduced or modified to the extent necessary to alleviate the
 472 adverse effects of achieving the goal on the financial viability
 473 of a county's waste-to-energy facility. Nothing in this
 474 subsection shall exempt a county from developing and
 475 implementing a recycling program pursuant to this act.

476 (7) In order to assess the progress in meeting the goal

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

477 set forth ~~established~~ in subsection (2) ~~(4)~~, each county shall,
 478 by April 1 ~~November~~ each year, provide information to the
 479 department regarding its annual solid waste management program
 480 and recycling activities.

481 (a) The information submitted to the department by the
 482 county must, at a minimum, include:

483 1.(a) The amount of municipal solid waste disposed of at
 484 solid waste disposal facilities, by type of waste such as yard
 485 trash, white goods, clean debris, tires, and unseparated solid
 486 waste;

487 2.(b) The amount and type of materials from the municipal
 488 solid waste stream that were recycled; and

489 3.(c) The percentage of the population participating in
 490 various types of recycling activities instituted.

491 (b) Beginning with the data for the 2012 calendar year,
 492 the department shall by July 1 each year post on its website the
 493 recycling rates of each county for the prior calendar year.

494 (21) Local governments are authorized to enact ordinances
 495 that require and direct all residential properties, multifamily
 496 dwelling, and apartment complexes and industrial, commercial,
 497 and institutional establishments as defined by the local
 498 government to establish programs for the separation of
 499 recyclable materials designated by the local government, which
 500 recyclable materials are specifically intended for purposes of
 501 recycling and for which a market exists, and to provide for
 502 their collection. Such ordinances may include, but are not
 503 limited to, provisions that prohibit any person from knowingly
 504 disposing of recyclable materials designated by the local

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

505 government and that ensure the collection of recovered materials
 506 as necessary to protect public health and safety.

507 Section 8. Paragraphs (d) through (i) of subsection (3) of
 508 section 403.7061, Florida Statutes, are redesignated as
 509 paragraphs (c) through (h), respectively, and present paragraph
 510 (c) of that subsection is amended to read:

511 403.7061 Requirements for review of new waste-to-energy
 512 facility capacity by the Department of Environmental
 513 Protection.—

514 (3) An applicant must provide reasonable assurance that
 515 the construction of a new waste-to-energy facility or the
 516 expansion of an existing waste-to-energy facility will comply
 517 with the following criteria:

518 ~~(c) The county in which the facility is located has~~
 519 ~~implemented and maintains a solid waste management and recycling~~
 520 ~~program that is designed to achieve the waste reduction goal set~~
 521 ~~forth in s. 403.706(4). For the purposes of this section, the~~
 522 ~~provisions of s. 403.706(4)(c) for counties having populations~~
 523 ~~of 100,000 or fewer do not apply.~~

524 Section 9. Paragraph (g) of subsection (9) of section
 525 403.707, Florida Statutes, is amended to read:

526 403.707 Permits.—

527 (9) The department shall establish a separate category for
 528 solid waste management facilities that accept only construction
 529 and demolition debris for disposal or recycling. The department
 530 shall establish a reasonable schedule for existing facilities to
 531 comply with this section to avoid undue hardship to such
 532 facilities. However, a permitted solid waste disposal unit that

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

533 receives a significant amount of waste prior to the compliance
 534 deadline established in this schedule shall not be required to
 535 be retrofitted with liners or leachate control systems.

536 (g) By January 1, 2012, the amount of construction and
 537 demolition debris processed and recycled prior to disposal at a
 538 permitted materials recovery facility or at any other permitted
 539 disposal facility shall be reported by the county of origin to
 540 the department and to the county on an annual basis in
 541 accordance with rules adopted by the department. The rules shall
 542 establish criteria to ensure accurate and consistent reporting
 543 for purposes of determining the recycling rate in s. 403.706
 544 and shall also require that, to the extent economically
 545 feasible, all construction and demolition debris must be
 546 processed prior to disposal, either at a permitted materials
 547 recovery facility or at a permitted disposal facility. This
 548 paragraph does not apply to recovered materials, any materials
 549 that have been source separated and offered for recycling, or
 550 materials that have been previously processed. ~~It is the policy~~
 551 ~~of the Legislature to encourage facilities to recycle. The~~
 552 ~~department shall establish criteria and guidelines that~~
 553 ~~encourage recycling where practical and provide for the use of~~
 554 ~~recycled materials in a manner that protects the public health~~
 555 ~~and the environment. Facilities are authorized to recycle,~~
 556 ~~provided such activities do not conflict with such criteria and~~
 557 ~~guidelines.~~

558 Section 10. Paragraph (e) of subsection (1) of section
 559 403.709, Florida Statutes, is amended to read:

560 403.709 Solid Waste Management Trust Fund; use of waste

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

561 | tire fees.—There is created the Solid Waste Management Trust
 562 | Fund, to be administered by the department.

563 | (1) From the annual revenues deposited in the trust fund,
 564 | unless otherwise specified in the General Appropriations Act:

565 | (e) A minimum of 40 percent shall be used for funding a
 566 | solid waste management ~~competitive and innovative~~ grant program
 567 | pursuant to s. 403.7095 for activities relating to recycling and
 568 | waste reduction, including waste tires requiring final disposal.

569 | Section 11. Section 403.7095, Florida Statutes, is amended
 570 | to read:

571 | 403.7095 Solid waste management grant program.—

572 | ~~(1) The department shall develop a competitive and~~
 573 | ~~innovative grant program for counties, municipalities, special~~
 574 | ~~districts, and nonprofit organizations that have legal~~
 575 | ~~responsibility for the provision of solid waste management~~
 576 | ~~services. For purposes of this program, "innovative" means that~~
 577 | ~~the process, technology, or activity for which funding is sought~~
 578 | ~~has not previously been implemented within the jurisdiction of~~
 579 | ~~the applicant. The applicant must:~~

580 | ~~(a) Demonstrate technologies or processes that represent a~~
 581 | ~~novel application of an existing technology or process to~~
 582 | ~~recycle or reduce waste, or that overcome obstacles to recycling~~
 583 | ~~or waste reduction in new or innovative ways;~~

584 | ~~(b) Demonstrate innovative processes to collect and~~
 585 | ~~recycle or reduce materials targeted by the department and the~~
 586 | ~~recycling industry; or~~

587 | ~~(c) Demonstrate effective solutions to solving solid waste~~
 588 | ~~problems resulting from waste tires, particularly in the areas~~

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

589 ~~of enforcement and abatement of illegal tire dumping and~~
 590 ~~activities to promote market development of waste tire products.~~

591
 592 ~~Because the Legislature recognizes that input from the~~
 593 ~~recycling industry is essential to the success of this grant~~
 594 ~~program, the department shall cooperate with private sector~~
 595 ~~entities to develop a process and define specific criteria for~~
 596 ~~allowing their participation with grant recipients.~~

597 ~~(2) The department shall evaluate and prioritize the~~
 598 ~~annual grant proposals and present the annual prioritized list~~
 599 ~~of projects to be funded to the Governor and the Legislature as~~
 600 ~~part of its annual budget request submitted pursuant to chapter~~
 601 ~~216. Potential grant recipients are encouraged to demonstrate~~
 602 ~~local support for grant proposals by the commitment of cash or~~
 603 ~~in-kind matching funds.~~

604 ~~(1)~~(3) The department shall develop a consolidated grant
 605 program for small counties having populations fewer than
 606 100,000, with grants to be distributed equally among eligible
 607 counties. Programs to be supported with the small-county
 608 consolidated grants include general solid waste management,
 609 litter prevention and control, and recycling and education
 610 programs.

611 ~~(2)~~(4) The department shall develop a waste tire grant
 612 program making grants available to all counties. The department
 613 shall ensure that at least 25 percent of the funding available
 614 for waste tire grants is distributed equally to each county
 615 having a population fewer than 100,000. Of the remaining funds
 616 distributed to counties having a population of 100,000 or

ENROLLED
 HB 7243, Engrossed 3

2010 Legislature

617 greater, the department shall distribute those funds on the
 618 basis of population.

619 ~~(3)(5)~~ From the funds made available pursuant to s.
 620 403.709(1)(e) for the grant program created by this section, the
 621 following distributions shall be made:

622 ~~(a)~~ Up to 15 percent for the program described in
 623 subsection ~~(1)~~;

624 ~~(a)(b)~~ Up to 50 ~~35~~ percent for the program described in
 625 subsection (1) ~~(3)~~; and

626 ~~(b)(e)~~ Up to 50 percent for the program described in
 627 subsection (2) ~~(4)~~.

628 ~~(4)(6)~~ The department may adopt rules necessary to
 629 administer this section, including, but not limited to, rules
 630 governing timeframes for submitting grant applications, criteria
 631 for prioritizing, matching criteria, maximum grant amounts, and
 632 allocation of appropriated funds based upon project and
 633 applicant size.

634 ~~(7)~~ Notwithstanding any provision of this section to the
 635 contrary, and for the 2009-2010 fiscal year only, the Department
 636 of Environmental Protection shall award the sum of \$2,600,000 in
 637 grants equally to counties having populations of fewer than
 638 100,000 for waste tire and litter prevention, recycling
 639 education, and general solid waste programs. This subsection
 640 expires ~~July 1, 2010~~.

641 ~~(8)(a)~~ Notwithstanding any provision of this section to
 642 the contrary, and for the 2008-2009 fiscal year only, the
 643 Department of Environmental Protection shall award:

644 1. ~~The sum of \$9,428,773 in grants equally to counties~~

ENROLLED

HB 7243, Engrossed 3

2010 Legislature

645 ~~having populations of fewer than 100,000 for waste tire and~~
 646 ~~litter prevention, recycling education, and general solid waste~~
 647 ~~programs.~~

648 ~~2. The sum of \$2,000,781 to be used for the Innovative~~
 649 ~~Grant Program.~~

650 ~~(b) This subsection expires July 1, 2009.~~

651 Section 12. Subsection (1) of section 403.7145, Florida
 652 Statutes, is amended, and subsection (3) is added to that
 653 section, to read:

654 403.7145 Recycling.—

655 (1) The Capitol and the House and Senate office buildings
 656 constitute the Capitol recycling area. The Florida House of
 657 Representatives, the Florida Senate, and the Office of the
 658 Governor, the Secretary of State, and each Cabinet officer who
 659 heads a department that occupies office space in the Capitol,
 660 shall institute a recycling program for their respective offices
 661 in the House and Senate office buildings and the Capitol.
 662 Provisions shall be made to collect and sell wastepaper and
 663 empty ~~aluminum~~ beverage containers ~~ears~~ generated by employee
 664 activities in these offices. The collection and sale of such
 665 materials shall be reported to Leon County using the
 666 department's designated reporting format and coordinated with
 667 Department of Management Services recycling activities to
 668 maximize the efficiency and economy of this program. The
 669 Governor, the Speaker of the House of Representatives, the
 670 President of the Senate, the Secretary of State, and the Cabinet
 671 officers may authorize the use of proceeds from recyclable
 672 material sales for employee benefits and other purposes, in

ENROLLED

HB 7243, Engrossed 3

2010 Legislature

673 | order to provide incentives to their respective employees for
 674 | participation in the recycling program. Such proceeds may also
 675 | be used to offset any costs of the recycling program. As a
 676 | demonstration of leading by example, the Capitol Building's
 677 | recycling rates shall be posted on the website of the Department
 678 | of Management Services and shall include the details of the
 679 | recycling rates for each Department of Management Services pool
 680 | facility. The Department of Environmental Protection shall post
 681 | recycling rates of each state-owned facility reported to the
 682 | Department of Management Services.

683 | (3) The department shall develop and contract for an
 684 | innovative recycling pilot project for the Capitol recycling
 685 | area. The project shall be designed to collect recyclable
 686 | materials and create a more sustainable recycling system.
 687 | Components of the project shall be designed to increase
 688 | convenience, incentivize and measure participation, reduce
 689 | material volume, and assist in achieving the recycling goals
 690 | enumerated in s. 403.706.

691 | Section 13. Paragraph (m) is added to subsection (1) of
 692 | section 553.77, Florida Statutes, to read:

693 | 553.77 Specific powers of the commission.—

694 | (1) The commission shall:

695 | (m) Develop recommendations that increase residential and
 696 | commercial recycling and composting and strongly encourage the
 697 | use of recyclable materials and the recycling of construction
 698 | and demolition debris.

699 | Section 14. Section 288.1185, Florida Statutes, is
 700 | repealed.

ENROLLED
HB 7243, Engrossed 3

2010 Legislature

701 | Section 15. This act shall take effect July 1, 2010. |



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

January 4, 2010

The Honorable Charlie Crist
Governor of Florida
Plaza Level 05, The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

The Honorable Jeff Atwater
President, The Florida Senate
Room 312, Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

The Honorable Larry Cretul
Speaker, The Florida House of Representatives
420 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

Dear Governor Crist, President Atwater and Speaker Cretul:

I am pleased to submit the *75% Recycling Goal Report to the Legislature* as required in section 403.7032, Florida Statutes. The Energy, Climate Change and Economic Security Act of 2008 established a new statewide recycling goal of 75% by 2020. The Act directs the Florida Department of Environmental Protection (DEP) to submit to the Florida Legislature a comprehensive program to achieve this goal.

The information and recommendations in the enclosed report were developed based on extensive research and the invaluable contributions of stakeholders who participated in four public workshops. An even wider range of ideas were submitted through DEP's Web forum and e-mails.

Florida generates more than 32 million tons of municipal solid waste annually, almost two tons per resident per year. Today, more than two decades after the Legislature passed Florida's first 30% recycling goal, Floridians collectively recycle only 28% of

The Honorable Charlie Crist
The Honorable Jeff Atwater
The Honorable Larry Cretul
January 4, 2010
Page Two

their solid waste. This report explores ways to change that troublesome fact in an economically responsible way through heightened public awareness, state leadership, development and expansion of recycling markets, and more investments throughout the local government and commercial sectors.

Today's economic climate presents a challenge. Hence, the report outlines initial steps low in financial impact but high in recycling value. The recycling goal can be achieved. It will require partnerships among state government, local governments, trade organizations, schools, businesses and industries, and all Floridians. This report outlines opportunities and actions available to achieve the goal, and I look forward to working with you as you consider them.

If you have questions regarding this report, please contact Mary Jean Yon, Director of DEP's Division of Waste Management, at (850) 245-8693 or Mary.Jean.Yon@dep.state.fl.us.

Sincerely,



Michael W. Sole
Secretary

Enclosure

cc: The Honorable Lee Constantine, Chair, Senate Environmental Preservation
Committee
The Honorable Trudi Williams, Chair, House Agriculture and Natural Resources
Committee
Mimi Drew, Deputy Secretary, Regulatory Programs, DEP
Cameron Cooper, Director, Office of Legislative Affairs, DEP
Mary Jean Yon, Director, Division of Waste Management, DEP

*75% Recycling Goal
Report to the Legislature*

**Florida Department of Environmental Protection
January 4, 2010**

2600 Blair Stone Road
MS 4500
Tallahassee, Florida 32399-2400
www.dep.state.fl.us



Table of Contents

Executive Summary	3
Acknowledgments	5
Introduction	6
Florida’s Recycling History	6
Where Do We Start?.....	7
The Role of Education	9
Ways to Better Handle Waste.....	11
Construction and Demolition (C&D) Debris.....	12
Organic Waste.....	13
Waste-to-Energy (WTE).....	14
Commercial Recycling.....	14
Innovative Recycling Programs	17
Pay-As-You-Throw (PAYT)	17
RecycleBank.....	18
Zero Waste Zones	18
Single Stream Recycling (SSR).....	19
Recycling Markets	19
How Do We Get There?	20
Recommendations.....	20
The Long and Short of the 75% Recycling Goal	23
APPENDICES & FIGURES.....	24
Appendix A - Energy, Climate Change and Economic Security Act of 2008	25
Appendix B - Revenue Sources	26
Appendix C - Supplemental Recommendations	30
Figure 1 - Tons of Municipal Solid Waste Collected in Florida Counties in 2007	33
Figure 2 - Florida Municipal Solid Waste Collected in 2007	34
Figure 3 - Florida Counties with Waste-to-Energy Facilities.....	35

Executive Summary

The municipal solid waste generated by 18 million Floridians and 80 million visitors every year – more than 32 million tons – is simply not environmentally sustainable. Floridians cannot continue to discard valuable commodities when there are higher and better uses for those items. The Florida Legislature recognized that fact and, through the Energy, Climate Change and Economic Security Act of 2008 established a new statewide recycling goal – reduce the disposal of recyclables 75% by 2020. The law directs the Florida Department of Environmental Protection (DEP) to submit to the Legislature a comprehensive program to achieve 75% recycling by 2020.

Accomplishing the goal will require commitment, common sense and ingenuity. This report lays out the facts and outlines recommendations and options that would make 75% by 2020 possible. Implementing the recommendations and the other creative approaches they inevitably will stimulate requires action by DEP and other state agencies; Florida’s businesses and industries, large and small; local governments; and residents – everyone. It will also demand market solutions, smart economic choices and sensible regulations.

Today, more than two decades after the Legislature passed Florida’s first recycling goal – 30% – Floridians collectively recycle only 28% of their solid waste.

The information and recommendations in this report were developed based on extensive research and the invaluable contributions of stakeholders who participated in four public workshops. An even wider range of ideas informed the discussion through DEP’s Web forum, which received nearly 12,000 visits and provided a healthy dose of perspective.

As noted, Florida generates more than 32 million tons of municipal solid waste annually, closing in on two tons per resident per year. More than two decades after the Legislature passed Florida’s first recycling goal – 30% – today Floridians collectively recycle only 28% of their solid waste. This report explores ways to enhance recycling in an economically responsible way through heightened public awareness, state leadership, development and expansion of recycling markets, and more bang-for-the-buck investments throughout the local government and commercial sectors.

Today’s economic climate presents a challenge. Hence, this report includes cost information where possible to assist the reader and outlines initial steps low in financial impact but high in recycling value. That said, some actions are essential to achieving 75% recycling in all places at all times. For example, more recycling of construction and demolition (C&D) debris, which constitute 25% of all municipal solid waste, must occur. As much as 12% of the 2020 recycling goal could be met by processing C&D

debris at a 75% rate through materials recovery facilities, all at relatively low cost and with an income source in recovered materials. Organics (food waste, yard trash and paper) represent 40% of municipal solid waste and also must be recycled at dramatically higher rates to meet the 2020 goal. Although this will be challenging, some large retailers like Publix Super Markets are already recycling food waste. Recycling these materials yields quality paper to write on and products to improve soil conditions, control erosion and produce fuel while reducing energy and keeping harmful pathogens and nutrients out of the environment.

The markets for goods made with recycled content must expand. As with all markets, some nurturing is essential, through public education, advertising, financial incentives and disincentives, and carefully targeted regulation. Providing expert assistance to recycling start-ups and ongoing businesses, including helping develop networks with local governments and commercial operations, is also vital to comprehensive recycling. New revenue sources, such as tipping fees, must be considered. Ideas explored in more detail in this report include Pay-As-You-Throw, RecycleBank, Zero Waste Zones, and Single Stream Recycling.



State government should lead by example, investing more in recycling at every state office and university. While the net impact on overall recycling is small, the message would be clear – recycling is possible, practical and a priority. No one should be able to point out a state agency as justification for not recycling. At the same time, local governments must step up. The largest among them, especially, should each accept the 75% goal. Right now, Sarasota County’s recycling program enforces commercial recycling and requires Pay-As-You-Throw, giving it both the highest commercial (53%) and overall (41%) recycling rates in Florida, a healthy start on 75% by 2020.

The recycling goal can be achieved. It will require partnerships among state government, local governments, trade organizations, schools, businesses and industries, and all bright, committed people with innovative ideas and practical solutions. Certainly, reducing waste is first and foremost – using fewer products with fewer waste materials, fewer virgin materials, lower-impact materials, and more recycled products. But recycling goes hand in hand with waste reduction, reclaiming valuable materials for productive uses, opening new markets and economic opportunities, freeing up landfill space for truly unrecoverable wastes and reducing the need for more (highly unpopular) landfills. Additionally, recycling provides potential sources of energy, conserves natural resources, and often requires less energy than the production of virgin materials. These are the potential benefits of 75% by 2020 and this report outlines opportunities and actions available to achieve them.

Acknowledgments

The Florida Department of Environmental Protection (DEP) extends its gratitude to the many stakeholders from the public and private sectors that invested their time and contributed their insights to the development of this report through public meetings, written comments and electronic submissions.

Four public meetings were held to exchange information and solicit input on achieving the 75% recycling goal by 2020. These meetings generated lively discussion and valuable information that helped produce this report.

- September 22, 2008 in Orlando - 129 attendees
- December 2, 2008 in Tallahassee - 88 attendees
- August 4, 2009 in Orlando - 225 attendees
- November 5, 2009 in Tallahassee - 68 attendees

DEP also established a web-based forum for ongoing public comments and regular stakeholder updates. Meeting summaries, draft notes and other details, as well as access to the web-based forum, can be found at www.dep.state.fl.us/waste/recyclinggoal75/default.htm. This site has been visited nearly 12,000 times.

DEP also appreciates the professional associations and trade organizations that effectively represented their members' interests and were critical in identifying recycling options and recommendations:

- Associated Industries of Florida
- Florida Association of Counties
- Florida Beverage Association
- Florida Chapter of the National Solid Wastes Management Association
- Florida League of Cities
- Florida Recycling Partnership
- Florida Retail Federation
- Florida Sunshine Chapter of the Solid Waste Association of North America
- Heart of Florida Working Group
- Recycle Florida Today
- Small County Coalition

Introduction

The modern era of recycling in Florida began with the Florida Legislature's passage of the Solid Waste Management Act (SWMA) of 1988, including a 30% recycling goal. Twenty years later, with a statewide recycling rate of only 28%, the Legislature reasserted the importance of recycling and established a new goal: 75% to be achieved by 2020. The Legislature directed the Florida Department of Environmental Protection (DEP) to submit this report, including recommendations, for consideration by January 1, 2010 (see *Appendix A*).

In 2007, more than 32 million tons of municipal solid waste was generated in Florida. To visualize this amount, imagine a four-lane highway of solid waste three feet deep extending from Tallahassee to Seattle, Washington – and back.

In 2007, Floridians and their visitors generated more than 32 million tons of municipal solid waste (*Figure 1* pictured in *Appendices and Figures*). Imagine a four-lane highway of solid waste three feet deep extending from Tallahassee to Seattle, Washington – and back. Over the past 15 years, Florida's waste disposal into landfills has doubled: more than 19 million tons buried in 2007. During this same period, recycling in Florida has hovered at 28%. Municipal solid waste contains a goldmine of materials that can be recycled, but Florida must change its behaviors and practices to achieve the 75% recycling goal by 2020.

Florida's Recycling History

In 1988, the SWMA directed counties with populations greater than 50,000 (later increased to 100,000) to achieve 30% recycling for municipal solid waste (MSW). Smaller counties were exempt from the goal as long as they provided their residents with an "opportunity to recycle." The SWMA has set and revised goals since that time for specific materials groups, including aluminum cans, steel cans, newspaper, plastic bottles, cardboard, office paper and yard trash.

The first ten years saw rapid growth in the state's recycling rate, going from an estimated 4% to 28%. Florida's progress roughly mirrored most other states that were also establishing recycling goals during that period. Since 1998, the state's recycling rate has stagnated – again, mirroring the trends in most other states. The 28% recycling rate in 2007 is based on the most recent available data and has almost certainly remained stable since then. This translates to about nine million tons of MSW recycled each year. Only 18 counties, or about half of the counties with a population greater than 100,000, exceed the 1988 county recycling goal of 30%.

Recycling is now considered, in most communities, another utility service provided to residents by local government, far different from 20 years ago. Currently 287 of Florida's 414 cities and 29 of the 67 counties provide curbside collection service. Thus, some 15 million of the state's 18 million residents have the opportunity to recycle. Yet the recycling dynamic has to be changed to move from the 28% plateau and accomplish 75% recycling statewide.

Where Do We Start?



The first step is for state government to lead by example. With approximately 170,000 employees, state government can have both a symbolic and a substantive impact on recycling directly and, more significantly, on the development of markets for goods made with recycled content.

State law enacted in 1988 encouraged state agencies to give preference to purchases that include recycled content. The law also directed state agencies to report those purchases annually to the Florida Department of Management Services (DMS) and DMS, in turn, to report to the Governor and Legislature. DMS suspended such reporting after 1999 but is now working cooperatively with DEP to review the most cost-effective way to collect and report this information once again.

For the State of Florida to achieve the 75% recycling goal, it must have the capability to manage and measure its progress. This annual report will be an important tool to measure the progress state agencies are making toward increasing their recycling rates and helping to support recycling markets. Given Florida's technological advances in procurement programs such as My Florida Market Place (MFMP) and the Florida Accounting Information Resource (FLAIR), the infrastructure is in place and only needs to be modified to report the required information. DMS has advised that MFMP and FLAIR could be modified at an estimated cost of \$50,000 - \$75,000 to capture over 16,000 recycled content or green products.

To record the government purchasing of materials with recycled content, DEP recommends:

- Modify the purchasing infrastructure to report information needed to meet the statutory requirement, including documenting the purchase of products from virgin materials, recycled content, and any increases in the number of "green" purchases by state agencies.
- Upgrade existing systems to capture the information in a meaningful report format to improve accountability.

Equally important, state employees should be able to recycle in all state office buildings. Existing law already requires state agencies to implement recycling programs. Unfortunately, with the exception of some state office buildings in Tallahassee, there is minimal data on how much recycling is happening, especially in the rest of the state where most state office buildings are located.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) issued a report to the Legislature in March 2002 stating that state government does a poor job recycling. However, state government has a higher potential for recycling because agencies, universities and prisons use large quantities of paper and other recyclable products. Accordingly, the OPPAGA report indicates that state government recycling has the potential to impact Florida's recycling rate. Despite the need to improve substantially, there are recycling success stories in state government.

In March 2008, DEP, the Agency for Persons with Disabilities (APD) and DMS entered into a partnership to enhance recycling opportunities in state office buildings while providing employment opportunities for APD residents of Sunland in Marianna. The project, initiated at DEP's Bob Martinez Center in Tallahassee, focused on items not currently being recycled under existing contracts. APD provided DEP with receptacles to collect plastic bottles and aluminum and tin cans on each floor, and a mobile compartmentalized container outside the building at a cost of about \$5,000 to \$8,000. DMS staff collects the recyclables and APD then transports them to the Marianna facility about four times per year to get them market-ready by sorting, shredding and bailing. DEP's Division of Waste Management has further expanded recycling by using the Sunland facility to shred and recycle all documents scanned into DEP's electronic document management system at no cost.

**SUCCESS
SPOTLIGHT**

Since the inception of this partnership, the Bob Martinez Center staff has recycled approximately two tons of plastic bottles and aluminum and tin cans, saving an estimated ten cubic yards of landfill space, or \$430 in cost avoidance. Although it has been successful at the Bob Martinez Center, funding limitations preclude expanding the partnership to other state office buildings in the Tallahassee area at this time.

If all the approximately 19,000 state-owned office buildings and university buildings adopted a "one ton a year" goal, state government would not only lead by example but would provide about 1.5% toward the statewide 75% recycling goal.

The 75% recycling goal is a general statewide goal that currently places no direct responsibility on any particular level of government or any other entity. Because recycling programs are implemented at the local level, local government plays an even more important role than state government in reaching 75% recycling.

The SWMA assigned waste management responsibilities to the counties in 1988. Since then, the counties, as well as many cities, have been active in recycling but confront many challenges, evidenced by the fact that the state recycling rate has fluctuated between 24% and 28% since 1998.

It is much more difficult to achieve high recycling rates in small counties than in large ones. In most instances, the small population density precludes cost effective use of curbside collection programs, leaving those counties to rely on citizens willing to drive, often several miles, to drop off their recyclables. Thus, the Legislature exempted small counties from having to reach the original 30% recycling goal.

Regardless of size, recycling programs in Florida's counties have struggled in the past for a number of reasons, including:

- Lack of public education and training for recycling;
- Little emphasis on organics (food, paper, yard trash) recycling and construction & demolition (C&D) recycling;
- Little emphasis on the broad commercial sector and multi-family units; and
- Underutilization of incentive programs for the residential sector, such as Pay-As-You-Throw (PAYT) and RecycleBank.

Local governments have been helpful and informative stakeholders throughout the development of this report and they are crucial to success. Both the Florida Association of Counties and the Florida League of Cities, along with several individual local governments, have expressed their willingness to invest in the costs of reaching the new goal. However, they have advised that they cannot carry the entire cost and will need financial assistance for both capital and non-capital expenses. Currently there are two limited grant programs for local government recycling programs, and one of them is strictly for counties with a population under 100,000, which have relatively little impact on state recycling rates. To achieve 75% recycling by 2020, consideration will have to be given to revamping and expanding financial assistance programs and finding other ways to inject capital into the system.

Ideas for generating revenues are detailed in [Appendix B](#).

The Role of Education

Reaching 75% recycling will also require increased education in Florida's K-12 public schools for the estimated 3.3 million students (2008). The Florida Department of Education (DOE) is required to educate K-12 students in recycling by developing curriculum materials and resource guides for recycling awareness programs. Over the years, curriculum such as the "4Rs" (Reduce, Reuse, Recycle and Recover) and its

replacement “Solid Choices” have been developed but were not used by all school districts, sometimes for lack of money. Curriculum is important but the best recycling lesson involves students recycling at school, a message they will carry home.

If Florida K-12 schools achieved a recycling rate of 75%, approximately 6% of Florida’s statewide goal could be achieved.

Twenty-five counties responded to a survey conducted by DEP in November 2009 on recycling practices in public schools. The survey found that 1,376 (or about 88%) of the 1,569 schools have some form of recycling program in place. The cost for implementing a recycling program within each school will be dependent on the size of the school, its location, and the extent of recycling infrastructure available in the area. These programs increase recycling and, more significantly, help promote a culture of recycling and environmental stewardship in the students and their families.

The following highlights three school districts and the recycling success they have had. They are models for the kinds of actions that other school districts can take.

SUCCESS SPOTLIGHT

- The District School Board of Pasco County has one of the longest running and most successful recycling programs in Florida, recognized by a host of awards. Typical of well run recycling programs, Pasco County’s program saves money. For fiscal year 2008, the county earned \$69,000 from the sale of recyclable materials with a landfill cost avoidance of \$145,000.
- The Palm Beach County School District has a recycling program in the District’s Environmental Control Office with a full time staff person that has facilitated recycling in more than 30 local schools. The District also has an Environmental Preferable Procurement Policy, Energy and Resource Conservation Policy and an Indoor Air Quality Policy. In addition, Palm Beach County developed a Green School Recognition Program for public and private schools that encourage a culture of sustainability.
- The Broward County School District also has a strong recycling program by partnering with the School Board, County Commissioners and the County Recycling and Contracts Administration Division. The program encompasses three major elements: collection, education and tracking. Since its inception in 1992, the recycling program has been recognized nationally as an innovative example of excellence.

Existing school recycling programs generally address paper, aluminum cans and sometimes plastic bottles. Another area that has the potential to increase overall school recycling involves food wastes and composting.



Each student produces about 0.5 pounds of total waste per school day. Studies demonstrate that approximately 32% of this school waste stream is organic waste. Therefore a school of 1,000 students generates around 500 pounds of waste per day, of which 160 pounds is organic waste. Assuming a statewide average of 200 school days per year, about 32,000 lbs (16 tons) of organic waste is generated each year. Data from the Florida Department of Education shows that there are about 3.3 million students in over 3700 K-12 public schools in the state – 1,926 elementary, 594 middle, 870 high, and 341 combination schools. Those 3.3 million students generate almost 53,000 tons of organic waste every year.

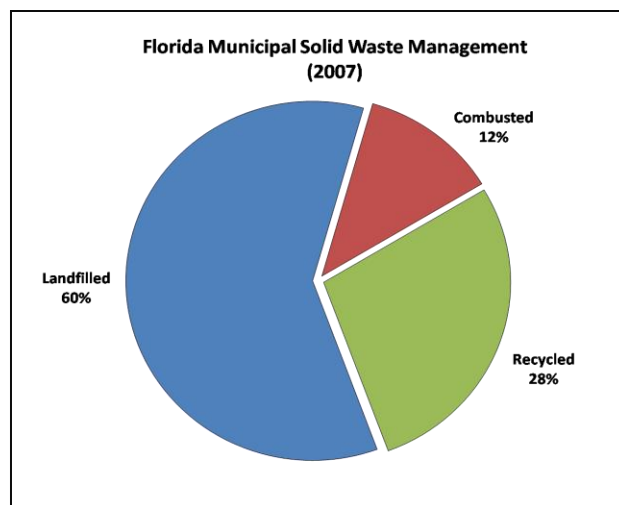
Although not in widespread use, establishing composting units at these schools would provide many benefits in addition to increasing the recycling rate. Assuming a \$44/ton average tip fee, a school with 1,000 students would save approximately \$704 per year in tipping fees avoided. Additionally a school of 1,000 students would produce the equivalent of 1,280 (25-lb) bags of organic material or compost. This could be used to offset the cost of grounds maintenance at the school or other county properties, as it would provide a high quality soil amendment. It could also offset the cost for operation of a school greenhouse.

The start-up costs are relatively minimal. There are several commercial duty compost units available on the market. On the average, a unit capable of handling waste for a school of 1,000 students would cost between \$6,000 and \$10,000. However compost units can be built fairly inexpensively by some school shop staff. But the real value is in education. Composting on the school site provides an opportunity to teach the students about the biological aspects of composting and the economic benefits of garbage being put to use to save the school money.

Ways to Better Handle Waste

As previously noted, 60% of Florida’s MSW is disposed of in landfills while only 28% is recycled. Increasing Florida’s recycling rate means this dynamic must shift.

There are a variety of better ways to manage different waste streams outlined below, along with ideas for encouraging more recycling and waste reduction. These are the areas where Florida can get the biggest return on its recycling investment –



progress here, sooner rather than later, is essential to reaching 75% recycling by 2020.

Construction and Demolition (C&D) Debris: Construction and demolition debris (C&D) consists of materials that are generated from residential and commercial building, renovations and various types of demolition. C&D materials include wood, steel, glass, brick, concrete, asphalt, wallboard, rocks, soils, tree remains, trees and other vegetative matter. Only non-water soluble and non-hazardous materials are considered C&D.



Currently, Florida has 83 landfills and 75 C&D disposal sites where C&D can be disposed. Most C&D disposal sites are unlined and are not required to have daily cover like permitted landfills. Therefore, disposal at these facilities is cheaper but more environmentally problematic. Costs increase in South Florida, where there are large permitted C&D recycling operations.

A large portion of C&D debris is recyclable--approximately 5% is metal, 9% is asphalt, brick or concrete and 30% is wood. The cost associated with requiring each of these facilities to screen and process recyclables prior to disposal is dependent on the facility's size, location, and the sophistication of the material recovery operation. Small operations (50-250 tons per day) could meet minimal requirements by utilizing roll-off



containers to segregate and divert recyclables. Roll-off containers can be purchased for \$1,500 per container. Manpower, operational plans and equipment needed to segregate recyclables could be modified to run this type of material recovery without high capital outlay. Operational costs could be offset by the value of recyclables. Recycling asphalt, brick and concrete would be extremely useful in aggregate-poor areas of the southern United States, such as Florida.

Cost estimates for a larger, free standing Materials Recovery Facility vary according to geographic location. A North Florida facility processing 500 tons per day of construction and demolition debris reports an estimated capital cost of \$7.5 million to become operational, while a South Florida facility that processes 2,500 tons per day or more reports an estimated capital cost of \$13.6 million.

According to the county recycling reports submitted to the DEP for 2007:

- 6.1 million tons of C&D was disposed in Florida's 75 C&D disposal sites.
- C&D constitutes 25% of Florida's MSW waste stream or 8.2 million tons (*Figure 2 in Appendices and Figures*).
- Currently only 27% or 2.1 million tons of Florida's C&D is recycled.



At least 12% of the 75% goal can be achieved by recycling C&D debris currently being disposed.

Because of the major impact this sector has on the overall state recycling rate, DEP recommends:

- Require all mixed loads of C&D to be processed at a materials recovery facility prior to disposal.
- Add sorting operations at the front end of existing C&D disposal facilities. Sorting C&D should make it more cost-effective to recycle materials than dispose of them.

Implementing these practices would involve little or no increase in costs to the generators of C&D, even in central and north Florida where disposal rates are cheapest. There may even be savings in areas where there are more materials recovery facilities because of increased competition. If C&D achieved a 75% recycling rate, it alone would increase the current statewide MSW recycling rate to more than 40%.

Organic Waste: Of the 32.3 million tons of MSW generated in Florida, approximately 40% is organic materials such as food waste, yard trash and paper. The recycling rate for food waste is 1.4%, 37% for yard trash, and 27% for paper.

By encouraging the flow of these materials to organics recycling centers, a number of environmental benefits could be realized including: diversion of organic waste from incineration and landfill, treatment of pathogenic organisms, stabilization of nutrients and other organic compounds, and phosphorus recycling. Recycled organics have many benefits, including erosion control, moisture retention, improved soil texture, improved soil ecology, increased soil organic matter content, and production of alternate fuels.

Florida's counties play a crucial role in organics recycling because they handle large amounts of organic wastes from all sources. State regulations, market conditions and other economic circumstances all affect the potential success of organics recycling in

Florida. State programs can stimulate technological advances and new uses through market development and procurement policies.

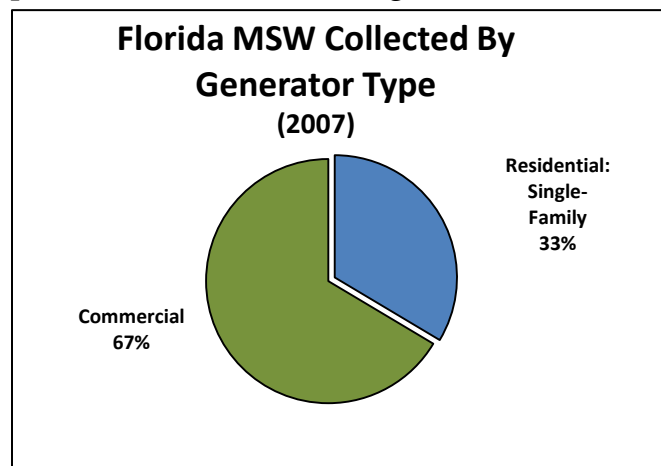


Detailed recommendations for helping to create an environment that supports a healthy and growing organics recycling industry can be found in [Appendix C](#). Consideration of those recommendations is important but so is simply encouraging and creating opportunities for backyard composting and grass clipping management among homeowners – two of the best methods for managing residential organic wastes.

Waste-to-Energy (WTE): Waste-to-Energy (WTE) is the process of creating energy in the form of electricity from the incineration of waste. Recycling operations at Florida’s 12 WTE facilities could account for roughly 12% of the 75% goal. Through the mass combustion of MSW and refuse-derived fuel, Florida’s WTE facilities generate 3.25 million megawatts of energy per year, which is enough electricity to fuel the 300,000 households in Duval County for one year. There are ten Florida counties where WTE facilities are located ([Figure 3](#) pictured in [Appendices and Figures](#)).

The law allows renewable energy from solid waste to count towards the 75% goal. However, measuring that contribution presents a challenge. Consequently, DEP intends to appoint an ad hoc Technical Advisory Group to help develop a methodology for calculating and crediting WTE production.

Commercial Recycling: For Florida, a few key statistics suggest a general strategy for achieving the 75% recycling goal. For example, the commercial sector generates 67% of MSW, twice the amount generated by the single-family residential sector. The commercial sector has a current recycling rate of 30%. Even if the residential sector were to recycle everything, every day, the new recycling goal could not be achieved without substantially increasing recycling from the commercial sector.



Of the 414 city and 67 county governments in the state, 61 cities and eight counties have some form of mandatory commercial recycling affecting about 5.2 million people, mostly in Miami-Dade and Volusia counties. Enforcement and technical assistance vary greatly among those jurisdictions, from none to very active, which is reflected in their commercial

sector recycling rates. Sarasota County and Lee County have active programs to assist with compliance of their mandatory commercial recycling requirements.

Sarasota County began requiring commercial recycling in 1991 as the result of a referendum vote by the citizens. Since the program is almost twenty years old, no information on start-up costs is readily available.

Commercial customers pay the collection costs but the majority save money due to reduced waste collection costs for their remaining waste stream. This is where the main economic benefit of the county's commercial recycling program occurs, but the amount varies greatly depending on the amount of recyclable materials generated. For instance, a major swimming pool and deck renovating business was able to save \$2,300 in one year by increasing the amount of recyclable materials it diverted from its waste dumpster. A major restaurant in Sarasota County saved \$1,125 in one year by recycling more.



The county receives no revenue from commercial sector recycling. The collectors of the recyclables can keep whatever revenues they generate from sales of the recyclables. The only cost to the county is two full-time staff that provides education and training to the commercial sector. The initial recycling rate of a business increases after training to as much as 90%. This education process, coupled with the mandatory recycling ordinance, has resulted in a commercial recycling rate of 53% for the county. Sarasota County has the highest overall recycling rate (41%) in the state.

Lee County's mandatory commercial recycling program began in January 2008. There were no startup costs to the county except for one full-time staff that provides education and training to the commercial sector. As with Sarasota County, the commercial customers pay the collection costs, most businesses save money due to reduced disposal costs, and the vendors who collect the recyclables keep the generated revenue. All businesses participate and it only took 1.5 years of education and training for businesses to comply – no enforcement action was needed.



While mandatory commercial recycling in Florida is limited, there are retail establishments already taking steps to institute "green" practices in their operations, such as Target, Walmart and Publix. These companies demonstrate that voluntary initiatives can jump-start environmental stewardship and serve as models for others to increase the commercial recycling of plastic and cardboard and, in some cases, food waste. Examples include selling or giving away millions of reusable bags, using bags made with recycled content, and using stronger bags that can hold more weight so fewer bags are needed. These voluntary initiatives can be recognized, nurtured and integrated into more comprehensive, binding recycling strategies.

Because of the huge impact the commercial sector has on the overall state recycling rate, DEP recommends:

- Require commercial recycling in counties with a population greater than 100,000 and cities with a population greater than 50,000.

This approach would cover approximately 95% of Florida's population and about the same percentage of MSW generated, yielding the biggest recycling bang for the buck and leaving smaller local governments to develop programs tailored to their lower population densities and limited resources. Recycling at a 75% rate in the commercial sector would by itself boost the statewide MSW recycling rate from 28% to 59%.

States that have implemented mandatory commercial recycling include Pennsylvania, Rhode Island, New Jersey, Wisconsin, and, to a lesser degree, North Carolina. Each state measures recycling differently, which makes meaningful comparisons difficult. For instance, the State of New Jersey counts its automobile recycling industry, which elevates its recycling rate to 57%.

If Florida required its 269 Recovered Materials Dealers and auto shredding industry to capture and report tonnage of automobiles currently being recycled or shredded for scrap iron, perhaps 3% of the 75% goal could be realized.

Because of the way MSW is collected, the traditional definition of a commercial account includes not only retail establishments and business offices, but also multi-family residential units (apartments, condominiums, etc.) and institutional accounts, such as colleges, schools and hospitals. Federal, state and local government offices also are included. One way to account for this broad spectrum in increasing Florida's recycling rate would be a phased approach, requiring commercial recycling first, whether all at



once or in some staggered fashion, from all components except multi-family residential units, which could be included later.

Fortunately most commercial establishments should end up saving money by recycling, with the possible exception of the smallest such establishments. Savings would vary across the state because commercial waste disposal costs vary from community to community. Increasing the recycling rate for this sector would be expedited if local governments are able to network with and provide education and technical assistance to commercial customers.

Innovative Recycling Programs

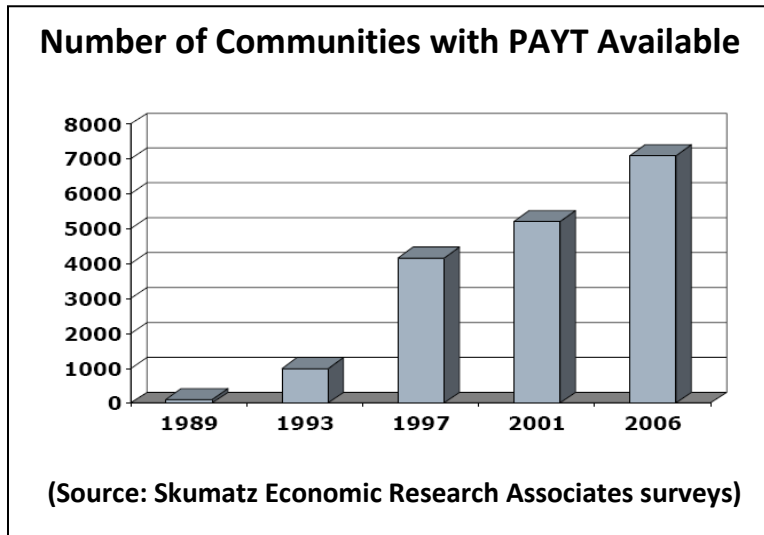
There are innovative approaches available to help increase recycling rates, some of which are already in effect in Florida. Some of these approaches are discussed below. Public education and training about recycling are essential companions to every option.

Pay-As-You-Throw (PAYT): Pay-As-You-Throw (PAYT) is an incentive system that puts trash on the same “utility” basis as electricity, water and other services – the more you use, the more you pay. In a PAYT program, customers pay less for collection and disposal of MSW if they generate less, an incentive to fill up the recycling container rather than the trash can.

While there are about 7,000 PAYT programs nationwide, there are only a handful of communities in Florida that have implemented this program, such as Gainesville and Plantation. In Gainesville, the program netted an 18% decrease in the amount of waste collected and a 25% increase in recyclables recovered during its first year alone. Even more, it resulted in a savings of \$186,200 to customers.

Implementing PAYT in Florida offers promise. Cities across the United States, including Dover, New Hampshire; Falmouth, Maine; Ft. Collins, Colorado; San Jose, California; South Kingstown, Rhode Island; Vancouver Washington; and Poquoson, Virginia report increased recycling ranging from 25% to 69% in the first year, decreased waste disposal and avoided disposal fees.

During 2006, Skumatz Economic Research Associates, under contract to the U.S. Environmental Protection Agency (EPA), conducted a study of 1,300 communities across the country with PAYT programs. The report concludes, “PAYT is the most effective single action that can increase recycling and diversion” in the residential sector.



The study further shows that implementing PAYT had a larger impact on recycling than did adding additional materials, changing frequency of collection, or other changes and modifications to programs. Data collected from more than 1,000 communities using PAYT revealed the following:

- Waste disposal decreases by 16%-17%, which also saves money by avoiding disposal fees;
- Communities with populations greater than 100,000 would see a reduction in disposal of about 84,000 tons and an increase in recycling tonnage by about 5,500 tons;
- Recycling increases approximately 50%;
- Material diverted from disposal for recycling was 11% of the MSW in non-PAYT communities versus 14% in PAYT communities;
- Yard waste diverted from disposal for recycling was 13% versus 17%;
- Overall diversion from disposal was 26% versus 32%; and
- PAYT has not increased costs for 66% of the communities implementing it.

EPA has developed the Saving Money and Reducing Trash Benefit Evaluation Tool (SMART BET), designed to help community waste managers decide whether PAYT is the right model for them. This tool is available online at www.epa.gov/payt.

RecycleBank: RecycleBank, another program for the residential sector, is similar to PAYT except it rewards customers for increased recycling with discount coupons supplied by local vendors of goods and services. The more items a customer places in the recycling container, the more discount coupons the customer is awarded for use in local retail establishments.



RecycleBank is a private organization that works with interested communities to set up its system. In March 2009, it launched its first program in Florida with the city of North Miami. Early indications show recycling has substantially increased in areas where previously there was little. To date, RecycleBank and traditional PAYT programs have been implemented separately. However, another option is to implement the two programs concurrently in the same area, which should result in more waste reduction and recycling than either program by itself.

Zero Waste Zones: The concept of Zero Waste Zones is relatively new with very few areas designated. However, it has the potential to change the way waste is managed and reduced. A Zero Waste Zone is as it says – what is produced is consumed or recycled, not thrown away. Waste is no longer “trash” but future goods and potential income. In the southeastern United States, downtown Atlanta is the only area that has committed (in 2009) to becoming a Zero Waste Zone, with a goal of diverting the maximum amount of recyclable items and organic matter from landfills back into the production cycle. Interest in the concept seems to be increasing but there is not enough data to determine if a significant number of localities will implement it.

Single Stream Recycling (SSR): Single Stream Recycling (SSR) appears to have greatly increased recycling rates in jurisdictions where it has been implemented. With SSR, all recyclable material is placed in a large, wheeled recycling cart. Recyclable material does not need to be separated by the resident – unfortunately, a major deterrent to recycling – but is commingled in the large recycling cart. Curbside collection occurs, and the recyclable material, cardboard, glass, paper, aluminum and metal, is later segregated at a processing facility.

In 2005, Waste Management, Inc. (WM) piloted the first Single Stream Recycling System (SSR) in Florida at the Recyclable Materials Processing Facility (RMPF) for Orange County and launched a second project at its Pembroke Pines facility in 2007. Single stream recycling promises increased landfill diversion, energy savings and conservation, and resource utilization compared to other recycling methods. WM reports that by operating SSR collection systems for Florida residents, a much higher efficiency per unit collected is experienced. Specifically, after a full year of SSR operation at its Pembroke Pines facility and its Orange County RMPF, the growth in recyclables diverted from landfills through WM facilities was 68,688 tons or an average increase of 29%.

Collier County started single stream recycling in 2005 and the volume of recyclables collected increased by 55%. The purchase of new single stream recycling carts was amortized on the solid waste management charge to customers. The county views the main benefit of single stream recycling as the extension of landfill life caused by more materials being recycled rather than disposed. However, there were no numbers readily available as to how much landfill life extension could be attributed to single stream recycling. The county receives no revenue from recyclables collected through single stream recycling. The vendors who collect recyclables can keep whatever revenues they generate from sales of recyclables.

SUCCESS SPOTLIGHT

Some concerns have been raised by end user markets, such as the recycled paper industry, about increased contamination of recyclable materials collected using SSR. They contend that, while more recyclables are collected curbside, more recyclables end up in the landfill due to contamination resulting from commingled collection and processing with other recyclable materials. SSR proponents assert that technology is improving to minimize the problem.

Recycling Markets: Recycled products need markets, and markets need both incentives to expand and streams of products to move. Market development should focus on finding and promoting good markets for recyclables wherever they exist. From an economic development perspective, of course, creating and building markets in Florida is the ideal.

There are two basic sectors of recyclable materials and they require two different approaches to market development:

- Out-of-state markets exist for traditional residential and business recyclables, including bottles, aluminum and steel cans, paper, plastic and glass. These commodities travel well, so the challenge is to improve markets within the state.
- Markets are not well developed for organics, including yard trash, compost, mulch, and food waste. Because of the nature of organics, markets need to be developed much closer to the source of the recyclables. Out-of-state markets do not exist and are not feasible.



Because of the importance of market development for improving the cost-effectiveness of recycling, DEP recommends:

- The creation of a recycling business assistance center similar to what was proposed in Senate Bill 1462 during the 2009 Legislative Session.
- The center should focus on promoting markets for the entire spectrum of recyclable MSW materials, organic and inorganic.
- Enterprise Florida offers a practical location for such a center and should work in partnership with DEP to identify and develop recycling markets.

How Do We Get There?

State government leadership is only one avenue to 75% recycling by 2020. Florida is fortunate to have groups such as Recycle Florida Today, the Florida Sunshine Chapter of the Solid Waste Association of North America, the Florida Chapter of the National Solid Wastes Management Association and the Southern Waste Information Exchange (SWIX), all of which are active in recycling. These trade organizations have long running, widely recognized and well-respected recognition programs for recycling in both the public and private sector. By continuing to work with these groups, the state can honor the successful recycling efforts of schools, businesses, public groups and private citizens.

Recommendations

The recommendations that follow – many of which were identified earlier in the report – focus largely on actions that promise the most environmental gain with the least economic impact to Florida’s private and commercial sectors. Not all of the recommendations can or should be implemented immediately, but all are critical to

meeting the recycling goal. DEP is working on several of these recommendations now to enhance the recycling program using existing resources. *Appendix C* includes a list of supplementary recommendations that also warrant consideration.

The recommendations are generally listed beginning with the easiest and least costly recommendations.

State Government:

- Require each state agency to meet the 75% goal.
- Require each state agency to designate a single point of contact to coordinate with DMS regarding environmentally preferable purchasing issues and annually report to DMS its total expenditure on and use of products with recycled content and comparing that to the purchase of similar products made from virgin materials.
- Develop a Web site that includes electronic brochures, newsletters, etc., for DMS to use for recycling education and getting recycling started in state office buildings. DEP should develop the Web site and help educate state office building managers in this initiative.
- Modify the MFMP procurement system and FLAIR procurement for P-Card purchases to capture and report specific commodity purchases for green products, recycled materials and virgin materials.

Local Government:

- Apply the new recycling goal to counties with a population greater than 100,000 and cities with a population greater than 50,000, capturing approximately 95% of the state's population and MSW generated.
- Specify that local governments under the population thresholds do not have to meet the goal but must provide recycling opportunities to their residents.
- Require commercial recycling in counties with a population greater than 100,000 and cities with a population greater than 50,000. "Commercial" in this context includes multi-family residential units (apartments, condominiums, etc.) as well as institutional accounts (such as schools and hospitals).
 - Consider a phased approach to requiring commercial recycling, focusing first on office buildings, retail establishments and institutions; and second on multi-family residential units.

Public Schools:

- Direct all local school districts to implement recycling programs. A local school district could be exempt if:
 - There is no recycling facility within the county or within a reasonable distance in an adjoining geographic area; or
 - The district cannot locate a recycling vendor to service the school district without incurring a negative fiscal impact.
- Develop a Web page for K-12 school recycling educational materials.

Funding:

- Create a Recycling Grants or Revolving Loan program for local governments to aid in reaching a 75% recycling goal for their jurisdictions.
 - Structure financial assistance to address both operational and infrastructure costs.
 - Reserve a minimum percentage of these funds for public education and training.
 - Consider limiting the duration of grants program.
 - Require local program commitment to the recycling goal through matching grant funds or loan repayment agreements

Waste Management:

- Phase in the requirement that all existing unlined C&D disposal facilities be modified to incorporate a Materials Recovery Facility at the front end of their process or utilize other existing materials recovery facilities so that recyclable materials such as wood waste, asphalt, concrete, etc., do not become part of the disposal waste stream. All new C&D disposal facilities would be subject to the requirement before operating.
- Create a recycling business assistance center similar to what was proposed in Senate Bill 1462 during the 2009 Legislative Session.
 - The center's focus should be on promoting markets for the entire spectrum of recyclable MSW materials, organic and inorganic.
 - In addition, Enterprise Florida is an ideal lead agency working in partnership with DEP in implementing the center's efforts. The Solid Waste Management Trust Fund would make a logical funding source if new revenue sources are adopted.

The Long and Short of the 75% Recycling Goal

The programs, initiatives and options discussed in this report all offer potential to increase Florida’s recycling rate. However, not all actions are equal – and 75% by 2020 is an ambitious goal and a challenging opportunity. The chart below estimates the incremental gain each option would provide toward meeting the global 75% recycling goal.

Clearly, the benefit of each option is dependent on how quickly and extensively it is implemented, how vigorously it is enforced, how much funding is made available and other variables. Certainly, moving from 28% recycling to 75% recycling over the next decade will require taking aggressive actions sooner rather than later and recognizing that reducing waste in the first place and recycling the rest of it are investments in Florida’s inseparable economic and environmental futures.

Recycling Activity	Percent Gain Toward the 75% Goal
Increase the recycling rate in the commercial sector in the state’s high-population counties and cities to 75%	31%
Include the amount of waste currently combusted in WTE facilities in the overall 75% goal (as legislatively directed)	12%
Recycle material from the 6.1 million tons of C&D debris currently disposed in C&D disposal sites	12%
Institute Zero Waste Zones and Single Stream Recycling in various markets around the state	10%
Institute a combination “Pay-As-You-Throw” and RecycleBank incentive program in the state’s high-population counties and cities	10%
Increase each K-12 school recycling rate to 75%	6%
Allow Recovered Materials Dealers to get credit for recycled materials from automobile shredding	3%
Require state offices and university buildings to adopt a “one ton a year” goal	1.5%

APPENDICES & FIGURES

Appendix A - Energy, Climate Change and Economic Security Act of 2008

403.7032 Recycling. —

(1) The Legislature finds that the failure or inability to economically recover material and energy resources from solid waste results in the unnecessary waste and depletion of our natural resources. As the state continues to grow, so will the potential amount of discarded material that must be treated and disposed of, necessitating the improvement of solid waste collection and disposal. Therefore, the maximum recycling and reuse of such resources are considered high-priority goals of the state.

(2) By the year 2020, the long-term goal for the recycling efforts of state and local governmental entities, private companies and organizations, and the general public is to reduce the amount of recyclable solid waste disposed of in waste management facilities, landfills, or incineration facilities by a statewide average of at least 75 percent. However, any solid waste used for the production of renewable energy shall count toward the long-term recycling goal as set forth in this section.

(3) The Department of Environmental Protection shall develop a comprehensive recycling program that is designed to achieve the percentage under subsection (2) and submit the program to the President of the Senate and the Speaker of the House of Representatives by January 1, 2010. The program may not be implemented until approved by the Legislature. The program must be developed in coordination with input from state and local entities, private businesses, and the public. Under the program, recyclable materials shall include, but are not limited to, metals, paper, glass, plastic, textile, rubber materials, and mulch. Components of the program shall include, but are not limited to:

(a) Programs to identify environmentally preferable purchasing practices to encourage the purchase of recycled, durable, and less toxic goods.

(b) Programs to educate students in grades K-12 in the benefits of, and proper techniques for, recycling.

(c) Programs for statewide recognition of successful recycling efforts by schools, businesses, public groups, and private citizens.

(d) Programs for municipalities and counties to develop and implement efficient recycling efforts to return valuable materials to productive use, conserve energy, and protect natural resources.

(e) Programs by which the department can provide technical assistance to municipalities and counties in support of their recycling efforts.

(f) Programs to educate and train the public in proper recycling efforts.

(g) Evaluation of how financial assistance can best be provided to municipalities and counties in support of their recycling efforts.

(h) Evaluation of why existing waste management and recycling programs in the state have not been better used.

Appendix B - Revenue Sources

Throughout this report, options have been identified that can contribute to achieving the 75% goal with little or no additional funding, while others will require some sort of financial assistance. Given that fact, several potential revenue generating options have been identified for consideration.

Waste Tire Fee Option: Beginning in 1989, a 50 cent per tire fee was placed on each new motor vehicle tire sold at retail. The fee was increased to \$1.00 per tire in January 1990. During 1990, the consumer price index (CPI) was 130; today the CPI has increased to 215 or more than 60%. Estimates based on a five-year average of revenue from the Waste Tire Fee show that by increasing the fee to match today's CPI, an additional revenue of about \$12.1 million could be generated annually. The current retail tire fee, less administration fees not to exceed 3%, is directed to the Solid Waste Management Trust Fund.

- Pros:
 - May be easier to increase an existing fee than create a new one to raise revenue.
 - Adjusting to the current CPI is reasonable and based on sound economics.
 - Generates approximately \$12 million in revenue every year.
- Cons:
 - Waste tires make up only 1% of the waste stream and would be subsidizing other waste sources with greater impact.

Landfill Disposal Surcharge Fee Option: Approximately 35 of the 50 states have enacted landfill disposal surcharges. Based on 2007 data from Florida counties, a surcharge of \$1 per ton on waste disposed at landfills would result in approximately \$23 million in revenues annually. If the surcharge were also applied to WTE plants, an additional \$4 million in annual revenue would be realized.

- Pros:
 - Generates \$23 - \$27 million in revenue annually.
 - The average impact works out to slightly more than \$1 annually per person.
 - Equitable because it covers all MSW disposed, not just certain sectors.
- Cons:
 - Some counties or private landfills are concerned that the fee would result in less MSW disposed in their landfills and thus less revenue to the county.
 - Self-limiting since more recycling will result in less landfill disposal and less revenue – but recycling is, of course, the objective.

Bottle Bill Option: Eleven states have beverage container deposits, also known as bottle bills. A bottle bill can be designed to increase recycling and use unredeemed deposits to help fund various recycling programs at the state and local level. There will be unredeemed deposits with a bottle bill because not everyone will return their bottles

to claim the refund. Michigan has the highest state bottle deposit of 10 cents and a 97.3% redemption rate, but 2.7% of the bottles are not returned for refunds. If Florida had a bottle bill with a 10 cent deposit, unredeemed deposits could amount to approximately \$35 million per year.

There has been some concern that a bottle bill would result in local recycling programs losing bottles they would otherwise normally collect resulting in lost revenue. However, studies have shown that bottle bill states actually have higher curbside recycling rates overall because it increases recycling awareness for other recyclable items.

There has also been some concern that fraud would be a major problem from sources both in state and out of state. However, there are legal and operational methods to minimize fraud, which in any event has not been significant enough for other states to eliminate their bottle deposit programs. Several bottle bill states have expanded or are considering expanding the scope of their programs to cover additional containers that were not common when their legislation was first passed 20 or 30 years ago.

One option, in recognition of the diverse views concerning bottle bills and to overcome the concerns, would be a pilot program in select communities around the state.

- Pros:
 - Substantially increases bottle recycling.
 - Reduces roadside litter.
 - States with bottle bills in general have higher recycling rates.
 - Could produce \$35 million in revenue to the state for unredeemed bottle deposits.
 - A percentage of the unredeemed deposits could go to retailers to offset costs.
 - Reduces greenhouse gas emissions resulting from manufacturing new bottles and other products from virgin materials rather than recycled materials.
 - Places more responsibility on producers and consumers rather than taxpayers for the cost of solid waste management.
- Cons:
 - Bottles are only 5% of MSW and would be subsidizing other sectors that are a larger part of the problem.
 - Retail sector concerned that it may be expensive or difficult to implement, including space considerations.
 - Retailers concerned about possibility of public health issues from returned uncleaned bottles if they do not have space for a separate redemption area.

Construction and Demolition Debris Refundable Deposit Option: Some communities have incorporated a C&D disposal deposit into their permit process. San Jose, California has developed a complementary program to facilitate the pre-processing element for MRFs at C&D facilities. This program requires builders and demolition

staff to leave a refundable “deposit” when they come in for a permit to build or demolish. The deposit is refunded if they show weight slips (from certified MRFs/C&D facilities or show reuse or recycling in another way) that demonstrate they recycled 50% of the material. Deposit formulas generally range from 10-20 cents per square foot for non-residential and residential building or demolition. Accordingly, construction of a 2,000 square foot home would require a deposit of \$400. This fee is part of the normal building permitting process so it did not require new administrative start-up costs. Unclaimed deposits are retained by the local government for recycling efforts. San Jose program managers advised that the city has generated about \$800,000 for each of the last two fiscal years from unclaimed deposits.

Such an approach in Florida could complement the earlier recommendation to require materials recycling facilities on the front end of construction and demolition disposal sites. Local governments could require a deposit with the permit to build or demolish structures, based on the square footage of the structure. The deposit would be refunded when the permittee presents weight slips from a permitted materials recycling facility or otherwise demonstrates that at least 75% of the material was recycled. Typical deposits could be 20 cents per square foot for residential construction and 10 cents per square foot for non-residential construction. Unclaimed deposits could go to the city or county to fund infrastructure or commercial recycling efforts, or to the state to assist with recycling grants.

- Pros:
 - Substantially more C&D would be recycled.
 - Un-refunded deposits could be a source of revenue for local or state government for use in grants, recycling education or commercial recycling.
- Cons:
 - Additional costs up front for building construction, deconstruction, or renovation permits.
 - Additional record keeping for permittees in order to get deposit refunded.

Incandescent Bulb and High Mercury Fluorescent Bulb Fee Option: The incandescent light bulb will be phased out of the market in the United States beginning in 2012 as required by the federal Clean Energy Act of 2007 (HR6). Ninety percent of the energy that an incandescent light bulb burns is wasted as heat. Still, sales of the most common high-efficiency bulb available, the compact fluorescent light bulb (CFL), amount to only 5% of the light bulb market. The changeover will be gradual with a phase out period of 2012 through 2014. To assist with the phase out in Florida and generate revenue, a fee of 25 cents per bulb could be charged until the phase out is complete in 2014. This fee could generate approximately \$15.8 million dollars of revenue through the phase out period.

- Pros:
 - Reduced energy consumption means lower lighting cost for the household and fewer fossil fuels burned, which helps to reduce greenhouse gases.

- Cons:
 - Higher initial cost for CFL bulbs over incandescent; however the 25 cent fee per bulb on incandescent would make the costs more comparable.
 - Potential increased exposure to mercury from breakage or improper disposal of CFLs over incandescent bulbs.
 - Infrastructure needed may take more time to put into effect than the phase out period.

Appendix C - Supplemental Recommendations

These recommendations are generally more modest than those in the main body of this report but would nonetheless contribute to meeting 75% by 2020. Many can be implemented with nothing more than initiative and some cooperation. Others would require legislative action that merits consideration.

State Government

- In cooperation with DEP, DMS should develop and provide links to sample policies for local governments and organizations considering the adoption of environmentally preferable purchasing practices.
- DMS, in conjunction with DEP, should develop an on-line training course and certificates designed for staff that initiate and track MFMP and FLAIR contracts and procurement. The training course should be geared to the 75% recycling goal and environmentally preferable purchasing, specifically purchasing products made from recycled rather than virgin materials. Training should also ensure that staff understands life cycle costing and the 10% and 15% price preference available to responsible state vendors or others using recycled content identified in Section 287.045, Florida Statutes (F.S.).
- Amend Section 403.714, F.S., to require state agencies of the executive, legislative, and judicial branches of state government and all state-supported institutions of higher education to report to DMS the estimated materials recycled during the prior fiscal year, starting with data collected during the 2010-2011 fiscal year. The materials should include, at a minimum, office paper, corrugated cardboard, plastic bottles, and aluminum cans. DMS should then report that data to the Governor, the Legislature and DEP.
- DEP should help DMS develop and maintain statewide procurement contracts for all recyclable materials identified in Section 403.714, F.S., and all recyclable hazardous materials such as batteries, fluorescent lighting, used waste oil, aerosols, etc.
- DEP should develop a Web site, electronic brochures or newsletters for DMS to use for recycling education and assist DMS to increase recycling in state office buildings.
- Clarify, in Section 403.714(3), F.S., that product procurement language applies to state and local agency contractors as well as the agencies themselves.
- DEP should examine the possibility of partnering with other organizations such as Recycle Florida Today, the Florida Sunshine Chapter of the Solid Waste Management Association of North America, the Southern Waste Information Exchange (SWIX) and the University of Florida's Center for Training, Research, and Education for Environmental Occupations to develop extensive and detailed technical training for local government recycling coordinators and solid waste staff.

- DEP should partner with the existing awards programs of Recycle Florida Today and the Florida Sunshine Chapter of the Solid Waste Management Association of North America.
- Direct the Florida Department of Agriculture and Consumer Services (DACS) to investigate the potential markets for recycled organic materials and submit its findings biennially to DEP. The report should also be sent to the Governor's Office of Tourism, Trade, and Economic Development (OTTED).

Funding

- Increase the state contribution to the Florida Recycling Loan Program in an amount sufficient to increase the maximum loan amount from \$200,000 to \$500,000.
- Allocate funds for updating the WasteCalc (or similar) waste composition model that will provide counties with critical data they need to calculate recycling rates at a much lower cost than individual counties conducting their own waste composition studies.
- Fund development and implementation of outreach, education, promotion, demonstration, and market development efforts targeted at increasing recovery and beneficial use of organic materials statewide.

Waste Management

- Change the authority in Section 403.7043, F.S., for developing rules on compost, composting and compost product parameters to developing rules on organics, organics processing, recycled organic product parameters and product use as they affect the environment. This would allow DEP to develop rules and criteria for other organic waste processing technologies, other than solely composting, and the resulting organic materials.
- Allow DEP to count other organic recycling technologies towards the compost goal in Section 403.706(2)(d), F.S. This would acknowledge that there are other technologies, such as anaerobic digestion, that can be used to recycle organic waste and should be considered as acceptable alternatives to composting.
- Replace the term "compost" or "composted" with "recycled organic(s)" in Section 403.714(2), (3) and (4), F.S. This broadens the scope of these requirements to recycled organic materials, other than solely compost, and will assist in market development. Composting is the *aerobic* decomposition of organic and biodegradable matter to make compost. However, there are other ways to decompose and recycle organic matter, such as via *anaerobic* digestion (which can also produce usable gases) or processing yard trash into a material that can be used as mulch or fuel.
- Retain the ban on yard trash going to lined landfills found in Section 403.708(12)(c), F.S., unless a case can be made that energy is created by using yard trash as part of a methane gas collection system at a specified landfill. According to county reports, the landfill ban diverted about 3.6 million tons of yard trash or about 11% of the municipal solid waste stream during calendar year 2007. Retaining a ban

encourages yard trash to be available for organic recycling and may also assist counties in achieving the compost goal in Section 403.706(2)(d), F.S.

- The 2000 Florida Recycling Economic Information Study, prepared by solid waste consultant R. W. Beck, should be updated to determine the current impact of the recycling industry on Florida's economy.
- Enact product stewardship framework legislation with electronics, carpet, fluorescent lamps and paint designated as the initial products covered by the legislation. To ensure consistency and that priority products are addressed, the framework should articulate a transparent, inclusive, and objective process for designating products. It should include public availability of product evaluation information, input from affected stakeholders, specific decision points and timelines, an opportunity to appeal recommendations and a designated decision-making body.
- Florida should enact a requirement that, by 2020, all active landfills capture and use or flare landfill gas unless the applicant demonstrates to DEP that it is not practicable or economical. This requirement would promote the use of flaring and minimize venting methane directly to the atmosphere. Flaring would convert all or most of the methane to carbon dioxide (CO₂) a much less potent greenhouse gas than methane. It should be noted that Title V of the federal Clean Air Act requires that when a landfill reaches a certain size, then landfill gas must be captured.

Figure 1 - Tons of Municipal Solid Waste Collected in Florida Counties in 2007

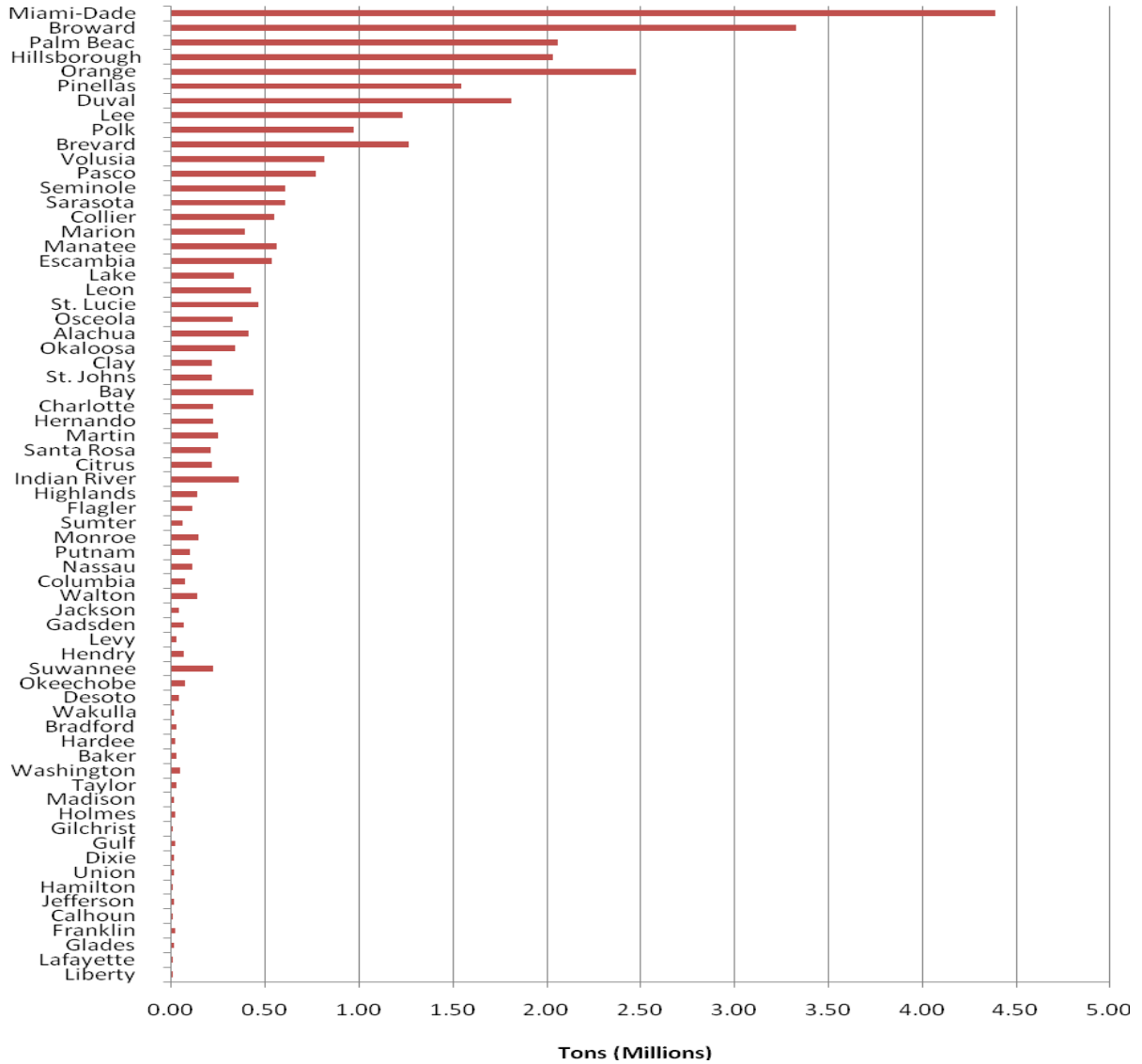


Figure 2 - Florida Municipal Solid Waste Collected in 2007

32 Million Tons

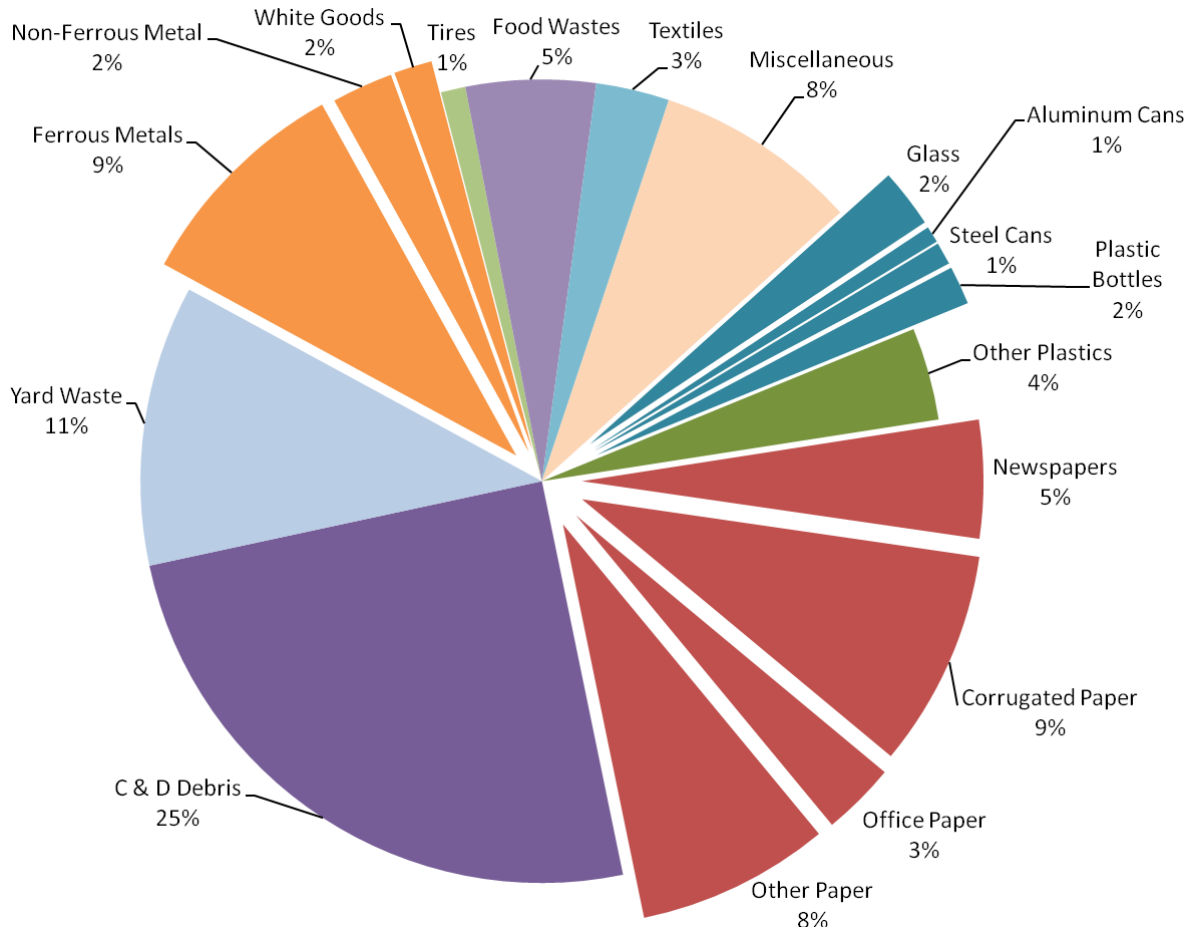
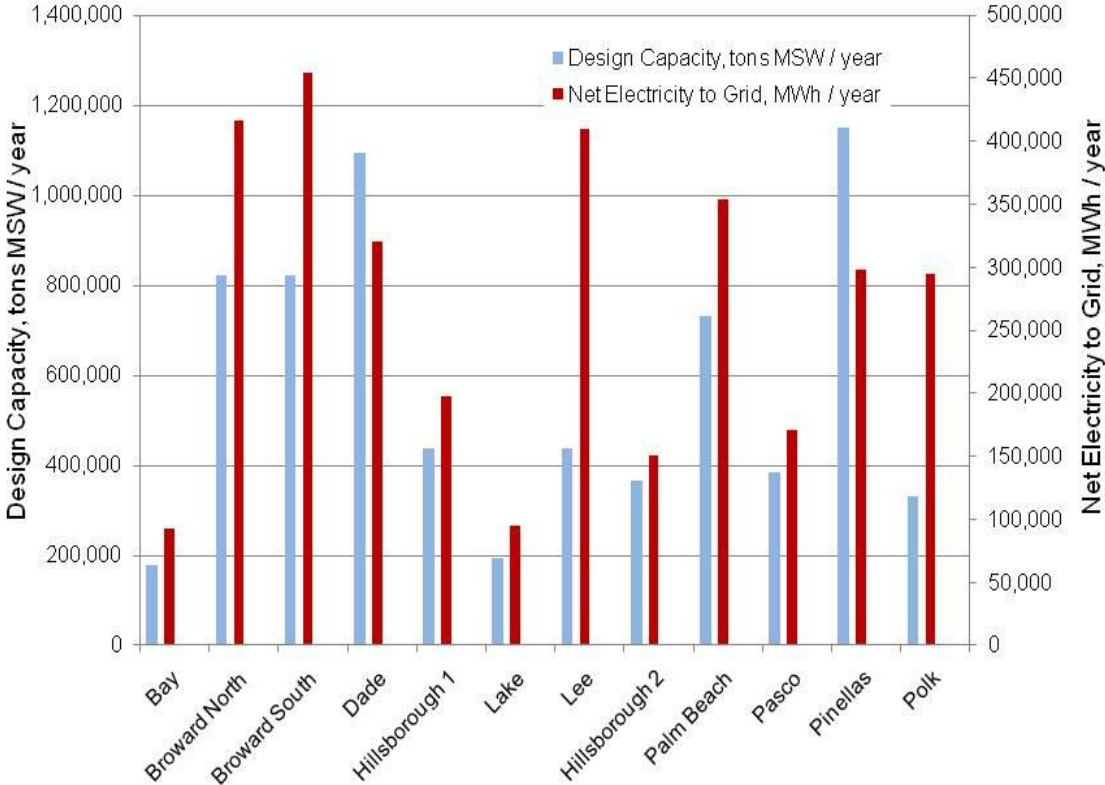


Figure 3 - Florida Counties with Waste-to-Energy Facilities





Florida Department of Environmental Protection

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Noah Valenstein
Secretary

TO: Solid Waste Directors of Large Counties (over 100,000 population)

FROM: F. Joseph Ullo, Jr., P.E., Division Director

RE: Request for Development and Submittal of County Recycling Program Plans (Identified Counties Only)

DATE: August 7, 2017

In 2008, the Florida Legislature set a statewide municipal solid waste (MSW) recycling goal of 75% by the year 2020. In 2010, the Legislature further directed that the goal be primarily applied to counties with a population of greater than 100,000. In addition, the Legislature set these interim goals for those counties:

Calendar Year	Interim Recycling Goal
2012	40%
2014	50%
2016	60%
2018	70%
2020	75%

Section 403.706(2)(d), Florida Statutes (F.S.), states that if a county does not achieve an interim recycling goal, the Florida Department of Environmental Protection (DEP) "may direct the county to develop a plan to expand recycling programs to existing commercial and multifamily dwellings, including, but not limited to, apartment complexes." In addition, in Chapter 2010-143, Laws of Florida, the Legislature introduced s. 403.706(2)(b), F.S., directing that counties implement a program for recycling construction and demolition debris as part of their efforts to attain the recycling goals noted above.

The purpose of this memorandum is to identify those large counties that are directed to submit a plan (your recycling program plan) to expand or otherwise implement their recycling programs to attain the recycling goals established under s. 403.706(2), F.S. These plans will provide the DEP with valuable information and input during the upcoming year. The statewide recycling rate for 2016 was less than 60 percent, therefore, the DEP will be incorporating your

information into a strategic plan that will be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 2018 legislative session pursuant to s. 403.706(2)(e), F.S.

Attached is a table showing the 2016 recycling rates of all the large counties (i.e., with populations greater than 100,000). Counties without shading on the table are on course or already achieving the 75% recycling goal. For Counties with gray shading, we are requesting the following:

- Counties who did not reach and maintain the 60 percent interim goal, based on their 2016 calendar year recycling rates, are requested to submit a recycling program plan to the DEP by **October 9, 2017**.
- Consequently, the following counties must submit a plan: Alachua, Bay, Broward, Citrus, Clay, Duval, Escambia, Flagler, Hernando, Highlands, Indian River, Lake, Leon, Manatee, Marion, Martin, Miami-Dade, Okaloosa, Osceola, Polk, Santa Rosa, Seminole, St. Johns, St. Lucie, and Volusia

At a minimum, the county recycling program plans should include:

- Summary of the services and materials for which you offer recycling such as newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper and yard trash;
- Analysis of the percentage of the county's MSW generated by the commercial, multifamily, and residential single family sectors;
- Analysis of any existing recycling programs for the commercial and multifamily sectors, including estimated customer participation rates and recycling rates for each of those sectors;
- Description of the county's implementation, including any planned changes, for your program for recycling construction and demolition debris;
- Description of efforts or opportunities to encourage recycling of yard trash, and other organic materials or mechanically treated solid waste, into compost or mulch that may be made available for agricultural and other acceptable uses;
- Strategy (including general timeframes) for expanding your county's recycling programs, or for creating new programs if needed, as part of your county's efforts to achieve the statewide recycling goals set forth in s. 403.706(2), F.S.; and
- Discussion of any additional steps, initiatives and anticipated challenges that are critical to implementing your strategies to achieve the next interim recycling goal of 70 percent in 2018, and ultimately statewide goal of 75 percent by the end of 2020.

As a reminder, please note that the rule establishing the method for determining the county's recycling rates in Rule 62-716.480, Florida Administrative Code

(F.A.C.), became effective Dec. 17, 2013. This rule establishes the criteria and types of materials for consistently determining each county's recycling rate. Also, for purposes of the requested plan, the term "commercial" includes governmental and institutional establishments.

For those counties that are directed to submit their plans, we look forward to receiving your input and perspective, and we recommend that you reach out to the counties that are on course to meeting the recycling goal to see if there are any practices that might work in your county. We appreciate the opportunity to collaborate in identifying and supporting strategies for meeting the statewide recycling goals. Please email your plan to Shannan Reynolds (Shannan.Reynolds@dep.state.fl.us) by the dates indicated. In the meantime, please contact Shannan for any questions or comments, either by email, or via phone at 850-245-8716.

FJU/sr

Counties Over 100,000 Population (2016)
(in descending population)

Shading = counties whose Total Recycling Credits were under 60%			
County	Population	Traditional Recycling Credits	Total Recycling Credits
Miami-Dade	2,700,794	33%	43%
Broward	1,854,513	34%	48%
Palm Beach	1,391,741	45%	72%
Hillsborough	1,352,797	55%	82%
Orange	1,280,387	60%	72%
Pinellas	954,569	54%	82%
Duval	923,647	50%	52%
Lee	680,539	46%	73%
Polk	646,989	33%	33%
Brevard	568,919	55%	61%
Volusia	517,411	42%	42%
Pasco	495,868	39%	66%
Seminole	449,124	30%	34%
Sarasota	399,538	60%	66%
Manatee	357,591	50%	54%
Collier	350,202	59%	66%
Marion	345,749	48%	55%
Lake	323,985	17%	22%
Osceola	322,862	28%	28%
Escambia	309,986	43%	48%
St. Lucie	292,826	56%	58%
Leon	287,671	52%	55%
Alachua	257,062	53%	54%
St Johns	220,257	21%	21%
Clay	205,321	25%	25%
Okaloosa	192,925	22%	24%
Hernando	179,503	29%	36%
Bay	176,016	28%	42%
Charlotte	170,450	69%	72%
Santa Rosa	167,009	15%	15%
Martin	150,870	55%	56%
Indian River	146,410	51%	53%
Citrus ¹	143,054	51%	51%
Sumter	118,577	63%	63%
Flagler	103,095	12%	12%
Highlands	101,531	17%	17%
State	20,148,654	44%	56%

Board of County Commissioners

Escambia County, Florida

Title: Resource Conservation and Recycling Policy – Section II; D.7
Date Adopted: May 17, 2005
Effective Date: July 1, 2005
Reference:
Policy Superseded: None

A. Purpose

By setting standards for Resource Conservation and Recycling procedures and practices in high profile areas such as County government, it is our determination to advance a waste management program focused on resource conservation and waste reduction. By adopting these principles, the Board of County Commissioners affirms its responsibility to internally operate a cohesive functional Integrated Solid Waste Management Program through reduction of waste, reuse of applicable materials, and diverting recyclable items from the waste stream into recycling programs.

B. Scope

This policy shall apply to all employees of the Board of County Commissioners. For more information concerning the procedures for using the recycling programs, material acceptance updates, waste reduction and diversion information/education links etc., please visit the Department of Solid Waste Management website.

C. General

1. General Reuse and Source Reduction:
 - a. All document reproduction work should be performed with the double-sided option when applicable.
 - b. Items that have the potential for reuse should be used as such whenever appropriate (e.g., turn brown kraft paper envelopes into multi-address envelopes for internal mail).
 - c. Review which supplies are over packaged, or packaged in non-recyclable materials, in order to determine alternatives.

- d. Conduct a waste reduction survey, as part of a comprehensive waste audit, in each facility to assist in eliminating high waste generating products and practices by:
 - (1) Pinpointing materials and supplies that are single use or disposable and targeting them for replacement with multi-use items (e.g., typewriter ribbons, laser printer cartridges, batteries, towels, and envelopes);
 - (2) Establishing improved maintenance scheduling to extend the life of equipment and machinery;
 - (3) Reviewing subscriptions to all periodicals on a yearly basis, canceling those that are unnecessary or not utilized;
 - (4) Maintain central files rather than multiple personal files; and,
 - (5) When possible, generate one memorandum and attach a routing stamp to all staff rather than making multiple copies.
- e. Continue to utilize County reuse programs sponsored by other County Departments such as the durable goods reuse program operated by Property Management.

2. General Procurement:

- a. The Board of County Commissioners will consider purchase and use of products that contain a maximum amount of post consumer recycled material while retaining product integrity wherever possible.
- b. Purchasers must refrain from specifying primary or virgin products as opposed to recycled products wherever possible.
- c. All vendors should be required to advise, and offer as an alternative, any product available that contains post consumer recycled material when the performance specification equals the primary product.
- d. The Board of County Commissioners will work with other government bodies and agencies to influence the availability of recycled products through economy of scale (bulk) purchases.
- e. Life cycle costing will be considered with the intent of choosing more durable products and materials. Potential vendors should be required to include in bid replies, or presentations, documentation on the life cycle cost and depreciation rates of durable equipment or appliances and fixtures.
- f. All grounds keeping projects should require the use of recycled products when such products are available.
- g. The Board of County Commissioners should give public notice of its policy and invite producers/vendors of recycled products to present their catalogue or sales material to staff.

3. Direct Purchasing:

- a. The Board of County Commissioners should give preference to post consumer waste recycled material content paper and packaging materials wherever possible.
- b. Copier, high grade and computer paper should specify a recycling content and be suitable for two-side printing where applicable.
- c. All landscaping/grounds keeping supplies and materials should be of recycled material wherever appropriate.
- d. Purchase of equipment and machinery should have the ability to utilize recycled products, be energy efficient, and be a low waste generator (e.g., double sided copiers and laser printers).
- e. Printed papers, including official stationary, should utilize recycled paper and non-metallic inks where appropriate.
- f. In the following categories, the Board of County Commissioners should purchase recycled content products which in turn are recyclable:
 - (1) Paper (all types – high grade, computer, corrugated, etc.);
 - (2) Paper products (e.g., unbleached tissues and hand towels);
 - (3) Aluminum products;
 - (4) Scrap metal products;
 - (5) Plastics;
 - (6) Oils (lubrication included);
 - (7) Antifreeze;
 - (8) Batteries;
 - (9) Road base materials;
 - (10) Laser printer cartridges; and,
 - (11) Roofing materials.
- g. All Departments should make every effort to choose products found to be less hazardous and polluting such as:
 - (1) Non-oil based paints and stains;
 - (2) Non-metallic inks; and,
 - (3) CFC-free sprays.

4. General Recycling:

- a. It is requested that all personnel source separate their recyclable materials and place them in appropriate recycling containers.
- b. Recycling bins (rolling recycling carts/recycling barrels) have been conveniently located at central points throughout County facilities for staff, contractors and visitors. These containers are marked denoting the type of materials accepted in each container. Administrative personnel should consider smaller fiber collection bins at their respective workstations to assist in recycling efforts.
- c. Recycling containers will be monitored by supervisory staff for evidence of contamination (e.g., recyclables in the wrong container, or unacceptable materials). Contamination of recyclables by unaccepted materials, or "outthrows," drive up recycling processing costs by rendering fiber materials unusable and increasing the labor involved in sorting materials.
- d. The following materials are currently accepted as recyclable material in the office recycling program:
 - (1) Aluminum cans;
 - (2) Cardboard, paperboard (e.g. cereal boxes);
 - (3) Newspaper (and inserts);
 - (4) Plastic containers #1 through #7; and,
 - (5) Mixed paper - which includes: white and colored paper, computer print out (impact or laser), copy paper, fax paper, carbonless forms, envelopes with or without windows, manila file folders, laser printer paper, plain brown kraft paper (e.g. paper bags), unwanted mail, magazines, catalogs, and phone books. Please do **NOT** include: plastic or wax coated paper, carbon paper, Styrofoam or plastic packing material, hardback books, or overnight envelopes.

D. General Information

For further information concerning this policy please visit Department of Solid Waste Management website or contact us at 937-2160.

Committee of the Whole

4.

Meeting Date: 11/09/2017

Issue: Contractor Competency Board Composition Ordinance

From: Bobbie Ellis-Wiggins, Assistant County Attorney

Information

Recommendation:

Contractor Competency Board Composition Ordinance

(Alison Rogers - 15 min)

A. Board Discussion

B. Board Direction

Attachments

Draft Ordinance

45 **WHEREAS**, the Board of County Commissioners further finds that amending
46 Section 18-56(a) serves an important public purpose and advances the public health,
47 safety, and welfare of the citizens of Escambia County.

48
49 **NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY**
50 **COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**

51
52 **SECTION 1.** Chapter 18, Article II, Division 2, Section 18-56(a) of the Escambia County
53 Code of Ordinances is hereby amended to read as follows (words underlined are
54 additions and words ~~stricken~~ are deletions):

55
56 **Sec. 18-56. – Contractor competency board.**

57
58 (a) The county contractor competency board is hereby authorized to perform the duties
59 set forth in this article. The contractor competency board shall consist of nine
60 members who are residents of Escambia County appointed by the board of county
61 commissioners and shall include: at least one Division One contractor as follows: a
62 (general contractor, a building contractor, or residential contractor), at least one
63 Division Two contractor (a roofing contractor, an air-conditioning contractor, or a
64 mechanical contractor, a swimming pool/spa contractor, or a master plumber), an
65 architect, or engineer, at least one or business person whenever practical, and two
66 three lay consumer members. Such lay consumer members shall are not at the time
67 of appointment be, and shall have never been previously been, a member or
68 practitioner of a profession regulated by the board or a member of any closely
69 related profession. The county attorney shall be advisor to the contractor
70 competency board. The building official, or his designee shall be the ex officio
71 secretary to the contractor competency board. As used herein, the term “member
72 of any closely related profession” includes but is not limited to carpenters, painters,
73 certified building inspectors, commercial construction supervisors, interior
74 designers/decorators, fencers, landscapers, building material suppliers, and
75 construction quality managers.

76
77 **SECTION 2. Severability.**

78
79 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
80 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
81 affect the validity of the remaining portions of this Ordinance.

82
83 **SECTION 3. Inclusion in Code.**

84
85 It is the intention of the Board of County Commissioners that the provisions of this
86 Ordinance shall be codified as required by Section 125.68, Fla. Stat. (2016); and that the
87 sections, subsections and other provisions of this Ordinance may be renumbered or
88 relettered and the word “ordinance” may be changed to “section,” “article,” or such other
89 appropriate word or phrase in order to accomplish such intentions.

91 **SECTION 4. Effective Date.**

92
93 This Ordinance shall become effective upon filing with the Department of State.

94
95
96 DONE AND ENACTED this ____ day of _____, 2017.

97
98 **BOARD OF COUNTY COMMISSIONERS**
99 **ESCAMBIA COUNTY, FLORIDA**

100
101 By: _____
102 **D. B. Underhill, Chairman**

103 **ATTEST: PAM CHILDERS**
104 **Clerk of the Circuit Court**

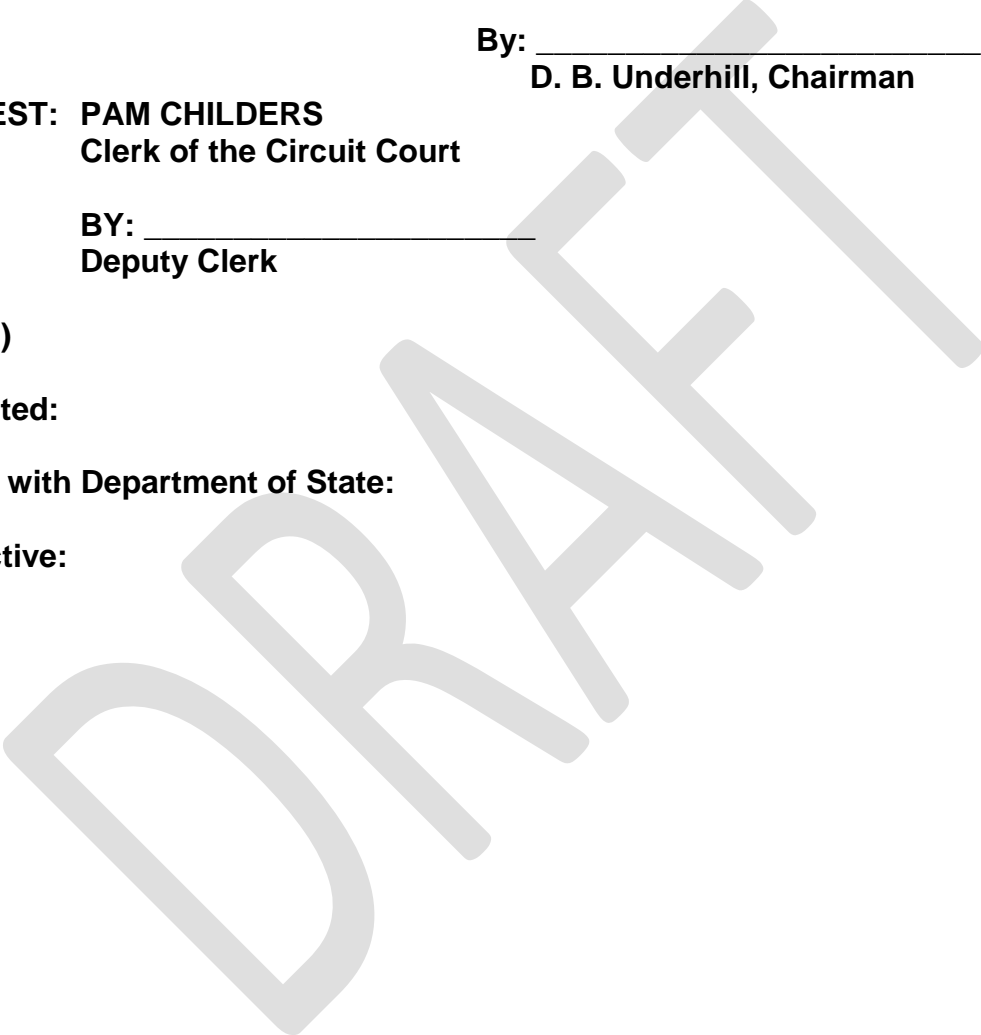
105
106 **BY: _____**
107 **Deputy Clerk**

108
109 **(Seal)**

110
111 **Enacted:**

112
113 **Filed with Department of State:**

114
115 **Effective:**



Committee of the Whole

5.

Meeting Date: 11/09/2017

Issue: Perdido Key Habitat Conservation Plan Implementation Discussion

From: Chips Kirschenfeld, Director

Information

Recommendation:

Perdido Key Habitat Conservation Plan Implementation Discussion

(Timothy Day - 15 min)

A. Board Discussion

B. Board Direction

Attachments

HCP implementation



Perdido Key Habitat Conservation Plan Implementation

COW 11/9/2017

Background

1985 - Perdido Key beach mouse federally listed

2004 – USFWS trapped a mouse on inland private property

Federal permit process takes 3-7 years to complete

2005 – Intergovernmental Agreement between FWS, FWC, and Escambia County to streamline permitting

2007- Contracted with Atkins to develop a Habitat Conservation Plan (HCP)

2011 – Plan submitted to FWS

2014 – Plan approved by FWS

Present – 57 development permits have been issued

Permit Summary

Anticipates a 30 year buildout

Allows for 66 acres of development in habitat

Allocates 11 acres every 5 years and restricted by zoning category

Mitigation formula

-
-

Covers impacts to beach mice, sea turtles, shore birds

Encourages clustering of development footprint

Opt out clause that allows landowners to work directly with FWS

Implementation

Remaining “Take”

Zoning / Acreage Remaining

LDR-PK – out

MDR-PK – 0.367 acres

HDR-PK – out

PR-PK – 2.44 acres

C-1-PK – 0.9 acres

CC-PK – 1.4 acres

CG-PK - out

To provide for a predictable transition between 5-year intervals, staff recommends setting up a queue similar to the density queue utilized through 2006

Additional permits available
November 2019

Direction

Commercial / Multifamily

- A. Development Order required
- B. Process permits in the order that Development Orders (DO) issued
- C. Collect HCP mitigation at DO or at time of development?
- D. Refundable if development does not build?

Single-Family on Existing Lot

- A. Permit footprint of home without building plans (current practice)
- B. No requirement regarding how long permit may be held prior to building
- C. Require house plans at the time of permit issuance?

Committee of the Whole

6.

Meeting Date: 11/09/2017

Issue: New Sign Ordinance

From: Horace Jones, Director

Information

Recommendation:

New Sign Ordinance

(Horace Jones/Griffin Vickery - 15 min)

A. Board Discussion

B. Board Direction

Attachments

Draft Ordinance

Exhibit A to Draft Ordinance

1 **WHEREAS**, the current sign regulations of the Escambia County Land
2 Development Code are out-of-date and contain numerous content-based distinctions
3 among signs and other deficiencies;

4 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
5 **COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**

6
7 **Section 1.** Part III of the Escambia County Code of Ordinances, the Land
8 Development Code of Escambia County, Chapter 3, Zoning Regulations, Article 3,
9 Overlay Districts, is hereby amended as follows (words underlined are additions and
10 words ~~stricken~~ are deletions):

11 **Sec. 3-3.3 Barrancas Overlay (Barr-OL).**

12 **(f) Site and building requirements.** Site and building requirements vary by location
13 within the Barr-OL district.

14 **(4) Within WMU area.** The following requirements apply within the waterfront
15 mixed-use (WMU) area:

16 **a. Structure height.** A maximum structure height of 100 feet above highest
17 adjacent grade.

18 **b. Structure setbacks.** For all principal structures, minimum setbacks of ten
19 feet on each side, including any group of attached townhouses. For
20 structures exceeding 35 feet above highest adjacent grade, an additional two
21 feet for each additional 10 feet in height.

22 Front porches, stoops, and balconies that extend beyond the primary building
23 plane may encroach to within five feet of the property line. Steps leading to a
24 front porch or stoop may encroach further, but not beyond the property line or
25 onto public sidewalks.

26 Front and side setback lines should be consistent with adjacent structures.

27 Where setback lines are not clearly established, buildings shall be built to
28 within 10 feet of property lines.

29 **c. Building orientation.** Buildings shall be oriented so that the principal facade
30 is parallel or nearly parallel to the streets they face. On corner sites, buildings
31 shall occupy the corner.

32 **d. Entry.** Walkways separate from driveways shall lead to front doors where
33 practical.

34 **e. Parking.** Parking and other non-habitable areas may comprise the first two
35 floors of a mixed-use structure. Off-street parking areas shall be connected
36 by walkways to the buildings they serve and comply with the following:

37 **1. Residential.** Parking for residential uses shall be located in the rear yard
38 or within a garage. Any front facing attached garage shall be set back at

1 least 10 feet from the primary front facade and not exceed 25 percent of
2 that façade if the lot width is greater than 40 feet.

3 **2. Parking structures.** Access to parking structures shall be limited to the
4 side or rear of the structures and their street facades shall be concealed
5 by liner buildings or be screened so as to provide the appearance of being
6 an occupied use; i.e., with articulated building fronts, windows, etc.

7 **f. Screening.** All service and loading areas and outdoor storage shall be
8 entirely screened from off-site view by opaque fencing consisting of chain link
9 fence with slats or privacy fence of wood, PVC, or vinyl, or by concrete or
10 stucco walls.

11 **g. Signs.** Site signage is limited to one freestanding monument sign per
12 development parcel, scaled primarily for pedestrians, and not to exceed 100
13 square feet in area and 12 feet in height, except for multi-tenant development
14 where the sign may be up to 300 square feet. Sign colors, materials, and
15 lighting shall avoid adverse visual impacts on surrounding properties. Wall
16 signs shall not obstruct design details, windows, or cornices of the buildings
17 to which they are attached. ~~For individual tenants in a multi-tenant~~
18 ~~development, wall signs shall not exceed 20 square feet per sign.~~

19 **h. Resource protection.**

20 **1. Natural features.** Natural features shall be protected and integrated into
21 site design and development where possible.

22 **2. Shorelines.** Natural vegetated shoreline erosion control solutions shall be
23 implemented where there is a high likelihood of success and
24 effectiveness. County evaluation of shoreline protection shall consider
25 bathymetry, wave climate, sediment quality, and adjacent and surrounding
26 shorelines.

27 **3. Septic tanks.** If septic tanks are permitted they shall be located at least
28 100 feet from the mean high water line (MHWL) of the bayou.

29 **i. Dock materials.** All docks, bulkheads, and seawalls constructed of treated
30 wood products should use products registered for marine use by the U.S.
31 Environmental Protection Agency or the Florida Department of Agriculture
32 and Consumer Services. Other recommended materials include concrete,
33 coated steel, recycled plastic, PVC, vinyl, and fiberglass.

34 **Sec. 3-3.4 Brownsville Overlay (Brn-OL).**

35 **(e) Site and building requirements.** The following site and building requirements
36 apply only to non-residential uses within the Brn-OL district:

37 **(1) Structure height.** No structure height shall exceed 45 feet above highest
38 adjacent grade. Any lower height required by use or underlying zoning district
39 shall govern.

1 **(2) Materials and detailing.** New structures, additions, and renovations shall use
2 materials and detailing that maintain the distinct character and harmony of the
3 redevelopment district. Vinyl or metal siding is prohibited on the primary facades
4 of buildings adjacent to public rights-of-way. Accessory structures shall use the
5 same or similar materials, color, and style of the primary structure's façade if
6 visible from a public way.

7 **(3) Setbacks.** New construction along Mobile Highway or Cervantes Street shall be
8 set back a distance similar to that of adjacent buildings unless customer parking
9 is provided adjacent to the street in support of CPTED principles. Exceptions
10 may be granted if the setback is pedestrian oriented and contributes to the
11 quality and character of the streetscape.

12 **(4) Facades.**

13 **a. Front facades.** Front building facades more than 80 feet in width shall be
14 divided into increments by changes in materials, bay windows, wall offsets, or
15 similar methods.

16 **b. Rear façade.** A minimum of 15 feet of a building's rear façade facing a public
17 right of way, parking area, or open space shall consist of transparent
18 materials, not including reflective glass.

19 **(5) Natural features.** Natural features shall be protected and integrated into site
20 design and development where possible.

21 **(6) Signs.** Site signage is limited to one freestanding monument sign per
22 development parcel, scaled primarily for pedestrians, and not to exceed 100
23 square feet in area and 12 feet in height, except for multi-tenant development
24 where the sign may be up to 300 square feet. Sign colors, materials, and lighting
25 shall avoid adverse visual impacts on surrounding properties. Wall signs shall
26 not obstruct design details, windows, or cornices of the buildings to which they
27 are attached. ~~For individual tenants in a multi-tenant development, wall signs~~
28 ~~shall not exceed 20 square feet per sign.~~

29 **(7) Lighting.** Lighting should serve to illuminate facades, entrances, and signage to
30 provide an adequate level of personal safety while enhancing the aesthetic
31 appeal of the buildings. Building and signage lighting must be indirect, with the
32 light source hidden from direct pedestrian and motorist view.

33 **(8) Parking.** Off-street parking shall be located in the rear. If the lot orientation
34 cannot accommodate adequate rear parking, parking may be located on the side.

35 **(9) Buffers and screening of outdoor storage.** All outside storage shall be
36 screened from public view. The screening shall use the same materials, color,
37 and style as the primary building for architectural compatibility with the primary
38 building. If the outside storage area is separate from the building it serves the
39 following shall apply:

- 1 **a. Type.** Only fences constructed of legitimate fencing materials (may or may
2 not be opaque) or masonry, concrete or stucco walls may supplement buffers.
3 Specifically, garage doors and sheets of roofing material do not qualify for
4 fencing or wall materials.
- 5 **b. Screening of outdoor storage.** Opaque fencing shall mean chain link fence
6 with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot
7 concrete or stucco wall may also be used to screen outdoor storage.

8 **Sec. 3-3.5 Englewood Overlay (Eng-OL).**

9 **(e) Non-residential site and building requirements.** The following non-residential
10 site and building requirements apply within the Eng-OL district.

11 **(1) Structure height.** New or redeveloped buildings, or building additions, shall
12 complement the existing pattern of building heights. No structure shall exceed
13 45 feet in height and any lower height required by the underlying zoning district
14 shall govern.

15 **(2) Materials and detailing.** New structures, additions and renovations shall be
16 constructed to be long-lasting and use materials and detailing that maintain the
17 distinct character and harmony of the Englewood Community Redevelopment
18 District. Vinyl or metal siding is prohibited on the primary facades of buildings
19 adjacent to public rights-of-way. All accessory structures shall use the same
20 materials, color, and/or style of the primary façade if visible from a public way.

21 **(3) Setbacks.** New construction shall be set back a distance similar to that of
22 adjacent buildings unless customer parking is provided adjacent to the street in
23 support of CPTED principles. Exceptions may be granted if the setback is
24 pedestrian oriented and contributes to the quality and character of the
25 streetscape.

26 **(4) Facades.**

27 **a. Front facades.** A front building facade more than 80 feet in width shall be
28 divided into increments by changes in materials, bay windows, wall offsets, or
29 similar methods.

30 **b. Rear façades.** A minimum of 15 feet of a building's rear façade facing a
31 public right of way, parking area, or open space shall consist of transparent
32 materials, not including reflective glass.

33 **(5) Natural features.** Natural features shall be protected and integrated into site
34 design and development where possible. The applicant shall demonstrate how
35 the development protects and incorporates existing vegetation.

36 **(6) Landscaping.** Water conservation is encouraged through proper landscape
37 plant selection, installation and maintenance practices. Native plant species are
38 required. All non-residential development applications shall include a landscape
39 plan as part of compliance review. The plan shall include the areas of natural

1 vegetation to be protected, location and species of all plants to be installed, and
2 an irrigation plan

3 **(7) Signs.** Site signage is limited to one freestanding monument sign per
4 development parcel, scaled primarily for pedestrians, and not to exceed 100
5 square feet in area and 12 feet in height, except for multi-tenant development
6 where the sign may be up to 300 square feet. Sign colors, materials, and lighting
7 shall avoid adverse visual impacts on surrounding properties. Wall signs shall
8 not obstruct design details, windows, or cornices of the buildings to which they
9 are attached. ~~For individual tenants in a multi-tenant development, wall signs~~
10 ~~shall not exceed 20 square feet per sign.~~

11 **(8) Lighting.** Lighting in the overlay district should serve to illuminate facades,
12 entrances and signage to provide an adequate level of personal safety while
13 enhancing the aesthetic appeal of the buildings. Building and signage lighting
14 must be indirect, with the light source hidden from direct pedestrian and motorist
15 view.

16 **(9) Parking.** Parking in the overlay district must adequately serve the users without
17 detracting from the compact design that makes it a successful commercial
18 center. Off-street parking must be located in the rear. If the lot orientation
19 cannot accommodate adequate rear parking, parking on the side may be
20 permitted.

21 **(10) Buffers and screening of outdoor storage.** All outside storage must be
22 screened from public view. The screening must use the same materials, color,
23 and/or style as the primary building for architectural compatibility with the primary
24 building and the building it is adjacent to. If the outside storage area is separate
25 from the building it serves the following shall apply:

26 **a. Type.** Only fences constructed of legitimate fencing materials (may or may
27 not be opaque) or masonry, concrete or stucco walls may supplement buffers.
28 Specifically, garage doors and sheets of roofing material do not qualify for
29 fencing or wall materials.

30 **b. Screening of outdoor storage.** Opaque fencing shall mean chain link fence
31 with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot
32 concrete or stucco wall may also be used to screen outdoor storage.

33 **Sec. 3-3.6 Palafox Overlay (Pfox-OL).**

34 **(e) Non-residential site and building requirements.** The following non-residential
35 site and building requirements apply within the Pfox-OL district

36 **(1) Structure height.** New or redeveloped buildings, or building additions, shall
37 complement the existing pattern of building heights. No structure shall exceed
38 45 feet in height and any lower height required by the underlying zoning district
39 shall govern.

- 1 **(2) Materials and detailing.** New structures, additions and renovations shall be
2 constructed to be long-lasting and use materials and detailing that maintain the
3 distinct character and harmony of the Palafox Community Redevelopment
4 District. Vinyl or metal siding is prohibited on the primary facades of buildings
5 adjacent to public rights-of-way. All accessory structures shall use the same
6 materials, color, and/or style of the primary façade if visible from a public way.
- 7 **(3) Setbacks.** New construction shall be set back a distance similar to that of
8 adjacent buildings unless customer parking is provided adjacent to the street in
9 support of CPTED principles. Exceptions may be granted if the setback is
10 pedestrian oriented and contributes to the quality and character of the
11 streetscape.
- 12 **(4) Facades.**
- 13 a. **Front facades.** A front building facade more than 80 feet in width shall be
14 divided into increments by changes in materials, bay windows, wall offsets, or
15 similar methods.
- 16 b. **Rear façade.** A minimum of 15 feet of a building’s rear façade facing a public
17 right of way, parking area, or open space shall consist of transparent
18 materials, not including reflective glass.
- 19 **(5) Natural features.** Natural features shall be protected and integrated into site
20 design and development where possible. The applicant shall demonstrate how
21 the development protects and incorporates existing vegetation.
- 22 **(6) Landscaping.** Water conservation is encouraged through proper landscape
23 plant selection, installation and maintenance practices. Native plant species are
24 required. All non-residential development applications shall include a landscape
25 plan as part of compliance review. The plan shall include the areas of natural
26 vegetation to be protected, location and species of all plants to be installed, and
27 an irrigation plan.
- 28 **(7) Signs.** Site signage is limited to one freestanding monument sign per
29 development parcel, scaled primarily for pedestrians, and not to exceed 100
30 square feet in area and 12 feet in height, except for multi-tenant development
31 where the sign may be up to 300 square feet. Sign colors, materials, and lighting
32 shall avoid adverse visual impacts on surrounding properties. Wall signs shall
33 not obstruct design details, windows, or cornices of the buildings to which they
34 are attached. ~~For individual tenants in a multi-tenant development, wall signs~~
35 ~~shall not exceed 20 square feet per sign.~~
- 36 **(8) Lighting.** Lighting in the overlay district should serve to illuminate facades,
37 entrances and signage to provide an adequate level of personal safety while
38 enhancing the aesthetic appeal of the buildings. Building and signage lighting
39 must be indirect, with the light source hidden from direct pedestrian and motorist
40 view.

1 **(9) Parking.** Parking in the overlay district must adequately serve the users without
2 detracting from the compact design that makes it a successful commercial
3 center. Off-street parking must be located in the rear. If the lot orientation
4 cannot accommodate adequate rear parking, parking on the side would then be
5 permitted.

6 **(10) Buffers and screening of outdoor storage.** All outside storage must be
7 screened from public view. The screening must use the same materials, color,
8 and/or style as the primary building for architectural compatibility with the primary
9 building and the building it is adjacent to. If the outside storage area is separate
10 from the building it serves the following shall apply:

11 **a. Type.** Only fences constructed of legitimate fencing materials (may or may
12 not be opaque) or masonry, concrete or stucco walls may supplement buffers.
13 Specifically, garage doors and sheets of roofing material do not qualify for
14 fencing or wall materials.

15 **b. Screening of outdoor storage.** Opaque fencing shall mean chain link fence
16 with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot
17 concrete or stucco wall may also be used to screen outdoor storage.

18 **Sec. 3-3.8 Warrington Overlay (Warr-OL).**

19 **(e) Non-residential site and building requirements.** The site and building
20 requirements of non-residential uses within the Warr-OL are modified as follows:

21 **(1) Structure height.** New buildings, additions and redeveloped buildings shall
22 complement the existing pattern of building heights. No structure shall exceed
23 45 feet in height and any lower height required by the underlying zoning district
24 shall govern.

25 **(2) Setbacks.** New construction must maintain the existing alignment of facades
26 along the street front. Exceptions may be granted if the setback is pedestrian
27 oriented and contributes to the quality and character of the streetscape.

28 **(3) Materials and detailing.** New structures, additions and renovations shall be
29 constructed to be long-lasting and use materials and detailing that maintain the
30 distinct character and harmony of the Warrington Community Redevelopment
31 District. Vinyl or metal siding is prohibited on the primary facades of buildings
32 adjacent to public rights-of-way. All accessory structures shall use the same
33 materials, color, and/or style of the primary façade if visible from a public way.

34 **(4) Facades.**

35 **a. Front façade.** A front building facade more than 80 feet in width shall be
36 divided into increments by changes in materials, bay windows, wall offsets, or
37 similar methods.

1 **b. Rear façades.** A minimum of 15 feet of a building’s rear façade facing a
2 public right of way, parking area, or open space shall consist of transparent
3 materials, not including reflective glass.

4 **(5) Awnings.** Awnings are encouraged to enhance the character of Warrington while
5 providing sun protection for display windows, shelter for pedestrians, and a sign
6 panel for businesses.

7 **(6) Natural features.** Natural features shall be protected and integrated into site
8 design/development where possible. The applicant shall demonstrate how the
9 development protects and incorporates existing vegetation.

10 **(7) Landscaping.** Water conservation is encouraged through proper landscape
11 plant selection, installation and maintenance practices. Native plant species are
12 required. All non-residential development applications shall include a landscape
13 plan as part of compliance review. The plan shall include the areas of natural
14 vegetation to be protected, location and species of all plants to be installed, and
15 an irrigation plan.

16 **(8) Buffers and screening of outdoor storage.** All outside storage must be
17 screened from public view. The screening must use the same materials, color,
18 and/or style as the primary building for architectural compatibility with the primary
19 building and the building it is adjacent to. If the outside storage area is separate
20 from the building it serves the following shall apply:

21 **1. Type.** Only fences constructed of legitimate fencing materials (may or may
22 not be opaque) or masonry, concrete or stucco walls may supplement buffers.
23 Specifically, garage doors and sheets of roofing material do not qualify for
24 fencing or wall materials.

25 **2. Screening of outdoor storage.** Opaque fencing shall mean chain link fence
26 with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot
27 concrete or stucco wall may also be used to screen outdoor storage.

28 **(9) Signs.** Site signage is limited to one freestanding monument sign per
29 development parcel, scaled primarily for pedestrians, and not to exceed 100
30 square feet in area and 12 feet in height, except for multi-tenant development
31 where the sign may be up to 300 square feet. Sign colors, materials, and lighting
32 shall avoid adverse visual impacts on surrounding properties. Wall signs shall
33 not obstruct design details, windows, or cornices of the buildings to which they
34 are attached. ~~For individual tenants in a multi-tenant development, wall signs~~
35 ~~shall not exceed 20 square feet per sign.~~

36 **(10) Lighting.** Lighting in the overlay district should serve to illuminate facades
37 entrances and signage to provide an adequate level of personal safety while
38 enhancing the aesthetic appeal of the buildings. Building and signage lighting
39 must be indirect, with the light source(s) hidden from direct pedestrian and
40 motorist view.

1 (11) **Parking.** Parking in the overlay district must adequately serve the users without
2 detracting from the compact design that makes it a successful commercial
3 center. Off-street parking must be located in the rear. If the lot orientation cannot
4 accommodate adequate rear parking, parking on the side will be permitted.

5 (12) **If within HC/LI zoning.** Development within the HC/LI zoning district is subject to
6 the following design standards.

7 a. **Landscaping.** A minimum 10-foot wide landscaped strip is required on all
8 roadway frontages. The strip shall contain one tree and 10 shrubs for every
9 35 linear feet of frontage. Preservation of existing plants within the required
10 landscaped areas can be used to satisfy this requirement. Buffers required
11 adjacent to residential districts shall include a minimum of two trees and 15
12 shrubs for every 35 linear feet of required buffer length.

13 b. **Vehicular use areas.** Areas other than public rights-of-way, designed to be
14 used for parking, storage of vehicles for rent or sales, or movement of
15 vehicular traffic, shall be separated by a minimum five-foot wide landscaped
16 strip from any boundary of the property on which the vehicular use area is
17 located. The strip shall contain shrubs or ground covers with a minimum
18 mature height of 24 inches and a maximum height of 30 inches. Plant
19 material shall be spaced 18 inches to 24 inches apart, depending on mature
20 size.

21 c. **Parking lots.** Interior parking areas shall have one landscape island
22 containing at least one tree and shrubs or ground covers as per the above
23 specifications, for every eight contiguous spaces.

24 d. **Irrigation system.** An irrigation system shall be installed for all landscaped
25 areas of the site. All systems shall include rain sensors and all system
26 materials used shall be ASTM approved.

27 e. **Existing development.** Any change of use to a HC/LI use within the overlay
28 district must meet the above standards.

29
30 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land
31 Development Code of Escambia County, Chapter 4, Location and Use Regulations,
32 Article 7, Supplemental Use Regulations, is hereby amended as follows (words
33 underlined are additions and words ~~stricken~~ are deletions):

34 **Article 7 Supplemental Use Regulations.**

35 **Sec. 4-7.3 Accessory uses and structures.**

36 **(b) Specific uses and structures.**

37 **(7) Home occupations and home-based businesses.** Home occupations and
38 home-based businesses are limited to the residents of a dwelling unit other than
39 a manufactured (mobile) home, and allowed only as ~~an~~ accessory uses to the

1 residential uses. A home occupation, or employment at home, is allowed
2 wherever the host dwelling unit is allowed, but shall generally be unnoticeable to
3 adjoining land uses. A home-based business, which is at a greater scale or
4 intensity than a home occupation, is limited to the rural zoning districts (Agr, RR,
5 RMU) and only allowed if impacts to adjoining land uses are minimal. Home
6 occupations and home-based businesses shall comply with each of the following
7 requirements:

- 8 **a. Licenses.** All required business, professional, or occupational licenses are
9 obtained prior to commencement of the occupation or business and are
10 maintained for the duration of the activity.
- 11 **b. Exterior evidence.** For home occupations, there is no evidence visible from
12 outside of the dwelling or accessory building that any part of a building is
13 utilized for an occupation. For home-based businesses, any evidence visible
14 from outside of the dwelling or accessory building that any part of a building is
15 utilized for a business is minimal. Such exterior evidence includes any
16 storage, ~~or display, or signage~~ associated with the occupation or business.
17 ~~Signage is~~ are limited for both uses ~~according to~~ as prescribed by the
18 outdoor signage provisions in Article 8 of Chapter 5.
- 19 **c. Off-site impacts.** Occupations or business activities shall not create
20 nuisances or adverse off-site impacts, including but not limited to noise,
21 vibration, smoke, dust or other particulates, odors, heat, light or glare, or
22 electromagnetic interference. In a residential neighborhood, no activities are
23 allowed to alter the character of the neighborhood.
- 24 **d. Structural alterations.** No structural alterations are made that would be
25 inconsistent with the use of the dwelling exclusively as a residence or that
26 would not customarily be associated with dwellings or their accessory
27 buildings.
- 28 **e. Employees.** Employment in a home occupation is limited to residents of the
29 dwelling unit unless the applicable zoning district allows BOA conditional use
30 approval of non-resident employees. Employment in a home-based business
31 may include no more than two non-resident employees.
- 32 **f. Customers.** No customers shall visit the house and there shall not be any
33 additional traffic or an increase in demand for parking due to trucks or other
34 service vehicles coming to the house.
- 35 **g. Motor vehicles.** The manufacture or repair of motor vehicles or other
36 transportation equipment is prohibited.

37
38 **Section 3.** Part III of the Escambia County Code of Ordinances, the Land
39 Development Code of Escambia County, Chapter 5, General Development Standards,
40 Article 8, Signs, is hereby repealed in its entirety and replaced as shown in the attached
41 Exhibit A.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

Section 4. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 6, Definitions, is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

Sec. 6-0.3 Terms defined.

As used within the LDC, the following terms have the meanings established here:

-A-

~~*Abandoned sign.* Any sign face which advertises a business no longer conducted or product no longer sold. In making the determination that a sign advertises a business no longer being conducted, the enforcement official shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises and relocation of the business. An abandoned sign is prohibited and shall be removed by the owner of the premises when there is a lack of maintenance or sign faces are missing, or as otherwise provided for in this article.~~

~~Any sign structure which has not been used for business purposes for over 90 days, and is nonconforming as to existing codes regarding height, setback or maintenance.~~

~~Any previously permitted portable or temporary sign for which the permit has expired.~~

~~*Awning, canopy or marquee sign.* A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by county ordinance. The sign shall not project above, below or beyond the awning, canopy or marquee.~~

-B-

~~*Banner sign.* Any sign with characters, letters, illustrations or ornamentation applied to cloth, paper, flexible plastic or fabric of any kind that is not permanently attached to a solid backing of wood, plastic, metal, masonry, or similar rigid material. Maximum size allowed is 60 square feet.~~

~~*Billboard.* See "Off-premises sign."~~

~~*Bulletin board/directory sign.* A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization or the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.~~

-C-

~~*Changeable copy sign.* A sign that is designed so that characters, letters, or illustrations can be manually changed or rearranged without altering the face or surface of the sign.~~

~~*Community Redevelopment Area (CRA) Gateway Sign.* A sign located within the right-of-way providing the name, location, and direction of the CRA.~~

1 ~~Construction sign.~~ A temporary sign erected on the premises on which construction is
2 taking place, during the period of such construction, indicating the names of the
3 architects, engineers, landscape architects, contractors or similar artisans, and the
4 owners, financial supporters, sponsors, and similar individuals or firms having a role or
5 interest with respect to the structure or project.

6 **-D-**

7 ~~Directional sign.~~ See "Informational sign."

8 **-E-**

9 ~~Electronic message center sign.~~ A sign that is a computerized, programmable
10 electronic visual communications device capable of storing and displaying multiple
11 messages in various formats at varying intervals for periods lasting at least five
12 seconds.

13 **-F-**

14 ~~Facade sign.~~ See "Wall sign."

15 ~~Flashing sign.~~ A sign exhibiting sudden or marked changes in lighting intensity lasting
16 in duration for periods of less than five seconds.

17 ~~Freestanding pole sign.~~ A freestanding sign that is mounted on a free standing pole or
18 other similar support so that the bottom edge of the sign face is 9 1/2 feet or more
19 above grade.

20 ~~Freestanding sign.~~ Any nonmovable sign not affixed to a building. May be either a
21 ground sign or a pole sign. Any sign that stands on its own, not attached to a building,
22 including pole and monument signs, and portable signs.

23 **-G-**

24 ~~Governmental sign.~~ A sign erected and maintained pursuant to and in discharge of any
25 governmental function, or required by law, ordinance or other governmental regulation.

26 ~~Ground sign.~~ Any freestanding sign, other than a pole sign, placed upon or supported
27 by the ground independent of any other structure; a monument sign.

28 **-H-**

29 ~~Historic sign.~~ Any sign officially designated historic by the appropriate federal, state or
30 local historic entity or otherwise considered to be a local landmark by the board of
31 adjustment.

32 ~~Holiday decorations.~~ Temporary signs and decorations, clearly incidental to, and
33 customarily and commonly associated with, any national, local or religious holiday.

34 **-I-**

35 ~~Identification sign.~~ A sign giving the name, and/or address of a building, business
36 development or establishment on the premises where it is located. Also known as name
37 plate sign.

1 ~~*Illuminated sign.* A sign lighted by or exposed to artificial lighting either by lights on, or~~
2 ~~in the sign, or directed towards the sign.~~

3 ~~*Informational sign.* An on-premises sign commonly associated with, but not limited to,~~
4 ~~information and directions necessary or convenient for visitors coming on the property,~~
5 ~~including signs marking entrances and exits, parking areas, circulation direction, rest~~
6 ~~rooms, and pickup and delivery areas. Also known as a directional sign.~~

7 ~~-M-~~

8 ~~*Moving or animated sign.* Any sign or part of a sign which changes physical position by~~
9 ~~any movement or rotation.~~

10 ~~*Multi-faced sign.* A sign composed of sections which rotate to display a series of~~
11 ~~advertisements, each advertisement being displayed for at least five seconds~~
12 ~~continuously without movement and the movement of the sections between displays~~
13 ~~being not more than two seconds.~~

14 ~~-N-~~

15 ~~*Name plate sign.* See "Identification sign."~~

16 ~~*Nonconforming sign.* A sign which is lawfully erected but which does not comply with~~
17 ~~the land use, setback, size, spacing, and lighting provisions of this article or a sign~~
18 ~~which was lawfully erected but which now fails to comply with this article due to~~
19 ~~changed conditions.~~

20 ~~-O-~~

21 ~~*Off-premises sign or billboard.* A sign which directs attention to a business, commodity,~~
22 ~~service or entertainment conducted, sold or offered at a location other than the~~
23 ~~premises on which the sign is located.~~

24 ~~*On-premises sign.* A sign that identifies only goods, services, facilities, events or~~
25 ~~attractions available on the premises where the sign is located.~~

26 ~~-P-~~

27 ~~*Political sign.* A temporary sign announcing or supporting political candidates or issues~~
28 ~~in connection with any national, state, or local election.~~

29 ~~*Portable sign.* Any sign not permanently attached to the ground or other permanent~~
30 ~~structure, or a sign designed to be transported, including, but not limited to, signs~~
31 ~~designed to be transported by means of wheels; including such signs even though the~~
32 ~~wheels may be removed and the remaining chassis or support structure converted to A-~~
33 ~~frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas~~
34 ~~used for advertising unless part of an outdoor restaurant; and signs attached to or~~
35 ~~painted on vehicles parked and visible from the public right-of-way, unless said vehicle~~
36 ~~is used in the normal day-to-day operations of business, the sign area is less than two~~
37 ~~square feet per side and there is no reasonable alternative storage space.~~

38 ~~*Projecting sign.* A sign that is wholly or partly dependent upon a building for support~~
39 ~~and which projects more than 24 inches from such building.~~

1 -Q & R-

2 ~~*Real estate sign.* A sign pertaining to the sale or lease of the premises, or a portion of~~
3 ~~the premises, in which the sign is located.~~

4 ~~*Roof sign.* A sign that is mounted on the roof of a building or which is wholly dependent~~
5 ~~upon a building for support and which projects above the point of a building with a flat~~
6 ~~roof, the eave line of a building with a gambrel, gable or hip roof of the deck line of a~~
7 ~~building with a mansard roof.~~

8 -S-

9 *Sign.* Any object, device, display, or structure, or part thereof, which is positioned and
10 used to advertise, identify, announce, direct or attract attention, or otherwise visually
11 communicate a message outdoors using words, letters, numbers numerals, emblems,
12 figures, symbols, pictures, or other images message elements. Signs are more
13 specifically defined by type and character form and use in the outdoor signage standards
14 of Chapter 5.

15 ~~*Sign area.* The surface area of a sign shall be computed as including the entire area~~
16 ~~within the smallest rectangle, triangle, circle or other regular geometric form, or~~
17 ~~aggregates thereof, encompassing all of the display area of the sign and including all of~~
18 ~~the elements of the matter displayed. Base, apron, supports and other structural~~
19 ~~members not bearing advertising matter shall not be included in computation of surface~~
20 ~~area. Border or trim shall be included in computation of surface area. One side only of a~~
21 ~~double-sided sign shall be used in computing sign area where they are placed back to~~
22 ~~back on a single sign structure and are at no point more than three feet apart.~~

23 ~~*Sign face.* The area or display surface used for the message.~~

24 ~~*Sign triangle.* See visual clearance section of landscaping provisions.~~

25 -W-

26 ~~*Wall sign.* A sign fastened to or painted on the wall of a building or structure in such a~~
27 ~~manner that the wall becomes the supporting structure for, or forms the background~~
28 ~~surface of the sign and which does not project more than 24 inches from such building~~
29 ~~or structure. Also, a sign mounted on the fascia or sloped roof surface which does not~~
30 ~~extend above the elevation of the ridge or roof line nor project more than 48 inches from~~
31 ~~the roof or fascia surface. A sign that is attached to or painted on the exterior wall of a~~
32 ~~building in such a manner that the wall is the supporting structure for the sign or forms~~
33 ~~the background surface of the sign. For the allocation of sign area and other purposes~~
34 ~~of the LDC, wall signs include awning, canopy, fascia, marquee, roof, and window~~
35 ~~signs.~~

36 ~~*Wayfinding Signs.* A sign located within the right-of-way providing the name, location,~~
37 ~~and direction to a public or private place.~~

38 ~~*Window sign.* A sign that is applied or attached to the exterior or interior of a window or~~
39 ~~located in such manner within a building that it can be seen from the exterior of the~~
40 ~~structure through a window.~~

1 **-X, Y & Z-**

2 ~~Zone lot. A parcel of land in single ownership, or parcel of contiguous properties,~~
3 ~~existing as a unified or coordinated project, that is of sufficient size to meet minimum~~
4 ~~zoning requirements for area, coverage, and uses, and that can provide such yards and~~
5 ~~other open spaces as required by the land development code.~~

6
7 **Section 5. Severability.**

8 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
9 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
10 affect the validity of the remaining portions of this Ordinance.

11
12 **Section 6. Inclusion in Code.** It is the intention of the Board of County
13 Commissioners that the provisions of this Ordinance shall be codified as required by
14 F.S. § 125.68 (2016); and that the sections, subsections and other provisions of this
15 Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed
16 to "section," "chapter," or such other appropriate word or phrase in order to accomplish
17 such intentions.

18
19 **Section 7. Effective Date.**

20 This Ordinance shall become effective upon filing with the Department of State.

21
22 **DONE AND ENACTED** this _____ day of _____, 2017.

23
24 **BOARD OF COUNTY COMMISSIONERS**
25 **ESCAMBIA COUNTY, FLORIDA**

26
27 **By:** _____
28 **D. B. Underhill, Chairman**

29
30 **ATTEST: PAM CHILDERS**
31 **Clerk of the Circuit Court**

32
33 **By:** _____
34 **Deputy Clerk**

1 (SEAL)

2

3 ENACTED:

4 FILED WITH THE DEPARTMENT OF STATE:

5 EFFECTIVE DATE:

6

DRAFT

1 **Article 8 Outdoor Signs.**

2 **Sec. 5-8.1 Purpose of article.**

3 This article establishes land development standards for outdoor signs that provide
4 reasonable nondiscriminatory sign regulation through time, place, and manner of use. It
5 is the intent of these standards to protect and enhance the economic vitality and
6 physical appearance of the county as a place to live, vacation, and conduct business.
7 More specifically, this article is intended to:

- 8 **(1)** Enable the proper scale, quantity, term, and placement of signs to effectively
9 promote commerce, identify places of residence and business, and orient, direct,
10 and inform the public.
- 11 **(2)** Require that signs be adequately designed and constructed, and be removed
12 when unauthorized or inadequately maintained, to protect the public from
13 conditions of blight and the dangers of unsafe signs.
- 14 **(3)** Lessen visual confusion and hazards caused by improper height, placement,
15 illumination, or animation of signs, and assure that signs do not obstruct the view
16 of vehicles and pedestrians traveling public streets or create nuisance conditions.
- 17 **(4)** Preserve and protect the unique natural and scenic character of Pensacola
18 Beach, Perdido Key, and other designated scenic areas of the county.
- 19 **(5)** Protect the interests of sign owners in continuing to use lawfully established and
20 maintained signs while providing the community with a gradual remedy for
21 existing undesirable conditions resulting from nonconforming signs.
- 22 **(6)** Identify the established processes for compliance review, approval, and
23 permitting of signs, and the availability and processes to request variances to
24 sign standards.

25 **Sec. 5-8.2 General provisions.**

26 **(a) Sign defined.** For the purposes of this article, a sign is any object, device, display,
27 or structure, or part thereof, which is positioned and used to advertise, identify,
28 announce, direct or attract attention, or otherwise visually communicate a message
29 outdoors using words, letters, numbers, emblems, figures, symbols, pictures, or
30 other message elements. Any surface which displays such elements is a sign face.

31 **(b) Permits required.** Unless specifically authorized in this article by an exemption
32 from permitting, no person shall place, post, display, construct, alter, or relocate any
33 sign without having first obtained all necessary permits through county review and
34 approval for compliance with the standards of this article and other applicable code
35 provisions. As prescribed within the established written procedures of the Santa
36 Rosa Island Authority (SRIA), signs located on Pensacola Beach may require the
37 authorization of SRIA staff, the Architectural and Environmental Committee (AEC) of
38 the SRIA, or the SRIA board prior to county approval. The review and approval
39 process shall be as prescribed in Chapter 2 and, regardless of any exemption from

1 county permitting, all signs remain subject to article standards of design,
2 construction, and maintenance.

3 **(c) Nonconforming signs.** Lawfully established and maintained signs that no longer
4 comply with one or more current requirements of the LDC may continue as
5 nonconforming signs in use as prescribed in this section and Article 2 of Chapter 1.
6 The expansion of any nonconformance is prohibited, and when any nonconforming
7 sign is removed, destroyed, or substantially damaged, the sign may only be replaced
8 or repaired in compliance with the standards of this article. Additionally, when any
9 alteration, repair, or maintenance to a nonconforming sign within a calendar year
10 would constitute an expense of more than 50 percent of the replacement cost of the
11 sign, the sign shall be brought into compliance with the standards of this article. Any
12 alteration, repair, or maintenance within a calendar year that would constitute an
13 expense of 50 percent or less of the replacement cost shall comply with the following
14 conditions for continuing nonconformance:

15 **(1) Repairs and maintenance.** Repairs and maintenance shall be performed as
16 necessary to maintain all nonconforming signs in good repair and safe condition,
17 as they were originally authorized and without modifying their nonconformance.
18 Any such work is exempt from sign permits, but may require building permits to
19 ensure compliance with the *Florida Building Code*.

20 **(2) Alterations.** No alterations shall be made to a nonconforming sign, including
21 added or enlarged electronic message area, if any nonconformance of the sign
22 or supporting structure would remain after the alterations, except as specifically
23 authorized for the following alterations:

24 **a. Sign face.** The face of a nonconforming sign may be replaced without a
25 permit if no other alterations are made to the sign, including modifications to
26 the size or configuration of supporting cabinets or frames.

27 **b. Sign area.** Alterations to sign area, including necessary modifications to
28 supporting cabinets and frames, may be authorized by permit for a
29 freestanding sign of nonconforming height if the quantity of freestanding signs
30 on the same parcel is (or is made to be) conforming, if the resulting sign
31 height is no greater, and if the new sign area is no greater than the old sign
32 area or the current area standard, whichever is less.

33 **(3) Relocation.** If a nonconforming sign is relocated for any reason, the sign must
34 be brought into compliance with the standards of this article.

35 **(d) Variances.** Variances to the strict application of the sign quantity, area, height, and
36 sign-to-sign separation standards of this article are available only for signs that
37 require county permitting (non-exempt signs). Variances may be granted according
38 to the applicable variance conditions and review processes prescribed in Article 6 of
39 Chapter 2, but only if such modifications maintain the stated purposes of this article
40 and demonstrate the following additional technical conditions:

- 1 **(1) Impairment.** The effectiveness of conforming signage is materially impaired and
2 cannot be sufficiently corrected with reasonable conforming changes in sign
3 luminance (brightness), contrast, placement, or orientation.
- 4 **(2) Legibility.** Conforming signage cannot provide its primary audience (e.g.,
5 passing vehicles) with 30 feet or less of viewing distance per inch of sign letter
6 height (legibility index of 30 ft/in or less) when the message is limited to a
7 reasonable number of elements to be comprehended and the letter weight is
8 adequate (height to stroke width ratio no more than 5:1).
- 9 **(e) Owner responsibility.** All property owners, including leaseholders of property on
10 Pensacola Beach, are responsible for the proper permitting, placement,
11 construction, and maintenance of any signs on their property. These responsibilities
12 include compliance with all applicable provisions of the LDC and the *Florida Building*
13 *Code*, any required Florida Department of Transportation permitting for signs along
14 state maintained roads, and the timely elimination of temporary or inadequately
15 maintained signs.
- 16 **(f) Overlay districts.** In addition to the provisions of this article, signs shall comply with
17 any prohibitions, limitations, or other sign standards of applicable overlay zoning
18 districts as established in Article 3 of Chapter 3.
- 19 **(g) Enforcement.** The standards of this article shall be enforced by county code
20 enforcement officers as authorized pursuant to Chapter 30, *Code Enforcement*, Part
21 I, Escambia County Code of Ordinances. Signs located on Pensacola Beach may
22 also be subject to compliance inspection by the SRIA, which is authorized to
23 summarily remove any unauthorized signs on lands under its jurisdiction. Any party
24 or parties in violation of these standards shall be subject to notices of violation,
25 citations, and civil penalties as prescribed in Chapter 30.
- 26 **(1) Signs on public lands.** Signs of any type placed on public lands, including
27 public rights-of-way, in violation of the provisions of this article are subject to
28 removal and disposal by code enforcement officers or other county-authorized
29 personnel without notice or compensation, and such removal does not preclude
30 citations or imposition of penalties for the violation.
- 31 **(2) Unsafe signs.** If the condition of any authorized sign becomes unsafe in the
32 opinion of those authorized to enforce the provisions of this article, the owner
33 shall remove the sign or secure it in a manner complying with this article and
34 applicable building codes within 10 calendar days after receiving written notice
35 from the county. Where the danger is immediate, the condition shall be
36 corrected without delay. If the unsafe condition is not corrected within 10
37 calendar days, the county shall be authorized to correct the condition at the
38 owner's expense, including removal of the sign.

39

1 **Sec. 5-8.3 Signs defined by type and character.**

2 For the purposes of this article, signs are defined and identified as follows the following
3 ~~types~~ and may be further characterized within the standards of the article:

4 **(1) Freestanding signs.** A freestanding sign is any sign that stands on its own, not
5 attached to a building, including pole signs, and monument signs, and portable
6 signs.

7 **a. Pole signs.** A pole or pylon sign is any freestanding sign elevated above the
8 adjacent grade and mounted on one or more poles, pylons, or similar vertical
9 supports from the ground.

10 **b. Monument signs.** A monument or ground sign is any freestanding sign with
11 its entire base placed directly on the ground.

12 **c. Vehicle and other portable signs.** A portable sign is any freestanding sign
13 not permanently attached to the ground or a permanent structure, or a sign
14 designed to be transported. A vehicle or trailer sign is any sign made
15 portable by permanent or temporary attached to or placement in any manner
16 on a vehicle or trailer.

17 **(2) Wall signs.** A wall sign is any sign that is attached to or painted on the exterior
18 wall of a building in such a manner that the wall is the supporting structure for the
19 sign or forms the background surface of the sign. For the allocation of sign area
20 and other purposes of this article, wall signs include awning, canopy, fascia,
21 marquee, roof, and window signs.

22 **a. Awning, canopy, fascia or marquee signs.** An awning, canopy, fascia, or
23 marquee sign is any sign mounted or painted on, or attached to an awning,
24 canopy, fascia, or marquee respectively, but not projecting above, below, or
25 beyond the awning, canopy, fascia, or marquee.

26 **b. Roof signs.** A roof sign is any sign mounted on the roof of a building, or
27 wholly dependent on a building for support and extending above the top of the
28 wall of a flat-roofed building, above the eave line of a building with a hip,
29 gambrel, or gable roof, or the deck line of a building with a mansard roof.

30 **c. Window signs.** A window sign is any sign placed in or on a window or
31 placed within a building in such a manner that it can be viewed from the
32 outside.

33 **(3) Changeable message signs.** A changeable message sign is any sign designed
34 to allow frequent changes in its message through any of the following means:

35 **a. Manual.** A periodic manual change on the sign face, typically by
36 rearrangement of letters along horizontal tracks, by replacement of printed
37 substrates, or by redrawing, all without otherwise altering the sign.

38 **b. Mechanical.** Different messages automatically displayed intermittently on the
39 same sign face by mechanical means, as on the slatted face of a “tri-vision”

1 sign that allows three different messages to revolve and appear at intermittent
2 intervals.

3 c. **Electronic.** An electronic message display made up of internally illuminated
4 components (e.g., LEDs) controlled by a programmable electronic device
5 allowing remote or automatic display of multiple messages in various formats
6 and at varying intervals.

7 d. **Projection.** A message display created by the projection of an image onto
8 the surface of a wall, building, or other surface from a distant device.

9 **(4) Temporary signs.** A temporary sign is any sign that is authorized to be placed
10 in view for a limited period of time and required to be removed from view upon
11 expiration of the authorized time, including balloon, air-activated, and banner
12 signs. ~~Temporary signs include the following:~~

13 a. **Balloon and air activated signs.** A balloon sign is any temporary gas-
14 inflated sign and an air-activated sign is any temporary sign with one or more
15 parts given form or animation by mechanically forced air.

16 b. **Banners.** A banner is any temporary sign made of lightweight, non-rigid, and
17 typically non-durable material such as cloth, paper, or plastic, and designed to
18 be secured to a structure along two or more sides or at all corners by cords or
19 similar means, or to be supported by stakes in the ground. A banner is not a
20 wind sign.

21 **(5) Flags and other wind signs.** A wind sign is any sign designed and fashioned to
22 move when subjected to winds, including wind socks, spinners, and flags. A flag
23 is any wind sign made of fabric or other flexible material, designed to be
24 supported along one edge and typically flown from a pole or staff.

25 **(6) On-premises and off-premises signs.** An on-premises sign is any sign
26 accessory to the authorized principal use or structure on the same lot as the sign.
27 Such signs are subordinate in extent and purpose and customarily incidental to
28 the principal use or structure as prescribed by the supplemental use regulations
29 in Article 7 of Chapter 4. Any sign that is not an on-premises sign is an
30 off-premises sign.

31 **Sec. 5-8.4 Design, construction, and maintenance.**

32 Every sign, including those exempt from county review and approval, shall be designed,
33 constructed, placed, and maintained in compliance with the standards of this article and
34 applicable provisions of the *Florida Building Code*. In addition to the provisions of this
35 section, specific area, height, and quantity limits are prescribed in the further sections of
36 this article, largely by applicable zoning district, for both exempt and non-exempt, on-
37 premises and off-premises signs.

38 **(1) Sign area.** For the purposes of this article, the area of a sign is the area of the
39 smallest regular geometric shape (rectangle, triangle, circle, etc.), or simple
40 combination of such shapes, that forms or approximates the perimeter of all ~~of~~

1 ~~the~~ sign message elements and comprises the sign face. When a background to
2 the message elements is defined by a frame, outline, panel, or other border, the
3 area ~~of the background and its defining~~defined by that border is the sign area. In
4 the calculation of sign area, the Planning Official may exclude minor appendages
5 beyond the regular shape of the sign area perimeter.

6 **a. Freestanding sign area.** In the calculation of freestanding sign area, the
7 base, apron, supports, and other structural members not displaying elements
8 of a sign message are not included. For signs located on Pensacola Beach,
9 and for any non-exempt off-premises signs (billboards), when two identical
10 sign faces on the same sign structure are placed back-to-back or in a “V”
11 configuration with an internal angle behind the faces of no more than 90
12 degrees, the sign area is calculated as the area of only one face. For all
13 other locations and freestanding signs, the area of the sign is the sum of the
14 areas of the largest faces visible from any single direction. Sign faces having
15 no shared support from the same structure constitute separate signs and are
16 subject to area and other standards accordingly.

17 ~~1. **Two-sided.** The area of a two-sided sign displaying identical parallel~~
18 ~~faces no more than three feet apart, or within 45 degrees of parallel, is the~~
19 ~~area of only one side. However, for signs located on Pensacola Beach or~~
20 ~~for any non-exempt off-premises sign (billboard), if the sides are in a “V”~~
21 ~~configuration with an internal angle of no more than 90 degrees, the area~~
22 ~~is of only one side.~~

23 ~~2. **Multi-sided.** The area of a freestanding sign displaying more than two~~
24 ~~sides is the sum of the areas of all sides, except that the area of any two~~
25 ~~back-to-back faces shall be as allowed for two-sided signs.~~

26 **b. Wall sign area.** Except as provided in this article for on-premises signs
27 located on Pensacola Beach, wall sign area shall be in proportion to the
28 length of the building frontage to which the signs are attached. Similarly, wall
29 sign area for any individual tenant space within a building shall be in
30 proportion to the length of tenant frontage. For the purpose of allocating wall
31 signs, building frontage includes any building elevation facing a public street,
32 facing a parking area providing 25 percent or more of total parking for the
33 building, or containing a public entrance to the building.

34 **1. Sign background.** The architectural features of a wall do not by
35 themselves define the background area that must be included in the
36 calculation of wall sign area.

37 **2. Multiple signs.** Each building or unit may have multiple wall signs, but
38 the total wall sign area on a building or tenant frontage shall not exceed
39 the allowance for that frontage. Unused sign area on one building
40 frontage or tenant frontage is not available to any other building or tenant
41 frontage.

1 **3. Window signs.** The placement of window signs shall not obscure more
2 than 30 percent of the area of the window in or on which they are placed
3 or through which they are viewed. Window signs located on Pensacola
4 Beach must also be incorporated as part of a display of merchandise or
5 services offered and may not ~~be~~ affixed ~~be~~ to a window.

6 **(2) Sign height.** Unless otherwise noted, freestanding sign height shall be
7 measured from the highest adjacent grade at the base of the sign.

8 **(3) Sign placement.** In addition to the following placement standards, signs shall
9 maintain industry standard clearances and otherwise avoid interference with
10 utility lines and equipment:

- 11 **a. Prior authorization.** No signs shall be placed on any property without prior
12 authorization of the property owner. Signs shall not be placed on public
13 property, including public rights-of-way, or placed on private property in any
14 manner that projects or extends a sign over public property, without
15 applicable public agency authorizations and permits.
- 16 **b. View from rights-of-way.** Any prohibition-regulation in this article of sign
17 placement within view from public rights-of-way applies regardless of sign
18 legibility from such rights-of-way.
- 19 **c. Spacing.** Where spacing or separation standards apply, the distance is
20 measured in a straight line to the center of each sign unless otherwise noted.
- 21 **d. ~~Freestanding sign placement~~Conflicts.** No part of any ~~freestanding~~ sign,
22 exempt or non-exempt, on-premises or off-premises, temporary or
23 permanent, shall obstruct vision on private property along a street right-of-
24 way between three feet and nine feet above grade within 10 feet of the right-
25 of-way. Sign placement shall also ~~be in compliance~~comply with ~~the~~ sight
26 visibility ~~triangle~~ standards for driveway and street intersections of Article 5
27 and avoid conflicts with protected trees, both existing and those planted to
28 comply with county standards.
- 29 **e. Wall sign ~~placement~~projection.** Wall signs shall not project more than 24
30 inches from the supporting wall, or if mounted on a sloped roof surface, shall
31 not extend above the roof line or project more than 48 inches from the roof
32 surface.

33 **(4) Sign illumination.** Signs may be illuminated by internal or external artificial light
34 sources that comply with the following standards:

- 35 **a. Luminance.** Sign luminance, the light emitted by a sign or reflected from its
36 surface, shall not be greater than necessary to reasonably allow the sign to
37 be viewed by its primary audience (e.g., passing vehicles). Additionally, from
38 dusk until dawn no sign may exceed a maximum luminance level of 500
39 candelas per square meter (cd/m²) regardless of the source of illumination.
- 40 **b. Source and direction.** External light sources shall be directed onto sign
41 faces and effectively shielded to prevent the direct illumination of any

1 adjacent buildings or street rights-of-way. All externally illuminated signs
2 located on Pensacola Beach shall be either face-lighted by spotlights or
3 similar fixtures directing light only downward onto the sign surface, or
4 shadow-lighted by indirect concealed light sources behind opaque sign
5 elements, with no use of exposed neon.

6 **c. Glare.** Lighting shall not create excessive glare for pedestrians, motorists or
7 adjacent uses, or obstruct the view of traffic control devices or signs.

8 **d. Marine shorelines.** Along any marine shoreline, illuminated signs shall not
9 be located on the seaward or shore-perpendicular sides of any structures,
10 and sign lighting shall not directly, indirectly, or cumulatively illuminate the
11 beach. Lighting along any marine shoreline is additionally limited for natural
12 habitats as prescribed in the natural resources regulations of Chapter 4.

13 **(5) Electronic signs.** Electronic display and projected image signs shall comply
14 with the following additional standards:

15 **a. Movement.** Where authorized by the applicable zoning district, displays and
16 projected images may include dynamic messages that appear or disappear
17 through dissolve, fade, travel, or scroll modes, or similar transitions and frame
18 effects, or that have text, animated graphics or images that appear to move or
19 change in size, or are revealed sequentially, but in no way flash or pulsate.

20 **b. Display times.** Each message shall be displayed or projected for a time
21 appropriate for the intended audience, but a minimum of six consecutive
22 seconds.

23 **c. Controls.** Each sign shall include an automatic control regulating display or
24 projection brightness in compliance with the luminance standards of this
25 article, ambient light monitors to automatically adjust the brightness to
26 ambient light conditions, and a default design to turn off the sign or freeze the
27 message in one position if a malfunction of normal operation occurs.

28 **(6) Multi-tenant signage plans.** Development plans for any shopping center, office
29 park, or other multi-tenant non-residential development shall include a signage
30 master plan. The signage plan shall establish an adequate distribution among
31 tenants of the total non-exempt freestanding site sign area and placement
32 available to the development, including any assignment of electronic message
33 area. Upon county approval of the plan, non-exempt freestanding signage for
34 the entire development and its tenants shall be as prescribed by the plan,
35 regardless of subsequent changes in property ownership or tenancy, unless a
36 revised signage plan for the entire development is resubmitted by the property
37 owner(s) and approved by the county. A variance to the total freestanding
38 signage available for distribution by a signage master plan may be requested
39 under the provisions of Chapter 2, but no variance is available individually to any
40 tenant subject to an approved plan.

41 **(7) General construction and maintenance.** Outdoor signs and their supporting
42 structures shall be constructed of weather resistant materials. Bare wood is

1 prohibited as part of any sign face, and wood embedded in the soil as structural
2 support for permanent signs shall be pressure treated for in-ground use. All
3 painted signs and metal parts prone to corrosion shall be kept neatly painted.
4 Signs exempt from wind load requirements of the *Florida Building Code* shall
5 nevertheless be sufficiently constructed to avoid the hazard of contributing to
6 windborne debris during severe weather. All signs and sign structures, together
7 with their supports, anchors, and electrical components, shall be maintained in
8 good repair and safe condition at all times to ensure sign messages are clearly
9 legible and to avoid the blight and hazards of deteriorated signs.

10 **Sec. 5-8.5 Prohibited signs.**

11 The following signs, sign locations, and sign characteristics are prohibited:

- 12 (1) **Fence signs.** Any sign attached to a fence and within view from a public right-
13 of-way, except as specifically authorized by other provisions of this article.
- 14 (2) **Clear light bulbs.** Any sign displaying incandescent light bulbs having clear
15 enclosure of the filaments.
- 16 (3) **Motion, light, and sound.** Any sign that moves or changes, that contains
17 mirrors or other reflective surfaces, that produces glare, flashes or exhibits other
18 noticeable changes in lighting intensity, or that emits visible vapors, particulates,
19 sounds, or odors, except as specifically authorized in this article for changeable
20 message signs.
- 21 (4) **Obscenity.** Any sign displaying words, pictures, or messages that are obscene
22 as defined by Chapter 847, Florida Statutes, and in light of contemporary
23 community standards of the county.
- 24 (5) **Obstruction and interference.** Any sign attached in any way to a fire escape or
25 constructed or maintained in a manner that endangers or obstructs any
26 firefighting equipment, fire escape, window, door, or other means of egress.
27 Also, any sign that interferes with any opening required for ventilation, prevents
28 free passage from one part of a roof to any other part, or blocks a public sidewalk
29 or required pedestrian walkway.
- 30 (6) **On Pensacola Beach.** The following additional signs or characteristics of signs
31 located on Pensacola Beach, unless specifically ~~and temporarily~~ authorized by
32 the SRIA: searchlights, balloons, air-activated signs, wind signs, and similar
33 devices or ornamentation designed for the purposes of attracting attention,
34 promotion, or advertising; back-lighted or plastic signs; projected image signs;
35 signs on benches; banners; murals or other signs painted directly on fences,
36 walls, or any exterior parts of a building; and roof signs.
- 37 (7) **Traffic hazards.** Any sign that creates a traffic hazard or a detriment to
38 pedestrian safety. Such signs include any sign that projects into the line of sight
39 of any traffic signal in a manner that does not allow the minimum required sight
40 distance to be maintained; any sign which obstructs vision between pedestrians
41 and vehicles using public rights-of-way; or any sign that imitates, resembles or

1 interferes with the effectiveness of any official traffic signs, signals, or other traffic
2 control devices.

3 **(8) Unauthorized signs.** Any sign not authorized by the provisions of this article,
4 including handbills, posters, and notices attached to trees, utility poles, park
5 benches, or other objects and structures not designed or authorized for the
6 attachment of signs.

7 ~~**(9) Unlawful use.** Any sign that promotes uses of structures or property not~~
8 ~~authorized by the LDC.~~

9 **Sec. 5-8.6 Signs exempt from permits.**

10 Signs are exempt from the requirement to obtain county sign permits under the
11 conditions prescribed in this section ~~if not otherwise identified as prohibited within the~~
12 ~~preceding section.~~ Exempt signs shall nevertheless be designed, constructed, placed,
13 and maintained in compliance with the other provisions of this article and any other
14 applicable provisions of the LDC and the *Florida Building Code*. Additionally, no
15 exemption supersedes or cancels any prohibitions or restrictions on the display of signs
16 contained in this article, any restrictive covenants of a development, or any executed
17 lease agreements, including those for Pensacola Beach properties requiring written
18 authorization from the SRIA before displaying signs. Exempt signage does not modify
19 or limit the availability of non-exempt signage authorized in this article ~~unless~~
20 specifically noted.

21 **(1) General sign exemption.** Signs not within view from a public right-of-way are
22 exempt from county sign permits.

23 **(2) General lot exemption.** For each lot or development parcel, as applicable, a
24 quantity of signage is exempt from county sign permits in addition to the other
25 sign exemptions of this section. However, the only changeable message signs
26 included in this exemption are manually rewritable signs. The lot exemption is
27 available regardless of the presence of a principal structure on the property
28 unless otherwise noted. Lot exemption signage is allocated in relation to the
29 residential or non-residential use or zoning designation of the subject property,
30 and in relation to specific temporary periods, as follows:

31 **a. One- and two-family Residential.** Each lot that is of a predominantly one-
32 or two-family residential use or development, or is within a residential zoning
33 district as designated in Chapter 3, is authorized to display the following
34 signage without county sign permits:

35 **1. Wall signs.** A maximum of three wall signs, including attachment to
36 lawfully erected fences, each a maximum two square feet in area and
37 separated by a minimum of five feet.

38 **2. Freestanding signs.** A maximum of one freestanding sign for lots
39 located on Pensacola Beach and a maximum of two freestanding signs
40 elsewhere, each a maximum six square feet in area and six feet in height,
41 including portable signs. Where the lot is within a mainland zoning district

1 and fronts on a street having a posted speed limit of 40 mph or greater,
2 the maximum area of a sign along that frontage may be doubled.

3 **b. Non-residential and multi-family residential.** Each lot that is not of a
4 predominantly one- or two-family residential use or development, or is not
5 within a residential zoning district, is authorized to display the following
6 signage without county sign permits:

7 **1. Wall signs.** A maximum of three wall signs, including attachment to
8 lawfully erected fences, each a maximum two square feet in area and
9 separated by a minimum of five feet.

10 **2. Freestanding signs.** A maximum of one freestanding sign per street
11 frontage, each a maximum 32 square feet in area and 10 feet in height,
12 except on Pensacola Beach where the sign area may not exceed 12
13 square feet. Within the same area and height limits, a second sign is
14 authorized for any individual street frontage greater than 300 feet, and a
15 third sign for any frontage greater than 1000 feet. A minimum of 100 feet
16 shall separate any two such signs on the same parcel. Any exempt
17 freestanding portable sign must be accessory to a principal structure
18 ~~located on the premises~~ and may only be displayed on the premises of,
19 and during the hours of operation of the use occupying the principal
20 structure ~~on the premises.~~

21 **c. Temporary periods.** Within the following periods only, the preceding
22 residential and non-residential general lot exemption allocations of
23 freestanding signage may be temporarily doubled in either quantity or area
24 (not both) for the subject lot:

25 **1. Construction.** During the period of a valid and active building permit for
26 the construction of a structure on the lot, but only with concurrent on-site
27 posting of the permit.

28 **2. Elections.** During the period 60 days prior to and 10 days following a
29 public election for a federal, state, or local representative office or ballot
30 issue of the district in which the lot is located.

31 **(3) Specific sign exemptions.** In addition to the general exemptions of this section,
32 the following signs are exempt from county sign permits as specified for each:

33 **a. Accessory devices.** Signs manufactured as standard, permanent, and
34 integral parts of mass-produced devices accessory to authorized non-
35 residential uses, including vending machines, fuel pumps, automated tellers,
36 and similar devices customarily used outdoors. On Pensacola Beach,
37 however, outdoor vending machines shall be effectively screened from view
38 from public rights-of-way.

39 **b. Balloon and air-activated signs.** Except on Pensacola Beach, balloon and
40 air-activated signs 10 feet or less in height if accessory to the authorized land

1 use and not displayed without a sign permit for more than 60 days within a
2 calendar year.

3 **c. Banners.** Except on Pensacola Beach, banners 30 square feet or less in
4 area if accessory to an authorized multi-family residential or non-residential
5 land use. The banners shall be displayed no more than two per lot or
6 applicable development parcel, or one per tenant of a multi-tenant non-
7 residential building, and shall not be displayed without a sign permit for more
8 than 30 days within a calendar year. Additionally, no exempt banner shall be
9 attached to a fence, exceed four feet in height if ground-mounted, or be
10 displayed above the roof line if attached to a building.

11 ~~**d. Bulletin boards.** Bulletin boards accessory to an authorized public, civic, or~~
12 ~~multi-family use if limited to no more than 20 square feet in area, no more~~
13 ~~than eight feet in height if freestanding, and no more than one per street~~
14 ~~frontage. For the purposes of this article, a bulletin board is any freestanding~~
15 ~~or wall sign intended to provide for general announcements or similar~~
16 ~~messages of interest to on-premises pedestrians.~~

17 **e.d. Bus stop signs.** Signs located on bus stop shelters and benches if
18 complying with county traffic safety placement requirements and limited to
19 locations and signs approved by the Escambia County Area Transit (ECAT)
20 for bus stops along ECAT system routes. Such signs do not require the
21 presence of a principal structure.

22 **f.e. Changing messages.** The changing messages displayed on the faces of
23 authorized changeable message signs.

24 **g.f. Decorations.** Temporary decorations, other than balloon and air-activated
25 signs, if accessory to the authorized land use and customarily associated with
26 a holiday or special event as defined in the temporary use provisions in Article
27 7 of Chapter 4.

28 ~~**h.g. Drive-through signs.**~~ Drive-through service signs limited to no more than
29 one per lot or applicable development parcel, no more than 20 square feet in
30 area, and no more than eight feet in height. Such signs shall be located on
31 the lot providing the service, adjacent to and oriented for view from the drive-
32 through lane.

33 **i.h. Entry and exit signs.** For any lot of an authorized multi-family or non-
34 residential use, one freestanding on-premises sign on each side of and
35 immediately adjacent to an authorized paved vehicular access to a public
36 street, up to a maximum of four such signs per lot, each a maximum six
37 square feet in area and three feet in height.

38 **j.i. Flags.** Flags accessory to the authorized land use and as allowed by any
39 combination of the following:

- 40 1. ~~Two or fewer~~No more than two pole-mounted flags per lot, each
41 proportional to its flagpole such that the hoist side is no greater than 25

1 percent of the height of a supporting vertical pole or 50 percent of the
2 length of a supporting pole projecting from a building wall. Poles for such
3 flags within residential zoning districts or for single-family dwellings are
4 limited to 25 feet in height and one per lot.

5 **2.** Except on Pensacola Beach, pole-mounted “blade” or “feather” flags
6 accessory to an authorized multi-family or non-residential use, each no
7 more than three feet at its greatest width and no greater than 15 feet in
8 height, no more than one per 50 feet of street frontage, and no more than
9 three per each street frontage.

10 **3.** Except on Pensacola Beach, flagging accessory to an authorized multi-
11 family or non-residential use, with each flag no more than one square foot
12 in area and suspended from one side along a stringer line in combination
13 with any number of other such flags.

14 **k.j. Government or public signs.** Signs placed or required by agencies of
15 county, state, or federal government, including traffic control signs, street
16 address numbers, building permits, notices of any court or law enforcement
17 officer, redevelopment area gateway signs, and public information signs
18 placed by the SRIA. These signs may deviate from the type, quantity,
19 duration, area, color, height, placement, illumination, or other standards of
20 this article, but only to the degree necessary to comply with the law, rule,
21 ordinance, or other governmental authorization under which the sign is
22 placed.

23 **l.k. Historic signs.** Any sign officially designated as an historic sign by the
24 federal or state government, or by the BCC.

25 **m.l. Integral building signs.** Signs each no more than six square feet in area
26 and cut into masonry surfaces, inlaid, or constructed of incombustible material
27 so as to be a permanent part of a building.

28 **n.m. Monuments.** Monuments located within cemeteries.

29 **o.n. Projecting and under-canopy signs.** Projecting and under-canopy signs
30 limited to no more than one per non-residential tenant per building frontage,
31 each no more than four square feet in area, oriented for pedestrian view from
32 a walkway along the supporting wall or canopy, and no less than eight feet
33 above the walkway. For the purposes of this article, a projecting sign is any
34 sign supported by a building wall and extending outward from the wall with
35 the sign display surface generally perpendicular to the wall.

36 **p.o. Recreational facility signs.** Signs accessory to and within outdoor
37 recreational facilities if oriented for view from within the facilities, including
38 scoreboards, sponsor signs attached to ~~and facing the field side of~~ playing
39 field fences and facing the field, and signs no more than 32 square feet on
40 concession stands and other recreational accessory structures.

1 **q-p. Vehicle and trailer signs.** Stationary vehicle or trailer signs accessory to
2 the authorized land use and complying with any one of the following
3 conditions:

- 4 1. Six square feet or less in total area per vehicle side.
- 5 2. On vehicles or trailers in the active service of a commercial or non-profit
6 enterprise when the vehicles or trailers are lawfully parked on the site of
7 that enterprise or on a site where the enterprise is actively providing its
8 goods or services.
- 9 3. On vehicles or trailers lawfully parked for commercial sale, lease, or rental.
- 10 4. On any mobile vending unit that is parked in compliance with the
11 applicable temporary use provisions in Article 7 of Chapter 4.

12 **Sec. 5-8.7 Temporary signs by permit.**

13 Temporary signs not otherwise prohibited or exempt from county permits as prescribed
14 in the preceding sections of this article may be authorized by permits under the
15 conditions of this section. Temporary sign permits shall specify the authorized period of
16 use. All temporary signs remain subject to the design, construction and maintenance
17 standards of this article. Temporary signage by permit does not modify or limit the
18 availability of permanent signage authorized in this article unless specifically noted. The
19 following temporary signs are subject to the permit conditions noted:

20 **(1) Balloon and air-activated signs.** Except on Pensacola Beach, non-exempt
21 balloon signs and air-activated signs may be temporarily authorized by county
22 permit for a single display period of no more than 14 calendar days when
23 accessory to the authorized land use. Each sign is limited to a maximum 35 feet
24 in height and a setback of no less than the height of the sign from all rights-of-
25 way, lot lines, and overhead utility lines. All signs shall be adequately secured to
26 the ground to prevent horizontal movement. Relocation for use on a different lot
27 shall requires a new temporary permit, regardless of any remaining period of the
28 prior authorization.

29 **(2) Banners.** Non-exempt banners may be temporarily authorized by county permit
30 for grand openings and other short-term events, ~~but unless authorized by its~~
31 ~~permit, no banner shall and may~~ be attached to ~~a fences~~ during such events if
32 specifically authorized by the permit. Additionally, no ground-mounted banner
33 shall exceed four feet in height and no banner attached to a building shall be
34 displayed above the roof line. Permitted banners shall be conspicuously marked
35 with the permit number and dates of permitted use and shall comply with the
36 following:

- 37 **a. On Pensacola Beach.** Banners may be authorized on Pensacola Beach
38 according to the established written policies of the SRIA only if application is
39 made to SRIA staff at least 10 business days prior to the date of use. Unless
40 otherwise authorized by the AEC for a period of up to 30 calendar days, the
41 display of a banner is limited to a period of no more than 14 calendar days.

1 **b. On mainland and Perdido Key.** Banners each no more than 60 square feet
2 in area may be authorized by county permit when accessory to authorized
3 multi-family or non-residential uses within mainland or Perdido Key zoning
4 districts. For the lot of any such use a single permit may authorize only one
5 banner for a period of up to 30 calendar days. Additionally, no more than two
6 permits shall be issued for the same lot during any calendar year, but the
7 times of authorization may coincide or differ in whole or part. A banner may
8 also be authorized by permit for temporary attachment to a fence, or to
9 exceed the limits on area and period of use when used to temporarily cover
10 the permanent sign of a previous tenant.

11 **(3) Flags.** Temporary flags on Pensacola Beach may be authorized for special
12 events under the same conditions as banners.

13 **(4) Projected image signs.** Except on Perdido Key and Pensacola Beach,
14 projected image signs may be temporarily authorized for a period of up to 30
15 calendar days by county permit as on-premises signs accessory to an authorized
16 non-residential land use. Projected images shall comply with all sign illumination
17 standards of this article.

18 **(5) Vehicle and trailer signs.** Except on Pensacola Beach, the parking or
19 placement of a non-exempt vehicle or trailer sign within view from a public right-
20 of-way for more than one day on the same lot may be temporarily authorized by
21 county permit on the lot of an authorized non-residential use for a period of no
22 more than 60 calendar days. The sign is limited to a maximum 100 square feet
23 in area and 10 feet in height, and shall be conspicuously marked with the permit
24 number and dates of permitted use. Relocation for use on a different lot shall
25 require a new temporary permit, regardless of any remaining period of ~~use~~the
26 prior authorization.

27 **Sec. 5-8.8 On-premises permanent signs.**

28 **(a) Generally.** Unless authorized in this article as temporary or exempt, on-premises
29 signs shall comply with the provisions of this section as determined by the applicable
30 zoning district and authorized land use.

31 **(b) Mainland residential, recreation, and conservation districts.** On-premises non-
32 exempt signs within mainland residential, recreation, and conservation zoning
33 districts (RR, LDR, MDR, HDR, Rec, Con) shall comply with the following additional
34 standards:

35 **(1) Residential uses.** Residential subdivisions and multi-family developments are
36 allowed up to two signs at each development entrance. Each sign is limited to a
37 maximum 32 square feet in area and six feet in height. A multi-family
38 development may substitute one development entrance sign for one wall sign
39 limited to the same 32 square feet.

40 **(2) Non-residential uses.** The principal non-residential structure on a development
41 parcel is allowed either one freestanding sign a maximum 32 square feet in area

1 and six feet in height, or a maximum 2.00 square feet of wall sign area per lineal
2 foot of building frontage at grade with a minimum of 20 square feet for any
3 individual tenant frontage.

4 **(3) Changeable message.** Manual and mechanical changeable message signs are
5 allowed for both residential and non-residential uses, but projected image signs
6 are prohibited and electronic message signs are limited to static message display
7 with instantaneous change of message. These allowed forms of changeable
8 message may be utilized for any portion of authorized sign area.

9 **(c) Mainland agricultural and mixed-use districts.** On-premises non-exempt signs
10 within mainland agricultural and mixed-use zoning districts (Agr, RMU, LDMU,
11 HDMU) shall comply with the following additional standards:

12 **(1) Residential uses.** Residential uses are allowed the same signage as residential
13 uses in the mainland residential districts.

14 **(2) Non-residential uses.** Commercial subdivisions are allowed the same
15 development entrance signage as residential subdivisions. Other principal non-
16 residential structures on a development parcel are allowed the following signage:

17 **a. General sign allowance.** Within the Agr, RMU, and LDMU districts, either
18 one freestanding sign a maximum 32 square feet in area and six feet in
19 height, or a maximum 2.00 square feet of wall sign area per lineal foot of
20 building frontage at grade with a minimum of 20 square feet for any individual
21 tenant frontage. Non-residential uses and structures within the HDMU district
22 are allowed the same signage as those within the mainland commercial and
23 industrial districts.

24 **b. Increased area and height.** For properties fronting a collector or arterial
25 street, the maximum area and height of a freestanding sign is increased to 50
26 square feet and 10 feet respectively if the sign is at least 100 feet from any
27 single-family or two-family dwelling. Maximum wall sign area is increased to
28 2.50 square feet per lineal foot of building frontage if the building is more than
29 200 feet from the public right-of-way.

30 **(3) Changeable message.** Manual and mechanical changeable message signs are
31 allowed for both residential and non-residential uses, but projected image signs
32 are prohibited. For residential uses, electronic message signs are limited to
33 static message display with instantaneous change of message. Non-residential
34 use electronic signs are also limited to static message display, but the transition
35 from one message to the next may occur by scroll, travel, fade, or dissolve
36 effects completed within a maximum of two seconds. These allowed forms of
37 changeable message may be utilized for any portion of authorized sign area.

38 **(d) Mainland commercial, industrial, and public districts.** On-premises non-exempt
39 signs within mainland commercial, industrial, and public zoning districts (Com,
40 HC/LI, Ind, Public) shall comply with the following additional standards:

1 **(1) Residential uses.** Residential uses are allowed the same signage as residential
2 uses in the mainland residential districts.

3 **(2) Non-residential uses.** Commercial subdivisions are allowed the same
4 development entrance signage as residential subdivisions. Other principal non-
5 residential structures on a development parcel are allowed the following signage:

6 **a. Freestanding signs.** Freestanding signs are limited by characteristics of the
7 development parcel as follows:

8 **1. Quantity and spacing.** One freestanding sign structure is allowed per
9 individual parcel street frontage and one additional structure for each full
10 acre in development parcel size above two acres, but a maximum of four
11 sign structures are allowed regardless of frontage or acreage. The
12 structures shall be placed no less than 200 feet from any other non-
13 exempt sign structures on the same development parcel, excluding
14 billboards.

15 **2. Area and height.** A maximum of 1.00 square foot of freestanding sign
16 area is allowed per lineal foot of parcel street frontage, and a minimum
17 total of 50 square feet is allowed for any development parcel regardless of
18 street frontage. If the on-premises freestanding signage for an entire
19 parcel is limited to one sign structure, the total sign area from all parcel
20 street frontage is available to that structure, subject to area limits
21 applicable to its location. Regardless of street frontage or number of sign
22 structures, the maximum sign area and height for all individual
23 freestanding signs is additionally limited by the size of the parcel and the
24 classification of the street to which the sign structure is closest according
25 to the following:

Sign Location by street classification	Maximum Sign Area per individual support structure and development parcel area		Maximum Sign Height
	8 acres or less	greater than 8 acres	
Interstate (within 125 ft. of right-of-way)	250 sq.ft.	375 sq.ft.	50 ft.
arterial or 4-lane street	250 sq.ft.	300 sq.ft.	35 ft.
collector street not 4-lane	150 sq.ft.	225 sq.ft.	25 ft.
local street	100 sq.ft.	150 sq.ft.	20 ft.

26 **b. Wall signs.** A maximum of 2.25 square feet of wall sign area is allowed per
27 lineal foot of building frontage at grade. The maximum wall sign area is
28 increased to 2.50 square feet per lineal foot for any building frontage facing

1 an arterial or four-lane street, and is increased to 2.75 square feet per lineal
2 foot for any building frontage more than 200 feet from the public street right-
3 of-way. A minimum 20 square feet is allowed for any individual unit frontage
4 of a multi-tenant building.

5 **(3) Changeable message.** Manual and mechanical changeable message signs are
6 allowed for both residential and non-residential uses. For residential uses,
7 projected image signs are prohibited and electronic message signs are limited to
8 static message display with instantaneous change of message. For non-
9 residential uses, projected image signs are allowed and electronic message
10 signs may employ all display features and functions except flashing, pulsating, or
11 full motion video display. These allowed forms of changeable message may be
12 utilized for any portion of authorized sign area, except that electronic message
13 area is limited to 50 percent of the total sign area on a single structure and to one
14 sign on that structure.

15 **(e) Perdido Key districts.** On-premises non-exempt signs within Perdido Key zoning
16 districts shall comply with the following additional standards:

17 **(1) Residential districts.** Uses in the Perdido Key residential zoning districts (LDR-
18 PK, MDR-PK, HDR-PK) are allowed the same signage as uses in the mainland
19 residential districts.

20 **(2) Commercial districts.** Uses in the Perdido Key commercial zoning districts
21 (Com-PK, CC-PK, CG-PK, PR-PK) are allowed the same wall signage allowed
22 for mainland commercial zoning districts, but only 50 percent of the freestanding
23 sign area. The maximum area of any individual freestanding sign is 100 square
24 feet and the minimum spacing between all freestanding signs on the same
25 development parcel is 300 feet measured center-to-center of the sign structures.

26 **(3) Changeable message.** Changeable message signs, excluding projected image
27 signs, are authorized for both residential and non-residential uses, but each sign
28 is limited to 32 square feet in area.

29 **(f) Pensacola Beach districts.** On-premises non-exempt signs for any establishment
30 within Pensacola Beach zoning districts may be wall signs, freestanding signs, or
31 both and shall comply with the following additional standards:

32 **(1) Sign construction.**

33 **a. Colors and logo.** The colors of the main lettering and background of all
34 signs shall be limited to the color options adopted by the SRIA, except up to
35 one-third of a sign's area may include an establishment's logo, which may
36 include the name or special color scheme of that establishment. Any exterior
37 portion of a structure that deviates in color from the main part of the structure
38 and represents the establishment's color scheme or logo is considered to be
39 signage.

1 **b. Attached lettering.** All permanent signs shall incorporate the use of
2 attached lettering. The use of plywood with painted-on lettering is not
3 permitted.

4 **(2) Single-family uses.** Residential subdivisions for single-family detached or
5 attached (townhouse) dwellings are allowed up to two signs at each development
6 entrance. Each sign is limited to a maximum 32 square feet in area and six feet
7 in height.

8 **(3) Multi-family and non-residential uses.** Multi-family residential developments
9 and non-residential establishments are allowed the following signage:

10 **a. Freestanding signs.**

11 1. **Quantity.** One freestanding sign is allowed per master lease agreement
12 or multi-tenant development.

13 2. **Area and height.** Total freestanding sign area on a single structure shall
14 not exceed 65 square feet. Signs are encouraged to be low and
15 horizontal in character. The top and bottom of a freestanding sign shall
16 not exceed 14 feet and six feet, respectively, above the crown of the
17 nearest street. However, establishments whose principal structures are
18 750 feet or more from the street right-of-way may have freestanding signs
19 up to 18 feet high.

20 3. **Placement.** Freestanding signs shall be placed within or directly adjacent
21 to a landscaped area which shall not be smaller than the face area of the
22 sign itself.

23 4. **Portable signs.** Portable signs are limited to temporary A-frame or
24 sandwich board signs, which shall be permitted subject to the established
25 written policies of the SRIA.

26 **b. Wall signs.**

27 1. **Area and quantity.** The maximum area allocated to all wall signs on a
28 building shall not exceed 10 percent of the building wall surface area
29 facing the addressed street, except that buildings with more than one
30 street front may have wall sign area up to 15 percent of the wall surface
31 facing the addressed street. The wall surface area from which sign area is
32 determined may include the roof surface when its slope is steeper than 45
33 degrees. The available wall sign area may be allocated to one or more
34 wall signs mounted on a vertical wall surface, but no individual wall sign
35 shall exceed 200 square feet, and within any multi-tenant development,
36 each tenant is limited to 16 square feet regardless of the building total.

37 2. **Lighted canopies.** Lighted canopies displaying the name of the
38 establishment require a color rendering of the proposed canopy, including
39 dimensions of the canopy and the building to which it will be attached, to
40 be presented for approval according to the established written policies of
41 the SRIA.

- 1 **3. Window signs.** Interior electric signs used as window signs are limited to
 2 a total of six square feet per establishment.
- 3 **c. Changeable message.** Changeable message signs, excluding projected
 4 image signs, are allowed if incorporated into the main sign and limited to no
 5 more than one-third of its area.
- 6 **d. Temporary signs.** Other signs may be temporarily authorized as prescribed
 7 within Sec. 5-8.7.

8 **Sec. 5-8.9 Off-premises permanent signs (billboards).**

9 Unless authorized in this article as temporary or exempt, an off-premises sign shall be
 10 regulated as a billboard and comply with the additional provisions of this section. The
 11 placement of a billboard does not require a minimum lot area or the presence of a
 12 principal structure on the site, but shall be subject to the following limitations:

- 13 **(1) Maximum number.** The maximum number of permitted billboard structures
 14 within the county is limited to the number existing or having received county
 15 approval as of December 12, 2001, and those additional structures allowed for
 16 replacement of billboard structures removed along scenic highways as provided
 17 in this section.
- 18 **(2) New billboards.** A building permit for the construction of a new billboard
 19 structure may only be issued after the removal of an existing billboard structure is
 20 confirmed. Confirmation may be in the form of a photograph submitted by the
 21 applicant or a site inspection by county personnel. Upon removal confirmation a
 22 certificate shall be issued to the owner of the removed structure who may
 23 redeem the certificate for a building permit to construct a new billboard structure,
 24 hold it for future redemption, or convey it to a third party for redemption.
- 25 **(3) Removal along scenic highways.** Notwithstanding the maximum number of
 26 permitted billboards, the removal of an existing billboard structure along an
 27 officially designated scenic highway will entitle the owner of the removed
 28 billboard to purchase building permits for construction of two new billboard
 29 structures at other locations complying with the provisions of this article.
- 30 **(4) Area and height.** The maximum sign area and height for an individual billboard
 31 structure is limited by the classification of the street to which the sign structure is
 32 closest according to the following:

Billboard Location by street classification	Maximum Sign Area per individual support structure	Maximum Sign Height
Interstate (within 125 ft. of right-of-way)	378 sq.ft.	50 ft.
arterial or 4-lane street	378 sq.ft.	35 ft.
all other streets	100 sq.ft.	20 ft.

1 **(5) Placement.**

2 **a. Zoning.** Billboards are prohibited within all residential, Perdido Key, and
3 Pensacola Beach zoning districts, and within all areas zoned Gateway
4 Business District (GBD), Gateway Mixed Use District (GMD), Gateway
5 Industrial District (GID), or Industrial Commerce Park District (ID-CP) prior to
6 adoption of any mainland Commercial (C), Heavy Commercial and Light
7 Industrial (HC/LI), or Industrial (I) zoning.

8 **b. Proximity to residential.** In addition to the prohibition within residential
9 zoning districts, no billboard shall be located within 100 feet of any
10 residentially zoned (RR, LDR, MDR, HDR) property as measured along a
11 right-of-way. The distance shall be measured from a point where a
12 horizontal line extending from the billboard is perpendicular to the right-of-
13 way, to the point of intersection of the residential district boundary with the
14 right-of-way.

15 **c. Right-of-way setback.** The minimum setback of a billboard from a public
16 street right-of-way is 15 feet to the nearest edge of the sign.

17 **d. Spacing.** The distance between billboard structures on the same side of any
18 street other than an interstate shall be no less than 1000 feet. The distance
19 for billboards adjacent to and facing the same side of an interstate highway
20 shall be no less than 2000 feet. Additionally, no billboard structure may be
21 located adjacent to or within 500 feet of an interchange or rest area as
22 measured along the interstate from the beginning or ending of pavement
23 widening at the exit from or entrance to the main travel way.

24 **e. Scenic roadways.** No part of a billboard shall be visible from or located
25 within 500 feet of the right-of-way of any scenic roadway designated in the
26 Escambia County Comprehensive Plan, specifically including Scenic
27 Highway (SR 10A), Perdido Key Drive (SR 292), and any scenic highway
28 designated by the State of Florida.

29 **f. Conflicting locations.** Permits for billboards are generally issued on a
30 first-come, first-served basis. Where the proximity of proposed billboards
31 requiring state permitting would only allow one to be constructed, the
32 location first granted state approval will be first eligible for county approval.

33 **g. New streets.** Permits for billboards along a new public street shall not be
34 issued until the commencement of general traffic flow on the street.

Committee of the Whole

7.

Meeting Date: 11/09/2017

Issue: Housing Tax Credit Application Update

From: Meredith Reeves, Division Manager

Information

Recommendation:

Housing Tax Credit Application Update

(Meredith Reeves - 10 min)

A. Board Discussion

B. Board Direction

Attachments

HTC Presentation

Fair Housing & HTC Memo



Housing Tax Credit Application Update

Committee of the Whole

November 9, 2017



2017 Housing Tax Credit Applications

In May 2017, the BCC authorized a new application process for developers seeking a local government contribution in order to apply for housing tax credits through the Florida Housing Finance Corporation (FHFC) competitive cycle.



2017 Housing Tax Credit Applications

To date, two applications have been received by the County:

RFA	Project	Local Status	State Status
RFA 2017-107 (Financing for Construction of Workforce Housing)	Sierra Pointe (8674 University Parkway)	Approved by the BCC on 10/5/17	Submitted by October 23 deadline; no awards announced yet (14 total applicants)
RFA 2017-108 (SAIL Financing of Affordable MF Housing Developments)	Avery Commons (6080 Hilburn Rd)	Approved by the BCC on 10/5/17	Submitted by October 12 deadline; no awards announced yet (38 total applicants)



2017 Housing Tax Credit Applications Changes to RFA 2017-111 Application

- RFA 2017-111 Housing Credit Financing for Affordable Housing Developments Located in Medium and Small Counties issued by FHFC on October 6, 2017 eliminates the requirement for a Local Government Contribution.
- Therefore, we will not receive any applications for review under our process established earlier this year.
- Developers will still need to receive confirmation regarding zoning applicability, availability of infrastructure, etc. to submit their application to FHFC.
- Deadline for application to FHFC is December 20, 2017.



Housing Tax Credit Applications

- It is unclear if this will continue to be the policy for future applications
- State Affordable Housing Workgroup and FHFC solicits input on the State's Implementation of the Housing Tax Credit Program.

BOARD DIRECTION?



Housing Tax Credit Applications Past Applications

BROWNSVILLE MANOR (2015 9% HTC Applicant)


- Approved by the BCC 10/8/15 for Local Government Contribution
- Held up in appeals with FHFC, but has now been approved to be funded using the 9% HTC
- 87 units of elderly affordable housing at W. Desoto Street between Y and W Streets
- Paces Foundation moving through preliminary planning
- An Agreement will be brought to the BCC at a later date to formally commit grant funds for the local government contribution for the project.



**ESCAMBIA
COUNTY**

INTER-OFFICE MEMORANDUM

TO: Jack Brown, County Administrator
Meredith Reeves, Division Manager Neighborhood Enterprise
Horace Jones, Director Development Services
Alison Rogers, County Attorney

FROM: Meredith D. Crawford, Assistant County Attorney 

DATE: September 29, 2017

RE: Fair Housing – Required Action by Board/Housing Tax Credits

I. General Overview

- Escambia County is an Entitlement Community and a Participating Jurisdiction, meaning that it receives Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funding from the Department of Housing and Urban Development (HUD) and State Housing Initiative Program (SHIP) from the State of Florida.
- Local governments use these funds to increase and preserve the inventory of affordable housing, as well as to affirmatively further fair housing.
- The Florida Housing Finance Corporation (FHFC) allocates Low Income Housing Tax Credits (LIHTC) through a competitive process.
- FHFC issues Requests for Applications (RFA) for proposed tax-credit financed developments.
- One of the key scored items in the RFA is the tangible support of local government in the form of financial contribution.
- For proposed developments in Escambia County, the required local contribution is \$37,500.

II. Fair Housing Protections

- ***Florida Fair Housing Act, § 760.26, Florida Statutes.***
 - o Offers additional protection for affordable housing development. It is specifically unlawful to discriminate in land use decisions and permitting of development based on race, color, national origin, sex, disability, familial status, religion, or except as otherwise provided by law, the source of financing of a development or proposed development.
- Every jurisdiction in Florida has the obligation to provide for housing its entire current and anticipated population, including the most vulnerable. § 163.3177 (6)(f), Florida Statutes.
- Affordable housing is defined in state statute meaning that “monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross income for households as indicated by law. § 420.004, Florida Statutes
- Florida law encourages mixed use and mixed income housing close to employment and services. § 163.3177(6)(f), Florida Statutes.
- Florida law encourages allowing accessory dwelling units in all residential zones. § 163.31771, Florida Statutes.
- Affordable Housing. – Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances. § 125.01055, Florida Statutes.

III. State Requirements related to Housing Tax Credits

- With the newest RFA's, the local government contribution is **NOT** always required.
- Some RFAs **MAY** require local government contribution. However, you must look within each RFA to determine if there is a local government requirement.
- There is no state requirement for local government to hold any public hearing or provide local approval.
- There is no state requirement for public notification.
- No current authority in Florida Statutes, the Florida Administrative Code, or FHFC specific to the need for local government board action on Housing Tax Credits when an applicant does not apply for local government funding. However, local government action in completing zoning authorization forms, etc. is required.

IV. Federal Requirements related to Housing Tax Credits

- As a HUD funding participant, the County has an affirmative duty to further fair housing.
- Federal authority for housing tax credits is found in the Internal Revenue Code §42.
- §42(A)(ii) of the Internal Revenue Code currently reads:
(1) Plans for allocation of credit among projects.—
(A) In general – Notwithstanding any other provision of this section, *the housing credit dollar amount with respect to any building shall be zero unless – ...*
(ii) such agency notifies the chief executive officer (or the equivalent) of the local jurisdiction within which the building is located of such project and provides such individual a reasonable opportunity to comment on the project.

V. Pending Legislation

- ***The Affordable Fair Housing Credit Improvement Act of 2017***
- There are two pending bills (H.R. 1661 and S.548) that were filed with Congress in 2017 which, if enacted, would amend §42 to change the requirements for local government approval.
- If amended:
A newly created subparagraph (f) would provide:
“(F) Local approval or contribution not taken into account. – The selection criteria under a qualified allocation plan ***shall not include any consideration of –***
“(i) any support or opposition with respect to the project from local or elected officials, or
(ii) any local government contribution to the project, except to the extent such contribution is taken into account as part of a broader consideration of the project's ability to leverage outside funding sources, and is not prioritized over any other source of outside funding.”
- The House bill has been introduced and referred to the House Committee on Ways and Means.
- The Senate bill has been introduced, read twice, and referred to the Committee on Finance.

VI. Local Requirements

- There is no requirement in the LDC for public notification or BCC action for approval of residential developments, including multifamily developments within the County.
- However, all developments must complete the DRC process which does include publication of DRC agenda.
- The local government can enact procedures to regulate the application process and determine criteria for the award of local government funds.
- It is unlawful to discriminate in land use decisions based on the financing of the development.

VII. Conclusion

- There is currently a federal provision that the local government must be ***notified*** of subsidized housing within their jurisdiction and be ***given an opportunity to comment***.
 - o However, there is **not** a corresponding requirement that the local government hold a public hearing and consider the application as an action item in which to either offer support or oppose.
- There is pending legislation which would fully remove the consideration of local government input related to the development and prohibit requirements of local approval and contribution.
- A cause of action may exist when government action inordinately burdens the use of real property. Bert Harris Property Rights Act, § 70.001, Florida Statutes.
- Local government is not permitted to deny development approval of an apartment complex that is affordable (tax credit development, for example) if it would have approved a market rate complex.
- Local government has discretion to act and to require Board review of all multi-family developments, general housing regulations, and matters relating to local contributions.

Committee of the Whole

8.

Meeting Date: 11/09/2017

Issue: Code Enforcement MSBUs

From: Alison Rogers, County Attorney

Information

Recommendation:

Code Enforcement MSBUs

(Alison Rogers - 15 min)

A. Board Discussion

B. Board Direction

Attachments

No file(s) attached.

Committee of the Whole

9.

Meeting Date: 11/09/2017

Issue: BCC 2018 Holiday Calendar

From: Jack Brown, County Administrator

Information

Recommendation:

BCC 2018 Holiday Calendar

(Jack Brown - 5 min)

A. Board Discussion

B. Board Direction

Attachments

BCC 2018 Holiday Calendar



BCC 2018 HOLIDAY CALENDAR

New Year's Day	Monday, January 1, 2018
Martin Luther King, Jr. Day	Monday, January 15, 2018
Presidents' Day	Monday, February 19, 2018
Good Friday	Friday, March 30, 2018
Memorial Day	Monday, May 28, 2018
Independence Day	Wednesday, July 4, 2018
Labor Day	Monday, September 3, 2018
Veterans Day	Monday, November 12, 2018
Thanksgiving	Thursday, November 22, 2018 Friday, November 23, 2018
Christmas	Monday, December 24, 2018 Tuesday, December 25, 2018
Floating Holiday	* Discretionary leave to be used by the employee between 01/01/18-12/31/18 with their supervisor's approval
New Year's Day	Tuesday, January 1, 2019
Martin Luther King, Jr. Day	Monday, January 21, 2019

In accordance with the BCC Human Resources Policies and Procedures, Section 4.4, subject to the approval of the County Administrator, one holiday may be exchanged for another provided the total number of holidays is kept equitable among all employees.

Committee of the Whole

10.

Meeting Date: 11/09/2017

Issue: Alternates for the Design/Build of the Escambia County Correctional Facility

From: Amy Lovoy, Assistant County Administrator

Information

Recommendation:

Alternates for the Design/Build of the Escambia County Correctional Facility

(Amy Lovoy - 30 min)

A. Board Discussion

B. Board Direction

Attachments

Jail Alternates



Design/Build Jail Alternates

Jail Project Budget

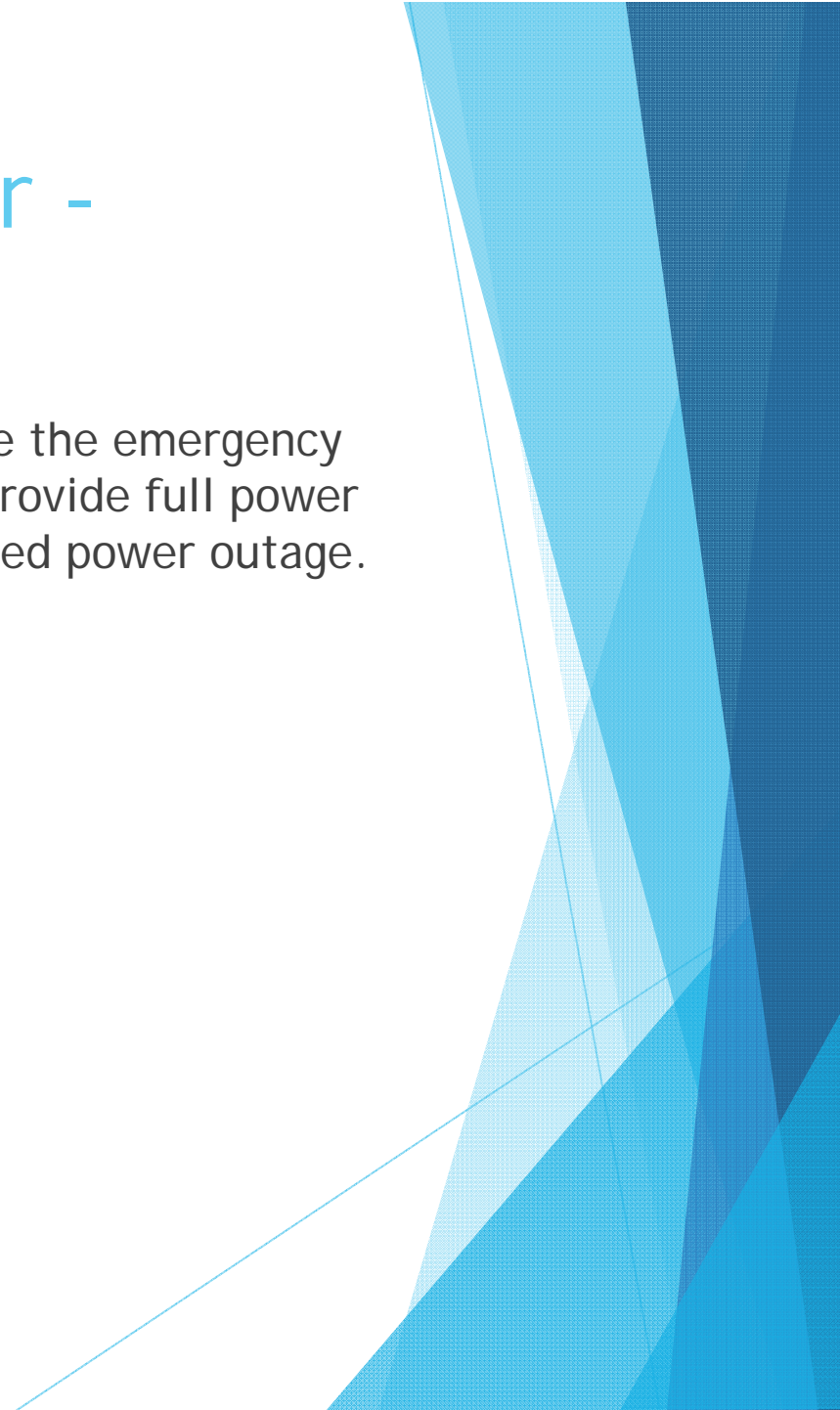
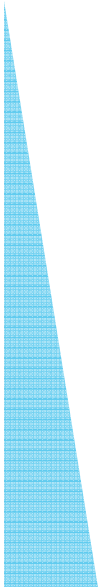
Item	Cost
Due Diligence	123,902.00
Property Acquisition	4,503,406.46
Design Criteria Firm	3,999,280.00
McDonald's Building Demolition	119,740.00
Underground Storage Tank Closure	60,000.00
Impact Fees	975,000.00
CBDF Building Demolition	1,890,764.00
Permitting & Inspection	227,685.00
Design/Construction	128,609,505.00
ODP Savings	(1,750,000.00)
FFE	2,000,000.00
Owner's Contingency	4,083,561.21
Total	\$144,842,843.67

Alternates

#	Alternate	Amount
1	Full Emergency Power	\$859,236
2	Domestic Hot Water, Chilled Water and Heating Water for Existing Jail	\$1,598,281
3	Plumbing Control System	\$1,003,705
4	Manual Slider Doors	\$4,697 per unit
5	Fully Operable Slider Doors	\$9,518 per unit
6	Detention Glazing System	\$193,317
7	Cisco Video Switch	\$0
8	Axis Cameras	\$295,406
9	Exacq Vision VMS	\$225,898
11	Sewage Grinder	\$502,900
12	Pervious Pavement	\$56,237

Full Emergency Power - \$859,236

- ▶ DBE team to provide the cost to upgrade the emergency power system to include the ability to provide full power for the facility in the event of a prolonged power outage.



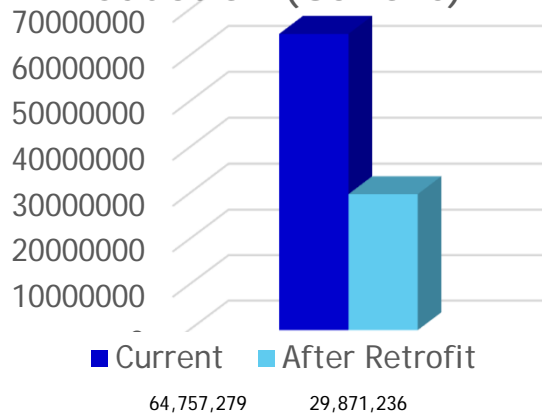
Domestic Hot Water, Chilled Water and Heating Hot Water for Existing Jail - \$1,598,281

- ▶ DBE team to provide the cost to design and construct a system to provide domestic hot water, chilled water and heating hot water to the existing jail from the proposed new central energy plant in the new jail facility. The County wishes to use chilled water from the new jail as the primary source for the existing jail leaving the existing multi-facility shared chilled water as a secondary source.
 - ▶ This project is designed to benefit the existing jail facility.

Plumbing Control System - \$1,003,705

- ▶ DBE team to provide the cost to install a plumbing control system for all inmate toilets and showers located in all inmate housing units. This does not apply to inmate cells located in the medical areas or holding cells located outside of inmate housing units.

Estimated Water Reduction (Gallons)



Annual Water Consumption (Gal.)	64,757,279	Gallons Saved - Cells	28,813,830
Total Water Affected (Gal.)	44,523,795	Gallons Saved - Dorms	6,072,213
Percentage Water Affected	68.8%	Overall Water Saved	53.9%

Overall Water Savings of **53.9%**

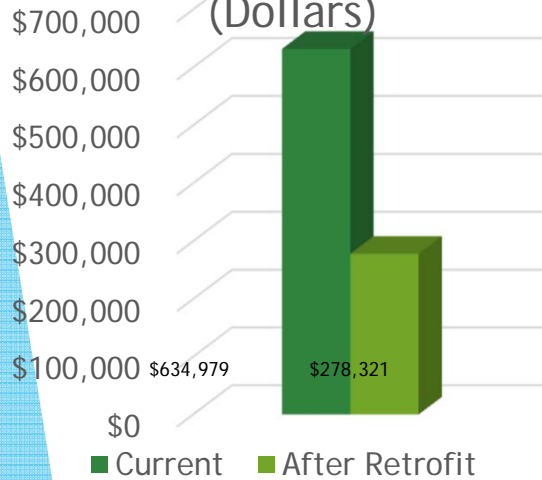
Remaining Consumption 46%



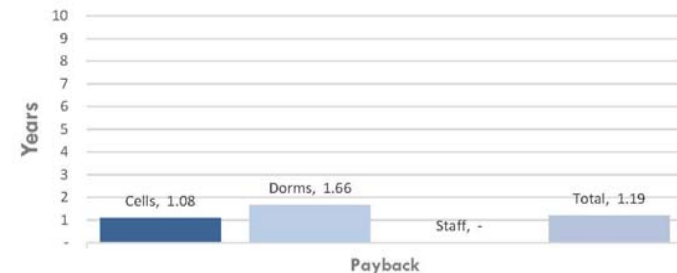
Savings 54%

	MATERIAL COST	ANNUAL SAVINGS	PAYBACK IN YEARS
Inmate Cells	\$ 312,500	\$ 289,070	1.08
Inmate Dorm	\$ 107,100	\$ 64,588	1.66
Staff	\$ -	\$ -	-
TOTAL	\$ 419,600	\$ 353,658	1.19

Estimated Utility Cost / Savings (Dollars)



Total Payback in **1.19 Years**



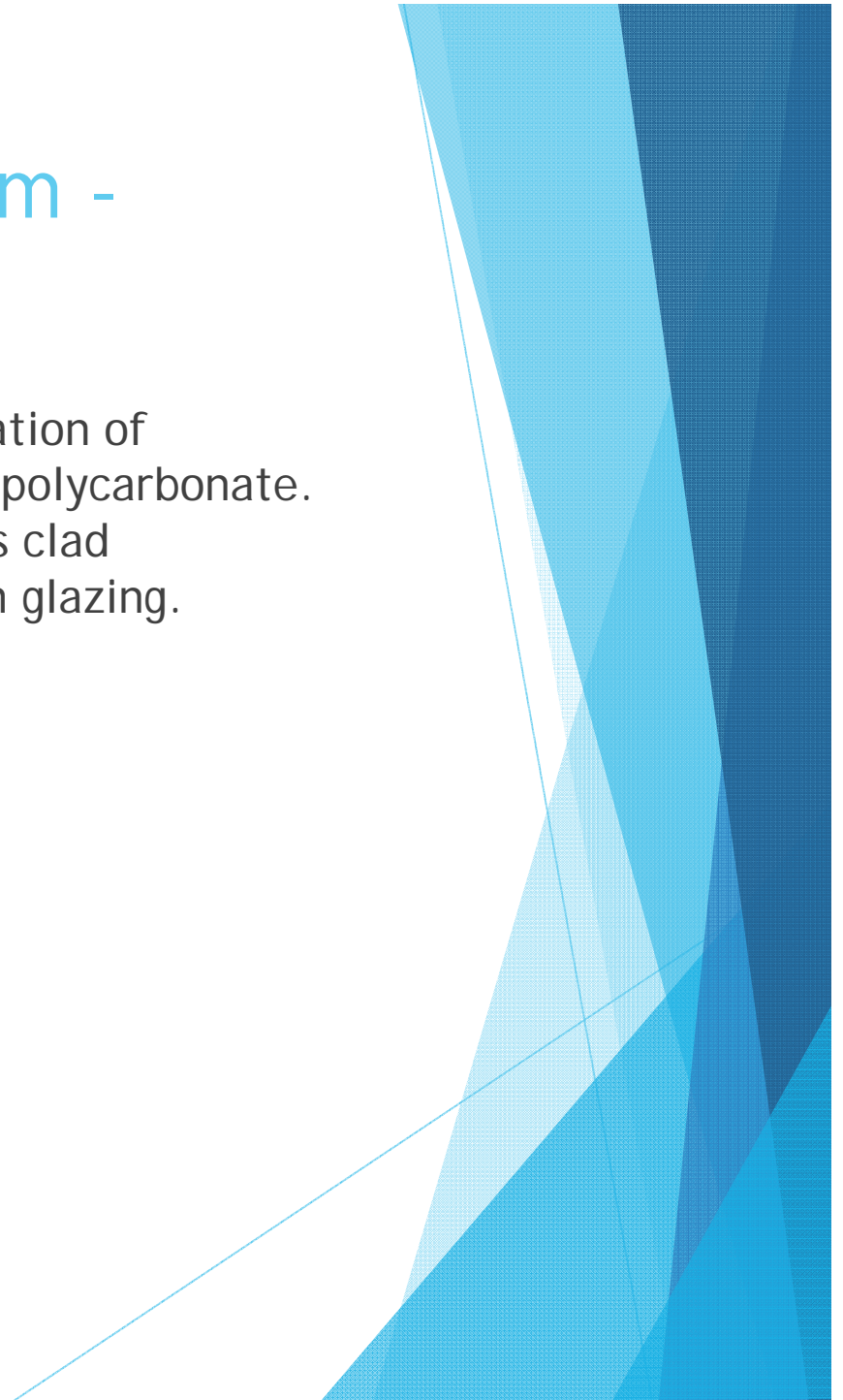
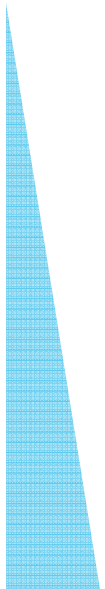
Plumbing Control System

Manual Slider Doors/Fully Operable Slider Doors - \$57,108

- ▶ DBE team to provide cost of changing inmate cell swing door to fully operable horizontal slider doors-TOTAL 6 Doors

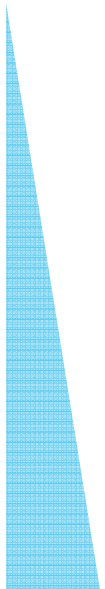
Detention Glazing System - \$193,317

- ▶ Currently, the design involves a combination of laminated polycarbonate and glass clad polycarbonate. DBE team to provide cost providing glass clad polycarbonate for all required detention glazing.



Cisco Video Switch - \$0

- ▶ The owner has a preference for Cisco switches. DBE team to provide cost of providing Cisco switches.





Axis Cameras - \$295,406

Exacq Vision VMS - \$225,898

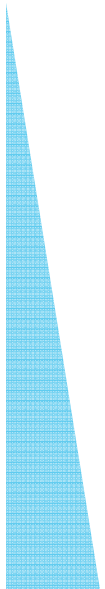
- ▶ Axis Cameras - DBE team to provide cost of providing Axis cameras
- ▶ Exacq Vision VMS - DBE team to provide cost of providing Exacq Vision VMS Management software.

Sewage Grinder - \$502,900

- ▶ DBE team to provide cost of including a sewage grinder for the entire new facility sanitary outflow.

Pervious Concrete Pavement - \$56,237

- ▶ DBE team to provide cost of using water pervious paving within designated parking areas on the site.



Committee of the Whole

11.

Meeting Date: 11/09/2017

Issue: Escambia COPES - Block by Block

From: Jack Brown, County Administrator

Information

Recommendation:

Escambia COPES - Block by Block

(Jack Brown - 15 min)

A. Board Discussion

B. Board Direction

Attachments

No file(s) attached.

Committee of the Whole

12.

Meeting Date: 11/09/2017

Issue: Agreement between Escambia County and the Agency for Health Care Administration (AHCA)

From: Amy Lovoy, Assistant County Administrator

Information

Recommendation:

Agreement between Escambia County and the Agency for Health Care Administration (AHCA) on Behalf of the Escambia Community Clinics

(Amy Lovoy/Chandra Smiley - 10 min)

A. Board Discussion

B. Board Direction

Attachments

No file(s) attached.

Committee of the Whole

13.

Meeting Date: 11/09/2017

Issue: Triumph Projects Update

From: Chips Kirschenfeld, Director

Information

Recommendation:

Triumph Projects Update

(Chips Kirschenfeld - 15 min)

A. Board Discussion

B. Board Direction

Attachments

Triumph Projects Update



Triumph Projects Update

Board of County Commissioners

11/9/2017

Projects Selected by BCC on 10/19/2017 for Pre-Applications

CAR – III 6. TRIUMPH Projects

Motion made by Commissioner Robinson, seconded by Commissioner Bergosh, and carried 4-0, with Commissioner May absent, approving to move forward the Center for Dynamic Ocean Technologies, Port of Pensacola, Warehouse 4, Downtown Sports Complex in concept only, Beulah Interchange Connector, OLF8/OLF-X Land Swap, and the School Board Workforce Program, relative to the recommendation that the Board take the following action concerning TRIUMPH Projects, based on the discussion at the Committee of the Whole Workshop on October 12, 2017:

- A. Select one or more priority projects to be submitted to TRIUMPH Gulf Coast, Inc., by the first deadline of November 15, 2017;
- B. Authorize staff to submit pre-applications for the selected projects; and
- C. Authorize the Chairman to sign a letter of recommendation for the selected projects and pre-applications.

Current Status

- City of Pensacola submitted the Pre-Application for the Center for Dynamic Ocean Technologies, Port of Pensacola, Warehouse 4 Project on Tuesday 11/7/2017
- School Board submitted the Pre-Application for the Workforce Program Project on Wednesday 11/8/2017
- Staff is preparing to submit Pre-Applications for the OLF8/OLFX Land Swap, the Beulah Interchange Connector, and the Downtown Sports Complex (concept only) Projects on Thursday 11/9/2017
- Staff has prepared a draft letter of recommendation for the project pre-applications for the Chairman to sign

Next Steps

- After TRIUMPH Board comments are received for the Pre-Applications, staff will come back to the BCC for further direction on which project Full Applications will be submitted