

**AGENDA ITEM REPORT**

**DATE:** May 7, 2024  
**DEPARTMENT:** Community Development  
**REQUESTER:** Mikki Rozdolski  
**TITLE:** Direct to Public Hearing Lee Plan Amendments for Implementing HB 1379

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**I. MOTION REQUESTED**

Direct staff to prepare, and bring back for public hearing amendments, to the Lee Plan that implement the requirements of HB 1379 and other minor amendments needed to update cross-references.

**II. ITEM SUMMARY**

Directs staff to prepare, and bring back for public hearing, amendments to the Lee Plan necessary to implement House Bill 1379. House Bill 1379 is a wide-ranging amendment to State Statutes related to environmental protection in the areas of wastewater management, septic systems, sanitary sewer services and planning, Basin Management Action Plans (BMAP), and the wastewater grant program. Amendments to the Lee Plan are required to maintain consistency with State Statutes. Additional minor amendments have also been identified to update cross-references to various County ordinances and plans. After the amendments are drafted, they will be considered by the Local Planning Agency before being brought back to the Board for transmittal and adoption hearings.

**III. BACKGROUND AND IMPLICATIONS OF ACTION****A) Board Action and Other History**

House Bill 1379 passed on May 3, 2023, and became effective July 1, 2023. The Bill amended several sections of the State Statutes related to environmental protection, which include the feasibility of providing sewer services to certain areas; prioritizing upgrades to existing treatment facilities; identification of projects to meet pollution reduction milestones, certain requirements for advanced septic systems within a Basin Management Action Plan; minimum nutrient removal standards; planning for future requirements for advanced water treatment; and annual reporting on the status of sewer services to areas subject to a Basin Management Action Plan. This legislation directly impacts areas of the county that are within a protected BMAP. Adopting policies and standards that are consistent with the legislation will help residents better understand the requirements and ensure consistency with Florida Statutes. Staff cannot move forward with the required amendments without BoCC approval.

**B) Policy Issues**

HB1379 amended several sections of the State Statutes. The amended statutes require changes in the Lee Plan to provide consistency between State Statutes and County requirements.

**C) BoCC Goals**

The amendments are supported by the following, existing provisions of the Lee Plan:

**GOAL 4: GENERAL DEVELOPMENT STANDARDS.** Provides that Lee County will maintain regulations which protect public health, safety, and welfare; encourage creative site designs; and balance development with service availability and protection of natural resources.

**OBJECTIVE 55.1:** Ensure an adequate, reliable, and economical supply of potable water and sanitary sewer service to meet the forecasted needs for all residents of Lee County.

**GOAL 56: SANITARY SEWER INFRASTRUCTURE.** In partnership with franchised/certificated utilities providers, provide sanitary sewer service and wastewater treatment and disposal throughout Lee County.

**D) Analysis**

Changes in State Statute require amendments to the Lee Plan to maintain consistency. Florida Statutes, as amended by HB1379, require the Lee Plan to:

1. List any projects necessary to achieve pollutant load reductions.
2. Prioritize advanced waste treatment.
3. Address the feasibility of providing sanitary sewer services within a 10-year planning horizon for any development of more than 50 residential lots, build or unbuilt, with more than one septic system per acre.
4. Define "enhanced nutrient reducing onsite sewage treatment and disposal system."
5. Define "nutrient or nutrient-related standards."
6. Define "onsite sewage treatment and disposal system (OSTDS)."
7. Require the installation of new systems to be an enhanced nutrient-reducing onsite sewage treatment and disposal system or other wastewater treatment system that achieves at least 65 percent nitrogen reduction on lots of 1 acre or less in certain areas.
8. Prohibit new OSTDSs in certain areas where connection to a publicly owned or investor-owned sewage system is available.
9. Require Lee County to provide an update on the status of construction sanitary sewers to serve certain areas annually to FDEP.
10. Encourage the use of the water quality improvement grant to address wastewater, stormwater, and agricultural sources of nutrient loading to surface water or groundwater.

11. Encourage coordination between Lee County and FDEP to identify the most effective and beneficial water quality improvement projects.
12. Require advanced waste treatment for all sewage disposal facilities that dispose of waste into certain waters.

E) Options

These amendments are necessary to ensure compliance with State Statutes. If directed, staff will prepare the proposed Lee Plan amendments and route them through the Local Planning Agency for review and recommendation before bringing them back to the BoCC for transmittal and adoption hearings.

**IV. FINANCIAL INFORMATION**

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|----|--|----------------------|
| A) | Current year dollar amount of item:  | No funding required. |
| B) | Is this item approved in the current budget?   | N/A                  |
| C) | Is this a revenue or expense item?   | N/A                  |
| D) | Is this Discretionary or Mandatory?  | Mandatory 163.3177   |
| E) | Will this item impact future budgets?<br>If yes, please include reasons in III(D) above. | No                   |
| F) | Fund:<br>Program:<br>Project:<br>Account Strings:  |                      |
| G) | Fund Type?   | N/A                  |
| H) | Comments:  |                      |

**V. RECOMMENDATION**

Approve

**VI. TIMING/IMPLEMENTATION**

**VII. FOLLOW UP**

**REVIEWERS:**

| Department            | Reviewer          | Action   | Date                 |
|-----------------------|-------------------|----------|----------------------|
| Community Development | Rozdolski, Mikki  | Approved | 4/24/2024 - 10:21 AM |
| Budget Services       | Henkel, Anne      | Approved | 4/24/2024 - 12:10 PM |
| Budget Services       | Winton, Peter     | Approved | 4/24/2024 - 2:03 PM  |
| County Attorney       | Jacob, Michael D. | Approved | 4/25/2024 - 2:11 PM  |
| County Manager        | Mora, Marc        | Approved | 4/30/2024 - 12:11 PM |