

Tab 1	CS/SB 1150 by GO, Bean; (Compare to CS/CS/H 0953) Review of Administrative Rulemaking Authority						
267322	D	S	L	RCS	AGG, Altman	Delete everything after	02/29 03:10 PM

Tab 2	CS/SB 1168 by EP, Negron (CO-INTRODUCERS) Benacquisto, Soto, Flores, Simpson, Altman, Latvala; (Similar to H 0989) Implementation of the Water and Land Conservation Constitutional Amendment						
733460	A	S	RS	AGG, Hays	Delete L.32 - 57:		02/29 03:22 PM
319580	SA	S	RCS	AGG, Hays	Delete L.30 - 57:		02/29 03:22 PM
902856	ASA	S	RCS	AGG, Simpson	Delete L.56 - 57:		02/29 03:22 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON GENERAL
GOVERNMENT
Senator Hays, Chair
Senator Braynon, Vice Chair

MEETING DATE: Monday, February 29, 2016
TIME: 11:30 a.m.—12:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Hays, Chair; Senator Braynon, Vice Chair; Senators Altman, Dean, Lee, Margolis, and Simpson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 1150 Governmental Oversight and Accountability / Bean (Compare CS/CS/H 953)	Review of Administrative Rulemaking Authority; Requiring the Administrative Procedures Committee to submit recommendations regarding the periodic review of administrative rulemaking authority to the Legislature by a certain date; specifying minimum requirements for such recommendations, etc. GO 01/26/2016 Not Considered GO 02/01/2016 Temporarily Postponed GO 02/09/2016 Pending reconsider (Unfavorable) GO 02/16/2016 Adopted reconsider (Fav/CS) AGG 02/29/2016 Fav/CS FP	Fav/CS Yeas 6 Nays 0
2	CS/SB 1168 Environmental Preservation and Conservation / Negron (Similar H 989)	Implementation of the Water and Land Conservation Constitutional Amendment; Requiring a minimum specified percentage of funds within the Land Acquisition Trust Fund to be appropriated for Everglades restoration projects; providing a preference in the use of funds to certain projects that reduce harmful discharges to the St. Lucie Estuary and the Caloosahatchee Estuary; requiring a minimum specified percentage of funds within the Land Acquisition Trust Fund to be appropriated for spring restoration, protection, and management projects, etc. EP 02/09/2016 Fav/CS AGG 02/29/2016 Fav/CS AP	Fav/CS Yeas 7 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: PCS/CS/SB 1150 (342336)

INTRODUCER: Appropriations Subcommittee on General Government; Governmental Oversight and Accountability Committee; and Senator Bean

SUBJECT: Legislative Reauthorization of Agency Rulemaking Authority

DATE: March 2, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peacock</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1150 amends s. 120.536, F.S., to suspend any new rulemaking authority four years after the effective date of the law authorizing rulemaking until reauthorized by general law. Any rulemaking authority effective on or before July 1, 2016, is suspended July 1, 2020, until reauthorized by general law.

The bill provides that reauthorization of rulemaking authority remains in effect until July 1 of the fourth calendar year in which the reauthorization expires and rulemaking authority is then suspended until reauthorized by general law. Although the rulemaking authority is suspended, an agency may continue to use the rulemaking process to adopt rules. However, any rule adopted during this suspension of rulemaking authority must be ratified by the legislature.

The bill allows the Governor to issue a written declaration of public necessity delaying a suspension for 90 days.

The bill authorizes the creation of a joint legislative committee for purposes of overseeing the review of rulemaking authority and provides that agencies may submit a written notice annually to the Legislature of any agency rulemaking authority subject to suspension within the next two years.

Rules lawfully adopted remain in effect during suspension of rulemaking authority.

The bill makes exceptions for emergency rulemaking and rulemaking necessary to maintain financial or legal integrity of any financial obligation of the state, its agencies or political subdivisions.

The bill amends s. 120.54, F.S., to revise the limitations with respect to the timeframe that an emergency rule may be effective.

The bill has an indeterminate fiscal impact on state funds.

The bill takes effect July 1, 2016.

II. Present Situation:

Administrative Procedure Act

Chapter 120, F.S., the Administrative Procedure Act (APA),¹ regulates administrative rulemaking, administrative enforcement and administrative resolution of disputes arising out of administrative actions of most state agencies and certain other enumerated government entities. The term “agency” is defined in s. 120.52(1), F.S., as:

- Each state officer and state department, and departmental unit described in s. 20.04, F.S.²
- The Board of Governors of the State University System, the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the legislature.
- A regional water supply authority.
- A regional planning agency.
- A multicounty special district with a majority of its governing board comprised of non-elected persons.
- Educational units.
- Each entity described in chs. 163 (Intergovernmental Programs), 373 (Water Resources), 380 (Land and Water Management), and 582 (Soil and Water Conservation), F.S., and s. 186.504 (regional planning councils), F.S.
- Other units of government in the state, including counties and municipalities, to the extent they are expressly made subject to the act by general or special law or existing judicial decisions.³

The definition of “agency” also includes the Governor⁴ in the exercise of all executive powers other than those derived from the State Constitution.

Administrative actions authorized by law and regulated by the APA include adoption of a rule,⁵ granting or denying a permit or license, an order enforcing a law or rule that assesses a fine or

¹ Section 120.51, F.S.

² Section 20.04, F.S., sets the structure of the executive branch of state government.

³ The definition of agency expressly excludes certain legal entities or organizations found in chs. 343, 348, 349 and 361, F.S., and ss. 339.175 and 163.01(7), F.S.

⁴ Section 120.52(1)(a), F.S.

⁵ Section 120.54, F.S.

other discipline and final decisions in administrative disputes or other matters resulting in an agency decision. Such disputes include challenges to the validity of a rule or proposed rule, challenges to agency reliance on unadopted rules,⁶ and challenges to other proposed agency actions which affect substantial interests of any party.⁷ In addition to disputes, agency action occurs when the agency acts on a petition for a declaratory statement⁸ or settles a dispute through mediation.⁹

Administrative Rulemaking

The APA governs all rulemaking by state agencies except when a specific exemption applies. Rulemaking authority is delegated by the legislature¹⁰ and authorizes an agency to “adopt, develop, establish, or otherwise create”¹¹ a rule. Agencies do not have discretion whether to engage in rulemaking.¹² To adopt a rule an agency must have an express grant of authority to implement a specific law through rulemaking.¹³ The grant of rulemaking authority itself need not be detailed.¹⁴ The particular statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the administrative agency from exercising unbridled discretion in creating policy or applying the law.¹⁵ A delegation of authority to an administrative agency by a law that is vague, uncertain, or so broad as to give no notice of what actions would violate the law, may unconstitutionally allow the agency to make the law.¹⁶ Because of this constitutional limitation on delegated rulemaking, the Legislature must provide minimal standards and guidelines in the law creating a program to provide for its proper administration by the assigned executive agency. The Legislature may delegate rulemaking authority to agencies but not the authority to determine what should be the law.¹⁷

In 1996, the Legislature extensively revised¹⁸ agency rulemaking under the APA to require both an express grant of rulemaking authority and a specific law to be implemented by the rule.

A rule is an agency statement of general applicability which interprets, implements, or prescribes law or policy, including the procedure and practice requirements of an agency, as well as certain types of forms.¹⁹ The effect of an agency statement determines whether it meets the statutory definition of a rule, regardless of how the agency characterizes the statement.²⁰ If an agency

⁶ Section 120.56, F.S.

⁷ Section 120.569, F.S.

⁸ Section 120.565, F.S.

⁹ Section 120.573, F.S.

¹⁰ *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla. 1st DCA 2000).

¹¹ Section 120.52(17), F.S.

¹² Section 120.54(1)(a), F.S.

¹³ Sections 120.52(8) & 120.536(1), F.S.

¹⁴ *Save the Manatee Club, Inc.*, supra at 599.

¹⁵ *Sloban v. Florida Board of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So. 2d 696, 704 (Fla. 1st DCA 2001).

¹⁶ *Conner v. Joe Hatton, Inc.*, 216 So.2d 209 (Fla.1968).

¹⁷ *Sarasota County. v. Barg*, 302 So. 2d 737 (Fla. 1974).

¹⁸ Ch. 96-159, LOF.

¹⁹ Section 120.52(16), F.S.; *Florida Department of Financial Services v. Capital Collateral Regional Counsel-Middle Region*, 969 So. 2d 527, 530 (Fla. 1st DCA 2007).

²⁰ *Dept. of Administration v. Harvey*, 356 So. 2d 323, 325 (Fla. 1st DCA 1977).

statement generally requires compliance, creates certain rights while adversely affecting others, or otherwise has the direct and consistent effect of law, it is a rule.²¹

A notice of rule development initiates public input on a rule proposal.²² The process may be facilitated by conducting public workshops or engaging in negotiated rulemaking.²³ An agency begins the formal rulemaking by filing a notice of the proposed rule.²⁴ The notice is published by the Department of State in the Florida Administrative Register²⁵ and must provide certain information, including the text of the proposed rule, a summary of the agency's statement of estimated regulatory costs (SERC) if one is prepared,²⁶ and how a party may request a public hearing on the proposed rule. The SERC must include an economic analysis projecting a proposed rule's adverse effect on specified aspects of the state's economy, adverse impact on business competitiveness or increase in regulatory costs.²⁷

A SERC must include an economic analysis of whether a rule within the five year period after the rule goes into effect by showing:²⁸

- Is likely to have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment.²⁹
- Is likely to have an adverse impact on business competitiveness,³⁰ productivity, or innovation.³¹
- Is likely to increase regulatory costs, including any transactional costs.³²

If the analysis shows the projected impact of the proposed rule in any one of these areas will exceed \$1 million in the aggregate for the five year period, the rule cannot go into effect until ratified by the Legislature pursuant to s. 120.541(3), F.S.

²¹ *McDonald v. Dep't of Banking & Fin.*, 346 So.2d 569, 581 (Fla. 1st DCA 1977), articulated this principle which subsequently has been cited in numerous cases. See, *State of Florida, Dept. of Administration v. Stevens*, 344 So. 2d 290 (Fla. 1st DCA 1977); *Dept. of Administration v. Harvey*, 356 So. 2d 323 (Fla. 1st DCA 1977); *Balsam v. Department of Health and Rehabilitative Services*, 452 So.2d 976, 977-978 (Fla. 1st DCA 1984); *Department of Transp. v. Blackhawk Quarry Co.*, 528 So.2d 447, 450 (Fla. 5th DCA 1988), rev. den. 536 So.2d 243 (Fla.1988); *Dept. of Natural Resources v. Wingfield*, 581 So. 2d 193, 196 (Fla. 1st DCA 1991); *Dept. of Revenue v. Vanjaria Enterprises, Inc.*, 675 So. 2d 252, 255 (Fla. 5th DCA 1996); *Volusia County School Board v. Volusia Homes Builders Association, Inc.*, 946 So. 2d 1084 (Fla. 5th DCA 2007); *Florida Dept. of Financial Services v. Capital Collateral Regional Counsel*, 969 So. 2d 527 (Fla. 1st DCA 2007); *Coventry First, LLC v. State of Florida, Office of Insurance Regulation*, 38 So. 3d 200 (Fla. 1st DCA 2010).

²² Section 120.54(2)(a), F.S.

²³ Section 120.54(2)(c)-(d), F.S.

²⁴ Section 120.54(3)(a)1., F.S.

²⁵ Section 120.54(3)(a)2., F.S.

²⁶ Section 120.541(1)(b), F.S., requires preparation of a SERC if the proposed rule will have an adverse impact on small business or if the proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 within one year of implementation of the rule. Alternatively, s. 120.541(1)(a), F.S., provides that preparation of a SERC is triggered when a substantially affected person submits a good faith written proposal for a lower cost regulatory alternative which substantially accomplishes the objectives of the law being implemented.

²⁷ Section 120.541(2)(a), F.S.

²⁸ *Id.*

²⁹ Section 120.541(2)(a)1., F.S.

³⁰ Section 120.541(2)(a)2., F.S., states that business competitiveness includes the ability of those doing business in Florida to compete with those doing business in other states or domestic markets.

³¹ *Id.*

³² Section 120.541(2)(a)3., F.S.

Present law distinguishes between a rule being “adopted” and becoming enforceable or “effective.”³³ A rule must be filed for adoption before it may go into effect³⁴ and cannot be filed for adoption until completion of the rulemaking process.³⁵

Proposed rules also must be formally reviewed by the Joint Administrative Procedures Committee (JAPC)³⁶ which reviews rules to determine their validity, authority, sufficiency of form, consistency with legislative intent, reasonableness of regulatory cost estimates and other matters.³⁷ An agency must formally respond to the JAPC concerns or objections.³⁸

Emergency Rulemaking

Florida's APA provides for emergency rulemaking by any procedure which is fair under the circumstances when an immediate danger to the public health, safety, or welfare requires emergency action. Emergency rules may not be effective for more than 90 days but may be renewed if the agency has initiated rulemaking to adopt rules addressing the subject.³⁹

Administrative Procedures Committee

Section 1.01(16), F.S., provides that the term “Administrative Procedures Committee” means a committee designated by joint rule of the Legislature or by agreement between the President of the Senate and the Speaker of the House of Representatives. The Joint Administrative Procedures Committee (JAPC), a joint standing committee of the legislature created by Rule 4.1 of the Joint Rules of the Florida Legislature, is composed of no fewer than five and no more than seven members from each house, as appointed by the President of the Senate and the Speaker of the House. The primary function of the JAPC is to generally review agency action pursuant to the operation of ch. 120, F.S., the APA, particularly as these actions relate to the rulemaking process. The JAPC’s responsibilities include ensuring that rules adopted by the executive branch agencies do not create new law, but rather stay within the authority specifically delegated by the legislature.

Joint Rule 4.6 charges the JAPC with maintaining a continuous review of agency rules and the statutory authority upon which they are based. The JAPC reviews proposed rules and may review existing rules to determine whether they are within delegated legislative authority and notifies the agency if its authority is eliminated or significantly changed by repeal, amendment or holding of a court of last resort. Following each session of the legislature, the JAPC reviews each new law and determines whether the law will have a probable effect on an agency's rules. The JAPC also constantly monitors judicial decisions relating to administrative law and advises agencies whether its statutory rulemaking authority or its rules are affected by these decisions.

³³ Section 120.54(3)(e)6., F.S. Before a rule becomes enforceable, and thus “effective,” the agency first must complete the rulemaking process and file the rule for adoption with the Department of State.

³⁴ *Id.*

³⁵ Section 120.54(3)(e), F.S.

³⁶ Section 120.54(3)(a)4., F.S.

³⁷ Section 120.545(1), F.S.

³⁸ Sections 120.54(3)(e)4., and 120.545(3), F.S.

³⁹ Section 120.54(4), F.S.

Section 120.545, F.S., provides additional authority for the review of rules and sets out the procedures in the event of a JAPC objection to a rule. If the reviewing attorneys have concerns that a proposed or existing rule may not be authorized or exceeds the delegated rulemaking authority, the agency responsible for the rule is contacted. Often, an agency agrees that there is no authority for the rule and withdraws or amends the rule to address the JAPC staff's concerns. If there is disagreement about whether or not there is authority for the rule, the rule is scheduled for consideration by the full committee. The agency may appear before the committee and present argument and evidence in support of its rule. If, after hearing the agency's argument, the committee does not find statutory authority for the rule, the committee may vote to file an objection and the agency has a statutory period in which to respond. If the agency refuses to modify or withdraw a rule to which the committee has objected, public notice of the objection is given and a notation accompanies the rule when it appears in the Florida Administrative Code.

III. Effect of Proposed Changes:

Section 1 amends s. 120.536, F.S., to suspend all existing rulemaking authority on July 1, 2020, and to suspend all new rulemaking authority four years after its enactment unless the Legislature reauthorizes the rulemaking authority by general law.

A reauthorization of rulemaking authority remains in effect until July 1 of the fourth calendar year following the year in which the reauthorization occurs, unless another date is specified in the law reauthorizing rulemaking, after which the reauthorization expires and the rulemaking authority is suspended until again reauthorized by general law.

The bill allows an agency to continue or initiate rulemaking proceedings during a suspension, but a rule adopted during a suspension of authority does not take effect until ratified by the Legislature.

Also, the bill allows the Governor to issue a written declaration of public necessity delaying a suspension for 90 days. A declaration of public necessity may be issued only once in regards to any suspension of rulemaking authority.

Subject to the rules of the Senate and the House of Representatives, the President of the Senate and the Speaker of the House of Representatives may appoint a joint committee for the purposes of overseeing the review of rulemaking authority. The presiding officers may agree on a one year and a four year plan for review of rulemaking authority. The joint committee must report its recommendations to the President of the Senate and the Speaker of the House of Representatives each year on or before the convening of the regular session of the Legislature.

An agency may give notice by October 1 of each year to the Legislature of any agency rulemaking authority that is subject to suspension within the next two years. This notice must be in writing and delivered to the presiding officer of the Legislature and the chair and vice chair of any joint committee appointed pursuant to this section. This notice may include recommendations on reauthorization of, repeal of, or amendment to existing rulemaking authority. An agency may combine multiple notices for administrative convenience.

The bill expressly provides that all rules lawfully adopted remain in effect during any suspension of rulemaking authority under the bill's provisions.

The bill makes exception for any emergency rulemaking or any rulemaking necessary to maintain the financial or legal integrity of any financial obligation of the state, its agencies or political subdivisions.

Section 2 amends s. 120.54, F.S., to revise the timeframe when an emergency rule may be effective. An emergency rule may be effective longer than 90 days and is renewable if the agency determines that the immediate danger remains and continues to require emergency action. Also, a condition delaying implementation of the rule includes rules that have been filed for adoption and are awaiting ratification by the Legislature in accordance with any law requiring such ratification.

Section 3 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The overall impact of this legislation might be challenged as inconsistent with constitutional principles due to the following:

- Notice of laws amended. The bill generally suspends each current statutory grant of rulemaking authority without identifying those laws modified. Since a grant of rulemaking authority may be drafted many different ways, it may be difficult to determine whether a particular law has been suspended by this legislation.
- Separation of powers (legislative ratification of executive actions). Typically, when the Legislature delegates authority to the executive branch, the Legislature may not require ratification of those actions. In limited situations (relating to the cost of implementation of a particular rule), the Legislature has mandated the legislative ratification of a particular rule that meets a certain statutory threshold. Under this legislation, absent any other legislative action, all rules may be subject to ratification by the Legislature.
- Unlawful delegation of authority to the executive branch.

- The legislation does not provide any standard (other than “public necessity”) under which the Governor is permitted to delay the suspension of rulemaking authority (which is the same as delaying the effective date of a law).
- The legislation exempts from suspension certain rules “necessary to maintain the financial or legal integrity of any financial obligation of the state.” The legislation does not give standards for identifying such rules or delegate to any person that duty.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

PCS/CS/SB 1150 has an indeterminate fiscal impact. For some rules, suspension may create uncertainty for individuals and business concerning the legal requirements for certain actions.

C. Government Sector Impact:

The bill has an indeterminate fiscal impact on state funds. There may be fewer rule challenges during the period when rulemaking has been suspended, but a sharp increase in challenges when rulemaking is reauthorized.

VI. Technical Deficiencies:

Lines 49-52 may create confusion. While lines 37-42 of the bill “suspend” current and new grants of rulemaking authority, lines 49-52 appear to allow the rulemaking process to continue through the adoption process but prevent the rule from becoming effective. Then, the rule must be ratified by the Legislature to become effective.

Lines 52-57 permit the Governor to delay the suspension of the rulemaking authority for up to 90 days upon a written declaration of a public necessity. The term “public necessity” is not defined. This delay allows rules to become effective rather than subjected to the legislative ratification process. Since no clear standards are provided to the Governor for declaring a public necessity, the legal status of the rules becoming effective during the delay period become unclear. An opponent of such a rule would presumably have the ability to challenge the “public necessity.”

Lines 79-80 provides that “rules lawfully adopted remain in effect during any suspension of rulemaking authority under this subsection.” If an agency determines a rule is no longer necessary, or the underlying legal authority has changed without a subsequent grant of rulemaking authority, the agency will not be permitted to modify the rule, and the taxpayers affected by the rule may be negatively impacted.

Lines 83-85 of the bill exempt from the suspension provisions “rulemaking necessary to maintain the financial or legal integrity of any financial obligation of the state or its agencies or

political subdivisions.” It is unclear as to what this exemption is intended to preserve. If this language is intended to exempt rulemaking authority associated with programs related to the flow of federal dollars, the language is ambiguous and may be inadequate. It is unclear whether a rule setting a fee that is used to support appropriations might be deemed as necessary to maintain a financial obligation.

VII. Related Issues:

Depending upon how the ratification process is conducted, that process may: (a) be inadequate in terms of the constitutionally required notice for legislation; or (b) lend itself to impermissible logrolling (violate the single subject requirements of the State Constitution).

VIII. Statutes Affected:

The bill substantially amends sections 120.536 and 120.54 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on General Government on February 29, 2016:

The committee substitute:

- Deletes provisions requiring the Administrative Procedures Committee to submit recommendations to the President of the Senate and the Speaker of the House of Representatives on a process to periodically review rulemaking authority granted to state agencies;
- Suspends any new rulemaking authority four years after the effective date of the law authorizing rulemaking until reauthorized by general law;
- Authorizes appointment of joint legislative committee for purposes of overseeing the review of rulemaking authority;
- Authorizes agencies to provide annual written notice to the Legislature of any agency rulemaking authority subject to suspension within the next two years and provides requirements for such notice;
- Revises limitations regarding timeframe that an emergency rule may be effective; and
- Changes effective date from taking effect upon becoming a law to July 1, 2016.

CS by Governmental Oversight and Accountability on February 16, 2016:

- Deletes provisions of original bill regarding suspension of any new rulemaking authority for 3 years after the effective date of the law authorizing rulemaking until reauthorized by general law;
- Requires the Administrative Procedures Committee to submit recommendations by March 1, 2017, to the President of the Senate and the Speaker of the House of Representatives on a process to periodically review rulemaking authority granted to state agencies;

- Requires such legislative recommendations to outline a process similar to the Open Government Sunset Review Act, set forth in s. 119.15, F.S., including the expiration of rulemaking authority until reauthorized by the Legislature; and
- Changes effective date from July 1, 2016, to taking effect upon becoming a law.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/29/2016	.	
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	.	

Appropriations Subcommittee on General Government (Altman)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (2) through (4) of section 120.536,
Florida Statutes, are renumbered as subsections (3) through (5),
respectively, and a new subsection (2) is added to that section,
to read:

120.536 Rulemaking authority; reauthorization; repeal;
challenge.—



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11 (2) (a) Notwithstanding any other provision of law, and
12 except as provided in paragraph (g), any new rulemaking
13 authority is suspended 4 years after the effective date of the
14 law authorizing rulemaking until reauthorized by general law.
15 Any rulemaking authority effective on or before July 1, 2016, is
16 suspended July 1, 2020, until reauthorized by general law.

17 (b) Unless another date is specified in the law
18 reauthorizing rulemaking, a reauthorization of rulemaking
19 authority remains in effect until July 1 of the fourth calendar
20 year following the year in which the reauthorization occurs,
21 after which the reauthorization expires and the rulemaking
22 authority is suspended until again reauthorized by general law.

23 (c) During the suspension of any rulemaking authority under
24 this subsection, a rule may be adopted pursuant to such
25 rulemaking authority but does not take effect unless ratified by
26 the Legislature. Upon written declaration by the Governor of a
27 public necessity, suspension of any rulemaking authority may be
28 delayed for up to 90 days, allowing the Legislature an
29 opportunity to reauthorize the rulemaking authority. A
30 declaration of public necessity may be issued only once with
31 respect to any suspension of rulemaking authority.

32 (d) Subject to the rules of the Senate and the House of
33 Representatives, the President of the Senate and the Speaker of
34 the House of Representatives may appoint a joint committee for
35 the purposes of overseeing the review of rulemaking authority
36 pursuant to this subsection. The presiding officers may agree on
37 a 1-year and a 4-year work plan for review of rulemaking
38 authority. The joint committee shall report its recommendations
39 regarding reauthorization of rulemaking authority to the



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40 President of the Senate and the Speaker of the House of
41 Representatives each year on or before the convening of the
42 regular session of the Legislature.

43 (e) An agency may give notice by October 1 of each year to
44 the Legislature of any agency rulemaking authority that is
45 subject to suspension within the next two years. Such notice
46 must be in writing and delivered to the President of the Senate,
47 the Speaker of the House of the Representatives, and to the
48 chair and vice chair of any joint committee appointed pursuant
49 to paragraph (d). Such notice may include recommendations on
50 reauthorization of, repeal of, or amendment to existing
51 rulemaking authority. An agency may combine multiple notices for
52 administrative convenience.

53 (f) Rules lawfully adopted remain in effect during any
54 suspension of rulemaking authority under this subsection.

55 (g) This subsection does not apply to:

56 1. Emergency rulemaking pursuant to s. 120.54(4).

57 2. Rulemaking necessary to maintain the financial or legal
58 integrity of any financial obligation of the state or its
59 agencies or political subdivisions.

60 Section 2. Paragraph (c) of subsection (4) of section
61 120.54, Florida Statutes, is amended to read:

62 120.54 Rulemaking.—

63 (4) EMERGENCY RULES.—

64 (c) An emergency rule adopted under this subsection shall
65 not be effective for a period longer than 90 days and shall not
66 be renewable, except when the agency finds that the immediate
67 danger remains and continues to require emergency action, the
68 agency has initiated rulemaking to adopt rules addressing the



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69 subject of the emergency rule, and one of the following
70 conditions has delayed implementation of the rules either:

71 1. A challenge to the proposed rules has been filed and
72 remains pending; or

73 2. The proposed rules have been filed for adoption and are
74 awaiting ratification by the Legislature pursuant to any law
75 requiring ratification for the rules to be effective s.

76 ~~120.541(3).~~

77
78 Nothing in this paragraph prohibits the agency from adopting a
79 rule or rules identical to the emergency rule through the
80 rulemaking procedures specified in subsection (3).

81 Section 3. This act shall take effect July 1, 2016.

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete everything before the enacting clause
86 and insert:

87 A bill to be entitled
88 An act relating to legislative reauthorization of
89 agency rulemaking authority; amending s. 120.536,
90 F.S.; providing for suspension of certain rulemaking
91 authority after a specified period until reauthorized
92 by general law; providing for expiration of such
93 reauthorization after a specified period; providing
94 for suspension of rulemaking authority upon expiration
95 of its reauthorization until reauthorized by general
96 law; requiring legislative ratification of rules
97 adopted while rulemaking authority is suspended;



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98 authorizing the Governor to delay suspension of
99 rulemaking authority for a specified period upon
100 declaration of a public necessity; authorizing the
101 President of the Senate and the Speaker of the House
102 of Representatives to appoint a joint committee to
103 oversee the review of rulemaking authority; requiring
104 the committee to annually report to the Legislature;
105 authorizing an agency to provide notice to the
106 Legislature of any rulemaking authority subject to
107 suspension; prescribing notice requirements;
108 specifying that lawfully adopted rules remain in
109 effect through a suspension of rulemaking authority;
110 providing applicability; amending s. 120.54, F.S.;
111 revising limitations with respect to the timeframe
112 that an emergency rule may be effective; providing an
113 effective date.

By the Committee on Governmental Oversight and Accountability;
and Senator Bean

585-03647-16

20161150c1

1 A bill to be entitled
2 An act relating to review of administrative rulemaking
3 authority; requiring the Administrative Procedures
4 Committee to submit recommendations regarding the
5 periodic review of administrative rulemaking authority
6 to the Legislature by a certain date; specifying
7 minimum requirements for such recommendations;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. By March 1, 2017, the Administrative Procedures
13 Committee, as defined in s. 1.01, Florida Statutes, shall submit
14 recommendations to the President of the Senate and the Speaker
15 of the House of Representatives on a process to periodically
16 review administrative rulemaking authority granted to state
17 agencies. Such recommendations shall outline a process similar
18 to the Open Government Sunset Review Act, set forth in s.
19 119.15, Florida Statutes, including providing for the expiration
20 of rulemaking authority until reauthorization by the
21 Legislature.

22 Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/29/16
Meeting Date

1150
Bill Number (if applicable)

Topic Rulemaking

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

Address 9166 Sunrise Dr.

Phone _____

Street

Largo
City

Fla.
State

33773
Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Pinellas County Florida Government Corruption

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



The Florida Senate

Committee Agenda Request

To: Senator Alan Hays, Chair
Appropriations Subcommittee on General Government

Subject: Committee Agenda Request

Date: February 22, 2016

I respectfully request that **Senate Bill # 1150**, relating to Review of Administrative Rulemaking Authority, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Aaron Bean".

Senator Aaron Bean
Florida Senate, District 4

/JE

CC: Jamie DeLoach Staff Director

File signed original with committee office

S-020 (03/2004)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: PCS/CS/SB 1168 (419000)

INTRODUCER: Appropriations Subcommittee on General Government; Environmental Preservation and Conservation Committee; and Senator Negron and others

SUBJECT: Implementation of the Water and Land Conservation Constitutional Amendment

DATE: March 1, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Istler</u>	<u>Rogers</u>	<u>EP</u>	<u>Fav/CS</u>
2.	<u>Howard</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1168 requires specified minimum distributions from the Land Acquisition Trust Fund (LATF) to fund Everglades projects that implement the Comprehensive Everglades Restoration Plan, including the Central Everglades Planning Project, the Long-Term Plan, and the Northern Everglades and Estuaries Protection Program. In addition, the bill requires a minimum distribution from the LATF to fund springs restoration, protection, and management projects, an annual amount to be appropriated to the St. Johns Water Management District for projects dedicated to the restoration of Lake Apopka, and an annual amount to be appropriated to the Southwest Florida Water Management District for projects dedicated to the restoration of Kings Bay or Crystal River.

The bill provides an adjustment to the calculation of each distribution for the Everglades, Springs, Lake Apopka, and Kings Bay or Crystal River if debt service is paid on bonds issued after July 1, 2016, for the purposes outlined under the bill.

The Revenue Estimating Conference for Documentary Stamp Tax Collection Distributions on January 19, 2016, determined that the bill would allocate a minimum of \$145,000,000 for Everglades projects and \$49,590,000 for springs projects. The bill also provides for an annual distribution of \$5 million for Lake Apopka restoration projects and \$5 million for Kings Bay or Crystal River restoration projects (see Section V. Fiscal Impact Statement for a detailed analysis).

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Documentary Stamp Tax Revenues

Chapter 201, F.S., levies a tax on two classes of documents: deeds and other documents related to real property, which are taxed at the rate of 70 cents per \$100; and certificates of indebtedness, promissory notes, wage assignments, and retail charge account agreements, which are taxed at 35 cents per \$100.¹ Revenue from the excise tax on documents, collectively known as documentary stamp tax revenues, is divided between the General Revenue Fund and various trust funds.

In 2014, Florida voters approved a constitutional amendment to provide a dedicated funding source for water and land conservation and restoration. The amendment required that starting on July 1, 2015, for 20 years, 33 percent of net revenues derived from the existing excise tax on documents be deposited into the Land Acquisition Trust Fund (LATF).

The amendment required that funds in the LATF be expended only, as provided by law, to finance or refinance the following:

- The acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat;
- Wildlife management areas;
- Lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems;
- Lands in the Everglades Agricultural Area and the Everglades Protection Area;
- Beaches and shores;
- Outdoor recreation lands, including recreational trails, parks, and urban open space;
- Rural landscapes;
- Working farms and ranches; and
- Historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.²

The amendment was approved by 75 percent of the electors voting on the issue and created Art. X, section 28 of the Florida Constitution. To comply with the constitutional requirements, the Legislature in the 2015 Special Session A passed chapter 2015-229 Laws of Florida.³

As part of chapter 2015-229, Laws of Florida, s. 201.15, F.S., was amended to conform to the constitutional requirement that the LATF receive at least 33 percent of net revenues derived from

¹ See ss. 201.02 and 201.08, F.S.

² FLA. CONST. art. X, s. 28.

³ Ch. 2015-229, Laws of Fla.

the existing excise tax on documents.⁴ Section 201.15, F.S., requires documentary stamp tax revenues be pledged and first made available to make payments on Florida Forever and Everglades restoration bonds.⁵

Chapter 2015-229, Laws of Florida, amended s. 375.041, F.S., to designate the LATF within the Department of Environmental Protection as the trust fund that serves as the depository for the constitutionally required funds.⁶ The revenue deposited into the LATF is required to be utilized in the following order:

- Obligations relating to debt service, specifically:
 - First to payments relating to Florida Forever Bonds and Everglades restoration bonds; and
 - Then, to payments relating to bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District;
- A distribution of \$32 million each fiscal year to the South Florida Water Management District for the Long-Term Plan defined in s. 373.59, F.S.; and
- Then any remaining moneys are authorized to be appropriated from time to time for the purposes set forth in Art. X, section 28 of the Florida Constitution.⁷

Everglades Restoration Projects

The Florida Water Resources Act, ch. 373, F.S., directs the roles and responsibilities of the Department of Environmental Protection (DEP) and the South Florida Water Management District (SFWMD) for plans authorized through the Everglades Forever Act, the Comprehensive Everglades Restoration Plan, and the Northern Everglades and Estuaries Protection Program.⁸

Everglades Forever Act

In 1994, the Legislature passed the Everglades Forever Act (EFA), which outlines the state's commitment to restore the Everglades by improving water quality and quantity.⁹ The primary goals of the EFA are to improve water quality by reducing phosphorus levels, restore the hydrology of the ecosystem, and restore and protect native plant and animal species.¹⁰ In 2003, the EFA was amended to implement the "Everglades Protection Area Tributary Basins Conceptual Plan for Achieving Long-term Water Quality Goals," also known as the Long-Term Plan.¹¹

The Long-Term Plan identifies the best available phosphorous reduction technology to be used in combination with Best Management Practices (BMPs) to achieve the phosphorus criterion in the Everglades Protection Area.¹² The Long-Term Plan is to be implemented in two phases: the

⁴ Ch. 2015-229, s. 9, Laws of Fla.

⁵ Section 201.15, F.S.

⁶ Ch. 2015-229, s. 50, Laws of Fla.

⁷ Section 375.041, F.S.

⁸ DEP, *Everglades, Overview of restoration programs*, <http://www.dep.state.fl.us/everglades/default.htm> (last visited Feb. 4, 2016).

⁹ Chapter 1994-115, Laws of Fla.

¹⁰ Section 373.4592, F.S.

¹¹ Chapter 2003-12, Laws of Fla.

¹² Section 373.4592, F.S.

initial phase from 2003 to 2016, followed by an additional 10-year phase.¹³ In 2013, the EFA was amended to include the “Restoration Strategies Regional Water Quality Plan,” the second phase of the Long-Term Plan.”¹⁴ The Plan includes additional stormwater treatment areas and storage reservoirs at a cost of \$880 million to be jointly funded over a 13-year period by the state and the SFWMD.¹⁵ In 2013, the Legislature appropriated \$32 million on a recurring basis through the 2023-2024 fiscal year to support the implementation of the plan.¹⁶

Comprehensive Everglades Restoration Plan

The Comprehensive Everglades Restoration Plan (CERP) is a state-federal partnership that was created to restore the Everglades. The plan works in conjunction with other state and federal efforts to revitalize wetlands, lakes, bays, and estuaries across South Florida, for the purpose of improving the Everglades and ensuring that the area’s water supply can meet future needs. The DEP, the U.S. Army Corps of Engineers, and the SFWMD work jointly to review each program proposal. CERP serves as the framework and guide for the restoration, protection, and preservation of the South Florida ecosystem, including providing for the water-related needs of the region, such as water supply and flood protection.¹⁷ The plan encompasses 16 counties over an 18,000-square-mile area.¹⁸ The goal of CERP is to capture fresh water that now flows unused to the ocean and redirect it to areas that need it most.¹⁹

CERP includes the Central Everglades Planning Project (CEPP), which incorporates updated science and technical information gained over the last decade to identify a recommended plan and prepare a Project Implementation Report (PIR) for congressional authorization. CEPP will develop the next set of project components that focus on restoring more natural water flow, depth, and duration into and within the Central Everglades.²⁰ The draft PIR was completed in August 2013.²¹ The U.S. Army Corps signed the Record of Decision for CEPP in August 2015, signifying the completion of the final administrative review for the ecosystem restoration project’s report.²² The report will be transmitted to Congress for authorization.²³

¹³ SFWMD, *Long-Term Plan for Achieving Water Quality Goals, Questions and Answers*, http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/q_and_a_long_term_plan.pdf (last visited Feb. 4, 2016).

¹⁴ Chapter 2013-59, s. 1, Laws of Fla.

¹⁵ DEP, *Everglades Water Quality Improvements, Questions & Answers*, http://www.dep.state.fl.us/secretary/news/2012/06/everglades_wq_improvements.pdf (last visited Feb. 4, 2016).

¹⁶ Ch. 2013-59, s. 2, Laws of Fla.

¹⁷ SFWMD, *South Florida Environmental Report 2015, Executive Summary*, Glossary (Mar. 1, 2015) available at http://www.sfwmd.gov/portal/page/portal/pg_grp_sfwmd_sfer/portlet_prevreport/2015_sfer_final/2015_sfer_executive_summary_final.pdf.

¹⁸ DEP, *Projects and Goals*, <http://www.dep.state.fl.us/evergladesforever/restoration/projects.htm> (last visited Feb. 4, 2016).

¹⁹ *Id.*

²⁰ U.S. Army Corps of Engineers, *Central Everglades Planning Project (CEPP), Facts & Information*, (Sept. 2013) http://www.evergladesrestoration.gov/content/cepp/documents/CEPP_FS_September2013_508.pdf (last visited Feb. 4, 2016).

²¹ *Id.*

²² U.S. Army Corps of Engineers, *Record of Decision signed for Central Everglades Planning Project*, <http://www.saj.usace.army.mil/DesktopModules/ArticleCS/Print.aspx?PortalId=44&ModuleId=16629&Article=615490> (last visited Feb 4, 2016).

²³ *Id.*

Northern Everglades and Estuaries Protection Program

The Northern Everglades and Estuaries Protection Program (NEEPP) was established to promote a comprehensive, interconnected watershed approach to protect Lake Okeechobee and the Caloosahatchee and St. Lucie River watersheds. It includes the Lake Okeechobee Watershed Protection Program and the Caloosahatchee and St. Lucie River Watershed Protection Program.²⁴ The NEEPP led to the creation of the Phase II Technical Plan which provided the measures of quality, quantity, timing, and distribution of water in the northern Everglades ecosystem necessary for restoration.²⁵ The St. Lucie River and Caloosahatchee River Watershed Protection plans were developed under the NEEPP. The plans include a construction project, pollution control program, and research and water quality monitoring programs, and build upon existing and planned programs and projects to consolidate previous restoration efforts.²⁶

The 2016 Legislature enacted legislation, chapter 2016-1, Laws of Florida, which updates and restructures the NEEPP to reflect and build upon the DEP's implementation of basin management action plans (BMAPs) for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary. The BMAP will include the construction of water projects, water monitoring programs, and the implementation, verification, and enforcement of best management practices (BMPs) within these watersheds. The BMAPs will now be required to include 5-, 10-, and 15-year milestones toward achieving the total maximum daily loads for those water basins within 20-years.²⁷

Springs Restoration, Protection, and Management Projects

Springs form when groundwater is forced out through natural openings in the ground. Florida has more than 700 recognized springs, categorized by flow in cubic feet per second. First magnitude springs are those that discharge 100 cubic feet of water per second or greater. Florida has 33 first magnitude springs in 18 counties that discharge more than 64 million gallons of water per day. Spring discharges, primarily from the Floridan aquifer, are used to determine groundwater quality and the degree of human impact on a spring's recharge area. Rainfall, surface conditions, soil type, mineralogy, the composition and porous nature of the aquifer system, flow, and length of time in the aquifer all contribute to groundwater chemistry.

Excessive nutrient levels, particularly nitrate, are the primary water quality threat to springs.²⁸ High nitrate levels result from urban and agricultural stormwater runoff and leaching, and inadequately treated wastewater.²⁹ Spring system water quality is regularly assessed to determine whether it is meeting Florida's standards. When a spring system is not meeting the standard, the system is formally identified as impaired, and the DEP is required to adopt a Total Maximum Daily Load (TMDL).³⁰ A TMDL is a scientific determination of the maximum amount of a given

²⁴ Section 373.4595, F.S.

²⁵ DEP, *Everglades, Northern Everglades and Estuaries Protection Program (NEEPP)*, <http://www.dep.state.fl.us/everglades/neepp.htm> (last visited Feb. 4, 2016).

²⁶ Section 373.4595, F.S.

²⁷ Chapter 2016-1, Laws of Fla.

²⁸ DEP, *Progress Report: Select First Magnitude Springs and Springs of Regional Significance*, pg. 2 (Nov. 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

²⁹ *Id.*

³⁰ Section 403.067, F.S.

pollutant that a surface water can absorb and still meet the water quality standards that protect human health and aquatic life.³¹ To achieve a TMDL, the DEP works with local stakeholders to adopt and implement comprehensive BMAPs.³² BMAPs represent a comprehensive set of strategies, including permit limits on wastewater facilities, urban and agricultural best management practices, conservation programs, financial assistance and revenue generating activities, designed to implement the pollutant reductions established by the TMDL.³³

Water quantity or spring flows are affected by drought and other long-term climate conditions and may be affected by excessive water withdrawals.³⁴ The water management districts (WMDs) or the DEP are required to establish minimum flows and levels (MFLs) for surface and ground waters. The “minimum flow” is the limit at which further withdrawals from a watercourse would significantly harm water resources or ecology; the “minimum level” is the level of a groundwater or surface water body at which further withdrawals would significantly harm water resources.³⁵ If the flow or level is currently below, or within 20 years will fall below an applicable MFL, the water management district (WMD) is required to implement a recovery or prevention strategy.³⁶

The Best Management Practices (BMPs) are established to conserve water and minimize nutrient loss to the environment, particularly through fertilizer application and land and animal management.³⁷ In coordination with the DEP, the WMDs, and other stakeholders, the Department of Agriculture and Consumer Service’s Office of Agriculture Water Policy works to identify and prioritize restoration efforts in springs, including ways to manage more effectively water and nutrient applications in springs protection areas.³⁸

Spring restoration, protection, and management projects may be used to achieve TMDLs through a BMAP, address MFLs through a recovery or prevention strategy, or implement BMPs. Examples of such projects include, but are not limited to: investments to wastewater treatment facilities; water quality improvement projects; aquifer recharge projects; reclaimed water projects; purchase of conservation lands for water quality protection; stormwater improvement; water quality sampling or monitoring; meter implementation; or irrigation system efficiency upgrades.

Lake Apopka

Lake Apopka is the state’s fourth-largest lake in Florida. The St. John’s River Water Management District (SJRWMD) has worked to restore the lake. Ongoing projects to restore the lake include harvesting gizzard shad from the lake to remove phosphorus and nitrogen contained in the fish bodies that are in the lake and the construction of the Lake Apopka Marsh Flow-Way,

³¹ DEP, *Total Maximum Daily Loads*, <http://www.dep.state.fl.us/water/tmdl/index.htm> (last visited Feb. 10, 2016).

³² Section 403.067, F.S.

³³ DEP, *Total Maximum Daily Loads*, <http://www.dep.state.fl.us/water/tmdl/index.htm> (last visited Feb. 10, 2016).

³⁴ DEP, *Progress Report: Select First Magnitude Springs and Springs of Regional Significance*, pg. 3 (Nov. 2015).

³⁵ Section 373.042, F.S.

³⁶ Section 373.0421, F.S.

³⁷ DEP, *Progress Report: Select First Magnitude Springs and Springs of Regional Significance*, pg. 3 (Nov. 2015).

³⁸ DEP, *Progress Report: Select First Magnitude Springs and Springs of Regional Significance*, Attachment 3 (Nov. 2015).

which is a 760-acre constructed wetland along the northwest shore of Lake Apopka. The wetland system removes phosphorus and suspended material already in Lake Apopka water.³⁹

Kings Bay and Crystal River

The Crystal River/Kings Bay springs group is the second largest springs group in the state, with more than 70 springs within the 600-acre bay.⁴⁰ The springs group is unique because it flows into a large, open bay. The system is the largest winter refuge for manatees on the state's gulf coast. Portions of Kings Bay are dominated by large amounts of algae growth which can cause reduced water clarity and extreme fluctuations in dissolved oxygen. The Southwest Florida Water Management District (SWFWMD) has taken steps to improve Crystal River and Kings Bay. For example, the SWFWMD is constructing a wetland area on the Three Sisters Springs property to treat stormwater runoff and improve stormwater before it enters into Kings Bay.⁴¹

III. Effect of Proposed Changes:

The bill amends s. 375.041, F.S., to require specified minimum distributions from the Land Acquisition Trust Fund (LATF) to be used to fund Everglades restoration projects, spring restoration, protection, and management projects, Lake Apopka restoration projects and Kings Bay or Crystal River restoration projects.

Everglades restoration projects

The bill requires an appropriation of funds to be used for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program (NEEPP).

The bill requires an annual appropriation of a minimum of the lesser of 25 percent of the funds remaining in the LATF after the payment of debt service or \$145 million for Everglades projects in the following manner:

- \$32 million to the South Florida Water Management District for the Long-Term Plan each fiscal year through the 2023-2024 fiscal year;
- Then, after deducting the \$32 million, a minimum of the lesser of 76.5 percent of the funds remaining or \$100 million for the planning, design, engineering, and construction of the CERP, including the Central Everglades Planning Project, subject to congressional authorization, each fiscal year through the 2025-2026 fiscal year;
- Then, funds remaining are to be available for distribution to CERP or NEEPP projects.

The bill requires the DEP and the SFWMD to give preference to Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner.

³⁹ St. John's River Water Management District, *Lake Apopka Basin*, <http://floridaswater.com/lakeapopka/> (last visited Feb. 29, 2016).

⁴⁰ Southwest Florida Water Management District (SWFWMD), *Crystal River/Kings Bay, Citrus County*, <https://www.swfwmd.state.fl.us/springs/kings-bay/> (last visited Feb. 29, 2016).

⁴¹ SWFWMD, *Three Sisters Springs Wetland Treatment Project*, <http://www.swfwmd.state.fl.us/springs/kings-bay/three-sisters-springs-project/> (last visited Feb. 29, 2016).

The bill deletes language that is set to expire July 1, 2016, relating to the payment of debt service on bonds issued before February 1, 2009, by the South Florida Water Management District.

The bill provides an adjustment to the calculation of the distribution for the Everglades if debt service is paid on bonds issued after July 1, 2016, for the purposes provided in the bill.

Spring restoration, protection, and management projects

The bill requires an annual appropriation of a minimum of the lesser of 7.6 percent of the funds remaining in the LATF after the payment of debt service or \$50 million for spring restoration, protection, and management projects.

The bill provides an adjustment to the calculation of each distribution for Springs restoration projects if debt service is paid on bonds issued after July 1, 2016, for the purposes provided in the bill.

Lake Apopka and Kings Bay or Crystal River restoration projects

The bill requires an annual appropriation of \$5 million annually to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka.

In addition, the bill requires an annual appropriation of \$5 million annually to the Southwest Florida Water Management District for projects dedicated to the restoration of Kings Bay or Crystal River.

The bill provides an adjustment to the calculation of each distribution for Lake Apopka and Kings Bay or Crystal River if debt service is paid on bonds issued after July 1, 2016, for the purposes provided in the bill.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

PCS/CS/SB 1168 requires specified distributions from the Land Acquisition Trust Fund (LATF) within the Department of Environmental Protection as follows:

Estimated Documentary Stamp Tax Revenue:			\$2,506,250,000*		As estimated for FY 2016-2017
	LATF distribution (33% of estimated tax revenue):		\$823,830,000*		As required under Art. X, s. 28 of the Florida Constitution.
	Payment on debt service:		\$171,330,000*		As required under Art. X, s. 28 of the Florida Constitution.
	Remainder of LATF after subtracting debt service	X	\$652,500,000*		
			<u>% Amount</u>	<u>Set Amount</u>	
Allocation for Everglades Projects:	A minimum of the lesser of 25% or \$145 million	25% of X	\$163,125,000	\$145 million	As required under PCS/CS/SB 1168.
<u>Distribution:</u>	Long-Term Plan		N/A	\$32 million	As required under s. 375.041, F.S.
<u>Distribution:</u>	A minimum of the lesser of 76.5% or \$100 million	76.5% of (\$145 million minus \$32 million)	\$86,445,000	\$100 million	For the planning, design, engineering, and construction of CERP projects as required under PCS/CS/SB 1168.
<u>Balance:</u>		\$145m minus \$32m minus \$86.4m = \$26.6m		\$26,555,000 million	Available for Everglades projects as required under PCS/CS/SB 1168.
Allocation for Springs projects:	A minimum of the lesser of 7.6% or \$50 million	7.6% of X	\$49,590,000	\$50 million	Available for spring restoration, protection, and management projects as required

					under PCS/CS/SB 1168
Allocation for Lake Apopka			N/A	\$5 million	Available for Lake Apopka restoration projects as required under PCS/CS/SB 1168
Allocation for Kings Bay or Crystal River			N/A	\$5 million	Available for Kings Bay or Crystal River restoration projects as required under PCS/CS/SB 1168
Balance of LATF:		\$652.5m minus \$145m minus \$50m minus \$5m = \$447.5m		\$447,500,000**	Available for appropriation for the purposes set forth in Art. X, s. 28 of the Florida Constitution.

*Based on the Revenue Estimating Conference for Documentary Stamp Tax Collection and Distributions adopted January 19, 2016.

** Based on estimates for Fiscal Year 2016-2017 as provided by the Senate Appropriations Committee staff.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 375.041 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on General Government on February 29, 2016:

The committee substitute:

- Reduces the specified minimum distribution from the Land Acquisition Trust Fund (LATF) to fund Everglades projects from \$200 million to \$145 million.
- Reduces the specified minimum distribution from the LATF to fund Springs restoration projects from \$75 million to \$50 million.
- Adds an annual appropriation of \$5 million from the LATF for Lake Apopka restoration projects.
- Adds an annual appropriation of \$5 million from the LATF for Kings Bay or Crystal River restoration projects.

- Provides an adjustment to the calculation of each distribution for the Everglades, Springs, Lake Apopka, and Kings Bay or Crystal River based on debt service paid on bonds issued for such purposes.

CS by Environmental Preservation and Conservation on February 9, 2016:

The CS adds a specified minimum distribution from the Land Acquisition Trust Fund to fund spring restoration, protection, and management projects.

B. Amendments:

None.



733460

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/29/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Hays)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 32 - 57
and insert:

1. A minimum of the lesser of 25 percent or \$145 million shall be appropriated annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to Congressional authorization; the Long-Term Plan as defined in s. 373.4592(2); and the Northern Everglades



733460

11 and Estuaries Protection Program as set forth in s. 373.4595.
12 From these funds, \$32 million shall be distributed each fiscal
13 year through the 2023-2024 fiscal year to the South Florida
14 Water Management District for the Long-Term Plan as defined in
15 s. 373.4592(2). After deducting the \$32 million distributed
16 under this subparagraph, from the funds remaining, a minimum of
17 the lesser of 76.5 percent or \$100 million shall be appropriated
18 each fiscal year through the 2025-2026 fiscal year for the
19 planning, design, engineering, and construction of the
20 Comprehensive Everglades Restoration Plan as set forth in s.
21 373.470, including the Central Everglades Planning Project
22 subject to Congressional authorization. The Department of
23 Environmental Protection and the South Florida Water Management
24 District shall give preference to those Everglades restoration
25 projects that reduce harmful discharges of water from Lake
26 Okeechobee to the St. Lucie or Caloosahatchee estuaries in a
27 timely manner. This distribution shall be reduced by an amount
28 equal to the debt service paid pursuant to paragraph (a) on
29 bonds financed with distributions under this subparagraph.

30 2. A minimum of the lesser of 7.6 percent or \$50 million
31 shall be appropriated annually for spring restoration,
32 protection, and management projects. This distribution shall be
33 reduced by an amount equal to the debt service paid pursuant to
34 paragraph (a) on bonds financed with distributions under this
35 subparagraph.

36 3. The sum of \$5 million shall be appropriated annually to
37 the St. Johns River Water Management District for projects
38 dedicated to the restoration of Lake Apopka. This distribution
39 shall be reduced by an amount equal to the debt service paid



733460

40 pursuant to paragraph (a) on bonds financed with distributions
41 under this subparagraph ~~Then, to pay the debt~~

42

43 ===== T I T L E A M E N D M E N T =====

44 And the title is amended as follows:

45 Delete lines 5 - 13

46 and insert:

47 amount of funds within the Land Acquisition Trust Fund
48 to be appropriated for Everglades restoration
49 projects; providing a preference in the use of funds
50 to certain projects that reduce harmful discharges to
51 the St. Lucie Estuary and the Caloosahatchee Estuary;
52 requiring the distribution to be reduced by an amount
53 equal to the debt service paid on certain bonds;
54 requiring a minimum specified amount of funds within
55 the Land Acquisition Trust Fund to be appropriated for
56 spring restoration, protection, and management
57 projects; requiring the distribution to be reduced by
58 an amount equal to the debt service paid on certain
59 bonds; requiring a specified appropriation for
60 projects dedicated to the restoration of Lake Apopka;
61 requiring the distribution to be reduced by an amount
62 equal to the debt service paid on certain bonds;
63 deleting an obsolete provision;



319580

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/29/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Hays)
recommended the following:

1 **Senate Substitute for Amendment (733460) (with title**
2 **amendment)**

3
4 Delete lines 30 - 57

5 and insert:

6 under paragraph (a) but before funds may be appropriated,
7 pledged, or dedicated for other uses:

8 1. A minimum of the lesser of 25 percent or \$145 million
9 shall be appropriated annually for Everglades projects that
10 implement the Comprehensive Everglades Restoration Plan as set



319580

11 forth in s. 373.470, including the Central Everglades Planning
12 Project subject to Congressional authorization; the Long-Term
13 Plan as defined in s. 373.4592(2); and the Northern Everglades
14 and Estuaries Protection Program as set forth in s. 373.4595.
15 From these funds, \$32 million shall be distributed each fiscal
16 year through the 2023-2024 fiscal year to the South Florida
17 Water Management District for the Long-Term Plan as defined in
18 s. 373.4592(2). After deducting the \$32 million distributed
19 under this subparagraph, from the funds remaining, a minimum of
20 the lesser of 76.5 percent or \$100 million shall be appropriated
21 each fiscal year through the 2025-2026 fiscal year for the
22 planning, design, engineering, and construction of the
23 Comprehensive Everglades Restoration Plan as set forth in s.
24 373.470, including the Central Everglades Planning Project
25 subject to Congressional authorization. The Department of
26 Environmental Protection and the South Florida Water Management
27 District shall give preference to those Everglades restoration
28 projects that reduce harmful discharges of water from Lake
29 Okeechobee to the St. Lucie or Caloosahatchee estuaries in a
30 timely manner. For the purpose of performing the calculation
31 provided in this subparagraph the amount of debt service paid
32 pursuant to paragraph (a) for bonds issued after July 1, 2016,
33 for the purposes set forth under paragraph (b) shall be added to
34 the amount remaining after the payments required under paragraph
35 (a). The amount of the distribution calculated shall then be
36 reduced by an amount equal to the debt service paid pursuant to
37 paragraph (a) on bonds issued after July 1, 2016, for the
38 purposes set forth under this subparagraph.

39 2. A minimum of the lesser of 7.6 percent or \$50 million



319580

40 shall be appropriated annually for spring restoration,
41 protection, and management projects. For the purpose of
42 performing the calculation provided in this subparagraph the
43 amount of debt service paid pursuant to paragraph (a) for bonds
44 issued after July 1, 2016, for the purposes set forth under
45 paragraph (b) shall be added to the amount remaining after the
46 payments required under paragraph (a). The amount of the
47 distribution calculated shall then be reduced by an amount equal
48 to the debt service paid pursuant to paragraph (a) on bonds
49 issued after July 1, 2016, for the purposes set forth under this
50 subparagraph.

51 3. The sum of \$5 million shall be appropriated annually to
52 the St. Johns River Water Management District for projects
53 dedicated to the restoration of Lake Apopka. This distribution
54 shall be reduced by an amount equal to the debt service paid
55 pursuant to paragraph (a) on bonds issued after July 1, 2016,
56 for the purposes set forth in this subparagraph ~~Then, to pay the~~
57 ~~debt~~

58
59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete lines 5 - 13

62 and insert:

63 amount of funds within the Land Acquisition Trust Fund
64 to be appropriated for Everglades restoration
65 projects; providing a preference in the use of funds
66 to certain projects that reduce harmful discharges to
67 the St. Lucie Estuary and the Caloosahatchee Estuary;
68 requiring the distribution to be reduced by an amount



319580

69 equal to the debt service paid on certain bonds;
70 requiring a minimum specified amount of funds within
71 the Land Acquisition Trust Fund to be appropriated for
72 spring restoration, protection, and management
73 projects; requiring the distribution to be reduced by
74 an amount equal to the debt service paid on certain
75 bonds; requiring a specified appropriation for
76 projects dedicated to the restoration of Lake Apopka;
77 requiring the distribution to be reduced by an amount
78 equal to the debt service paid on certain bonds;
79 deleting an obsolete provision;



902856

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/29/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

1 **Senate Amendment to Substitute Amendment (319580) (with**
2 **title amendment)**

3
4 Delete lines 56 - 57
5 and insert:

6 for the purposes set forth in this subparagraph.

7 4. The sum of \$5 million shall be appropriated annually to
8 the Southwest Florida Water Management District for projects
9 dedicated to the restoration of Kings Bay or Crystal River. This
10 distribution shall be reduced by an amount equal to the debt



902856

11 service paid pursuant to paragraph (a) on bonds issued after
12 July 1, 2016, for the purposes set forth in this subparagraph
13 ~~Then, to pay the debt~~

14
15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Between lines 78 and 79

18 insert:

19 requiring a specified appropriation for projects
20 dedicated to the restoration of Kings Bay or Crystal
21 River; requiring the distribution to be reduced by an
22 amount equal to the debt service paid on certain
23 bonds;

By the Committee on Environmental Preservation and Conservation;
and Senators Negron, Benacquisto, Soto, Flores, Simpson, and
Altman

592-03274-16

20161168c1

1 A bill to be entitled

2 An act relating to implementation of the water and
3 land conservation constitutional amendment; amending
4 s. 375.041, F.S.; requiring a minimum specified
5 percentage of funds within the Land Acquisition Trust
6 Fund to be appropriated for Everglades restoration
7 projects; providing a preference in the use of funds
8 to certain projects that reduce harmful discharges to
9 the St. Lucie Estuary and the Caloosahatchee Estuary;
10 requiring a minimum specified percentage of funds
11 within the Land Acquisition Trust Fund to be
12 appropriated for spring restoration, protection, and
13 management projects; deleting an obsolete provision;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (3) of section 375.041, Florida
19 Statutes, is amended to read:

20 375.041 Land Acquisition Trust Fund.—

21 (3) Funds distributed into the Land Acquisition Trust Fund
22 pursuant to s. 201.15 shall be applied:

23 (a) First, to pay debt service or to fund debt service
24 reserve funds, rebate obligations, or other amounts payable with
25 respect to Florida Forever bonds issued under s. 215.618; and
26 pay debt service, provide reserves, and pay rebate obligations
27 and other amounts due with respect to Everglades restoration
28 bonds issued under s. 215.619; and

29 (b) Of the funds remaining after the payments required
30 under paragraph (a) but before funds may be appropriated or

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

592-03274-16

20161168c1

31 dedicated for other uses:

32 1. A minimum of the lesser of 25 percent or \$200 million
33 shall be appropriated annually for Everglades projects that
34 implement the Comprehensive Everglades Restoration Plan as set
35 forth in s. 373.470, including the Central Everglades Planning
36 Project subject to congressional authorization; the Long-Term
37 Plan as defined in s. 373.4592(2); and the Northern Everglades
38 and Estuaries Protection Program as set forth in s. 373.4595.
39 From these funds, \$32 million shall be distributed each fiscal
40 year through the 2023-2024 fiscal year to the South Florida
41 Water Management District for the Long-Term Plan as defined in
42 s. 373.4592(2). After deducting the \$32 million distributed
43 under this subparagraph, from the funds remaining, a minimum of
44 the lesser of 76.5 percent or \$100 million shall be appropriated
45 each fiscal year through the 2025-2026 fiscal year for the
46 planning, design, engineering, and construction of the
47 Comprehensive Everglades Restoration Plan as set forth in s.
48 373.470, including the Central Everglades Planning Project
49 subject to congressional authorization. The Department of
50 Environmental Protection and the South Florida Water Management
51 District shall give preference to those Everglades restoration
52 projects that reduce harmful discharges of water from Lake
53 Okeechobee to the St. Lucie or Caloosahatchee estuaries in a
54 timely manner.

55 2. A minimum of the lesser of 7.6 percent or \$75 million
56 shall be appropriated annually for spring restoration,
57 protection, and management projects ~~Then, to pay the debt~~
58 ~~service on bonds issued before February 1, 2009, by the South~~
59 ~~Florida Water Management District and the St. Johns River Water~~

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

592-03274-16

20161168c1

60 Management District, which are secured by revenues provided
61 pursuant to former s. 373.59, Florida Statutes 2014, or which
62 are necessary to fund debt service reserve funds, rebate
63 obligations, or other amounts payable with respect to such
64 bonds. This paragraph expires July 1, 2016, and

65 (e) Then, to distribute \$32 million each fiscal year to the
66 South Florida Water Management District for the Long-Term Plan
67 as defined in s. 373.4592(2). This paragraph expires July 1,
68 2024.

69 Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/29/16
Meeting Date

SR 1168
Bill Number (if applicable)

Topic Water & Land Conservation

Amendment Barcode (if applicable)

Name Nyla Pipes

Job Title Director

Address 332 NW Aurora St
Street

Phone 772-233-6182

Port St Lucie FL 34983
City State Zip

Email nyla@onefloridafoundation.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing One Florida Foundation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/29/16

Meeting Date

1168

Bill Number (if applicable)

Topic CS for SB 1168

Amendment Barcode (if applicable)

Name Van B. Poole

Job Title Poole & McKinley

Address 106 E. College Ave / Suite 1100

Phone 850 681-1980

Street

Tallahassee

City

FL

State

32301

Zip

Email van@poolemckinley-co

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing City of Sanibel

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb. 29, 2016
Meeting Date

1168
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Burt Saunders

Job Title _____

Address Naples, FL
Street
City State Zip

Phone _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Lee County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-29-16

Meeting Date

1168

Bill Number (if applicable)

Topic Legacy Florida

Amendment Barcode (if applicable)

Name Diana Boyd-Voss

Job Title Captain

Address 323 Leeward Ln 202

Phone 772-528-0677

Street

Ft. Pierce

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/29/16

Meeting Date

SB 1168

Bill Number (if applicable)

Topic Implementation of the Water and Land Conservation Constitutional Amendment

Amendment Barcode (if applicable)

Name Carol Bracy

Job Title Consultant

Address 403 East Park Avenue

Phone 850.577.0444

Street

Tallahassee

FL

32301

Email carol@ballardfl.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Martin County Board of County Commissioners

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-29-16

Meeting Date

1168

Bill Number (if applicable)

Topic Water & Land Conservation

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Job Title _____

Address 433 N Magnolia Dr

Phone 339 6211

Tallahassee FL 32301

Email rao@theriaquelaw.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Fla League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/29/16
Meeting Date

1168
Bill Number (if applicable)

Topic SB1168

Amendment Barcode (if applicable)

Name Nicole Fogarty

Job Title Legislative Affairs Manager

Address 2380 Virginia Ave

Phone _____

Street

Fort Pierce FL 34982

City

State

Zip

Email fogartyn@stluciecc

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing St. Lucie County Board of County Commissioners

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Criminal and
Civil Justice, *Chair*
Appropriations
Banking and Insurance
Ethics and Elections
Higher Education
Regulated Industries
Rules

SENATOR JOE NEGRON

32nd District

February 9, 2016

Alan Hays, Chair
Appropriations Subcommittee on General Government
201 The Capitol
404 S Monroe Street
Tallahassee, FL 32399-1100

Re: Senate Bill 1168

Dear Chairman Hays:

I would like to request Senate Bill 1168 relating to the implementation of the land and water conservation constitutional Amendment be placed on the agenda for the next scheduled committee meeting.

Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Joe Negron", written over a circular stamp.

Joe Negron
State Senator
District 32

JN/hd

c: Jamie DeLoach, Staff Director ✓

REPLY TO:

- 3500 SW Corporate Parkway, Suite 204, Palm City, Florida 34990 (772) 219-1665 FAX: (772) 219-1666
- 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: EL 110
Caption: Senate Appropriations Subcommittee on General Government

Case No.:

Type:
Judge:

Started: 2/29/2016 11:32:55 AM

Ends: 2/29/2016 11:49:53 AM

Length: 00:16:59

11:33:00 AM Sen. Hays (Chair)
11:33:41 AM S 1150
11:33:56 AM Sen. Bean
11:34:15 AM Am. 267322
11:34:50 AM Sen. Bean
11:35:20 AM S 1150 (cont.)
11:35:34 AM Greg Pound, Citizen, Pinellas County Florida Government Corruption
11:37:15 AM S 1168
11:37:19 AM Sen. Negron
11:39:02 AM Am. 319580
11:39:10 AM Sen. Hays
11:40:24 AM Am. 902856
11:40:30 AM Sen. Simpson
11:41:43 AM Am. 319580 (cont.)
11:42:00 AM S 1168 (cont.)
11:42:07 AM Nyla Pipes, Director, One Florida Foundation (speaks in support)
11:43:23 AM Sen. Hays
11:44:25 AM Van Poole, Poole & McKinley, City of Sanibel (waives in support)
11:44:29 AM Burt Saunders, Lee County (waives in support)
11:44:38 AM Dyana Boyd-Voss, Captain (waives in support)
11:44:48 AM Carol Bracy, Consultant, Martin County Board of County Commissioners (waives in support)
11:44:52 AM Rebecca O'Hara, Florida League of Cities (waives in support)
11:44:57 AM Nicole Fogarty, Legislative Affairs Manager, St. Lucie County Board of County Commissioners (waives in support)
11:45:14 AM Sen. Dean
11:46:00 AM Sen. Hays
11:47:08 AM Sen. Negron
11:48:49 AM Sen. Hays
11:49:50 AM Meeting Adjourned