

Tab 1 SB 78 by Rodriguez; (Identical to H 00169) Public Financing of Construction Projects						
962074	D	S	RCS	EN, Rodriguez	Delete everything after	03/12 05:57 PM
Tab 2 SB 216 by Gruters (CO-INTRODUCERS) Harrell; (Similar to H 00141) Water Quality Improvements						
354422	D	S	RCS	EN, Gruters	Delete everything after	03/12 05:57 PM
131272	AA	S	RCS	EN, Gruters	Delete L.35 - 103:	03/12 05:57 PM
Tab 3 SB 368 by Harrell; (Compare to H 00141) Land Acquisition Trust Fund						
Tab 4 SB 944 by Stewart (CO-INTRODUCERS) Rouson; (Similar to H 01341) Land Acquisition Trust Fund						
Tab 5 SB 590 by Albritton; (Identical to H 00809) State Park Fees						
Tab 6 SB 1278 by Mayfield; Biosolids Management						
908030	A	S	RCS	EN, Mayfield	Delete L.37 - 50:	03/12 05:57 PM
Tab 7 SB 1256 by Montford; (Identical to H 00921) Apalachicola Bay Area of Critical State Concern						
303636	A	S	RCS	EN, Montford	Delete L.114:	03/12 05:57 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Montford, Chair
Senator Albritton, Vice Chair

MEETING DATE: Tuesday, March 12, 2019

TIME: 4:00—6:00 p.m.

PLACE: *Mallory Horne Committee Room, 37 Senate Building*

MEMBERS: Senator Montford, Chair; Senator Albritton, Vice Chair; Senators Berman, Mayfield, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 78 Rodriguez (Identical H 169)	Public Financing of Construction Projects; Prohibiting state-financed constructors from commencing construction of certain structures in coastal areas without first conducting a sea level impact projection study and having such study published and approved by the Department of Environmental Protection; requiring the department to develop by rule standards for such studies; providing for enforcement; requiring the department to publish such studies on its website, subject to certain conditions, etc. EN 03/12/2019 Fav/CS IS AEG AP	Fav/CS Yeas 5 Nays 0
2	SB 216 Gruters (Similar H 141, Compare H 1395, S 368, S 1758)	Water Quality Improvements; Providing an appropriation for certain projects related to the Indian River Lagoon Comprehensive Conservation and Management Plan; requiring each wastewater facility that unlawfully discharges sewage into a waterway or aquifer to notify its customers within a specified period; providing penalties for wastewater treatment facilities that unlawfully discharge sewage into designated areas, etc. EN 03/12/2019 Fav/CS AEG AP	Fav/CS Yeas 5 Nays 0
3	SB 368 Harrell (Compare H 141, S 216)	Land Acquisition Trust Fund; Providing an appropriation for certain projects related to the Indian River Lagoon Comprehensive Conservation and Management Plan; authorizing the Department of Environmental Protection to make grants for such projects, etc. EN 03/12/2019 Favorable AEG AP	Favorable Yeas 4 Nays 1

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Tuesday, March 12, 2019, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 944 Stewart (Similar H 1341)	Land Acquisition Trust Fund; Requiring a specified annual appropriation to the Florida Forever Trust Fund; prohibiting moneys from the Land Acquisition Trust Fund from being used for specified costs, etc. EN 03/12/2019 Favorable AEG AP	Favorable Yeas 5 Nays 0
5	SB 590 Albritton (Identical H 809)	State Park Fees; Requiring the Division of Recreation and Parks to create by rule a state park annual entrance pass program to allow entrance at no charge to persons who perform certain volunteer work, etc. EN 03/12/2019 Favorable AEG AP	Favorable Yeas 5 Nays 0
6	SB 1278 Mayfield	Biosolids Management; Defining the term “biosolids”; requiring the Department of Environmental Protection to adopt rules for biosolids management which meet certain requirements; providing that certain ordinances, moratoriums, or regulations remain in effect until they are repealed or expire, etc. EN 03/12/2019 Fav/CS AEG AP	Fav/CS Yeas 5 Nays 0
7	SB 1256 Montford (Identical H 921)	Apalachicola Bay Area of Critical State Concern; Appropriating a sum annually for a specified timeframe from the Land Acquisition Trust Fund to a specified area of critical state concern for specified purposes; providing additional principles for guiding development within the Apalachicola Bay Area of Critical State Concern to include projects that protect and improve water quality, etc. EN 03/12/2019 Fav/CS AEG AP	Fav/CS Yeas 5 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 Committee on Environment and Natural Resources

BILL: CS/SB 78

INTRODUCER: Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Public Financing of Construction Projects

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schreiber	Rogers	EN	Fav/CS
2.			IS	
3.			AEG	
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 78 requires a public entity that commissions or manages a construction project within the coastal building zone using funds appropriated from the state to conduct a sea level impact projection study prior to commencing construction. The study must be conducted and submitted to the Department of Environmental Protection before construction can commence.

The bill requires the Department of Environmental Protection to adopt rules establishing standards for the studies, and the standards must include certain requirements for how the studies will be conducted and the information they must contain. The department must publish and maintain copies of the studies for ten years after receipt. The bill requires the department to adopt rules as necessary to administer the section. The bill authorizes the department to enforce the requirements of the section.

The bill authorizes the Department of Environmental Protection to bring a civil action in order to seek injunctive relief to cease construction, enforce the section or rules adopted pursuant thereto, or seek recovery of state funds expended on a coastal structure. The bill states that the section may not be construed to create a cause of action for damages.

II. Present Situation:

Sea Level Rise

Sea level rise is an observed increase in the average local sea level or global sea level trend, and it is an effect of climate change.¹ The two major causes of global sea level rise are thermal expansion caused by the warming of the oceans (water expands as it warms) and the loss of land-based ice (such as glaciers and ice sheets) due to melting.² Between 1993 and 2017, the global mean sea level rose 3 inches.³ A regional working group in southeastern Florida found that, when compared to the sea level in 1992, sea level is projected to rise: 6 to 10 inches by 2030, 14 to 34 inches by 2060, and 31 to 81 inches by 2100.⁴ However, due to unpredictable factors such as Antarctic ice sheet instabilities, more extreme scenarios are possible.⁵

Rising sea levels result in flooding, as properties in coastal areas face inundation with salt water. In Florida, the area at risk from one foot of projected sea level rise contains more than 65,000 homes and 121,909 people.⁶ The state's 35 coastal counties contain 76% of Florida's population and contribute 79% of the state's total economy as of 2012.⁷ Coastal communities must find ways to adapt to sea level rise, so residents can protect themselves and their property. This adaptation will require careful planning and investment based on scientific projections of sea level rise and its impacts.⁸

Another related issue that threatens Florida's coastal areas is severe weather events, particularly hurricanes. Rising sea levels are expected to increase the threat of storm surge flooding during hurricanes.⁹ Furthermore, warmer waters yield stronger hurricanes with heavier rainfall, and scientists are studying how warming sea surface temperatures and related factors may increase

¹ DEP, *Florida Adaptation Planning Guidebook*, Glossary (2018), available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Mar. 9, 2019); Intergovernmental Panel on Climate Change, *Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, 5, 16, 42, 48 (2015), available at https://www.ipcc.ch/site/assets/uploads/2018/02/SYR_AR5_FINAL_full.pdf (last visited Mar. 10, 2019); U.S. Global Change Research Program, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 25, 30-31, 43 (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Mar. 10, 2019); Southeast Florida Regional Climate Change Compact, *Unified Sea Level Rise Projection, Southeast Florida*, 13, 33 (2015), <http://www.southeastfloridaclimatecompact.org/wp-content/uploads/2015/10/2015-Compact-Unified-Sea-Level-Rise-Projection.pdf> (last visited Mar. 10, 2019).

² DEP, *Florida Adaptation Planning Guidebook*, Glossary (2018); NOAA, *Is Sea Level Rising?*, <https://oceanservice.noaa.gov/facts/sealevel.html> (last visited Mar. 10, 2019).

³ NOAA, *Climate Change: Global Sea Level*, <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level> (last visited Mar. 10, 2019).

⁴ Southeast Florida Regional Climate Change Compact, *Unified Sea Level Rise Projection, Southeast Florida*, 4 (2015).

⁵ U.S. Global Change Research Program, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 74 (2018).

⁶ DEP, *Florida Adaptation Planning Guidebook*, iii (2018).

⁷ *Id.*

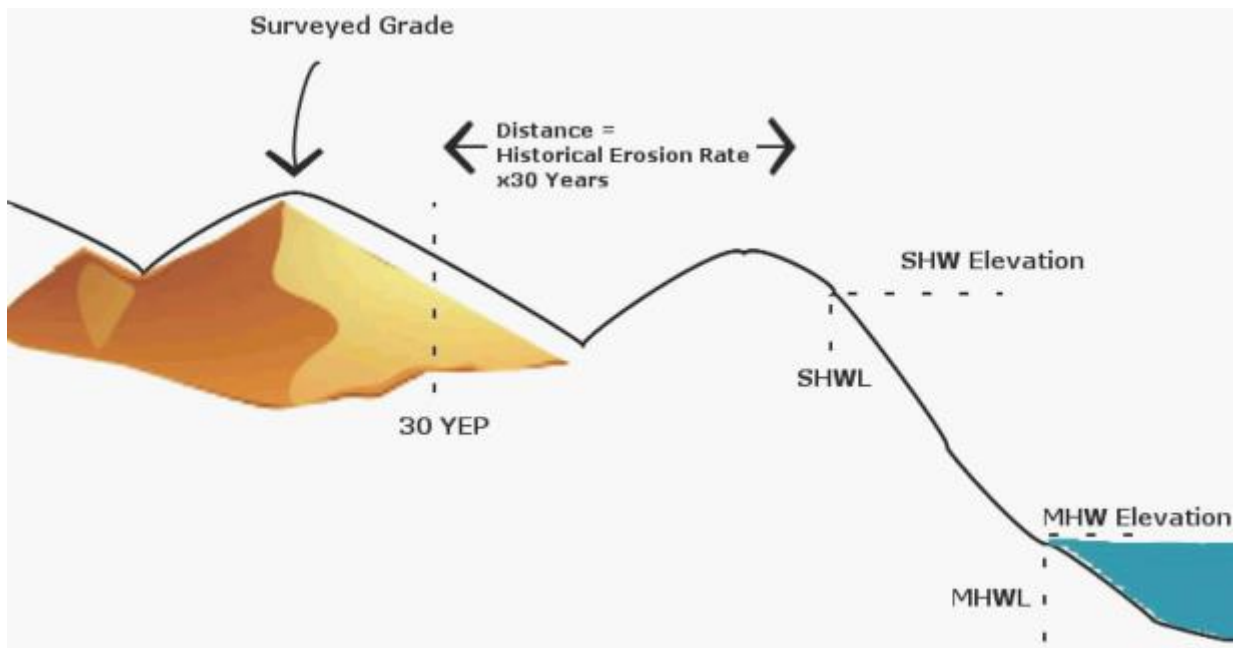
⁸ See Broward County, *Climate Toolbox, Sea Level Rise*, <http://www.broward.org/Climate/Toolbox/Pages/SeaLevelRise.aspx> (last visited Mar. 10, 2019).

⁹ U.S. Global Change Research Program, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 1482 (2018).

the average intensity and rainfall rates of future hurricanes in the Atlantic Ocean.¹⁰ Storms cause coastal erosion that removes sediment from the shore, causing sandy beaches to become narrower and lower in elevation.¹¹

Coastal Construction

The “mean high-water line” is the point on the shore marking the average height of the high waters over a 19-year period.¹² Above the mean high-water line is the “seasonal high-water line,” which accounts for variations in the local mean high water.¹³ The seasonal high-water line is at a higher elevation than the mean high water line, and it is used to create 30-year erosion projections.¹⁴



A 30-year erosion projection is a projection of long-term shoreline recession occurring over a period of 30 years based on shoreline change information obtained from historical

¹⁰ U.S. Global Change Research Program, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 66, 74, 1482 (2018); see NOAA, Geophysical Fluid Dynamics Laboratory, *Global Warming and Hurricanes*, <https://www.gfdl.noaa.gov/global-warming-and-hurricanes/> (last visited Mar. 10, 2019).

¹¹ U.S. Geological Survey, Coastal Change Hazards: Hurricanes and Extreme Storms, *Beach Erosion*, <https://coastal.er.usgs.gov/hurricanes/coastal-change/beach-erosion.php> (last visited Mar. 10, 2019).

¹² Section 177.27(14), (15), F.S. “Mean high water” is defined as “the average height of the high waters over a 19-year period.” “Mean high-water line” is defined as “the intersection of the tidal plane of mean high water with the shore.”

¹³ Section 161.053(5)(a)2, F.S. “Seasonal high-water line” is defined as “the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above local mean high water”; DEP, *The Homeowner’s Guide to the Coastal Construction Control Line Program*, 6 (2017), available at https://floridadep.gov/sites/default/files/Homeowner%27s%20Guide%20to%20the%20CCCL%20Program%206_2012%20%28002%29_0.pdf (last visited Mar. 9, 2019). DEP describes the seasonal high-water line as “essentially a ‘spring tide’ line”; NOAA, *What Are Spring and Neap Tides?*, <https://oceanservice.noaa.gov/facts/springtide.html>, (last visited Mar. 9, 2019). Spring tide, or King Tide, refers to the times during full or new moons when average tidal ranges are slightly larger.

¹⁴ Fla. Admin. Code R. 62B-33.024. Figure 3 from DEP’s regulation is provided above. The MHWL is the mean high-water line. The SHWL is the seasonal high-water line. 30 YEP is the 30-year erosion projection.

measurements.¹⁵ The Department of Environmental Protection (DEP) makes 30-year erosion projections of the location of the seasonal high-water line on a site-specific basis, when applications are submitted for certain coastal construction projects.¹⁶ With certain exceptions, DEP or local governments may not issue permits for structures that, based on DEP's projections, will be seaward of the seasonal high-water line within 30 years after the date of application for the permit.¹⁷

Coastal Construction Control Line

DEP is the beach and shore preservation authority for the state.¹⁸ Coastal construction projects require permits from DEP depending on the location of the project.¹⁹ The coastal construction control line is meant to define the portion of the beach-dune system that is subject to severe fluctuations caused by a 100-year storm surge, storm waves, or other forces such as wind, wave, or water level changes.²⁰ Seaward of the coastal construction control line, new construction and improvements to existing structures require a coastal construction control line permit from DEP.²¹ The line defines the landward limit of DEP's authority to regulate construction.²² DEP's Coastal Construction Control Line Program regulates structures and activities which can cause beach erosion, destabilize dunes, damage upland properties, or interfere with public access.²³

Due to the potential environmental impacts and greater risk of hazards from wind and flood, the standards for construction seaward of the coastal construction control line are often more stringent than those applied in the rest of the coastal building zone.²⁴ Approval or denial of a permit application is based upon a review of factors such as the location of structures and their potential impacts on the surrounding area.²⁵ Coastal construction control lines are established by DEP on a county basis, but only after such a line has been determined necessary for protecting upland structures and controlling beach erosion, and after a public hearing has been held in the affected county.²⁶ Coastal construction control lines currently exist for large portions of Florida's coast.²⁷

¹⁵ Fla. Admin. Code R. 62B-33.024(1).

¹⁶ *Id.* Applicants may submit a proposed 30-year erosion projection for a property, certified by a professional engineer licensed in the state of Florida.

¹⁷ Section 161.053(5), F.S.

¹⁸ Section 161.101(2), F.S.

¹⁹ See sections 161.041 and 161.053, F.S.

²⁰ Section 161.053, F.S.; Fla. Admin. Code R. 62B-33.005(1); DEP, *The Homeowner's Guide to the Coastal Construction Control Line Program*, 3 (2017), available at

https://floridadep.gov/sites/default/files/Homeowner%27s%20Guide%20to%20the%20CCCL%20Program%206_2012%20%28002%29_0.pdf (last visited Mar. 9, 2019).

²¹ DEP, *The Homeowner's Guide to the Coastal Construction Control Line Program*, 2 (2017).

²² *Id.*

²³ DEP, *Coastal Construction Control Line Program*, <https://floridadep.gov/water/coastal-construction-control-line> (last visited Mar. 9, 2019).

²⁴ Fla. Admin. Code Ch. 62B-33.

²⁵ Fla. Admin. Code Ch. 62B-33.005.

²⁶ Section 161.053(2), F.S.

²⁷ DEP Geospatial Open Data, *Coastal Construction Control Lines (CCCL)*, http://geodata.dep.state.fl.us/datasets/4674ee6d93894168933e99aa2f14b923_2?geometry=-102.41%2C25.011%2C-60.596%2C31.77 (last visited Mar. 9, 2019).

The Florida Building Code applies to structures seaward of a coastal construction control line.²⁸ The code's section relating to the coastal construction control line contains various standards for withstanding flooding and storm surges. The Florida Building Code also contains other standards for flood resistant construction that can be applied to increase coastal resiliency and contribute to sea level rise adaptation strategies.²⁹

Coastal Zone Protection

The Coastal Zone Protection Act of 1985 (Act) was created to minimize the impacts that activities or construction near the coast have on Florida's coastal areas.³⁰ The Legislature intended the Act to impose strict construction standards in Florida's coastal areas to protect the natural environment, private property, and life.³¹ The Act covers activities and construction within the "coastal building zone:" an area stretching landward from the seasonal high-water line, to a line 1,500 feet landward from the coastal construction control line.³² The Act uses the term "construction" to mean both the act of construction and the result of construction, and defines construction as "the carrying out of any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land."³³

The Act defines certain types of structures regulated within coastal building zones.³⁴ "Major structure[s]" are residential, commercial, or public buildings, and other construction having the potential for substantial impact on coastal zones.³⁵ "Nonhabitable major structure[s]" are structures that people would generally not reside in, such as parking garages, drainage structures, electrical power plants, transmission lines, and underground storage tanks.³⁶ "Minor structure[s]" are structures that are considered to be expendable under wind, wave, or storm forces, and examples include walkways, bathhouses, fences, and uncovered paved areas.³⁷

The Act generally requires construction to be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and preserve dune stability.³⁸ Nonhabitable major structures and minor structures must be designed to produce the minimum adverse impact on the beach and dune system.³⁹ Minor structures must be designed to produce the minimum adverse

²⁸ Florida Building Code, *Section 3109 Structures Seaward of a Coastal Constructional Line*, <https://codes.iccsafe.org/content/FBC2017/chapter-31-special-construction> (last visited Mar. 9, 2019).

²⁹ South Florida Regional Planning Council, *Adaptation Action Areas, A Planning Guidebook for Florida's Local Governments*, 54 (2014) available at https://floridadep.gov/sites/default/files/AAA-Planning-Guide_1.pdf (last visited Mar. 9, 2019).

³⁰ Sections 161.52-161.58, F.S.

³¹ Section 161.53(1),(4), and (5), F.S.

³² Section 161.54(1), F.S.

³³ Section 161.54(5), F.S.

³⁴ Section 161.54(6), F.S.

³⁵ Section 161.54(6)(a), F.S.

³⁶ Section 161.54(6)(c), F.S.

³⁷ Section 161.54(6)(b), F.S.

³⁸ Section 161.55(3), F.S. The Act makes exceptions for certain structures such as piers, beach access ramps, or shore protection structures.

³⁹ Section 161.55(1), (2), F.S. Special requirements for flood proofing exist for sewage treatment plants, public water supply systems, and underground utilities. These are intended to prevent infiltration of surface water from a 100-year storm event, or else loss of function during submersion.

impact to adjacent properties and reduce the potential for water or wind-blown material.⁴⁰ The Act states that both DEP and local governments have the authority to adopt or enforce requirements that are as restrictive or more restrictive than these standards.⁴¹

The Act requires that, at or before the sale of real property located partially or totally seaward of the coastal construction control line, the seller must give prospective purchasers a certain written disclosure statement, which states that the property may be subject to coastal erosion and to federal, state, and local regulations that govern coastal property.⁴² The disclosure statement indicates that DEP can provide additional information on whether significant erosion conditions are associated with the shoreline of the property being purchased.⁴³ The Legislature found it necessary to ensure that purchasers of interests in real property located in coastal areas are fully aware that such lands are subject to frequent and severe fluctuation.⁴⁴

State Programs

DEP's Florida Resilient Coastlines Program prepares coastal communities and habitats for the effects of climate change and sea level rise by offering technical assistance and funding to communities dealing with coastal flooding, erosion, and ecosystem changes.⁴⁵ In 2018, the program was awarded funding for numerous projects providing assistance for coastal Florida communities.

The program has published the Florida Adaptation Planning Guidebook to be used by local governments to develop and update adaptation plans for sea level rise.⁴⁶ The guidebook breaks down the sea level rise adaptation planning process into four steps:

- Context: delineating the geographic boundaries of the planning area, including the assets and structures contained therein, and engaging stakeholders.
- Vulnerability Assessment: an exposure analysis to determine how much sea level rise will occur and where, a sensitivity analysis to provide an inventory of community assets and features located in areas at risk, and assigning focus areas that will receive attention in adaptation strategies.
- Adaptation Strategies: assess adaptive capacities such as planning capabilities and fiscal capacity, prioritize adaptation needs, and identify adaptation strategies, which may include strategies in the following categories:
 - “Protection” strategies that are structurally defensive measures;
 - “Accommodation” strategies that alter the design of vulnerable structures so they can stay in place;
 - “Retreat” strategies; and

⁴⁰ Section 161.55(1), F.S.

⁴¹ Section 161.56(1), F.S.

⁴² Section 161.57(2), F.S.

⁴³ *Id.*

⁴⁴ Section 161.57(1), F.S.

⁴⁵ DEP, *Florida Resilient Coastlines Program*, <https://floridadep.gov/rcp/florida-resilient-coastlines-program> (last visited Mar. 9, 2019).

⁴⁶ DEP, *Florida Adaptation Planning Guidebook* (2018), available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Mar. 11, 2019).

- “Avoidance” strategies, which guide development away from areas subject to coastal hazards, by implementing policies or offering incentives.
- **Implementation:** survey funding options, create a schedule of activities, actions and actors, and monitor and evaluate adaptation strategies.⁴⁷

Between 2011 and 2017, the Department of Economic Opportunity (DEO) led the Community Resiliency Initiative.⁴⁸ DEO is another agency that provides services and resources on adaptation planning related to sea level rise and coastal resiliency.⁴⁹ DEO emphasizes that adaptation strategies for coastal flooding and sea level rise are complimentary of each other, and should be applied based on a community’s particular needs and vulnerabilities.⁵⁰

Florida’s water management districts must also evaluate and adjust to sea-level rise and increased flood risk. For example, the South Florida Water Management District is conducting studies and projects on sea level rise and evaluating strategies for flood protection.⁵¹ In evaluating its flood protection services for the future, the district will identify at-risk structures and make improvements to infrastructure.⁵²

Local Governments

Florida’s coastal local governments are required to have a coastal management element in their comprehensive plans.⁵³ These coastal management elements must have redevelopment components that accomplish the following:

- Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
- Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
- Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in Florida.
- Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
- Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053, F.S., be consistent with ch. 161, F.S.

⁴⁷ *Id.* at 1-61.

⁴⁸ DEP, *Community Resilience Initiative Documents*, <https://floridadep.gov/rcp/florida-resilient-coastlines-program/content/community-resilience-initiative-documents> (last visited Mar. 9, 2019).

⁴⁹ DEO, *Adaptation Planning*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/adaptation-planning> (last visited Mar. 9, 2019).

⁵⁰ *Id.*

⁵¹ See Akintunde Owosina, South Florida Water Management District, Chief, Hydrology and Hydraulics Bureau, *Sea Level Rise Update Flood Protection Level of Service Program* (Nov. 8, 2018) available at <https://apps.sfwmd.gov/webapps/publicMeetings/viewFile/18672> (last visited Mar. 10, 2019).

⁵² *Id.* at 12.

⁵³ Section 380.24, F.S.; Section 163.3177(6)(g), F.S.

- Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.⁵⁴

Florida's Community Planning Act authorizes local governments to establish an "adaptation action area" designation in their comprehensive plan, enabling them to develop policies to improve resilience and plan for sea level rise in coastal zones.⁵⁵ An adaptation action area is defined as "a designation in the coastal management element of a local government's comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning."⁵⁶ Using this designation as a planning tool, local governments may improve coastal resiliency through new standards for activities and construction.

Some of Florida's local governments have begun integrating scientific sea level rise projections into their planning documents and policies.⁵⁷ As of 2015, over 15 local governments consider certain sea level rise projections in local plans such as comprehensive plans, local hazard mitigation strategies, and climate action plans.⁵⁸ Comprehensive plans of coastal local governments may include construction standards designed to adapt to future sea level rise: Monroe County uses setbacks for coastal construction that protect structures from long-term sea level rise; Key West considers increased heights for new construction in coastal hazard areas; and Broward County incorporates adaptation to sea level rise in the planning and construction of public infrastructure, which maximizes its use throughout its expected life span.⁵⁹

Flood Insurance

The National Flood Insurance Program (NFIP) was created to offer federally subsidized flood insurance to property owners and to encourage land-use controls in floodplains.⁶⁰ The Federal Emergency Management Agency administers the NFIP.⁶¹ The federal government will make flood insurance available within a community, if that community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction in

⁵⁴ Section 163.3178(2)(f), F.S.; See Ch. 2015-69, Laws of Fla.

⁵⁵ Section 163.3177(6)(g)(10), F.S.; See Ch. 2011-139, Laws of Fla.

⁵⁶ Section 163.3164(1), F.S.

⁵⁷ Southeast Florida Regional Climate Change Compact, *Integrating the Unified Sea Level Rise Projection into Local Plans*, 4, 6 (2016), available at <http://www.southeastfloridacclimatecompact.org/wp-content/uploads/2017/01/SLRGuidance-Doc.pdf> (last visited Mar. 10, 2019).

⁵⁸ *Id.* at 18-20.

⁵⁹ Thomas Ruppert and Alexander Stewart, *Summary and Commentary on Sea-Level Rise Adaptation Language in Florida Local Government Comprehensive Plans and Ordinances*, 10, 17, 19, 30 (2015), available at https://www.flseagrant.org/wp-content/uploads/Ruppert-Updated-Sea-Level-Language_7.2.15.pdf (last visited Mar. 10, 2019).

⁶⁰ 42 U.S.C. § 4001 *et seq.*; FEMA, *The National Flood Insurance Program*, <https://www.fema.gov/national-flood-insurance-program> (last visited Mar. 8, 2019).

⁶¹ 44 C.F.R. §§ 59-80; see FEMA, *National Flood Insurance Program: Laws and Regulations*, <https://www.fema.gov/national-flood-insurance-program-laws-regulations> (last visited Mar. 8, 2019).

floodplains.⁶² Communities that participate in the NFIP's community rating system receive discounts on flood insurance premiums.⁶³

III. Effect of Proposed Changes:

Section 1 creates s. 161.551, F.S., establishing requirements for construction projects using state-appropriated funds within the coastal building zone.

The bill creates definitions for five terms, defining them as they are used in the section.

- “Coastal structure” is defined as “a major structure or nonhabitable major structure within the coastal building zone.” As used within the section, the term “coastal structure” would include structures located landward of the seasonal high-water line to a line 1,500 feet landward from the coastal construction control line, and would include residential, commercial, and public buildings that could substantially impact coastal zones, as well as major uninhabited structures such as parking garages, drainage structures, electrical power plants, transmission lines, and underground storage tanks.
- “Public entity” means “the state or any of its political subdivisions, or any municipality, county, agency, special district, authority, or other public body corporate of the state which is demonstrated to perform a public function or to serve a governmental purpose that could properly be performed or served by an appropriate governmental unit.”
- “SLIP study” is defined as “a sea level impact project study” as established by the Department of Environmental Protection (DEP) pursuant to requirements specified in the bill.
- “State-financed constructor” is defined as “a public entity that commissions or manages a construction project using funds appropriated from the state.”
- “Substantial flood damage” is defined to mean “flood, inundation, or wave action damage resulting from a single event, such as a flood or tropical weather system, where such damage exceeds 25 percent of the market value of the coastal structure at the time of the event.”

The bill requires DEP to create regulations establishing the standards for a sea level impact projection study (SLIP study). DEP's standards must require state-financed constructors, at a minimum, to do all of the following for conducting a SLIP study:

- Utilize a systematic, interdisciplinary, and scientifically accepted approach in the natural sciences and construction design in conducting the study;
- Assess the flooding, inundation, and wave action damage risks relating to the coastal structure over its expected life or 50 years, whichever is less. The assessment must:
 - Take into account potential sea level rise and increased storm risk during the expected life of the coastal structure or 50 years, whichever is less;
 - Provide scientific and engineering evidence of the risk to the coastal structure and methods used to mitigate, adapt to, or reduce this risk;
 - Use and consider available scientific research and generally accepted industry practices;

⁶² FEMA, *National Flood Insurance Program, Program Description*, (Aug. 1, 2002), available at https://www.fema.gov/media-library-data/20130726-1447-20490-2156/nfipdescrip_1_.pdf (last visited Mar. 8, 2019).

⁶³ FEMA, *Fact Sheet: Community Rating System* (2017), available at https://www.fema.gov/media-library-data/1507029324530-082938e6607d4d9eba4004890dbad39c/NFIP_CRS_Fact_Sheet_2017_508OK.pdf (last visited Mar. 9, 2019).

- Provide the mean average annual chance of substantial flood damage over the expected life of the coastal structure or 50 years, whichever is less; and
- Analyze potential public safety and environmental impacts resulting from damage to the coastal structure including, but not limited to, leakage of pollutants, electrocution and explosion hazards, and hazards resulting from floating or flying structural debris.
- Provide alternatives for the coastal structure's design and siting, including discussion of how such alternatives would affect the potential public safety and environmental impacts assessed in the study, as well as the risks and costs associated with maintaining, repairing, and constructing the coastal structure.

DEP is authorized to require in its standards for a SLIP study that a professional engineer sign off on the study.

The bill requires DEP to publish and maintain a copy of all SLIP studies it receives. The SLIP studies must be published on DEP's website for a period of at least 10 years following receipt. However, the bill requires DEP to redact, prior to publication, any portion of a SLIP study containing information that is exempt from Art. I, s. 24(a) of the State Constitution and s. 119.07(1), F.S., which provide for access to public records.

The bill's definition of "state-financed constructor" applies only to government entities that are commissioning or managing a construction project. The bill requires state-financed constructors to conduct a SLIP study pursuant to DEP's standards. The state-financed constructor is solely responsible for ensuring that the study meets the standards established by DEP. The bill prohibits a state-financed constructor from commencing construction without:

- Conducting a SLIP study meeting the standards established by DEP.
- Submitting the SLIP study to DEP. If a project is building multiple coastal structures, the state-financed constructor may conduct and submit one SLIP study for the entire project.
- Receiving notification from DEP that the study was received by DEP and published on DEP's website for at least 30 days.

If a state-financed constructor begins construction of a coastal structure without first submitting a SLIP study and receiving notification of DEP's approval of the study, then DEP is authorized to institute a civil action. Such civil action may be brought to: seek injunctive relief to cease further construction of the coastal structure; enforce compliance with s. 161.551, F.S., or rules adopted pursuant to it; or, if the coastal structure has been completed or substantially completed, seek recovery of all or a portion of state funds expended on the coastal structure. The bill states that s. 161.551, F.S. may not be construed to create a cause of action for damages.

DEP is required to adopt rules as necessary to administer the section. DEP is authorized to enforce the requirements of the section.

Section 2 states that the act shall take effect on July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill requires procedures that identify long-term risks to coastal structures, and potentially avoid some of the large costs of mitigating and dealing with future damage to, or even loss of, coastal structures. These coastal structures may be used or owned by residents or private businesses. Therefore, the bill may have a positive, indeterminate impact on the private sector.

C. Government Sector Impact:

The bill would require DEP to promulgate and administer new regulations. Implementing the requirements in the bill may cause DEP to incur additional costs.

Requiring public entities to provide additional studies when conducting construction projects may result in an indeterminate, negative fiscal impact in the short-term. However, the bill requires procedures that identify risks and potentially avoid damage and loss of coastal structures that are constructed, at least in part, using funds appropriated from the state. This may result in state funds being used for coastal structures that have less risk of damage over time, or coastal structures that may remain undamaged for a longer period of time. Therefore, the bill may result in a positive, indeterminate impact on the government sector in the long-term.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 161.551 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.)

CS by Environment and Natural Resources Committee on March 12, 2019:

- Adds the definition of “public entity”.
- Changes the definition of “state-financed constructor” to mean “a public entity that commissions or manages” a construction project using state-appropriated funds.
- Removes the requirement that DEP approve the SLIP study as properly conducted.
- Specifies that the state-financed constructor is solely responsible for ensuring that the SLIP study meets DEP’s standards.
- Authorizes DEP to require in its standards for a SLIP study that a professional engineer must sign off on the study.
- Specifies that s. 161.551 may not be construed to create a cause of action for damages.
- Changes the requirement that DEP enforce the requirements of the section to an authorization that DEP may enforce the requirements of the section.

B. Amendments:

None.



962074

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 161.551, Florida Statutes, is created to
read:

161.551 Public financing of construction projects within
the coastal building zone.—

(1) As used in this section, the term:

(a) "Coastal structure" means a major structure or



962074

nonhabitable major structure within the coastal building zone.

(b) "Public entity" means the state or any of its political subdivisions, or any municipality, county, agency, special district, authority, or other public body corporate of the state which is demonstrated to perform a public function or to serve a governmental purpose that could properly be performed or served by an appropriate governmental unit.

(c) "SLIP study" means a sea level impact projection study as established by the department pursuant to subsection (3).

(d) "State-financed constructor" means a public entity that commissions or manages a construction project using funds appropriated from the state.

(e) "Substantial flood damage" means flood, inundation, or wave action damage resulting from a single event, such as a flood or tropical weather system, where such damage exceeds 25 percent of the market value of the coastal structure at the time of the event.

(2) A state-financed constructor may not commence construction of a coastal structure without:

(a) Conducting a SLIP study that meets the requirements established by the department;

(b) Submitting the study to the department; and

(c) Receiving notification from the department that the study was received and that it has been published on the department's website pursuant to paragraph (5)(a) for at least 30 days. The state-financed constructor is solely responsible for ensuring that the study submitted to the department for publication meets the requirements under subsection (3).

(3) The department shall develop by rule a standard by



962074

which a state-financed constructor must conduct a SLIP study and may require that a professional engineer sign off on the study. At a minimum, this standard must require that a state-financed constructor do all of the following:

(a) Use a systematic, interdisciplinary, and scientifically accepted approach in the natural sciences and construction design in conducting the study.

(b) Assess the flooding, inundation, and wave action damage risks relating to the coastal structure over its expected life or 50 years, whichever is less.

1. The assessment must take into account potential sea level rise and increased storm risk during the expected life of the coastal structure or 50 years, whichever is less.

2. The assessment must provide scientific and engineering evidence of the risk to the coastal structure and methods used to mitigate, adapt to, or reduce this risk.

3. The assessment must use and consider available scientific research and generally accepted industry practices.

4. The assessment must provide the mean average annual chance of substantial flood damage over the expected life of the coastal structure or 50 years, whichever is less.

5. The assessment must analyze potential public safety and environmental impacts resulting from damage to the coastal structure including, but not limited to, leakage of pollutants, electrocution and explosion hazards, and hazards resulting from floating or flying structural debris.

(c) Provide alternatives for the coastal structure's design and siting, and how such alternatives would impact the risks specified in subparagraph (b)5. as well as the risk and cost



962074

associated with maintaining, repairing, and constructing the coastal structure.

If multiple coastal structures are to be built concurrently within one project, a state-financed constructor may conduct and submit one SLIP study for the entire project for publication by the department.

(4) If a state-financed constructor commences construction of a coastal structure but has not complied with the SLIP study requirement under subsection (2), the department may institute a civil action in a court of competent jurisdiction to:

(a) Seek injunctive relief to cease further construction of the coastal structure or enforce compliance with this section or with rules adopted by the department pursuant to this section.

(b) If the coastal structure has been completed or has been substantially completed, seek recovery of all or a portion of state funds expended on the coastal structure.

(5) This section may not be construed to create a cause of action for damages.

(6) The department:

(a) Shall publish and maintain a copy of all SLIP studies submitted pursuant to this section on its website for at least 10 years after receipt. However, any portion of a study containing information that is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution must be redacted by the department before publication.

(b) Shall adopt rules as necessary to administer this section.

(7) The department may enforce the requirements of this



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section.

Section 2. This act shall take effect July 1, 2019.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to public financing of construction
projects; creating s. 161.551, F.S.; defining terms;
prohibiting state-financed constructors from
commencing construction of certain structures in
coastal areas without first conducting a sea level
impact projection study; requiring the Department of
Environmental Protection to develop by rule a standard
for such studies; providing for enforcement; requiring
the department to publish such studies on its website,
subject to certain conditions; requiring the
department to enforce certain requirements and to
adopt rules; providing an effective date.

By Senator Rodriguez

37-00318A-19

201978__

A bill to be entitled
An act relating to public financing of construction projects; creating s. 161.551, F.S.; defining terms; prohibiting state-financed constructors from commencing construction of certain structures in coastal areas without first conducting a sea level impact projection study and having such study published and approved by the Department of Environmental Protection; requiring the department to develop by rule standards for such studies; providing for enforcement; requiring the department to publish such studies on its website, subject to certain conditions; requiring the department to enforce certain requirements and to adopt rules; providing an effective date.

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

Section 1. Section 161.551, Florida Statutes, is created to read:

161.551 Public financing of construction projects within the coastal building zone.—

(1) As used in this section, the term:

(a) "Coastal structure" means a major structure or nonhabitable major structure within the coastal building zone.

(b) "SLIP study" means a sea level impact projection study as established by the department pursuant to subsection (3).

(c) "State-financed constructor" means a person, municipality, county, or other public agency engaging in a

37-00318A-19

201978__

construction project using funds appropriated from the state.

(d) "Substantial flood damage" means flood, inundation, or wave action damage resulting from a single event, such as a flood or tropical weather system, where such damage exceeds 25 percent of the market value of the coastal structure at the time of the event.

(2) A state-financed constructor may not commence construction of a coastal structure without:

(a) Conducting a SLIP study that meets the requirements established by the department;

(b) Submitting the study to the department; and

(c) Receiving department notification from the department that the study:

1. Was approved by the department as properly conducted; and

2. Has been published on the department's website pursuant to paragraph (5) (a) for at least 30 days.

(3) The department shall develop by rule a standard for conducting a SLIP study. At minimum, this standard must require that a state-financed constructor do all of the following:

(a) Utilize a systematic, interdisciplinary, and scientifically accepted approach in the natural sciences and construction design in conducting the study.

(b) Assess the flooding, inundation, and wave action damage risks relating to the coastal structure over its expected life or 50 years, whichever is less.

1. The assessment must take into account potential sea level rise and increased storm risk during the expected life of the coastal structure or 50 years, whichever is less.

37-00318A-19

201978__

59 2. The assessment must provide scientific and engineering
60 evidence of the risk to the coastal structure and methods used
61 to mitigate, adapt to, or reduce this risk.

62 3. The assessment must use and consider available
63 scientific research and generally accepted industry practices.

64 4. The assessment must provide the mean average annual
65 chance of substantial flood damage over the expected life of the
66 coastal structure or 50 years, whichever is less.

67 5. The assessment must analyze potential public safety and
68 environmental impacts resulting from damage to the coastal
69 structure including, but not limited to, leakage of pollutants,
70 electrocution and explosion hazards, and hazards resulting from
71 floating or flying structural debris.

72 (c) Provide alternatives for the coastal structure's design
73 and siting, and how such alternatives would impact the risks
74 specified in subparagraph (b)5. as well as the risk and cost
75 associated with maintaining, repairing, and constructing the
76 coastal structure.

77
78 If multiple coastal structures are to be built concurrently
79 within one project, a state-financed constructor may conduct and
80 submit one SLIP study for the entire project for approval and
81 publication by the department.

82 (4) If a state-financed constructor commences construction
83 of a coastal structure but has not received approval from the
84 department to commence such construction pursuant to paragraph
85 (2)(c), the department may institute a civil action in a court
86 of competent jurisdiction to:

87 (a) Seek injunctive relief to cease further construction of

37-00318A-19

201978__

the coastal structure.

(b) Enforce compliance with this section or rules adopted pursuant to this section.

(c) If the coastal structure has been completed or substantially completed, seek recovery of all or a portion of state funds expended on the coastal structure.

(5) The department shall:

(a) Publish and maintain a copy of all SLIP studies submitted pursuant to this section on its website for at least 10 years after receipt. However, any portion of a study containing information that is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution must be redacted by the department before publication.

(b) Enforce the requirements of this section.

(c) Adopt rules as necessary to administer this section.

Section 2. This act shall take effect July 1, 2019.

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 Committee on Environment and Natural Resources

BILL: CS/SB 216

INTRODUCER: Environment and Natural Resources Committee and Senators Gruters and Harrell

SUBJECT: Water Quality Improvements

DATE: March 13, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schreiber	Rogers	EN	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 216 requires a wastewater treatment facility that unlawfully discharges more than 1,000 gallons of raw or partially treated sewage into any waterway or aquifer to notify its customers of such discharges. The bill includes geographic notification requirements based on the volume of the discharge and specifies the information required in the written notification.

The bill creates penalties for a wastewater treatment facility that unlawfully discharges 1,000 gallons or more of raw or partially treated sewage into any waterway or aquifer. The facility is required to either:

- Remit to the Department of Environmental Protection an amount equal to \$1 for each gallon of sewage discharged; or
- Calculate or provide an estimate of the number of gallons of sewage discharged and, with the Department of Environmental Protection's approval, spend \$2 for each gallon discharged to upgrade and repair the wastewater system to prevent future unlawful discharges.

If a facility cannot calculate or estimate the volume discharged, the bill creates a minimum penalty of \$10,000. If the cost of all potential repairs and upgrades is less than the calculated penalty amount, the total funds used to perform repairs and upgrades may not exceed the cost identified.

II. Present Situation:

Sanitary Sewer Overflows

Although domestic wastewater treatment facilities are permitted and designed to safely and properly collect and manage a specified wastewater capacity, obstructions or extreme conditions can cause a sanitary sewer overflow (SSO). Any overflow, spill, release, discharge, or diversion of untreated or partially treated wastewater from a sanitary sewer system is a SSO.¹

Factors contributing to SSOs may include:

- Build-up of solids, fats, oils, and greases in the wastewater collection system impeding flow;
- Too much rainfall infiltrating through the ground into leaky sanitary sewers, which are not intended to hold rainfall. Excess water can also flow through roof drains connected to sewers or poorly connected sewer lines;
- Blocked, broken, or cracked pipes and other equipment or power failures that keep the system from properly functioning. Tree roots can grow into the sewer. Sections of pipe can settle or shift so that pipe joints no longer match. Sediment and other material can build up and cause pipes to break or collapse; and
- A deteriorating or aging sewer system that can be expensive to repair. Some municipalities have found severe problems, necessitating costly correction programs.²

A key concern with SSOs entering rivers, lakes, or streams is their negative effect on water quality. In addition, because SSOs contain partially treated or potentially untreated domestic wastewater, ingestion or similar contact may cause illness. People can be exposed through direct contact in areas of high public access, food that has been contaminated, inhalation, and skin absorption. The Department of Health issues health advisories when bacteria levels present a risk to human health, and may post warning signs when bacteria affect public beaches or other areas where there is a risk of human exposure.³

Reduction of SSOs can be achieved through:

- Cleaning and maintaining the sewer system;
- Reducing infiltration and inflow through rehabilitation and repairing broken or leaking lines;
- Enlarging or upgrading sewer pump station or sewage treatment plant capacity and/or reliability; and
- Constructing wet weather storage and treatment facilities to treat excess flows.⁴

After an SSO event, the Department of Environmental Protection (DEP) reviews the data from utilities to assess the overall impact to the environment in deciding whether to take additional action. In its review, DEP considers how serious the violation was; whether this was a first-time violation or a repeated violation; whether the violation was inadvertent or beyond reasonable

¹ DEP, *Sanitary Sewer Overflows (SSOs)*, available at <https://floridadep.gov/sites/default/files/sanitary-sewer-overflows.pdf> (last visited Mar. 10, 2019).

² DEP, *Preventing SSOs*, available at <https://floridadep.gov/sites/default/files/preventing-sanitary-sewer-overflows.pdf> (last visited Mar. 10, 2019); DEP, *SSOs*, available at <https://floridadep.gov/sites/default/files/sanitary-sewer-overflows.pdf> (last visited Mar. 10, 2019).

³ DEP, *SSOs*, available at <https://floridadep.gov/sites/default/files/sanitary-sewer-overflows.pdf> (last visited Mar. 10, 2019).

⁴ *Id.*

control; and whether the damage to the environment can be undone or remediated quickly.⁵ DEP also takes into account the severity of the rain event (e.g., if it was a hurricane or a storm, or if the area had received an unusually large amount of rainfall beyond historical averages). If the discharge was caused by operator error or lack of a certified operator on-site at the time, then DEP may consider additional training for operators to prevent similar errors from occurring in the future. In some circumstances, DEP will meet with utilities to discuss infrastructure repairs and process improvements the utility is making and planning to implement in order to avoid further SSOs.⁶

Wastewater Treatment Facilities

The proper treatment and disposal or reuse of domestic wastewater is an important part of protecting Florida's water resources. The majority of Florida's domestic wastewater is controlled and treated by centralized treatment facilities regulated by DEP. Florida has approximately 2,000 permitted domestic wastewater treatment facilities.⁷

Chapter 403, F.S., requires that any facility or activity which discharges wastes into waters of the state or which will reasonably be expected to be a source of water pollution must obtain a permit from DEP.⁸ Generally, persons who intend to collect, transmit, treat, dispose or reuse wastewater are required to obtain a wastewater permit. A wastewater permit issued by DEP is required for both operation and certain construction activities associated with domestic or industrial wastewater facilities or activities.⁹ Wastewater treatment facilities that discharge to surface waters are also subject to permitting requirements under the National Pollution Discharge Elimination System.¹⁰ A DEP permit must be obtained prior to construction of a domestic wastewater collection and transmission system.¹¹

In its 2016 Report Card for Florida's infrastructure, the American Society of Civil Engineers reported that the state's wastewater system is increasing in age and the condition of installed treatment and conveyance systems is declining.¹² As existing infrastructure ages, Florida utilities are placing greater emphasis on asset management systems to maintain service to customers. Florida is a national leader in reclaimed water use, which helps offset the state's potable water needs and is a vital component of water resource and ecosystem management. Nonetheless, population growth, aging infrastructure, and sensitive ecological environments are increasing the need to invest in Florida's wastewater infrastructure.

⁵ *Id.*

⁶ *Id.*

⁷ DEP, *General Facts and Statistics About Wastewater in Florida*, <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Mar. 6, 2019).

⁸ Section 403.087, F.S.

⁹ Sections 403.088 and 403.0881, F.S.

¹⁰ Section 403.0885, F.S.

¹¹ DEP, *Wastewater Permitting*, <https://floridadep.gov/water/domestic-wastewater/content/wastewater-permitting> (last visited Mar. 6, 2019).

¹² American Society of Civil Engineers, *2016 Florida Infrastructure Report Card*, available at <https://www.infrastructurereportcard.org/state-item/florida/> (last visited Mar. 10, 2019).

Public Notice of Pollution Act

In 2017, the state passed the Public Notice of Pollution Act (Act).¹³ The Act applies to any “reportable pollution release,” defined as the release or discharge of a substance from an installation to the air, land, or waters of the state which is: discovered by the owner or operator of the installation; not authorized by law; and reportable to the State Watch Office within the Division of Emergency Management pursuant to any department rule, permit, order, or variance.¹⁴

Pursuant to DEP rules, the State Watch Office, within the Division of Emergency Management, must be notified of events such as the release of hazardous substances, wastewater discharges, petroleum discharges, and the discharge of dry-cleaning solvents.¹⁵ The Act requires that an owner or operator of the installation at which the reportable pollution release occurs, within 24 hours of discovery by the owner or operator, must notify DEP of the release.¹⁶ The Act requires DEP to publish on a publically accessible website, within 24 hours of reception, all notices received pursuant to the statute.¹⁷ The Act also requires DEP to create an electronic mailing list for announcements of such notices, and establish an online form for receiving the pollution notices.¹⁸

The owner or operator of an installation is subject to civil penalties of up to \$10,000 per day for each day the owner or operator is in violation of the requirement to provide notification of a reportable pollution release.¹⁹ A person violating the Act is also liable to the state for “any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state to their former condition.”²⁰

Pursuant to the Act, DEP provides a page on its website enabling the public to: submit or update pollution notices to DEP; subscribe to receive notifications whenever a pollution notice is submitted to DEP; and view a continuously updated page of information showing all notices of pollution DEP has received.²¹

¹³ Sections 403.076–403.078, F.S.

¹⁴ Section 403.077(1), F.S.

¹⁵ Section 376.3078(9)(c), F.S.; Fla. Admin. Code R. 62-780.210; Fla. Admin. Code R. 62S-6.022; Fla. Admin. Code R. 62-620.610; Fla. Admin. Code R. 62-604.550; and Fla. Admin. Code R. 62-150.300; DEP, *Emergency Response*, <https://floridadep.gov/water/water-compliance-assurance/content/emergency-response> (last visited Mar. 6, 2019).

¹⁶ Section 403.077(2), F.S.

¹⁷ Section 403.077(3), F.S.

¹⁸ *Id.*

¹⁹ Section 403.121(1), F.S.

²⁰ Sections 403.141(1) and 403.161(1)(e), (2), F.S. Section 403.141(1), F.S., states that the civil penalty for each offense shall not be more than \$10,000 per offense.

²¹ Florida Department of Environmental Protection, *Public Notice of Pollution*, <https://floridadep.gov/pollutionnotice> (last visited Mar. 6, 2019).

III. Effect of Proposed Changes:

Section 1 creates s. 403.0771, F.S., on sewage spill notification. The bill requires that a wastewater treatment facility that unlawfully discharges more than 1,000 gallons of raw or partially treated sewage into any waterway or aquifer in violation of a permit issued pursuant to ss. 403.088 or 403.0885, F.S., must, within 24 hours after discovering the discharge, notify its customers that the discharge has occurred. The bill requires written notification by first class mail. The bill includes the following requirements for a wastewater treatment facility to notify its customers based on the number of gallons of sewage discharged:

- For spills of 1,000 to 100,000 gallons of sewage, customers within a half-mile radius must be notified;
- For spills between 100,000 and 1 million gallons of sewage, customers within a 1-mile radius must be notified; and
- For spills of more than 1 million gallons, all customers of the facility must be notified.

The bill specifies what information must be included in the wastewater treatment facility's written notification to customers in the event of an unlawful discharge. The notification must include all of the following:

- The date and time of the discharge.
- The status of the discharge.
- The estimated volume of the discharge.
- The location or address of the discharge.
- A description of the area affected by the discharge, including the name of the waterbody affected, if any.
- The name and phone number of all local elected officials who have authority over the facility responsible for the discharge.

These notification requirements are in addition to existing requirements for a "reportable pollution release," which must be reported to the Department of Environmental Protection (DEP).

Section 2 amends s. 403.141, F.S., which establishes the civil liability and penalties for certain violations of ch. 403, F.S. The bill adds penalties for a wastewater treatment facility unlawfully discharges 1,000 gallons or more of raw or potentially treated sewage into any waterway or aquifers, in violation of a permit issued pursuant to s. 403.0885, F.S. The bill states that this is in addition to the civil penalty limitation in subsection (1) of s. 403.141, F.S., which provides that a civil penalty may not exceed \$10,000 per offense. The bill requires a wastewater treatment facility that has made such an unlawful discharge to do one of the following:

- Pay DEP an amount equal to \$1 for every gallon of sewage discharged; or
- Calculate or provide an estimate of the number of gallons discharged and, with DEP's approval, spend \$2 per gallon to upgrade and repair the wastewater system to prevent future unlawful discharges. The bill states that such funds may be used to:
 - Smoke test sewer lines.
 - Repair and replace sewer mains and laterals.
 - Repair manholes.
 - Purchase and maintain generators for lift stations.

- Increase wastewater treatment facility capacity.
- Provide incremental nutrient reduction technology.

The bill states that if a wastewater treatment facility is unable to calculate or estimate the volume discharged, the facility must remit to DEP a minimum penalty of \$10,000. The bill states that if the cost of all potential repairs and upgrades is less than the calculated penalty amount, the total funds used to perform repairs and upgrades may not exceed the cost identified.

Section 3 states that the act shall take effect on July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill would require private wastewater treatment facilities to notify customers of unlawful discharges of raw or partially treated sewage, and would make private wastewater treatment facilities subject to penalties for such discharges. Therefore, the bill may have a negative, indeterminate fiscal impact on private wastewater treatment facilities that unlawfully discharge sewage.

C. Government Sector Impact:

The bill would require publically-owned wastewater treatment facilities to notify customers of unlawful discharges of raw or partially treated sewage, and would make publically-owned wastewater treatment facilities subject to penalties for such discharges. Therefore, the bill may have a negative, indeterminate fiscal impact on government wastewater treatment facilities that unlawfully discharge sewage.

The bill adds a potential penalty where DEP may receive a dollar for every gallon of sewage unlawfully discharged from a wastewater treatment facility. This may result in a positive, indeterminate fiscal impact for DEP.

VI. Technical Deficiencies:

Section 403.141, F.S., primarily deals with the judicial imposition of penalties.

The penalty set out in section 2 of the CS does not reference or appear to be limited to the judicial imposition of penalties. It simply creates a penalty to be remitted to the department, and authorizes the department to allow \$2/gallon to be spent on upgrades and repairs in lieu of the penalty. This appears to be a penalty that could be directly imposed by the department as an administrative penalty. As such, it may more appropriately be placed in s. 403.121, F.S., which provides for administrative remedies. Note that s. 403.121, F.S., also has caps on civil and administrative penalties. If the intent of the bill is that the penalties created in the bill not be subject to either the caps in s. 403.121, F.S., or s. 403.141, F.S., that should be clarified.

If the intent of the CS is to ensure that the \$1/gallon penalty is not subject to a cap, then instead of the language stating “[i]n addition to the civil penalty limitation set forth in subsection (1)[.]” the following language may add clarity: “[n]otwithstanding the limitations and requirements on civil and administrative penalties set forth in this part. . .”

Language in section 2 of the bill states: “[i]f the cost of all potential repairs and upgrades is less than the calculated penalty amount, the total funds used to perform repairs and upgrades may not exceed the cost identified.” This language creates a cap on the amount of money that a wastewater treatment facility can spend on repairs and upgrades following an unlawful discharge. This may create a limitation on penalties that is not intended.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 403.0771 of the Florida Statutes.

This bill substantially amends section 403.141 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.)

CS by Environment and Natural Resources Committee on March 12, 2019:

- Deletes the distribution from the Land Acquisition Trust Fund to projects that implement the Indian River Lagoon Comprehensive Conservation and Management Plan.
- Specifies that a wastewater treatment facility that discharges more than 1,000 gallons of raw or partially treated sewage into any aquifer or waterway in violation of the conditions set forth in a permit must notify its customers.
- Adds geographic details to the sewage spill notification requirements that are based on the gallons of raw or partially treated sewage discharged.
- Specifies the information that the written notification for a sewage spill must include.
- Specifies that the penalties for a wastewater treatment facility are triggered by the unlawful discharge of 1,000 gallons or more of raw or partially treated sewage into any aquifer or waterway in violation of a permit.
- Lists the upgrades or repairs to wastewater systems that would satisfy the requirements of the penalty.
- Adds that if a wastewater treatment facility is unable to calculate or estimate the volume discharged the facility must pay DEP a minimum of \$10,000.
- Adds that if the cost of all potential repairs and upgrades is less than the calculated penalty amount, the total funds used to perform repairs and upgrades may not exceed the cost identified.

B. Amendments:

None.



354422

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
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	.	
	.	

The Committee on Environment and Natural Resources (Gruters)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 403.0771, Florida Statutes, is created
to read:

403.0771 Sewage spill notification.—

(1) In addition to the public notification requirements of
s. 403.077, a wastewater treatment facility that unlawfully



354422

discharges more than 1,000 gallons of raw or partially treated sewage into any waterway or aquifer in violation of the conditions set forth in a permit issued pursuant to s. 403.088 or s. 403.0885 must, within 24 hours after discovering the discharge, send written notification by first class mail to the following customers:

(a) For spills of 1,000 to 100,000 gallons, customers within a half-mile radius.

(b) For spills between 100,000 and 1 million gallons, customers within a 1-mile radius.

(c) For spills of more than 1 million gallons, all customers of the wastewater facility.

(2) The written notification required under subsection (1) must include, at a minimum, all of the following:

(a) The date and time of the discharge.

(b) The status of the discharge.

(c) The estimated volume of the discharge.

(d) The location or address of the discharge.

(e) A description of the area affected by the discharge, including the name of the waterbody affected, if any.

(f) The name and phone number of all local elected officials who have authority over the facility responsible for the discharge.

Section 2. Paragraph (a) of subsection (4) of section 403.086, Florida Statutes, is amended to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(4) For purposes of this section, the term "advanced waste treatment" means that treatment which will provide a reclaimed



354422

water product that:

(a) Contains not more, on a permitted annual average basis, than the following concentrations:

1. Biochemical Oxygen Demand
(CBOD5).....5mg/l
2. Suspended Solids.....5mg/l
3. Total Nitrogen, expressed as N.....1mg/l ~~3mg/l~~
4. Total Phosphorus, expressed as P.....0.075mg/l ~~1mg/l~~

In those waters where the concentrations of phosphorus have been shown not to be a limiting nutrient or a contaminant, the department may waive or alter the compliance levels for phosphorus until there is a demonstration that phosphorus is a limiting nutrient or a contaminant.

Section 3. Present subsection (4) of section 403.141, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

403.141 Civil liability; joint and several liability.—

(4) In addition to the civil penalty limitation set forth in subsection (1), a wastewater treatment facility that unlawfully discharges 1,000 gallons or more of raw or partially treated sewage into any waterway or aquifer, in violation of the conditions set forth in a permit issued pursuant to s. 403.0885, must:

(a) Remit to the department a penalty of \$1 for each gallon of sewage discharged; or

(b) Calculate or provide an estimate of the number of gallons of sewage discharged and, with the department's approval, spend \$2 per gallon to upgrade and repair the



354422

wastewater system to prevent future unlawful discharges. Such funds may be used to smoke test sewer lines, repair and replace sewer mains and laterals, repair manholes, purchase and maintain generators for lift stations, increase wastewater treatment facility capacity, and provide incremental nutrient reduction technology.

1. If a wastewater treatment facility is unable to calculate or estimate the volume discharged, the facility must remit to the department a minimum penalty of \$10,000.

2. If the cost of all potential repairs and upgrades is less than the calculated penalty amount, the total funds used to perform repairs and upgrades may not exceed the cost identified.

Section 4. For the purpose of incorporating the amendment made by this act to section 403.086, Florida Statutes, in a reference thereto, paragraph (a) of subsection (6) of section 403.0882, Florida Statutes, is reenacted to read:

403.0882 Discharge of demineralization concentrate.—

(6) This subsection applies only to small water utility businesses.

(a) The discharge of demineralization concentrate from small water utility businesses is presumed to be allowable and permissible in all waters in the state if:

1. The discharge meets the effluent limitations in s. 403.086(4), except that high level disinfection is not required unless the presence of fecal coliforms in the source water will result in the discharge not meeting applicable water quality standards;

2. The discharge of demineralization concentrate achieves a minimum of 4-to-1 dilution within a distance not in excess of



354422

two times the natural water depth at the point of discharge
under all flow conditions; and

3. The point of discharge is located at a reasonably
accessible point that minimizes water quality impacts to the
greatest extent possible.

Section 5. This act shall take effect July 1, 2019.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to water quality improvements;
creating s. 403.0771, F.S.; requiring each wastewater
facility that unlawfully discharges specified volumes
of sewage into a waterway or aquifer to notify certain
customers by first class mail within a specified
timeframe; providing requirements for the written
notifications; amending s. 403.086, F.S.; redefining
the term "advanced waste treatment" to decrease the
acceptable concentrations of total nitrogen and total
phosphorus; amending s. 403.141, F.S.; providing
penalties for wastewater treatment facilities that
unlawfully discharge a specified volume of sewage into
designated areas; reenacting s. 403.0882(6)(a), F.S.,
relating to the discharge of demineralization
concentrate, to incorporate the amendment made to s.
403.086, F.S., in a reference thereto; providing an
effective date.



131272

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
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The Committee on Environment and Natural Resources (Gruters)
recommended the following:

**Senate Amendment to Amendment (354422) (with title
amendment)**

Delete lines 35 - 103
and insert:

Section 2. Present subsection (4) of section 403.141,
Florida Statutes, is redesignated as subsection (5), and a new
subsection (4) is added to that section, to read:

403.141 Civil liability; joint and several liability.—

(4) In addition to the civil penalty limitation set forth



131272

in subsection (1), a wastewater treatment facility that unlawfully discharges 1,000 gallons or more of raw or partially treated sewage into any waterway or aquifer, in violation of the conditions set forth in a permit issued pursuant to s. 403.0885, must:

(a) Remit to the department a penalty of \$1 for each gallon of sewage discharged; or

(b) Calculate or provide an estimate of the number of gallons of sewage discharged and, with the department's approval, spend \$2 per gallon to upgrade and repair the wastewater system to prevent future unlawful discharges. Such funds may be used to smoke test sewer lines, repair and replace sewer mains and laterals, repair manholes, purchase and maintain generators for lift stations, increase wastewater treatment facility capacity, and provide incremental nutrient reduction technology.

1. If a wastewater treatment facility is unable to calculate or estimate the volume discharged, the facility must remit to the department a minimum penalty of \$10,000.

2. If the cost of all potential repairs and upgrades is less than the calculated penalty amount, the total funds used to perform repairs and upgrades may not exceed the cost identified.

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

And the title is amended as follows:

Delete lines 117 - 126

and insert:

notifications; amending s. 403.141, F.S.; providing penalties for wastewater treatment facilities that



131272

40 unlawfully discharge a specified volume of sewage into
41 designated areas; providing an

By Senator Gruters

23-00681-19

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A bill to be entitled
An act relating to water quality improvements;
amending s. 375.041, F.S.; providing an appropriation
for certain projects related to the Indian River
Lagoon Comprehensive Conservation and Management Plan;
authorizing the Department of Environmental
Protection, with other specified entities, to provide
grants for such projects; directing the department to
submit an annual report to the Governor and
Legislature; removing an obsolete provision; creating
s. 403.0771, F.S.; requiring each wastewater facility
that unlawfully discharges sewage into a waterway or
aquifer to notify its customers within a specified
period; amending s. 403.141, F.S.; providing penalties
for wastewater treatment facilities that unlawfully
discharge sewage into designated areas; providing an
effective date.

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

Section 1. Paragraph (b) of subsection (3) of section
375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

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

(b) Of the funds remaining after the payments required
under paragraph (a), but before funds may be appropriated,
pledged, or dedicated for other uses:

1. A minimum of the lesser of 25 percent or \$200 million

23-00681-19

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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 and Estuaries Protection Program as set forth in s. 373.4595. From these funds, \$32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the \$32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project, the Everglades Agricultural Area Storage Reservoir Project, the Lake Okeechobee Watershed Project, the C-43 West Basin Storage Reservoir Project, the Indian River Lagoon-South Project, the Western Everglades Restoration Project, and the Picayune Strand Restoration Project. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the

23-00681-19

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59 amount remaining after the payments required under paragraph
60 (a). The amount of the distribution calculated shall then be
61 reduced by an amount equal to the debt service paid pursuant to
62 paragraph (a) on bonds issued after July 1, 2016, for the
63 purposes set forth under this subparagraph.

64 2. A minimum of the lesser of 7.6 percent or \$50 million
65 shall be appropriated annually for spring restoration,
66 protection, and management projects. For the purpose of
67 performing the calculation provided in this subparagraph, the
68 amount of debt service paid pursuant to paragraph (a) for bonds
69 issued after July 1, 2016, for the purposes set forth under
70 paragraph (b) shall be added to the amount remaining after the
71 payments required under paragraph (a). The amount of the
72 distribution calculated shall then be reduced by an amount equal
73 to the debt service paid pursuant to paragraph (a) on bonds
74 issued after July 1, 2016, for the purposes set forth under this
75 subparagraph.

76 3. The sum of \$5 million shall be appropriated annually
77 each fiscal year through the 2025-2026 fiscal year to the St.
78 Johns River Water Management District for projects dedicated to
79 the restoration of Lake Apopka. This distribution shall be
80 reduced by an amount equal to the debt service paid pursuant to
81 paragraph (a) on bonds issued after July 1, 2016, for the
82 purposes set forth in this subparagraph.

83 4. The sum of \$64 million is appropriated and shall be
84 transferred to the Everglades Trust Fund for the 2018-2019
85 fiscal year, and each fiscal year thereafter, for the EAA
86 reservoir project pursuant to s. 373.4598. Any funds remaining
87 in any fiscal year shall be made available only for Phase II of

23-00681-19

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the C-51 reservoir project or projects identified in subparagraph 1. and must be used in accordance with laws relating to such projects. Any funds made available for such purposes in a fiscal year are in addition to the amount appropriated under subparagraph 1. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth in this subparagraph.

5. A minimum of the lesser of 7.6 percent or \$50 million shall be appropriated annually each fiscal year for projects dedicated to the conservation and management of the Indian River Lagoon. This distribution must be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2019, for the purposes set forth in this subparagraph. The Department of Environmental Protection shall use the funds to provide grants for the following categories of projects that implement the updated Indian River Lagoon Comprehensive Conservation and Management Plan, including multiyear grants for construction of such projects:

a. The construction of facilities or the upgrade of existing facilities that provide advanced waste treatment, as defined in s. 403.086(4).

b. The expansion of existing wastewater treatment facilities to bring services to homes and businesses that are not connected to an existing wastewater treatment facility.

c. The connection of onsite sewage treatment and disposal systems to central sewer systems.

Each grant must require a minimum 50 percent local match. The

23-00681-19

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department shall coordinate with the South Florida Water Management District, the St. Johns River Water Management District, and other water management districts, as necessary, to identify grant recipients. Beginning January 1, 2020, and each January 1 thereafter, the department shall submit a report regarding the projects funded pursuant to this subparagraph to the Governor, the President of the Senate, and the Speaker of the House of Representatives ~~Notwithstanding subparagraph 3., for the 2018-2019 fiscal year, funds shall be appropriated as provided in the General Appropriations Act. This subparagraph expires July 1, 2019.~~

Section 2. Section 403.0771, Florida Statutes, is created to read:

403.0771 Sewage spill notification.—In addition to the public notification requirements of s. 403.077, a wastewater treatment facility that unlawfully discharges raw or partially treated sewage into any waterway or aquifer must, within 24 hours after discovering the discharge, notify its customers that the discharge has occurred.

Section 3. Present subsection (4) of section 403.141, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section, to read:

403.141 Civil liability; joint and several liability.—

(4) Notwithstanding the civil penalty limitation set forth in subsection (1), a wastewater treatment facility that unlawfully discharges raw or partially treated sewage into any waterway or aquifer shall:

(a) Remit to the department an amount equal to \$1 for each gallon of sewage discharged; or

23-00681-19

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146 (b) Calculate the number of gallons of sewage discharged,
147 and, with the department's approval, spend \$2 for each gallon to
148 upgrade or remediate the problems that gave rise to the unlawful
149 discharge.

150 Section 4. This act shall take effect July 1, 2019.

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 Committee on Environment and Natural Resources

BILL: SB 368

INTRODUCER: Senator Harrell

SUBJECT: Land Acquisition Trust Fund

DATE: March 12, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Schreiber	Rogers	EN	Favorable
2. _____	_____	AEG	_____
3. _____	_____	AP	_____

I. Summary:

SB 368 adds an annual appropriation from the Land Acquisition Trust Fund for projects dedicated to the conservation and management of the Indian River Lagoon. The annual appropriation is, at minimum, the lesser of 7.6 percent of the funds remaining after debt service or \$50 million. The Department of Environmental Protection must use the funds to provide grants for projects that implement the Indian River Lagoon Comprehensive Conservation and Management Plan. In providing such grants, the Department of Environmental Protection must give preference to projects that achieve any of the following:

- Monitor ecosystems and restore habitats.
- Connect onsite sewage treatment and disposal systems to central sewer systems.
- Manage stormwater, freshwater, and agricultural discharges.

Grants for sewer system connection projects and discharge management projects must require a minimum 50 percent local match. The bill requires the Department of Environmental Protection to submit an annual report on the projects it funds through the program.

II. Present Situation:

The Indian River Lagoon

The Indian River Lagoon (IRL) system is an estuary¹ that runs along 156 miles of Florida's east coast, and connects Volusia, Brevard, Indian River, St. Lucie, and Martin counties.² The IRL system is composed of three main waterbodies: Mosquito Lagoon, Banana River, and the Indian River Lagoon.³ More than 71 percent of its area and nearly half its length is within Brevard County.⁴

The IRL is one of the most biologically diverse estuaries in North America and is home to more than 2,000 species of plants, 600 species of fish, 300 species of birds, and 53 endangered or threatened species.⁵ The estimated economic value received from the IRL in 2014 was approximately \$7.6 billion.⁶ Industry groups that are directly influenced by the IRL support nearly 72,000 jobs, collecting wages totaling more than \$1.2 billion annually.⁷

Major Pollution Sources in the IRL

The balance of the IRL's delicate ecosystem has been disturbed by increased development in the area. Development has led to harmful levels of nutrients and sediments entering the lagoon as a result of stormwater runoff from urban and agricultural areas, wastewater treatment facility discharges, septic systems, and excess fertilizer applications.⁸ In the last decade, there have been algae blooms; unusual mortalities of dolphins, manatees, and shorebirds; and large fish kills due to low dissolved oxygen from decomposing algae.⁹

Onsite Sewage and Disposal Systems

Onsite sewage treatment and disposal systems (OSTDS) (commonly referred to as "septic systems") can contain any one or more of the following components: a septic tank; a subsurface

¹ An estuary is a partially enclosed, coastal waterbody where freshwater from rivers and streams mixes with salt water from the ocean. Estuaries are among the most productive ecosystems on earth, home to unique plant and animal communities that have adapted to brackish water: fresh water mixed with salt water. U.S. EPA, *What Is An Estuary?*, <https://www.epa.gov/nep/basic-information-about-estuaries> (last visited Mar. 5, 2019); NOAA, *What Is An Estuary?*, <https://oceanservice.noaa.gov/facts/estuary.html> (last visited Mar. 5, 2019).

² IRL National Estuary Program, *About the Indian River Lagoon*, <http://www.irlcouncil.com/> (last visited Mar. 4, 2019).

³ *Id.*

⁴ Tetra Tech, Inc. & Closewaters, LLC, *Draft Save Our Indian River Lagoon Project Plan 2019 Update for Brevard County, Florida*, xii (Jan. 2019), available at <https://www.dropbox.com/sh/59riiyz9eevvdq0/AACc4Rq3SJqiO-ZOYUA3TJMsa?dl=0&preview=Draft+2019+Save+Our+Indian+River+Lagoon+Project+Plan+Update+012919.pdf> (last visited Mar. 4, 2019).

⁵ IRL National Estuary Program, *About the Indian River Lagoon*, <http://www.irlcouncil.com/> (last visited Mar. 4, 2019).

⁶ East Central Florida Regional Planning Council and the Treasure Coast Regional Planning Council, *Indian River Lagoon Economic Valuation Update*, vi (Aug. 26, 2016), available at http://tcrpc.org/special_projects/IRL_Econ_Valu/FinalReportIRL08_26_2016.pdf (last visited Mar. 4, 2019).

⁷ *Id.* at ix. The main IRL-related industry groups are categorized as: Living Resources; Marine Industries; Recreation and Visitor-related; Resource Management; and Defense & Aerospace.

⁸ Tetra Tech, Inc. & Closewaters, LLC, *Draft Save Our Indian River Lagoon Project Plan 2019 Update for Brevard County, Florida*, xii (Jan. 2019), available at <https://www.dropbox.com/sh/59riiyz9eevvdq0/AACc4Rq3SJqiO-ZOYUA3TJMsa?dl=0&preview=Draft+2019+Save+Our+Indian+River+Lagoon+Project+Plan+Update+012919.pdf> (last visited Mar. 4, 2019).

⁹ *Id.* at 1.

drainfield; an aerobic treatment unit; a graywater tank; a laundry wastewater tank; a grease interceptor; a pump tank; a waterless incinerating or organic waste-composting toilet; and a sanitary pit privy.¹⁰ OSTDSs generally consist of two basic parts: the septic tank and the drainfield.¹¹ Waste from toilets, sinks, washing machines and showers flows through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue deactivating the germs. The drainfield also provides filtration of the wastewater, as gravity draws the water down through the soil layers.¹²

The Department of Health (DOH) administers OSTDS programs, develops statewide rules, and provides training and standardization for county health department employees responsible for issuing permits for the installation and repair of septic systems within the state.¹³ There are an estimated 2.6 million OSTDSs in Florida, providing wastewater disposal for 30 percent of the state's population.¹⁴

In Florida, development in some areas is dependent on OSTDSs due to the cost and time it takes to install central sewer systems. For example, in rural areas and low-density developments, central sewer systems are not cost effective. Less than one percent of septic systems in Florida are actively managed.¹⁵ The remainder of systems are generally serviced only when they fail, often leading to costly repairs that could have been avoided with routine maintenance.¹⁶ In Florida, approximately 30-40 percent of the nitrogen levels are reduced in a system that is installed 24 inches or more from groundwater.¹⁷ This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from OSTDSs a potential contaminant in groundwater.¹⁸ Nitrogen sensitivity of Florida watersheds varies greatly, and includes areas of extremely high sensitivity to nitrogen loading and other areas where nitrogen loading from OSTDSs may be less critical.¹⁹

¹⁰ DEP, *Septic Systems*, <https://floridadep.gov/water/domestic-wastewater/content/septic-systems> (last visited Mar. 6, 2019); See s. 381.0065(2)(k), F.S. “Onsite sewage treatment and disposal system” is defined as “a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. This term does not include package sewage treatment facilities and other treatment works regulated under chapter 403.”

¹¹ DOH, *Septic System Information and Care*, <http://columbia.floridahealth.gov/programs-and-services/environmental-health/onsite-sewage-disposal/septic-information-and-care.html> (last visited Mar. 6, 2019).

¹² *Id.*

¹³ Section 381.0065(3), F.S.

¹⁴ DOH, *Onsite Sewage*, <http://www.floridahealth.gov/environmental-health/onsite-sewage/index.html> (last visited Mar. 6, 2019).

¹⁵ DOH, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, Executive Summary (Oct. 1, 2008), available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/research/documents/rrac/2008-11-06.pdf> (last visited Mar. 11, 2019). The report begins on page 58 of the PDF.

¹⁶ *Id.*

¹⁷ DOH, *Florida Onsite Sewage Nitrogen Reduction Strategies Study, Final Report 2008-2015*, 21 (Dec. 2015), available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/research/draftlegreportsm.pdf> (last visited Mar. 6, 2019).

¹⁸ University of Florida Institute of Food and Agricultural Sciences (IFAS), *Onsite Sewage Treatment and Disposal Systems: Nitrogen*, 3 (Feb. 2014), available at <http://edis.ifas.ufl.edu/pdf/SS/SS55000.pdf> (last visited Mar. 6, 2019).

¹⁹ DOH, *Florida Onsite Sewage Nitrogen Reduction Strategies Study, Final Report 2008-2015*, 13–14 (December 31, 2015).

In 1990, the Legislature enacted the Indian River Lagoon System and Basin Act, in part, to protect the IRL system from the improper use of OSTDSs.²⁰ The law required the St. Johns River Water Management District and the South Florida Water Management District to identify areas where improper septic tank use poses a threat to the water quality of the IRL system.²¹ Each local government was required to develop and implement plans to provide centralized sewage collection and treatment facilities to the identified problem areas.²² There are six counties that have septic systems that contribute to the health of the IRL: Volusia, Brevard, Indian River, St. Lucie, Martin, and Palm Beach counties. In Brevard County alone, there are approximately 82,000 permitted septic systems, of which nearly 59,500 pollute groundwater that migrates to the IRL.²³ The estimated total cost to convert all septic tanks in the county to central sewage treatment is \$1.19 billion.²⁴

Muck Accumulation

Muck is a fine-grained organic rich sediment that is made up primarily of clay, sand, and decaying plant material. Thick layers of muck build up at the bottom of waterbodies and increase turbidity, inhibit seagrass growth, promote oxygen depletion in sediments and the water above, store and release nutrients, cover the natural bottom, and destroy healthy communities of benthic organisms.²⁵ Additionally, when muck is suspended within the water column due to wind or human activities, such as boating, these suspended solids limit light availability and further suppress seagrass growth.²⁶

Muck is not natural to the bottom of the lagoon, but it now covers an estimated 15,900 acres of the lagoon bottom in Brevard County, and tends to accumulate in deeper waters, sometimes in layers more than 6 feet thick.²⁷ Muck is transported into the lagoon through freshwater runoff, which carries with it soil from erosion and organic debris from sod, grass clippings, leaves, and other vegetation.²⁸ Muck also accumulates potential pollutants and stores and releases nutrients into the water, which can feed algae blooms.²⁹ The annual release of nutrients from decaying muck is almost as much as the annual external loading delivered by stormwater and groundwater baseflow combined.³⁰

²⁰ Chapter 90-262, Laws of Fla.

²¹ Chapter 90-262, s. 4, Laws of Fla.

²² *Id.*

²³ Tetra Tech, Inc. & Closewaters, LLC, *Draft Save Our Indian River Lagoon Project Plan 2019 Update for Brevard County, Florida*, 5 (Jan. 2019), available at <https://www.dropbox.com/sh/59riiyz9eevvdq0/AACc4Rq3SJqiO-ZOYUA3TJMsa?dl=0&preview=Draft+2019+Save+Our+Indian+River+Lagoon+Project+Plan+Update+012919.pdf> (last visited Mar. 4, 2019).

²⁴ *Id.* at 5.

²⁵ *Id.* at 52.

²⁶ *Id.*

²⁷ Florida SeaGrant, *Muck Removal in the Save Our Indian River Lagoon Project Plan, Brevard County*, <http://www.brevardfl.gov/docs/default-source/natural-resources-documents/muck-fact-sheet.pdf?sfvrsn=1> (last visited Mar. 7, 2019).

²⁸ *Id.*

²⁹ *Id.*

³⁰ Tetra Tech, Inc. & Closewaters, LLC, *Draft Save Our Indian River Lagoon Project Plan 2019 Update for Brevard County, Florida*, 52 (Jan. 2019), available at <https://www.dropbox.com/sh/59riiyz9eevvdq0/AACc4Rq3SJqiO-ZOYUA3TJMsa?dl=0&preview=Draft+2019+Save+Our+Indian+River+Lagoon+Project+Plan+Update+012919.pdf> (last visited Mar. 4, 2019).

Muck removal projects are very expensive and entail dredging muck from the bottom of the waterbody.³¹ Muck removal projects have more immediate effects on water quality than external reduction projects, because the nutrient load is reduced as soon as the muck is dredged or flushed from the system.³² The dredged material is then usually stored temporarily at the site to dry out and can be used for beneficial purposes, if deemed safe and cost-effective, or is transported to a landfill property for disposal.³³

In 2016, the Legislature appropriated \$21.5 million to Brevard County for the removal of muck from the IRL.³⁴ Of the appropriation, \$1.5 million was required to be given to the Indian River Lagoon Research Institute for the purpose of a scientific assessment to determine the environmental benefits of the project.³⁵ The long-term success of muck removal is dependent upon continued reductions in land-based sources of pollutants to prevent the continued build-up of muck in the lagoon.

Stormwater Runoff

Stormwater runoff contributes a significant portion of total nitrogen and total phosphorus to the lagoon each year.³⁶ Furthermore, the drainage basin for the IRL is more than 2,000 square miles, and discharges can substantially impact the balance of salinity in the estuarine ecosystem.³⁷ In Brevard County, there are more than 1,500 stormwater outfalls to the IRL.³⁸ Brevard County in 1990 implemented a stormwater utility assessment, which established an annual assessment rate of \$36 per year per equivalent residential unit (ERU), which increased to \$64/ERU in 2016.³⁹ The collections raised in 2016 from this assessment are estimated to be \$6 million.⁴⁰ Large-scale stormwater capture and treatment projects are intended to store and treat stormwater runoff before it enters the IRL.

³¹ *Id.* at 52-57.

³² *Id.* at 52.

³³ IFAS, *Muck Removal in the Save Our Lagoon Indian River Lagoon Project Plan*, Brevard County, <http://www.brevardfl.gov/docs/default-source/natural-resources-documents/muck-fact-sheet.pdf?sfvrsn=1> (last visited Mar. 7, 2019).

³⁴ Chapter 2016-66, Laws of Fla.

³⁵ *Id.*

³⁶ Tetra Tech, Inc. & Closewaters, LLC, *Draft Save Our Indian River Lagoon Project Plan 2019 Update for Brevard County, Florida*, 11 (Jan. 2019), available at <https://www.dropbox.com/sh/59riiyz9eevvdq0/AACc4Rq3SJqiO-ZOYUA3TJMsa?dl=0&preview=Draft+2019+Save+Our+Indian+River+Lagoon+Project+Plan+Update+012919.pdf> (last visited Mar. 4, 2019). Table 3-1 shows nutrient loadings from different sources in each sub-lagoon.

³⁷ IRL National Estuary Program, *Indian River Lagoon Comprehensive Conservation and Management Plan, Update 2008*, 19 (2008), available at https://www.epa.gov/sites/production/files/2015-09/documents/ccmp_update_2008_final.pdf (last visited Mar. 7, 2019).

³⁸ Tetra Tech, Inc. & Closewaters, LLC, *Draft Save Our Indian River Lagoon Project Plan 2019 Update for Brevard County, Florida*, 45 (Jan. 2019), available at <https://www.dropbox.com/sh/59riiyz9eevvdq0/AACc4Rq3SJqiO-ZOYUA3TJMsa?dl=0&preview=Draft+2019+Save+Our+Indian+River+Lagoon+Project+Plan+Update+012919.pdf> (last visited Mar. 4, 2019).

³⁹ *Id.* at 2.

⁴⁰ *Id.*

Programs for Environmental Protection in the IRL

The St. Johns River Water Management District, the South Florida Water Management District, and local governments have been proactive in implementing projects to address water quality issues in the IRL. Brevard County established the Save Our Indian River Lagoon Project Plan.⁴¹ The plan outlines local projects planned to meet water quality targets and improve the health, productivity, aesthetic appeal, and economic value of the lagoon.⁴² In 2016, the county passed a referendum, approved by 62.4 percent of the voting population, to authorize the issuance of a half-cent infrastructure sales tax to pay for a portion of the plan.⁴³ The sales tax will generate approximately \$34 million per year.⁴⁴

There are four Basin Management Action Plans (BMAP) that have been adopted for the IRL.⁴⁵ It is estimated that accomplishing the required nutrient load reductions in all four BMAPs that cover the IRL region would cost \$4.6 billion.⁴⁶ With efforts extended over a 20-year period, it would require an annual investment of \$230 million to sustain an IRL-based economy.⁴⁷ The annual cost compared to the IRL's estimated total economic output of \$7.6 billion provides a return on investment of 33:1, which can be expected to increase as the IRL improves in health and productivity.⁴⁸

The Indian River Lagoon National Estuary Program

In 1987, amendments to the federal Clean Water Act established the United States Environmental Protection Agency's (EPA) National Estuary Program.⁴⁹ The National Estuary

⁴¹ Brevard County, *Brevard County Save Our Lagoon*, <https://www.brevardfl.gov/SaveOurLagoon/Home> (last visited Mar. 7, 2019).

⁴² See Tetra Tech, Inc. & Closewaters, LLC, *Draft Save Our Indian River Lagoon Project Plan 2019 Update for Brevard County, Florida* (Jan. 2019), available at <https://www.dropbox.com/sh/59riiyz9eevvdq0/AACc4Rq3SJqiO-ZOYUA3TJMsa?dl=0&preview=Draft+2019+Save+Our+Indian+River+Lagoon+Project+Plan+Update+012919.pdf> (last visited Mar. 4, 2019).

⁴³ Brevard County Supervisor of Elections, *2016 General Election Official Results*, <http://enr.electionsfl.org/BRE/1616/Summary/> (last visited Mar. 11, 2019); see Brevard County Ordinance 2016-15, *1/2 Sales Tax: IRL Only*, (Aug. 23, 2016), available at <http://www.brevardfl.gov/docs/default-source/countymanager/save-our-lagoon-referendum-election-2016-ordinance-august-23-2016.pdf?sfvrsn=2> (last visited Mar. 7, 2019).

⁴⁴ Tetra Tech, Inc. & Closewaters, LLC, *Draft Save Our Indian River Lagoon Project Plan 2019 Update for Brevard County, Florida*, 149 (Jan. 2019) available at <https://www.brevardfl.gov/SaveOurLagoon/Home> (last visited Mar. 8, 2019).

⁴⁵ East Central Florida Regional Planning Council and the Treasure Coast Regional Planning Council, *Indian River Lagoon Economic Valuation Update*, x (Aug. 26, 2016), available at http://tcrpc.org/special_projects/IRL_Econ_Valu/FinalReportIRL08_26_2016.pdf (last visited Mar. 4, 2019); DEP, Basin Management Action Plans (BMAPs), <https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps> (last visited Mar. 7, 2019). A BMAP is a blueprint for restoring impaired waters to meet Total Maximum Daily Load (TMDL) standards under the federal Clean Water Act.

⁴⁶ East Central Florida Regional Planning Council and the Treasure Coast Regional Planning Council, *Indian River Lagoon Economic Valuation Update*, x (Aug. 26, 2016).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ 33 U.S.C. § 1330; U.S. EPA, National Estuary Program (NEP), *Overview of the National Estuary Program*, <https://www.epa.gov/nep/overview-national-estuary-program> (last visited Mar. 7, 2019); U.S. EPA, *National Estuary Program Booklet*, available at https://www.epa.gov/sites/production/files/2015-09/documents/2009_12_23_estuaries_pdf_nep_brochure_timeless_new.pdf (last visited Mar. 5, 2019).

Program is a non-regulatory, community-based program with the goals of restoring and maintaining the water quality and ecological integrity of estuaries of national significance.⁵⁰

The IRL National Estuary Program was established in 1990 when the EPA designated the IRL an “estuary of national significance.”⁵¹ In 1996, the IRL National Estuary Program used the local stakeholder process to develop the IRL Comprehensive Conservation and Management Plan (Management Plan).⁵² The updated Management Plan was published in 2008.⁵³

In 2015, the IRL Council was established to govern and sponsor the IRL National Estuary Program.⁵⁴ The IRL Council includes DEP, the St. Johns River Water Management District, the South Florida Water Management District, Volusia County, Brevard County, St. Lucie County, Martin County, and a collection of local governments known as the IRL Lagoon Coalition.⁵⁵ The goals of the parties to the interlocal agreement are the goals set forth in the Management Plan.⁵⁶ The interlocal agreement established minimum annual funding contributions from each party to the IRL Council.⁵⁷ These contributions supplement annual funding from the EPA.⁵⁸

The 2008 Indian River Lagoon Comprehensive Conservation and Management Plan

The goals of the Management Plan are to:

- Attain and maintain water and sediment of sufficient quality to support a healthy estuarine lagoon system;
- Attain and maintain a functioning, healthy ecosystem which supports endangered and threatened species, fisheries, commerce and recreation;
- Achieve heightened public awareness and coordinated interagency management of the Indian River Lagoon ecosystem; and
- Identify and develop long-term funding sources for prioritized projects and programs to preserve, protect, restore and enhance the Indian River Lagoon.⁵⁹

⁵⁰ U.S. EPA, *National Estuary Program Booklet*.

⁵¹ IRL National Estuary Program, *Home*, <http://www.irlcouncil.com/> (last visited Mar. 7, 2019); IRL National Estuary Program, *Indian River Lagoon Comprehensive Conservation and Management Plan, Update 2008*, 2 (2008), available at https://www.epa.gov/sites/production/files/2015-09/documents/ccmp_update_2008_final.pdf (last visited Mar. 5, 2019). The IRL National Estuary Program is one of 28 National Estuary Program sites.

⁵² IRL National Estuary Program, *Indian River Lagoon Comprehensive Conservation and Management Plan* (1996), available at http://www.irlcouncil.com/uploads/7/9/2/7/79276172/irl_ccmp.pdf (last visited Mar. 7, 2019).

⁵³ IRL National Estuary Program, *Indian River Lagoon Comprehensive Conservation and Management Plan, Update 2008* (2008), available at https://www.epa.gov/sites/production/files/2015-09/documents/ccmp_update_2008_final.pdf (last visited Mar. 7, 2019).

⁵⁴ IRL National Estuary Program, *IRL Council*, <http://www.irlcouncil.com/irl-council.html> (last visited Mar. 7, 2019).

⁵⁵ *Indian River Lagoon National Estuary Program Interlocal Agreement*, (Feb. 2015), available at http://www.irlcouncil.com/uploads/7/9/2/7/79276172/irlnep_interlocal_agreement.pdf (last visited Mar. 7, 2019); *First Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement*, (Sept. 2015), available at http://www.irlcouncil.com/uploads/7/9/2/7/79276172/irlnep_amended_interlocal_agreement_2015.pdf (last visited Mar. 7, 2019).

⁵⁶ *First Amended and Restated Indian River Lagoon National Estuary Program Interlocal Agreement*, 4 (Sept. 2015).

⁵⁷ *Id.* at 10.

⁵⁸ IRL National Estuary Program, *EPA 5-Year Program Evaluation*, <http://www.irlcouncil.com/5-year-program-evaluation.html> (last visited Mar. 7, 2019).

⁵⁹ IRL National Estuary Program, *Indian River Lagoon Comprehensive Conservation and Management Plan, Update 2008*, 3, 109 (2008), available at https://www.epa.gov/sites/production/files/2015-09/documents/ccmp_update_2008_final.pdf (last visited Mar. 7, 2019).

The 2008 update to the Management Plan is organized into 23 action plans under four separate categories. For each action plan, the Management Plan states an objective, provides background on the problem, and lists specific action items and shows their progress and responsible parties.⁶⁰

The action plans are as follows:

- Water and Sediment Quality Controls:
 - Point Source Discharge Action Plan
 - On-site Sewage Treatment Action Plan
 - Fresh and Stormwater Discharges Action Plan
 - Marina and Boat Impacts Action Plan
 - Atmospheric Deposition Action Plan
 - Total Maximum Daily Load Action Plan
- Living Resources:
 - Biodiversity Action Plan
 - Seagrass Protection, Restoration, and Management Action Plan
 - Wetland Action Plan
 - Impounded Marsh Restoration and Management Action Plan
 - Land Acquisition and Protection Action Plan
 - Endangered and Threatened Species Action Plan
 - Fisheries Action Plan
 - Biotoxins and Aquatic Animal Health Action Plan
 - Climate Change Action Plan
 - Invasive Fauna and Flora Action Plan
- Public and Government Support and Involvement
 - Public Involvement and Education Action Plan
 - IRL CCMP Implementation Action Plan
 - Data Information and Management Strategy Action Plan
 - Monitoring Action Plan
 - IRL Scientific Research Action Plan
 - Environmental Incident Assessment and Response Action Plan
- Financing IRL Management Plan Implementation
 - Economic Analysis Action Plan⁶¹

Land Acquisition Trust Fund

Documentary stamp tax revenues are collected under ch. 201, F.S., which requires an excise tax to be levied 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 \$100.⁶²

⁶⁰ *Id.* at 10–108, 109.

⁶¹ *Id.* at 109. The table on 109 summarizes the Management Plan and shows the status of the action items.

⁶² Sections 201.02 and 201.08, F.S.

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for land and water conservation and restoration. The amendment required that starting on July 1, 2015, and for 20 years thereafter, no less than 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund (LATF).⁶³ Article X, s. 28 of the State Constitution requires that funds in the LATF be expended only for the following purposes:

As provided by law, to finance or refinance: 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, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.⁶⁴

To implement Art. X, s. 28 of the State Constitution, the Legislature passed ch. 2015-229, Laws of Florida. This act, in part, amended the following sections of law:

- Section 201.15, F.S., to conform to the constitutional requirement that the LATF receive at least 33 percent of net revenues derived from documentary stamp taxes; and
- Section 375.041, F.S., to designate the LATF within DEP as the trust fund to serve as the constitutionally mandated depository for the percentage of documentary stamp tax revenues.⁶⁵

Under s. 375.041, F.S., funds deposited into the LATF must be distributed in the following order and amounts:

- First, obligations relating to debt service, specifically:
 - Payments relating to debt service on Florida Forever bonds and Everglades restoration bonds.
- Then, before funds are authorized to be appropriated for other uses:
 - A minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. From these funds, the following specified distributions are required:

⁶³ FLA. CONST. art. X, s. 28(a).

⁶⁴ FLA. CONST. art. X, s. 28(b)(1).

⁶⁵ Ch. 2015-229, sections 9 and 50, Laws of Fla.

- \$32 million annually through the 2023-2024 Fiscal Year for the Long-Term Plan;
- After deducting the \$32 million, the minimum of the lesser of 76.5 percent of the remainder or \$100 million annually through the 2025-2026 Fiscal Year for the CERP; and
- Any remaining funds for Everglades projects under the CERP, the Long-Term Plan, or the NEEPP.
- A minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million annually for spring restoration, protection, and management projects;
- \$5 million annually through the 2025-2026 Fiscal Year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka; and
- \$64 million to the Everglades Trust Fund in the 2018-2019 Fiscal Year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project, and any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 Reservoir Project or projects that implement CERP, the Long Term Plan, or NEEPP.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.⁶⁶

The General Revenue Estimating Conference in December of 2018 estimated that for the 2019-2020 Fiscal Year a total of \$2.76 billion would be collected in documentary stamp taxes.⁶⁷ Thirty-three percent of the net revenues collected, or approximately \$906.6 million, must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution.⁶⁸

In 2015, two lawsuits were filed challenging the constitutionality of appropriations from the LATF and expenditures by state agencies.⁶⁹ The cases were consolidated and a hearing was held in June of 2018.⁷⁰ The plaintiffs argued that funds from the LATF were appropriated and expended for general state expenses in ways that were inconsistent with the constitutional language. The court held for the plaintiffs, stating the amendment requires the funds be used for acquiring conservation lands, and for improving, managing, restoring, and enhancing public access to conservation lands acquired after the effective date of the amendment.⁷¹ The decision described how LATF funds may be used, and ruled numerous appropriations from 2015 and 2016 unconstitutional.⁷² The case was appealed and is currently in the First District Court of Appeal.⁷³

⁶⁶ Section 375.041(3), (4), F.S.

⁶⁷ Office of Economic & Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary*, 3 (2018), available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf> (last visited Mar. 6, 2019).

⁶⁸ *Id.*

⁶⁹ *Florida Wildlife Federation, Inc. v. Negron*, No. 2015-CA-001423 (Fla. 2nd Cir. Ct.); *Florida Defenders of the Environment, Inc., v. Detzner*, No. 2015-CA-002682 (Fla. 2nd Cir. Ct.).

⁷⁰ *Florida Wildlife Federation, Inc. v. Negron*, Nos. 2015-CA-001423, 2015-CA-002682 (Fla. 2nd Cir. Ct. June 28, 2018).

⁷¹ *Id.* at 3.

⁷² *Id.* at 7–8.

⁷³ *Oliva v. Florida Wildlife Federation, Inc.*, 1D18-3141 (Fla. 1st Dist. Ct. App.).

III. Effect of Proposed Changes:

Section 1 amends s. 375.041, F.S., to create an annual appropriation from the LATF for projects implementing the current Indian River Lagoon Comprehensive Conservation and Management Plan (Management Plan). The bill requires an annual appropriation that is, at minimum, the lesser of 7.6 percent of the LATF funds remaining after the payments for debt service or \$50 million dollars.⁷⁴ The distribution must be reduced by the amount of the debt service payment if any bonds are issued by this subparagraph.

The bill requires the Department of Environmental Protection (DEP) to use the appropriated funds to provide grants for projects that implement the Management Plan. Such grants may include multiyear grants for planning and construction projects. DEP is required to coordinate all of the grants with the South Florida Water Management District and the St. Johns River Water Management District. As necessary, DEP and the South Florida and St. Johns River water management districts must coordinate the grants with other water management districts.

In providing the grants, the bill requires DEP to give preference to projects that:

- Monitor ecosystems and restore habitats.
- Connect onsite sewage treatment and disposal systems to central sewer systems.
- Manage stormwater, freshwater, and agricultural discharges.

The bill requires grants for sewer system connection projects and discharge management projects to require a minimum 50 percent local match. DEP is required to submit annually to the Governor and the Legislature a report on the projects funded through the LATF appropriation. The report is due on January 1 of each year, beginning in 2020.

Section 2 states that the act shall take effect on July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

⁷⁴ 7.6 percent would amount to \$56.5 million based on estimates for Fiscal Year 2019-20. This amount can be calculated by taking the total amount of documentary stamp tax collections to LATF (906.61), subtracting the debt service (163.61), and then calculating 7.6 percent of the remainder (multiply 743 by .076).

E. Other Constitutional Issues:

This bill would require annual appropriations from the LATF for projects that implement the Management Plan. The LATF has constitutionally restricted uses, which are discussed in the Present Situation section of this bill analysis.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill would provide grant funding for projects in the IRL area that would help residents and businesses connect to central sewer systems. Normally, such connections can require substantial costs from residents and businesses. Therefore, the bill may result in a positive, indeterminate fiscal impact on the private sector.

The bill would fund projects that implement the Management Plan. These projects could provide revenue for private businesses. Therefore, this bill may have a positive, indeterminate fiscal impact on the private sector.

C. Government Sector Impact:

The bill requires DEP to create a new grant funding program for projects implementing the Management Plan. This may cause DEP to incur additional costs.

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 Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Harrell

25-00938-19

2019368__

A bill to be entitled
An act relating to the Land Acquisition Trust Fund;
amending s. 375.041, F.S.; providing an appropriation
for certain projects related to the Indian River
Lagoon Comprehensive Conservation and Management Plan;
authorizing the Department of Environmental Protection
to make grants for such projects; requiring the
department to submit an annual report to the Governor
and Legislature; removing an obsolete provision;
providing an effective date.

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

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

375.041 Land Acquisition Trust Fund.—

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

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

(b) Of the funds remaining after the payments required
under paragraph (a), but before funds may be appropriated,
pledged, or dedicated for other uses:

1. A minimum of the lesser of 25 percent or \$200 million
shall be appropriated annually for Everglades projects that

25-00938-19

2019368__

30 implement the Comprehensive Everglades Restoration Plan as set
31 forth in s. 373.470, including the Central Everglades Planning
32 Project subject to Congressional authorization; the Long-Term
33 Plan as defined in s. 373.4592(2); and the Northern Everglades
34 and Estuaries Protection Program as set forth in s. 373.4595.
35 From these funds, \$32 million shall be distributed each fiscal
36 year through the 2023-2024 fiscal year to the South Florida
37 Water Management District for the Long-Term Plan as defined in
38 s. 373.4592(2). After deducting the \$32 million distributed
39 under this subparagraph, from the funds remaining, a minimum of
40 the lesser of 76.5 percent or \$100 million shall be appropriated
41 each fiscal year through the 2025-2026 fiscal year for the
42 planning, design, engineering, and construction of the
43 Comprehensive Everglades Restoration Plan as set forth in s.
44 373.470, including the Central Everglades Planning Project, the
45 Everglades Agricultural Area Storage Reservoir Project, the Lake
46 Okeechobee Watershed Project, the C-43 West Basin Storage
47 Reservoir Project, the Indian River Lagoon-South Project, the
48 Western Everglades Restoration Project, and the Picayune Strand
49 Restoration Project. The Department of Environmental Protection
50 and the South Florida Water Management District shall give
51 preference to those Everglades restoration projects that reduce
52 harmful discharges of water from Lake Okeechobee to the St.
53 Lucie or Caloosahatchee estuaries in a timely manner. For the
54 purpose of performing the calculation provided in this
55 subparagraph, the amount of debt service paid pursuant to
56 paragraph (a) for bonds issued after July 1, 2016, for the
57 purposes set forth under this paragraph ~~(b)~~ shall be added to
58 the amount remaining after the payments required under paragraph

25-00938-19

2019368__

(a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

2. A minimum of the lesser of 7.6 percent or \$50 million shall be appropriated annually for spring restoration, protection, and management projects. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under this paragraph ~~(b)~~ shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

3. The sum of \$5 million shall be appropriated annually each fiscal year through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth in this subparagraph.

4. The sum of \$64 million is appropriated and shall be transferred to the Everglades Trust Fund for the 2018-2019 fiscal year, and each fiscal year thereafter, for the EAA reservoir project pursuant to s. 373.4598. Any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 reservoir project or projects identified in

25-00938-19

2019368__

subparagraph 1. and must be used in accordance with laws relating to such projects. Any funds made available for such purposes in a fiscal year are in addition to the amount appropriated under subparagraph 1. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth in this subparagraph.

5. A minimum of the lesser of 7.6 percent or \$50 million must be appropriated annually each fiscal year for projects dedicated to the conservation and management of the Indian River Lagoon. This distribution must be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2019, for the purposes set forth in this subparagraph. The Department of Environmental Protection shall use the funds to make grants for projects that implement the Indian River Lagoon Comprehensive Conservation and Management Plan that was last updated in 2008, including multiyear grants for the planning and construction of such projects. The department shall coordinate all such grants with the South Florida Water Management District and the St. Johns River Water Management District. The department, the South Florida Water Management District, and the St. Johns River Water Management District, as necessary, shall coordinate such grants with other water management districts. Preference must be given to projects that monitor ecosystems and restore habitats, connect onsite sewage treatment and disposal systems to central sewer systems, and manage stormwater, freshwater, and agricultural discharges. Grants for sewer system connection projects and discharge management projects must require a minimum 50 percent local

25-00938-19

2019368__

117 match. Beginning January 1, 2020, and each January 1 thereafter,
118 the department shall submit a report regarding the projects
119 funded pursuant to this subparagraph to the Governor, the
120 President of the Senate, and the Speaker of the House of
121 Representatives ~~Notwithstanding subparagraph 3., for the 2018-~~
122 ~~2019 fiscal year, funds shall be appropriated as provided in the~~
123 ~~General Appropriations Act. This subparagraph expires July 1,~~
124 ~~2019.~~

125 Section 2. This act shall take effect July 1, 2019.

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 Committee on Environment and Natural Resources

BILL: SB 944

INTRODUCER: Senators Stewart and Rouson

SUBJECT: Land Acquisition Trust Fund

DATE: March 11, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Favorable
2.			AEG	
3.			AP	

I. Summary:

SB 944 creates a statutory distribution from the Land Acquisition Trust Fund requiring \$100 million to be appropriated annually to the Florida Forever Trust Fund. Funds appropriated into the Florida Forever Trust Fund are required to be distributed in accordance with the Florida Forever Act. The bill also specifies that the Land Acquisition Trust Fund may not be used to fund any costs within the budget entities that provide administrative support for the four state entities receiving these funds.

II. Present Situation:

Florida Forever

As a successor to Preservation 2000, the Legislature created the Florida Forever program in 1999 as the blueprint for conserving Florida's natural resources.¹ The Florida Forever Act reinforced the state's commitment to conserve its natural and cultural heritage, provide urban open space, and better manage the land acquired by the state.² Florida Forever encompasses a wide range of goals including: land acquisition; environmental restoration; water resource development and supply; increased public access; public lands management and maintenance; and increased protection of land through the purchase of conservation easements.³ The state has acquired more than 2.4 million acres since 1991 under the Preservation 2000 and the Florida Forever programs.⁴

¹ Chapter 99-247, Laws of Fla.

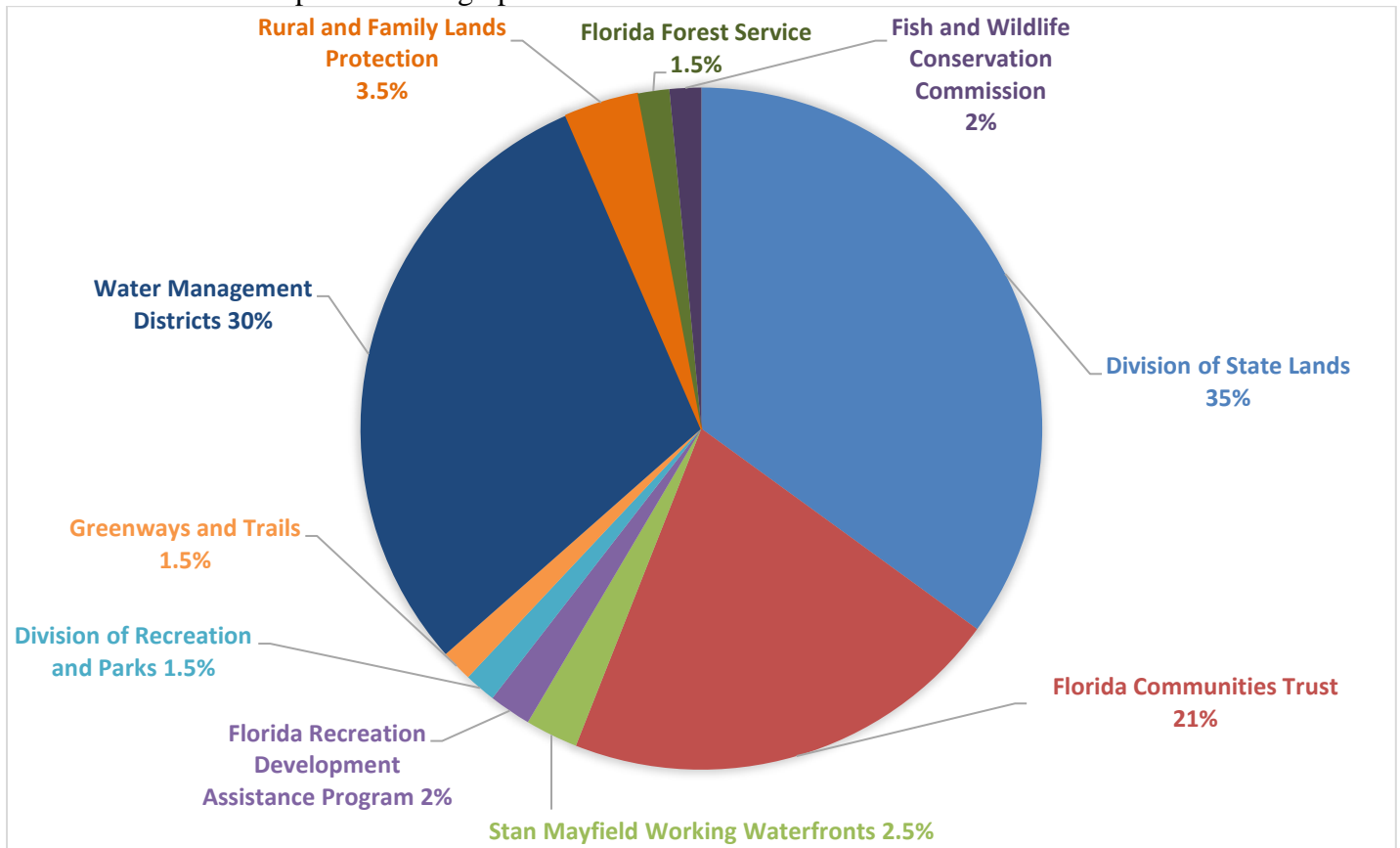
² Department of Environmental Protection (DEP), *Florida Forever Five Year Plan* (2018), available at http://publicfiles.dep.state.fl.us/DSL/OESWeb/FF2017/FLDEP_DSL_SOLI_2018FloridaForever5YrPlan_20180706.pdf (last visited Mar. 7, 2019).

³ Section 259.105, F.S.

⁴ DEP, *Frequently Asked Questions about Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/faq-florida-forever> (last visited Mar. 7, 2019). See Florida Natural Areas Inventory, *Summary of Florida Conservation Lands* (February 2019), available at https://www.fnai.org/PDF/Maacres_201902_FCL_plus_LTF.pdf (last visited Mar. 4, 2019) for a complete summary of the total amount of conservation lands in Florida.

Under Florida Forever, the issuance of up to \$5.3 billion in Florida Forever bonds is authorized to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements⁵ to lands and water areas which accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.⁶

The Florida Forever Trust Fund was created to serve as the repository for Florida Forever bond proceeds to fund the Florida Forever program. The Florida Forever Trust Fund is administered by the Department of Environmental Protection (DEP). DEP is required to distribute revenues from the Florida Forever Trust Fund in accordance with s. 259.105(3), F.S., which sets forth the allocation of the proceeds of cash payments or bonds deposited into the Florida Forever Trust Fund and is depicted in the graph below.



⁵ As defined in s. 259.03, F.S., the terms “capital improvement” or “capital project expenditure” when used in ch. 259, F.S. mean “those activities relating to the acquisition, restoration, public access, and recreational uses of such lands, water areas, and related resources deemed necessary to accomplish the purposes of this chapter. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities’ signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary services for land or water areas. Such activities shall be identified prior to the acquisition of a parcel or the approval of a project. The continued expenditures necessary for a capital improvement approved under this subsection shall not be eligible for funding provided in this chapter.”

⁶ Section 215.618, F.S.

Division of State Lands – 35 Percent

The Division of State Lands (DSL) within DEP oversees the Florida Forever program, under which the state has protected over 770,279 acres of land purchased with about \$3 billion in Florida Forever funds.⁷ Florida Forever projects and acquisitions are required to contribute to the achievement of one or more of the following program goals:

- Enhance the coordination and completion of land acquisition projects;
- Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels;
- Protect, restore, and maintain the quality and natural functions of land, water, and wetlands systems of the state;
- Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state;
- Increase natural resource-based public recreational and educational opportunities;
- Preserve significant archaeological or historic sites;
- Increase the amount of forestland available for sustainable management of natural resources.
- Increase the amount of open space available in urban areas; and
- Mitigate the effects of natural disasters and floods in developed areas.⁸

The Acquisition and Restoration Council (ARC) is a 10-member body⁹ that makes recommendations on the acquisition, management, and disposal of state-owned lands.¹⁰ ARC accepts applications from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals for project proposals eligible for Florida Forever funding. In evaluating each application, ARC is required to consider whether the project:

- Meets multiple program goals;
- Is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources;
- Enhances or facilitates management of properties already under public ownership;
- Has significant archaeological or historic value;
- Has funding sources that are identified and assured through at least the first 2 years of the project;
- Contributes to the solution of water resource problems on a regional basis;

⁷ DEP, *Florida Forever Five Year Plan*, 52 (2018), available at http://publicfiles.dep.state.fl.us/DSL/OESWeb/FF2017/FLDEP_DSL_SOLI_2018FloridaForever5YrPlan_20180706.pdf (last visited Mar. 7, 2019).

⁸ Section 259.105(4), F.S.

⁹ Section 259.035(1), F.S. Four of ARC's 10 members are appointed by the Governor, three from scientific disciplines related to land, water, or environmental sciences and one with least five years of experience in managing lands for both active and passive types of recreation. Four of the members are the Secretary of Environmental Protection, the director of the Florida Forest Service of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State, or their respective designees. One member is appointed by the Commissioner of Agriculture from a discipline related to agriculture, including silviculture, and one member is appointed by the Fish and Wildlife Conservation Commission from a discipline related to wildlife management or wildlife ecology.

¹⁰ DEP, *Florida Forever Five Year Plan*, 50 (2018), available at http://publicfiles.dep.state.fl.us/DSL/OESWeb/FF2017/FLDEP_DSL_SOLI_2018FloridaForever5YrPlan_20180706.pdf (last visited Mar. 7, 2019).

- Has a significant portion of its land area in imminent danger of development, losing its significant natural attributes or recreational open space, or subdivision that would result in multiple ownership and make acquisition of the project more costly or less likely to be accomplished;
- Implements an element from a plan developed by an ecosystem management team;
- Is one of the components of Everglades restoration efforts;
- May be purchased at 80 percent of appraised value;
- May be acquired, in whole or in part, using alternatives to fee simple; and
- Is a joint acquisition.¹¹

ARC is required to give higher priority to:

- Projects for which matching funds are available;
- Project elements previously identified on an acquisition list which can be acquired at 80 percent or less of appraised value;
- Projects that can be acquired in less than fee ownership (acquiring land at less than fee ownership means acquisition of an interest in the property which allows the conservation and protection of resources on the property at less cost while keeping the land in private ownership);
- Projects that contribute to improving the quality or quantity of surface water or groundwater; and
- Projects that contribute to improving the water quality and flow of springs; and projects for which the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions.¹²

Using its established criteria, ARC develops a priority list of applications submitted. An affirmative vote of at least five members of ARC is required to place a proposed project on the priority list. ARC evaluates and selects projects twice per year, in June and December, and ranks the projects annually.¹³ Each project on the priority list is placed in one of the following categories of expenditure for land conservation projects: climate change, critical natural lands, less-than-fee, partnerships or regional incentives, and substantially complete (greater than 85 percent complete).¹⁴ Projects are ranked within each category from highest to lowest priority.

The priority list is presented to the Governor and the Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund (BOT).¹⁵ The BOT is responsible for acting on ARC's recommendations by approving the acquisition of each parcel.¹⁶ While the BOT is authorized to remove projects from the priority list, the BOT may not add or rearrange projects on the priority list.¹⁷

¹¹ Section 259.105(9), F.S.

¹² Section 259.105(10), F.S.

¹³ DEP, *Frequently Asked Questions about Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/faq-florida-forever> (last visited Mar. 7, 2019).

¹⁴ Section 259.105(17), F.S.

¹⁵ Section 259.105(14), F.S.

¹⁶ DEP, *Florida Forever Five Year Plan*, 51 (2018), available at http://publicfiles.dep.state.fl.us/DSL/OESWeb/FF2017/FLDEP_DSL_SOLI_2018FloridaForever5YrPlan_20180706.pdf (last visited Mar. 7, 2019).

¹⁷ Section 259.105(14), F.S.

DSL prepares an annual work plan based on the priority list developed by ARC, which outlines the specific projects and acquisitions within projects that will be negotiated for purchase with Florida Forever funds available for that fiscal year for land acquisition.¹⁸

At least \$5 million of the funds allocated to DSL under Florida Forever, beginning in the 2017-2018 fiscal year and continuing through the 2026-2027 fiscal year, are required to be spent on land acquisition within the Florida Keys Area of Critical State Concern.¹⁹

Water Management Districts – 30 Percent

The state is divided into five water management districts (WMDs), which are responsible for the administration of water resources at a regional level. Each WMD is required to develop a Florida Forever five-year work plan that identifies projects necessary to promote reclamation, storage, or recovery of water and other properties or activities that would assist in meeting the goals of the Florida Forever program.²⁰ Each project identified must contribute to the achievement of the Florida Forever goals and be evaluated in accordance with the specific criteria and numeric performance measures developed by the ARC.²¹ By March 1 of each year, each WMD is required to report to DEP on acquisitions completed during the year together with modifications or additions to its five-year work plan, including:

- A description of land management activity for each property or project area owned by the WMD;
- A list of any lands surplus and the amount of compensation received; and
- The progress of funding, staffing, and resource management of every project funded pursuant to Florida Forever for which the district is responsible.²²

DEP is required to submit each WMD's five-year work plan to the BOT together with ARC's project list.²³ Pursuant to s. 259.105(11), F.S., Florida Forever funds provided to the WMDs are allocated as follows:

- Thirty-five percent to the South Florida WMD;
- Twenty-five percent to the Southwest Florida WMD;
- Twenty-five percent to the St. Johns River WMD;
- Seven and one-half percent to the Suwannee River WMD; and
- Seven and one-half percent to the Northwest Florida WMD.

Florida Communities Trust – 21 Percent

The Florida Communities Trust (FCT) is a multi-faceted program that assists communities in protecting important natural resources, providing recreational opportunities, and preserving the

¹⁸ Section 259.105(17), F.S.

¹⁹ Section 259.105(3)(b), F.S.

²⁰ Section 373.199, F.S.

²¹ Section 259.105(4), F.S.

²² Section 373.199(7), F.S.

²³ *Id.*

state's traditional working waterfronts through grant programs.²⁴ The FCT is governed by a five-member board that includes the Secretary of DEP or his or her designee and four members of the public appointed by the Governor. From the funds available to the FCT and used for land acquisition, 75 percent is required to be matched by local governments on a dollar-for-dollar basis.²⁵

The Parks and Open Space grant program provides funding to local governments and eligible nonprofit organizations for acquisition of community-based parks, open space, and greenways that further outdoor recreation and natural resource protection needs identified in a local government's comprehensive plan. As of June 2017, more than 92,400 acres have been preserved statewide, leveraging \$839 million state dollars of the total \$1.56 billion used to acquire such lands.²⁶

Stan Mayfield Working Waterfronts – 2.5 Percent

The FCT administers the Stan Mayfield Working Waterfront program, which provides funding to acquire parcels of land used directly for commercially harvesting marine organisms or saltwater products.²⁷ Such projects include piers, wharves, docks, and other facilities operated to provide waterfront access to licensed commercial fishermen, aquaculturists, or business entities. The funds may also be used for the acquisition of land for exhibitions, demonstrations, educational venues, civic events, and other purposes to promote and educate the public about the economic, cultural, and historic heritage of the state's traditional working waterfronts, including marketing events for the seafood and aquaculture industries.

Rural and Family Lands Protection Program – 3.5 Percent

The Rural and Family Lands Protection Program within the Department of Agriculture and Consumer Services (DACS) is an agricultural land preservation program designed to protect important agricultural lands through the acquisition of permanent agricultural land conservation easements.²⁸ The purpose of the program is to promote and improve wildlife habitat; protect and enhance water bodies, aquifer recharge areas, wetlands, and watersheds; perpetuate open space on lands with significant natural areas; or protect agricultural lands threatened by conversion to other uses.²⁹ Under the program, lands must be acquired pursuant to a priority ranking process developed by DACS, DEP, the WMDs, the Department of Economic Opportunity, and the Fish

²⁴ DEP, *Florida Communities Trust Annual Report Fiscal Year 2017-2018*, 3 (Sept. 28, 2018) available at http://publicfiles.dep.state.fl.us/DSL/LRGWeb/FCT/FLDEP_DSL_LRG_FCT_FY1718AnnualReport.pdf (last visited Mar. 4, 2019).

²⁵ Section 259.105(3)(c), F.S.

²⁶ DEP, *FCT Parks and Open Space Program Overview*, <https://floridadep.gov/ooo/land-and-recreation-grants/content/fct-parks-and-open-space-program-overview> (last visited Mar. 4, 2019).

²⁷ DEP, *FCT Stan Mayfield Working Waterfronts Grant Program Overview*, <https://floridadep.gov/lands/land-and-recreation-grants/content/fct-stan-mayfield-working-waterfronts-grant-program> (last visited Mar. 4, 2019).

²⁸ Department of Agriculture and Consumer Services (DACS), *Rural and Family Lands Protection Program*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/Land-Planning-and-Administration-Section/Rural-and-Family-Lands-Protection-Program2> (last visited Mar. 4, 2019); see DEP, *Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/florida-forever> (last visited Mar. 4, 2019).

²⁹ Section 570.71, F.S.

and Wildlife Conservation Commission (FWC).³⁰ Preference must be given to ranch and timber lands that are managed using sustainable practices.³¹

Florida Recreation Development Assistance Program – 2 Percent

The Florida Recreation Development Assistance Program within DEP provides grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes.³² The maximum grant that may be awarded for each project application is \$200,000 in state funds and a local government may not have more than three active projects expending grant funds during a state fiscal year.³³ DEP has developed a competitive project selection process designed to maximize outdoor recreation for the public.³⁴ The selection criteria ranks projects, in part, based on the extent to which the project would implement outdoor recreation goals, objectives, and priorities specified in the state comprehensive outdoor recreation plan and the extent to which the project would provide priority resource or facility needs in the region, as specified in the state comprehensive outdoor recreation plan.³⁵

Florida Greenways and Trails Program – 1.5 Percent

The Office of Greenways and Trails (OGT) within DEP provides a comprehensive process to identify, prioritize, connect, promote, and coordinate the implementation of a statewide system of connected greenways and trails.³⁶ The program serves to integrate natural and human environments using greenways and trails to tie communities together by linking features such as parks, open spaces, historic sites, and residential areas. The Florida Greenways and Trails Council recommends lands for acquisition based on ranking criteria developed by DEP and is not subject to the ranking criteria developed by the ARC.³⁷

Division of Recreation and Parks – 1.5 Percent

The Division of Recreation and Parks (DRP) within DEP administers Florida's Park Service, which consists of 175 state parks, trails, and historic sites spanning nearly 800,000 acres and 100 miles of beaches.³⁸ DRP is authorized to use Florida Forever funds to purchase inholdings and additions to state parks and for capital expenditure project expenditures.³⁹ At a minimum, one percent, and no more than 10 percent, must be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access.⁴⁰ DRP must develop and utilize a priority acquisition list based on the specific

³⁰ *Id.*; see Fla. Admin. Code Ch. 5I-7.

³¹ Section 570.71, F.S.

³² DEP, *Florida Recreation Development Assistance Program*, <https://floridadep.gov/lands/land-and-recreation-grants/content/florida-recreation-development-assistance-program> (last visited Mar. 4, 2019).

³³ Section 375.075, F.S.

³⁴ See Fla. Admin. Code Ch. 62D-5.057.

³⁵ Section 375.075, F.S.

³⁶ DEP, *Florida Greenways and Trails System Plan 2019-2023*, 6, available at <https://floridadep.gov/sites/default/files/FL-Greenway%2BTrails-System-Plan-2019%2C%202023.pdf> (last visited Mar. 4, 2019).

³⁷ Section 260.015(1), F.S.

³⁸ DEP, *Division of Recreation and Parks*, <https://floridadep.gov/Parks> (last visited Mar. 4, 2019).

³⁹ Section 259.105(3)(e), F.S.

⁴⁰ *Id.*

criteria and numeric performance measures developed by ARC for acquisitions under the Florida Forever program.⁴¹

Florida Forest Service – 1.5 Percent

The Florida Forest Service (FFS) within DACS manages 37 state forests, totaling over one million acres.⁴² FFS is authorized to acquire lands, suitable for state forest purposes, by gift, donation, contribution, purchase, or otherwise and is authorized to enter into an agreement with the federal government, or other agency, for acquiring by gift, purchase, or otherwise, such lands as are, in the judgment of FFS, suitable and desirable for state forests.⁴³ FFS may use Florida Forever funds for the acquisition of state forest inholdings and additions, the implementation of reforestation plans, or sustainable forestry management practices, and for capital project expenditures.⁴⁴ At a minimum, one percent, and no more than 10 percent, must be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access.⁴⁵

Fish and Wildlife Conservation Commission – 1.5 Percent

The Fish and Wildlife Conservation Commission (FWC) exercises the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life.⁴⁶ FWC is authorized to acquire lands and waters suitable for the protection, improvement, and restoration of the state's wild animal life, freshwater aquatic life, and marine life resources.⁴⁷ Lands acquired must be managed for recreational and other multiple-use activities that do not impede FWC's ability to perform its constitutional and statutory duties and responsibilities.⁴⁸ The lands managed by FWC include lands that are leased to FWC and owned by the state and lands owned by FWC. FWC is authorized to use Florida Forever funds for the acquisition of inholdings and additions to lands they manage which are important to the conservation of fish and wildlife and for capital project expenditures.⁴⁹ At a minimum, one percent, and no more than 10 percent, must be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access.⁵⁰

Land Acquisition Trust Fund

Documentary stamp tax revenues are collected under ch. 201, F.S., which requires an excise tax to be levied 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

⁴¹ Section 259.105(3)(l), F.S.

⁴² DACS, *State Forests*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests> (last visited Mar. 4, 2019).

⁴³ Section 589.07, F.S.

⁴⁴ Section 259.105(3)(f), F.S.

⁴⁵ *Id.*

⁴⁶ FLA. CONST. art. IV, s. 9.

⁴⁷ Section 20.331(11), F.S.

⁴⁸ *Id.*

⁴⁹ Section 259.105(3)(g), F.S.

⁵⁰ *Id.*

notes, wage assignments, and retail charge account agreements, which are taxed at 35 cents per \$100.⁵¹

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for land and water conservation and restoration. The amendment required that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund (LATF). Article X, s. 28 of the State Constitution requires that funds in the LATF be expended only for the following purposes:

As provided by law, to finance or refinance: 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, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.⁵²

To implement Art. X, s. 28 of the State Constitution, the Legislature passed ch. 2015-229, Laws of Florida. This act, in part, amended the following sections of law:

- Section 201.15, F.S., to conform to the constitutional requirement that the LATF receive at least 33 percent of net revenues derived from documentary stamp taxes; and
- Section 375.041, F.S., to designate the LATF within the Department of Environmental Protection (DEP) as the trust fund to serve as the constitutionally mandated depository for the percentage of documentary stamp tax revenues.⁵³

Under s. 375.041, F.S., funds deposited into the LATF must be distributed in the following order and amounts:

- First, obligations relating to debt service, specifically:
 - Payments relating to debt service on Florida Forever Bonds and Everglades restoration bonds.
- Then, before funds are authorized to be appropriated for other uses:
 - A minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to

⁵¹ See ss. 201.02 and 201.08, F.S.

⁵² FLA. CONST. art. X, s. 28(b)(1).

⁵³ Ch. 2015-229, ss. 9 and 50, Laws of Fla.

- Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. From these funds, the following specified distributions are required:
- \$32 million annually through the 2023-2024 Fiscal Year for the Long-Term Plan;
 - After deducting the \$32 million, the minimum of the lesser of 76.5 percent of the remainder or \$100 million annually through the 2025-2026 Fiscal Year for the CERP; and
 - Any remaining funds for Everglades projects under the CERP, the Long-Term Plan, or the NEEPP.
- A minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million annually for spring restoration, protection, and management projects;
 - \$5 million annually through the 2025-2026 Fiscal Year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka; and
 - \$64 million to the Everglades Trust Fund in the 2018-2019 Fiscal Year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project, and any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 Reservoir Project or projects that implement CERP, the Long Term Plan, or NEEPP.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.⁵⁴

The General Revenue Estimating Conference in December of 2018 estimated that for the 2019-2020 Fiscal Year a total of \$2.76 billion would be collected in documentary stamp taxes.⁵⁵ Thirty-three percent of the net revenues collected, or approximately \$906.6 million, must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution.

In 2015, two lawsuits were filed challenging the constitutionality of appropriations from the LATF and expenditures by state agencies.⁵⁶ The cases were consolidated and a hearing was held in June of 2018.⁵⁷ The plaintiffs argued that funds from the LATF were appropriated and expended for general state expenses in ways that were inconsistent with the constitutional language. The court held for the plaintiffs, stating the amendment requires the funds be used for acquiring conservation lands, and for improving, managing, restoring, and enhancing public access to conservation lands acquired after the effective date of the amendment.⁵⁸ The decision described how LATF funds may be used, and ruled numerous appropriations from 2015 and 2016 unconstitutional.⁵⁹ The case was appealed and is currently in the First District Court of Appeal.⁶⁰

⁵⁴ Section 375.041(3)-(4), F.S.

⁵⁵ Office of Economic & Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary*, 3 (2018), available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf> (last visited Mar. 4, 2019).

⁵⁶ *Florida Wildlife Federation, Inc. v. Negron*, No. 2015-CA-001423 (Fla. 2nd Cir. Ct.); *Florida Defenders of the Environment, Inc., v. Detzner*, No. 2015-CA-002682 (Fla. 2nd Cir. Ct.).

⁵⁷ *Florida Wildlife Federation, Inc. v. Negron*, Nos. 2015-CA-001423, 2015-CA-002682 (Fla. 2nd Cir. Ct. June 28, 2018).

⁵⁸ *Id.* at 3.

⁵⁹ *Id.* at 7–8.

⁶⁰ *Oliva v. Florida Wildlife Federation, Inc.*, 1D18-3141 (Fla. 1st Dist. Ct. App.).

III. Effect of Proposed Changes:

The bill creates a statutory distribution from the Land Acquisition Trust Fund requiring \$100 million to be appropriated annually to the Florida Forever Trust Fund. In accordance with the current provisions of s. 259.105(3), F.S., the distribution must be allocated as follows:

- Division of State Lands - \$35 million, of which \$5 million is dedicated for land acquisition within the Florida Keys Area of Critical State Concern.
- Water Management Districts - \$30 million.
- Florida Communities Trust - \$21 million.
- Rural and Family Lands Protection Program - \$3.5 million.
- Stan Mayfield Working Waterfronts - \$2.5 million.
- Florida Recreation Development Assistance Program - \$2 million.
- Division of Recreation and Parks - \$1.5 million.
- Office of Greenways and Trails - \$1.5 million.
- Florida Forest Service - \$1.5 million.
- Fish and Wildlife Conservation Commission - \$1.5 million.

The bill deletes an obsolete provision relating to an appropriation for the 2018-2019 fiscal year.

The bill provides that moneys distributed from the Land Acquisition Trust Fund may not be used by the following budget entities:

- Executive Direction and Support Services and the Technology and Information Services within the Department of Environmental Protection;
- Executive Direction and Support Services and the Office of Agriculture Technology Services within the Department of Agriculture and Consumer Services;
- Office of Executive Direction and Administrative Support Services within the Fish and Wildlife Conservation Commission; and
- Executive Direction and Support Services within the Department of State.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill creates a new distribution from LATF to the Florida Forever Trust Fund for distribution for various purposes. LATF has constitutionally restricted uses, which are discussed in the Present Situation section of this bill analysis.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill creates a \$100 million annual distribution from the Land Acquisition Trust Fund (LATF) to the Florida Forever Trust Fund. Absent subsequent direction by the legislature to the contrary, these funds are to be distributed as follows:

- Division of State Lands - \$35 million, of which \$5 million is dedicated for land acquisition within the Florida Keys Area of Critical State Concern.
- Water Management Districts - \$30 million.
- Florida Communities Trust - \$21 million.
- Rural and Family Lands Protection Program - \$3.5 million.
- Stan Mayfield Working Waterfronts - \$2.5 million.
- Florida Recreation Development Assistance Program - \$2 million.
- Division of Recreation and Parks - \$1.5 million.
- Office of Greenways and Trails - \$1.5 million.
- Florida Forest Service - \$1.5 million.
- Fish and Wildlife Conservation Commission - \$1.5 million.

Agencies that receive funds from LATF are the departments of Environmental Protection, State, and Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission. These agencies receive legislative appropriations for various items, such as springs restoration, Everglades and Northern Everglades restoration, Lake Apopka restoration, beach restoration, and land management activities. The additional \$100 million in distributions may affect the amount of additional funding available beyond the minimum required appropriation for the other purposes funded from the trust fund. Projections of Fiscal Year 2019-2020 documentary tax revenues deposited into LATF totals \$906.61 million, which is an increase of \$36.66 million. This increase in collections may offset some of the negative fiscal impact to the available funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Other allocations from the Land Acquisition Trust Fund (LATF) require the allocations to be reduced to the extent of any debt service on bonds issued for the same purpose after a date certain. This bill does not contain language to reduce the distribution based on any debt service paid on bonds issued for the Florida Forever program. As a result, the new \$100 million distribution for the Florida Forever program will be in addition to any payment of debt service for bonds issued for the purposes of the Florida Forever program. If the legislature wants to treat the allocation authorized in this bill similar to other allocations of LATF moneys, the following language could be inserted: “This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2019, for the purposes set forth in this subparagraph.”

VIII. Statutes Affected:

This bill substantially amends section 375.041 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.

By Senator Stewart

13-01229-19

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1 A bill to be entitled
2 An act relating to the Land Acquisition Trust Fund;
3 amending s. 375.041, F.S.; requiring a specified
4 annual appropriation to the Florida Forever Trust
5 Fund; deleting an obsolete provision; prohibiting
6 moneys from the Land Acquisition Trust Fund from being
7 used for specified costs; providing an effective date.
8

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

11 Section 1. Subsections (3) and (4) of section 375.041,
12 Florida Statutes, are amended to read:

13 375.041 Land Acquisition Trust Fund.—

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

16 (a) First, to pay debt service or to fund debt service
17 reserve funds, rebate obligations, or other amounts payable with
18 respect to Florida Forever bonds issued under s. 215.618; and
19 pay debt service, provide reserves, and pay rebate obligations
20 and other amounts due with respect to Everglades restoration
21 bonds issued under s. 215.619; and

22 (b) Of the funds remaining after the payments required
23 under paragraph (a), but before funds may be appropriated,
24 pledged, or dedicated for other uses:

25 1. A minimum of the lesser of 25 percent or \$200 million
26 shall be appropriated annually for Everglades projects that
27 implement the Comprehensive Everglades Restoration Plan as set
28 forth in s. 373.470, including the Central Everglades Planning
29 Project subject to Congressional authorization; the Long-Term

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Plan as defined in s. 373.4592(2); and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, \$32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the \$32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project, the Everglades Agricultural Area Storage Reservoir Project, the Lake Okeechobee Watershed Project, the C-43 West Basin Storage Reservoir Project, the Indian River Lagoon-South Project, the Western Everglades Restoration Project, and the Picayune Strand Restoration Project. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the

13-01229-19

2019944__

purposes set forth under this subparagraph.

2. A minimum of the lesser of 7.6 percent or \$50 million shall be appropriated annually for spring restoration, protection, and management projects. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

3. The sum of \$5 million shall be appropriated annually each fiscal year through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth in this subparagraph.

4. The sum of \$64 million is appropriated and shall be transferred to the Everglades Trust Fund for the 2018-2019 fiscal year, and each fiscal year thereafter, for the EAA reservoir project pursuant to s. 373.4598. Any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 reservoir project or projects identified in subparagraph 1. and must be used in accordance with laws relating to such projects. Any funds made available for such purposes in a fiscal year are in addition to the amount

13-01229-19

2019944__

88 appropriated under subparagraph 1. This distribution shall be
89 reduced by an amount equal to the debt service paid pursuant to
90 paragraph (a) on bonds issued after July 1, 2017, for the
91 purposes set forth in this subparagraph.

92 5. The sum of \$100 million is appropriated annually to the
93 Florida Forever Trust Fund ~~Notwithstanding subparagraph 3., for~~
94 ~~the 2018-2019 fiscal year, funds shall be appropriated as~~
95 ~~provided in the General Appropriations Act. This subparagraph~~
96 ~~expires July 1, 2019.~~

97 (4) Any remaining moneys in the Land Acquisition Trust Fund
98 which are not distributed as provided in subsection (3) may be
99 appropriated from time to time for the purposes set forth in s.
100 28, Art. X of the State Constitution except that moneys
101 distributed from the Land Acquisition Trust Fund may not be used
102 for costs associated with any of the following budget entities:

103 (a) The Executive Direction and Support Services and the
104 Technology and Information Services within the Department of
105 Environmental Protection.

106 (b) The Executive Direction and Support Services and the
107 Office of Agriculture Technology Services within the Department
108 of Agriculture and Consumer Services.

109 (c) The Office of Executive Direction and Administrative
110 Support Services within the Fish and Wildlife Conservation
111 Commission.

112 (d) The Executive Direction and Support Services within the
113 Department of State.

114 Section 2. This act shall take effect July 1, 2019.

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 Committee on Environment and Natural Resources

BILL: SB 590

INTRODUCER: Senator Albritton

SUBJECT: State Park Fees

DATE: March 12, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Schreiber	Rogers	EN	Favorable
2. _____	_____	AEG	_____
3. _____	_____	AP	_____

I. Summary:

SB 590 requires the Department of Environmental Protection's Division of Recreation and Parks to adopt regulations creating a program for volunteers to receive a free annual entrance pass to all of Florida's state parks in exchange for performing 50 hours per year of volunteer work removing nonnative and invasive plant species from public lands. The bill requires the Division of Recreation and Parks to issue the annual entrance pass to any volunteer who performs the specified volunteer work. The volunteer work must be performed on conservation and recreation lands in Florida under the supervision of the Division of Recreation and Parks or another land management agency.

The bill lists requirements for the regulations that create the program. Such regulations must include, at a minimum: identification of the specific work that qualifies towards the 50 volunteer hours, a process to document and verify the performance of the 50 volunteer hours, a process to identify activities and locations appropriate for participation in the program, and a process for supervising volunteer activities to ensure safety and consistency with the public land's management plan.

II. Present Situation:

Fees at Florida's State Parks

Florida's award-winning state park system contains 175 state parks, including nearly 800,000 acres of state lands and 100 miles of sandy beaches.¹ Florida's state parks include all real property in the state of Florida under the jurisdiction of the Department of Environmental Protection's (DEP) Division of Recreation and Parks (Division), or real property which may come under the Division's jurisdiction regardless of its designation.² The Division manages and controls the operation of all of Florida's state parks.³ There are numerous designations in Florida's state park system, and examples include state park, state preserve, historic site, archaeological site, botanical site, museum, and culture center.⁴ In Fiscal Year 2017-18, over 28 million people visited Florida's State Parks, generating over \$66 million in revenue.⁵

The Division is authorized to charge reasonable fees for the use of state parks.⁶ Money from such fees is deposited in the State Park Trust Fund, which the Division uses for the administration, improvement, and maintenance of state parks, and for the acquisition and development of lands acquired for state park purposes.⁷ The Division's regulations prohibit any person from entering and using a state park property without paying any appropriate fees.⁸ A full stop must be made at the Ranger Station when entering a park, and no one may enter or leave any state park except through designated entrance points.⁹ No person may remain in any park after the posted closing time unless properly registered as an overnight visitor or in possession of a valid after hours permit.¹⁰

Admission fees at Florida's state parks currently range between \$1 and \$10.¹¹ Individual annual entrance passes are currently \$60.¹² Annual entrance passes generally allow admission to all of Florida's state parks in lieu of paying the general admission fee, but other special use fees may be charged at some parks, such as tours or boat launches.¹³ Standard admission fees and other park fees are recommended by the Division Director and approved by the Secretary of DEP.¹⁴

¹ DEP, *Division of Recreation and Parks*, <https://floridadep.gov/parks> (last visited Feb. 20, 2019).

² Fla. Admin. Code R. 62D-2.013(1).

³ Section 258.004(1), F.S.

⁴ *Id.*

⁵ DEP, *Long Range Program Plan*, 52 (Oct. 2018), available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=18067&DocType=PDF> (last visited Mar. 5, 2019).

⁶ Section 258.014(1), F.S.

⁷ *Id.*

⁸ Fla. Admin. Code R. 62D-2.014(2)(a); see Fla. Admin. Code R. 62D-2.015(2). Violating the rules for admission to state park property constitutes a noncriminal infraction.

⁹ *Id.*

¹⁰ Fla. Admin. Code R. 62D-2.014(16)(a).

¹¹ DEP, *Florida State Parks Fee Schedule*, 1 (Oct. 2013), available at <https://www.floridastateparks.org/sites/default/files/media/file/FPSFeeSchedule.pdf> (last visited Mar. 2, 2019).

¹² *Id.* The price is \$45 for active-duty U.S. military members and veterans.

¹³ *Id.*

¹⁴ Fla. Admin. Code R. 62D-2.014(2)(c), (d). The Division Director takes into consideration the following factors when recommending the fees: user demand, location of the park, cost of managing and operating the park, types of facilities available, season, and natural and historic resource values of the park.

The Division's regulations state that admission fees shall be waived by authorized Division personnel for government representatives and for individuals who will benefit the state park system.¹⁵ The regulations also state that admission fees shall be waived for: children under six years old; patients and clients of government-funded mental institutions and certain organizations for minors; Florida school groups; and Division employees and their families.¹⁶

The Florida Park Service's Volunteer Handbook describes Division policies that offer admission to Florida's state parks in exchange for performing volunteer work at a state park.¹⁷ Individuals are normally given a volunteer ID card when volunteering at a Florida state park, which helps identify volunteers.¹⁸ When a volunteer has contributed a minimum of 100 volunteer hours to a certain park, their volunteer ID card may be endorsed by the park manager for free admission to the park where the volunteer hours were performed.¹⁹ The free admission endorsement is valid for one calendar year, and allows the volunteer and their family to receive free admission to the park.²⁰ The free admission endorsement may be renewed annually if the volunteer contributes 100 additional hours of volunteer work.²¹

The Division also offers a "special volunteer annual pass" to volunteers.²² The pass is issued to volunteers who have contributed a minimum of 500 hours to one or more Florida State Parks. A special volunteer annual pass is recognized by all Florida State Parks, in the same manner as an annual family entrance pass and is valid for one year following the date of issue. The volunteer must request the pass by completing a form and submitting documentation, and the pass is issued by the Bureau of Operational Services. Additional special volunteer annual passes may be issued if 500 additional volunteer hours are completed during the period following the date the volunteer requested the previous pass. No more than one such pass is issued to any volunteer within a one-year period.²³

Nonnative and Invasive Species

Invasive species are a serious issue in Florida. Nonnative species are species living outside of human captivity that did not historically occur in Florida.²⁴ Often, such species are introduced by humans. When nonnative species cause ecological or economic harm in their new environment they can become invasive species.²⁵ When their new environment lacks their natural predators, invasive species' populations can grow unchecked and cause substantial harm to the ecosystems

¹⁵ Fla. Admin. Code. R. 62D-2.014(2)(b).

¹⁶ Fla. Admin. Code. R. 62D-2.014(2)(b)(1)-(4). Florida citizens who are at least 65 years of age are offered a fifty percent discount on base camping fees.

¹⁷ DEP, Florida Park Service, *Florida Park Service Volunteer Handbook*, 14–16 (2011), available at https://www.floridastateparks.org/sites/default/files/media/file/Vol_Handbook_Winter2011_0.pdf (last visited Mar. 5, 2019).

¹⁸ *Id.* at 14.

¹⁹ *Id.* at 15.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.* at 16.

²⁴ Florida Fish and Wildlife Conservation Commission, *Nonnative Species Information*, <https://myfwc.com/wildlifehabitats/nonnatives/exotic-information/> (last visited Mar. 5, 2019).

²⁵ See section 581.011(15), F.S.

they inhabit.²⁶ An invasive species can be a plant, animal, or other type of organism.²⁷ In Florida, over 500 non-native fish and wildlife species have been observed, and over 1,180 non-native plant species have become established outside of human cultivation.²⁸ Florida is particularly vulnerable to the introduction and spread of invasive species due to its climate and geographic location.²⁹

Government entities work collaboratively to manage nonnative and invasive species inhabiting Florida's lands and waters. The Fish and Wildlife Conservation Commission (FWC) and the Department of Agriculture and Consumer Services have programs that work to identify, prevent, and manage nonnative and invasive species in Florida.³⁰ Florida's water management districts also manage nonnative and invasive species as part of their land and water management activities.³¹ Each manager of state conservation lands is required to submit a land management plan to DEP's Division of State Lands, and such land management plans must include short-term and long-term management goals for exotic and invasive species maintenance and control.³²

The Office of Economic & Demographic Research reports that FWC spent \$31 million dollars on invasive plant control on public lands for Fiscal Year 2017-18.³³ Managing invasive animals can also cost large amounts of public funds.³⁴ Florida's various land management agencies have volunteer programs that normally include opportunities for volunteers to go out into public lands and remove nonnative and invasive species.³⁵

²⁶ Nicole M. W. Dodds, Mary Hannah Miller, and Alexa J. Lamm, UF IFAS Extension, *Floridians' Perceptions of Invasive Species*, 1 (Oct. 2014), available at <http://edis.ifas.ufl.edu/pdf/files/WC/WC18600.pdf> (last visited Mar. 5, 2019).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ Chapter 369, F.S.; Chapter 581, F.S.; Fla. Admin. Code Chapter 5B-57; Fla. Admin. Code Chapter 5B-64; Fla. Admin. Code Chapter 68F; see Florida Fish and Wildlife Conservation Commission, *Habitat and Species Conservation*, <https://myfwc.com/about/inside-fwc/hsc/> (last visited Mar. 5, 2019); see also Department of Agriculture and Consumer Services, *Division of Plant Industry*, <https://www.freshfromflorida.com/Divisions-Offices/Plant-Industry> (last visited Mar. 5, 2019).

³¹ South Florida Water Management District, *Vegetation and Exotic Control*, <https://www.sfwmd.gov/our-work/vegetation> (last visited Mar. 5, 2019); St. John's River Water management District, *Land Management*, <https://www.sjrwm.com/lands/management/invasiveplants/> (last visited Mar. 5, 2019); Southwest Florida Water Management District, *Aquatic Plant Management*, <https://www.swfwmd.state.fl.us/projects/aquatic-plant-management> (last visited Mar. 5, 2019); Suwannee River Water Management District, *Non-native, Invasive Plant Species*, <http://www.srwmd.state.fl.us/303/Non-Native-Invasive-Plant-Species> (last visited Mar. 5, 2019).

³² Section 253.034(5)(b)5., F.S.

³³ Office of Economic & Demographic Research, *Annual Assessment of Florida's Water Resources and Conservation Lands, 2019 Edition*, 33 (2019) available at http://edr.state.fl.us/Content/natural-resources/LandandWaterAnnualAssessment_2019Edition.pdf (available at Mar. 5, 2019).

³⁴ U.S. Fish and Wildlife Service, *The Economic Cost of Large Constrictor Snakes* (2012), available at https://www.fws.gov/verobeach/PythonPDF/EconImpact_LargeConstrictorSnakes.pdf (last visited Mar. 5, 2019).

³⁵ DEP, *Volunteer at a Florida State Park*, <https://www.floridastateparks.org/volunteers> (last visited Mar. 4, 2019); Florida Department of Agriculture and Consumer Services, *Volunteer Project Opportunities*, <https://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/For-Communities/Programs/Florida-Forest-Service-Volunteer-Opportunities/Volunteer-Project-Opportunities> (last visited Mar. 4, 2019); South Florida Water Management District, *Volunteering*, <https://www.sfwmd.gov/community-residents/volunteering> (last visited Mar. 4, 2019); Southwest Florida Water Management District, *Volunteer*, <https://www.swfwmd.state.fl.us/recreation/volunteer> (last visited Mar. 4, 2019); Florida Fish and Wildlife Conservation Commission, *Volunteer*, <https://myfwc.com/get-involved/volunteer/> (last visited Mar. 4, 2019).

III. Effect of Proposed Changes:

Section 1 amends s. 258.014, F.S., which authorizes the Department of Environmental Protection's (DEP) Division of Recreation and Parks (Division) to charge fees for the use of state parks.

The bill requires the Division to adopt rules creating a program to provide annual park entrance passes to individuals who volunteer to remove nonnative and invasive species. The bill requires the Division to issue an annual entrance pass to all of Florida's state parks at no charge to individuals who perform at least 50 hours per year of volunteer work removing nonnative and invasive plant species on conservation and recreation lands in Florida. Such conservation and recreation lands may include, but are not limited to, state parks, state forest lands, water management district lands, Fish and Wildlife Conservation Commission-managed lands, or other public lands managed by DEP.

The volunteer work must be conducted under the supervision of the Division or another appropriate land management agency. The volunteer work must also be consistent with the public land's management plan.

The Division's rules must, at a minimum, contain provisions specifying all of the following:

- Identification of the specific work that qualifies for volunteer hours.
- A process to document and verify that the individual performed at least 50 hours of volunteer work for nonnative and invasive species removal on the public land before receiving an annual entrance pass at no charge.
- A process to identify activities and locations appropriate for volunteers consistent with each public land's management plan.
- A process for supervising volunteer activities to ensure the safety of the volunteers and that the work is conducted in a manner consistent with the public land's management plan.

Section 2 states that the act shall take effect on July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals who participate in the program will receive a free annual entrance pass to Florida's state parks, and such annual entrance passes usually cost money. This may result in a positive, indeterminate fiscal impact on individuals in the private sector.

C. Government Sector Impact:

State land management agencies spend significant amounts of money each year preventing, eradicating, and removing nonnative and invasive species in the state. If enough people participate in the program it could potentially reduce the amount of money or resources the state must invest in such activities. This may result in a positive, indeterminate fiscal impact on these land management agencies.

The fees the Division charges for entrance to state parks fund the management and development of Florida's state parks. If people participate in the program and receive a free annual entrance pass, and the value provided by their volunteer work does not exceed the value of the pass, this may result in a negative, indeterminate fiscal impact on the Division.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 258.014 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Albritton

26-00747-19

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A bill to be entitled

An act relating to state park fees; amending s.
258.014, F.S.; requiring the Division of Recreation
and Parks to create by rule a state park annual
entrance pass program to allow entrance at no charge
to persons who perform certain volunteer work;
providing requirements for the program; providing an
effective date.

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

Section 1. Subsection (3) is added to section 258.014,
Florida Statutes, to read:

258.014 Fees for use of state parks.—

(3) The division shall adopt rules to create a state park
annual entrance pass program for individuals who perform
volunteer work related to nonnative and invasive plant species
removal. The division shall issue an annual entrance pass to all
state parks at no charge to individuals who perform at least 50
hours of volunteer work on conservation and recreation lands in
this state per year to remove nonnative and invasive plant
species. Such conservation and recreation lands may include, but
are not limited to, state parks, state forest lands, water
management district lands, Fish and Wildlife Conservation
Commission conservation-managed lands, or other public lands
managed by the department. The volunteer work performed by the
individual must be consistent with the public land's management
plan and be conducted under the supervision of the division or
another appropriate land management agency. The rules must

26-00747-19

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include, at a minimum:

(a) Identification of the specific work that qualifies for volunteer hours.

(b) A process to document and verify that the individual performed at least 50 hours of volunteer work for nonnative and invasive species removal on the public land before receiving an annual entrance pass at no charge.

(c) A process to identify activities and locations appropriate for volunteers consistent with each public land's management plan.

(d) A process for supervising volunteer activities to ensure the safety of the volunteers and that the work is conducted in a manner consistent with the public land's management plan.

Section 2. This act shall take effect July 1, 2019.

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 Committee on Environment and Natural Resources

BILL: CS/SB 1278

INTRODUCER: Environment and Natural Resources Committee and Senator Mayfield

SUBJECT: Biosolids Management

DATE: March 12, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1278 provides legislative findings that:

- It is in the best interest of the state to regulate biosolids management in order to minimize the migration of nutrients that impair waterbodies; and
- The expedited implementation of the recommendations of the Department of Environmental Protection Biosolids Technical Advisory Committee, including permitting according to site-specific application conditions, an increased inspection rate, groundwater and surface water monitoring protocols, and nutrient management research, will improve biosolids management and assist in protecting the state's water resources and water quality.

The bill establishes a legislative intent to implement innovative technologies in biosolids processing to improve biosolids management and to protect the state's water resources and water quality.

The bill requires the Department of Environmental Protection to adopt rules for biosolids management, including rules regarding:

- Biosolids land application rates that ensure that nutrients do not impair or add to an existing impairment of surface water quality or groundwater quality in nearby or downstream waterbodies;
- Site-specific land application criteria; and
- Monitoring requirements.

The bill authorizes a county or municipality to enact or retain in effect an ordinance, moratorium, or regulation relating to the land application of Class B biosolids. The bill establishes that such an ordinance, moratorium, or regulation shall remain in effect until the local government repeals the ordinance, moratorium, or regulation or lets it expire.

II. Present Situation:

Approximately two-thirds of Florida's population is served by around 2,000 domestic wastewater facilities permitted by the Department of Environmental Protection (DEP).¹ When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids² accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.³ Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by DEP.⁴ The collected residue is high in organic content and contains moderate amounts of nutrients.⁵

DEP has stated that wastewater treatment facilities produce about 340,000 dry tons of biosolids each year.⁶ Biosolids can be disposed of in several ways: transfer to another facility, placement in a landfill, distribution and marketing as fertilizer, incineration, bioenergy, and land application to pasture or agricultural lands.⁷ About one-third of the total amount of biosolids produced is used for land application⁸ and is subject to regulatory requirements established by DEP to protect public health and the environment.⁹

Land application is the use of biosolids at a permitted site to provide nutrients or organic matter to the soil, such as agricultural land, golf courses, forests, parks, or reclamation sites. Biosolids are applied in accordance with restrictions based on crop nutrient needs, phosphorus limits in the area, and soil fertility.¹⁰ Biosolids contain macronutrients (such as nitrogen and phosphorus) and micronutrients (such as copper, iron, and manganese) that are utilized by crops. The application of these nutrient-rich biosolids increases the organic content of the soil, fostering more

¹ DEP, *General Facts and Statistics about Wastewater in Florida*, <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Mar. 7, 2019).

² Section 373.4595, F.S. Biosolids are the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids.

³ DEP, *Domestic Wastewater Biosolids*, <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (last visited Mar. 7, 2019).

⁴ Fla. Admin. Code R. 62-640.200(6).

⁵ *Id.*

⁶ DEP Technical Advisory Committee, *Biosolids Use and Regulations in Florida Presentation*, 5 (Sept. 2018), available at <https://floridadep.gov/sites/default/files/Biosolids101-TAC-090518.pdf> (last visited Mar. 7, 2019).

⁷ *Id.* at 4.

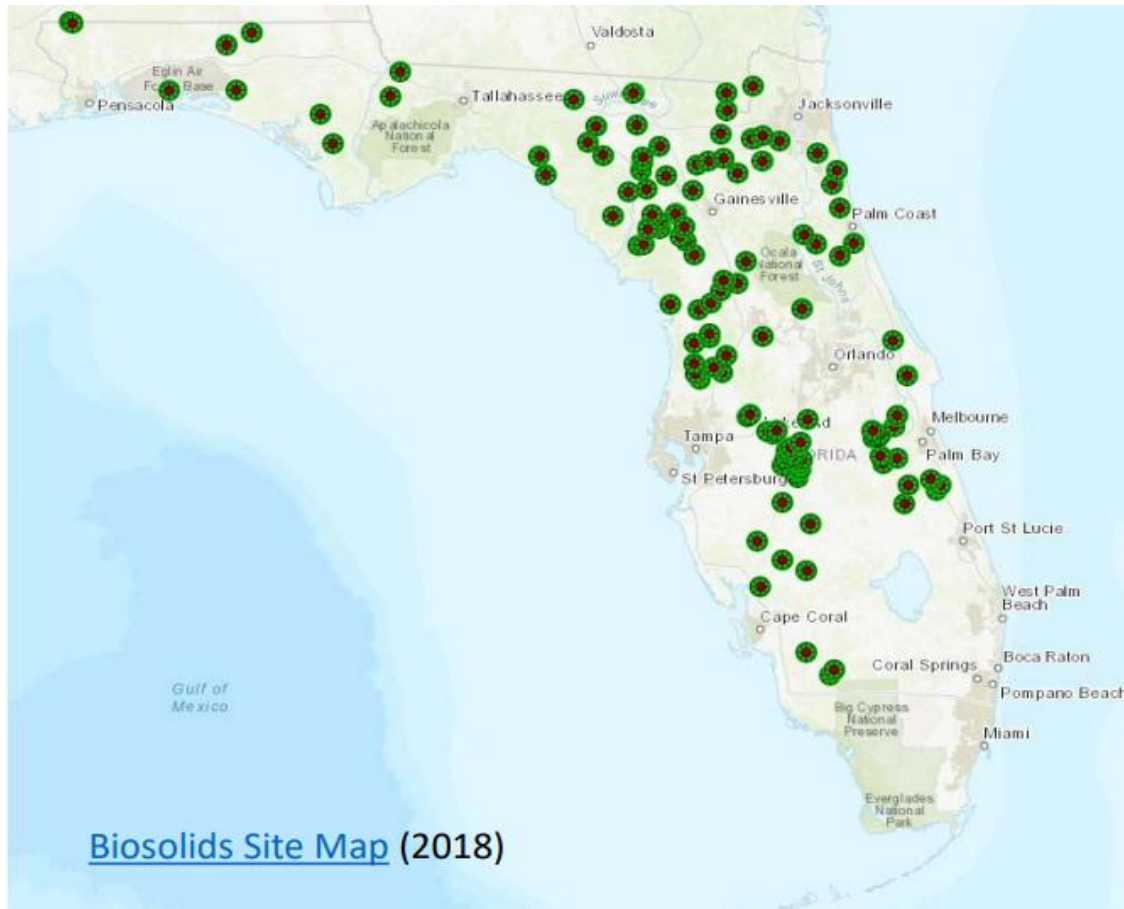
⁸ *Id.* at 5.

⁹ Fla. Admin. Code R. 62-640.

¹⁰ DEP Technical Advisory Committee, *Biosolids Use and Regulations in Florida*, 8 (Sept. 2018), available at <https://floridadep.gov/sites/default/files/Biosolids101-TAC-090518.pdf> (last visited Mar. 9, 2019); see also, United States EPA, A Plain English Guide to the EPA Part 503 Biosolids Rule, 26 (Sept. 1994), available at <https://www.epa.gov/sites/production/files/2018-12/documents/plain-english-guide-part503-biosolids-rule.pdf> (last visited Mar. 9, 2019).

productive plant growth.¹¹ To prevent odor or the contamination of soil, crops, livestock, and humans, land application sites must meet site management requirements such as site slopes, setbacks, and proximity to groundwater restrictions.¹²

There are approximately 140 permitted land application sites in Florida, with waste haulers being the most common site permittees.¹³



Regulation of Biosolids by DEP

DEP regulates three classes of biosolids for beneficial use.

- Class B - minimum level of treatment;
- Class A - intermediate level of treatment; and
- Class AA - highest level of treatment.¹⁴

DEP categorizes the classes based on treatment and quality. Treatment of biosolids must:

- Reduce or completely eliminate pathogens;
- Reduce the attractiveness of the biosolids for pests (such as insects and rodents); and

¹¹ *Id.* at 20.

¹² *Id.* at 9.

¹³ *Id.* at 20. Wastewater treatment facilities commonly contract with waste haulers instead of applying the biosolids themselves.

¹⁴ *Id.* at 6.

- Reduce the amount of toxic metals in the biosolids.¹⁵

Class AA biosolids can be distributed and marketed as fertilizer. Because they are the highest quality, they are not subject to the same regulations as Class A and Class B biosolids and are exempt from nutrient restrictions.¹⁶ Typically, Class B biosolids are used in land application.¹⁷

Biosolids are regulated under Rule 62-640 of the Florida Administrative Code. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are applicable to wastewater treatment facilities, applicators, and distributors¹⁸ and include permit requirements for both treatment facilities and biosolids application sites.¹⁹

Each permit application for a biosolids application site must include a site-specific nutrient management plan (NMP) that establishes the specific rates of application and procedures to land apply biosolids.²⁰ Biosolids may only be applied to land application sites that are permitted by DEP and have a valid NMP.²¹ Biosolids must be applied at rates established in accordance with the nutrient management plan and may be applied to a land application site only if all concentrations of minerals do not exceed ceiling and cumulative concentrations determined by rule.²² According to the St. Johns Water Management District, application rates of biosolids are determined by crop nitrogen demand, which can often result in the overapplication of phosphorus to the soil and can increase the risk of nutrient runoff into nearby surface waters.²³

Once a facility or site is permitted, it is subject to monitoring, record-keeping, reporting, and notification requirements.²⁴ The requirements are site-specific and can be increased or reduced by DEP based on the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.²⁵

State Bans on the Land Application of Biosolids

Section 373.4595, F.S., sets out the statutory guidelines for the Northern Everglades and Estuaries Protection Program. This statute is designed to protect and promote the hydrology of Lake Okeechobee, the Caloosatchee and St. Lucie Rivers, and their estuaries. As part of those

¹⁵ *Id.* at 7.

¹⁶ *Id.* at 8.

¹⁷ *Id.* at 6.

¹⁸ Fla. Admin. Code R. 62-640.100.

¹⁹ Fla. Admin. Code R. 62-640.300.

²⁰ Fla. Admin. Code R. 62-640.500.

²¹ *Id.*

²² Fla. Admin. Code R. 62-640.700.

²³ Victoria R. Hoge, Environmental Scientist IV, St. Johns River Water Management District, *Developing a Biosolids Database for Watershed Modeling Efforts*, abstract available at

http://archives.waterinstitute.ufl.edu/symposium2018/abstract_detail.asp?AssignmentID=1719 (last visited Mar. 8, 2019).

²⁴ Fla. Admin. Code R. 62-640.650.

²⁵ *Id.*

protections, the Legislature banned the disposal of domestic wastewater biosolids within the Lake Okeechobee, Caloosahatchee River, and St. Lucie River watersheds unless the applicant can affirmatively demonstrate that the nutrients in the biosolids will not add to nutrient loadings in the watershed.²⁶ The prohibition against land application in these watersheds does not apply to Class AA biosolids that are distributed as fertilizer products in accordance with Rule 62-640.850 of the Florida Administrative Code.²⁷

The land application of Class A and Class B biosolids is also prohibited within priority focus areas in effect for Outstanding Florida Springs if the land application is not in accordance with a NMP that has been approved by DEP.²⁸ The NMP must establish the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharged into groundwater and waters of the states.²⁹

Local Regulation of Biosolids

The Indian River County Code addresses land application of biosolids by providing criteria for designated setbacks, reporting requirements, and required approval. In July 2018, the Indian River County Commission voted for a six-month moratorium on the land application of Class B biosolids on all properties within the unincorporated areas of the county.³⁰ The ordinance also directs the County Administrator to coordinate with DEP on a study to report the findings and recommendations concerning Class B biosolids land application activities and potential adverse effects.³¹ The County Commission voted in January 2019 to extend the moratorium for an additional six months.³²

The City Council of Fellsmere adopted a similar moratorium, Ordinance 2018-06, in August 2018 authorizing a temporary moratorium for 180 days or until a comprehensive review of the impact on the city's ecosystem is completed.³³ In January 2019, the ordinance was extended for an additional 180 days.³⁴

The Treasure Coast Regional Planning Council held a Regional Biosolids Symposium in June 2018, where regional representatives and stakeholders discussed biosolids and alternative

²⁶ Chapter 2016-1, Laws of Florida; *see* section 373.4595, F.S.

²⁷ *Id.*

²⁸ Section 373.811(4), F.S.

²⁹ *Id.*

³⁰ Indian River County Commission Ordinance 18-2020 (Jul. 17, 2018), *available at* http://ircgov.granicus.com/player/clip/183?view_id=1&meta_id=64650 (last visited Mar. 9, 2019).

³¹ *Id.*

³² Indian River County Commission Ordinance 18-2642 (Jan. 14, 2019), *available at* http://ircgov.granicus.com/player/clip/204?view_id=1&meta_id=77302 (last visited Mar. 9, 2019).

³³ Fellsmere City Council Meeting, *Agenda* (Aug. 16, 2018), *available at* https://www.cityoffellsmere.org/sites/default/files/fileattachments/city_council/meeting/8301/co20180816agenda.pdf (last visited Mar. 8, 2019).

³⁴ Fellsmere City Council Meeting, *Agenda* (Feb. 7, 2019), *available at* https://www.cityoffellsmere.org/sites/default/files/fileattachments/city_council/meeting/14391/co20190221agenda.pdf (last visited Mar. 8, 2019).

techniques for disposal.³⁵ At its meeting in July, the Treasure Coast Regional Planning Council adopted a resolution encouraging state and local governments to prioritize the reduction and eventual elimination of the land application of human wastewater biosolids.³⁶ It also encouraged the state to establish a Pilot Projects Program to incentivize local utilities to implement new wastewater treatment technologies which would allow more efficient use of biosolids.³⁷

DEP Biosolids Technical Advisory Committee

In 2018, DEP created a Biosolids Technical Advisory Committee (TAC) to establish an understanding of potential nutrient impacts of the land application of biosolids, evaluate current management practices, and explore opportunities to better protect Florida's water resources. The TAC members represent various stakeholders including environmental and agricultural industry experts, large and small utilities, waste haulers, consultants, and academics.³⁸

The TAC convened on four occasions from September 2018 to January 2019 and discussed the current options for biosolids management in the state, ways to manage biosolids to improve the protection of water resources, and research needs to build upon and improve biosolid management.³⁹ Based on the presentations and discussion, the TAC made the following recommendations:

- Permit biosolids in a manner that minimizes migration of nutrients to prevent impairment to waterbodies. DEP should modify current permitting rules to:
 - Establish the rate of biosolids application based on site specifics, such as soil characteristics/adsorption capacity, water table, hydrogeology, site use, and distance to surface water to better prevent nutrient pollution offsite;
 - Evaluate the percentage of water extractable phosphorus in all biosolids to inform the appropriate application rate; and
 - Establish criteria for low, medium, and high-risk sites that guide application practices and required water quality monitoring;
- Increase the inspection rate of land application;
- Develop site specific groundwater and/or surface water monitoring protocols to detect nutrient migration;
- Develop and conduct biosolid and nutrient management research on nutrient runoff through surface and groundwater flow with various application rates, types of biosolid application, and geologic conditions; and
- Promote innovative technology pilot projects for biosolids processing that could provide a wider range of beneficial end products.⁴⁰

³⁵ Treasure Coast Regional Planning Council Regional Biosolids Symposium, *Charting the Future of Biosolids Management Executive Summary* (Jun. 18, 2018), available at <http://www.tcrpc.org/announcements/Biosolids/summit%20summary.pdf> (last visited Mar. 9, 2019).

³⁶ Treasure Coast Regional Planning Council Resolution 18-03 (Jul. 20, 2018), available at <http://www.flregionalcouncils.org/wp-content/uploads/2019/01/Treasure-Coast-Resolution-No.-18-03.pdf> (last visited Mar. 9, 2019).

³⁷ *Id.*

³⁸ The seven members of TAC included two academic representatives from the University of Florida, two representatives of small and large utilities, and one representative each for environmental interests, agricultural interests, and waste haulers.

³⁹ DEP, *DEP Biosolids Technical Advisory Committee*, <https://floridadep.gov/water/domestic-wastewater/content/dep-biosolids-technical-advisory-committee> (last visited Mar. 6, 2019).

⁴⁰ *Id.*

III. Effect of Proposed Changes:

The bill provides legislative findings:

- It is in the best interest of the state to regulate biosolids management in order to minimize the migration of nutrients that impair waterbodies; and
- The expedited implementation of the recommendations of the Department of Environmental Protection (DEP) Biosolids Technical Advisory Committee, including permitting according to site-specific application conditions, an increased inspection rate, groundwater and surface water monitoring protocols, and nutrient management research, will improve biosolids management and assist in protecting the state's water resources and water quality.

The bill establishes a legislative intent to implement innovative technologies in biosolids processing to improve biosolids management and to protect the state's water resources and water quality.

The bill defines the term "biosolids" to mean the "solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility, formerly known as "domestic wastewater residuals" or "residuals," and includes products and treated material from biosolids treatment facilities and septage management facilities regulated by the department. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids."

The bill requires DEP to adopt rules for biosolids management, including rules regarding:

- Biosolids land application rates that ensure that nutrients do not impair or add to an existing impairment of surface water quality or groundwater quality in nearby or downstream waterbodies;
- Site-specific land application criteria; and
- Monitoring requirements.

The bill provides that the rules adopted by DEP are not subject to the following statutory requirements:

- The requirement for ratification by the Legislature if the adverse impact or regulatory costs of an adopted rule are in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; and
- The requirement that DEP complete a study for submission to the Environmental Regulation Commission of the economic and environmental impact, which includes the benefits and costs to the public of any proposed standards that would be stricter than applicable federal standards.

The bill clarifies that the proposed legislation does not conflict with statutes governing the Northern Everglades and Estuaries Protection Program.

The bill authorizes a county or municipality to enact or retain in effect an ordinance, moratorium, or regulation relating to the land application of Class B biosolids. The bill establishes that such

an ordinance, moratorium, or regulation shall remain in effect until the local government repeals the ordinance, moratorium, or regulation or lets it expire.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be a negative fiscal impact on wastewater treatment facilities and waste haulers if they have to change their practices to comply with new or revised rules adopted by DEP.

C. Government Sector Impact:

There may be a positive fiscal impact on government expenditures if the new or revised rules adopted by DEP improve water quality, resulting in decreased expenditures on water cleanup.

The bill may have a negative fiscal impact on DEP due to costs incurred for the adoption and implementation of rulemaking procedures. However, any costs incurred may be offset or decreased by the exemption from the statutory requirements for legislative ratification and the economic and environmental impact study.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 403.0855 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.)

CS by Environment and Natural Resources Committee on March 12, 2019:

- Clarifies that DEP must adopt rules establishing land application rates that ensure nutrients do not add to an existing impairment of surface or groundwater quality, in addition to rates that ensure nutrients do not impair water quality.
- Clarifies that a local government may enact a new ordinance, moratorium, or regulation relating to the land application of Class B biosolids, in addition to allowing an existing ordinance, moratorium, or regulation to remain in effect.

B. Amendments:

None.



908030

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Mayfield)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 37 - 50
and insert:
nutrients do not impair or add to an existing impairment of
surface water quality or groundwater quality in nearby or
downstream waterbodies;

(b) Site-specific land application criteria; and

(c) Monitoring requirements.

(4) Rules adopted pursuant to this section are not subject



908030

to ss. 120.541(3) and 403.804(2).

(5) Nothing herein shall be construed to conflict with or supersede s. 373.4595.

Section 2. A county or municipality may enact or retain in effect an ordinance, moratorium, or regulation relating to the land application of Class B biosolids. An ordinance, moratorium, or regulation relating to the land application of Class B biosolids adopted by a county or municipality shall remain in effect until the county or municipality repeals or lets expire the ordinance, moratorium, or regulation.

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

And the title is amended as follows:

Delete line 8
and insert:
requirements; providing applicability; authorizing a
county or municipality to enact or retain in effect
certain ordinances, moratoriums, or regulations;
providing that

By Senator Mayfield

17-01217C-19

20191278__

1 A bill to be entitled
2 An act relating to biosolids management; creating s.
3 403.0855, F.S.; providing legislative findings and
4 intent; defining the term "biosolids"; requiring the
5 Department of Environmental Protection to adopt rules
6 for biosolids management which meet certain
7 requirements; exempting the rulemaking from specified
8 requirements; providing applicability; providing that
9 certain ordinances, moratoriums, or regulations remain
10 in effect until they are repealed or expire; defining
11 the term "biosolids"; providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Section 403.0855, Florida Statutes, is created
16 to read:

17 403.0855 Biosolids management.—

18 (1) The Legislature finds that it is in the best interest
19 of this state to regulate biosolids management in order to
20 minimize the migration of nutrients that impair waterbodies. The
21 Legislature further finds that the expedited implementation of
22 the recommendations of the Biosolids Technical Advisory
23 Committee, including permitting according to site-specific
24 application conditions, an increased inspection rate,
25 groundwater and surface water monitoring protocols, and nutrient
26 management research, will improve biosolids management and
27 assist in protecting this state's water resources and water
28 quality. The Legislature intends for innovative technologies in
29 biosolids processing to be implemented as a means to improve

17-01217C-19

20191278__

30 biosolids management and to protect this state's water resources
31 and water quality.

32 (2) As used in this section, the term "biosolids" has the
33 same meaning as in s. 373.4595(2).

34 (3) The department shall adopt rules for biosolids
35 management which include, but are not limited to, the following:

36 (a) Biosolids land application rates that ensure that
37 nitrogen and phosphorus do not impair surface water quality or
38 groundwater quality in nearby or downstream waterbodies;

39 (b) Site-specific land application criteria; and

40 (c) Monitoring requirements.

41 (4) Rules adopted pursuant to this section are not subject
42 to ss. 120.541(3) and 403.804(2).

43 (5) Nothing herein shall be construed to conflict with or
44 supersede s. 373.4595.

45 Section 2. An ordinance, moratorium, or regulation relating
46 to the land application of Class B biosolids adopted by a county
47 or municipality shall remain in effect until the county or
48 municipality repeals or lets expire the ordinance, moratorium,
49 or regulation. Nothing herein prohibits a county or municipality
50 from extending an existing ordinance, moratorium, or regulation.
51 The term "biosolids" has the same meaning as in s. 373.4595(2),
52 Florida Statutes.

53 Section 3. This act shall take effect upon becoming a law.

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 Committee on Environment and Natural Resources

BILL: CS/SB 1256

INTRODUCER: Environment and Natural Resources Committee and Senator Montford

SUBJECT: Apalachicola Bay Area of Critical State Concern

DATE: March 12, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1256 creates a statutory distribution from the Land Acquisition Trust Fund requiring \$20 million to be appropriated annually through the 2029-2030 fiscal year to the Apalachicola Bay Area of Critical State Concern. The bill authorizes the use of funds for land acquisition and projects that improve surface and groundwater quality in the Apalachicola River and Bay, including projects such as:

- Construction and replacement of stormwater management facilities;
- Central sewage collection and disposal facilities;
- Installation of onsite sewage treatment and disposal systems;
- Direct and indirect potable reuse; and
- Other water quality and water supply projects.

The bill requires that at least 25 percent of the appropriated funds be spent on land acquisition and requires that land acquisition be given increased priority if it achieves a combination of conservation goals, including protecting and preserving fisheries and wildlife habitats, recreational spaces, nearshore water quality, surface water resources, and groundwater recharge.

The bill requires that at least 3 percent, but no more than 10 percent, of the funds for land acquisition be spent on projects identified during the time of acquisition, including projects for land management, increased public access and recreational opportunities, and greenways.

The bill adds a principle for guiding development in the Apalachicola Bay Area, which requires that water quality be protected and improved by the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; the installation and proper operation and maintenance of onsite sewage treatment and disposal systems; indirect and direct potable reuse; and other water quality and water supply projects.

II. Present Situation:

Land Acquisition Trust Fund

Documentary stamp tax revenues are collected under ch. 201, F.S., which requires an excise tax to be levied 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

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for land and water conservation and restoration. The amendment required that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund (LATF). Article X, s. 28 of the State Constitution requires that funds in the LATF be expended only for the following purposes:

As provided by law, to finance or refinance: 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, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.²

To implement Art. X, s. 28 of the State Constitution, the Legislature passed ch. 2015-229, Laws of Florida. This act, in part, amended the following sections of law:

- Section 201.15, F.S., to conform to the constitutional requirement that the LATF receive at least 33 percent of net revenues derived from documentary stamp taxes; and

¹ See ss. 201.02 and 201.08, F.S.

² FLA. CONST. art. X, s. 28(b)(1).

- Section 375.041, F.S., to designate the LATF within the Department of Environmental Protection (DEP) as the trust fund to serve as the constitutionally mandated depository for the percentage of documentary stamp tax revenues.³

Under s. 375.041, F.S., funds deposited into the LATF must be distributed in the following order and amounts:

- First, obligations relating to debt service, specifically:
 - Payments relating to debt service on Florida Forever Bonds and Everglades restoration bonds.
- Then, before funds are authorized to be appropriated for other uses:
 - A minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. From these funds, the following specified distributions are required:
 - \$32 million annually through the 2023-2024 Fiscal Year for the Long-Term Plan;
 - After deducting the \$32 million, the minimum of the lesser of 76.5 percent of the remainder or \$100 million annually through the 2025-2026 Fiscal Year for the CERP; and
 - Any remaining funds for Everglades projects under the CERP, the Long-Term Plan, or the NEEPP.
 - A minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million annually for spring restoration, protection, and management projects;
 - \$5 million annually through the 2025-2026 Fiscal Year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka; and
 - \$64 million to the Everglades Trust Fund in the 2018-2019 Fiscal Year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project, and any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 Reservoir Project or projects that implement CERP, the Long Term Plan, or NEEPP.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.⁴

The General Revenue Estimating Conference in December of 2018 estimated that for the 2019-2020 Fiscal Year a total of \$2.76 billion would be collected in documentary stamp taxes.⁵ Thirty-three percent of the net revenues collected, or approximately \$906.6 million, must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution.

³ Ch. 2015-229, ss. 9 and 50, Laws of Fla.

⁴ Section 375.041(3)-(4), F.S.

⁵ Office of Economic & Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary*, 3 (2018), available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf> (last visited Mar. 5, 2019).

In 2015, two lawsuits were filed challenging the constitutionality of appropriations from the LATF and expenditures by state agencies.⁶ The cases were consolidated and a hearing was held in June of 2018.⁷ The plaintiffs argued that funds from the LATF were appropriated and expended for general state expenses in ways that were inconsistent with the constitutional language. The court held for the plaintiffs, stating the amendment requires the funds be used for acquiring conservation lands, and for improving, managing, restoring, and enhancing public access to conservation lands acquired after the effective date of the amendment.⁸ The decision described how LATF funds may be used, and ruled numerous appropriations from 2015 and 2016 unconstitutional.⁹ The case was appealed and is currently in the First District Court of Appeal.¹⁰

Area of Critical State Concern

The Areas of Critical State Concern Program was created in the "Florida Environmental Land and Water Management Act of 1972."¹¹ The purpose of the program is to ensure that the state, in accordance with s. 7, Art. II of the State Constitution, ensures a water management system that will reverse the deterioration of water quality and provide optimum utilization of the state's limited water resources, facilitate orderly and well-planned development, and protect the health, welfare, safety, and quality of life of residents of this state.¹²

The current designated Areas of Critical State Concern are the Apalachicola Bay Area, the Green Swamp Area, the Big Cypress Area, and the Florida Keys Area and the City of Key West Area.

Apalachicola Bay Area of Critical State Concern

The Legislature designated the Apalachicola Bay Area as an Area of Critical State Concern in 1985.¹³ The initial designation of the Apalachicola Bay Area included the City of Apalachicola, the City of Carrabelle, and unincorporated Franklin County (excluding Alligator Point).¹⁴ All of the designation was repealed in 1993 except for the City of Apalachicola.¹⁵

The Apalachicola River is the largest river in Florida and provides 35 percent of the freshwater entering the northeastern Gulf of Mexico.¹⁶ The Apalachicola River and the adjoining Chattahoochee and Flint Rivers comprise a drainage system encompassing more than 19,000

⁶ *Florida Wildlife Federation, Inc. v. Negron*, No. 2015-CA-001423 (Fla. 2nd Cir. Ct.); *Florida Defenders of the Environment, Inc., v. Detzner*, No. 2015-CA-002682 (Fla. 2nd Cir. Ct.).

⁷ *Florida Wildlife Federation, Inc. v. Negron*, Nos. 2015-CA-001423, 2015-CA-002682 (Fla. 2nd Cir. Ct. June 28, 2018).

⁸ *Id.* at 3.

⁹ *Id.* at 7-8.

¹⁰ *Oliva v. Florida Wildlife Federation, Inc.*, 1D18-3141 (Fla. 1st Dist. Ct. App.).

¹¹ Chapter 72-317, s. 1, Laws of Fla.

¹² Section 380.021, F.S.

¹³ Chapter 85-360, ss. 1-10, Laws of Fla.

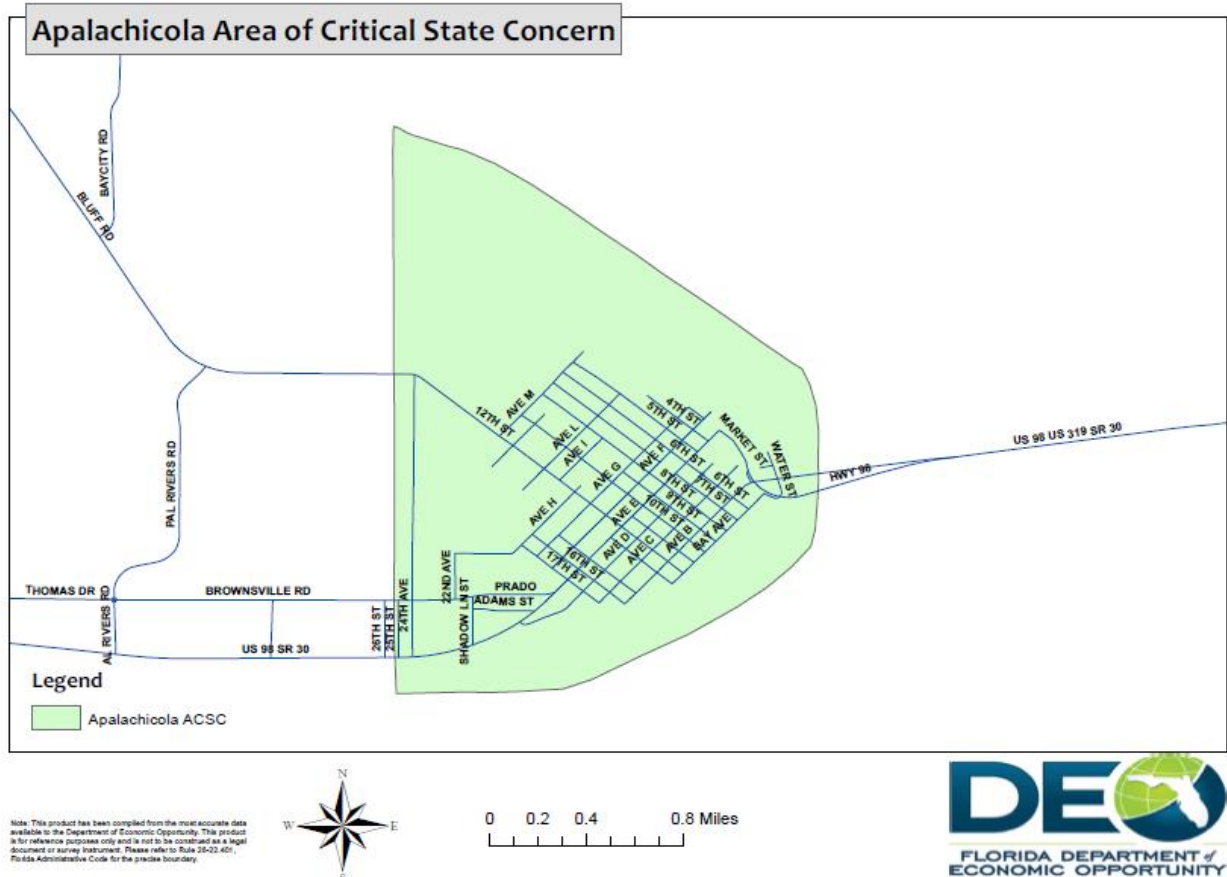
¹⁴ *Id.*

¹⁵ Chapter 93-135, s. 1, Laws of Fla.

¹⁶ Department of Economic Opportunity, *Apalachicola Bay Area*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/city-of-apalachicola> (last visited Mar. 6, 2019); *see also*, U.S. Fish and Wildlife Service, *Next Steps for a Healthy Gulf of Mexico Watershed*, <https://www.fws.gov/southeast/gulf-restoration/next-steps/focal-area/greater-apalachicola-basin/> (last visited Mar. 8, 2019).

square miles of southern Georgia, eastern Alabama, and northern Florida.¹⁷ The area harbors one of the highest concentrations of threatened and endangered species in the United States.¹⁸ Apalachicola Bay is a productive estuary, supplying approximately 90% of the oysters in Florida and 10% nationally, and is an important nursery ground for numerous commercially and recreationally important fish and invertebrate species.¹⁹

The designated area is shown below:²⁰



The legislative intent of the designation is to:

- Protect the water quality of the Apalachicola Bay Area to ensure a healthy environment and thriving economy for area and state residents;
- Financially assist Franklin County and its municipalities in upgrading and expanding their sewerage systems;
- Protect the Apalachicola Bay Area's natural and economic resources by implementing and enforcing comprehensive plans and land development regulations;

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Department of Economic Opportunity, *Areas of Critical State Concern Program*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Mar. 6, 2019).

- Assist Franklin County and its municipalities with technical and advisory assistance in formulating land development regulations and modifications to comprehensive plans;
- Monitor activities within the Apalachicola Bay Area to ensure the long-term protection of all the area's resources;
- Promote a broad base of economic growth which is compatible with the protection and conservation of the natural resources of the Apalachicola Bay Area;
- Educate the residents of the Apalachicola Bay Area in order to protect and preserve its natural resources;
- Provide affordable housing in close proximity to places of employment in the Apalachicola Bay Area; and
- Protect and improve the water quality of the Apalachicola Bay Area through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet state requirements.²¹

State, regional, and local agencies and units of government in the Apalachicola Bay Area are required to coordinate their plans and conduct their programs and regulatory activities consistently using principles for guiding development of the area.²² These principles require that:

- Land development be guided so that the basic functions and productivity of the Apalachicola Bay Area's natural land and water systems be conserved to reduce or avoid health, safety, and economic problems for present and future residents of the Apalachicola Bay Area;
- Land development be consistent with a safe environment, adequate community facilities, a superior quality of life, and a desire to minimize environmental hazards;
- Growth and diversification of the local economy be fostered only if it is consistent with protecting the natural resources of the Apalachicola Bay Area through appropriate management of the land and water systems;
- Aquatic habitats and wildlife resources of the Apalachicola Bay Area be conserved and protected;
- Water quantity be managed to conserve and protect the natural resources and the scenic beauty of the Apalachicola Bay Area;
- Water quality be protected, maintained, and improved for public water supply, propagation of aquatic life, and recreational and other uses;
- No wastes be discharged into any waters of the Apalachicola Bay Area without first being given the degree of treatment necessary to protect water uses;
- Stormwater discharges be managed in order to minimize impacts on the bay system and protect its uses;
- Coastal dune systems, specifically the area extending landward from the extreme high-tide line to the beginning of the pinelands of the Apalachicola Bay Area, be protected; and
- Public lands be managed, enhanced, and protected so that the public may continue to enjoy the traditional use of such lands.²³

²¹ Section 380.0555(2), F.S.

²² Section 380.0555(7), F.S.

²³ *Id.*

III. Effect of Proposed Changes:

Section 1 of the bill creates a statutory distribution from the Land Acquisition Trust Fund requiring \$20 million to be appropriated annually through the 2029-2030 fiscal year to the Apalachicola Bay Area of Critical State Concern. The bill authorizes the use of funds for land acquisition and projects that improve surface and groundwater quality in the Apalachicola River and Bay, including projects such as:

- Construction and replacement of stormwater management facilities;
- Central sewage collection and disposal facilities;
- Installation of onsite sewage treatment and disposal systems;
- Direct and indirect potable reuse; and
- Other water quality and water supply projects.

The bill requires that at least 25 percent, or \$5 million, of the appropriated funds be spent on land acquisition. The bill requires that land acquisition be given increased priority if it achieves a combination of conservation goals, including protecting and preserving fisheries and wildlife habitats, recreational spaces, nearshore water quality, surface water resources, and groundwater recharge.

The bill requires that at least 3 percent, but no more than 10 percent, of the funds for land acquisition (at least \$150,000 but no more than \$500,000) be spent on projects and activities identified during the time of acquisition, including for land management, increased public access and recreational opportunities, and greenways.

The bill requires that the \$20 million distribution by an amount equal to the debt service paid on bonds issued for the Florida Forever program after July 1, 2019.

Section 2 of the bill adds an additional principle for guiding development in the Apalachicola Bay Area, which requires that water quality be protected and improved by the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; the installation and proper operation and maintenance of onsite sewage treatment and disposal systems; indirect and direct potable reuse; and other water quality and water supply projects.

Section 3 of the bill requires that the bill take effect on July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill creates a new distribution from LATF to use funds for land acquisition and projects that improve surface and groundwater quality in the Apalachicola River and Bay. LATF has constitutionally restricted uses, which are discussed in the Present Situation section of this bill analysis.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill creates a specific annual distribution from the Land Acquisition Trust Fund through the 2029-2030 fiscal year, which may affect other programs that are funded through the trust fund.

Local governments in the Apalachicola Bay Area of Critical State Concern may have a positive fiscal impact by receiving funds to use for land acquisition and projects that improve surface and groundwater quality.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 375.041 and 380.0555 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

CS by Environment and Natural Resources Committee on March 12, 2019:

Requires that the \$20 million distribution be reduced to the extent of any debt service paid on bonds issued for the Florida Forever program after July 1, 2019.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



303636

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Montford)
recommended the following:

Senate Amendment (with title amendment)

Delete line 114
and insert:
greenways. This distribution shall be reduced by an amount equal
to the debt service paid pursuant to paragraph (a) on bonds
issued after July 1, 2019, for the purposes set forth in this
subparagraph.

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



303636

11 And the title is amended as follows:
12 Between lines 6 and 7
13 insert:
14 requiring such appropriations to be reduced by an
15 amount equal to the debt service paid on bonds issued
16 for specified purposes;

By Senator Montford

3-00826B-19

20191256__

1 A bill to be entitled
2 An act relating to the Apalachicola Bay Area of
3 Critical State Concern; amending s. 375.041, F.S.;
4 appropriating a sum annually for a specified timeframe
5 from the Land Acquisition Trust Fund to a specified
6 area of critical state concern for specified purposes;
7 amending s. 380.0555, F.S.; providing additional
8 principles for guiding development within the
9 Apalachicola Bay Area of Critical State Concern to
10 include projects that protect and improve water
11 quality; providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Paragraph (b) of subsection (3) of section
16 375.041, Florida Statutes, is amended to read:

17 375.041 Land Acquisition Trust Fund.—

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

20 (b) Of the funds remaining after the payments required
21 under paragraph (a), but before funds may be appropriated,
22 pledged, or dedicated for other uses:

23 1. A minimum of the lesser of 25 percent or \$200 million
24 shall be appropriated annually for Everglades projects that
25 implement the Comprehensive Everglades Restoration Plan as set
26 forth in s. 373.470, including the Central Everglades Planning
27 Project subject to Congressional authorization; the Long-Term
28 Plan as defined in s. 373.4592(2); and the Northern Everglades
29 and Estuaries Protection Program as set forth in s. 373.4595.

3-00826B-19

20191256__

From these funds, \$32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the \$32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project, the Everglades Agricultural Area Storage Reservoir Project, the Lake Okeechobee Watershed Project, the C-43 West Basin Storage Reservoir Project, the Indian River Lagoon-South Project, the Western Everglades Restoration Project, and the Picayune Strand Restoration Project. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

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

3-00826B-19

20191256__

59 shall be appropriated annually for spring restoration,
60 protection, and management projects. For the purpose of
61 performing the calculation provided in this subparagraph, the
62 amount of debt service paid pursuant to paragraph (a) for bonds
63 issued after July 1, 2016, for the purposes set forth under
64 paragraph (b) shall be added to the amount remaining after the
65 payments required under paragraph (a). The amount of the
66 distribution calculated shall then be reduced by an amount equal
67 to the debt service paid pursuant to paragraph (a) on bonds
68 issued after July 1, 2016, for the purposes set forth under this
69 subparagraph.

70 3. The sum of \$5 million shall be appropriated annually
71 each fiscal year through the 2025-2026 fiscal year to the St.
72 Johns River Water Management District for projects dedicated to
73 the restoration of Lake Apopka. This distribution shall be
74 reduced by an amount equal to the debt service paid pursuant to
75 paragraph (a) on bonds issued after July 1, 2016, for the
76 purposes set forth in this subparagraph.

77 4. The sum of \$64 million is appropriated and shall be
78 transferred to the Everglades Trust Fund for the 2018-2019
79 fiscal year, and each fiscal year thereafter, for the EAA
80 reservoir project pursuant to s. 373.4598. Any funds remaining
81 in any fiscal year shall be made available only for Phase II of
82 the C-51 reservoir project or projects identified in
83 subparagraph 1. and must be used in accordance with laws
84 relating to such projects. Any funds made available for such
85 purposes in a fiscal year are in addition to the amount
86 appropriated under subparagraph 1. This distribution shall be
87 reduced by an amount equal to the debt service paid pursuant to

3-00826B-19

20191256__

paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth in this subparagraph.

5. Notwithstanding subparagraph 3., for the 2018-2019 fiscal year, funds shall be appropriated as provided in the General Appropriations Act. This subparagraph expires July 1, 2019.

6. The sum of \$20 million shall be appropriated annually each fiscal year through 2029-2030 to the area designated as an area of critical state concern pursuant to s. 380.0555, to be used for the acquisition of lands and projects that improve surface and groundwater quality in the Apalachicola River and Bay, and includes projects such as construction and replacement of stormwater management facilities, central sewage collection and disposal facilities; the installation of onsite sewage treatment and disposal systems; direct and indirect potable reuse; and other water quality and water supply projects. At least 25 percent of the appropriated funds shall be spent on land acquisition. Increased priority must be given to land acquisitions that achieve a combination of conservation goals, including protecting and preserving fisheries and wildlife habitats, recreational spaces, nearshore water quality, surface water resources, and groundwater recharge. At least 3 percent but no more than 10 percent of the funds allocated for land acquisition shall be spent on projects and activities identified during the time of acquisition, including for land management, increased public access and recreational opportunities, and greenways.

Section 2. Paragraph (k) is added to subsection (7) of section 380.0555, Florida Statutes, to read:

3-00826B-19

20191256__

117 380.0555 Apalachicola Bay Area; protection and designation
118 as area of critical state concern.—

119 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
120 and local agencies and units of government in the Apalachicola
121 Bay Area shall coordinate their plans and conduct their programs
122 and regulatory activities consistently with the following
123 principles for guiding the development of the area:

124 (k) Water quality shall be protected and improved by the
125 construction, operation, maintenance, and replacement of
126 stormwater management facilities; central sewage collection;
127 treatment and disposal facilities; the installation and proper
128 operation and maintenance of onsite sewage treatment and
129 disposal systems; indirect and direct potable reuse; and other
130 water quality and water supply projects.

131 Section 3. This act shall take effect July 1, 2019.

CourtSmart Tag Report

Room: LL 37
Caption: Senate Environment and Natural Resources Committee

Case No.:

Type:
Judge:

Started: 3/12/2019 4:03:19 PM

Ends: 3/12/2019 5:16:43 PM

Length: 01:13:25

4:03:18 PM	Call to order
4:03:26 PM	Roll Call
4:03:31 PM	Pledge of Allegiance
4:04:01 PM	Chair Opening Remarks
4:04:30 PM	Take up Tab 1 SB 78
4:04:38 PM	Senator Rodriguez explanation
4:05:06 PM	Questions?
4:05:15 PM	Take up amendment 962074
4:06:20 PM	Questions?
4:06:28 PM	Appearance forms
4:06:31 PM	Jessica Love
4:06:35 PM	David Culler
4:06:49 PM	Debate?
4:06:53 PM	Senator Rodriguez waives close
4:07:02 PM	Amendment is adopted
4:07:07 PM	Back on the bill as amended
4:07:23 PM	Janice Lucas
4:07:41 PM	Mike Rogers waives in support
4:07:47 PM	Jonathon Webber waives in support
4:07:58 PM	Diana Fergusen
4:08:06 PM	Jennifer Rubiello
4:08:13 PM	Thomas Hawkins
4:08:22 PM	Susan Glickman
4:08:34 PM	Janice Lucas
4:08:51 PM	Debate?
4:08:55 PM	Senator Albritton in debate
4:09:24 PM	Senator Rodriguez to close
4:10:09 PM	CS/SB 78 is reported favorably
4:10:22 PM	Take up Tab 2 SB 216 Gruters
4:10:36 PM	Senator Gruters for an explanation
4:10:48 PM	Explanation of the amendment 354422
4:11:17 PM	Explain Amendment to the Amendment 131272
4:11:31 PM	Senator Berman for a question
4:11:44 PM	Senator Gruters for an answer
4:11:57 PM	Senator Berman for a follow up
4:12:06 PM	Senator Gruters for an answer
4:12:22 PM	Debate on the amendment to the amendment?
4:13:12 PM	close on the amendment to the amendment
4:13:24 PM	amendment to the amendment is adopted
4:13:29 PM	back on the amendment as amended
4:13:37 PM	Aliki Moncrief waves in support of amendment 354422
4:14:12 PM	Senator Gruters for an explanation on the strike all
4:15:55 PM	Questions on the bill as amended
4:16:08 PM	Senator Berman for a question
4:16:15 PM	Senator Gruters for an answer
4:17:29 PM	Senator Berman for a follow up
4:17:36 PM	Senator Gruters for an answer
4:18:51 PM	Chair Montford for a question
4:19:04 PM	Senator Gruters for an answer
4:19:44 PM	Debate on the amendment as amended?
4:20:09 PM	Appearance Forms
4:20:15 PM	David Cullen

4:21:21 PM Will Abberger
4:21:28 PM The amendment is adopted
4:21:33 PM back on the bill as amended
4:21:41 PM Questions?
4:21:43 PM Appearance forms
4:21:48 PM Calvin Holton
4:22:00 PM Nicollele Springer
4:22:07 PM John Weiler
4:22:18 PM David Cullen
4:22:24 PM Dr. Peter Barle
4:22:29 PM Terry Gibson
4:22:35 PM Janet Booher
4:22:47 PM Debate?
4:22:49 PM Senator Albritton in debate
4:23:50 PM Senator Gruters waives close
4:23:57 PM CS/SB 216 is reported favorably
4:24:08 PM Take up Tab 3 SB 368 by Senator Harrell
4:24:21 PM Senator Harrell for an explanation
4:28:08 PM Questions?
4:28:13 PM Senator Berman for a question
4:28:40 PM Senator Harrell for an answer
4:29:14 PM appearance forms
4:29:22 PM Calvin Holton
4:29:27 PM Nicolette Springer
4:29:35 PM John Weiler
4:29:43 PM Alik Moncrief
4:32:54 PM Kloe Ciuperger
4:33:05 PM Debate?
4:33:08 PM Senator Berman in debate
4:34:02 PM Senator Mayfield in debate
4:35:35 PM Senator Harrell to close
4:37:28 PM SB 368 is reported favorably
4:37:52 PM Take up Tab 5 SB 590 by Senator Albritton
4:38:14 PM Senator Albritton for an explanation
4:40:55 PM Questions?
4:40:58 PM Appearance Forms
4:41:05 PM Jonathon Webber
4:41:10 PM Debate?
4:41:14 PM Senator Albritton Waives close
4:41:22 PM SB 590 is reported favorably
4:41:32 PM Take up Tab 6 SB 1278 by Senator Mayfield
4:41:48 PM Senator Mayfield for an explanation
4:43:28 PM Take up amendment 908030
4:43:38 PM Senator Mayfield for an explanation on the amendment
4:44:28 PM Questions on amendment?
4:44:34 PM Debate? Sanator Mayfield waives close
4:44:44 PM Amendment is adopted
4:44:48 PM back on the bill as amended
4:44:53 PM Questions?
4:44:56 PM appearance forms
4:45:01 PM Vincent Burke
4:46:01 PM Nicolette Springer
4:47:02 PM Mike Rogers
4:47:10 PM Kurt Spitzer
4:47:21 PM David Cullen
4:47:26 PM Alik Moncrief
4:47:32 PM Lisa Rihaman
4:49:28 PM Kloe Ciuperger
4:49:40 PM Debate?
4:49:42 PM Senator Mayfield to close
4:50:25 PM CS/SB 1278 is reported favorably
4:50:39 PM Take Up Tab 4

4:50:44 PM	SB 944 by Senator Stewart
4:51:00 PM	Senator Stewart for an explanation
4:52:17 PM	Questions?
4:52:20 PM	appearance forms
4:52:27 PM	Chris Carmody
4:52:34 PM	Lindsay Cross
4:56:13 PM	Nicolette Springer
4:56:22 PM	Jason Lauritsen
4:57:27 PM	Jennifer Rubiello
4:57:37 PM	Paul Owens
4:59:10 PM	Mark Jeffries
4:59:16 PM	Will Abberger
5:01:52 PM	Debate?
5:01:56 PM	Senator Albritton in debate
5:03:43 PM	Senator Stewart to close
5:04:28 PM	SB 944 is reported favorably
5:05:28 PM	Take up Tab 7 SB 1256
5:05:38 PM	Chair Montford relinquishes the chair to Vice Chair Albritton
5:05:57 PM	Chair Montford for an explanation of the bill
5:08:13 PM	Take up amendment 303636
5:08:28 PM	Questions?
5:08:37 PM	Debate?
5:08:40 PM	Amendment is adopted
5:08:45 PM	back on the bill as amended
5:08:53 PM	Questions?
5:08:55 PM	Appearance cards
5:08:59 PM	Jim Brown
5:09:02 PM	Ron Nalley
5:09:14 PM	Van Johnson
5:09:46 PM	Patrick Bell
5:09:54 PM	Augusta west
5:10:02 PM	AJ Smith
5:10:10 PM	Aliki Moncrief
5:12:40 PM	Amy Datz
5:14:36 PM	Debate?
5:14:42 PM	Senator Berman in debate
5:15:39 PM	Chairmontford waives close
5:15:46 PM	CS/SB 1256 is reported favorably
5:16:11 PM	Senator Berman votes yes on SB590 and SB 1278
5:16:31 PM	Meeting adjourned

Senate District 26 – Florida Forever Projects

SEN. BEN ALBRITTON (R-BARTOW)

2019 LEGISLATIVE REQUEST: Dedicate a minimum of \$100 million from the Land Acquisition Trust Fund to the Florida Forever Trust Fund for conservation land acquisition through the Florida Forever program, including the Florida Communities Trust and the Acquisition and Restoration Council's scientifically ranked Florida Forever Priority List.



Lake Wales Ridge

Florida Forever Program
(Fee purchases and conservation easements)

Lake Wales Ridge Ecosystem

- 4,439 acres; \$26.2 million

Catfish Creek

- 5,800 acres; \$15.9 million

Greenways and Trails Program

Bartow Trailhead

- 8.7 acres; \$280,000

Lake Wales Trailways

- 3.0 acres; \$230,000

Florida Communities Trust
(State funding matched by local funding)

Bayshore Live Oak Park, Charlotte County

- 40 acres; \$11.2 million

District 26 Yes vote for Amendment 1 (2014):

69% Yes (98,691 Yes votes)

Total acres acquired, and federal, state, and local dollars spent in

District 26 (1998-2009): 138,740 acres; \$533.0 million

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tpl.org

FOR ADDITIONAL INFORMATION:

Will Abberger
Vice President and Director, Conservation Finance
306 North Monroe Street
Tallahassee, FL 32301
850.222.7911
will.abberger@tpl.org

PHOTO: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Senate District 31 – Florida Forever Projects

SEN. LORI BERMAN (D-BOYNTON BEACH)

2019 LEGISLATIVE REQUEST: Dedicate a minimum of \$100 million from the Land Acquisition Trust Fund to the Florida Forever Trust Fund for conservation land acquisition through the Florida Forever program, including the Florida Communities Trust and the Acquisition and Restoration Council's scientifically ranked Florida Forever Priority List.



Scrub Jay

Florida Communities Trust
(State funding matched by local funding)

Jaycee Park, City of Boynton Beach

- 5 acres; \$1.7 million

Hypoluxo Scrub Scrub Natural Area, Palm Beach County/Town of Hypoluxo

- 97 acres; \$1.7 million

District 31 Yes vote for Amendment 1 (2014):
86% Yes (112,501 Yes votes)

Old School Square Addition, City of Delray Beach

- 5 acres; \$2.0 million

Total acres acquired, and federal, state, and local dollars
spent in District 31 (1998-2009):
136.9 acres; \$7.4 million

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tpl.org

FOR ADDITIONAL INFORMATION:

Will Abberger
Vice President and Director, Conservation Finance
306 North Monroe Street
Tallahassee, FL 32301
850.222.7911
will.abberger@tpl.org

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Senate District 14 – Florida Forever Projects

SEN. TOM A. WRIGHT (R-PORT ORANGE)

2019 LEGISLATIVE REQUEST: Dedicate a minimum of \$100 million from the Land Acquisition Trust Fund to the Florida Forever Trust Fund for conservation land acquisition through the Florida Forever program, including the Florida Communities Trust and the Acquisition and Restoration Council's scientifically ranked Florida Forever Priority List.



Spruce Creek Preserve

Florida Forever Program

(Fee purchases and conservation easements)

Brevard Coastal Scrub Ecosystem

- 500 acres; \$4.3 million

Volusia Conservation Corridor

- 6,400 acres; \$16.3 million

District 14 Yes vote for Amendment 1 (2014):

73% Yes (124,732 Yes votes)

Total acres acquired, and federal, state, and local dollars spent in

District 14 (1998-2009): 13,100 acres; \$82.7 million

Greenways and Trails Program

East Central Regional Rail Trail

- 600 acres; \$14.1 million

Florida Communities Trust

(State funding matched by local funding)

Esther Street Beachfront Park, City of New Smyrna Beach

- 3.3 acres; \$2.8 million

Timucuan Oaks Botanical Garden, Town of Ponce Inlet

- 8 acres; \$2.0 million

Russell / Spruce Creek Property, City of Port Orange

- 17 acres; \$775,000

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FOR ADDITIONAL INFORMATION:

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850.222.7911
will.abberger@tpl.org

PHOTO: MICHAEL WRAY
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Senate District 17 – Florida Forever Projects

SEN. DEBBIE MAYFIELD (R-VERO BEACH)

2019 LEGISLATIVE REQUEST: Dedicate a minimum of \$100 million from the Land Acquisition Trust Fund to the Florida Forever Trust Fund for conservation land acquisition through the Florida Forever program, including the Florida Communities Trust and the Acquisition and Restoration Council's scientifically ranked Florida Forever Priority List.



Maritime Hammock Preserve

Florida Forever Program (Fee purchases and easements)

Brevard Coastal Scrub Ecosystem

- 3,550 acres; \$4.3 million

Branch Reserve

- 7,700 acres; \$3.7 million

District 17 Yes vote for Amendment 1 (2014):

75% Yes (140,393 Yes votes)

Total acres acquired, and federal, state, and local dollars spent in District 17 (1998-2009):

33,500 acres; \$170 million

Florida Communities Trust (State funding matched by local funding)

Eau Gallie Square Park, City of Melbourne

- 1 acre; \$100,000

Maritime Hammock Preserve, City of Cocoa Beach

- 128 acres; \$600,000

Lost Tree Island, Town of Indian River Shores / City of Vero Beach

- 483 acres; \$5.5 million

Jones Pier, Indian River County

- 16.5 acres; \$2.6 million

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FOR ADDITIONAL INFORMATION:

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Vice President and Director, Conservation Finance
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850.222.7911
will.abberger@tpl.org

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Senate District 3 – Florida Forever Projects

SEN. BILL MONTFORD (D-TALLAHASSEE)

2019 LEGISLATIVE REQUEST: Dedicate a minimum of \$100 million from the Land Acquisition Trust Fund to the Florida Forever Trust Fund for conservation land acquisition through the Florida Forever program, including the Florida Communities Trust and the Acquisition and Restoration Council's scientifically ranked Florida Forever Priority List.



Miccosukee Canopy Road Greenway

Florida Forever Program
(Fee purchases and conservation easements)

Florida's First Magnitude Springs

- 60 acres; \$3.5 million

Wacissa/Aucilla River Sinks

- 14,500 acres; \$8.9 million

State Park and State Forest Additions and Inholdings Program

Dickerson Bay/ Bald Point

- 4,500 acres; \$7.8 million

Lake Talquin State Forest

- 574 acres; \$1.1 million

Florida Communities Trust
(State funding matched by local funding)

Capital Cascades Trail, City of Tallahassee

- 10 acres; \$980,000

St. Marks Headwaters, Leon County

- 450 acres; \$840,000

Fred George Greenway, Leon County

- 17 acres; \$775,000

District 3 Yes vote for Amendment 1 (2014):

71% Yes (121,063 Yes votes)

Total acres acquired, and federal, state, and local dollars spent in District 3 (1998-2009): 135,870 acres; \$150.1 million

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FOR ADDITIONAL INFORMATION:

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Vice President and Director, Conservation Finance
306 North Monroe Street
Tallahassee, FL 32301
850.222.7911
will.abberger@tpl.org

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3-12-19
Meeting Date

78
Bill Number (if applicable)
962074
Amendment Barcode (if applicable)

Topic _____

Name DAVID CULLEN

Job Title _____

Address 1674 Univ. Ferry #296
Street
SARASOTA FL 34243
City State Zip

Phone 941-323-2404

Email cullenasee@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SIERRA CLUB FLORIDA

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)

3/12/19

Meeting Date

SB 78

Bill Number (if applicable)

962074

Amendment Barcode (if applicable)

Topic Public Financing of Construction Projects

Name Jessica Love

Job Title Government Consultant

Address P.O. Box 11189

Street

Tallahassee

City

FL

State

32302

Zip

Phone 850-577-9090

Email jessica.love@gray-robinson.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Association of the American Institute of Architects

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)

3/12/19

Meeting Date

SB78

Bill Number (if applicable)

Topic Public Financing of Construction Projects
Sea Level Rise Construction

Amendment Barcode (if applicable)

Name Janice L. Lucas

Job Title Executive Director, LEAD Coalition of Bay County

Address 608 N Center Ave.

Phone 850.527.7760

Street

Panama City

FL

32401

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing _____

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)

12 MARCH 2019
Meeting Date

SB 78
Bill Number (if applicable)

Topic PUBLIC FINANCING OF CONSTRUCTION PROJECTS
SEA LEVEL RISE & CONSTRUCTION

Amendment Barcode (if applicable)

Name JANICE T. BOOHER

Job Title DIRECTOR UUF CLIMATE RESILIENCE MINISTRY

Address 352 ALICANTE CT
Street

Phone 561-531-0986

DAVENPORT FL 33837
City State Zip

Email JJLBOOHER@COMCAST.NET

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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

3-12-2019

Meeting Date

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

578

Bill Number (if applicable)

Topic

sea level rise / construction

Amendment Barcode (if applicable)

Name

Susan Glickman

Job Title

Florida Director

Address

PO Box 310

Phone

727-742-9003

Street

Indian Rocks Bch FL

State

Zip

Email

susan@cleanenergy.org

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Southern Alliance for Clean Energy

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

March 12, 2019

Meeting Date

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

SB 78

Bill Number (if applicable)

Topic Public Financing of Construction Projects

Amendment Barcode (if applicable)

Name Thomas Hawkins

Job Title Policy & Planning Director

Address 308 N Monroe St

Street

Phone 352-377-3141

Tallahassee, FL 32301

City

State

Zip

Email thawkins@1000ff.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing 1000 Friends of Florida

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)

3-12-18

Meeting Date

78

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 Univ Pkwy #325

Phone 941-323-2404

Street

SEASIDE

FL

34243

Email cullen@seasidest.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SIERRA CLUB FLORIDA

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.

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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)

3/12/19
Meeting Date

SB0078
Bill Number (if applicable)

Topic Public Financing of Construction Projects Amendment Barcode (if applicable)

Name JENNIFER RUBIELLO

Job Title DIRECTOR

Address 3110 1st Ave N, Ste 2H
Street

Phone 727 327 3138

St. Petersburg, FL 33713
City State Zip

Email jennifer@environmentFLORIDA.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ENVIRONMENT FLORIDA

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.

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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)

3/12/19

Meeting Date

78

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Diana Ferguson

Job Title Attorney

Address 119 S Monroe St Ste 202
Street

Phone 681-6788

Tall FL 32301
City State Zip

Email dferguson@notlog-
elencia.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Miami-Dade 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.

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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)

3/12/19

Meeting Date

78

Bill Number (if applicable)

Topic Public Financing of Construction Projects

Amendment Barcode (if applicable)

Name JONATHAN WEBBER

Job Title ~~Deputy Director~~ Deputy Director

Address 1700 N. MONROE ST.

Phone 954-593-4449

Street

TAIASSA

City

FL

State

32303

Zip

Email JWEBBER@FCVOTERS.ORG

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA CONSERVATION VOTERS

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/12/19

Meeting Date

SB 78

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Mike Rogers

Job Title

Address 10175 Wadesboro Rd

Street

Phone 850-566-2560

Tall

City

FL

State

32317

Zip

Email mike@senatethefla.com

Group - Conf

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Wildlife Federation

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.

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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)

3/12/19
Meeting Date

78
Bill Number (if applicable)

Topic Public Financing of Construction Projects

Amendment Barcode (if applicable)

Name Carol Bowen

Job Title Chief Lobbyist

Address 3730 Coconut Creek Pkwy Ste 200
Street

Phone 954-465-6811

Coconut Creek FL 33066
City State Zip

Email cbowen@carolbowenllc.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Associated Builders and Contractors

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.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

216

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

3/12/19

Meeting Date

Bill Number (if applicable)

354422

Amendment Barcode (if applicable)

Topic Water Quality Improvements

Name Aliki Moncrief

Job Title Executive Director

Address 1700 N. Monroe St #11-286

Street

TLH

FL

32303

City

State

Zip

Phone 850 629 4656

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Conservation Voters

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.

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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)

3-12-19

Meeting Date

216

Bill Number (if applicable)

354423

Amendment Barcode (if applicable)

Topic _____

Name DAVID CULLER

Job Title _____

Address 1674 Univ. Pkwy #296

Street

Phone 941-323-2404

SARASOTA

City

FL

State

34243

Zip

Email culler@senate.fl.gov

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

March 12, 2019

Meeting Date

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

SB 216

Bill Number (if applicable)

354422

Amendment Barcode (if applicable)

Topic Land Acquisition Trust Fund

Name Will Abberger

Job Title Vice President and Director, Conservation Finance

Address 306 N. Monroe Street

Street

Tallahassee

City

Florida

State

32301

Zip

Phone 850-222-7911, ext. 23

Email will.abberger@tpl.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Trust for Public Land

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.

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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)

12 MARCH 2019

Meeting Date

SB 216

Bill Number (if applicable)

Topic WATER QUALITY IMPROVEMENTS

Amendment Barcode (if applicable)

Name JANICE T. BOOHER

Job Title DIRECTOR UUSF CLIMATE RESILIENCE MINISTRY

Address 352 ALICANTE CT.

Street

Phone 561-531-0986

DAVENPORT

City

FL

State

33837

Zip

Email JLBOOHER@COMCAST.NET

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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.

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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)

3/12/19

Meeting Date

SB216

~~SB36~~

Bill Number (if applicable)

Topic Water Quality

Amendment Barcode (if applicable)

Name Terry Gibson

Job Title Gov. Affairs Director American Water Security Project

Address 4394 NE Skyline Dr

Phone 772-285-7683

Street

Jensen Beach, FL 34957

City

State

Zip

Terry Gibson
Email northswellmedia.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing American Water Security Project

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/19

Meeting Date

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

SB 216

Bill Number (if applicable)

Topic Water Quality

Amendment Barcode (if applicable)

Name Dr. Peter Barile

Job Title scientist

Address 1570 Anglers Drive

Phone _____

Street

Palm Bay FL 32905

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Marine Research & Consultancy, Inc

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3-12-19
Meeting Date

216
~~228~~
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID COLLIER

Job Title _____

Address 1624 W. W. Pkwy #296
Street

Phone 941.323.2404

SARASOTA FL 34243
City State Zip

Email coll@nassco.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

Meeting Date _____

216
Bill Number (if applicable) _____

Topic _____

Amendment Barcode (if applicable) _____

Name John Weiler

Job Title Director Brevard RLC

Address 4240 S. Tropical Trail

Phone 321-453-7562

Street

Merritt Island FL 32952

Email johnweiler@4ol.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Republican Liberty Caucus & D2 County Commissioner

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/12/19

~~SB0216~~

Meeting Date

SB0216

Bill Number (if applicable)

Topic Water Quality

Amendment Barcode (if applicable)

Name Nicolette Springer

Job Title Legislative Analyst

Address _____

Phone 407 484 3656

Street

Orlando

FL

32832

Email nicolette@LWVFL.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

03/12/2019

Meeting Date

216

Bill Number (if applicable)

Topic Water Quality Improvements

Amendment Barcode (if applicable)

Name Calvin (Tres - pronounced TRAY) Holton III

Job Title Lobbyist

Address 1729 La Maderia Dr SW

Phone 3219602378

Street

Palm Bay

FL

32908

Email holton@TheHoltonGroupLLC.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Holton Group, LLC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

March 12
Meeting Date

368
Bill Number (if applicable)

Topic Land Acquisition Trust Fund Amendment Barcode (if applicable)

Name Kloe Ciuperger (Chloe See-You Per-ger)

Job Title Legislative Coordinator

Address 2401 SE Monterey Road Phone 772 486 4134
Street

Stuart FL 34996 Email kciuperger@martin.fl.us
City State Zip

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

Representing Martin 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.

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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)

3/12/19

Meeting Date

3680

Bill Number (if applicable)

Topic

LATF

Amendment Barcode (if applicable)

Name

Aliki Moncrief (a-LEE-key) ✓

Job Title

Executive Director

Address

1700 N Monroe St # 11-286

Phone

8506294656

Street

Tallah

FL

32303

City

State

Zip

Email

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Florida Conservation Voters

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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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)

Meeting Date _____

368.
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name John Weiler

Job Title Director Breward RLC

Address 4240 S. Tropical Trail
Street

Phone 321-453-2562

Merritt Is, FL 32952
City State Zip

Email johnweiler@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Brevard County Commissioner - Bryan Lober

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

SB 368

Bill Number (if applicable)

Meeting Date _____

Topic Land Acquisition

Amendment Barcode (if applicable) _____

Name Nicolette Springer

Job Title Legislative Analyst

Address _____

Phone 407 484 3656

Street

Orlando

FL

32832

City

State

Zip

Email nicolette@LWVFL.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing League of Women Voters

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.

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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)

03/12/2019

Meeting Date

368

Bill Number (if applicable)

Topic Land Acquisition Trust Fund

Amendment Barcode (if applicable)

Name Calvin (Tres - pronounced TRAY) Holton III

Job Title Lobbyist

Address 1729 La Maderia Dr SW

Phone 3219602378

Street

Palm Bay

FL

32908

Email holton@TheHoltonGroupLLC.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Holton Group, LLC

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.

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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)

3/12/19

Meeting Date

590

Bill Number (if applicable)

Topic State Park Fees

Amendment Barcode (if applicable)

Name Jonathan Webber

Job Title Deputy Director

Address 1700 N. Monroe St.

Phone 954-593-4449

Street

Tallahassee

City

FL

State

32303

Zip

Email jwebber@FCVOTERS.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Conservation Voters

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.

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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)

March 12, 2019

Meeting Date

SB 944

Bill Number (if applicable)

Topic Florida Forever

Amendment Barcode (if applicable)

Name Will Abberger

Job Title Vice President and Director, Conservation Finance

Address 306 N. Monroe Street

Street

Tallahassee

City

Florida

State

32301

Zip

Phone 850-222-7911, ext. 23

Email will.abberger@tpl.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Trust for Public Land

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.

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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)

3/12/19

Meeting Date

944

Bill Number (if applicable)

Topic Land Acquisition Trust Fund

Amendment Barcode (if applicable)

Name MARK Jeffries

Job Title _____

Address 201 S. Rosalind Ave

Phone 407-836-5909

Street

Orlando, FL

32801

City

State

Zip

Email mark.jeffries@ocfl.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Orange 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.

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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)

3/12

Meeting Date

SB 944

Bill Number (if applicable)

Topic Land Acquisition Trust Fund/Florida Forever

Name Paul Owens

Job Title President, 1000 Friends of Florida

Address _____
Street

Phone 850-222-6277

City

State

Zip

Email powens@1000fof.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing 1000 Friends of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/12/19

Meeting Date

SB 0944

Bill Number (if applicable)

Topic Land Acquisition Trust Fund

Name JENNIFER RUBIELLO

Job Title DIRECTOR

Address 3110 1ST AVE N, Ste 2H

Street

St. Petersburg, FL 33713

City

State

Zip

Phone 727 327 3138

Email jennifer@environmentflorida.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ENVIRONMENT FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/13/19

Meeting Date

SB 944

Bill Number (if applicable)

Topic SB 944 - Support ✓

Amendment Barcode (if applicable)

Name Jason Lauritsen

Job Title Executive Director

Address 2896 Orange Grove Trail

Street

Naples

City

FL

State

34120

Zip

Phone 239 229 8170

Email jason@floridawildlife.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Wildlife Corridor

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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)

3/12/19

Meeting Date

SB 944

Bill Number (if applicable)

Topic

Land Acquisition

Amendment Barcode (if applicable)

Name

Nicolette Springer

Job Title

Legislative Analyst

Address

Street

Orlando

FL

32832

City

State

Zip

Phone

407 484 3656

Email

nicolette@LWVFL.org

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

League of Women Voters

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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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)

3/12/19

Meeting Date

5944

Bill Number (if applicable)

Topic Land Acquisition Trust Fund

Amendment Barcode (if applicable)

Name Lindsay Cross

Job Title Public Lands Advocate

Address 545 27th Ave N

Phone 727-642-1563

Street

St Pete

City

FL

State

33704

Zip

Email lindsaycfvoters.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida conservation voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

WAIVE IN
SUPPORT

3/12/19

Meeting Date

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

SB 944

Bill Number (if applicable)

Topic Environment & Natural Resources

Amendment Barcode (if applicable)

Name Chris Carmody

Job Title Attorney

Address 301 S Bronough St. Suite 600

Street

Phone 352-514-2196

Tallahassee

City

FL

State

32301

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing City of Orlando

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-12-19

Meeting Date

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

SB 1256

Bill Number (if applicable)

Topic Apalachicola Bay

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Environmental Activist

Address 1
Street

Phone 850 322-7529

Tallahassee FL
City State

Email AmyDatz

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Environmental Caucus of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/12/19

Meeting Date

1256

Bill Number (if applicable)

Topic Apalachicola Bay Area Critical Concern Amendment Barcode (if applicable)

Name Aliki Moncrief

Job Title Executive Director

Address 1700 N. Monroe St #11-286

Phone 850 629 4656

Street

Tutt

City

FL

State

32303

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Conservation Voters

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/12/19

Meeting Date

1256

Bill Number (if applicable)

Topic

Approaching to S.B.

Amendment Barcode (if applicable)

Name

AT Smith

Job Title

Sheriff

Address

270 Hwy 65

Phone

850 251 9021

Street

East Point, FL 32320

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/19

Meeting Date

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

SB 1256

Bill Number (if applicable)

Topic Apalachicola Environmental Stewardship Bill

Amendment Barcode (if applicable)

Name Augusta West

Job Title Executive Director, Apalachicola Main Street & CRA

Address 192 Coach Wagoner St.

Phone 850-274-1321

Street

Apalachicola, FL

State

32320

Zip

Email awest@cityofapalachicola.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Apalachicola Main Street & CRA

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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)

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Job Title

Address

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

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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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)

3/12/19

Meeting Date

SB 1256

Bill Number (if applicable)

Topic APALACHICOLA STEWARDSHIP BILL

Amendment Barcode (if applicable)

Name VAN JOHNSON

Job Title MAYOR

Address 192 COAK WAGONER BLVD
Street

Phone 850-323-0602

APALACHICOLA FL 32320
City State Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing CITY OF APALACHICOLA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/12/19

Meeting Date

SB 1256

Bill Number (if applicable)

Topic APALACHICOLA STEWARDSHIP BILL

Amendment Barcode (if applicable)

Name RON NALLEY

Job Title CITY MANAGER

Address 192 COACH WAGONER BLVD,

Phone (828) 747-2110

Street

APALACHICOLA

FL

32320

City

State

Zip

Email rnalley@cityofapalachicola.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CITY OF APALACHICOLA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3-12-19
Meeting Date

1256
Bill Number (if applicable)

Topic Apalachicola Bay

Amendment Barcode (if applicable)

Name Sam Brown

Job Title _____

Address P.O. Box 327

Phone 850 5090393

Street

Apalachicola FL 32329

City

State

Zip

Email apalach1340@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Apalachicola Antislavery / Reef Assoc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

03/12/19
Meeting Date

1278
Bill Number (if applicable)

Topic Biosolids

Amendment Barcode (if applicable)

Name Kloe Ciuperger (Chloe See-you-perger)

Job Title Legislative Coordinator

Address 2401 SE Monterey Rd Phone 772 486 7134
Street
Stuart FL 34996
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Martin County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3-12-19

Meeting Date

SB 1278

Bill Number (if applicable)

Topic Biosolids Management

Amendment Barcode (if applicable)

Name Lisa Rihaman

Job Title St. Johns Riverkeeper

Address 1200 Univ. Blvd
Street

Phone (904) 509-3260

Jacksonville FL 32211
City State Zip

Email lis@stjohnsriverkeeper.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing w/ requested amendment
St. Johns Riverkeeper

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

3/12/19

Meeting Date

1278

Bill Number (if applicable)

Topic

Biosolids Management

Name

Aliki Moncrief

Job Title

Executive Director

Address

1700 N Monroe St 11-286

Phone

8506294656

Street

Tallah

FL

32303

City

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Florida Conservation voters

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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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)

3-12-19
Meeting Date

1278
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 Univ. Pkwy #296
Street
SARASOTA FL 34243
City State Zip

Phone 941.323.2404

Email cullenasec@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-12-19
Meeting Date

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

1278
Bill Number (if applicable)

Topic BIO-SOLIDS

Amendment Barcode (if applicable)

Name KURT SPITZER

Job Title _____

Address 693 FOREST LAIR

Phone 228-6212

Tallahassee FL 32312
City State Zip

Email KURTSPITZER@ISTNET.NET

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLA. STORMWATER ASSOCIATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

Meeting Date _____

SB1278

Bill Number (if applicable)

Topic Biosolids

Amendment Barcode (if applicable)

Name Mike Rogers

Job Title _____

Address 10175 Wadesboro RD-
Street

Phone 850-566-7860

Tall. FL 32317
City State Zip

Email mike@sonthesunshinestate.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Wildlife Federation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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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)

3/12/19

Meeting Date

SB1278

Bill Number (if applicable)

Topic Biosolids

Amendment Barcode (if applicable)

Name Nicolette Springer

Job Title Legislative Analyst

Address _____

Street

Orlando

City

State

Zip

Phone 407 484 3656

Email nicolette@LWVFL.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing League of Women Voters

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/12/2019

Meeting Date

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

SB 1278

Bill Number (if applicable)

Topic Biosolids Management

Amendment Barcode (if applicable)

Name VINCENT BURKE

Job Title Utilities Director, Indian River County

Address 1801 27th St.

Phone 772-226-1830

Street

VERO BEACH, FL

32960

Email

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing INDIAN RIVER COUNTY

Appearing at request of Chair: ^{Vice} ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)