

Tab 1	SB 232 by Book (CO-INTRODUCERS) Farmer ; (Identical to H 00053) Coral Reefs
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Tab 2	SB 316 by Stewart ; (Identical to H 00203) Environmental Regulation Commission
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Tab 3	SB 370 by Bradley (CO-INTRODUCERS) Stewart, Perry, Bean ; Land Acquisition Trust Fund
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
ENVIRONMENTAL PRESERVATION AND CONSERVATION
Senator Bradley, Chair
Senator Stewart, Vice Chair

MEETING DATE: Monday, November 6, 2017
TIME: 1:30—3:30 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Bradley, Chair; Senator Stewart, Vice Chair; Senators Bean, Book, Farmer, Hukill, Hutson, Latvala, Simmons, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 232 Book (Identical H 53)	Coral Reefs; Establishing the Southeast Florida Coral Reef Ecosystem Conservation Area, etc. EP 11/06/2017 Favorable AEN AP	Favorable Yeas 10 Nays 0
2	SB 316 Stewart (Identical H 203)	Environmental Regulation Commission; Requiring the Governor to appoint a new member to the commission within a certain timeframe after the occurrence of a vacancy; requiring certain proposed rules submitted to the commission to receive specified vote totals for approval or modification, etc. EP 11/06/2017 Favorable EE RC	Favorable Yeas 10 Nays 0
3	SB 370 Bradley	Land Acquisition Trust Fund; Requiring a specified annual appropriation to the Florida Forever Trust Fund, etc. EP 11/06/2017 Favorable AEN AP	Favorable Yeas 10 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 Environmental Preservation and Conservation

BILL: SB 232

INTRODUCER: Senators Book and Farmer

SUBJECT: Coral Reefs

DATE: November 3, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Mitchell</u>	<u>Rogers</u>	<u>EP</u>	Favorable
2.	_____	_____	<u>AEN</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 232 creates the Southeast Florida Coral Reef Ecosystem Conservation Area. The conservation area consists of the sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from the St. Lucie Inlet to the northern boundary of the Biscayne National Park.

II. Present Situation:

Coral Reefs

Coral reefs are valuable natural resources. They protect coastlines by reducing wave energy from storms and hurricanes. They serve as a source of food and shelter and provide critical habitat for over 6,000 species, including commercially important fisheries. Many medicines, as well as other health and beauty products, are derived from marine plants, algae, and animals found on coral reefs.¹ Coral reefs in southeast Florida support a rich and diverse assemblage of stony corals, octocorals, macroalgae, sponges, and fishes. These ecological communities run along the coast from the northern border of Biscayne National Park in Miami-Dade County north to the St. Lucie Inlet in Martin County.²

People use coral reefs as a resource for recreation, education, scientific research, and public inspiration. Millions of tourists and local residents enjoy scuba diving, snorkeling, and fishing on Florida's coral reefs. These activities provide a source of income for the state and its coastal communities. The natural coral reefs in Martin, Palm Beach, Broward, and Miami-Dade counties

¹ The Florida Department of Environmental Protection (DEP), *Coral Reef Conservation Program*, available at <http://www.dep.state.fl.us/coastal/programs/coral/> (last visited October 11, 2017); DEP, *Coral Reef Conservation Program 2011-2016 Strategic Plan*, 3 (July 2011), available at http://www.dep.state.fl.us/coastal/programs/coral/pub/CRCP_Strategic_Plan_2011-2016.pdf (last visited October 4, 2017).

² *Id.*

generate an estimated \$3.4 billion in sales and income and support 36,000 jobs in the region each year.³

Coral reefs are vulnerable, however, to harmful environmental changes, particularly those resulting from human activities. Coral cover on many Caribbean reefs has declined up to 80 percent over the past three decades. Southeast Florida's reefs, which are a part of the greater Caribbean/Western Atlantic reef province, are being monitored for diseases, bleaching, and other problems associated with human activities. Monitoring data from the Florida Keys revealed a 44 percent decline in coral cover from 1996-2005.⁴

The United States Coral Reef Task Force identified eight specific and widely accepted threats to coral reefs as being particularly important:

- Pollution, including eutrophication and sedimentation from intensive land use, chemical loading, oil and chemical spills, marine debris, and invasive species;
- Overfishing and over-exploitation of coral reef species for recreational and commercial purposes and the resulting collateral damage and degradation to habitats and ecosystems;
- Destructive fishing practices, such as cyanide and dynamite fishing that can destroy large sections of reef;
- Dredging and shoreline modification in connection with coastal navigation or development;
- Vessel groundings and anchoring that directly destroy corals and reef framework;
- Disease outbreaks that are increasing in frequency and are affecting a greater diversity of coral reef species; and
- Global climate change and associated impacts including increased coral bleaching, mortality, storm frequency, and sea level rise.⁵

Corals are highly sensitive to even small temperature changes and can react through bleaching, reduced growth rates, reduced reproduction, increased vulnerability to diseases, and die-offs. Corals can tolerate only a relatively narrow temperature range and prefer water between 73-84 degrees. Water temperatures over 86 degrees or under 64 degrees are stressful and are eventually fatal for coral. In addition, corals have a mutually beneficial, or symbiotic, relationship with a type of algae known as zooxanthellae. Zooxanthellae live inside the coral and provide the coral with energy derived from photosynthesis. In turn, the coral provides the algae with shelter. When the water gets too warm and the coral becomes stressed, they can expel their zooxanthellae which results in coral bleaching. Although the colorless coral is still alive, it will eventually die from starvation if the zooxanthellae do not return.⁶

The Florida Reef Tract which extends from Soldier Key, located in Biscayne Bay, to the Tortugas Banks possesses coral formations very similar to those found in the Bahamas and Caribbean Sea. The tract is nearly 150 miles long and about 4 miles wide extending to the edge

³ *Id.*

⁴ DEP, *Threats to Southeast Florida Coral Reefs*, available at <http://www.dep.state.fl.us/coastal/programs/coral/threats.htm> (last visited October 3, 2017).

⁵ U.S. Coral Reef Task Force, *The National Action Plan to Conserve Coral*, 3, available at <http://www.coralreef.gov/about/CRTFAxnPlan9.pdf> (last visited October 12, 2017).

⁶ Florida Fish and Wildlife Conservation Commission (FWC), *Long Term Temperature Monitoring*, <http://myfwc.com/research/habitat/coral/cremp/cremp-temp-monitoring/> (last visited October 10, 2017).

of the Florida Straits.⁷ Massive, region-wide bleaching events have become more common on the Florida Reef Tract. Since 1987, six extensive coral bleaching events have affected the entire tract. Substantial mass coral mortality occurred during the global bleaching events of 1997/1998 and 2014/2015. Corals at the northern end of their range, such as those found on the Florida Reef Tract, are also vulnerable to cold winter temperatures. A severe cold snap in 2010 resulted in high mortality of certain coral species on shallow-water patch reefs throughout the Florida Reef Tract.⁸

Florida Coral Reef Programs

The Coral Reef Conservation Program (CRCP) within the Florida Coastal Office (FCO) of the Florida Department of Environmental Protection (DEP) oversees several programs and initiatives to coordinate research and monitoring, develop management strategies, and promote partnerships to protect the coral reefs, hard bottom communities, and associated reef resources of southeast Florida.⁹ The CRCP implements and coordinates the following:

- *The Southeast Florida Action Network* – This reporting and response system is designed to improve the protection and management of southeast Florida's coral reefs by enhancing marine debris clean-up efforts, increasing response to vessel groundings and anchor damage, and providing early detection of potentially harmful biological disturbances.¹⁰
- *The Southeast Florida Coral Reef Initiative (SEFCRI)* – This program identifies and implements priority actions needed to reduce key threats to coral reef resources in southeast Florida through a local action strategy for collaborative action among government and non-governmental partners.¹¹ Groups associated with SEFCRI include:
 - SEFCRI technical advisory committees which may be convened to address specific issues that need special attention or expertise.¹²
 - Our Florida Reefs Community Working Groups, comprised of local reef users, scientists, and representatives from nongovernmental organizations and local, state, and federal agencies. Two groups meet once a month to learn about Southeast Florida's living marine resources, and develop a prioritized list of recommendations that can become part of a comprehensive management strategy to ensure healthy coral reefs in the future. These groups are hosted by SEFCRI.¹³
- *Southeast Florida's Marine Debris Reporting and Removal Program* – Through a partnership with DEP, the Florida Fish and Wildlife Conservation Commission (FWC) and the Palm Beach County Reef Rescue, this program encourages local divers and dive shops to report marine debris. The partnership organizes reef clean-up events to remove the debris.¹⁴

⁷ The National Oceanic and Atmospheric Administration, *Coral Reef Information System: Florida*, <https://www.coris.noaa.gov/portals/florida.html> (last visited October 9, 2017).

⁸ *Id.*

⁹ DEP, *Coral Reef Conservation Program*, <http://www.dep.state.fl.us/coastal/programs/coral/> (last visited October 11, 2017).

¹⁰ DEP, *Southeast Florida Action Network*, <http://www.dep.state.fl.us/coastal/programs/coral/seafan.htm> (last visited October 10, 2017).

¹¹ Southeast Florida Coral Reef Initiative (SEFCRI), *What is SEFCRI?*, <http://southeastfloridareefs.net/about-us/what-is-sefcri/> (last visited October 9, 2017).

¹² Southeast Florida Coral Reef Initiative, *Team Charter* (Sept. 2012) available at https://www.dep.state.fl.us/coastal/programs/coral/documents/SEFCRI_Charter.pdf (last visited October 12, 2017).

¹³ Our Florida Reefs, *About*, <http://ourfloridareefs.org/about/> (last visited October 11, 2017).

¹⁴ DEP, *Southeast Florida's Marine Debris Reporting and Removal Program*, <http://www.dep.state.fl.us/coastal/programs/coral/debris1.htm> (last visited October 10, 2017).

- *The Reef Injury Prevention and Response Program* – This program leads the response to, and management of, coral reef and hard bottom injuries resulting from vessel impacts such as grounding, anchoring, and cable drag events.¹⁵ Section 403.93345, F.S., otherwise known as the Florida Coral Reef Protection Act, requires responsible parties to notify DEP when they run their vessel aground, strike, or otherwise damage coral reefs. The responsible party must remove the vessel and work with DEP to assess the damage and restore the reef.¹⁶ DEP may require the responsible party to pay the cost of assessment and restoration, as well as pay a fine.¹⁷
- *The Florida Reef Resilience Program (FRRP)* – The FRRP addresses climate change and coral reefs. Reef managers, scientists, conservation organizations and reef users across South Florida have developed a *Climate Change Action Plan for the Florida Reef System (2010-2015)* (Action Plan). The goals of the Action Plan are to increase coral reef resilience to climate change impacts through active management of local reef impacts; enhance communication and awareness of climate change impacts on coral reefs and reef users; and conduct targeted research to increase understanding of climate change impacts and develop new intervention measures.¹⁸
- *The Southeast Marine Event Response Program* – This program responds to potentially harmful biological disturbances along the northern third of the Florida Reef Tract from the northern border of Biscayne National Park in Miami-Dade County to the St. Lucie Inlet in Martin County. Upon notification of an event such as harmful algal blooms, fish kills, coral bleaching, or diseases, DEP coordinates with regional partners to schedule initial site assessments, implement event response protocols, and analyze samples, where possible and appropriate.¹⁹
- *The Southeast Florida Fisheries-Independent Monitoring Program* – This program builds partnerships and obtains funding to implement fisheries-independent monitoring.²⁰ Fisheries-independent monitoring is a system-wide approach that evaluates marine communities and the populations of fish and invertebrate species that comprise them. Fisheries-independent monitoring also investigates habitat conditions for purposes of learning more about system-wide trends.²¹

FWC also plays a role in protecting Florida's coral reefs. Through the Coral Reef Evaluation and Monitoring Project (CREMP), FWC has monitored the condition of coral reef and hard bottom habitats annually throughout the Florida Keys since 1996, southeast Florida since 2003, and the

¹⁵ DEP, *Reef Injury Prevention and Response Program*, <http://www.dep.state.fl.us/coastal/programs/coral/ripr.htm> (last visited October 12, 2017).

¹⁶ Section 403.93345(5), F.S.

¹⁷ Section 403.93345(6), (7), and (8), F.S.

¹⁸ DEP, *Climate Change and Coral Reefs*, http://www.dep.state.fl.us/coastal/programs/coral/climate_change.htm (last visited October 9, 2017).

¹⁹ DEP, *Southeast Marine Event Response Program*, http://www.dep.state.fl.us/coastal/programs/coral/event_response.htm (last visited October 10, 2017).

²⁰ DEP, *Southeast Florida Fisheries-Independent Monitoring Program*, <http://www.dep.state.fl.us/coastal/programs/coral/fisheries-independent.htm> (last visited October 11, 2017).

²¹ Sarasota County Wateratlas, *Fisheries Independent Monitoring*, http://www.sarasota.wateratlas.usf.edu/shared/learnmore.asp?toolsection=lm_fishindep (last visited October 11, 2017).

Dry Tortugas since 2004. The CREMP has documented the temporal changes that have occurred in recent years.²²

The Southeast Florida Coastal Ocean Task Force (COTF) was established in 2012 through enabling resolutions of the Boards of County Commissioners of Miami-Dade, Broward, Palm Beach, and Martin Counties.²³ The Task Force was charged with providing recommendations for coastal ocean resources and conservation priorities and strategies. The membership of the COTF included county commissioners and four city commissioners from Southeast Florida; representatives from DEP, FWC, and the National Oceanic and Atmospheric Administration; and stakeholders representing recreational fishers, commercial ports, the dive charter industry, and the marine industry. The final report was issued in 2015 and made numerous recommendations for potential adoption by the affected cities and counties.²⁴

The Board of Trustees of the Internal Improvement Trust Fund

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) holds state lands in trust for the use and benefit of the people of Florida.²⁵ The Board of Trustees consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture.²⁶ This body may acquire, sell, transfer, and administer state lands in a manner consistent with chs. 253 and 259, F.S.²⁷

The Board of Trustees authorizes several agencies to manage state lands including the Department of Agriculture and Consumer Services, FWC, the Department of State, and DEP through the FCO and the Florida Park Service. Other entities may also manage state land, subject to approval of the Board of Trustees. These agencies and other entities hold a property interest in the land in the form of a management agreement, lease, or other property instrument.²⁸

State agencies wishing to manage conservation lands²⁹ must develop land management plans that DEP and the Board of Trustees must review and approve or disapprove. These land management plans must meet several criteria including identifying key management activities, land management practices, cost estimates, proposed public uses, and short-term and long-term goals.³⁰ Agencies must update land management plans every ten years, and regional management review teams evaluate whether agencies are complying with their land management plans.³¹

²² FWC, *Coral Reef Evaluation and Monitoring Project (CREMP)*, <http://myfwc.com/research/habitat/coral/cremp/> (last visited October 11, 2017).

²³ Southeast Florida Coastal Ocean Task Force, *Final Recommendations Report* (2015), available at http://205.166.161.204/docs/2016/CCCM/20161206_525/23351_Exhibit%201%20-%20COTF%20Report.pdf (last visited October 10, 2017).

²⁴ *Id.*

²⁵ Section 253.001, F.S.

²⁶ Section 253.02(1), F.S.

²⁷ *Id.*

²⁸ Section 253.034(4), F.S.

²⁹ “Conservation lands” are lands that are currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands that were acquired solely to facilitate the acquisition of other conservation lands; s. 253.034(2)(c), F.S.

³⁰ Section 253.034(5), F.S.; Fla. Admin. Code R. 18-2.021.

³¹ *Id.*; s. 259.036, F.S.

The Board of Trustees governs sovereignty submerged lands³² by the criteria set forth in ch. 18-21 of the Florida Administrative Code. These rules include ecological preservation requirements, limitations on the preemption of sovereign submerged lands, riparian rights, dock and pier requirements, and forms of authorization to use sovereign submerged lands.³³

Aquatic preserves are exceptional areas of submerged lands. Aquatic preserves and their associated waters are set aside to be maintained essentially in their natural or existing condition.³⁴ Aquatic preserves consist only of land or water bottoms owned by the state, lands or water bottoms owned by other governmental agencies as specifically authorized for inclusion, and private lands leased by the Board of Trustees.³⁵

The Board of Trustees may establish aquatic preserves after public notice and a public hearing in the area where the proposed preserve will be located.³⁶ The Legislature must either confirm or deny establishment of the aquatic preserve.³⁷ Except for private lands leased by the Board of Trustees, only the Legislature may withdraw an area from an aquatic preserve designation.³⁸

Under the direction of the Board of Trustees, the FCO manages forty-one aquatic preserves, encompassing approximately 2.2 million acres.³⁹ The Legislature authorized the Board of Trustees to adopt rules to regulate human activities within aquatic preserves so long as such rules do not unreasonably interfere with lawful and traditional public uses of an aquatic preserve, such as sport and commercial fishing, boating, and swimming.⁴⁰

III. Effect of Proposed Changes:

SB 232 creates the Southeast Florida Coral Reef Ecosystem Conservation Area. The conservation area consists of the sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from St. Lucie Inlet to the northern boundary of the Biscayne National Park.

The bill provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³² “Sovereignty submerged lands” are those lands including, but not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated; Fla. Admin. Code R. 18-21.003(61).

³³ Fla. Admin. Code R. 18-21.004 and 18-21.005.

³⁴ Section 258.37(1), F.S.

³⁵ Section 258.40(1), F.S.

³⁶ Sections 258.41(1) and (2), F.S.

³⁷ Section 258.41(1), F.S.

³⁸ Section 258.41(6), F.S.

³⁹ DEP, *Florida’s Aquatic Preserves*, <http://www.dep.state.fl.us/coastal/programs/aquatic.htm> (last visited October 12, 2017).

⁴⁰ Section 258.43(1), F.S. See also Fla. Admin. Code Chs. 18-18, 18-20, and 18-23.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of law.

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 Book

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A bill to be entitled
An act relating to coral reefs; establishing the
Southeast Florida Coral Reef Ecosystem Conservation
Area; providing an effective date.

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

Section 1. There is established the Southeast Florida Coral
Reef Ecosystem Conservation Area. The conservation area shall
consist of the sovereignty submerged lands and state waters
offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties
from the St. Lucie Inlet to the northern boundary of the
Biscayne National Park.

Section 2. This act shall take effect July 1, 2018.

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 Environmental Preservation and Conservation

BILL: SB 316

INTRODUCER: Senator Stewart

SUBJECT: Environmental Regulation Commission

DATE: November 3, 2017 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Mitchell	Rogers	EP	Favorable
2.			EE	
3.			RC	

I. Summary:

SB 316 requires the Governor to appoint a new member of the Environmental Regulation Commission (ERC) within 90 days after the occurrence of a vacancy on the commission. The bill removes language that authorizes the Governor to fill a vacancy at any time for the unexpired term of a commissioner.

The bill also requires a minimum of 4 affirmative votes to approve or modify a proposed rule submitted to the ERC which pertains to air quality standards or water quality standards.

II. Present Situation:

Environmental Regulation Commission

The Environmental Regulation Commission (ERC) exists within the Department of Environmental Protection (DEP). Seven members appointed by the Governor and approved by the Senate serve on the ERC. When making appointments, the Governor must provide reasonable representation from all sections of the state. Membership of the ERC must be representative of agriculture; the development industry; local government; the environmental community; lay citizens; and members of the scientific and technical community who have substantial expertise in the areas of the fate and transport of water pollutants, toxicology, epidemiology, geology, biology, environmental sciences, or engineering.¹ The Governor appoints the chair of the ERC and the members of the ERC may elect a vice-chair. The ERC members serve 4-year terms.²

¹ Section 20.255(6), F.S.

² *Id.*

The secretary of DEP must submit any proposed rule containing a standard to the ERC for approval, modification, or disapproval.³ A “standard” is any DEP rule relating to air and water quality, noise, solid-waste management, and electric and magnetic fields associated with electrical transmission and distribution lines and substation facilities. The term “standard” does not include DEP rules that relate exclusively to the internal management of DEP, the procedural processing of applications, the administration of rulemaking or adjudicatory proceedings, the publication of notices, the conduct of hearings, or other procedural matters.⁴ The ERC possesses the powers to set standards for the following matters:

- Environmental control, including air quality standards; water quality and water quantity standards; waste regulation and cleanup, including hazardous waste regulation; power plant and transmission line siting; water supply; water treatment plants; and natural gas transmission lines;
- Consumptive use of water permitting;
- Certain aspects of water well construction;
- Criteria for wetlands that receive and treat domestic wastewater;
- Water quality for wetlands;
- Regulation of the construction, operation, alteration, maintenance, abandonment, and removal of stormwater management systems;
- Delineating the extent of wetlands;
- Phosphorus criteria in the Everglades Protection Area and water quality standards applicable to the Everglades Agricultural Area canals; and
- Water quality standards for the Everglades Protection Area.⁵

The ERC does not possess the power to set standards related to total maximum daily load calculations and allocations.⁶ Further, the ERC may not establish DEP policies, priorities, plans, or directives. The ERC may adopt procedural rules governing the conduct of its meetings and hearings.⁷

³ Section 403.805(1), F.S.

⁴ Section 403.803(13), F.S.

⁵ Section 403.804(1), F.S.

⁶ Section 403.805(1), F.S.

⁷ Section 403.804(1), F.S.

The following individuals currently serve on the ERC:⁸

Name	Term	From	Represents
Frank Gummey	12/16/16 to 07/01/17	Daytona Beach Shores	Local Governments
Joe Joyce	10/02/15 to 07/01/19	Gainesville	Agriculture
Adam R. Gelber	10/02/15 to 07/01/19	Miami	Science & Technical
Cari Roth	03/31/10 to 07/01/17	Tallahassee	Development
Sarah S. Walton	03/07/14 to 07/01/17	Pensacola	Lay Citizens
Craig D. Varn	05/10/16 to 03/01/19	Tallahassee	Lay Citizens
Jim McCarthy	12/16/16 to 07/01/19	Jacksonville	Environmental Community

Office Vacancies Filled by the Governor

The Governor may fill a vacancy on the ERC for the unexpired term at any time.⁹ Unless otherwise provided by the Florida Constitution, the Governor must fill by appointment any vacancy in a state, district, or county office for the remainder of the term of an appointed officer.¹⁰ For any office that requires Senate confirmation, the appointee may hold an interim term until the Senate takes up their confirmation.¹¹ When the Senate rejects an officer, they may hold over for no more than 30 days until the Governor appoints his or her successor, and the successor is qualified.¹²

If the Senate votes to take no action on a confirmation or otherwise fails to consider an appointee, the seat becomes vacant and the appointee may hold over for no more than 45 days. The Governor may reappoint the appointee.¹³ If the Senate votes to take no action or for any other reason fails to consider the reappointment of the same person to the same office during the regular session immediately following the effective date of the reappointment, the reappointment of such person to such office shall be deemed to have been rejected. The office shall become vacant upon the adjournment sine die of the regular session immediately following the effective date of the reappointment and the appointee shall not hold over in that office or be eligible for reappointment in that office for 1 year thereafter.¹⁴

⁸ Department of Environmental Protection (DEP), *Environmental Regulation Commission*, <https://floridadep.gov/ogc/ogc/content/erc-members> (last visited November 1, 2017).

⁹ Section 20.255(6), F.S.

¹⁰ Section 114.04, F.S.

¹¹ *Id.*

¹² Section 114.05(1)(d), F.S.

¹³ Section 114.05(1)(e), F.S.

¹⁴ Section 114.05(1)(f), F.S.

Human Health Criteria Rule Changes

During the summer of 2016, the ERC took up a rule proposal to change certain human health based water quality criteria, including the establishment of a new classification of waters. DEP used a new methodology to update these standards. Some standards became more protective, while others became less protective.¹⁵

At the time the ERC considered the proposed rule changes, two vacancies existed on the ERC. The vacant seats were those seats on the ERC designated for the representation of local governments and the environmental community. These constituencies were not specifically represented on the ERC when it voted 3-2 to approve the new human health based water quality criteria. Some groups were concerned that the ERC took up the new standards before the Governor filled the two vacancies.¹⁶ The revised rules became effective on November 17, 2016.¹⁷

The month after the ERC approved the water quality criteria, the rule changes were challenged by several parties. An administrative judge dismissed the rule challenge petitions for not having been timely filed, but on October 18, 2017, that decision was reversed on appeal by the Florida Third District Court of Appeals. The court remanded the case to administrative court for further proceedings.¹⁸

III. Effect of Proposed Changes:

SB 316 amends the statutory section that establishes the Department of Environmental Protection (DEP) and the Environmental Regulation Commission (ERC)¹⁹ to require the Governor to appoint a new member, subject to confirmation by the Senate, within 90 days after the occurrence of a vacancy. The bill removes language that authorizes the Governor to fill a vacancy at any time for the unexpired term of a commissioner.

The bill also requires a proposed rule containing standards submitted to the ERC for approval, modification, or disapproval to receive a simple majority vote for approval or modification, unless the rule pertains to air quality standards or water quality standards, in which case a minimum of 4 affirmative votes is required for approval or modification.

The bill provides that proposed rules that fail to receive the votes required for approval or modification are deemed disapproved.

¹⁵ DEP, *Surface Water Quality Standards*, <http://www.dep.state.fl.us/water/wqssp/> (last visited October 30, 2017); Jeff Burlew, *ERC signs off on controversial water standards*, Tallahassee Democrat (July 26, 2016), <http://www.tallahassee.com/story/news/2016/07/26/erc-signs-off-controversial-water-standards/87585308/> (last visited October 30, 2017).

¹⁶ *Id.*

¹⁷ Fla. Admin. Code R. 62-302.400 and Fla. Admin. Code R. 62-302.530.

¹⁸ *The Seminole Tribe of Florida and City of Miami v. Department of Environmental Protection and Florida Environmental Regulation Commission*, Case Nos. 3D16-2440 & 3D16-2129 (Fla. 3rd DCA 2017), <http://www.3dca.flcourts.org/Opinions/3D16-2440.pdf> (last visited November 1, 2017).

¹⁹ Section 20.255, F.S.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not provide rulemaking authority or require executive branch rulemaking and is unlikely to result in significant rulemaking by DEP.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 20.255 and 403.805 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 Stewart

13-00475-18

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1 A bill to be entitled
2 An act relating to the Environmental Regulation
3 Commission; amending s. 20.255, F.S.; requiring the
4 Governor to appoint a new member to the commission
5 within a certain timeframe after the occurrence of a
6 vacancy; amending s. 403.805, F.S.; requiring certain
7 proposed rules submitted to the commission to receive
8 specified vote totals for approval or modification;
9 providing an effective date.

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

12
13 Section 1. Subsection (6) of section 20.255, Florida
14 Statutes, is amended to read:

15 20.255 Department of Environmental Protection.—There is
16 created a Department of Environmental Protection.

17 (6) There is created as a part of the Department of
18 Environmental Protection an Environmental Regulation Commission.

19 (a) The commission shall be composed of seven residents of
20 this state appointed by the Governor, subject to confirmation by
21 the Senate. In making appointments, the Governor shall provide
22 reasonable representation from all sections of the state.

23 Membership shall be representative of agriculture, the
24 development industry, local government, the environmental
25 community, lay citizens, and members of the scientific and
26 technical community who have substantial expertise in the areas
27 of the fate and transport of water pollutants, toxicology,
28 epidemiology, geology, biology, environmental sciences, or
29 engineering.

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30 (b) The Governor shall, within 90 days after the occurrence
31 of a vacancy on the commission, appoint a new member, subject to
32 confirmation by the Senate.

33 (c) The Governor shall appoint the chair, and the vice
34 chair shall be elected from among the membership. All
35 appointments shall be for 4-year terms.

36 ~~(d) The Governor may at any time fill a vacancy for the~~
37 ~~unexpired term.~~ The members of the commission shall serve
38 without compensation, but shall be paid travel and per diem as
39 provided in s. 112.061 while in the performance of their
40 official duties. Administrative, personnel, and other support
41 services necessary for the commission shall be furnished by the
42 department. The commission may employ independent counsel and
43 contract for the services of outside technical consultants.

44 Section 2. Subsection (4) is added to section 403.805,
45 Florida Statutes, to read:

46 403.805 Secretary; powers and duties; review of specified
47 rules.—

48 (4) Any proposed rule containing standards to be submitted
49 to the commission for approval, modification, or disapproval
50 pursuant to subsection (1) requires a simple majority for
51 approval or modification, unless the rule pertains to any of the
52 following, in which case such approval or modification must be
53 by a minimum of four affirmative votes of the commission:

54 (a) Air quality standards.

55 (b) Water quality standards.

56
57 Proposed rules that fail to receive the votes required for
58 approval or modification pursuant to this subsection are deemed

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59 disapproved.

60 Section 3. This act shall take effect July 1, 2018.

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 Environmental Preservation and Conservation

BILL: SB 370

INTRODUCER: Senator Bradley and others

SUBJECT: Land Acquisition Trust Fund

DATE: November 3, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Favorable
2.			AEN	
3.			AP	

I. Summary:

SB 370 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.

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.

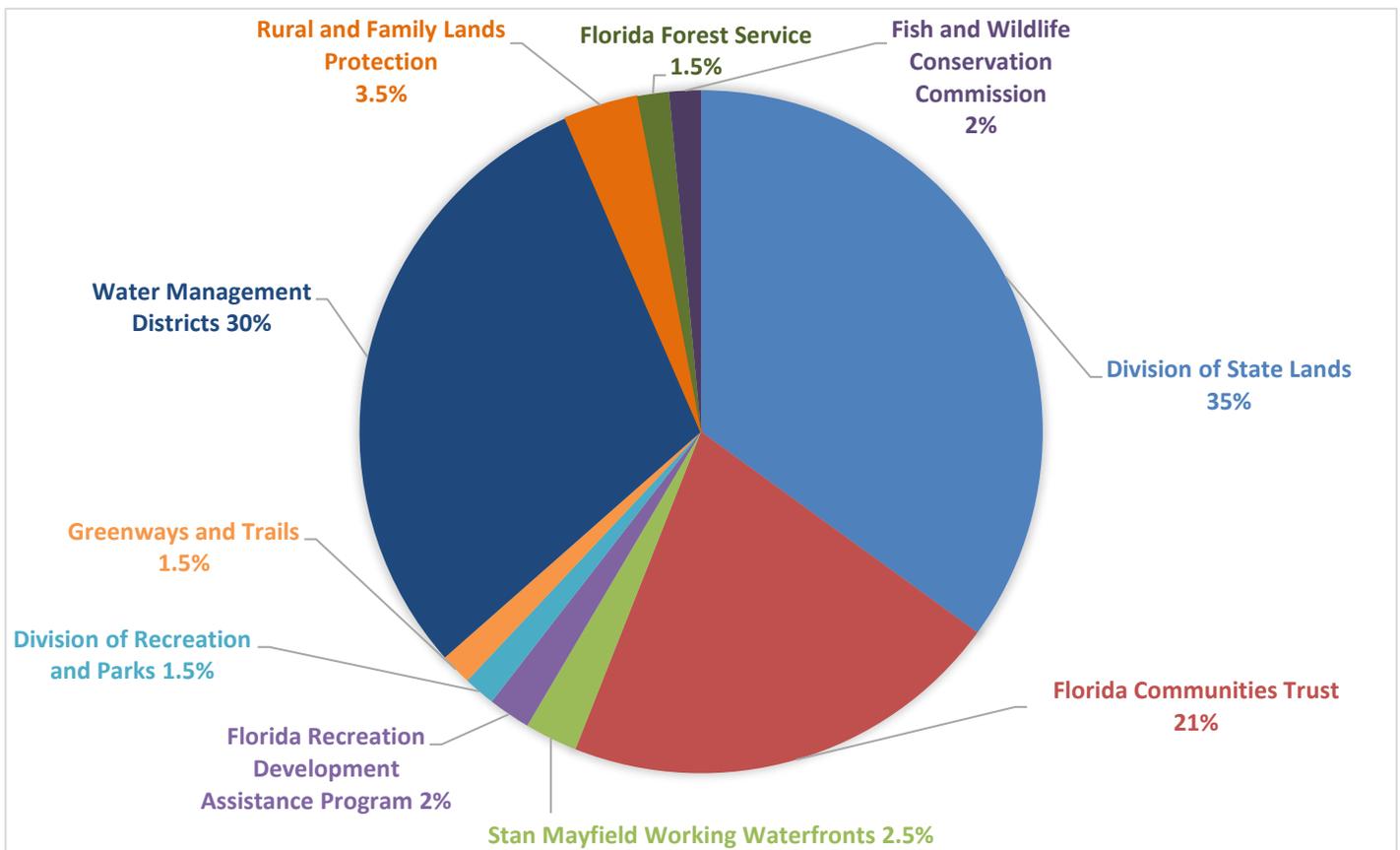
² Department of Environmental Protection (DEP), *Florida Forever Five Year Plan* (2017), available at http://publicfiles.dep.state.fl.us/DSL/OES/FloridaForeverAnnualRpts/FLDEP_DSL_OES_FloridaForeverAnnualReport2017_20170920.pdf (last visited Oct. 31, 2017).

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 Oct. 31, 2017). See Florida Natural Areas Inventory, *Summary of Florida Conservation Lands*, available at http://fnai.org/PDF/Maacres_201702_FCL_plus_LTF.pdf (last visited Nov. 2, 2017) 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 bonds⁵ 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 improvements⁶ 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.⁷

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) who is required to distribute revenues from the Florida Forever Trust Fund in accordance with s. 259.105(3), F.S. That subsection 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 of January 2017, of the \$5.3 billion authorized for Florida Forever bonds, the state has issued \$2 billion.

⁶ 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.”

⁷ Section 215.618, F.S.

Division of State Lands – 35%

The Division of State Lands (DSL) within the DEP oversees the Florida Forever program, under which the state has protected over 737,117 acres of land purchased with \$2.9 billion in Florida Forever funds.⁸ 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.⁹

The Acquisition and Restoration Council (ARC) is a 10-member body that makes recommendations on the acquisition, management, and disposal of state-owned lands.¹⁰ The 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, the 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.
- Contributes to the solution of water resource problems on a regional basis.
- Has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of 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.
- Is a joint acquisition.¹¹

The 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

⁸ DEP, *Florida Forever Five Year Plan* (2017).

⁹ Section 259.105(4), F.S.

¹⁰ DEP, *Florida Forever Five Year Plan* (2017).

¹¹ Section 259.105(9), F.S.

or less of appraised value; projects that can be acquired in less than fee ownership; projects that contribute to improving the quality or quantity of surface water or groundwater; 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, the ARC develops a priority list of applications submitted. An affirmative vote of at least five members of the ARC is required to place a proposed project on the priority list. The 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, less-than-fee, partnerships, greater than 85% complete, and critical historical.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 the 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

The DSL prepares an annual work plan based on the priority list developed by the 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 Currently, there are 43 projects, totaling approximately 1.4 million acres, in the work plan.¹⁹

At least \$5 million of the funds allocated to the 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.²⁰

Water Management Districts – 30%

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 5-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.²¹ Each project identified must contribute to the achievement of the

¹² Section 259.105(10), F.S.

¹³ DEP, *Frequently Asked Questions about Florida Forever*.

¹⁴ Section 259.105(17), F.S.

¹⁵ Section 259.105(14), F.S.

¹⁶ DEP, *Florida Forever Five Year Plan* (2017).

¹⁷ Section 259.105(14), F.S.

¹⁸ Section 259.105(17), F.S.

¹⁹ DEP, *Focused on Florida's Future, Florida Forever Program*, 7, presentation before the Senate Appropriations Subcommittee on the Environment and Natural Resources (Oct. 25, 2017), available at <https://www.flsenate.gov/Committees/Show/AEN/Meeting%20Packet/3992> (last visited Oct. 31, 2017).

²⁰ Section 259.105(3)(b), F.S.

²¹ Section 373.199, F.S.

Florida Forever goals and be evaluated in accordance with the specific criteria and numeric performance measures developed by the ARC.²² By March 1 of each year, each WMD is required to report to the DEP on acquisitions completed during the year together with modifications or additions to its 5-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.
- The progress of funding, staffing, and resource management of every project funded pursuant to Florida Forever for which the district is responsible.²³

The DEP is required to submit each WMD's 5-year work plan to the BOT together with the ARC's project list.²⁴ 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.
- Seven and one-half percent to the Northwest Florida WMD.

Florida Communities Trust – 21%

The Florida Communities Trust (FCT) is a multi-faceted program that assists communities in protecting important natural resources, providing recreational opportunities and preserving the state's traditional working waterfronts through grant programs.²⁵ The FCT is governed by a five-member board that includes the Secretary of the 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.²⁶

The Parks and Open Space grant program provides funding to local governments and eligible non-profit 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 of state dollars for a total of \$1.56 billion used to acquire such lands.²⁷

Stan Mayfield Working Waterfronts – 2.5%

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

²² Section 259.105(4), F.S.

²³ Section 373.199, F.S.

²⁴ *Id.*

²⁵ DEP, *Florida Communities Trust Annual Report Fiscal Year 2016-2017*, 3 (Sept. 30, 2017) available at https://floridadep.gov/sites/default/files/FCT_16-17_Annual_Report_FINAL_DRAFT_0.pdf (last visited Oct. 30, 2017).

²⁶ Section 259.105(3)(c), F.S.

²⁷ 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 Oct. 30, 2017).

saltwater products. 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%

The Rural and Family Lands Protection Program within the 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 the DACS, the DEP, the WMDs, the Department of Economic Opportunity, and the FWC.³⁰ Preference must be given to ranch and timberlands that are managed using sustainable practices.³¹ To date, 38 acquisitions have been approved, totaling 39,200 acres.³²

Florida Recreation Development Assistance Program – 2%

The Florida Recreation Development Assistance Program within the DEP provides grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. The maximum grant that may be awarded for each project application is \$200,000 in state funds.³³ The DEP has developed a competitive project selection process designed to maximize outdoor recreation for the public. 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.³⁴

Florida Greenways and Trails Program – 1.5%

The Office of Greenways and Trails (OGT) within the DEP provides a comprehensive process to identify, prioritize, connect, promote, and coordinate the implementation of a statewide system of connected greenways and trails. The program serves to integrate natural and human environments using greenways and trails to tie communities together by linking features such as

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 Oct. 31, 2017).

²⁹ Section 570.71, F.S.

³⁰ See Fla. Admin Code Ch. 5I-7.

³¹ Section 570.71, F.S.

³² DACS, *The Florida Forever Act, 7*, presentation before the Senate Appropriations Subcommittee on the Environment and Natural Resources (Oct. 25, 2017), available at <https://www.flsenate.gov/Committees/Show/AEN/Meeting%20Packet/3992> (last visited Oct. 31, 2017).

³³ Section 375.075, F.S.

³⁴ *Id.*

parks, open spaces, historic sites, and residential areas. The Florida Greenways and Trails Council recommends lands for acquisition based on ranking criteria developed by the DEP and is not subject to the ranking criteria developed by the ARC.³⁵

Division of Recreation and Parks – 1.5%

The Division of Recreation and Parks (DRP) within the DEP administers Florida's Park Service, which consists of 174 state parks, trails and historic sites spanning 800,000 acres and 100 miles of beaches.³⁶ The DRP is authorized to use Florida Forever funds to purchase inholdings and additions to state parks and for capital expenditure project expenditures.³⁷ At a minimum, 1 percent, and no more than 10 percent, must be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access.³⁸ The DRP must develop and utilize a priority acquisition list based on the specific criteria and numeric performance measures developed by the ARC for acquisitions under the Florida Forever program.³⁹

Florida Forest Service – 1.5%

The Florida Forest Service (FFS) within the DACS manages 37 state forests, totaling over one million acres.⁴⁰ The 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 the FFS, suitable and desirable for state forests.⁴¹ The 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.

Fish and Wildlife Conservation Commission – 1.5%

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.⁴² The 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.⁴³ Lands acquired must be managed for recreational and other multiple-use activities that do not impede the FWC's ability to perform its constitutional and statutory duties and responsibilities.⁴⁴ The FWC has a management interest in approximately 5.9 million acres of natural resource land in

³⁵ Section 260.015(1), F.S.

³⁶ DEP, *Division of Recreation and Parks*, <https://floridadep.gov/Parks> (last visited Oct. 31, 2017). The opening of Gilchrist Blue Springs State Park, the 175th Florida state park, was announced on November 1, 2017.

³⁷ Section 259.105(3)(e), F.S.

³⁸ *Id.*

³⁹ Section 259.105(3)(l), F.S.

⁴⁰ DACS, *State Forests*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests> (last visited Oct. 31, 2017).

⁴¹ Section 589.07, F.S.

⁴² FLA. CONST. art. IV, s. 9.

⁴³ Section 20.331, F.S.

⁴⁴ *Id.*

the state.⁴⁵ These lands, in part, include lands that are leased to the FWC and owned by the state and lands owned by the FWC. The 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. Through Florida Forever, the FWC has conserved 12,252 acres.⁴⁶

Land Acquisition Trust Fund

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for water and land conservation and restoration. The amendment required that starting on July 1, 2015, 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.⁴⁷

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.
- 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 required percentage of documentary stamp tax revenues.⁴⁸

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:

⁴⁵ Fish and Wildlife Conservation Commission (FWC), *Florida Forever Program – FWC Additions and Inholdings*, 3, presentation before the Senate Appropriations Subcommittee on the Environment and Natural Resources (Oct. 25, 2017), available at <https://www.flsenate.gov/Committees/Show/AEN/Meeting%20Packet/3992> (last visited Oct. 31, 2017).

⁴⁶ *Id.* at 6.

⁴⁷ FLA. CONST. art. X, s. 28.

⁴⁸ Ch. 2015-229, s. 9, s. 50, Laws of Fla.

- First to payments relating to debt service on Florida Forever Bonds and Everglades restoration bonds; and
- Then, to payments relating to debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District.
- 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,⁴⁹ or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to Everglades 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; and
 - Five 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.⁵⁰
 - Sixty-four million to the Everglades Trust Fund in the 2018-2019 Fiscal Year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.⁵¹

The General Revenue Estimating Conference, in August of 2017, estimated that for the 2018-2019 Fiscal Year a total of \$2.62 billion would be collected in documentary stamp taxes. Thirty-three percent of the net revenues collected or approximately \$862.2 million must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution.⁵²

III. Effect of Proposed Changes:

SB 370 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 s. 259.105(3), F.S., the distribution must be allocated as follows:

- Division of State Lands - \$35 million.
- Water Management Districts - \$30 million.

⁴⁹ Note that the “Long-Term Plan” includes the Restoration Strategies Regional Water Quality Plan.

⁵⁰ Section 375.041, F.S.

⁵¹ *Id.*

⁵² Office of Economic and Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary* (Aug. 2017) available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf> (last visited Sept. 5, 2017).

- 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 2017-2018 Fiscal Year.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not contain language to reduce the distribution based on any debt service paid on bonds issued for the Florida Forever program. Pursuant to s. 375.041, F.S., the payment of debt service occurs before the distribution is made, therefore, the \$100 million distribution would be in addition to any payment of debt service for bonds issued for the purposes of the Florida Forever program.

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 Bradley

5-00364-18

2018370__

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; providing an
6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (3) of section 375.041, Florida
11 Statutes, is amended to read:

12 375.041 Land Acquisition Trust Fund.—

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

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

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

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

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

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

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

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

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

91 5. The sum of \$100 million shall be appropriated annually
92 to the Florida Forever Trust Fund ~~Notwithstanding subparagraph~~
93 ~~3., for the 2017-2018 fiscal year, funds shall be appropriated~~
94 ~~as provided in the General Appropriations Act. This subparagraph~~
95 ~~expires July 1, 2018.~~

96 Section 2. This act shall take effect July 1, 2018.

TABL

THE FLORIDA SENATE
APPEARANCE RECORD

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

Nov 6

Meeting Date

SB 232

Bill Number (if applicable)

Topic SB 232

Amendment Barcode (if applicable)

Name Ryder Rudd

Job Title _____

Address 115 East Park Ave
Street

Phone 850 727 5000

Tallahassee FL 32301
City State Zip

Email ryder@advantageconsulting.com

Speaking: For Against Information

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

Representing The Nature Conservancy

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)

11/6/17
Meeting Date

232
Bill Number (if applicable)

Topic Coral Reefs

Amendment Barcode (if applicable)

Name Pepper Uchino

Job Title Lobbyist

Address Antfield Consulting
Street

Phone 850-727-9040

201 West Park Ave 150 Tallahassee
City State Zip

Email pepper@antfield.com

Speaking: For Against Information

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

Representing Broward County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

5/16/17
Meeting Date

232
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID COLLEN

Job Title _____

Address 1674 Univ Hwy #298
Street

Phone _____

SAR FL 34243
City State Zip

Email _____

Speaking: For Against Information

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

Representing SIERRA CLUB FL

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.

TAB2

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/3/2017

Meeting Date

316

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justredjesus@yahoo.com

Speaking: For Against Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

11-6-17

Meeting Date

SB 316

Bill Number (if applicable)

Topic SB 316

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Environmental Scientist

Address 1136 Crestview Ave.

Phone (850) 377-7599

Street

Tallahassee FL 32303

Email amalie.datz@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Environmental Caucus of FL

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)

11/6/17
Meeting Date

316
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID CUREN

Job Title _____

Address 1674 Davis Hwy #296

Phone _____

Street

SARASOTA FL 34243

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing SIERRA CLUB FL

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)

11/6/17

Meeting Date

370

Bill Number (if applicable)

Topic Florida Forever

Amendment Barcode (if applicable)

Name Sue Mulline

Job Title Ramba Law Group, LLC

Address 120 S. Monroe St

Phone 880/590-8000

Street
Tallahassee FL 32301

Email Sue@rambalaw.com

City State Zip

Speaking: For Against Information

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

Representing Florida Native Plant Society

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/6/2017

Meeting Date

SB370

Bill Number (if applicable)

Topic SB 370

Amendment Barcode (if applicable)

Name Leighanne Boone

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

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.

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/6/17

Meeting Date

370

Bill Number (if applicable)

Topic DAVID CULLEN

Amendment Barcode (if applicable)

Name

Job Title

Address 1674 Univ. Pkwy #206

Phone

Street

SARASOTA FL 34243

Email

City

State

Zip

Speaking: For Against Information

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

Representing SIERRA CLUB FL

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/6/17
Meeting Date

370
Bill Number (if applicable)

Topic Florida Forever / LATE

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Job Title Deputy General Counsel

Address PO Box 1757
Street

Phone 222 9684

Tallahassee FL 32301
City State Zip

Email rohan@flcities.com

Speaking: For Against Information

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

Representing Fla League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

11/3/2017
Meeting Date

370
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brian Pitts

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

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

Representing Justice-2-Jesus

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/6/17
Meeting Date

370
Bill Number (if applicable)

Topic Florida Forever

Amendment Barcode (if applicable)

Name Julie Wraithmell

Job Title Interim Director

Address 308 N. Monroe St.
Street

Phone 850-339-5009

Tallahassee, FL 32301
City State Zip

Email jwraithmell@audubon.org

Speaking: For Against Information

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

Representing Audubon 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)

Nov 6
Meeting Date

SB 370
Bill Number (if applicable)

Topic SB 370

Amendment Barcode (if applicable)

Name Ryder Rudd

Job Title _____

Address 115 East Park Ave
Street

Phone 850 727 5000

Tallahassee FL 32302
City State Zip

Email ryder@advantagecosulting.com

Speaking: For Against Information

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

Representing The Nature Conservancy

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/6/17

Meeting Date

SB 370

Bill Number (if applicable)

Topic SB 370 + Florida Wildlife Corridor

Amendment Barcode (if applicable)

Name Lindsay Cross

Job Title Executive Director

Address 260 1st Ave S, Ste 200 #221

Phone 727-642-1563

Street

St Petersburg

City

FL

State

33701

Zip

Email lindsay@floridawildlife
corridor.org

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

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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THE FLORIDA SENATE

APPEARANCE RECORD

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

370

Bill Number (if applicable)

11/6/17

Meeting Date

Topic SB 370 - Land Acquisition Trust Fund Amendment Barcode (if applicable)

Name Will Abberger

Job Title Vice President, Director Conservation Finance

Address 389 Castleton Circle

Phone 850-294-2006

Street

Tallahassee, FL 32312

City

State

Zip

Email will.abberger@tple.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.

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

TAB 3

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/6/17

Meeting Date

SB 370

Bill Number (if applicable)

Topic Conservation Funding

Amendment Barcode (if applicable)

Name Aliki Moncrief

Job Title Executive Director

Address 1700 N. Monroe St. #11-286

Phone 850-629-4656

Street

Tallahassee

FL

32303

Email aliki@fcvoters.org

City

State

Zip

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.

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

S-001 (10/14/14)

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Committee on Environmental Preservation and Conservation Committee

Judge:

Started: 11/6/2017 1:31:51 PM

Ends: 11/6/2017 2:21:17 PM

Length: 00:49:27

1:31:50 PM Meeting called to order
1:31:58 PM
1:31:58 PM
1:31:58 PM
1:31:59 PM
1:32:02 PM Roll Call, Quorum Present
1:32:19 PM Opening Comments
1:32:38 PM Tab SB 232 by Senator Book and others, Coral Reefs
1:33:17 PM Senator Book explaining SB 232
1:35:04 PM Questions on the bill
1:35:12 PM Appearance Forms
1:35:19 PM Ryder Rudd, Nature Conservancy
1:35:54 PM Debate on SB 232
1:35:59 PM Roll call on SB 232
1:36:07 PM SB 232 passes favorably
1:36:18 PM Tab 2 SB 316 by Senator Stewart, Environmental Regulation Commission
1:36:38 PM Senator Stewart explaining SB 316.
1:37:39 PM Questions
1:37:48 PM Appearance Forms
1:38:04 PM Brian Pitts, Justice 2 Jesus
1:41:10 PM Debate on SB 316
1:41:14 PM Senator Hutson asking questions
1:41:28 PM Senator Stewart responding
1:42:33 PM Senator Hutson with followup
1:42:41 PM Senator Stewart responding
1:43:25 PM Debate
1:43:41 PM Senator Hutson in debate
1:44:13 PM Senator Latvala in response to Sen. Hutson's question
1:44:35 PM Senator Hutson responding to Sen. Latvala
1:45:06 PM Senator Bradley with comments
1:45:24 PM Senator Simmons with a question
1:45:34 PM Senator Stewart responding
1:46:22 PM Senator Simmons with followup
1:47:11 PM Senator Stewart responding
1:47:19 PM Senator Bradley with comments
1:47:33 PM Senator Farmer with comments
1:48:39 PM Senator Stewart closing on SB 316
1:49:43 PM Roll Call on SB 316
1:49:57 PM SB 316 passes favorably
1:50:11 PM
1:50:24 PM Ta b 3 - SB 370 by Senator Bradley, Land Acquisition Trust Fund
1:50:34 PM Senator Stewart in chair as vice chair
1:50:43 PM Senator Bradley explaining SB 370
1:50:56 PM Appearance forms
1:51:10 PM Alike Moncrief - Executive Director Florida Conservation Voters
1:53:50 PM Will Abberger, The Trust for Public Land
1:56:32 PM Senator Simmons with a question
1:56:56 PM Will Abberger responding
1:57:30 PM Senator Simmons with follow up
1:57:44 PM Will Abberger responding
1:58:07 PM Senator Simmons with followup
1:58:32 PM Lindsey Cross, Florida Wildlife Corridor

2:00:26 PM Julie Wraithmell, Interim Director, Audobon Florida
2:01:50 PM Brian Pitts, Justice 2 Jesus
2:04:58 PM Rebecca O'hara waives in support
2:05:09 PM David Cullen, Sierra Club of Florida
2:07:12 PM Leighanne Boone, League of Women Voters
2:07:28 PM Sue Mullins - waive in support
2:07:38 PM Sue Mullins - waive in support
2:07:39 PM questions
2:07:43 PM Senator Bean with a questions
2:08:13 PM Senator Bradley responding to Senator Bean
2:11:21 PM Senator Bean for follow up
2:11:59 PM Senator Bradley responding
2:13:43 PM Senator Simmons with a question
2:15:20 PM Senator Bradley responding
2:16:55 PM Senator Simmons with follow up
2:17:30 PM Senator Simmons with follow up
2:17:42 PM Senator Bradley responding
2:18:07 PM Senator Taddeo with a question
2:19:00 PM Senator Stewart in chair
2:19:05 PM Debate on SB 370
2:19:12 PM Senator Stewart with comments on SB 370
2:19:31 PM Senator Stewart with comments on SB 370
2:19:35 PM Senator Bradley closes on SB 370
2:19:54 PM Roll Call on SB 370
2:20:14 PM SB 370 passes favorably
2:20:29 PM Return to Chair Bradley for comments
2:20:56 PM Senator Taddeo moves to adjourn
2:21:06 PM Meeting Adjourned