

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**ENVIRONMENTAL PRESERVATION AND CONSERVATION**  
**Senator Dean, Chair**  
**Senator Abruzzo, Vice Chair**

**MEETING DATE:** Thursday, March 21, 2013  
**TIME:** 10:00 a.m.—12:00 noon  
**PLACE:** *Toni Jennings Committee Room, 110 Senate Office Building*

**MEMBERS:** Senator Dean, Chair; Senator Abruzzo, Vice Chair; Senators Altman, Bullard, Gardiner, Grimsley, Latvala, Simpson, and Soto

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Senate Confirmation Hearing:</b> A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
<b>Executive Director of Northwest Florida Water Management District</b>			
1	Steverson, Jonathan Paul (Tallahassee)	Pleasure of the Board	Recommend Confirm Yeas 6 Nays 0
<b>Executive Director of Suwannee River Water Management District</b>			
2	Shortelle, Ann B. (Gainesville)	Pleasure of the Board	Recommend Confirm Yeas 6 Nays 0
<b>Executive Director of St. Johns River Water Management District</b>			
3	Tanzler, Hans G. III ()	Pleasure of the Board	Recommend Confirm Yeas 7 Nays 0
<b>Executive Director of Southwest Florida Water Management District</b>			
4	Guillory, Blake C. (Jupiter)	Pleasure of the Board	Recommend Confirm Yeas 7 Nays 0
<b>Governing Board of the Northwest Florida Water Management District</b>			
5	Costello, Jonathan M. (Tallahassee)	03/01/2016	Recommend Confirm Yeas 7 Nays 0
<b>Fish and Wildlife Conservation Commission</b>			
6	Priddy, Aliese P. (Immokalee)	01/06/2017	Recommend Confirm Yeas 7 Nays 0
<b>Governing Board of the South Florida Water Management District</b>			
7	Portuondo, Juan M. (Key Biscayne)	03/01/2015	Recommend Confirm Yeas 7 Nays 0
<b>Governing Board of the Southwest Florida Water Management District</b>			
8	Tharp, Douglas B. (The Villages)	03/01/2015	Recommend Confirm Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**Environmental Preservation and Conservation  
Thursday, March 21, 2013, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	<b>SB 934</b> Lee (Compare H 183)	Stormwater Management Permits; Authorizing certain municipalities and counties to adopt stormwater adaptive management plans and obtain conceptual permits for urban redevelopment projects; providing requirements for establishment of such permits by water management districts in consultation with the Department of Environmental Protection; providing that certain urban redevelopment projects qualify for a noticed general permit; prohibiting provisions for such permits from conflicting with specified federally delegated pollution reduction programs, etc.  EP 03/21/2013 Fav/CS CA	Fav/CS Yeas 7 Nays 0
10	<b>SB 1416</b> Evers	Rehabilitation Projects for Petroleum Contamination Sites; Exempting competitive bids for site rehabilitation from certain statutory requirements; deleting provisions requiring the Department of Environmental Protection to preapprove costs or use performance-based contracts for site rehabilitation projects, etc.  EP 03/21/2013 Fav/CS AGG AP	Fav/CS Yeas 7 Nays 0
Consideration of proposed committee bill:			
11	<b>SPB 7034</b>	Numeric Nutrient Criteria; Authorizing the Department of Environmental Protection to implement ss. 403.088 and 403.067, F.S., to control nutrient load in state waters; directing the department to remove rule 62-302.531(9), Florida Administrative Code, when the United States Environmental Protection Agency withdraws all federal numeric nutrient criteria rules in the state; directing the department to establish estuary specific numeric interpretations of the narrative nutrient criterion for total nitrogen, total phosphorus, and chlorophyll a for any estuary not already subject to department numeric nutrient criteria, etc.	Submitted as Committee Bill
Consideration of proposed committee bill:			
12	<b>SPB 7036</b>	Total Maximum Daily Loads; Exempting total maximum daily load rules from legislative ratification, etc.	Submitted as Committee Bill

**COMMITTEE MEETING EXPANDED AGENDA**Environmental Preservation and Conservation  
Thursday, March 21, 2013, 10:00 a.m.—12:00 noon

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	<b>SB 682</b> Simpson (Similar CS/CS/H 659)	Fossil Fuel Combustion Products; Providing standards for storage of certain fossil fuel combustion products; providing an exemption for beneficial use of fossil fuel combustion products from certain rules; providing that the act does not prohibit the Department of Environmental Protection from taking appropriate action to regulate a beneficial use in certain circumstances; excluding certain types of facilities from provisions on hazardous waste landfills, etc.  EP 03/14/2013 EP 03/21/2013 Fav/CS CA RC	Fav/CS Yeas 6 Nays 0
14	<b>SB 768</b> Simpson (Compare CS/H 7065)	Everglades Long-Term Plan; Modifying the definition of "Long-Term Plan" as it applies to Everglades improvement and management; deleting references to Plan phases, etc.  EP 03/21/2013 Fav/CS CA AP	Fav/CS Yeas 7 Nays 0

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Other related meeting documents

2410

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

***Jonathan P. Steverson***

is duly appointed

**Executive Director,  
Northwest Florida Water Management District**

for a term beginning on the  
Twenty-Fourth day of May, A.D., 2012,  
to serve at the pleasure of the District's Governing Board  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Sixteenth day of January, A.D., 2013.*



*Ken Detzner*

Secretary of State

DSDE 99 (3/03)

AMENDED



**RICK SCOTT**  
GOVERNOR

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DIVISION OF ELECTIONS  
SECRETARY OF STATE

March 13, 2013

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have amended the following appointment under the provisions of Section 373.073, Florida Statutes:

Mr. Jonathan P. Steverson  
309 Saratoga Drive  
Tallahassee, Florida 32312

as executive director of the Governing Board, Northwest Florida Water Management District, succeeding Douglas E. Barr, subject to confirmation by the Senate. This appointment is effective May 24, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/jfl

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

1/14/13

			Date Completed
1. Name: Mr.	Steverson	Jonathan	Paul
Mr./Mrs./Ms.	Last	First	Middle/Maiden

2. Business Address:	81 Water Management Drive	Havana	
	Street	Office #	City
	FL	32333	(850) 539-3999
Post Office Box	State	Zip Code	Area Code/Phone Number

3. Residence Address:	309 Saratoga Drive	Tallahassee	Leon
	Street	City	County
	FL	32312	(850) 536-7219
Post Office Box	State	Zip Code	Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # (850) 539-2777 (optional)

4. A. List all your places of residence for the last five (5) years.

<u>Address</u>	<u>City &amp; State</u>	<u>From</u>	<u>To</u>
309 Saratoga Drive	Tallahassee, FL	05/2005	Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

<u>Address</u>	<u>City &amp; State</u>	<u>From</u>	<u>To</u>
N/A			

5. Date of Birth: 11/23/1975 Place of Birth: Tallahassee, FL

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 DIVISION OF ELECTIONS  
 TALLAHASSEE, FL

9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? 1975

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Leon B. Current Party Affiliation: Republican

12. Education

A. High School: Leon High School Year Graduated: 1993  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Florida State University</u>	<u>08/93-05/97</u>	<u>Bachelor of Science in Geography</u>
<u>FSU College of Law</u>	<u>08/97-05/00</u>	<u>Juris Doctor</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: \_\_\_\_\_

B. Branch or Component: \_\_\_\_\_

C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Northwest Florida Water Management District, 81 Water Management Drive, Havana, FL, 32333</u>	<u>Government Service Agency</u>	<u>Executive Director</u>	<u>06/12 to present</u>
<u>Department of Environmental Protection, 3900 Commonwealth Blvd, Tallahassee, FL, 32399</u>	<u>Executive Service Agency</u>	<u>Special Counsel on Policy and Legislative Affairs</u>	<u>02/11 to 05/12</u>
<u>Doug Bruce &amp; Associates, 106 South Monroe Street, Tallahassee, FL, 32301</u>	<u>Advocacy</u>	<u>Governmental Consultant</u>	<u>01/09 to 01/11</u>
<u>Governor's Office of Policy and Budget, The Capitol Rm. 1801, Tallahassee, FL, 32399</u>	<u>Executive Service Agency</u>	<u>Environmental Policy Coordinator</u>	<u>01/05 to 01/09</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No   
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>Executive Director</u>	<u>Northwest Florida Water Management District</u>	<u>06/12 to present</u>
<u>Special Counsel on Policy and Legislative Affairs</u>	<u>Department of Environmental Protection</u>	<u>02/11 to 05/12</u>
<u>Environmental Policy Coordinator</u>	<u>Governor's Office of Policy and Budget</u>	<u>01/05 to 01/09</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

My career has been focused on improving the environmental quality and economic opportunity in this state.  
I am a trained advocate with the ability to facilitate policy discussions and develop sound legislative platforms.  
I have been heavily involved with the crafting of water policy for over a decade and strongly believe it is one of  
the most critical issues we face as a state. My budget experience spans multiple agencies and all five water  
management districts. Most importantly, I'm a fourth generation Northwest Florida native who truly appreciates  
the uniqueness of this region and would love to serve my community.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

Juris Doctor, Florida Bar #0321310

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No   
If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

N/A

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?  
Yes  No  If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
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B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: \_\_\_\_\_

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: \_\_\_\_\_

B. Term of Appointment: \_\_\_\_\_

C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate</u>	<u>Original</u>		
<u>Title &amp; Number</u>	<u>Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
Doug Bruce & Associates	Associate	Secured contracts for clients with multiple agencies and local governments and also represented local governments
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
Bevin Steverson	Wife	Employed by Leon County Schools as a guidance counselor	

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
Florida Legislature	Florida Department of Environmental Protection
Florida Legislature, Multiple State Agencies	Doug Bruce & Associates (multiple clients)
Florida Legislature	Executive Office of the Governor

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Representative Jimmy Patronis,			
Secretary Herschel Vinyard,			
George Roberts			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
The Florida Bar	651 E. Jefferson Street, Tallahassee, FL 32399-2300		09/00 to present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

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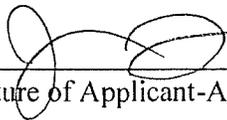
CERTIFICATION

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STATE OF FLORIDA  
COUNTY OF Gadsden

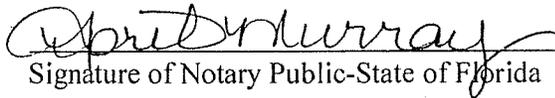
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared  
Jonathan Paul Steverson,  
who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read  
the answers to the foregoing questions; (2) that the information contained in said answers is  
complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the  
United States and of the State of Florida.

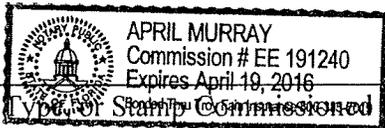


Signature of Applicant-Affiant

Sworn to and subscribed before me this 14<sup>th</sup> day of January, 2013.



Signature of Notary Public-State of Florida



(Print, Type of Stamp Commissioned Name of Notary Public)

My commission expires: \_\_\_\_\_

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

**MEMORANDUM**

**AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.**

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) \_\_\_\_\_

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150

# COMMITTEE WITNESS OATH

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CHAIR:

**Please raise your right hand and be sworn in as a witness.**

**Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?**

WITNESS'S NAME: Jonathan Paul Steverson

ANSWER: I Do  
Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: March 21, 2013

THE FLORIDA SENATE  
**APPEARANCE RECORD**



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

\_\_\_\_\_  
*Meeting Date*

Topic Confirmation

Bill Number \_\_\_\_\_  
*(if applicable)*

Name Jon Steverson

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Executive Director NWFWMO

Address 81 Water Management Dr.  
*Street*

Phone (850) 539-5999

Havana FL  
*City State Zip*

E-mail jon.steverson@NWFWMO.state  
FL, US

Speaking:  For  Against  Information

Representing NWFWMO

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.**

2560

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

***Ann B. Shortelle***

is duly appointed

**Executive Director,  
Suwannee River Water Management District**

for a term beginning on the  
Thirty-First day of October, A.D., 2012,  
to serve at the pleasure of the District's Governing Board  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Nineteenth day of December, A.D., 2012.*

*Ken Detzner*

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.



**RICK SCOTT**  
GOVERNOR

Amended

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DIVISION OF ELECTIONS  
SECRETARY OF STATE

March 13, 2013

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have amended the following appointment under the provisions of Section 373.073, Florida Statutes:

Dr. Ann B. Shortelle  
9225 County Road 49  
Live Oak, Florida 32060

as executive director of the Governing Board, Suwannee River Water Management District, succeeding David A Still, subject to confirmation by the Senate. This appointment is effective October 31, 2012.

Sincerely,

Rick Scott  
Governor

RS/jfl

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# QUESTIONNAIRE FOR GUBERNATORIAL APPOINTMENTS

DIVISION OF ELECTIONS  
SECRETARY OF STATE

The information from this questionnaire will be used by the Governor's office and, where applicable, The Florida Senate considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" where applicable" where appropriate. Please type or print in black ink.

Oct. 20, 2012

1. Name: Shortelle Ann MARIE/Bergquist  
MR./MRS./MS./DR. LAST FIRST MIDDLE/MAIDEN

2. Business Address: 9225 CR 49 LIVE OAK  
STREET OFFICE # CITY  
FL 32060 386.362.1001  
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

3. Residence Address: 8112 SW 45 Lane Gainesville Alachua  
STREET CITY COUNTY  
FL 32608 352.335.9490  
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

Specify the preferred mailing address: Business  Residence  Fax # 386.362.1056  
(optional)

4. A. List all your places of residence for the last ten (10) years.

ADDRESS	CITY & STATE	FROM	TO
<u>same as above</u>		<u>1988</u>	<u>PRESENT</u>

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

ADDRESS	CITY & STATE	FROM	TO
<u>University of Notre Dame</u>	<u>Notre Dame, IN</u>	<u>1980</u>	<u>1985</u>
<u>98 Cedar Street</u>	<u>WAKEFIELD, MA</u>	<u>1985</u>	<u>1988</u>

5. Date of Birth: Jan 31, 1954 Place of Birth: South Ste. Marie, MI  
6. Social Security Number: \_\_\_\_\_  
7. Driver License Number: \_\_\_\_\_ Issuing State: FLORIDA

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes," list and explain.  
ANN MARIE BERGQUIST (maiden name)

9. Are you a United States citizen? Yes  No  If "No" explain:

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? 1988

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of registration: Alachua B. Current party affiliation: Republican

12. Education

A. High School: Warner Robins H.S., Warner Robins, GA Year Graduated: 1971

B. List all postsecondary educational institutions attended:

NAME & LOCATION	DATES ATTENDED	CERTIFICATES/DEGREES RECEIVED
• MEACER UNIVERSITY, MACON GA	1971-75	B.S.
• UNIV. of Notre Dame, Notre Dame IN	1980-85	PH.D. (Limnology)

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of service: \_\_\_\_\_  
B. Branch or component: \_\_\_\_\_  
C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) If "Yes" give details:

DATE	PLACE	NATURE	DISPOSITION
~2010	Alachua County	speeding fine	paid/took online class

there are a couple other traffic firs - several years past - paid (not sure if greater than \$150 speeding)

15. Concerning your current employer and for all of your employment during the last ten years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
SRWMD 9225 CR49 LIVE OAK FL 32060	Water Management	District Executive Director	2012 - date
FDEP 3900 Douglas Bldg Tallahassee 32399	State-Environmental	Director, OFFICE of Water Policy	2011-12
MACTEZ (currently AMEZ, formerly ESE) 404 SW 140th Ter Newberry, FL 32669	Engineering Consulting	Consultant / Chief Scientist / National Water Practice Leader	1988-2011

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No   
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT
Director, OFFICE of Water Policy	FDEP	2011-2012

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Education: Water Resources and Management  
 Professional Employment: FDEP, SRWMD, Private Sector (Technical and Managerial in Water Resources)  
 Water Policy / FL Statutes  
 Water Supply / Water Quality  
 20+ Years in FL; Volunteer in church & other activities (e.g. American Cancer Society)

- B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

BS (Biology / Chemistry)  
 PhD (Limnology / Water Resources)  
 Managerial certification for Chief Scientist  
 Environmental Professional (EP)  
 Certified Lake Manager

- C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No   
If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

North American Lake Management Society: Regional Director, Officer  
Florida Lake Management Society: Director  
American Water Resources Association

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?  
Yes  No  If "Yes", list:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT

B. If your service was on an appointed board(s), committee(s), or council(s):

- (1) How frequently were meetings scheduled: \_\_\_\_\_
- (2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE

20. Has probable cause ever been found that you were in violation of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S.? Yes  No  If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

- A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_
- B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No   
 If "Yes", list:  
 A. Title of Office: \_\_\_\_\_  
 B. Term of Appointment: \_\_\_\_\_  
 C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No   
 If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE TITLE & NUMBER	ORIGINAL ISSUE DATE	ISSUING AUTHORITY	DISCIPLINARY ACTION/DATE

25. A. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

NAME OF BUSINESS	YOUR RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY
MACTEZ (now AMEZ)	former employee	contractor
↳ however, I did not work on any contracts for SRWMD or DEP		

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

NAME OF BUSINESS	FAMILY MEMBER'S RELATIONSHIP TO YOU	FAMILY MEMBER'S RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

AGENCY LOBBIED	PRINCIPAL REPRESENTED

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

NAME	MAILING ADDRESS	ZIP CODE	AREA CODE/PHONE NUMBER
Chairman Dan Quinay, Jr.			
Secretary Herschel T. Vinland, Jr.			
Representative Elizabeth Porter Goff			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

NAME	MAILING ADDRESS	OFFICE(S) HELD & TERM	DATE(S) OF MEMBERSHIP
NALMS	PO Box 5443 Madison WI 53705	Dist 9 Director/Pres. Elect	1990's - date
FLMS	PO Box 950701 Lake Mary FL 32795	Director	1990's - date
AORA	www.aora.org	none	~ 2000 - intermittent

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

*confirmed*

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30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

MEMORANDUM

RECEIVED

12 DEC 12 PM 4:44

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS, WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC...IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

DIVISION OF  
SECRETARY OF STATE

Yes, I assert that identifying information provided in this application should be excluded from inspection under Public Records Law. Please indicate what section of Florida Statutes provides this in your particular situation.

---

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0158

103106

CERTIFICATION

RECEIVED

STATE OF FLORIDA, COUNTY OF Suwannee

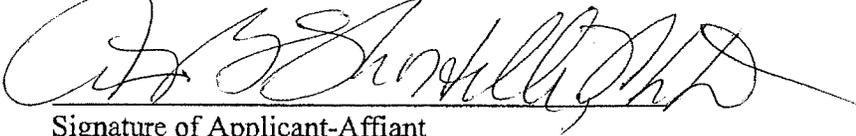
12 DEC 18 AM 10:05

DIVISION OF ELECTIONS  
SECRETARY OF STATE

Before me, the undersigned Notary Public of Florida, personally appeared

Ann B. Shortelle,

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.



Signature of Applicant-Affiant

Sworn to and subscribed before me this 14 day of December, 2012.

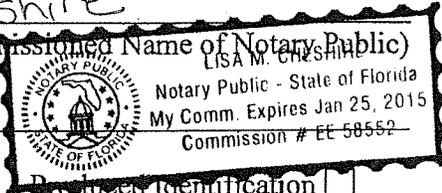


Signature of Notary Public-State of Florida

Lisa M. Cheshire

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires:



Personally Known  OR

Produced Identification

Type of Identification Produced

N/A

(seal)

# COMMITTEE WITNESS OATH

---

CHAIR:

**Please raise your right hand and be sworn in as a witness.**

**Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?**

WITNESS'S NAME: Ann Shortelle

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: March 21, 2013

THE FLORIDA SENATE  
**APPEARANCE RECORD**

2

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

March 21, 2013

*Meeting Date*

Topic SRWMD Executive Director Confirmation

Bill Number \_\_\_\_\_  
*(if applicable)*

Name Ann B. Shortellee

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Executive Director

Address 9225 CR 49

Phone 386.362.1001

*Street*

Live Oak

Florida

32060

E-mail abs@srwmd.org

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Representing Suwannee River Water Management District

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 (10/20/11)

2425

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

***Hans G. Tanzler***

is duly appointed

**Executive Director,  
Saint Johns River Water Management District**

for a term beginning on the  
Twenty-Third day of April, A.D., 2012,  
to serve at the pleasure of the District's Governing Board  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Fifth day of July, A.D., 2012.*



Secretary of State

If photocopied or chemically altered, the word "VOID" will appear

"State of Florida" appears in small letters across the face of this 8 1/2" x 11" document



**RICK SCOTT**  
GOVERNOR

RECEIVED  
DEPARTMENT OF STATE

2012 APR 23 PM 2:48

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

April 23, 2012

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 373.073, Florida Statutes:

Mr. Hans G. Tanzler III  
4049 Reid Street  
Palatka, Florida 32177

as Executive Director of the St. Johns River Water Management District, subject to confirmation by the Senate. This appointment is effective April 23, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/nj

100367

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate.

Please type or print in blue or black ink.

May 11, 2012

Date Completed

1. Name: Mr Tanzler Hans Gerhardt  
MR./MRS./MS. LAST FIRST MIDDLE/MAIDEN

2. Business Address: 4049 Reid Street Palatka  
STREET OFFICE # CITY  
P.O. Box 1429 Florida 32177 386-329-4214  
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

3. Residence Address: 3965 Ortega Blvd. Jacksonville Duval  
STREET CITY COUNTY  
Florida 32210 904-387-5340  
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

Specify the preferred mailing address: Business  Residence  Fax # 386-329-4125  
(optional)

4. A. List all your places of residence for the last five (5) years.

ADDRESS	CITY & STATE	FROM	TO
<u>3965 Ortega Blvd.</u>	<u>Jacksonville, Florida</u>	<u>1986</u>	<u>Present</u>

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

ADDRESS	CITY & STATE	FROM	TO
<u>None</u>			

5. Date of Birth: 9/18/1951 Place of Birth: Jacksonville

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED  
FLORIDA  
2012 MAY 17 AM 11:25  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_

\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_ 1951

10. Since what year have you been a continuous resident of Florida? \_\_\_\_\_

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Duval B. Current Party Affiliation: Republican

12. Education

A. High School: Lee High School Jacksonville, Florida Year Graduated: 1969

(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

<u>NAME &amp; LOCATION</u>	<u>DATES ATTENDED</u>	<u>CERTIFICATES/DEGREES RECEIVED</u>
University of Florida	1969	BS (Accounting)
University of Florida	1973-1976	JD
University of Florida	1976-1977	LLM (Taxation)

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: \_\_\_\_\_

B. Branch or Component: \_\_\_\_\_

C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

<u>DATE</u>	<u>PLACE</u>	<u>NATURE</u>	<u>DISPOSITION</u>
N/A			

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>EMPLOYER'S NAME &amp; ADDRESS</u>	<u>TYPE OF BUSINESS</u>	<u>OCCUPATION/JOB TITLE</u>	<u>PERIOD OF EMPLOYMENT</u>
St. Johns River Water Management District		Executive Director	10/12/11-present
St. Johns River Water Management District		General Counsel	7/18/11-10/12/11
Marion Equities, Inc.	Family Holding Co	President	2001-present

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No  If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>POSITION</u>	<u>EMPLOYING AGENCY</u>	<u>PERIOD OF EMPLOYMENT</u>
Executive Director	St. Johns River Water Management District	10/12/11-present
General Counsel	St. Johns River Water Management District	7/18/11-10/12/11

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I was the General Counsel of the St. Johns River Water Management District just prior to my appointment, and was a member of its Governing Board for over 3 years. I am a CPA, an attorney with a legal masters in tax law and have been CEO, CFO, or Vice President of several large corporations. My corporate experience was industries including construction, insurance, information technology and manufacturing and often involved corporate restructuring and "right sizing".  
I am a lifelong resident of NE Florida.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

Juris Doctorate, Legal Masters in Taxation, Certified Public Accountant

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>OFFICE TITLE</u>	<u>DATE OF ELECTION OR APPOINTMENT</u>	<u>TERM OF OFFICE</u>	<u>LEVEL OF GOVERNMENT</u>
Jacksonville Transportation Authority		1989-1990	County
Gulf State Fisheries Commission		1990-1994	State
St. Johns River Water Management District - Governing Board		4/7/08-7/12/11	Agency of the State

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Monthly-JTA; Quarterly-GSMFC; monthly-SJRWD

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE
JTA - all meetings attended		
GSMFC	80%	scheduling conflict
SJRWD	40 attended / 3 missed	family vacation/illness

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No

If "Yes", list:

Jacksonville Transportation Authority, Gulf State Marine Fisheries Commission, St. Johns River Water Management District

A. Title of Office: \_\_\_\_\_

B. Term of Appointment: JTA/1989-1990; GSMFC/1990-1994; SJRWMD/2008-2011

C. Confirmation results: Approved

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No   
If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE TITLE & NUMBER	ORIGINAL ISSUE DATE	ISSUING AUTHORITY	DISCIPLINARY ACTION/DATE
Florida Bar Association-0232599	1977	Florida Bar Association	None
Certified Public Accountant-2284292	1974	DPR	None
Real Estate Broker-3329229	1973	DPR	None

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

NAME OF BUSINESS	YOUR RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY

- B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO YOU</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS RELATIONSHIP TO AGENCY</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>AGENCY LOBBIED</u>	<u>PRINCIPAL REPRESENTED</u>
_____	_____
_____	_____
_____	_____

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>ZIP CODE</u>	<u>AREA CODE/PHONE NUMBER</u>
Sidney Simmons, Esq.	_____	_____	_____
Robert Shircliff	_____	_____	_____
Tyrie W. Boyer	_____	_____	_____

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>OFFICE(S) HELD &amp; TERM</u>	<u>DATE(S) OF MEMBERSHIP</u>
Florida Bar Assoc-Tax Section	551 E. Jefferson St., Tallahassee, FL	Chairman / 1992	1976-present
University of Florida Foundation	P.O. Box 14425, Gainesville, FL 32604		2007-present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

100730

CERTIFICATION

RECEIVED  
DEPARTMENT OF STATE  
2012 JUN -8 AM 11:33

STATE OF FLORIDA, COUNTY OF Palm Beach

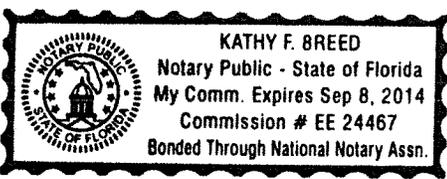
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

Before me, the undersigned Notary Public of Florida, personally appeared Nancy S. Campbell III, who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 6th day of June, 2012.

[Signature]  
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: \_\_\_\_\_

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

# COMMITTEE WITNESS OATH

---

CHAIR:

**Please raise your right hand and be sworn in as a witness.**

**Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?**

WITNESS'S NAME: Hans G. Tanzler, III

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: March 21, 2013

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3

3-21-13  
Meeting Date

Topic Confirmation - E. D. S. Johns

Bill Number \_\_\_\_\_  
*(if applicable)*

Name Hans Tanzler III

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Exec Dir

Address P.O. Box 1429

Phone 386-329-4500

Street

Palatka FL 32178

City

State

Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

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 (10/20/11)

2465

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

***Blake C. Guillory***

is duly appointed

**Executive Director,  
Southwest Florida Water Management District**

for a term beginning on the  
Twenty-Third day of April, A.D., 2012,  
to serve at the pleasure of the District's Governing Board  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Twenty-Sixth day of October, A.D., 2012.*

*Ken Detzner*

Secretary of State



**RICK SCOTT**  
GOVERNOR

RECEIVED  
DEPARTMENT OF STATE

2012 APR 23 PM 2:48

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

April 23, 2012

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 373.073, Florida Statutes:

Mr. Blake C. Guillory  
2379 Broad Street  
Brooksville, Florida 34604

as Executive Director of the Southwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective April 23, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/nj

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

5/24/2012

Date Completed

1. Name: Mr. Guillory Blake Clarence  
 Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 2379 Broad Street, Brooksville  
Street Office # City  
Florida 34604 352-796-7211  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 5817 Senegal Court Jupiter Palm Beach  
Street City County  
Florida 33458 561-401-1301  
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # \_\_\_\_\_  
 (optional)

4. A. List all your places of residence for the last five (5) years.

<u>Address</u>	<u>City &amp; State</u>	<u>From</u>	<u>To</u>
5817 Senegal Court	Jupiter, Florida 33458	October 2008	Present
709 Irwin Lane	Jupiter, Florida 33458	May 2007	October 2008
516 Oak Harbor Drive	Juno Beach, Florida 33408	October 2003	May 2007

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

<u>Address</u>	<u>City &amp; State</u>	<u>From</u>	<u>To</u>
None			

RECEIVED  
 DIVISION OF ELECTIONS  
 SECRETARY OF STATE  
 12 MAY 29 AM 9:50

5. Date of Birth: 3-18-1961 Place of Birth: Lake Charles, Louisiana

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? 1985 \_\_\_\_\_

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Palm Beach B. Current Party Affiliation: Republican

12. Education

A. High School: LaGrange High School Year Graduated: 1979  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Texas A&amp;M University</u>	<u>1979-1985</u>	<u>B.S. Petroleum Engineering</u>
<u>University of South Florida</u>	<u>1987-1992</u>	<u>M.E. Engineering (Civil Engineering)</u>
<u>University of South Florida</u>	<u>1996-1998</u>	<u>Masters of Business Administration</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: \_\_\_\_\_

B. Branch or Component: \_\_\_\_\_

C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Brown and Caldwell 1475 CentrePark Blvd WPB FL 33401</u>	<u>Engineering Consulting</u>	<u>Florida Area Manager</u>	<u>Oct 07' - Oct 11'</u>
<u>PBS&amp;J (Atkins) Tampa Florida</u>	<u>Engineering Consulting</u>	<u>Vice President (SE Water Resources)</u>	<u>Nov 98' - Oct 07'</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No   
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

25 years of progressive water resources experience throughout Florida beginning with small commercial and land development projects requiring water resources engineering and permitting. This experience evolved into project management of large watershed plans or Countywide Stormwater Master Plans including the development of long term capital improvement plans. Also during this period performed SWIM projects through cooperative funding with SWFWMD. My experience progressed from managing offices to regional management of Florida including environmental scientists and engineers performing a variety of water supply, hydrogeology, wastewater, reclaimed water, solid waste, utility business consulting and stormwater projects.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

M.E. Engineering (Civil Engineering - Water Resources)

Licensed Professional Engineer (Florida)

Diplomate of Water Resources Engineering (DWRE) from America Academy of Water Resources Engineers

Masters of Business Administration (MBA)

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

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D. Identify all association memberships and association offices held by you that relate to this appointment:

Florida Stormwater Association, President (2008), Treasurer, Executive Committee, Board Member

Florida Floodplain Managers Association, Chairman (2009), Board Member

American Water Resources Association (AWRA)

American Water Works Association

Florida Water Environment Association

Florida Water Reuse Association

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

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19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
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B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: \_\_\_\_\_

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: \_\_\_\_\_

B. Term of Appointment: \_\_\_\_\_

C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
P.E. 45230	3/27/92	Florida Board of Professional Engineers	none
_____	_____	_____	_____

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
Brown and Caldwell	Vice President	watershed modeling contract with SWFWMD

Many other city and counties throughout Florida are Brown and Caldwell clients.  
\_\_\_\_\_  
\_\_\_\_\_

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
Family Counseling Associates	Spouse	President	Clinical Supervision to Palm Beach County Health Care District

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
_____	_____
_____	_____
_____	_____

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
John Shearer	_____	_____	_____
Mark Ross	_____	_____	_____
Kermit Prime	_____	_____	_____
_____	_____	_____	_____

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
FL Stormwater Association	P.O. Box 867 Tallahassee FL 32302	President 2008	1990 to Present
FL Floodplain Managers Assoc.	3600 W. Sovereign Path, Suite 140 Lecanto FL 34461,	Chairman 2008	2003-2009
AWRA FL	101 Dogwood Drive, St. Augustine, FL 32080		1994 to Present
AWWA FL	1300 Ninth Street, Suite B-124, St. Cloud FL 34769		2007 to Present
Hillsborough Lodge #25	508 E. Kennedy Blvd. Tampa FL 33602		2000 to 2011
Tequesta Country Club	201 Country Club Drive, Tequesta FL 33469, Grounds Committee		2005 to 2010

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

CERTIFICATION

STATE OF FLORIDA, COUNTY OF Hernando

Before me, the undersigned Notary Public of Florida, personally appeared  
Blake C. Guillory,

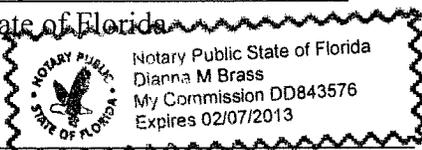
who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

*Blake C. Guillory*  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 24th day of May, 2012.

*Dianna M Brass*  
Signature of Notary Public-State of Florida

Dianna M. Brass  
(Print, Type, or Stamp Commissioned Name of Notary Public)



My commission expires: 02-07-2013

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

## MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

- Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) \_\_\_\_\_

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150

# COMMITTEE WITNESS OATH

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CHAIR:

**Please raise your right hand and be sworn in as a witness.**

**Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?**

WITNESS'S NAME: Blake C. Guillory

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: March 21, 2013

THE FLORIDA SENATE  
**APPEARANCE RECORD**

4

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

3/21/13

Meeting Date

Topic Confirmation

Bill Number \_\_\_\_\_  
(if applicable)

Name Blake Guillory

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Executive Director

Address 2379 Broad Street

Phone 352-796-7211

Brooksville FL 34604  
City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Southwest Florida Water Management District

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 (10/20/11)

2405

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

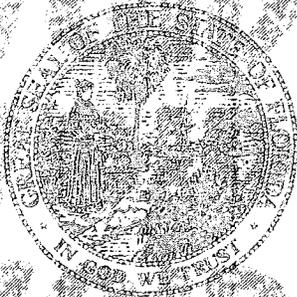
*Jonathan M. Costello*

is duly appointed a member of the

**Governing Board,  
Northwest Florida Water Management District**

for a term beginning on the  
Nineteenth day of September, A.D., 2012,  
until the First day of March, A.D., 2016  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Second day of October, A.D., 2012.*



*Ken Detzner*

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document.



**RICK SCOTT**  
GOVERNOR

RECEIVED  
DEPARTMENT OF STATE

2012 SEP 19 PM 12:38

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

September 19, 2012

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of section 373.073, Florida Statutes:

Mr. Jonathan M. Costello  
4142 Four Oaks Boulevard  
Tallahassee, Florida 32311

as a member of the Northwest Florida Water Management District Governing Board, succeeding Peter Antonacci, subject to confirmation by the Senate. This appointment is effective September 19, 2012, for a term ending March 1, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/kb

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

2012 SEP 24 PM 1:50

DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

1. Name: Mr. Costello, Jonathan Matthew  
 Mr./Mrs./Ms. Last First Middle/Maiden  
 Date Completed

2. Business Address: 119 South Monroe Street St. 202, Tallahassee  
 Street Office # City  
 FL, 32301 850-681-6788  
 Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 4142 Four Oaks Blvd, Tallahassee, Leon  
 Street City County  
 FL, 32311 850-766-8654  
 Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # \_\_\_\_\_ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
4142 Four Oaks Blvd, Tallahassee, FL 32311		6/2008	Present
6764 Johnstown Loop, Tallahassee, FL 32309		11/2006	6/2008

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
N/A			

5. Date of Birth: 01/21/1981 Place of Birth: Little Rock, AR

6. Social Security Number: \_\_\_\_\_

7. Driver License Number \_\_\_\_\_ Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: NA

10. Since what year have you been a continuous resident of Florida? 1999

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Leon

B. Current Party Affiliation: Republican

12. Education

A. High School: Hoover High School, Hoover, AL \_\_\_\_\_ Year Graduated: \_\_\_\_\_  
1999

(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Florida State University</u>	<u>8/1999-8/2002</u>	<u>BS in Political Science</u>
<u>Florida State University</u>	<u>8/2002-8/2003</u>	<u>MS in Political Science</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: \_\_\_\_\_

B. Branch or Component: \_\_\_\_\_

C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Rutledge Ecenia, 119 S. Monroe St., Ste 202, Tallahassee, FL 32301</u>	<u>Law Firm</u>	<u>Governmental Consultant</u>	<u>9/2012-Present</u>
<u>Executive Office of the Governor, The Capitol Tallahassee, FL 32301</u>	<u>State Government</u>	<u>Legislative Affairs Director</u>	<u>1/2011-9/2012</u>
<u>Rutledge Ecenia &amp; Purnell, 119 S. Monroe St., Ste 202, Tallahassee, FL 32301</u>	<u>Law Firm</u>	<u>Governmental Consultant</u>	<u>11/2006-12/2010</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No   
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>Legislative Affairs Director</u>	<u>Executive Office of the Governor</u>	<u>01/2011-09/2012</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have lived in Northwest Florida for the majority of my life and have a vested interest in the region's future success. I believe that sound water policy is essential to ensuring that Northwest Florida continues to be a desirable place for its residents to work, play and grow the economy. My experience in the public policy arena will allow me to contribute to the board's successful execution of its mission.

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B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

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C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

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D. Identify all association memberships and association offices held by you that relate to this appointment:

N/A

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18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

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19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
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B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: \_\_\_\_\_

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: \_\_\_\_\_

B. Term of Appointment: \_\_\_\_\_

C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
See Attached	_____
_____	_____
_____	_____

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Gary Rutledge	_____	_____	_____
Crystal Stickle	_____	_____	_____
Patrick Hurley	_____	_____	_____
_____	_____	_____	_____

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
Epsilon Sigma House Corporation	800 Ocala Rd. #300-161 TALLAHASSEE FL 32304-16701		2009 to Present
Epsilon Sigma Alumni Association	800 Ocala Rd. #300-161 TALLAHASSEE FL 32304-16701		2009 to Present
Florida Association of Professional Lobbyists	1625 SUMMIT LAKE DRIVE #300 TALLAHASSEE FL 32317		2007-2010
_____	_____	_____	_____

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

CERTIFICATION

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2012 SEP 24 PM 1:50  
DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

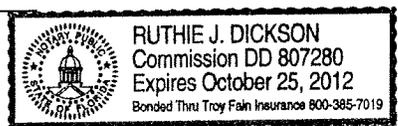
STATE OF FLORIDA, COUNTY OF Leon

Before me, the undersigned Notary Public of Florida, personally appeared Jonathan M. Costello, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Jonathan M. Costello  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 20 day of September, 2012.

Ruthie J. Dickson  
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: \_\_\_\_\_

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

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DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

**MEMORANDUM**

**AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.**

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) \_\_\_\_\_

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150

Select Year: Select Type: Select View:  

## 2012 Legislative Lobbyist

---

The "Industry Code" listed below each principal address states the North American Industry Classification System (NAICS) code that most accurately describes the principal's main business. You may view the full list of codes and titles on the site: <http://www.census.gov/naics/2007/NAICO607.HTM>.

### Jon Costello

**Mailing Address:**

Executive Office of the Governor PL-05 The Capitol 400 S Monroe St  
Tallahassee, FL 32399-0001

**Phone Number:**

850/487-3330

**Principals:**Executive Office of the Governor

~~PL-05 The Capitol 400 S Monroe St Tallahassee, FL 32399-0001 (Withdrawal Date: 09/13/2012)~~

~~Industry Code: 921110~~

~~Effective: 01/10/2012~~

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Select Year: Select Type: Select View:  

## 2011 Legislative Lobbyist

---

The "Industry Code" listed below each principal address states the North American Industry Classification System (NAICS) code that most accurately describes the principal's main business. You may view the full list of codes and titles on the site: <http://www.census.gov/naics/2007/NAICO607.HTM>.

### Jon Costello

**Mailing Address:**

Executive Office of the Governor PL-05 The Capitol 400 S Monroe St  
Tallahassee, FL 32399-0001

**Phone Number:**

850/487-3330

**Principals:**Executive Office of the Governor

PL-05 The Capitol 400 S Monroe St Tallahassee, FL 32399-0001

Industry Code: 921110

Effective: 01/25/2011

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Select Year:  Select Type:  Select View:

## 2010 Legislative Lobbyist

---

The "Industry Code" listed below each principal address states the North American Industry Classification System (NAICS) code that most accurately describes the principal's main business. You may view the full list of codes and titles on the site: <http://www.census.gov/naics/2007/NAICO607.HTM>.

### Jonathan M. Costello

**Mailing Address:**

119 S Monroe St Ste 202  
Tallahassee, FL 32301

**Phone Number:**

850/681-6788

**Principals:**

ADESA Florida, LLC

13085 Hamilton Crossing Blvd #500 Carmel, IN 46032  
Industry Code: 421110  
Effective: 01/15/2010

BGIF, Inc

18305 Biscayne Blvd Ste 402 Aventura, FL 33160  
Industry Code: 813319  
Effective: 04/28/2010

City of Miami Beach

1700 Convention Center Dr Miami Beach, FL 33139  
Industry Code: 921110  
Effective: 01/15/2010

Community Advocacy Network

1501 NW 49th St Ste 202 Ft Lauderdale, FL 33309  
Industry Code: 813319  
Effective: 01/15/2010

Florinda Cable Telecommunications Association, Inc

246 E 6th Ave Tallahassee, FL 32301

Industry Code: 813910  
Effective: 01/15/2010

Florida Animal Control Association

13153 N Dale Mabry Hwy Ste 105 Tampa, FL 33618  
Industry Code: 813910  
Effective: 01/15/2010

Florida Association of Mortgage Brokers

1292 Paul Russell Rd Tallahassee, FL 32301  
Industry Code: 813920  
Effective: 01/15/2010

Florida Birth-Related Neurological Injury Compensation Association

PO Box 14567 Tallahassee, FL 32317-4567  
Industry Code: 813920  
Effective: 01/15/2010

Florida Chapter of the American Society of Landscape Architects

5123 Kernwood Ct Ste 100 Palm Harbor, FL 34685  
Industry Code: 813910  
Effective: 01/15/2010

HCA Healthcare

301 E Las Olas Blvd 4th Floor Ft Lauderdale, FL 33301  
Industry Code: 622100  
Effective: 01/15/2010

Jefferson County Kennel Club, Inc

3079 N Jefferson Monticello, FL 32344-5685  
Industry Code: 711212  
Effective: 02/02/2010

Kraft Foods Global, Inc

101 Constitution Ave Ste 400 W Washington, DC 20001  
Industry Code: 311513  
Effective: 01/15/2010

Manheim Auctions, Inc

6205 Peachtree Dunwoody Rd Atlanta, FL 32308  
Industry Code: 421110  
Effective: 01/15/2010

Miami-Dade County

111 NW 1st St Ste 2910 Miami, FL 33128

Industry Code: 921140

Effective: 01/15/2010

MillerCoors, LLC

3939 W Highland Blvd Milwaukee, WI 53208

Industry Code: 312120

Effective: 01/15/2010

St. Petersburg Kennel Club Inc. d/b/a St. Petersburg Kennel Club

10490 Grandy Blvd St Petersburg, FL 33702

Industry Code: 711212

Effective: 01/15/2010

T-Mobile USA, Inc

12420 SE 38th St Bellevue, WA 98006

Industry Code: 517210

Effective: 01/15/2010

Washington County Kennel Club, Inc

6558 Dog Track Rd Ebro, FL 32437

Industry Code: 711212

Effective: 02/25/2010

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Select Year:  Select Type:  Select View:

## 2010 Executive Lobbyist

---

The "Industry Code" listed below each principal address states the North American Industry Classification System (NAICS) code that most accurately describes the principal's main business. You may view the full list of codes and titles on the site: <http://www.census.gov/epcd/naics02/naico602.htm>.

### Jonathan M. Costello

**Mailing Address:**

119 S Monroe St Ste 202  
Tallahassee, FL 32301

**Phone Number:**

850/681-6788

**Principals:**

ADESA Florida, LLC

13085 Hamilton Crossing Blvd #500 Carmel, IN 46032  
Industry Code: 423110  
Effective: 01/15/2010

City of Miami Beach

1700 Convention Center Dr Miami Beach, FL 33139  
Industry Code: 921110  
Effective: 01/15/2010

Community Advocacy Network

1501 NW 49th St Ste 202 Fort Lauderdale, FL 33309  
Industry Code: 813319  
Effective: 01/15/2010

Florida Chapter of the American Society of Landscape Architecture

5123 Kernwood Court Ste 100 Palm Harbor, FL 34685  
Industry Code: 813920  
Effective: 01/15/2010

Kraft Foods Global, Inc

101 Constitution Ave Ste 400 W Washington, DC 20001

Industry Code: 424410

Effective: 01/15/2010

Manheim Auctions, Inc

1947 Lee Rd Winter Park, FL 32792

Industry Code: 423110

Effective: 01/15/2010

Miami-Dade County

111 NW 1st St Ste 2910 Miami, FL 33128

Industry Code: 999300

Effective: 01/15/2010

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Select Year: Select Type: Select View:  

## 2009 Executive Lobbyist

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The "Industry Code" listed below each principal address states the North American Industry Classification System (NAICS) code that most accurately describes the principal's main business. You may view the full list of codes and titles on the site: <http://www.census.gov/epcd/naics02/naico602.htm>.

### Jonathan M. Costello

**Mailing Address:**

119 S Monroe St  
Tallahassee, FL 32301

**Phone Number:**

850/681-6788

**Principals:**ADESA Florida, LLC

13085 Hamilton Crossing Blvd #500 Carmel, IN 46032  
Industry Code: 423110  
Effective: 01/26/2009

City of Miami Beach

1700 Convention Center Dr Miami Beach, FL 33139  
Industry Code: 921110  
Effective: 02/02/2009

Florida Chapter of the American Society of Landscape Architecture

5123 Kernwood Court Ste 100 Palm Harbor, FL 34685  
Industry Code: 813920  
Effective: 01/26/2009

Kraft Foods Global, Inc

101 Constitution Ave Ste 400 W Washington, DC 20001  
Industry Code: 424410  
Effective: 01/26/2009

Manheim Auctions, Inc

1947 Lee Rd Winter Park, FL 32792

Industry Code: 423110

Effective: 03/18/2009

Miami-Dade County

111 NW 1st St Ste 2910 Miami, FL 33128

Industry Code: 999300

Effective: 01/26/2009

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Select Year: Select Type: Select View:  

## 2009 Legislative Lobbyist

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The "Industry Code" listed below each principal address states the North American Industry Classification System (NAICS) code that most accurately describes the principal's main business. You may view the full list of codes and titles on the site: <http://www.census.gov/naics/2007/NAICO607.HTM>.

### Jonathan M. Costello

**Mailing Address:**

119 S Monroe St Ste 202  
Tallahassee, FL 32301

**Phone Number:**

850/681-6788

**Principals:**ADESA Florida, LLC

13085 Hamilton Crossing Blvd # 500 Carmel, IN 46032  
Industry Code: 421110  
Effective: 01/13/2009

City of Miami Beach

1700 Convention Center Dr Miami Beach, FL 33139  
Industry Code: 921110  
Effective: 01/13/2009

Floirda Cable Telecommunications Association, Inc

246 E 6th Ave Tallahassee, FL 32301  
Industry Code: 813910  
Effective: 01/13/2009

Florida Animal Control Association

13153 N Dale Mabry Hwy Ste 105 Tampa, FL 33618  
Industry Code: 813910  
Effective: 01/13/2009

Florida Birth-Related Neurological Injury Compensation Association

PO Box 14567 Tallahassee, FL 32317-4567

Industry Code: 813920

Effective: 10/12/2009

Florida Chapter of the American Society of Landscape Architects

5123 Kernwood Ct Ste 100 Palm Harbor, FL 34685

Industry Code: 813910

Effective: 01/13/2009

HCA Healthcare

301 E Las Olas Blvd 4th Floor Ft Lauderdale, FL 33301

Industry Code: 622100

Effective: 02/17/2009

Kraft Foods Global, Inc

101 Constitution Ave Ste 400 W Washington, DC 20001

Industry Code: 311513

Effective: 01/13/2009

Manheim Auctions, Inc

6205 Peachtree Dunwoody Rd Atlanta, FL 32308

Industry Code: 421110

Effective: 01/13/2009

Miami-Dade County

111 NW 1st St Ste 2910 Miami, FL 33128

Industry Code: 921140

Effective: 01/13/2009

MillerCoors, LLC

3939 W Highland Blvd Milwaukee, WI 53208

Industry Code: 312120

Effective: 01/13/2009

St. Petersburg Kennel Club Inc. d/b/a St. Petersburg Kennel Club

10490 Grandy Blvd St Petersburg, FL 33702

Industry Code: 711212

Effective: 01/13/2009

T-Mobile USA, Inc

12420 SE 38th St Bellevue, WA 98006

Industry Code: 517210

Effective: 01/13/2009

Select Year: Select Type: Select View:  

## 2008 Legislative Lobbyist

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The "Industry Code" listed below each principal address states the North American Industry Classification System (NAICS) code that most accurately describes the principal's main business. You may view the full list of codes and titles on the site: <http://www.census.gov/naics/2007/NAICO607.HTM>.

### Jonathan M. Costello

**Mailing Address:**

215 S Monroe St Ste 420  
Tallahassee, FL 32301

**Phone Number:**

850/681-6788

**Principals:**ADESA Florida, LLC

13085 Hamilton Crossing Blvd # 500 Carmel, IN 46032  
Industry Code: 421110  
Effective: 01/24/2008

Associated Outdoors Club Inc. d/b/a Tampa Greyhound Track

PO Box 8096 Tampa, FL 33674-8096  
Industry Code: 711212  
Effective: 01/24/2008

City of Miami Beach

1700 Convention Center Dr Miami Beach, FL 33139  
Industry Code: 921110  
Effective: 01/24/2008

Florida Cable Telecommunications Association, Inc

246 E 6th Ave Tallahassee, FL 32301  
Industry Code: 813910  
Effective: 01/24/2008

Florida Animal Control Association

13153 N Dale Mabry Hwy Ste 105 Tampa, FL 33618

Industry Code: 813910

Effective: 01/24/2008

Florida Chapter of the American Society of Landscape Architects

5123 Kernwood Ct Ste 100 Palm Harbor, FL 34685

Industry Code: 813910

Effective: 02/12/2008

GTC, Inc., d/b/a Fairpoint Communications

502 Cecil G Costin Blvd Pt St Joe, FL 32456

Industry Code: 513310

Effective: 01/24/2008

Investment Corporation of Palm Beach

1111 N Congress Ave West Palm Beach, FL 33409

Industry Code: 711212

Effective: 01/24/2008

Kraft Foods Global, Inc

101 Constitution Ave Ste 400 W Washington, DC 20001

Industry Code: 311513

Effective: 01/24/2008

Manheim Auctions, Inc

6205 Peachtree Dunwoody Rd Atlanta, FL 32308

Industry Code: 421110

Effective: 01/24/2008

Miami-Dade County

111 NW 1st St Ste 2910 Miami, FL 33128

Industry Code: 921140

Effective: 01/24/2008

~~Miller Brewing Company~~

~~3939 W Highland Blvd Milwaukee, WI 53201 (Withdrawal Date: 07/10/2008)~~

~~Industry Code: 312120~~

~~Effective: 01/24/2008~~

MillerCoors, LLC

3939 W Highland Blvd Milwaukee, WI 53208

Industry Code: 312120

Effective: 07/15/2008

St. Petersburg Kennel Club Inc. d/b/a St. Petersburg Kennel Club

10490 Grandy Blvd St Petersburg, FL 33702

Industry Code: 711212

Effective: 01/24/2008

T-Mobile USA, Inc

12420 SE 38th St Bellevue, WA 98006

Industry Code: 517210

Effective: 01/24/2008

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Select Year:  Select Type:  Select View:

## 2008 Executive Lobbyist

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### Jonathan M. Costello

**Mailing Address:**

Rutledge, Ecenia, Purnell&Hoffman 215 S Monroe St Ste 420  
Tallahassee, FL 32301

**Phone Number:**

850/681-6788

**Principals:**

City of Miami Beach

1700 Convention Center Dr Miami Beach, FL 33139  
Industry Code: 921110  
Effective: 01/01/2008

Florida Chapter of the American Society of Landscape Architecture

5123 Kernwood Court Ste 100 Palm Harbour, FL 34685  
Industry Code: 813910  
Effective: 02/12/2008

Kraft Foods Global, Inc

101 Constitution Ave Ste 400W Washington, DC 20001  
Industry Code: 311513  
Effective: 01/01/2008

Miami-Dade County

111 NW First St Ste 2910 Miami, FL 33128  
Industry Code: 921140  
Effective: 01/01/2008

Select Year:  Select Type:  Select View:

## 2007 Executive Lobbyist

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The "Industry Code" listed below each principal address states the North American Industry Classification System (NAICS) code that most accurately describes the principal's main business. You may view the full list of codes and titles on the site: <http://www.census.gov/epcd/naics02/naico602.htm>.

### Jonathan M. Costello

**Mailing Address:**

Rutledge, Ecenia, Purnell&Hoffman 215 S Monroe St Ste 420  
Tallahassee, FL 32301

**Phone Number:**

850/681-6788

**Principals:**City of Cape Coral

City Hall 1015 Cultural Park Blvd Cape Coral, FL 33990  
Industry Code: 921110  
Effective: 02/26/2007

City of Miami Beach

1700 Convention Center Dr Miami Beach, FL 33139  
Industry Code: 921110  
Effective: 01/10/2007

Kraft Foods Global, Inc

101 Constitution Ave Ste 400W Washington, DC 20001  
Industry Code: 311513  
Effective: 03/23/2007

~~Kraft Foods Global, Inc by its service co Altria Corporate Service Inc~~

~~333 North Pointe Center East Ste 615 Alpharetta, GA 30022 (Withdrawal Date: 02/07/2007)  
Industry Code: 311513  
Effective: 01/10/2007~~

Miami-Dade County

111 NW First St Ste 2910 Miami, FL 33128

Industry Code: 921140

Effective: 01/10/2007

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## 2007 Legislative Lobbyist

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### Jonathan M. Costello

**Mailing Address:**

215 S Monroe St Ste 420  
Tallahassee, FL 32301

**Phone Number:**

850/681-6788

**Principals:**ADESA Florida, LLC

13085 Hamilton Crossing Blvd # 500 Carmel, IN 46032  
Industry Code: 421110  
Effective: 01/25/2007

Associated Outdoors Club Inc. d/b/a Tampa Greyhound Track

PO Box 8096 Tampa, FL 33674-8096  
Industry Code: 711212  
Effective: 01/17/2007

City of Cape Coral

City Hall 1015 Cultural Park Blvd Cape Coral, FL 33990  
Industry Code: 921110  
Effective: 02/15/2007

City of Miami Beach

1700 Convention Center Dr Miami Beach, FL 33139  
Industry Code: 921110  
Effective: 01/25/2007

Florida Animal Control Association

13153 N Dale Mabry Hwy Ste 105 Tampa, FL 33618

Industry Code: 813910  
Effective: 11/19/2007

Florida Cable Telecommunications ,Inc

246 E 6th Ave Tallahassee, FL 32301  
Industry Code: 813910  
Effective: 01/17/2007

GTC, Inc., d/b/a Fairpoint Communications

502 Cecil G Costin Blvd Pt St Joe, FL 32456  
Industry Code: 513310  
Effective: 03/28/2007

Investment Corporation of Palm Beach

1111 N Congress Ave West Palm Beach, FL 33409  
Industry Code: 711212  
Effective: 01/17/2007

~~Kraft Foods Global Inc by its service co Altria Corporate Services Inc~~

~~333 N Pointe Center E Ste 615 Alpharetta, GA 30022 (Withdrawal Date: 02/07/2007)  
Industry Code: 311513  
Effective: 01/17/2007~~

Kraft Foods Global, Inc

101 Constitution Ave Ste 400 W Washington, DC 20001  
Industry Code: 311513  
Effective: 03/23/2007

Manheim Auctions, Inc

6205 Peachtree Dunwoody Rd Atlanta, FL 32308  
Industry Code: 421110  
Effective: 01/25/2007

Miami-Dade County

111 NW 1st St Ste 2910 Miami, FL 33128  
Industry Code: 921140  
Effective: 01/17/2007

Miller Breweries East, Inc

3939 W Highland Blvd Milwaukee, WI 53201  
Industry Code: 312120  
Effective: 01/17/2007

Miller Breweries West Limited

3939 W Highland Blvd Milwaukee, WI 53201  
Industry Code: 312120

Effective: 01/17/2007

Miller Brewing Company

3939 W Highland Blvd Milwaukee, WI 53201

Industry Code: 312120

Effective: 01/17/2007

Miller Products Company

3939 W Highland Blvd Milwaukee, WI 53201

Industry Code: 312120

Effective: 01/17/2007

St. Petersburg Kennel Club Inc. d/b/a St. Petersburg Kennel Club

10490 Grandy Blvd St Petersburg, FL 33702

Industry Code: 711212

Effective: 01/17/2007

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# COMMITTEE WITNESS OATH

---

CHAIR:

**Please raise your right hand and be sworn in as a witness.**

**Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?**

WITNESS'S NAME: Jonathan M. Costello

ANSWER: I Do  
Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: March 21, 2013

850

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

*Aliese P. Priddy*

is duly appointed a member of the  
**Fish and Wildlife Conservation Commission**

for a term beginning on the  
Twenty-Third day of April, A.D., 2012,  
until the Sixth day of January, A.D., 2017  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Eleventh day of December, A.D., 2012.*

*Ken Detzner*

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear

State of Florida appears in small letters across the face of this 8 1/2 x 11" document



**RICK SCOTT**  
GOVERNOR

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2012 APR 23 PM 2:43

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

April 23, 2012

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Article IV, Section 9, FL Const. :

Ms. Aliese P. Priddy  
7007 State Road 29 South  
Immokalee, Florida 34143

as a member of the Fish and Wildlife Conservation Commission, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending January 6, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/nj

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

12-10-2012

Date Completed

1. Name: Mrs. Priddy, Aliese Price  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 7007 State Road 29 South Immokalee  
Street Office # City  
P.O. Box 930 FL 34143 239-657-4380  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: Same  
Street City County  
Same  
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # \_\_\_\_\_  
(optional)

4. A. List all your places of residence for the last five (5) years.

<u>Address</u>	<u>City &amp; State</u>	<u>From</u>	<u>To</u>
7007 State Road 29 South	Immokalee, Florida	1994 - Present	

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

<u>Address</u>	<u>City &amp; State</u>	<u>From</u>	<u>To</u>
4334 Purdue Dr.	N. Charleston, SC	7/77	4/78
4404 Purdue Dr.	N. Charleston, SC	4/78	12/79
4325 Evanston Blvd.	N. Charleston, SC	12/79	7/84

5. Date of Birth: 11-08-57 Place of Birth: Miami, Florida

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

Cathryn Aliese Price maiden name

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 DIVISION OF ELECTIONS  
 TALLAHASSEE, FL

9. Are you a United States citizen? Yes  No  If "No" explain:

N/A

If you are a naturalized citizen, date of naturalization: N/A

10. Since what year have you been a continuous resident of Florida? 1984

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: Collier

B. Current Party Affiliation: Republican

12. Education

A. High School: GoldenHills Academy Ocala, Florida  
(Name and Location)

Year Graduated: 1974

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
FGCU Fort Myers, FL	2009-Present	still enrolled for BA - Env. Studies
Graduate School of Banking at LSU Baton Rouge, LA	97-99	Diploma
GA Southern University Statesboro, GA	74-77	BBA in Finance

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: N/A

B. Branch or Component: N/A

C. Date & type of discharge: N/A

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

Date	Place	Nature	Disposition
1/18/06	Collier County, FL	speeding	fine paid

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
Cohen & Grigsby, P.C., Bonita Springs, FL	Law Firm	Conflict of Interest Coordinator	2006-2012
Sunniland Family, LP/JP Ranch	Owner		2007-present

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No  If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I am a third generation Floridian and the third generation to own this cattle ranch. I have hunted and fished my whole life as well as being involved with camping and boating. We are actively involved with instituting best management practices on our ranch and applying sound conservation guidelines.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

I am a senior at FGCU working on a BA degree in Environmental Studies with a minor in Biology

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

2011 Land Conservationist of the Year - FL Wildlife Federation

D. Identify all association memberships and association offices held by you that relate to this appointment:

Florida and Collier County Audubon

Florida Wildlife Federation

Defenders of Wildlife

Florida and Collier County Cattlemen's Association (Secretary of county group)

NRA

National Wild Turkey Federation - Big Cypress Longbeards Chapter - Collier Sportsman's & Conservation Club

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government
Supervisor/Vice Chair	7/29/04 & 11/4/08	4 years	Ave Maria Stewardship Community District
Board Member/Secretary	3/04- 3/07	3 years	State Big Cypress Basin Board

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Big Cypress Basin 6/yr.

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>Over 6 years I estimate I missed 3 meetings due to being out of town</u>		

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
<u>N/A</u>		

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: Board Member - Big Cypress Basin

B. Term of Appointment: 2 three years terms

C. Confirmation results: confirmed

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

N/A

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
<u>N/A</u>			

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

Questionnaire for Senate Confirmation  
ATTACHMENT  
Aliese Priddy

Continuation of Question #28.

Collier County Junior Deputies League,	Naples, FL	Board	2002-present
National Wildlife Turkey Federation Big Cypress Long Beards Chapter, Naples,			2002- present
Economic Development Council	Naples, FL	Board	2007-2009
Collier County & FL Farm Bureau	Naples/Gainesville, FL	none	1994-present
National Rifle Association	Fairfax, VA	none	2008-present
FL Republican Party	Tallahassee, FL	none	2008-present

SEE ALSO 17 D

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
FL Legislature	Collier County & FL Cattlemen's Association

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Joe English			
Russell Budd			
Nancy Casey			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
Collier Sportsmen's & Conservation Club,	Naples, FL	none	2006-present
FL & Collier County Cattlemen's Assoc.,	Kissimmee, FL	none	2007-present
FL Cracker Cattle Assoc.,	Tallahassee, FL	none	2007-present
Zeta TavAlpha	Indianapolis, IN	none	1976-present
Leadership Collier	Naples, FL	none	1995-present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

N/A

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30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

## MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) \_\_\_\_\_

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150

CERTIFICATION

STATE OF FLORIDA  
COUNTY OF Collier

RECEIVED  
DEPARTMENT OF STATE  
2012 DEC 11 AM 11:30  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared

Aliese P. Priddy  
who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Aliese P. Priddy  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 10<sup>th</sup> day of December, 2012.

Cynthia Lozano  
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: January 21, 2014

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

2435

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

*Juan M. Portuondo*

is duly appointed a member of the  
**Governing Board,**

**South Florida Water Management District**

for a term beginning on the  
Twenty-Third day of April, A.D., 2012,  
until the First day of March, A.D., 2015  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Twenty-Seventh day of July, A.D., 2012.*

*Ken Detzner*

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document.



**RICK SCOTT**  
GOVERNOR

RECEIVED  
DEPARTMENT OF STATE

2012 APR 23 PM 2:45

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

April 23, 2012

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 373.073, Florida Statutes:

Mr. Juan M. Portuondo  
789 Crandon Boulevard  
Suite 604  
Key Biscayne, Florida 33149

as a member of the Governing Board, South Florida Water Management District, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending March 1, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/nj

100743

# QUESTIONNAIRE FOR GUBERNATORIAL APPOINTMENTS

The information from this questionnaire will be used by the Governor's office and, where applicable, The Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in black ink.

2/24/11

Date Completed

- 1. Name: Mr. Juan M. Portuondo
  - 2. Business Address: 789 Crandon Blvd Suite 604 Key Biscayne, FL 33149 Tel. 305 361 1700
  - 3. Residence Address: 789 Crandon Blvd. Apt 604 Key Biscayne, Miami-Dade County, FL 33149 Tel. 305 361 5998
- Specify the preferred mailing address:      Business          Residence          Fax # \_\_\_\_\_

(optional)

- 4. A. List all your places of residence for the last five (5) years.

ADDRESS	CITY & STATE	FROM	TO
789 Crandon Blvd. Apt 604, Key Biscayne, Miami-Dade County, FL 33149		Oct 2004	Present

- B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

ADDRESS	CITY & STATE	FROM	TO
2565 Shallowford Rd Atlanta, GA		1968	1971

- 5. Date of Birth: June 8<sup>th</sup>, 1944 \_\_\_\_\_ Place of Birth: Havana, Cuba
- 6. Social Security Number: \_\_\_\_\_
- 7. Driver License Number: \_\_\_\_\_ Reg State: Florida
- 8. Have you ever used or been known by any other legal name?    Yes        No        If "Yes" Explain

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9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_

\_\_\_\_\_

If you are a naturalized citizen, date of naturalization 10/3/1973

10. Since what year have you been a continuous resident of Florida? 1971

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of registration: Miami-Dade B. Current party affiliation: Republican

12. Education

A. High School: De la Salle, Havana, Cuba \_\_\_\_\_ Year Graduated: 1960  
(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

NAME & LOCATION	DATES ATTENDED	CERTIFICATES/DEGREES RECEIVED
University of Toledo, Toledo, Ohio	1960-1961	None
Georgia Institute of Technology, Atlanta, GA	1961-1965	Bachelor Industrial Engineering
Georgia State University, Atlanta, GA	1969-1971	MBA-Finance

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of service: \_\_\_\_\_  
B. Branch or component: \_\_\_\_\_  
C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) If "Yes" give details:

DATE	PLACE	NATURE	DISPOSITION
NONE			

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
IP Group Inc. 789 Crandon Blvd Suite 604 Key Biscayne, Fl 33149	Consulting	President	1998-Present
Salient Partners 4265 San Felipe #800, Houston, TX 77027	Money Managers/Securities	Regional Mgr.	12/07-12/08

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No   
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT
Asst City Manager	City of Miami	Jan 1986-June 1987

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I grew up, and have always lived, around water. As an avid swimmer, rower, sailor and angler, I have always treasured our oceans, lakes and waterways./

As a result of my education and involvement with the water industry and the complex permitting process for large infrastructure projects, I understand the need to strike a balance among the many uses of our most precious resource. Water is the oil of the 21<sup>st</sup> Century. How we manage and allocate it will quite likely be the key factor in the future sustainability of our State. The task will require vision, integrity, fiscal and technological soundness and the ability to balance competing demands and priorities. I believe I would bring the necessary combination of education, training and experience to the district and welcome the opportunity to give back to the people of Florida.

I have completed a year of service on the SFWD Governing Board which has reconfirmed my interest and provided a base of knowledge of, and familiarity with the organization, staff and key issues that will allow me to better serve the agency and represent its constituents.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

Bachelor Industrial Engineering

MBA (Finance)

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

American Waterworks Association

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE                      DATE OF ELECTION OR APPOINTMENT                      TERM OF OFFICE                      LEVEL OF GOVERNMENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: \_\_\_\_\_

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED                      MEETINGS MISSED                      REASON FOR ABSENCE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>DATE</u>	<u>NATURE OF VIOLATION</u>	<u>DISPOSITION</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_  
 B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: \_\_\_\_\_  
 B. Term of Appointment: \_\_\_\_\_  
 C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>LICENSE/CERTIFICATE</u>	<u>ORIGINAL</u>	<u>ISSUING AUTHORITY</u>	<u>DISCIPLINARY ACTION/DATE</u>
<u>TITLE &amp; NUMBER</u>	<u>ISSUE DATE</u>		
Insurance P124953	12/7/2007	Dept of Financial Services	NONE

\_\_\_\_\_

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>YOUR RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS' RELATIONSHIP TO AGENCY</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>FAMILY MEMBER'S</u>	<u>FAMILY MEMBER'S</u>	<u>BUSINESS' RELATIONSHIP</u>
	<u>RELATIONSHIP TO YOU</u>	<u>RELATIONSHIP TO BUSINESS</u>	<u>TO AGENCY</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No  A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

AGENCY LOBBIED

PRINCIPAL REPRESENTED

Miami -Dade County

Montenay Power Corp. (former employer)/Covanta Energy (successor)

NOTE:: I was required by County ordinance to register as a lobbyist in order to represent my former employer and its successor before county staff and officials. I have never represented any other entity at any level.

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>ZIP CODE</u>	<u>AREA CODE/PHONE NUMBER</u>
Ben F. Gilbert			
Bernard Jacobson			
John Renfrow			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>OFFICE(S) HELD &amp; TERM</u>	<u>DATE(S) OF MEMBERSHIP</u>
Integrated Waste Services Association			1995-1999
Beta Gamma Sigma Honorary Fraternity			1971-Present
City of Miami Waterfront Board			1976
Greater Miami Chamber of Commerce			1987-1998
City of Miami's representative to League of Cities Solid Waste Task Force			1986
Chairman - Public Works Management Initiative			1986-87
Dade 2001 (Planning Miami-Dade County - New Millennium)			1996-1998
After School All Stars		Board Member	1998-Present
Miami Rowing Club		Treasurer, President	1974-Present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

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If required by law or administrative rule, will you file financial disclosure statements? Yes  No

# CERTIFICATION

## STATE OF FLORIDA, COUNTY OF

Before me, the undersigned Notary Public of Florida, personally appeared \_\_\_\_\_, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

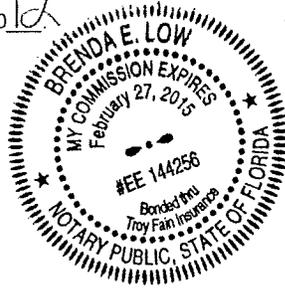


Signature of Applicant-Affiant

Sworn to and subscribed before me  
this 4 day of June, 2012



Signature of Notary Public-State of Florida



Brenda E Low

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: February 27, 2015

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

10/10/19

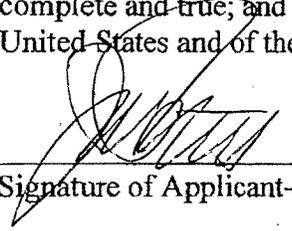
CERTIFICATION

RECEIVED  
DEPARTMENT OF STATE  
2012 JUL 20 AM 9:49  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

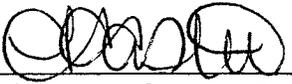
STATE OF FLORIDA, COUNTY OF MIAMI-DADE

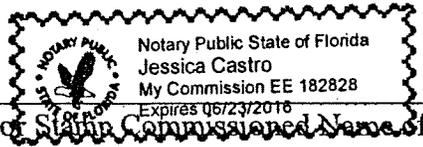
Before me, the undersigned Notary Public of Florida, personally appeared  
JUAN M. PORTUONDO

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 17<sup>th</sup> day of JULY, 2012

  
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 6/23/2016

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

2460

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

***Douglas B. Tharp***

is duly appointed a member of the

**Governing Board,  
Southwest Florida Water Management District**

for a term beginning on the  
Twenty-Third day of April, A.D., 2012,  
until the First day of March, A.D., 2015  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Twenty-Seventh day of June, A.D., 2012.*

*Ken Detzner*

Secretary of State



DSDE 99. (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document.



**RICK SCOTT**  
GOVERNOR

RECEIVED  
DEPARTMENT OF STATE

2012 APR 23 PM 2:48

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

April 23, 2012

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 373.073, Florida Statutes:

Mr. Douglas B. Tharp  
3392 Atwell Avenue  
The Villages, Florida 32162

as a member of the Governing Board, Southwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective April 23, 2012 for a term ending March 1, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/nj

100767

# QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

JUNE 11, 2012  
Date Completed

1. Name: Mr. THARP DOUGLAS B.  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: RETIRED  
Street Office # City

3. Residence Address: 3892 ATWELL AVE. THE VILLAGES SUMNER  
Street City County

Post Office Box State Zip Code Area Code/Phone Number  
FL 32162 352-750-1760

Specify the preferred mailing address: Business  Residence  Fax # \_\_\_\_\_ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
<u>3392 ATWELL AVE.</u>	<u>THE VILLAGES, FL</u>	<u>2000</u>	<u>PRESENT</u>

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
<u>123 GLENDALE RD.</u>	<u>EXTON, PA</u>	<u>1977</u>	<u>2000</u>
<u>6 COURTNEY PL.</u>	<u>PUEBLO, CO</u>	<u>1972</u>	<u>1977</u>
<u>PEGASUS DR.</u>	<u>LOMPOC, CA</u>	<u>1970</u>	<u>1972</u>
<u>KAINUA DR.</u>	<u>KAILUA, HI</u>	<u>1967</u>	<u>1970</u>
<u>STONWALL DR.</u>	<u>GREENVILLE, TX</u>	<u>1964</u>	<u>1967</u>

5. Date of Birth: 01-08-1935 Place of Birth: SHAMOKIN, PA

6. Social Security Number: \_\_\_\_\_

7. Driver License Number \_\_\_\_\_ Issuing State: FLORIDA

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12 JUN 13 AM 9:54  
DIVISION OF ELECTIONS  
SECRETARY OF STATE  
RECEIVED

9. Are you a United States citizen? Yes  No  If "No" explain:

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? 2000

11. Are you a registered Florida voter? Yes  No  If "Yes" list:

A. County of Registration: SUMTER B. Current Party Affiliation: REPUBLICAN

12. Education

A. High School: SHAMOKIN HS, SHAMOKIN, PA Year Graduated: 1952  
(Name and Location)

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
<u>PENN STATE UNIV. UNIVERSITY PARK, PA</u>	<u>1952-1957</u>	<u>BS-INDUSTRIAL ENGR.</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:

A. Dates of Service: MARCH 1957 - JUNE 1964

B. Branch or Component: NAVY

C. Date & type of discharge: JUNE 1964 HONORABLE

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

Date	Place	Nature	Disposition

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
<u>RETIRED</u>			

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No  If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

CURRENT MEMBER OF THE SOUTHWEST GOV. BOARD SINCE 2008.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

BS INDUSTRIAL ENGINEERING

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

NONE

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: MONTHLY

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>ALL SINCE 2008</u>	<u>NONE</u>	

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_  
 B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: GOVERNING BOARD SWFWMD  
 B. Term of Appointment: 4 YRS  
 C. Confirmation results: CONFIRMED

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
GARY LESTER			
Don Burgess			
RON MILLS			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
F&M Lodge #	475 Kennett Square, PA	None	1958-Present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

CERTIFICATION

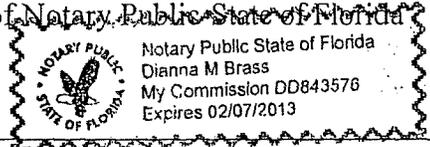
STATE OF FLORIDA, COUNTY OF HERNANDO

Before me, the undersigned Notary Public of Florida, personally appeared DOUGLAS B. THARP, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 22nd day of MAY, 2012.

Dianna M Brass  
Signature of Notary Public State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 02/07/2013

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

## MEMORANDUM

**AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.**

- Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) \_\_\_\_\_

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/21/13

Meeting Date

9

Topic Stormwater ~~Plans~~

Bill Number 934 (if applicable)

Name Ryan Matthews

Amendment Barcode (if applicable)

Job Title Leg Advocate

Address Po Box 1757

Phone 222 9684

Street

Tallahassee FL 32302

City

State

Zip

E-mail rmatthews@flcities.com

Speaking:  For  Against  Information

Representing FL League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**



9

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

3-21-13  
Meeting Date

Topic SW PERMITS

Bill Number 934  
*(if applicable)*

Name KURT SPITZER

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title EXEC DIRECTOR

Address 719 E PARK

Phone 561-0904

City T State FL Zip 32301

KURTSPITZER@KCSANET.NET

Speaking:  For  Against  Information

Representing FLA. STORMWATER ASSOCIATION

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**  
**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:** CS/SB 934

**INTRODUCER:** Environmental Preservation and Conservation Committee and Senator Lee

**SUBJECT:** Stormwater Management Permits

**DATE:** March 25, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino	EP	<b>Fav/CS</b>
2.	_____	_____	CA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

CS/SB 934 requires the development of statewide environmental resource permit rules that provide for a conceptual permit for municipalities or counties that create a stormwater management master plan for urban infill and redevelopment areas or community redevelopment areas (CRAs). It specifies that the master plan becomes part of the conceptual permit and that the rules must provide for an associated general permit for the construction and operation of urban redevelopment projects that meet the criteria established in the conceptual permit. The CS also provides requirements for the conceptual permit.

CS/SB 934 amends s. 373.4131 of the Florida Statutes.

**II. Present Situation:**

**The Community Redevelopment Act of 1969**

The Community Redevelopment Act of 1969<sup>1</sup> was developed to revitalize economically distressed areas in order to improve public welfare and increase the local tax base. The act

<sup>1</sup> See ch. 163, Part III, F.S.

provides a funding mechanism by which counties and municipalities may undertake community redevelopment.<sup>2</sup> It allows counties or municipalities to retain tax increment revenues from certain community taxing districts to fund redevelopment within a designated CRA. To obtain this revenue, a local government must create a community redevelopment agency, designate an area or areas to be a CRA, create a community redevelopment plan, and establish a trust fund to receive the tax increment revenues.<sup>3</sup>

### **The Growth Policy Act of 1999**

The Growth Policy Act authorizes local governments to designate urban infill and redevelopment areas for the purposes of stimulating investment in distressed urban areas and strengthening urban centers.<sup>4</sup> The act defines “urban infill and redevelopment area” as an area or areas where:

- Public services such as water and wastewater, transportation, schools, and recreation are already available or are scheduled to be provided within five years.
- The area, or one or more neighborhoods within the area, suffers from pervasive poverty, unemployment, and general distress.
- The proportion of properties that are substandard, overcrowded, dilapidated, vacant or abandoned, or functionally obsolete is higher than the average for the local government.
- More than 50 percent of the area is within a quarter of a mile of a transit stop, or a sufficient number of such transit stops will be made available concurrent with the designation.
- The area includes or is adjacent to community redevelopment areas, brownfields, enterprise zones, or Main Street programs, or has been designated by the state or federal government as an urban redevelopment area or similar designation.<sup>5</sup>

Pursuant to s. 163.2517, F.S., local governments that want to designate urban infill and redevelopment areas must develop plans describing redevelopment objectives and strategies, or amend existing plans. Local governments must also adopt urban infill and redevelopment plans by ordinance and amend their comprehensive plans to delineate urban infill and redevelopment area boundaries.

### **Urban Stormwater Management**

Unmanaged urban stormwater creates a wide variety of effects on Florida’s surface waters and groundwaters. Urbanization leads to:

- Compaction of soil;
- Addition of impervious surfaces such as roads and parking lots;
- Alteration of natural landscape features such as natural depressional areas that hold water, floodplains and wetlands;
- Construction of highly efficient drainage systems that alter the ability of the land to assimilate precipitation; and
- Pollutant loading of receiving water bodies from stormwater discharge.<sup>6</sup>

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<sup>2</sup> Section 163.353, F.S.

<sup>3</sup> See *supra* note 1.

<sup>4</sup> See ss. 163.2511 through 163.2523, F.S.

<sup>5</sup> Section 163.2514(2), F.S.

<sup>6</sup> DEP, *State Stormwater Treatment Rule Development Background*, available at <http://www.dep.state.fl.us/water/wetlands/erp/rules/stormwater/background.htm> (last visited Mar. 18, 2013).

Urbanization within a watershed decreases the amount of rainwater that seeps into the soil. Rainwater is critical for recharging aquifers, maintaining water levels in lakes and wetlands, and maintaining spring and stream flows. The increased volume, speed, and pollutant loading in stormwater discharged from developed areas leads to flooding, water quality problems and loss of habitat.<sup>7</sup>

In 1982, to manage urban stormwater and minimize impacts to natural systems, Florida adopted a technology-based rule requiring the treatment of stormwater to a specified level of pollutant load reduction for all new development. The rule included a performance standard for the minimum level of treatment and design criteria for best management practices (BMPs) that will achieve the performance standard. It also included a rebuttable presumption that discharges from a stormwater management system designed in accordance with the BMP design criteria would meet water quality standards.<sup>8</sup> The performance standard was to reduce post-development stormwater pollutant loading of total suspended solids<sup>9</sup> by 80 percent, or by 95 percent for Outstanding Florida Waters.<sup>10</sup>

In 1990, the Department of Environmental Protection (DEP) developed and implemented the State Water Resource Implementation Rule (originally known as the State Water Policy rule).<sup>11</sup> This rule sets forth the broad guidelines for the implementation of Florida's stormwater program and describes the roles of the DEP, the Water Management Districts (WMDs), and local governments. One of the primary goals of the program is to maintain the predevelopment stormwater characteristics of a site. The rule sets a minimum performance standard for stormwater treatment systems to remove 80 percent of the post development stormwater pollutant loading of pollutants "that cause or contribute to violations of water quality standards."<sup>12</sup>

The DEP and the WMDs jointly administer the environmental resource permit (ERP) program for activities that alter surface water flows.<sup>13</sup> Alteration or construction of new stormwater management systems in urban redevelopment areas is regulated by the ERP program pursuant to s. 373.413, F.S., and must comply with all other relevant sections of ch. 373, Part IV, F.S.

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Total Suspended Solids is listed as a conventional pollutant under s. 304(a)(4) of the federal Clean Water Act. A conventional pollutant is a water pollutant that is amenable to treatment by a municipal sewage treatment plant.

<sup>10</sup> Rule 62-302.700, F.A.C., provides that an Outstanding Florida Water is a water body designated worthy of special protection because of its natural attributes. This special designation is applied to certain water bodies, and is intended to protect and preserve their existing states.

<sup>11</sup> See *supra* note 6. See also ch. 62-40, F.A.C.

<sup>12</sup> See *supra* note 6.

<sup>13</sup> See ch. 373, Part IV, F.S. See also Florida Dep't of Environmental Protection, *Environmental Resource Permitting (ERP) Program*, available at <http://www.dep.state.fl.us/water/wetlands/erp/index.htm> (last visited Mar. 18, 2013).

## Environmental Resource Permitting Rulemaking by DEP

The DEP is proposing statewide ERP rules in order to create a more certain regulatory process that is applied consistently across Florida.<sup>14</sup> Currently, between the DEP and the WMDs, there are five different versions of the ERP rules. According to the DEP, a statewide rule will reduce the confusion of determining which of five different sets of criteria or requirements need to be followed and what type of permit, if any, is necessary.<sup>15</sup> The rules being promulgated contain provisions for conceptual permits for stormwater management systems that are similar to the proposed legislation.

### III. Effect of Proposed Changes:

**Section 1** amends s. 373.4131, F.S., directing the DEP to initiate rulemaking regarding conceptual permits. The CS specifies that statewide rules regarding stormwater management systems must also allow for a conceptual permit for a municipality or county that creates a stormwater management master plan for urban infill and redevelopment areas or CRAs. When the master plan is approved by the appropriate agency, it becomes part of the conceptual permit. Additionally, the rules must provide for an associated general permit for the construction and operation of urban redevelopment projects that meet the criteria established in the conceptual permit.

The CS specifies several additional requirements for rule development for permits issued pursuant to an adopted rule:

- The conceptual permit and associated general permit must not conflict with the requirements of s. 403.0885, F.S., regarding the total maximum daily load program, and s. 403.067(7), F.S., regarding the development of basin management action plans.
- Prior to issuing the conceptual permit, the municipality or county must assert that stormwater discharges from the redevelopment area will not contribute to violations of water quality standards by demonstrating a net improvement in the quality of the discharged water. The net improvement baseline is the quality of the water on the date the conceptual permit is issued.
- The conceptual permit may not expire for at least 20 years unless a shorter duration is requested, and there must be an option to renew the permit.
- The conceptual permit must describe the rate and volume of stormwater discharges from the urban redevelopment area, including the maximum rate and volume of stormwater discharges as of the date the conceptual permit is approved.
- The conceptual permit must contain provisions regarding the use of stormwater BMPs and must ensure that systems constructed within the urban redevelopment area are operated and maintained in compliance with s. 373.416, F.S., regarding permits for maintenance and operation of stormwater management systems.

**Section 2** provides an effective date of July 1, 2013.

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<sup>14</sup> DEP, *ERP Statewide Rulemaking: Draft Rule & Related Documents Drafts*, available at <http://www.dep.state.fl.us/water/wetlands/swerp/drafts.htm> (last visited Mar. 25, 2013). The latest draft listed on the webpage is from Mar. 1, 2013.

<sup>15</sup> DEP, *ERP Statewide Rulemaking*, available at <http://www.dep.state.fl.us/water/wetlands/swerp/rulemaking.htm> (last visited Mar. 25, 2013).

**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:

Local governments may have to expend funds to create or modify plans for stormwater management plans in urban redevelopment areas. It is expected that local governments can absorb these costs with existing staff and resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

## A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Environmental Preservation and Conservation on March 21, 2013:**

- Rather than create a section of law, as in the original bill, the CS amends s. 373.4131, F.S., which provides for statewide environmental resource permitting.
- The CS changed the phrase “stormwater adaptive management plan” to “stormwater management master plan.” This conforms the legislative language with the DEP’s draft statewide ERP rules.

- The CS states that the rules promulgated under the CS must provide for a general permit associated with the conceptual permit. Originally, the rules were required to provide for a noticed general permit. This conforms the legislative language with DEP's draft statewide ERP rules.
- The CS adds language that requires permitted entities to assert that what they are planning will result in a net improvement in water quality from the date the conceptual permit is approved. This conforms the legislative language with DEP's draft statewide ERP rules.
- The CS adds language that requires the conceptual permit to include provisions regarding the use of stormwater BMPs and that systems built within an urban redevelopment area are operated in compliance with s. 373.416, F.S.
- The CS changes the date at which the maximum rate and volume for stormwater management systems is set from the date the stormwater management plan is adopted to the date the conceptual permit is approved. This conforms the legislative language with DEP's draft statewide ERP rules.

**B. Amendments:**

None.



848272

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2013	.	
	.	
	.	
	.	

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The Committee on Environmental Preservation and Conservation  
(Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1) of section 373.4131, Florida  
Statutes, is amended to read:

373.4131 Statewide environmental resource permitting  
rules.—

(1) ~~(a) No later than October 1, 2012,~~ The department shall  
initiate rulemaking to adopt, in coordination with the water  
management districts, statewide environmental resource  
permitting rules governing the construction, alteration,



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13 operation, maintenance, repair, abandonment, and removal of any  
14 stormwater management system, dam, impoundment, reservoir,  
15 appurtenant work, works, or any combination thereof, under this  
16 part.

17 ~~(a)(b)~~ The rules must ~~shall~~ provide for statewide,  
18 consistent regulation of activities under this part and must  
19 ~~shall~~ include, at a minimum:

20 1. Criteria and thresholds for requiring permits.

21 2. Types of permits.

22 3. Procedures governing the review of applications and  
23 notices, duration and modification of permits, operational  
24 requirements, transfers of permits, provisions for emergencies,  
25 and provisions for abandonment and removal of systems.

26 4. Exemptions and general permits that do not allow  
27 significant adverse impacts to occur individually or  
28 cumulatively.

29 5. Conditions for issuance.

30 6. General permit conditions, including monitoring,  
31 inspection, and reporting requirements.

32 7. Standardized fee categories for activities under this  
33 part to promote consistency. The department and water management  
34 districts may amend fee rules to reflect the standardized fee  
35 categories but are not required to adopt identical fees for  
36 those categories.

37 8. Application, notice, and reporting forms. To the maximum  
38 extent practicable, the department and water management  
39 districts shall provide for electronic submittal of forms and  
40 notices.

41 9. An applicant's handbook that, at a minimum, contains



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42 general program information, application and review procedures,  
43 a specific discussion of how environmental criteria are  
44 evaluated, and discussion of stormwater quality and quantity  
45 criteria.

46 (b) The rules must provide for a conceptual permit for a  
47 municipality or county that creates a stormwater management  
48 master plan for urban infill and redevelopment areas or  
49 community redevelopment areas created under chapter 163. Upon  
50 approval by the department or water management district, the  
51 master plan shall become part of the conceptual permit issued by  
52 the department or water management district. The rules must  
53 additionally provide for an associated general permit for the  
54 construction and operation of urban redevelopment projects that  
55 meet the criteria established in the conceptual permit. The  
56 following requirements must also be met:

57 1. The conceptual permit and associated general permit must  
58 not conflict with the requirements of a federally approved  
59 program pursuant to s. 403.0885 or with the implementation of s.  
60 403.067(7) regarding total maximum daily loads and basin  
61 management action plans.

62 2. Before a conceptual permit is granted, the municipality  
63 or county must assert that stormwater discharges from the urban  
64 redevelopment area do not cause or contribute to violations of  
65 water quality standards by demonstrating a net improvement in  
66 the quality of the discharged water existing on the date the  
67 conceptual permit is approved.

68 3. The conceptual permit may not expire for at least 20  
69 years unless a shorter duration is requested, and must include  
70 an option to renew.



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71           4. The conceptual permit must describe the rate and volume  
72 of stormwater discharges from the urban redevelopment area,  
73 including the maximum rate and volume of stormwater discharges  
74 as of the date the conceptual permit is approved.

75           5. The conceptual permit must contain provisions regarding  
76 the use of stormwater best management practices and must ensure  
77 that stormwater management systems constructed within the urban  
78 redevelopment area are operated and maintained in compliance  
79 with s. 373.416.

80           (c) The rules must ~~shall~~ rely primarily on the rules of the  
81 department and water management districts in effect immediately  
82 prior to the effective date of this section, except that the  
83 department may:

84           1. Reconcile differences and conflicts to achieve a  
85 consistent statewide approach.

86           2. Account for different physical or natural  
87 characteristics, including special basin considerations, of  
88 individual water management districts.

89           3. Implement additional permit streamlining measures.

90           (d) The application of the rules must ~~shall~~ continue to be  
91 governed by the first sentence of s. 70.001(12).

92           Section 2. This act shall take effect July 1, 2013.

93  
94 ===== T I T L E   A M E N D M E N T =====

95 And the title is amended as follows:

96           Delete everything before the enacting clause  
97 and insert:

98                               A bill to be entitled

99           An act relating to stormwater management permits;



848272

100 amending s. 373.4131, F.S.; deleting an obsolete  
101 reference; requiring that rules for environmental  
102 resource permitting provide for conceptual permits and  
103 associated general permits for a municipality or  
104 county that creates a stormwater management master  
105 plan for urban infill and redevelopment areas or  
106 community redevelopment areas; specifying requirements  
107 for a conceptual permit; providing an effective date.

By Senator Lee

24-00475A-13

2013934

1                   A bill to be entitled  
2           An act relating to stormwater management permits;  
3           creating s. 373.41305, F.S.; authorizing certain  
4           municipalities and counties to adopt stormwater  
5           adaptive management plans and obtain conceptual  
6           permits for urban redevelopment projects; providing  
7           requirements for establishment of such permits by  
8           water management districts in consultation with the  
9           Department of Environmental Protection; providing that  
10          certain urban redevelopment projects qualify for a  
11          noticed general permit; prohibiting provisions for  
12          such permits from conflicting with specified federally  
13          delegated pollution reduction programs; providing an  
14          effective date.

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

17  
18           Section 1. Section 373.41305, Florida Statutes, is created  
19 to read:

20           373.41305 Conceptual permits for urban redevelopment  
21 projects.-

22           (1) A municipality or county that creates a community  
23 redevelopment area or an urban infill and redevelopment area  
24 pursuant to chapter 163 may adopt a stormwater adaptive  
25 management plan that addresses the quantity and quality of  
26 stormwater discharges for the area and may obtain a conceptual  
27 permit from a water management district or the department.

28           (2) The water management district, in consultation with the  
29 department, shall establish the conceptual permit. The permit:

24-00475A-13

2013934

30       (a) Must allow for the rate and volume of stormwater  
31 discharges for stormwater management systems of urban  
32 redevelopment projects located within a community redevelopment  
33 area created under part III of chapter 163 or an urban infill  
34 and redevelopment area designated under s. 163.2517 to continue  
35 up to the maximum rate and volume of stormwater discharges  
36 within the area as of the date that the stormwater adaptive  
37 management plan is adopted.

38       (b) Must presume that stormwater discharges for stormwater  
39 management systems of urban redevelopment projects located  
40 within a community redevelopment area created under part III of  
41 chapter 163 or an urban infill and redevelopment area designated  
42 under s. 163.2517, which demonstrate a net improvement of the  
43 quality of the discharged water that existed as of the date that  
44 the stormwater adaptive management plan is adopted for any  
45 applicable pollutants of concern in the receiving water body, do  
46 not cause or contribute to violations of water quality criteria.

47       (c) Must not prescribe additional or more stringent  
48 limitations concerning the quantity and quality of stormwater  
49 discharges from stormwater management systems beyond those  
50 provided in this section.

51       (d) Must be issued for a duration of at least 20 years,  
52 unless a shorter duration is requested by the applicant, and may  
53 be renewed.

54       (3) Urban redevelopment projects that meet the criteria  
55 established in the conceptual permit pursuant to this section  
56 qualify for a noticed general permit that authorizes  
57 construction and operation for the duration of the conceptual  
58 permit.

24-00475A-13

2013934\_\_

59       (4) Notwithstanding subsections (1)-(3), a permit issued  
60 pursuant to this section must not conflict with the requirements  
61 of a federally approved program pursuant to s. 403.0885 or with  
62 the implementation of s. 403.067(7) regarding total maximum  
63 daily loads and basin management plans.

64       Section 2. This act shall take effect July 1, 2013.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

10

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

3/21/13

Meeting Date

Topic REHABILITATION PROJECTS FOR PETRO CLEANUP Bill Number 1416  
*(if applicable)*

Name MIKE HUEY Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 301 S. BRONOUGH ST. Phone 850-577-9090  
*Street*

TALLAHASSEE FL 32301 E-mail \_\_\_\_\_  
*City State Zip*

Speaking:  For  Against  Information

Representing FL PETROLEUM MARKETERS AND CONVENIENCE STORE ASSN

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**

**10**

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

3/21  
Meeting Date

Topic 3

Bill Number 1416 Petroleum  
*(if applicable)*

Name Jeff Littlejohn

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Deputy Secretary

Address 3900 Commonwealth Dr

Phone 245-2140

Tallahassee FL 32399  
City State Zip

E-mail Jeff.Littlejohn@dep.state.fl.us

Speaking:  For  Against  Information

Representing DEP

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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criteria for the prioritization, assessment and cleanup, and reimbursement for cleanup of contaminated sites. The bill also created the Inland Protection Trust Fund (IPTF), which is funded by a tax on petroleum products imported or produced in Florida. The SUPER Act established the Early Detection Incentive Program (EDI), which provided site owners with the option of conducting the cleanup themselves, and then receive reimbursement from the IPTF, or have the state conduct the cleanup in priority order.<sup>2</sup>

In 1989, the Legislature passed HB 430 to create the Petroleum Liability and Insurance Restoration Program (PLIRP). PLIRP allowed eligible petroleum facilities to purchase \$1 million in pollution liability protection from a state contracted insurer. PLIRP also provided \$1 million worth of site restoration coverage through reimbursement or state cleanup.<sup>3</sup>

The Legislature passed CS/SB 2702 in 1990 to establish the Abandoned Tank Restoration Program (ATRP). ATRP was created to address the contamination at facilities that had out-of-service or abandoned tanks as of March 1990. The ATRP originally had a one-year application period, but the deadline is now waived indefinitely for owners that are financially unable to pay for the closure of abandoned tanks.<sup>4</sup>

The Legislature passed HB 2477 in 1992 to phase out the state's role in the cleanup process and shift the cleanup sites to the reimbursement program.<sup>5</sup> The excise tax on petroleum and petroleum products was increased to pay for the expanded reimbursement program. The reimbursement program proved costly and within a few years the reimbursement amount exceeded the administrative capacity of the DEP and the financial resources of the IPTF.<sup>6</sup> By 1996, over 18,000 petroleum sites had been identified as contaminated and the program had accumulated \$551.5 million in unreimbursed claims.<sup>7</sup>

In 1995, the Legislature passed SB 1290 as a temporary measure to address the large backlog of reimbursement applications and unpaid claims. The bill required that only property owners who have received prior approval from the DEP for the scope of work and costs associated with the cleanup may continue with state funded site rehabilitation.<sup>8</sup>

In 1996, the legislature passed HB 1127 to implement the Petroleum Preapproval Program. The program required state-funded cleanups to be done on a preapproved basis, in priority order, and within the current fiscal year's budget. The Preapproval Program also required the DEP to use risk-based corrective action principles in the cleanup criteria rule. The Petroleum Cleanup Participation Program (PCPP) was created for sites that had missed the opportunity for state funding assistance but had reported contamination before 1995. Responsible parties were required to cost share in the cleanup and prepare a limited scope assessment at their expense. The Preapproved Advanced Cleanup (PAC) was created to allow sites to bypass the priority ranking

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<sup>2</sup> Chapter 86-159, Laws of Fla.

<sup>3</sup> Chapter 89-188, Laws of Fla.

<sup>4</sup> Chapter 90-98, Laws of Fla.

<sup>5</sup> The term "cleanup sites" includes contaminated sites that are being remediated by the state or the property owner.

<sup>6</sup> Chapter 92-30, Laws of Fla.

<sup>7</sup> Comm. on Environmental Preservation, The Florida Senate, *Underground Petroleum Storage Tank Cleanup Program*, (Interim Report 2005-153) (Nov. 2004).

<sup>8</sup> Chapter 95-2, Laws of Fla.

list and receive funding in order to facilitate a public works project or property transaction. The PAC program requires applicants to cost share in the cleanup and to prepare limited scope assessments at their expense.<sup>9</sup>

In 1999, the Legislature passed HB 2151 to amend the Petroleum Preapproval Program and allow the DEP to provide funding for certain source removal activities. The bill also addressed new petroleum discharges that occur at a site with existing contamination and were reported after December 31, 1998. The bill allows a responsible party to enter into a Site Rehabilitation Agreement with the DEP and share in the cost and coordination of the cleanup, provided that the responsible party submits an application and a Limited Contamination Assessment Report to the DEP.<sup>10</sup>

In 2005, the Legislature passed CS/SB 1318 to substantially amend the Petroleum Preapproval Program.<sup>11</sup> Specifically, CS/SB 1318:

- Required that all of Florida's underground petroleum storage tanks be upgraded prior to January 1, 2010;
- Required the DEP to establish a process to uniformly encumber funds appropriated for the underground storage tank program throughout a fiscal year;
- Authorized the DEP to establish priorities based on a scoring system;
- Provided funding for limited interim soil-source removals for sites that become inaccessible for future remediation due to road infrastructure and right-of-way restrictions resulting from a pending Department of Transportation project;
- Provided funding for limited interim soil-source removals associated with the underground petroleum storage system upgrade that are conducted in advance of the site's priority ranking for cleanup;
- Limited the funding for source removal associated with the underground petroleum storage system upgrade to 10 sites per fiscal year per owner;
- Limited the amount of funding per facility and the activities that may be funded;
- Limited the funding amount for Department of Transportation projects to \$1 million per fiscal year and \$10 million for underground petroleum storage system upgrade projects per fiscal year;
- Repealed the funding provisions as of June 30, 2008;
- Provided that the Preapproved Advanced Cleanup Participation Program is available for discharges of petroleum that are eligible for restoration funding under the Petroleum Cleanup Participation Program for the state's cost share of site rehabilitation; and
- Extended the life of the Inland Protection Financing Corporation from 2011 to 2025, and authorizes the corporation to issue notes and bonds, and to pay for large-scale cleanups such as ports, airports, and terminal facilities that are eligible for state funding.

The DEP is currently working with cleanup contractors, property owners, and other stakeholders to explore ways to make the state-funded petroleum cleanup program more efficient, including implementing the competitive bid process.

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<sup>9</sup> Chapter 96-277, Laws of Fla.

<sup>10</sup> Chapter 199-376, Laws of Fla.

<sup>11</sup> See ss. 376.3071, 376.30713, 376.3075, and 376.30715, F.S.

Pursuant to s. 376.30711, F.S., the state is authorized to use the competitive bid procedures or negotiated contracts for preapproving all costs and procedures for site-specific rehabilitation projects. Two competitive bidding pilot projects were conducted in 1996 and 2002; however, the DEP has not implemented competitive bidding on a permanent basis. Site cleanup and rehabilitation services are instead provided through preapproved, negotiated scopes of work under the state-funded petroleum cleanup program, which includes lump sum, and time and materials contracting.

Pursuant to s. 287.055, F.S., state agencies are required to adhere to specific competitive bidding procedures to:<sup>12</sup>

- Evaluate professional services and the capabilities of the contractor;
- Evaluate the statements of qualifications and performance data;
- Select at least three firms deemed to be the most highly qualified to perform the services; and
- Negotiate a contract with the most qualified firm for a fair, competitive, and reasonable rate.

### III. Effect of Proposed Changes:

**Section 1** amends s. 376.30711, F.S., to delete provisions requiring the DEP to preapprove costs or use performance-based contracts for site rehabilitation.

The bill provides legislative support for the DEP to competitively bid any site rehabilitation activity for state-funded cleanup of petroleum contaminated sites after it has approved the site assessment.<sup>13</sup>

**Section 2** provides an effective date of July 1, 2013.

### 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.

<sup>12</sup> See s. 287.055, F.S.

<sup>13</sup> DEP, *Senate Bill 1416 Agency Analysis* (Mar. 2013) (on file with the Senate Committee on Environmental Preservation and Conservation).

**B. Private Sector Impact:**

The initial preparation of bid packages could be time consuming and cause a transitional delay in authorizing work to private cleanup contractors selected as a result of the bid process. Templates would be available for subsequent use without additional delays. Bid protests could cause delays. Smaller and mid-size cleanup contractors and construction subcontractors may be disadvantaged.<sup>14</sup>

Under the current process, the DEP assumes all of the risk for contaminated site cleanups. There is limited tangible risk to cleanup contractors and property owners for unproductive work. Under a competitive bid and performance-based cleanup contract, only success toward meeting the cleanup goal would be rewarded, and an incentive could be provided to ensure the greatest possible success in the least amount of time. Delays may occur if there are a significant number of bid protests but would be expected to decrease over time, provided the DEP prevails and the contract awards are upheld.<sup>15</sup>

**C. Government Sector Impact:**

Competitively bidding state-funded petroleum contaminated site cleanups would result in significant savings of taxpayer dollars. The savings may be used to fund the cleanup of other contaminated sites awaiting cleanup.<sup>16</sup>

The fiscal impact to the DEP is indeterminate. The review and evaluation of bids on an ongoing basis could be time consuming and may require shifting resources within the DEP.<sup>17</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

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

**CS by Environmental Preservation and Conservation on March 21, 2013:**

The CS removes the reference to s. 287.0595, F.S. Section 287.0595, F.S., grants the DEP rulemaking authority to establish procedures for awarding contracts for cleanup of petroleum contaminated sites. The bill was not intended to exempt competitive bidding procedures from rulemaking.

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<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

B. Amendments:

None.

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

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522250

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2013	.	
	.	
	.	
	.	

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The Committee on Environmental Preservation and Conservation (Abruzzo) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (2) of section 376.30711, Florida Statutes, is amended to read:

376.30711 Preapproved site rehabilitation, effective March 29, 1995.—

(2) (a) Competitive bidding pursuant to this section is ~~shall not be~~ subject to the requirements of s. 287.055. The department may ~~is authorized to~~ use competitive bid procedures or negotiated contracts for ~~preapproving~~ all costs and



522250

13 rehabilitation procedures for site-specific rehabilitation  
14 projects ~~through performance-based contracts~~. Site  
15 rehabilitation shall be conducted according to the priority  
16 ranking order established pursuant to s. 376.3071(5).

17 Section 2. This act shall take effect July 1, 2013.

18

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

20 And the title is amended as follows:

21 Delete everything before the enacting clause  
22 and insert:

23 A bill to be entitled  
24 An act relating to rehabilitation projects for  
25 petroleum contamination sites; amending s. 376.30711,  
26 F.S.; deleting provisions requiring the Department of  
27 Environmental Protection to preapprove costs or use  
28 performance-based contracts for site rehabilitation  
29 projects; providing an effective date.

By Senator Evers

2-00867A-13

20131416\_\_

1                   A bill to be entitled  
2           An act relating to rehabilitation projects for  
3           petroleum contamination sites; amending s. 376.30711,  
4           F.S.; exempting competitive bids for site  
5           rehabilitation from certain statutory requirements;  
6           deleting provisions requiring the Department of  
7           Environmental Protection to preapprove costs or use  
8           performance-based contracts for site rehabilitation  
9           projects; providing an effective date.

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

12  
13           Section 1. Paragraph (a) of subsection (2) of section  
14           376.30711, Florida Statutes, is amended to read:

15           376.30711 Preapproved site rehabilitation, effective March  
16           29, 1995.—

17           (2) (a) Competitive bidding pursuant to this section is  
18           ~~shall not be~~ subject to the requirements of s. 287.055 or s.  
19           287.0595. The department may ~~is authorized to~~ use competitive  
20           bid procedures or negotiated contracts for ~~preapproving~~ all  
21           costs and rehabilitation procedures for site-specific  
22           rehabilitation projects ~~through performance-based contracts~~.  
23           Site rehabilitation shall be conducted according to the priority  
24           ranking order established pursuant to s. 376.3071(5).

25           Section 2. This act shall take effect July 1, 2013.

THE FLORIDA SENATE

APPEARANCE RECORD

11

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

3/21/13  
Meeting Date

Topic NUMERIC NUTRIENT CRITERIA Bill Number 7034  
(if applicable)

Name DAVID CULLEN Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address 1674 UNIVERSITY PARK #306 Phone 941-323-2404  
Street  
SARASOTA FL 34243 E-mail cullen@scs.org  
City State Zip

Speaking:  For  Against  Information

Representing SEERCA CWB 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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

11

3/21/2013  
Meeting Date

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

Topic Numeric Nutrient Criteria

Bill Number 7034  
*(if applicable)*

Name Drew Bartlett

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title DEP

Address \_\_\_\_\_  
*Street*

Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing DEP

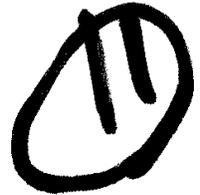
Appearing at request of Chair:  Yes  No

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)

3-21-13

Meeting Date

Topic NMC

Bill Number 7034  
*(if applicable)*

Name KURT SPITZER

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Exec Director

Address 719 E PARK AVE

Phone 561-0904

Street

City

32301

State

Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing FLA STORMWATER ASSOC.

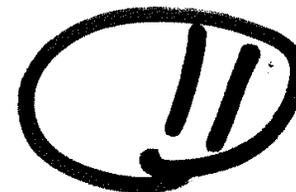
Appearing at request of Chair:  Yes  No

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)

3/21/13

*Meeting Date*

Topic NNC

Bill Number 7034

*(if applicable)*

Name Leticia M Adams

Amendment Barcode \_\_\_\_\_

*(if applicable)*

Job Title Director of Infrastructure Policy

Address 136 South Bronough Street

Phone 850-544-6866

*Street*

Tallahassee FL 3230

E-mail ladams@flchamber.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Representing Florida Chamber of Commerce

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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

11

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

March 21, 2013

Meeting Date

Topic Numeric Nutrient Criteria

Bill Number SPB 7034  
*(if applicable)*

Name David Childs

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Counsel

Address 119 S. Monroe St

Phone 850 222-7500

Street

Tallahassee FL 32301

City

State

Zip

E-mail DAVIDC@H6SLAW.COM

Speaking:  For  Against  Information

Representing FWFA Utility Council

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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

11

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

3-21-13  
Meeting Date

Topic NNE

Bill Number 50B 7034  
*(if applicable)*

Name Doug Mann

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 310 W. College Ave.  
Street

Phone 222-7535

Tallahassee FL 32301  
City State Zip

E-mail doug.littlejohn@senate.fl.gov

Speaking:  For  Against  Information

Representing AIF

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**

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

3/21/13

Meeting Date

Topic NUMERIC NUTRIENT CRITERIA

Bill Number SB 7034  
*(if applicable)*

Name ADAM BASFORD

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title DIRECTOR, STATE LEGISLATIVE AFFAIRS

Address 315 S. CALHOUN ST. SUITE 850

Phone \_\_\_\_\_

Street

TALLAHASSEE FL

E-mail \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Representing FLORIDA FARM BUREAU

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**

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

3/21/13  
Meeting Date

Topic Numeric Nutrient

Bill Number 7034  
*(if applicable)*

Name Jamie Sheehan

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Assoc.

Address 301 W. College Ave.  
*Street*  
Tallahassee FL 32301  
*City State Zip*

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing FL Land Council

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**

11

3/21/13

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

Meeting Date

Topic NNC

Bill Number SB 7034  
*(if applicable)*

Name Ryan Matthews

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Leg Advocate

Address Pb Box 1757

Phone 222 9684

*Street* Tallahassee FL 32302  
*City* *State* *Zip*

E-mail rmatthenc@fls.com

Speaking:  For  Against  Information

Representing FL 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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THE FLORIDA SENATE  
**APPEARANCE RECORD**

11

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

3/21/13  
Meeting Date

Topic Numeric Nutrient Criteria Bill Number SPB 7034  
(if applicable)

Name Suzanne Goss Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Government Relations Specialist

Address 21 W. Church St. Phone 904-665-8331  
Street  
Jacksonville FL 32202 E-mail gossSE@jea.com  
City State Zip

Speaking:  For  Against  Information

Representing JEA

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)

3/21/13

Meeting Date

Topic NNC

Bill Number 7034  
*(if applicable)*

Name Stephen James

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Staff Attorney

Address 110 S Monroe

Phone 650-922-4300

Street

Tallahassee

FL

32303

City

State

Zip

E-mail s.james@fl-counties.com

Speaking:  For  Against  Information

Representing FL Association of Counties

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.**

# Florida Department of Environmental Protection



## Florida's Water Quality

### Senate Environmental Preservation and Conservation Committee

Senator Dean, Chair  
March 2013

Drew Bartlett, Director  
Division of Environmental Assessment & Restoration





# Numeric Nutrient Criteria Timeline

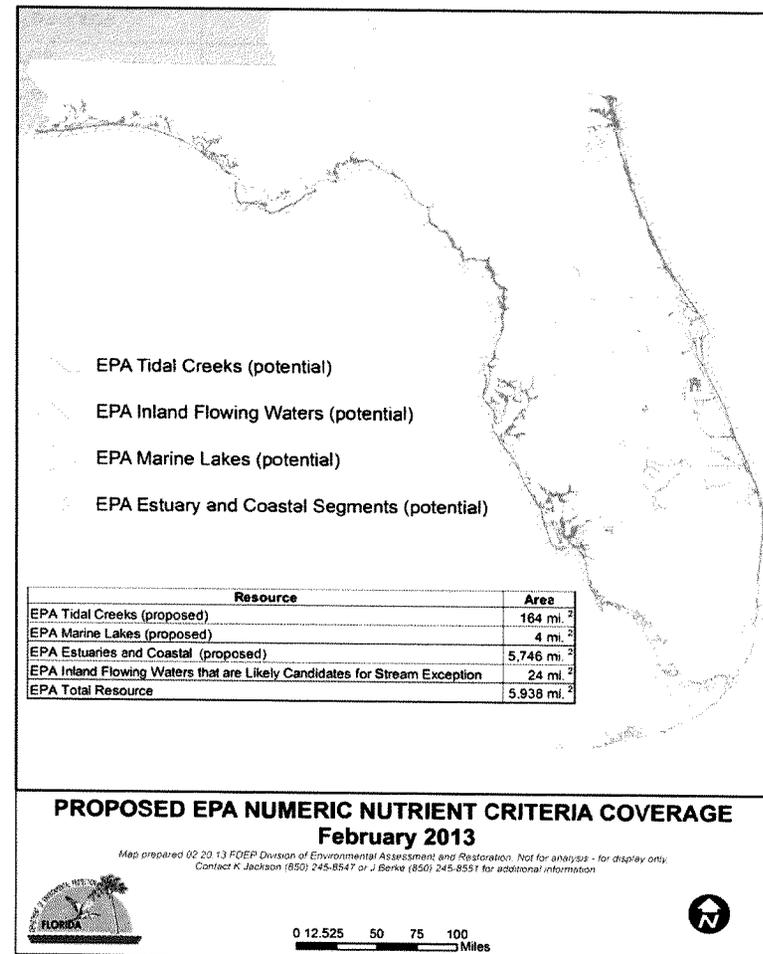
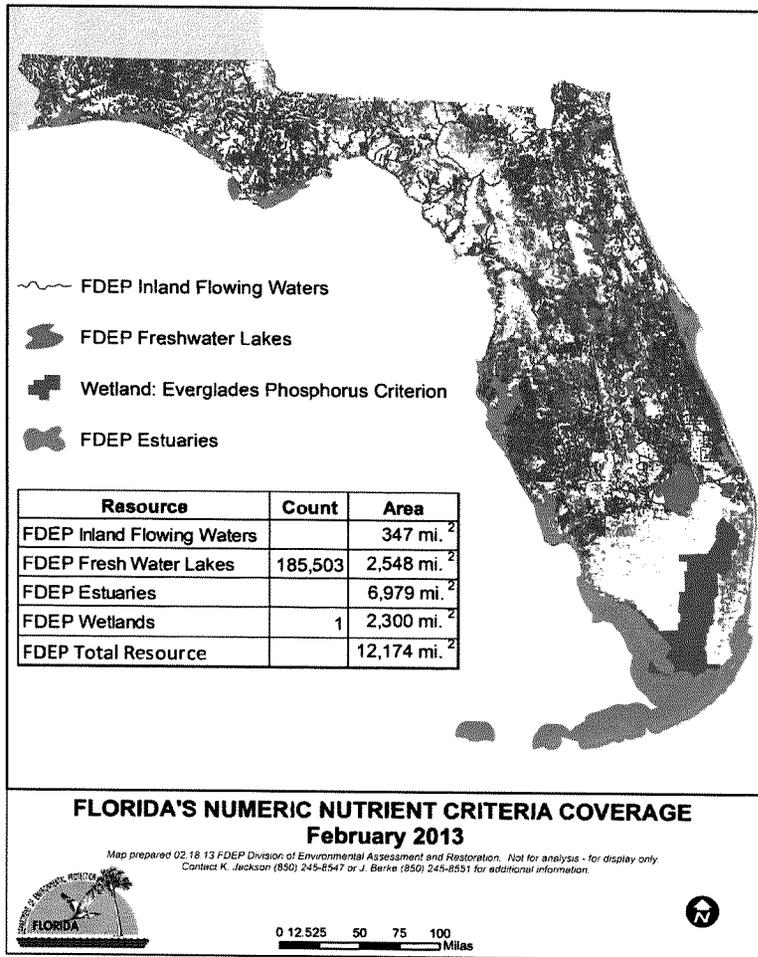
- |                    |  |
|--------------------|--|
| <u>1998</u>        | <i>EPA National Strategy for Development of Regional Nutrient Criteria</i>             |
| <u>2003</u>        | Florida convenes NNC Technical Advisory Committee                                      |
| <u>2004 – 2009</u> | DEP gathers data, develops biological tools and derives NNC approaches                 |
| <u>2009</u>        | EPA settles federal lawsuit and enters consent decree                                  |
| <u>2011</u>        | ERC approves DEP rules for rivers, streams, lakes, springs and South Florida estuaries |
| <u>2012</u>        | EPA approves DEP rules and proposes more federal rules                                 |
| <u>March 2013</u>  | DEP and EPA enter Agreement in Principle and Path Forward                              |
| <u>Sept. 2013</u>  | EPA deadline   |



# Numeric Nutrient Criteria in Florida I

**State-adopted criteria** – Rivers, streams, lakes, and springs, and estuaries from Clearwater Harbor to Biscayne Bay.

**EPA proposed criteria** – Additional coverage that Florida would achieve upon adoption of state criteria for remaining estuaries and coastal waters.

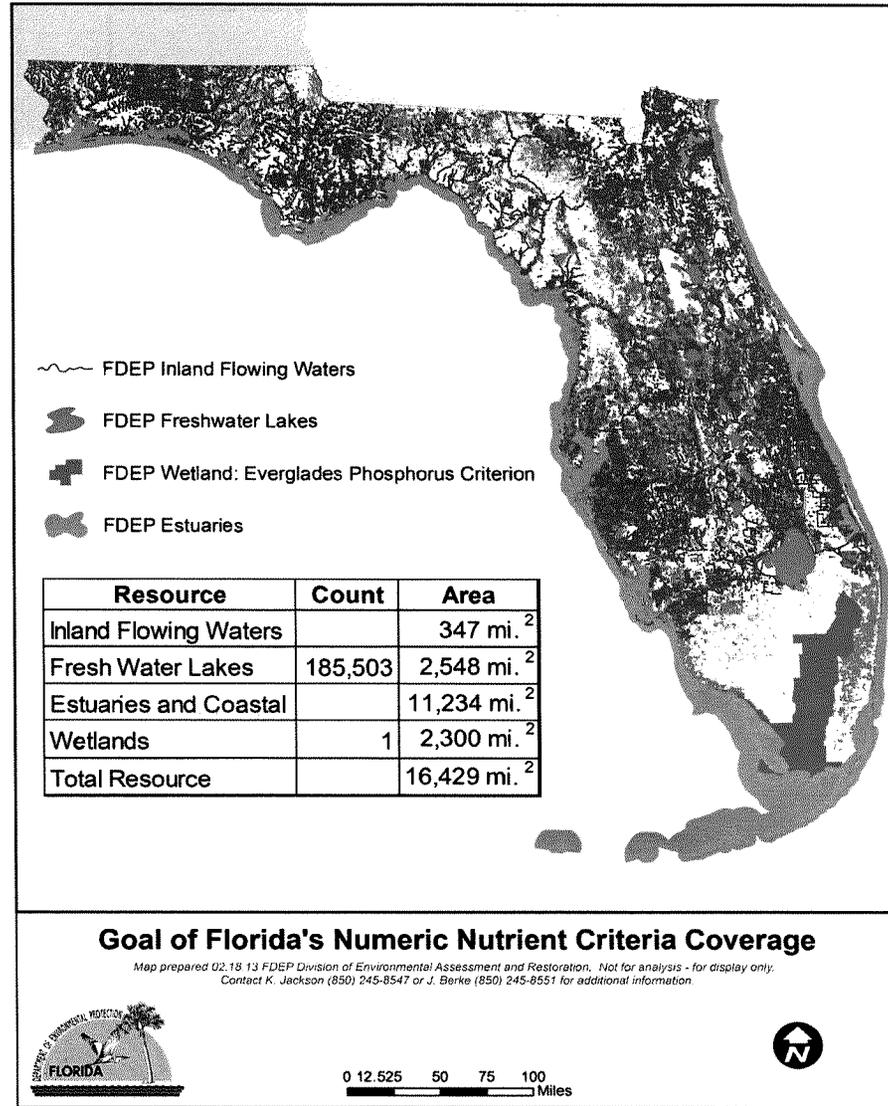




# Numeric Nutrient Criteria in Florida II

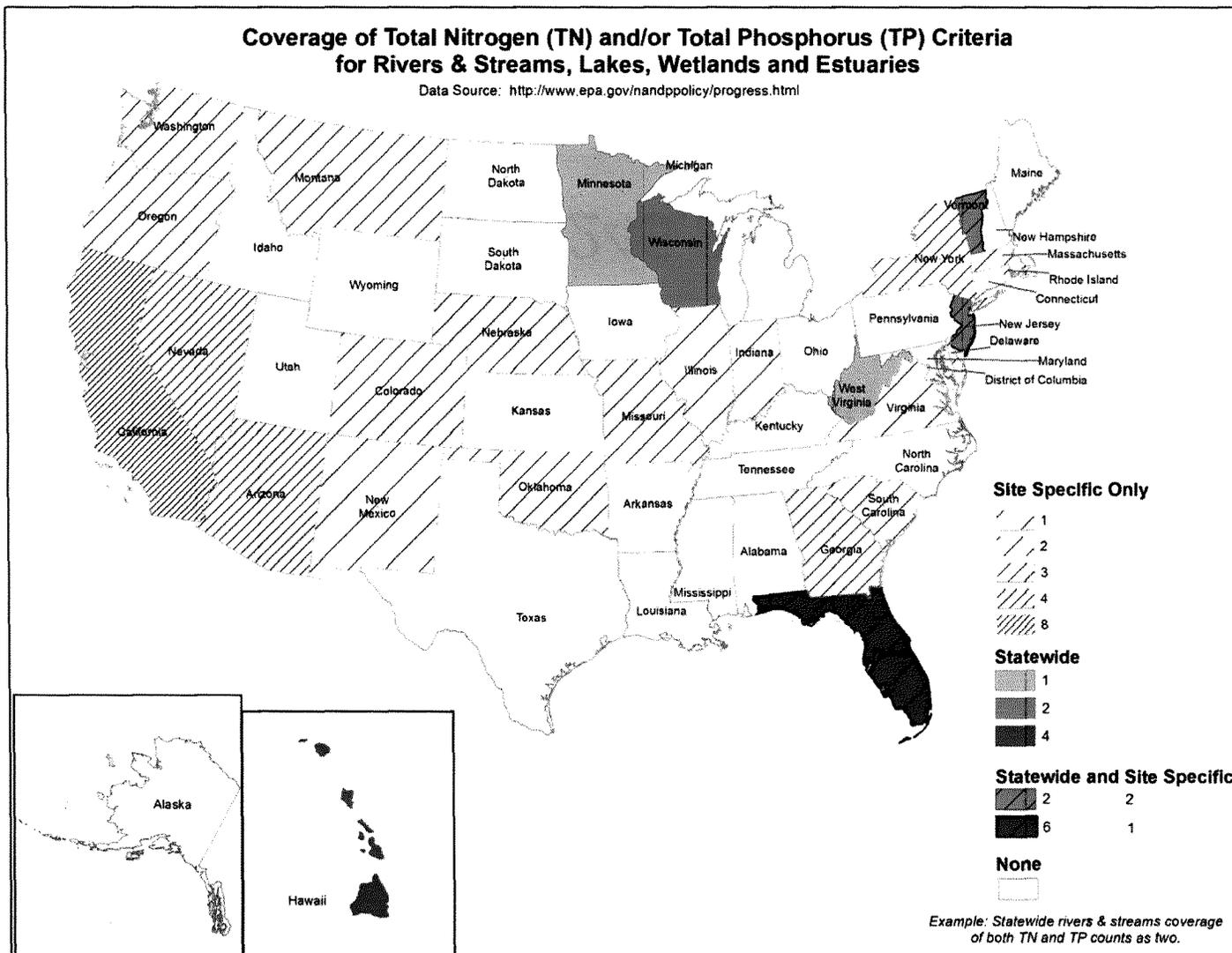
## Comprehensive State-Adopted NNC

Upon fulfillment of the Agreement in Principle and Path Forward, Florida will have state-established numeric nutrient criteria for all lakes, springs, estuaries and coastal waters, and the vast majority of flowing waters





# Numeric Nutrient Criteria Nationally – After Execution of Agreement





# Contact

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Division of Environmental Assessment & Restoration

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850.245.8446

**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.)

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Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

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BILL: SPB 7034

INTRODUCER: For Consideration by the Environmental Preservation and Conservation Committee

SUBJECT: Numeric Nutrient Criteria

DATE: March 21, 2013

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino		<b>Submitted as Committee Bill</b>
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

SPB 7034 provides guidance for setting numeric nutrient criteria (NNC) for flowing waters of the state.

The SPB authorizes the Department of Environmental Protection (DEP) to implement its adopted nutrient standards for streams, springs, lakes, and estuaries in accordance with the document, "Implementation of Florida's Numeric Nutrient Standards."

The SPB states the conditions that have to be met to trigger the expiration of Rule 62-302.531(9), Florida Administrative Code (F.A.C.).

The SPB subjects any nutrient criteria rules for estuaries adopted by the DEP in 2013 to the provisions of rule 62-302.531(9), F.A.C., and exempts them from legislative ratification.

The SPB directs the DEP to establish estuary specific NNC for estuaries not already subject to DEP NNC, and set NNC for chlorophyll *a* for non-estuarine coastal waters by December 1, 2014.

The SPB establishes the water quality standard for non-estuarine coastal waters until such time as NNC are established for those waters.

The SPB directs the DEP to provide the Governor, the President of the Senate and the Speaker of the House of Representatives a report by August 1, 2013, detailing the status of setting NNC for estuaries and non-estuarine coastal waters for which NNC have not been set.

This SPB substantially amends s 403.061 of the Florida Statutes. It also creates four unnumbered sections of law.

## II. Present Situation:

### Water Quality Standards for Surface Waters in Florida

Water quality standards (WQSs) are the foundation of the water quality-based pollution control program mandated by the Clean Water Act (CWA). The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.<sup>1</sup> The CWA governs all “waters of the United States” and activities impacting those waters. “Waters of the United States” are defined as:<sup>2</sup>

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- All interstate waters including interstate wetlands;
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
  - Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
  - From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - Which are used or could be used for industrial purposes by industries in interstate commerce;
- All impoundments of waters otherwise defined as waters of the United States under this definition;
- Tributaries of waters identified in the preceding bullets;
- The territorial sea; and
- Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in the preceding bullets.

Waste treatment systems, including treatment ponds or lagoons designed to meet the CWA’s requirements (other than cooling ponds as defined in 40 CFR 423.11(m)) are not waters of the United States. The definition also expressly excludes prior converted cropland.

The CWA requires states or the EPA to establish WQSs for pollutants flowing into surface waters and prohibits the discharge of any pollutant from a point source, such as a pipe, man-made ditch, or large animal feeding operation, into navigable waters without a National Pollutant Discharge Elimination System (NPDES) permit. In Florida, the water quality of surface waters is

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<sup>1</sup> Applicable water quality standards for purposes of the CWA are the minimum standards which must be used when the CWA and regulations implementing the CWA refer to WQSs, for example, in identifying impaired waters and calculating total maximum daily loads under section 303(d), developing NPDES permit limitations under section 301(b)(1)(C), evaluating proposed discharges of dredged or fill material under section 404, and in issuing certifications under section 401 of the Act. 40 CFR 131.21.

<sup>2</sup> 40 CFR 230.3(s).

primarily regulated through Florida's implementation of the CWA. The CWA provides incentives to Florida to adopt CWA-compliant WQSs and administer the federal NPDES program on behalf of the EPA.<sup>3</sup>

Under the CWA, states adopt WQSs for their navigable waters and review and update those standards at least once every three years. States determine WQSs for surface waters in three steps by establishing:

- The designated uses for each water body, which may be for drinking, recreation and aquatic life propagation, and agricultural and industrial purposes;
- Water quality criteria, which can be either numeric or narrative standards, that define the amount of pollutant a water body can contain without impairing the designated use; and
- An anti-degradation policy to maintain and protect existing uses and high quality waters.

The CWA requires states to submit WQSs to the EPA for review and approval.<sup>4</sup>

The EPA Administrator must “promptly prepare and publish” proposed regulations setting forth a revised or new WQS for the navigable waters involved if a revised or new WQS submitted by the state is determined by the Administrator not to be consistent with the applicable requirements, or in any case where the Administrator determines that a revised or new standard is necessary to meet requirements of the CWA.<sup>5</sup>

The Administrator must promulgate any new or revised standards not later than 90 days after publication of the proposed standards, unless prior to such promulgation, the state adopts a revised or new WQS, which the Administrator determines to be in accordance with the CWA. After promulgation by the EPA, however, the promulgated rules become the state's WQSs until such time as the EPA withdraws the promulgation, again by rule.<sup>6</sup> This may occur if the state proposes and the EPA approves the state's submission.

The CWA also requires that states identify impaired waters not meeting established WQSs. In such instances, a state establishes a total maximum daily load (TMDL), for those impaired waters. A TMDL is a value of the maximum amount of a pollutant that a body of water can receive and still meet WQSs.<sup>7</sup> To enforce TMDLs, water quality-based effluent limitations must

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<sup>3</sup> Under the U.S. Constitution, the federal government cannot compel states to enact legislation or take executive action to implement federal regulatory programs. However, Congress often offers funding as an incentive for states to do so. Congress may also create a “potential preemption” structure in which states must regulate the activity under state law according to federally approved standards, or have state regulation pre-empted by federal regulation. The CWA utilizes these techniques. In addition, a state agency in Florida must have legislative authorization to implement a federal law. The Florida Department of Environmental Protection receives federal funds to administer the NPDES permitting program in the state.

<sup>4</sup> This section of the CWA represents the “potential preemption” structure previously mentioned. Apart from receiving federal funds to assist the state in meeting WQSs approved by the EPA, the state retains local control over its water quality programs, and provides to its NPDES applicants something the federal structure lacks – administrative deadlines for the agency to approve or deny a permit application.

<sup>5</sup> 33 U.S.C. s.1251 et seq. (1972), s. 303(a)(3)(c).

<sup>6</sup> Pursuant to 40 CFR 131.21(c), if the EPA finalizes a proposed rule, the EPA promulgated WQSs would be applicable WQSs for purposes of the CWA until the EPA withdraws the federally-promulgated standard. Withdrawing a federal standard would require rulemaking by the EPA pursuant to the requirements of the Administrative Procedure Act (5 U.S.C. 551 et seq.).

<sup>7</sup> Generally, the pollutant of concern and a numeric water quality target are, respectively, the chemical causing the impairment and the numeric criteria for that chemical (e.g., chromium) contained in the WQS. The TMDL expresses the

be developed and incorporated into NPDES permits for point sources. Each TMDL represents a goal that is implemented by adjusting pollutant discharge requirements in the individual NPDES permits, along with the implementation of nonpoint source controls, such as best management practices (BMPs).<sup>8</sup> State-established TMDLs and NPDES water quality-based effluent limitations are submitted to the EPA for approval. The EPA may adjust the criteria on either if it determines the standard does not comply with the CWA.

The threshold limit on pollutants in surface waters (Florida's surface WQS on which TMDLs are based) are set in administrative rule. The state's impaired waters rule contains a table that catalogues over 100 substances, including subparts, with numerical thresholds for surface water classifications, including fresh and marine waters.<sup>9</sup> Generally, a pollutant is expressed in a numerical threshold (e.g., 11mg/L, or 11 milligrams per liter) because certain chemicals (e.g., Benzene, Lead, Mercury), have threshold concentrations above which adverse biological damage is a scientific certainty.

The EPA and the DEP executed a Memorandum of Understanding in 2007 delineating the state and federal agencies' mutual responsibilities in the DEP's administration of the federal NPDES program (the approved program). Pursuant to the memorandum, the EPA acknowledges that the DEP has no veto authority over an act of the Florida Legislature. The EPA reserves the right to initiate procedures for withdrawal of the state NPDES program approval in the event the state legislature enacts legislation or issues any directive which substantially impairs the DEP's ability to administer the NPDES program or to otherwise maintain compliance with NPDES program requirements. If the approved program were withdrawn, entities requiring a NPDES permit for activities relating to wastewater, stormwater, construction, industry, pesticide application, power generation and some agricultural activities would need to acquire both federal and state permits independent of one another.

The memorandum anticipates situations when the EPA resumes authority over an individual permit and instances when DEP-submitted NPDES permits are disapproved by the EPA until the DEP adjusts the permit conditions to include EPA conditions on the permit. If the permit is issued by the DEP, the permit holder may seek an administrative challenge in the Florida Division of Administrative Hearings. If the permit is issued by the EPA, the permit holder may seek a federal appeal; however, in the interim, the permit holder would be required to comply with the federal permit.

### **Nutrients and Water Quality**

Nutrients, such as nitrogen and phosphorus, are substances that are needed by organisms to live and grow. Nitrogen and phosphorus are essential to the production of plant and animal tissue.

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relationship between any necessary reduction of the pollutant of concern and the attainment of the numeric water quality target. Guidelines for Reviewing TMDLs Under Existing Regulations Issued in 1992, are found at: <http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/final52002.cfm> (last visited Mar. 17, 2013).

<sup>8</sup> When a water body is classified as impaired, Florida law also authorizes the DEP to adopt a Basin Management Action Plan, or BMAP, for that particular water body. A BMAP is designed to reduce the pollutant concentrations to meet the TMDL. Strategies may include educational programs, permit limits on wastewater facilities, BMPs, conservation programs, and financial assistance.

<sup>9</sup> Rule 62-302.530, F.A.C.

Phosphorus is essential to cellular growth and respiration. In aquatic systems, these nutrients feed the growth of bacteria, algae and other organisms. The DEP has relied on a narrative criterion (described in its impaired waters rule as “an imbalance in natural populations of flora or fauna”)<sup>10</sup> for many years because nutrients are unlike any other pollutant regulated by the CWA.

Natural sources of nitrogen and phosphorus are the atmosphere, soils and the decay of plants and animals. Human sources include sewage disposal systems (wastewater treatment facilities and septic tanks), overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.

Excessive amounts of nutrients may result in harmful algal blooms, nuisance aquatic weeds and alteration of the natural community of plants and animals. Dense, harmful blooms of algae can also cause human health problems, fish kills, problems for water treatment plants and generally impair the aesthetics and tastes of waters. Growth of nuisance aquatic weeds tends to increase in nutrient-enriched waters, which can impact recreational activities. Increased algal production as a result of increased nutrients can alter plant communities, which affects natural systems.

The derivation of specific NNC to complement the narrative standard is complex.<sup>11</sup> Since nutrients are essential to life, a balance must be maintained to provide adequate nutrients to sustain aquatic life while not providing excessive nutrients which alter the aquatic ecosystem through species shifts. Complicating the picture is the fact that each water body can have very different and unique nutrient requirements. To develop thresholds at which a healthy aquatic environment can be sustained, it is best to establish a reliable measure of the biological condition of the water body.

### **Florida’s Adoption of NNC Rules**

On July 17, 2008, environmental groups sued the EPA, alleging failure on the part of the EPA to comply with the CWA. These groups initially alleged that the EPA’s 1998 National Strategy for the Development of Regional Nutrient Criteria was a necessity determination, pursuant to s. 303(c)(4)(B) of the CWA, requiring the EPA to promulgate numeric nutrient rules for Florida. Their amended complaint asserted the 1998 Clean Water Action Plan, coauthored with the U.S. Department of Agriculture, was the necessity determination. The EPA initially defended the suit and contested the plaintiffs’ arguments. However, in an EPA internal memorandum from December, 2008, the writer warned that a judicial finding in favor of the plaintiffs could result in the EPA being required to promulgate numeric nutrient rules for the other 49 states. The internal memorandum proposes a strategy to avoid this possibility: if the EPA issues a s. 303(c)(4)(B) necessity determination, that may be used as a basis to settle the lawsuit and request a dismissal from the court.<sup>12</sup>

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<sup>10</sup> Rule 62-302.530(47)(b), F.A.C.

<sup>11</sup> For insight into the process of developing NNC, in this case for lakes, spring vents, and streams, *see, Technical Support Document: Development of Numeric Nutrient Criteria for Florida Lakes, Spring Vents and Streams*, <http://www.dep.state.fl.us/water/wqssp/nutrients/docs/tsd-nnc-lakes-springs-streams.pdf> (last visited Mar. 16, 2013).

<sup>12</sup> Fifteen months earlier, the EPA agreed with Florida’s methodology and plan to finalize NNC rules by the end of 2010. The DEP was not a party to the lawsuit; however, several groups representing utilities, local governments, and agriculture in the state intervened.

On January 14, 2009, the EPA placed the DEP on formal notice that numerical criteria for nutrients were necessary for compliance with the CWA. This notice triggered a deadline of one year for the EPA to develop numeric nutrient criteria for Florida's surface waters and 24 months to develop numeric criteria for coastal waters, unless the state proposed criteria acceptable to the EPA before final promulgation. On August 19, 2009, the EPA entered into a consent decree to settle the lawsuit filed by the five environmental groups. The EPA committed to propose numeric nutrient standards for inland waters (lakes and flowing waters), as well as for estuarine and coastal waters, by certain dates. The DEP did not formally submit NNC to the EPA before the deadline.

In drafting the proposed rule, the EPA drew from more than seven years of DEP data and analysis, DEP's nutrient plans, as well as technical support documentation. The DEP maintained contact with the EPA while the EPA formulated the proposed rule.

On January 14, 2010, EPA Administrator Jackson signed the EPA's rule proposing NNC for Florida's fresh waters. Ten months later, on November 14, 2010, Administrator Jackson signed the final rule adopting NNC for Florida's fresh waters. On December 6, 2010, the EPA published its final administrative rule.

The DEP has petitioned EPA to return the responsibility of NNC rulemaking to the state. The DEP has already established NNC for rivers, streams, lakes, and the majority of estuaries. The EPA has approved the criteria for rivers, streams, lakes, and south Florida estuaries. However, pursuant to the settlement agreement and consent decree, the EPA has proposed, though not set, criteria for coastal waters and the remaining estuaries, and re-proposed their river and stream criteria, which were invalidated by the U.S. District Court for the Northern District of Florida in a ruling handed down in February, 2012.<sup>13</sup>

On November 30, 2012, the EPA approved state NNC standards for the prevention of nutrient pollution in Florida's waterways applicable to 100 percent of Florida's rivers, streams, lakes and to estuaries from Tampa Bay to Biscayne Bay, including the Florida Keys.<sup>14</sup> Simultaneously, the EPA proposed draft federal NNC rules pursuant to a federal consent decree for waters not yet covered by state rules, which include:

- remaining estuaries;
- open ocean waters;
- the location where south Florida canals enter estuaries; and
- scientifically challenging areas like tidal creeks, headwaters that are dry for portions of the year (excluding drought conditions), and managed water conveyances.

As part of the November 30, 2012, action, the EPA also amended its previous January 2009 determination concluding that the DEP's rules provided sufficient quantitative procedures upstream to ensure the protection of water quality standards in downstream waters, as required by the CWA.

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<sup>13</sup> *Florida Wildlife Federation, Inc. v. Jackson*, 853 F.Supp.2d 1138 (N.D.Fla. 2012).

<sup>14</sup> Letter from James Giattina, Director, Water Protection Division, EPA, to DEP Secretary Herschel Vinyard, Nov. 30, 2012, [http://www.dep.state.fl.us/water/wqssp/nutrients/docs/new/epa\\_approval\\_letter\\_113012.pdf](http://www.dep.state.fl.us/water/wqssp/nutrients/docs/new/epa_approval_letter_113012.pdf) (last visited Mar. 16, 2013).

The only NNC that have taken full effect so far are those for the estuaries located in south Florida. The remainder of the Florida and EPA rules go into effect at various times. In the interim, narrative goals listed in state rules continue to apply to these waters, as well as any established restoration goals in existing TMDLs.<sup>15</sup>

The DEP is continuing its development of criteria for the rest of the estuaries in the state. In November 2012, the DEP adopted NNC for additional estuaries, expanding coverage to 72 percent of Florida estuaries. The DEP has committed to adopting criteria for the remaining estuaries by 2015 after data collection and analysis, which will require EPA approval.<sup>16</sup> The DEP and the EPA are negotiating the requirements Florida must comply with in order for the EPA to request a release from the consent decree and return all NNC rulemaking to the state.

Rule 62-302.531(9), F.A.C., provides for the adoption of Florida's NNC rules if the EPA approves the rules in their entirety, concludes rulemaking that removes federal NNC in response to the approval of Florida's rules, and finds that the rules sufficiently address the EPA's January 14, 2009 determination. If any of the state rules are found to be invalid, then none of the state rules will be implemented.

### **Legislative Ratification of Agency Rules**

Pursuant to s. 120.541, F.S., any rule that meets any of three thresholds must be ratified by the Legislature. The thresholds are:

- If it is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after the implementation of the rule;
- If it is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within five years after the implementation of the rule; or
- If it is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within five years after the implementation of the rule.<sup>17</sup>

If ratification is required, "the rule must be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the next regular legislative session, and the rule may not take effect until it is ratified by the Legislature."<sup>18</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 403.061, F.S., to establish measures to protect downstream lakes and estuaries from pollutants coming from upstream waterbodies, particularly water management conveyances. Specifically, the SPB directs the DEP to implement the TMDL program and water

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<sup>15</sup> DEP, *Numeric Nutrient Criteria in the State of Florida: Status and Meaning of November 30, 2012 Action by EPA*, <http://www.dep.state.fl.us/water/wqssp/nutrients/docs/nnc-status-FS-dec2012.pdf> (last visited Mar. 16, 2013).

<sup>16</sup> *Id.*

<sup>17</sup> Section 120.541(2)(a)1.-3., F.S.

<sup>18</sup> Section 120.541(3), F.S.

pollution discharge permitting consistent with attaining and maintaining in-stream and downstream water quality.

For waters downstream from a stream, canal, or other conveyance, the loading of nutrients must be limited to provide for the attainment and maintenance of nutrient WQSs. The SPB provides the DEP with three options based on the downstream conditions:

- If the downstream water does not have a TMDL and has not been verified as impaired, the DEP is directed to implement its authority in a manner that prevents impairment of the downstream water due to upstream water loading
- If the downstream water does not have a TMDL and has been verified as impaired, then the DEP is directed to develop a TMDL for the waterbody.
- If the downstream water has a TMDL that interprets the narrative water quality criterion for nutrients, then allocations shall be set for upstream waterbodies in accordance with s. 403.067(6), F.S., and, if applicable, the BMAP established under s. 403.067(7), F.S.

The SPB states that compliance with an allocation for the downstream water will constitute reasonable assurance that a discharge does not cause or contribute to the violation of the downstream nutrient WQSs.

**Section 2** creates an unnumbered section of law authorizing the DEP to implement NNC consistent with “Implementation of Florida’s Numeric Nutrient Standards.” The document explicitly states how the DEP will apply nutrient standards to water management conveyances and has been proposed for adoption in the Florida Administrative Register.

**Section 3** creates an unnumbered section of law providing that all NNC adopted by the DEP shall become effective when the EPA withdraws all federal NNC rules and ceases all federal nutrient rulemaking in the state. When this occurs, Rule 62-302.531(9), F.A.C., will expire.

**Section 4** creates an unnumbered section of law exempting from ratification any additional estuary NNC adopted by the DEP during 2013; however, these rules are still subject to Rule 62.-302.531(9), F.A.C., until its expiration.

**Section 5** creates an unnumbered section of law directing the DEP to adopt NNC for total nitrogen, total phosphorous, and chlorophyll *a* for any estuaries not already subject to the DEP’s NNC, and establish chlorophyll *a* interpretations of the narrative nutrient criterion for non-estuarine coastal waters by December 1, 2014.

The SPB states that until such time as numeric interpretation of narrative water quality criterion is established by final rule or order, the water quality standard for total nitrogen, total phosphorous and chlorophyll *a* in estuaries, and chlorophyll *a* in non-estuarine coastal waters is the current conditions of those unimpaired waters.

The DEP is directed to provide the Governor, the Speaker of the House of Representatives, and the President of the Senate with a report by August 1, 2013, describing the status of establishing NNC pursuant to this SPB.

**Section 6** provides that the act takes effect upon becoming a law.

**Other Potential Implications:**

It is important to note that if the DEP does not set comprehensive NNC for Florida, the EPA will. If that occurs, the costs of compliance will likely be significantly more for the state and for the regulated community.

**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:**

The regulated community anticipates that the DEP NNC rules, while still requiring significant investment, will be less expensive to implement than the EPA's NNC. The difference in the cost of compliance is attributable to the implementation of the DEP's NNC rules that account for site-specific criteria and allow for biological variations for Florida's waterbodies that the EPA's rules do not.

**C. Government Sector Impact:**

Like the private sector, government entities will likely see lower costs of compliance with the DEP's NNC rules.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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

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**FOR CONSIDERATION** By the Committee on Environmental Preservation and Conservation

592-02550-13

20137034\_\_

1                                   A bill to be entitled  
2       An act relating to numeric nutrient criteria; amending  
3       s. 403.061, F.S.; authorizing the Department of  
4       Environmental Protection to implement ss. 403.088 and  
5       403.067, F.S., to control nutrient load in state  
6       waters; authorizing the department to implement its  
7       adopted nutrient standards; directing the department  
8       to remove rule 62-302.531(9), Florida Administrative  
9       Code, when the United States Environmental Protection  
10      Agency withdraws all federal numeric nutrient criteria  
11      rules in the state; subjecting any numeric nutrient  
12      rules for estuaries adopted in 2013 to the provisions  
13      of rule 62-302.531(9), Florida Administrative Code,  
14      and exempting them from ratification under s.  
15      120.541(3), F.S.; directing the department to  
16      establish estuary specific numeric interpretations of  
17      the narrative nutrient criterion for total nitrogen,  
18      total phosphorus, and chlorophyll a for any estuary  
19      not already subject to department numeric nutrient  
20      criteria; directing the department to send a report to  
21      the Governor, the Speaker of the House of  
22      Representatives, and the President of the Senate by  
23      August 1, 2013, concerning the status of establishing  
24      numeric nutrient criteria in the state; providing an  
25      effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29       Section 1. Subsection (43) is added to section 403.061,

592-02550-13

20137034

30 Florida Statutes, to read:

31 403.061 Department; powers and duties.—The department shall  
32 have the power and the duty to control and prohibit pollution of  
33 air and water in accordance with the law and rules adopted and  
34 promulgated by it and, for this purpose, to:

35 (43) (a) Implement ss. 403.088 and 403.067 in flowing waters  
36 consistent with the attainment and maintenance of:

37 1. The narrative criterion for nutrients and any in-stream  
38 numeric interpretation of the narrative water quality criterion  
39 for nutrients adopted by the department in streams, canals, and  
40 other conveyances; and

41 2. Nutrient water quality standards applicable to  
42 downstream waters.

43 (b) The loading of nutrients to downstream waters from a  
44 stream, canal, or other conveyance shall be limited to provide  
45 for the attainment and maintenance of nutrient water quality  
46 standards in the downstream waters.

47 1. If the downstream water does not have a total maximum  
48 daily load adopted under s. 403.067 and has not been verified as  
49 impaired by nutrient loadings, then the department shall  
50 implement its authority in a manner that prevents impairment of  
51 the downstream water due to loadings from the upstream water.

52 2. If the downstream water does not have a total maximum  
53 daily load adopted under s. 403.067 but has been verified as  
54 impaired by nutrient loadings, then the department shall adopt a  
55 total maximum daily load under s. 403.067.

56 3. If the downstream water has a total maximum daily load  
57 adopted under s. 403.067 that interprets the narrative water  
58 quality criterion for nutrients, then allocations shall be set

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59 for upstream water bodies in accordance with s. 403.067(6), and  
60 if applicable, the basin management action plan established  
61 under s. 403.067(7).

62 (c) Compliance with an allocation calculated under s.  
63 403.067(6), or if applicable, the basin management action plan  
64 established under s. 403.067(7) for the downstream water shall  
65 constitute reasonable assurance that a discharge does not cause  
66 or contribute to the violation of the downstream nutrient water  
67 quality standards.

68  
69 The department shall implement such programs in conjunction with  
70 its other powers and duties and shall place special emphasis on  
71 reducing and eliminating contamination that presents a threat to  
72 humans, animals or plants, or to the environment.

73 Section 2. The Department of Environmental Protection is  
74 authorized to implement its adopted nutrient standards for  
75 streams, springs, lakes, and estuaries consistent with the  
76 document entitled "Implementation of Florida's Numeric Nutrient  
77 Standards," which was proposed for adoption by the department in  
78 the Florida Administrative Register, Vol. xx, No. xx, pages xxx-  
79 xxx. This document shall be subject to the provisions of rule  
80 62-302.531(9), Florida Administrative Code, and exempt from  
81 ratification under s. 120.541(3), Florida Statutes.

82 Section 3. When the United States Environmental Protection  
83 Agency withdraws all federal numeric nutrient criteria rules in  
84 the State of Florida, and otherwise ceases all federal nutrient  
85 rulemaking in the State of Florida, then rule 62-302.531(9),  
86 Florida Administrative Code, shall expire and the Department of  
87 Environmental Protection shall remove it from the Florida

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88 Administrative Code pursuant to the provisions of chapter 120,  
89 Florida Statutes.

90 Section 4. Any nutrient criteria rules for estuaries  
91 adopted by the Department of Environmental Protection in 2013  
92 are subject to the provisions of rule 62-302.531(9), Florida  
93 Administrative Code, and exempt from ratification under s.  
94 120.541(3), Florida Statutes.

95 Section 5. The Department of Environmental Protection shall  
96 establish by rule or final order the estuary specific numeric  
97 interpretations of the narrative nutrient criterion for total  
98 nitrogen, total phosphorus, and chlorophyll a for any estuaries  
99 not already subject to the department's numeric nutrient  
100 criteria, and establish chlorophyll a interpretations of the  
101 narrative nutrient criterion for non-estuarine coastal waters by  
102 December 1, 2014, subject to the provisions of chapter 120,  
103 Florida Statutes. The water quality standard pursuant to s.  
104 403.061(11), Florida Statutes, for total nitrogen, total  
105 phosphorus, and chlorophyll a in estuaries, and chlorophyll a in  
106 non-estuarine coastal waters, shall be the current conditions of  
107 those unimpaired waters, accounting for climactic and hydrologic  
108 cycles, until such time as a numeric interpretation of the  
109 narrative water quality criterion for nutrients is established  
110 by rule or final order. The Department of Environmental  
111 Protection shall send a report to the Governor, the Speaker of  
112 the House of Representatives, and the President of the Senate by  
113 August 1, 2013, conveying the status of establishing numeric  
114 interpretations of the narrative nutrient criterion pursuant to  
115 this section and including the department's calculation of the  
116 numeric values that represent the current conditions of those

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117 unimpaired waters as stated herein for those estuaries and non-  
118 estuarine coastal waters without numeric interpretations of the  
119 narrative nutrient criterion established by rule or final order  
120 as of the date of the report.

121 Section 6. This act shall take effect upon becoming a law.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

12

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

3/21/13

*Meeting Date*

Topic TMDL

Bill Number 7036  
*(if applicable)*

Name Leticia M Adams

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director of Infrastructure Policy

Address 136 South Bronough Street

Phone 850-544-6866

*Street*

Tallahassee FL 3230

*City*

*State*

*Zip*

E-mail ladams@flchamber.com

Speaking:  For  Against  Information

Representing Florida Chamber of Commerce

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

12

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

3/21/13  
Meeting Date

Topic JMDL

Bill Number SPB 7036  
*(if applicable)*

Name Mary Jean Yan

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Director

Address 3324 Charleston Rd

Phone 850/519-7859

TLH FL 32309  
City State Zip

E-mail maryjeanyan@congress.net

Speaking:  For  Against  Information

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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THE FLORIDA SENATE  
**APPEARANCE RECORD**

12

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

3/21/2013  
Meeting Date

Topic TMDL exemption

Bill Number 7036  
*(if applicable)*

Name Katie Kelly

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title leg. affairs DEP

Address \_\_\_\_\_  
Street  
\_\_\_\_\_  
City State Zip

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing DEP

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**

12

3/21/13

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

Meeting Date

Topic TMDL

Bill Number SPB 7036  
*(if applicable)*

Name Ryan Matthews

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Leg Advocate

Address PB Box 1757

Phone 222 9484

*Street*  
Tallahassee FL 32302  
*City State Zip*

E-mail rmatthews@flcities.com

Speaking:  For  Against  Information

Representing FL 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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3/21/13  
~~7036~~

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

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

12

Topic TMDLs

Bill Number 7036  
*(if applicable)*

Name DAVID CULLEN

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 1674 UNIVERSITY BLVD # 296  
*Street*

Phone 941-323-2404

SARASOTA FL 3424  
*City State Zip*

E-mail cullen@senate.fl.gov

Speaking:  For  Against  Information

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.**

**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.)

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Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

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BILL: SPB 7036

INTRODUCER: For Consideration by the Environmental Preservation and Conservation Committee

SUBJECT: Total Maximum Daily Loads

DATE: March 21, 2013

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino		<b>Submitted as Committee Bill</b>
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

SPB 7036 provides for the exemption of total maximum daily load (TMDL) rules from legislative ratification.

This SPB substantially amends s. 403.067(6)(c) of the Florida Statutes.

**II. Present Situation:**

**Establishment of TMDLs in Florida**

Under section 303 of the federal Clean Water Act (CWA), states are incentivized to adopt water quality standards (WQSs) for their navigable waters and must review and update those standards at least once every three years. These standards include:

- Designation of a waterbody's beneficial uses, such as water supply, recreation, fish propagation, and navigation;
- Water quality criteria that define the amounts of pollutants, in either numeric or narrative standards, that the waterbody can contain without impairment of the designated beneficial uses; and
- Anti-degradation requirements.<sup>1</sup>

In 1999, the Legislature passed the Florida Watershed Restoration Act (WRA), which codified the establishment of TMDLs for pollutants of waterbodies as required by the federal CWA.<sup>2</sup>

---

<sup>1</sup> 33 U.S.C. s. 1313(c)(2)(A); 40 C.F.R. ss. 131.6, 131.10-12.

<sup>2</sup> Section 403.067, F.S.

Each TMDL, which must be adopted by rule, is a scientific determination of the maximum amount of a given pollutant that can be absorbed by the waterbody while still meeting WQSs. Waterbodies that do not meet the established WQSs are deemed impaired and, pursuant to the CWA, the DEP establishes a TMDL for the waterbody or section of the waterbody that is impaired.<sup>3</sup> A TMDL for an impaired waterbody is defined as the sum of the individual waste load allocations for point sources and the load allocations for nonpoint sources and natural background.<sup>4</sup> Waste load allocations are pollutant loads attributable to existing and future point sources, such as discharges from industry and sewage facilities. Load allocations are pollutant loads attributable to existing and future nonpoint sources such as the runoff from farms, forests, and urban areas. If a state does not set TMDLs for impaired waterbodies, the EPA may revoke the delegation of authority permitted under the CWA and begin setting TMDLs within a state.

Restoration of impaired waterbodies can be expensive for both the public and private sectors, requiring infrastructure investments in wastewater and stormwater facilities, implementation of best management practices, acquisition of conservation lands, etc.

### **Legislative Ratification of Agency Rules**

Pursuant to s. 120.541, F.S., any rule that meets any of three thresholds must be ratified by the Legislature. The three thresholds are:

- If it is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within five years after the implementation of the rule;
- If it is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within five years after the implementation of the rule; and
- If it is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within five years after the implementation of the rule.<sup>5</sup>

TMDL rules will often meet or exceed one of the above thresholds, thus requiring ratification. If ratification is required, “the rule must be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the next regular legislative session, and the rule may not take effect until it is ratified by the Legislature.”<sup>6</sup>

According to the Department of Environmental Protection (DEP), one of the problems with ratifying TMDL rules is that if the notice deadline is missed, and TMDLs are developed throughout the year, then it can take up to a year for a rule to go into effect. This may result in significant delays in the process of restoring water quality.<sup>7</sup>

---

<sup>3</sup> *Id.*

<sup>4</sup> Chapter 62-302, F.A.C. (Surface Water Quality Standards). Nonpoint sources of pollution are essentially sources of pollution that are not point sources. Nonpoint sources of pollution can include runoff from agricultural lands or residential areas; oil, grease and toxic materials from urban runoff; and sediment from improperly managed construction sites.

<sup>5</sup> Section 120.541(2)(a)1.-3., F.S.

<sup>6</sup> Section 120.541(3), F.S.

<sup>7</sup> DEP, *Department of Environmental Protection Draft Bill Analysis* (Mar. 2013) (on file with the Senate Committee on Environmental Preservation and Conservation).

**III. Effect of Proposed Changes:**

**Section 1** amends s. 403.067, F.S., to exempt TMDLs and phased TMDLs from the legislative ratification requirements of s. 120.541(3), F.S.

**Section 2** provides an effective date of July 1, 2013.

**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:**

Allowing the DEP to continue administering the TMDL program under the delegation of authority from the EPA gives the private sector continuity and certainty in working within the existing DEP framework.

**C. Government Sector Impact:**

According to the DEP, the DEP will benefit from a modest reduction in staff time and costs associated with preparing and submitting TMDL rule packages to the Legislature for ratification.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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

---

**FOR CONSIDERATION By** the Committee on Environmental Preservation and Conservation

592-02508B-13

20137036\_\_

1                   A bill to be entitled  
2           An act relating to total maximum daily loads; amending  
3           s. 403.067, F.S.; exempting total maximum daily load  
4           rules from legislative ratification; providing an  
5           effective date.

6  
7 Be It Enacted by the Legislature of the State of Florida:

8  
9           Section 1. Paragraph (c) of subsection (6) of section  
10          403.067, Florida Statutes, is amended to read:

11           403.067 Establishment and implementation of total maximum  
12          daily loads.—

13           (6) CALCULATION AND ALLOCATION.—

14           (c) Adoption of rules. The total maximum daily load  
15          calculations and allocations established under this subsection  
16          for each water body or water body segment shall be adopted by  
17          rule by the secretary pursuant to ss. 120.536(1), 120.54, and  
18          403.805. Where additional data collection and analysis are  
19          needed to increase the scientific precision and accuracy of the  
20          total maximum daily load, the department is authorized to adopt  
21          phased total maximum daily loads that are subject to change as  
22          additional data becomes available. Where phased total maximum  
23          daily loads are proposed, the department shall, in the detailed  
24          statement of facts and circumstances justifying the rule,  
25          explain why the data are inadequate so as to justify a phased  
26          total maximum daily load. The rules adopted pursuant to this  
27          paragraph are shall ~~shall~~ not ~~be~~ subject to approval by the  
28          Environmental Regulation Commission and are not subject to the  
29          provisions of s. 120.541(3). As part of the rule development

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20137036\_\_

30 process, the department shall hold at least one public workshop  
31 in the vicinity of the water body or water body segment for  
32 which the total maximum daily load is being developed. Notice of  
33 the public workshop shall be published not less than 5 days nor  
34 more than 15 days before the public workshop in a newspaper of  
35 general circulation in the county or counties containing the  
36 water bodies or water body segments for which the total maximum  
37 daily load calculation and allocation are being developed.

38 Section 2. This act shall take effect July 1, 2013.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

1ST

13

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

✓  
21 March 2013  
Meeting Date

Topic \_\_\_\_\_

Bill Number 5B682  
(if applicable)

Name Dr. Christopher Teaf

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Toxicologist

Address 2976 Wellington Circle W  
Street  
Tallahassee, FL 32312  
City State Zip

Phone (850) 933-0963

E-mail cteaf@hswmr.com

Speaking:  For  Against  Information

Representing Florida Electric Power Coordinating Group

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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

13

3/21/13

*Meeting Date*

Topic Fossil Fuel Combustion Products

Bill Number SB 682  
*(if applicable)*

Name Brewster Bevis

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Senior Vice President

Address 516 N. Adams St  
*Street*  
Tallahassee FL 32301  
*City State Zip*

Phone 850-224-7173

E-mail bbevis@aif.com

Speaking:  For  Against  Information

Representing Associated Industries of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/23/13

Meeting Date

Topic Coal Ash bill

Bill Number 682  
*(if applicable)*

Name Yolanda Whyte, MD

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Pediatrician & Environmental health expert

Address P.O. Box 500457

Phone 678-395-6693

Street

Atlanta, GA 31150

E-mail whyte3@msn.com

City

State

Zip

Speaking:  For  Against  Information

Representing Physicians For Social Responsibility

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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

13 ✓

3/21/2013  
Meeting Date

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

Topic Coal ash By Product E2 Base Bill Number SB-682  
(if applicable)

Name STEVE Johnson Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title landscap co.

Address 336 Foxhall Ave Phone 904 476-6969  
Street

Middleburg Fla 32068 E-mail Blackwater Ranch@  
City State Zip BellSouth.NET

Speaking:  For  Against  Information

Representing STEVE Johnson clay County Fla

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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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)

3/21/13  
Meeting Date

Topic Fossil Fuel Combustion Products Bill Number 682  
*(if applicable)*

Name Mike Kennedy Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Florida Environmental Affairs Manager

Address 106 E. College Ave #800 Phone 850-222-8738  
*Street*

Tallahassee FL 32301 E-mail mike.kennedy@pqnmail.com  
*City State Zip*

Speaking:  For  Against  Information

Representing Progress Energy Florida in conjunction w/ FCG

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

13

3/21/13

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

Meeting Date

Topic ASH REUSE

Bill Number 682 (if applicable)

Name FRANK MATTHEWS

Amendment Barcode (if applicable)

Job Title ATTY

Address PO BOX 6526

Phone 850 222 7500

Street

FLA State Zip

E-mail frankm@hgsllaw.com

Speaking: [X] For [ ] Against [ ] Information

Representing FLA. ELEC. POWER CODE GROUP

Appearing at request of Chair: [ ] Yes [X] 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**

13

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

3-21-13

Meeting Date

Topic Coal Ash

Bill Number SB 682  
*(if applicable)*

Name Stephanie Kunkel

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 1143 Albrighton Dr.

Phone 850-320-4208

Street

Tallahassee FL 32301

City

State

Zip

E-mail Stef.Kunkel@gmail.com

Speaking:  For  Against  Information

Representing Clean Water Action

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

13

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

3/21/13

*Meeting Date*

Topic Coal Ash

Bill Number 682  
*(if applicable)*

Name Leticia M Adams

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director of Infrastructure Policy

Address 136 South Bronough Street

Phone 850-544-6866

*Street*

Tallahassee

FL

3230

*City*

*State*

*Zip*

E-mail ladams@flchamber.com

Speaking:  For  Against  Information

Representing Florida Chamber of Commerce

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

13

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

3/2/13  
Meeting Date

Topic Coal Ash

Bill Number HB ~~708~~ 682  
*(if applicable)*

Name Mary Jean Yan

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Director

Address 3324 Charleston Rd

Phone 850/519-7859

LaHasssee FL 32309  
City State Zip

E-mail maryjeanyan@comcast.net

Speaking:  For  Against  Information

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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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/21/13  
Meeting Date

Topic Fossil Fuel Cons. Prod

Bill Number 282  
*(if applicable)*

Name DAVID CULLEN

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 1674 UNIVERSITY AVENUE  
Street

Phone 941-323-2104

SARASOTA FL 34243  
City State Zip

E-mail cullen@secd.com

Speaking:  For  Against  Information

Representing FERRA 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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✓  
"Other"

TAB  
13

GOOD AFTERNOON LADIES AND GENTLEMEN OF THE HONORABLE FLORIDA LEGISLATIVE BODY.

MY NAME IS STEVEN JOHNSON

I AM A FLORIDA RESIDENT AND OWN PROPERTY AT 336 FOXTAIL AVE.

MIDDLEBURG, FLORIDA 32068. (CLAY COUNTY)

1. I AM REQUESTING THE LEGISLATURES TO NOT FUND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR ENDANGERING CHILDREN, THE PUBLIC'S LIVES AND ENVIRONMENTAL HEALTH.
2. I AM REQUESTING THE LEGISLATURES TO REINSTATE THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.
3. I AM ALSO REQUESTING TO FUND THE JOINT LEGISLATIVE SUNSET COMMITTEE.
4. I STEVE JOHNSON AS A PARENT AND FLORIDA RESIDENT REQUEST 12 MILLION DOLLARS TO BE APPROPRIATED FROM THE FDEP 2013 BUDGET AS AN EMERGENCY ADMENDMENT TO CLEAN UP THE 336 FOXTAIL AVE PROPERTIES, OUR PUBLIC SCHOOL, THE GIRL SCOUT CAMP, CAMP BLANDING AND ALL UNAPPROVED EZ BASE USE IN RESIDENTIAL SITES THAT ENDANGER CHILDREN IN CLAY AND BAKER COUNTY ASAP.

## 20 material facts

1. Jacksonville Electric Authority cleaned up the property directly adjacent to the 336 Foxtail properties with the Florida Department of Environmental Protection Agency as its guide.
2. Jacksonville Electric Authority left hundreds of loads of uncovered, contaminated EZ Base directly adjacent to potable drinking wells, wetlands, ponds Where children swim and fish with the Department of Environmental Protection Agency as its guide.
3. The Jacksonville Electric Authority's contaminated Ez Base is deteriorating, releasing containments into the air, soil and water where children live, play and attend school.
4. Jacksonville Electric Authority removed one section of EZ- Base beside Black creek a class 3 water way unable to remove it all the material was cultivated and loose ash was scattered abroad waiting for the creek to rise and take it away.
5. The Florida Department of Environmental Protection and Jacksonville Electric Authority claim to have no testing on the contaminated Ez Base that resides on the 336 Foxtail property, the Evans adjacent property, JL Wilkinson School, the Girl Scout Camp or any other site.
6. Jacksonville Electric Authority and The Florida Department of Environmental Protection Agency have no viable plan of action on how they intend to clean up the 336 Foxtail property or any other properties where children live and play.
7. Jacksonville Electric Authority and the Florida Department of Environmental protection agency both endangered the environment and the public's lives including minor children by not properly cleaning up the Evans property or any of the other properties where Ez Base was used.
8. The Florida Department of Environmental protection Agency should have stopped the usage of contaminated EZ- Base years before it reached the 336 Foxtail Ave. property. A suspension in which the Jacksonville Electric Authority And The Florida Department of Environmental Protection Agency both agreed that the Ez Base product would not be used in residential areas and uncovered applications was ignored by the Jacksonville Electric Authority with no regards to public and environmental health thus endangering children, public lives and the environment.
9. Records show that the Florida Department of Environmental protection Agency knew the Ez-Base leached harmful toxic heavy metals into the environment and continued to allow its use thus endangering the environment, children, and the public's lives.
10. The required material safety data sheet that Jacksonville Electric Authority is using to market the manufactured product Ez Base that was brought to the 336 Foxtail properties is incorrect showing no toxic heavy metals.

## 20 material facts

11. A proper site assessment by a state, Federal agency or Jacksonville Electric Authority recognizing toxic heavy metals residing on the 336 Foxtail properties or any other properties has not been executed to date.

12. Testing requested by Kennedy & Madonna 48 Dewitt Mills RD. Hurley New York 12443 contracting Test America (The Leaders In Environmental Testing) Job #680-58793-1 show toxic heavy metals above federal regulated levels for residential areas.

13. The Material on the 336 Foxtail Ave property and all other properties where Ez Base has been used must be recognized according to testing and a new corrected Material Safety Data sheet generated before any clean-up work commences.

14. The EZ Base was represented to be safe as sand having no toxic heavy metals. Jacksonville Electric authority and the Florida Department of Environmental protection Agency both were aware Ez Base was not safe as sand and contained toxic heavy metals making this a fraudulent act.

15. It has been said in front of three men by a state employee of the Florida Department of Environmental Protection Agency Quote.: The department has deep pockets and would hold an administrative hearing behind closed doors. This will all go away, It happens all the time Steve. We are all one big happy family.

16. With all of this being said I have no choice but to believe that The Florida Department of Environmental Protection Agency and The Jacksonville Electric Authority are participating in some sort of collusion and cover up of their Ez Base use that diminishes the appraised value of federally insured mortgage properties.

17. Being a first-hand witness of the improper clean-up that the Jacksonville Electric Authority executed on the Evans property and the no further action needed signed certificate of the Florida Department of Environmental Protection Agency.

18. It is my duty as an American Citizen and Florida resident for the protection of the people, our children and the environment to protest any clean up by the Jacksonville Electric Authority overseen by the Florida Department of Environmental Protection Agency.

19. This is only the tip of the Ice burg. Many more material facts will arise at the administrative hearing that I have requested twice.

20. The only material fact needed by this legislative body is the Jacksonville Electric Authority and the Florida Department of Environmental protection Agency have and still are endangering children, people's lives, the Environment and they continue to let this Gross Negligent act proceed without holding Jacksonville Electric Authority the polluters fully responsible for their actions.

In the Final Order letter signed by Greg Strong on February 27, 2013 the land owners were held responsible to remove the toxic Ez Base from the 336 Foxtail Ave. property. It was documented that we must follow the Florida Contaminated Site Clean-up Criteria rule. Statute 62-780. Jacksonville Electric Authority began the clean-up 2 days after this date not following the statutes written by this legislative body as Florida law.

I have never seen such disrespect of the laws written by Florida legislation to protect the public safety in all my life by 2 extremely powerful organizations that affect us all as Florida citizens.

I strongly oppose Bill SB-682 and I hope this legislative body will make right decision that protects public safety, the environment, our water, and most of all our children.

It has been an honor to speak before you all today thank you and God Bless you all.

To: Steve Johnson and family

Mr. Johnson, you may use the following.

There are many reasons why EZ Base should not be dug up and shipped without safety precautions.

1. If Florida DEP and DOT has data that has been validated, peer reviewed and with peer review comments on the safety and airborne particles of the chemicals that can be in EZ Base such as but not limited to arsenic, lead, mercury, cadmium, chromium and selenium, aluminum, antimony, barium, beryllium, boron, chlorine, cobalt, manganese, molybdenum, nickel, thallium, vanadium, zinc, nitrates and nitrites, radioactive elements, dioxins and furans, and perhaps phosphates they should provide that information.

2. If they do not have such information than they are intentionally endangering children, immune disorder persons, adults, pregnant women, veterans' that have been exposed to dioxin in

Agent Orange, endangered species, and etc.

> Florida DEP should provide validated, peer reviewed data and with peer review comments on the chemicals in EZ Base found in the area that is planned for removal, in the waters in the area, in soils that have not received EZ Base in the area, in or on plants in the area to prove that chemicals such as the following but not limited to arsenic, lead, mercury, cadmium, chromium and selenium, aluminum, antimony, barium, beryllium, boron, chlorine, cobalt, manganese, molybdenum, nickel, thallium, vanadium, zinc, nitrates and nitrites, radioactive elements, dioxins and furans, and perhaps phosphates.

> If FDEP has no such data they know nothing about the safety, fate and transport and dangers to children, immune disorder persons, adults, pregnant women, veterans' that have been exposed to dioxin in Agent Orange, endangered species, and etc.

I challenge FDEP to prove me wrong with data is validated, peer reviewed and with peer review comments of which I bet they have NONE.

Respectfully submitted,

Dr. Ron Ney

Retired USEPA Pesticide Expert (national and international) on pesticide in the environment and petitions for tolerance (chemical residues (parent and degradation products)), Hazardous Waste Science Advisor for RCRA Regulations, Expert Witness for USEPA and USDOJ and others, and author of Fate and Transport of Organic Chemicals in the Environment, third edition. I am also a retired Principal Real Estate Broker and Certified Property Appraiser.

> Certificate of Achievement and entered into the 16th edition of AMERICAN MEN AND WOMEN OF SCIENCE, January 1987.

I have a lot of other qualifications if needed.

**St. Marys EarthKeepers  
Presentation read by Rick Frey, Chairman of EarthKeepers' RiverWatch Committee  
March 4, 2103**

A couple of months ago a matter was brought to my attention. An observer noticed a huge number of heavily-laden trucks traveling repeatedly along the roads leading to a section of roadway in close proximity to the tributaries of the St. Marys River.

Countless emails, hours of research and many phone calls later, this is what has come to light so far:

On June 29, 2011, Jacksonville Electric Authority (JEA) submitted a letter to the Georgia Environmental Protection Department (EPD) requesting a one-time variance from Georgia's Solid Waste Management Act requirements. JEA wanted to test the safety and effectiveness of the use of EZBase (a coal ash product) as a roadway construction material. (They have mountains of toxic coal ash and hope to find a way to get rid of it).

On September 12, 2011, JEA submitted a revised Sampling and Analysis Plan – including quarterly tests for the following “target analytes”: aluminum, antimony, arsenic, barium, boron, cadmium, chromium, copper, iron, manganese, mercury, nickel, selenium, vanadium, sodium, sulfate, chloride, fluoride, and pH.

The GaEPD granted the variance in May, 2012 and JEA proceeded to apply EZBase to approximately five miles of road on Rayonier's property in Charlton County alongside the tributaries of the St. Marys River. (It should be noted that the test wells and sample tests are being funded by the JEA itself).

Meanwhile, in the course of digging through the layers of regulation and documentation, I discovered that EZBase has been applied at several locations in St. Marys and throughout Camden County:

Osprey Cove Golf Course (where it was subsequently removed as a condition of sale. A resident informs me that the paths were crumbling and people were complaining of headaches and respiratory issues),

The Cumberland Harbour fire department parking lot,

Hammock Cove (adjacent to Park Place apartments),

The Reserve at Park Place,

Bridge Pointe residential development,

Gilligan's Island,

Alvah Brazell Rd. N.,

the cities of Kingsland and Woodbine.

All areas have been confirmed by city and county staff. It is expected that further inquiries will reveal that many more areas are likewise affected.

Environmental concerns include the potential to contaminate the soil, surface water, or groundwater and the possibility of fugitive dust emissions from the EZBase road. The Florida Department of Environmental Protection (DEP) has expressed concerns about vanadium contamination in particular.

In Florida, approval of EZBase as a final top surface is limited by certain conditions. Quarterly monitoring of toxic analytes is required for a minimum of three years; only certain parties are allowed to apply EZBase; EZBase will not be stored or used on residential property or

commercial property housing a preK-12 school or daycare, and JEA must maintain buffers between EZBase application and groundwater, surface water, wetlands, and potable water wells.

And yet it has been applied without supervision, restrictions or testing in residential areas of GA.

*Again – no variances were granted in any of the cases mentioned. No variance has ever been granted in Georgia other than the recent one for the Rayonier property test site.*

EZBase contains a legion of toxins. In high concentrations, these metals may cause birth defects, lung disease, nervous system disorders and a battalion of other serious health problems. Indeed, the material is so hazardous that it has to be contained in specially-lined holding areas of landfills and disposal is expensive. (JEA now charges \$50 per truckload delivery. The utility had previously *paid* about \$625 to dispose of that amount). Apparently JEA provided SGC Inc. (involved in some of the development properties listed) with EZBase at no cost.

Late last year the federal EPA stated that there hasn't been enough testing done to determine the safety of coal ash byproducts and are considering whether or not to classify coal ash as a hazardous waste.

*So to sum this up: the JEA applied for a one-time variance to test (on the Rayonier property near the St. Marys River in southern Georgia) the safety of a highly questionable and unproven coal ash product and yet the utility has been marketing to, and supplying, developers and property managers here and elsewhere with the material for several years. Without the knowledge of, or permission from, the GaEPD.*

This issue impacts our economy, our property values, our health and our environment. As is usually the case, there are more questions than answers at this time. Certainly there is one man who fervently wishes that he'd never heard of EZBase: Steve Johnson.

Over two years ago, he consented to the no-charge delivery of 16 tons of coal ash material (marketed as EZBase) and applied it to the roads on his 30-acre property in Middleburg, Florida. Now his land is worthless and he fears for the health of his family. 2010 soil samples indicated that the arsenic levels on Mr. Johnson's property were 4 times the acceptable state level while the vanadium content exceeded 75 times the state standards for safety.

JEA began marketing EZBase in 2006. Between 2006 and 2008, 400,000 tons of EZBase found its way to Georgia – even though the Georgia Department of Transportation de-listed coal ash or “fly ash” products as acceptable road base materials in 2006.

This appears to be a case of acting first and seeking permission later. What this means for the residents of these areas in St. Marys and Camden County is unknown.

On November 19, 2010, Richard Tedder of the Program Administrator for the Florida Department of Environmental Protection wrote:

“In my opinion, the acceptability of EZBase in road applications is based on two considerations – compaction such that the migration of vanadium is minimal and infrequency of human contact with the material.”

From Jeffrey Cown, Georgia DNR: "The use of a material that is defined as a solid waste without authorization by the Director of the Georgia EPD is a direct violence of the rules for Solid Waste Management."

According to a material safety data sheet from the US Department of Labor's Occupational Safety and Health Administration (OSHA) on EZBase, it contains highly "hazardous components."

The data sheet specifically warns that skin or eye contact with EZBase is not recommended, nor is allowing it to become dry and dusty, which makes dangerous contact more likely. Cracking can lead to "fugitive dust" – and rippling of many of the areas where it has been applied in St. Marys is already evident.

I sincerely hope that from now on, the City of St. Marys – and the County - will closely monitor and reject the use of a de-listed, un-tested and potentially un-safe material in public and residential areas (gated communities or not).

*\*Addendum: As a result of this report and the documentation provided to them, St Marys City Council voted (unanimously) to restrict road base materials to only those that are approved by the GDOT for use on state and federal highways (March 4, 2013 St. Marys City Council meeting). This includes all local and private roads (e.g. "gated subdivisions" and private developers). Councilmember James Gant stated that my report and "evidence" were "deeply worrisome" and that "we must protect citizens from untested and potentially unsafe materials." It is to be hoped that Kingsland, Woodbine and Camden County will adopt similar ordinances.*

**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 Environmental Preservation and Conservation Committee

**BILL:** CS/SB 682

**INTRODUCER:** Environmental Preservation and Conservation Committee and Senator Simpson

**SUBJECT:** Fossil Fuel Combustion Products

**DATE:** March 25, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gudeman	Uchino	EP	<b>Fav/CS</b>
2.	_____	_____	CA	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 682 specifies that certain uses of fossil fuel combustion products (FFCPs) would be defined as beneficial uses and exempts the beneficial use of FFCPs from certain provisions in Part IV of ch. 403, F.S. The bill also exempts disposal facilities that accept FFCPs from the prohibition on hazardous waste landfills in Florida.

CS/SB 682 creates s. 403.7047 and amends s. 403.7222 of the Florida Statutes.

**II. Present Situation:**

**Fossil Fuel Combustion**

Fossil fuels, particularly coal, are the most common source of fuel for electricity production in the United States. Coal is an abundant natural resource in the United States, which has the largest recoverable coal reserves in the world. Coal is relatively inexpensive; however, the emissions from coal combustion have an adverse affect on human health and the environment.<sup>1</sup> The Clean

<sup>1</sup>U.S. Energy Information Administration, *Energy in Brief*, [http://www.eia.gov/energy\\_in\\_brief/article/role\\_coal\\_us.cfm](http://www.eia.gov/energy_in_brief/article/role_coal_us.cfm) (last visited Feb. 25, 2013).

Air Act (CAA) of 1970 authorized the National Ambient Air Quality Standards, which placed limitations on coal combustion emissions.<sup>2</sup> The CAA was significantly amended in 1990 and required more stringent emissions standards for coal power plants. Since the passage of the CAA, many coal plants have been retrofitted to reduce harmful emissions and new plants are constructed using advanced technologies that greatly reduce air-borne pollutants.<sup>3</sup>

Fossil fuel combustion creates bi-products, referred to as FFCPs. The U.S. Environmental Protection Agency (EPA) estimates that between 130 and 140 million tons of FFCPs are produced each year in the United States.<sup>4</sup> Landfills and surface impoundments are used to manage the majority of FFCPs. The remainder is sold for beneficial use in construction materials, such as concrete and wallboard, and for agricultural purposes.<sup>5</sup> There are four types of FFCPs generated during coal combustion:<sup>6</sup>

- Fly ash is a non-combustible particulate matter that is transported from the combustion chamber by exhaust gases and accounts for approximately 74 percent of the ash generated.
- Bottom ash is heavier than fly ash, and collects in the bottom of boilers and accounts for approximately 20 percent of the ash generated.
- Boiler slag is formed when the ash melts under extreme heat and collects in wet-bottom boilers and accounts for approximately six percent of the ash generated.
- Flue-gas Desulfurization (FGD) material is created from the chemical process used to remove sulfur dioxide from combustion emissions by converting the sulfur dioxide to calcium sulfate (gypsum).

### **Federal Regulation of Fossil Fuel Combustion Products**

In 1976, Congress passed the Federal Resource Conservation and Recovery Act (RCRA) in order to address the increase in industrial and municipal waste. The RCRA established a solid waste program under RCRA Subtitle D and a hazardous waste program under RCRA Subtitle C. The solid waste program allows states to develop plans to manage nonhazardous industrial solid waste and municipal solid waste, sets the criteria for solid waste disposal facilities, and prohibits the open dumping of solid waste. The hazardous waste program establishes a system for controlling hazardous waste from generation to ultimate disposal. In 1984, the RCRA was amended to provide more stringent hazardous waste management standards and required that the land disposal of hazardous waste be phased out. The RCRA was amended again in 1992 and 1996 in order to strengthen the enforcement of the act at federal facilities and to provide regulatory flexibility for land disposal of certain wastes.<sup>7</sup>

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<sup>2</sup> See 42 U.S.C. s. 7401-7671.

<sup>3</sup> Institute for Energy Research, *The Facts About Air Quality and Coal-Fired Power Plants*, <http://www.instituteforenergyresearch.org/pdf/the-facts-about-air-quality-and-coal-fired-power-plants-final.pdf> (last visited Mar. 11, 2013). Examples of technological innovations include chemical scrubbers for combustion emissions and integrated gasification combined cycle power plants.

<sup>4</sup> EPA, *Coal Combustion Residuals*, <http://www.epa.gov/osw/nonhaz/industrial/special/fossil/coalashletter.htm> (last visited Feb. 21, 2013).

<sup>5</sup> American Coal Ash Assoc., *Frequently Asked Questions*, <http://acaaffiniscape.com/displaycommon.cfm?an=1&subarticlenbr=5> (last visited Feb. 21, 2013).

<sup>6</sup> EPA, *Radiation Protection, Coal Ash*, <http://www.epa.gov/radiation/tenorm/coalandcoalash.html> (last visited Mar. 5, 2013).

<sup>7</sup> EPA, *Waste Laws and Regulations, History of RCRA*, <http://www.epa.gov/osw/laws-regs/rcrahistory.htm> (last visited Mar. 6, 2013).

In 1978 and 2000, the EPA determined that FFCPs are a “special waste” and exempt from federal hazardous waste regulations under RCRA Subtitle C.<sup>8</sup> Coal combustion wastes that are disposed of in surface impoundments and landfills are regulated under RCRA Subtitle D. The EPA also determined that the beneficial use of FFCPs, other than minefilling, does not pose a significant risk and does not require additional federal regulation.<sup>9</sup>

In 2010, the EPA proposed a rule to regulate the FFCP under more stringent requirements following a spill at the Tennessee Valley Authority’s Kingston Fossil Plant. Approximately 5.4 million cubic yards of fly ash sludge was released after a surface impoundment failed.<sup>10</sup>

The proposed EPA rule would apply to all FFCPs generated by electric utilities and independent power producers but would not include FFCPs that are beneficially used. The EPA is considering two options. The first would be to classify FFCPs as special waste subject to regulation under RCRA Subtitle C, which regulates hazardous wastes, when disposed of in landfills or surface impoundments. The second would exempt FFCPs from federal hazardous waste regulations under RCRA subtitle C but would require national minimum criteria under RCRA Subtitle D, which regulates solid wastes. Both alternatives include safety requirements for surface impoundments to prevent future releases.<sup>11</sup> The rulemaking process is ongoing and is expected to conclude in 2014.

### **Beneficial Use and Management of Fossil Fuel Combustion Products**

The beneficial use of FFCPs is a multibillion dollar industry that creates a variety of products and provides numerous benefits to the environment by reducing the need for virgin material, emissions, and the amount of FFCPs disposed of in landfills.<sup>12</sup>

Fly ash can be used in portland cement concrete and provides greater durability than straight portland cement concrete.<sup>13</sup> Bottom ash can be used in place of sand and gravel aggregates and can also be used for concrete blocks, shingles, asphalt, flowable fill and brick. Boiler slag can replace sand blasting grit and is silica free, which reduces the health risks associated with blasting grit. FGD materials are used in 30 percent of the wallboard products manufactured in the United States and reduce the need to mine gypsum.<sup>14</sup>

Florida has 16 coal-powered electric plants that use approximately 25 million tons of coal per year and produce approximately 6.6 million tons of FFCPs per year. Approximately 40 percent

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<sup>8</sup> The EPA defined “special waste” in RCRA (1978) to be large volume waste that had a low potential to be hazardous and includes cement kiln dust, coal combustion waste, phosphate mining and processing waste, gas and oil drilling mud, and oil production brines. See <http://www.epa.gov/wastes/hazard/tsd/permit/tsd-regs/frns/43fr58946.pdf> (last visited Mar. 11, 2013).

<sup>9</sup> 42 U.S.C. 6901, et. seq. See <http://www.epa.gov/osw/nonhaz/industrial/special/fossil/regs.htm> (last visited Mar. 12, 2013).

<sup>10</sup> EPA, *Hazardous and Solid Waste Management System: Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities* (June 21, 2010), available at

<http://www.regulations.gov/#!documentDetail;D=EPA-HQ-RCRA-2009-0640-0352> (last visited Mar. 11, 2013).

<sup>11</sup> *Id.*

<sup>12</sup> American Coal Ash Association Educational Foundation, *Coal Ash Facts, About Coal Ash*, <http://www.coalashfacts.org/> (last visited Mar. 11, 2013).

<sup>13</sup> U.S. Dept. of Transportation, *Fly Ash Facts for Highway Engineers*, <http://www.fhwa.dot.gov/pavement/recycling/fach03.cfm> (last visited Mar. 11, 2013).

<sup>14</sup> See *supra* note 12.

of FFCPs produced in Florida are beneficially used. They are regulated on a case-by-case basis by the Department of Environmental Protection (DEP). The beneficial use of FFCPs is authorized under s. 403.7045(1)(f), F.S., which allows the beneficial use of industrial byproducts as long as they are not hazardous waste, are used for a beneficial purpose, and do not pose a public health threat. FFCPs that are not beneficially used are disposed of at designated solid waste disposal areas. Section 403.7222, F.S. prohibits hazardous waste landfills in Florida; because FFCPs are exempt from the hazardous waste designation, the DEP and utilities are able to manage the beneficial use and disposal of these materials in-state.<sup>15</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 403.7047, F.S., providing for the regulation of FFCPs. It defines “fossil fuel combustion products” as fly ash; bottom ash; boiler slag; flue-gas emission control materials; gasifier slag; fluidized-bed combustion system products; and similar products produced from the operation of a fossil fuel-fired electric or steam generation facility, from a clean coal or other innovative technology process at a fossil fuel-fired electric or steam generation facility or from any combination thereof. The CS defines “fossil fuel-fired electric or steam generation facility” as any electric or steam generation facility that is fueled with coal, alone or in combination with petroleum, coke, oil, coal gas, natural gas, or other fossil fuels, or alternative fuels.

CS/SB 682 defines “beneficial use” as the use of FFCPs as building products, substitutes for raw materials, necessary ingredients, or additives in products, used according to accepted industry practices.

CS/SB 682 authorizes the beneficial use of FFCPs in asphalt, concrete or cement products, flowable fill roller compacted concrete structural fill and pavement aggregate. The CS defines “pavement aggregate” to be FFCPs that are substitutes for conventional aggregate, raw material or soil that is the sub-base material under a paved road, walkway, sidewalk, or parking lot. The CS defines “structural fill” to be the use of FFCPs as substitutes for conventional aggregate, raw material, or soil that is under an industrial or commercial building. The CS clarifies that “structural fill” does not include uses for general filling or grading operations, or valley fills.

CS/SB 682 specifies that FFCPs in structural fill and pavement aggregate are not authorized to come into contact with groundwater, surface water, or wetlands. FFCPs used for this purpose are also prohibited from being placed within 100 feet of a potable well that might be used for human and livestock consumption. The CS prohibits the placement of the FFCPs from extending beyond the outside edge of the structure or pavement, and the placement of the structure or pavement must be completed as soon as possible after the placement of the FFCPs.

CS/SB 682 authorizes the use of FGD material that meets the definition of gypsum and is used in accordance with the Florida Department of Agriculture and Consumer Services rules.<sup>16</sup>

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<sup>15</sup>DEP, *Senate Bill 682 Agency Analysis* (Feb. 12, 2013) (on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>16</sup> The United States Geological Survey defines gypsum as “[t]he mineral form of hydrated calcium sulfate.” See <http://pubs.usgs.gov/ha/ha747/pdf/definition.pdf> (last visited Mar. 25, 2013)

CS/SB 682 requires that the storage FFCPs for beneficial use must be done in compliance with DEP rules and must not pose a significant risk to public health or violate air and water quality standards.

CS/SB 682 specifies that the beneficial uses of FFCPs are not subject to regulation as a solid or hazardous waste under Part IV of ch. 403, F.S. However, the DEP may take appropriate action if the beneficial use is in violation of air or water quality standards or in violation of department rules. The department may also take action if the beneficial use poses a significant risk to public health. The CS does not limit the requirements that are applicable to the beneficial use established in ch. 403, F.S., ch. 376, F.S., or local or federal laws. The beneficial use of FFCPs is also subject to air pollution control limits, national pollution discharge elimination systems permits, and water quality certification pursuant to s. 401 of the Clean Water Act.

CS/SB 682 does not limit the DEP's authority to approve the beneficial use of materials other than the FFCPs defined in the CS. The CS does not limit or modify the beneficial use of FFCPs that have been previously approved by the DEP or the recovery of products for beneficial use from landfills, impoundments, or storage areas.

**Section 2** amends s. 403.7222, F.S., allowing for disposal of fly ash, bottom ash, boiler slag, or flue-gas emissions materials generated from the operation of fossil fuel-fired electric or steam generation facility, from a clean coal or other innovative technology process at a fossil fuel-fired electric or steam generation facility or any combination thereof.

**Section 3** provides an effective date of July 1, 2013.

#### **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:**

An EPA decision to classify FFCPs as a hazardous waste would prohibit the beneficial use of FFCPs, as well as their in-state disposal; therefore, all of the FFCPs produced in Florida would have to be transported to an out-of-state hazardous waste disposal facility.<sup>17</sup> The DEP estimates the cost to transport FFCPs as a hazardous waste to an out-of-state facility would be approximately \$2.5 billion per year. The increase in disposal costs would increase the retail cost approximately \$0.46 per kilowatt hour, or 44 percent.<sup>18</sup>

The DEP estimates that the beneficial use of FFCPs in the production of concrete provides a cost savings of approximately \$36 million a year.<sup>19</sup>

The construction industry would realize an indeterminate cost increase in construction materials if the beneficial use of FFCPs was prohibited as a result of the hazardous waste designation.<sup>20</sup>

**C. Government Sector Impact:**

The state and local governments would realize an indeterminate cost increase in construction materials if the beneficial use of FFCPs was prohibited as a result of the hazardous waste designation.<sup>21</sup> Publically-owned utilities using coal to generate power would see similar increases in disposal costs of FFCPs if they are designated as hazardous waste.

**VI. Technical Deficiencies:**

The definition of “beneficial use” in CS/SB 768 is defined as the use of FFCPs “as building products...” The “as” should be changed to “in.” Although this is a technical error, it is substantive in nature.

CS/SB 682 removes the specific reference to use FFCPs as roofing materials, blasting grit, aggregate in products, wallboard products, plastic paints, insulation products, and extraction or recovery of materials and compounds retained within FFCPs but includes the term “building products” to incorporate these uses; however, the term “building products” is not defined in statute or rule.

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<sup>17</sup>*Supra* note 15.

<sup>18</sup>Costs estimates were provided by the DEP and based on the assumption that the FFCPs would be transported to the hazardous waste facility in Emelle, AL. It is unclear how the EPA would regulate FFCPs as a hazardous waste, which may result in a higher cost than what was estimated by the DEP. The estimated relative increase in retail power cost for coal-fired electricity was calculated based on the December 2012 average regardless of the fuel mix utilized in Florida. The DEP cost analysis is on file with the Senate Committee on Environmental Preservation and Conservation.

<sup>19</sup>The costs savings for the production of concrete when using fly ash was calculated using the amount of concrete produced in Florida in 2010 and the amount of fly ash that FDOT specifies for use in cement mix.

<sup>20</sup>The DEP was unable to calculate the total cost savings of using FFCPs due to a lack of information but reports, based on the concrete calculations alone, the savings of using FFCPs is economically significant.

<sup>21</sup>*Id.*

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Environmental Preservation and Conservation on March 21, 2013:**

The CS removes the use of FFCPs for pipe-bedding aggregate, in metallurgical applications, as filtercloth precoat for sludge dewatering, and for the extraction or recovery of materials and compounds contained within fossil fuel combustion products.

The CS increases the distance FFCPs used in structural fill or pavement aggregate must be from a potable well to 100 feet.

The CS limits the placement of FFCPs used in structural fill or pavement aggregate to immediately under the structure or pavement to avoid any uncovered FFCPs.

The CS removes the specific reference to use FFCPs as roofing materials, blasting grit, aggregate in products, wallboard products, plastic paints, insulation products, and extraction or recovery of materials and compounds retained within FFCPs. The CS includes the term “building products” to incorporate these uses.

The CS clarifies that the beneficial use of FFCPs in agriculture is limited to FGD material in accordance with FDACS.

The CS removes the use of FFCPs for land application, land reclamations, or pilot demonstration projects or any use that meets the criteria of s. 403.7045(1)(f).

The CS removes the reference to “blowdown” for FFCPs.

- B. **Amendments:**

None.



764118

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/21/2013	.	
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The Committee on Environmental Preservation and Conservation  
(Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 403.7047, Florida Statutes, is created  
to read:

403.7047 Regulation of fossil fuel combustion products.—

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

(a) "Beneficial use" means the use of fossil fuel  
combustion products as substitutes for raw materials or  
products, or as necessary ingredients or additives in other  
products according to accepted industry practices, including the



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13 following:

14 1. Asphalt, concrete or cement products, flowable fill, and  
15 roller-compacted concrete.

16 2. Structural fill or pavement aggregate that meets the  
17 following requirements:

18 a. The fossil fuel combustion product is not in contact  
19 with groundwater, surface water bodies, or wetlands and is not  
20 placed within 25 feet of a potable well that is being used or  
21 might be used for human or livestock water consumption; and

22 b. The placement of the fossil fuel combustion product does  
23 not extend more than 4 feet beyond the outside edge of the  
24 structure or pavement and is covered with 2 feet of soil.  
25 Placement of the structure, pavement, or soil must be completed  
26 as soon as practicable after placement of the fossil fuel  
27 combustion product.

28 3. Roofing materials, blasting grit, or aggregate in  
29 products.

30 4. Use of flue-gas emission control materials, which meet  
31 the definition of gypsum and are used in accordance with  
32 applicable Department of Agriculture and Consumer Services  
33 rules.

34 5. Wallboard products, plastics, paints, and insulation  
35 products.

36 6. Extraction or recovery of materials and compounds  
37 contained within fossil fuel combustion products.

38 7. Waste stabilization or initial or intermediate cover  
39 material used for lined Class I or Class III landfills, provided  
40 that the material meets applicable department rules for landfill  
41 cover or a landfill's permit conditions for cover.



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42           8. Any other use that meets the criteria of s.  
43 403.7045(1)(f) or that is approved by the department before use  
44 as having an equivalent or reduced potential for environmental  
45 impacts, when used in equivalent quantities, compared to the  
46 substituted raw products or materials.

47           (b) "Fossil fuel combustion products" means fly ash, bottom  
48 ash, boiler slag, flue-gas emission control materials, and other  
49 nonhazardous materials, such as gasifier slag, fluidized-bed  
50 combustion system products, and similar combustion materials  
51 produced from the operation of a fossil fuel-fired electric or  
52 steam generation facility, from a clean coal or other innovative  
53 technology process at a fossil fuel-fired electric or steam  
54 generation facility, or from any combination thereof.

55           (c) "Fossil fuel-fired electric or steam generation  
56 facility" means any electric or steam generation facility that  
57 is fueled with coal, alone or in combination with petroleum  
58 coke, oil, coal gas, natural gas, other fossil fuels, or  
59 alternative fuels.

60           (d) "Pavement aggregate" means fossil fuel combustion  
61 products used as sub-base material under or immediately adjacent  
62 to a paved road, sidewalk, walkway, or parking lot as a  
63 substitute for conventional aggregate, raw material, or soil.

64           (e) "Structural fill" means the use of a fossil fuel  
65 combustion product as a substitute for a conventional aggregate,  
66 raw material, or soil under or immediately adjacent to an  
67 industrial or commercial building or structure. Structural fill  
68 does not include uses of fossil fuel combustion products that  
69 involve general filling or grading operations or valley fills.

70           (2) The storage of fossil fuel combustion products destined



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71 for beneficial use must comply with applicable department rules  
72 and be conducted in a manner that does not pose a significant  
73 risk to public health or violate applicable air or water quality  
74 standards.

75 (3) Fossil fuel combustion products beneficially used in  
76 accordance with this section are not subject to regulation as a  
77 solid or hazardous waste, but the department may take  
78 appropriate action if the beneficial use is demonstrated to be  
79 causing violations of applicable air or water quality standards  
80 or criteria in department rules, or if such beneficial use poses  
81 a significant risk to public health. This section does not limit  
82 any other requirements applicable to the beneficial use of  
83 fossil fuel combustion products established under this chapter  
84 or chapter 376 or under local or federal laws, including  
85 requirements governing air pollution control permits, national  
86 pollutant discharge elimination system permits, and water  
87 quality certifications pursuant to s. 401 of the Clean Water  
88 Act.

89 (4) Nothing in this section shall be construed to limit the  
90 department's authority to approve the beneficial use of  
91 materials other than fossil fuel combustion products as defined  
92 in this section pursuant to other provisions of this part. This  
93 section may not be construed to limit or otherwise modify any  
94 fossil fuel combustion product beneficial use previously  
95 approved by the department, use in the onsite construction of  
96 surface impoundments, roads, or similar works at fossil fuel-  
97 fired electric or steam generation facilities, or the recovery  
98 of these products for beneficial use from fossil fuel combustion  
99 product landfills, impoundments, or storage areas.



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100 Section 2. Section 403.7222, Florida Statutes, is amended  
101 to read:

102 403.7222 Prohibition of hazardous waste landfills.—

103 (1) As used in this section, the term "hazardous waste  
104 landfill" means a disposal facility or part of a facility at  
105 which hazardous waste that has not undergone treatment is placed  
106 in or on land, including an injection well, which is not a land  
107 treatment facility. However, hazardous waste may not be disposed  
108 of through an injection well or other subsurface method of  
109 disposal, which is defined as a Class IV well in 40 C.F.R. s.  
110 144.6(d), except those Class I wells permitted for hazardous  
111 waste disposal as of January 1, 1992. The department shall  
112 annually review the operations of any such Class I well  
113 permitted as of January 1, 1992, and prepare a report analyzing  
114 any impact on groundwater systems. ~~Nothing in~~ This section may  
115 not shall be construed to refer to the products of membrane  
116 technology, including reverse osmosis, for the production of  
117 potable water where disposal is through a Class I well as  
118 defined in 40 C.F.R. s. 144.6(a), or to refer to remedial or  
119 corrective action activities conducted in accordance with 40  
120 C.F.R. s. 144.13.

121 (2) The Legislature declares that, due to the permeability  
122 of the soil and high water table in Florida, future hazardous  
123 waste landfills are prohibited. Therefore, the department may  
124 not issue a permit pursuant to s. 403.722 for a newly  
125 constructed hazardous waste landfill. However, if by executive  
126 order the Governor declares a hazardous waste management  
127 emergency, the department may issue a permit for a temporary  
128 hazardous waste landfill. Any such landfill shall be used only



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129 until such time as an appropriate alternative method of disposal  
130 can be derived and implemented. Such a permit may not be issued  
131 for a period exceeding 6 months without a further declaration of  
132 the Governor. A Class IV injection well, as defined in 40 C.F.R.  
133 s. 144.6(d), may not be permitted for construction or operation  
134 under this section.

135 (3) This section does not prohibit the department from  
136 banning the disposal of hazardous waste in other types of waste  
137 management units in a manner consistent with federal  
138 requirements, except as provided under s. 403.804(2).

139 (4) This section does not apply to a disposal facility or  
140 part of a facility that accepts fly ash, bottom ash, boiler  
141 slag, or flue-gas emission control materials from the operation  
142 of a fossil fuel-fired electric or steam generation facility,  
143 from a clean coal or other innovative technology process at a  
144 fossil fuel-fired electric or steam generation facility, or from  
145 any combination thereof.

146 Section 3. This act shall take effect July 1, 2013.

147  
148 ===== T I T L E A M E N D M E N T =====

149 And the title is amended as follows:

150 Delete everything before the enacting clause  
151 and insert:

152 A bill to be entitled  
153 An act relating to fossil fuel combustion products;  
154 creating s. 403.7047, F.S.; providing definitions;  
155 providing standards for storage of certain fossil fuel  
156 combustion products; providing an exemption for  
157 beneficial use of fossil fuel combustion products from



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158 certain rules; providing that the act does not  
159 prohibit the Department of Environmental Protection  
160 from taking appropriate action to regulate a  
161 beneficial use in certain circumstances; providing  
162 that the act does not limit other requirements  
163 applicable to the beneficial use of fossil fuel  
164 combustion products; providing that the act does not  
165 limit the recovery of beneficial use products or the  
166 authority of the department to approve the beneficial  
167 use of materials other than fossil fuel combustion  
168 products; clarifying that the act does not limit or  
169 modify any fossil fuel combustion product beneficial  
170 use previously approved by the department; amending s.  
171 403.7222, F.S.; excluding certain types of facilities  
172 from provisions on hazardous waste landfills;  
173 providing an effective date.

174

175 WHEREAS, fossil fuel combustion products are currently used  
176 in a variety of beneficial applications, and

177 WHEREAS, beneficial use of fossil fuel combustion products  
178 allows certain industries and end users to avoid the mining and  
179 processing of virgin materials through the substitution of  
180 fossil fuel combustion products for virgin materials, thereby  
181 preserving natural resources and minimizing environmental  
182 emissions, and

183 WHEREAS, beneficial use of fossil fuel combustion products  
184 reduces the volume of materials placed in disposal facilities  
185 and ultimately lowers overall energy consumption required for  
186 processing and disposing of fossil fuel combustion products, and



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187           WHEREAS, beneficial use of fossil fuel combustion products  
188 promotes economic activity, and

189           WHEREAS, beneficial use of fossil fuel combustion products  
190 is consistent with the purpose of Florida's Resource Recovery  
191 and Management Act and furthers the purpose of the act by  
192 encouraging waste reduction and recycling as a means of managing  
193 solid waste and conserving resources, and

194           WHEREAS, after balancing all the competing needs of the  
195 state, the Legislature has determined that it is in the state's  
196 best interest to conserve natural resources, reduce overall  
197 energy consumption, reduce or eliminate the need to dispose of  
198 fossil fuel combustion products in disposal facilities, and  
199 facilitate the development of readily available markets for  
200 fossil fuel combustion products, NOW, THEREFORE,



379170

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2013	.	
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The Committee on Environmental Preservation and Conservation  
(Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 403.7047, Florida Statutes, is created  
to read:

403.7047 Regulation of fossil fuel combustion products.-

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

(a) "Beneficial use" means the use of fossil fuel  
combustion products as building products, substitutes for raw  
materials, necessary ingredients, or additives in products,  
according to accepted industry practices, including the



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13 following:

14 1. Asphalt, concrete or cement products, flowable fill, and  
15 roller-compacted concrete.

16 2. Structural fill or pavement aggregate that meets the  
17 following requirements:

18 a. The fossil fuel combustion product is not in contact  
19 with groundwater, surface water bodies, or wetlands and is not  
20 placed within 100 feet of a potable well that is being used or  
21 might be used for human or livestock water consumption; and

22 b. The placement of the fossil fuel combustion product does  
23 not extend beyond the outside edge of the structure or pavement.  
24 Placement of the structure or pavement must be completed as soon  
25 as practicable after placement of the fossil fuel combustion  
26 product.

27 3. Use of flue-gas emission control materials which meet  
28 the definition of gypsum and are used in accordance with  
29 applicable Florida Department of Agriculture and Consumer  
30 Services rules.

31 4. Waste stabilization, or initial or intermediate cover  
32 material used for lined Class I or III landfills, provided that  
33 the material meets applicable department rules for landfill  
34 cover or a landfill's permit conditions for cover.

35 5. Any other use that meets the criteria of  
36 s.403.7045(1)(f) or that is approved by the department prior to  
37 use as having an equivalent or reduced potential for  
38 environmental impacts, when used in equivalent quantities,  
39 compared to the substituted raw products or materials.

40 (b) "Fossil fuel combustion products" means fly ash, bottom  
41 ash, boiler slag, flue-gas emission control materials, and other



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42 non-hazardous materials, such as gasifier slag, fluidized-bed  
43 combustion system products, and similar combustion materials  
44 produced from the operation of a fossil fuel-fired electric or  
45 steam generation facility, from a clean coal or other innovative  
46 technology process at a fossil fuel-fired electric or steam  
47 generation facility, or from any combination thereof.

48 (c) "Fossil fuel-fired electric or steam generation  
49 facility" means any electric or steam generation facility that  
50 is fueled with coal, alone or in combination with petroleum  
51 coke, oil, coal gas, natural gas, other fossil fuels, or  
52 alternative fuels.

53 (d) "Pavement aggregate" means fossil fuel combustion  
54 products used as sub-base material under a paved road, sidewalk,  
55 walkway, or parking lot as a substitute for conventional  
56 aggregate, raw material, or soil.

57 (e) "Structural fill" means the use of a fossil fuel  
58 combustion product as a substitute for a conventional aggregate,  
59 raw material, or soil under an industrial or commercial building  
60 or structure. Structural fill does not include uses of fossil  
61 fuel combustion products that involve general filling or grading  
62 operations or valley fills.

63 (2) The storage of fossil fuel combustion products destined  
64 for beneficial use must comply with applicable department rules  
65 and be conducted in a manner that does not pose a significant  
66 risk to public health or violate applicable air or water quality  
67 standards.

68 (3) Fossil fuel combustion products beneficially used in  
69 accordance with this section are not subject to regulation as a  
70 solid or hazardous waste, but the department may take



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71 appropriate action if the beneficial use is demonstrated to be  
72 causing violations of applicable air or water quality standards  
73 or criteria in department rules, or if such beneficial use poses  
74 a significant risk to public health. This section does not  
75 limit any other requirements applicable to the beneficial use of  
76 fossil fuel combustion products established under this chapter  
77 or chapter 376 or under local or federal laws, including  
78 requirements governing air pollution control permits, national  
79 pollutant discharge elimination system permits, and water  
80 quality certifications pursuant to s. 401 of the Clean Water  
81 Act.

82 (4) Nothing in this section shall be construed to limit the  
83 department's authority to approve the beneficial use of  
84 materials other than fossil fuel combustion products as defined  
85 in this section pursuant to other provisions of this part. This  
86 section may not be construed to limit or otherwise modify any  
87 fossil fuel combustion product beneficial use previously  
88 approved by the department, use in the onsite construction of  
89 surface impoundments, roads, or similar works at fossil fuel-  
90 fired electric or steam generation facilities, or the recovery  
91 of these products for beneficial use from fossil fuel combustion  
92 product landfills, impoundments, or storage areas.

93 Section 2. Section 403.7222, Florida Statutes, is amended  
94 to read:

95 403.7222 Prohibition of hazardous waste landfills.—

96 (1) As used in this section, the term "hazardous waste  
97 landfill" means a disposal facility or part of a facility at  
98 which hazardous waste that has not undergone treatment is placed  
99 in or on land, including an injection well, which is not a land



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100 treatment facility. However, hazardous waste may not be disposed  
101 of through an injection well or other subsurface method of  
102 disposal, which is defined as a Class IV well in 40 C.F.R. s.  
103 144.6(d), except those Class I wells permitted for hazardous  
104 waste disposal as of January 1, 1992. The department shall  
105 annually review the operations of any such Class I well  
106 permitted as of January 1, 1992, and prepare a report analyzing  
107 any impact on groundwater systems. ~~Nothing in~~ This section may  
108 not shall be construed to refer to the products of membrane  
109 technology, including reverse osmosis, for the production of  
110 potable water where disposal is through a Class I well as  
111 defined in 40 C.F.R. s. 144.6(a), or to refer to remedial or  
112 corrective action activities conducted in accordance with 40  
113 C.F.R. s. 144.13.

114 (2) The Legislature declares that, due to the permeability  
115 of the soil and high water table in Florida, future hazardous  
116 waste landfills are prohibited. Therefore, the department may  
117 not issue a permit pursuant to s. 403.722 for a newly  
118 constructed hazardous waste landfill. However, if by executive  
119 order the Governor declares a hazardous waste management  
120 emergency, the department may issue a permit for a temporary  
121 hazardous waste landfill. Any such landfill shall be used only  
122 until such time as an appropriate alternative method of disposal  
123 can be derived and implemented. Such a permit may not be issued  
124 for a period exceeding 6 months without a further declaration of  
125 the Governor. A Class IV injection well, as defined in 40 C.F.R.  
126 s. 144.6(d), may not be permitted for construction or operation  
127 under this section.

128 (3) This section does not prohibit the department from



129 banning the disposal of hazardous waste in other types of waste  
130 management units in a manner consistent with federal  
131 requirements, except as provided under s. 403.804(2).

132 (4) This section does not apply to a disposal facility or  
133 part of a facility that accepts fly ash, bottom ash, boiler  
134 slag, or flue-gas emission control materials from the operation  
135 of a fossil fuel-fired electric or steam generation facility,  
136 from a clean coal or other innovative technology process at a  
137 fossil fuel-fired electric or steam generation facility, or from  
138 any combination thereof.

139 Section 3. This act shall take effect July 1, 2013.

140  
141 ===== T I T L E A M E N D M E N T =====

142 And the title is amended as follows:

143 Delete everything before the enacting clause  
144 and insert:

145 A bill to be entitled  
146 An act relating to fossil fuel combustion products;  
147 creating s. 403.7047, F.S.; providing definitions; providing  
148 standards for storage of certain fossil fuel combustion  
149 products; providing an exemption for beneficial use of fossil  
150 fuel combustion products from certain rules; providing that the  
151 act does not prohibit the Department of Environmental Protection  
152 from taking appropriate action to regulate a beneficial use in  
153 certain circumstances; providing that the act does not limit  
154 other requirements applicable to the beneficial use of fossil  
155 fuel combustion products; providing that the act does not limit  
156 the recovery of beneficial use products or the authority of the  
157 department to approve the beneficial use of materials other than



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158 fossil fuel combustion products; clarifying that the act does  
159 not limit or modify any fossil fuel combustion product  
160 beneficial use previously approved by the department; amending  
161 s. 403.7222, F.S.; excluding certain types of facilities from  
162 provisions on hazardous waste landfills; providing an effective  
163 date.

164

165 WHEREAS, fossil fuel combustion products are currently used  
166 in a variety of beneficial applications, and

167 WHEREAS, beneficial use of fossil fuel combustion products  
168 allows certain industries and end users to avoid the mining and  
169 processing of virgin materials through the substitution of  
170 fossil fuel combustion products for virgin materials, thereby  
171 preserving natural resources and minimizing environmental  
172 emissions, and

173 WHEREAS, beneficial use of fossil fuel combustion products  
174 reduces the volume of materials placed in disposal facilities  
175 and ultimately lowers overall energy consumption required for  
176 processing and disposing of fossil fuel combustion products, and

177 WHEREAS, beneficial use of fossil fuel combustion products  
178 promotes economic activity, and

179 WHEREAS, beneficial use of fossil fuel combustion products  
180 is consistent with the purpose of Florida's Resource Recovery  
181 and Management Act and furthers the purpose of the act by  
182 encouraging waste reduction and recycling as a means of managing  
183 solid waste and conserving resources, and

184 WHEREAS, after balancing all the competing needs of the  
185 state, the Legislature has determined that it is in the state's  
186 best interest to conserve natural resources, reduce overall



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187 energy consumption, reduce or eliminate the need to dispose of  
188 fossil fuel combustion products in disposal facilities, and  
189 facilitate the development of readily available markets for  
190 fossil fuel combustion products, NOW, THEREFORE,

By Senator Simpson

18-00353A-13

2013682

1                   A bill to be entitled  
2           An act relating to fossil fuel combustion products;  
3           creating s. 403.7047, F.S.; providing definitions;  
4           providing standards for storage of certain fossil fuel  
5           combustion products; providing an exemption for  
6           beneficial use of fossil fuel combustion products from  
7           certain rules; providing that the act does not  
8           prohibit the Department of Environmental Protection  
9           from taking appropriate action to regulate a  
10          beneficial use in certain circumstances; providing  
11          that the act does not limit other requirements  
12          applicable to the beneficial use of fossil fuel  
13          combustion products; providing that the act does not  
14          limit the recovery of beneficial use products or the  
15          authority of the department to approve the beneficial  
16          use of materials other than fossil fuel combustion  
17          products; clarifying that the act does not limit or  
18          modify any fossil fuel combustion product beneficial  
19          use previously approved by the department; amending s.  
20          403.7222, F.S.; excluding certain types of facilities  
21          from provisions on hazardous waste landfills;  
22          providing an effective date.

23  
24          WHEREAS, fossil fuel combustion products are currently used  
25          in a variety of beneficial applications, and

26          WHEREAS, beneficial use of fossil fuel combustion products  
27          allows certain industries and end users to avoid the mining and  
28          processing of virgin materials through the substitution of  
29          fossil fuel combustion products for virgin materials, thereby

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30 preserving natural resources and minimizing environmental  
31 emissions, and

32 WHEREAS, beneficial use of fossil fuel combustion products  
33 reduces the volume of materials placed in disposal facilities  
34 and ultimately lowers overall energy consumption required for  
35 processing and disposing of fossil fuel combustion products, and

36 WHEREAS, beneficial use of fossil fuel combustion products  
37 promotes economic activity, and

38 WHEREAS, beneficial use of fossil fuel combustion products  
39 is consistent with the purpose of Florida's Resource Recovery  
40 and Management Act and furthers the purpose of the act by  
41 encouraging waste reduction and recycling as a means of managing  
42 solid waste and conserving resources, and

43 WHEREAS, after balancing all the competing needs of the  
44 state, the Legislature has determined that it is in the state's  
45 best interest to conserve natural resources, reduce overall  
46 energy consumption, reduce or eliminate the need to dispose of  
47 fossil fuel combustion products in disposal facilities, and  
48 facilitate the development of readily available markets for  
49 fossil fuel combustion products, NOW, THEREFORE,

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Section 403.7047, Florida Statutes, is created  
54 to read:

55 403.7047 Regulation of fossil fuel combustion products.—

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

57 (a) "Beneficial use" means the use of fossil fuel  
58 combustion products as substitutes for raw materials or

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2013682

59 products, or as necessary ingredients or additives in other  
60 products according to accepted industry practices. The term  
61 includes the following:

62 1. Encapsulation, including asphalt, concrete or cement  
63 products, flowable fill, and roller-compacted concrete.

64 2. Structural fill, pavement aggregate, or pipe-bedding  
65 aggregate that meets the following requirements:

66 a. The fossil fuel combustion product is not in contact  
67 with groundwater, surface water bodies, or wetlands and is not  
68 placed within 25 feet of a potable well that is being used or  
69 might be used for human or livestock water consumption; and

70 b. The placement of the fossil fuel combustion product does  
71 not extend more than 4 feet beyond the outside edge of the  
72 structure, pavement, or pipeline. Placement of the structure,  
73 pavement, or pipeline must be completed as soon as practical  
74 after placement of the fill materials.

75 3. Substitute for roofing materials, blasting grit, or  
76 aggregate in products.

77 4. Fertilizer products, including the use of flue-gas  
78 emission control materials, in accordance with applicable  
79 requirements of the Department of Agriculture and Consumer  
80 Services.

81 5. Wallboard products, plastics, paints, and insulation  
82 products.

83 6. Metallurgical applications.

84 7. Filter cloth precoat for sludge dewatering.

85 8. Extraction or recovery of materials and compounds  
86 contained within fossil fuel combustion products.

87 9. Waste stabilization or initial or intermediate cover

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88 material used for lined Class I, Class II, or Class III  
89 landfills, provided that the material meets applicable  
90 department rules for landfill cover or a landfill's permit  
91 conditions for cover.

92 10. Land application use for an agronomic value, land  
93 reclamation, or pilot demonstration project, or any other use  
94 that meets the criteria of s. 403.7045(1)(f) or can be  
95 demonstrated to have an equivalent or reduced potential for  
96 environmental impacts when compared to the raw products or  
97 materials other than the fossil fuel combustion products that  
98 are currently used for a similar purpose.

99 (b) "Fossil fuel combustion products" means fly ash; bottom  
100 ash; boiler slag; flue-gas emission control materials, including  
101 blowdown; and other nonhazardous materials, such as gasifier  
102 slag, fluidized-bed combustion system products, and similar  
103 combustion materials produced from the operation of a fossil  
104 fuel-fired electric or steam generation facility, from a clean  
105 coal or other innovative technology process at a fossil fuel-  
106 fired electric or steam generation facility, or from any  
107 combination thereof.

108 (c) "Fossil fuel-fired electric or steam generation  
109 facility" means any electric or steam generation facility that  
110 is fueled with coal, alone or in combination with petroleum  
111 coke, oil, coal gas, natural gas, other fossil fuels, or  
112 alternative fuels.

113 (d) "Pavement aggregate" means fossil fuel combustion  
114 products used as sub-base material under or immediately adjacent  
115 to a paved road, sidewalk, walkway, or parking lot as a  
116 substitute for conventional aggregate, raw material, or soil.

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117 (e) "Pipe-bedding aggregate" means fossil fuel combustion  
118 products used as a substitute for conventional aggregate, raw  
119 material, or soil under, around, or immediately adjacent to a  
120 water, sewer, or other pipeline.

121 (f) "Structural fill" means the use of a fossil fuel  
122 combustion product as a substitute for a conventional aggregate,  
123 raw material, or soil under or immediately adjacent to an  
124 industrial or commercial building or structure. Structural fill  
125 does not include uses of fossil fuel combustion products that  
126 involve general filling or grading operations or valley fills.

127 (2) The storage of fossil fuel combustion products destined  
128 for beneficial use must comply with applicable department rules  
129 and be conducted in a manner that does not pose a significant  
130 risk to public health or violate applicable air or water quality  
131 standards.

132 (3) The beneficial use of fossil fuel combustion products  
133 as provided in this section is exempt from regulation pursuant  
134 to this part and rules hereunder, but the department may take  
135 appropriate action if the beneficial use is demonstrated to be  
136 causing violations of applicable air or water quality standards  
137 or criteria in department rules, or if such beneficial use poses  
138 a significant risk to public health. This section does not limit  
139 any other requirements applicable to the beneficial use of  
140 fossil fuel combustion products established under this chapter  
141 or chapter 376 or under local or federal laws, including  
142 requirements governing air pollution control permits, national  
143 pollutant discharge elimination system permits, and water  
144 quality certifications pursuant to s. 401 of the Clean Water  
145 Act.

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2013682

146       (4) Nothing in this section shall be construed to limit the  
147 department's authority to approve the beneficial use of  
148 materials other than fossil fuel combustion products as defined  
149 in this section pursuant to other provisions of this part. This  
150 section may not be construed to limit or otherwise modify any  
151 fossil fuel combustion product beneficial use previously  
152 approved by the department, or the recovery of these products  
153 for beneficial use from fossil fuel combustion product  
154 landfills, impoundments, or storage areas.

155       Section 2. Section 403.7222, Florida Statutes, is amended  
156 to read:

157       403.7222 Prohibition of hazardous waste landfills.—

158       (1) As used in this section, the term "hazardous waste  
159 landfill" means a disposal facility or part of a facility at  
160 which hazardous waste that has not undergone treatment is placed  
161 in or on land, including an injection well, which is not a land  
162 treatment facility. However, hazardous waste may not be disposed  
163 of through an injection well or other subsurface method of  
164 disposal, which is defined as a Class IV well in 40 C.F.R. s.  
165 144.6(d), except those Class I wells permitted for hazardous  
166 waste disposal as of January 1, 1992. The department shall  
167 annually review the operations of any such Class I well  
168 permitted as of January 1, 1992, and prepare a report analyzing  
169 any impact on groundwater systems. ~~Nothing in~~ This section may  
170 not shall be construed to refer to the products of membrane  
171 technology, including reverse osmosis, for the production of  
172 potable water where disposal is through a Class I well as  
173 defined in 40 C.F.R. s. 144.6(a), or to refer to remedial or  
174 corrective action activities conducted in accordance with 40

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175 C.F.R. s. 144.13.

176 (2) The Legislature declares that, due to the permeability  
177 of the soil and high water table in Florida, future hazardous  
178 waste landfills are prohibited. Therefore, the department may  
179 not issue a permit pursuant to s. 403.722 for a newly  
180 constructed hazardous waste landfill. However, if by executive  
181 order the Governor declares a hazardous waste management  
182 emergency, the department may issue a permit for a temporary  
183 hazardous waste landfill. Any such landfill shall be used only  
184 until such time as an appropriate alternative method of disposal  
185 can be derived and implemented. Such a permit may not be issued  
186 for a period exceeding 6 months without a further declaration of  
187 the Governor. A Class IV injection well, as defined in 40 C.F.R.  
188 s. 144.6(d), may not be permitted for construction or operation  
189 under this section.

190 (3) This section does not prohibit the department from  
191 banning the disposal of hazardous waste in other types of waste  
192 management units in a manner consistent with federal  
193 requirements, except as provided under s. 403.804(2).

194 (4) This section does not apply to a disposal facility or  
195 part of a facility that accepts fly ash, bottom ash, boiler  
196 slag, or flue-gas emission control materials, including  
197 blowdown, from the operation of a fossil fuel-fired electric or  
198 steam generation facility, from a clean coal or other innovative  
199 technology process at a fossil fuel-fired electric or steam  
200 generation facility, or from any combination thereof.

201 Section 3. This act shall take effect July 1, 2013.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

14

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

3/21/13

*Meeting Date*

Topic Everglades Long-Term Plan

Bill Number SB 768  
*(if applicable)*

Name Brewster Bevis

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Senior Vice President

Address 516 N. Adams St

Phone 850-224-7173

*Street*

Tallahassee FL 32301

E-mail bbevis@aif.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Representing Associated Industries 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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

14

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

3-21-13  
Meeting Date

Topic Everglades

Bill Number SB 748  
*(if applicable)*

Name Stephanie Kunkel

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 1143 Albritton DR

Phone 850-320-4208

*Street*

Tallahassee FL 32301

*City*

*State*

*Zip*

E-mail Stef.Kunkel@gmail.com

Speaking:  For  Against  Information

Representing Clean Water Action

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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

14

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

3/21/13  
Meeting Date

Topic EVERGLADES

Bill Number SB 768  
*(if applicable)*

Name ADAM BASFORD

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title DIRECTOR, STATE LEGISLATIVE AFFAIRS

Address 315 S. CALHOUN ST SUITE 850  
*Street*  
TALL FL  
*City State Zip*

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing FLORIDA FARM BUREAU

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)

(14)

Meeting Date \_\_\_\_\_

Topic Everglades Restoration

Bill Number 768  
*(if applicable)*

Name Nick Iarossi

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 101 E. College Ave

Phone 222-9075

Tallahassee FL 32311  
*City State Zip*

E-mail niarossi@capcityconsult.com

Speaking:  For  Against  Information

Representing Everglades Foundation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

14

March 21, 2013

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

Meeting Date

Topic Everglades Forever Act

Bill Number SB 768  
*(if applicable)*

Name Philip S. Parsons

Amendment Barcode 841176  
*(if applicable)*

Job Title Attorney

Address 310 W. College Ave  
*Street*  
Tallahassee FL 32301  
*City State Zip*

Phone 850-222-3673

E-mail pparsons@psparsons.com

Speaking:  For  Against  Information

Representing Florida Sugar Cane League, Inc

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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

14

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

3/21/13  
Meeting Date

Topic EMERGENCIES

Bill Number 768 as amended  
(if applicable)

Name CHARLES PATTISON

Amendment Barcode 841176  
(if applicable)

Job Title PRESIDENT

Address 308 N. MONROE

Phone 222-6277

Street  
TALLAHASSEE

E-mail cpattison@1000fof.org

City State Zip

Speaking:  For  Against  Information

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.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

14

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

3-21-17

Meeting Date

Topic Everglades Water Quality

Bill Number 768  
(if applicable)

Name Eric Draper

Amendment Barcode 841176  
(if applicable)

Job Title \_\_\_\_\_

Address 308 N Monroe

Phone 222 2476

Street

Tallahassee, FL 32311

E-mail edrape@

City

State

Zip

ardubon.org

Speaking:  For  Against  Information

Representing Ardubon

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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

14

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

3/21  
Meeting Date

Topic Everglades

Bill Number 768 + Amendment  
*(if applicable)*

Name Greg Munson

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Deputy Secretary

Address 3900 Commonwealth Blvd  
Street

Phone 850 245 2029

Tallahassee FL 32300  
City State Zip

E-mail greg.munson@dep.state.fl.us

Speaking:  For  Against  Information

Representing DEP

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**  
**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:** CS/SB 768

**INTRODUCER:** Environmental Preservation and Conservation Committee and Senator Simpson

**SUBJECT:** Everglades Improvement and Management

**DATE:** March 25, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gudeman	Uchino	EP	<b>Fav/CS</b>
2.			CA	
3.			AP	
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

CS/SB 768 amends s. 373.4592, F.S., to amend legislative intent to include the revised definition of the Long-Term Plan and that best management practices (BMPs) in the Everglades Agricultural Area (EAA) are effective nutrient management tools. The CS revises the definition of “Long-Term Plan” to incorporate the Restoration Strategies Water Quality Plan. It also allows the South Florida Water Management District (SFWMD) to continue to collect and use ad valorem funds for the continued implementation of the Long-Term Plan. The CS requires the SFWMD to conduct a use attainability analysis after completion of all projects and improvements. The CS also extends the agricultural privilege tax and allocates recurring funds from general revenue and recurring funds from the Water Management Lands Trust Fund for the Long-Term Plan.

CS/SB 768 amends s. 373.4592 of the Florida Statutes and creates an unnumbered section of law.

## II. Present Situation:

The Everglades is a series of rivers, lakes, and estuaries that support a variety of flora and fauna not found anywhere else in the world. The historical Everglades covered 11,000 square miles of south Florida extending from Kissimmee through the tip of the Florida Peninsula.<sup>1</sup>

In the 1800s, early colonial settlers began to drain the Everglades in an effort to make the land more suitable for agriculture. By the early 1900s, the drainage process was well developed and urban areas along the east coast were beginning to grow.<sup>2</sup>

In 1948, Congress authorized the Central and South Florida Project for Flood Control to provide flood control, supply water for municipal, industrial and agricultural uses, prevent salt water intrusion, and preserve fish and wildlife in the Everglades.<sup>3</sup> The project included 1,000 miles of levees, 720 miles of canals and almost 200 water control structures. A portion of the area drained was designated the EAA, which spans 700,000 acres and is approximately 27 percent of the historic Everglades.<sup>4</sup>

The flood control project dramatically changed the quantity and quality of water delivered to the Everglades, which significantly impacted the ecosystem. The high concentration of phosphorus delivered through urban and agricultural stormwater runoff promoted algae growth and the growth of non-native plants. By the 1980s the freshwater flow through the Everglades declined by 70 percent, the wading bird population dropped by 90 percent, and the Everglades was reduced to half the historical size.<sup>5</sup>

In 1988, the federal government filed a suit against the SFWMD, and Florida alleging state water quality standards on federal lands were being violated as a result of the high nutrient concentrations discharged into the Everglades from urban and agricultural areas. In 1992, all parties to the lawsuit entered into a settlement agreement.<sup>6</sup>

In 1991, the Legislature passed the Marjorie Stoneman Douglas Everglades Protection Act (Act) to restore the Everglades. The Act directed the SFWMD to adopt the Everglades Surface Water Improvement and Management (SWIM) Plan, which included strategies to bring facilities into compliance with water quality standards. The SFWMD was also directed to identify and acquire lands for the purpose of water management, create a permitting system, and develop funding mechanisms. The Act provided the SFWMD the ability to adopt stormwater management utility

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<sup>1</sup> National Parks Service, *Everglades, History and Culture*, <http://www.nps.gov/ever/historyculture/index.htm> (last visited Mar. 18, 2013).

<sup>2</sup> *Id.*

<sup>3</sup> Clay J. Landry, *Who drained the everglades? The same folks who are now restoring them.* (March 2002), available at <http://perc.org/sites/default/files/mar02.pdf> (last visited Mar. 18, 2013).

<sup>4</sup> Duke University Wetland Center, *Everglades Agricultural Area*, <http://www.nicholas.duke.edu/wetland/ea.htm> (last visited Mar. 18, 2013).

<sup>5</sup> DEP, *Everglades Radio Network*, <http://www.dep.state.fl.us/evergladesforever/about/default.htm> (last visited Mar. 18, 2013).

<sup>6</sup> *United States vs. South Florida Water Management District*, Case No. 88-1886 CIV-HOEVELER (S.D. Fla) available at [http://www.law.miami.edu/library/everglades/lawarticles/fsu\\_landuse\\_vol17\\_1\\_rizzardi%20\(86kb\).pdf](http://www.law.miami.edu/library/everglades/lawarticles/fsu_landuse_vol17_1_rizzardi%20(86kb).pdf). (last visited Mar. 18, 2013).

fees and gave it the authority to levy a per-acre ad valorem assessment in the Everglades Agricultural Area (EAA).<sup>7</sup>

The 1992 federal settlement agreement established interim and long-term phosphorus concentration limits for the Everglades National Park and the Loxahatchee National Wildlife Refuge. The agreement also required the state build and operate a minimum of 32,000 acres of storm water treatment areas (STAs) and implement a regulatory program to require farms to implement BMPs and directed the state to adopt the SWIM plan.<sup>8</sup>

### **Everglades Forever Act**

In 1994, the Legislature enacted the Everglades Forever Act (EFA). The EFA outlines the state's commitment to restore the Everglades by improving water quality and quantity and works in conjunction with the federal government's Comprehensive Everglades Restoration Program (CERP), which focuses on improving water delivery and timing within the Everglades. The primary goals of the EFA are to improve water quality by reducing phosphorus levels, to restore the hydrology of the ecosystem, and to restore and protect the native plant and animals by reducing the invasive, exotic species in the Everglades.<sup>9</sup>

The EFA requires the SFWMD and the DEP to numerically interpret the Class III phosphorus criterion that is necessary to meet water quality standards in the Everglades Protection Area<sup>10</sup> and does not cause an imbalance in the natural populations of aquatic flora and fauna. The EFA required a 10 part per billion default phosphorus criterion go into effect until a rule was adopted. The deadline was December 31, 2003.<sup>11</sup> In 2003, the DEP adopted the rule to establish a long-term geometric numeric phosphorus criterion of 10 parts per billion for Class III waters in the Everglades Protection Area.<sup>12</sup>

In 2003, the Legislature passed SB 626 to amend the EFA and implement the "Everglades Protection Area Tributary Basins Conceptual Plan for Achieving Long-term Water Quality Goals" (Long-Term Plan). The SFWMD is responsible for implementing the Long-Term Plan and the subsequently approved amendments. The Long-Term Plan identifies the best available phosphorus reduction technology to be used in combination with BMPs and STAs to achieve the phosphorus criterion in the Everglades Protection Area.<sup>13</sup>

The EFA specifies that the Long-Term Plan is to be implemented in two phases. The initial phase is from 2003 to 2016, followed by a second 10-year phase. The second phase must be approved and codified in the EFA prior to the implementation of projects. The law specifies that it is in the public interest to review the EFA at least 10 years after implementation of the initial

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<sup>7</sup> See Chapter 91-80, Laws of Fla.

<sup>8</sup> *United States v. South Florida Water Management District*, 847 F. Supp. 1567 (S.D. Fla. 1992).

<sup>9</sup> See s. 373.4592, F.S.

<sup>10</sup> The Everglades Protection Area includes Water Conservation Areas 1, 2A and 2B, 3A and 3B, and Everglades National Park.

<sup>11</sup> *Supra* note 9.

<sup>12</sup> See Chapter 62-302, F.A.C.

<sup>13</sup> *Id.*

phase. The review ensures that the Everglades Protection Area is achieving state water quality standards and that the Long-Term Plan is using the best available technology.<sup>14</sup>

The agricultural privilege tax was implemented in 2003 under SB 626. The “polluter pays” principle was passed as a constitutional amendment in the 1996 General Election but had not yet been implemented due to some question as to whether the amendment was self-executing, required legislative action, or whether the EFA implemented the amendment. The Supreme Court of Florida determined the amendment was not self-executing and required legislative implementation.<sup>15</sup> The EFA specifies that those that cause or contribute to pollution in the C-139 Basin and the EAA are responsible for the cost of the cleanup and are required to pay an agricultural privilege tax. In the C-139 basin, the per-acre tax for tax notices mailed from November 2003 through November 2013 is assessed using the total acreage on the basin tax roll in 2001. The agricultural privilege tax in the EAA is assessed at \$35 per-acre for notices mailed from 2006 through 2013. In order to encourage the performance of BMPs an incentive discount of \$10 per acre is provided against the agricultural privilege tax.<sup>16</sup>

The legislature also passed SB 54A in 2003, which provided bonding authority for an additional \$800 million to improve water quality in the Everglades.

The SFWMD has implemented the Long-Term Plan over the last decade, as well as the research and design components of the plan. The information gathered under the Long-Term Plan process has been valuable for optimizing STA design, engineering, construction, maintenance, and operation techniques. The performance of the STAs is limited by existing configurations and footprints, biogeochemical interactions and hydrological constraints; therefore, the SFWMD has been identifying new technologies to implement the next phase of the Long-Term Plan.<sup>17</sup>

In 2010, the U.S. District Court, Southern District of Florida, issued an order requiring, among other items, that the U.S. Environmental Protection Agency (EPA) issue an “Amended Determination” on its review of the state water quality standards. The court also required the DEP to amend the phosphorus rule and required the Legislature to revise the EFA to conform to federally-approved water quality standards. The EPA issued the Amended Determination on September 3, 2010, which identified a discharge phosphorus limit and the STA expansions, that the EPA believed was necessary to achieve the phosphorus criterion. As part of the Amended Determination, the EPA also recognized that other projects may be identified by the state as an alternative to those identified in the Amended Determination in order to achieve the phosphorus criterion.<sup>18</sup>

As a result of the Amended Determination, Governor Scott directed the DEP and the SFWMD to develop a feasible alternative for phosphorus reduction. The DEP and SFWMD, in consultation

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<sup>14</sup> *Id.*

<sup>15</sup> *Advisory Opinion to the Governor, 1996 Amendment 5 (Everglades)*, 706 So. 2d 278 (Fla. 1997), available at <http://www.law.fsu.edu/library/flsupct/90042/90042ever.pdf> (last visited Mar. 19, 2013).

<sup>16</sup> *Supra* note 9.

<sup>17</sup> DEP, *Senate Bill 768 Agency Analysis* (Mar. 2013) (on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>18</sup> U.S. EPA, *Amended Determination*, available at

[http://www.epa.gov/region4/water/wqs/documents/1\\_AD\\_final\\_version\\_09\\_03\\_10.pdf](http://www.epa.gov/region4/water/wqs/documents/1_AD_final_version_09_03_10.pdf) (last visited Mar. 19, 2013).

with the EPA, used the information collected through implementation of the Long-Term Plan to develop feasible, cost effective alternatives based on the best available science and that would result in compliance with the discharge limitation necessary to achieve the Everglades phosphorus criterion. The alternatives were included in state-issued National Pollutant Discharge Elimination System (NPDES) permits, the EFA permits, and the accompanying consent orders.

The EFA authorizes the SFWMD to levy ad valorem taxes up to 0.1 mill within the Okeechobee Basin. The proceeds are the sole, direct district contribution from district ad valorem taxes appropriated or expended for the design, construction, and implementation of the Long-Term Plan. In order for the projects to be implemented beyond 2016 and have district ad valorem revenues contribute to the funding of the projects, the Legislature must approve the Restoration Strategies plan as the second phase of the Long-Term Plan.<sup>19</sup>

### **The Restoration Strategies Regional Water Quality Plan**

On September 12, 2012, Governor Scott announced the DEP issued final permits and consent orders to the SFWMD for the implementation of the “Restoration Strategies Regional Water Quality Plan.”<sup>20</sup> The second 12-year phase of the Long-Term Plan identifies a combination of STA expansions, internal construction, conveyance and structure improvements, and features known as “Flow Equalization Basins,” or “FEBs.” Specifically, the plan includes milestones for project completion and enforcement mechanisms to ensure the milestones are achieved. The plan includes 6,500 acres of STAs and approximately 110,000 acre-feet of water storage. The implementation of the Restoration Strategies plan would be consistent with the schedules identified in the consent orders issued in conjunction with the NPDES and EFA permits.<sup>21</sup>

### **Use Attainability Analysis**

The federal Clean Water Act requires states to adopt water quality standards and designate the uses of their navigable waters based on the use and value of the waterbody. Water quality standards are based on the recreational, agricultural, industrial and navigational uses of the water body, as well as the quality of habitat for wildlife. The standards include the use and value of the water body, protection of wildlife, recreational, agricultural, industrial, and navigational uses. If a state proposes a use designation that does not include the “fishable/swimmable” goals of the Clean Water Act or changes a use that would apply less stringent measures, then a use attainability analysis is required. A use attainability analysis is a scientific assessment of the physical, chemical, biological, and economic conditions affecting a water body.<sup>22</sup>

Pursuant to EPA water quality standards, states may change the current use designation if any of the following apply:<sup>23</sup>

- Naturally occurring pollutant levels prevent attainment of the use;

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<sup>19</sup> *Supra* note 17.

<sup>20</sup> Press Release, Florida Department of Environmental Protection, *Governor Scott and DEP Announce Everglades Restoration Projects Will Move Forward* (Sept. 11, 2012), available at <http://content.govdelivery.com/bulletins/gd/FLDEP-516d48> (last visited Mar. 25, 2013).

<sup>21</sup> *Supra* note 17.

<sup>22</sup> See 33 U.S.C s. 1313(c)(2)(A).

<sup>23</sup> See 40 CFR 131.10(g)(1)-(6).

- Natural ephemeral, intermittent, or low flow prevents attainment of the use;
- Human caused pollution prevents attainment of the use and cannot be remedied without causing worse environmental harm;
- Dams, diversions, and other hydrologic modifications prevent attainment of the use and it is not feasible to restore the water or operate the modification in a way that would result in attainment of the use;
- Natural physical features prevent attainment of the use; or
- More stringent controls would be necessary to attain the use and would result in substantial and widespread social and economic hardship.

### III. Effect(s) of Proposed Changes:

**Section 1** amends s. 373.4592, F.S., to include the Long-Term Plan and the implementation of BMPs as effective nutrient management tools in the Statement of Principles.

The CS includes the SFWMD's Restoration Strategies plan in the definition of "Long-Term Plan" and eliminates obsolete phasing requirements of the Long-Term Plan. The proposed changes would merge the state's existing Long-Term Plan components and the Restoration Strategies plan into a single comprehensive plan for achieving the restoration efforts envisioned under the EFA.

The CS also allows the SFWMD to continue to use ad-valorem funds currently collected in accordance with the EFA for the continued implementation of the Long-Term Plan beyond the initial phase.

The CS directs the SFWMD to conduct a use attainability analysis after all of the projects and improvements in the Long-Term Plan are complete.

The CS extends the agricultural privilege tax for the design, construction, and implementation of the Long-Term Plan as follows:

- \$25 an acre for tax notices mailed November 2014 to November 2026;
- \$20 per acre for tax notices mailed November 2027 to November 2029;
- \$15 per acre for tax notices mailed November 2030 to November 2035; and
- \$10 per acre for tax notices mailed on or after November 2036.

This section also includes conforming changes.

**Section 2** creates an unnumbered section of law to appropriate \$12 million in recurring general revenue funds and \$20 million in recurring funds from the Water Management Lands Trust Fund for the Restoration Strategies Regional Water Quality Plan starting in Fiscal Year 2013-2014 and each year thereafter through Fiscal Year 2023-2024 July. This section takes effect July 1, 2013.

**Section 3** provides the CS shall take effect upon becoming law unless otherwise provided.

**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:**

CS/SB 768 allows the continued collection of up to 0.1 mill in the Okeechobee Basin through completion of the Long-Term Plan.

The agricultural privilege tax is increased and extended for all acreage within the EAA.

**B. Private Sector Impact:**

CS/SB 768 is estimated to result in the creation of approximately 7,200 on-site construction jobs over the life of the projects.<sup>24</sup> The estimate is approximated using data provided by the Associated General Contractors of America.<sup>25</sup>

CS/SB 768 extends the Everglades agricultural privilege tax which will continue to generate approximately \$10.8 million per year until 2027. Tax revenues will be reduced to approximately \$8.64 million per year for 2027 through 2029. Revenues will be further reduced to approximately \$6.48 million per year for 2030 through 2035 and then to approximately \$4.32 million per year for 2036 and thereafter.

**C. Government Sector Impact:**

The DEP and SFWMD have developed a finance plan that does not rely on an increase of existing ad valorem taxes as a mechanism to further implement the state's Long-Term Plan. Funds required for the implementation of the plan are comprised of the SFWMD reserves, of which some are specifically accumulated for Everglades restoration purposes, ad valorem taxes generated from new construction within the SFWMD's service area and appropriations from the Legislature over the course of the project schedule. SFWMD

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<sup>24</sup> *Supra* note 17.

<sup>25</sup> The Associated General Contractors of America estimates that \$1 billion invested in nonresidential construction creates or sustains 9,405 direct on-site construction jobs. This multiplier was used to extrapolate the number of on-site construction jobs created based on \$766 million of construction costs included in the Long-Term Plan. See Ken Simonson, *The Economic Impact of Construction in the United States and California*, (Sep. 27, 2012), available at <http://www.agc.org/galleries/econ/CAstim.pdf> (last visited Mar. 20, 2013).

cash reserves for use in the construction of project features are expected to be depleted by Fiscal Year 2017. Ad valorem growth is based on conservative new construction estimates of 1 percent through 2017 and 1.5 percent starting in 2018 and continuing through completion of the project schedule. The remainder of the funds necessary for implementing the plan would be sought by the DEP through annual legislative budget requests.<sup>26</sup>

CS/SB 768 provides \$12 million in recurring general revenue funds and \$20 million in recurring funds from the Water Management Lands Trust Fund for the Restoration Strategies Regional Water Quality Plan starting in Fiscal Year 2013-2014 and each year thereafter through Fiscal Year 2023-2024 July.

Proceeds from the agricultural privilege tax must be used for design, construction, and implementation of the Long-Term Plan, including operation and maintenance, and research for the projects and strategies in the Long-Term Plan, including the enhancements and operation and maintenance of the Everglades Construction Project.<sup>27</sup>

Completion of the next phase of the Long-Term Plan is estimated to cost \$880 million.<sup>28</sup>

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

#### **VIII. Additional Information:**

##### **A. Committee Substitute – Statement of Substantial Changes:** (Summarizing differences between the Committee Substitute and the prior version of the bill.)

##### **CS by Environmental Preservation and Conservation on March 21, 2013:**

The CS includes the Long-Term Plan and the implementation of BMPs as effective nutrient management tools in legislative intent.

The CS directs the SFWMD to conduct a use attainability analysis after all of the projects and improvements in the Long-Term Plan are complete.

The CS revises and extends the taxing schedule of the agricultural privilege tax for the design, construction, and implementation of the Long-Term Plan.

<sup>26</sup> *Supra* note 17.

<sup>27</sup> *Supra* note 17 and the agricultural privilege tax revenues are calculated based on the number of acres in production in 2013.

<sup>28</sup> Press Release, South Florida Water Management District, *SFWMD Approves Pump Construction for Everglades Restoration Reservoir* (Sept. 13, 2012), available at [http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd\\_repository\\_pdf/nr\\_2012\\_0913\\_18\\_pumps\\_contract\\_final.pdf](http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/nr_2012_0913_18_pumps_contract_final.pdf) (last visited Mar. 19, 2013).

The CS provides \$12 million in recurring general revenue funds and \$20 million in recurring funds from the Water Management Lands Trust Fund for the Restoration Strategies Regional Water Quality Plan starting in Fiscal Year 2013-2014 and each year thereafter through Fiscal Year 2023-2024 July.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2013	.	
	.	
	.	
	.	

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The Committee on Environmental Preservation and Conservation (Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (g) of subsection (1), paragraph (j) of subsection (2), paragraphs (d) and (e) of subsection (3), paragraph (a) of subsection (4), and paragraphs (c) and (h) of subsection (6) of section 373.4592, Florida Statutes, are amended, and paragraph (h) is added to subsection (4) of that section, to read:

373.4592 Everglades improvement and management.—

(1) FINDINGS AND INTENT.—



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13 (g) The Legislature finds that the Statement of Principles  
14 of July 1993, the Everglades Construction Project, and the  
15 regulatory requirements of this section provide a sound basis  
16 for the state's long-term cleanup and restoration objectives for  
17 the Everglades. It is the intent of the Legislature to provide a  
18 sufficient period of time for construction, testing, and  
19 research, so that the benefits of the Long-Term Plan Everglades  
20 Construction Project will be determined and maximized prior to  
21 requiring additional measures. The Legislature finds that STAs  
22 and BMPs are currently the best available technology for  
23 achieving the ~~interim~~ water quality goals of the Everglades  
24 Program and that implementation of BMPs, funded by the owners  
25 and users of land in the EAA, effectively reduces nutrients in  
26 waters flowing into the Everglades Protection Area. A combined  
27 program of agricultural BMPs, STAs, and requirements of this  
28 section is a reasonable method of achieving ~~interim~~ total  
29 phosphorus discharge reductions. The Everglades Program is an  
30 appropriate foundation on which to build a long-term program to  
31 ultimately achieve restoration and protection of the Everglades  
32 Protection Area.

33 (2) DEFINITIONS.—As used in this section:

34 (j) "Long-Term Plan" or "Plan" means the district's  
35 "Everglades Protection Area Tributary Basins Conceptual Plan for  
36 Achieving Long-Term Water Quality Goals Final Report" dated  
37 March 2003, as subsequently modified in accordance with  
38 paragraph (3) (b), and the district's "Restoration Strategies  
39 Regional Water Quality Plan" dated April 27, 2012, as may be  
40 subsequently modified pursuant to paragraph (3) (b) modified  
41 herein.



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42 (3) EVERGLADES LONG-TERM PLAN.—

43 (d) ~~The Legislature recognizes that the Long-Term Plan~~  
44 ~~contains an initial phase and a 10-year second phase. The~~  
45 ~~Legislature intends that a review of this act at least 10 years~~  
46 ~~after implementation of the Long-Term Plan initial phase is~~  
47 ~~appropriate and necessary to the public interest. The review is~~  
48 ~~the best way to ensure that the Everglades Protection Area is~~  
49 ~~achieving state water quality standards, including phosphorus~~  
50 ~~reduction, and the Long-Term Plan is using the best technology~~  
51 ~~available. A 10-year second phase of the Long-Term Plan must be~~  
52 ~~approved by the Legislature and codified in this act prior to~~  
53 ~~implementation of projects, but not prior to development,~~  
54 ~~review, and approval of projects by the department.~~

55 (e) The Long-Term Plan shall be implemented ~~for an initial~~  
56 ~~13-year phase (2003-2016)~~ and shall achieve water quality  
57 standards relating to the phosphorus criterion in the Everglades  
58 Protection Area as determined by a network of monitoring  
59 stations established for this purpose. Not later than December  
60 31, 2008, and each 5 years thereafter, the department shall  
61 review and approve incremental phosphorus reduction measures.

62 (4) EVERGLADES PROGRAM.—

63 (a) *Everglades Construction Project.*—The district shall  
64 implement the Everglades Construction Project. By the time of  
65 completion of the project, the state, district, or other  
66 governmental authority shall purchase the inholdings in the  
67 Rotenberger and such other lands necessary to achieve a 2:1  
68 mitigation ratio for the use of Brown's Farm and other similar  
69 lands, including those needed for the STA 1 Inflow and  
70 Distribution Works. The inclusion of public lands as part of the



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71 project is for the purpose of treating waters not coming from  
72 the EAA for hydroperiod restoration. It is the intent of the  
73 Legislature that the district aggressively pursue the  
74 implementation of the Everglades Construction Project in  
75 accordance with the schedule in this subsection. The Legislature  
76 recognizes that adherence to the schedule is dependent upon  
77 factors beyond the control of the district, including the timely  
78 receipt of funds from all contributors. The district shall take  
79 all reasonable measures to complete timely performance of the  
80 schedule in this section in order to finish the Everglades  
81 Construction Project. The district shall not delay  
82 implementation of the project beyond the time delay caused by  
83 those circumstances and conditions that prevent timely  
84 performance. The district shall not levy ad valorem taxes in  
85 excess of 0.1 mill within the Okeechobee Basin for the purposes  
86 of the design, construction, and acquisition of the Everglades  
87 Construction Project. The ad valorem tax proceeds not exceeding  
88 0.1 mill levied within the Okeechobee Basin for such purposes  
89 shall also be used for design, construction, and implementation  
90 ~~of the initial phase~~ of the Long-Term Plan, including operation  
91 and maintenance, and research for the projects and strategies in  
92 ~~the initial phase of~~ the Long-Term Plan, and including the  
93 enhancements and operation and maintenance of the Everglades  
94 Construction Project and shall be the sole direct district  
95 contribution from district ad valorem taxes appropriated or  
96 expended for the design, construction, and acquisition of the  
97 Everglades Construction Project unless the Legislature by  
98 specific amendment to this section increases the 0.1 mill ad  
99 valorem tax contribution, increases the agricultural privilege



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100 taxes, or otherwise reallocates the relative contribution by ad  
101 valorem taxpayers and taxpayers paying the agricultural  
102 privilege taxes toward the funding of the design, construction,  
103 and acquisition of the Everglades Construction Project.  
104 Notwithstanding the provisions of s. 200.069 to the contrary,  
105 any millage levied under the 0.1 mill limitation in this  
106 paragraph shall be included as a separate entry on the Notice of  
107 Proposed Property Taxes pursuant to s. 200.069. Once the STAs  
108 are completed, the district shall allow these areas to be used  
109 by the public for recreational purposes in the manner set forth  
110 in s. 373.1391(1), considering the suitability of these lands  
111 for such uses. These lands shall be made available for  
112 recreational use unless the district governing board can  
113 demonstrate that such uses are incompatible with the restoration  
114 goals of the Everglades Construction Project or the water  
115 quality and hydrological purposes of the STAs or would otherwise  
116 adversely impact the implementation of the project. The district  
117 shall give preferential consideration to the hiring of  
118 agricultural workers displaced as a result of the Everglades  
119 Construction Project, consistent with their qualifications and  
120 abilities, for the construction and operation of these STAs. The  
121 following milestones apply to the completion of the Everglades  
122 Construction Project as depicted in the February 15, 1994,  
123 conceptual design document:

124       1. The district must complete the final design of the STA 1  
125 East and West and pursue STA 1 East project components as part  
126 of a cost-shared program with the Federal Government. The  
127 district must be the local sponsor of the federal project that  
128 will include STA 1 East, and STA 1 West if so authorized by



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129 federal law;

130 2. Construction of STA 1 East is to be completed under the  
131 direction of the United States Army Corps of Engineers in  
132 conjunction with the currently authorized C-51 flood control  
133 project;

134 3. The district must complete construction of STA 1 West  
135 and STA 1 Inflow and Distribution Works under the direction of  
136 the United States Army Corps of Engineers, if the direction is  
137 authorized under federal law, in conjunction with the currently  
138 authorized C-51 flood control project;

139 4. The district must complete construction of STA 3/4 by  
140 October 1, 2003; however, the district may modify this schedule  
141 to incorporate and accelerate enhancements to STA 3/4 as  
142 directed in the Long-Term Plan;

143 5. The district must complete construction of STA 6;

144 6. The district must, by December 31, 2006, complete  
145 construction of enhancements to the Everglades Construction  
146 Project recommended in the Long-Term Plan and initiate other  
147 pre-2006 strategies in the plan; and

148 7. East Beach Water Control District, South Shore Drainage  
149 District, South Florida Conservancy District, East Shore Water  
150 Control District, and the lessee of agricultural lease number  
151 3420 shall complete any system modifications described in the  
152 Everglades Construction Project to the extent that funds are  
153 available from the Everglades Fund. These entities shall divert  
154 the discharges described within the Everglades Construction  
155 Project within 60 days of completion of construction of the  
156 appropriate STA. Such required modifications shall be deemed to  
157 be a part of each district's plan of reclamation pursuant to



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158 chapter 298.

159 (h) After completion of all projects and improvements in  
160 the Long-Term Plan, the district shall complete a use  
161 attainability analysis to determine if those projects and  
162 improvements will achieve the water quality based effluent  
163 limits established in permits and orders authorizing the  
164 operation of those facilities.

165 (6) EVERGLADES AGRICULTURAL PRIVILEGE TAX.—

166 (c) The initial Everglades agricultural privilege tax roll  
167 shall be certified for the tax notices mailed in November 1994.  
168 Incentive credits to the Everglades agricultural privilege taxes  
169 to be included on the initial Everglades agricultural privilege  
170 tax roll, if any, shall be based upon the total phosphorus load  
171 reduction for the year ending April 30, 1993. The Everglades  
172 agricultural privilege taxes for each year shall be computed in  
173 the following manner:

174 1. Annual Everglades agricultural privilege taxes shall be  
175 charged for the privilege of conducting an agricultural trade or  
176 business on each acre of real property or portion thereof. The  
177 annual Everglades agricultural privilege tax shall be \$24.89 per  
178 acre for the tax notices mailed in November 1994 through  
179 November 1997; \$27 per acre for the tax notices mailed in  
180 November 1998 through November 2001; \$31 per acre for the tax  
181 notices mailed in November 2002 through November 2005; and \$35  
182 per acre for the tax notices mailed in November 2006 through  
183 November 2013.

184 2. It is the intent of the Legislature to encourage the  
185 performance of best management practices to maximize the  
186 reduction of phosphorus loads at points of discharge from the



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187 EAA by providing an incentive credit against the Everglades  
188 agricultural privilege taxes set forth in subparagraph 1. The  
189 total phosphorus load reduction shall be measured for the entire  
190 EAA by comparing the actual measured total phosphorus load  
191 attributable to the EAA for each annual period ending on April  
192 30 to the total estimated phosphorus load that would have  
193 occurred during the 1979-1988 base period using the model for  
194 total phosphorus load determinations provided in chapter 40E-63,  
195 Florida Administrative Code, utilizing the technical information  
196 and procedures contained in Section IV-EAA Period of Record Flow  
197 and Phosphorus Load Calculations; Section V-Monitoring  
198 Requirements; and Section VI-Phosphorus Load Allocations and  
199 Compliance Calculations of the Draft Technical Document in  
200 Support of chapter 40E-63, Florida Administrative Code - Works  
201 of the District within the Everglades, March 3, 1992, and the  
202 Standard Operating Procedures for Water Quality Collection in  
203 Support of the Everglades Water Condition Report, dated February  
204 18, 1994. The model estimates the total phosphorus load that  
205 would have occurred during the 1979-1988 base period by  
206 substituting the rainfall conditions for such annual period  
207 ending April 30 for the conditions that were used to calibrate  
208 the model for the 1979-1988 base period. The data utilized to  
209 calculate the actual loads attributable to the EAA shall be  
210 adjusted to eliminate the effect of any load and flow that were  
211 not included in the 1979-1988 base period as defined in chapter  
212 40E-63, Florida Administrative Code. The incorporation of the  
213 method of measuring the total phosphorus load reduction provided  
214 in this subparagraph is intended to provide a legislatively  
215 approved aid to the governing board of the district in making an



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216 annual ministerial determination of any incentive credit.

217 3. Phosphorus load reductions calculated in the manner  
218 described in subparagraph 2. and rounded to the nearest whole  
219 percentage point for each annual period beginning on May 1 and  
220 ending on April 30 shall be used to compute incentive credits to  
221 the Everglades agricultural privilege taxes to be included on  
222 the annual tax notices mailed in November of the next ensuing  
223 calendar year. Incentive credits, if any, will reduce the  
224 Everglades agricultural privilege taxes set forth in  
225 subparagraph 1. only to the extent that the phosphorus load  
226 reduction exceeds 25 percent. Subject to subparagraph 4., the  
227 reduction of phosphorus load by each percentage point in excess  
228 of 25 percent, computed for the 12-month period ended on April  
229 30 of the calendar year immediately preceding certification of  
230 the Everglades agricultural privilege tax, shall result in the  
231 following incentive credits: \$0.33 per acre for the tax notices  
232 mailed in November 1994 through November 1997; \$0.54 per acre  
233 for the tax notices mailed in November 1998 through November  
234 2001; \$0.61 per acre for the tax notices mailed in November 2002  
235 through November 2005, and \$0.65 per acre for the tax notices  
236 mailed in November 2006 through November 2013. The determination  
237 of incentive credits, if any, shall be documented by resolution  
238 of the governing board of the district adopted prior to or at  
239 the time of the adoption of its resolution certifying the annual  
240 Everglades agricultural privilege tax roll to the appropriate  
241 tax collector.

242 4. Notwithstanding subparagraph 3., incentive credits for  
243 the performance of best management practices shall not reduce  
244 the minimum annual Everglades agricultural privilege tax to less



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245 than \$24.89 per acre, which annual Everglades agricultural  
246 privilege tax as adjusted in the manner required by paragraph  
247 (e) shall be known as the "minimum tax." To the extent that the  
248 application of incentive credits for the performance of best  
249 management practices would reduce the annual Everglades  
250 agricultural privilege tax to an amount less than the minimum  
251 tax, then the unused or excess incentive credits for the  
252 performance of best management practices shall be carried  
253 forward, on a phosphorus load percentage basis, to be applied as  
254 incentive credits in subsequent years. Any unused or excess  
255 incentive credits remaining after certification of the  
256 Everglades agricultural privilege tax roll for the tax notices  
257 mailed in November 2013 shall be canceled.

258 5. Notwithstanding the schedule of Everglades agricultural  
259 privilege taxes set forth in subparagraph 1., the owner, lessee,  
260 or other appropriate interestholder of any property shall be  
261 entitled to have the Everglades agricultural privilege tax for  
262 any parcel of property reduced to the minimum tax, commencing  
263 with the tax notices mailed in November 1996 for parcels of  
264 property participating in the early baseline option as defined  
265 in chapter 40E-63, Florida Administrative Code, and with the tax  
266 notices mailed in November 1997 for parcels of property not  
267 participating in the early baseline option, upon compliance with  
268 the requirements set forth in this subparagraph. The owner,  
269 lessee, or other appropriate interestholder shall file an  
270 application with the executive director of the district prior to  
271 July 1 for consideration of reduction to the minimum tax on the  
272 Everglades agricultural privilege tax roll to be certified for  
273 the tax notice mailed in November of the same calendar year and



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274 shall have the burden of proving the reduction in phosphorus  
275 load attributable to such parcel of property. The phosphorus  
276 load reduction for each discharge structure serving the parcel  
277 shall be measured as provided in chapter 40E-63, Florida  
278 Administrative Code, and the permit issued for such property  
279 pursuant to chapter 40E-63, Florida Administrative Code. A  
280 parcel of property which has achieved the following annual  
281 phosphorus load reduction standards shall have the minimum tax  
282 included on the annual tax notice mailed in November of the next  
283 ensuing calendar year: 30 percent or more for the tax notices  
284 mailed in November 1994 through November 1997; 35 percent or  
285 more for the tax notices mailed in November 1998 through  
286 November 2001; 40 percent or more for the tax notices mailed in  
287 November 2002 through November 2005; and 45 percent or more for  
288 the tax notices mailed in November 2006 through November 2013.  
289 In addition, any parcel of property that achieves an annual flow  
290 weighted mean concentration of 50 parts per billion (ppb) of  
291 phosphorus at each discharge structure serving the property for  
292 any year ending April 30 shall have the minimum tax included on  
293 the annual tax notice mailed in November of the next ensuing  
294 calendar year. Any annual phosphorus reductions that exceed the  
295 amount necessary to have the minimum tax included on the annual  
296 tax notice for any parcel of property shall be carried forward  
297 to the subsequent years' phosphorus load reduction to determine  
298 if the minimum tax shall be included on the annual tax notice.  
299 The governing board of the district shall deny or grant the  
300 application by resolution adopted prior to or at the time of the  
301 adoption of its resolution certifying the annual Everglades  
302 agricultural privilege tax roll to the appropriate tax



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303 collector.

304         6. The annual Everglades agricultural privilege tax shall  
305 be: for the tax notices mailed in November 2014 through November  
306 2026, 2016 shall be \$25 per acre; for the tax notices mailed in  
307 November 2027 through 2029, \$20 per acre; for the tax notices  
308 mailed in November 2030 through 2035, \$15 per acre; and for the  
309 tax notices mailed in November 2036 2017 and thereafter, shall  
310 be \$10 per acre. Proceeds from the tax shall be used for design,  
311 construction, and implementation of the Long-Term Plan,  
312 including operation and maintenance, and research for the  
313 projects and strategies in the Long-Term Plan, including the  
314 enhancements and operation and maintenance of the Everglades  
315 Construction Project.

316         (h) In recognition of the findings set forth in subsection  
317 (1), the Legislature finds that the assessment and use of the  
318 Everglades agricultural privilege tax is a matter of concern to  
319 all areas of Florida. ~~and~~ The Legislature intends this act to be  
320 a general law authorization of the Everglades agricultural  
321 privilege tax within the meaning of s. 9, Art. VII of the State  
322 Constitution and further intends that payment of the tax, in  
323 addition to payment of the cost of continuing implementation of  
324 BMPs, fulfills ~~complies with~~ the obligations of owners and users  
325 of land under s. 7(b), Art. II of the State Constitution.

326         Section 2. Beginning in the 2013-2014 fiscal year and each  
327 year thereafter through the 2023-2024 fiscal year, the sum of  
328 \$12 million in recurring general revenue funds and \$20 million  
329 in recurring funds from the Water Management Lands Trust Fund is  
330 appropriated to the Department of Environmental Protection for  
331 the Restoration Strategies Regional Water Quality Plan. This



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332 section shall take effect July 1, 2013.

333       Section 3. Except as otherwise expressly provided in this  
334 act, this act shall take effect upon becoming a law.

335

336

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

338 And the title is amended as follows:

339       Delete everything before the enacting clause  
340 and insert:

341

                  A bill to be entitled

342

          An act relating to Everglades improvement and  
343 management; amending s. 373.4592, F.S.; revising  
344 legislative findings for achieving water quality  
345 goals; revising the definition of the term "Long-Term  
346 Plan"; revising provisions for use of certain ad  
347 valorem tax proceeds; directing the South Florida  
348 Water Management District to complete a specified  
349 analysis; revising provisions for collection of the  
350 agricultural privilege tax; providing for the use of  
351 such tax proceeds; providing that payment of the tax  
352 and certain costs fulfills certain constitutional  
353 obligations; providing appropriations; providing  
354 effective dates.

By Senator Simpson

18-00954-13

2013768

1 A bill to be entitled

2 An act relating to the Everglades Long-Term Plan;  
3 amending s. 373.4592, F.S.; modifying the definition  
4 of "Long-Term Plan" as it applies to Everglades  
5 improvement and management; deleting references to  
6 Plan phases; conforming provisions to changes made in  
7 the act; making technical changes; providing an  
8 effective date.

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

11  
12 Section 1. Paragraph (j) of subsection (2), paragraphs (d)  
13 and (e) of subsection (3), and paragraph (a) of subsection (4)  
14 of section 373.4592, Florida Statutes, are amended to read:

15 373.4592 Everglades improvement and management.—

16 (2) DEFINITIONS.—As used in this section:

17 (j) "Long-Term Plan" or "Plan" means the district's  
18 "Everglades Protection Area Tributary Basins Conceptual Plan for  
19 Achieving Long-Term Water Quality Goals Final Report," dated  
20 March 2003, as subsequently modified in accordance with  
21 paragraph (3)(b) and the district's "Restoration Strategies  
22 Regional Water Quality Plan," dated April 27, 2012, which may be  
23 subsequently modified pursuant to paragraph (3)(b) herein.

24 (3) EVERGLADES LONG-TERM PLAN.—

25 (d) ~~The Legislature recognizes that the Long-Term Plan~~  
26 ~~contains an initial phase and a 10-year second phase.~~ The  
27 Legislature intends that a review of this act at least 10 years  
28 after implementation of the Long-Term Plan ~~initial phase~~ is  
29 appropriate and necessary to the public interest. The review is

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30 the best way to ensure that the Everglades Protection Area is  
31 achieving state water quality standards, including phosphorus  
32 reduction, and the Long-Term Plan is using the best technology  
33 available. ~~A 10-year second phase of the Long-Term Plan must be~~  
34 ~~approved by the Legislature and codified in this act prior to~~  
35 ~~implementation of projects, but not prior to development,~~  
36 ~~review, and approval of projects by the department.~~

37 (e) The Long-Term Plan shall be implemented ~~for an initial~~  
38 ~~13-year phase (2003-2016)~~ and shall achieve water quality  
39 standards relating to the phosphorus criterion in the Everglades  
40 Protection Area as determined by a network of monitoring  
41 stations established for this purpose. Not later than December  
42 31, 2008, and each 5 years thereafter, the department shall  
43 review and approve incremental phosphorus reduction measures.

44 (4) EVERGLADES PROGRAM.—

45 (a) *Everglades Construction Project.*—The district shall  
46 implement the Everglades Construction Project. By the time of  
47 completion of the project, the state, district, or other  
48 governmental authority shall purchase the inholdings in the  
49 Rotenberger and such other lands necessary to achieve a 2:1  
50 mitigation ratio for the use of Brown's Farm and other similar  
51 lands, including those needed for the STA 1 Inflow and  
52 Distribution Works. The inclusion of public lands as part of the  
53 project is for the purpose of treating waters not coming from  
54 the EAA for hydroperiod restoration. It is the intent of the  
55 Legislature that the district aggressively pursue the  
56 implementation of the Everglades Construction Project in  
57 accordance with the schedule in this subsection. The Legislature  
58 recognizes that adherence to the schedule is dependent upon

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59 factors beyond the control of the district, including the timely  
60 receipt of funds from all contributors. The district shall take  
61 all reasonable measures to complete timely performance of the  
62 schedule in this section in order to finish the Everglades  
63 Construction Project. The district may ~~shall~~ not delay  
64 implementation of the project beyond the time delay caused by  
65 those circumstances and conditions that prevent timely  
66 performance. The district may ~~shall~~ not levy ad valorem taxes in  
67 excess of 0.1 mill within the Okeechobee Basin for the purposes  
68 of the design, construction, and acquisition of the Everglades  
69 Construction Project. The ad valorem tax proceeds not exceeding  
70 0.1 mill levied within the Okeechobee Basin for such purposes  
71 shall also be used for design, construction, and implementation  
72 of the ~~initial phase of the~~ Long-Term Plan, including operation  
73 and maintenance, and research for the projects and strategies in  
74 the ~~initial phase of the~~ Long-Term Plan, and including the  
75 enhancements and operation and maintenance of the Everglades  
76 Construction Project and shall be the sole direct district  
77 contribution from district ad valorem taxes appropriated or  
78 expended for the design, construction, and acquisition of the  
79 Everglades Construction Project unless the Legislature by  
80 specific amendment to this section increases the 0.1 mill ad  
81 valorem tax contribution, increases the agricultural privilege  
82 taxes, or otherwise reallocates the relative contribution by ad  
83 valorem taxpayers and taxpayers paying the agricultural  
84 privilege taxes toward the funding of the design, construction,  
85 and acquisition of the Everglades Construction Project.  
86 Notwithstanding the provisions of s. 200.069 to the contrary,  
87 ~~any~~ millage levied under the 0.1 mill limitation in this

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88 paragraph shall be included as a separate entry on the Notice of  
89 Proposed Property Taxes pursuant to s. 200.069. Once the STAs  
90 are completed, the district shall allow these areas to be used  
91 by the public for recreational purposes in the manner set forth  
92 in s. 373.1391(1), considering the suitability of these lands  
93 for such uses. These lands must ~~shall~~ be made available for  
94 recreational use unless the district governing board can  
95 demonstrate that such uses are incompatible with the restoration  
96 goals of the Everglades Construction Project or the water  
97 quality and hydrological purposes of the STAs or would otherwise  
98 adversely impact the implementation of the project. The district  
99 shall give preferential consideration to the hiring of  
100 agricultural workers displaced as a result of the Everglades  
101 Construction Project, consistent with their qualifications and  
102 abilities, for the construction and operation of these STAs. The  
103 following milestones apply to the completion of the Everglades  
104 Construction Project as depicted in the February 15, 1994,  
105 conceptual design document:

106 1. The district must complete the final design of the STA 1  
107 East and West and pursue STA 1 East project components as part  
108 of a cost-shared program with the Federal Government. The  
109 district must be the local sponsor of the federal project that  
110 will include STA 1 East, and STA 1 West if so authorized by  
111 federal law;

112 2. Construction of STA 1 East is to be completed under the  
113 direction of the United States Army Corps of Engineers in  
114 conjunction with the currently authorized C-51 flood control  
115 project;

116 3. The district must complete construction of STA 1 West

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117 and STA 1 Inflow and Distribution Works under the direction of  
118 the United States Army Corps of Engineers, if the direction is  
119 authorized under federal law, in conjunction with the currently  
120 authorized C-51 flood control project;

121 4. The district must complete construction of STA 3/4 by  
122 October 1, 2003; however, the district may modify this schedule  
123 to incorporate and accelerate enhancements to STA 3/4 as  
124 directed in the Long-Term Plan;

125 5. The district must complete construction of STA 6;

126 6. The district must, by December 31, 2006, complete  
127 construction of enhancements to the Everglades Construction  
128 Project recommended in the Long-Term Plan and initiate other  
129 pre-2006 strategies in the plan; and

130 7. East Beach Water Control District, South Shore Drainage  
131 District, South Florida Conservancy District, East Shore Water  
132 Control District, and the lessee of agricultural lease number  
133 3420 shall complete ~~any~~ system modifications described in the  
134 Everglades Construction Project to the extent that funds are  
135 available from the Everglades Fund. These entities shall divert  
136 the discharges described within the Everglades Construction  
137 Project within 60 days of completion of construction of the  
138 appropriate STA. Such required modifications are ~~shall be~~ deemed  
139 to be a part of each district's plan of reclamation pursuant to  
140 chapter 298.

141 Section 2. This act shall take effect July 1, 2013.



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March 20, 2013

Senator Charlie Dean  
Chair, Environmental Preservation and Conservation Committee  
311 Senate Office Building  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

**Subject: South Florida Water Management District Governing Board Confirmation of Juan Portuondo**

Dear Chairman Dean:

On March 21, the Senate Environmental Preservation and Conservation Committee will hold confirmation hearings on Governor Scott's appointments to the water management districts. We wish to convey to you our support for confirmation of South Florida Water Management District Governing Board Member Juan Portuondo.

We have had the opportunity to work with Mr. Portuondo over the course of his term as a Governing Board member. We have found him to be both committed to the mission of the South Florida Water Management District and open to the views of the public on water management decisions. His expertise in business and engineering, coupled with the ability to understand complex issues contribute to thoughtful dialogue during Governing Board meetings.

Mr. Portuondo gives valuable representation to the residents of Miami-Dade County and brings awareness to the region's ecological and economic needs.

We heartily recommend his approval.

Sincerely,

Eric Draper  
Executive Director

# CourtSmart Tag Report

Room: EL 110  
Caption: Committee on Environmental Preservation and Conservation

Case:

Type:  
Judge:

Started: 3/21/2013 10:05:56 AM  
Ends: 3/21/2013 11:40:47 AM Length: 01:34:52

10:05:58 AM Chair Dean calls the meeting to order  
10:06:14 AM CAA calls roll  
10:06:27 AM Record shows Sen. Bullard excused  
10:06:51 AM Pledge of Allegiance  
10:06:54 AM Chair Dean remarks  
10:07:29 AM Tab 9 - SB 934 Stormwater Management Permits by Sen. Lee  
10:07:40 AM Amend. #848272 by Sen. Simpson  
10:07:50 AM Sen. Lee explains amendment  
10:08:15 AM Sen. Lee explains bill  
10:09:33 AM Amend. adopted  
10:09:48 AM Ryan Matthews, FL League of Cities waives in support  
10:09:54 AM Kurt Spitzer, FL Stormwater Assoc. waives in support  
10:10:10 AM Sen. Lee waives close  
10:10:17 AM Sen. Simpson moves for a CS  
10:10:22 AM CAA calls roll on CS/SB 934  
10:10:40 AM Bill passes favorably  
10:10:48 AM Tab 13 - 682 Fossil Fuel Combustion Products by Sen. Simpson  
10:11:53 AM Amend. #764118 introduced last week by Sen. Abruzzo  
10:12:02 AM Committee decides to reconsider vote for amend. #746118  
10:12:46 AM Sen. Simpson withdraws amend  
10:12:54 AM Amend. #379170 by Sen. Simpson introduced and explained  
10:14:35 AM Amend. adopted  
10:14:58 AM Dr. Christopher Teaf, Fla Electric Power Coordinating Group remarks  
10:18:28 AM Steve Johnson of Clay County, Florida remarks  
10:26:12 AM Brewster Bevis, AIF waives in support  
10:26:29 AM Dr. Yolanda Whyte, Physicians for Social Responsibility remarks  
10:31:37 AM David Cullen, Sierra Club Florida remarks  
10:32:15 AM Mary Jean Yon, Audubon Florida remarks  
10:33:35 AM Sen. Soto comments  
10:34:06 AM Leticia Adams, Florida Chamber of Commerce waives in support  
10:34:13 AM Stephanie Kunkel, Clean Water Action remarks  
10:35:10 AM Frank Matthews, Florida Electric Power Coordinating Group waives in support  
10:36:37 AM Mike Kennedy, Progress Energy Florida remarks  
10:38:19 AM Chair Dean remarks  
10:39:07 AM Sen. Simpson waives close  
10:39:22 AM Sen. Simpson moves for a CS  
10:39:34 AM CAA calls roll on CS/SB 682  
10:39:52 AM CS/SB 682 passes favorably  
10:40:01 AM Sen. Soto requests the record show he votes favorably on SB 934  
10:40:18 AM TAB 1 - Exec. Director of NW Fla Water Management District, Mr. Jonathan Steverson  
10:40:50 AM Swears in Jonathan Steverson  
10:41:07 AM Mr. Steverson remarks  
10:42:56 AM Sen. Altman moves to recommend confirmation  
10:43:03 AM CAA calls roll on confirmation  
10:43:18 AM Confirmation favorable  
10:43:22 AM Tab 2 - Exec. Director of Suwannee River Water Management District, Dr. Ann Shortelle  
10:43:37 AM Dr. Shortelle sworn in  
10:43:46 AM Dr. Shortelle remarks  
10:46:34 AM Sen. Soto comments  
10:46:55 AM Dr. Shortelle response  
10:48:09 AM Sen. Soto follow up  
10:48:27 AM Dr. Shortelle response

10:49:55 AM Sen. Soto follow up  
10:50:12 AM Dr. Shortelle response  
10:50:43 AM Sen. Grimsley moves for confirmation  
10:50:49 AM CAA calls roll on confirmation  
10:50:53 AM Confirmation favorable  
10:51:05 AM Tab 3 - Exec Director of St. Johns River Water Management District, Hans Tanzler  
10:51:18 AM Mr. Tanzler sworn in  
10:51:21 AM Mr. Tanzler with remarks  
10:53:11 AM Sen. Soto with questions  
10:54:47 AM Chair Dean remarks  
10:54:57 AM Sen. Simpson moves to recommend confirmation  
10:55:04 AM CAA calls roll on confirmation  
10:55:10 AM Confirmation favorable  
10:55:20 AM Tab 4 - Exec Director of SW Florida Water Management District, Blake Guillory  
10:55:33 AM Mr. Guillory sworn in  
10:55:43 AM Mr. Guillory with remarks  
10:58:07 AM Sen. Latvala moves confirmation  
10:58:13 AM CAA calls roll on confirmation  
10:58:17 AM Confirmation favorable  
10:58:32 AM Chair Dean notes the absence of Ms. Meeker, SFWMD  
10:58:49 AM Tab 5 - Governing Board of NW Florida Water Management District, Jonathan Costello  
10:59:00 AM Mr. Costello sworn in  
10:59:09 AM Mr. Costello remarks  
10:59:31 AM Sen. Latvala question  
10:59:50 AM Mr. Costello response  
11:00:10 AM Sen. Latvala question  
11:00:17 AM Mr. Costello response  
11:00:22 AM Sen. Latvala question  
11:00:33 AM Mr. Costello response  
11:00:39 AM Sen. Simpson question  
11:00:47 AM Mr. Costello response  
11:01:00 AM Sen. Latvala moves confirmation  
11:01:04 AM CAA calls roll on confirmation  
11:01:13 AM Confirmation favorable  
11:01:33 AM Tabs 6 - 8 Appointees  
11:01:45 AM Chair Dean recognizes Aliese Priddy, Juan Portuondo, and Douglas Tharp  
11:02:00 AM Sen. Soto moves to recommend them for confirmation  
11:02:07 AM CAA calls roll on confirmation  
11:02:10 AM Confirmation of the appointees favorable  
11:02:29 AM Tab 14 - SB 768 Everglades Long-Term Plan by Sen. Simppson  
11:02:40 AM Late filed delete-all amend #841176  
11:02:48 AM Amend. introduced  
11:03:04 AM Sen. Simpson explains amendment and bill  
11:05:36 AM Sen. Latvala question  
11:06:00 AM Sen. Simpson response  
11:06:11 AM Greg Munson, DEP waives in support  
11:07:02 AM Ernie Barnett, SFWMD waives in support  
11:07:07 AM Eric Draper, Audubon Florida waives in support  
11:08:11 AM Charles Pattison, 1000 Friends of Florida waives in support  
11:08:23 AM Philip Parsons, Florida Sugar Cane League Inc. waives in support  
11:08:30 AM Sen. Dean remarks  
11:08:39 AM Sen. Latvala comments  
11:09:24 AM Nick Iarossi, Everglades Foundation waives in support of the bill  
11:10:03 AM Adam Basford, Florida Farm Bureau waives in support  
11:10:08 AM Stephanie Kunkel, Clean Water Action waives in support  
11:10:13 AM Brewster Bevis, AIF waives in support  
11:11:12 AM Amend. #841176 adopted  
11:11:25 AM Sen. Latvala comments  
11:12:17 AM Chair Dean comments  
11:13:02 AM Sen. Simpson closes  
11:13:25 AM Sen. Simpson moves for CS  
11:13:32 AM CAA calls roll on CS/SB 768

11:13:51 AM Bill passes favorably  
11:14:06 AM Tab 10 - SB 1416 Rehabilitation Projects for Petroleum Contamination by Sen. Evers  
11:14:17 AM Delete all amend # 522250 by Sen. Abruzzo  
11:14:26 AM Mike Bascom, Sen. Ever's aide presenting the bill  
11:14:36 AM Mr. Bascom explains amendment  
11:15:40 AM Sen. Latvala question  
11:15:56 AM Mr. Bascom response  
11:16:41 AM Follow up Sen. Latvala  
11:16:52 AM Mr. Bascom response  
11:17:24 AM Follow up Sen. Latvala  
11:17:52 AM Sen. Simpson comments  
11:18:28 AM Chair Dean comments  
11:18:46 AM Amend. adopted  
11:18:59 AM Mike Huey, FL Petroleum Marketers & Convenience Store Assoc.remarks  
11:20:49 AM Jeff Littlejohn, DEP remarks  
11:22:23 AM Mr. Bascom waives close  
11:22:27 AM Sen. Latvala moves for a CS  
11:22:52 AM CAA calls roll on CS/SB 1416  
11:23:10 AM Bill passes favorably  
11:23:15 AM Tab 11 - SPB 7034 Numeric Nutrient Criteria  
11:23:24 AM Sen. Gardiner takes over as Chair  
11:23:34 AM Sen. Dean recognized to explain SPB 7034  
11:24:22 AM Sen. Dean recognizes Drew Bartlett, DEP to answer any further questions  
11:28:31 AM Sen. Altman question  
11:29:00 AM Mr. Bartlett response  
11:29:16 AM Sen. Soto question  
11:29:30 AM Mr. Bartlett response  
11:30:19 AM Follow up Sen. Soto  
11:30:34 AM Mr. Bartlett response  
11:31:08 AM David Cullen, Sierra Club Florida  
11:34:23 AM Steven James, FL Association of Counties waives in support  
11:34:31 AM Suzanne Goss, JEA waives in support  
11:34:38 AM Ryan Matthews, FL League of Cities waives in support  
11:34:44 AM Jamie Sheehan, FL Land Council waives in support  
11:34:50 AM Adam Basford, Florida Farm Bureau waives in support  
11:34:54 AM Doug Mann, AIF waives in support  
11:34:57 AM David Childs, FWEA Utility Council waives in support  
11:35:04 AM Leticia Adams, Florida Chamber of Commerce waives in support  
11:35:07 AM Kurt Spitzer, FL Stormwater Assoc. waives in support  
11:35:19 AM Sen. Soto comments  
11:35:53 AM Sen. Dean closes on bill  
11:36:11 AM Sen. Dean moves that SPB 7034 be reported as a committee bill  
11:36:21 AM CAA calls roll  
11:36:23 AM SPB 7034 passes favorably  
11:36:39 AM Tab 12 - SPB 7036 Total Maximum Daily Loads by Sen. Dean  
11:37:27 AM Sen. Dean explains bill  
11:37:53 AM Sen. Dean recognizes Drew Bartlett, DEP for further comment  
11:38:53 AM David Cullen, Sierra Club Florida waives in support  
11:39:00 AM Ryan Matthews, FL League of Cities waives in support  
11:39:05 AM Katie Kelly, DEP waives in support  
11:39:10 AM Mary Jean Yon, Audubon Florida waives in support  
11:39:15 AM Leticia Adams, Florida Chamber of Commerce waives in support  
11:39:24 AM Sen. Dean waives close  
11:39:32 AM Sen. Dean moves that SPB 7036 be reported as a committee bill  
11:39:38 AM CAA calls roll on SPB 7036  
11:39:47 AM SPB 7036 passes favorably  
11:40:01 AM Sen. Gardiner wants the record to show his favorable votes for SB 934 and SB 682  
11:40:23 AM Sen. Dean moves that staff is given permission to make any necessary technical changes to bills submitted as CS today  
11:40:34 AM Sen. Dean closing remarks  
11:40:40 AM Sen. Grimsley moves to rise