

Tab 1	CS/SB 832 by JU, Burgess; Similar to CS/H 00585 Former Phosphate Mining Lands					
520164	A	S	RCS	EN, Burgess	Delete L.38 - 80:	03/25 01:23 PM
Tab 2	SB 866 by Martin; Similar to CS/H 00481 Anchoring Limitation Areas					
Tab 3	SB 880 by Garcia; Identical to H 00081 Designation of the State Birds					
Tab 4	SB 1300 by Simon (CO-INTRODUCERS) Brodeur; Similar to H 01143 Permits for Drilling, Exploration, and Extraction of Oil and Gas Resources					
Tab 5	SB 1388 by Trumbull; Identical to H 01001 Vessels					
Tab 6	SB 1784 by Pizzo; Identical to H 01123 Sewer Collection Systems					
Tab 7	SB 1792 by Gruters; Dry Sandy Beaches					
106622	A	S	RCS	EN, Gruters	Delete L.76 - 267:	03/25 02:19 PM
Tab 8	SB 946 by Rodriguez; Similar to H 01199 Waste Facilities					
206438	A	S	RCS	EN, Rodriguez	Delete L.28 - 52:	03/25 02:19 PM
Tab 9	SB 1326 by Rodriguez; Similar to H 00995 Areas of Critical State Concern					
798222	A	S	RCS	EN, Rodriguez	Delete L.146 - 198:	03/25 02:55 PM
149692	AA	S	RCS	EN, Rodriguez	Delete L.5 - 23:	03/25 02:55 PM
Tab 10	SB 1580 by Rodriguez; Resilience Planning					
607800	D	S	RCS	EN, Rodriguez	Delete everything after	03/25 02:19 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Rodriguez, Chair
Senator Ingoglia, Vice Chair

MEETING DATE: Tuesday, March 25, 2025
TIME: 11:00 a.m.—1:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator Rodriguez, Chair; Senator Ingoglia, Vice Chair; Senators Arrington, Avila, Brodeur, DiCeglie, Harrell, Polsky, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 832 Judiciary / Burgess (Similar CS/H 585)	Former Phosphate Mining Lands; Providing conditions for a cause of action against certain former phosphate mine sites; requiring the Department of Health to conduct surveys of former phosphate land parcels upon petition; requiring that specified documentation of radiation levels be submitted in certain civil actions related to phosphate mining, etc. JU 03/12/2025 Fav/CS EN 03/25/2025 Fav/CS RC	Fav/CS Yeas 8 Nays 0
2	SB 866 Martin (Similar CS/H 481)	Anchoring Limitation Areas; Restricting local regulation of vessels outside the marked boundaries of mooring fields in certain counties and areas of critical state concern; designating specified sections of Biscayne Bay in Miami-Dade County as grandfathered-in anchoring limitation areas; increasing the prohibited anchoring and mooring distance of vessels and floating structures near public mooring fields, etc. EN 03/25/2025 Favorable CA RC	Favorable Yeas 7 Nays 1
3	SB 880 Garcia (Identical H 81)	Designation of the State Birds; Designating the American flamingo as the official state bird and the Florida scrub-jay as the official state songbird; providing that such designations supersede the designation of the mockingbird as the official Florida state bird, etc. EN 03/25/2025 Favorable AEG RC	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Tuesday, March 25, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1300 Simon (Similar H 1143)	Permits for Drilling, Exploration, and Extraction of Oil and Gas Resources; Requiring the Department of Environmental Protection to consider certain factors when determining whether the natural resources of certain bodies of water and shore areas are adequately protected from a potential accident or blowout; providing requirements for a balancing test to make such a determination, etc. EN 03/25/2025 Favorable AEG RC	Favorable Yeas 7 Nays 0
5	SB 1388 Trumbull (Identical H 1001, Compare H 735, S 1162)	Vessels; Citing this act as the "Boater Freedom Act"; including Clean Marine Manufacturers within the Clean Marine Program; authorizing certain grants to be awarded for the construction and maintenance of publicly owned parking for boat-hauling vehicles and trailers; prohibiting certain officers from performing a vessel stop or boarding a vessel without probable cause or specified knowledge; requiring the Florida Fish and Wildlife Commission, in coordination with the Department of Highway Safety and Motor Vehicles, to create the "Florida Freedom Boater" safety inspection decal for specified purposes; creating the "Watercraft Energy Source Freedom Act", etc. EN 03/25/2025 Favorable AEG FP	Favorable Yeas 8 Nays 0
6	SB 1784 Pizzo (Identical H 1123)	Sewer Collection Systems; Authorizing municipalities to use certain funds for a specified purpose, etc. EN 03/25/2025 Favorable CA RC	Favorable Yeas 8 Nays 0
7	SB 1792 Gruters	Dry Sandy Beaches; Revising the definition of the term "conservation purposes"; revising requirements for tax exemptions for certain real property; revising factors the Acquisition and Restoration Council must consider in determining whether land yields a significant public benefit, for the purposes of determining eligibility for the tax exemptions; revising the goal of a comprehensive, statewide 5-year plan to conserve, restore, and protect certain lands; requiring the Division of State Lands and the Office of Resilience and Coastal Protection to establish a pilot program to conduct an inventory of dry sandy beaches in preparation for a specified application, etc. EN 03/25/2025 Fav/CS FT AP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Tuesday, March 25, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 946 Rodriguez (Similar H 1199)	Waste Facilities; Prohibiting a local governmental entity from applying for a permit for or approving the permitting of certain waste facilities within a specified distance of the Everglades Protection Area, the Everglades Construction Project, or any water storage or conveyance structure constructed pursuant to specified provisions, etc. EN 03/25/2025 Fav/CS CA RC	Fav/CS Yeas 8 Nays 0
9	SB 1326 Rodriguez (Similar H 995, Compare S 1730)	Areas of Critical State Concern; Revising conditions under which certain property may be considered property used for a charitable purpose; exempting a person entering into a construction contract with Habitat for Humanity International, Inc., or any of its affiliates from executing a payment and performance bond under certain circumstances; extending the timeframe for specific Florida Forever appropriations to be used for the purchase of lands in the Florida Keys Area of Critical State Concern; providing a limitation for additional building permit allocations, etc. EN 03/25/2025 Fav/CS AEG RC	Fav/CS Yeas 8 Nays 0
10	SB 1580 Rodriguez	Resilience Planning; Creating the Florida Master P3 Infrastructure Authority for a specified purpose; providing goals for the authority; providing the terms of membership of the authority; requiring members to serve without compensation but be reimbursed for certain expenses; requiring the authority to appoint an executive director, establish rules, meet a certain number of times per year, and elect specified officers, etc. EN 03/25/2025 Fav/CS AEG RC	Fav/CS Yeas 8 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
-----	------------------------------------	-----------------	------------------

Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.

Environmental Regulation Commission

11	Buermann, Eric (Key Largo)	07/01/2027	Recommend Confirm Yeas 7 Nays 0
12	Truitt, John J. (Tallahassee)	07/01/2025	Temporarily Postponed
13	Roth, Cari L. (Tallahassee)	07/01/2027	Recommend Confirm Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Tuesday, March 25, 2025, 11:00 a.m.—1:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
14	Ralston, Kellie Rebello (Tallahassee)	07/01/2027	Recommend Confirm Yeas 7 Nays 0
15	McCarthy, James W. (Ponte Vedra)	07/01/2025	Recommend Confirm Yeas 7 Nays 0
16	Frazer, Thomas Kerry (Gainesville)	07/01/2027	Recommend Confirm Yeas 7 Nays 0
Fish and Wildlife Conservation Commission			
17	Barreto, Rodney L. (Coral Gables)	01/05/2029	Temporarily Postponed
Florida Inland Navigation District			
18	Waltzer, Richard (Fort Lauderdale)	01/09/2029	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
-----	-------------------------	--	------------------

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/CS/SB 832

INTRODUCER: Environment and Natural Resources Committee; Judiciary Committee; and Senator Burgess

SUBJECT: Former Phosphate Mining Lands

DATE: March 25, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 832 establishes a defense from strict liability in lawsuits brought by the Department of Environmental Protection or others for a cause of action based on a natural geological substance on the site of a former phosphate mine.

For a defendant to be exempt from strict liability under the defense created by the bill, the defendant must prove that:

- A notice identifying the property as a former phosphate mine has been recorded within the county where the property is located.
- The Department of Health has conducted a gamma radiation survey of the land parcel at the request of a landowner.

For any lawsuit based on strict liability, negligence, or similar conduct related to an alleged discharge of hazardous substances or condition of pollution related to phosphate mining, the bill requires the plaintiff to include a radiation survey meeting certain requirements with the complaint.

II. Present Situation:

Phosphate Mining

Phosphate rock contains the mineral phosphorus, an ingredient used in some fertilizers to help plants grow strong roots.¹ Phosphate rock contains small amounts of naturally-occurring radioactive² elements called radionuclides. Uranium and radium are two kinds of radionuclides.³ The natural breakdown of uranium and radium results in radon, which is a radioactive gas that can move through the ground and accumulate in buildings over time.⁴

Prior to mining for phosphate, mining operators must first prepare the site by obtaining certain permits and surveying and clearing the land.⁵ The phosphate is mined by excavating the top 15 to 30 feet of earth to remove the phosphate rock.⁶

The phosphate rock is removed with clay and sand that is then dumped into a pit to create a slurry; the slurry is then piped to a beneficiation plant where the phosphate is separated from the sand and clay.⁷ After undergoing the beneficiation process, the clay is pumped through pipelines into large impoundment areas, known as clay settling areas, where it is stored indefinitely. The sand, which may include residual concentrations of radionuclides, is pumped through pipelines back to the mined area and used in reclamation.⁸

When processing phosphate rock to make fertilizer, the phosphorous is removed by dissolving the rock in an acidic solution.⁹ The solid waste that remains is called phosphogypsum.¹⁰ To limit the public's exposure to radon, which is created as a result of radium decay of phosphogypsum, the phosphogypsum is piled into stacks on private property located away from the public.¹¹

¹ U.S. Environmental Protection Agency (EPA), *Radioactive Material from Fertilizer Production*, <https://www.epa.gov/radtown/radioactive-material-fertilizer-production> (last visited Mar. 17, 2025).

² These elements emit radiation at a specific rate that is measured in terms of a half-life. A half-life is the time required for half of the radioactive atoms present to decay. This process can take seconds or millions of years, depending on the radionuclide. EPA, *Radionuclides*, <https://www.epa.gov/radiation/radionuclides> (last visited Mar. 17, 2025).

³ *Id.*

⁴ EPA, *Radionuclide Basics: Radon*, <https://www.epa.gov/radiation/radionuclide-basics-radon> (last visited Mar. 17, 2025).

⁵ Department of Environmental Protection (DEP), *Phosphate*, <https://floridadep.gov/water/mining-mitigation/content/phosphate> (last visited Mar. 17, 2025).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*; Department of Health (DOH), *Environmental Radiation Programs*, <https://www.floridahealth.gov/environmental-health/radiation-control/envrad/index.html> (last visited Mar. 17, 2025). According to DOH, Florida's phosphate deposits contain varying concentrations of uranium and radium. Although generally the radiation dose received from these concentrations is insignificant, the dose can become significant if the concentration increases through mining the ore. To monitor this situation, DOH takes soil, air, and water samples both before and after mining occurs and measures the radiation levels. *Id.*

⁹ EPA, *Radioactive Material from Fertilizer Production*.

¹⁰ EPA, *Phosphogypsum*, <https://www.epa.gov/radiation/phosphogypsum> (last visited Mar. 17, 2025).

¹¹ *Id.*; EPA, *Radioactive Material from Fertilizer Production*.

Phosphate Mines in Florida

Phosphate mining is the fifth largest mining industry in the U.S. in terms of the amount of material mined.¹² Florida is the largest known U.S. source of phosphates, accounting for more than 60 percent of U.S. production.¹³ Within Florida, phosphate mining primarily occurs in an area known as Bone Valley.¹⁴ This area consists of approximately 1.3 million acres within Hardee, Hillsborough, Manatee, and Polk counties.¹⁵

There are 28 phosphate mines in Florida, of which 11 mines are currently active, and 10 mines are 100 percent reclaimed and released from reclamation obligations.¹⁶ The remaining mines are either not started or are shut down. Phosphate mines typically range in size from approximately 5,000 to 100,000 acres.¹⁷

Phosphate mining disturbs between 3,000 to 6,000 acres annually in Florida.¹⁸ Approximately 25 to 30 percent of these lands are wetlands or other surface waters.¹⁹

Reclamation

The Legislature has found that mining phosphate serves as an important economic interest for the state but also recognizes that it is a temporary land use.²⁰ As such, all lands mined after July 1, 1975, are required to be reclaimed after mining is completed.²¹ The Department of Environmental Protection (DEP) is responsible for creating and enforcing rules regarding phosphate mining, including phosphate mine reclamation.²²

The process of reclamation begins with an applicant submitting a conceptual plan²³ application for reclamation at least 6 months prior to beginning site preparation²⁴ or mining operations,²⁵ whichever occurs first.²⁶ To be approved, a conceptual plan has to meet certain safety, water quality, flooding and draining, waste disposal, and other criteria.²⁷ Reclamation and restoration of

¹² EPA, *Radioactive Material from Fertilizer Production*, <https://www.epa.gov/radtown/radioactive-material-fertilizer-production>.

¹³ U.S. Geological Survey, *LCMAP Assessment: Phosphate Mining in Florida*, <https://geonarrative.usgs.gov/lcmap-assessment-phosphate-mining-florida/> (last visited Mar. 17, 2025).

¹⁴ DEP, *Phosphate*, <https://floridadep.gov/water/mining-mitigation/content/phosphate>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Section 378.202(1), F.S.

²¹ Section 378.204, F.S. These lands are referred to as mandatory land, whereas lands mined prior to July 1, 1975, were exempt from reclaim regulations and are called nonmandatory land. *See id.*

²² Section 378.205(2), F.S.

²³ “Conceptual plan” means a graphic and written description of general activities to be undertaken across the whole mine to comply with the reclamation standards. Fla. Admin. Code R. 62C-16.0021(5).

²⁴ “Site preparation” means those physical activities involving clearing or modification of the land surface conducted before initiating mining or mining operations, excluding prospecting, or agricultural practices or agricultural activities that are not initiated to directly serve future mining operations. Fla. Admin. Code R. 62C-16.0021(20).

²⁵ “Mining operation” means those physical activities other than prospecting and site preparation which are necessary for extraction, waste disposal, storage, or dam maintenance prior to abandonment. Fla. Admin. Code R. 62C-16.0021(10).

²⁶ Fla. Admin. Code R. 62C-16.0032(2)(a).

²⁷ Fla. Admin. Code R. 62C-16.0051.

mining lands must be completed within 2 years of the actual completion of mining operations.²⁸ Each year on March 1, after the approval of a conceptual reclamation plan, each operator is required to submit an annual mining and reclamation report describing the mining and reclamation activities for the previous calendar year and the proposed mining and reclamation for the current year.²⁹

During the process of reclamation, credentialed representatives of DEP are authorized to enter lands for the purpose of inspecting them to ensure compliance with reclamation regulations.³⁰ Once an operator of a phosphate mine has completed its reclamation and restoration requirements within a reclamation parcel, it may request a release of the reclamation parcel in writing.³¹ Within 90 days after receiving a written request for release, DEP will conduct a final inspection of the land.³² If DEP does not find that all the reclamation and restoration requirements have been met, it will notify the operator of the deficiencies that must be corrected.³³ When DEP approves of the reclamation and restoration of a parcel, an operator is released from its reclamation and tax obligations for the phosphate mining parcel.³⁴

Radiation Surveys

Radon that naturally occurs in soil is generally not a health concern, however, exposure to radon at higher levels and over prolonged periods of time can cause a serious hazard to human health by increasing the risk of developing lung cancer.³⁵ The Department of Health (DOH) takes samples from the soil, air, and water from phosphate mining parcels before mining begins and after reclamation has been completed to monitor the radioactivity of phosphate mining sites.³⁶ These samples include gamma radiation exposure measurements, soil radon emanation determinations, soil radium determinations, air monitoring, and surface and ground water monitoring of areas that are potentially impacted by mining activities.³⁷ DOH requires a mining company to pay fees for such monitoring.³⁸

Radiation Measurement Specialists

Any person who tests or mitigates the presence of radon for a fee must be certified by DOH.³⁹ Additionally, the American Board of Health Physics and the National Registry of Radiation Protection Technologists have certification programs for specialists engaging in radiation measurements.

²⁸ Section 378.209(1), F.S.; Fla. Admin. Code R. 62C-16.0051(12)(b)4.

²⁹ Fla. Admin. Code R. 62C-16.0091(1).

³⁰ Fla. Admin. Code R. 62C-16.0067(1).

³¹ Fla. Admin. Code R. 62C-16.0068(1).

³² Fla. Admin. Code R. 62C-16.0068(2).

³³ Fla. Admin. Code R. 62C-16.0068(3)(a).

³⁴ Fla. Admin. Code R. 62C-16.0068(3)(b).

³⁵ EPA, *Phosphogypsum*, <https://www.epa.gov/radiation/phosphogypsum>.

³⁶ DOH, *Environmental Radiation Programs*, <https://www.floridahealth.gov/environmental-health/radiation-control/envrad/index.html>; Fla. Admin. Code R. 64E-5.1002.

³⁷ Fla. Admin. Code R. 64E-5.1002.

³⁸ Fla. Admin. Code R. 64E-5.1003. Gamma radiation exposure measurements are made at the rate of one per acre. *Id.*

³⁹ Fla. Admin. Code R. 64E-5.1203(1).

A health physicist who is certified by the board must do the following to become certified:

- Obtain a bachelor's or graduate degree from an accredited college or university in physical science, engineering, or biological science.
- Complete at least six years of responsible professional experience in health physics, with three years of that being applied health physics. A degree may be substituted for two years of experience.
- Submit a list of professional references.
- Submit a written report demonstrating that the candidate has produced professional level work in health physics.
- Pass a two-part exam.⁴⁰

A radiation protection technologist who is certified by the registry must do the following to become certified:

- Have a high school diploma or equivalent.
- Be at least 21 years old at the time of applying.
- Submit evidence of operational abilities as a Radiation Protection Technologist, showing at least five years of experience. Experience can be substituted for training or formal education.
- Pass an examination.⁴¹

Legal Liability Standards

Strict Liability

Strict liability is a legal concept in civil and criminal actions that holds a defendant liable for committing an action, regardless of his or her intent or mental state.⁴² In a civil action involving strict liability, the plaintiff does not need to prove the defendant was negligent.

Negligence

Tortious conduct, or torts, are typically divided into two categories: intentional torts or unintentional acts known as negligence. Negligence is the failure to behave with the level of care that a reasonable person would have exercised under the same circumstances.⁴³ To prevail in a negligence lawsuit, the party seeking the remedy must prove four elements: a legal duty was owed by the defendant to the plaintiff; the defendant breached that duty; the plaintiff's injury was caused by the defendant's breach; and damages resulted from that injury.⁴⁴

⁴⁰ American Board of Health Physics, *Prospectus for the American Board of Health Physics*, 4-6 (Jun. 2024), available at <https://www.aahp-abhp.org/wp-content/uploads/2024/10/Prospectus-for-the-ABHP-June-2024.pdf>.

⁴¹ National Registry of Radiation Protection Technologists, *Exam Requirements, Fees and Schedules*, <https://www.nrrpt.org/index.cfm/m/7/> (last visited Mar. 3, 2025).

⁴² Cornell Law School, *Strict Liability*, https://www.law.cornell.edu/wex/strict_liability (last visited Mar. 3, 2025).

⁴³ Cornell Law School, *Negligence*, <https://www.law.cornell.edu/wex/negligence> (last visited Mar. 3, 2025).

⁴⁴ *Barnett v. Dept. of Fin. Serv.*, 303 So. 3d 508, 513-14 (Fla. 2020).

Water Quality Assurance Act

In 1983, the Legislature passed the Water Quality Assurance Act⁴⁵ to address pollution in surface and ground waters across the state.⁴⁶ To ensure the preservation of the state's water resources, the Act prohibits discharges, pollutants, or hazardous substances into or upon the surface or ground waters of the state.⁴⁷ DEP is the agency authorized to establish and enforce programs to rehabilitate any polluted waters or lands.⁴⁸ As part of its authority, DEP may sue any person⁴⁹ to enforce the liabilities imposed by the Act.⁵⁰

Additionally, the Act creates a private cause of action for all damages resulting from a discharge⁵¹ or other condition of pollution covered by the Act if the discharge was not specifically authorized by ch. 403, F.S.⁵² The Act defines pollution as the presence on the land or in the waters of the state of pollutants in quantities that are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.⁵³

The Act imposes strict liability on a polluter, meaning it is only necessary to show the prohibited discharge or other pollutive condition occurred; it is not necessary to prove the polluter acted negligently.⁵⁴ The Act expressly imposes strict liability on an owner or operator of a facility, or on any person who caused a discharge or other polluting condition at a facility.⁵⁵

Because the Act imposes a strict liability standard, if a defendant is sued under the Act, the only defense a defendant may plead and prove to avoid liability is that the occurrence was solely the result of any of the following conditions or a combination of conditions:

- An act of war.
- An act of government.⁵⁶
- An act of God.⁵⁷

⁴⁵ See ch. 83-310, s. 84, Laws of Fla. (codifying ss. 376.30-376.317, F.S.).

⁴⁶ See generally s. 376.30, F.S.; see also Alexa J. Lamm and Pei-wen Huang, *Water Quality Assurance Act: What is it and how can we talk about it?*, University of Florida Institute for Food and Agricultural Sciences (UF/IFAS), Center for Public Issues Education, available at https://www.piecenter.com/pep/wp-content/uploads/PEP_WQAA_Final.pdf (last visited Mar. 17, 2025).

⁴⁷ Section 376.302(1), F.S.

⁴⁸ Section 376.30(3), F.S.

⁴⁹ "Person" means any individual, partner, joint venture, or corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity. Section 376.301(29), F.S.

⁵⁰ Section 376.303(1)(j), F.S.

⁵¹ "Discharge" includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, releasing, or dumping of any pollutant or hazardous substance which occurs and which affects lands and the surface and ground waters of the state not regulated by the Pollutant Discharge Prevention and Control Act (ss. 376.011-376.21, F.S.). Section 376.301(13), F.S.

⁵² Section 376.313(3), F.S. Chapter 403, F.S., relates to environmental control, including pollution control, environmental regulation, and water supply and water treatment plants.

⁵³ Section 376.301(37), F.S.

⁵⁴ Section 376.308(1), F.S.

⁵⁵ Section 376.308(1)(a), F.S.

⁵⁶ Section 376.308(2)(b), F.S. This includes state, federal, or local acts of government, unless the person claiming the defense is a governmental body, in which case the defense is available only by acts of other governmental bodies.

⁵⁷ Section 376.308(2)(c), F.S. This includes only unforeseeable acts exclusively occasioned by the violence of nature without the interference of any human agency.

- An act or omission of a third party under certain conditions.⁵⁸

Liability under the Act is joint and several.⁵⁹ However, if more than one discharge has occurred and the damage is divisible and can be attributed to a particular defendant or defendants, each defendant is liable only for the costs associated with his or her damages. The burden is on the defendant to demonstrate the divisibility of the damages.⁶⁰

However, the Act does not define the term “damages.” In a 2010 case involving a claim arising under s. 376.313(3), F.S., the Florida Supreme Court applied a definition from a different section of Chapter 376, F.S., which defines damages as “the documented extent of any destruction to or loss of any real or personal property, or the documented extent...of any destruction of the environment and natural resources, including all living things except human beings, as the direct result of the discharge of a pollutant.”⁶¹ In 2019, the Court receded from this definition, and held the meaning of “all damages” in s. 376.313(3), F.S., includes personal injury damages.⁶²

III. Effect of Proposed Changes:

The bill establishes a defense from strict liability in lawsuits brought by the Department of Environmental Protection (DEP) or others for a cause of action based on a natural geology substance on the site of a former phosphate mine. Former phosphate mine owners and operators must satisfy certain conditions to rely upon the defense.

The Water Quality Assurance Act imposes strict liability on persons or entities that are responsible for environmental pollution. The strict liability defense established by the bill applies to lawsuits brought by both DEP and private parties.

Section 1 amends s. 376.308(2), F.S., to add the defense to the statutory list of defenses a defendant may plead and prove to avoid strict liability under the Water Quality Assurance Act. Specifically, a defendant may avoid strict liability under the Act if the condition giving rise to the cause of action is a natural geological substance of a former phosphate mine⁶³ for which:

- A notice identifying the property as a former phosphate mine has been recorded in accordance with s. 378.213(2), F.S.; and
- The Department of Health (DOH) has conducted a radiation survey of the property at the request of a landowner pursuant to s. 404.0561(1), F.S.

⁵⁸ Section 376.308(2), F.S.; *see also* s. 376.308(1)(c), F.S. (providing that defenses also exist for an owner of a petroleum storage facility or a drycleaning or wholesale supply facility where certain circumstances apply).

⁵⁹ Sections 376.313(3) and 376.308(4), F.S. Joint and several liability refers to instances when two or more parties are liable for a tortious act, and each party may be found to be independently liable for the full extent of the injury stemming from the tortious act. Cornell Law School, *Joint and Several Liability*, https://www.law.cornell.edu/wex/joint_and_several_liability (last visited Mar. 3, 2025).

⁶⁰ Section 376.308(4), F.S.

⁶¹ *Curd v. Mosaic Fertilizer, LLC*, 39 So. 3d 1216, 1221 (Fla. 2010); section 376.031(5), F.S.

⁶² *Charles L. Lieupo v. Simon’s Trucking, Inc.*, 286 So. 3d 143, 147 (Fla. 2019).

⁶³ The bill defines “former phosphate mine” as an area of land upon which phosphate mining has been conducted and which may have been subject to a radiation survey in accordance with s. 404.0561, F.S., which is created by the bill, and state reclamation requirements of ss. 378.201-378.212, F.S., but does not include a phosphogypsum stack.

Sections 378.213 and 404.0561, F.S., are both new statutes created by the bill and are discussed in detail below.

Section 2 creates s. 378.213, F.S., regarding notice to the public that certain specified lands are former phosphate mine sites. The bill provides that a landowner may record a notice in the official records of the county in which the land is located which identifies the landowner's property as a former phosphate mine. The recorded notice must be in substantially the following form:

NOTICE

This property is a former phosphate mine as defined in s. 378.213(3), Florida Statutes.

The bill provides that such recording serves as notice that the land is a former phosphate mine. The bill defines "former phosphate mine" as an area of land upon which phosphate mining has been conducted and which may have been subject to a radiation survey in accordance with s. 404.0561, F.S., which is created by the bill, and state reclamation requirements of ss. 378.201-378.212, F.S., but does not include a phosphogypsum stack.⁶⁴

Section 3 creates s. 404.0561, F.S., regarding the survey of former phosphate mining lands. The bill provides that, upon petition by a current landowner, DOH must conduct a gamma radiation survey of a former phosphate land parcel within 120 days after receipt of the petition to determine the radioactivity levels. The survey must document gamma radiation exposure measurements and the locations of the measurements. Gamma radiation measurements must be taken at the density of one per site or one per acre of land, whichever is greater.

The bill requires DOH to provide a copy of the preliminary survey results to the petitioner within 30 days after completion of the survey. Within 60 days after receipt of the survey, the petitioner may request an additional survey based upon any reasonable belief that the survey was flawed or not representative of conditions on the site. DOH must conduct one additional survey within 90 days after receipt of the petitioner's request. The additional survey must meet the requirements of the bill and is deemed final within 90 days after completion.

The bill provides that a petitioner requesting a survey is responsible for the cost of the survey conducted by DOH.

Section 4 creates s. 768.405, F.S., regarding documentation of radiation levels. The bill requires plaintiffs to include a radiation survey of the property with any complaint they file for an alleged discharge of hazardous substances or condition of pollution related to phosphate mining, including the presence of mining overburden, solid waste from the extraction, or beneficiation of phosphate rock from a phosphate mine. The radiation survey requirement applies to any civil action based on strict liability under state law,⁶⁵ negligence, or similar conduct. The requirement also applies to any other similar claim related to the mining of phosphatic rock or reclamation of a mined area.

⁶⁴ "Phosphogypsum stack" means any defined geographic area associated with a phosphoric acid production facility in which phosphogypsum is disposed of or stored, other than within a fully enclosed building, container, or tank. Section 403.4154(1)(d), F.S.

⁶⁵ Section 376.313(3), F.S.

The bill requires the survey to be prepared by a person certified as either a health physicist by the American Board of Health Physics or as a radiation protection technologist by the National Registry of Radiation Protection Technologists.

The bill also requires the survey to be representative and document the measured gamma radiation on the property. It must include:

- Background values determined in accordance with the Environmental Protection Agency's Multi-agency Radiation Survey and Site Investigation Manual.
- Measurement locations.
- Testing equipment used.
- Testing methodology used, including the equipment calibration date and protocol.
- Name of the person performing the survey and a description of the person's relevant training, education, and experience.

The survey must be verified under penalty of perjury as provided under state law.⁶⁶

Section 5 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁶⁶ See section 92.525, F.S. (providing for the verification of documents and penalties for persons making false declarations).

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on owners or operators of former phosphate mines who may have a defense to strict liability under the Water Quality Assurance Act. The bill may have an indeterminate negative fiscal impact on plaintiffs associated with hiring a health physicist or radiation protection technologist. The requirement to conduct a radiation survey before commencing litigation regarding the discharge of pollution relating to phosphate mining may reduce the potential for lawsuits where there has been no harm.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on the Department of Health associated with conducting radiation surveys as required by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 376.308 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 378.213, 404.0561, and 768.405.

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

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

CS/CS by Environment and Natural Resources on March 25, 2025:

- Removes the legislative finding that phosphate mining is an essential agricultural activity.
- Clarifies that the Department of Health must conduct the gamma radiation survey within 120 days after receipt of the petition.
- Provides that the petitioner requesting a survey is responsible for the cost of the survey.

CS by Judiciary on March 12, 2025:

The committee substitute revises the underlying bill to:

- Prescribe a form for the notice that a landowner may record identifying the landowner's property as a former phosphate mine.
- Define the term "former phosphate mine."
- Make other revisions not affecting the effect of the bill.

B. Amendments:

None.

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



520164

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 38 - 80
and insert:

378.213 Notice of former phosphate mine site.—

(1) A landowner may record a notice in the official records
of the county in which the land is located which identifies the
landowner's property as a former phosphate mine. The recorded
notice must be in substantially the following form:



520164

NOTICE

This property is a former phosphate mine as defined in
s. 378.213(2), Florida Statutes.

Such recording serves as notice that the land is a former
phosphate mine.

(2) As used in this section, the term "former phosphate
mine" means an area of land upon which phosphate mining has been
conducted and which may have been subject to a radiation survey
in accordance with s. 404.0561 and state reclamation
requirements of ss. 378.201-378.212, but does not include a
phosphogypsum stack as defined in s. 403.4154(1)(d).

Section 3. Section 404.0561, Florida Statutes, is created
to read:

404.0561 Survey of former phosphate mining lands.—

(1) Upon petition by a current landowner, the department
shall conduct a gamma radiation survey of a former phosphate
land parcel within 120 days after receipt of the petition to
determine the radioactivity levels. The survey must document
gamma radiation exposure measurements and the locations of the
measurements. Gamma radiation measurements must be taken at the
density of one per site or one per acre of land, whichever is
greater.

(2) The department shall provide a copy of the preliminary
survey results to the petitioner within 30 days after completion
of the survey. Within 60 days after receipt of the survey, the
petitioner may request an additional survey based upon any
reasonable belief that the survey was flawed or not
representative of conditions on the site. The department shall



520164

conduct one additional survey within 90 days after receipt of the petitioner's request. The additional survey must meet the requirements of this section and is deemed final within 90 days after completion.

(3) A petitioner requesting a survey pursuant to this section is responsible for the cost of the survey conducted by the department.

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

And the title is amended as follows:

Delete lines 5 - 13

and insert:

sites; creating s. 378.213, F.S.; authorizing landowners to record certain notice of former phosphate mines; specifying requirements for such notice; defining the term "former phosphate mine"; creating s. 404.0561, F.S.; requiring the Department of Health to conduct surveys of former phosphate land parcels upon petition; providing conditions and requirements for such surveys; specifying that petitioners bear the cost of surveys; creating s. 768.405,

By the Committee on Judiciary; and Senator Burgess

590-02319-25

2025832c1

A bill to be entitled
An act relating to former phosphate mining lands;
amending s. 376.308, F.S.; providing conditions for a
cause of action against certain former phosphate mine
sites; creating s. 378.213, F.S.; providing
legislative findings; providing for certain notice of
former phosphate mines; authorizing landowners to
record certain notice; providing requirements for such
notice; defining the term "former phosphate mine";
creating s. 404.0561, F.S.; requiring the Department
of Health to conduct surveys of former phosphate land
parcels upon petition; providing conditions and
requirements for such surveys; creating s. 768.405,
F.S.; requiring that specified documentation of
radiation levels be submitted in certain civil actions
related to phosphate mining; providing an effective
date.

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

Section 1. Paragraph (e) is added to subsection (2) of
section 376.308, Florida Statutes, to read:

376.308 Liabilities and defenses of facilities.—

(2) In addition to the defense described in paragraph
(1)(c), the only other defenses of a person specified in
subsection (1) are to plead and prove that the occurrence was
solely the result of any of the following or any combination of
the following:

(e) The condition giving rise to the cause of action is a

590-02319-25

2025832c1

30 natural geological substance of a former phosphate mine, as
31 defined in s. 378.213, for which:

32 1. A notice has been recorded in accordance with s.
33 378.213(2); and

34 2. The Department of Health has conducted a survey under s.
35 404.0561(1).

36 Section 2. Section 378.213, Florida Statutes, is created to
37 read:

38 378.213 Notice of former phosphate mine site.—

39 (1) The Legislature finds that phosphate mining is an
40 essential agricultural activity that is necessary for the food
41 security of the nation and this state and that, further,
42 formerly mined lands are a valuable resource. The highest and
43 best use of formerly mined lands is in the state's interests.

44 (2) A landowner may record a notice in the official records
45 of the county in which the land is located which identifies the
46 landowner's property as a former phosphate mine. The recorded
47 notice must be in substantially the following form:

48
49 NOTICE

50 This property is a former phosphate mine as defined in
51 s. 378.213(3), Florida Statutes.

52
53 Such recording serves as notice that the land is a former
54 phosphate mine.

55 (3) As used in this section, the term "former phosphate
56 mine" means an area of land upon which phosphate mining has been
57 conducted and which may have been subject to a radiation survey
58 in accordance with s. 404.0561 and state reclamation

590-02319-25

2025832c1

requirements of ss. 378.201-378.212, but does not include a
phosphogypsum stack as defined in s. 403.4154(1)(d).

Section 3. Section 404.0561, Florida Statutes, is created
to read:

404.0561 Monitoring of former phosphate mining lands.—

(1) Upon petition by a current landowner, the department
shall conduct a gamma radiation survey of a former phosphate
land parcel within 120 days to determine the radioactivity
levels. The survey must document gamma radiation exposure
measurements and the locations of the measurements. Gamma
radiation measurements must be taken at the density of one per
site or one per acre of land, whichever is greater.

(2) The department shall provide a copy of the preliminary
survey results to the petitioner within 30 days after completion
of the survey. Within 60 days after receipt of the survey, the
petitioner may request an additional survey based upon any
reasonable belief that the survey was flawed or not
representative of conditions on the site. The department shall
conduct one additional survey within 90 days after receipt of
the petitioner's request. The additional survey must meet the
requirements of this section and is deemed final within 90 days
after completion.

Section 4. Section 768.405, Florida Statutes, is created to
read:

768.405 Documentation of radiation levels.—In any civil
action based on strict liability under s. 376.313(3), negligence
or similar conduct related to an alleged discharge of hazardous
substances or condition of pollution related to phosphate
mining, including the presence of mining overburden, solid waste

590-02319-25

2025832c1

88 from the extraction, or beneficiation of phosphate rock from a
89 phosphate mine; or any other similar claim related to the mining
90 of phosphatic rock or reclamation of a mined area, the plaintiff
91 must include a radiation survey of the property with the
92 complaint. The survey must be prepared by a person certified as
93 either a health physicist by the American Board of Health
94 Physics or as a radiation protection technologist by the
95 National Registry of Radiation Protection Technologists. The
96 survey must be representative and document the measured gamma
97 radiation on the property, including background values
98 determined in accordance with the Environmental Protection
99 Agency's Multi-agency Radiation Survey and Site Investigation
100 Manual; the locations of the measurements; the testing
101 equipment; the testing methodology used, including the equipment
102 calibration date and protocol; and the name of the person
103 performing the survey and describe the person's relevant
104 training, education, and experience. The survey shall be
105 verified under penalty of perjury as provided in s. 92.525.

106 Section 5. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

03/25/25

Meeting Date

Environment and Natural Resources

Committee

SB 832

Bill Number or Topic

Name Nadeska Concha

Phone

Address

Street

Email

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3/25/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

832

Bill Number or Topic

Environment & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Jim Spratt

Phone 850-228-1296

Address 119 S Monroe St

Email Jimemagoliastrategiesllc.com

Street

TC14

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FLORIDA FERTILIZER & Agrichemical Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

March 25

Meeting Date

Environment

Committee

832

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Pierce Schuessler

Phone

509-9977

Address

215 S. Monroe Street

Street

Email

Pierce.Schuessler
@BEPG.com

TLH

City

FL

State

32303

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Rural Economic Development Assoc

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/25/25

Meeting Date

832

Bill Number or Topic

Environment & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Kylie Dawn

Phone 850 224 1660

Address 106 E College Ave
Street

Email KyliedCAG@gmail.com

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:
League of Women
Voters Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/25/25

Meeting Date

ENR

Committee

832

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ernie Barnett

Phone

850 284 6178

Address

4524 Gun Club Rd

Email

Barnett@floridawaterandland.com

Street

West Palm Bch FL 33415

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Land Council

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD3/25/25

Meeting Date

832

Bill Number or Topic

Environment & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Colton MadillPhone 850 766-7983Address 136 S. Bronough St.

Street

Email cmadilla@flchamber.comTallahassee, FL

City

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information**OR**Waive Speaking: ☒ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☐ I am appearing without
compensation or sponsorship.☒ I am a registered lobbyist,
representing:Florida Chamber of Commerce☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/25/25

Meeting Date

SB 832

Bill Number or Topic

Environment & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Cameron Fink

Phone

850-933-4665

Address

516 N Adams

Email

cfink@aif.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Associated Industries of Florida

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD

832

Bill Number or Topic

3/25/25

Meeting Date

Environment & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

850-321-9386

Address

579 E. Call St.

Email

kctep@yahoo.com

Street

Tallahassee, FL 32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:

FL Sierra Club

☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 866

INTRODUCER: Senator Martin

SUBJECT: Anchoring Limitation Areas

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 866 removes the restriction that prevents local governments from regulating vessel anchoring outside of the marked boundaries of mooring fields. It retains the restriction for counties with populations of 1.5 million or greater or in areas of critical state concern, but creates an additional exception to allow local governments within those counties to regulate vessels that anchor for at least four hours overnight for more than 30 days in a six-month period. This excludes any time vessels are anchored overnight in a mooring field or for marine construction, installation, or maintenance work.

The bill adds anchoring limitation areas in Biscayne Bay in Miami-Dade County, within which a person may not anchor a vessel at any time overnight. The anchoring limitation areas lie between:

- Palm Island and Star Island,
- Palm Island and Hibiscus Island, and
- Palm Island and Watson Island.

The bill prevents the owner or operator of a vessel or floating structure from anchoring or mooring within 300 feet outward from the marked boundary of a public mooring field. The bill extends the prohibition from 100 to 300 feet.

II. Present Situation:

Anchoring

Anchoring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration.¹ Anchoring is accomplished using an anchor carried on the

¹ Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, 2

vessel.² Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not.³

Anchoring and Mooring Prohibition

Florida law places statutory limitations on local regulations regarding vessels, but does not prohibit local governmental authorities from enacting or enforcing regulations that prohibit or restrict the mooring or anchoring of floating structures, live-aboard vessels, or commercial vessels, excluding commercial fishing vessels, within their jurisdictions or of any vessels within the marked boundaries of mooring fields.⁴

The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

- Within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility;
- Within 500 feet of a superyacht repair facility;⁵ or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the Florida Fish and Wildlife Conservation Commission upon the request of a local government within which the mooring field is located.⁶

The above prohibitions do not apply to:

- A vessel owned or operated by a governmental entity;
- A construction or dredging vessel on an active job site;
- A commercial fishing vessel actively engaged in commercial fishing; and
- A vessel actively engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.⁷

There are also exceptions related to mechanical failure of a vessel or weather-related conditions.⁸ A violation related to anchoring or mooring is a noncriminal infraction,⁹ for which the penalty is:

- For a first offense, up to a maximum of \$100;
- For a second offense, up to a maximum of \$250; and
- For a third or subsequent offense, up to a maximum of \$500.¹⁰

(Rev. May 2012), available at <https://repository.library.noaa.gov/view/noaa/36907>.

² Section 327.02, F.S., defines the term “vessel” to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

³ Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida* at 2.

⁴ Section 327.60(2)(f), (3), F.S.

⁵ For this purpose, the term “superyacht repair facility” is defined to mean a facility that services or repairs a yacht with a water line of 120 feet or more in length.

⁶ Section 327.4109(1)(a), F.S.

⁷ Section 327.4109(1)(b), F.S.

⁸ Section 327.4109(2), F.S.

⁹ Section 327.4109(5), F.S.

¹⁰ Section 327.73(1)(bb), F.S. These penalties are paid into the Marine Resources Conservation Trust Fund for boating safety education and law enforcement purposes. Section 327.78(8), F.S.

State-Designated Anchoring Limitation Areas

State law designates certain densely populated urban areas as anchoring limitation areas.¹¹ These areas may have narrow state waterways, residential docking facilities, and significant recreational boating traffic. The listed anchoring limitation areas are:

- The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County;
- Sunset Lake in Miami-Dade County; and
- The sections of Biscayne Bay in Miami-Dade County lying between:
 - Palm Island and State Road A1A,
 - Rivo Alto Island and Di Lido Island,
 - San Marino Island and Di Lido Island,
 - San Marino Island and San Marco Island, and
 - San Marco Island and Biscayne Island.¹²

Within anchoring limitation areas established by statute, a person may not anchor a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise unless otherwise exempt.¹³

County-Designated Anchoring Limitation Areas

Counties, except for Monroe County,¹⁴ may establish an anchoring limitation area adjacent to urban areas that have residential docking facilities and significant recreational boating traffic.¹⁵ The aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's delineated navigable-in-fact waterways.¹⁶

Each anchoring limitation area must meet the following requirements:

- Be less than 100 acres in size, not including any portion of the marked channel of the Florida Intracoastal Waterway contiguous to the anchoring limitation area;
- Not include any mooring field or marina; and
- Be clearly marked with signs and buoys.¹⁷

Unless otherwise exempt, a person may not anchor a vessel for more than 45 consecutive days in any six-month period in an anchoring limitation area established by a county.¹⁸

¹¹ Section 327.4108(1), F.S.

¹² *Id.*

¹³ *Id.*

¹⁴ Monroe County is designated as an anchoring limitation area within which, no less than once every 90 days, each vessel anchoring within the county within ten linear nautical miles of a public mooring field or a designated anchoring area must weigh anchor and move under its own propulsion to be re-anchored in a new location. Section 327.4108(3), F.S.

¹⁵ Section 327.4108(2), F.S.

¹⁶ *Id.* "Navigable-in-fact waterways" are waterways that are navigable in their natural or unimproved condition over which useful commerce or public recreation of a substantial and permanent character is or may be conducted in the customary mode of trade and travel on water. The term does not include lakes or streams that are theoretically navigable; have a potential for navigability; or are temporary, precarious, and unprofitable. The term does include lakes or streams that have practical usefulness to the public as highways for transportation. *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

Anchoring Limitation Area Exceptions

Exceptions to anchoring prohibitions in any anchoring limitation area include the following:

- When a vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors;
- If imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors; and
- During a regatta, tournament, or marine parade or exhibition or other special events, including, but not limited to, public music performances, local government waterfront activities, or fireworks displays.¹⁹

Vessels exempt from anchoring prohibitions in any anchoring limitation area include:

- Vessels owned or operated by a government entity for law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; and
- Vessels engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.²⁰

Anchoring Limitation Area Enforcement

For a vessel in a county-established anchoring limitation area, upon an inquiry by a law enforcement officer or agency,²¹ a vessel owner or operator must be given an opportunity to provide proof that the vessel has not exceeded the limitations for county-established anchoring limitation areas.²² If a vessel owner or operator fails or refuses to provide proof that the vessel has not exceeded the limitations, the officer or agency may issue a citation.

For a vessel in any anchoring limitation area, a law enforcement officer or agency may remove and impound the vessel for up to 48 hours if the vessel operator was previously issued a citation for violating anchoring limitation area regulations and:

- Anchors the vessel in an anchoring limitation area within 12 hours of being issued the citation; or
- Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.²³

¹⁹ Section 327.4108 (4), F.S.

²⁰ Section 327.4108(5), F.S.

²¹ Law enforcement agencies or officers specified in section 327.70, F.S., include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer defined in section 943.10, F.S. As defined in section 943.10(1), F.S., a law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

²² Section 327.4108(6), F.S.

²³ *Id.*

In addition to the civil penalty imposed by a citation, a vessel operator whose vessel has been impounded must pay all of the applicable removal and storage fees before the vessel is released.²⁴

An owner or operator of a vessel who anchors in an anchoring limitation area commits a noncriminal infraction and is subject to a uniform boating citation and penalties. The civil penalty provided is up to a maximum of:

- \$100 for a first offense;
- \$250 for a second offense; and
- \$500 for a third or subsequent offense.²⁵

Any person who fails to appear or otherwise properly respond to a uniform boating citation must, in addition to the charge relating to the violation of the boating laws, be charged with a second degree misdemeanor, which is punishable by a maximum fine of \$500 and imprisonment of no more than 60 days.²⁶

Biscayne Bay

Biscayne Bay is a 428-square mile estuary extending nearly the entire length of Miami-Dade County.²⁷ It is home to over 500 species of fish and other marine organisms, and its extensive areas of seagrasses are an important food source for the Florida manatee and as nursery areas for many ecologically and commercially important estuarine species like shrimp, crabs, lobster, and sponges.²⁸ Miami-Dade County is one of Florida's most populous counties, with approximately 2.8 million residents and millions of visitors each year.²⁹

The map on the following page shows the islands and State Road A1A in Biscayne Bay that are currently used as landmarks for anchoring limitation areas. It also marks Star Island and Watson Island, which have been added by the bill.

²⁴ *Id.*

²⁵ Section 327.73(1)(z), F.S.

²⁶ Sections 327.73(1), 775.082, and 775.083, F.S.

²⁷ Miami-Dade County, *About Biscayne Bay*, <https://www.miamidade.gov/global/economy/environment/about-biscayne-bay.page> (last visited Feb. 3, 2024).

²⁸ U.S. Army Corps of Engineers, *Biscayne Bay Coastal Wetlands Project*, <https://www.saj.usace.army.mil/BBCW/> (last visited March 20, 2025).

²⁹ Florida Department of Environmental Protection, *Biscayne Bay Aquatic Preserves*, <https://floridadep.gov/rcp/aquatic-preserve/locations/biscayne-bay-aquatic-preserves> (last visited March 20, 2025); Miami-Dade County, *About Biscayne Bay*.



III. Effect of Proposed Changes:

Section 1 amends s. 327.60, F.S., relating to the local regulation of vessels. Current law prohibits a local government from enacting an ordinance or local regulation that regulates anchoring outside the marked boundaries of mooring fields, with the exception of live-aboard vessels and commercial vessels, excluding commercial fishing vessels.

The bill limits the current prohibition against municipal or county anchoring regulations so that it applies only to local governments in counties with populations of 1.5 million or more or counties located in areas of critical state concern.³⁰

³⁰ According to population estimates published in April 2024, there are five counties in Florida with over 1.5 million residents (Broward, Hillsborough, Miami-Dade, Orange, and Palm Beach counties). Of the five counties, only one is landlocked. Officer of Economic and Demographic Research, *Florida Population Estimates by County and Municipality* (April 1, 2024), available at https://edr.state.fl.us/content/population-demographics/data/2024_Pop_Estimates.pdf. There are five areas of critical state concern designated in Florida (Big Cypress, Green Swamp, City of Key West, Florida Keys, and Apalachicola Bay areas of critical state concern). These areas of critical state concern area located in the following six counties: Collier, Franklin, Lake, Miami-Dade, Monroe, and Polk counties. Florida Department of Commerce, *Areas of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited March 21, 2025).

The bill also adds an additional exception, which would allow local governments in counties that meet the bill's requirements to regulate any vessel in their jurisdiction that remains anchored overnight³¹ for a period of at least four hours for more than 30 days in a six-month period. This excludes any time the vessel is anchored overnight within the boundaries of a marked mooring field or anytime the vessel is anchored overnight for the purpose of completing permitted marine construction, installation, or maintenance work.

Section 2 amends s. 327.4108, F.S., to revise the sections of Biscayne Bay in Miami-Dade County that are anchoring limitation areas, within which a person may not anchor a vessel at any time overnight. The bill adds anchoring limitation areas between:

- Palm Island and Star Island,
- Palm Island and Hibiscus Island, and
- Palm Island and Watson Island.

Section 3 amends s. 327.4109, F.S., relating to anchoring and mooring prohibitions. Current law prohibits the owner or operator of a vessel or floating structure from anchoring or mooring such that the nearest approach to the vessel or floating structure is within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the Florida Fish and Wildlife Conservation Commission upon request of the local government with jurisdiction over the mooring field.

The bill extends the anchoring or mooring prohibition from 100 to 300 feet.

Section 4 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

³¹ Overnight is between one-half hour after sunset and one half-hour before sunrise.

E. Other Constitutional Issues:

Article III, section 10 of the Florida Constitution prohibits the Legislature from enacting any special law unless notice is first published or a referendum is conducted. A special law or “local law” relates to or operates upon a particular person, thing, or part of the state; it does not apply with geographic uniformity across the state and bears no reasonable relationship to differences in population or other legitimate criteria.³² On the other hand, a general law of local application relates to a class of persons or things or subdivisions of the state, based upon distinctions or differences that are inherent or particular to the class or location. The Legislature is granted wide discretion in making such classifications.³³ If a particular condition exists in only a portion of the state, enactments that reference the limited geographic area may be general laws.³⁴ “[I]f a law utilizes a classification that is geographical in its terms but the purpose of the statute is one of statewide importance and impact, and the classification is reasonably related to the law’s purpose, it is a valid general law.”³⁵

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Section 1 of the bill limits the current prohibition against municipal or county anchoring regulations so that it applies only to local governments in counties with populations of 1.5 million or more or counties located in areas of critical state concern. This effectively removes the restriction preventing local governments from regulating vessel anchoring outside of the marked boundaries of mooring fields if the local government is not located within one of the ten counties that fall under the limitation.

VII. Related Issues:

None.

³² See *State ex rel. Landis v. Harris*, 163 So. 237, 240 (Fla. 1934); and *Lawnwood Medical Center, Inc. v. Seeger*, 990 So.2d 503 (Fla. 2008).

³³ *Shelton v. Reeder*, 121 So. 2d 145, 151 (Fla. 1960). But see also FLA. CONST. Art. X, s. 11s.

³⁴ *Schrader v. Florida Keys Aqueduct Authority*, 840 So.2d 1050, 1055 (Fla. 2003).

³⁵ *Id.* at 1056.

VIII. Statutes Affected:

This bill substantially amends sections 327.60, 327.4108, and 327.4109 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

By Senator Martin

33-01108-25

2025866__

A bill to be entitled
An act relating to anchoring limitation areas;
amending s. 327.60, F.S.; restricting local regulation
of vessels outside the marked boundaries of mooring
fields in certain counties and areas of critical state
concern; revising exceptions; amending s. 327.4108,
F.S.; designating specified sections of Biscayne Bay
in Miami-Dade County as grandfathered-in anchoring
limitation areas; amending s. 327.4109, F.S.;
increasing the prohibited anchoring and mooring
distance of vessels and floating structures near
public mooring fields; providing an effective date.

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

Section 1. Paragraph (f) of subsection (2) of section
327.60, Florida Statutes, is amended to read:

327.60 Local regulations; limitations.—

(2) This chapter and chapter 328 do not prevent the
adoption of any ordinance or local regulation relating to
operation of vessels, except that a county or municipality may
not enact, continue in effect, or enforce any ordinance or local
regulation:

(f) Regulating the anchoring of vessels outside the marked
boundaries of mooring fields permitted as provided in s. 327.40
in counties with populations of 1.5 million or greater or in
areas of critical state concern, except for:

1. Live-aboard vessels; ~~and~~
2. Commercial vessels, excluding commercial fishing

33-01108-25

2025866__

vessels; and

3. Any vessel that remains anchored overnight for a period of at least 4 hours any time between one-half hour after sunset and one-half hour before sunrise within the jurisdiction of a county for more than 30 days in a 6-month period, excluding any time the vessel is anchored overnight within the boundaries of a marked mooring field or any time the vessel is anchored overnight for the purpose of completing permitted marine construction, installation, or maintenance work;

Section 2. Paragraph (c) of subsection (1) of section 327.4108, Florida Statutes, is amended to read:

327.4108 Anchoring of vessels in anchoring limitation areas.—

(1) The following densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic, are designated as and shall be considered to be grandfathered-in anchoring limitation areas, within which a person may not anchor a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise, except as provided in subsections (4) and (5):

(c) The sections of Biscayne Bay in Miami-Dade County lying between:

1. Palm Island and State Road A1A.

2. Palm Island and Star Island.

3. Palm Island and Hibiscus Island.

4. Palm Island and Watson Island.

5.2. Rivo Alto Island and Di Lido Island.

6.3. San Marino Island and Di Lido Island.

33-01108-25

2025866__

~~7.4.~~ San Marino Island and San Marco Island.

~~8.5.~~ San Marco Island and Biscayne Island.

Section 3. Paragraph (a) of subsection (1) of section 327.4109, Florida Statutes, is amended to read:

327.4109 Anchoring or mooring prohibited; exceptions; penalties.—

(1)(a) The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

1. Within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility;

2. Within 500 feet of a superyacht repair facility. For purposes of this subparagraph, the term "superyacht repair facility" means a facility that services or repairs a yacht with a water line of 120 feet or more in length; or

3. Within 300 ~~400~~ feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the commission upon request of a local government within which the mooring field is located. The commission may adopt rules to implement this subparagraph.

Section 4. This act shall take effect July 1, 2025.

3/25

Meeting Date

ENR

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

866

Bill Number or Topic

Amendment Barcode (if applicable)

Name

BRYAN DESLOGE

Phone

950-841-9285

Address

1237 STONEHURST WAY

Email

DESLOGE.BRYAN@GMAIL.COM

Street

TAUAHASSEE

State

FL

Zip

32312

City

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/25/2025

Meeting Date

Env + Nat Res

Committee

SB 866

Bill Number or Topic

Amendment Barcode (if applicable)

Name

MARK S. Gillespie

Phone

407.339.1026

Address

1608 Hibiscus Ave

Street

Email

CaptainMark@OTMYS.comN.P.

City

FL

State

32789

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☒I am appearing without
compensation or sponsorship.☐I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Meeting Date

Amendment Barcode (if applicable)

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/25/25

Meeting Date

Envir & Natural Res

Committee

866

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kingsley Ross

Phone

850-300-1378

Address

234 Harbours Pt Dr

Email

Kingsley RR@hotmail.com

Street

Crawfordville, FL 32327

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

B/25/25

Meeting Date

8660

Bill Number or Topic

ENR

Committee

Amendment Barcode (if applicable)

Name

Kim Russo

Phone

843-906-5654

Address

Street

Email

krusso@greatloop.org

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by: American Great

Loop Cruisers Assoc.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

866

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Meeting Date

3-25-25
FNY. NAT'L RESOURCES

Committee

Amendment Barcode (if applicable)

Name Jess M. McCarty, Executive Assistant County Attorney

Phone 305-979-7110

Address 111 N.W. 1st Street Suite 2800

Email jmm2@miamidade.gov

Street

Miami

FL

33128

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Miami-Dade County

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 880

INTRODUCER: Senator Garcia

SUBJECT: Designation of the State Birds

DATE: March 24, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carroll	Rogers	EN	Favorable
2. _____	_____	AEG	_____
3. _____	_____	RC	_____

I. Summary:

SB 880 designates the American flamingo (*Phoenicopterus ruber*) as the official Florida state bird and the Florida scrub-jay (*Aphelocoma coerulescens*) as the official Florida state songbird.

II. Present Situation:

American Flamingo

The American flamingo (*Phoenicopterus ruber*), also called the Caribbean flamingo, is one of the largest flamingo species in the world, standing at approximately five feet tall.¹ American flamingos are wading birds with long legs and necks.² They have a thick, curved bill, which they use to filter crustaceans, mollusks, and other aquatic invertebrates from the water. Adult American flamingos are bright to pale pink with a black trailing edge



¹ Florida Fish and Wildlife Conservation Commission (FWC), *American Flamingo*, <https://myfwc.com/wildlifehabitats/profiles/birds/waterbirds/american-flamingo/> (last visited March 14, 2025).

² Cornell Lab of Ornithology, *American Flamingo*, https://www.allaboutbirds.org/guide/American_Flammingo/overview (last visited March 14, 2025). The image on this page is courtesy of the Cornell Lab of Ornithology.

on their wings. They are social birds and typically forage and nest in dense colonies that can consist of up to 80,000 individuals.³

American flamingos can be found throughout the Caribbean, with known breeding populations in Cuba, Mexico, Venezuela, Bonaire, the British Virgin Islands, the Bahamas, the Galápagos Islands, and Florida.⁴ The Florida Fish and Wildlife Conservation Commission considers the American flamingo to be native to Florida, however around the turn of the 20th century flamingos had disappeared from the state due to overhunting.⁵ By 1925, captive breeding in South Florida had reintroduced them to the state. Additionally, there is evidence that some flamingos migrated to Florida on their own throughout the 1900s.⁶

Today, American flamingos can be observed along much of the Florida coast, although they are most commonly seen in Hialeah, the Everglades, Biscayne Bay, and the Florida Keys. The Florida population represents only a fraction of one percent of the global population of American flamingos.⁷ The American flamingo is a species of low conservation concern and it is protected under the Federal Migratory Bird Treaty Act.⁸

Florida Scrub-Jay

The Florida scrub-jay (*Aphelocoma coerulescens*) is the only bird species that lives exclusively in Florida.⁹ Florida scrub-jays are blue and gray birds that prefer sand pine and oak scrub and scrubby flatwoods.¹⁰ They live in the highest and driest areas of Florida, including ancient sandy ridges in Central Florida, sand dunes along the coast, and sandy deposits along rivers in the interior of the state.¹¹



³ *Id.*

⁴ FWC, *American Flamingo*.

⁵ *Id.*; Audubon, *It's Official: Flamingos Belong in Florida*, <https://www.audubon.org/news/its-official-flamingos-belong-florida> (last visited March 17, 2025).

⁶ FWC, *American Flamingo*.

⁷ *Id.*

⁸ Cornell Lab, *American Flamingo*; see 16 U.S.C. §703-712; see 50 C.F.R. §10.13. The Migratory Bird Treaty Act of 1918 implements four international conservation treaties that the U.S. entered into with Canada, Mexico, Japan, and Russia and is intended to ensure the sustainability of populations of all protected migratory bird species. The Act prohibits the take (including killing, capturing, selling, trading, and transporting) of protected migratory bird species without prior authorization by the U.S. Fish and Wildlife Service. U.S. Fish and Wildlife Service, *Migratory Bird Treaty Act of 1918*, <https://www.fws.gov/law/migratory-bird-treaty-act-1918> (last visited March 14, 2025).

⁹ Cornell Lab, *Florida Scrub-Jay*, https://www.allaboutbirds.org/guide/Florida_Scrub-Jay/overview (last visited March 14, 2025).

¹⁰ *Id.* (Image courtesy of the Cornell Lab of Ornithology); FWC, *Florida Scrub-Jay*, <https://myfwc.com/wildlifehabitats/profiles/birds/songbirds/florida-scrub-jay/> (last visited March 14, 2025). They do best in areas with high concentrations of oak shrubs that average 3.28-6.56 feet. *Id.*

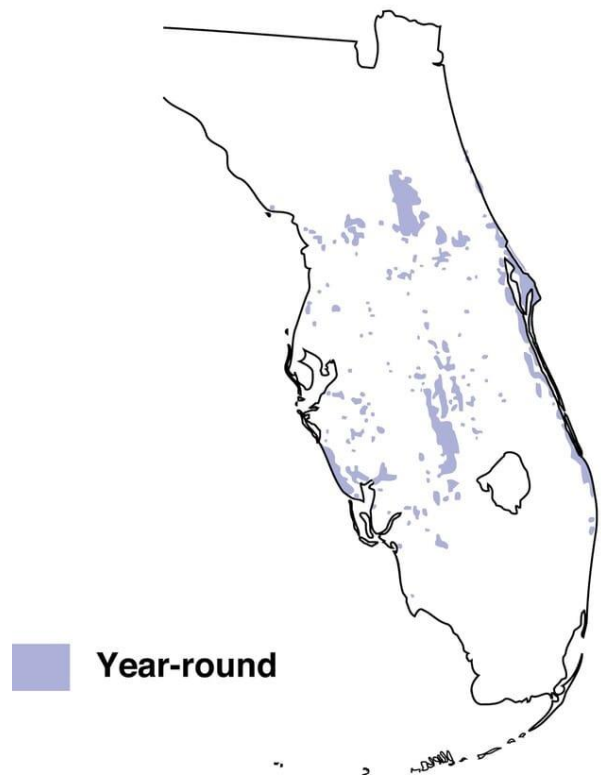
¹¹ FWC, *Florida Scrub-Jay*.

Florida scrub-jays are non-migratory and typically defend the same nesting territory every year.¹² They live in family groups that consist of a breeding pair and helpers, which are typically the pair's offspring. The offspring may stay in their parents' territory until they are two or three years old. Florida scrub-jays eat primarily insects, frogs, toads, lizards, mice, bird eggs, and acorns.¹³

Florida scrub-jays are a federally designated threatened species protected by the federal Endangered Species Act.¹⁴ They are also protected by Florida's Endangered and Threatened Species Act and by the federal Migratory Bird Treaty Act.¹⁵ The main threats to the scrub-jay are habitat destruction, fragmentation, and degradation caused by development, agriculture, and fire-suppression.¹⁶ Habitat fragmentation prevents scrub-jays from easily travelling between patches of suitable habitat and ultimately creates smaller, separated populations that are at greater risk of disappearing. Further, Florida scrub-jays are reliant on fire, because naturally occurring or prescribed fires prevent their habitat from becoming too dense and tall. Fire suppression degrades the habitat and is a threat to scrub-jay survival.¹⁷

Northern Mockingbird

The northern mockingbird (*Mimus polyglottos*) is commonly found throughout much of North America and the Caribbean.¹⁸ They live in a wide variety of habitats, including arroyos and canyons, deserts,



Range map of the Florida scrub-jay. *Courtesy of the Cornell Lab of Ornithology*



¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*; see 16 U.S.C. §1531 et seq.

¹⁵ See 16 U.S.C. §703-712; see 50 C.F.R. §10.13; section 379.2291, F.S.

¹⁶ FWC, *Florida Scrub-Jay*.

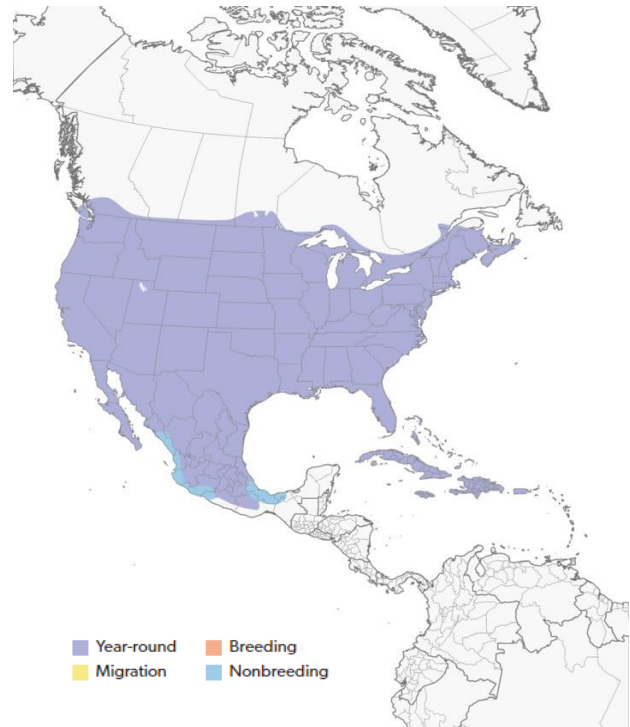
¹⁷ *Id.*

¹⁸ Cornell Lab, *Northern Mockingbird*, https://www.allaboutbirds.org/guide/Northern_Mockingbird/overview (last visited March 14, 2025).

meadows, forests, saltwater wetlands, and urban areas.¹⁹ They typically prefer dense shrubs, thickets, and open ground with short grass or open soil.²⁰

Northern mockingbirds are slim with a long tail. They are pale gray with white wing patches and white outer tail feathers. They regularly imitate other bird songs and typically sing from February through August and September to early November.²¹

The northern mockingbird is the official state bird of five states: Arkansas, Florida, Mississippi, Tennessee, and Texas.²² The northern mockingbird has held the position of official Florida state bird since 1927.²³ The Florida Legislature designated the northern mockingbird as the official state bird because it had enacted legislation to protect the mockingbird, because “the melody of its music has delighted the heart of residents and visitors to Florida,” and because “this bird of matchless charm” is found throughout Florida.²⁴



Range map of the northern mockingbird.
Courtesy of the Cornell Lab of Ornithology

III. Effect of Proposed Changes:

Section 1 creates s. 15.0352, F.S., to designate the American flamingo (*Phoenicopterus ruber*) as the official Florida state bird and the Florida scrub-jay (*Aphelocoma coerulescens*) as the official Florida state songbird.

Section 2 provides that the designation of the American flamingo as the official Florida state bird and the Florida scrub-jay as the official Florida state songbird supersedes the designation of the northern mockingbird (*Mimus polyglottos*) as the official Florida state bird by Senate Concurrent Resolution No. 3, which was adopted during the 1927 Regular Session.

Section 3 provides an effective date of July 1, 2025.

¹⁹ Audubon, *Northern Mockingbird*, <https://www.audubon.org/field-guide/bird/northern-mockingbird> (last visited March 14, 2025). The photo on this page is courtesy of Audubon.

²⁰ *Id.*

²¹ *Id.*

²² Audubon, *10 Fun Facts About the Northern Mockingbird*, <https://www.audubon.org/news/10-fun-facts-about-northern-mockingbird> (last visited March 17, 2025).

²³ Senate Concurrent Resolution No. 3, Laws of Fla. (1927).

²⁴ *Id.*

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 15.0352 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Garcia

36-00786-25

2025880__

A bill to be entitled

An act relating to designation of the state birds;
creating s. 15.0352, F.S.; designating the American
flamingo as the official state bird and the Florida
scrub-jay as the official state songbird; providing
that such designations supersede the designation of
the mockingbird as the official Florida state bird;
providing an effective date.

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

Section 1. Section 15.0352, Florida Statutes, is created to
read:

15.0352 Official state birds.-

(1) The American flamingo (*Phoenicopterus ruber*) is
designated the official Florida state bird.

(2) The Florida scrub-jay (*Aphelocoma coerulescens*) is
designated the official Florida state songbird.

Section 2. The designations of the American flamingo as the
official Florida state bird and the Florida scrub-jay as the
official Florida state songbird by s. 15.0352, Florida Statutes,
supersede the designation of the mockingbird as the official
Florida state bird by Senate Concurrent Resolution No. 3,
adopted during the 1927 Regular Session.

Section 3. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Ana Maria Rodriguez, Chair
Committee on Environment and Natural Resources

Subject: Committee Agenda Request

Date: March 10, 2025

I respectfully request that **Senate Bill #880**, relating to Designation of the State Birds. This bill designates the **American flamingo** as the official state bird of Florida and the **Florida scrub-jay** as the official state songbird. These designations replace the **mockingbird** as the previously recognized state bird. To be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.

A handwritten signature in black ink, appearing to read "Jeana Garcia", is written over a horizontal line.

Senator Jeana Garcia
Florida Senate, District 36

The Florida Senate

APPEARANCE RECORD

3-25-25

Meeting Date

880

Bill Number or Topic

Environment & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Barbara DeVane

Phone

850-251-4280

Address

625 E. Bernard St

Email

barbadevane1@yahoo.com

Street

Tallahassee

City

FL 32308

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL NOW
But speaking for myself
on this bill

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3/25/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

880

Bill Number or Topic

Committee

Name

TRAVIS Thompson

Phone

(863) 206-0762

Address

200 Ave C SW

Email

Street

Winter Haven

FL

33880

City

State

Zip

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3/25/2025

Meeting Date

Environmental & Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB-880

Bill Number or Topic

Amendment Barcode (if applicable)

Name Logan Smith Phone _____

Address Seminole High School 2701 Ridgewood Ave Email _____

Street

Sanford

FL

32773

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB-880

3/25/2025

Meeting Date

Environmental & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Abigail Tiffany Phone _____

Address Seminole High School 2701 Ridgewood Ave Email _____
Street

Sanford FL 32773
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB-880

3/25/2025

Meeting Date

Environmental & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Alexandra Hayes Phone _____

Address Seminole High School 2701 Ridgewood Ave Email _____
Street

Sanford FL 32773
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

- ☒ I am appearing without compensation or sponsorship.
- ☐ I am a registered lobbyist, representing:
- ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

3/25/2025

APPEARANCE RECORD

SB-880

Meeting Date

Environmental & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Loey Sydes**

Phone _____

Address **Seminole High School 2701 Ridgewood Ave**

Email _____

Street

Sanford

FL

32773

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3/25/2025

Meeting Date

Environmental & Natural Resources

Committee

Name

Kris Cole

Phone

407.320.5050

Address

Seminole High School 2701 Ridgewood Ave

Email

kris_cole@scps.k12.fl.us

Street

Sanford

FL

32773

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

SB-880

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/25/2025

Meeting Date

Environmental & Natural Resources

Committee

Name **Tawn Siple**

Phone _____

Address **Seminole High School 2701 Ridgewood Ave**

Email _____

Street

Sanford

FL

32773

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

SB-880

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to
Senate professional staff conducting the meeting

The Florida Senate

3/25/2025

APPEARANCE RECORD

SB-880

Meeting Date

Environmental & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Thomas Walker Phone _____

Address Seminole High School 2701 Ridgewood Ave Email _____

Street

Sanford

FL

32773

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

3/25/2025

APPEARANCE RECORD

SB-880

Meeting Date

Environmental & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Mason Bryan Phone _____

Address Seminole High School 2701 Ridgewood Ave Email _____

Street

Sanford

FL

32773

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3/25/2025

The Florida Senate

APPEARANCE RECORD

SB-880

Meeting Date

Environmental & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Olyvia Collins Phone _____

Address Seminole High School 2701 Ridgewood Ave Email _____

Street

Sanford

FL

32773

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

3/25/2025

APPEARANCE RECORD

SB-880

Meeting Date

Environmental & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Caitlyn Nawrocki Phone _____

Address Seminole High School 2701 Ridgewood Ave Email _____
Street

Sanford FL 32773
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 880

Bill Number or Topic

03/25/25

Meeting Date

Environment and
Natural Resources

Committee

Amendment Barcode (if applicable)

Name

Nadeska Concha

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

03/25/25

Meeting Date

Ehr + Natural Res

Committee

SB 880

Bill Number or Topic

Name Jackson Oberlink

Phone

Address

Street

Email

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

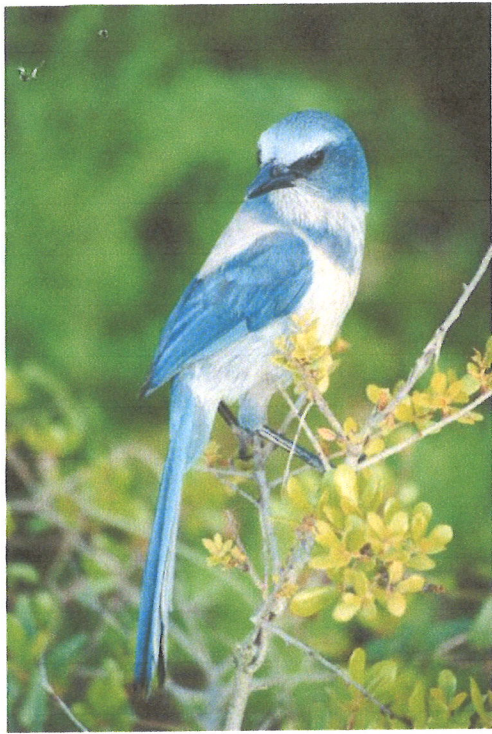
☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

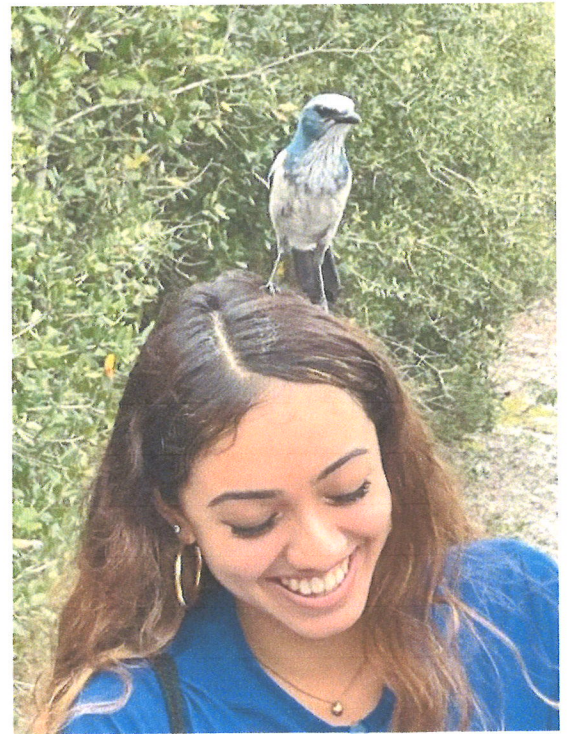
While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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



Vote Yea

For The Scrub Jay!



Florida Scrub-jay for State Songbird



Here are the reasons the Florida Scrub-jay should be designated as Florida's State Songbird.

1. Florida does not have a state bird or state songbird. Many have been taught that the Northern mockingbird is our state bird. This is incorrect. In 1927 the Senate passed a resolution naming the Northern mockingbird as state bird, BUT it was never confirmed by the Florida House of Representatives or signed into law by the Governor. You can confirm this by reviewing Chapter 15 of Florida's State Statutes. **WE DO NOT HAVE A STATE BIRD.**
2. Four other states have the Northern mockingbird as their state bird - Tennessee, Texas, Mississippi, Arkansas and "unofficially" Florida.
3. The Florida Scrub-jay is the **ONLY bird found ONLY in Florida**. So, no one can have our state bird.
4. Birdwatchers travel from all over the World to see the Florida Scrub-jay adding valuable money into the economy. This is an \$80 billion dollar industry. Birdwatchers' top expenditures are travel, lodging, and equipment which is a perfect fit for Florida. The only place birdwatchers can view Florida Scrub-jays is by visiting Florida.
5. Florida Scrub-jays live in family groups with older siblings helping to raise their younger brothers & sisters. What a great way to symbolize family values.
6. They are friendly.
7. They are beautiful.
8. This brings attention to a threatened species needing our support.

There are some opposed. Here is their talking point and the reason this talking point is not valid.

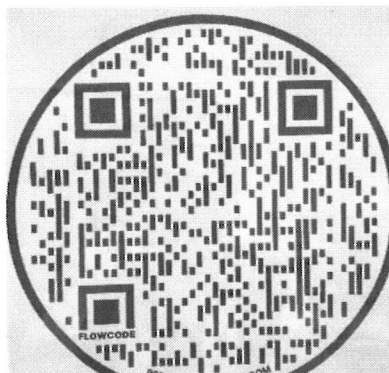
1. Naming the Florida Scrub-jay state bird would hurt property values because property owners would not be able to build on the land. This is not true. Developers must already pay mitigation fees to build on land inhabited by Florida Scrub-jays because they are a threatened species. Naming it state bird does not afford the Florida Scrub-jay any additional rights.

A LIST OF ORGANIZATIONS FORMALLY ENDORSING THE DESIGNATION OF THE FLORIDA SCRUB JAY AS FLORIDA'S STATE BIRD

Seminole County Board of County Commissioners
Seminole Soil & Water Conservation District
Volusia Soil & Water Conservation District
Seminole High School Student Government Association
Hagerty High School Student Government Association
Lake Brantley High School Student Government Association
Lake Howell High School Student Government Association
Oviedo High School Student Government Association
Winter Springs High School Student Government Association
Crooms Academy of Technology
Peace River Audubon Society
Duval Audubon Society
Venice Audubon Society
Space Coast Audubon Society
Alachua Audubon Society
Seminole Audubon Society
West Volusia Audubon Society
West Pasco Audubon Society
Eagle Audubon Society
The Environmental Conservancy of North Port
Mangrove Chapter of the Florida Plant Society
Charlotte Harbor Environmental Center
Green Horizon Land Trust
Cape Coral Friends of Wildlife
The City of North Port
The City of Sanford
The Izaak Walton League of America
Bear Warriors United
Sustainability Leaders Initiative
The Environmental Learning Center
The Center for Biological Diversity
Delta Water Fowl - Central Florida Chapter

The list continues to grow every day

In addition, there are online petitions asking the state of Florida to designate the Florida Scrub Jay as state bird.



The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 1300

INTRODUCER: Senator Simon

SUBJECT: Permits for Drilling, Exploration, and Extraction of Oil and Gas Resources

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Favorable
2.			AEG	
3.			RC	

I. Summary:

SB 1300 requires the Department of Environmental Protection to apply a balancing test when determining whether the natural resources of certain waterbodies and shore areas of the state will be adequately protected from potential harm caused by accidents or blowouts associated with oil, gas, or petroleum drilling. The balancing test should assess the potential impact of an accident or a blowout on such waterbodies and shore areas, including ecological functions and water quality impacts. In addition, the balancing test must consider the ecological community's current condition, hydrologic connection, uniqueness, location, fish and wildlife use, time lag, and the potential costs of restoration.

II. Present Situation:

Production of Oil and Gas Resources in Florida

Florida has minor crude oil reserves and accounts for less than 0.1 percent of the nation's crude oil production.¹ Onshore drilling for oil and natural gas in Florida began in 1901 and about 80 exploration wells were drilled in the state before oil was discovered in southwest Florida in 1943. Annual crude oil production in the state peaked at more than 47 million barrels in 1978 with the development of the Jay Field in northwestern Florida. Since 1978, statewide production has declined and has been less than 3 million barrels each year since 2004. In 2022, Florida crude oil production was about 1.2 million barrels. Geologists believe there may be substantial additional reserves in the Gulf of Mexico off Florida's western coast. However, since 1989, Florida has banned drilling in both Atlantic and Gulf of Mexico state waters.² In 2006, Congress banned oil and natural gas leasing in federal offshore areas in the central Gulf of Mexico planning area within 100 miles of Florida's coastline and in most of the eastern Gulf of Mexico planning area

¹ U.S. Energy Information Administration (EIA), *Profile Analysis*, <https://www.eia.gov/state/analysis.php?sid=FL> (last visited Mar. 17, 2025).

² FLA. CONST. art. II, s. 7(c); sections 377.24(9) and 377.242(1)(a)5., F.S.

within 125 miles of Florida's coast. The ban on federal oil and natural gas leases off the state's Gulf coast was to expire in 2022, but a 2020 presidential memorandum extended the ban until 2032.³ On January 6, 2025, a presidential memorandum was issued pursuant to the Outer Continental Shelf Lands Act that withdrew additional areas of the Gulf of Mexico from future oil or natural gas leasing for purposes of exploration, development, or production.⁴ On January 20, 2025, executive action was taken to repeal the January 6 ban on oil drilling in certain offshore areas, including all of Florida's coastland.⁵

Florida does not have significant natural gas reserves.⁶ Economically recoverable natural gas reserves may lie offshore in the eastern Gulf of Mexico, but, as with crude oil, exploratory drilling in state and federal waters in the eastern Gulf is prohibited. However, Florida does have a small amount of natural gas production, all from the same fields that produce crude oil. Almost all of that natural gas production is in the Jay Field in the Florida Panhandle, and most of that natural gas is reinjected into the oil zones to maintain reservoir pressures and improve oil production. As a result, only about 5 to 15 percent of the state's natural gas gross withdrawals are marketed. Florida's annual natural gas production peaked at almost 52 billion cubic feet in 1978 (less than 0.3 percent of the U.S. total that year) but declined steadily in the next three decades. Production rose again in 2010, reaching more than one-third of the 1978 peak in 2012. It increased again, reaching almost one-third of the peak in 2018 before declining again. In 2022, Florida's total natural gas production was only about 8.4 billion cubic feet. Florida receives nearly all the natural gas it consumes from the Gulf Coast region via major interstate pipelines. Pipelines entering Florida bring natural gas into the state through Alabama and Georgia.⁷

Requirements for Drilling, Exploration, and Extraction of Oil and Gas Resources

In Florida, the Department of Environmental Protection (DEP) has regulatory authority over oil and gas resources.⁸ DEP's Division of Water Resource Management (Division) oversees the permitting process for drilling, production, and exploration.⁹ Before issuing a permit, the Division must consider:

- The nature, character, and location of the lands involved;
- The nature, type, and extent of ownership of the applicant, including the length of time the permit applicant has owned the rights claimed without having performed any of the exploratory operations so granted or authorized.

³ EIA, *Profile Analysis*, <https://www.eia.gov/state/analysis.php?sid=FL>.

⁴ Office of the White House, *Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Oil or Natural Gas Leasing*, <https://perma.cc/6RD5-48QZ> (last visited Mar. 20, 2025).

⁵ EIA, *Profile Analysis*, <https://www.eia.gov/state/analysis.php?sid=FL>; Office of the White House, *Initial Rescissions of Harmful Executive Orders and Actions*, <https://www.whitehouse.gov/presidential-actions/2025/01/initial-rescissions-of-harmful-executive-orders-and-actions/> (last visited Mar. 20, 2025); Office of the White House, *Unleashing American Energy*, <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/> (last visited Mar. 21, 2025); U.S. Bureau of Ocean Energy Management, *Areas Under Restriction*, <https://www.boem.gov/oil-gas-energy/leasing/areas-under-restriction> (last visited Mar. 21, 2025).

⁶ EIA, *Profile Analysis*, <https://www.eia.gov/state/analysis.php?sid=FL>.

⁷ *Id.*

⁸ Section 377.242, F.S.; Fla. Admin. Code Chapters 62C-25 - 62C-30.

⁹ DEP, *Oil and Gas Program*, <https://floridadep.gov/water/oil-gas> (last visited Mar. 18, 2025); section 377.07, F.S.

- The proven or indicated likelihood of the presence of oil, gas, or related minerals in such quantities as to warrant the exploration and extraction of such products on a commercially profitable basis.
- For activities and operations concerning a natural gas storage facility, the nature, structure, and proposed use of the natural gas storage reservoir is suitable for the storage and recovery of gas without adverse effect to public health or safety or the environment.¹⁰

A drilling permit is required and a preliminary site inspection must be conducted by DEP before beginning any work other than environmental assessments or surveying at a proposed drilling site.¹¹ Regulations require the operator to case and cement wells in order to maintain well control and prevent degradation of natural resources, including water and petroleum.¹² Drilling permits are valid for one year from the date of approval.¹³ Each permit must include an agreement stating that the permit holder will allow division personnel to inspect at any time.¹⁴

Before a permit is granted, the owner or operator is required to post a surety bond or other form of security for each well.¹⁵ The amount of the bond, which is determined by the Division, must be sufficient to protect the owner of the surface rights of the land and ensure that the permittee will restore the land to its original condition and contour after operations are completed.¹⁶

In addition to a permit to drill, an operating permit is also required.¹⁷ Operating permits are valid for the life of the well, although each operating well and permit must be recertified every five years.¹⁸ Each application and subsequent recertification must include: the appropriate fee; bond or security coverage; a spill prevention and cleanup plan; flowline specifications and an installation plan; containment facility certification; and additional reporting and data submissions, such as driller's logs and monthly well reports.¹⁹ A separate permit is not required for the performance of well stimulation techniques.²⁰

Oil or gas producers must submit a monthly production report for each well to the Division and the Department of Financial Services.²¹ Abandoned wells and dry holes must be plugged

¹⁰ Section 377.241, F.S.

¹¹ Fla. Admin. Code R. 62C-26.003.

¹² Fla. Admin. Code R. 62C-27.005. The regulations specify standards for casing depth and pressure testing.

¹³ Fla. Admin. Code R. 62C-26.003.

¹⁴ Section 377.242, F.S.

¹⁵ Sections 377.244(1)(b), 377.2424(2), and 377.2425(1), F.S.; Fla. Admin. Code R. 62C-26.002.

¹⁶ Section 377.244(1)(b), F.S. For geophysical operations, the restoration requirement is less stringent, only requiring the land to be returned to its general condition and contour similar to that in existence prior to such operations. Section 377.2424(2), F.S.

¹⁷ Fla. Admin. Code R. 62C-26.008.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ See section 377.22(2)(o)(p), F.S. The Division is required to adopt rules to "regulate the 'shooting,' perforating and chemical treatment of wells," and to "regulate secondary recovery methods, including the introduction of gas, air, water, or other substance into producing formations"; see section 377.26, F.S. In regulating the vertical orientation of the well, the division is required to "take into account technological advances in drilling and production technology, including, but not limited to, horizontal well completions in the producing formation using directional drilling methods."

²¹ Section 377.23, F.S.

promptly in accordance with DEP regulations, and no well may be abandoned without prior approval from the Division.²²

State Prohibitions on Drilling in Certain Areas

State law prohibits the permitting and construction of drilling and exploratory structures in certain areas. For example, the construction or permitting of structures intended for the drilling for, or production of, oil, gas, or other petroleum products is prohibited in the following areas:

- On submerged lands within bays or estuaries;
- Within one mile seaward of the state's coastline;
- Within one mile of the seaward boundary of any park or aquatic or wildlife preserve, or on the surface of a freshwater lake, river, or stream;
- Within one mile inland from the shoreline of the Gulf of Mexico, the Atlantic Ocean, or any bay or estuary, or within one mile of any freshwater lake, river, or stream unless DEP is satisfied that the natural resources of such bodies of water and shore areas will be adequately protected in the event of accident or blowout.²³

In addition, no drilling permits may be granted for the construction of structures intended for the drilling for or production of oil, gas, or other petroleum products within Florida's territorial seas, or beneath state waters in the Atlantic and Gulf of Mexico, as prohibited by both state law and the Florida Constitution.²⁴

Local Government Regulation

While cities and counties do not operate oil and gas permitting programs, some, through their land use regulations or zoning ordinances, require special exceptions for oil and gas activities or limit such activities to certain zoning classifications.²⁵ Drilling permits within a municipality require prior approval from the municipal governing authority, and permits for drilling in tidal waters adjacent to municipalities or within three miles of municipal limits must also be approved by the municipality.²⁶ Similarly, drilling on or near improved beaches²⁷ requires county commissioner approval.²⁸ When authorizing oil and gas activities, local governments consider factors such as consistency with their comprehensive plan, injuries to communities or the public welfare, and compliance with zoning ordinances.²⁹

Violations and Penalties

A person that violates any statute, rule, regulation, order, or permit relating to the regulation of oil or gas resources, or who refuses inspection by the Division, is liable for damages caused to the air, waters, or property of the state for the reasonable costs of tracing the source of the

²² Sections 377.24(3) and 377.2426, F.S.

²³ Section 377.242(1)(a)1.-4., F.S.

²⁴ FLA. CONST. art. II, s. 7(c); sections 377.24(9) and 377.242(1)(a)5., F.S.

²⁵ See, e.g., Lee County, Fla., Land Development Code §§ 34-1651 and 34-145.

²⁶ Section 377.24(5) and (6), F.S.

²⁷ An improved beach, situated outside of the corporate limits of any municipality or town, is defined as any beach adjacent to or abutting upon the tidal waters of the state and having not less than 10 hotels, apartment buildings, residences or other structures, used for residential purposes, on or to any given mile of such beach. Section 377.24(8), F.S.

²⁸ Section 377.24(7), F.S.

²⁹ See, e.g., Lee County, Fla., Land Development Code §§ 34-1651 and 34-145.

discharge and for controlling and abating the source and the pollutants, and restoring the air, waters, and property.³⁰ Such persons are also subject to judicial imposition of a civil penalty of up to \$10,000 for each offense.³¹ Each day during any portion of which a violation occurs constitutes a separate offense.³²

III. Effect of Proposed Changes:

Section 1 amends s. 377.242, F.S., which regulates permits for drilling or exploring and extracting through well holes or by other means. Under current law, no structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed within one mile inland from the shoreline of the Gulf of Mexico, the Atlantic Ocean, or any bay or estuary or within one mile of any freshwater lake, river, or stream unless the Department of Environmental Protection (DEP) is satisfied that the natural resources of such bodies of water and shore areas of the state will be adequately protected in the event of accident or blowout.

The bill provides that DEP's determination of whether a resource is adequately protected must balance the measures in place to protect the natural resources with the potential harm to the natural resources. This balancing test should assess the potential impact of an accident or a blowout on the natural resources of such bodies of water and shore areas, including ecological functions and any water quality impacts. The balancing test must consider the ecological community's current condition, hydrologic connection, uniqueness, location, fish and wildlife use, time lag, and the potential costs of restoration.

Section 2 reenacts s. 377.243(1), F.S., for purposes of incorporating the amendments made by this bill to s. 377.242, F.S.

Section 3 reenacts s. 377.37(1)(a), F.S., for purposes of incorporating the amendments made by this bill to s. 377.242, F.S.

Section 4 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁰ Section 377.37(1)(a), F.S.

³¹ *Id.*

³² *Id.*

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 377.242, 377.243, and 377.37.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Simon

3-01749-25

20251300__

A bill to be entitled
An act relating to permits for drilling, exploration,
and extraction of oil and gas resources; amending s.
377.242, F.S.; requiring the Department of
Environmental Protection to consider certain factors
when determining whether the natural resources of
certain bodies of water and shore areas are adequately
protected from a potential accident or blowout;
providing requirements for a balancing test to make
such a determination; making technical changes;
reenacting ss. 377.243 and 377.37, F.S., relating to
conditions for granting permits for extraction through
well holes, and penalties, respectively, to
incorporate changes made by the act; providing an
effective date.

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

Section 1. Section 377.242, Florida Statutes, is amended to
read:

377.242 Permits for drilling or exploring and extracting
through well holes or by other means.—

(1) The department is vested with the power and authority:

~~(1)~~(a) To issue permits for the drilling for, exploring
for, or production of oil, gas, or other petroleum products
which are to be extracted from below the surface of the land,
including submerged land, only through the well hole drilled for
oil, gas, and other petroleum products.

1. A ~~No~~ structure intended for the drilling for, or

3-01749-25

20251300__

production of, oil, gas, or other petroleum products may not be permitted or constructed:

a. On any submerged land within any bay or estuary.

~~b.2. No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed~~ Within 1 mile seaward of the coastline of the state.

~~c.3. No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed~~ Within 1 mile of the seaward boundary of any state, local, or federal park or aquatic or wildlife preserve or on the surface of a freshwater lake, river, or stream.

~~d.4. No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed~~ Within 1 mile inland from the shoreline of the Gulf of Mexico, the Atlantic Ocean, or any bay or estuary or within 1 mile of any freshwater lake, river, or stream unless the department is satisfied that the natural resources of such bodies of water and shore areas of the state will be adequately protected in the event of accident or blowout. For purposes of this sub-subparagraph, the department's determination of whether a resource is adequately protected must balance the measures in place to protect the natural resources with the potential harm to the natural resources. This balancing test should assess the potential impact of an accident or a blowout on the natural resources of such bodies of water and shore areas, including ecological functions and any water quality impacts. The balancing test must consider the ecological community's current

3-01749-25

20251300__

condition, hydrologic connection, uniqueness, location, fish and wildlife use, time lag, and the potential costs of restoration.

~~2.5.~~ Without exception, after July 1, 1989, ~~a ne~~ structure intended for the drilling for, or production of, oil, gas, or other petroleum products may not be permitted or constructed south of 26°00'00" north latitude off Florida's west coast and south of 27°00'00" north latitude off Florida's east coast, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. s. 1301. After July 31, 1990, no structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed north of 26°00'00" north latitude off Florida's west coast to the western boundary of the state bordering Alabama as set forth in s. 1, Art. II of the State Constitution, or located north of 27°00'00" north latitude off Florida's east coast to the northern boundary of the state bordering Georgia as set forth in s. 1, Art. II of the State Constitution, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. s. 1301.

~~3.(b)~~ Sub-subparagraphs 1.a. and d. ~~Subparagraphs (a)1. and 4.~~ do not apply to permitting or construction of structures intended for the drilling for, or production of, oil, gas, or other petroleum products pursuant to an oil, gas, or mineral lease of such lands by the state under which lease any valid drilling permits are in effect on the effective date of this act. In the event that such permits contain conditions or stipulations, such conditions and stipulations shall govern and supersede sub-subparagraphs 1.a. and d. ~~subparagraphs (a)1. and 4.~~

~~4.(c)~~ The prohibitions of subparagraph 1. ~~subparagraphs~~

3-01749-25

20251300__

~~(a)1. 4. in this subsection~~ do not include "infield gathering lines," provided no other placement is reasonably available and all other required permits have been obtained.

(b)~~(2)~~ To issue permits to explore for and extract minerals which are subject to extraction from the land by means other than through a well hole.

(c)~~(3)~~ To issue permits to establish natural gas storage facilities or construct wells for the injection and recovery of any natural gas for storage in natural gas storage reservoirs.

(2) Each permit shall contain an agreement by the permitholder that the permitholder will not prevent inspection by division personnel at any time. The provisions of this section prohibiting permits for drilling or exploring for oil in coastal waters do not apply to any leases entered into before June 7, 1991.

Section 2. For the purpose of incorporating the amendment made by this act to section 377.242, Florida Statutes, in a reference thereto, subsection (1) of section 377.243, Florida Statutes, is reenacted to read:

377.243 Conditions for granting permits for extraction through well holes.—

(1) Prior to the application to the Division of Resource Management for the permit to drill for oil, gas, and related products referred to in s. 377.242(1), the applicant must own a valid deed, or other muniment of title, or lease granting said applicant the privilege to explore for oil, gas, or related mineral products to be extracted only through the well hole on the land or lands included in the application. However, unallocated interests may be unitized according to s. 377.27.

3-01749-25

20251300__

Section 3. For the purpose of incorporating the amendment made by this act to section 377.242, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 377.37, Florida Statutes, is reenacted to read:

377.37 Penalties.—

(1)(a) Any person who violates this law or any rule, regulation, or order of the division made under this chapter or who violates the terms of any permit to drill for or produce oil, gas, or other petroleum products referred to in s. 377.242(1) or to store gas in a natural gas storage facility, or any lessee, permitholder, or operator of equipment or facilities used in the exploration for, drilling for, or production of oil, gas, or other petroleum products, or storage of gas in a natural gas storage facility, who refuses inspection by the division as provided in this chapter, is liable to the state for any damage caused to the air, waters, or property, including animal, plant, or aquatic life, of the state and for reasonable costs and expenses of the state in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, of the state. Furthermore, such person, lessee, permitholder, or operator is subject to the judicial imposition of a civil penalty in an amount of not more than \$15,000 for each offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense. This section does not give the department the right to bring an action on behalf of any private person.

Section 4. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Ana Maria Rodriguez, Chair
Committee on Environment and Natural Resources

Subject: Committee Agenda Request

Date: March 7th, 2025

I respectfully request that **Senate Bill #1300**, relating to Permits for Drilling, Exploration, and Extraction of Oil and Gas Resources, be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.

A handwritten signature in blue ink, appearing to read "Corey Simon", is written over a horizontal line.

Senator Corey Simon
Florida Senate, District 3



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education Pre-K - 12, *Chair*
Education Postsecondary, *Vice Chair*
Appropriations Committee on Criminal and
Civil Justice
Appropriations Committee on Pre-K - 12 Education
Children, Families, and Elder Affairs
Criminal Justice
Fiscal Policy
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR COREY SIMON

3rd District

March 25, 2025

To whom it may concern,

Senator Simon respectfully requests that Senator Brodeur present SB 1300, Permits for Drilling, Exploration, and Extraction of Oil and Gas Resources, in the Committee on Environment and Natural Resources.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Simon", is written over a light blue grid background.

Senator Corey Simon
Senate District 3

□ 303 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5003

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

3-25-2025

Meeting Date

1300

Bill Number or Topic

Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Rebecca Jetton

Phone

850-766-2139

Address

2926 Cross Creek Ct.

Email

beckyjetton@gmail.com

Street

TLH FL 32301

City

State

Zip

Amend

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3/25/25
Meeting Date

The Florida Senate
APPEARANCE RECORD

1300
Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

TRAVIS Thompson

Phone

Address

200 Avenue C SW

Email

travis@allfla.org

Street

Winter Haven

State

FL

33880

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1300

Bill Number or Topic

3/25/25

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Environment + Natural Resources

Committee

Amendment Barcode (if applicable)

Name Adrienne Johnson

Phone 850 524 0916

Address 3495 Gardenview Way

Street

Email Adriennejfsaa@gmail.com

Tallahassee

City

FL

State

32309

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida shellfish Aquaculture
Association

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/25

Meeting Date

1300

Bill Number or Topic

Environment & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

CAMERON Baxley

Phone

~~334~~ 334 414 0046

Address

192 Ave G

Email

Street

Apalachicola

FL

32320

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 1388

INTRODUCER: Senator Trumbull

SUBJECT: Vessels

DATE: March 24, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carroll	Rogers	EN	Favorable
2. _____	_____	AEG	_____
3. _____	_____	FP	_____

I. Summary:

SB 1388 is the “Boater Freedom Act.” The bill provides that “probable cause” does not include any action to make a safety or marine sanitation equipment inspection.

The bill allows a law enforcement officer to board a vessel if the owner or operator is not on the vessel, as long as the officer makes a good faith effort to avoid boarding the vessel. An officer may board or perform a vessel stop when the officer has probable cause or knowledge to believe that a violation of vessel safety laws has occurred or is occurring. The bill provides that a violation of safety and marine sanitation equipment requirements may only be considered a secondary offense.

The bill requires the Florida Fish and Wildlife Conservation Commission and the Florida Department of Highway Safety and Motor Vehicles to create a “Florida Freedom Boater” safety inspection decal that will be issued following the demonstration of compliance with safety equipment carriage and use requirements.

The bill also contains the “Watercraft Energy Source Freedom Act,” which prohibits a state agency, municipality, government entity, or county from restricting the use or sale of a watercraft based on the energy source used to power the watercraft.

The bill provides that facilities designated as Clean Marine Manufacturers will be eligible for a discount on sovereignty submerged land leases and a waiver of extended-term lease surcharges. It authorizes funding for the construction and maintenance of parking for boat-hauling vehicles and trailers.

The bill provides that if any provision of this act or its application to any person or circumstance is held invalid, the invalidity must not affect the remaining provisions or applications of this act.

II. Present Situation:

Vessel Safety and Marine Sanitation Equipment

The owners and operators of every vessel on waters of this state¹ are required to carry, store, maintain, and use safety equipment in accordance with current U.S. Coast Guard safety equipment requirements, unless expressly exempted by the Florida Fish and Wildlife Conservation Commission (FWC).² Equipment required by the U.S. Coast Guard for recreational vessels includes engine cut-off switches, personal flotation devices, visual distress signals, fire extinguishers, and backfire flame controls.³

Additionally, Florida law prohibits a person from operating a vessel less than 26 feet in length unless all children under the age of six are wearing a personal flotation device.⁴ A vessel must be equipped with properly serviceable lights and shapes required by the navigation rules and prohibits the use of sirens or flashing, occulting, or revolving lights on any vessel, except as expressly allowed.⁵ Florida law also requires the operator of a vessel used in the instruction of a water sport or activity to use an engine cut-off switch and wear an operative link to the switch when a person participating in the water sport or activity is in the water.⁶

The discharge of raw sewage from any vessel, including houseboats and floating structures, into Florida waters is prohibited.⁷ Every vessel on waters of this state that is 26 feet or more in length with an enclosed cabin that includes berthing facilities must be equipped with a toilet.⁸ Every permanent toilet must be properly attached to the appropriate U.S. Coast Guard certified or labeled marine sanitation device.⁹ Floating structures with enclosed living spaces that include berthing facilities, or working spaces with public access, as well as houseboats, must be equipped with at least one permanently installed toilet connected to a U.S. Coast Guard certified or labeled Type III marine sanitation device.¹⁰

¹ “Waters of this state” are defined as any navigable waters of the U.S. within the territorial limits of this state, the marginal sea adjacent to this state, and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state. Section 327.02(48), F.S.

² Section 327.50(1)(a), F.S.

³ U.S. Coast Guard, *A Boater’s Guide to the Federal Requirements for Recreational Boats* (2023), available at <https://uscgboating.org/assets/1/AssetManager/Boaters-Guide-to-Federal-Requirements-for-Receational-Boats-20231108.pdf>.

⁴ Section 327.50(1)(b), F.S.

⁵ Section 327.50(2), (3), F.S.

⁶ Section 327.50(4), F.S.

⁷ Section 327.53(4)(a), F.S.

⁸ Section 327.53(1), F.S.

⁹ *Id.*

¹⁰ Section 327.53(2), (3), F.S. If the toilet is simultaneously connected to both a Type III marine sanitation device and to another approved marine sanitation device, the valve or other mechanism selecting between the two marine sanitation devices must be set to direct all sewage to the Type III marine sanitation device and, while the vessel is on the waters of the state, must be locked or otherwise secured by the boat operator, so as to prevent resetting. Floating structures may be permanently attached to onshore sewage disposal via plumbing. No floating structure may be plumbed to permit the discharge of sewage into the waters of this state. *Id.* A Type III marine sanitation device is typically a holding tank where sewage is stored until it can be discharged either onshore or at sea (beyond three miles from shore). U.S. Environmental Protection Agency, *Marine Sanitation Devices (MSDs)*, <https://www.epa.gov/vessels-marinas-and-ports/marine-sanitation-devices-msds> (last visited March 19, 2025).

Safety and Marine Sanitation Equipment Inspections

FWC's Division of Law Enforcement and other law enforcement officers¹¹ are responsible for enforcing state laws relating to vessel safety and vessel titling and registration.¹² As part of this responsibility, law enforcement officers may inspect all vessels on waters of the state.¹³

Law enforcement officers' authority to conduct inspections of safety and marine sanitation equipment aboard vessels is qualified in statute.¹⁴ When an owner or operator is aboard a vessel, law enforcement officers may board the vessel either with the consent of the owner or operator or if the officer has probable cause¹⁵ or knowledge to believe that a violation of vessel safety law has occurred or is occurring.¹⁶ However, an officer may not board any vessel for a safety and marine sanitation equipment inspection if the owner or the operator is not aboard the vessel. If an officer requests to perform an inspection of the vessel and the operator refuses or is unable to display the safety or marine sanitation equipment, the officer may board the vessel. Additionally, an officer may board the vessel if the safety or marine sanitation equipment is permanently installed and is only visible if the officer is on board the vessel.¹⁷

After the vessel operator demonstrates compliance with the safety equipment carriage and use requirements during an officer-initiated safety inspection, the operator will receive a safety inspection decal signifying that the vessel has met the requirements.¹⁸ FWC may designate an expiration date for the decals by rule, however the expiration must be valid for at least one year and not more than five years. All decals issued by FWC on or before December 31, 2018, are no longer valid after that date.¹⁹

The safety inspection decal is not required to be displayed.²⁰ However, if it is displayed, it must be placed within six inches of a vessel's properly displayed vessel registration decal. If the decal is displayed on a nonmotorized vessel that does not need to be registered, the decal must be placed above the waterline on the forward half of the vessel's port side.²¹ A law enforcement officer may not stop a vessel with a properly displayed and valid safety inspection decal for the sole purpose of inspecting the vessel for compliance with the safety equipment carriage and use

¹¹ Law enforcement agencies or officers specified in section 327.70, F.S., include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer defined in section 943.10, F.S. As defined in section 943.10(1), F.S., a law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

¹² Section 327.70(1), F.S.

¹³ *Id.*

¹⁴ Section 327.56(1), F.S.

¹⁵ The probable cause standard is incapable of precise definition, as it deals with probabilities and depends on the totality of the circumstances. Generally, probable cause exists when a reasonable inquiry would cause a reasonably intelligent and prudent person to believe in the truth of a particular set of facts. *Maryland v. Pringle*, 540 U.S. 366 (2003).

¹⁶ *Id.*

¹⁷ *Id.* Safety and marine sanitation equipment inspections of floating structures must be completed in accordance with inspections of certain facilities, rather than vessels. See section 403.091, F.S.

¹⁸ Section 327.70(2)(a)1., F.S.

¹⁹ *Id.*

²⁰ Section 327.70(2)(a)2., F.S.

²¹ *Id.*

requirements, unless the officer has a reasonable suspicion²² that a violation of the safety equipment carriage or use requirements has occurred or is occurring.²³ This does not restrict an officer from stopping a vessel for any other lawful purpose.²⁴

Boating Restricted Areas

Under Florida law, boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.²⁵

FWC may establish boating-restricted areas by rule.²⁶ Municipalities and counties may establish, by ordinance, boating-restricted areas for speed and wake restrictions and for safety reasons.²⁷ Municipalities and counties may also establish vessel-exclusion zones if the area is:

- Reserved as a canoe trail,
- Limited to vessels under oars or sail, or
- Reserved for a particular activity and user group separation is needed to protect the participants.²⁸

Lease of Sovereignty Submerged Lands by Boating Facilities

Sovereignty submerged lands are owned by the state and include, but are not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line²⁹ that lay beneath navigable fresh water or tidally influenced waters.³⁰ Title to sovereignty submerged lands is vested in the Board of Trustees of the Internal Improvement Trust Fund,³¹ which is authorized to administer all state-owned lands, including by leasing sovereignty submerged lands.³²

²² Reasonable suspicion takes into account the totality of the circumstances; it is more than a hunch, is considerably less than a preponderance of the evidence, and is obviously less than what is necessary to meet the probable cause standard. *Navarette v. California*, 134 S.Ct. 1683, 1687 (2014) (citing *U.S. v. Cortez*, 101 S.Ct. 690 (1981); *Terry v. Ohio*, 88 S.Ct. 1868 (1968); and *U.S. v. Sokolow*, 109 S.Ct. 1581 (1989).)

²³ Section 327.70(2)(b), F.S.

²⁴ *Id.*

²⁵ Section 327.46(1), F.S.

²⁶ Section 327.46(1)(a), F.S. These areas are established in Rule 68D-24, F.A.C.

²⁷ Section 327.46(1)(b), F.S.

²⁸ Section 327.46(1)(c), F.S.

²⁹ The mean high water line is the intersection of the local elevation of mean high water with the shore. Mean high water is calculated by taking the average height of high tides over a 19-year period. The mean high water line along the shore of land immediately bordering navigable waters is the boundary between the foreshore owned by the State of Florida and the uplands, which may be privately owned. Chapter 18-21.003(38)-(39), Fla. Admin. Code.

³⁰ Chapter 18-21.003(67), Fla. Admin. Code.

³¹ The Board of Trustees of the Internal Improvement Trust Fund is comprised of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. Section 352.02(1), F.S.

³² Section 253.03(1), (6), and (7), F.S. The Florida Constitution allows for the private use of portions of sovereignty submerged lands, but only when not contrary to the public interest. FLA. CONST. art. X, s. 11.

The Board of Trustees is authorized in statute to lease sovereignty submerged lands for marinas, boatyards, mooring fields, and marine retailers.³³ A marina, boatyard, or marine retailer designated by the Department of Environmental Protection as a Clean Marina, Clean Boatyard, or Clean Marine Retailer under the Clean Marina Program may be eligible for a ten percent discount on its annual fee for a sovereign submerged lands lease if the facility:

- Actively maintains designation under the program,
- Complies with the terms of the lease, and
- Does not change use during the terms of the lease.³⁴

The facility may also be eligible for a waiver of its extended-term lease surcharges if the facility:

- Actively maintains designation under the program,
- Complies with the terms of the lease,
- Does not change use during the terms of the lease, and
- Is available to the public on a first-come, first-served basis.³⁵

If the facility is in arrears on lease fees or does not comply with the eligibility requirements for a waiver of the extended-term lease surcharges, the facility will not be eligible for the discount or waiver until arrears have been paid and compliance with the program has been met.³⁶

An extended-term lease is available for up to 25-year terms.³⁷ A one-time surcharge will be added to the extended-term lease fee for most extended-term leases.³⁸

Clean Marina Program

The Clean Marina Program is a voluntary designation program that incentivizes marinas,³⁹ boatyards,⁴⁰ and marine retailers⁴¹ to incorporate best management practices in their operations.⁴² These best management practices address issues like sensitive habitats, invasive species, waste management, stormwater control, water and air pollution, spill prevention, and emergency preparedness.⁴³

³³ Section 253.0346, F.S.

³⁴ Section 253.0346(3), F.S.

³⁵ *Id.* “First-come, first served” means that the facility operates on state-owned submerged land for which there is no club membership, stock ownership, equity interest, or other qualifying requirement and rental terms do not exceed 12 months and do not include automatic renewal rights or conditions. Section 253.0346(1), F.S.

³⁶ Section 253.0346(3)(c), F.S.

³⁷ Chapter 18-21.008(2), Fla. Admin. Code.

³⁸ Chapter 18-21.011(1)(b), Fla. Admin. Code.

³⁹ A marina is a docking facility with ten or more boat slips or a docking facility that provides marine supplies or services required for boating, including but not limited to: dry storage, boat repair, gas, oil, boat sales, boat testing, shellfish or finfish harvesting or distribution, or facilities associated with certain other boating-related commercial establishments. DEP, *Clean Marina Program*, <https://floridadep.gov/rcp/clean-marina/content/clean-marina-program> (last visited March 4, 2025).

⁴⁰ A boatyard is a facility that provides a repair or refinishing site for hull, mechanical, or electrical work on vessels. *Id.*

⁴¹ A marine retailer sells new or used boats and provides services like onsite or offsite repairs or refinishing for hull, mechanical, or electrical work. *Id.*

⁴² DEP, *Florida Clean Marina Best Management Practices*, 2 (2020), available at https://floridadep.gov/sites/default/files/2020_Florida_Clean_Marina_Best_Management_Practices.pdf.

⁴³ See DEP, *Florida Clean Marina Best Management Practices*; DEP, *Clean Marina Program*.

The program also provides compliance assistance and education on storm readiness through the Clean and Resilience Program.⁴⁴ In order to obtain the designation of Clean Marina, Clean Boatyard, or Clean Marine Retailer, facilities must meet all of the Florida Department of Environmental Protection's regulatory requirements and implement at least 60 percent of the best management practices.⁴⁵

Fuel Tax Collection Trust Fund

FWC is authorized to develop and administer competitive grant programs funded with money transferred pursuant to the Fuel Tax Collection Trust Fund requirements.⁴⁶ These grants may be awarded for:

- The construction and maintenance of publicly owned boat ramps, piers, and docks;
- Boater education;
- Deployment of manatee technical avoidance technology; and
- Economic development initiatives that promote boating in the state.⁴⁷

The Fuel Tax Collection Trust Fund requires an annual disbursement of \$2.5 million to FWC's State Game Trust Fund for recreational boating activities and freshwater fisheries management and research.⁴⁸ Of those funds, a minimum of \$1.25 million must be used to fund local projects to provide recreational channel marking and other uniform waterway markers, public boat ramps, lifts and hoists, marine railways, and other public launching facilities, derelict vessel removal, and other local boating-related activities.⁴⁹ The remaining \$1.25 million may be used for recreational boating activities and freshwater fisheries management and research.⁵⁰

III. Effect of Proposed Changes:

Section 1 provides that this act is the "Boater Freedom Act."

Section 2 amends s. 327.02, F.S., to provide that "probable cause" does not include any action to make a safety or marine sanitation equipment inspection.

Section 3 amends s. 253.0346, F.S., concerning the lease of sovereignty submerged lands for marinas, boatyards, mooring fields, and marine retailers. The bill provides that a facility designated as a Clean Marine Manufacturer under the Clean Marina Program will be eligible for a ten percent discount on its annual lease of sovereignty submerged lands, as well as a waiver of its extended-term lease surcharge, if it meets certain criteria. Facilities designated as Clean Marinas, Clean Boatyards, or Clean Marine Retailers are already eligible under current law.

Section 4 amends s. 327.47, F.S., which authorizes the Florida Fish and Wildlife Conservation Commission (FWC) to develop and administer competitive grants programs funded by the Fuel

⁴⁴ DEP, *Clean Marina Program*.

⁴⁵ *Id.*

⁴⁶ Section 327.47, F.S.

⁴⁷ *Id.*

⁴⁸ Section 206.606(1)(b), F.S.

⁴⁹ *Id.*

⁵⁰ *Id.*

Tax Collection Trust Fund. The bill provides that, in addition to what is currently authorized, grants may be awarded for the construction and maintenance of parking for boat-hauling vehicles and trailers.

Section 5 amends s. 327.56, F.S., which concerns safety and marine sanitation equipment inspections. Current law prohibits an officer from boarding a vessel to perform a safety or marine sanitation equipment inspection if the owner or operator is not aboard the vessel. However, if the owner or operator is aboard the vessel, an officer may board when the officer has probable cause or knowledge to believe that a violation of vessel safety laws has occurred or is occurring.

The bill allows an officer to board a vessel if the owner or operator is not aboard the vessel, however, it requires officers to make a good faith effort to avoid boarding in that situation. The bill provides that, regardless of whether the owner or operator is aboard the vessel, an officer may board or perform a vessel stop when the officer has probable cause or knowledge to believe that a violation of vessel safety laws has occurred or is occurring.

The bill further provides that a violation of safety and marine sanitation equipment requirements may only be considered a secondary offense, rather than a primary offense.

The bill also removes language authorizing a law enforcement officer to board a vessel when the operator refuses or is unable to display the safety or marine sanitation equipment required by law if the officer requests the operator to do so. It removes language authorizing an officer to board a vessel when the safety or marine sanitation equipment to be inspected is permanently installed and not visible for inspection unless the officer is aboard the vessel. The bill further removes the requirement that compliance inspections of floating structures must be done in accordance with the requirements for inspections of certain facilities, rather than vessels.⁵¹

Section 6 amends s. 327.70, F.S., to require FWC to coordinate with the Florida Department of Highway Safety and Motor Vehicles to create a “Florida Freedom Boater” safety inspection decal that will be issued following the demonstration of compliance with safety equipment carriage and use requirements at the time of registration or renewal. The decal will signify that a vessel is deemed to have met safety equipment carriage and use requirements.

The bill removes language providing that all decals issued by FWC on or before December 31, 2018, are no longer valid after that date.

The bill requires the display of the “Florida Freedom Boater” safety inspection decal.

The bill deletes language prohibiting an officer from stopping a vessel displaying a valid safety inspection decal for the sole purpose of inspecting the vessel for compliance with safety equipment carriage and use requirements unless there is reasonable suspicion that a violation of

⁵¹ See section 403.091, F.S., which provides that any duly authorized representative of the Florida Department of Environmental Protection may enter and inspect any property, premises, or place (except for a private residence) on or at which the following facilities or structures are located or are being constructed or installed or where certain records are kept: a hazardous waste generator, transporter, or facility or other air or water contaminant source; a discharger; any facility containing underground stationary tanks that contain hazardous substances or pollutants and with a specified storage capacity; or a resource recovery and management facility.

such requirements has occurred or is occurring. The bill provides that a law enforcement officer is not restricted from stopping a vessel for any lawful purpose when the officer has probable cause or knowledge to believe that a violation has occurred or is occurring.

Section 7 creates s. 327.75, F.S., which may be cited as the “Watercraft Energy Source Freedom Act.” The bill defines “energy source” to mean any source of energy used to power a watercraft, including, but not limited to, gasoline, diesel fuel, electricity, hydrogen, and solar power. It also defines “watercraft” to mean any vessel or craft designed for navigation on water, including boats and personal watercraft.

The bill prohibits a state agency, municipality, government entity, or county from restricting the use or sale of a watercraft based on the energy source used to power the watercraft. This includes an energy source used for propulsion or used for powering other functions of the watercraft.

Section 8 provides that if any provision of this act or its application to any person or circumstance is held invalid, the invalidity must not affect the remaining provisions or applications of this act that can be given effect without the invalid provision or application.⁵²

Section 9 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

⁵² This is a severability clause. If a part of a statute is constitutionally invalid, a court may sever the valid portion and allow that part of the law to stand, regardless of whether the statute contains a severability clause. However, if the otherwise valid provisions are so connected with the invalid provision so that it indicates the Legislature intended the provisions to operate as a whole, a court may decide that severability is impossible and invalidate the whole statute. *See Fla. Hosp. Waterman, Inc. v. Buster*, 984 So. 2d 478, 493-494 (Fla. 1978); *see State ex rel. Boyd v. Green*, 355 So. 2d 789, 794-795 (Fla. 1978).

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

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 327.02, 253.0346, 327.47, 327.56, and 327.70 of the Florida Statutes.

This bill creates section 327.75 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Trumbull

2-01230B-25

20251388__

A bill to be entitled

An act relating to vessels; providing a short title; amending s. 327.02, F.S.; providing that the term "probable cause" does not include specified actions relating to safety or marine sanitation equipment inspections; amending s. 253.0346, F.S.; including Clean Marine Manufacturers within the Clean Marine Program; amending s. 327.47, F.S.; authorizing certain grants to be awarded for the construction and maintenance of publicly owned parking for boat-hauling vehicles and trailers; amending s. 327.56, F.S.; prohibiting certain officers from performing a vessel stop or boarding a vessel without probable cause or specified knowledge; requiring such officers to make good faith attempts to not board vessels without the owner or operator on board; providing that violations of safety and marine sanitation equipment requirements are considered secondary offenses; removing provisions authorizing certain officers to board a vessel under certain circumstances; removing provisions relating to the inspection of floating structures; amending s. 327.70, F.S.; requiring the Florida Fish and Wildlife Commission, in coordination with the Department of Highway Safety and Motor Vehicles, to create the "Florida Freedom Boater" safety inspection decal for specified purposes; providing for the award of such decal; providing requirements for such decal; creating s. 327.75, F.S.; providing a short title; providing definitions; prohibiting specified entities from

2-01230B-25

20251388__

restricting the use or sale of watercrafts based on
the energy source used by such watercrafts; providing
severability; providing an effective date.

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

Section 1. This act may be cited as the "Boater Freedom Act."

Section 2. Subsections (39) through (48) of section 327.02, Florida Statutes, are renumbered as subsections (40) through (49), respectively, and a new subsection (39) is added to that section, to read:

327.02 Definitions.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(39) "Probable cause" does not include any action to make a safety or marine sanitation equipment inspection.

Section 3. Subsection (3) of section 253.0346, Florida Statutes, is amended to read:

253.0346 Lease of sovereignty submerged lands for marinas, boatyards, mooring fields, and marine retailers.—

(3) For a facility designated by the department as a Clean Marina, Clean Boatyard, Clean Marine Manufacturer, or Clean Marine Retailer under the Clean Marina Program:

(a) A discount of 10 percent on the annual lease fee shall apply if the facility:

1. Actively maintains designation under the program.
2. Complies with the terms of the lease.
3. Does not change use during the term of the lease.

2-01230B-25

20251388__

(b) Extended-term lease surcharges shall be waived if the facility:

1. Actively maintains designation under the program.
2. Complies with the terms of the lease.
3. Does not change use during the term of the lease.
4. Is available to the public on a first-come, first-served basis.

(c) If the facility is in arrears on lease fees or fails to comply with paragraph (b), the facility is not eligible for the discount or waiver under this subsection until arrears have been paid and compliance with the program has been met.

Section 4. Section 327.47, Florida Statutes, is amended to read:

327.47 Competitive grant programs.—The commission shall develop and administer competitive grant programs funded with moneys transferred pursuant to s. 206.606(1)(d). Grants may be awarded for the construction and maintenance of publicly owned boat ramps, parking for boat-hauling vehicles and trailers, piers, and docks; boater education; deployment of manatee technical avoidance technology; and economic development initiatives that promote boating in the state. The commission may adopt rules pursuant to chapter 120 to implement this section.

Section 5. Section 327.56, Florida Statutes, is amended to read:

327.56 Safety and marine sanitation equipment inspections; probable cause; qualified.—

(1) An ~~No~~ officer may not ~~shall~~ board any vessel or perform a vessel stop in this state unless the officer has probable

2-01230B-25

20251388__

88 cause or knowledge to believe that a violation of this chapter
89 has occurred or is occurring. An officer shall ~~to~~ make a good
90 faith attempt to not board a vessel ~~safety or marine sanitation~~
91 ~~equipment inspection~~ if the owner or operator is not aboard.

92 (2) When the owner or operator is aboard, an officer may
93 board a vessel with consent or when the officer has probable
94 cause or knowledge to believe that a violation of ~~a provision of~~
95 this chapter has occurred or is occurring.

96 (3) A violation of safety and marine sanitation equipment
97 requirements may only be considered a secondary offense, rather
98 than a primary offense ~~An officer may board a vessel when the~~
99 ~~operator refuses or is unable to display the safety or marine~~
100 ~~sanitation equipment required by law, if requested to do so by a~~
101 ~~law enforcement officer, or when the safety or marine sanitation~~
102 ~~equipment to be inspected is permanently installed and is not~~
103 ~~visible for inspection unless the officer boards the vessel.~~

104 ~~(2) Inspection of floating structures for compliance with~~
105 ~~this section shall be as provided in s. 403.091.~~

106 Section 6. Subsection (2) of section 327.70, Florida
107 Statutes, is amended to read:

108 327.70 Enforcement of this chapter and chapter 328.—

109 (2)(a)1. The commission, in coordination with the
110 Department of Highway Safety and Motor Vehicles, shall create a
111 "Florida Freedom Boater" safety inspection decal for issue at
112 the time of registration or renewal signifying that the vessel
113 is deemed to have met the safety equipment carriage and use
114 requirements of this chapter. Upon demonstrated compliance with
115 the safety equipment carriage and use requirements of this
116 chapter at the time of registration or renewal ~~during a safety~~

2-01230B-25

20251388__

~~inspection initiated by a law enforcement officer, the operator~~
of a vessel shall be issued a "Florida Freedom Boater" safety
inspection decal signifying that the vessel is deemed to have
met the safety equipment carriage and use requirements of this
chapter ~~at the time and location of such inspection.~~ The
commission may designate by rule the timeframe for expiration
of, and the specific design for, the "Florida Freedom Boater"
safety inspection decal. However, a decal may not be valid for
less than 1 calendar year or more than 5 years at the time of
issue and, at a minimum, must meet the standards specified in
this paragraph. ~~All decals issued by the commission on or before~~
~~December 31, 2018, are no longer valid after that date.~~

2. The "Florida Freedom Boater" safety inspection decal, ~~if~~
~~displayed,~~ must be located within 6 inches of the inspected
vessel's properly displayed vessel registration decal. For
nonmotorized vessels that are not required to be registered, the
"Florida Freedom Boater" safety inspection decal, ~~if displayed,~~
must be located above the waterline on the forward half of the
port side of the vessel.

(b) ~~If a vessel properly displays a valid safety inspection~~
~~decal created or approved by the division, a law enforcement~~
~~officer may not stop the vessel for the sole purpose of~~
~~inspecting the vessel for compliance with the safety equipment~~
~~carriage and use requirements of this chapter unless there is~~
~~reasonable suspicion that a violation of a safety equipment~~
~~carriage or use requirement has occurred or is occurring.~~ This
subsection does not restrict a law enforcement officer from
stopping a vessel for any other lawful purpose when the officer
has probable cause or knowledge to believe that a violation has

2-01230B-25

20251388__

146 occurred or is occurring.

147 Section 7. Section 327.75, Florida Statutes, is created to
148 read:

149 327.75 Watercraft Energy Source Freedom.—

150 (1) SHORT TITLE.—This section may be cited as the
151 “Watercraft Energy Source Freedom Act.”

152 (2) DEFINITIONS.—For the purposes of this section, the
153 term:

154 (a) “Energy source” means any source of energy used to
155 power a watercraft, including, but not limited to, gasoline,
156 diesel fuel, electricity, hydrogen, and solar power.

157 (b) “Watercraft” means any vessel or craft designed for
158 navigation on water, including boats and personal watercraft.

159 (3) PROHIBITION ON RESTRICTIONS BASED ON ENERGY SOURCE.—
160 Notwithstanding any other law to the contrary, a state agency,
161 municipality, government entity, or county may not restrict the
162 use or sale of a watercraft based on the energy source used to
163 power the watercraft, including an energy source used for
164 propulsion or used for powering other functions of the
165 watercraft.

166 Section 8. If any provision of this act or its application
167 to any person or circumstance is held invalid, the invalidity
168 shall not affect the remaining provisions or applications of
169 this act which can be given effect without the invalid provision
170 or application.

171 Section 9. This act shall take effect July 1, 2025.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Committee on Health and
Human
Services, *Chair*
Appropriations
Appropriations Committee on Higher
Education
Community Affairs
Health Policy
Judiciary
Rules

SENATOR JAY TRUMBULL
2nd District

March 10, 2025

Re: SB 1388

Dear Chair Rodriguez,

I respectfully request that Senate Bill 1388, relating to Vessels, be placed on the agenda for the next meeting of the Committee on Environment and Natural Resources.

I appreciate your time and consideration of this request. If you have any questions or concerns, please do not hesitate to contact my office at (850) 487-5002.

Thank you,

A handwritten signature in black ink, appearing to be "J. Trumbull", written in a cursive style.

Senator Jay Trumbull
District 2

REPLY TO:

- ☐ 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
- ☐ 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-25-25

Meeting Date

1388

Bill Number or Topic

Env + Nat Res

Committee

Amendment Barcode (if applicable)

Name Missy Timmins

Phone 850 264 3225

Address 2910 Kerry Forest Pkwy

Email missy@timminscounseling.com

Street

TLH

FL

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Marine Industries Association
of Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 1784

INTRODUCER: Senator Pizzo

SUBJECT: Sewer Collection Systems

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 1784 authorizes a municipality to utilize revenue generated by the municipality from operation of the municipality's central sewage system for expansion of the central sewage system.

II. Present Situation:

Municipal Water and Sewer Utilities

Pursuant to s. 2(b), Art. VIII of the State Constitution, municipalities have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services. Municipalities may exercise any power for municipal purposes, except when expressly prohibited by law.¹ The legislative body of each municipality has the power to enact legislation on any subject upon which the state Legislature may act with certain exceptions.² Under their home rule power and as otherwise provided or limited by law or agreement, municipalities may provide utilities to citizens and entities within the municipality's corporate boundaries, in unincorporated areas, and in some cases in other municipalities.³

Municipalities have broad authority to construct, operate, and maintain essential public facilities and services necessary for sanitation, water supply, waste management, and other municipal

¹ Section 166.021(2), F.S., provides that any activity or power which may be exercised by the state or its political subdivisions is considered a municipal purpose.

² A municipality may not enact legislation on the following: the subjects of annexation, merger, and exercise of extraterritorial power, which require general law or special law; any subject expressly prohibited by the constitution; any subject expressly preempted to state or county government by the constitution or by general law; and any subject preempted to a county pursuant to a county charter adopted under the authority of the State constitution. Section 166.021(3), F.S.

³ See sections 166.231(1)(c), 180.19, and 180.191(1), F.S.

needs.⁴ Pursuant to this authority, municipalities may provide water and sewer utility services.⁵ With respect to public works projects, including water and sewer utility services,⁶ municipalities may extend and execute their corporate powers outside of their corporate limits as “desirable or necessary for the promotion of the public health, safety and welfare.”⁷ A municipality may not extend or apply these corporate powers within the corporate limits of another municipality.⁸ In general, however, local governments may enter into mutually advantageous agreements to provide services or facilities to other localities.⁹ Further, the law specifically authorizes a municipality to permit any other municipality and the owners of lands outside its corporate limits or within the limits of another municipality to connect with its water and sewer utility facilities and use its services upon agreed terms and conditions.¹⁰

Municipal Funding

Municipalities are authorized to raise funds necessary for the conduct of the municipal government through taxation and licenses authorized by Florida’s constitution or general law, or by user charges or fees authorized by ordinance.¹¹ As part of this authority, municipal legislative bodies can establish rates for utility services provided to individuals, businesses, or corporations.¹²

A municipality that operates a water or sewer utility outside of its municipal boundaries may impose higher rates, fees, and charges on consumers receiving service outside of its corporate boundaries as compared to the rates, fees, and charges imposed on consumers within its boundaries.¹³ The municipality can accomplish this in two ways:

- Adding a surcharge of up to 25 percent of the rates, fees, and charges imposed on consumers within its boundaries. This mechanism does not require a public hearing;¹⁴ or
- Setting separate rates, fees, and charges for consumers outside its boundaries based on the same factors used to set rates for consumers within its boundaries. It may add a surcharge of up to 25 percent of these charges, provided that the total of all such rates, fees, and charges for service to consumers outside its boundaries may not exceed the total charges to consumers within its boundaries by more than 50 percent for corresponding service. Rates set in this manner require a public hearing on the proposed rates.¹⁵

⁴ See section 180.06, F.S.

⁵ Municipalities are authorized to provide water and alternative water supplies; provide for the collection and disposal of sewage, including wastewater reuse, and other liquid wastes; and construct reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipelines, distribution systems, purification works, collection systems, treatment and disposal works. Section 180.06, F.S.

⁶ Other public works projects authorized under s. 180.06, F.S., include alternative water supplies, maintenance of water flow and bodies of water for sanitary purposes, garbage collection and disposal, airports, hospitals, jails, golf courses, gas plants and distribution systems, and related facilities.

⁷ Section 180.02(2), F.S.

⁸ *Id.*

⁹ See section 163.01, F.S.

¹⁰ Section 180.19, F.S.

¹¹ Section 166.201, F.S.

¹² Section 180.13(2), F.S.

¹³ Section 180.191(1), F.S.

¹⁴ Section 180.191(1)(a), F.S.

¹⁵ Section 180.191(1)(b), F.S.

Municipalities may transfer a portion of their utility earnings to their general funds for non-utility purposes such as shared services (e.g., IT or human resources) and to support the local community, though the amounts and percentages may vary among municipalities.¹⁶ These transfers may be limited in some circumstances by ordinance, but they are not governed by state law.

III. Effect of Proposed Changes:

Section 1 amends s. 180.03, F.S., regarding resolutions or ordinances proposing construction or extension of utilities. The bill provides that a municipality is authorized to utilize revenue generated by the municipality from operation of the municipality's central sewage system for expansion of the central sewage system.

Section 2 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁶ Florida Municipal Electric Association, *Florida Public Power*, Presentation to House Energy, Communications & Cybersecurity Subcommittee on Feb. 9, 2023, slide 6, *available at* <https://www.flhouse.gov/Sections/Documents/loadoc.aspx?MeetingId=13667&PublicationType=Committees&DocumentType=Meeting%20Packets>.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 180.03 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Pizzo

37-01638A-25

20251784__

1 A bill to be entitled
2 An act relating to sewer collection systems; amending
3 s. 180.03, F.S.; authorizing municipalities to use
4 certain funds for a specified purpose; providing an
5 effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Subsection (4) is added to section 180.03,
10 Florida Statutes, to read:

11 180.03 Resolution or ordinance proposing construction or
12 extension of utility; objections to same.—

13 (4) A municipality is authorized to utilize revenue
14 generated by the municipality from operation of the
15 municipality's central sewage system for expansion of the
16 central sewage system.

17 Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Ana Maria Rodriguez, Chair
Committee on Environment and Natural Resources

Subject: Committee Agenda Request

Date: March 12, 2025

I respectfully request that **Senate Bill #1784**, relating to Sewer Collection Systems, be placed on the:

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

Senator Jason W. B. Pizzo
Florida Senate, District 37

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 1792

INTRODUCER: Environment and Natural Resources Committee and Senator Gruters

SUBJECT: Dry Sandy Beaches

DATE: March 25, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1792 provides that land dedicated in perpetuity to retaining the natural value of dry sandy beaches may qualify for a property tax exemption. The bill excludes dry sandy beach parcels from the general requirement that land must be at least 40 contiguous acres to qualify for a property tax exemption.

The bill provides that the Board of Trustees of the Internal Improvement Trust Fund may expend funds appropriated by the Legislature to acquire lands to protect dry sandy beaches and provide areas, including public parking and ancillary facilities, related to public dry sandy beach access.

The bill increases the number of members of the Acquisition and Restoration Council from 10 to 12. The bill also adds an additional member to the Department of Environmental Protection's regional land management review team, who must be from the Office of Coastal and Aquatic Managed Areas.

The bill requires the Board of Trustees of the Internal Improvement Trust Fund to include dry sandy beaches in its comprehensive, statewide 5-year plan. The bill also requires the Division of State Lands and the Office of Coastal and Aquatic Managed Areas to establish a pilot program to conduct an inventory of existing dry sandy beaches in preparation for an application to Acquisition and Restoration Council.

II. Present Situation:

Office of Coastal and Aquatic Managed Areas

The Office of Coastal and Aquatic Managed Areas (CAMA)¹ protects natural resources on state-owned sovereign submerged lands and coastal uplands through administration of the state's 43 aquatic preserves, three National Estuarine Research Reserves, the Florida Keys National Marine Sanctuary, and the Coral Reef Conservation Program.² It also oversees the Florida Coastal Management Program, Clean Boating Program, Resilient Florida Program, Outer Continental Shelf Program, Coral Protection and Restoration Program, and Beach and Inlet Management Program.³

CAMA manages and restores submerged and upland resources through adaptive, science-based resource management programs such as prescribed burning, removal of invasive species, re-vegetation, and restoration of degraded habitats and water regimes.⁴ CAMA also conducts applied coastal research to contribute valuable knowledge that addresses its management program needs and those of the coastal and ocean science community at large. Some of the CAMA's scientists have published key research in peer-reviewed journals. CAMA also works with marine dependent private industry on issues important to their business base.⁵

Florida Forever Act

As a successor to Preservation 2000, the Legislature created the Florida Forever program in 1999 as the blueprint for conserving Florida's natural resources.⁶ The Florida Forever Act reinforced the state's commitment to conserve its natural and cultural heritage, provide urban open space, and better manage the land acquired by the state.⁷ Florida Forever encompasses a wide range of goals including: land acquisition; environmental restoration; water resource development and supply; increased public access; public lands management and maintenance; and increased protection of land through the purchase of conservation easements.⁸ The state has acquired more than 2.6 million acres since 1991 under the Preservation 2000 and the Florida Forever programs.⁹

State agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals may submit project proposals for Florida Forever funding.¹⁰ Project applications must contain the following:

¹ CAMA is sometimes referred to as the Office of Resilience and Coastal Protection. *See* Land Management Uniform Accounting Council, *2024 Annual Report*, 9 (2024), available at <https://floridadep.gov/sites/default/files/LMUAC%202024%20Annual%20Report.pdf>. CAMA has indicated that it intends to seek an official name change to the Office of Resilience and Coastal Protection in an upcoming legislative session. *Id.*

² *Id.* at 7.

³ *Id.*

⁴ *Id.* at 9.

⁵ *Id.*

⁶ Chapter 99-247, Laws of Fla.

⁷ DEP, *2024 Florida Forever Plan* at 1.

⁸ Section 259.105, F.S.

⁹ DEP, *Florida Forever*, <https://floridadep.gov/floridaforever> (last visited Mar. 17, 2025).

¹⁰ DEP, *Florida Forever Frequently Asked Questions*, <https://floridadep.gov/lands/environmental-services/content/florida-forever-frequently-asked-questions> (last visited Mar. 17, 2025).

- A minimum of two numeric performance measures that directly relate to the overall goals adopted by the council.¹¹
- Proof that property owners within any proposed acquisition have been notified of their inclusion in the proposed project.¹²

Projects must also meet one of the following criteria:¹³

- The project meets multiple goals described in s. 259.105(4), F.S.¹⁴
- The project is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources.
- The project enhances or facilitates management of properties already under public ownership.
- The project has significant archaeological or historic value.
- The project has funding sources that are identified and assured through at least the first 2 years of the project.
- The project contributes to the solution of water resource problems on a regional basis.
- The project has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision which would result in multiple ownership and make acquisition of the project costly or less likely to be accomplished.
- The project implements an element from a plan developed by an ecosystem management team.
- The project is one of the components of the Everglades restoration effort.
- The project may be purchased at 80 percent of appraised value.
- The project may be acquired, in whole or in part, using alternatives to fee simple, including but not limited to, tax incentives, mitigation funds, or other revenues; the purchase of development rights, hunting rights, agricultural or silvicultural rights, or mineral rights; or obtaining conservation easements or flowage easements.
- The project is a joint acquisition, either among public agencies, nonprofit organizations, or private entities, or by a public-private partnership.

¹¹ Each performance measure must include a baseline measurement, which is the current situation; a performance standard which the project sponsor anticipates the project will achieve; and the performance measurement itself, which should reflect the incremental improvements the project accomplishes towards achieving the performance standard. Section 259.105(7), F.S.

¹² Section 259.105(7), F.S.

¹³ Section 259.105(7)(a), F.S.

¹⁴ These goals include: (1) enhance the coordination and completion of land acquisition project; (2) increase the protection of Florida's biodiversity at the species, natural community, and landscape level; (3) protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state; (4) ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state; (5) increase natural resource-based public recreational and educational opportunities; (6) preserve significant archaeological or historic site; (7) increase the amount of forestland available for sustainable management of natural resource; (8) increase the amount of open space available in urban areas; (9) mitigate the effects of natural disasters and floods in developed areas. Section 259.105(4), F.S.

The Department of Environmental Protection's (DEP's) Acquisition and Restoration Council (ARC) ranks projects annually and votes on proposed projects twice per year, in June and December.¹⁵

Acquisition and Restoration Council (ARC)

ARC is a 10-member body that makes recommendations on the acquisition, management, and disposal of state-owned lands.¹⁶ ARC's members are composed of:

- The Secretary of Environmental Protection (or designee);
- The director of the Florida Forest Service (or designee);
- The executive director of the Fish and Wildlife Conservation Commission (or designee);
- The director of the Division of Historical Resources (or designee);
- One member appointed by Commissioner of Agriculture;
- One member appointed by the Fish and Wildlife Conservation Commission; and
- Four members appointed by the Governor.¹⁷

Of the Governor's four appointees, three must be from scientific disciplines related to land, water, or environmental sciences and one must have at least five years of experience in managing lands for both active and passive types of recreation.¹⁸ The appointees serve 4-year staggered terms and may not serve more than six years.¹⁹

ARC's recommendations must be approved by the Board of Trustees of the Internal Improvement Trust Fund.²⁰

Board of Trustees of the Internal Improvement Trust Fund

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) holds state lands in trust for the use and benefit of the people of the state. The Board of Trustees is composed of the Governor, Chief Financial Officer, Attorney General, and Commissioner of Agriculture.²¹ The Board of Trustees is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all state-owned lands owned by.²²

The Board of Trustees may expend moneys appropriated by the Legislature to acquire the fee or any lesser interest in lands to:

¹⁵ DEP, *Florida Forever Frequently Asked Questions*; section 259.105(7)(a) and (17), F.S. See also DEP, *Florida Forever Priority List and Annual Work Plan*, <https://floridadep.gov/lands/environmental-services/content/florida-forever-priority-list-annual-work-plan> (last visited Mar. 19, 2025).

¹⁶ DEP, *2024 Florida Forever Plan*, 1 (2024), available at <https://floridadep.gov/lands/environmental-services/content/2024-florida-forever-plan>; section 259.035(3), F.S.

¹⁷ Section 259.035(1), F.S.

¹⁸ Section 259.035(1)(a), F.S.

¹⁹ *Id.*

²⁰ Section 259.035(6), F.S.

²¹ FLA. CONST. art. IV, s. 4(f). See also section 253.03, F.S.

²² Section 253.03(1), F.S.

- Conserve and protect environmentally unique and irreplaceable lands that contain native, relatively unaltered flora and fauna;
- Conserve and protect lands within designated areas of critical state concern;
- Conserve and protect native species habitat or endangered or threatened species;
- Conserve, protect, manage, or restore important ecosystems, landscapes, and forests, if the protection and conservation of such lands is necessary to enhance or protect significant surface water, groundwater, coastal, recreational, timber, or fish or wildlife resources;
- Promote water resource development that benefits natural systems and citizens of the state;
- Facilitate the restoration and subsequent health and vitality of the Florida Everglades;
- Provide areas, including recreational trails, for natural resource-based recreation and other outdoor recreation on any part of any site compatible with conservation purposes;
- Preserve significant archaeological or historic sites;
- Conserve urban open spaces suitable for greenways or outdoor recreation which are compatible with conservation purposes;
- Preserve agricultural lands under threat of conversion to development through less-than-fee acquisitions; or
- Complete critical linkages through fee or less-than-fee acquisitions that will help preserve and protect the green and blue infrastructure and vital habitat for wide-ranging wildlife within the Florida wildlife corridor.²³

For projects and acquisitions selected for purchase by ARC or under the Florida Forever Act, the Board of Trustees must develop a comprehensive, statewide 5-year plan to conserve, restore, and protect (1) environmentally endangered lands; (2) ecosystems; (3) lands necessary for outdoor recreational needs; and (4) other conservation and recreation lands identified pursuant to s. 259.032, F.S., or under the Florida Forever Act.²⁴ The plan must be kept current through continual reevaluation and revision.²⁵ ARC assists the Board of Trustees in the development, reevaluation, and revision of the plan.²⁶

Land Management Review Teams

Regional land management review teams are required to conduct periodic reviews of to determine whether state conservation, preservation, and recreation lands are being managed in accordance with an adopted land management plan.²⁷ These review teams are composed of the following members:

- One individual from the county or local community where the parcel or project is located and who is selected by the county commission in the county which is most impacted by the acquisition.
- One individual from the Division of Recreation and Parks of the department.
- One individual from the Florida Forest Service of the Department of Agriculture and Consumer Services.
- One individual from the Fish and Wildlife Conservation Commission.

²³ Section 259.032, F.S.

²⁴ Section 259.04(1)(a), F.S.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Section 259.036(1), F.S.

- One individual from DEP’s district office where the parcel is located.
- A private land manager, preferably from the local community, mutually agreeable to the state agency representatives.
- A member or staff from the jurisdictional water management district or local soil and water conservation district board of supervisors.
- A member of a conservation organization.

The land management review team is required to review select management areas before the date the manager is required to submit a 10-year land management plan update.²⁸ All management areas exceeding 1,000 acres must be reviewed at least once every five years.²⁹ In conducting a review, the land management review team must evaluate the extent to which the existing management plan provides sufficient protection to threatened or endangered species, unique or important natural or physical features, geological or hydrological functions, or archaeological features.³⁰ The review must also evaluate the extent to which the land is being managed for the purposes for which it was acquired and the degree to which actual management practices, including public access, are in compliance with the adopted management plan.³¹

If the land management review team determines the reviewed lands are not being managed in a manner that is compatible with conservation and/or recreation, consistent with the adopted land management plan, management policy statement, or management prospectus, or if the managing agency fails to address the review findings in the updated management plan, DEP must provide the review findings to the Board of Trustees.³² The managing agency must then report to the Board of Trustees its reasons for managing the lands as it has.³³

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The Florida Constitution prohibits the state from levying ad valorem taxes on real and tangible personal property,³⁴ and instead authorizes local governments, including counties, school districts, and municipalities to levy ad valorem taxes. Special districts may also be given this authority by law.³⁵

The tax is based on the taxable value of a property as of January 1 of each year.³⁶ The property appraiser annually determines the “just value”³⁷ of property within the taxing authority and then

²⁸ Section 259.036(2), F.S.

²⁹ *Id.*

³⁰ Section 259.036(3), F.S.

³¹ *Id.*

³² Section 259.036(5), F.S.

³³ *Id.*

³⁴ FLA. CONST. art. VII, s. 1(a).

³⁵ FLA. CONST. art. VII, s. 9.

³⁶ Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

³⁷ Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. Art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing

applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."³⁸ The state constitution prohibits the state from levying ad valorem taxes³⁹ and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.⁴⁰

Property Tax Exemption for Conservation Lands

Land that is dedicated in perpetuity for conservation purposes and used exclusively for conservation purposes is exempt from ad valorem taxation.⁴¹ "Conservation purposes" means serving a conservation purpose, as defined under federal law,⁴² for land which serves as the basis of a qualified conservation contribution under 26 U.S.C. s. 170(h),⁴³ or:

- Retention of the substantial natural value of land, including woodlands, wetlands, watercourses, ponds, streams, and natural open spaces;
- Retention of such lands as suitable habitat for fish, plants, or wildlife; or
- Retention of such lands' natural value for water quality enhancement or water recharge.

However, land that comprises less than 40 contiguous acres does not qualify for this exemption unless the use of the land for conservation purposes is determined by ARC to fulfill a clearly delineated state conservation policy and yield a significant public benefit.⁴⁴ In making its determination of public benefit, ARC must give particular consideration to land that:

- Contains a natural sinkhole or natural spring that serves a water recharge or production function;
- Contains a unique geological feature;
- Provides habitat for endangered or threatened species;
- Provides nursery habitat for marine and estuarine species;
- Provides protection or restoration of vulnerable coastal areas;
- Preserves natural shoreline habitat; or
- Provides retention of natural open space in otherwise densely built-up areas.⁴⁵

buyer would pay a willing seller for the property in an arm's-length transaction. *See, e.g., Walter v. Schuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *S. Bell Tel. & Tel. Co. v. Dade Cnty.*, 275 So. 2d 4 (Fla. 1973).

³⁸ See sections 192.001(2) and (16), F.S.

³⁹ FLA. CONST. art. VII, s. 1(a).

⁴⁰ See FLA. CONST. art. VII, s. 4.

⁴¹ Section 196.26(2), F.S. Such exclusive use does not preclude the receipt of income from activities that are consistent with a management plan when the income is used to implement, maintain, and manage the management plan. *Id.*

⁴² 26 U.S.C. s. 170(h)(4)(A)(i)-(iii) defines "conservation purpose" as (i) the preservation of land areas for outdoor recreation by, or the education of, the general public; (ii) the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem; (iii) the preservation of open space (including farmland and forest land) where such preservation is for the scenic enjoyment of the general public, or pursuant to a clearly delineated Federal, State, or local governmental conservation policy, and will yield a significant public benefit; or (iv) the preservation of an historically important land area or a certified historic structure.

⁴³ 26 U.S.C. s. 170(h) provides that "qualified conservation contribution" means a contribution (a) of qualified real property interest, (b) to a qualified organization, (c) exclusively for conservation purposes.

⁴⁴ Section 196.26(4), F.S.

⁴⁵ *Id.*

Any land approved by ARC must have a management plan and a designated manager who will be responsible for implementing the management plan.⁴⁶

III. Effect of Proposed Changes:

Section 1 amends s. 196.26, F.S., regarding exemptions for real property dedicated in perpetuity for conservation purposes. The bill provides that land dedicated in perpetuity to retaining the natural value of dry sandy beaches may qualify for a property tax exemption. Specifically, the bill expands the definition of “conservation purposes” to include retention of the substantial natural value of dry sandy beaches.

The bill excludes dry sandy beach parcels from the general requirement that land must be at least 40 contiguous acres to qualify for a property tax exemption.

Section 2 amends s. 259.032, F.S., regarding conservation and recreation lands. The bill provides that the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, may expend moneys appropriated by the Legislature to acquire the fee or any lesser interest in lands to protect dry sandy beaches and provide areas, including public parking and ancillary facilities, related to public dry sandy beach access.

Section 3 amends s. 259.035, F.S., regarding the Acquisition and Restoration Council (ARC). The bill increases the number of ARC’s voting members from 10 to 12. Of these two additional members, one must be appointed by the Governor and be a specialist in beach and shore preservation or the management of public dry sandy beaches. The other member must be the director of the Office of Coastal and Aquatic Managed Areas, or his or her respective designee.

Section 4 amends s. 259.036, F.S., regarding management review teams. The bill adds one additional member to DEP’s regional land management review team. The bill provides that member must be an individual from the Office of Coastal and Aquatic Managed Areas.

Section 5 amends s. 259.04, F.S., regarding powers and duties of the Board of Trustees of the Internal Improvement Trust Fund. The bill adds dry sandy beaches to the list of lands the Board of Trustees must include in its comprehensive, statewide 5-year plan.

Section 6 amends s. 259.105, F.S., regarding the Florida Forever Act. The bill provides that the Legislature finds that Florida beaches are an extremely valuable economic and recreational resource. If this state fails to adequately prioritize the acquisition and management of public beaches, adequate provisions for such beaches will not be made to ensure public access. The bill therefore requires the Division of State Lands and the Office of Coastal and Aquatic Managed Areas to establish a pilot program to conduct an inventory of existing dry sandy beaches in preparation for an application to ARC. The inventory must do all of the following:

- Determine the number of dry sandy beaches in this state.
- Investigate the adequacy of existing public dry sandy beaches.
- Identify deficiencies in existing public dry sandy beaches relating to public access and ancillary facilities.

⁴⁶ *Id.*

- Determine criteria for selecting and prioritizing the acquisition of privately owned beach parcels. Such selection criteria must prioritize acquiring suitable contiguous dry sandy beach parcels and expanding the acreage of existing dry sandy beaches in heavily populated counties.
- Determine specific criteria and numeric performance standards for project applications under s. 259.105(7), F.S.

The bill provides that the Division of State Lands and the Office of Coastal and Aquatic Managed Areas must use the inventory to prepare their application to ARC.

Section 7 reenacts s. 196.011, F.S., for the purpose of incorporating the amendment made by this bill to s. 196.26, F.S.

Section 8 reenacts s. 259.03(1), F.S., for the purpose of incorporating the amendment made by this bill to s. 259.035, F.S.

Section 9 reenacts s. 369.307(5), F.S., for the purpose of incorporating the amendment made by this bill to s. 259.035, F.S.

Section 10 reenacts s. 380.0666(12), F.S., for the purpose of incorporating the amendment made by this bill to s. 259.035, F.S.

Section 11 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

The Revenue Estimating Conference has not analyzed the bill.

B. Private Sector Impact:

The property tax exemption may provide eligible taxpayers with tax savings.

C. Government Sector Impact:

The tax exemption may result in fewer property taxes being remitted to local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 196.26, 259.032, 259.035, 259.036, 259.04, 259.105, 196.011, 259.03, 369.307, and 380.0666.

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

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

CS by Environment and Natural Resources on March 25, 2025:

- Replaces the Office of Resilience and Coastal Protection with its official name, the Office of Coastal and Aquatic Managed Areas.
- Clarifies that the Acquisition and Restoration Council does not need to separately evaluate dry sandy beach parcels when determining tax exemption eligibility for parcels under 40 acres, as the bill already exempts such parcels from the 40-acre minimum requirement.

B. Amendments:

None.



106622

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 76 - 267

and insert:

(f) Preserves natural shoreline habitat; or

(g) Provides retention of natural open space in otherwise
densely built-up areas.

Any land approved by the Acquisition and Restoration Council
under this subsection must have a management plan and a



106622

designated manager who will be responsible for implementing the management plan.

(9) The Acquisition and Restoration Council, created in s. 259.035, shall maintain a list of nonprofit entities that are qualified to enforce the provisions of a conservation easement.

Section 2. Paragraph (1) is added to subsection (2) of section 259.032, Florida Statutes, and subsection (1) of that section is reenacted, to read:

259.032 Conservation and recreation lands.—

(1) It is the policy of the state that the citizens of this state shall be assured public ownership of natural areas for purposes of maintaining this state's unique natural resources; protecting air, land, and water quality; promoting water resource development to meet the needs of natural systems and citizens of this state; promoting restoration activities on public lands; and providing lands for natural resource-based recreation. In recognition of this policy, it is the intent of the Legislature to provide such public lands for the people residing in urban and metropolitan areas of the state, as well as those residing in less populated, rural areas. It is the further intent of the Legislature, with regard to the lands described in paragraph (2)(c), that a high priority be given to the acquisition, restoration, and management of such lands in or near counties exhibiting the greatest concentration of population and, with regard to the lands described in subsection (2), that a high priority be given to acquiring lands or rights or interests in lands that advance the goals and objectives of the Fish and Wildlife Conservation Commission's approved species or habitat recovery plans, or lands within any area designated



106622

as an area of critical state concern under s. 380.05 which, in the judgment of the advisory council established pursuant to s. 259.035, or its successor, cannot be adequately protected by application of land development regulations adopted pursuant to s. 380.05. Finally, it is the Legislature's intent that lands acquired for conservation and recreation purposes be managed in such a way as to protect or restore their natural resource values, and provide the greatest benefit, including public access, to the citizens of this state.

(2) The Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, may expend moneys appropriated by the Legislature to acquire the fee or any lesser interest in lands for any of the following public purposes:

(a) To conserve and protect environmentally unique and irreplaceable lands that contain native, relatively unaltered flora and fauna representing a natural area unique to, or scarce within, a region of this state or a larger geographic area;

(b) To conserve and protect lands within designated areas of critical state concern, if the proposed acquisition relates to the natural resource protection purposes of the designation;

(c) To conserve and protect native species habitat or endangered or threatened species, emphasizing long-term protection for endangered or threatened species designated G-1 or G-2 by the Florida Natural Areas Inventory, and especially those areas that are special locations for breeding and reproduction;

(d) To conserve, protect, manage, or restore important ecosystems, landscapes, and forests, if the protection and



106622

conservation of such lands is necessary to enhance or protect significant surface water, groundwater, coastal, recreational, timber, or fish or wildlife resources which cannot otherwise be accomplished through local and state regulatory programs;

(e) To promote water resource development that benefits natural systems and citizens of the state;

(f) To facilitate the restoration and subsequent health and vitality of the Florida Everglades;

(g) To provide areas, including recreational trails, for natural resource-based recreation and other outdoor recreation on any part of any site compatible with conservation purposes;

(h) To preserve significant archaeological or historic sites;

(i) To conserve urban open spaces suitable for greenways or outdoor recreation which are compatible with conservation purposes;

(j) To preserve agricultural lands under threat of conversion to development through less-than-fee acquisitions; ~~or~~

(k) To complete critical linkages through fee or less-than-fee acquisitions that will help preserve and protect the green and blue infrastructure and vital habitat for wide-ranging wildlife, such as the Florida panther, within the Florida wildlife corridor as defined in s. 259.1055(4); or

(l) To protect dry sandy beaches and provide areas, including public parking and ancillary facilities, related to public dry sandy beach access.

Section 3. Paragraphs (a) and (b) of subsection (1) of section 259.035, Florida Statutes, are amended to read:

259.035 Acquisition and Restoration Council.—



106622

(1) There is created the Acquisition and Restoration Council.

(a) The council shall consist ~~be composed~~ of 12 ~~10~~ voting members, 5 ~~4~~ of whom shall be appointed by the Governor. Of these five ~~four~~ appointees, three must ~~shall~~ be from scientific disciplines related to land, water, or environmental sciences, and the fourth must shall have at least 5 years of experience in managing lands for both active and passive types of recreation, and the fifth must be a specialist in beach and shore preservation or the management of public dry sandy beaches. They shall serve 4-year terms, except that, initially, to provide for staggered terms, two of the appointees shall serve 2-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years. The Governor may at any time fill a vacancy for the unexpired term of a member appointed under this paragraph.

(b) The five ~~four~~ remaining appointees shall consist ~~be composed~~ of the Secretary of Environmental Protection, the director of the Florida Forest Service of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, ~~and~~ the director of the Division of Historical Resources of the Department of State, and the director of the Office of Coastal and Aquatic Managed Areas, or their respective designees.

Section 4. Paragraph (a) of subsection (1) of section 259.036, Florida Statutes, is amended to read:

259.036 Management review teams.—

(1) To determine whether conservation, preservation, and recreation lands titled in the name of the board are being



106622

managed for purposes that are compatible with conservation, preservation, or recreation in accordance with a land management plan adopted pursuant to s. 259.032, the board, acting through the department, shall cause periodic management reviews to be conducted as follows:

(a) The department shall establish a regional land management review team composed of the following members:

1. One individual who is from the county or local community in which the parcel or project is located and who is selected by the county commission in the county which is most impacted by the acquisition.

2. One individual from the Division of Recreation and Parks of the department.

3. One individual from the Florida Forest Service of the Department of Agriculture and Consumer Services.

4. One individual from the Fish and Wildlife Conservation Commission.

5. One individual from the department's district office in which the parcel is located.

6. A private land manager, preferably from the local community, mutually agreeable to the state agency representatives.

7. A member or staff from the jurisdictional water management district or local soil and water conservation district board of supervisors.

8. A member of a conservation organization.

9. One individual from the Office of Coastal and Aquatic Managed Areas.

Section 5. Paragraph (a) of subsection (1) of section



106622

259.04, Florida Statutes, is amended to read:

259.04 Board; powers and duties.—

(1) For projects and acquisitions selected for purchase pursuant to ss. 259.035 and 259.105:

(a) The board is given the responsibility, authority, and power to develop and execute a comprehensive, statewide 5-year plan to conserve, restore, and protect environmentally endangered lands, ecosystems, lands necessary for outdoor recreational needs, dry sandy beaches, and other lands as identified in ss. 259.032 and 259.105. This plan shall be kept current through continual reevaluation and revision. The advisory council or its successor shall assist the board in the development, reevaluation, and revision of the plan.

Section 6. Subsection (21) is added to section 259.105, Florida Statutes, to read:

259.105 The Florida Forever Act.—

(21)(a) The Legislature finds that Florida beaches are an extremely valuable economic and recreational resource. If this state fails to adequately prioritize the acquisition and management of public beaches, adequate provisions for such beaches will not be made to ensure public access. Therefore, the Division of State Lands and the Office of Coastal and Aquatic Managed Areas shall establish a pilot program to conduct an inventory of existing dry sandy beaches in preparation for an application to the Acquisition and Restoration Council pursuant to subsection (7). The inventory must do all of the following:

1. Determine the number of dry sandy beaches in this state.
2. Investigate the adequacy of existing public dry sandy beaches.



106622

3. Identify deficiencies in existing public dry sandy beaches relating to public access and ancillary facilities.

4. Determine criteria for selecting and prioritizing the acquisition of privately owned beach parcels. Such selection criteria must prioritize acquiring suitable contiguous dry sandy beach parcels and expanding the acreage of existing dry sandy beaches in heavily populated counties.

5. Determine specific criteria and numeric performance standards pursuant to subsection (7).

(b) The Division of State Lands and the Office of Coastal and Aquatic Managed Areas shall use the inventory to

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

And the title is amended as follows:

Delete lines 6 - 23

and insert:

property; reenacting and amending s. 259.032, F.S.;
revising purposes for which the Governor and Cabinet
may expend moneys appropriated by the Legislature to
acquire the fee or any lesser interest in lands;
amending s. 259.035, F.S.; revising the composition of
the Acquisition and Restoration Council; amending s.
259.036, F.S.; revising the composition of the
regional land management review team; amending s.
259.04, F.S.; revising the goal of a comprehensive,
statewide 5-year plan to conserve, restore, and
protect certain lands; amending s. 259.105, F.S.;
providing legislative findings; requiring the Division
of State Lands and the Office of Coastal and Aquatic



106622

214

Managed Areas to establish a pilot program to

By Senator Gruters

22-01803-25

20251792__

A bill to be entitled

An act relating to dry sandy beaches; reenacting and amending s. 196.26, F.S.; revising the definition of the term "conservation purposes"; revising requirements for tax exemptions for certain real property; revising factors the Acquisition and Restoration Council must consider in determining whether land yields a significant public benefit, for the purposes of determining eligibility for the tax exemptions; reenacting and amending s. 259.032, F.S.; revising purposes for which the Governor and Cabinet may expend moneys appropriated by the Legislature to acquire the fee or any lesser interest in lands; amending s. 259.035, F.S.; revising the composition of the Acquisition and Restoration Council; amending s. 259.036, F.S.; revising the composition of the regional land management review team; amending s. 259.04, F.S.; revising the goal of a comprehensive, statewide 5-year plan to conserve, restore, and protect certain lands; amending s. 259.105, F.S.; providing legislative findings; requiring the Division of State Lands and the Office of Resilience and Coastal Protection to establish a pilot program to conduct an inventory of dry sandy beaches in preparation for a specified application; providing requirements for such inventory; reenacting s. 196.011(7)(b) and (10)(c), F.S., relating to the annual application required for exemption, to incorporate the amendment made to s. 196.26, F.S., in

22-01803-25

20251792__

a reference thereto; reenacting ss. 259.03(1),
369.307(5), and 380.0666(12), F.S., relating to
definitions, developments of regional impact in the
Wekiva River Protection Area and land acquisition, and
powers of the land authority, respectively, to
incorporate the amendment made to s. 259.035, F.S., in
references thereto; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) and subsection
(4) of section 196.26, Florida Statutes, are amended, and
subsection (9) of that section is reenacted, to read:

196.26 Exemption for real property dedicated in perpetuity
for conservation purposes.—

(1) As used in this section:

(c) "Conservation purposes" means:

1. Serving a conservation purpose, as defined in 26 U.S.C.
s. 170(h)(4)(A)(i)-(iii), for land which serves as the basis of
a qualified conservation contribution under 26 U.S.C. s. 170(h);
or

2.a. Retention of the substantial natural value of land,
including woodlands, wetlands, watercourses, ponds, streams, dry
sandy beaches, and natural open spaces;

b. Retention of such lands as suitable habitat for fish,
plants, or wildlife; or

c. Retention of such lands' natural value for water quality
enhancement or water recharge.

(4) Land that comprises less than 40 contiguous acres,

22-01803-25

20251792__

59 excluding dry sandy beach parcels, does not qualify for the
60 exemption provided in this section unless, in addition to
61 meeting the other requirements of this section, the use of the
62 land for conservation purposes is determined by the Acquisition
63 and Restoration Council created in s. 259.035 to fulfill a
64 clearly delineated state conservation policy and yield a
65 significant public benefit. In making its determination of
66 public benefit, the Acquisition and Restoration Council must
67 give particular consideration to land that:

- 68 (a) Contains a natural sinkhole or natural spring that
- 69 serves a water recharge or production function;
- 70 (b) Contains a unique geological feature;
- 71 (c) Provides habitat for endangered or threatened species;
- 72 (d) Provides nursery habitat for marine and estuarine
- 73 species;
- 74 (e) Provides protection or restoration of vulnerable
- 75 coastal areas;
- 76 (f) Preserves natural shoreline habitat; ~~or~~
- 77 (g) Provides retention of natural open space in otherwise
- 78 densely built-up areas; or-
- 79 (h) Contains dry sandy beaches.
- 80

81 Any land approved by the Acquisition and Restoration Council
82 under this subsection must have a management plan and a
83 designated manager who will be responsible for implementing the
84 management plan.

85 (9) The Acquisition and Restoration Council, created in s.
86 259.035, shall maintain a list of nonprofit entities that are
87 qualified to enforce the provisions of a conservation easement.

22-01803-25

20251792__

Section 2. Paragraph (1) is added to subsection (2) of section 259.032, Florida Statutes, and subsection (1) of that section is reenacted, to read:

259.032 Conservation and recreation lands.—

(1) It is the policy of the state that the citizens of this state shall be assured public ownership of natural areas for purposes of maintaining this state's unique natural resources; protecting air, land, and water quality; promoting water resource development to meet the needs of natural systems and citizens of this state; promoting restoration activities on public lands; and providing lands for natural resource-based recreation. In recognition of this policy, it is the intent of the Legislature to provide such public lands for the people residing in urban and metropolitan areas of the state, as well as those residing in less populated, rural areas. It is the further intent of the Legislature, with regard to the lands described in paragraph (2)(c), that a high priority be given to the acquisition, restoration, and management of such lands in or near counties exhibiting the greatest concentration of population and, with regard to the lands described in subsection (2), that a high priority be given to acquiring lands or rights or interests in lands that advance the goals and objectives of the Fish and Wildlife Conservation Commission's approved species or habitat recovery plans, or lands within any area designated as an area of critical state concern under s. 380.05 which, in the judgment of the advisory council established pursuant to s. 259.035, or its successor, cannot be adequately protected by application of land development regulations adopted pursuant to s. 380.05. Finally, it is the Legislature's intent that lands

22-01803-25

20251792__

117 acquired for conservation and recreation purposes be managed in
118 such a way as to protect or restore their natural resource
119 values, and provide the greatest benefit, including public
120 access, to the citizens of this state.

121 (2) The Governor and Cabinet, sitting as the Board of
122 Trustees of the Internal Improvement Trust Fund, may expend
123 moneys appropriated by the Legislature to acquire the fee or any
124 lesser interest in lands for any of the following public
125 purposes:

126 (a) To conserve and protect environmentally unique and
127 irreplaceable lands that contain native, relatively unaltered
128 flora and fauna representing a natural area unique to, or scarce
129 within, a region of this state or a larger geographic area;

130 (b) To conserve and protect lands within designated areas
131 of critical state concern, if the proposed acquisition relates
132 to the natural resource protection purposes of the designation;

133 (c) To conserve and protect native species habitat or
134 endangered or threatened species, emphasizing long-term
135 protection for endangered or threatened species designated G-1
136 or G-2 by the Florida Natural Areas Inventory, and especially
137 those areas that are special locations for breeding and
138 reproduction;

139 (d) To conserve, protect, manage, or restore important
140 ecosystems, landscapes, and forests, if the protection and
141 conservation of such lands is necessary to enhance or protect
142 significant surface water, groundwater, coastal, recreational,
143 timber, or fish or wildlife resources which cannot otherwise be
144 accomplished through local and state regulatory programs;

145 (e) To promote water resource development that benefits

22-01803-25

20251792__

146 natural systems and citizens of the state;

147 (f) To facilitate the restoration and subsequent health and
148 vitality of the Florida Everglades;

149 (g) To provide areas, including recreational trails, for
150 natural resource-based recreation and other outdoor recreation
151 on any part of any site compatible with conservation purposes;

152 (h) To preserve significant archaeological or historic
153 sites;

154 (i) To conserve urban open spaces suitable for greenways or
155 outdoor recreation which are compatible with conservation
156 purposes;

157 (j) To preserve agricultural lands under threat of
158 conversion to development through less-than-fee acquisitions; ~~or~~

159 (k) To complete critical linkages through fee or less-than-
160 fee acquisitions that will help preserve and protect the green
161 and blue infrastructure and vital habitat for wide-ranging
162 wildlife, such as the Florida panther, within the Florida
163 wildlife corridor as defined in s. 259.1055(4); or

164 (l) To protect dry sandy beaches and provide areas,
165 including public parking and ancillary facilities, related to
166 public dry sandy beach access.

167 Section 3. Paragraphs (a) and (b) of subsection (1) of
168 section 259.035, Florida Statutes, are amended to read:

169 259.035 Acquisition and Restoration Council.—

170 (1) There is created the Acquisition and Restoration
171 Council.

172 (a) The council shall consist ~~be composed~~ of 12 ~~10~~ voting
173 members, 5 ~~4~~ of whom shall be appointed by the Governor. Of
174 these five ~~four~~ appointees, three must ~~shall~~ be from scientific

22-01803-25

20251792__

disciplines related to land, water, or environmental sciences,
~~and~~ the fourth must ~~shall~~ have at least 5 years of experience in
managing lands for both active and passive types of recreation,
and the fifth must be a specialist in beach and shore
preservation or the management of public dry sandy beaches. They
shall serve 4-year terms, except that, initially, to provide for
staggered terms, two of the appointees shall serve 2-year terms.
All subsequent appointments shall be for 4-year terms. An
appointee may not serve more than 6 years. The Governor may at
any time fill a vacancy for the unexpired term of a member
appointed under this paragraph.

(b) The five ~~four~~ remaining appointees shall consist ~~be~~
~~composed~~ of the Secretary of Environmental Protection, the
director of the Florida Forest Service of the Department of
Agriculture and Consumer Services, the executive director of the
Fish and Wildlife Conservation Commission, ~~and~~ the director of
the Division of Historical Resources of the Department of State,
and the director of the Office of Resilience and Coastal
Protection, or their respective designees.

Section 4. Paragraph (a) of subsection (1) of section
259.036, Florida Statutes, is amended to read:

259.036 Management review teams.—

(1) To determine whether conservation, preservation, and
recreation lands titled in the name of the board are being
managed for purposes that are compatible with conservation,
preservation, or recreation in accordance with a land management
plan adopted pursuant to s. 259.032, the board, acting through
the department, shall cause periodic management reviews to be
conducted as follows:

22-01803-25

20251792__

(a) The department shall establish a regional land management review team composed of the following members:

1. One individual who is from the county or local community in which the parcel or project is located and who is selected by the county commission in the county which is most impacted by the acquisition.

2. One individual from the Division of Recreation and Parks of the department.

3. One individual from the Florida Forest Service of the Department of Agriculture and Consumer Services.

4. One individual from the Fish and Wildlife Conservation Commission.

5. One individual from the department's district office in which the parcel is located.

6. A private land manager, preferably from the local community, mutually agreeable to the state agency representatives.

7. A member or staff from the jurisdictional water management district or local soil and water conservation district board of supervisors.

8. A member of a conservation organization.

9. One individual from the Office of Resilience and Coastal Protection.

Section 5. Paragraph (a) of subsection (1) of section 259.04, Florida Statutes, is amended to read:

259.04 Board; powers and duties.—

(1) For projects and acquisitions selected for purchase pursuant to ss. 259.035 and 259.105:

(a) The board is given the responsibility, authority, and

22-01803-25

20251792__

power to develop and execute a comprehensive, statewide 5-year plan to conserve, restore, and protect environmentally endangered lands, ecosystems, lands necessary for outdoor recreational needs, dry sandy beaches, and other lands as identified in ss. 259.032 and 259.105. This plan shall be kept current through continual reevaluation and revision. The advisory council or its successor shall assist the board in the development, reevaluation, and revision of the plan.

Section 6. Subsection (21) is added to section 259.105, Florida Statutes, to read:

259.105 The Florida Forever Act.—

(21) (a) The Legislature finds that Florida beaches are an extremely valuable economic and recreational resource. If this state fails to adequately prioritize the acquisition and management of public beaches, adequate provisions for such beaches will not be made to ensure public access. Therefore, the Division of State Lands and the Office of Resilience and Coastal Protection shall establish a pilot program to conduct an inventory of existing dry sandy beaches in preparation for an application to the Acquisition and Restoration Council pursuant to subsection (7). The inventory must do all of the following:

1. Determine the number of dry sandy beaches in this state.
2. Investigate the adequacy of existing public dry sandy beaches.
3. Identify deficiencies in existing public dry sandy beaches relating to public access and ancillary facilities.
4. Determine criteria for selecting and prioritizing the acquisition of privately owned beach parcels. Such selection criteria must prioritize acquiring suitable contiguous dry sandy

22-01803-25

20251792__

beach parcels and expanding the acreage of existing dry sandy
beaches in heavily populated counties.

5. Determine specific criteria and numeric performance
standards pursuant to subsection (7).

(b) The Division of State Lands and the Office of
Resilience and Coastal Protection shall use the inventory to
prepare their application to the Acquisition and Restoration
Council pursuant to subsection (7).

Section 7. For the purpose of incorporating the amendment
made by this act to section 196.26, Florida Statutes, in
references thereto, paragraph (b) of subsection (7) and
paragraph (c) of subsection (10) of section 196.011, Florida
Statutes, are reenacted to read:

196.011 Annual application required for exemption.—

(7)

(b) Once an original application for tax exemption has been
granted under s. 196.26, the property owner is not required to
file a renewal application until the use of the property no
longer complies with the restrictions and requirements of the
conservation easement.

(10)

(c) The owner of any property granted an exemption under s.
196.26 shall notify the property appraiser promptly whenever the
use of the property no longer complies with the restrictions and
requirements of the conservation easement. If the property owner
fails to so notify the property appraiser and the property
appraiser determines that for any year within the preceding 10
years the owner was not entitled to receive the exemption, the
owner of the property is subject to taxes exempted as a result

22-01803-25

20251792__

of the failure plus 18 percent interest per annum and a penalty of 100 percent of the taxes exempted. The provisions for tax liens in paragraph (a) apply to property granted an exemption under s. 196.26.

Section 8. For the purpose of incorporating the amendment made by this act to section 259.035, Florida Statutes, in a reference thereto, subsection (1) of section 259.03, Florida Statutes, is reenacted to read:

259.03 Definitions.—The following terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Council" means that council established pursuant to s. 259.035.

Section 9. For the purpose of incorporating the amendment made by this act to section 259.035, Florida Statutes, in a reference thereto, subsection (5) of section 369.307, Florida Statutes, is reenacted to read:

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.—

(5) The Department of Environmental Protection is directed to proceed to negotiate for acquisition of conservation and recreation lands projects within the Wekiva River Protection Area provided that such projects have been deemed qualified under statutory and rule criteria for purchase and have been placed on the priority list for acquisition by the advisory council created in s. 259.035 or its successor.

Section 10. For the purpose of incorporating the amendment made by this act to section 259.035, Florida Statutes, in a

22-01803-25

20251792__

reference thereto, subsection (12) of section 380.0666, Florida Statutes, is reenacted to read:

380.0666 Powers of land authority.—The land authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers, which are in addition to all other powers granted by other provisions of this act:

(12) To identify parcels of land within the area or areas of critical state concern that would be appropriate acquisitions by the state and recommend such acquisitions to the advisory council established pursuant to s. 259.035 or its successor.

Section 11. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Ana Maria Rodriguez, Chair
Committee on Environment and Natural Resources

Subject: Committee Agenda Request

Date: March 10, 2025

I respectfully request that **Senate Bill # 1792**, relating to Dry Sandy Beaches, be placed on the:

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

A handwritten signature in black ink that reads "Joe Gruters".

Senator Joe Gruters
Florida Senate, District 22

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/25/25

Meeting Date

ENR

Committee

1792

Bill Number or Topic

Amendment Barcode (if applicable)

Name JACKIE LARSON

Phone 850 567 5230

Address 117 S GADSDEN
Street

Email jackielarson@fsbpa.com

TALLAHASSEE
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FSBPA

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 946

INTRODUCER: Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Waste Facilities

DATE: March 25, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Fav/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 946 prohibits a state or local governmental entity from approving any permit for the construction or operation of any of the following facilities that are proposed to be located within one mile of the C-9 impoundment:

- A municipal solid waste-to-energy facility;
- A pyrolysis facility;
- To the extent that it includes incineration of any type, a solid waste disposal facility.

The bill provides that this prohibition does not apply to a facility that was constructed and had an operating permit authorizing incineration before July 1, 2025.

II. Present Situation:

Everglades Restoration

At one time, the Everglades system covered over 7 million acres of South Florida.¹ Water flowed uninterrupted from the Kissimmee River to Lake Okeechobee through the “River of Grass” that was the Everglades and then on to the Biscayne Bay estuaries, the Ten Thousand Islands, and

¹ South Florida Water Management District (SFWMD), *Everglades*, <https://www.sfwmd.gov/our-work/everglades> (last visited Mar. 14, 2025).

Florida Bay.² By the early 1900s, land in the Everglades was being drained to make room for agriculture and development, with little concern for the increasingly damaged ecosystem.³

Early conservationists, scientists, and other advocates, however, were concerned about environmental degradation and with their support, the Everglades National Park was created in 1947.⁴ The following year, Congress authorized the Central and South Florida (C&SF) Project.⁵ It addressed flood control, regional water supply, prevention of saltwater intrusion, water supply to Everglades National Park, wildlife preservation, recreation, and navigation.⁶

In spite of its stated purpose, the construction and operation of the C&SF Project had unintended adverse effects on the Everglades system.⁷ Some of these included extreme fluctuations in the water levels of Lake Okeechobee, extreme fluctuations in the salinity levels of the Caloosahatchee and St. Lucie estuaries caused by major changes in freshwater discharges, detrimental changes in hydrologic conditions in freshwater wetland habitats, and fluctuations in the salinity levels of Florida and Biscayne bays caused by unsuitable freshwater flows. Wading bird populations are indicative of ecosystem health; by 1999, those populations had decreased by 85-90 percent and were steadily declining.⁸ Further, the C&SF Project created water supply shortages in Central and South Florida during dry periods, because the canals drained water off the land too quickly without allowing for storage.⁹

In 1994, in response to litigation over water quality issues in the Everglades, the State of Florida adopted the Everglades Forever Act.¹⁰ The Act established monitoring and protection for the “Everglades Protection Area,” defined as “Water Conservation Areas (WCAs) 1, 2A, 2B, 3A, and 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge, and the Everglades National Park.”¹¹ WCA 1 is the Arthur R. Marshall Loxahatchee National Wildlife Refuge and is managed by the U.S. Fish and Wildlife Service.¹² WCAs 2 and 3 are managed by the Florida

² *Id.*; National Park Service, *Everglades*, <https://www.nps.gov/ever/learn/historyculture/index.htm> (last visited Mar. 3, 2025).

³ *Id.*

⁴ *Id.*

⁵ The Flood Control Act of 1948, Pub. L. No. 858, s. 203, 62 Stat. 1176.

⁶ SFWMD and U.S. Army Corps of Engineers (USACE), *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*, i (Apr. 1999), available at https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf.

⁷ *Id.* at iii.

⁸ *Id.*

⁹ *Id.* at iii.

¹⁰ SFWMD, *Conceptual Design Document* (1994), available at <https://www.sfwmd.gov/sites/default/files/documents/epp%20conceptual%20design.pdf>; DEP, *Everglades Forever Act*, <https://floridadep.gov/owper/eco-restoration/content/everglades-forever-act-efa> (last visited Mar. 3, 2025); Keith W. Rizzardi, *Alligators and Litigators: A Recent History of Everglades Regulation and Litigation*, *The Florida Bar*, vol. 75, no. 3, 18 (March 2001), available at <https://www.floridabar.org/the-florida-bar-journal/alligators-and-litigators-a-recent-history-of-everglades-regulation-and-litigation/>.

¹¹ Section 373.4592(2)(i), F.S.; see also FLA. CON. art. II, s. 7(b). Those in the Everglades Agricultural Area who cause water pollution within the Everglades Protection Area are primarily responsible for the abatement costs. *Id.*

¹² SFWMD, *Water Conservation Area 1 (Arthur R. Marshall Loxahatchee National Wildlife Refuge)*, <https://www.sfwmd.gov/recreation-site/water-conservation-area-1-arthur-r-marshall-loxahatchee-national-wildlife-refuge> (last visited Mar. 2, 2025).

Fish and Wildlife Conservation Commission.¹³ Everglades National Park is managed by the National Park Service.¹⁴



The long-term water quality objective for the Everglades is to implement the optimal combination of source controls, stormwater treatment areas, advanced treatment technologies, and regulatory programs to ensure that all waters discharged to the Everglades Protection Area achieve water quality standards consistent with the Everglades Forever Act.¹⁵

In 1992 and 1996, Congress authorized the Comprehensive Review Study (Restudy).¹⁶ The Restudy reexamined the C&SF Project to evaluate modifications that would help restore the Everglades ecosystem. The Restudy recommended a comprehensive plan that included structural and operational changes to the project in 1999. In response to the Restudy, Congress authorized the Comprehensive Everglades Restoration Plan (CERP) in the Water Resources Development Act of 2000.¹⁷ CERP is a framework for modifications and operational changes to the C&SF Project that are necessary to restore, preserve, and protect the South Florida ecosystem, while providing for other water-related needs of the region.¹⁸

¹³ Florida Fish and Wildlife Conservation Commission, *Everglades Water Conservation Areas*, <https://myfwc.com/fishing/freshwater/sites-forecasts/s/everglades-water-conservation-areas/> (last visited Mar. 2, 2025).

¹⁴ National Park Service, *Everglades National Park*, <https://www.nps.gov/ever/index.htm> (last visited Mar. 2, 2025); SFWMD, 2016 South Florida Environmental Report, 3 (2016), available at https://issuu.com/southfloridawatermanagement/docs/2016_sfer_highlights_final?e=4207603/33817547. This document contains the map shown on this page.

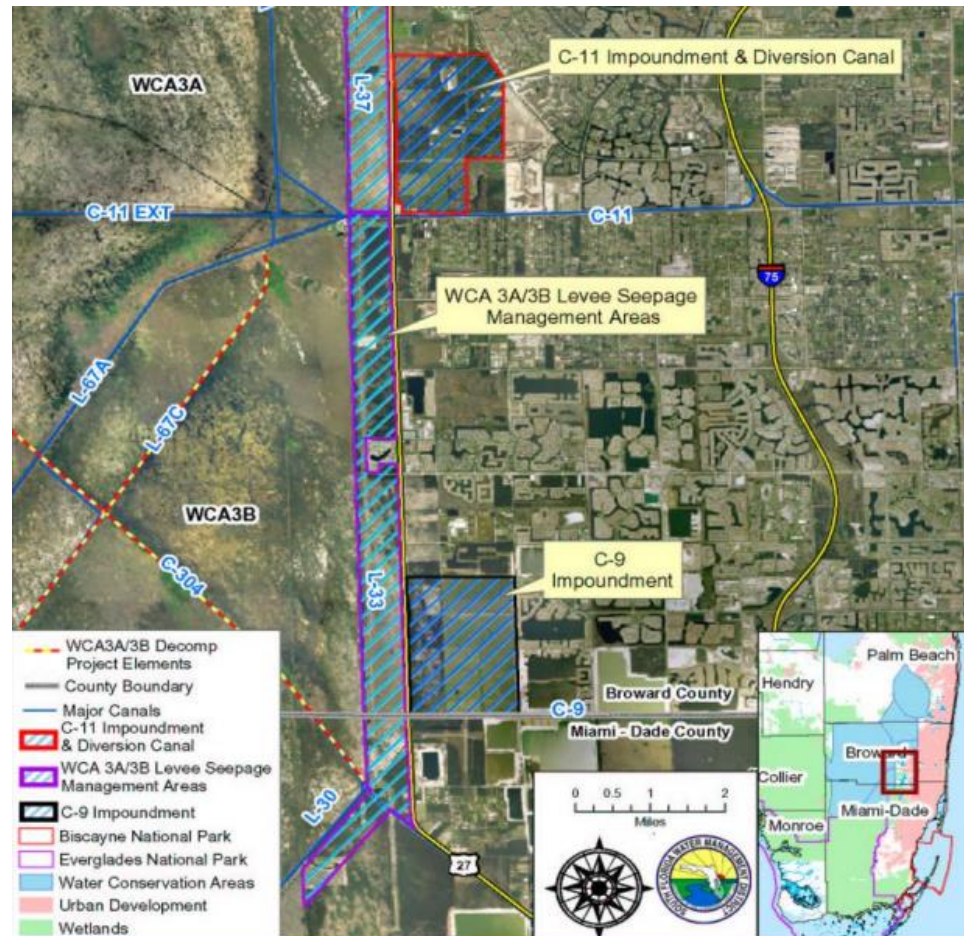
¹⁵ DEP, *Everglades Forever Act*, <https://floridadep.gov/eco-pro/eco-pro/content/everglades-forever-act-efa> (last visited Mar. 3, 2025).

¹⁶ SFWMD and USACE, *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement at 1-3*, available at https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf.

¹⁷ Water Resources Development Act of 2000, Pub. L. No. 106-541, s. 601, 114 Stat. 2680 (2000); USACE, *Central & Southern Florida (C&SF) Project*, <https://www.saj.usace.army.mil/About/Congressional-Fact-Sheets-2024/C-SF-Project-C/> (last visited Mar. 3, 2025).

¹⁸ National Park Service, *Everglades: Comprehensive Everglades Restoration Plan (CERP)*, <https://www.nps.gov/ever/learn/nature/cerp.htm> (last visited Mar. 3, 2025).

One of the projects included in CERP is the C-9 Impoundment, which will consist of a four-foot deep aboveground impoundment with pump stations, a gated spillway, culverts, a fixed weir structure, an emergency overflow spillway, and perimeter seepage control canals.¹⁹ The design also includes a mitigated wetland buffer along the northern boundary.²⁰ The purpose of the impoundment is to pump runoff from the nearby C-9 drainage basin and diverted water from the western C-11 basin into the impoundment.²¹ This project is currently in the planning phase, with construction contracts scheduled to be awarded in 2027, subject to the availability of funds.²²



¹⁹ SFWMD, *Broward County Water Preserve Areas: C-11 and C-9 Impoundments*, 1-15 (2005), available at https://www.sfwmd.gov/sites/default/files/documents/final_report_c9_c11_2-6-06.pdf.

²⁰ *Id.*

²¹ USACE, *CERP Broward County Water Preserve Areas Fact Sheet*, <https://www.saj.usace.army.mil/About/Congressional-Fact-Sheets-2024/CERP-Broward-County-Water-Preserve-Areas-C/> (last visited Mar. 24, 2025). SFWMD, *East Coast Buffer Land Management Plan*, 31 (2006), available at https://www.sfwmd.gov/sites/default/files/documents/Imp_ecb_2006.pdf (showing map of C-9 Impoundment area).

²² USACE, *CERP Broward County Water Preserve Areas Fact Sheet*; USACE, *Integrated Delivery Schedule 2024 Update*, 1 (2024), available at https://www.saj.usace.army.mil/Portals/44/IDS/IDS_2024_FINAL_20250122_v4.pdf?ver=QUIBSJlLQEmIJoJAYtrtBA%3d%3d.

Solid Waste and Waste-to-Energy Facilities

Energy recovery from waste is the conversion of non-recyclable waste materials into usable heat, electricity, or fuel through processes, including combustion, gasification, pyrolyzation, anaerobic digestion, and landfill gas recovery.²³ This process is often called waste-to-energy (WTE).²⁴

Municipal solid waste (MSW) can be used to produce energy at WTE plants and landfills.²⁵ MSW can contain:

- Biomass, or biogenic (plant or animal products) materials such as paper, cardboard, food waste, grass clippings, leaves, wood, and leather products;
- Nonbiomass combustible materials such as plastics and other synthetic materials made from petroleum; and
- Noncombustible materials such as glass and metals.²⁶

The process of MSW incineration is generally divided into three main parts: incineration, energy recovery, and air-pollution control.²⁷ Most modern incinerators are equipped with energy-recovery schemes, which produce WTE ash.²⁸ Three major classes of technologies are used to combust MSW: mass burn, refuse-derived fuel, and fluidized-bed combustion.²⁹ The most common WTE system in the U.S. is the mass-burn system.³⁰

At an MSW combustion facility, MSW is unloaded from collection trucks and placed in a trash storage bunker.³¹ An overhead crane sorts the waste and then lifts it into a combustion chamber to be burned. The heat released from burning converts water to steam, which is then sent to a turbine generator to produce electricity. The remaining ash is collected and taken to a landfill where a high-efficiency baghouse filtering system captures particulates. As the gas stream travels through these filters, more than 99 percent of particulate matter is removed. Captured fly ash particles fall into hoppers (funnel-shaped receptacles) and are transported by an enclosed conveyor system to the ash discharger. They are then wetted to prevent dust and mixed with the bottom ash from the grate. The facility transports the ash residue to an enclosed building where it is loaded into covered, leak-proof trucks and taken to a landfill designed to protect against groundwater contamination.³²

²³ EPA, *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, <https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw> (last visited Mar. 3, 2025).

²⁴ *Id.*

²⁵ U.S. Energy Information Administration (EIA), *Biomass explained, Waste-to-energy (Municipal Solid Waste), Basics*, <https://www.eia.gov/energyexplained/biomass/waste-to-energy.php> (last visited Mar. 3, 2025).

²⁶ *Id.*

²⁷ Byoung Cho et al., *Municipal Solid Waste Incineration Ashes as Construction Materials—A review*, *Materials*, vol. 13, 2 (2020), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC7411600/>.

²⁸ *Id.*

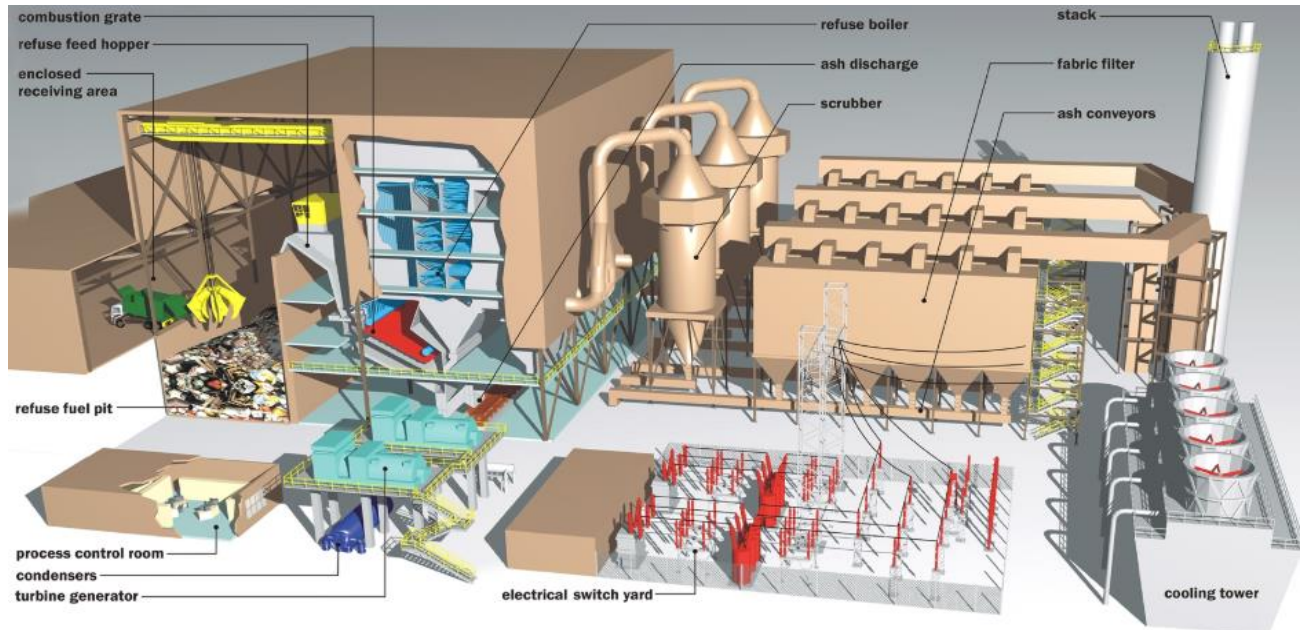
²⁹ *Id.*

³⁰ EIA, *Biomass explained: Waste-to-energy (Municipal Solid Waste), In-depth*, <https://www.eia.gov/energyexplained/biomass/waste-to-energy-in-depth.php> (last visited Mar. 3, 2025).

³¹ EPA, *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, <https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw#Technology> (last visited Mar. 10, 2025).

³² *Id.*

About 90 percent of the energy produced by WTE plants is delivered to the electric grid.³³ The remaining 10 percent consists of steam that some WTE facilities send to nearby industrial plants and institutions.³⁴



Example of a WTE plant³⁵

Waste incineration first became popular in the U.S. in the first half of the 20th century as a way to manage waste but declined after the passage of the Clean Air Act in 1963 forced facilities to either adopt costly air pollution controls or shut down.³⁶ In the 1970s and 1980s, waste-to-energy facilities rose again in popularity as a way to produce a low-cost energy alternative to coal, which was considered by some at the time to be a renewable energy source. Now, the number of incinerators has again declined nationally due to public concern about their environmental and health impacts, as well as a loss in profitability.³⁷

³³ U.S. Energy Information Administration, *Waste-to-energy plants are a small but stable source of electricity in the United States*, <https://www.eia.gov/todayinenergy/detail.php?id=55900> (last visited Mar. 9, 2025).

³⁴ *Id.*

³⁵ Pinellas County, *Waste-to-Energy Facility*, <https://pinellas.gov/waste-to-energy-facility/> (last visited Mar. 3, 2025) (showing graphic of a mass-burn waste-to-energy plant).

³⁶ University of Florida, Thompson Earth Systems Institute, *Tell Me About: Waste Incineration in Florida* (2022), <https://www.floridamuseum.ufl.edu/earth-systems/blog/tell-me-about-waste-incineration-in-florida/> (last visited Mar. 3, 2025).

³⁷ *Id.* The major concern associated with MSW incineration is the air pollution caused by dioxin, furan, and heavy metals originating from MSW. Cho, *Municipal Solid Waste Incineration Ashes as Construction Materials—A review* at 2. See also C. Ferreira et al., *Heavy metals in MSW incineration fly ashes*, *Journal de Physique IV*, vol. 107 (2003), available at <https://jp4.journaldephysique.org/articles/jp4/abs/2003/05/jp4pr5p463/jp4pr5p463.html>; Junjie Zhang et al., *Degradation technologies and mechanisms of dioxins in municipal solid waste incineration fly ash: A review*, *Journal of Cleaner Production*, vol. 250 (2020), available at <https://www.sciencedirect.com/science/article/abs/pii/S095965261934377X>.

In Florida, there are currently 10 WTE facilities.³⁸ Florida has the largest capacity to burn MSW of any state in the country.³⁹

Solid Waste Facility Permitting in Florida

In Florida, the governing body of a county has the responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.⁴⁰ A county may enter into a written agreement with other parties to undertake some or all of its responsibilities.⁴¹

A solid waste management facility may not be operated, maintained, constructed, expanded, modified, or closed without a permit issued by the Department of Environmental Protection (DEP).⁴² In addition to a solid waste management facility permit, WTE facilities may also require air construction and operation permits.⁴³

DEP may only issue a construction permit to a solid waste management facility that provides the conditions necessary to control the safe movement of wastes or waste constituents into surface or ground waters or the atmosphere and that will be operated, maintained, and closed by qualified and properly trained personnel.⁴⁴ Such facility must if necessary:

- Use natural or artificial barriers that can control lateral or vertical movement of wastes or waste constituents into surface or ground waters.
- Have a foundation or base that can provide support for structures and waste deposits and capable of preventing foundation or base failure due to settlement, compression, or uplift.
- Provide for the most economically feasible, cost-effective, and environmentally safe control of leachate, gas, stormwater, and disease vectors and prevent the endangerment of public health and the environment.⁴⁵

DEP may by rule exempt specified types of facilities from permit requirements if it determines that construction or operation of the facility is not expected to create any significant threat to the environment or public health.⁴⁶

DEP must allow WTE facilities to maximize acceptance and processing of nonhazardous solid and liquid waste.⁴⁷ Ash from WTE facilities must be disposed of in a lined MSW landfill or a

³⁸ DEP, *Waste-to-Energy*, <https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy> (last visited Mar. 3, 2025). The state had 11 WTE facilities until 2023 when a fire destroyed one in Miami-Dade County. *See* Mayor Daniella Levine Cava, *Memorandum on Site Selection for a Sustainable Solid Waste Campus and Update on Miami-Dade County's Solid Waste Disposal Strategy*, 1 (2024), available at d <https://documents.miamidade.gov/mayor/memos/09.13.24-Site-Selection-for-a-Sustainable-Solid-Waste-Campus.pdf>.

³⁹ DEP, *Waste-to-Energy*.

⁴⁰ Section 403.706(1), F.S.

⁴¹ Section 403.706(8), F.S.

⁴² *See* section 403.707(1), F.S.

⁴³ Sections 403.707(6) and 403.087(1), F.S.; Fla. Admin. Code R. 62-210.300. *See also* DEP, *Air Construction Permits*, <https://floridadep.gov/sites/default/files/Air-Construction-Permits.pdf> (last visited Mar. 10, 2024).

⁴⁴ Section 403.707(6), F.S.

⁴⁵ *Id.*

⁴⁶ Section 403.707(1), F.S.

⁴⁷ Section 403.707(1), F.S.

lined ash monofill, since an EPA study showed that ash from WTE facilities should not be classified as hazardous waste.⁴⁸

Federal Regulations on Waste Incineration

Pursuant to the Clean Air Act, EPA has developed regulations limiting emissions of nine air pollutants—particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium—from four categories of solid waste incineration units: (1) municipal solid waste; (2) hospital, medical and infectious solid waste; (3) commercial and industrial solid waste; and (4) other solid waste.⁴⁹

Emission limits may vary depending on the size and type of the facility (e.g., large versus small municipal waste combustors) and whether the materials incinerated are hazardous.⁵⁰ In 2024, EPA proposed stricter standards for large municipal waste combustion units.⁵¹ EPA is also considering requiring waste incinerators to report toxic releases to the toxic release inventory, which tracks the management of certain toxic chemicals.⁵²

Pyrolysis and Gasification

Pyrolysis and gasification units convert solid or semi-solid feedstocks—including solid waste (e.g., MSW, commercial and industrial waste, hospital/medical/infectious waste, sewage sludge, other solid waste), biomass, plastics, tires, and organic contaminants in soils and oily sludges—to useful products such as energy, fuels, and chemical commodities.⁵³

Pyrolysis is a process where materials are thermally decomposed or rearranged under process conditions where extremely little to no oxygen is present.⁵⁴ Pyrolysis, which is also known as devolatilization, is an endothermic process⁵⁵ that produces 75 to 90 percent volatile materials in

⁴⁸ DEP, *Waste-to-Energy*, <https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy> (last visited Mar. 10, 2025).

⁴⁹ EPA, *Large Municipal Waste Combustors (LMWC): New Source Performance Standards (NSPS) and Emissions Guidelines*, <https://www.epa.gov/stationary-sources-air-pollution/large-municipal-waste-combustors-lmwc-new-source-performance> (last visited Mar. 11, 2025). See 71 Fed. Reg. 27325-26 (adopting final rule regarding standards of performance for new stationary sources and emission guidelines for existing sources: large municipal waste combustors); 40 CFR part 60.

⁵⁰ See generally EPA, *Clean Air Act Guidelines and Standards for Waste Management*, <https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-guidelines-and-standards-waste-management> (last visited Mar. 11, 2025).

⁵¹ 89 Fed. Reg. 4243, 4246 (Jan. 23, 2024) (proposing amendments to 40 CFR part 60). Large municipal waste combustors combust more than 250 tons per day of MSW. 40 CFR 60.32b and 60.50b; EPA, *Large Municipal Waste Combustors (LMWC): New Source Performance Standards (NSPS) and Emissions Guidelines*, <https://www.epa.gov/stationary-sources-air-pollution/large-municipal-waste-combustors-lmwc-new-source-performance> (last visited Mar. 11, 2025).

⁵² EPA, *Memorandum re: Petition for Rulemaking Pursuant to the Administrative Procedure Act and the Emergency Planning and Community Right-to-Know Act, Requiring that Waste Incinerators Report to the Toxics Release Inventory*, 1-2 (2024), available at https://peer.org/wp-content/uploads/2024/12/PET-001757_Incinerators_PetitionResponse_Ltr.pdf; EPA, *What is the Toxics Release Inventory?*, <https://www.epa.gov/toxics-release-inventory-tri-program/what-toxics-release-inventory> (last visited Mar. 11, 2025). U.S. facilities in different industry sectors must report annually how much of each chemical they release into the environment and/or managed through recycling, energy recovery and treatment, as well as any practices implemented to prevent or reduce the generation of chemical waste. *Id.*

⁵³ EPA, *Rulemaking on Pyrolysis and Gasification Units*, <https://www.epa.gov/stationary-sources-air-pollution/advance-notice-proposed-rulemaking-pyrolysis-and-gasification> (last visited Mar. 13, 2025).

⁵⁴ 86 Fed. Reg. 50296, 50299 (Sept. 8, 2021) (advance notice of proposed rulemaking regarding potential future regulation addressing pyrolysis and gasification units).

⁵⁵ Endothermic is a process where heat is absorbed by a chemical reaction, thus resulting in decreased temperature.

the form of gaseous and liquid hydrocarbons.⁵⁶ Through the application of heat, pyrolysis disintegrates the long hydrocarbon bonds of the incoming feed materials and may generate tars, oils, particulate matter, reduced sulfur and nitrogen compounds, and hazardous air pollutants including polycyclic aromatic hydrocarbons.⁵⁷

Gasification is a process of converting feed materials into syngas (carbon monoxide and hydrogen) and carbon dioxide.⁵⁸ The materials are gasified when they react with controlled amounts of oxygen or steam at high temperatures. Oxygen is added in small amounts to maintain a reducing (i.e., oxidation or combustion-preventing) atmosphere, where the quantity of oxygen available is less than the amount needed for complete combustion of the feed material. The process of gasification has endothermic and exothermic⁵⁹ phases but overall is an exothermic process and requires an external heat source, such as syngas combustion, char combustion, or steam.⁶⁰

III. Effect of Proposed Changes:

Section 1 amends s. 373.4592, F.S., regarding Everglades improvement and management. The bill provides that, notwithstanding any law to the contrary, a state or local governmental entity may not approve any permit for the construction or operation of any of the following facilities that are proposed to be located within one mile of the C-9 impoundment, authorized by the Water Resources Reform and Development Act of 2014:

- A municipal solid waste-to-energy facility;⁶¹
- A pyrolysis facility;⁶²
- To the extent that it includes incineration of any type, a solid waste disposal facility.⁶³

The bill provides that this prohibition does not apply to a facility that was constructed and had an operating permit authorizing incineration before July 1, 2025.

Sections 2 through 4 make conforming changes.

⁵⁶ *Id.* (citing U.S. Dep't of Energy, *Benchmarking Biomass Gasification Technologies for Fuels, Chemicals, and Hydrogen Production* (2002), available at https://netl.doe.gov/sites/default/files/netl-file/BMassGasFinal_0.pdf).

⁵⁷ *Id.* at 50299-300.

⁵⁸ *Id.* at 50300. Syngas, the primary product of gasification, is a fuel and can be burned in boilers, gas engines, or turbines. It can also be used as a chemical feedstock to produce other, more complex chemicals or hydrocarbon fuels. *Id.*

⁵⁹ Exothermic is a process where heat is produced by a chemical reaction, thus resulting in elevated temperature.

⁶⁰ *Id.*

⁶¹ "Municipal solid waste-to-energy facility" means a publicly owned facility that uses an enclosed device using controlled combustion to thermally break down solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term also does not include facilities that primarily burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels. Section 377.814(2)(b), F.S.

⁶² "Pyrolysis facility" means a facility that receives, separates, stores, and converts post-use polymers, using gasification or pyrolysis. Section 403.703(27), F.S.

⁶³ "Solid waste disposal facility" means any solid waste management facility that is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste. Section 403.703(36), F.S.

Section 5 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may increase costs for local governments by limiting available locations for the types of solid waste facilities included in the bill, making it more challenging to site new facilities. If local governments are unable to identify suitable locations that comply with the bill's restrictions, they may be required to transport waste to facilities in other counties or municipalities, potentially leading to higher disposal and transportation expenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 373.4592, 316.5501, 339.2818, and 373.036.

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

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

CS by Environment and Natural Resources on March 25, 2025:

- Reduces the prohibited area from two miles around Everglades-related sites and certain federally and state-funded water storage and conveyance structures to one mile around the C-9 impoundment authorized by the Water Resources Reform and Development Act of 2014.
- Removes solid waste facilities and solid waste management facilities that do not include incineration from the types of prohibited facilities.
- Clarifies that the restriction applies to both state and local permits.
- Clarifies that the bill does not apply to a facility that was constructed and had an operating permit authorizing incineration before July 1, 2025.
- Removes the provision that the bill preempted permitting to the state and superseded local government regulations.

B. Amendments:

None.



206438

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 28 - 52
and insert:

(13) PROHIBITION ON WASTE FACILITIES.—

(a) Notwithstanding any law to the contrary, a state or
local governmental entity may not approve any permit under
chapter 373, chapter 376, chapter 377, chapter 379, chapter 380,
or chapter 403 for the construction or operation of any of the
following facilities that are proposed to be located within 1



206438

mile of the C-9 impoundment, authorized by the Water Resources
Reform and Development Act of 2014, Pub. L. No. 113-121:

1. A municipal solid waste-to-energy facility as defined in
s. 377.814(2).

2. A pyrolysis facility as defined in s. 403.703.

3. To the extent that it includes incineration of any type,
a solid waste disposal facility as defined in s. 403.703.

(b) This subsection does not apply to a facility that was
constructed and had an operating permit authorizing incineration
before July 1, 2025.

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

And the title is amended as follows:

Delete lines 4 - 10

and insert:

prohibiting state or local governmental entities from
approving permits for specified waste facilities;
providing applicability; amending ss.

By Senator Rodriguez

40-00895-25

2025946__

A bill to be entitled
An act relating to waste facilities; amending s.
373.4592, F.S.; conforming cross references;
prohibiting a local governmental entity from applying
for a permit for or approving the permitting of
certain waste facilities within a specified distance
of the Everglades Protection Area, the Everglades
Construction Project, or any water storage or
conveyance structure constructed pursuant to specified
provisions; providing for preemption; amending ss.
316.5501, 339.2818, and 373.036, F.S.; conforming
cross-references; providing an effective date.

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

Section 1. Present subsections (13) through (17) of section
373.4592, Florida Statutes, are redesignated as subsections (14)
through (18), respectively, a new subsection (13) is added to
that section, and paragraphs (c) and (f) of subsection (2) are
amended, to read:

373.4592 Everglades improvement and management.—

(2) DEFINITIONS.—As used in this section:

(c) "C-139 Basin" or "Basin" means those lands described in
subsection (17) ~~subsection (16)~~.

(f) "Everglades Agricultural Area" or "EAA" means the
Everglades Agricultural Area, which are those lands described in
subsection (16) ~~subsection (15)~~.

(13) PROHIBITION ON WASTE FACILITIES.—

(a) A local governmental entity may not apply for or

40-00895-25

2025946__

30 approve a permit pursuant to chapter 373, chapter 376, chapter
31 377, chapter 379, chapter 380, or chapter 403 for a solid waste
32 facility as that term is defined in s. 377.709(2)(f), a
33 municipal solid waste-to-energy facility as that term is defined
34 in s. 377.814(2)(b), a pyrolysis facility as that term is
35 defined in s. 403.703(27), a solid waste disposal facility as
36 that term is defined in s. 403.703(36), or a solid waste
37 management facility as that term is defined in s. 403.703(38),
38 or for an incinerator of any type, where such facility is
39 proposed to be located within 2 miles of:

40 1. The Everglades Protection Area as defined in s.
41 373.4592(2);

42 2. The Everglades Construction Project as defined in
43 373.4592(2); or

44 3. Any water storage or conveyance structure constructed
45 pursuant to the comprehensive plan as defined in s. 373.470(2)
46 or funded pursuant to the America's Water Infrastructure Act of
47 2018, the Water Resources Development Act of 2000, the Water
48 Infrastructure Improvements for the Nation Act, or the Surface
49 Water Improvement and Management Act as defined in s. 373.451.

50 (b) The permitting provided in paragraph (a) is preempted
51 to the state. This section supersedes any local government
52 regulations on matters related to this subsection.

53 Section 2. Subsection (1) of section 316.5501, Florida
54 Statutes, is amended to read:

55 316.5501 Permitting program for combination truck tractor,
56 semitrailer, and trailer combination coupled as a single unit
57 subject to certain requirements.—

58 (1) By no later than January 1, 2020, the Department of

40-00895-25

2025946__

Transportation in conjunction with the Department of Highway Safety and Motor Vehicles shall develop a permitting program that, notwithstanding any other provision of law except conflicting federal law and applicable provisions of s. 316.550, prescribes the operation of any combination of truck tractor, semitrailer, and trailer combination coupled together so as to operate as a single unit in which the semitrailer and the trailer unit may each be up to 48 feet in length, but not less than 28 feet in length, if such truck tractor, semitrailer, and trailer combination is:

(a) Being used for the primary purpose of transporting farm products as defined in s. 823.14(3)(e) on a prescribed route within the boundary of the Everglades Agricultural Area as described in s. 373.4592(16) ~~s. 373.4592(15)~~;

(b) Traveling on a prescribed route that has been submitted to and approved by the Department of Transportation for public safety purposes having taken into account, at a minimum, the point of origin, destination, traffic and pedestrian volume on the route, turning radius at intersections along the route, and potential for damage to roadways or bridges on the route;

(c) Operating only on state or local roadways within a radius of 60 miles from where such truck tractor, semitrailer, and trailer combination was loaded; however, travel is not authorized on the Interstate Highway System; and

(d) Meeting the following weight limitations:

1. The maximum gross weight of the truck tractor and the first trailer shall not exceed 88,000 pounds.

2. The maximum gross weight of the dolly and second trailer shall not exceed 67,000 pounds.

40-00895-25

2025946__

3. The maximum overall gross weight of the truck tractor-semitrailer-trailer combination shall not exceed 155,000 pounds.

Section 3. Subsection (8) of section 339.2818, Florida Statutes, is amended to read:

339.2818 Small County Outreach Program.—

(8) Subject to a specific appropriation in addition to funds appropriated for projects under this section, a local government either wholly or partially within the Everglades Agricultural Area as defined in s. 373.4592(16) ~~s. 373.4592(15)~~, the Peace River Basin, or the Suwannee River Basin may compete for additional funding using the criteria listed in paragraph (4)(c) at up to 100 percent of project costs on state or county roads used primarily as farm-to-market connections between rural agricultural areas and market distribution centers, excluding capacity improvement projects.

Section 4. Paragraph (e) of subsection (7) of section 373.036, Florida Statutes, is amended to read:

373.036 Florida water plan; district water management plans.—

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

(e) In addition to the elements specified in paragraph (b), the South Florida Water Management District shall include in the consolidated annual report the following elements:

1. The Lake Okeechobee Protection Program annual progress report required by s. 373.4595(6).

2. The Everglades annual progress reports specified in s. 373.4592(4)(d)5., (14), and (15) ~~s. 373.4592(4)(d)5., (13), and (14).~~

3. The Everglades restoration annual report required by s.

40-00895-25

2025946__

117 373.470(7).

118 4. The Everglades Trust Fund annual expenditure report
119 required by s. 373.45926(3).

120 Section 5. This act shall take effect July 1, 2025.

3/25/25

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 946 Waste Facilities

Bill Number or Topic

206438

Amendment Barcode (if applicable)

Name

Debon Campbell

Phone

(954)602-3119

Address

2300 Civic Center Place

Email

dlcampbell@miramarfl.gov

Street

Miramar

FL

33025

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

City of Miramar

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/20

3/25/25

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 946

Bill Number or Topic

206438

Amendment Barcode (if applicable)

Name **Michael Goldstein**

Phone **(305)962-7669**

Address **2100 Ponce de Leon Boulevard, Suite 710**

Email **mgoldstein@goldsteinenvlaw.com**

Street

Coral Gables

FL

33134

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

City of Miramar

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3/25/25

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 946 Waste Facilities

Bill Number or Topic

206438

Amendment Barcode (if applicable)

Name **Mayor Wayne Messam**

Phone **(954)602-3151**

Address **2300 Civic Center Place**

Email **wmessam@miramarfl.gov**

Street

Miramar

City

FL

State

33025

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

City of Miramar

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

3-25-25

The Florida Senate
APPEARANCE RECORD

946

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

ENV. NAT'L RESOURCES

Committee

Amendment Barcode (if applicable)

Name Jess M. McCarty, Executive Assistant County Attorney Phone 305-979-7110

Address 111 N.W. 1st Street Suite 2800 Email jmm2@miamidade.gov

Street

Miami

FL

33128

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Miami-Dade County

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

(946?)

The Florida Senate

APPEARANCE RECORD

3-25-25

1609

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Env + Nat Resources

Committee

Amendment Barcode (if applicable)

Name

Joe Kilshimer

Phone

407-219-6686

Address

37 N. Orange Ave

Email

joe.kilshimer@gmail.com

Street

Orlando

FL

32809

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Waste to Energy Coalition

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 1326

INTRODUCER: Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Areas of Critical State Concern

DATE: March 26, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Fav/CS
2.			AEG	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1326 amends one of three conditions that must be met before property within a multifamily project is eligible for exemption from ad valorem taxes. The bill provides that property meets the condition if it contains one or more units located in an area of critical state concern that are dedicated to housing natural persons or families that meet certain income limitations.

The bill exempts from payment or performance bond requirements, a person entering into a construction contract for work done on property in an area of critical state concern that is subject to a long-term ground lease with Habitat for Humanity International, Inc. or its affiliates, provided that the leasehold interest is subject to any claims by claimants who qualify as lienors.

The bill extends funding from the Florida Forever Trust Fund for land acquisition within the Florida Keys Area of Critical State Concern to fiscal year 2035-2036. The funding is set to end in fiscal year 2026-2027.

The bill requires local government comprehensive plans to maintain a hurricane evacuation clearance time for permanent residents of no more than 24.5 hours or 825 permit allocations, whichever is less. The bill divides the 825 permit allocations among Monroe County, the Village of Islamorada, the City of Marathon, and the City of Key West.

II. Present Situation:

Areas of Critical State Concern

The Administration Commission¹ may designate an area of critical state concern for the following areas:

- An area that contains or has a significant impact on environmental or natural resources of regional or statewide importance, where uncontrolled private or public development would cause substantial deterioration of the area's resources.² This includes state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas.³
- An area that contains or has a significant impact on historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, where private or public development would cause substantial deterioration or complete loss of the area's resources, sites, or districts.⁴
- An area that has a significant impact on, or is significantly affected by, an existing or proposed major public facility or other area of major public investment, including highways, ports, airports, energy facilities, and water management projects.⁵

The Florida Department of Commerce, which is the state land planning agency,⁶ may recommend an area for designation as an area of critical state concern. In its recommendations, the department must include:

- Recommendations for the purchase of land within the boundaries of the proposed area as environmentally endangered lands and outdoor recreation lands under the Land Conservation Program;
- Any report or recommendation of a resource planning and management committee;⁷
- The dangers that would result from uncontrolled or inadequate development of the area and the advantages of developing the area in a coordinated manner;
- A detailed boundary description of the proposed area;
- Specific principles for guiding development within the area;⁸
- An inventory of lands owned by the federal, state, and local governments within the proposed area; and

¹ The Administration Commission consists of the Governor and the Cabinet. The commission acts on simple majority. Section 380.031(1), F.S.

² Section 380.05(2)(a), F.S.

³ *Id.*

⁴ Section 380.05(2)(b), F.S.

⁵ Section 380.05(2)(c), F.S.

⁶ Section 380.031(18), F.S.

⁷ Prior to recommending the designation of an area of critical state concern, the Governor, acting as chief planning officer of the state, must appoint a resource planning and management committee for the area under study by the Florida Department of Commerce (DOC). The committee must organize a voluntary, cooperative resource planning and management program to resolve any problems that might endanger the area's resources and facilities. Section 380.045(1), F.S.

⁸ Regarding the principles for guiding development, DOC must recommend actions which state and regional agencies and local governments must accomplish to implement these principles. These actions may include, but are not limited to, revisions of the local comprehensive plan and adoption of land development regulations, density requirements, and special permitting requirements. Section 380.05(1)(a), F.S.

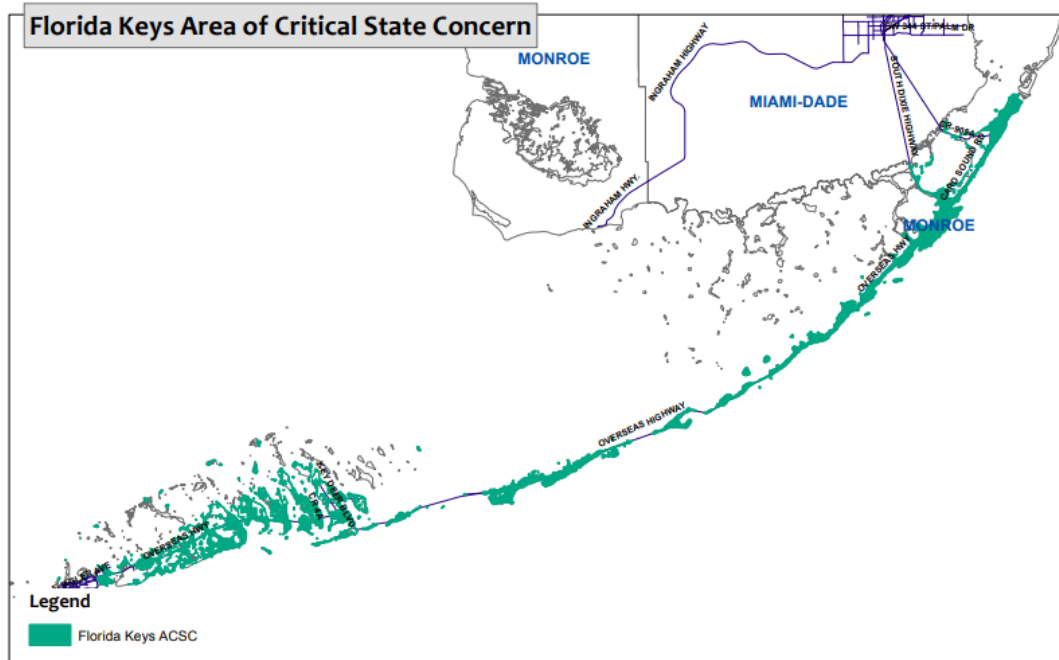
- A list of the state agencies with programs that affect the purpose of the designation.⁹

Following the designation of the area of critical state concern, any local government that is wholly or partially located within the area must conform its previously adopted comprehensive plan to the principles for guiding development of the area of critical state concern.¹⁰

There are currently six areas of critical state concern designated in Florida: The Big Cypress Area of Critical State Concern, the Green Swamp Area of Critical State Concern, the Florida Keys Area of Critical State Concern, the City of Key West Area of Critical State Concern, the Brevard Barrier Island Area of Critical State Concern, and the Apalachicola Bay Area of Critical State Concern.¹¹

Florida Keys Area of Critical State Concern

The Florida Keys Area of Critical State Concern was designated in 1975 and currently includes the municipalities of Islamorada, Marathon, Layton, and Key Colony Beach, as well as unincorporated Monroe County.¹²



⁹ Section 380.05(1)(a), F.S.

¹⁰ Section 380.05(14), F.S.

¹¹ DOC, *Areas of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited March 17, 2025); see sections 380.055, 380.0551, 380.0552, 380.0553, and 380.0555, F.S.

¹² DOC, *Florida Keys Area of Critical State Concern Annual Report*, page 3 of Tab 1 (2023), available at https://www.floridajobs.org/docs/default-source/2015-community-development/community-planning/2015-cmty-plan-acsc/2023keysacscannualreport.pdf?sfvrsn=cd0721b0_1. In 1984, the City of Key West was removed from the Florida Keys Area of Critical State Concern and was designated a separate area of critical state concern. *Id.* For the map on this page, see Florida Department of Economic Opportunity, *Florida Keys Area of Critical State Concern*, 1 (2015), available at https://www.floridajobs.org/docs/default-source/2015-community-development/community-planning/2015-cmty-plan-acsc/floridakeysmap.pdf?sfvrsn=c93565b0_2.

State, regional, and local governments in the Florida Keys Area of Critical State Concern are required to coordinate their development plans and conduct program and regulatory activities to be consistent with the principles for guiding development. The principles for guiding development plan for growth and modernization and protect the environmental resources, historical heritage, and water quality of the Florida Keys to maintain its status as a unique natural environment.¹³

A land development regulation or element of a local comprehensive plan in the Florida Keys Area of Critical State Concern may be enacted, amended, or rescinded by a local government, but such actions must be approved by the Florida Department of Commerce.¹⁴ Amendments to local comprehensive plans must be reviewed for compliance with the principles for guiding development. They must also be reviewed for compliance with goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours.¹⁵

For the purposes of the hurricane evacuation clearance time, mobile home residents are not considered permanent residents.¹⁶ Additionally, the City of Key West Area of Critical State Concern must be included in the hurricane evacuation study and must be subject to the hurricane evacuation clearance time.¹⁷

Hurricane Evacuation Clearance Standards in the Florida Keys

The Florida Keys Area Protection Act¹⁸ requires, in part, that local government comprehensive plan amendments within the Florida Keys Area of Critical State Concern, which includes most of Monroe County, must comply with goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a 24-hour hurricane evacuation clearance time for permanent residents.¹⁹ The evacuation clearance time must be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the Department of Commerce.²⁰

In 2012, a hurricane evacuation study was conducted to model the 24-hour clearance time required by statute and to implement a 10-year planning horizon (2013-2023) for managed growth.²¹ The study was completed as part of the Memorandum of Understanding (MOU) entered into by the Department of Commerce, the Florida Division of Emergency Management,

¹³ Section 380.0552(7), F.S. For a full list of required considerations, *see* section 380.0552(7)(a)-(n), F.S.

¹⁴ Section 380.0552(9)(a), F.S.

¹⁵ Section 380.0552(9)(a)1. and 2., F.S. Additionally, amendments to comprehensive plans must be reviewed for compliance with construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed criteria for wastewater treatment and disposal facilities or onsite sewage treatment and disposal systems.

¹⁶ Section 380.0552(9)(a)2.a., F.S.

¹⁷ Section 380.0552(9)(a)2.b., F.S.

¹⁸ Section 380.0552, F.S.

¹⁹ Section 380.0552(9)(a)2., F.S.

²⁰ *Id.*

²¹ DOC, *Florida Keys Hurricane Evacuation Modeling Report*, 2, 7 (Dec. 2023), available at https://www.floridajobs.org/docs/default-source/community-planning-development-and-services/evacuation-modeling-report-final-with-appendices79bb3ca4cbbb61cbb02aff01004f56df.pdf?sfvrsn=47005db0_10.

and local governments in the Florida Keys.²² Modeling for the 2012 study assumed a two-phase evacuation and included both the Florida Keys and the City of Key West areas of critical state concern in the evacuating population. Phase I of the evacuation occurs 24-48 hours in advance of tropical storm winds and includes the evacuation of tourists, mobile homeowners, students living in dorms, and other non-permanent residents.²³ Phase II occurs 0-24 hours in advance of tropical storm force winds and includes the evacuation of all site-built permanent residents.²⁴

The MOU established a maximum issuance of 3,550 building permits over a 10-year period to distribute to local governments in the Florida Keys.²⁵ Following the 2012 study, the 3,550 building permits were allocated as follows:

- 280 to the Village of Islamorada;
- 60 to the City of Key Colony Beach, which subsequently withdrew from the MOU and does not have a building permit allocation;
- 910 to the City of Key West;
- 30 to the City of Layton;
- 300 to the City of Marathon; and
- 1,970 to unincorporated Monroe County.²⁶

The hurricane evacuation study was updated in 2023.²⁷ The 2023 evacuation models also assumed a two-phase evacuation. Additional modeling scenarios were run to account for the Third District Court of Appeals' decision in *Mattino v. City of Marathon* in 2022, which held that mobile home residents were permanent residents for the purpose of the 24-hour evacuation clearance time and that the City of Key West Area of Critical Concern was not subject to the evacuation clearance time.²⁸

²² See Monroe County Board of Commissioners, *Monroe County, Florida Monroe County Board of County Commissioners Resolution No. 226-2012*, (2012), available at <https://www.monroecountyem.com/DocumentCenter/View/8431/Florida-keys-Hurricane-Evacuation-MOU?bidId=> (which contains the text of the Hurricane Evacuation Clearance Time MOU, beginning on page 6 of the document); DOC, *Florida Keys Hurricane Evacuation Modeling Report* at 7. DOC used the Transportation Interface for Modeling Evacuations or TIME Model to ensure that the evacuation clearance time could be met. The TIME Model takes into account the number of housing units, subtracts the vacant housing units, and multiplies that sum by the participation rate, the number of vehicles available per housing unit, and by the vehicle use rate. The number of evacuating vehicles is the final product and the model then loads that number on the road using a traffic assignment algorithm to produce the evacuation clearance time. *Id.*

²³ *Id.*

²⁴ *Id.* at 8.

²⁵ *Id.* 7. Evacuation scenarios were completed based on variables including tourist units (Phase I only); 1,300 workforce affordable, early-evacuation units (Phase I only); mobile home units; site-built units (Phase II only); participation rates; a response curve of 12 hours; vehicle use by unit type; vehicle use by special populations; evacuation stream; and roadway capacity. *Id.* at 10.

²⁶ *Id.* at 8.

²⁷ *Id.* at 9.

²⁸ *Id.* at 10; see *Mattino v. City of Marathon*, 345 So. 3d 939 (3d DCA 2022), in which the Third DCA overturned in part a final order of the Florida Department of Economic Opportunity (DEO), which determined that the comprehensive plan amendments adopted by the Cities of Key West, Marathon, and Islamorada did not violate the 24-hour evacuation clearance time for permanent residents. In 2017, DEO determined that comprehensive plan amendments were needed to allow for 1,300 new building permits for affordable workforce housing for residents of the Florida Keys. The comprehensive plan amendments sought to add the permanent residents of those 1,300 new housing units to Phase I evacuees, meaning they could be evacuated over a 48-hour period, instead of a 24-hour period. In response, the appellants filed a petition for a formal administrative hearing, claiming that the comprehensive plan amendments violated the 24-hour evacuation clearance time for permanent residents. DEO adopted the administrative law judge's recommended order and issued its final order. The Third

Following the holding in *Mattino*, in 2024, the Florida Legislature amended the Florida Keys Area of Critical State Concern statute to provide that mobile home residents are not considered permanent residents for the purposes of the evacuation clearance time.²⁹ This would allow mobile home residents to be evacuated during both Phase I and Phase II. Additionally, the Legislature required the Key West Area of Critical State Concern to be included in hurricane evacuation modeling.³⁰

Affordable Housing

Resident eligibility for Florida's state and federally-funded housing programs is governed by area median income (AMI) levels,³¹ These are published annually by the U.S. Department of Housing and Urban Development.³² Florida state law categorizes the levels of household income as follows:

- Extremely low income means a household whose total annual income does not exceed 30 percent of the AMI;³³
- Very low income means a household whose total annual income does not exceed 50 percent of the AMI;³⁴
- Low income means a household, not including students, whose total annual income does not exceed 80 percent of the AMI;³⁵ and
- Moderate income means a household whose total annual income does not exceed 120 percent of the AMI.³⁶

The property in a multifamily project that meets the following requirements is considered property used for a charitable purpose³⁷ and is therefore exempt from ad valorem tax:³⁸

- Contains more than 70 units that are used to provide affordable housing to persons or families meeting the extremely-low-income, very-low-income, or low-income limits; and

DCA found that the comprehensive plan amendments for the Cities of Marathon and Islamorada did violate the 24-hour evacuation clearance time, however the City of Key West's comprehensive plan amendments did not. Regarding the City of Key West, the court held that the 24-hour evacuation clearance time did not apply because the City of Key West was designated as a separate area of critical concern.

²⁹ Chapter 2024-219, Laws of Fla.

³⁰ *Id.*

³¹ HUD, *FY 2024 Income Limits Documentation System: FY 2024 State Income Limits*,

https://www.huduser.gov/portal/datasets/il/il2024/2024summary.odn?inputname=STTLT*1299999999%2BFlorida&selection_type=county&stname=Florida&statefp=12.0&year=2024 (last visited March 18, 2025).

³² HUD, *Income Limits*. (AMI available under the "Access Individual Income Limits Area" dataset).

³³ Section 420.0004(9), F.S. This amount may be adjusted annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income. *Id.*

³⁴ Section 420.0004(17), F.S.

³⁵ Section 420.0004(11), F.S.

³⁶ Section 420.0004(12), F.S.

³⁷ "Charitable purpose" means a function or service which is of such community service that its discontinuance could legally result in the allocation of public funds for the continuance of the function or service. It is not necessary that public funds be allocated for such function or service, but only that any such allocation would be legal. Section 196.012(7), F.S.

³⁸ The ad valorem tax, or "property tax," is an annual tax levied by a local government. The Florida Constitution prohibits the state from levying ad valorem taxes on real and tangible personal property, and instead authorizes local governments, including counties, school districts, and municipalities to levy ad valorem taxes. Special districts may also be given this authority by law. Art. VII, s. 1(a), FLA. CONST.; Art. VII, s. 9., FLA. CONST.

- Is subject to an agreement with the Florida Housing Finance Corporation³⁹ recorded in the official records of the county in which the property is located to provide affordable housing to persons of families meeting the extremely-low-income, very-low-income, or low-income limits.⁴⁰

Construction Liens

Generally, any person who provides services, labor, or materials for improving, repairing, or maintaining real property may place a construction lien⁴¹ on the property, provided the person complies with statutory procedures.⁴² A lienor is a contractor; subcontractor; sub-subcontractor, laborer, or materialman who furnishes materials under contract; or a professional lienor.⁴³

A construction lien extends to the right, title, and interest of the person who contracts for the improvement to the extent that such right, title, and interest exists at the improvement's commencement or is acquired in the real property.⁴⁴ However, when a lessee makes an improvement under an agreement between the lessee and his or her lessor, the lien also extends to the lessor's interest unless:⁴⁵

- The lease, or a short form or a memorandum of the lease, is recorded in the official records of the county where the property is located before the recording of a notice of commencement for improvements to the property and the lease's terms expressly prohibit such liability; or
- The lease's terms expressly prohibit such liability, and a notice advising that leases for the rental of premises on a property prohibit such liability has been recorded in the official records of the county in which the property is located before the recording of a notice of commencement for improvements to the premises and the notice includes specified information.⁴⁶

If a lease expressly provides that the lessor's interest will not be subject to the construction liens relating to improvements made by the lessee, the lessee must notify the contractor making any such improvements of the lease provision, and the knowing and willful failure of the lessee to provide such notice renders the contract voidable at the contractor's option.⁴⁷

³⁹ The Florida Housing Finance Corporation (FHFC) is a public-private entity created by the Legislature in 1997 to assist in providing a range of affordable housing opportunities for Floridians. The FHFC is a corporation held by the state and housed within DOC. The FHFC is a separate budget entity and its operations are not subject to control, supervision, or direction by the department. Chapter 97-167, Laws of Fla.; section 420.504(1), F.S.

⁴⁰ Section 196.1978(2), F.S.

⁴¹ A lien is a claim against property that evidences a debt, obligation, or duty. *See* 34 FLA. JUR. 2D, *Liens* s. 1 (describing a lien as a charge on property for the payment or discharge of a debt or duty which may be created only by a contract of the parties or by operation of law).

⁴² Chapter 713, F.S.

⁴³ Section 713.01(19), (21), F.S.

⁴⁴ Section 713.10(1), F.S.

⁴⁵ *Id.*

⁴⁶ Section 713.10(2)(b), F.S.

⁴⁷ Section 713.10(2)(a), F.S.

Payment and Performance Bonds

A contractor who contracts with the state or any local government or other public authority or private entity for the construction of, or repairs to, a public building or public work must execute and record⁴⁸ a payment and performance bond with a surety insurer authorized to do business in Florida as a surety.⁴⁹ A payment bond is a type of surety that generally guarantees that all subcontractors, laborers, and material suppliers will be promptly paid for their labor, services, and materials contributed to a construction project.⁵⁰

The bond forms a three-part contract between the owner, the contractor, and the surety to ensure that liens are not filed on the property, serving as the security for payment in lieu of the typical right to claim a lien.⁵¹ The payment bond must be furnished in at least the amount of the original contract price before beginning the construction project, and a copy of the bond must be attached to the recorded notice of commencement.⁵²

Florida Forever Trust Fund

The Florida Forever Program is the state's main conservation and recreation lands acquisition program.⁵³ It serves as a blueprint for conserving Florida's natural and cultural heritage.⁵⁴ Thirty five percent of Florida Forever funds must be distributed to the Florida Department of Environmental Protection for the acquisition of lands and capital project expenditures described in the Florida Forever Act. Of this distribution:

- Increased priority must be given to acquisition that would achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge.
- Between three and ten percent must be spent on capital project expenditures that meet land management planning activities necessary for public access.
- Beginning in fiscal year 2017-2018 and continuing through fiscal year 2026-2027, at least \$5 million must be spent on land acquisition within the Florida Keys Area of Critical State Concern. This requirement is extended by the bill.

III. Effect of Proposed Changes:

Section 1 amends s. 196.1978, F.S., to revise one of the three conditions that must be met before property in a multifamily project is considered property used for a charitable purpose and therefore eligible to receive an ad valorem tax exemption. Current law requires the property to be either a newly constructed multifamily project with a certain number of units or within a newly constructed multifamily project in an area of critical state concern, which contains more than ten units dedicated to housing natural persons or families meeting certain income limitations. The

⁴⁸ The payment and performance bond must be executed and recorded before the work is begun, and the recording must be in the public records of the county where the improvement is located. Section 255.05(1), F.S.

⁴⁹ Section 255.05(1), F.S.

⁵⁰ See sections 255.05 and 713.23, F.S.

⁵¹ Section 713.23(1), F.S.

⁵² Section 713.23(1)(a), F.S.

⁵³ The Florida Department of Environmental Protection, *Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/florida-forever> (last visited March 18, 2025).

⁵⁴ *Id.*

bill removes the requirement that the property within an area of critical state concern must be within a newly constructed multifamily project and lowers the number of units required from “more than ten” to “one or more.”

Section 2 amends s. 255.05, F.S., to exempt, at the discretion of the official or board who owns the subject underlying property in fee simple, a person entering into a construction contract providing for services or material from being required to execute a payment and performance bond:

- When the work is done on property located within an area of critical state concern subject to a long-term ground lease of 99 years or more with Habitat for Humanity International, Inc., or any of its affiliates, and
- Provided that such leasehold interest created by the ground lease is subject to any claims by claimants who qualify as lienors.

The underlying real property owned by the state or any county, city, or political subdivision thereof, or by any other public authority, may not be subject to any lien rights created under chapter 713, F.S., relating to liens, generally.

Section 3 amends s. 259.105, F.S., to extend the date through which at least \$5 million of the funds allocated from the Florida Forever Act to the Florida Department of Environmental Protection for the acquisition of lands and capital project expenditures must be spent on land acquisition within the Florida Keys Area of Critical State Concern. The funding requirement currently extends through fiscal year 2026-2027 and the bill extends it through fiscal year 2035-2037.

Section 4 amends s. 380.0552, F.S., which establishes the Florida Keys Area of Critical State Concern. Current law requires the state land planning agency to review local comprehensive plans in the Florida Keys Area of Critical State Concern for compliance with certain requirements. The bill amends the requirement that local comprehensive plans maintain a hurricane evacuation clearance time for permanent residents of no more than 24 hours by extending it to no more than 24.5 hours or 825 permit allocations, whichever is less.

The bill adds that, to ensure the hurricane evacuation clearance time is met, Monroe County, the Village of Islamorada, the City of Marathon, the City of Layton, and the City of Key West must each continue to maintain permit allocation systems limiting the number of permits issued for new residential dwelling units. The bill provides that the Administration Commission must distribute 825 permit allocations over a period of at least 10 years, as follows:

- Monroe County must receive 580 permit allocations:
 - All of which must be issued to vacant, buildable parcels. Only one of the allocated building permits shall be awarded to any individual parcel.
 - Of the 580 permit allocations, 406 must be used for workforce housing.
- The City of Marathon must receive 201 permit allocations:
 - All of which must be issued to vacant, buildable parcels. Only one of the allocated building permits shall be awarded to any individual parcel.
 - Distribution of the permits must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing.
- The City of Islamorada must receive 77 permit allocations:

- All of which must be issued to vacant, buildable parcels. Only one of the allocated building permits shall be awarded to any individual parcel.
- Distribution of the permits must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing.
- The City of Key West must receive 30 permit allocations. The housing constructed pursuant to the allocated permits must be affordable.⁵⁵

The bill defines “workforce housing” as residential dwelling units restricted for a period of no less than 99 years to occupancy by households who derive at least 70 percent of their household income from gainful employment in Monroe County supplying goods or services to Monroe County residents or visitors.

Section 5 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill authorizes ad valorem tax relief for private owners of single- and multifamily housing units in some cases.

⁵⁵ “Affordable” is defined section 420.0004(3), F.S., to mean that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households of extremely-low-income persons, low-income persons, moderate-income persons, or very-low-income persons.

B. Private Sector Impact:

The bill may have an indeterminate positive affect by providing an exemption for Habitat for Humanity International, Inc., or any of its affiliates from payment and performance bonds in some cases. This may have an indeterminate positive affect on the Florida Keys by increasing affordable housing.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

In section 4 of the bill the specific permit allotments add up to 888 permits, rather than 825 permits.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 196.1978, 255.05, 259.105, and 380.0552 of the Florida Statutes.

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

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

CS by Environment and Natural Resources on March 25:

- Requires that local comprehensive plans maintain a hurricane evacuation clearance time for permanent residents of no more than 24.5 hours or 825 permit allocations, whichever is less.
- Requires the Administration Commission to distribute the permit allocations over a period of at least 10 years as follows:
 - 580 to Monroe County, with 406 issued only for workforce housing;
 - 201 to the City of Marathon;
 - 77 to the Village of Islamorada; and
 - 30 to the City of Key West.
- Requires permits issued to Monroe County, the City of Marathon, and the Village of Islamorada to be issued to vacant, buildable parcels, with only one permit awarded to any individual parcel.
- Provides that distribution of the permit allocations to the City of Marathon and the Village of Islamorada must prioritize owner-occupied residences, affordable housing, and workforce housing.

B. Amendments:

None.

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



798222

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 146 - 198
and insert:
no more than 24.5 ~~24~~ hours or 888 permit allocations, whichever
is less. The hurricane evacuation clearance time shall be
determined by a hurricane evacuation study conducted in
accordance with a professionally accepted methodology and
approved by the state land planning agency. For purposes of
hurricane evacuation clearance time:



798222

11 a. Mobile home residents are not considered permanent
12 residents.

13 b. The City of Key West Area of Critical State Concern
14 established by chapter 28-36, Florida Administrative Code, shall
15 be included in the hurricane evacuation study and is subject to
16 the evacuation requirements of this subsection.

17 c. To ensure the hurricane evacuation clearance time in
18 this subsection is met, Monroe County, the Village of
19 Islamorada, the City of Marathon, the City of Layton, and the
20 City of Key West shall each continue to maintain permit
21 allocation systems limiting the number of permits issued for new
22 residential dwelling units.

23 d. The Administration Commission shall distribute 888
24 permit allocations over a period of at least 10 years, as
25 follows:

26 (I) Monroe County shall receive 580 permit allocations. All
27 of which must be issued to vacant, buildable parcels. Only 1 of
28 the allocated building permits shall be awarded to any
29 individual parcel. Of the 580 permit allocations, 406 shall be
30 issued only for workforce housing;

31 (II) The City of Marathon shall receive 201 permit
32 allocations:

33 (A) All of which must be issued to vacant, buildable
34 parcels. Only 1 of the allocated building permits may be awarded
35 to any individual parcel; and

36 (B) Distribution of which must prioritize allocations for
37 owner-occupied residences, affordable housing, and workforce
38 housing;

39 (III) The Village of Islamorada shall receive 77 permit



798222

allocations:

(A) All of which must be issued to vacant, buildable
parcels. Only 1 of the allocated building permits may be awarded
to any individual parcel; and

(B) Distribution of which must prioritize allocations for
owner-occupied residences, affordable housing, and workforce
housing; and

(IV) The City of Key West shall receive 30 permit
allocations. The housing constructed pursuant to such permits
must be affordable as defined in s. 420.0004.



149692

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment to Amendment (798222)

Delete lines 5 - 23
and insert:
no more than 24.5 ~~24~~ hours or 825 permit allocations, whichever
is less. The hurricane evacuation clearance time shall be
determined by a hurricane evacuation study conducted in
accordance with a professionally accepted methodology and
approved by the state land planning agency. For purposes of
hurricane evacuation clearance time:



149692

11 a. Mobile home residents are not considered permanent
12 residents.

13 b. The City of Key West Area of Critical State Concern
14 established by chapter 28-36, Florida Administrative Code, shall
15 be included in the hurricane evacuation study and is subject to
16 the evacuation requirements of this subsection.

17 c. To ensure the hurricane evacuation clearance time in
18 this subsection is met, Monroe County, the Village of
19 Islamorada, the City of Marathon, the City of Layton, and the
20 City of Key West shall each continue to maintain permit
21 allocation systems limiting the number of permits issued for new
22 residential dwelling units.

23 d. The Administration Commission shall distribute 825

By Senator Rodriguez

40-01358A-25

20251326__

A bill to be entitled

An act relating to areas of critical state concern; amending s. 196.1978, F.S.; revising conditions under which certain property may be considered property used for a charitable purpose; amending s. 255.055, F.S.; exempting a person entering into a construction contract with Habitat for Humanity International, Inc., or any of its affiliates from executing a payment and performance bond under certain circumstances; providing that the underlying real property owned by the state or any county, city, or political subdivision may not be subject to specified lien rights; amending s. 259.105, F.S.; extending the timeframe for specific Florida Forever appropriations to be used for the purchase of lands in the Florida Keys Area of Critical State Concern; amending s. 380.0552, F.S.; providing a limitation for additional building permit allocations; specifying the current permit allocations, based on certain evacuation clearance time modeling; requiring certain cities to maintain a permit allocation system to ensure certain provisions are met; requiring the Administration Commission to distribute permit allocations over a specified period and in a specified manner; providing for the allocation of building permits among certain municipalities; defining the term "workforce housing"; providing an effective date.

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

40-01358A-25

20251326__

Section 1. Paragraph (b) of subsection (3) of section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—

(3)

(b) Notwithstanding ss. 196.195 and 196.196, portions of property in a multifamily project are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption if such portions meet all of the following conditions:

1. Provide affordable housing to natural persons or families meeting the income limitations provided in paragraph (d).

2.a. Are within a newly constructed multifamily project that contains more than 70 units dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d); or

b. Contain one or more units located ~~are within a newly constructed multifamily project~~ in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code, which are ~~contains more than 10 units~~ dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d).

3. Are rented for an amount that does not exceed the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as

40-01358A-25

20251326__

determined by a rental market study meeting the requirements of paragraph (1), whichever is less.

Section 2. Paragraph (h) is added to subsection (1) of section 255.05, Florida Statutes, to read:

255.05 Bond of contractor constructing public buildings; form; action by claimants.—

(1) A person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority or private entity, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work or before recommencing the work after a default or abandonment, to execute and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. A public entity may not require a contractor to secure a surety bond under this section from a specific agent or bonding company.

(h) When work is done on property located within an area of critical state concern which is subject to a long-term ground lease of 99 years or more with Habitat for Humanity International, Inc., or any of its affiliates, at the discretion of the official or board who owns the subject underlying property in fee simple, a person entering into a construction contract providing for services or material may be exempted from executing the payment and performance bond under this section, provided that such leasehold interest created by the ground lease of 99 years or more is subject to any claims by claimants who qualify as lienors under s. 713.01 and applicable lien

40-01358A-25

20251326__

statutes in chapter 713. The underlying real property owned by the state or any county, city, or political subdivision thereof or by any other public authority may not be subject to any lien rights created under chapter 713.

Section 3. Paragraph (b) of subsection (3) of section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. At a minimum, 3 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access. Beginning in the 2017-2018 fiscal year and continuing through the 2035-2036 ~~2026-2027~~ fiscal year, at least \$5 million of the funds allocated pursuant to this paragraph shall be spent on land acquisition within the Florida Keys Area of Critical State Concern as authorized

40-01358A-25

20251326__

pursuant to s. 259.045.

Section 4. Paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, is amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(1) for onsite sewage treatment and disposal systems.

2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of

40-01358A-25

20251326__

no more than 26 ~~24~~ hours or 3,550 permit allocations, whichever
is less. The hurricane evacuation clearance time shall be
determined by a hurricane evacuation study conducted in
accordance with a professionally accepted methodology and
approved by the state land planning agency. For purposes of
hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent
residents.

b. The City of Key West Area of Critical State Concern
established by chapter 28-36, Florida Administrative Code, shall
be included in the hurricane evacuation study and is subject to
the evacuation requirements of this subsection.

c. To ensure the hurricane evacuation clearance time in
this subsection is met, Monroe County, the Village of
Islamorada, the City of Marathon, the City of Layton, and the
City of Key West shall each continue to maintain permit
allocation systems limiting the number of permits issued for new
residential dwelling units.

d. The Administration Commission shall distribute 3,550
permit allocations over a period of at least 40 years, as
follows:

(I) Monroe County shall receive 2,320 permit allocations of
which:

(A) A total of 1,618 must be issued to vacant, buildable
parcels, of which only 1 building permit allocation shall be
awarded to any individual parcel. Of the 1,618 permit
allocations, 1,133 shall be issued only for workforce housing;
and

(B) A total of 702 must be used for single- or multi-family

40-01358A-25

20251326__

workforce or affordable housing;

(II) The City of Marathon shall receive 803 permit allocations of which:

(A) A total of 560 must be issued to vacant, buildable parcels, of which only 1 building permit allocation shall be awarded to any individual parcel; and

(B) A total of 243 may be used for any other permanent residential use, including, but not limited to, single- or multi-family affordable housing, of which the distribution must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing;

(III) The City of Islamorada shall receive 307 permit allocations of which:

(A) A total of 214 must be issued to vacant, buildable parcels, of which only 1 building permit allocation shall be awarded to any individual parcel; and

(B) A total of 93 may be used for any other permanent residential use, including, but not limited to, single- or multi-family affordable housing, of which the distribution must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing; and

(IV) The City of Key West shall receive 120 permit allocations, which shall be affordable as defined in s. 420.0004.

e. For purposes of this sub-subparagraph, the term "workforce housing" means residential dwelling units restricted for a period of no less than 99 years to occupancy by households who derive at least 70 percent of their household income from gainful employment in Monroe County supplying goods or services

40-01358A-25

20251326__

204 to Monroe County residents or visitors.

205 Section 5. This act shall take effect July 1, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 1580

INTRODUCER: Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Resilience Planning

DATE: March 25, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	Fav/CS
2. _____	_____	<u>AEG</u>	_____
3. _____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1580 provides that the Department of Environmental Protection (DEP) has the exclusive authority to execute coastal resiliency projects through public-private partnerships. The bill provides that, to encourage investment from the private sector in such projects, DEP may:

- Enter into long-term revenue-sharing agreements.
- Provide expedited permitting for construction.
- Seek comments from local governments and the public during project planning and execution and incorporate actions responsive to such comments into the project.
- Engage in-state vocational schools and apprenticeship programs to train workers in specialized resiliency construction.

The bill requires DEP to publish biennial progress reports for each coastal resiliency project funded through a public-private partnership. DEP must also create and maintain on its website an online dashboard for real-time updates on project execution.

II. Present Situation:

Statewide Resilience Programs

The Legislature has established several statewide resilience programs, including:

- The Resilient Florida Grant Program, which provides grants to local governments and water management districts for community resilience planning, including feasibility studies, vulnerability assessments, and adaptation planning.¹
- The Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment, which provides an inventory of critical assets and information necessary to determine the risks to inland and coastal communities such as elevation, tidal levels, and precipitation.²
- The Statewide Flooding and Sea Level Rise Resilience Plan, which consists of ranked projects that address risks of flooding and sea level rise to coastal and inland communities.³

Statewide Flooding and Sea Level Rise Resilience Plan

By December 1 of each year, the Department of Environmental Protection (DEP) must develop a Statewide Flooding and Sea Level Rise Resilience Plan with a three-year planning horizon and submit it to the Governor and Legislature.⁴ The plan must consist of ranked projects that address flooding and sea level rise risks for coastal and inland communities.⁵ All eligible projects submitted must be ranked and included in the plan.⁶ DEP ranks the projects using a four-tiered scoring system.⁷ Examples of projects include construction of living shorelines, seawalls, and pump stations, elevation projects, and infrastructure hardening.⁸

Each plan must include, among other things, a detailed description of the methodology used by DEP to rank projects, details on the submitted project applications, and total funding requested, including for ineligible projects.⁹ In addition, each plan must include the following information for each recommended project:

- A description of the project;
- The location of the project;
- An estimate of how long the project will take to complete;
- An estimate of the cost of the project;
- The cost-share percentage available for the project;
- A summary of the priority score assigned to the project; and
- The project sponsor.¹⁰

Counties, municipalities, special districts, and regional resilience entities may submit a list of proposed projects that address risks identified in statewide or local vulnerability assessments.¹¹ Water management districts, drainage districts, erosion control districts, flood control districts,

¹ Section 380.093(3), F.S.

² Section 380.093(4), F.S.

³ Section 380.093(5), F.S.

⁴ Section 380.093(5)(a), F.S.

⁵ *Id.*

⁶ *Id.*

⁷ Section 380.093(5)(g), F.S.

⁸ See DEP, *Statewide Resilience Plan: Fiscal Year 2024-25*, 8-12 (2023), available at https://floridadep.gov/sites/default/files/2024-2025%20Statewide%20Resilience%20Plan-FINAL_0.pdf.

⁹ Section 380.093(5)(g), F.S.

¹⁰ Section 380.093(5)(c), F.S.

¹¹ Section 380.093(5)(d)1., F.S.

and regional water supply authorities may also submit projects that mitigate flooding and sea level rise impacts on water supplies or water resources.¹²

Each project must have a 50 percent cost share unless the project assists or is within a community eligible for a reduced cost share.¹³ The annual funding for the plan must be at least \$100 million.¹⁴ Multiyear projects must continue receiving funding until completion if contractual obligations are met and funds remain available.¹⁵

Public-private Partnerships

Public-private partnerships (P3s) are contractual arrangements between public entities and private sector entities¹⁶ that facilitate increased private sector involvement in the funding and execution of public building and infrastructure projects. These agreements enable the collaboration of skills and assets from both public and private sectors to provide services or facilities for the benefit of the general public. Several statutes promote and offer direction for P3 projects, including those for services and facilities related to transportation,¹⁷ housing,¹⁸ and education.¹⁹

Current law allows responsible public entities (RPEs)²⁰ to engage in P3 projects aimed at developing an extensive array of public-use facilities or projects that fulfill a public purpose. Examples of qualifying projects include those for mass transit, vehicle parking, airports or seaports, educational facilities, and public sector buildings or complexes such as courthouses or

¹² Section 380.093(5)(d)2., F.S.

¹³ Section 380.093(5)(e), F.S. “Community eligible for reduced cost share” means (1) a municipality that has a population of 10,000 or fewer and a per capita annual income that is less than the state’s per capita annual income; (2) a county that has a population of 50,000 or fewer and a per capita annual income that is less than the state’s per capita annual; or (3) a municipality or county that has a per capita annual income that is equal to or less than 75 percent of the state’s per capita annual income. Populations are determined by the most recent April 1 population estimates posted on the Office of Economic and Demographic Research’s website. The state’s per capita income is based on the most recent release from the Bureau of the Census of the U.S. Department of Commerce. *Id.*

¹⁴ Section 380.093(5)(h), F.S.

¹⁵ *Id.*

¹⁶ “Private entity” means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity. Section 255.065(1)(g), F.S.

¹⁷ See section 334.30, F.S., relating to public-private transportation facilities.

¹⁸ See section 420.0003(2)(b), F.S., relating to state housing strategy.

¹⁹ See section 1013.35, F.S., relating to school district educational facilities plans.

²⁰ “Responsible public entity” means a county, municipality, school district, special district, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project. Section 255.065(1)(j), F.S. “Develop” means to plan, design, finance, lease, acquire, install, construct, or expand. Section 255.065(1)(b), F.S. “Operate” means to finance, maintain, improve, equip, modify, or repair. Section 255.065(1)(f), F.S.

city halls.²¹ Current law outlines specific requirements to which RPEs must adhere, including protocols for reviewing and approving proposals.²²

Procurement Procedures

Current law allows an RPE to receive unsolicited proposals or may solicit proposals for a qualifying P3 project and thereafter enter into a comprehensive agreement for the building, upgrading, operating, ownership, or financing of facilities.²³ An unsolicited proposal from a private entity for approval of a qualifying project must be accompanied by the following materials and information, unless waived by the RPE:

- A description of the project and the method proposed by the private entity to secure the necessary property interests required for the project.
- A description of the private entity's general plans for financing the project.
- The name and address of a designated contact person who can provide additional information about the proposal.
- The proposed user fees,²⁴ lease payments,²⁵ or other service payments throughout the term of the comprehensive agreement, along with the methodology for and circumstances allowing adjustments to these payments over time.
- Any additional material or information requested by the RPE.²⁶

If the RPE intends to execute a comprehensive agreement for a project arising from an unsolicited proposal, the RPE must publish notice in the Florida Administrative Register and a newspaper of general circulation and mail a copy of the notice to each local government in the affected area.²⁷ The notice must be published at least once a week for two weeks stating the RPE has received a proposal and will accept other proposals for the same project.²⁸

²¹ "Qualifying project" means a facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity; an improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector; a water, wastewater, or surface water management facility or other related infrastructure; or notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section. Section 255.065(1)(i), F.S.

²² "Proposal" means a plan for a qualifying project with detail beyond a conceptual level for which terms such as fixing costs, payment schedules, financing, deliverables, and project schedule are defined. Section 255.065(1)(h), F.S.

²³ Section 255.065(3), F.S.

²⁴ "Fees" means charges imposed by the private entity of a qualifying project for use of all or a portion of such qualifying project pursuant to a comprehensive agreement. Section 255.065(1)(c), F.S.

²⁵ "Lease payment" means any form of payment, including a land lease, by a public entity to the private entity of a qualifying project for the use of the project. Section 255.065(1)(d), F.S.

²⁶ Section 255.065(4), F.S. Any pricing or financial terms included in an unsolicited proposal must be specific as to when the pricing or terms expire.

²⁷ Section 255.065(3)(b), F.S. "Affected local jurisdiction" means a county, municipality, or special district in which all or a portion of a qualifying project is located. Section 255.065(1)(a), F.S.

²⁸ Section 255.065(3)(b)1., F.S.

The RPE may proceed with an unsolicited proposal for a qualifying project without engaging in a public bidding process if the RPE holds a duly noticed public meeting at which the proposal is presented and affected public entities and members of the public are able to provide comment and at a second duly noticed public meeting determines that the proposal is in the public's interest.²⁹ If the RPE decides to proceed with an unsolicited proposal without engaging in a public bidding process, the RPE must publish in the Florida Administrative Register for at least seven days a report that includes:

- The public interest determination;
- The factors considered in making such public interest determination; and
- The RPE's findings based on each considered factor.³⁰

Project Qualification and Approval

After the public notification period has expired for an unsolicited proposal that is submitted and noticed for public hearing, the RPE ranks the proposals received in order of preference.³¹ The RPE may then begin negotiations for a comprehensive agreement with the highest-ranked firm.³²

Before approving a comprehensive agreement, the RPE must determine the proposed project:

- Is in the public's best interest.
- Is for a facility owned by the RPE or for which ownership will be conveyed to the RPE.
- Has adequate safeguards to prevent additional costs or service disruptions for the public in case of material default³³ or cancellation of the comprehensive agreement by the RPE.
- Includes measures to allow the RPE or the private entity to add capacity to the proposed project or other facilities serving similar predominantly public purposes.
- Will be owned by the RPE upon completion, expiration, or termination of the comprehensive agreement and upon payment of the financed amounts.³⁴

Comprehensive Agreement

The RPE and the private entity must enter into a comprehensive agreement before developing or operating a qualifying project.³⁵ The comprehensive agreement must provide for:

- Delivery of performance and payment bonds, letters of credit, or other security related to the project's development or operation.
- Review of the project design by the RPE. This does not require the private entity to complete the project's design before executing the comprehensive agreement.
- Inspection of the project by the RPE.
- Maintenance of a public liability insurance policy, a copy of which together with proofs of coverage are filed with the RPE, or satisfactory proof of self-insurance.
- Monitoring the maintenance practices of the private entity by the RPE to ensure proper upkeep of the project.

²⁹ Section 255.065(3)(c), F.S.

³⁰ Section 255.065(3)(d), F.S.

³¹ Section 255.065(5)(c), F.S.

³² *Id.*

³³ "Material default" means a nonperformance of its duties by the private entity of a qualifying project which jeopardizes adequate service to the public from the project. Section 255.065(1)(e), F.S.

³⁴ Section 255.065(3)(f), F.S.

³⁵ Section 255.065(7)(a), F.S.

- Periodic filing of financial statements pertaining to the project by the private entity.
- Procedures governing the rights and responsibilities of both parties in the event of a termination of the comprehensive agreement or a material default by the private entity.
- User fees, lease payments, or service payments that do not discourage use of the project, as may be established in the agreement.
- Duties of the private entity, including the terms and conditions that the RPE determines serve the public purpose of the project.³⁶

III. Effect of Proposed Changes:

Section 1 amends s. 255.065, F.S., regarding public-private partnerships. The bill adds coastal resiliency projects as defined in s. 380.0934, F.S., (created by this bill) to the definition of “qualifying projects.”

Section 2 creates s. 380.0934, F.S., regarding public-private partnerships for coastal resiliency projects. The bill provides that “coastal resiliency project” means:

- The planning, contracting, and execution of a project to address flooding and sea level rise in a coastal or inland community in this state pursuant to the Statewide Flooding and Sea Level Rise Resilience Plan;
- Public infrastructure repair and upgrades to seawalls and stormwater drainage; and
- Resiliency measures designed to withstand extreme weather, mitigate flooding, and prevent coastal erosion, including:
 - Acquisition of at-risk coastal and flood-prone properties;
 - Acquisition of properties in areas at high risk of flooding;
 - Infrastructure hardening and development of natural barriers;
 - Construction of large-scale seawalls, levees, and elevated flood barriers; or
 - Expansion and restoration of natural protective systems.

The bill provides that the Department of Environmental Protection (DEP) has the exclusive authority to execute coastal resiliency projects through public-private partnerships. The bill defines “public-private partnerships” as a coastal resiliency project entered into by DEP under s. 255.065, F.S.

The bill provides that, to encourage investment from the private sector in coastal resiliency projects, DEP may:

- Enter into long-term revenue-sharing agreements.
- Provide expedited permitting for construction.
- Seek comments from local governments and the public during project planning and execution and incorporate actions responsive to such comments into the project.
- Engage in-state vocational schools and apprenticeship programs to train workers in specialized resiliency construction.

The bill requires DEP to publish biennial progress reports for each coastal resiliency project funded through a public-private partnership, including project milestones, expenditures, and

³⁶ *Id.*

public benefits, on DEP's website. DEP must also create and maintain on its website an online dashboard for real-time updates on project execution.

Section 3 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Environmental Protection may incur costs related to publishing biennial progress reports and maintaining an online dashboard with real-time updates on project execution.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 380.0934 of the Florida Statutes.

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

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

CS by Environment and Natural Resources on March 25, 2025:

The committee substitute deletes the underlying bill and:

- Provides that the Department of Environmental Protection (DEP) has the exclusive authority to execute coastal resiliency projects through public-private partnerships.
- Allows DEP to encourage private sector investment in coastal resiliency projects through revenue-sharing agreements, expedited permitting, public engagement, and workforce training initiatives.
- Requires DEP to publish biennial progress reports and maintain an online dashboard with real-time updates on project execution.

B. Amendments:

None.



607800

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (i) of subsection (1) of section
255.065, Florida Statutes, is amended to read:

255.065 Public-private partnerships.—

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

(i) “Qualifying project” means:

1. A facility or project that serves a public purpose,



607800

including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity;

2. An improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector;

3. A water, wastewater, or surface water management facility or other related infrastructure;

4. A coastal resiliency project as defined in s. 380.0934;
or

5.4. Notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section.

Section 2. Section 380.0934, Florida Statutes, is created to read:

380.0934 Public-private partnerships for coastal resiliency projects.—

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



607800

(a) "Coastal resiliency project" means:

1. The planning, contracting, and execution of a project to address flooding and sea level rise in a coastal or inland community in this state pursuant to s. 380.093(5);

2. Public infrastructure repair and upgrades to seawalls and stormwater drainage; and

3. Resiliency measures designed to withstand extreme weather, mitigate flooding, and prevent coastal erosion, including:

a. Acquisition of at-risk coastal and flood-prone properties;

b. Acquisition of properties in areas at high risk of flooding;

c. Infrastructure hardening and development of natural barriers;

d. Construction of large-scale seawalls, levees, and elevated flood barriers; or

e. Expansion and restoration of natural protective systems.

(b) "Department" means the Department of Environmental Protection.

(c) "Public-private partnership" means a coastal resiliency project entered into by the department under s. 255.065.

(2) The department shall have the exclusive authority to execute coastal resiliency projects through public-private partnerships under s. 255.065.

(3) To encourage investment from the private sector in coastal resiliency projects, the department may:

(a) Enter into long-term revenue-sharing agreements.

(b) Provide expedited permitting for construction.



607800

(c) Seek comments from local governments and the public during project planning and execution and incorporate actions responsive to such comments into the project.

(d) Engage in-state vocational schools and apprenticeship programs to train workers in specialized resiliency construction.

(4) The department shall publish biennial progress reports for each coastal resiliency project funded through a public-private partnership, including project milestones, expenditures, and public benefits, on the department's website. The department shall also create and maintain on its website an online dashboard for real-time updates on project execution.

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

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to infrastructure and resiliency;
amending s. 255.065, F.S.; revising the definition of
the term "qualifying project"; creating s. 380.0934,
F.S.; defining terms; granting the Department of
Environmental Protection the exclusive authority to
execute coastal resiliency projects through public-
private partnerships; authorizing the department to
take certain actions to encourage investment from the
private sector in coastal resiliency projects;
requiring the department to publish certain



607800

98 information on its website; providing an effective
99 date.

By Senator Rodriguez

40-00896-25

20251580__

A bill to be entitled
An act relating to resilience planning; creating s.
380.0934, F.S.; creating the Florida Master P3
Infrastructure Authority for a specified purpose;
providing goals for the authority; providing the terms
of membership of the authority; requiring members to
serve without compensation but be reimbursed for
certain expenses; requiring the authority to appoint
an executive director, establish rules, meet a certain
number of times per year, and elect specified
officers; providing for the composition of the
authority; providing requirements for the authority;
requiring that all projects submitted for inclusion in
the Statewide Flooding Sea Level Rise Resilience Plan
must have a 5-year implementation timeline; providing
an effective date.

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

Section 1. Section 380.0934, Florida Statutes, is created
to read:

380.0934 Florida Master P3 Infrastructure Authority.—

(1)(a) There is created within the Department of
Environmental Protection the Florida Master P3 Infrastructure
Authority to oversee the planning, contracting, and execution of
projects that address flooding and sea level rise to coastal and
inland communities in this state pursuant to s. 380.093(5). The
goals of the Florida Master P3 Infrastructure Authority are to:

1. Manage all such projects eligible for inclusion in the

40-00896-25

20251580__

30 planning and coordination between state agencies, local
31 governments, and private sector partners seeking to invest in
32 such projects.

33 2. Create a unified statewide approach for funding,
34 developing, and maintaining such projects, in collaboration with
35 private sector partners.

36 (b) The Florida Master P3 Infrastructure Authority members
37 shall initially be appointed for a term of 4 years. Thereafter,
38 each member shall be appointed for a term of 4 years from the
39 date of appointment, except that a vacancy must be filled by
40 appointment for the remainder of the term. The members of the
41 authority shall serve without compensation, but shall be
42 reimbursed for all necessary expenses in the performance of
43 their duties, including travel expenses, in accordance with s.
44 112.061. The authority shall appoint an executive director,
45 establish rules of procedure for conducting its meetings, meet
46 at least semiannually, and elect a chair, a vice chair, and a
47 secretary for 1-year terms. The authority shall be composed of
48 the following six members:

49 1. One representative from the Department of
50 Transportation, appointed by the Secretary of Transportation.

51 2. One representative from the department, appointed by the
52 Secretary of Environmental Protection.

53 3. One representative from the Division of Emergency
54 Management, appointed by the director of the Division of
55 Emergency Management.

56 4. The Chief Resilience Officer.

57 5. The Chief Scientist.

58 6. One industry expert in banking and investment for large

40-00896-25

20251580__

scale infrastructure projects, appointed by the secretary of the department.

(c) The Florida Master P3 Infrastructure Authority shall:

1. Acquire at-risk coastal and flood-prone properties for projects that address flooding and sea level rise to coastal and inland communities in this state pursuant to s. 380.093(5) using measures including, but not limited to, property buyout programs for voluntary relocation in high-risk zones.

2. Induce investments from the private sector for such projects by offering incentives, including, but not limited to:

a. Long-term revenue-sharing agreements, such as toll collection, lease arrangements, or energy savings.

b. Tax credits.

c. Expedited permitting for construction necessary for such projects.

3. Engage local governments, community leaders, and residents during the project planning and execution phases and incorporate their feedback in the project.

4. Partner with in-state vocational schools and apprenticeship programs to train workers in specialized resiliency construction.

5. Publish biannual progress reports, including project milestones, expenditures, and public benefits on the department's website. The authority shall also create an online dashboard for real-time updates on project execution.

6. Employ an independent certified accounting firm to audit funds, accounts, and financial records for the projects.

7. Implement penalties for noncompliance or mismanagement of resources.

40-00896-25

20251580__

88 (d) The department may provide administrative and staff
89 support services relating to the meetings of the authority.

90 (2) Notwithstanding an extension from the department, all
91 projects that address flooding and sea level rise to coastal and
92 inland communities in this state pursuant to s. 380.093(5) must
93 have a 5-year implementation timeline to ensure timely
94 completion.

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

760

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

I, Cord Byrd, Secretary of State,
do hereby certify that

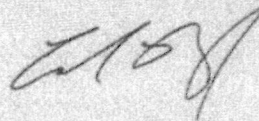
Eric Buermann

is duly appointed a member of the

Environmental Regulation Commission

for a term beginning on the Twelfth day of January, A.D., 2024,
until the First day of July, A.D., 2027 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 February, A.D., 2024.*



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.



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2024 JAN 18 AM 9:04
DIVISION OF ELECTIONS
TALLAHASSEE, FL

January 12, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 20.255(7), Florida Statutes:

Mr. Eric Buermann
19 South Island Drive
Key Largo, Florida 33037

as a member of the Environmental Regulation Commission, subject to confirmation by the Senate. This appointment is effective January 12, 2024, for a term ending July 1, 2027.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/es

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2024 JAN 30 AM 8:13

STATE OF FLORIDA

County of Monroe

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner Member - Florida Environmental Regulation Commission

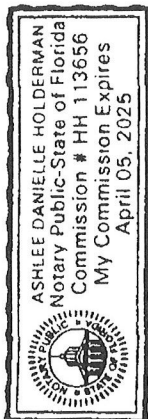
(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

(Affix Seal Below)



Sworn to and subscribed before me by means of X physical presence
of online notarization this 18th day of January, 2024.

Signature of Officer Administering Oath or of Notary Public

Ashlee D. Holderman

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

19 S. Island Dr.

Street or Post Office Box

Key Largo, FL 33037-3606

City, State, Zip Code

Eric Buermann

Print Name

Signature

The Florida Senate

APPEARANCE RECORD

ERC Confirmation: Eric Buermann

Bill Number or Topic

25 MAR 2025

Meeting Date

Environment & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Kahreem Golden

Phone 850-345-7108

Address 1035 S. Semoran Blvd, Suite 2-1021B

Email kahreem.golden@tnc.org

Street

Winter Park

City

FL

State

32792

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

The Nature Conservancy

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

760

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

John J. Truitt

is duly appointed a member of the

Environmental Regulation Commission

for a term beginning on the Twelfth day of January, A.D., 2024,
until the First day of July, A.D., 2025 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 Twelfth day of February, A.D., 2024*



[Signature]
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.



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2024 JAN 18 AM 9:04
DIVISION OF ELECTIONS
TALLAHASSEE, FL

January 12, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 20.255(7), Florida Statutes:

Mr. John Truitt
3466 Gardenvue Way
Tallahassee, Florida 32309

as a member of the Environmental Regulation Commission, succeeding Sarah Walton, subject to confirmation by the Senate. This appointment is effective January 12, 2024, for a term ending July 1, 2025.

Sincerely,

A handwritten signature of Ron DeSantis in black ink.

Ron DeSantis
Governor

RD/es

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2024 JAN 24 AM 9:13

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Environmental Regulation Commission

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence

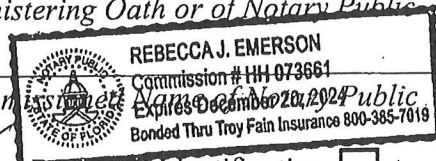
Or ☐ online notarization this 19th day of January, 2024.

Rebecca J. Emerson
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commission # HH 073661 Name of Notary Public Rebecca J. Emerson

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☒

301 S. Bronough St., Suite 600

Street or Post Office Box

John J. Truitt

Print Name

Tallahassee, FL 32301

City, State, Zip Code

[Signature]
Signature

760

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

I, Cord Byrd, Secretary of State,
do hereby certify that

Cari Roth

is duly appointed a member of the

Environmental Regulation Commission

for a term beginning on the Twelfth day of January, A.D., 2024,
until the First day of July, A.D., 2027 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-Fifth day of April, A.D., 2024.*

A handwritten signature in black ink, appearing to read 'C. Byrd', is written over a horizontal line.

Secretary of State



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2024 JAN 18 AM 9:04
DIVISION OF ELECTIONS
TALLAHASSEE, FL

January 12, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 20.255(7), Florida Statutes:

Ms. Cari Roth
400 North Ashley Drive
Suite 2500
Tampa, Florida 33602

as Chair of the Environmental Regulation Commission, succeeding Joseph Joyce, subject to confirmation by the Senate. This appointment is effective January 12, 2024, for a term ending July 1, 2027.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/es

ICE JAN 24 AM 9:13

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner, Environmental Regulation Commission

(Full Name of Office — Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

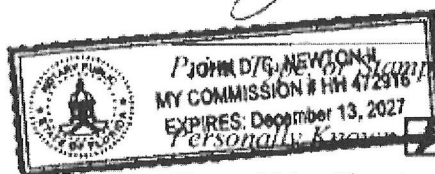
Signature _____

(Affix Seal Below)

Sworn to and subscribed before me by means of ✓ physical presence

Or online notarization this 17th day of 2024, 2024.

Signature of Officer Administering Oath or of Notary Public



JOHN D. G. NEWTON, Jr. Commissioned Name of Notary Public

EXPIRES: December 13, 2021

Type of Identification Produced

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☒

400 N. Ashley Drive, Suite 2500

Street or Post Office Box

Tampa, FL 33602

City, State, Zip Code

Cari Roth

Print Name

Signature

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

ERC Confirmation: Cari Roth
Bill Number or Topic

25 MAR 2025

Meeting Date

Environment & Natural Resources

Committee

Amendment Barcode (if applicable)

Name Kahreem Golden

Phone 830-345-7108

Address 1035 S. Semoran Blvd, suite 2-1021B

Email Kahreem.golden@tnc.org

Street

Winter Park

City

FL

State

32792

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

The Nature Conservancy

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

760

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Kellie Ralston

is duly appointed a member of the

Environmental Regulation Commission

for a term beginning on the Twelfth day of January, A.D., 2024,
until the First day of July, A.D., 2027 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 February, A.D., 2025.



Secretary of State



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2024 JAN 18 AM 9:04
DIVISION OF ELECTIONS
TALLAHASSEE, FL

January 12, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 20.255(7), Florida Statutes:

Mrs. Kellie Ralston
9167 Shoal Creek Drive
Tallahassee, Florida 32312

as a member of the Environmental Regulation Commission, filling a vacant seat previously occupied by James McCarthy, subject to confirmation by the Senate. This appointment is effective January 12, 2024, for a term ending July 1, 2027.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/es

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2024 FEB 21 AM 8:56

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Environmental Regulation Commission

(Name of Office)

on which I am now about to enter, so help me God.

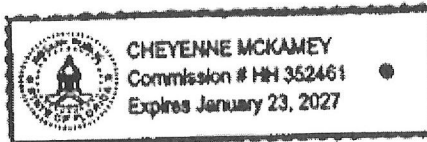
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Kellie Rebello Ralston
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of X physical presence
Or online notarization this 14 day of February, 2024.

Cheyenne McKamey
Signature of Officer Administering Oath or of Notary Public



Cheyenne McKamey
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ or Produced Identification ☒

Type of Identification Produced FL Drivers License

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

9167 Shoal Creek Drive

Street or Post Office Box

Tallahassee, Florida 32312

City, State, Zip Code

Kellie Rebello Ralston

Print Name

Kellie Rebello Ralston
Signature

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

ERC Confirmation: Kellie Balston
Bill Number or Topic

25 MAR 2025

Meeting Date

Environment & Natural Resources

Committee

Amendment Barcode (if applicable)

Name KAHREEM GOLDEN

Phone 850-345-7108

Address 1035 S SEMORAN BLVD, SUITE 2-1021B
Street

Email Kahreem.golden@tnc.org

WINTER PARK

City

FL

State

32792

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

THE NATURE CONSERVANCY

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

760

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

I, Cord Byrd, Secretary of State,
do hereby certify that

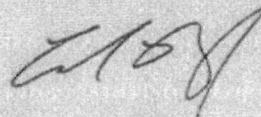
James McCarthy

is duly appointed a member of the

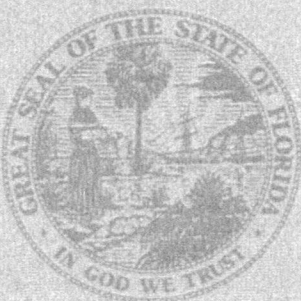
Environmental Regulation Commission

for a term beginning on the Twelfth day of January, A.D., 2024,
until the First day of July, A.D., 2025 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 Sixth day of February, A.D., 2024.*



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.



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2024 JAN 18 AM 9:04
DIVISION OF ELECTIONS
TALLAHASSEE FL

January 12, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 20.255(7), Florida Statutes:

Mr. Jim McCarthy
307 Senegal Drive
Ponte Vedra Beach, Florida 32081

as a member of the Environmental Regulation Commission, succeeding Cari Roth, subject to confirmation by the Senate. This appointment is effective January 12, 2024, for a term ending July 1, 2025.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis".

Ron DeSantis
Governor

RD/es

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2024 FEB -2 AM 8:38
DIVISION OF ELECTIONS
TALLAHASSEE, FL

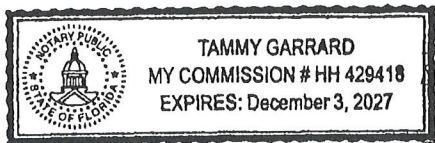
County of Duval

Environmental Regulation Commission
(Full Name of Office – Abbreviations Not Accepted)

[NOTE: If you affirm, you may omit the words "~~so help me God.~~" See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me by means of X physical presence
Or online notarization this 18th day of January, 2024.



Signature of Officer Administering Oath or of Notary Public

Tammy Garrard

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

307 Senegal Drive
Street or Post Office Box

Ponte Vedra FL 32081
City, State, Zip Code

James McCarthy
Print Name

Signature _____

760

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

I, Cord Byrd, Secretary of State,
do hereby certify that

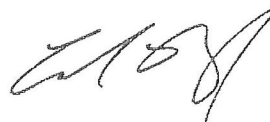
Thomas Kerry Frazer

is duly appointed a member of the

Environmental Regulation Commission

for a term beginning on the Twelfth day of January, A.D., 2024,
until the First day of July, A.D., 2027 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 Twelfth day of March, A.D., 2024.*



Secretary of State



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2024 JAN 18 AM 9:04
DIVISION OF ELECTIONS
TALLAHASSEE, FL

January 12, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 20.255(7), Florida Statutes:

Dr. Thomas Frazer
10009 Northwest 50th Terrace
Gainesville, Florida 32653

as a member of the Environmental Regulation Commission, subject to confirmation by the Senate. This appointment is effective January 12, 2024, for a term ending July 1, 2027.

Sincerely,

A handwritten signature of Ron DeSantis in black ink.

Ron DeSantis
Governor

RD/es

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

2024 MAR 11 AM 8:12

DIVISION ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of ALACHUA

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

ENVIRONMENTAL REGULATION COMMISSION

(Full Name of Office - Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

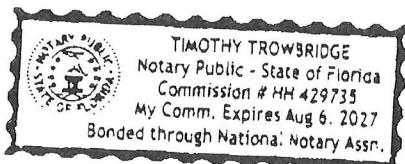
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Thomas Kerry Frazer
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence

Or ☐ online notarization this 29 day of February, 2024.



Timothy Trowbridge
Signature of Officer Administering Oath or of Notary Public

Timothy Trowbridge
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

10009 NW 50TH TERRACE

Street or Post Office Box

GAINESVILLE, FL, 32653

City, State, Zip Code

THOMAS KERRY FRAZER

Print Name

Thomas Kerry Frazer
Signature

858

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Rodney Barreto

is duly appointed a member of the

Fish and Wildlife Conservation Commission

for a term beginning on the Eighth day of March, A.D., 2024,
until the Fifth day of January, A.D., 2029 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-Eighth day of June, A.D., 2024.



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.

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

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



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2024 MAR 12 AM 10:21
DIVISION OF ELECTIONS
TALLAHASSEE, FL

March 8, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 379.102, Florida Statutes:

Mr. Rodney Barreto
235 Catalonia Avenue
Coral Gables, Florida 33134

as a member of the Florida Fish and Wildlife Conservation Commission, subject to confirmation by the Senate. This appointment is effective March 8, 2024, for a term ending January 5, 2029.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis".

Ron DeSantis
Governor

RD/es

AND DELIVERED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2024 JUN 20 AM 10:59

STATE OF FLORIDA

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

County of MIAMI DADE

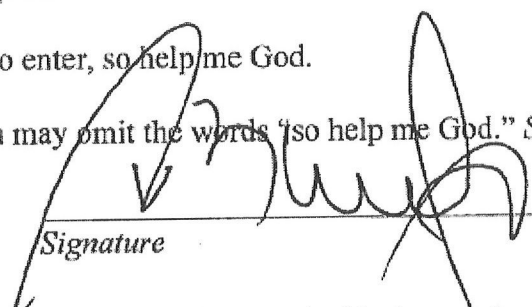
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

COMMISSIONER - FISH AND WILDLIFE CONSERVATION COMMISSION

(Full Name of Office – Abbreviations Not Accepted)


on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]


Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence
Or ☐ online notarization this 17th day of June, 2024.


Signature of Officer Administering Oath or of Notary Public

MIREYA CARBALLOSA

Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐

Office ☒

235 CATALONIA AVENUE

Street or Post Office Box

CORAL GABLES, FL 33134

City, State, Zip Code

RODNEY BARRETO

Print Name


Signature

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

RODNOY
CONF BARRETO

Bill Number or Topic

Amendment Barcode (if applicable)

3/25/2025
Meeting Date

ENV + NAT RES
Committee

Name CHUCK O'NEAL Phone 407 398-3228

Address 2329 PARK VILLAGE PL Email CHUCKFORFLORIDA@
Street 60411C.COM

APOKA FL 32712
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

25 MAR 2025

Meeting Date

Environment + Natural Resources

Committee

FWC Confirmation: Rodney Barreto
Bill Number or Topic

Amendment Barcode (if applicable)

Name KAHREEM GOLDEN

Phone 850-345-7108

Address 1035 S. SEMORAN BLVD, SUITE 2-1021 B

Street

Email kahreem.golden@gnc.org

WINTER PARK

City

FL

State

32792

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

THE NATURE CONSERVANCY

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

A black and white copy of this document is not official.

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

Ford Byrd, Secretary of State,
do hereby certify that

Richard Waltzer

is duly appointed a member of the

Florida Inland Navigation District

for a term beginning on the Tenth day of January A.D. 2025,
until the Ninth day of January A.D. 2029 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 Eighth day of July, A.D., 2024.



[Signature]

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.

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



RON DeSANTIS
GOVERNOR

RECEIVED

2024 JUL -8 AM 10:22

DIVISION OF ELECTIONS
TALLAHASSEE, FL

July 1, 2024

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following reappointment under the provisions of Section 374.983, Florida Statutes:

Mr. Richard Waltzer
2880 Northeast 26th Place
Fort Lauderdale, Florida 33306

as a member of the Florida Inland Navigation District, subject to confirmation by the Senate. This appointment is effective January 10, 2025, for a term ending January 9, 2029.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/es

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

2024 JUL 17 PM 3:41

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Broward

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

FLORIDA INLAND NAVIGATION DISTRICT
(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words 'so help me God.' See § 92.52, Fla. Stat.]

[Signature]
Signature

(Affix Seal Below)



Sworn to and subscribed before me by means of X physical presence
Or online notarization this 8th day of July, 2024.

[Signature]
Signature of Officer Administering Oath or of Notary Public

Gerald Grace
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☒

Type of Identification Produced Florida DL

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

2880 NE 26th Place

Street or Post Office Box

Fort Lauderdale Florida 33306

City, State, Zip Code

Richard WALTZER
Print Name

[Signature]
Signature

CourtSmart Tag Report

Room: SB 110
Caption: Senate Environment and Natural Resources Committee

Type:
Judge:

Started: 3/25/2025 11:01:21 AM
Ends: 3/25/2025 12:43:47 PM **Length:** 01:42:27

11:01:32 AM Chair Rodriguez calls meeting to order
11:01:34 AM Roll call
11:01:40 AM Quorum present
11:01:41 AM Pledge of Allegiance
11:02:05 AM Chair Rodriguez makes opening remarks
11:02:24 AM Tab 6 - SB 1784 Sewer Collection System by Senator Pizzo
11:02:58 AM Senator Pizzo explains the bill
11:03:16 AM Questions:
11:03:20 AM Vice Chair Ingoglia
11:03:26 AM Senator Pizzo
11:04:03 AM Vice Chair Ingoglia
11:04:36 AM Senator Pizzo
11:05:39 AM Vice Chair Ingoglia
11:06:11 AM Senator Pizzo
11:06:36 AM Vice Chair Ingoglia
11:07:32 AM Senator Pizzo
11:07:49 AM No appearance forms
11:07:56 AM Senator Pizzo waives close
11:07:59 AM Roll call
11:08:11 AM SB 1784 reported favorably
11:08:17 AM Tab 5 - SB 1388 Vessels by Senator Trumbull
11:08:28 AM Senator Trumbull explains the bill
11:09:13 AM No questions
11:09:17 AM Appearance Forms:
11:09:19 AM Missy Timmins Marine Industries Assoc. of FL waiving in support
11:09:27 AM Senator Trumbull waives close
11:09:34 AM Roll call
11:09:41 AM SB 1388 reported favorably
11:09:49 AM Tab 3 - SB 880 Designation of the State Birds by Senator Garcia
11:10:01 AM Senator Garcia explains the bill
11:11:30 AM No questions
11:11:35 AM Appearance forms:
11:11:47 AM Barbara DeVane of the flamingo caucus speaking for
11:13:31 AM Travis Thompson speaking for
11:14:30 AM Logan Smith speaking for
11:15:24 AM Abigail Tiffany speaking for
11:16:58 AM Alexandra Hayes speaking for
11:18:15 AM Loey Sydes speaking for
11:19:16 AM Kris Cole speaking for
11:19:59 AM Tawn Siple speaking for
11:20:28 AM Thomas Walker speaking for
11:20:56 AM Mason Bryan speaking for
11:21:22 AM Olyvia Collins speaking for
11:22:15 AM Caitlyn Nawrocki speaking for
11:24:36 AM Nadeska Concha waiving in support
11:24:46 AM Jackson Oberlink speaking for
11:27:11 AM Debate:
11:27:14 AM Senator Harrell
11:28:09 AM Vice Chair Ingoglia
11:28:32 AM Senator Brodeur
11:29:07 AM Senator Polsky
11:30:34 AM Senator Garcia closes on bill

11:31:27 AM Roll call
11:31:36 AM SB 880 reported favorably
11:31:51 AM Gavel passed to Vice Chair Ingoglia
11:32:01 AM Tab 8 - SB 946 Waste Facilities by Senator Rodriguez
11:32:13 AM Chair Rodriguez explains the bill
11:33:13 AM Questions:
11:33:25 AM Senator Brodeur
11:33:37 AM Chair Rodriguez
11:33:55 AM Amendment 206438 taken up
11:34:05 AM Chair Rodriguez explains the amendment
11:34:28 AM Questions:
11:34:31 AM Senator Brodeur
11:34:41 AM Chair Rodriguez
11:35:16 AM Appearance forms:
11:35:17 AM Devin Campbell waiving in support
11:35:20 AM Michael Goldstein waiving in support
11:35:25 AM Mayor Wayne Messam City of Miramar speaking in support
11:38:07 AM No debate
11:38:18 AM Chair Rodriguez waives close
11:38:26 AM Amendment adopted
11:38:50 AM Appearance forms:
11:38:54 AM Jess McCarty, Executive Assistant County Attorney Miami-Dade speaking against
11:39:40 AM Joe Kilsheimer FL Waste to Energy Coalition speaking against
11:43:01 AM Debate:
11:43:04 AM Senator Avila
11:45:27 AM Chair Rodriguez closes on the bill
11:45:59 AM Roll call
11:46:08 AM SB 946 reported favorably
11:46:18 AM Gavel passed back to Chair Rodriguez
11:46:24 AM Tab 7 - SB 1792 Dry Sandy Beaches by Senator Gruters
11:46:42 AM Senator Gruters explains the bill
11:48:18 AM Questions:
11:48:20 AM Vice Chair Ingoglia
11:48:50 AM Senator Gruters
11:50:07 AM Vice Chair Ingoglia
11:50:14 AM Senator Gruters
11:50:17 AM Vice Chair Ingoglia
11:50:48 AM Senator Gruters
11:51:24 AM Vice Chair Ingoglia
11:51:36 AM Senator Gruters
11:51:40 AM Senator Harrell
11:52:09 AM Senator Gruters
11:53:33 AM Senator Harrell
11:54:10 AM Senator Gruters
11:54:40 AM Take up late filed amendment 106622
11:54:51 AM Senator Gruters explains the amendment
11:55:00 AM No questions
11:55:09 AM Senator Gruters waives close
11:55:15 AM Amendment adopted
11:55:19 AM Appearance forms:
11:55:25 AM Jackie Larson FSBPA waiving in support
11:55:33 AM No debate
11:55:36 AM Senator Gruters closes on bill
11:56:50 AM Roll call
11:57:06 AM CS/SB 1792 reported favorably
11:57:13 AM Tab 2 - SB 866 Anchoring Limitation Areas by Senator Martin
11:57:30 AM Senator Martin explains the bill
11:59:09 AM Questions:
11:59:13 AM Senator Brodeur
11:59:27 AM Senator Martin
12:00:07 PM Senator Polsky
12:00:26 PM Senator Martin

12:01:52 PM Senator Polsky
12:02:32 PM Senator Martin
12:03:21 PM Senator Polsky
12:03:55 PM Appearance forms:
12:04:00 PM Bryan Desloge speaking against
12:05:23 PM Mark Gillespie speaking against
12:06:38 PM Malissa Marsden speaking against
12:08:54 PM Kingsley Ross speaking for
12:11:53 PM Kim Russo American Great Loop Cruisers Assoc. speaking against
12:14:53 PM Jess McCarty waiving in support
12:15:02 PM Debate:
12:15:04 PM Senator Brodeur
12:16:26 PM Senator Polsky
12:17:54 PM Senator Arrington
12:18:37 PM Senator Martin closes on bill
12:20:00 PM Roll call
12:20:12 PM SB 866 reported favorably
12:20:24 PM Tab 1 - CS/SB 832 Former Phosphate Mining Lands by Senator Burgess
12:20:41 PM Senator Burgess explains the bill
12:21:42 PM No questions
12:21:44 PM Take up amendment 520164
12:21:53 PM Senator Burgess explains the amendment
12:22:18 PM No questions
12:22:23 PM No debate
12:22:27 PM Amendment is adopted
12:22:38 PM No questions
12:22:40 PM Appearance forms:
12:22:44 PM Nadeska Concha speaking against
12:25:03 PM Jim Sprat waiving in support
12:25:10 PM Pierce Shuessler waiving in support
12:25:21 PM Kylie Dawn waiving against
12:25:29 PM Ernee Barnett waiving in support
12:25:33 PM Colton Madill waiving in support
12:25:37 PM Cameron Fink waiving in support
12:25:41 PM Karen Woodall waiving against
12:25:51 PM Senator Burgess closes on bill
12:26:44 PM Roll call
12:27:00 PM SB 832 reported favorably
12:27:06 PM Gavel passed to vice chair
12:27:12 PM Tab 9 - 1326 Areas of Critical
12:27:23 PM Chair Rodriguez explains the bill
12:27:49 PM No questions
12:27:52 PM Amendment 798222 taken up
12:28:00 PM Chair Rodriguez explains the amendment
12:28:35 PM Late filed 149692 amendment taken up
12:28:47 PM Chair Rodriguez explains the amendment to the amendment
12:29:19 PM Amendment to amendment adopted
12:29:32 PM Chair Rodriguez waives close on amendment
12:29:47 PM Amendment adopted
12:29:53 PM Back on bill as amended
12:30:00 PM Appearance Forms:
12:30:04 PM Robert Reyes waiving in support
12:30:11 PM Chair Rodriguez waives close
12:30:16 PM Roll call
12:30:26 PM SB 1326 reported favorably
12:30:35 PM Tab 10- SB 1580 Resilience Planning by Senator Rodriguez
12:30:53 PM Take up delete all amendment 607800
12:31:03 PM Chair Rodriguez explains the amendment
12:31:43 PM Amendment adopted
12:31:58 PM Chair Rodriguez closes on bill
12:32:06 PM Roll call
12:32:17 PM SB 1580 reported favorably

12:32:24 PM Chair passed back to Chair Rodriguez
12:32:51 PM Tab 11-18 confirmation hearing for appointments
12:33:11 PM Tab 12 John Truitt Temporarily Postponed
12:33:21 PM Appointees read by Chair Rodriguez
12:33:49 PM Questions:
12:33:53 PM Senator Harrell
12:34:09 PM Chair Rodriguez
12:34:15 PM Appearance Forms:
12:34:22 PM Chuck O'Neal speaking against Confirmation of Rodney Barreto
12:38:33 PM Kahreem Golden waiving in support Rodney Barreto
12:39:01 PM Kahreem Golden waiving in support John Truitt
12:39:06 PM Kahreem Golden waiving in support Cari Roth
12:39:11 PM Kahreem Golden waiving in support Eric Buermann
12:39:15 PM Kahreem Golden waiving in support Kellie Ralston
12:39:17 PM Senator Polsky
12:39:27 PM Chair Rodriguez
12:39:43 PM Motion by Senator Polsky to TP vote on confirmation of Tab 17
12:40:01 PM Motion to recommend confirmations on tabs 11, 13,14, 15,16,18
12:40:11 PM Roll call
12:40:27 PM Confirmation of tabs 11, 13, 14, 15,16, 18 recommended favorably
12:40:41 PM Tab 4 - SB 1300 Permits for Drilling, Exploration, and Extraction of Oil and Gas Resources by Senator Simon
12:41:06 PM Senator Brodeur explains the bill
12:42:14 PM No questions
12:42:18 PM Appearance forms:
12:42:19 PM Rebecca Jetton speaking for
12:42:31 PM Travis Thompson waiving in support
12:42:34 PM Adrienne Johnson waiving in support
12:42:39 PM Cameron Baxley waiving in support
12:42:43 PM Roll call
12:42:59 PM SB 1300 reported favorably
12:43:12 PM Vote after
12:43:14 PM Senator Avila
12:43:27 PM Senator Polsky
12:43:36 PM Senator Harrell moves to adjourn
12:43:40 PM Meeting adjourned