

Tab 1	SB 232 by Harrell (CO-INTRODUCERS) Gibson ; (Identical to H 00115) State Park Fee Discounts					
Tab 2	SB 832 by Stewart ; (Identical to H 00561) Implementation of the Recommendations of the Blue-Green Algae Task Force					
Tab 3	SB 840 by Albritton ; (Identical to H 00841) Residential Property Riparian Rights					
Tab 4	SB 882 by Brodeur ; (Identical to H 00761) Inventories of Critical Wetlands					
Tab 5	SB 1000 by Albritton ; (Identical to H 01291) Nutrient Application Rates					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Brodeur, Chair
Senator Stewart, Vice Chair

MEETING DATE: Monday, January 10, 2022

TIME: 4:00—6:00 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Brodeur, Chair; Senator Stewart, Vice Chair; Senators Albritton, Ausley, Bean, and Perry

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 232 Harrell (Identical H 115)	State Park Fee Discounts; Providing certain entrance passes for specified military members and veterans at no charge, etc. MS 11/30/2021 Favorable EN 01/10/2022 Favorable AP	Favorable Yeas 5 Nays 0
2	SB 832 Stewart (Identical H 561)	Implementation of the Recommendations of the Blue-Green Algae Task Force; Requiring owners of certain onsite sewage treatment and disposal systems to have the systems periodically inspected, beginning on a specified date; requiring the Department of Environmental Protection to administer the inspection program; requiring new or revised basin management action plans to include a list that identifies and prioritizes certain spatially focused projects, etc. EN 01/10/2022 Favorable AEG AP	Favorable Yeas 5 Nays 0
3	SB 840 Albritton (Identical H 841)	Residential Property Riparian Rights; Requiring land surveyors to give preference to using the prolongation-of-property-line method to establish a property owner's riparian rights along a channel under certain circumstances; requiring courts to award reasonable attorney fees and costs to a prevailing party in a civil action under certain circumstances, etc. EN 01/10/2022 Favorable JU RC	Favorable Yeas 4 Nays 0
4	SB 882 Brodeur (Identical H 761)	Inventories of Critical Wetlands; Requiring each water management district governing board, in cooperation with local governments, to develop a list of critical wetlands for acquisition using funds from the Land Acquisition Trust Fund; requiring the boards to consider certain criteria when including wetlands on the list, etc. EN 01/10/2022 Favorable CA RC	Favorable Yeas 4 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, January 10, 2022, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1000 Albritton (Identical H 1291, Compare H 1289, S 1612)	Nutrient Application Rates; Defining the terms “certified professional” and “rate tailoring”; authorizing the use of rate tailoring in specified circumstances; authorizing producers to use written recommendations from certified professionals to tailor their recommended nutrient application rates under certain circumstances; requiring revisions to recommended application rates by certain state universities and Florida College System institutions to authorize rate tailoring, etc. EN 01/10/2022 Fav/CS AG RC	Fav/CS Yeas 4 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.

Environmental Regulation Commission

6	Frazer, Thomas Kerry (Gainesville)	07/01/2023	Recommend Confirm Yeas 5 Nays 0
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Governing Board of the Northwest Florida Water Management District

7	Alter, John W. (Malone)	03/01/2023	Recommend Confirm Yeas 4 Nays 0
8	Upton, Anna H. (Tallahassee)	03/01/2024	Temporarily Postponed
9	Pate, Jerome K. (Pensacola)	03/01/2025	Recommend Confirm Yeas 4 Nays 0

Governing Board of the South Florida Water Management District

10	Butler, Benjamin L. (Lorida)	03/01/2024	Recommend Confirm Yeas 5 Nays 0
11	Roman, Charlette I. (Marco Island)	03/01/2025	Recommend Confirm Yeas 4 Nays 0
12	Meads, Cheryl Anne (Tavernier)	03/01/2025	Recommend Confirm Yeas 4 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

2022 Legislative Session



Bill #/Title: HB 115 – State Park Fee Discounts

Sponsor: Casello

Companion Bill (if applicable): SB 232 Harrell (Identical)

Program(s): Division of Recreation and Parks

OVERVIEW

HB 115 amends section 258.0145, F.S., to provide active duty members and honorably discharged veterans of the United States Armed Forces, National Guard or reserve components thereof who are Florida residents Lifetime Family Annual Entrance Passes to Florida State Parks at no charge. The effective date of the bill is July 1, 2022.

PRESENT SITUATION

Section 258.014, F.S., authorizes DEP's Division of Recreation and Parks to charge reasonable fees for the use or operation of state park facilities. Revenue collected is deposited in the State Park Trust Fund, which is used for the administration, improvement and maintenance of state parks.

Although Florida State Parks collect fees, discounted or free annual entrance passes, as well as discounts on base campsite fees, are authorized in statute for specific groups.

Section 258.0145, F.S. –

- Active Duty and Honorably Discharged Veterans – 25% discount on Annual Entrance Passes
- Honorably Discharged Veterans with Service-Connected Disabilities – Free Lifetime Family Annual Entrance Passes
- Surviving Spouses and Parents of Deceased Veterans – Free Lifetime Family Annual Entrance Passes
- Surviving Spouses and Parents of Florida Law Enforcement Officers and Florida Firefighters – Free Lifetime Family Annual Entrance Passes

Section 258.0142, F.S. –

- Licensed Family Foster Homes – Free Family Annual Entrance Passes; 50% discount on base campsite fees
- Families Who Adopt Special Needs Children – One-time Free Family Annual Entrance Pass

Section 258.016, F.S. –

- Florida residents aged 65 and older and Florida residents with 100% disability – 50% discount on base campsite fees

All discounted or free annual entrance passes, which allow park entrance in place of the daily entrance fee and do not provide discounts or waive any other park fees, are available at Florida State Park Ranger Stations and Museums. Those who are eligible for discounted or free annual entrance passes are required to present satisfactory written documentation demonstrating their eligibility.

IMPACTS

This bill would replace the current 25% discount on annual entrance passes for active duty members and honorably discharged veterans of the United States Armed Forces, National Guard or reserve components regardless of residency, with instead free Lifetime Family Annual Entrance Passes for active duty members and honorably discharged veterans of the United States Armed Forces, National Guard or reserve components who are Florida residents only. The 25% discount on annual entrance passes would no longer apply to active duty members and honorably discharged veterans of the United States Armed Forces, National Guard or reserve components who are not Florida residents.

Does the bill have a fiscal impact to the agency?

Y ☒ N ☐

If yes, please briefly explain:

In FY 2020-21, Florida State Parks received over \$660,000 in revenue associated with the passes for Active Duty and Honorably Discharged Veterans that receive the 25% discount under the existing statute. Revenue received from these passes has averaged over \$580,000 annually over the past five years. By offering these currently discounted passes for free, the Division of Recreation and Parks anticipates the annual reduction of revenue into the State Park Trust Fund to be between \$500,000 - \$650,000 each year.

Additionally, there could be an expected loss of revenue from day use entry fees of park users who availed themselves of this program that were not previously annual pass holders (amount indeterminate).

ADDITIONAL COMMENTS

The Division of Recreation and Parks can also expect to issue additional annual passes to this user group over what has been issued in the past due to passes being offered for free versus at a 25% discount. This will impact park staff workload. Park staff will be required to review documentation to verify eligibility – documentation verifying military connection as well as proof of residency.

Collazo, Mike

From: Brown, Cindy
Sent: Wednesday, January 5, 2022 12:25 PM
To: Collazo, Mike
Subject: Email from Zach Good

From: Good, Zach <Zach.Good@FloridaDEP.gov>
Sent: Monday, November 1, 2021 2:07 PM
To: Brown, Cindy <BROWN.CINDY@flsenate.gov>
Cc: Bickley, Alex M. <Alex.Bickley@floridadep.gov>
Subject: RE: SB 232

Cindy,

The estimate in the fiscal impact analysis is based on the total revenue of the annual passes purchased on the current 25% discount for Active Duty and Honorably Discharged Veterans.

However, we currently do not track whether purchasers of annual passes are Florida residents vs. non-Florida residents. We are working on enhancements to the Parks Business System and are hopeful that the resident vs. non-resident functionality will be available later this fiscal year.

Thanks,
Zach

From: Brown, Cindy <BROWN.CINDY@flsenate.gov>
Sent: Friday, October 29, 2021 12:02 PM
To: Good, Zach <Zach.Good@FloridaDEP.gov>
Cc: Bickley, Alex M. <Alex.Bickley@floridadep.gov>
Subject: RE: SB 232

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Zach,

Does the estimate on reduced revenue take into account that the bill, in limiting the benefit to Florida residents, removes the 25 percent discount on entrance fees for non-Florida resident active duty members and veterans (which would thereby proportionally increase revenue from those visitors)? The DEP analysis correctly notes this in the impact section, and I just wanted to make sure that the difference is reflected in the numbers.

Thanks very much,

Cindy

From: Good, Zach <Zach.Good@FloridaDEP.gov>
Sent: Friday, October 29, 2021 11:03 AM

To: Brown, Cindy <BROWN.CINDY@flsenate.gov>
Cc: Bickley, Alex M. <Alex.Bickley@floridadep.gov>
Subject: RE: SB 232

Hello Cindy,

Attached is the Department analysis of HB 115, the identical companion to SB 232.
Please let Alex or I know if you have any questions.

Thanks,



Zachary Good

Legislative Analyst, Office of Legislative Affairs
Florida Department of Environmental Protection
Zach.Good@FloridaDEP.gov
Office: 850-245-2140

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 232

INTRODUCER: Senators Harrell and Gibson

SUBJECT: State Park Fee Discounts

DATE: January 7, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	Favorable
2.	Collazo	Rogers	EN	Favorable
3.			AP	

I. Summary:

SB 232 revises the current benefit on state park fees provided to active duty members and honorably discharged veterans of the United States Armed Forces (U.S.A.F.), National Guard, or reserve components of the U.S.A.F. or National Guard. State park fees generated are deposited into the State Park Trust Fund, to support the administration, improvement, and maintenance of state parks. Current law provides a qualifying servicemember or veteran with a 25 percent discount on an annual entrance pass. This bill limits the benefit to Florida residents and increases the monetary value to that of a lifetime family annual entrance pass at no charge.

A fiscal impact is expected from a reduction in revenue from this bill.

The bill takes effect July 1, 2022.

II. Present Situation:

Recreation Benefits for Servicemembers and Veterans, Overall

The following discounts on state park fees apply with written documentation to:

- Active duty members and honorably discharged veterans of the United States Armed Forces (U.S.A.F.), National Guard, or reserve components: 25-percent discount on annual entrance passes.¹
- Honorably discharged veterans who have service-connected disabilities: lifetime family annual entrance passes at no charge.²

¹ Section 258.0145(1), F.S.

² Section 258.0145(2), F.S.

- Surviving spouses and parents of deceased members of the U.S.A.F., National Guard, or reserve components who died in combat: lifetime family annual entrance passes at no charge.³

A partial or full discount on county park fees applies to:

- Current members of the U.S.A.F., their reserve components, or the National Guard.⁴
- Honorably discharged veterans of the U.S.A.F., a reserve component, or the National Guard, and those veterans with a service-connected disability.⁵
- Surviving spouses and parents of a deceased member of the U.S.A.F, a reserve component, or the National Guard, who died in combat.⁶

A member of the U.S.A.F. stationed in the state, or his or her family member residing with him or her, is considered a resident for purposes of applying for a hunting, fishing, or other recreational license.⁷ A resident pays reduced fees on licenses, such as paying \$15.50 for an annual freshwater or saltwater fishing license, rather than \$45.50; \$15.50 for an annual hunting license to take game, rather than \$150; and \$46.50 for the option of an annual combined hunting, freshwater fishing, and saltwater fishing license (no such option is available for a combination license for a nonresident).⁸

Additionally, disabled veterans; active duty or reserve duty servicemembers of the U.S.A.F., the U.S. Coast Guard, military reserves, the Florida National Guard, or the U.S. Coast Guard Reserve; the immediate family (i.e. parent, spouse, or child) of such disabled veterans and servicemembers; and one additional person designated to assist a disabled veteran, are exempt from having to possess a hunting, freshwater fishing, or saltwater fishing license or permit during outdoor recreational events whose primary purpose is the rehabilitation or enjoyment of disabled veterans.⁹

An annual military gold sportsman's license is available to a resident active or retired member of the U.S.A.F., U.S.A.F. Reserve, the National Guard, the U.S. Coast Guard, or the U.S. Coast Guard Reserve.¹⁰ It costs \$18.50, rather than the \$98.50 charged for the annual gold sportsman's license, which authorizes the same activities.¹¹ Activities authorized under the annual military gold sportsman's license include the taking of freshwater fish, saltwater fish, and game, subject to state and federal law, rules, and regulations.¹² Other eligible activities include those authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, a deer permit, an archery season permit, a snook permit, and a spiny lobster permit.¹³

³ Section 258.0145(3), F.S.

⁴ Section 125.029(1)(a), F.S.

⁵ Section 125.029(1)(b)-(c), F.S.

⁶ Section 125.029(1)(d), F.S.

⁷ Section 379.101(30)(b)1., F.S.

⁸ Compare s. 379.354(4) with s. 379.354(5), F.S.

⁹ Section 379.353(2)(q), F.S.

¹⁰ Section 379.354(4)(j), F.S.

¹¹ Section 379.354(4)(i) and (j), F.S.

¹² *Id.*

¹³ *Id.*

Fees for Entrance to State Parks

The Department of Environmental Protection's Division of Recreation and Parks may charge reasonable fees, rentals, or charges for the use or operation of facilities and concessions in state parks.¹⁴ All fees, rentals, and charges collected are deposited in the State Treasury for the benefit of the State Park Trust Fund (Trust Fund); monies collected in the Trust Fund are to be used for the administration, improvement, and maintenance of state parks and for purchasing and developing land for state park purposes.¹⁵

III. Effect of Proposed Changes:

SB 232 revises the current benefit on state park fees provided to active duty members and honorably discharged veterans of the United States Armed Forces (U.S.A.F.), National Guard, or reserve components of the U.S.A.F. or National Guard. Current law provides a qualifying servicemember or veteran with a 25-percent discount on an annual entrance pass. This bill limits the benefit to Florida residents and increases the monetary value to that of a lifetime family annual entrance pass at no charge.

The bill takes effect July 1, 2022.

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.

¹⁴ Section 258.014(1), F.S.

¹⁵ *Id.*

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

Yes, see C. Government Sector Impact below.

B. Private Sector Impact:

Active duty servicemembers and veterans and their families who are Florida residents will pay no annual fee, rather than a 25-percent discounted fee, for entrance to state parks.

C. Government Sector Impact:

In Fiscal Year 2020-2021, Florida State Parks received more than \$660,000 in revenue associated with entrance passes for active duty servicemembers and honorably discharged veterans who receive the current 25 percent discount. For the past five years, the average annual revenue collected was \$580,000. Based on this amount, the Department of Environmental Protection (DEP) estimates an annual reduction of revenue into the State Parks Trust Fund to be between \$500,000 to \$650,000.¹⁶ Additionally, an indeterminate impact could result from a loss of revenue from day use entry fees of park users who availed themselves of the program that were not previously annual pass holders. DEP also anticipates an increased workload due to park staff having to issue additional annual passes to this user group.¹⁷

The fiscal impact does not include, however, cost savings from limiting the military benefit to residents. Out-of-state residents who currently qualify for the 25-percent discount should not be included in the estimate.¹⁸

The Revenue Estimating Conference also reviewed the bill for fiscal impact. The conference estimated a \$700,000 recurring impact from the bill. An insignificant negative impact to sales tax is also expected, as sales tax is currently included in an annual pass.¹⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁶ Dep't of Environmental Protection, *2022 Legislative Session, HB 115* (on file with the Senate Committee on Environment and Natural Resources).

¹⁷ *Id.*

¹⁸ Email from Zach Good, Dep't of Environmental Protection (Nov. 1, 2021) (on file with the Senate Committee on Environment and Natural Resources).

¹⁹ 2022 Regular Session Revenue Estimating Conference, *Impact Conference Results* (Nov. 19, 2021), 43-44, available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2022/pdf/page43-44.pdf> (last visited Jan. 5, 2022).

VIII. Statutes Affected:

This bill substantially amends section 258.0145 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

By Senator Harrell

25-00458-22

2022232__

1 A bill to be entitled
2 An act relating to state park fee discounts; amending
3 s. 258.0145, F.S.; providing certain entrance passes
4 for specified military members and veterans at no
5 charge; providing an effective date.
6

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

9 Section 1. Subsection (1) of section 258.0145, Florida
10 Statutes, is amended to read:

11 258.0145 Military, law enforcement, and firefighter state
12 park fee discounts.—The Division of Recreation and Parks shall
13 provide the following discounts on park fees to persons who
14 present written documentation satisfactory to the division which
15 evidences their eligibility for the discounts:

16 (1) Active duty members and honorably discharged veterans
17 of the United States Armed Forces, National Guard, or reserve
18 components thereof who are Florida residents shall receive
19 lifetime family ~~a 25-percent discount on~~ annual entrance passes
20 at no charge.
21

Section 2. This act shall take effect July 1, 2022.

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 832

INTRODUCER: Senator Stewart

SUBJECT: Implementation of the Recommendations of the Blue-Green Algae Task Force

DATE: January 7, 2022

REVISED: _____

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

I. Summary:

SB 832 requires periodic inspection of onsite sewage treatment and disposal systems (OSTDS) that are not required to have an operating permit. The bill directs the Department of Environmental Protection (DEP) to administer an OSTDS inspection program and to adopt rules that include the following:

- A schedule for a five-year inspection cycle;
- A county-by-county implementation plan phased in over a ten-year period, with priority given to those areas within a priority focus area for springs;
- Minimum standards for a functioning system;
- Requirements for the pumpout or repair of a failing system; and
- Enforcement procedures for an owner's failure to obtain an inspection of the system or a contractor's failure to timely report inspection results to DEP and the system owner.

The bill also requires basin management action plans (BMAPs) to include a prioritized list of spatially focused suites of projects in areas likely to yield maximum pollutant reductions. Each project with a total cost exceeding \$1 million must be monitored to determine if it is working to reduce nutrient pollution or water use, or both, as intended. The bill requires the monitoring assessments to be completed expeditiously and included in each BMAP update.

II. Present Situation:

Blue-Green Algae Task Force

In 2019, Governor DeSantis directed the Department of Environmental Protection (DEP) to establish a Blue-Green Algae Task Force to expedite reduction of nutrient pollution and

cyanobacteria blooms in the state.¹ The task force provides guidance and specific, science-based recommendations to expedite the restoration of water bodies that have been adversely affected by cyanobacteria blooms.² The task force has focused on source identification, nutrient reduction and remediation efforts, algal toxins and human health effects, and innovative technologies for the prevention, cleanup, and mitigation of harmful algal blooms.³

Onsite Sewage Treatment and Disposal Systems

Onsite sewage treatment and disposal systems (OSTDSs), commonly referred to as “septic systems,” generally consist of two basic parts: the septic tank and the drainfield.⁴ Waste from toilets, sinks, washing machines, and showers flows through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue deactivating the germs. The drainfield also provides filtration of the wastewater, as gravity draws the water down through the soil layers.⁵



There are an estimated 2.6 million OSTDSs in Florida, providing wastewater disposal for 30 percent of the state’s population.⁶ In Florida, development in some areas is dependent on

¹ State of Florida, Office of the Governor, *Executive Order Number 19-12* (2019), available at https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-12.pdf; DEP, *Blue-Green Algae Task Force*, <https://protectingfloridatogether.gov/state-action/blue-green-algae-task-force> (last visited Jan. 3, 2022).

² DEP, *Blue-Green Algae Task Force Consensus Document #1* (Dec. 2, 2019), available at https://floridadep.gov/sites/default/files/Final%20Consensus%20%231_0.pdf.

³ *Id.*

⁴ DOH, *Septic System Information and Care*, <http://columbia.floridahealth.gov/programs-and-services/environmental-health/onsite-sewage-disposal/septic-information-and-care.html> (last visited Jan. 4, 2022); EPA, *Types of Septic Systems*, <https://www.epa.gov/septic/types-septic-systems> (last visited Jan. 4, 2022) (showing the graphic provided in the analysis).

⁵ *Id.*

⁶ *Id.*

OSTDSs due to the cost and time it takes to install central sewer systems.⁷ For example, in rural areas and low-density developments, central sewer systems are not cost-effective. Less than one percent of OSTDSs in Florida are actively managed under operating permits and maintenance agreements.⁸ The remainder of systems are generally serviced only when they fail, often leading to costly repairs that could have been avoided with routine maintenance.⁹

In 2019, the Blue-Green Algae Task Force made the following recommendations relating to OSTDSs:

- DEP should develop a more comprehensive regulatory program to ensure that OSTDSs are sized, designed, constructed, installed, operated, and maintained to prevent nutrient pollution, reduce environmental impact, and preserve human health.
- More post-permitting septic tank inspections should take place.
- Protections for vulnerable areas in the state should be expanded.
- Additional funding is needed to accelerate septic to sewer conversions.¹⁰

In 2020, the Clean Waterways Act provided for the transfer of the Onsite Sewage Program from the Department of Health (DOH) to DEP.¹¹ The Onsite Sewage Program will be transferred over a period of five years, and guidelines for the transfer are provided by an interagency agreement.¹² Per the agreement, DEP has the primary powers and duties of the Onsite Sewage Program, meaning that the county departments of health will implement the OSTDS program under the direction of DEP instead of DOH.¹³ The county departments of health will still handle permitting and inspection of OSTDS.¹⁴ In the event of an alleged violation of OSTDS laws, county departments of health will be responsible for conducting an inspection to gather information regarding the allegations.¹⁵

Water Quality and Nutrients

Phosphorous and nitrogen are naturally present in water and are essential nutrients for the healthy growth of plant and animal life.¹⁶ The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive amounts can cause significant water quality problems.

⁷ DOH, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, Executive Summary (Oct. 1, 2008), available at http://www.floridahealth.gov/environmental-health/onsite-sewage/_documents/costs-implement-mandatory-statewide-inspection.pdf.

⁸ *Id.*

⁹ *Id.*

¹⁰ DEP, *Blue-Green Algae Task Force Consensus Document #1*, 6-7 (Oct. 11, 2019), available at https://floridadep.gov/sites/default/files/Final%20Consensus%20%231_0.pdf.

¹¹ DEP, *Program Transfer*, <https://floridadep.gov/water/onsite-sewage/content/program-transfer> (last visited Jan. 4, 2022).

¹² DOH, DEP, *Interagency Agreement between DEP and DOH in Compliance with Florida's Clean Waterways Act for Transfer of the Onsite Sewage Program*, 5 (June 30, 2021), available at http://www.floridahealth.gov/environmental-health/onsite-sewage/_documents/interagency-agreement-between-fdoh-fdep-onsite-signed-06302021.pdf.

¹³ *Id.* at 14.

¹⁴ *Id.* at 11; and DEP, *Onsite Sewage Program*, <https://floridadep.gov/water/onsite-sewage> (last visited Jan. 5, 2022).

¹⁵ DOH, DEP, *Interagency Agreement between DEP and DOH in Compliance with Florida's Clean Waterways Act for Transfer of the Onsite Sewage Program*, 11 (June 30, 2021), available at http://www.floridahealth.gov/environmental-health/onsite-sewage/_documents/interagency-agreement-between-fdoh-fdep-onsite-signed-06302021.pdf.

¹⁶ U.S. Environmental Protection Agency (EPA), *Sources and Solutions*, <https://www.epa.gov/nutrientpollution/sources-and-solutions> (last visited Jan. 4, 2022).

Phosphorous and nitrogen are derived from natural and human-made sources. Natural sources include the atmosphere, soils, and the decay of plants and animals. Human-made sources include sewage disposal systems (wastewater treatment facilities and septic systems), overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.¹⁷

Total Maximum Daily Loads

A total maximum daily load (TMDL), which must be adopted by rule, is a scientific determination of the maximum amount of a given pollutant that can be absorbed by a waterbody and still meet water quality standards.¹⁸ Waterbodies or sections of waterbodies that do not meet the established water quality standards are deemed impaired.¹⁹ Pursuant to the federal Clean Water Act, DEP is required to establish a TMDL for impaired waterbodies.²⁰

Basin Management Action Plans

DEP is the lead agency in coordinating the development and implementation of TMDLs.²¹ Basin management action plans (BMAPs) are one of the primary mechanisms DEP uses to achieve TMDLs. BMAPs are plans that address the entire pollution load, including point and nonpoint discharges,²² for a watershed. BMAPs generally include:

- Permitting and other existing regulatory programs, including water quality based effluent limitations;
- Best management practices and non-regulatory and incentive-based programs, including cost-sharing, waste minimization, pollution prevention, agreements, and public education;
- Public works projects, including capital facilities; and
- Land acquisition.²³

DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific waterbody. First, the BMAP equitably allocates pollutant reductions to individual basins, to all basins as a whole, or to each identified point source or category of nonpoint sources.²⁴ Then, the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations. The BMAP development process provides an opportunity for local stakeholders, local government, community leaders, and the public to collectively

¹⁷ *Id.*

¹⁸ DEP, *Total Maximum Daily Loads Program*, <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/total-maximum-daily-loads-tmdl-program> (last visited Jan. 3, 2022).

¹⁹ Section 403.067(1), F.S.

²⁰ *Id.*

²¹ Section 403.061, F.S. DEP has the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it. Furthermore, s. 403.061(21), F.S., allows DEP to advise, consult, cooperate, and enter into agreements with other state agencies, the federal government, other states, interstate agencies, etc.

²² Fla. Admin. Code R. 62-620.200(37). “Point source” is defined as “any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.” Nonpoint sources of pollution are sources of pollution that are not point sources.

²³ Section 403.067(7), F.S.

²⁴ *Id.*

determine and share water quality cleanup responsibilities collectively.²⁵ BMAPs are adopted by secretarial order.²⁶

BMAPs must include milestones for implementation and water quality improvement. They must also include an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones must be conducted every five years, and revisions to the BMAP must be made as appropriate.²⁷

In 2019, the Blue-Green Algae Task Force made the following recommendations for BMAPs:

- Include regional storage and treatment infrastructure in South Florida watersheds.
- Consider land use changes, legacy nutrients, and the impact of the BMAP on downstream waterbodies.
- Develop a more targeted approach to project selection.
- Evaluate project effectiveness through monitoring.²⁸

III. Effect of Proposed Changes:

The bill contains whereas clauses that acknowledge the following:

- Governor DeSantis created the Blue-Green Algae Task Force to improve water quality for the benefit of all Floridians;
- The task force has issued recommendations for basin management action plans (BMAPs), agriculture, human waste, stormwater, technology, public health, and science;
- The Clean Waterways Act of 2020 implemented many of the recommendations of the task force; and
- The full implementation of the task force's recommendations will require enactment of additional substantive legislation.

Section 1 amends s. 381.0065, F.S., to require periodic inspections for onsite sewage treatment and disposal systems (OSTDSs), excluding systems required to have an operating permit, once every 5 years, to assess the fundamental operational condition of the system, prolong the life of the system, and identify any failure within the system. The bill provides that this requirement will be effective July 1, 2025.

The bill requires the Department of Environmental Protection (DEP) to administer an OSTDS inspection program, to implement program standards, procedures, and requirements, and to adopt rules that must include, at a minimum, all of the following:

- A schedule for a five-year inspection cycle;
- A county-by-county implementation plan phased in over a ten-year period, with first priority given to those areas within a priority focus area for springs identified by DEP;

²⁵ DEP, *Basin Management Action Plans (BMAPs)*, <https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps> (last visited Dec. 4, 2019).

²⁶ Section 403.067(7)(a)5., F.S.

²⁷ Section 403.067(7)(a)6., F.S.

²⁸ DEP, *Blue-Green Algae Task Force Consensus Document #1, 2-4* (Oct. 11, 2019), available at https://floridadep.gov/sites/default/files/Final%20Consensus%20%231_0.pdf.

- Minimum standards for a functioning system;
- Requirements for the pumpout or repair of a failing system; and
- Enforcement procedures for failure of a system owner to obtain an inspection and failure of a contractor to timely report inspection results to DEP and the system owner.

Section 2 amends s. 403.067, F.S., which governs establishment and implementation of total maximum daily loads. The bill requires that a new or revised BMAP must include a list that identifies and prioritizes spatially focused suites of projects in areas likely to yield maximum pollutant reductions.

The bill requires that for each project listed with a total cost exceeding \$1 million, DEP must assess through integrated and comprehensive monitoring whether the project is working to reduce nutrient pollution or water use, or both, as intended. The bill provides that the assessments must be completed expeditiously and included in each BMAP update.

Section 3 provides an effective date of July 1, 2022.

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:

DEP may incur additional costs in administering the onsite sewage treatment and disposal system inspection program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 381.0065 and 403.067 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Stewart

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1 A bill to be entitled
2 An act relating to implementation of the
3 recommendations of the Blue-Green Algae Task Force;
4 amending s. 381.0065, F.S.; requiring owners of
5 certain onsite sewage treatment and disposal systems
6 to have the systems periodically inspected, beginning
7 on a specified date; requiring the Department of
8 Environmental Protection to administer the inspection
9 program; requiring the department to implement program
10 standards, procedures, and requirements; providing for
11 rulemaking; amending s. 403.067, F.S.; requiring new
12 or revised basin management action plans to include a
13 list that identifies and prioritizes certain spatially
14 focused projects; requiring the department to assess
15 certain projects; providing an effective date.
16

17 WHEREAS, Governor Ron DeSantis created the Blue-Green Algae
18 Task Force in 2019 to "improve water quality for the benefit of
19 all Floridians," and the task force's consensus report was
20 issued in October 2019, with multiple recommendations for basin
21 management action plans (BMAP), agriculture, human waste,
22 stormwater, technology, public health, and science, and

23 WHEREAS, the Legislature recognizes that in June 2020,
24 Governor DeSantis signed Senate Bill 712, the Clean Waterways
25 Act, which implemented many of the recommendations of the task
26 force, and

27 WHEREAS, full implementation of the task force's
28 recommendations will require enactment of additional substantive
29 legislation, NOW, THEREFORE,

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

Section 1. Present subsections (5), (6), and (7) of section 381.0065, Florida Statutes, are redesignated as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to that section, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(5) PERIODIC INSPECTIONS.—Effective July 1, 2025, the owner of an onsite sewage treatment and disposal system, excluding a system required to have an operating permit, must have the system inspected at least once every 5 years to assess the fundamental operational condition of the system, prolong the life of the system, and identify any failure within the system. The department shall administer an onsite sewage treatment and disposal system inspection program for such periodic inspections. The department shall implement the program standards, procedures, and requirements and adopt rules that must include, at a minimum, all of the following:

(a) A schedule for a 5-year inspection cycle.

(b) A county-by-county implementation plan phased in over a 10-year period, with first priority given to those areas within a priority focus area for springs identified by the department.

(c) Minimum standards for a functioning system.

(d) Requirements for the pumpout or repair of a failing system.

(e) Enforcement procedures for failure of a system owner to obtain an inspection of the system and failure of a contractor

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to timely report inspection results to the department and the
system owner.

Section 2. Paragraph (a) of subsection (7) of section
403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum
daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(a) *Basin management action plans.*—

1. In developing and implementing the total maximum daily
load for a water body, the department, or the department in
conjunction with a water management district, may develop a
basin management action plan that addresses some or all of the
watersheds and basins tributary to the water body. Such plan
must integrate the appropriate management strategies available
to the state through existing water quality protection programs
to achieve the total maximum daily loads and may provide for
phased implementation of these management strategies to promote
timely, cost-effective actions as provided for in s. 403.151.
The plan must establish a schedule implementing the management
strategies, establish a basis for evaluating the plan's
effectiveness, and identify feasible funding strategies for
implementing the plan's management strategies. The management
strategies may include regional treatment systems or other
public works, when appropriate, and voluntary trading of water
quality credits to achieve the needed pollutant load reductions.

2. A basin management action plan must equitably allocate,
pursuant to paragraph (6)(b), pollutant reductions to individual
basins, as a whole to all basins, or to each identified point

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88 source or category of nonpoint sources, as appropriate. For
89 nonpoint sources for which best management practices have been
90 adopted, the initial requirement specified by the plan must be
91 those practices developed pursuant to paragraph (c). When
92 appropriate, the plan may take into account the benefits of
93 pollutant load reduction achieved by point or nonpoint sources
94 that have implemented management strategies to reduce pollutant
95 loads, including best management practices, before the
96 development of the basin management action plan. The plan must
97 also identify the mechanisms that will address potential future
98 increases in pollutant loading.

99 3. The basin management action planning process is intended
100 to involve the broadest possible range of interested parties,
101 with the objective of encouraging the greatest amount of
102 cooperation and consensus possible. In developing a basin
103 management action plan, the department shall assure that key
104 stakeholders, including, but not limited to, applicable local
105 governments, water management districts, the Department of
106 Agriculture and Consumer Services, other appropriate state
107 agencies, local soil and water conservation districts,
108 environmental groups, regulated interests, and affected
109 pollution sources, are invited to participate in the process.
110 The department shall hold at least one public meeting in the
111 vicinity of the watershed or basin to discuss and receive
112 comments during the planning process and shall otherwise
113 encourage public participation to the greatest practicable
114 extent. Notice of the public meeting must be published in a
115 newspaper of general circulation in each county in which the
116 watershed or basin lies at least 5 days, but not more than 15

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117 days, before the public meeting. A basin management action plan
118 does not supplant or otherwise alter any assessment made under
119 subsection (3) or subsection (4) or any calculation or initial
120 allocation.

121 4.a. Each new or revised basin management action plan must
122 ~~shall~~ include:

123 (I)~~a.~~ The appropriate management strategies available
124 through existing water quality protection programs to achieve
125 total maximum daily loads, which may provide for phased
126 implementation to promote timely, cost-effective actions as
127 provided for in s. 403.151;

128 (II)~~b.~~ A description of best management practices adopted
129 by rule;

130 (III)~~c.~~ A list of projects in priority ranking with a
131 planning-level cost estimate and estimated date of completion
132 for each listed project;

133 (IV) A list that identifies and prioritizes spatially
134 focused suites of projects in areas likely to yield maximum
135 pollutant reductions;

136 (V)~~d.~~ The source and amount of financial assistance to be
137 made available by the department, a water management district,
138 or other entity for each listed project, if applicable; and

139 (VI)~~e.~~ A planning-level estimate of each listed project's
140 expected load reduction, if applicable.

141 b. For each project listed pursuant to this subparagraph
142 which has a total cost that exceeds \$1 million, the department
143 must assess through integrated and comprehensive monitoring
144 whether the project is working to reduce nutrient pollution or
145 water use, or both, as intended. These assessments must be

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146 completed expeditiously and included in each basin management
147 action plan update.

148 5. The department shall adopt all or any part of a basin
149 management action plan and any amendment to such plan by
150 secretarial order pursuant to chapter 120 to implement this
151 section.

152 6. The basin management action plan must include milestones
153 for implementation and water quality improvement, and an
154 associated water quality monitoring component sufficient to
155 evaluate whether reasonable progress in pollutant load
156 reductions is being achieved over time. An assessment of
157 progress toward these milestones shall be conducted every 5
158 years, and revisions to the plan shall be made as appropriate.
159 Revisions to the basin management action plan shall be made by
160 the department in cooperation with basin stakeholders. Revisions
161 to the management strategies required for nonpoint sources must
162 follow the procedures in subparagraph (c)4. Revised basin
163 management action plans must be adopted pursuant to subparagraph
164 5.

165 7. In accordance with procedures adopted by rule under
166 paragraph (9)(c), basin management action plans, and other
167 pollution control programs under local, state, or federal
168 authority as provided in subsection (4), may allow point or
169 nonpoint sources that will achieve greater pollutant reductions
170 than required by an adopted total maximum daily load or
171 wasteload allocation to generate, register, and trade water
172 quality credits for the excess reductions to enable other
173 sources to achieve their allocation; however, the generation of
174 water quality credits does not remove the obligation of a source

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or activity to meet applicable technology requirements or adopted best management practices. Such plans must allow trading between NPDES permittees, and trading that may or may not involve NPDES permittees, where the generation or use of the credits involve an entity or activity not subject to department water discharge permits whose owner voluntarily elects to obtain department authorization for the generation and sale of credits.

8. The department's rule relating to the equitable abatement of pollutants into surface waters do not apply to water bodies or water body segments for which a basin management plan that takes into account future new or expanded activities or discharges has been adopted under this section.

9. In order to promote resilient wastewater utilities, if the department identifies domestic wastewater treatment facilities or onsite sewage treatment and disposal systems as contributors of at least 20 percent of point source or nonpoint source nutrient pollution or if the department determines remediation is necessary to achieve the total maximum daily load, a basin management action plan for a nutrient total maximum daily load must include the following:

a. A wastewater treatment plan developed by each local government, in cooperation with the department, the water management district, and the public and private domestic wastewater treatment facilities within the jurisdiction of the local government, that addresses domestic wastewater. The wastewater treatment plan must:

(I) Provide for construction, expansion, or upgrades necessary to achieve the total maximum daily load requirements applicable to the domestic wastewater treatment facility.

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(II) Include the permitted capacity in average annual gallons per day for the domestic wastewater treatment facility; the average nutrient concentration and the estimated average nutrient load of the domestic wastewater; a projected timeline of the dates by which the construction of any facility improvements will begin and be completed and the date by which operations of the improved facility will begin; the estimated cost of the improvements; and the identity of responsible parties.

The wastewater treatment plan must be adopted as part of the basin management action plan no later than July 1, 2025. A local government that does not have a domestic wastewater treatment facility in its jurisdiction is not required to develop a wastewater treatment plan unless there is a demonstrated need to establish a domestic wastewater treatment facility within its jurisdiction to improve water quality necessary to achieve a total maximum daily load. A local government is not responsible for a private domestic wastewater facility's compliance with a basin management action plan unless such facility is operated through a public-private partnership to which the local government is a party.

b. An onsite sewage treatment and disposal system remediation plan developed by each local government in cooperation with the department, the Department of Health, water management districts, and public and private domestic wastewater treatment facilities.

(I) The onsite sewage treatment and disposal system remediation plan must identify cost-effective and financially

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feasible projects necessary to achieve the nutrient load reductions required for onsite sewage treatment and disposal systems. To identify cost-effective and financially feasible projects for remediation of onsite sewage treatment and disposal systems, the local government shall:

(A) Include an inventory of onsite sewage treatment and disposal systems based on the best information available;

(B) Identify onsite sewage treatment and disposal systems that would be eliminated through connection to existing or future central domestic wastewater infrastructure in the jurisdiction or domestic wastewater service area of the local government, that would be replaced with or upgraded to enhanced nutrient-reducing onsite sewage treatment and disposal systems, or that would remain on conventional onsite sewage treatment and disposal systems;

(C) Estimate the costs of potential onsite sewage treatment and disposal system connections, upgrades, or replacements; and

(D) Identify deadlines and interim milestones for the planning, design, and construction of projects.

(II) The department shall adopt the onsite sewage treatment and disposal system remediation plan as part of the basin management action plan no later than July 1, 2025, or as required for Outstanding Florida Springs under s. 373.807.

10. When identifying wastewater projects in a basin management action plan, the department may not require the higher cost option if it achieves the same nutrient load reduction as a lower cost option. A regulated entity may choose a different cost option if it complies with the pollutant reduction requirements of an adopted total maximum daily load

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262 and meets or exceeds the pollution reduction requirement of the
263 original project.

264 Section 3. This act shall take effect July 1, 2022.

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 840

INTRODUCER: Senator Albritton

SUBJECT: Residential Property Riparian Rights

DATE: January 7, 2022

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Collazo	Rogers	EN	Favorable
2. _____	_____	JU	_____
3. _____	_____	RC	_____

I. Summary:

SB 840 requires land surveyors to give a preference to the prolongation-of-property-line method of establishing the boundaries of a residential property owner's riparian rights along a channel, unless doing so would result in an inequitable apportionment of the riparian rights at issue. In connection with this preference, the bill defines the terms "channel" and "prolongation-of-property-line method"; limits the scope of the preference to riparian waters only (not littoral waters, such as a lake, an ocean, or a gulf); and provides that the preference only applies when establishing the boundaries of riparian rights after July 1, 2022.

The bill also provides that in a civil action relating to the riparian rights of a residential dock owner, when such rights are exercised with all appropriate environmental and regulatory approvals and permits, the court must award reasonable attorney fees and costs to the defendant if the defendant is the prevailing party.

II. Present Situation:

Riparian Rights Generally

Riparian rights¹ are rights incident to land bordering upon navigable waters. They are rights of ingress, egress, boating, bathing, and fishing and such others as may be or have been defined by

¹ Technically, the term "riparian" refers to land abutting nontidal or navigable river waters, and the term "littoral" refers to land abutting navigable ocean, sea, or lake waters. *5F, LLC v. Hawthorne*, 317 So. 3d 220, 222 n.1 (Fla. 2d DCA 2021) and *Walton County v. Stop Beach Renourishment, Inc.*, 998 So. 2d 1102, 1105 n.3 (Fla. 2008), *aff'd sub nom. Stop the Beach Renourishment, Inc. v. Fla. Dep't of Env't Prot.*, 560 U.S. 702 (2010). However, the term "riparian" is commonly used to refer to all waterfront owners, so "riparian rights" can be used to refer to rights associated with both riparian and littoral lands. *Id.*

law.² Riparian rights benefit the owner of the riparian land, but such rights are attached to the land and are not owned by the land owner. In order for the rights to attach, the land must extend to the ordinary high water mark³ of the navigable water. Whoever owns or leases the land enjoys the rights, regardless of whether they are mentioned in a deed or lease.⁴ Riparian rights may not be taken without just compensation and due process of law.⁵ Where a landowner's common-law riparian rights are violated by the acts of another individual, the landowner may bring an action on his or her own behalf.⁶

The state holds title to sovereign submerged lands in trust for public use.⁷ The public generally enjoys rights such as bathing, fishing, commerce, and navigation.⁸ Upland property owners enjoy these rights in common with the public.⁹ Riparian rights are additional, exclusive rights that are held by upland property owners but not the general public.¹⁰ Such rights generally include, but are not limited to, the following:

- Access to and from the water.
- An unobstructed view over the water.
- Reasonable use of the water.
- Accretions and relictions.¹¹
- Wharfing out, meaning building structures on the shoreline.¹²

The doctrines of erosion, accretion, and reliction are also riparian rights.¹³ When gradual and imperceptible losses or additions to the shoreline occur, the boundary between public and private land (i.e., the mean high-water line)¹⁴ is altered accordingly.¹⁵ Riparian property owners

² Section 253.141(1), F.S. (2021); *see also* *Odom v. Deltona Corp.*, 341 So. 2d 977, 981 (Fla. 1976) (providing that “whether or not a particular area is that of a navigable body of water and thus sovereignty property held in trust [under Article X, Section 11 of the Florida Constitution] is a question of fact and dependent upon whether or not the body of water is permanent in character and, in its ordinary and natural state, is navigable for useful purposes and is of sufficient size and so situated and conditioned that it may be used for purposes common to the public in the locality where it is located”); *see also* *Brevard Cty. v. Blasky*, 875 So. 2d 6, 13-14 (Fla. 5th DCA 2004) (explaining that navigability is determined as of 1845, the date Florida became a state).

³ *Walton County*, 998 So. 2d at 1124 (noting that the “ordinary high water mark is well established as the dividing line between private riparian and sovereign or public ownership of the land beneath the water”); *see also* s. 253.03(8)(b), F.S. (identifying “submerged lands,” for purposes of inventorying public lands, as “publicly owned lands below the ordinary high-water mark of fresh waters and below the mean high-water line of salt waters extending seaward to the outer jurisdiction of the state”); *see also* s. 177.28, F.S. (same).

⁴ Section 253.141(1), F.S.

⁵ *Broward v. Mabry*, 58 Fla. 398, 410 (1909).

⁶ *Harrell v. Hess Oil & Chem. Corp.*, 287 So. 2d 291, 295 (Fla. 1973).

⁷ FLA. CONST. art. X, s. 11.

⁸ *Walton County*, 998 So. 2d at 1110-11.

⁹ *Id.* at 1110-11. These special littoral rights are such as are necessary for the use and enjoyment of the upland property, but these rights may not be so exercised as to injure others in their lawful rights. *Id.* at 1111.

¹⁰ *Id.*

¹¹ *Id.*

¹² *See* Brendan Mackesey, *An Overview of Riparian Rights in Florida*, The Reporter, The Environmental and Land Use Law Section, Vol. XLI, No. 1, 1, 13-16 (2020), available at <https://eluls.org/wp-content/uploads/2021/02/The-Environmental-and-Land-Use-Law-Section-Reporter-October-2020.pdf> (last visited Nov. 12, 2021).

¹³ *Walton County*, 998 So. 2d at 1112-15. “Accretion” is the gradual and imperceptible accumulation of land; “reliction” is an increase of the land by a gradual and imperceptible withdrawal of a waterbody. *Id.* at 1113.

¹⁴ *See* s. 177.28(1), F.S.

¹⁵ *Bd. of Trustees of the Internal Imp. Tr. Fund v. Sand Key Assocs., Ltd.*, 512 So. 2d 934, 936 (Fla. 1987).

automatically take title to dry land added to their property by accretion or reliction.¹⁶ However, under the doctrine of avulsion, following sudden or perceptible loss or addition to the shoreline, the boundary between public and private land remains where it existed before the avulsive event occurred.¹⁷

Establishing Lines of Riparian Rights

In the 1954 Florida Supreme Court case *Hayes v. Bowman*, opposing parties proposed two different methods for allocating riparian rights: one party argued the lines should extend from the property lines directly into the channel (referred to herein as the “prolongation-of-property-line” method for allocating riparian rights), and the other argued the lines should be drawn at right angles from the thread of the channel to the corners of the property.¹⁸ The Court stated that, based on the nature of upland boundary lines, it is impossible to formulate a geometric rule to govern all cases.¹⁹ Thus, the Court prescribed a rule requiring that, based on the factual circumstances presented, the riparian rights of an upland owner must be preserved over an area as near as practicable in the direction of the channel so as to distribute equitably the submerged lands between the upland and the channel.²⁰ Such equitable distribution must give due consideration to the lay of the upland shore line, the direction of the channel, and the co-relative rights of adjoining upland owners.²¹

The principles established in *Hayes* still apply in Florida today.²² Courts recognize that land surveyors and other practitioners may use many methods to equitably apportion riparian rights, and no one method is proper or improper.²³ The reasoning for this includes inherent aspects of the uplands to which riparian rights are attached: upland property boundaries intersect the water at almost every different angle, and the thread of a channel is seldom, if ever, parallel to the shoreline of the uplands.²⁴ Rights are applied based on the shape of the uplands, the shape of the waterbody, and the parties’ relative position to each other.²⁵

The use of a particular delineation method may be struck down by a court if the method is found to unfairly impact a party’s riparian rights.²⁶ In one case, a Florida court reversed a decision of a

¹⁶ *Stop the Beach Renourishment, Inc. v. Fla. Dep’t of Env’t Prot.*, 560 U.S. 702, 709 (2010); see also *Bd. of Trustees of the Internal Imp. Tr. Fund v. Sand Key Assocs., Ltd.*, 512 So. 2d 934, 938-39 (holding that owners have a right to claim accreted land when the accretion was artificially-caused, as long as the owner did not cause the accretion); see also *New Jersey v. New York*, 523 U.S. 767, 783 (1998) (explaining that an owner may not extend their own property into the water by landfilling or purposefully causing accretion); see also s. 161.051, F.S. (providing that the state will retain title to additions or accretions to the permittee’s property caused by permitted coastal improvements).

¹⁷ *Walton County*, 998 So. 2d at 1114. “Avulsion” is the sudden or perceptible loss of or addition to land by the action of the water or a sudden change in the bed of a lake or the course of a stream. *Id.* at 1116.

¹⁸ *Hayes v. Bowman*, 91 So. 2d 795, 801 (Fla. 1957).

¹⁹ *Id.* at 801-802.

²⁰ *Id.* at 802. In the opinion, the Court expressly references the rights of an unobstructed view of the channel and unobstructed means of ingress and egress over the foreshore and tidal waters. *Id.* at 801. The Court states that if the exercise of these rights is prevented, the upland owner is entitled to relief. *Id.*

²¹ *Id.* at 802.

²² *Lee Cty. v. Kiesel*, 705 So. 2d 1013, 1015 (Fla. 2d DCA 1998); *Lake Conway Shores Homeowners Ass’n, Inc. v. Driscoll*, 476 So. 2d 1306, 1308 (Fla. 5th DCA 1985).

²³ *Nourachi v. United States*, 655 F. Supp. 2d 1215, 1227 (M.D. Fla. 2009).

²⁴ *Hayes*, 91 So. 2d at 801-802.

²⁵ *Johnson v. McCowen*, 348 So. 2d 357, 360 (Fla. 1st DCA 1977).

²⁶ *Lake Conway Shores Homeowners Ass’n, Inc. v. Driscoll*, 476 So. 2d 1306, 1309-10 (Fla. 5th DCA 1985).

trial judge who used a prolongation-of-property-line method, holding that extending the line of the property boundary in this particular case destroyed an adjacent parcel owner's littoral rights, and remanding for an equitable determination of the parties' respective rights.²⁷

The Florida Statutes do not address the methodology for establishing boundaries for riparian rights. The Florida Administrative Code's rules on sovereignty submerged lands generally require all structures and activities to be set back a minimum of 25 feet inside the applicant's riparian rights lines.²⁸ The rules also require applicants seeking standard leases of sovereignty submerged lands to show the applicant's upland parcel property lines and associated riparian rights lines.²⁹

In 2013, the Department of Environmental Protection (DEP) published general guidelines for the allocation of riparian rights, based on research analyzing existing methods for allocating riparian rights together with a study of different shoreline configurations.³⁰ Concentrating on the right of ingress and egress to and from the water (including dock construction) and the right to a view over the water – the two riparian rights “equities” of primary interest among owners – the document includes eight conclusions from the research, summarized as follows:

- When docking is the primary issue, the courts will usually apportion the space between the shore and the line of navigability (i.e., the line of deep water).
- For a straighter shore on a large waterbody, the division lines are perpendicular to the direction of the shore extended to the line of navigable water.
- Along a river without a marked channel, lines are usually perpendicular with the stream's thread (i.e., median).
- Along a river or other waterbody with a nearby marked channel and regular shore, the lines are usually perpendicular with the nearest channel edge and not the thread.
- The direction of upland boundaries is largely ignored when apportioning riparian rights (“[t]he public's mistaken belief that riparian lines are on the extension of their side upland lines is the most frequent cause of riparian disputes”).³¹ The water body must be equitably apportioned as if all waterfront owners were standing on the shore looking out over the waterbody.
- When the shore is irregular (e.g., coves, bays, lakes, rivers) most courts apportion the line of deep water to divide riparian rights as opposed to any perpendicular method.
- Some situations require apportionment of the entire water surface, and then certain methods are used such as the center point method for lakes.

²⁷ *Id.*; see also *Muraca v. Meyerowitz*, 818 N.Y.S.2d 450, 456-57 (Sup. Ct. 2006).

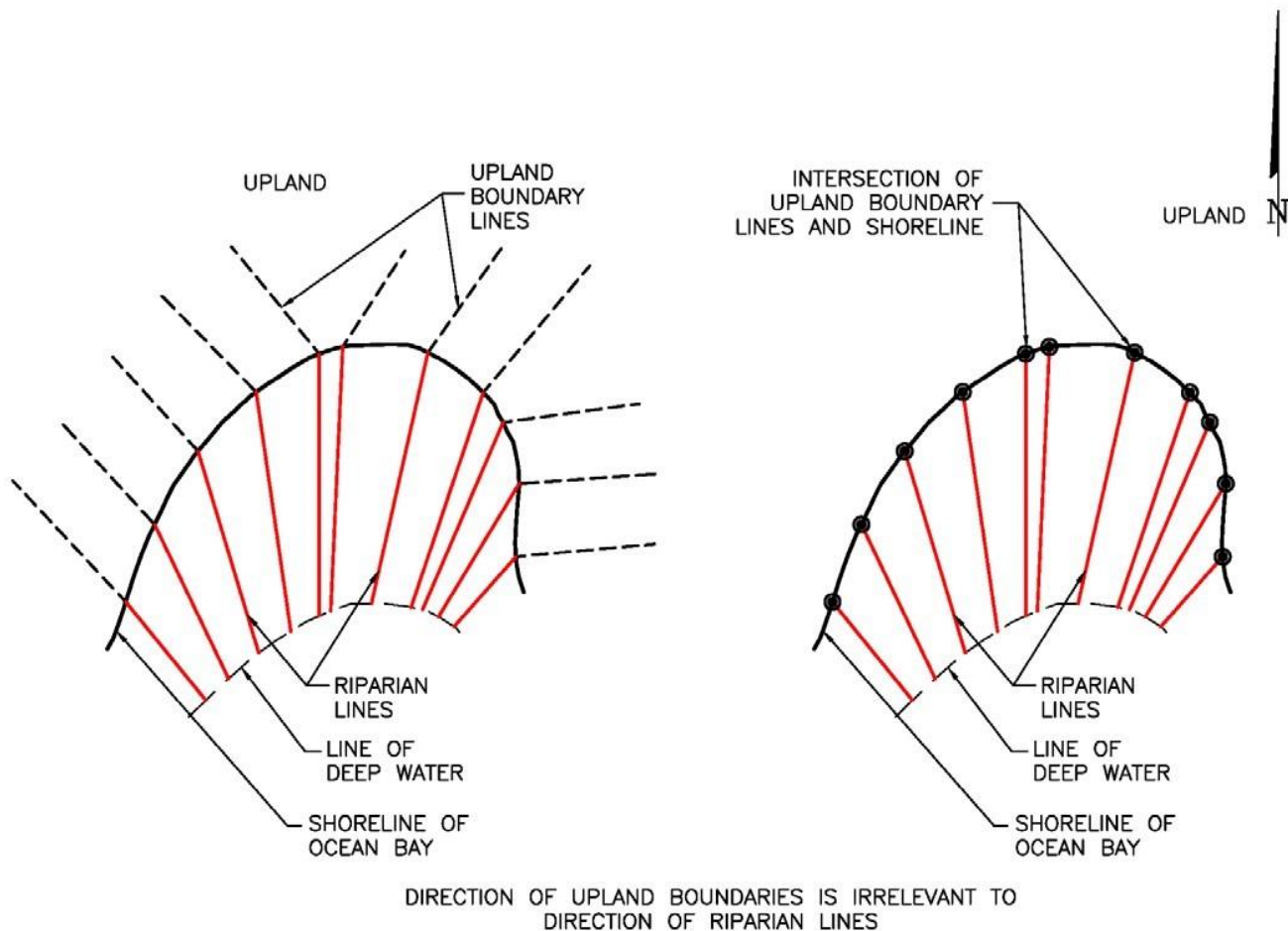
²⁸ Fla. Admin. Code R. 18-21.004(3)(d) (noting also that the minimum setback is 10 feet for marginal docks, and that other exceptions apply).

²⁹ Fla. Admin. Code R. 18-21.008(1)(a)4.f.

³⁰ Florida Dep't of Environmental Protection, SLER 0950, Survey Requirements, *Guidelines for Allocation of Riparian Rights*, 7-18 (2013), available at https://apps.sfwmd.gov/entsb/docdownload?object_id=0900eeeea8a95bcd3 (last visited Nov. 12, 2021).

³¹ *Id.* at 8. The diagram shows how it is the locations where the upland boundary lines intersect the shoreline (not the direction of the boundary lines landward of the shoreline) that are relevant for apportionment.

- Apportioning the line of deep water is the most universal method, and it gives the same solution as more traditional techniques in many cases and follows dominant national case law where the shore is irregular.³²



III. Effect of Proposed Changes:

The bill amends s. 253.141(1), F.S., to require land surveyors to give preference to the prolongation-of-property-line method of establishing the boundaries of a residential property owner's riparian rights along a channel. The prolongation-of-property-line method would apply in connection with the construction of docks, piers, marinas, moorings, pilings, and other private improvements, unless doing so would result in an inequitable apportionment of the riparian rights among property owners along the channel.

The bill defines the term "channel" to mean the marked, buoyed, or artificially dredged channel, if any; or if none, a space equal to 20 percent of the average width of the river or stream at the

³² *Id.* at 7-9.

point concerned, which furnishes uninterruptedly, through its course, the deepest water at ordinary low water.

The bill defines the term “prolongation-of-property-line method” to mean establishing the boundary of a property owner’s riparian rights by extending the owner’s property line out into the waterbody at the same angles at which they intersect the ordinary high watermark.

This preference does not apply to littoral waters, such as a lake, an ocean, or a gulf; and it only applies when establishing the boundaries of riparian rights after July 1, 2022.

The bill amends s. 253.141(1), F.S., to provide that in a civil action relating to the riparian rights of a residential dock owner, when such rights are exercised with all appropriate environmental and regulatory approvals and permits, in which the defendant is the prevailing party, the court must award reasonable attorney fees and costs to the prevailing party.

The bill reenacts ss. 403.813(1)(s) and s. 403.9323(3), F.S., for the purpose of incorporating the amendments to s. 253.141(1), F.S., into same.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 253.141 of the Florida Statutes. The bill reenacts ss. 403.813(1)(s) and s. 403.9323(3), F.S.

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 Albritton

26-00971-22

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A bill to be entitled
An act relating to residential property riparian
rights; amending s. 253.141, F.S.; requiring land
surveyors to give preference to using the
prolongation-of-property-line method to establish a
property owner's riparian rights along a channel under
certain circumstances; defining terms; providing
applicability; requiring courts to award reasonable
attorney fees and costs to a prevailing party in a
civil action under certain circumstances; reenacting
ss. 403.813(1)(s) and 403.9323(3), F.S., relating to
permits issued at district centers and legislative
intent in recognizing rights of riparian property
ownership, respectively, to incorporate the amendment
made to s. 253.141, F.S., in references thereto;
providing an effective date.

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

Section 1. Subsection (1) of section 253.141, Florida
Statutes, is amended to read:

253.141 Riparian rights defined; certain submerged bottoms
subject to private ownership.—

(1) (a) Riparian rights are those incident to land bordering
upon navigable waters. They are rights of ingress, egress,
boating, bathing, and fishing and such others as may be or have
been defined by law. Such rights are not of a proprietary
nature. They are rights inuring to the owner of the riparian
land but are not owned by him or her. They are appurtenant to

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and are inseparable from the riparian land. The land to which the owner holds title must extend to the ordinary high watermark of the navigable water in order that riparian rights may attach. Conveyance of title to or lease of the riparian land entitles the grantee to the riparian rights running therewith whether or not mentioned in the deed or lease of the upland.

(b) When establishing the boundaries of a residential property owner's riparian rights along a channel, for purposes of the construction of docks, piers, marinas, moorings, pilings, and other private improvements, land surveyors must give preference to the prolongation-of-property-line method unless doing so would result in inequitable apportionment of riparian rights among property owners along the channel.

1. As used in this paragraph, the term:

a. "Channel" means the marked, buoyed, or artificially dredged channel, if any, or if none, means a space equal to 20 percent of the average width of the river or stream at the point concerned which furnishes uninterruptedly, through its course, the deepest water at ordinary low water.

b. "Prolongation-of-property-line method" means establishing the boundary of a property owner's riparian rights by extending the owner's property line out into the waterbody at the same angles at which they intersect the ordinary high watermark.

2. This paragraph does not apply to littoral waters, such as a lake, an ocean, or a gulf.

3. This paragraph applies only when establishing the boundaries of riparian rights after July 1, 2022.

(c) In a civil action relating to the riparian rights of a

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residential dock owner, when such rights are exercised with all appropriate environmental and regulatory approvals and permits, in which the defendant is the prevailing party, the court shall award reasonable attorney fees and costs to the prevailing party.

Section 2. For the purpose of incorporating the amendment made by this act to section 253.141, Florida Statutes, in a reference thereto, paragraph (s) of subsection (1) of section 403.813, Florida Statutes, is reenacted to read:

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, and a local government may not require a person claiming this exception to provide further department verification, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(s) The construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts, provided that such structures:

1. Float at all times in the water for the sole purpose of supporting a vessel so that the vessel is out of the water when

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not in use;

2. Are wholly contained within a boat slip previously permitted under ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or do not exceed a combined total of 500 square feet, or 200 square feet in an Outstanding Florida Water, when associated with a dock that is exempt under this subsection or associated with a permitted dock with no defined boat slip or attached to a bulkhead on a parcel of land where there is no other docking structure;

3. Are not used for any commercial purpose or for mooring vessels that remain in the water when not in use, and do not substantially impede the flow of water, create a navigational hazard, or unreasonably infringe upon the riparian rights of adjacent property owners, as defined in s. 253.141;

4. Are constructed and used so as to minimize adverse impacts to submerged lands, wetlands, shellfish areas, aquatic plant and animal species, and other biological communities, including locating such structures in areas where seagrasses are least dense adjacent to the dock or bulkhead; and

5. Are not constructed in areas specifically prohibited for boat mooring under conditions of a permit issued in accordance with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or other form of authorization issued by a local government.

Structures that qualify for this exemption are relieved from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund

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and, with the exception of those structures attached to a bulkhead on a parcel of land where there is no docking structure, may not be subject to any more stringent permitting requirements, registration requirements, or other regulation by any local government. Local governments may require either permitting or one-time registration of floating vessel platforms to be attached to a bulkhead on a parcel of land where there is no other docking structure as necessary to ensure compliance with local ordinances, codes, or regulations. Local governments may require either permitting or one-time registration of all other floating vessel platforms as necessary to ensure compliance with the exemption criteria in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning, which are no more stringent than the exemption criteria in this section or address subjects other than subjects addressed by the exemption criteria in this section; and to ensure proper installation, maintenance, and precautionary or evacuation action following a tropical storm or hurricane watch of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure. The exemption provided in this paragraph shall be in addition to the exemption provided in paragraph (b). The department shall adopt a general permit by rule for the construction, installation, operation, or maintenance of those floating vessel platforms or floating boat lifts that do not qualify for the exemption provided in this paragraph but do not cause significant adverse impacts to occur individually or cumulatively. The issuance of such general permit shall also constitute permission to use or occupy lands

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owned by the Board of Trustees of the Internal Improvement Trust Fund. Local governments may not impose a more stringent regulation, permitting requirement, registration requirement, or other regulation covered by such general permit. Local governments may require either permitting or one-time registration of floating vessel platforms as necessary to ensure compliance with the general permit in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning that are no more stringent than the general permit in this section; and to ensure proper installation and maintenance of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure.

Section 3. For the purpose of incorporating the amendment made by this act to section 253.141, Florida Statutes, in a reference thereto, subsection (3) of section 403.9323, Florida Statutes, is reenacted to read:

403.9323 Legislative intent.—

(3) It is the intent of the Legislature to provide waterfront property owners their riparian right of view, and other rights of riparian property ownership as recognized by s. 253.141 and any other provision of law, by allowing mangrove trimming in riparian mangrove fringes without prior government approval when the trimming activities will not result in the removal, defoliation, or destruction of the mangroves.

Section 4. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 882

INTRODUCER: Senator Brodeur

SUBJECT: Inventories of Critical Wetlands

DATE: January 7, 2021

REVISED: _____

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

I. Summary:

SB 882 directs water management district governing boards to work with local governments to develop a list of critical wetlands to be acquired through the Land Acquisition Trust Fund.

II. Present Situation:

Wetlands

Wetlands are areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.¹ Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.²

All state and local agencies use the same method to determine wetland boundaries.³ The regulating agency should first attempt to identify the landward extent of wetlands based on the definition of wetlands, as stated in the paragraph above.⁴ The landward extent (the boundary) of

¹ Section 373.019(27), F.S.

² *Id.*

³ DEP, *DEP 101: Wetlands*, <https://floridadep.gov/comm/press-office/content/dep-101-wetlands> (last visited Dec. 6, 2021).

⁴ Fla. Admin. Code R. 62-340.300.

wetlands is determined by applying reasonable scientific judgement to evaluate the dominance of plant species, soils, and other hydrologic evidence of regular and periodic inundation and saturation. If the boundary cannot be located by definition, then the regulating agency should use site inspection or aerial photointerpretation, in combination with ground truthing. If the vegetation or soils of an upland or wetland area have been altered by natural or human-induced factors such that the boundary cannot be delineated reliably, and the area has hydric soils or riverwash, or would have hydric soils or riverwash but for a non-hydrologic mechanical mixing of the upper soil profile, then the agency shall use the most reliable available information and reasonable scientific judgement to determine the boundary. Reliable available information includes aerial photographs, remaining vegetation, authoritative site-specific documents, or topographical consistencies.⁵

Local Government Land Use

In Florida, local governments have the exclusive authority to make basic determinations about the appropriate land uses in their jurisdictions, including wetlands, based on a broad range of factors.⁶ Florida statute requires all local governments to adopt a comprehensive plan to determine allowable uses, densities and intensities, and development standards for all land within their jurisdictions, and ensure that all development be consistent with the adopted plan.⁷ Through comprehensive planning, local governments are able to encourage the most appropriate use of land, water, and resources, consistent with the public interest.⁸ All local government land development regulations must be consistent with the local comprehensive plan.⁹ Additionally, all public and private development, including special district projects, must be consistent with the local comprehensive plan.¹⁰

Water Management Districts

Water Management Districts (WMDs) are responsible for the administration of water resources at the regional level.¹¹ There are five WMDs in Florida: Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, and South Florida WMDs. DEP has general supervisory control over the WMDs through a cooperative working relationship and guidance memos. The four core mission areas of the WMDs are:

- Water supply;
- Water quality;
- Flood protection and floodplain management; and

⁵ *Id.*

⁶ Richard Grosso and Jason Totoiu, *Planning and Permitting to Protect Wetlands: The Different Roles and Powers of State and Local Government*, 84 FLA. B.J. 39, 40 (April 2010) available at <https://www.floridabar.org/the-florida-bar-journal/planning-and-permitting-to-protect-wetlands-the-different-roles-and-powers-of-state-and-local-government/#:~:text=Florida%E2%80%99s%20Wetland%20Permitting%20Program%20Does%20Not%20Preempt%20Local,for%20the%20development%20of%20wetlands%20subject%20to%20mitigation> (last visited Dec. 17, 2021).

⁷ *Id.*

⁸ Section 163.3161(4), F.S.

⁹ Section 163.3194(1)(b), F.S.

¹⁰ See ss. 163.3161(6) and 163.3194(1)(a), F.S.

¹¹ DEP, *Water Management Districts*, <https://floridadep.gov/water-policy/water-policy/content/water-management-districts> (last visited Dec. 7, 2021).

- Natural systems.¹²

Each WMD is responsible for developing a district water management plan for water resources within its region that addresses water supply, water quality, flood protection and floodplain management, and natural systems.¹³ The district water management plan must be based on at least a 20-year planning period, must be developed and revised in cooperation with other agencies, regional water supply authorities, units of government, and interested parties, and must be updated at least once every five years.¹⁴ The district water management plans must include:

- The scientific methodologies for establishing minimum flows and levels and all established minimum flows and levels;
- Identification of one or more water supply planning regions that make up the entire district;
- Technical data and information;
- A districtwide water supply assessment; and
- Any completed regional water supply plans.¹⁵

In formulating the district water management plans, each WMD must consider:

- The attainment of maximum reasonable-beneficial use of water resources;
- The maximum economic development of water resources consistent with other uses;
- The management of water resources for purposes like environmental protection, drainage, flood control, and water storage;
- The quantity of water available for application to a reasonable-beneficial use;
- The prevention of wasteful, uneconomical, impractical, or unreasonable uses of water resources;
- Presently exercised domestic use and permit rights;
- The preservation and enhancement of water quality; and
- The state water resources policy.¹⁶

At its option, a WMD may substitute an annual strategic plan for the requirement to develop a district water management plan and the district water management plan annual report, provided that it does not affect any other provision or requirement of law concerning the completion of the regional water supply plan, and the strategic plan meets the following minimum requirements:

- The strategic plan establishes the WMD's strategic priorities for at least a five-year period;
- The strategic plan identifies the goals, strategies, success indicators, funding sources, deliverables, and milestones to accomplish the strategic priorities;
- The strategic plan development process includes at least one publicly noticed meeting to allow public participation in its development;
- The strategic plan includes separately, as an addendum, an annual work plan report on the implementation of the strategic plan for the previous fiscal year, addressing success indicators, deliverables, and milestones.¹⁷

¹² *Id.*

¹³ Section 373.036(2), F.S.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

Wetlands in Federal and State Programs

National Wetlands Inventory

The National Wetlands Inventory (NWI) was established by the U.S. Fish and Wildlife Service (FWS) to conduct a nationwide inventory of U.S. wetlands to document the distribution and type of wetlands to aid in conservation.¹⁸ The NWI developed mapping techniques, a recording system for inventory findings, and a wetland classification system that is now the official FWS wetland classification system and the federal standard for wetland classification. The NWI relies on trained image analysts to identify and classify wetlands and deepwater habitats from aerial imagery. NWI data and wetlands maps can be found on the Wetlands Mapper.¹⁹

FWS has estimated wetlands coverage nationwide, including in Florida, using the NWI, and many historical estimates of wetlands are based on NWI data.²⁰ However, wetlands mapped in the inventory have not been groundtruthed, and maps produced using the inventory do not directly correspond to Florida agencies' methodology or the wetland mapping methodology used by the U.S. Army Corps of Engineers.²¹

Florida Forever

The Florida Forever program is the state's current blueprint for natural resource conservation.²² It replaced the successful Preservation 2000 program, which acquired more than 1.78 million acres of land for protection. The Florida Forever Act, implemented in 2000, 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.²³ 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.²⁴

¹⁸ U.S. Fish and Wildlife Service, *NWI Program Overview*, <https://fws.gov/wetlands/nwi/Overview.html> (last visited Dec. 17, 2021).

¹⁹ *Id.*; U.S. Fish and Wildlife Service, *Wetlands Mapper*, <https://fws.gov/wetlands/data/Mapper.html> (last visited Dec. 17, 2021).

²⁰ DEAR and DEP, *Final Integrated Water Quality Assessment for Florida*, 88 (2016), available at <https://floridadep.gov/sites/default/files/2016-Integrated-Report.pdf> (last visited Dec. 17, 2021).

²¹ *Id.* at 88-89. The U.S. Army Corps of Engineers uses three characteristics to determine if an area is wetland: vegetation, soil, and hydrology. Unless an area has been altered or is a rare natural situation, indicators of all three characteristics must be present for an area to be a wetland. U.S. Army Corps of Engineers, *Wetlands Identification*, <https://www.nan.usace.army.mil/Missions/Regulatory/Wetlands-Identification/> (last visited Dec. 17, 2021).

²² DEP, *2021 Florida Forever Five-Year Plan*, 9 (2021), available at https://floridadep.gov/sites/default/files/FLDEP_DSL_OES_FF_2021Abstract_2.pdf (last visited Dec. 17, 2021).

²³ *Id.*

²⁴ Section 259.105, F.S.

The state has acquired more than 2.4 million acres since 1991 under the Preservation 2000 and Florida Forever programs.²⁵ Florida Forever provides for the issuance of up to \$5.3 billion in Florida Forever bonds to finance or refinance the cost of acquisition and improvement of land and water areas for restoration, conservation, recreation, water resource development, or historical preservation.²⁶ Bonds may also be issued for capital improvements²⁷ to lands and water areas which accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.²⁸

Florida Forever projects and acquisitions must contribute to the achievement of specific goals, which must be evaluated in accordance with specific criteria and numeric performance measures.²⁹ The following are specific goals that involve wetland preservation and management:

- To increase the protection of Florida’s biodiversity at the species, natural community, and landscape levels, as measured by:
 - The number of acres acquired of significant strategic habitat conservation areas;
 - The number of acres acquired of highest priority conservation areas for Florida’s rarest species;
 - The number of acres acquired of significant landscapes, landscape linkages, and conservation corridors, giving priority to completing linkages;
 - The number of acres acquired of underrepresented native ecosystems;
 - The number of landscape-sized protection areas of at least 50,000 acres that exhibit a mosaic of predominantly intact or restorable natural communities established through new acquisition projects of augmentations to previous projects; or
 - The percentage increased in the number of occurrences of imperiled species on publicly managed conservation areas.³⁰
- To protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state, as measured by:
 - The number of acres of publicly owned land identified as needing, undergoing, or having restoration, enhancement, and management; the number of acres which represent actual or potential imperiled species habitat; the number of acres which are available to restore, enhance, repopulate, and manage imperiled species habitat;

²⁵ DEP, *Frequently Asked Questions about Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/faq-florida-forever> (last visited Dec. 17, 2021); see Florida Natural Areas Inventory, *Summary of Florida Conservation Lands* (Feb. 2021), available at https://www.fnai.org/PDFs/Maacres_202103_FCL_plus_LTF.pdf (last visited Dec. 17, 2021). This inventory provides a complete summary of the total amount of conservation lands in Florida.

²⁶ Section 215.618, F.S.

²⁷ Section 259.03(3), F.S. The terms “capital improvement” or “capital project expenditure,” when used in ch. 259, F.S., mean “those activities relating to the acquisition, restoration, public access, and recreational uses of such lands, water areas, and related resources deemed necessary to accomplish the purposes of this chapter. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities’ signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary services for land or water areas. Such activities shall be identified prior to the acquisition of a parcel or the approval of a project. The continued expenditures necessary for a capital improvement approved under this subsection shall not be eligible for funding provided in this chapter.” *Id.*

²⁸ Section 215.618, F.S.

²⁹ Section 259.105(4), F.S.

³⁰ Section 259.105(4)(b), F.S.

- The percentage of water segments that fully meet, partially meet, or do not meet their designated uses;
- The percentage completion of targeted capital improvements in surface water improvement and management plans, regional or master stormwater management system plans, or other adopted restoration plans;
- The number of acres acquired that protect natural floodplain functions;
- The number of acres acquired that protect surface waters of the state;
- The number of acres identified for acquisition to minimize damage from flooding and the percentage of those areas acquired;
- The number of acres acquired that protect fragile coastal resources;
- The number of acres of functional wetland systems protected;
- The percentage of miles of critically eroding beaches contiguous with public lands that are restored or protected from further erosion;
- The percentage of public lakes and rivers in which invasive, nonnative aquatic plants are under maintenance control; or
- The number of acres of public conservation lands in which upland invasive, exotic plants are under maintenance control.³¹
- To ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state, as measured by:
 - The number of acres acquired that provide retention and storage of surface water in naturally occurring storage areas, such as lakes and wetlands, consistent with the maintenance of water resources or water supplies and consistent with district water supply plans;
 - The quantity of water made available through the water resource development component of a district water supply plan for which a water management district is responsible; or
 - The number of acres acquired of groundwater recharge areas critical to springs, sinks, aquifers, other natural systems, or water supply.³²
- To mitigate the effects of natural disasters and floods in developed areas, as measured by:
 - The number of acres acquired within a 100-year floodplain or a coastal high hazard area;
 - The number of acres acquired or developed to serve dual functions as flow ways or temporary water storage areas during flooding or high water events, not including permanent reservoirs, and greenways or open spaces available to the public for recreation;
 - The number of acres that protect existing open spaces and natural buffer areas within a floodplain that also serve as natural flow ways or natural temporary water storage areas; and
 - The percentage of the land acquired within the project boundary that creates additional open spaces, natural buffer areas, and greenways within a floodplain, while precluding rebuilding in areas that repeatedly flood.³³

³¹ Section 259.105(4)(c), F.S.

³² Section 259.105(4)(d), F.S.

³³ Section 259.105(4)(i), F.S.

Land Acquisition Trust Fund

The Land Acquisition Trust Fund (LATF) is established by s. 28 Art. X of the Florida Constitution. LATF funds may be expended for the following purposes:

- To finance or refinance the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands, including wetlands, forests, and fish and wildlife habitat;
- Wildlife management areas;
- Lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems;
- Lands in the Everglades Agricultural Area and the Everglades Protection Area;
- Beaches and shores;
- Outdoor recreation lands, including recreational trails, parks, and urban open spaces;
- Rural landscapes;
- Working farms and ranches;
- Historic or geologic sites;
- Together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.³⁴

III. Effect of Proposed Changes:

This bill amends s. 373.036, F.S., to require water management districts, in cooperation with local governments, to develop a list of critical wetlands to be acquired through the Land Acquisition Trust Fund. The bill provides the following criteria to determine if a wetland is critical:

- The ecological value of the wetland, as determined by the physical and biological components of the environmental system;
- The effect of the wetland on water quality and flood mitigation;
- The ecosystem restoration value of the wetland; and
- The inherent susceptibility of the wetland to development due to its geographical location or natural aesthetics.

The bill amends a reference to reflect the changes made in this bill. The bill will take effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³⁴ FLA. CONST. art. X, s. 28.

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:

Water management districts and local governments may incur costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 373.036 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 Brodeur

9-01032-22

2022882__

A bill to be entitled
An act relating to inventories of critical wetlands;
amending s. 373.036, F.S.; requiring each water
management district governing board, in cooperation
with local governments, to develop a list of critical
wetlands for acquisition using funds from the Land
Acquisition Trust Fund; requiring the boards to
consider certain criteria when including wetlands on
the list; providing an effective date.

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

Section 1. Present paragraph (e) of subsection (2) of
section 373.036, Florida Statutes, is redesignated as paragraph
(f), a new paragraph (e) is added to that subsection, and
paragraph (b) of subsection (7) of that section is amended, to
read:

373.036 Florida water plan; district water management
plans.—

(2) DISTRICT WATER MANAGEMENT PLANS.—

(e) As part of the district water management plan, each
governing board, in cooperation with local governments, shall
develop a list of critical wetlands to be acquired using funds
from the Land Acquisition Trust Fund. The governing boards shall
consider all of the following criteria in designating a wetland
for inclusion on the list:

1. The ecological value of the wetland, as determined by
the physical and biological components of the environmental
system.

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2. The effect of the wetland on water quality and flood mitigation.

3. The ecosystem restoration value of the wetland.

4. The inherent susceptibility of the wetland to development due to its geographical location or natural aesthetics.

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

(b) The consolidated annual report shall contain the following elements, as appropriate to that water management district:

1. A district water management plan annual report or the annual work plan report allowed in subparagraph (2) (f) 4.

~~(2) (e) 4.~~

2. The department-approved minimum flows and minimum water levels annual priority list and schedule required by s. 373.042(3).

3. The annual 5-year capital improvements plan required by s. 373.536(6) (a) 3.

4. The alternative water supplies annual report required by s. 373.707(8) (n).

5. The final annual 5-year water resource development work program required by s. 373.536(6) (a) 4.

6. The Florida Forever Water Management District Work Plan annual report required by s. 373.199(7).

7. The mitigation donation annual report required by s. 373.414(1) (b) 2.

8. Information on all projects related to water quality or water quantity as part of a 5-year work program, including:

a. A list of all specific projects identified to implement

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59 a basin management action plan, including any projects to
60 connect onsite sewage treatment and disposal systems to central
61 sewerage systems and convert onsite sewage treatment and
62 disposal systems to enhanced nutrient-reducing onsite sewage
63 treatment and disposal systems, or a recovery or prevention
64 strategy;

65 b. A priority ranking for each listed project for which
66 state funding through the water resources development work
67 program is requested, which must be made available to the public
68 for comment at least 30 days before submission of the
69 consolidated annual report;

70 c. The estimated cost for each listed project;

71 d. The estimated completion date for each listed project;

72 e. The source and amount of financial assistance to be made
73 available by the department, a water management district, or
74 other entity for each listed project; and

75 f. A quantitative estimate of each listed project's benefit
76 to the watershed, water body, or water segment in which it is
77 located.

78 9. A grade for each watershed, water body, or water segment
79 in which a project listed under subparagraph 8. is located
80 representing the level of impairment and violations of adopted
81 minimum flow or minimum water levels. The grading system must
82 reflect the severity of the impairment of the watershed, water
83 body, or water segment.

84 Section 2. This act shall take effect July 1, 2022.

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 1000

INTRODUCER: Environment and Natural Resources Committee and Senator Albritton

SUBJECT: Nutrient Application Rates

DATE: January 11, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Rogers	EN	Fav/CS
2.			AG	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1000 authorizes agricultural producers to use written recommendations from certified professionals to tailor their recommended nutrient application rates. The certified professional's determination that published nutrient application rates are not appropriate, and any recommendations for rate tailoring, must be documented and kept for 5 years.

The bill provides that producers using rate tailoring are required to enroll in and implement certain applicable best management practices (BMPs) adopted by the Department of Agriculture and Consumer Services (DACS). When recommended nutrient application rates for crops are revised by state universities or college institutions having agricultural research programs, the revisions must provide an application range or authorize rate tailoring to crop and field conditions.

Producers implementing rate tailoring in compliance with the bill are:

- Provided a presumption of compliance with state water quality standards;
- May rely upon the waiver of liability provision in existing law; and
- Are deemed in compliance with the BMPs for pollution reduction, waiver of liability, and presumption of compliance provisions in existing law.

The bill contains definitions for the terms "certified professional" and "rate tailoring" and associated legislative findings and intent provisions. The bill also extends the expiration dates of the "findings and intent," "fees," "use of funds," "waiver of liability," and "rulemaking"

provisions of s. 576.045, F.S., from December 31, 2022 to December 31, 2032, and the “compliance” and “other provisions” subsections of s. 576.045, F.S., from December 31, 2027 to December 31, 2037. The bill also provides an expiration date of December 31, 2037 for the new “rate tailoring” provision.

II. Present Situation:

Agricultural Best Management Practices

Agricultural best management practices (BMPs) are practical measures that agricultural producers can take to reduce the amount of fertilizers, pesticides, animal waste, and other pollutants entering the state’s water resources.¹ BMPs are designed to improve water quality while maintaining agricultural production.² Categories of BMPs include:³

- Nutrient management to determine nutrient needs and sources and manage nutrient applications (including manure) to minimize impacts to water resources.
- Irrigation management to address the method and scheduling of irrigation to reduce water and nutrient losses to the environment.
- Water resource protection using buffers, setbacks and swales to reduce or prevent the transport of sediments and nutrients from production areas to waterbodies.⁴

The Department of Agriculture and Consumer Services (DACS) develops and adopts BMPs by rule for different types of agricultural commodities.⁵ Existing law provides for agricultural producers to reduce their impacts to water quality through the implementation of applicable BMPs adopted by DACS.⁶

The Department of Environmental Protection (DEP) develops total maximum daily loads (TMDLs) for waterbodies that have been found to be impaired.⁷ The TMDL is a determination of the maximum amount of a pollutant (such as a nutrient) that a waterbody can receive and still meet the water quality standards that protect human health and aquatic life.⁸

¹ University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS), *Agricultural Best Management Practices – About BMPs*, <https://bmp.ifas.ufl.edu/about-bmps/> (last visited Dec. 21, 2021); see also s. 576.011(2), F.S. (defining best management practices as practices or combinations of practices determined by research or field testing in representative sites to be the most effective and practicable methods of fertilization designed to meet nitrate groundwater quality standards, including economic and technological considerations).

² *Id.*

³ UF/IFAS, *Agricultural Best Management Practices – About BMPs*, <https://bmp.ifas.ufl.edu/about-bmps/> (last visited Dec. 21, 2021); Florida Department of Agriculture and Consumer Services (DACS), *Agricultural Best Management Practices*, <https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices> (last visited Dec. 21, 2021).

⁴ *Id.*

⁵ DACS, *Agricultural Best Management Practices*, <https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices> (last visited Dec. 21, 2021); see also Fla. Admin. Code Rules 5M-16 (citrus), 5M-11 (cow/calf), 5M-17 (dairy), 5M-14 (equine), 5M-6 (nurseries), 5M-19 (poultry), 5M-9 (sod), 5M-13 (specialty fruit and nut crops), 5M-8 (vegetable and agronomic crops), and 5M-18 (wildlife/state imperiled species).

⁶ *Id.*; see also s. 576.045, F.S.

⁷ DACS, *Agricultural Best Management Practices*, <https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices> (last visited Dec. 21, 2021).

⁸ *Id.*

To implement a TMDL, DEP establishes basin management action plans (BMAPs), which identify all known contributors of the pollutant within a BMAP and assign load reductions for the pollutant.⁹ A BMAP also identifies strategies to address the pollutant reductions required to achieve the TMDL.¹⁰

“Nonpoint source” contributors (sources where one cannot point at an actual discharge point), like agriculture, are responsible for implementing rule-adopted BMPs to help achieve water quality standards within BMAPs.¹¹ Therefore, any agricultural producers within a BMAP area must either enroll in DACS’ BMP program and properly implement applicable BMPs, or conduct water quality monitoring prescribed by DEP or the water management district to show that they are meeting state water quality standards; however, this type of water quality monitoring can be very expensive.¹²

According to the annual report on BMPs prepared by DACS, approximately 62 percent of agricultural acreage is enrolled in DACS’ BMP program statewide.¹³ To enroll in the BMP program, agriculture producers must meet with the Office of Agricultural Water Policy (OAWP) and submit a notice of intent to implement the BMPs.¹⁴ These producers are subject to inspection and recordkeeping requirements.¹⁵ After verification by DEP, producers implementing BMPs receive a presumption of compliance with state water quality standards for the pollutants addressed by the BMPs¹⁶ and those who enroll in the BMP program become eligible for technical assistance and cost-share funding for BMP implementation. Within a BMAP, management strategies, including BMPs and water quality monitoring, are enforceable.¹⁷

The University of Florida’s Institute of Food and Agricultural Sciences (UF/IFAS) is heavily involved in the adoption and implementation of BMPs. UF/IFAS provides expertise to both DACS and agriculture producers, and has extension offices throughout Florida. UF/IFAS holds summits and workshops on BMPs,¹⁸ conducts research to issue recommendations for improving BMPs,¹⁹ and issues training certificates for BMPs that require licenses such as Green Industry BMPs.²⁰

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² UF/IFAS, *Agricultural Best Management Practices – About BMPs*, <https://bmp.ifas.ufl.edu/about-bmps/> (last visited Dec. 21, 2021).

¹³ DACS Office of Agricultural Water Policy (OAWP), *Status of Implementation of Agricultural Nonpoint Source Best Management Practices*, 2 (July 1, 2021), available at <https://www.fdacs.gov/ezs3download/download/98382/2665697/Media/Files/Agricultural-Water-Policy-Files/BMP-Implementation/2021-status-of-bmp-implementation-report.pdf> (last visited Jan. 4, 2022).

¹⁴ Section 403.067(7)(c)2., F.S.; see Fla. Admin. Code R. 5M-8.002, 5M-8.004, 5M-8.006.

¹⁵ Section 403.067(7)(c)2., F.S.; see Fla. Admin. Code R. 5M-8.006.

¹⁶ Section 403.067(7)(c)3., F.S.

¹⁷ Section 403.067(7)(d), F.S.

¹⁸ UF/IFAS, *Agricultural Best Management Practices – Home*, <https://bmp.ifas.ufl.edu/> (last visited Jan. 5, 2022).

¹⁹ UF/IFAS Everglades Research & Education Center, *Best Management Practices & Water Resources*, <https://erec.ifas.ufl.edu/research-programs/best-management-practices-and-water-management/> (last visited Jan. 5, 2022).

²⁰ UF/IFAS Florida-Friendly Landscaping Program, *Green Industries Best Management Practices*, <https://ffl.ifas.ufl.edu/ffl-and-you/gi-bmp-program/> (last visited Jan. 5, 2022).

DACS is required to perform onsite inspection of agricultural producers enrolled in BMPs, at least every 2 years, to ensure that the BMPs are being properly implemented.²¹ DACS is also required to collect and retain nutrient application records²² and to provide these records to DEP.²³ DACS recently began updating its BMP rules; in 2021, it completed rulemaking to standardize record retention and recordkeeping processes across the various BMP manuals.²⁴

Nutrient Management

Since the BMP program was implemented in 1999,²⁵ DACS has adopted and incorporated by reference ten BMP manuals that cover nearly all major agricultural commodities in Florida:

- Citrus²⁶
- Cow/Calf²⁷
- Dairy²⁸
- Equine²⁹
- Nurseries³⁰
- Poultry³¹
- Sod³²
- Specialty Fruit and Nut Crops³³

²¹ Section 403.067(7)(d)3., F.S.

²² *Id.*

²³ Section 403.067(7)(c)5., F.S.

²⁴ See Fla. Admin. Code R. 5M-1.001, 5M-1.008, and 5M-1.009 (amended September 12, 2021).

²⁵ The program was voluntary from 1999-2005. In 2005 the Florida Legislature modified the law requiring agricultural producers to adopt BMPs or conduct water quality monitoring.

²⁶ Fla. Admin. Code R. 5M-16.001; DACS, *Water Quality/Quantity Best Management Practices for Citrus (2012 Edition)*, DACS-P-01756, available at https://www.fdacs.gov/ezs3download/download/25410/516289/Bmp_FloridaCitrus2012.pdf (last visited Jan. 4, 2022).

²⁷ Fla. Admin. Code R. 5M-11.002; DACS, *Water Quality Best Management Practices for Florida Cow/Calf Operations (2008 Edition)*, DACS P-01280, available at https://www.fdacs.gov/ezs3download/download/25408/516287/Bmp_FloridaCowCalf2008.pdf (last visited Jan. 4, 2022).

²⁸ Fla. Admin. Code R. 5M-17.001; DACS, *Water Quality/Quantity Best Management Practices for Florida Dairy Operations (2015 Edition)*, FDACS-P-02008, available at <https://www.fdacs.gov/ezs3download/download/64582/1525731/Media/Files/Agricultural-Water-Policy-Files/Best-Management-Practices/dairyBMPFinal.pdf> (last visited Jan. 4, 2022).

²⁹ Fla. Admin. Code R. 5M-14.002; DACS, *Water Quality/Quantity Best Management Practices for Florida Equine Operations (2011 Edition)*, DACS P-01531, available at <https://www.fdacs.gov/content/download/30687/file/equineBMP-lores.pdf> (last visited Jan. 4, 2022).

³⁰ Fla. Admin. Code R. 5M-6.002; DACS, *Water Quality/Quantity Best Management Practices for Florida Nurseries (2014 Edition)*, DACS-P-01267, available at <https://www.fdacs.gov/content/download/37570/file/nurseryBMP-lores.pdf> (last visited Jan. 4, 2022).

³¹ Fla. Admin. Code R. 5M-19.001; DACS, *Water Quality/Quantity Best Management Practices for Florida Poultry Operations (2016 Edition)*, FDACS-P-02052, available at <https://www.fdacs.gov/content/download/71304/file/Poultry%20BMP%20Manual.pdf> (last visited Jan. 4, 2022).

³² Fla. Admin. Code R. 5M-9.002; DACS, *Water Quality/Quantity Best Management Practices for Florida Sod (2008 Edition)*, DACS-P 01330, available at https://www.fdacs.gov/ezs3download/download/25407/516286/Bmp_FloridaSod2008.pdf (last visited Jan. 4, 2022).

³³ Fla. Admin. Code R. 5M-13.002; DACS, *Water Quality/Quantity Best Management Practices for Florida Specialty Fruit and Nut Crops (2011 Edition)*, DACS P-01589, available at https://www.fdacs.gov/ezs3download/download/25409/516288/Bmp_FloridaSpecialtyFruitNut2011.pdf (last visited Jan. 4, 2022).

- Vegetable and Agronomic Crops³⁴
- Wildlife (State Imperiled Species)³⁵

With only one exception (Wildlife/State Imperiled Species), all of these BMP manuals address nutrient management in ways specific to each commodity. For example, the BMP manual for citrus entitled *Water Quality/Quantity Best Management Practices for Citrus* (Citrus BMPs Manual) contains BMPs on nutrient management, which it defines as the control of the source, rate, placement, and timing of nutrient applications and soil amendments to ensure sufficient soil fertility for citrus tree production and to minimize impacts to water quality.³⁶

Excess nitrogen and phosphorus are the most common causes of water quality impairments in the state because they enter surface waters through stormwater or irrigation runoff or leach through soils into groundwater.³⁷ Accordingly, the Citrus BMPs Manual includes recommended nutrient application rates for nitrogen and phosphorus.³⁸ The recommended rates are based on normal, healthy tree development for their age; however, where disease, salinity, or other factors inhibit normal tree development, fertilizer application(s) should be adjusted accordingly.³⁹

Statutory Incentives for BMP Implementation

Section 576.045, F.S., is focused on improving fertilization-management practices as soon as practicable in a way that protects the state's water resources and preserves a viable agricultural industry.⁴⁰ Goals include supporting BMP-related research⁴¹ and incentivizing BMP implementation by the agricultural industry and other major users of fertilizer.⁴² In addition to authorizing the imposition and collection of fees in support of various activities connected to achieving state water quality standards for nitrogen and phosphorus criteria,⁴³ the statute

³⁴ Fla. Admin. Code R. 5M-8.002(1); DACS, *Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops* (2015 Edition), FDACS-P-01268, available at <https://www.fdacs.gov/content/download/77230/file/vegAgCropBMP-loRes.pdf> (last visited Jan. 4, 2022).

³⁵ Fla. Admin. Code R. 5M-18.001; DACS, *Florida Agriculture Wildlife Best Management Practices for State Imperiled Species* (2015 Edition), DACS-P-02031, available at https://www.fdacs.gov/content/download/61100/file/WildlifeBMP_final.pdf (last visited Jan. 4, 2022).

³⁶ DACS, *Water Quality/Quantity Best Management Practices for Citrus* (2012), DACS-P-01756, at 13-17, available at https://www.fdacs.gov/ezs3download/download/25410/516289/Bmp_FloridaCitrus2012.pdf (last visited Dec. 21, 2021).

³⁷ *Id.* at 4.

³⁸ *Id.* at 16-17 (providing that the phosphorus fertilization rate should be based upon soil and/or leaf tissue tests, and the nitrogen fertilization rate should be based upon recommended rates published by the Institute of Food and Agricultural Sciences at the University of Florida (UF/IFAS)).

³⁹ *Id.* at 16.

⁴⁰ Section 576.045(1)(b), F.S.

⁴¹ A list of BMP research funding priorities and research projects by topic is available online. See DACS, BMP Research, <https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices/BMP-Research> (last visited Dec. 12, 2021).

⁴² See s. 576.045(1)(b), F.S.; see also ss. 576.045(4)-(5) and 403.076(7)(c)3., F.S. (incentivizing BMP implementation via waiver of liability and presumption of compliance provisions).

⁴³ Section 576.045(2)-(3), F.S. DACS collects \$100 from each licensee to distribute fertilizer; \$100 for each specialty fertilizer registration; and fifty cents per ton for all fertilizer that contains nitrogen or phosphorus and that is sold in the state. *Id.*

incentivizes BMP implementation in two ways: a waiver of liability provision⁴⁴ and a presumption of compliance provision.⁴⁵

The waiver of liability provision prohibits DEP from instituting proceedings against any person or the Federal Government under existing law⁴⁶ to recover any costs or damages associated with nitrogen or phosphorus contamination of groundwater or surface water (or the evaluation, assessment, or remediation of contamination), due to the application of fertilizers or other soil-applied nutritional materials containing nitrogen or phosphorus.⁴⁷ To qualify for the waiver of liability, a property owner or leaseholder must:

- Provide DACS with a notice of intent to implement applicable interim measures, BMPs, or other measures adopted by DACS, which practices or measures have been verified by DEP to be effective, and implement them as soon as practicable according to rules adopted by DACS, or no longer apply fertilizers or other soil-applied nutritional materials containing nitrogen or phosphorus;⁴⁸ or
- No longer apply fertilizers or other soil-applied nutritional materials containing nitrogen or phosphorus.⁴⁹

The presumption of compliance provision states that if a property owner or leaseholder implements interim measures, BMPs, or other measures adopted by DACS, which practices or measures have been verified by DEP to be effective, and complies with the following requirements, there is a presumption of compliance with state water quality standards. The presumption applies for the application of fertilizers or other soil-applied nutritional materials containing nitrogen or phosphorus. To achieve the presumption, the property owner or leaseholder must:⁵⁰

- Provide DACS with a notice of intent to implement applicable interim measures, BMPs, or other measures adopted by DACS, and implements them as soon as practicable according to rules adopted by DACS, or no longer applies fertilizers or other soil-applied nutritional materials containing nitrogen or phosphorus;⁵¹ or
- No longer apply fertilizers or other soil-applied nutritional materials containing nitrogen or phosphorus.⁵²

The “findings and intent,” “fees,” “purpose,” “waiver of liability,” and “rulemaking” provisions of s. 576.045, F.S., are scheduled to expire on December 31, 2022, whereas the “compliance” and “other provisions” subsections of s. 576.045, F.S., are scheduled to expire on December 31,

⁴⁴ Section 576.045(4), F.S.; *see also* s. 403.076(7)(c)3., F.S. (also incentivizing BMP implementation via a waiver of liability provision).

⁴⁵ Section 576.045(5), F.S.; *see also* s. 403.076(7)(c)3., F.S. (also incentivizing BMP implementation via a presumption of compliance provision).

⁴⁶ *See* s. 376.307(5), F.S.

⁴⁷ Section 576.045(4), F.S.

⁴⁸ Section 576.045(4)(a)1.-2., F.S.

⁴⁹ Section 576.045(4)(b), F.S.

⁵⁰ Section 576.045(5), F.S.

⁵¹ Section 576.045(5)(a)1.-2., F.S.

⁵² Section 576.045(5)(b), F.S.

2027.⁵³ These expiration dates have been included in the statute since it was first enacted and have been periodically extended, most recently in 2012.⁵⁴

American Society of Agronomy

The American Society of Agronomy (ASA) is the professional home for scientists dedicated to advancing the discipline of the agronomic sciences.⁵⁵ Agronomy employs the disciplines of soil and plant sciences to crop production, with the wise use of natural resources and conservation practices to produce food, feed, fuel, fiber, and pharmaceutical crops for the world's growing population.⁵⁶ A common thread across the programs and services of the ASA is the dissemination and transfer of scientific knowledge to advance the profession.⁵⁷

The ASA offers certification programs to become a Certified Crop Adviser (CCA) or a Certified Professional Soil Scientist (CPSS).⁵⁸ Certification as a CCA is appropriate for any adviser/consultant that spends the majority of his or her time advising growers or farm managers/operators on agronomic practices and can meet the standards of the program.⁵⁹ Certification as a CPSS is appropriate for any individual whose education, experience, and career path is in some aspect of the soil science profession and can meet the standards of the program.⁶⁰

The ASA also offers a specialty certification in 4R Nutrient Management Planning.⁶¹ The four "Rs" refer to building a nutrient management plan that puts the (1) right nutrient resources, at the (2) right rate, in the (3) right place, and at the (4) right time. The specialty is focused on addressing environmental and resource management concerns in order to improve water quality and environmental stewardship. It also considers the integration of agronomic practices with economic analysis and environmental interaction. Proficiency areas tested include nutrient management planning; nitrogen, phosphorus, and potassium; secondary macronutrients and micronutrients; and manure management.⁶²

Citrus Diseases

The Department of Citrus has reported that citrus production in Florida could drop by as much as 82 percent by 2026, due in large part to citrus diseases.⁶³ These diseases pose significant threats to the Florida citrus industry. They include all of the following:⁶⁴

⁵³ Section 576.045(8), F.S.

⁵⁴ Ch. 94-311, s. 8, Laws of Fla. (creating s. 576.045, F.S.); *see also* ch. 2003-147, s. 1, Laws of Fla. (extending the expiration dates); *see also* ch. 2012-190, s. 26, Laws of Fla. (further extending the expiration dates).

⁵⁵ American Society of Agronomy (ASA), *Membership*, <https://www.agronomy.org/membership> (last visited Jan. 5, 2022).

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ ASA, *Certifications*, <https://www.agronomy.org/certifications> (last visited Jan. 5, 2022).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ ASA, *New Nutrient Management Certification Offered*, <https://www.agronomy.org/news/media-releases/releases/2015/0518/671> (last visited Jan. 11, 2022).

⁶² *Id.*

⁶³ Florida Farm Bureau, *Hope for Florida's Declining Citrus Industry*, <https://www.floridafarmbureau.org/hope-for-floridas-declining-citrus-industry/> (last visited Jan. 6, 2022).

⁶⁴ UF/IFAS Citrus Research and Education Center, *Disease Identification*, <https://crec.ifas.ufl.edu/citrus-production/disease-identification/> (last visited Jan. 5, 2022).

- Alternaria brown spot
- Black spot
- Blight
- Canker
- Exotic citrus diseases
- Greasy spot
- Citrus greening (HLB)
- Melanose
- Phytophthora
- Postbloom fruit drop
- Postharvest diseases
- Scab
- Tristeza
- Virus-like diseases⁶⁵

Citrus greening, also known as Huanglongbing (HLB), is among the most serious citrus diseases in the world.⁶⁶ It is widespread in Asia, Africa and the Saudi Arabian peninsula. In August 2005, it was found for the first time in the U.S. in south Miami-Dade County.⁶⁷ Every citrus grove in Florida is now being adversely impacted by HLB.⁶⁸

HLB is a bacterial disease that attacks the vascular system of plants.⁶⁹ Once infected, there is no cure for the disease, and in areas where the disease is endemic, citrus trees decline and die within a few years. There are three known forms: Asian, African and Brazilian. The HLB bacteria is transmitted primarily by insect vectors (citrus psyllids), but can also be spread through plant grafting and movement of infected plant material.⁷⁰

Another serious threat is citrus canker.⁷¹ Citrus canker is a bacterial disease that causes lesions on leaves, stems and fruit. It is not harmful to humans, but it causes premature leaf and fruit drop and will eventually render trees unproductive. Fruit infected with canker is safe to eat, but it is too unsightly to be sold.⁷²

III. Effect of Proposed Changes:

Section 1 amends s. 576.011, F.S., to include definitions for the terms “certified professional” and “rate tailoring”:

⁶⁵ *Id.*

⁶⁶ DACS, *Huanglongbing (HLB)/Citrus Greening Disease Information*, <https://www.fdacs.gov/Agriculture-Industry/Pests-and-Diseases/Plant-Pests-and-Diseases/Citrus-Health-Response-Program/Citrus-Pests-and-Diseases/HLB-Citrus-Greening> (last visited Jan. 5, 2022).

⁶⁷ *Id.*

⁶⁸ Dep’t of Citrus (DOC), *Orange Production*, <https://www.floridacitrus.org/newsroom/citrus-411/orange-production/> (last visited Jan. 6, 2021).

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ DACS, *Citrus Canker FAQ*, <https://www.fdacs.gov/Agriculture-Industry/Pests-and-Diseases/Plant-Pests-and-Diseases/Citrus-Health-Response-Program/Citrus-Pests-and-Diseases/Citrus-Canker-FAQ> (last visited Jan. 5, 2022).

⁷² *Id.*

- A “certified professional” is defined to mean an individual who holds a certified crop adviser designation issued by the American Society of Agronomy, who has passed the society’s Southeast Region Certified Crop Adviser Exam, who holds a 4R Nutrient Management Specialty certification, and whose credentials have been verified by the society’s Florida Certified Crop Adviser Board.
- “Rate tailoring” is defined to mean the application of nutrients in accordance with the rate tailoring provisions created in Section 2 of the bill.

The bill also renumbers various subsections in s. 576.011, F.S., to accommodate the new definitions.

Section 2 amends s. 576.045, F.S., to include the following Legislative findings:

- Nutrient application rate recommendations are general guidelines, not site-specific absolute rates, and such rates may not take into account the latest methods of producing agricultural commodities or changes to nutrient application practices which are appropriate due to disease, new crop varieties, changes in U.S. Department of Agriculture Agricultural Marketing Service Standards, growing techniques, or market conditions.
- To gain efficiency and be able to compete successfully with foreign producers that benefit from lower costs of production and favorable trade conditions, many producers in this state grow more product per acre, resulting in higher production at lower overall costs. This high-efficiency crop production requires nutrient application to be based on the intensity of production on a per-acre basis, rather than the lower per-acre production on which past research based its recommended nutrient application rate.
- Florida citrus faces challenges that include citrus greening, citrus canker, freezes, windstorms, and other events that result in the fruit not being harvested. In order to continue production of the state’s iconic crop, nutrient application rates must reflect fruit grown on the tree after the bloom during the growing season and not fruit ultimately harvested for market delivery.

The bill provides that the Legislature intends to:

- Accommodate continued agricultural production without interruption as research to formally revise nutrient application rates is completed.
- Authorize the use of rate tailoring in recommended nutrient application rates, when rate tailoring is supported by written recommendations from a certified professional and documented using production and field data that is retained for review during the best management practices (BMPs) implementation verification process.

The bill authorizes the use of rate tailoring to recommended nutrient application rates, where rate tailoring is supported by a certified professional, and where the following conditions are met:

- When recommended nutrient application rates published by the Institute of Food and Agricultural Sciences at the University of Florida (UF/IFAS) or other state universities and Florida College System institutions that have agricultural research programs are not appropriate for a specific producer due to soil conditions, disease, crop varieties, subsequent crop rotations, planting density, market requirements, or site-specific conditions, written recommendations from a certified professional may be used to tailor the recommended nutrient application rates for that producer. The determination that the published nutrient

application rates are not appropriate and the recommendation for the tailoring of nutrient application rates must be documented with one or more of the following records:

- soil tests,
- plant tissue tests,
- pathology reports,
- yield response curves,
- growth records, or
- site-specific conditions.
- The producer must document records specifying the application rate, the types or forms of nutrients used, the nutrient sources used, and the placement and timing of the nutrient sources.
- The producer must retain the records for 5 years to support the use of rate tailoring.
- Producers using rate tailoring must be enrolled in and implementing all other BMPs adopted by the Department of Agriculture and Consumer Services (DACS) and identified in the enrolled notice of intent required under the waiver of liability and presumption of compliance provisions of the section or the best management practices paragraph in s. 403.067(7), F.S.
- As recommended nutrient application rates for crops are revised by UF/IFAS or other state universities and Florida College System institutions that have agricultural research programs, such recommendations must provide an application range or authorize rate tailoring to crop and field conditions.
- Notwithstanding any other law, producers implementing rate tailoring in compliance with the bill are provided a presumption of compliance with state water quality standards, may rely on the waiver of liability provision in the section, and are deemed to be in compliance with the BMPs for pollution reduction in existing law as well as the waiver of liability and presumption of compliance provisions of the section.

The bill clarifies that property owners and leaseholders who implement interim measures, BMPs, or other measures that have been adopted by DACS and verified by the Department of Environmental Protection (DEP) as effective, are presumed to have complied with s. 576.045, F.S., and the BMPs for pollution reduction in existing law.

The bill amends s. 576.045(9), F.S., to provide that the “findings and intent,” “fees,” “use of funds,” “waiver of liability,” and “rulemaking” provisions expire on December 31, 2032, and the “rate tailoring,” “compliance,” and “other provisions” subsections expire on December 31, 2037.

Section 3 of the bill amends s. 403.067(7)(c)3., F.S., to provide that implementation of BMPs that have been authorized by s. 576.045, F.S., also qualify for the presumption of compliance and waiver of liability provisions in that subparagraph. It also amends the subparagraph to conform it to the bill.

Section 4 of the bill provides an effective date of July 1, 2022.

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:

The bill extends the expiration date currently applicable to the existing “fees” provision in the statute from December 31, 2022 to December 31, 2032. Art. VII, s. 19 of the Florida Constitution requires supermajority votes on a separate bill by the Legislature to either impose new or raise existing state taxes or fees. This bill extends an existing fee at its current rates.

E. Other Constitutional Issues:

None.

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

The bill extends the expiration date of the “fees” provision in the statute from December 31, 2022 to December 31, 2032.

B. Private Sector Impact:

Because the bill extends the expiration date currently applicable to the existing “fees” provision in the statute from December 31, 2022 to December 31, 2032, the private sector will continue to be subject to them.

C. Government Sector Impact:

Because the bill extends the expiration date currently applicable to the existing “fees” provision in the statute from December 31, 2022 to December 31, 2032, the government sector will continue to collect them. These fees are collected and paid by licensees to protect the state’s water resources, by funding research concerning best management practices, education, and incentives for the agricultural industry and other major users of fertilizers.⁷³

VI. Technical Deficiencies:

None.

⁷³ Section 576.045(1)(b), F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 576.011, 576.045, and 403.067 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 January 10, 2022:

- Revises the definition of “certified professional” to also require the individual to hold a 4R Nutrient Management Specialty certification.
- In the provision requiring producers using rate tailoring to be enrolled in and implementing all other best management practices adopted by the department and identified in the enrolled notice of intent, provides that in addition to the enrolled notice being required under subsections (5) and (6), it may also be required under s. 403.067(7)(c), F.S.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2022	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 38 - 181
and insert:
Region Certified Crop Adviser Exam, who holds a 4R Nutrient
Management Specialty certification, and whose credentials have
been verified by the society's Florida Certified Crop Adviser
Board.

(33) "Rate tailoring" means the application of nutrients in
accordance with s. 576.045(4).



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Section 2. Section 576.045, Florida Statutes, is amended to read:

576.045 Nitrogen and phosphorus; findings and intent; fees; purpose; best management practices; waiver of liability; compliance; rules; exclusions; expiration.—

(1) FINDINGS AND INTENT.—

(a) The Legislature finds that:

1. Nitrogen and phosphorus residues have been found in groundwater, surface water, and drinking water in various areas throughout this the state at levels in excess of established water quality standards. The Legislature further finds that some fertilization-management practices could be a source of such contamination.

2. Nutrient application rate recommendations are general guidelines, not site-specific absolute rates, and that such rates may not take into account the latest methods of producing agricultural commodities or changes to nutrient application practices which are appropriate due to disease, new crop varieties, changes in United States Department of Agriculture Agricultural Marketing Service standards, growing techniques, or market conditions.

3. To gain efficiency and be able to compete successfully with foreign producers that benefit from lower costs of production and favorable trade conditions, many producers in this state grow more product per acre, resulting in higher production at lower overall costs. This high-efficiency crop production requires nutrient application to be based on the intensity of production on a per-acre basis, rather than the lower per-acre production on which past research based its



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recommended nutrient application rate.

4. Florida citrus faces challenges that include citrus greening, citrus canker, freezes, windstorms, and other events that result in the fruit not being harvested. In order to continue production of this state's iconic crop, nutrient application rates must reflect fruit grown on the tree after the bloom during the growing season and not fruit ultimately harvested for market delivery.

(b) It is the intent of the Legislature to:

1. Improve fertilization-management practices as soon as practicable in a way that protects this the state's water resources and preserves a viable agricultural industry. This goal is to be accomplished through research concerning best management practices and education and incentives for the agricultural industry and other major users of fertilizer.

2. Accommodate continued agricultural production without interruption as research to formally revise nutrient application rates is completed.

3. Authorize the use of rate tailoring in recommended nutrient application rates when rate tailoring is supported by written recommendations from a certified professional and documented using production and field data that is retained for review during the best management practices implementation verification process.

(2) FEES.—

(a) In addition to the fees imposed under ss. 576.021 and 576.041, the following supplemental fees shall be collected and paid by licensees for the sole purpose of implementing this section:



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69 1. One hundred dollars for each license to distribute
70 fertilizer.

71 2. One hundred dollars for each specialty fertilizer
72 registration.

73 3. Fifty cents per ton for all fertilizer that contains
74 nitrogen or phosphorus and that is sold in this state.

75 (b) All fees paid to the department under this section are
76 due and payable at the same time and in the same manner as the
77 fees specified in ss. 576.021 and 576.041 and are subject to all
78 provisions contained in those sections.

79 (c) All fees paid under this section must be deposited into
80 the General Inspection Trust Fund and are exempt from ~~the~~
81 ~~provisions of~~ s. 215.20. These funds are to be appropriated
82 annually to the department and allocated according to a
83 memorandum of understanding between the department and the
84 Department of Environmental Protection. The allocation of
85 indirect costs to these funds by any state agency is
86 specifically prohibited.

87 (3) USE OF FUNDS PURPOSE.—The funds collected pursuant to
88 subsection (2) must be used by the department for:

89 (a) Research, development, demonstration, and
90 implementation of suitable interim measures, best management
91 practices, or other measures used to achieve state water quality
92 standards for nitrogen and phosphorus criteria. Implementation
93 of interim measures, best management practices, and other
94 measures may include cost-sharing grants, technical assistance,
95 implementation tracking, and conservation leases or other
96 agreements for water quality improvement.

97 (b) Approving, adopting, publishing, and distributing



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interim measures, best management practices, or other measures.
In the process of developing, approving, and adopting interim measures, best management practices, or other measures, the department shall consult with the Department of Environmental Protection, the Department of Health, the water management districts, environmental groups, the fertilizer industry, and representatives from the affected farming groups.

(c) Reimbursing the Department of Environmental Protection for costs incurred which are associated with:

1. Monitoring and verifying the effectiveness of the interim measures, best management practices, or other measures approved and adopted under subsection (7) ~~(6)~~ at representative sites. The Department of Environmental Protection shall use its best professional judgment in making the initial determination of the effectiveness of the interim measures, best management practices, or other measures.

2. Sampling, analysis, and restoration of potable water supplies, pursuant to s. 376.307, found to contain levels of nitrate in excess of state water quality standards, which excess is determined to be the result of the application of fertilizers or other soil-applied nutritional materials containing nitrogen.

This subsection must be implemented through a memorandum of understanding between the department and the Department of Environmental Protection.

(4) RATE TAILORING.—The use of rate tailoring to recommended nutrient application rates is authorized where rate tailoring is supported by a certified professional.

(a) When recommended nutrient application rates published



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by the Institute of Food and Agricultural Sciences at the
University of Florida or other state universities and Florida
College System institutions that have agricultural research
programs are not appropriate for a specific producer due to soil
conditions, disease, crop varieties, subsequent crop rotations,
planting density, market requirements, or site-specific
conditions, written recommendations from a certified
professional may be used to tailor the recommended nutrient
application rates for that producer. The determination that the
published nutrient application rates are not appropriate and the
recommendation for the tailoring of nutrient application rates
must be documented with one or more of the following records, as
appropriate: soil tests, plant tissue tests, pathology reports,
yield response curves, growth records, or site-specific
conditions, together with records specifying the application
rate, the types or forms of nutrients used, the nutrient sources
used, and the placement and timing of the nutrient sources. A
producer must retain the records for 5 years to support the use
of rate tailoring.

(b) Producers using rate tailoring must be enrolled in and
implementing all other best management practices adopted by the
department and identified in the enrolled notice of intent
required under subsections (5) and (6) or s. 403.067(7)(c).

By Senator Albritton

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A bill to be entitled
An act relating to nutrient application rates;
amending s. 576.011, F.S.; defining the terms
"certified professional" and "rate tailoring";
amending s. 576.045, F.S.; providing legislative
findings and intent; authorizing the use of rate
tailoring in specified circumstances; authorizing
producers to use written recommendations from
certified professionals to tailor their recommended
nutrient application rates under certain
circumstances; requiring producers to keep records
regarding the determination that the published
nutrient application rates are not appropriate and any
recommendations for rate tailoring for a specified
period of time; requiring producers using rate
tailoring to enroll in and implement certain
applicable best management practices; requiring
revisions to recommended application rates by certain
state universities and Florida College System
institutions to authorize rate tailoring; providing a
presumption of compliance with certain requirements
for producers using rate tailoring; extending the
expiration of a certain provision; amending s.
403.067, F.S.; conforming a provision to changes made
by the act; providing an effective date.

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

Section 1. Present subsections (5) through (31) and (32)

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through (42) of section 576.011, Florida Statutes, are redesignated as subsections (6) through (32) and (34) through (44), respectively, and new subsections (5) and (33) are added to that section, to read:

576.011 Definitions.—When used in this chapter, the term:

(5) "Certified professional" means an individual who holds a certified crop adviser designation issued by the American Society of Agronomy, who has passed the society's Southeast Region Certified Crop Adviser Exam, and whose credentials have been verified by the society's Florida Certified Crop Adviser Board.

(33) "Rate tailoring" means the application of nutrients in accordance with s. 576.045(4).

Section 2. Section 576.045, Florida Statutes, is amended to read:

576.045 Nitrogen and phosphorus; findings and intent; fees; purpose; best management practices; waiver of liability; compliance; rules; exclusions; expiration.—

(1) FINDINGS AND INTENT.—

(a) The Legislature finds that:

1. Nitrogen and phosphorus residues have been found in groundwater, surface water, and drinking water in various areas throughout this ~~the~~ state at levels in excess of established water quality standards. The Legislature further finds that some fertilization-management practices could be a source of such contamination.

2. Nutrient application rate recommendations are general guidelines, not site-specific absolute rates, and that such rates may not take into account the latest methods of producing

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59 agricultural commodities or changes to nutrient application
60 practices which are appropriate due to disease, new crop
61 varieties, changes in United States Department of Agriculture
62 Agricultural Marketing Service standards, growing techniques, or
63 market conditions.

64 3. To gain efficiency and be able to compete successfully
65 with foreign producers that benefit from lower costs of
66 production and favorable trade conditions, many producers in
67 this state grow more product per acre, resulting in higher
68 production at lower overall costs. This high-efficiency crop
69 production requires nutrient application to be based on the
70 intensity of production on a per-acre basis, rather than the
71 lower per-acre production on which past research based its
72 recommended nutrient application rate.

73 4. Florida citrus faces challenges that include citrus
74 greening, citrus canker, freezes, windstorms, and other events
75 that result in the fruit not being harvested. In order to
76 continue production of this state's iconic crop, nutrient
77 application rates must reflect fruit grown on the tree after the
78 bloom during the growing season and not fruit ultimately
79 harvested for market delivery.

80 (b) It is the intent of the Legislature to:

81 1. Improve fertilization-management practices as soon as
82 practicable in a way that protects ~~this~~ the state's water
83 resources and preserves a viable agricultural industry. This
84 goal is to be accomplished through research concerning best
85 management practices and education and incentives for the
86 agricultural industry and other major users of fertilizer.

87 2. Accommodate continued agricultural production without

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interruption as research to formally revise nutrient application rates is completed.

3. Authorize the use of rate tailoring in recommended nutrient application rates when rate tailoring is supported by written recommendations from a certified professional and documented using production and field data that is retained for review during the best management practices implementation verification process.

(2) FEES.—

(a) In addition to the fees imposed under ss. 576.021 and 576.041, the following supplemental fees shall be collected and paid by licensees for the sole purpose of implementing this section:

1. One hundred dollars for each license to distribute fertilizer.

2. One hundred dollars for each specialty fertilizer registration.

3. Fifty cents per ton for all fertilizer that contains nitrogen or phosphorus and that is sold in this state.

(b) All fees paid to the department under this section are due and payable at the same time and in the same manner as the fees specified in ss. 576.021 and 576.041 and are subject to all provisions contained in those sections.

(c) All fees paid under this section must be deposited into the General Inspection Trust Fund and are exempt from ~~the provisions of~~ s. 215.20. These funds are to be appropriated annually to the department and allocated according to a memorandum of understanding between the department and the Department of Environmental Protection. The allocation of

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indirect costs to these funds by any state agency is specifically prohibited.

(3) USE OF FUNDS ~~PURPOSE~~.—The funds collected pursuant to subsection (2) must be used by the department for:

(a) Research, development, demonstration, and implementation of suitable interim measures, best management practices, or other measures used to achieve state water quality standards for nitrogen and phosphorus criteria. Implementation of interim measures, best management practices, and other measures may include cost-sharing grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement.

(b) Approving, adopting, publishing, and distributing interim measures, best management practices, or other measures. In the process of developing, approving, and adopting interim measures, best management practices, or other measures, the department shall consult with the Department of Environmental Protection, the Department of Health, the water management districts, environmental groups, the fertilizer industry, and representatives from the affected farming groups.

(c) Reimbursing the Department of Environmental Protection for costs incurred which are associated with:

1. Monitoring and verifying the effectiveness of the interim measures, best management practices, or other measures approved and adopted under subsection (7) ~~(6)~~ at representative sites. The Department of Environmental Protection shall use its best professional judgment in making the initial determination of the effectiveness of the interim measures, best management practices, or other measures.

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146 2. Sampling, analysis, and restoration of potable water
147 supplies, pursuant to s. 376.307, found to contain levels of
148 nitrate in excess of state water quality standards, which excess
149 is determined to be the result of the application of fertilizers
150 or other soil-applied nutritional materials containing nitrogen.

151
152 This subsection must be implemented through a memorandum of
153 understanding between the department and the Department of
154 Environmental Protection.

155 (4) RATE TAILORING.—The use of rate tailoring to
156 recommended nutrient application rates is authorized where rate
157 tailoring is supported by a certified professional.

158 (a) When recommended nutrient application rates published
159 by the Institute of Food and Agricultural Sciences at the
160 University of Florida or other state universities and Florida
161 College System institutions that have agricultural research
162 programs are not appropriate for a specific producer due to soil
163 conditions, disease, crop varieties, subsequent crop rotations,
164 planting density, market requirements, or site-specific
165 conditions, written recommendations from a certified
166 professional may be used to tailor the recommended nutrient
167 application rates for that producer. The determination that the
168 published nutrient application rates are not appropriate and the
169 recommendation for the tailoring of nutrient application rates
170 must be documented with one or more of the following records, as
171 appropriate: soil tests, plant tissue tests, pathology reports,
172 yield response curves, growth records, or site-specific
173 conditions, together with records specifying the application
174 rate, the types or forms of nutrients used, the nutrient sources

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175 used, and the placement and timing of the nutrient sources. A
176 producer must retain the records for 5 years to support the use
177 of rate tailoring.

178 (b) Producers using rate tailoring must be enrolled in and
179 implementing all other best management practices adopted by the
180 department and identified in the enrolled notice of intent
181 required under subsections (5) and (6).

182 (c) As recommended nutrient application rates for crops are
183 revised by the Institute of Food and Agricultural Sciences at
184 the University of Florida or other state universities and
185 Florida College System institutions that have agricultural
186 research programs, such recommendations must provide an
187 application range or authorize rate tailoring to crop and field
188 conditions.

189 (d) Notwithstanding any other law, producers implementing
190 rate tailoring in compliance with this section are provided a
191 presumption of compliance with state water quality standards,
192 may rely on the waiver of liability in subsection (5), and be
193 deemed to be in compliance with s. 403.067(7)(c) and subsections
194 (5) and (6).

195 (5) WAIVER OF LIABILITY.—Notwithstanding any other
196 provision of law, the Department of Environmental Protection may
197 not ~~is not authorized to~~ institute proceedings against any
198 person or the Federal Government under the provisions of s.
199 376.307(5) to recover any costs or damages associated with
200 nitrogen or phosphorus contamination of groundwater or surface
201 water, or the evaluation, assessment, or remediation of such
202 contamination of groundwater or surface water, including
203 sampling, analysis, and restoration of potable water supplies,

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where the contamination of groundwater or surface water is determined to be the result of the application of fertilizers or other soil-applied nutritional materials containing nitrogen or phosphorus, provided the property owner or leaseholder:

(a)1. Provides the department with a notice of intent to implement applicable interim measures, best management practices, or other measures adopted by the department which ~~practices or measures~~ have been verified by the Department of Environmental Protection to be effective; and

2. Implements applicable interim measures, best management practices, or other measures as soon as practicable according to rules adopted by the department or no longer applies fertilizers or other soil-applied nutritional materials containing nitrogen or phosphorus; or

(b) No longer applies fertilizers or other soil-applied nutritional materials containing nitrogen or phosphorus ~~as of the effective date of this section.~~

~~(6)-(5)~~ COMPLIANCE.—If the property owner or leaseholder implements interim measures, best management practices, or other measures adopted by the department which ~~practices or measures~~ have been verified by the Department of Environmental Protection to be effective, and complies with the following, there is a presumption of compliance with state water quality standards for such criteria under this section and s. 403.067(7)(c) with respect to the application of fertilizers or other soil-applied nutritional materials containing nitrogen or phosphorus:

(a)1. Provides the department with a notice of intent to implement applicable interim measures, best management practices, or other measures adopted by the department; and

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233 2. Implements applicable interim measures, best management
234 practices, or other measures as soon as practicable according to
235 rules adopted by the department or no longer applies fertilizers
236 or other soil-applied nutritional materials containing nitrogen
237 or phosphorus; or

238 (b) No longer applies fertilizers or other soil-applied
239 nutritional materials containing nitrogen or phosphorus ~~as of~~
240 ~~the effective date of this section.~~

241 (7)~~(6)~~ RULEMAKING.—The department, in consultation with the
242 Department of Environmental Protection, the Department of
243 Health, the water management districts, environmental groups,
244 the fertilizer industry, and representatives from the affected
245 farming groups, shall adopt rules to:

246 (a) Specify the requirements of interim measures, best
247 management practices, or other measures to be implemented by
248 property owners and leaseholders.

249 (b) Establish procedures for property owners and
250 leaseholders to submit the notice of intent to implement and
251 comply with interim measures, best management practices, or
252 other measures.

253 (c) Establish schedules for implementation of interim
254 measures, best management practices, or other measures.

255 (d) Establish a system to assure the implementation of best
256 management practices, including recordkeeping requirements.

257 (8)~~(7)~~ OTHER PROVISIONS.—

258 (a) This section does not limit the authority of the
259 Department of Environmental Protection to regulate discharges
260 associated with the commercial feeding of livestock and poultry
261 defined in chapter 585, including that of dairy farm and egg

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production operations, or the disposal of sludge, residuals, or septage. This paragraph does not grant additional authority to regulate these discharges.

(b) This section does not limit federally delegated regulatory authority.

(c) The Department of Environmental Protection may adopt rules to establish criteria for dairy farms which provide reasonable assurance that state nitrate groundwater quality standards will not be violated and which, provided such criteria are met, shall prohibit the Department of Environmental Protection from instituting proceedings against any dairy farmer under ~~the provisions of~~ s. 376.307(5) and shall provide a presumption of compliance with safe nitrate groundwater quality standards.

(d) This section, except for subsection (2), does not apply to the manufacture, mixing, or blending of fertilizer, including fertilizer containing sludge, residuals, or septage.

(9) ~~(8)~~ EXPIRATION OF PROVISIONS.—Subsections (1), (2), (3), (5) ~~(4)~~, and (7) ~~(6)~~ expire on December 31, 2032 ~~2022~~. Subsections (4), (6), ~~(5)~~ and (8) ~~(7)~~ expire on December 31, 2037 ~~2027~~.

Section 3. Paragraph (c) of subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(c) *Best management practices*.—

1. The department, in cooperation with the water management

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291 districts and other interested parties, as appropriate, may
292 develop suitable interim measures, best management practices, or
293 other measures necessary to achieve the level of pollution
294 reduction established by the department for nonagricultural
295 nonpoint pollutant sources in allocations developed pursuant to
296 subsection (6) and this subsection. These practices and measures
297 may be adopted by rule by the department and the water
298 management districts and, where adopted by rule, shall be
299 implemented by those parties responsible for nonagricultural
300 nonpoint source pollution.

301 2. The Department of Agriculture and Consumer Services may
302 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
303 suitable interim measures, best management practices, or other
304 measures necessary to achieve the level of pollution reduction
305 established by the department for agricultural pollutant sources
306 in allocations developed pursuant to subsection (6) and this
307 subsection or for programs implemented pursuant to paragraph
308 (12)(b). These practices and measures may be implemented by
309 those parties responsible for agricultural pollutant sources,
310 and the department, the water management districts, and the
311 Department of Agriculture and Consumer Services shall assist
312 with implementation. In the process of developing and adopting
313 rules for interim measures, best management practices, or other
314 measures, the Department of Agriculture and Consumer Services
315 shall consult with the department, the Department of Health, the
316 water management districts, representatives from affected
317 farming groups, and environmental group representatives. Such
318 rules must also incorporate provisions for a notice of intent to
319 implement the practices and a system to assure the

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implementation of the practices, including site inspection and recordkeeping requirements.

3. When interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection or in programs implemented pursuant to paragraph (12)(b) must be verified at representative sites by the department. The department shall use its best professional judgment in making the initial verification that the best management practices are reasonably expected to be effective and, when applicable, shall notify the appropriate water management district or the Department of Agriculture and Consumer Services of its initial verification before the adoption of a rule proposed pursuant to this paragraph.

Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, or are authorized by s. 576.045, shall provide a presumption of compliance with state water quality standards and release from s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of

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349 compliance with state water quality standards and a release from
350 s. 376.307(5). The presumption of compliance and release is
351 limited to the research site and only for those pollutants
352 addressed by the interim measures or best management practices.
353 Eligibility for the presumption of compliance and release is
354 limited to research projects on sites where the owner or
355 operator of the research site and the department, a water
356 management district, or the Department of Agriculture and
357 Consumer Services have entered into a contract or other
358 agreement that, at a minimum, specifies the research objectives,
359 the cost-share responsibilities of the parties, and a schedule
360 that details the beginning and ending dates of the project.

361 4. When water quality problems are demonstrated, despite
362 the appropriate implementation, operation, and maintenance of
363 best management practices and other measures required by rules
364 adopted under this paragraph, the department, a water management
365 district, or the Department of Agriculture and Consumer
366 Services, in consultation with the department, shall institute a
367 reevaluation of the best management practice or other measure.
368 If the reevaluation determines that the best management practice
369 or other measure requires modification, the department, a water
370 management district, or the Department of Agriculture and
371 Consumer Services, as appropriate, shall revise the rule to
372 require implementation of the modified practice within a
373 reasonable time period as specified in the rule.

374 5. Subject to subparagraph 6., the Department of
375 Agriculture and Consumer Services shall provide to the
376 department information obtained pursuant to subparagraph (d)3.

377 6. Agricultural records relating to processes or methods of

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production, costs of production, profits, or other financial information held by the Department of Agriculture and Consumer Services pursuant to subparagraphs 3., 4., and 5. or pursuant to any rule adopted pursuant to subparagraph 2. are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon request, records made confidential and exempt pursuant to this subparagraph shall be released to the department or any water management district provided that the confidentiality specified by this subparagraph for such records is maintained.

7. Subparagraphs 1. and 2. do not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

Section 4. This act shall take effect July 1, 2022.

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, 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 March, A.D., 2021,
until the First day of July, A.D., 2023 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 Twentieth day of May, A.D., 2021.

Laurel M. Lee

Secretary of State





RON DESANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

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RECEIVED
TALLAHASSEE, FL

March 12, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 20.255(7), Florida Statutes:

Dr. Thomas K. Frazer
10009 Northwest 50th Terrace
Gainesville, Florida 32653

as a member of the Environmental Regulation Commission, succeeding Adam Gelber, subject to confirmation by the Senate. This appointment is effective March 12, 2021 for a term ending July 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/jf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Alachua

RECEIVED
DEPARTMENT OF STATE

2021 MAY 18 PM 12:01

DIVISION OF ELECTIONS

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

Member - Environmental Regulation Commission

(Title 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.]

Thomas Kerry Frazer
Signature

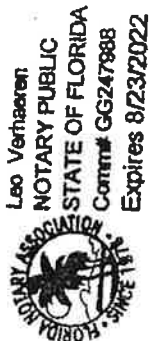
Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 15 day of MAY, 2021.

Leo Verhaeren
Signature of Officer Administering Oath or of Notary Public

LEO VERHAEREN
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, Florida, 32653

City, State, Zip Code

Thomas Kerry Frazer

Print Name

Signature

Thomas Kerry Frazer

2405

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

John W. Alter

is duly appointed a member of the
**Governing Board,
Northwest Florida Water Management
District**

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2023 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 Fourteenth day of July, A.D., 2021.*



Secretary of State

DSDE 99 (3/03)



RON DeSANTIS
GOVERNOR

HAND DELIVERED

RECEIVED

2021 MAY 21 PM 1:52

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. John Alter
5246 Highway 71
Malone, Florida 32445

as a member of the Northwest Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/jf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2021 JUL -9 PM 12:01
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Jackson

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

Northwest Florida Water Management District Governing Board

(Title 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.]

John W. Alter
Signature

Sworn to and subscribed before me by means of X physical presence or
online notarization, this 24th day of May, 2021.



Toni Devencenzi
Signature of Officer Administering Oath or of Notary Public

Toni Devencenzi
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FL Driver License

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

5246 Highway 71
Street or Post Office Box
Malone, FL 32445
City, State, Zip Code

John W. Alter
Print Name
John W. Alter
Signature

**The Florida Senate
Committee Notice Of Hearing**

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

John W. Alter

Governing Board of the Northwest Florida Water Management District

NOTICE OF HEARING

TO: Mr. John W. Alter

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, January 10, 2022, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 3rd day of January, 2022

Committee on Environment and Natural
Resources



Senator Jason Brodeur
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms

2405

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Anna Upton

is duly appointed a member of the
**Governing Board,
Northwest Florida Water Management
District**

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2024 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Second day of August, A.D., 2021.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DESANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:52

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Ms. Anna Upton
960 Live Oak Plantation Road
Tallahassee, Florida 32312

as a member of the Northwest Florida Water Management District Governing Board, succeeding Samuel Spring, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2024.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis".

Ron DeSantis
Governor

RD/jf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Leon

RECEIVED
2021 JUL -9 AM 11:58

DIVISION OF ELECTIONS

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

Northwest Florida Water Management District Governing Board Member

(Title 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.]

[Signature]
Signature

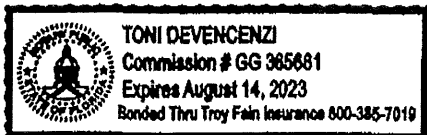
Sworn to and subscribed before me by means of X physical presence or
online notarization, this 10th day of June, 2021.

[Signature]
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FL Driver License



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

960 Live Oak Plantation Road

Street or Post Office Box

Tallahassee, FL 32312

City, State, Zip Code

Anna H. Upton

Print Name

[Signature]
Signature

**The Florida Senate
Committee Notice Of Hearing**

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Anna H. Upton

Governing Board of the Northwest Florida Water Management District

NOTICE OF HEARING

TO: Mrs. Anna H. Upton

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, January 10, 2022, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 3rd day of January, 2022

Committee on Environment and Natural
Resources



Senator Jason Brodeur
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms

2405

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Jerome K. Pate

is duly appointed a member of the
Governing Board,
Northwest Florida Water Management
District

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, 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 Second day of August, A.D., 2021.

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DeSANTIS
GOVERNOR

HAND DELIVERED
RECEIVED

2021 MAY 21 PM 1:51

DIVISION ELECTIONS
TALLAHASSEE, FL

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Jerome Pate
301 Schubert Road
Pensacola, Florida 32504

as a member of the Northwest Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2025.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis".

Ron DeSantis
Governor

RD/jf

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
2021 JUL -9 AM 11:58

STATE OF FLORIDA

County of Escambia

DIVISION OF ELECTIONS

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

Governing Board of the Northwest Florida Water Management District

(Title 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.]

Signature

Sworn to and subscribed before me by means of ☒ physical presence or
☐ online notarization, this 20th day of May, 2021.

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



Kerry Mager Langley
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG971119
Expires 3/18/2024

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

301 Schubert Drive

Street or Post Office Box

Pensacola, FL 32504

City, State, Zip Code

Jerome K. Pate

Print Name

Signature

**The Florida Senate
Committee Notice Of Hearing**

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Jerome K. Pate

Governing Board of the Northwest Florida Water Management District

NOTICE OF HEARING

TO: Mr. Jerome K. Pate

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, January 10, 2022, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 3rd day of January, 2022

Committee on Environment and Natural
Resources



Senator Jason Brodeur
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms



Brett J. Cyphers
Executive Director

Northwest Florida Water Management District

81 Water Management Drive, Havana, Florida 32333-4712
(U.S. Highway 90, 10 miles west of Tallahassee)

Phone: (850) 539-5999 • Fax: (850) 539-2777

January 5, 2022

The Honorable Jason Brodeur, Chair
Senate Committee on Environment and Natural Resources
404 South Monroe Street
Tallahassee, FL 32399-1100

Subject: Committee Notice of Hearing
Executive Appointment for NFWMD

Dear Chair Brodeur:

Please accept this letter as receipt for the Committee Notice of Hearing dated January 3, 2022. Regretfully, I will be taking part in business meetings out of the country on Monday, January 10, 2022. I'm proud to represent Basin I on the Northwest Florida Water Management District's Governing Board. Thank you for your consideration of my executive appointment before your committee.

If I can be of assistance or provide further information, please do not hesitate to contact me.

Again, thank you for the opportunity to serve.

Sincerely,

A handwritten signature in black ink that reads "Jerome K. Pate". The signature is fluid and cursive.

Jerome K. Pate
Governing Board Member, Basin I

Enclosure

cc: Ellen Rogers, Staff Director, Senate Committee on Environment and Natural Resources

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

NICK PATRONIS
Secretary
Panama City

JOHN W. ALTER
Malone

GUS ANDREWS
DeFuniak Springs

KELLIE RALSTON
Tallahassee

ANNA UPTON
Tallahassee

24135

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Benjamin "Ben" L. Butler

is duly appointed a member of the
Governing Board,
South Florida Water Management District

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, A.D., 2024 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 June, A.D., 2021.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DeSANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:50

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Benjamin Butler
608 Butlers Bluff Road
Lorida, Florida 33857

as a member of the South Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2021 JUN 24 AM 10:54

STATE OF FLORIDA

County of

Palm Beach

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

Governing Board, South Florida Water Management District

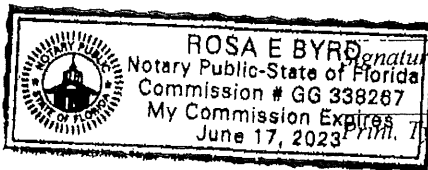
(Title of Office)

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.]

[Signature]
Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 8 day of May, 2021



[Signature]
Signature of Officer Administering Oath or of Notary Public

[Signature]
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

608 Butler's Bluff Rd

Street or Post Office Box

Lorida, FL 33857

City, State, Zip Code

Benjamin (Ben) L Butler

Print Name

[Signature]
Signature

**The Florida Senate
Committee Notice Of Hearing**

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Benjamin L. Butler

Governing Board of the South Florida Water Management District

NOTICE OF HEARING

TO: Mr. Benjamin L. Butler

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, January 10, 2022, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 3rd day of January, 2022

Committee on Environment and Natural
Resources



Senator Jason Brodeur
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms

2435

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Charlette I. Roman

is duly appointed a member of the

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

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, 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 Fourteenth day of July, A.D., 2021.*

Laurel M. Lee

Secretary of State



RON DESANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:50

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mrs. Charlette Roman
348 Colonial Avenue
Marco Island, Florida 34145

as a member of the South Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2025.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis".

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2021 JUL 12 AM 10:44

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

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

Governing Board, South Florida Water Management District

(Title 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.]

Charlette Roman



06/01/2021 01:41
PM EDT

Signature

Sworn to and subscribed before me by means of physical presence or
X online notarization, this 06/01/2021 day of June.

Madelin Espino



Signature of Officer Administering Oath or of Notary Public

Madelin Espino

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR Produced Identification ☒

Drivers Lic

Type of Identification Produced



Online Notary Public. This notarial act involved the use of
online audio/video communication technology.

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

348 Colonial Avenue

Street or Post Office Box

Marco Island, FL 34145

City, State, Zip Code

Charlette I. Roman

Print Name

Charlette Roman



06/01/2021 01:41 PM
EDT

Signature

**The Florida Senate
Committee Notice Of Hearing**

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Charlette I. Roman
Governing Board of the South Florida Water Management District

NOTICE OF HEARING

TO: Ms. Charlette I. Roman

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, January 10, 2022, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 3rd day of January, 2022

Committee on Environment and Natural
Resources



Senator Jason Brodeur
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms

2435

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Cheryl Anne Meads

is duly appointed a member of the

Governing Board,

South Florida Water Management District

for a term beginning on the Fourteenth day of May, A.D., 2021,
until the First day of March, 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 Twenty-Second day of July, A.D., 2021.*



Laurel M. Lee

Secretary of State



RON DeSANTIS
GOVERNOR

**HAND DELIVERED
RECEIVED**

2021 MAY 21 PM 1:50

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

May 14, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mrs. Cheryl Meads
89375 Old Highway
Tavernier, Florida 33070

as a member of the South Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective May 14, 2021, for a term ending March 1, 2025.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

STATE OF FLORIDA

2021 JUL 21 AM 10:06

County of

~~Monroe~~

Palm Beach

DIVISION OF

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

Governing Board, South Florida Water Management District

(Title 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.]

Cheryl Anne Meads
Signature

Sworn to and subscribed before me by means of physical presence or
online notarization, this 15 day of July 2021.

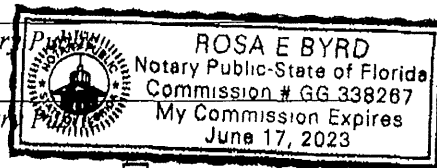
Rosa E Byrd
Signature of Officer Administering Oath or of Notary Public

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

89375 Old Highway,

Street or Post Office Box

Tavernier, FL 33070

City, State, Zip Code

Cheryl Anne Meads

Print Name

Cheryl Anne Meads
Signature

**The Florida Senate
Committee Notice Of Hearing**

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Cheryl Anne Meads
Governing Board of the South Florida Water Management District

NOTICE OF HEARING

TO: Mrs. Cheryl Anne Meads

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, January 10, 2022, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 3rd day of January, 2022

Committee on Environment and Natural
Resources



Senator Jason Brodeur
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Criminal and
Civil Justice, *Chair*
Transportation, *Vice Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Criminal Justice
Environment and Natural Resources

SENATOR KEITH PERRY
8th District

January 3, 2022

The Honorable Jason Brodeur
Chair of Committee on Environment and Natural Resources
311 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Brodeur:

I respectfully request to be excused from the Committee on Environment & Natural Resources
on January 10, 2022.

If you have any questions regarding this request, please do not hesitate to contact me directly or
my office.

Thank you for consideration.

Respectfully,

A handwritten signature in black ink that reads "W. Keith Perry". The signature is fluid and cursive, with the first name "W." and last name "Perry" clearly visible.

Keith Perry
The Florida Senate
District 08

CC: Ellen Rogers, Staff Director, Committee on Environment & Natural Resources

REPLY TO:

- ☐ 2610 NW 43rd Street, Suite 2B, Gainesville, Florida 32606 (352) 264-4040
- ☐ Marion County Board of Commissioners, 115 SE 25th Avenue, Ocala, Florida 34471 (352) 732-1249
- ☐ Putnam County Government Complex, 2509 Crill Avenue, Palatka, Florida 32177
- ☐ 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5008

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

CourtSmart Tag Report

Room: SB 37
Caption: Environment and Natural Resources Committee

Case No.:

Type:
Judge:

Started: 1/10/2022 4:01:34 PM

Ends: 1/10/2022 5:38:56 PM

Length: 01:37:23

4:01:33 PM Meeting called to order and roll call
4:01:49 PM Senator Perry is excused
4:02:10 PM Pledge of Allegiance
4:02:40 PM Pre-meeting Announcement by Vice Chair Stewart
4:03:05 PM Tab 1 - SB 232 State Park Fee Discounts
4:03:12 PM Senator Harrell presenting
4:04:19 PM Question by Senator Bean
4:04:42 PM Response by Senator Harrell
4:05:22 PM James S. "Hammer" Hartsell, Major General, U.S. Marine Corps. (Retired)
4:06:11 PM Debate
4:06:16 PM Senator Harrell to close on the bill
4:06:33 PM Roll call on SB 232
4:06:39 PM SB 232 is reported favorably
4:07:01 PM Tab 2 - SB 832 Implementation of the Recommendations of the Blue-Green Algae Task Force
4:07:05 PM Senator Stewart yields chair back to Senator Albritton
4:07:17 PM Senator Stewart presenting
4:08:33 PM Jonathan Webber, Florida Conservation Voters waives in support
4:08:39 PM Paul Owens 1000 Friends of Florida
4:12:07 PM Trish Neely, League of Women Voters Florida
4:12:52 PM David Cullen, Sierra Club Florida waives in support
4:13:48 PM Debate
4:13:56 PM Senator Bean for a question
4:14:08 PM Response by Senator Stewart
4:14:15 PM Senator Stewart to close on the bill
4:14:27 PM Roll call on SB 832
4:14:33 PM SB 832 is reported favorably
4:15:01 PM Tab 6 - Conf. of Thomas Kerry Frazer, Environmental Regulation Committee
4:15:37 PM Motion to recommend confirmation, Senator Ausley
4:15:49 PM Roll call on appt. of Thomas Kerry Frazer
4:15:59 PM Confirmation of Thomas Kerry Frazer is favorable
4:16:10 PM Tabs 10-12 - Governing Board of South Florida Water Management
4:16:15 PM Confirmation of Benjamin L. Butler
4:16:42 PM Witness Oath
4:16:52 PM Benjamin Butler addresses the committee
4:20:39 PM Senator Albritton for a question
4:20:48 PM Response by Benjamin Butler
4:22:02 PM Senator Albritton for a question
4:23:40 PM Response by Benjamin Butler
4:25:29 PM Senator Albritton for a question
4:25:53 PM Response by Benjamin Butler
4:28:42 PM Beth Alvi, Audubon, FL waiving in support of the confirmation
4:29:42 PM Motion to recommend confirmation, Senator Albritton
4:29:50 PM Roll call on appt. of Benjamin Butler
4:29:58 PM Confirmation of Benjamin L. Butler is favorable
4:30:16 PM Chair Brodeur takes over as chair
4:30:37 PM Confirmation of Charlette Roman
4:30:45 PM Witness oath
4:30:49 PM Charlette Roman addresses the committee
4:34:10 PM Question by Senator Albritton
4:34:19 PM Response by Charlette Roman
4:35:03 PM Question by Senator Albritton
4:36:00 PM Response by Charlette Roman

4:39:03 PM Question by Senator Albritton
4:40:50 PM Response by Charlette Roman
4:44:15 PM Beth Alvi, Audobon, FL waiving in support
4:44:26 PM Motion to recommend confirmation, Senator Bean
4:44:36 PM Roll call on appt. of Charlette Roman
4:44:42 PM Confirmation of Charlette Roman is favorable
4:44:54 PM Confirmation Cheryl Anne Meads
4:45:08 PM Witness oath
4:45:14 PM Cheryl Anne Meads addresses the committee
4:49:28 PM Question by Senator Albritton
4:49:40 PM Response by Cheryl Anne Meads
4:50:48 PM Question by Senator Albritton
4:51:37 PM Response by Cheryl Anne Meads
4:53:05 PM Question by Senator Albritton
4:53:15 PM Response by Cheryl Anne Meads
4:55:38 PM Question by Senator Albritton
4:55:44 PM Response by Cheryl Anne Meads
4:57:25 PM Question by Senator Albritton
4:57:54 PM Response by Cheryl Anne Meads
4:58:16 PM Question by Senator Albritton
4:58:22 PM Response by Cheryl Anne Meads
5:00:03 PM Question by Senator Albritton
5:00:17 PM Response by Cheryl Anne Meads
5:01:43 PM Question by Senator Albritton
5:01:47 PM Response by Cheryl Anne Meads
5:02:10 PM Senator Albritton comments
5:02:50 PM Beth Alvi, Audobon, FL waives in support
5:03:30 PM Motion to recommend confirmation by Senator Bean
5:03:39 PM Roll call on Apt. of Cheryl Anne Meads
5:03:46 PM Confirmation of Cheryl Anne Meads is favorable
5:03:56 PM Tabs 7-9 - Governing Board of the Northwest Florida Water Management District
5:04:07 PM Confirmation of John Alter
5:04:16 PM Witnessss oath
5:04:19 PM John W. Alter addresses the committee
5:06:46 PM Senator Bean question of chair
5:07:28 PM Senator Beans moves the favorable consideration of John Alter
5:07:41 PM Roll call on conf. of John Alter
5:07:45 PM John W. Alter is recommended favorably
5:07:59 PM Confirmation of Anna Upton - TP
5:08:04 PM Jerome Pate not able to be here
5:08:16 PM Senator Ausley recommends conf. of Jerome Pate
5:08:22 PM Roll call on apt. of Jerome Pate
5:08:25 PM Jerome Pate conf. is recommended favorably
5:08:37 PM Tab 3 - SB 840 Residential Property Riparian Rights
5:08:52 PM Senator Albritton presenting
5:09:43 PM Senator Albritton waives close
5:09:53 PM Rol call on SB 840
5:09:58 PM SB 840 is reported favorably
5:10:08 PM Tab 5 - SB 1000 Nutrient Application Rates
5:10:15 PM Senator Albritton presenting
5:13:53 PM Amendment barcode 114662
5:13:56 PM Senator Albritton to explain the amendment
5:15:52 PM Question by Senator Ausley
5:16:07 PM Response by Senator Albritton
5:17:45 PM Amendment barcode 114662 adopted
5:17:57 PM Question by Senator Ausley
5:18:27 PM Response by Senator Albritton
5:18:43 PM Senator Ausley for a question
5:18:50 PM Response by Senator Albritton
5:20:04 PM Question by Senator Ausley
5:20:09 PM Response by Senator Albritton
5:21:10 PM Adam Basford Assoc. Ind. of Florida, waives in support

5:21:16 PM Howard E. "Gene" Adams, Florida Feed Assoc. waives in support
5:21:23 PM Paul Owens, 1000 Friends of FI waives against
5:21:28 PM Jonathan Webber, Florida Conservation Voters waives against
5:21:35 PM Beth Alvi, Audubon, FI
5:23:37 PM Christopher Petit, FDACS
5:27:59 PM Trish Neely, League of Women Voters, Florida waives against the bill
5:28:09 PM David Childs, Florida Fruit and Vegetable Assoc. waives in support
5:28:10 PM Jim Spratt, Florida Nursery, Growers and Landscape Assoc. waives in support
5:28:15 PM Courtney Larkin, Florida Farm Bureau Federation waives in support
5:28:19 PM David Cullen, Sierra Club Florida
5:31:14 PM Matt Joyner, Florida Citrus Mutual waives in support
5:31:39 PM Debate Senator Ausley
5:32:53 PM Senator Albritton closes on SB 1000
5:35:46 PM Roll call on CS/SB 1000
5:37:01 PM CS/SB 1000 favorable
5:37:06 PM Senator Brodeur gives chair to Senator Albritton
5:37:12 PM Tab 4 - SB 882 Inventories of Critical Wetlands
5:37:16 PM Senator Brodeur presents
5:37:51 PM Trish Neeley League of Women voters waives in support
5:38:06 PM Roll call on SB 882
5:38:11 PM SB 882 is reported favorably
5:38:24 PM Senator Brodeu moves to be shown favorable on tabs 1, 2, and 6
5:38:44 PM Senator Albritton moves to rise

10 Jan 2022

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 232

Bill Number or Topic

Amendment Barcode (if applicable)

Name James S. "Hammer" Hartsell Major General, U.S. Marine Corps (Ret)

Phone 850-487-1533

Address 400 S. Monroe Street
Street

Email HartsellJ@FDVA.STATE.FI.US

Tallahassee

FL

32399

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 Department of Veterans'
Affairs**

☐ 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/10/2022

Meeting Date

Environment + Natural Resources

Committee

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832

Bill Number or Topic

Name JONATHAN WEBBER

Phone 954-593-4449

Address 1700 N. Monroe St. #11-286

Street

Email JWEBBER@FLVOTERS.ORG

Tallahassee

City

FL

State

32303

Zip

Amendment Barcode (if applicable)

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 CONSERVATION VOTERS

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 \(flsenate.gov\)](#)

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The Florida Senate
APPEARANCE RECORD

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1/10/22
Meeting Date
Environment & NR
Committee

832
Bill Number or Topic

Name Paul Owens

Amendment Barcode (if applicable)

Phone 850-222-6277

Address 308 N. Monroe St.
Street

Email powens@1000fof.org

Tallahassee 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:

1000 Friends of FL

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

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The Florida Senate

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1/10/2022

Meeting Date

ENVIRO + NAT RES

Committee

SB832

Bill Number or Topic

Name TRISH NEELY

Phone 8503223317

Amendment Barcode (if applicable)

Address 2024 SHANGRI LA LANE

Street

Email

TALLY FL 32303

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:

LEAGUE OF WOMEN VOTERS FLORIDA

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 \(flsenate.gov\)](#)

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1/10/22

Meeting Date

The Florida Senate
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832

Bill Number or Topic

ENR 37 SOB

Committee

Amendment Barcode (if applicable)

Name **DAVID CULLEN**

Phone **941-323-2404**

Address **9830 ELM ST**

Street

Email **CULLENASEA@GMAIL.COM**

OCEAN CITY MD 21842

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:

SIERRA CLUB FLORIDA

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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1/10/2022
Meeting Date

ENVIRO & NAT RES
Committee

SB 882
Bill Number or Topic

Name IRISH NEELY Phone 850 322 3317

Address 2024 SHANGRI LA LANE Email _____
Street

TALLY FL 32303
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:

LEAGUE WOMEN VOTERS FLORIDA

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1/10/22

Meeting Date

Environment & Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

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

1000

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Adam Basford**

Phone **850-224-7173**

Address **516 N Adams**

Street

Email **abasford@aif.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:

Associated Industries of Florida

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

01/10/2022

SB 1000

Meeting Date

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Bill Number or Topic

ENVIRONMENT & NATURAL

Committee RESOURCES

Amendment Barcode (if applicable)

Name

HOWARD E. "GENE" ADAMS

Phone

850-222-3533

Address

215 SOUTH MONROE ST.

Email

GENE@PENNINGTONLAW.COM

Street

TALLAHASSEE

FLA

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:

AG COALITION
(FLA. FEED ASSOC.)



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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/10/22
Meeting Date

Environ. & Nat. Res.
Committee

1000
Bill Number or Topic

Amendment Barcode (if applicable)

Name Paul Owens Phone 850-222-6277

Address 308 N. Monroe St. Email powense@1000Fof.org
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:

1000 Friends of FL

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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1/10/2021
Meeting Date
ENV. NATURAL RESOURCES
Committee

1000
Bill Number or Topic

Name JONATHAN WEBBER Phone 954-593-4449

Address 1700 N. Monroe St. # 11-286 Email JWEBBER@FCVOTERS.ORG
Street

Tallahassee FL 32303
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 CONSERVATION VOTERS

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

1/10/2022

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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DUPLICATE

SB 1000

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Beth Alvi**

Phone **850-999-1028**

Address **308 N. Monroe**

Street

Email **Beth.Alvi@audubon.org**

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:

Audubon 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 \(flsenate.gov\)](#)

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5-001 (08/10/2021)

January 10, 2022

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB 1000

Bill Number or Topic

Name **Christopher Pettit**

Address **407 S. Calhoun Street**

Street

Tallahassee

City

FL

State

32399

Zip

Phone **850-617-1700**

Email **Christopher.Pettit@fdacs.gov**

Amendment Barcode (if applicable)

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

☒ I am appearing without
compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

☐ 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 \(flsenate.gov\)](#)

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The Florida Senate
APPEARANCE RECORD

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1/10/2022
Meeting Date
ENVIRO + NAT RES
Committee

SB1000
Bill Number or Topic

Name TRISH NEELY Phone 850 322 3317
Address 2024 SHANGRI LA LANE Email _____
TALLAH FL 32303
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:

LEAGUE WOMEN VOTERS FLORIDA

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Jan 10 2022

Meeting Date

Env. & Nat. Res

Committee

1000

Bill Number or Topic

Amendment Barcode (if applicable)

Name DAVID CHILDS

Phone 850 443-1474

Address 119 S. Monroe St. Suite 500

Email DAVID@VOGELGROUP.COM

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:

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

Florida Fruit & Vegetable 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 \(flsenate.gov\)](#)

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The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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1/10/2022
Meeting Date

SB1000
Bill Number or Topic

Committee
Name Jim Spratt

Amendment Barcode (if applicable)
Phone 850 - 228 - 1296

Address 119 S Monroe St
Street
TALLAHASSEE FL 33032
City State Zip

Email Jim@magnumstrategiesllc.com

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 Nursery, Growers & Landscape Association

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APPEARANCE RECORD

Deliver both copies of this form to
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02/10/22
Meeting Date
Environment + Natural Resources
Committee

SB 1000
Bill Number or Topic

Amendment Barcode (if applicable)

Name Courtney Larkin Phone 850-209-0001

Address 310 W. College Ave Email Courtney.larkin@ffbf.org
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:

Florida Farm Bureau Federation

☐ 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 \(flsenate.gov\)](#)

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1/10/22

Meeting Date

The Florida Senate
APPEARANCE RECORD

1000

Bill Number or Topic

ENR 37 SOB

Committee

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Amendment Barcode (if applicable)

Name **DAVID CULLEN**

Phone **941-323-2404**

Address **9830 ELM ST**

Street

Email **CULLENASEA@GMAIL.COM**

OCEAN CITY MD 21842

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:

SIERRA CLUB FLORIDA

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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1/10/22
Meeting Date
Env. & Natural Resources
Committee

SR 1000
Bill Number or Topic

Name Matt Joyner - Florida Citrus Mutual Phone 863-682-1111
Address 600 N. Broadway Ave Email mattj@flcitrusmutual.com
Bartow FL 33830
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 Citrus Mutual

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

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January 10, 2022

Meeting Date

APPEARANCE RECORDDeliver both copies of this form to
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Confirmation Hearing

Bill Number or Topic

Environment and Natural Resources

Committee

Amendment Barcode (if applicable)

Name **John Alter** Phone **850-539-5999**Address **81 Water Management Dr.** Email **john.alter@nwfwater.com**

Street

Havana

City

FL

State

32333

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:

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S-001 (08/10/2021)

January 10, 2022

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

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T.P.

DUPLICATE

Confirmation Hearing

Bill Number or Topic

Amendment Barcode (if applicable)

Name Anna Upton Phone 850-539-5999

Address 81 Water Management Dr. Email anna.upton@nwfwater.com

Street

Havana

City

FL

State

32333

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:

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S-001 (08/10/2021)

January 10, 2022

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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Confirmation Hearing

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Benjamin Butler

Phone

(561) 682-6262

Address

3301 Gun Club Road

Street

Email

bbutler@sfwmd.gov

West Palm Beach

FL

33406

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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SFWMDGB - B. BUTLER

Bill Number or Topic

1/10/2022

Meeting Date

ENR

Committee

Amendment Barcode (if applicable)

Name

BETH ALVI

Phone

Address

308 N. MONROE

Email

Beth.Alvi@audubon.org

Street

City

State

Zip

FL

32301

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:

AUDUBON FL

☐

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

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S-001 (08/10/2021)

January 10, 2022

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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Confirmation Hearing

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Charlette Roman**

Phone **(561) 682-6262**

Address **3301 Gun Club Road**

Email **croman@sfwmd.gov**

Street

West Palm Beach

FL

33406

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:

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S-001 (08/10/2021)

The Florida Senate
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SFWMD GB C. ROMAN

Bill Number or Topic

Amendment Barcode (if applicable)

1/10/2022

Meeting Date

ENR

Committee

Name

BETH ALVI

Phone

Address

308 N. Monroe

Email

BETH-ALVI@AUDUBON.ORG

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:

AUDUBON FR

☐

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

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S-001 (08/10/2021)

January 10, 2022

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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Confirmation Hearing

Bill Number or Topic

Amendment Barcode (if applicable)

Name Cheryl Anne Meads

Phone (561) 682-6262

Address 3301 Gun Club Road

Street

Email cmeads@sfwmd.gov

West Palm Beach

FL

33406

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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SFWMD GB - C. MEAS

Bill Number or Topic

Amendment Barcode (if applicable)

1/10/2022
Meeting Date
ENR
Committee

Name BETH ARVI

Phone _____

Address 308 N. Monroe
Street

Email Beth.Arvi@audubon.org

City _____ State _____ Zip _____

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

☐ I am appearing without
compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am a registered lobbyist,
representing:

AUDUBON FL

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

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