

Tab 1	SB 314 by Montford (CO-INTRODUCERS) Stewart, Berman; (Similar to H 00239) Advanced Well Stimulation Treatment					
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Tab 2	SPB 7022 by EN; Fish and Wildlife Conservation Commission Citizen Support Organizations					
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Tab 3	SPB 7024 by EN; Department of Environmental Protection Citizen Support Organizations					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Montford, Chair
Senator Albritton, Vice Chair

MEETING DATE: Wednesday, February 13, 2019

TIME: 1:30—3:00 p.m.

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

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 314 Montford (Similar H 239, S 146)	Advanced Well Stimulation Treatment; Defining the terms “high-pressure well stimulation” and “matrix acidization”; prohibiting the performance of high-pressure well stimulation treatments or matrix acidization; clarifying that permits for drilling or operating a well do not authorize the performance of high-pressure well stimulation treatments or matrix acidization; requiring the Department of Environmental Protection to conduct a study on high-pressure well stimulation and matrix acidization, etc. EN 02/13/2019 Fav/CS IT AP	Fav/CS Yeas 5 Nays 0
Consideration of proposed bill:			
2	SPB 7022	Fish and Wildlife Conservation Commission Citizen Support Organizations; Abrogating the scheduled repeal of provisions governing citizen support organizations established under the Fish and Wildlife Conservation Commission; authorizing a court to order persons convicted of certain violations to pay an additional assessment; authorizing a specified citizen support organization to post certain rewards, etc.	Submitted and Reported Favorably as Committee Bill Yeas 5 Nays 0
Consideration of proposed bill:			
3	SPB 7024	Department of Environmental Protection Citizen Support Organizations; Requiring that contracts between the department and a citizen support organization include a specified provision; abrogating the scheduled repeal of provisions governing citizen support organizations established under the department, etc.	Submitted and Reported Favorably as Committee Bill Yeas 5 Nays 0
Other Related Meeting Documents			

Schreiber, Daniel

From: Cleary, Kevin <Kevin.Cleary@dep.state.fl.us>
Sent: Monday, February 11, 2019 9:32 AM
To: Schreiber, Daniel
Subject: RE: Class II Injection Wells in FL

These are permitted by our oil and gas group. <https://floridadep.gov/water/aquifer-protection/content/uic-wells-classification>

- Number of permitted Class II UIC wells used for disposal: 22
 - Number of active disposal wells (as of 11/30/2018): 10



Kevin Cleary
Department of Environmental Protection
Office of Legislative Affairs
Director
Kevin.cleary@FloridaDEP.gov
Office: 850-245-2092
Cell: 850-545-2135

From: Schreiber, Daniel <Schreiber.Daniel@flsenate.gov>
Sent: Monday, February 11, 2019 8:18 AM
To: Cleary, Kevin <Kevin.Cleary@dep.state.fl.us>
Subject: RE: Class II Injection Wells in FL

Good Morning Kevin,

Yes, Class II injection wells, that are used to inject fluids associated with oil and natural gas production. I am looking for how many there are in FL currently.

In a recent bill analysis from the House, it said "There are 22 Class II disposal wells in the State of Florida," and then an email from you (from Feb. 1, 2019) was cited as the source. I have not seen that information elsewhere online, so I thought I'd ask, so I can potentially cite an email in a similar manner.

Thank you, I appreciate your help on this.

Daniel Schreiber
Attorney, The Florida Senate
Committee on Environment and Natural Resources
850-487-5386

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 314

INTRODUCER: Environment and Natural Resources Committee and Senator Montford

SUBJECT: Advanced Well Stimulation Treatment

DATE: February 14, 2019

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SB 314 defines:

- “High-pressure well stimulation” as “all stages of a well intervention performed by injecting fluids into a rock formation at a pressure that equals or exceeds the fracture gradient of the rock formation in order to fracture the formation to increase production or recovery from an oil or gas well, such as in hydraulic fracturing or acid fracturing”; and
- “Matrix acidization” as “all stages of a well intervention performed by injecting fluids into a rock formation at a pressure below the fracture gradient of the rock formation in order to dissolve the formation and increase production or recovery from an oil or gas well. The term does not include techniques used for routine well cleanout work, routine well maintenance, routine treatment for the purpose of removal of formation damage due to drilling or production, or acidizing techniques used to maintain or restore the natural permeability of the formation near the wellbore.”

The bill creates a new section of law, which:

- Prohibits both high-pressure well stimulation and matrix acidization in the state, specifying that a permit for drilling or operating an oil or gas well does not authorize the performance of high-pressure well stimulation or matrix acidization; and
- Limits the applicability of the bill to only oil and gas wells.

II. Present Situation:

Production of Conventional Versus Unconventional Oil and Gas Resources: The Use of Well Stimulation Techniques

Conventional oil and gas resources are found in permeable sandstone and carbonate reservoirs.¹ Wells have historically been drilled vertically, straight down into a rock formation to extract conventional resources. Whereas conventional resources are found in concentrated underground locations, unconventional resources are highly dispersed through impermeable or “tight” rock formations, such as shales and tight sands.² To extract unconventional resources, drilling has generally shifted from vertical to horizontal.³

Well stimulation techniques are used in the production of both conventional and unconventional resources. The techniques can be focused solely on the wellbore (drilled hole) for maintenance and remedial purposes or can be used to increase production from the reservoir.⁴ The relatively recent development of horizontal or directional drilling in conjunction with the expanded use of well stimulation techniques has increased the production at oil or gas wells and has led to the profitable extraction of unconventional resources.⁵ The three main well stimulation techniques are hydraulic fracturing, acid fracturing, and matrix acidizing.⁶ Hydraulic fracturing and acid fracturing are commonly referred to as “fracking.”

Hydraulic Fracturing

Hydraulic fracturing was developed in the 1940s to increase the production of conventional oil and gas resources.⁷ While the technique is not new, the composition of the fracturing fluids used in the process has evolved over time. Initially the fracturing fluids were oil-based and relied on a mixture of petroleum compounds, such as napalm and diesel fuels.⁸ Modern hydraulic fracturing involves a fracturing fluid that is composed of a base fluid, in most cases water; additives, each designed to serve a particular function; and a proppant (such as sand), which holds the fractures open during or following the treatment.⁹ The composition of the fracturing fluid varies depending on the permeability and brittleness of the reservoir rock.¹⁰ A hydraulic fracturing

¹ Michael Ratner & Mary Tiemann, Cong. Research Serv., R 43148, *An Overview of Unconventional Oil and Natural Gas: Resources and Federal Actions*, 2 (Apr. 22, 2015), available at <https://www.fas.org/sgp/crs/misc/R43148.pdf> (last visited Jan. 28, 2019).

² *Id.*

³ U.S. Energy Information Administration (EIA), *Hydraulically fractured horizontal wells account for most new oil and natural gas wells* (Jan. 30, 2018), <https://www.eia.gov/todayinenergy/detail.php?id=34732> (last visited Jan. 28, 2019).

⁴ California Council on Science and Technology Lawrence Berkeley National Laboratory, *An Independent Assessment of Well Stimulation in California*, vol. 1, *Well stimulation technologies and their past, present, and potential future use in California*, 13–14 (January 2015) [hereinafter *CA Study*], available at <https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf> (last visited Jan. 28, 2019).

⁵ *Id.* at 2.

⁶ *Id.* at 28.

⁷ Gallegos, T.J., and Varela, B.A., United States Geological Survey, *Trends in Hydraulic Fracturing Distributions and Treatment Fluids, Additives, Proppants, and Water Volumes Applied to Wells Drilled in the United States from 1947 through 2010—Data Analysis and Comparison to the Literature*, Scientific Investigations Report 2014–5131, 1 (2015), available at <http://pubs.usgs.gov/sir/2014/5131/pdf/sir2014-5131.pdf> (last visited Jan. 28, 2019).

⁸ *Id.* at 7.

⁹ *Id.* at 1, 10–11, 303.

¹⁰ *CA Study*, at 48, available at <https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf> (last visited Jan. 28, 2019).

operation at a horizontal well involves a four-step process. The first step is the “stage,” during which a portion of the well is isolated to focus the fracture fluid pressure. The second is the “pad,” during which fracture fluid is injected, first without proppant, to initiate and propagate the fracture in the rock formation. The proppant is then added to keep the fractures open. The third stage is the “flush,” during which fluid is injected without proppant to push any remaining proppant into the fractures. The fourth stage is the “flowback,” during which the hydraulic fracturing fluids are removed and the fluid pressure dissipates.¹¹

The U.S. Environmental Protection Agency (EPA) estimates that 25,000-30,000 new wells were drilled and hydraulically fractured annually in the United States between 2011 and 2014.¹² In 2016, hydraulically fractured horizontal wells accounted for 69% of all oil and natural gas wells drilled in the U.S.¹³ The combination of horizontal drilling and hydraulic fracturing has contributed to increases in crude oil and natural gas production in the U.S.¹⁴

Acid Fracturing

Well stimulation techniques that use acid-based formulas are sometimes preferred in carbonate reservoirs.¹⁵ Acid fracturing is a well stimulation technique that uses acidic fluids. It can be an effective method for stimulating limestone formations.¹⁶ Well operators pump the acidic fluids into a well at a pressure that exceeds the fracture gradient and, thus, fractures the rock. The acid etches the walls of the fractures and eliminates the need to use a proppant because the fractures remain open after pressure is released.¹⁷ The produced fluids have a much lower acid content than the injected fluids because most of the acid that is injected is neutralized through a reaction with the rock.¹⁸ As compared to hydraulic fracturing, acid fracturing is generally more successful in carbonate reservoirs because of the relatively high degree of natural fractures present.¹⁹

The purpose of an acid fracturing treatment is to create new or open existing fractures, and dissolve formation material, to create an irregular fracture surface that opens up new flow paths or enhances existing flow paths into the wellbore.²⁰ As compared to hydraulic fracturing, acid fracturing results in fractures that are relatively short in length.²¹ One of the main factors that adversely affects acid fracture growth is fluid loss, or acid “leakoff.” Acid leakoff can result in

¹¹ *Id.* at 42, 300. Flowback is defined as “fracturing fluid, perhaps mixed with formation water and traces of hydrocarbon, that flows back to the surface after the completion of hydraulic fracturing.”

¹² U.S. Environmental Protection Agency (EPA), *Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States*, 3-1 (Dec. 2016) [hereinafter *EPA Study*], available at <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990> (last visited Feb. 5, 2019).

¹³ U.S. Energy Information Administration (EIA), *Hydraulically fractured horizontal wells account for most new oil and natural gas wells* (Jan. 28, 2019), <https://www.eia.gov/todayinenergy/detail.php?id=34732> (last visited Jan. 28, 2019).

¹⁴ *Id.*

¹⁵ *CA Study*, at 56, available at <https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf> (last visited Jan. 28, 2019).

¹⁶ *Id.* at 25; see generally Bing Hou, Ruxin Zhang, Mian Chen, Jiawie Kao, and Xin Liu, *Investigation on Acid Fracturing Treatment in Limestone Formation Based on True Tri-Axial Experiment*, 235 *Fuel* 473-484 (2019), available at <https://www.sciencedirect.com/science/article/pii/S0016236118314273?via%3Dihub#bi005> (last visited Feb. 8, 2019).

¹⁷ *CA Study*, at 28.

¹⁸ *Id.* at 14.

¹⁹ *Id.* at 56.

²⁰ American Petroleum Institute, *Acidizing: Treatment in Oil and Gas Operations*, 1–3 (2014), available at <http://www.api.org/~media/files/oil-and-natural-gas/hydraulic-fracturing/acidizing-oil-natural-gas-briefing-paper-v2.pdf> (last visited Jan. 28, 2019).

²¹ *CA Study*, at 56, available at <https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf> (last visited Jan. 28, 2019).

the enlargement of channels and natural fractures and can greatly increase the area from which fluid loss occurs, making fluid-loss control difficult and preventing acid from reaching untreated parts of the fracture.²²

Matrix Acidizing

Well operators have been using matrix acidizing for over 100 years.²³ Drilling and production in oil and gas operations cause damage to the rock formation.²⁴ Formation damage can include the plugging of perforations or the plugging of the rock matrix by debris from the well and well operations, which restrict the flow of hydrocarbons into the wellbore.²⁵ Matrix acidizing is performed by pumping acidic fluids into a well at a pressure that does not exceed the fracture gradient.²⁶ Acidizing is often used for well maintenance and to remediate damage caused by well operation and drilling.²⁷ Operators use acid, which is very effective at dissolving carbonate minerals, to bypass formation damage around the well.²⁸ Most of this acid is neutralized due to reactions with the rock.²⁹ Additionally, various acids are used to clean residential water wells to loosen or dissolve debris so that it can be pumped out of the well.³⁰

If larger volumes of acid are injected into carbonate formations, matrix acidizing can be used to increase the permeability of the formation beyond the zone impacted by drilling or production activities.³¹ Matrix acidizing can result in stimulation of carbonate reservoir permeability beyond the region near the well.³² This technique is not commonly used for stimulation in unconventional reservoirs because it does not increase recovery enough in low permeability reservoirs to make production viable.³³ The penetration into the formation caused by matrix acidizing is typically less extensive than after use of a fracturing technique.³⁴ However, in carbonate reservoirs, matrix acidizing can create deeply penetrating channels, known as wormholes, and lead to deeper acid penetration into more permeable fractures of a naturally fractured reservoir.³⁵ Hydrochloric acid is commonly used for matrix acidizing in carbonate reservoirs.³⁶ To minimize the probability of acid entering into highly permeable sections of the formation, which could create channels into water-producing zones, careful treatment, design, and execution is required when performing a matrix acidizing treatment.³⁷

²² Middle East & Asia Reservoir Review, vol. 4, *Stimulate the Flow*, 46 (Jan. 2003), available at https://www.slb.com/resources/publications/industry_articles/mearr/num4_stimulate_flow.aspx (last visited Feb. 4, 2019).

²³ *CA Study*, at 69, available at <https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf> (last visited Jan. 28, 2019).

²⁴ Middle East & Asia Reservoir Review, vol. 4, *Stimulate the Flow*, 42 (Jan. 2003).

²⁵ *Id.*

²⁶ *CA Study*, at 69, available at <https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf> (last visited Jan. 28, 2019).

²⁷ *Id.* at 14.

²⁸ *Id.* at 69.

²⁹ *Id.* at 14.

³⁰ The Groundwater Association, *How Well Systems Are Cleaned*, <http://wellowner.org/water-well-maintenance/residential-well-cleaning/> (last visited Jan. 29, 2019).

³¹ *CA Study*, at 14, available at <https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf> (last visited Jan. 28, 2019).

³² *Id.* at 28.

³³ *Id.* at 14, 69.

³⁴ *Id.* at 30.

³⁵ *Id.*

³⁶ Middle East & Asia Reservoir Review, vol. 4, *Stimulate the Flow*, 42 (Jan. 2003).

³⁷ *Id.* at 44.

Production of Oil and Gas Resources in Florida

Northwest and South Florida are the major oil and gas producing areas in the state. Florida's first producing oil well was discovered in 1943 at a wellsite located near present-day Big Cypress Preserve.³⁸ Oil and gas resources were first discovered in Northwest Florida in 1970, in the town of Jay.³⁹ Annual production of petroleum from these two regions peaked at more than 47 million barrels in 1978, but has subsequently decreased substantially, with annual statewide production dropping to less than 2 million barrels by 2017.⁴⁰ Florida's natural gas production also peaked in the 1970s, and by 2009 statewide natural gas production had fallen to less than 1% of its 1978 record high.⁴¹ There are currently two active oil and gas fields in Northwest Florida, and seven active oil and gas fields in South Florida.⁴² While geologists believe that there may be oil and natural gas deposits off Florida's western coast, the state enacted a drilling ban for state waters in 1990 and, in 2006, Congress banned the leasing of federal offshore blocks within 125 miles of Florida's western coast until at least 2022.⁴³ Additionally, federal law gives priority use of much of the area to the military for training.⁴⁴ In 2018, the Florida constitution was amended to prohibit drilling for exploration or extraction of oil or natural gas on lands "beneath all state waters which have not been alienated and that lie between the mean high water line and the outermost boundaries of the state's territorial seas."⁴⁵

In 2018, there were 57 active producer wells in Florida.⁴⁶ The Department of Environmental Protection's (DEP) 2018 Annual Production Report totaled natural gas production at 810,445 million cubic feet and oil production at 604,370 barrels in the state.⁴⁷ Proven oil and gas reserves in Northwest and South Florida are composed of carbonate formations (limestone and dolomite reservoirs), which have naturally higher permeability than the tighter shale or similar formations.⁴⁸ Rather than hydraulic fracturing, well operators in the state have generally preferred washing or flushing the formations, or other alternative methods, to open carbonate pathways and enhance recovery of oil and gas resources.⁴⁹

³⁸ American Oil & Gas Historical Society, *First Florida Oil Well*, <http://aoghs.org/states/first-florida-oil-well/> (last visited Jan. 29, 2019).

³⁹ Lloyd, Jacqueline M., *Information Circular 107, Part I: 1988 and 1989 Florida Petroleum Production and Exploration*, 1 (1991), available at <http://ufdc.ufl.edu/UF00001168/00001/pdf> (last visited Jan. 29, 2019).

⁴⁰ EIA, Florida, *Profile Analysis: Petroleum*, <http://www.eia.gov/state/analysis.php?sid=FL> (last visited Jan. 29, 2019).

⁴¹ *Id.*

⁴² DEP, *State Production Data* (2018), available at <https://floridadep.gov/water/oil-gas/documents/state-production-data> (last visited Jan. 29, 2019).

⁴³ EIA, Florida, *Profile Analysis: Petroleum*, <http://www.eia.gov/state/analysis.php?sid=FL> (last visited Jan. 29, 2019); see Pub. L. No. 109-432, s. 104(a)(2), 120 Stat. 3003 (2006); see s. 377.242(1), F.S.

⁴⁴ EIA, Florida, *Profile Analysis: Petroleum*, <http://www.eia.gov/state/analysis.php?sid=FL> (last visited Jan. 29, 2019).

⁴⁵ FLA CONST. art. II, s. 7.

⁴⁶ DEP, *State Production Data* (2018), available at <https://floridadep.gov/water/oil-gas/documents/state-production-data> (last visited Feb. 6, 2019).

⁴⁷ *Id.*

⁴⁸ DEP, *Hydraulic Fracturing Background and Recommendations*, 1–3 (Sept. 29, 2011) available at http://news.caloosahatchee.org/docs/Dep_Fracturing_Response_130118.pdf (last visited Jan. 29, 2019).

⁴⁹ *Id.* at 3.

Regulation of Well Stimulation Techniques

Federal Regulation

There is limited direct federal regulation over oil and gas activities. In 2005, Congress passed the Energy Policy Act amending, in part, the Safe Drinking Water Act (SDWA) and the Clean Water Act (CWA).⁵⁰ The SDWA was amended to revise the definition of the term “underground injection” to specifically exclude the underground injection of fluids or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations.⁵¹ The CWA contains exemptions from stormwater permitting requirements for oil and gas exploration production, processing, or treatment operations or transmission facilities.⁵² Although the 2005 Energy Policy Act broadened the exemptions to include “construction activities” in the definition of oil and gas exploration and production, any flows from oil and gas operations which are contaminated or come into contact with overburden, raw material, intermediate products, finished product, byproduct, or waste products remain regulated under the CWA.⁵³

In March of 2015, in an attempt to regulate hydraulic fracturing on federal and tribal lands, the Bureau of Land Management (BLM) published final rules governing hydraulic fracturing.⁵⁴ The rules were to take effect on June 24, 2015. However, the United States District Court for the District of Wyoming granted a preliminary injunction and the rule was stayed.⁵⁵ In June of 2016, the court held that the BLM lacked authority to regulate hydraulic fracturing and set aside the final rules.⁵⁶ The court’s ruling was appealed to the United States Court of Appeals Tenth Circuit, which dismissed the appeal and remanded with directions to vacate the district court’s opinion and dismiss the action without prejudice in light of the Bureau of Land Management’s decision to rescind the final rules.⁵⁷

While direct regulation over well stimulation techniques at the federal level is limited, there are several federal statutes that regulate the indirect impacts of oil and gas extraction. The EPA’s Oil

⁵⁰ Energy Policy Act of 2005, H.R. 6, 109th Cong. (2005-2006).

⁵¹ See 42 U.S.C. s. 300h(d) (2012).

⁵² 33 U.S.C. s 1342 (l)(2) (2012).

⁵³ 33 U.S.C. s. 1362(24) (2012); *NRDC v. U.S. EPA*, 526 F.3d 591, 599, 608 (9th Cir. 2008)(vacating an EPA rule implementing the 2005 amendment); William J. Brady, *Hydraulic Fracturing Regulation in the United States: The Laissez-faire Approach of the Federal Government and Varying State Regulations*, 7–8 (2012), available at <http://www.law.du.edu/documents/faculty-highlights/Intersol-2012-HydroFracking.pdf> (last visited Jan. 29, 2019). Oil and gas construction facilities remain subject to the CWA’s permitting requirements for stormwater, and for discharging a pollutant into navigable waters, when applicable.

⁵⁴ *Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands*, 80 Fed. Reg. 16,128-16,222 (Mar. 26, 2015). Under the final BLM regulations, the term “hydraulic fracturing” is defined as “those operations conducted in an individual wellbore designed to increase the flow of hydrocarbons from the rock formation to the wellbore through modifying the permeability of reservoir rock by applying fluids under pressure to fracture it. Hydraulic fracturing does not include enhanced secondary recovery such as water flooding, tertiary recovery, recovery through steam injection, or other types of well stimulation operations such as acidizing.”

⁵⁵ *State of Wyo. vs. U.S. Dept. of the Int.*, No. 2: 15-CB-043-SWS (D. Wyo. Sept. 30, 2015) (granting a preliminary injunction), available at <http://www.wyd.uscourts.gov/pdfforms/orders/15-cv-043%20130%20order.pdf> (last visited Jan. 29, 2019).

⁵⁶ *State of Wyo. vs. U.S. Dept. of the Int.*, No. 2: 15-CV-043-SWS (D. Wyo. June 21, 2016), available at <http://www.wyd.uscourts.gov/pdfforms/orders/15-cv-043-S%20Order.pdf> (last visited Jan. 29, 2019).

⁵⁷ *State of Wyo. vs. U.S. Dept. of the Int.*, No. 16-8068 (10th Cir. Sept. 21, 2017), available at <https://www.ca10.uscourts.gov/opinions/16/16-8068.pdf> (last visited Jan. 29, 2019).

and Gas Extraction Effluent Guidelines and Standards regulate wastewater discharges from field exploration, drilling, production, well treatment, and well completion activities.⁵⁸ The regulations apply to conventional and unconventional extraction, with the exception of extractions of coalbed methane.⁵⁹ These standards are incorporated into the CWA's NPDES regulatory framework.⁶⁰

Because oil and gas activities may result in the release of hazardous substances into the environment at or under the surface in a manner that may endanger public health or the environment, these activities are regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).⁶¹ While recovered petroleum or natural gas is exempt from the act, other hazardous substances that result from oil or gas production, such as fracturing fluids, are subject to CERCLA.⁶² If a release of such fluids occurs, the facility owner and operator could face liability under CERCLA.⁶³

To ensure that employees who may be exposed to hazardous chemicals in the workplace are aware of the chemicals' potential dangers, manufacturers and importers must obtain or develop Material Safety Data Sheets (MSDS) for hydraulic fracturing chemicals that are hazardous according to the Occupational Safety and Health Administration (OSHA) standards.⁶⁴ MSDS must be maintained for hazardous chemicals at each job site and must, at a minimum, include the chemical names of substances that are considered hazardous under the OSHA regulations.⁶⁵

Regulation in Other States

States have primary jurisdiction and authority over the regulation of oil and gas activities. Almost all states with economically viable production wells have extensive regulatory programs in place for permitting and monitoring oil and gas activities. Recent advances in technology and the widespread use of well stimulation techniques, particularly hydraulic fracturing, have motivated some states to update and revise their oil and gas regulations to specifically address such techniques or to ban certain techniques altogether.⁶⁶

⁵⁸ EPA, *Oil and Gas Extraction Effluent Guidelines, Rule Summary*, available at <http://www.epa.gov/eg/oil-and-gas-extraction-effluent-guidelines> (last visited Jan. 29, 2019).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ 42 U.S.C. ss. 9601-9675 (2012); Adam Vann, Brandon J. Murrill, & Mary Tiemann, Cong. Research Serv., R 43152, *Hydraulic Fracturing: Selected Legal Issues*, 12 (Sept. 26, 2014), available at <https://www.fas.org/sgp/crs/misc/R43152.pdf> (last visited Jan. 29, 2019).

⁶² Adam Vann, Brandon J. Murrill, & Mary Tiemann, Cong. Research Serv., R 43152, *Hydraulic Fracturing: Selected Legal Issues*, 12–13 (Sept. 26, 2014).

⁶³ *Id.* at 13.

⁶⁴ *Id.* at 22.

⁶⁵ *Id.*

⁶⁶ See Hannah Wiseman, *Untested Waters: The Rise of Hydraulic Fracturing in Oil and Gas Production and the Need to Revisit Regulation*, 20 FORDHAM ENVTL. L. REV. 115 (2009); see also *State of Wyo. vs. U.S. Dept. of the Int.*, No. 2: 15-CB-043-SWS at 40 (D. Wyo. Sept. 30, 2015) (showing a list of states with regulations that address hydraulic fracturing).

Vermont, New York, and Maryland prohibit hydraulic fracturing. In 2012, Vermont banned the practice of hydraulic fracturing.⁶⁷ In 2015, New York’s Department of Environmental Conservation found that there were “no feasible or prudent alternatives [other than a ban which] would adequately avoid or minimize adverse environmental impacts and that address the scientific uncertainties and risks to public health from [high-volume hydraulic fracturing].”⁶⁸ The Findings Statement effectively banned high-volume hydraulic fracturing in the state of New York.⁶⁹ In 2017, Maryland prohibited hydraulic fracturing for the exploration or production of oil or natural gas.⁷⁰

Regulation in Florida

In Florida, DEP has regulatory authority over oil and gas resources. The Division of Water Resource Management (division) within DEP oversees the permitting process for drilling production and exploration. DEP has adopted rules to implement and enforce the regulation of oil and gas resources.⁷¹ The division has jurisdiction and authority over all persons and property necessary to administer and enforce all laws relating to the conservation of oil and gas.⁷² Local government approval is required for drilling in tidal waters, near improved beaches, and within municipal boundaries.⁷³

When issuing permits for oil and gas exploration or extraction, the division is required to consider the nature, character, and location of the lands involved; the nature, type, and extent of ownership of the applicant; and the proven or indicated likelihood of the presence of oil, gas, or related minerals on a commercially viable basis.⁷⁴ DEP is required to issue orders and adopt rules that ensure all precautions are taken to prevent the spillage of oil or any other pollutant in all phases of drilling for and extracting oil, gas, or other petroleum products.⁷⁵ The purposes of such rules and orders include preventing the pollution of fresh, salt, or brackish waters or lands of the state, and preventing the escape of oil or other petroleum products from one stratum to another.⁷⁶

⁶⁷ 29 V.S.A. § 571; 29 V.S.A. § 503(30). The statute defines the term “hydraulic fracturing” as “the process of pumping a fluid into or under the surface of the ground in order to create fractures in rock for the purpose of the production or recovery of oil or gas.”

⁶⁸ New York Department of Environmental Conservation, *Final Supplemental Generic Environmental Impact Statement on the Oil, Gas, and Solution Mining Regulatory Program: Regulatory Program for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs, Findings Statement*, 42 (June 2015), available at http://www.dec.ny.gov/docs/materials_minerals_pdf/findingstatehvhf62015.pdf (last visited Feb. 8, 2019).

⁶⁹ *See id.* at 41. The Findings Statement defined the term “high-volume hydraulic fracturing” as “the stimulation of a well using 300,000 or more gallons of water as the base fluid for hydraulic fracturing for all stages in a well completion, regardless of whether the well is vertical or directional, including horizontal.”

⁷⁰ Maryland Code § 14-107.1 (2017). Under Maryland law, the term “hydraulic fracturing” is defined as “a stimulation treatment performed on oil and natural gas wells in low-permeability oil or natural gas reservoirs through which specially engineered fluids are pumped at high pressure and rate into the reservoir interval to be treated, causing fractures to open.”

⁷¹ Fla. Admin. Code, Chapters 62C-25–62C-30.

⁷² Section 377.21(1), F.S.

⁷³ Section 377.24, F.S.

⁷⁴ Section 377.241, F.S.

⁷⁵ Section 377.22(2), F.S.

⁷⁶ *Id.*

Before any person begins work other than environmental assessments or surveying at the site of a proposed drilling operation, a permit to drill is required and a preliminary site inspection must be conducted by DEP.⁷⁷ In oil and gas wells, the “casing” is a hollow steel pipe used to line the inside of the wellbore, and the casing is usually surrounded by a cement sheath.⁷⁸ An application to DEP for a permit to drill must include a proposed casing and cementing program and a location plat survey.⁷⁹ The regulations require the operator to case and cement wells in order to maintain well control and prevent degradation of other natural resources, including water.⁸⁰ Each drilling permit is valid for one year from the date of approval.⁸¹ Before a permit is granted, the owner or operator is required to post a bond or other form of security for each well.⁸²

Before a well is used for its intended purpose, a permit to operate the well must be obtained.⁸³ Operating permits are valid for the life of the well, although each operating well and permit must be recertified every five years from the permit date.⁸⁴ Each application and subsequent recertification must include: the appropriate fee; bond or security coverage; a spill prevention and cleanup plan; flowline specifications and an installation plan; containment facility certification; and additional reporting and data submissions, such as driller’s logs and monthly well reports.⁸⁵

A separate permit is not required for the performance of well stimulation techniques. Such techniques are regulated as workovers.⁸⁶ DEP regulations define the term “workover” as: “an operation involving a deepening, plug back, repair, cement squeeze, perforation, hydraulic fracturing, acidizing, or other chemical treatment which is performed in a production, disposal, or injection well in order to restore, sustain, or increase production, disposal, or injection rates.”⁸⁷ An operator is required to notify DEP before commencing a workover procedure and must submit a revised well record to DEP within 30 days after the workover.⁸⁸

In December of 2013, DEP received a workover notice proposing use of an enhanced extraction procedure and requested that the company that submitted the notice not complete the procedure until DEP could conduct a review.⁸⁹ When the company commenced with the procedure, DEP

⁷⁷ Fla. Admin. Code R. 62C-26.003.

⁷⁸ FracFocus, *Well Construction & Groundwater Protection*, <https://fracfocus.org/hydraulic-fracturing-how-it-works/casing> (last visited Feb. 3, 2019).

⁷⁹ *Id.*

⁸⁰ Fla. Admin. Code R. 62C-27.005. The regulations specify standards for casing depth and pressure testing.

⁸¹ Fla. Admin. Code R. 62C-26.003.

⁸² Fla. Admin. Code R. 62C-26.002.

⁸³ Fla. Admin. Code R. 62C-26.008.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *See, e.g., s. 377.22, F.S.* The division is required to adopt rules to “regulate the ‘shooting,’ perforating and chemical treatment of wells,” and to “regulate secondary recovery methods, including the introduction of gas, air, water, or other substance into producing formations”; *see e.g., s. 377.26, F.S.* In regulating the vertical orientation of the well, the division is required to “take into account technological advances in drilling and production technology, including, but not limited to, horizontal well completions in the producing formation using directional drilling methods.”

⁸⁷ Fla. Admin. Code R. 62C-25.002(61).

⁸⁸ Fla. Admin. Code R. 62C-29.006.

⁸⁹ *State of Florida Department of Environmental Protection vs. Dan A. Hughes Company, L.P.*, OGC File No. 14-0012, 2 (April 8, 2014), available at https://www.doah.state.fl.us/FLAID/DEP/2014/DEP_14-0012_05162014_014716.pdf (last visited Jan. 30, 2019).

issued a cease and desist order.⁹⁰ DEP fined the company \$25,000 for violating the cease and desist order.⁹¹ It was concluded that the workover performed on the well involved hydraulic fracturing.⁹²

A person that violates any statute, rule, regulation, order, or permit of the division relating to the regulation of oil or gas resources or who refuses inspection by the division is liable for damages caused to the air, waters, or property of the state; for the reasonable costs of tracing the source of the discharge and for controlling and abating the source and the pollutants; and for the costs of restoring the air, waters, and property.⁹³ Such persons are also subject to judicial imposition of a civil penalty of up to \$10,000 for each offense.⁹⁴ Each day during any portion of which a violation occurs constitutes a separate offense.⁹⁵

Local Regulation

While cities and counties do not operate oil and gas permitting programs in Florida, some, through their land use regulations or zoning ordinances, require special exceptions for oil and gas activities or limit oil and gas activities to certain zoning classifications.⁹⁶ When authorizing oil and gas activities, local governments consider factors such as consistency with their comprehensive plan, injuries to communities or the public welfare, and compliance with zoning ordinances.⁹⁷ DEP may not issue a permit for drilling within the corporate limits of a municipality unless the municipality first adopts a resolution approving the permit.⁹⁸ Six municipalities (Estero, Bonita Springs, Coconut Creek, Cape Coral, Dade, and Zephyrhills) and thirteen counties (Alachua, Bay, Brevard, Broward, Citrus, Indian River, Martin, Miami-Dade, Osceola, Pinellas, St. Lucie, Volusia, Wakulla, and Walton) have banned one or more forms of well stimulation techniques by ordinance.⁹⁹ Additionally, many other counties and cities have passed resolutions supporting various types of bans and moratoriums relating to well stimulation techniques.¹⁰⁰

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² ALL Consulting, LLC., *Expert Evaluation of the D.A. Hughes Collier-Hogan 20-3H, Well Drilling and Workover*, Prepared for Florida Department of Environmental Protection, 4 (2014), available at <https://assets.documentcloud.org/documents/1507525/allconsulting.pdf> (last visited Feb. 4, 2019).

⁹³ Section 377.37(1)(a), F.S.

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *See, e.g.*, Lee County's Land Development Code §§ 34-1651 and 34-145(c).

⁹⁷ *Id.*

⁹⁸ Section 377.24(5), F.S.

⁹⁹ Village of Estero, Ordinance No. 2015-19; Bonita Spring's Land Development Code, Chapter 4, Article VI, Division 15, Section 4-1380; Coconut Creek's Land Development Code, Article IV, Section 13-1000; City of Cape Coral, Ordinance §3.23; City of Dade, Ordinance No. 2016-08; City of Zephyrhills, Ordinance No. 1310-16; Alachua County's Code of Ordinances, §77.13.5; Bay County's Land Development Regulation, §311; Brevard County's Code of Ordinances, §46-375; Citrus County's Code of Ordinances, §66-133; Indian River County's Code of Ordinances, §317.03; Osceola County's Land Development Code, §4.12.3; Broward County's Code of Ordinances, §27-193; Martin County's Code of Ordinances, §67.441; Miami-Dade County's Code of Ordinances, §33-437; Pinellas County's Code of Ordinances, §58-489; St. Lucie County's Code of Ordinances, Policy 6.1.5.7; Volusia County's Code of Ordinances, §50-42; Wakulla County's Code of Ordinances, §6-34; Walton County's Code of Ordinances, §9-156.

¹⁰⁰ *See* Food & Water Watch, *Local Regulations Against Fracking*, <http://www.foodandwaterwatch.org/insight/local-resolutions-against-fracking#florida> (last visited Feb. 2, 2019). The page shows a list of local governments that passed resolutions against fracking.

Environmental Concerns

There are a variety of environmental concerns relating to well stimulation techniques. Potential impacts and concerns include: groundwater or surface water contamination; stress on water supplies; inadequate wastewater management and disposal; and air quality degradation.¹⁰¹ Because well stimulation techniques are applied to so many types of underground formations using a variety of methods and fluids, environmental impacts vary depending on factors such as the toxicity of the fluid used; the closeness of the fracture zone to underground drinking water; the existence of a barrier between the fracture formation and other formations; and how wastewater is disposed of.¹⁰²

Water Quality

The EPA estimated that of the approximately 275,000 wells that have been hydraulically fractured in 25 states between 2000 and 2013, an estimated 21,900, or 8%, were within one mile of at least one public water system groundwater well or surface water intake.¹⁰³ As a result of fracturing, sources of drinking water may be contaminated through the release of gas-phase hydrocarbons, in what is known as stray gas migration, if the well casing or cementing is too weak or if it fails.¹⁰⁴ The EPA concluded that the “injection of hydraulic fracturing fluids into wells with inadequate mechanical integrity [may allow for] gases or liquids to move to groundwater sources.”¹⁰⁵ While concerns related to inadequate well casing or cementing are not unique to hydraulic fracturing, horizontally drilled, hydraulically fractured wells pose more production challenges because the well casing is subject to greater pressures.¹⁰⁶

Mitigating measures, such as extending the casing farther below groundwater resources and pressure testing the well casing before the injection of fluids, may work to prevent well casing failures.¹⁰⁷ Blowout preventers also help control and prevent pressure build-ups.¹⁰⁸ Hydraulically fractured wells in shale formations are usually drilled deeper than vertical wells, which can lead to a greater vertical separation between the formation and the drinking water resource.¹⁰⁹ Thousands of feet of rock layers typically overlay the produced portion of shale and serve as a

¹⁰¹ EPA, *Unconventional Oil and Natural Gas Development, Providing Regulatory Clarity and Protections Against Known Risks*, <https://www.epa.gov/uog> (last visited Jan. 29, 2018).

¹⁰² Hannah Wiseman, *Untested Waters: The Rise of Hydraulic Fracturing in Oil and Gas Production and the Need to Revisit Regulation*, 20 FORDHAM ENVTL. L. REV. 115, 6 (2009).

¹⁰³ EPA Study, at 2-14, available at <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990> (last visited Feb. 5, 2019).

¹⁰⁴ Avner Vengosh, Robert B. Jackson, Nathaniel Warner, Thomas Darrah, & Andrew Kondash, *A Critical Review of the Risks to Water Resources from Unconventional Shale Gas Development and Hydraulic Fracturing in the United States*, American Chemical Society, 48 Env. Sci. & Technol. 8334-8348, 8336 (Mar. 2014), available at <http://pubs.acs.org/doi/abs/10.1021/es405118y> (last visited Jan. 29, 2018).

¹⁰⁵ EPA Study, at 10-3.

¹⁰⁶ Michael Ratner & Mary Tiemann, Cong. Research Serv., R 43148, *An Overview of Unconventional Oil and Natural Gas: Resources and Federal Actions*, 8 (Apr. 22, 2015).

¹⁰⁷ EPA Study, at 6-9, available at <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990> (last visited Feb. 5, 2019).

¹⁰⁸ Michael Ratner & Mary Tiemann, Cong. Research Serv., R 43148, *An Overview of Unconventional Oil and Natural Gas: Resources and Federal Actions*, 8 (Apr. 22, 2015), available at <https://fas.org/sfp/crs/misc/R43148.pdf> (last visited Feb. 9, 2019).

¹⁰⁹ *Id.* at 7.

barrier to contamination.¹¹⁰ The majority of Florida's public water supply is obtained from groundwater sources, such as the Floridan aquifer system.¹¹¹ Areas in which oil and gas have been extracted have an upper confining unit that is generally greater than 100 feet, which may serve as a barrier to contamination.¹¹²

Fractures created during hydraulic fracturing can intersect nearby wells or their fracture networks, resulting in the flow of fluids into those wells and to underground drinking water resources. These "frac-hits" are more likely to occur if wells are close to each other or are on the same well pad.¹¹³ According to an EPA report, the likelihood of a frac-hit is less than 10% in hydraulically fractured wells more than 4,000 feet apart, while the likelihood is nearly 50% in wells that are less than 1,000 feet apart.¹¹⁴ In Florida, horizontal wells and associated drilling units that are deeper than 7,000 feet have more stringent spacing requirements.¹¹⁵

Surface water contamination may occur because of the inadequate storage and disposal of produced water. Produced water is the water that comes back to the surface as part of the oil and gas production process, and has generally been found to contain salts, metals, organic compounds, radioactive materials, and hydraulic fracturing chemicals.¹¹⁶ For a hydraulically fractured well, the produced water includes the fracturing fluids, or flowback. While the chemicals used will vary by region or between wells, some chemicals used in hydraulic fracturing are toxic.¹¹⁷ It is estimated that approximately 10-40% of the volume of injected fracturing fluids return to the surface after hydraulic fracturing.¹¹⁸ In most produced waters, the concentrations of toxic elements, such as radioactive radium, are positively correlated with salinity, which suggests that many of the potential water quality issues associated with produced waters may be attributable to the geochemistry of the brines within the shale formations.¹¹⁹

As the use of hydraulic fracturing has increased, so has the volume of wastewater generated. Spills of produced water do occur and can result in large volumes or high concentrations of chemicals reaching groundwater sources.¹²⁰ The EPA has reported that spills generally occur at 1-10% of hydraulically fractured or active wells.¹²¹ In Florida, any spill of waste material relating to oil or gas wells must be immediately reported to the division and the appropriate

¹¹⁰ *Id.* at 8.

¹¹¹ DEP, *Aquifers*, <https://fldep.dep.state.fl.us/swapp/Aquifer.asp> (last visited Feb. 4, 2019).

¹¹² U.S. Geological Survey, *Conceptual Model of the Floridan*, <http://fl.water.usgs.gov/floridan/conceptual-model.html> (last visited Feb. 9, 2019).

¹¹³ *EPA Study*, at 6-71, available at <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990> (last visited Feb. 5, 2019).

¹¹⁴ *Id.* at 10-18.

¹¹⁵ Fla. Admin. Code R. 62C-26.004(5).

¹¹⁶ *EPA Study*, at ES-33, available at <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990> (last visited Feb. 5, 2019).

¹¹⁷ *Id.* at 9-1, 9-16; see FracFocus, *What Chemicals Are Used*, <https://fracfocus.org/chemical-use/what-chemicals-are-used> (last visited Feb. 4, 2019).

¹¹⁸ Avner Vengosh, Robert B. Jackson, Nathaniel Warner, Thomas Darrah, & Andrew Kondash, *A Critical Review of the Risks to Water Resources from Unconventional Shale Gas Development and Hydraulic Fracturing in the United States*, American Chemical Society, 48 Env. Sci. & Techol. 8334-8348, 8340 (2014).

¹¹⁹ *Id.*

¹²⁰ *EPA Study*, at ES-35, 10-3, available at <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990> (last visited Feb. 5, 2019).

¹²¹ *Id.* at 10-9.

federal agencies, and the owner or operator is responsible for the costs of cleanup or other damage incurred.¹²²

Water Supply

The amount of water used during the performance of a hydraulic fracturing treatment depends on factors such as the well depth, formation geology, and the composition of the fluids injected. In most cases, the large majority of the fracturing fluid is water, and each hydraulically fractured well can require thousands to millions of gallons of water.¹²³ While the total water use for hydraulic fracturing is relatively low compared to other industrial uses of water, wells that are good candidates for such techniques are usually located near the same water source and, as a result, the collective impact of water withdrawals can be significant.¹²⁴ Some states have implemented pilot projects evaluating the feasibility of reusing produced waters or other brackish or wastewaters.¹²⁵ The reuse of wastewater, however, is often limited by the amount of wastewater that is available.¹²⁶ The volume of produced water from a single well can be relatively small compared to the volume of water needed to fracture a well.¹²⁷

Wastewater Management and Disposal

The majority of produced water is disposed of using injection wells.¹²⁸ Injection wells are permitted under the Underground Injection Control (UIC) program.¹²⁹ The goal of the UIC program is the effective isolation of injected fluids from underground sources of drinking water.¹³⁰ Class II injection wells are designed for injecting fluids associated with the production of oil and natural gas, or fluids used to enhance hydrocarbon recovery. While the injection of fracturing fluids, unless the fluid contains diesel, is exempt from the UIC program, the wastewater from oil and gas operations is not exempt.¹³¹ There are currently 22 permitted Class II UIC wells used for disposal in Florida.¹³²

Another issue that is developing with the increase in the number of injection wells is the concern that the deep-well disposal of oil and gas production wastewater is responsible for seismic

¹²² Section 377.371, F.S.

¹²³ *EPA Study*, at 4-3, 4-11, available at <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990> (last visited Feb. 5, 2019).

¹²⁴ Avner Vengosh, Robert B. Jackson, Nathaniel Warner, Thomas Darrah, & Andrew Kondash, *A Critical Review of the Risks to Water Resources from Unconventional Shale Gas Development and Hydraulic Fracturing in the United States*, American Chemical Society, 48 Env. Sci. & Techol. 8334-8348, 8343 (2014); Hannah Wiseman, *Risk and Response in Fracturing Policy*, 84 UNV. OF COL. L. REV. 729-817, 776 (2009).

¹²⁵ Hannah Wiseman, *Risk and Response in Fracturing Policy*, 84 UNV. OF COL. L. REV. 729-817, 770 (2009).

¹²⁶ *EPA Study*, at 10-6, available at <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990> (last visited Feb. 5, 2019).

¹²⁷ *Id.*

¹²⁸ *Id.* at 8-3.

¹²⁹ EPA, *Underground Injection Control, General Information About Injection Wells*, <https://www.epa.gov/uic/general-information-about-injection-wells> (last visited Feb. 2, 2019).

¹³⁰ *Id.*

¹³¹ Watershed Council, *Regulations and Exemptions*, <https://www.watershedcouncil.org/hydraulic-fracturing---regulations-and-exemptions.html> (last visited Feb. 2, 2019).

¹³² Email from Kevin Cleary, Director of Legislative Affairs, DEP, RE: Class II Injection Wells in FL (Feb. 11, 2019).

activity in certain areas.¹³³ The Oklahoma Geological Survey determined that the primary suspected source of triggered seismicity is from the injection of produced water associated with oil and gas production in disposal wells.¹³⁴ The likelihood of potentially inducing seismic events differs between regions, based on factors such as geology and the wastewaters produced.¹³⁵

Additionally, in some states, the produced water is being sent to treatment facilities that are not equipped to treat wastewater from hydraulically fractured wells.¹³⁶ In June of 2016, the EPA, under the authority of the CWA, published final rules for the oil and gas extraction category.¹³⁷ The rules establish pretreatment standards that prevent the discharge of pollutants in wastewater from onshore, unconventional oil and gas facilities to publicly owned treatment works.¹³⁸ A voluntary remand for the final rule is currently in effect.¹³⁹

Air Quality

The key aerial emissions associated with unconventional oil and gas production include methane (the main component of natural gas and a potent greenhouse gas), volatile organic compounds (VOCs), nitrogen oxides, sulfur dioxide, particulate matter, and various hazardous air pollutants.¹⁴⁰ In 2012, the EPA issued the first federal air standards for hydraulically fractured natural gas wells.¹⁴¹ The New Source Performance Standards required reductions in VOC emissions from hydraulically fractured natural gas wells.¹⁴²

In May of 2016, the EPA issued three rules which together sought to curb emissions of methane, VOCs, toxins, and air pollutants, such as benzene, from new, reconstructed, and modified oil and

¹³³ See Peter Folger & Mary Tiemann, Cong. Research Serv., R 43836, *Human-Induced Earthquakes from Deep-Well Injection: A Brief Overview* (Sept. 30, 2016), available at <https://www.fas.org/sgp/crs/misc/R43836.pdf> (last visited Feb. 2, 2019).

¹³⁴ Oklahoma Geological Survey, *Statement on Oklahoma Seismicity*, 1 (Apr. 21, 2015), http://wichita.ogs.ou.edu/documents/OGS_Statement-Earthquakes-4-21-15.pdf (last visited Feb. 2, 2018).

¹³⁵ Tanya Gallegos, Brian Varela, Seth Haines, & Mark Engle, *Hydraulic Fracturing Water Use Variability in the United States and Potential Environmental Implications*, Water Resour. Res., 5839–5845, 5844 (2015), available at <https://agupubs.onlinelibrary.wiley.com/doi/epdf/10.1002/2015WR017278> (last visited Feb. 3, 2019).

¹³⁶ Hannah Wiseman, *Risk and Response in Fracturing Policy*, 84 UNV. OF COL. L. REV. 729-817, 768-769 (2009), available at http://lawreview.colorado.edu/wp-content/uploads/2013/11/11.-Wiseman_For-Printer_s.pdf (last visited Feb. 2, 2019).

¹³⁷ Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category, 81 Fed. Reg. 41845–41857 (June 3, 2016), available at <https://www.govinfo.gov/content/pkg/FR-2016-06-28/pdf/2016-14901.pdf> (last visited Feb. 5, 2019).

¹³⁸ EPA, *Unconventional Extraction in the Oil and Gas Industry*, <http://www2.epa.gov/eg/unconventional-extraction-oil-and-gas-industry> (last visited Feb. 2, 2019).

¹³⁹ Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category-Implementation Date Extension, 81, Fed. Reg. 88126–88127 (Dec. 7, 2016), available at <https://www.govinfo.gov/content/pkg/FR-2016-12-07/pdf/2016-29338.pdf> (last visited Feb. 11, 2019). The rule extended the compliance date to August 29, 2019, for existing sources that were lawfully discharging.

¹⁴⁰ Michael Ratner & Mary Tiemann, Cong. Research Serv., R 43148, *An Overview of Unconventional Oil and Natural Gas: Resources and Federal Actions*, 9 (Apr. 22, 2015); see Richard Lattanzio, R 42986, *Methane and Other Air Pollution Issues in Natural Gas Systems* (Nov. 5, 2018), available at <https://fas.org/sgp/crs/misc/R42986.pdf> (last visited Feb. 2, 2019).

¹⁴¹ Michael Ratner & Mary Tiemann, Cong. Research Serv., R 43148, *An Overview of Unconventional Oil and Natural Gas: Resources and Federal Actions*, 14 (Apr. 22, 2015).

¹⁴² EPA, *Controlling Air Pollution from the Oil and Natural Gas Industry*, <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry> (last visited Feb. 2, 2019).

gas sources.¹⁴³ The final rule on new and modified sources required compressor stations to monitor leaks, also known as “fugitive emissions,” and required owners or operators to find and repair such leaks, which can be a significant source of both methane and VOC pollution.¹⁴⁴ The rule phased in requirements for a process known as “green completion” to capture aerial emissions from hydraulically fractured wells.¹⁴⁵ The EPA expects that implementation of the rule will reduce air pollutants and toxins, as well as provide health benefits related to reductions in fine particle pollution and ozone toxics, along with improvements in visibility.¹⁴⁶ In October of 2018, the EPA proposed clarifications and amendments regarding details of the rule’s implementation.¹⁴⁷

III. Effect of Proposed Changes:

Section 1 amends s. 377.19, F.S., to create two new definitions relating to hydraulic fracturing, acid fracturing, and matrix acidization:

- “High-pressure well stimulation” is defined to mean “all stages of a well intervention performed by injecting fluids into a rock formation at a pressure that equals or exceeds the fracture gradient of the rock formation in order to fracture the formation to increase production or recovery from an oil or gas well, such as in hydraulic fracturing or acid fracturing”; and
- “Matrix acidization” is defined to mean “all stages of a well intervention performed by injecting fluids into a rock formation at a pressure below the fracture gradient of the rock formation in order to dissolve the formation and increase production or recovery from an oil or gas well. The term does not include techniques used for routine well cleanout work, routine well maintenance, routine treatment for the purpose of removal of formation damage due to drilling or production, or acidizing techniques used to maintain or restore the natural permeability of the formation near the wellbore.”

Section 2 creates s. 377.2405, F.S., regarding advanced well stimulation treatments. The bill prohibits the performance of high-pressure well stimulation and matrix acidization in the state.

¹⁴³ Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources, 81 Fed. Reg. 35824–35942 (June 3, 2016), available at <https://www.govinfo.gov/content/pkg/FR-2016-06-03/pdf/2016-11971.pdf> (last visited Feb. 4, 2019); Source Determination for Certain Emission Units in the Oil and Natural Gas Sector, 81 Fed. Reg. 35622–35634 (June 3, 2016), available at <https://www.govinfo.gov/content/pkg/FR-2016-06-03/pdf/2016-11968.pdf> (last visited Feb. 4, 2019); Federal Implementation Plan for True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Processing Segments of the Oil and Natural Gas Sector; Amendments to the Federal Minor New Source Review Program in Indian Country To Address Requirements for True Minor Sources in the Oil and Natural Gas Sector, 81 Fed. Reg. 35944–35981 (June 3, 2019), available at <https://www.govinfo.gov/content/pkg/FR-2016-06-03/pdf/2016-11969.pdf> (last visited Feb. 4, 2019).

¹⁴⁴ EPA, *EPA’s Actions to Reduce Methane Emissions from the Oil and Gas Industry: Final Rules and Draft Information Collection Request*, 2 (2016), available at <https://www.epa.gov/sites/production/files/2016-09/documents/nsps-overview-fs.pdf> (last visited Feb. 2, 2019).

¹⁴⁵ *Id.* at 3.

¹⁴⁶ *Id.* at 4.

¹⁴⁷ Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration, 83 Fed. Reg. 52056–52107 (Oct. 15, 2018), available at <https://www.govinfo.gov/content/pkg/FR-2018-10-15/pdf/2018-20961.pdf> (last visited Feb. 2, 2019); see EPA, *EPA Proposes Amendments to the 2016 New Source Performance Standards for the Oil and Natural Gas Industry: Fact Sheet* (2018), available at https://www.epa.gov/sites/production/files/2018-09/documents/oil_and_gas_technical_proposal_fact_sheet.9.11.18_0.pdf (last visited Feb. 7, 2019).

The prohibition states that a permit from the Department of Environmental Protection (DEP) allowing drilling or operating an oil or gas well does not authorize high-pressure well stimulation or matrix acidization.

The bill specifies that s. 377.2405, F.S., would only apply to wells regulated under Chapter 377, F.S., Energy Resources. The only types of wells regulated under Chapter 377, F.S. are oil and gas wells. Water wells, or any other types of wells besides oil or gas wells, would not be affected by the bill.

Section 3 provides that the bill takes effect upon becoming 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:

The bill bans certain techniques used to increase production or recovery from an oil or gas well. The fiscal impact of the ban on the private sector is indeterminate at this time.

C. Government Sector Impact:

DEP may incur additional costs related to amending Rules 62C-25 through 62C-30 of the Florida Administrative Code to implement the prohibition contained in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 377.19 of the Florida Statutes.

This bill creates section 377.2405 of the Florida Statutes.

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

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

CS by Environment and Natural Resources Committee on February 13, 2019:

- Removes the legislative findings.
- Removes a requirement for DEP to conduct a study on high-pressure well stimulation and matrix acidization in Florida, which listed detailed components that the study must include.
- Removes a requirement for DEP to submit a report on the results of the study.
- Removes the appropriation.

B. Amendments:

None.



305964

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2019	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 53 - 111

and insert:

(1) PROHIBITION.- The performance of high-pressure well stimulation or matrix acidization is prohibited in this state. A permit for drilling or operating a well does not authorize the performance of high-pressure well stimulation or matrix acidization.

(2) APPLICABILITY.- This section applies only to wells regulated pursuant to chapter 377.



305964

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

And the title is amended as follows:

Delete lines 6 - 19

and insert:

s. 377.2405, F.S.; prohibiting the performance of
high-pressure well stimulation or matrix acidization;
clarifying that permits for drilling or operating a
well do not authorize the performance of high-pressure
well stimulation or matrix acidization; providing
applicability; providing an effective date.

By Senator Montford

3-00567A-19

2019314__

A bill to be entitled
An act relating to advanced well stimulation
treatment; amending s. 377.19, F.S.; conforming a
cross-reference; defining the terms "high-pressure
well stimulation" and "matrix acidization"; creating
s. 377.2405, F.S.; providing legislative findings;
prohibiting the performance of high-pressure well
stimulation treatments or matrix acidization;
clarifying that permits for drilling or operating a
well do not authorize the performance of high-pressure
well stimulation treatments or matrix acidization;
requiring the Department of Environmental Protection
to conduct a study on high-pressure well stimulation
and matrix acidization; providing requirements for the
study; requiring a report to the Governor and the
Legislature by a specified date; requiring the
department to prominently post the report on its
website; providing applicability; providing an
appropriation; providing an effective date.

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

Section 1. Present subsections (6) through (10) and (11)
through (32) of section 377.19, Florida Statutes, are
redesignated as subsections (7) through (11) and (13) through
(34), respectively, subsection (5) of that section is amended,
and new subsections (6) and (12) are added to that section, to
read:

377.19 Definitions.—As used in ss. 377.06, 377.07, and

3-00567A-19

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377.10-377.40, the term:

(5) "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in subsection (17) ~~(15)~~.

(6) "High-pressure well stimulation" means all stages of a well intervention performed by injecting fluids into a rock formation at a pressure that equals or exceeds the fracture gradient of the rock formation in order to fracture the formation to increase production or recovery from an oil or gas well, such as in hydraulic fracturing or acid fracturing.

(12) "Matrix acidization" means all stages of a well intervention performed by injecting fluids into a rock formation at a pressure below the fracture gradient of the rock formation in order to dissolve the formation and increase production or recovery from an oil or gas well. The term does not include techniques used for routine well cleanout work, routine well maintenance, routine treatment for the purpose of removal of formation damage due to drilling or production, or acidizing techniques used to maintain or restore the natural permeability of the formation near the wellbore.

Section 2. Section 377.2405, Florida Statutes, is created to read:

377.2405 Advanced well stimulation treatments.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that the integrity of Florida's aquifer is crucial for water supply and for Florida's natural systems. As such, the Legislature finds that high-pressure well stimulation and matrix acidization must be prohibited in this state to protect the integrity of the aquifer.

3-00567A-19

2019314__

59 (2) PROHIBITION.—The performance of high-pressure well
60 stimulation or matrix acidization is prohibited in this state. A
61 permit for drilling or operating a well does not authorize the
62 performance of high-pressure well stimulation or matrix
63 acidization.

64 (3) STUDY.—The Department of Environmental Protection shall
65 conduct a study on high-pressure well stimulation and matrix
66 acidization. The study must:

67 (a) Evaluate the underlying geologic features present in
68 each county where the department has approved or denied permits
69 for oil or gas wells, including the potential impact that high-
70 pressure well stimulation and wellbore construction may have on
71 the underlying geologic features in such counties.

72 (b) Evaluate the potential hazards and risks that high-
73 pressure well stimulation poses to surface water or groundwater
74 resources. The evaluation must consider all of the following:

75 1. The potential impacts of high-pressure well stimulation
76 and matrix acidization on drinking water resources, including
77 the main factors affecting the severity and frequency of the
78 impacts.

79 2. The potential for the use or reuse of recycled water in
80 well stimulation fluids while meeting appropriate water quality
81 standards.

82 3. The toxicity of chemicals frequently used in these
83 processes and an assessment of the rate of failure of wells for
84 high-pressure well stimulation and matrix acidization on a
85 national level.

86 (c) Review and evaluate the potential for groundwater
87 contamination from conducting high-pressure well stimulation or

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2019314__

88 matrix acidization under or near wells that have been previously
89 plugged and abandoned.

90 (d) Identify a setback radius from previously plugged and
91 abandoned wells that could be impacted by high-pressure well
92 stimulation.

93 (e) Review and evaluate the ultimate disposition of high-
94 pressure well stimulation fluids after use in high-pressure well
95 stimulation processes.

96 (f) Review and evaluate any air or land pollution
97 associated with high-pressure well stimulation or matrix
98 acidization.

99 (4) REPORT.—The department shall submit a report on the
100 findings of the study required under subsection (3), and any
101 recommendations, to the Governor, the President of the Senate,
102 and the Speaker of the House of Representatives by June 30,
103 2021. The department shall prominently post the report on its
104 website.

105 (5) APPLICABILITY.—This section applies only to wells
106 regulated pursuant to chapter 377.

107 Section 3. For the 2019-2020 fiscal year, the sum of \$2
108 million in nonrecurring funds is appropriated from the General
109 Revenue Fund to the Department of Environmental Protection to
110 conduct a high-pressure well stimulation and matrix acidization
111 study pursuant to s. 377.2405, Florida Statutes.

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

Original

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



EDWIN P. ROBERTS, DC
Pensacola

RODNEY BARRETO
Miami

SANDRA T. KAUPÉ
Palm Beach

H.A. "HERKY" HUFFMAN
Enterprise

DAVID K. MEEHAN
St. Petersburg

JOHN D. ROOD
Jacksonville

RICHARD A. CORBETT
Tampa

KENNETH D. HADDAD, Executive Director
VICTOR J. HELLER, Assistant Executive Director

MEMORANDUM

*Original in
Safety Deposit Box.*
OFFICE OF THE EXECUTIVE DIRECTOR
(850)487-3796 TDD (850)488-9542
April 3, 2003

To: Commission Members

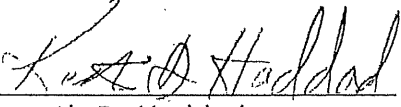
From: Kenneth D. Haddad, Executive Director

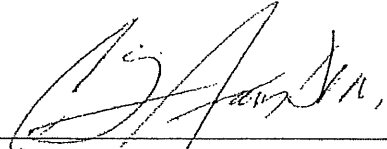
Subject: Wildlife Foundation of Florida, Inc.

On July 19, 1991 and again on July 22, 1994 the members of the former Game and Fresh Water Fish Commission (GFC) authorized GFC staff to proceed with establishment of the Wildlife Foundation of Florida (WFF). The WFF functions for the benefit of the Commission and its programs and goals and the best interests of the state.

Florida Statute 372.0215(1)(d), Citizen support organizations, requires that the WFF must be "...approved in writing by the commission to operate for the benefit of the commission and that such approval must be stated in a letter of agreement from the executive director of the commission." (Copy attached.)

To this end, please accept this memorandum as a letter of agreement between the Florida Fish and Wildlife Conservation Commission and Wildlife Foundation of Florida, Inc.


Kenneth D. Haddad
Executive Director
Fish and Wildlife Conservation Commission


C. Tom Rainey, DVM
President
Wildlife Foundation of Florida

KDH/tm
Attachment
cc: WFF Board of Directors
comm/wffletterofagreement

Anderson, Crystal

From: Fitzwater, Jennifer <Jennifer.Fitzwater@MyFWC.com>
Sent: Tuesday, January 22, 2019 12:26 PM
To: Rogers, Ellen; Crawford, Jessica; Watson, Lance
Cc: Anderson, Crystal
Subject: RE: CSOs

Good afternoon, Ellen – Yes, we are working on this overarching agreement. In fact, the documents that you provided (thank you, by the way!) are serving as the model for what we are working on. We hope to have these finalized in the next several months. Let me know if you have any further questions.

Jennifer

From: Rogers, Ellen <ROGERS.ELLEN@flsenate.gov>
Sent: Tuesday, January 22, 2019 11:52 AM
To: Fitzwater, Jennifer <Jennifer.Fitzwater@MyFWC.com>; Crawford, Jessica <Jessica.Crawford@MyFWC.com>; Watson, Lance <Lance.Watson@MyFWC.com>
Cc: Anderson, Crystal <Anderson.Crystal@flsenate.gov>
Subject: CSOs

CAUTION: This email originated from outside of FWC. Whether you know the sender or not, do not click links or open attachments you were not expecting.

Jennifer,

Is FWC definitely going to enter into overarching agreements with both of its CSOs? We have had conversations that have indicated they would be developed and suggestions by the Foundation that they would like to, but we don't have anything concrete. At this time, our recommendations assume that FWC is working on such contracts. Is that the case? If so, when would they be finalized?

Ellen Wolfgang Rogers

Staff Director
Committee on Environment and Natural Resources
Florida Senate
850-487-5372

Anderson, Crystal

From: Rogers, Ellen
Sent: Sunday, December 30, 2018 8:52 AM
To: Anderson, Crystal
Subject: Fwd: draft response to Ellen Rogers; Fish and Wildlife Foundation of Florida
Attachments: PastedGraphic-2.tiff

Look good to you?

Sent from my iPhone

Begin forwarded message:

From: Andrew Walker <awalker@wildlife-florida.org>
Date: December 28, 2018 at 8:16:03 PM EST
To: "Rogers, Ellen" <ROGERS.ELLEN@flsenate.gov>
Subject: Fwd: draft response to Ellen Rogers; Fish and Wildlife Foundation of Florida

Ellen,

Hi! We're getting ready to update the Fish & Wildlife Foundation agreements with FWC to satisfy the "orderly cessation" requirement of section 20.058(4), F.S., and I wanted to see if the following clause, added to the agreements, contains what you believe it should. Please let me know if you'd like us to revise this in any way. Thanks so much; have a very good weekend~

Andy

If the statutory authority for the Fish and Wildlife Foundation of Florida (FWFF) is repealed, or if a contract between the FWFF and the Florida Fish and Wildlife Conservation Commission (FWC) in which state funds are held by the FWFF, or if the FWFF is dissolved, any state funds held in trust by FWFF for the benefit of FWC or the State of Florida, shall revert to the FWC or to the State of Florida consistent with Florida law.

Andrew Walker
President & CEO
Fish and Wildlife Foundation of Florida
100 Eighth Avenue SE
St. Petersburg FL 33701
941 809-7805



Taking or possession of alligators without a license is illegal

Report. Protect. Conserve.

If you suspect a fish, wildlife, boating, or environmental law violation, there are multiple ways to report to Wildlife Alert.

- Call 888-404-FWCC (3922)
- Cell phone users can also reach us at *FWC or #FWC depending on your service provider.
- Text Tip@MyFWC.com to send text messages directly to a monitored email address. (standard usage fees may apply)
- Report violations online at: **public.myfwc.com/LE/WildlifeAlert/**
- If you save the above link to the home page of your smart phone, it will be saved as an App.



Maintaining a waste-tire site without proper permits creates a public health hazard

Get Involved Sponsorship

Wildlife Alert hosts fundraising events, conducts outreach, and sponsors events. If you would like Wildlife Alert to sponsor or attend an event, please see our contact information below.

Donations

If you feel passionately about our program and mission, please consider making a tax-deductible donation!

Wildlife Alert Reward Association
620 South Meridian Street
Tallahassee, Florida 32399

Contact us

Phone: 850-617-9595

Email: WildlifeAlert@myFWC.com

Web: myfwc.com/contact/wildlife-alert/

Facebook: facebook.com/WildlifeAlert



Wildlife Alert Reward Association

620 South Meridian Street
Tallahassee, Florida 32399



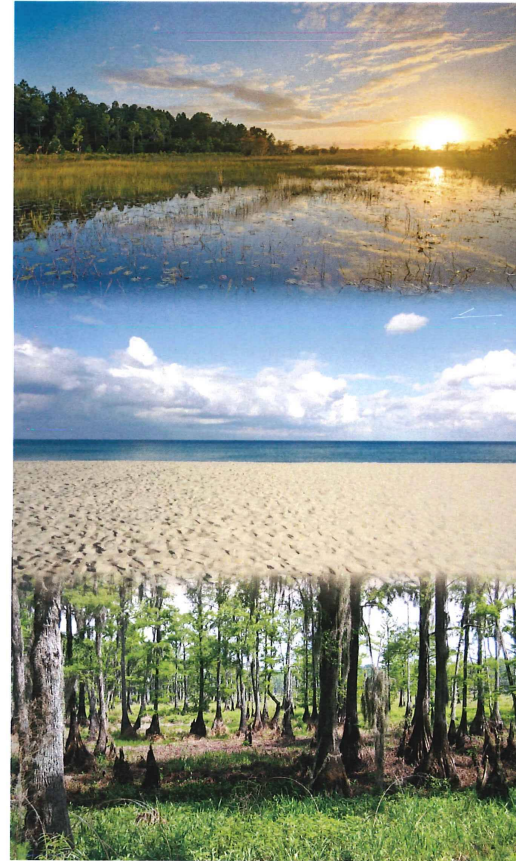
Printed on recycled paper

9/2018



Wildlife Alert

Protect Natural Florida



Offering monetary incentives in exchange for reporting fish, wildlife, boating or environmental violations



About Wildlife Alert: Non-profit, 501 (c)(3)

The Wildlife Alert Reward Association is a non-profit, 501 (c)(3) that was created in 1979. The Wildlife Alert Reward Association has a board of appointed members that help promote and oversee the program. Members of the board represent State and federal agencies including the Florida Wildlife Federation, the Florida Audubon Society, the Florida Disabled Outdoors Association, and more.

Our goal is to provide incentives for concerned citizens who report violations they see occurring within Florida's natural resources.



Reporting a Violation:

Reporters may remain anonymous. FWC Dispatchers will ask for important information such as the physical description of violators and vehicles, license tag numbers and locations.

Wildlife Alert pays rewards to callers who report violations that lead to an arrest! See our reward categories below.

Level I Violations

\$100.00 Reward

Example: Hunting/Fishing/Trapping without a license

Level II Violations

\$300.00 Reward

Example: Rules establishing bag possession, size limits, or restriction methods for taking wildlife, freshwater or saltwater fish

Level III Violations

\$500.00 Reward

Example: Illegal taking and possession of deer or wild turkey

Level IV Violations

\$600.00 Reward

Example: Taking/killing an endangered/threatened species



Working Together

Wildlife Alert partners with the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement. The Division of Law Enforcement aims to protect Florida's natural resources and people through proactive and responsive law enforcement services.



Wildlife Alert and FWC DLE

FWC officers are responsible for uniformed patrol and investigative law enforcement services on more than 3 million acres of fresh water lakes, 11,000 miles of rivers, streams and creeks, 8,400 miles of coastline, 13,200 square miles of offshore waters, and more than 34 million acres of land.

Wildlife Alert has at least one member in each of the FWC's six geographic regions.

Anderson, Crystal

From: Crawford, Jessica <Jessica.Crawford@MyFWC.com>
Sent: Friday, November 16, 2018 1:32 PM
To: Anderson, Crystal
Cc: Rogers, Ellen
Subject: RE: Wildlife Alert

Hi Crystal,

It was very nice to meet you as well and happy Friday! You are correct that Wildlife Alert (WA) members promote the program and raise private, tax-deductible charitable donations. However, the majority of WA's funding comes from donations assessed to violators by a judge. I know we discussed this briefly on Wednesday, but just to clarify, there is no correlation between fines and the monies delivered to WA per court order. Fines are stipulated in s. 775.083, F.S., and are standalone based on the level of violation. This is no different than any other criminal (or civil) charge. Upon final disposition, judges have included additional requirements of the defendant such as community service, restitution, and certain prohibitions, etc. The WA court ordered donations fall under the latter. For example: a defendant is charged and convicted of a 2nd degree misdemeanor and sentenced to one year in jail and a \$500 fine in accordance with s. 775.082 & .083, F.S. Additionally the judge mandates \$XXX be donated to WA and a one year suspension of hunting privileges. None of the \$500 is included in the WA donation. The two are completely separate from each other.

If you need more information or have additional questions, please let me know. Working on the other questions and will get those to you both as soon as possible.

Thanks and have a great weekend!

Jessica

From: Anderson, Crystal <Anderson.Crystal@flsenate.gov>
Sent: Thursday, November 15, 2018 3:23 PM
To: Crawford, Jessica <Jessica.Crawford@MyFWC.com>
Cc: Rogers, Ellen <ROGERS.ELLEN@flsenate.gov>
Subject: Wildlife Alert

Jessica,

It was nice meeting you yesterday. I have a question to add to those Ellen previously emailed regarding Wildlife Alert. My understanding of the way Wildlife Alert is able to offer rewards to members of the public is through funds from two sources. First, when a violator is arrested and convicted in court, a judge can require a portion of the fine be paid to the Wildlife Alert Reward Fund. Second, Wildlife Alert members promote the program and raise private, tax-deductible charitable donations to supplement funds received through fines collected. Could you please confirm whether this is correct?

Crystal D. Anderson

Senior Attorney
Committee on Environmental Preservation and Conservation
Florida Senate
850-487-5372



September 25, 2014

**Florida Fish
and Wildlife
Conservation
Commission**

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Chairman
Tampa

Brian Yablonski
Vice Chairman
Tallahassee

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Tallahassee

Executive Staff

Nick Wiley
Executive Director

Eric Sutton
Assistant Executive Director

Jennifer Fitzwater
Chief of Staff

Office of the
Executive Director
Nick Wiley
Executive Director

(850) 487-3796
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resources for their long-term
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32399-1600
Voice: (850) 488-4676

Hearing/speech-impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

LETTER OF AGREEMENT

To: Jenny Brock, Chairman Wildlife Alert Reward Association, Inc.

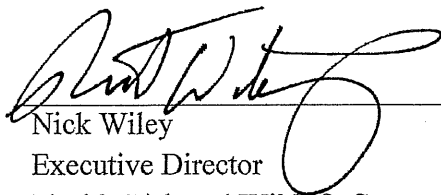
From: Nick Wiley, Executive Director

Subject: Wildlife Alert Reward Association, Inc.

Wildlife Alert is a non-profit, reward-based program created in 1979 which offers rewards in exchange for information leading to the arrest of poachers or others who violate the state's fish, wildlife, environmental, and boating laws.

Section 379.223, Florida Statutes as it relates to Florida Fish and Wildlife Conservation Commission citizen support organizations, requires that the Wildlife Alert Reward Association, Inc. be "approved in writing by the commission to operate for the benefit of the commission and that such approval must be stated in a letter of agreement from the executive director of the commission."

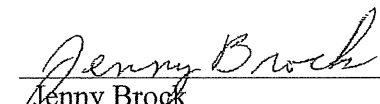
To this end, please accept this memorandum as a letter of agreement between the Florida Fish and Wildlife Conservation Commission and the Wildlife Alert Reward Association, Inc., allowing Wildlife Alert Reward Association, Inc. to continue its non-profit, reward-based program as an authorized FWC citizen support organization.



Nick Wiley
Executive Director
Florida Fish and Wildlife Conservation
Commission

JB/CB/sb

cc: Wildlife Alert Board of Directors



Jenny Brock
Chairman
Wildlife Alert Reward Association, Inc.
(WA)

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: SPB 7022

INTRODUCER: Committee on Environment and Natural Resources

SUBJECT: Fish and Wildlife Conservation Commission Citizen Support Organizations

DATE: February 13, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Anderson	Rogers		EN Submitted as Comm. Bill/Fav

I. Summary:

SPB 7022 deletes the scheduled repeal of provisions governing citizen support organizations established under the Fish and Wildlife Conservation Commission, allowing the existing citizen support organizations to continue operating and providing benefits to the commission.

The bill authorizes courts to order a person convicted of a violation of commission rules or orders to pay an assessment to Wildlife Alert Reward Association, Inc., allowing courts to continue an existing practice that provides a significant portion of Wildlife Alert Reward Association, Inc.'s funding. The bill authorizes Wildlife Alert Reward Association, Inc., to pay rewards from assessments collected by court order to persons who provide information leading to the arrest of a person for a violation of FWC rules or orders.

II. Present Situation:

Citizen Support Organizations and Direct-Support Organizations

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily authorized or created private entities that are generally required to be non-profit corporations, and are authorized to carry out specific tasks in support of public entities or public causes.¹ The functions and purpose of a CSO or DSO are prescribed by its enacting statute and, for most organizations, by a written contract with the agency the CSO or DSO was created to support.

Section 379.223, F.S., authorizes the Fish and Wildlife Conservation Commission (FWC) to establish CSOs to provide assistance, funding, and promotional support for FWC programs.

¹ See ss. 258.015(1) and 257.43(1), F.S. Specific CSOs and DSOs are granted the authority to operate and conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer funds and property; and make expenditures.

CSO and DSO Transparency and Reporting Requirements

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs that are created or authorized pursuant to law or executive order and created, approved, or administered by a state agency.² Specifically, the law requires each CSO and DSO to annually submit, by August 1, the following information related to its organization, mission, and finances to the agency it supports:³

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent federal Internal Revenue Service (IRS) Return of Organization Exempt From Income Tax form (Form 990).⁴

Each agency receiving the above information must make the information available to the public through the agency's website.⁵ If the CSO or DSO maintains a website, the agency's website must provide a link to the website of the CSO or DSO.⁶ Additionally, any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting and posting the information.⁷ If a CSO or DSO fails to submit the required information for two consecutive years, the agency must terminate the contract with the CSO or DSO.⁸ The contract must also include a provision "for the orderly cessation of operations and reversion to the state of state funds held in trust by the organization within 30 days after its authorizing statute is repealed, the contract is terminated, or the organization is dissolved."⁹

By August 15 of each year, the agency must report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information provided by the CSO or DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each CSO or DSO.¹⁰

Lastly, a law creating or authorizing the creation of a CSO or DSO must state that the creation or authorization for the CSO or DSO is repealed on October 1 of the fifth year after enactment, unless reviewed and saved from repeal by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.¹¹

² Chapter 2014-96, Laws of Fla.

³ Section 20.058(1), F.S.

⁴ The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. s. 501.

⁵ Section 20.058(2), F.S.

⁶ *Id.*

⁷ Section 20.058(4), F.S.

⁸ *Id.*

⁹ *Id.*

¹⁰ Section 20.058(3), F.S.

¹¹ Section 20.058(5), F.S.

CSO and DSO Audit Requirements

Section 215.981, F.S., requires each CSO and DSO created or authorized pursuant to law with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records.¹² The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created, approved, or administers the CSO or DSO. The Auditor General has adopted the Government Auditing Standards as the standards for audits of nonprofit and for-profit organizations.¹³ The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports.

Additionally, the Auditor General may conduct audits or other engagements of the accounts and records of the CSO or DSO, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee.¹⁴ The Auditor General is authorized to require and receive any records from the CSO or DSO, or its independent auditor.¹⁵

CSO and DSO Ethics Code Requirement

Section 112.3251, F.S., requires a CSO or DSO created or authorized pursuant to law to adopt its own ethics code. The ethics code must contain the statutory standards of conduct and disclosures.¹⁶ A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must conspicuously post its code of ethics on its website.¹⁷

Fish and Wildlife Conservation Commission

FWC is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.¹⁸ FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate to five-year terms.¹⁹ Under Article IV, Section 9 of the Florida Constitution, FWC is granted the authority to exercise the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life. The Legislature may enact laws that aid FWC in its exercise of regulatory functions and executive powers in the areas of planning, budgeting, personnel management, and purchasing.²⁰

Fish and Wildlife Conservation Commission CSOs

FWC is authorized to establish CSOs to provide assistance, funding, and promotional support for commission programs.²¹ The CSOs are organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; and make

¹² The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

¹³ Rule 10.651(4), Rules of the Auditor General.

¹⁴ Section 11.45(3)(d), F.S.

¹⁵ *Id.*

¹⁶ Sections 112.313 and 112.3143(2), F.S.

¹⁷ Section 112.3251, F.S.

¹⁸ FLA. CONST. art. IV, s. 9.

¹⁹ *Id.*; see also section 379.102(1), F.S.

²⁰ FLA. CONST. art. IV, s. 9.

²¹ Section 379.223, F.S.

expenditures for the benefit of FWC. However, CSOs may not receive funds from FWC or the Fish and Wildlife Research Institute by grant or gift unless specifically authorized by the Legislature.²² FWC may permit its CSOs to use FWC property, facilities, and personnel free of charge, as long as such use does not unreasonably interfere with normal FWC operations.²³

FWC holds agreements with two CSOs: Fish & Wildlife Foundation of Florida, Inc. and Wildlife Alert Reward Association, Inc. The statute that authorizes the CSOs for FWC is repealed October 1, 2019, unless reviewed and saved from repeal beforehand by the Legislature.²⁴

Fish & Wildlife Foundation of Florida, Inc.

Fish & Wildlife Foundation of Florida, Inc. (the Foundation) was formed in 1994 to support the health and well-being of Florida's fish and wildlife resources and their habitats. According to its website, the Foundation has raised and donated more than \$30 million in grant funds for conservation and outdoor recreation since its founding in 1994.²⁵ The Foundation focuses its projects on providing outdoor education and recreational opportunities for youth, wildlife conservation, reefs, and hunting and shooting sports.²⁶

The Foundation is involved with several programs related to conservation, including launching a rare plant conservation endowment, funding captive breeding of wildlife species, providing funds for communities and homeowners to purchase bear-proof garbage cans to reduce bear-human interactions, helping expand panther rehabilitation facilities and identifying ways of reducing panther-car collisions, and underwriting research on freshwater springs restoration and management.²⁷

As stated on its website, the Foundation is the largest private funder of youth outdoor education and works with the Florida Youth Conservation Centers Network to provide outdoor experiences to more than 200,000 children and teens annually through summer camp scholarships, school field trip funds, outdoor gear, and educational materials.²⁸ The Foundation recently completed funding for a wheelchair-accessible boardwalk and fishing pier at the Suncoast Youth Conservation Center. The Foundation is working with FWC to fund renovation of the historic Everglades Youth Conservation Camp, which has hosted more than 25,000 children and teens since the early 1960s.²⁹

²² Section 379.223(1)(b), F.S.

²³ Section 379.223(2)(a), F.S.

²⁴ Section 379.223(4), F.S.

²⁵ Fish and Wildlife Foundation of Florida, Inc., *About Us*, <https://wildlifeflorida.org/our-mission/> (last visited Feb. 6, 2019).

²⁶ Fish and Wildlife Foundation of Florida, Inc., *Presentation on Citizen Support Organizations to the Florida Senate Committee on Environment and Natural Resources* (Jan. 22, 2019), available at http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket_4355.22.19.pdf (last visited Feb. 6, 2019) [hereinafter *Foundation Presentation*].

²⁷ Fish and Wildlife Foundation of Florida, Inc., *Conserving Wildlife*, <https://wildlifeflorida.org/wildlife/> (last visited Feb. 6, 2019).

²⁸ Fish and Wildlife Foundation of Florida, Inc., *Getting Kids Back to Nature*, <https://wildlifeflorida.org/youth-programs/> (last visited Feb. 6, 2019).

²⁹ *Foundation Presentation*, (Jan. 22, 2019), available at http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket_4355.22.19.pdf (last visited Feb. 6, 2019).

The Foundation successfully manages its initiatives with support from various sources. The Foundation raises funds for its conservation projects through the sale of Florida's conservation license plates.³⁰ The Foundation also generates funds through one-on-one major gift fundraising, direct mail and electronic solicitations, and an annual dinner and auction.³¹

Senate Professional Staff Review of FWC and the Foundation

The statutory authority for FWC's CSOs is scheduled to repeal on October 1, 2019, unless reviewed and saved from repeal by the Legislature.³² Professional staff of the Senate Committee on Environment and Natural Resources reviewed the Foundation to verify its compliance with applicable Florida Statutes. After reviewing the submitted documents and other requirements to which the Foundation is subject, staff found that the Foundation is an active CSO that supports Florida's fish and wildlife and provides educational opportunities to youth. Staff concluded that it appears the Foundation is in substantial compliance with its enabling legislation, s. 379.223, F.S., as well as the CSO requirements in s. 20.058, F.S.

The Foundation and FWC have a letter of agreement and memorandum of understanding which serve as a written approval of the CSO by the commission.³³ However, the authorization lacks specific parameters. The agreements do not provide guidance on the general operation or management of funds. Statutory provisions require that any contract between an agency and a CSO contain a provision stating that if the statutory authorization is repealed, the contract is terminated, or the organization is dissolved, the CSO must cease operations and return funds to the state within 30 days.³⁴ The written authorization does not provide guidance on the CSO's use of state property or the provision of equal membership as required by statute. There is no guidance on the use of funds for proper purposes. However, FWC has indicated that it is drafting an agreement with the Foundation that includes the statutorily required provisions.³⁵ The Foundation has committed to revising its existing contracts to include the statutorily required provisions.³⁶

The Foundation has substantially complied with specific statutory requirements and has posted its organization documents, IRS forms, and annual audit on its website.³⁷ The Foundation has complied with statutory ethics requirements and has posted its code of ethics on its website.³⁸ Each CSO with annual expenditures in excess of \$100,000 must provide for an annual financial

³⁰ Fish and Wildlife Foundation of Florida, Inc., *Buy A Plate*, <https://wildlifeflorida.org/buy-a-plate/> (last visited Feb. 6, 2019).

³¹ *Foundation Presentation*, (Jan. 22, 2019), available at http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket_4355.22.19.pdf (last visited Feb. 6, 2019).

³² Section 379.223, F.S.

³³ Letter of Agreement between FWC and Wildlife Foundation of Florida (Apr. 3, 2003) (on file with Senate Committee on Environment and Natural Resources).

³⁴ Section 20.058, F.S.

³⁵ Email from Jennifer Fitzwater, Chief of Staff, FWC, to Senate Committee on Environment and Natural Resources professional staff (Jan. 22, 2019) (on file with the Senate Committee on Environment and Natural Resources).

³⁶ Email from Andrew Walker, President and CEO, Foundation, to Senate Committee on Environment and Natural Resources professional staff (Dec. 28, 2018) (on file with the Senate Committee on Environment and Natural Resources).

³⁷ Fish and Wildlife Foundation of Florida, Inc., *Organizational Documents*, <https://wildlifeflorida.org/organizational-documents/> (last visited Feb. 6, 2019).

³⁸ *Id.*

audit of its accounts and records pursuant to statutory requirements. The Foundation's annual expenses for 2017 totaled \$4,686,730, an amount that exceeds the annual audit requirement.³⁹ The Foundation conducts annual audits and the operating expenses described in the audit are presented in the chart below.⁴⁰

FISH & WILDLIFE FOUNDATION OF FLORIDA, INC. STATEMENTS OF OPERATING EXPENSES FOR THE YEAR ENDED JUNE 30, 2017 WITH COMPARATIVE TOTALS FOR THE YEAR ENDED JUNE 30, 2016					
	Program	Administrative and Office	Fundraising	2017 Total	2016 Total
Expenses					
Accounting and Legal Expense	\$ 6,165	\$ 30,288	\$ -	\$ 36,452	\$ 33,022
Advertising Expenses	41,777	7,889	-	49,667	162,734
Business Registration Fees	-	488	-	488	1,551
Cash Awards and Grants	4,034,075	-	-	4,034,075	7,581,507
Employee Benefits	34,190	41,787	-	75,977	37,080
Fundraising	-	-	11,889	11,889	121,818
Fundraising - Donated	-	-	-	-	16,285
Insurance	-	8,223	-	8,223	5,715
Investment Account Charges	97,779	1,424	-	99,204	92,767
Meeting Expense	18,549	4,722	-	23,270	16,601
Merchant Account Fees	29,085	1,341	-	30,426	12,672
Miscellaneous Expenses	5,666	45,911	-	51,576	4,267
Occupancy	300	1,078	-	1,378	459
Occupancy - Donated	10,583	12,935	-	23,518	16,001
Outside Contract Services	73,479	975	-	74,454	83,704
Outside Contract Services- Donated	-	82,544	-	82,544	21,797
Payments in Accordance with Trust & Fund Agreements	105,089	-	-	105,089	295,693
Payroll Taxes	16,136	19,722	-	35,857	22,684
Payroll Taxes - Donated	-	-	-	-	803
Postage	-	1,540	-	1,540	488
Printing and Copying	-	2,201	-	2,201	432
Salaries and Wages	193,463	236,455	-	429,919	296,519
Salaries and Wages - Donated	-	-	-	-	10,500
Supplies	-	3,813	-	3,813	1,088
Telephone and Telecommunications	1,466	700	-	2,166	2,595
Transfer of Assets Held for Others	(6,042)	-	-	(6,042)	(6,773)
Travel	11,776	13,512	-	25,288	24,648
Web Site Fees	12,212	2,844	-	15,056	21,240
Total Expenses Before Depreciation	4,685,747	520,390	11,889	5,218,026	8,877,897
Depreciation Expense	983	-	-	983	525
TOTAL EXPENSES	\$ 4,686,730	\$ 520,390	\$ 11,889	\$ 5,219,009	\$ 8,878,422

Staff finds that while the Foundation has substantially complied with many of its statutory requirements, the lack of contractual guidance on the operations and management of the Foundation funds should be addressed. FWC and the Foundation have indicated that they are drafting an agreement with more detailed guidance that includes the statutorily required provisions and will amend existing contracts to resolve the contractual deficiencies. Staff recommends repealing the sunset date for future legislative review of FWC CSOs to allow for the organizations' continued operation.

³⁹ Fish and Wildlife Foundation of Florida, Inc., *Financial Statements and Supplementary Information*, June 30, 2017 and 2016, available at <https://wildlifeflorida.org/wp-content/uploads/2018/05/Audited-Financial-Statements-2017-1.pdf> (last visited Feb. 6, 2019).

⁴⁰ *Id.* at 8.

Wildlife Alert Reward Association, Inc.

The Wildlife Alert Reward Association, Inc. (Wildlife Alert) is a non-profit program created in 1979 which offers rewards to members of the public in exchange for information leading to the arrest of poachers or other violators of the state's fish, wildlife, environmental, and boating laws.⁴¹ Wildlife Alert's goal is to provide incentives for concerned citizens to report witnessed violations.⁴² The reward categories range from \$100 to \$600 for reporting violations such as illegal hunting, taking saltwater game fish out of season, taking protected wildlife species, boating under the influence, and illegal tire dumping.⁴³

Most of Wildlife Alert's funding comes from judges requiring violators to make donations to Wildlife Alert in addition to any penalty assessed for a violation of the law.⁴⁴ When a violator is arrested and convicted in court, judges often order that a donation be made to the Wildlife Alert Reward Fund separate from any fines ordered.⁴⁵ Funds from such donations are used to pay rewards for reporting violations and for promotion of the Wildlife Alert program. In 2017, Wildlife Alert paid a total of \$16,700 for 64 rewards and collected \$77,579.88 in fines.⁴⁶

Senate Professional Staff Review of FWC and Wildlife Alert

The statutory authority for FWC CSOs is scheduled to repeal on October 1, 2019, unless reviewed and saved from repeal by the Legislature.⁴⁷ Professional staff of the Senate Committee on Environment and Natural Resources reviewed Wildlife Alert to verify its compliance with applicable Florida Statutes. After reviewing the submitted documents and other requirements to which Wildlife Alert is subject, staff found that Wildlife Alert is an active CSO that supports Florida's fish and wildlife species and provides rewards to incentivize members of the public to report violators. Staff concluded that it appears Wildlife Alert is in compliance with its enabling legislation, s. 379.223, F.S., as well as the general CSO requirements in s. 20.058, F.S.

Staff identified a few deficiencies where FWC and Wildlife Alert are not in full compliance with the applicable Florida Statutes. Wildlife Alert and FWC have a letter of agreement and memorandum of understanding which serve as a written approval of the CSO by the commission.⁴⁸ However, the authorization lacks specific parameters. The agreement does not provide guidance on the general operation or management of funds. The statutory provisions require that any contract between an agency and a CSO contain a provision stating that if the statutory authorization is repealed, the contract is terminated, or the organization is dissolved, the

⁴¹ Florida Fish and Wildlife Conservation Commission, *Wildlife Alert brochure* (Sept. 2018) (on file with the Senate Committee on Environment and Natural Resources).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Email from Jessica Crawford, Legislative Affairs Director, Fish and Wildlife Conservation Commission, to Senate Committee on Environment and Natural Resources professional staff (Nov. 16, 2018) (on file with the Senate Committee on Environment and Natural Resources).

⁴⁵ *Id.*

⁴⁶ FWC, *Citizen Support Organization Direct-Support Organization 2018 Annual Report* (Aug. 15, 2018), available at <https://myfwc.com/media/19043/cso-annualreport2017-18.pdf> (last visited Feb. 11, 2019).

⁴⁷ Section 379.223(1), F.S.

⁴⁸ Letter of Agreement between FWC and Wildlife Alert Reward Association, Inc. (Sept. 25, 2014) (on file with Senate Committee on Environment and Natural Resources).

CSO must cease operations and return funds to the state within 30 days.⁴⁹ The written authorization does not provide guidance on the CSO's use of state property or the provision of equal membership as required by statute. There is no guidance on the use of funds for proper purposes. However, FWC has indicated that it is drafting an agreement with Wildlife Alert that includes the statutorily required provisions.⁵⁰

Wildlife Alert has substantially complied with specific statutory requirements. Wildlife Alert has an ethics code pursuant to statutory requirements, which is posted on FWC's website in the CSO annual report.⁵¹ Wildlife Alert did not submit an annual audit because its annual expenditures were below the statutory threshold limits.⁵²

Although most of Wildlife Alert's funding comes from judges requiring violators to make donations to Wildlife Alert, this practice is not supported by case law, which indicates that courts must have statutory authority to order a defendant to make a charitable contribution.⁵³ Staff recommends that this practice be clearly authorized in statute to continue providing funding to the CSO.

Staff finds that while Wildlife Alert has substantially complied with many of its statutory requirements, the lack of contractual guidance on the operations and management of Wildlife Alert funds should be addressed. FWC and Wildlife Alert have indicated that they are drafting an agreement that includes the statutorily required provisions, which would resolve the contractual deficiencies. Staff recommends repealing the sunset date for future legislative review of FWC CSOs to allow for the organizations' continued operation.

III. Effect of Proposed Changes:

SPB 7022 deletes the scheduled repeal of provisions governing citizen support organizations established under the Fish and Wildlife Conservation Commission (FWC), allowing the organizations to continue operating.

The bill provides statutory authorization to courts to continue an existing practice of ordering a person convicted of a violation of FWC rules or orders to pay an assessment to Wildlife Alert Association, Inc. The bill authorizes Wildlife Alert to pay a reward from the assessments collected by court order to persons who provide information leading to an arrest of a person for a violation of FWC rules or orders.

The effective date of the bill is July 1, 2019.

⁴⁹ Section 20.058, F.S.

⁵⁰ Email from Jennifer Fitzwater, Chief of Staff, FWC, to Senate Committee on Environment and Natural Resources professional staff (Jan. 22, 2019) (on file with the Senate Committee on Environment and Natural Resources).

⁵¹ FWC, *Citizen Support Organization Direct-Support Organization 2018 Annual Report* (Aug. 15, 2018), available at <https://myfwc.com/media/3887/csoannualreport.pdf> (last visited Feb. 6, 2019).

⁵² Section 215.981, F.S.

⁵³ See *Bell v. State*, 216 So. 3d 751 (Fla. 5th DCA 2017); see also *Antosh v. State*, 510 So. 2d 1158 (Fla. 3d DCA 1987); see also *Cumberland v. State*, 225 So. 3d 952 (Fla. 5th DCA 2017).

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:

By saving the statute governing FWC's CSOs from repeal, the bill sustains a source of funding, promotional support, and other assistance that benefits Florida citizens, youth, and various wildlife species.

C. Government Sector Impact:

By saving the statute governing FWC's CSOs from repeal, the bill allows the Foundation to continue benefitting FWC and providing valuable research and support to assist FWC in meeting its goals. It allows Wildlife Alert to continue to benefit FWC by incentivizing members of the public to provide information leading to the arrest of poachers or other violators of fish and wildlife laws.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 379.223 of the Florida Statutes.

This bill creates section 379.2231 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.

FOR CONSIDERATION By the Committee on Environment and Natural Resources

592-02106A-19

20197022pb

A bill to be entitled
An act relating to the Fish and Wildlife Conservation Commission citizen support organizations; amending s. 379.223, F.S.; abrogating the scheduled repeal of provisions governing citizen support organizations established under the Fish and Wildlife Conservation Commission; creating s. 379.2231, F.S.; defining the terms "convicted" and "conviction"; authorizing a court to order persons convicted of certain violations to pay an additional assessment; authorizing a specified citizen support organization to post certain rewards; providing an effective date.

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

Section 1. Subsection (4) of section 379.223, Florida Statutes, is amended to read:

379.223 Citizen support organizations; use of state property; audit.—

~~(4) This section is repealed October 1, 2019, unless reviewed and saved from repeal by the Legislature.~~

Section 2. Section 379.2231, Florida Statutes, is created to read:

379.2231 Additional assessment; Wildlife Alert Reward Association, Inc.—

(1) As used in this section, the term "convicted" or "conviction" means any judicial disposition other than acquittal or dismissal.

(2) In addition to any other penalty provided by law, a

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30 court may order a person who is convicted of a violation of this
31 chapter or of a rule or order of the commission to pay an
32 assessment directly to Wildlife Alert Reward Association, Inc.

33 (3) Wildlife Alert Reward Association, Inc., may pay a
34 reward, from the funds assessed pursuant to subsection (2), to a
35 person who provides information leading to the arrest of an
36 individual or individuals for a violation of this chapter or of
37 a rule or order of the commission.

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

Citizen Support Organization Handbook

Florida Coastal Office
Florida Department of Environmental Protection



ABOUT THIS HANDBOOK

The Florida Coastal Office (FCO) developed this Citizen Support Organization (CSO) Handbook to assist CSO boards and members, FCO staff and citizens with the successful operation of a CSO. FCO, herein as referred to as "the Office", is the State of Florida Department of Environmental Protection (DEP), herein referred to as "the Department", entity delegated with management of sovereign submerged lands and select coastal uplands and providing support to associated CSOs.

While the Office has tried to anticipate the circumstances and questions that each CSO will encounter, the handbook cannot possibly address every possible situation that may arise. When in doubt, CSO leadership or the Office site managers can contact the CSO Program Coordinator in the Office's Central Office for clarification or guidance.

This handbook is a guide, not a governing document. The governing documents are the source for much of the information contained in this handbook. Ultimately, it is Florida Statute 20.2551 and the fully executed Memorandum of Agreement (MOA) between a CSO and the Department that governs how a CSO must operate. CSO leadership should be familiar with the governing documents and this handbook to help guide their decision-making processes. CSOs are free to deviate from the guidance provided in this handbook; however, departing from certain provisions of this handbook may disqualify a CSO from being recognized as a Department approved CSO under 20.2551 F.S. If a CSO has any questions, it should ask the Office or seek outside counsel.

The information this document provides is not legal or tax advice. CSOs should always seek legal and/or tax professionals for information and guidance.

TERMINOLOGY

AP – Aquatic Preserve
APS – Aquatic Preserve Society, the statewide CSO
BP – Buffer Preserve
CRCP – Coral Reef Conservation Program
CSO – Citizen Support Organization
FCO – Florida Coastal Office
DEP – Florida Department Environment Protection
MOA – Memorandum of Agreement
NERR – National Estuarine Research Reserve

THE FLORIDA COASTAL OFFICE

The Office is responsible for managing sovereign submerged lands and select coastal uplands. The Office has approximately 180 staff statewide and is led by a Director and Deputy Director in Tallahassee (Central Office) and four Regional Administrators located in East Point (NW Region), Ponte Vedra Beach (NE Region), Miami (SE Region) and Naples (SW Region). The Florida Coastal Office operates from 19 statewide offices.

THE OFFICE MISSION

The mission of the Office is to conserve and restore Florida's ocean, coastal and aquatic resources for the benefit of people and the environment.

The Office strives to provide a healthy coastal and aquatic environment, achieved through credible science, partnerships, stakeholder input and place-based management that encourages sustainable and resilient communities, recreation, education and economic opportunity.

THE OFFICE PROGRAMS

The Office manages more than 4 million acres of the most valuable submerged lands and select coastal uplands. The Office manages 41 aquatic preserves and, in coordination with the National Oceanic and Atmospheric Administration (NOAA), three National Estuarine Research Reserves (NERR), the Florida Keys National Marine Sanctuary (FKNMS) and the Coral Reef Conservation Program (CRCP).

Aquatic Preserves - Established by state statute, aquatic preserves are submerged lands of exceptional beauty which are to be maintained in their natural or existing conditions for future generations. The first aquatic preserve was established in Estero Bay in 1966. In 1975, the Florida Aquatic Preserve Act was passed and the existing preserves were brought under a standard set of management criteria.

National Estuarine Research Reserves - NERRs are areas of estuarine waters and adjacent coastal uplands that have been designated by joint action of the state and federal governments and managed cooperatively in partnership between the Department and NOAA.

National Marine Sanctuary - The FKNMS covers 2.3 million acres of state and federal submerged lands. The Department manages the FKNMS in partnership with NOAA.

Coral Reef Conservation Program - The CRCP coordinates research, monitoring and response to coral reef injuries, develops management strategies and promotes partnerships and stakeholder participation to advance protection of Florida's reefs. Through its role in supporting Florida's membership on the U.S. Coral Reef Task Force and the U.S. All Islands Committee, the Coral Reef Conservation Program leads the implementation of the Southeast Florida Coral Reef Initiative and other local action strategies to protect the northern extension of the Florida Reef Tract (offshore Miami-Dade through Martin counties).

Coastal Management Program - The Florida Coastal Office also oversees the Florida Coastal Management Program which coordinates the protection and enhancement of the state's natural, cultural and economic coastal resources.

Outer Continental Shelf Program - The Outer Continental Shelf Program is responsible for conducting the Department's technical review of activities that occur in federal waters on the Outer Continental Shelf.

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INTRODUCTION

WHAT IS A CSO?

A CSO is an independent, not for profit Florida corporation composed of volunteer members.

Section 20.2551, F.S., recognizes that "many of the lands managed by the Department need a variety of facilities to enhance the use and potential of such lands and that many of the Department's programs are of interest to, and could benefit from the support of, local citizen groups." The legislature provides that the Department may approve CSOs that act "consistent with the goals of the Department and in the best interests of the state" and who may "conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Department or individual units of the Department."

PURPOSE OF AN OFFICE CSO

A CSO supports and aids an aquatic preserve, NERR or other managed area in its mission to manage the resources in the best interests of the Department and the State of Florida. A group or not for profit organization can only become a CSO after the organization has signed a MOA with the Department. A CSO MOA is a contract that outlines the scope of activities, reporting requirements and the roles and responsibilities of a CSO and the Office.

The Office has long made use of the volunteerism and fundraising capabilities of CSOs from around the state. These CSOs work in conjunction with regional staff to hold events and provide operational support throughout the year.

CSOs work with the Office to provide resources beyond those that are available through the state budget and federal grants. Resources targeted by CSOs may vary each year but are most often: money, time and commitment. Financially, a CSO may purchase equipment and fund specific projects.

The work of a CSO goes beyond providing financial support. CSO members and volunteers work to secure grants and donations, plan and staff special events and programs, conduct research as "citizen scientists" and increase outreach and awareness of Florida's coastal and aquatic resources.

ROLE OF THE CENTRAL OFFICE

The Central Office is the Office's headquarters in Tallahassee, Fla. The Central Office's CSO Coordinator acts as the Office point of contact and liaison between the Office and each of the CSOs, including the active statewide CSO, the Aquatic Preserve Society (APS).

A CSO Coordinator has the following responsibilities:

- Coordinating the operations of a CSO Program on behalf of the Office.
- Providing assistance and consultation services in CSO operations management and the Office policy related to CSOs and volunteers.
- Ensuring CSO consultant services and advice are provided in a professional manner.
- Reviewing and recommending administrative policies, procedures, guidelines and related directives to be implemented concerning CSOs.
- Collecting data related to Office CSO management, including CSO audits, CSO management reviews, submitting CSO corporate annual legislative reports and maintaining updated lists of CSO Officers and coordinators.
- Preparing reports and providing analysis of data collected, including recommendations to Office management on the improvement of CSO operations.
- Assisting in the planning and implementation of any CSO related special meetings and trainings.
- Overseeing the production and maintenance of a CSO Handbook and any other related guidance, informational manuals, materials or forms.

CSO OPERATIONS

A CSO's primary function is to assist the Office site in accomplishing its goals. Different sites have different needs, but most CSO operations relate to just a few primary functions. The three most common functions of CSO members include: volunteering at the site, working with site staff to plan and execute special events and regular programs and supplementing the site's budget to enhance the offerings available to the public.

WORKING WITH THE SITE

Local CSOs are uniquely positioned to understand the needs and goals of the sites they support. Understanding the basics of working with site staff can help CSO members and leaders accomplish shared goals more efficiently.

LIABILITY AND INSURANCE

CSO leadership should be mindful of potential risks associated with operating a CSO, managing money and creating partnerships with external organizations.

Although it is not required by the state, it is recommended that CSOs consider coverage under an insurance policy. The Department liability forms do not cover a CSO and only cover the Department and a CSO's Board of Trustees. CSOs should consider taking the following precautions:

- Purchase a blanket insurance policy (speak to a broker for more information)
- Purchase a fidelity bond for all CSO members entrusted to handle cash or other valuable assets
- Consider purchasing an event insurance policy as a cost of doing business, especially if a CSO is sponsoring a large event. If a CSO conducts many large events, the purchase of an annual policy may be a less expensive method
- Purchase insurance for concessionaire activities, if applicable
- Consider employing the use of liability waivers

The following are other types of coverage CSOs or CSO Board of Trustees members should consider:

- Commercial General Liability – Covers personal or property injury and damages, including events and the use of non-owned facilities
- Directors' and Officers' Liability – Provides protection for Board members from liability for the intentional actions they take as a Board member, as opposed to negligent actions including wrongful termination, harassment, failure to adequately manage finances, failure to properly use donations and errors in publications/copyright infringement
- Bonding – Bonding for the Treasurer and officers who sign checks and handle money covers them for losses incurred as a result of fraudulent acts by specified individuals
- Workers' Compensation – Employees of a CSO are not provided state workers' compensation or liability protection
- Volunteer Policy – CSO volunteers are not covered under state liability or workers' compensation. CSO volunteers who are performing volunteer work on Department/Office owned managed areas, must complete the Department/Office Volunteer Application and Volunteer Agreement, which would only then include volunteer coverage via 110.504, F.S. A copy of the Department/Office Volunteer Application and Volunteer Agreement is provided in the appendices.

CSOs are not immune from lawsuit or liability unless under certain circumstances (see 617.0834, F.S., for more information). The Department is not authorized to provide legal advice. Please seek an attorney or an insurance broker for appropriate counsel.

VOLUNTEER COORDINATION

Coordinating volunteers for and with the site staff can be a critical role for a CSO. CSOs frequently help conduct special events requiring volunteer assistance beyond that of CSO leadership and active members. It is

critical that the responsibility for coordinating volunteers for each event be clearly defined well in advance of the event itself. For larger, more active CSOs, it may be wise to designate one person within a CSO to serve as a Volunteer Coordinator. The Volunteer Coordinator should coordinate with the site regarding the number of volunteers required for events and projects and clarify responsibilities for contacting and coordinating the volunteers. The volunteer coordinator should ensure that all volunteers working on a Department/Office site complete the Department/Office Volunteer Application and Volunteer Agreement prior to volunteering at the Department/Office site.

The CSO may wish to log the hours of volunteers. Volunteer hour logs could be submitted quarterly following the Department's fiscal year cycle.

EDUCATION AND ADVOCACY

One of the important roles of CSOs is to advocate on behalf of the Office. CSO should coordinate with the Office to define the message of the site.

MESSAGING

CSOs should work in tandem with the Office to educate decision-makers and the general public on the cultural, ecologic and economic significance of the Office's managed areas in order to guarantee the preservation of the natural resources for future generations.

TONE

Responsible advocacy for a site requires careful planning and precision. The tone of any effort must match the overall tone for the statewide strategy in order for the message to be most effective.

In all efforts, CSOs should maintain a high level of professionalism and respect. CSO leadership and members engaging in advocacy efforts must remember that they are speaking as a representative of the larger organization, the Office, as a whole.

The tone of efforts should always be in support of the respective site and never against any topic or action. Messages should always be positive.

PERSONNEL AND POSITIONS

ROLE OF THE SITE MANAGER

Site Managers are the primary Office points of contact for a CSO. Office Regional Administrators, through the Site Managers, have the ultimate and final authority over activities that take place on site. His/her approval must be obtained before CSO activities can take place.

A Site Manager's responsibilities as it concerns a CSO include, but are not limited to:

- Serving as the primary contact for a CSO on behalf of the Office
- Work closely with the Office's CSO Program Coordinator
- Being actively involved with a CSO to ensure effective organizational health and support
- Attending all CSO meetings and encouraging additional site staff to participate in CSO meetings to promote a successful working relationship
- Encouraging all site staff to understand and, as appropriate, attend CSO meetings to further promote an understanding of a CSO
- Effectively communicate the mission, policies, procedures and guidelines of the Office to a CSO
- Ensuring a CSO meets its obligations of the terms of a CSO MOA and requirements within the CSO Handbook
- Providing and discussing with a CSO the Department Directives
- Providing and discussing with a CSO the site's management plan
- Ensuring a CSO's activities are consistent with the management plan

- Providing and discussing the site's approved annual budget and capital improvement plans, business plan and/or other appropriate site management documents
- Working with a CSO to create and approve an Annual Legislative Report and ensuring a CSO's programs and projects are consistent with the site's needs and goals as defined in the site's management plan
- Approving, in writing, all CSO-proposed events and projects
- Communicating, as necessary, CSO's questions or needs with the Central Office staff
- Reviewing and approving CSO's Annual Financial Report and other required reports and forms prior to submission to the Office

It is the Site Manager's responsibility to ensure the managed area is operated safely and in accordance with Department and Office policies and goals. Conservation and protection of the natural resources may take priority in some cases over the guest experience or a CSO's desires. Understanding these priorities can help a CSO work well with the Site Manager and keep things operating smoothly.

ROLE OF A CSO LIAISON

Some of the Office managed areas (e.g., NERRs) may have additional staff to support a dedicated CSO Liaison in addition to a Site Manager. A CSO Liaison's responsibilities include, but are not limited to:

- Serving as a primary resource for a CSO and site management for CSO
- Communicating updates for the Office's CSO program to the Site Managers and their CSOs
- Assisting the Site Managers and CSOs in meeting their obligations of a CSO MOA, while using the guidance in the CSO Handbook
- Monitoring, compiling, evaluating and accepting a CSO's Annual Financial Report, Florida Department of State's Division of Corporations Annual Legislative Report, CSO grant applications and solicitations and other CSO third-party agreements, etc.
- Identifying, investigating and resolving problems related to CSOs, volunteers and grant management
- Monitoring, evaluating and providing program analysis to the Regional Administrator on the operations of CSOs in his/her region
- Attending CSO meetings and conducting volunteer coordinator trainings
- Participating in the Office of Inspector General audit process, as deemed appropriate by the Regional Administrator, which can include preparing the draft CSO audit response and compiling documentation/verification of actions taken by a CSO as part of the audit's six (6) month follow-up
- Attending CSO-held meetings and events to ensure the site and CSO meet the Office policy
- Maintaining an updated roster of CSO officers and assisting in the coordination volunteers
- Communicating and coordinating regularly with the Office's CSO Program Coordinator on the business of CSOs and volunteer management.

THE AQUATIC PRESERVE SOCIETY

The Aquatic Preserve Society, Inc. (APS) exists to support all managed areas and programs of the Office, including those without a CSO. The APS was established in 2014 as a statewide CSO to advance Florida's aquatic preserves managed by the Office. Their mission is to protect, conserve and restore these unique Florida natural resources through public awareness, stewardship and support.

The APS supports the Office as a source of education and advocacy for the system of aquatic and coastal managed areas. The APS is available to assist CSOs by providing guidance to ensure that CSOs are operating in accordance with the governing documents previously listed.

For existing CSOs supporting aquatic preserves and NERRs, it is up to the individual CSO to decide if they should become an affiliate member of the APS. Affiliate, or organizational, membership with the APS offers many benefits to individual CSOs, and becoming a part of the statewide organization may strengthen member CSO efforts. CSO affiliate members receive:

- Regular e-newsletters specifically addressing APS news, issues and leadership concerns

- An annual educational leadership workshop, which is a valuable learning and sharing opportunity for CSOs
- Educational information provided to legislative decision makers to increase awareness of aquatic preserves

As affiliate members of APS, CSOs can receive guidance on important decisions but are ultimately granted their own decision-making authority. Budgetary decisions, project selections and other factors critical to supporting Office managed areas are in the hands of the local CSO leadership, in cooperation with the Site Manager.

The APS relies on its affiliate members to provide hands-on support and volunteer efforts at the local sites. In addition, the APS provides support to its affiliates to help accomplish local goals.

For more information about the APS, please visit their website at <http://aquaticpreservesociety.weebly.com/>.

CSO POSITIONS

Leadership positions within a CSO are critical to its success. Some positions are defined and required by a CSO bylaws. However, a CSO may benefit from adding other positions as needed. A CSO officer should have basic business skills for budgeting and leadership, good communications skills and an ability to use the internet and e-mail.

CSO BOARD OF DIRECTORS

Sections 617.0801, 617.0802, and 617.0803, F.S., requires Florida nonprofit corporations to be managed by a Board of Directors. The Board of Directors is the primary governing body for the organization. Statute requires a director to be a natural person, 18 years or older. Board members do not need to be a resident of the state or a member of the corporation, however, the corporation can choose to have additional qualifications for the directors. According to Section 617.0840, F.S., a CSO will describe the officer positions in the CSO's articles of incorporation or bylaws. Section 112.3251, F.S., addresses CSO code of conduct and prevents conflicts of interest. All of these qualifications are recommended to be included in a CSO's bylaws.

Section 617.0803, F.S., requires at least three (3) directors to serve on the Board of Directors. The Office recommends that a Board of Directors consist of three (3) to nine (9) members, depending on the size of the corporation. An odd number on the Board of Directors can help prevent stalemated decisions. It is recommended that a CSO consider quorum requirements when deciding on the number of members serving on the Board of Directors.

The Office encourages its employees to be involved with a CSO as a general member to assist with the efforts of a CSO. However, Office employees cannot serve on the Board of Directors or as an officer of a CSO, including serving as an ex-officio member.

It is Office policy that a spouse, relative or dependent who resides with an Office employee cannot serve as a CSO officer (President, Vice President, Secretary, Treasurer, etc.), for that managed area's CSO. However, these family members can serve as a Board member or officer within a different area or program's CSO. While spouses and family members of the Office employees can serve as board members of a CSO, this may be perceived as a conflict of interest. CSOs who already have a spouse, relative or dependent who reside with an Office employee of the same managed area and serve as a CSO Board member or officer (at the time of release of this handbook) should seek new individuals to serve as replacement Board members or officers when their current terms expire.

The Office recommends that each CSO add a policy statement to its bylaws that is consistent with the above information.

The roles of the Board of Directors are to institute and maintain effective, ethical management and governance of the not for profit corporation. Good governance includes providing leadership, setting goals, making transaction decisions, keeping accurate financial records and regular reports and maintaining acceptable accounting and auditing practices.

Roles of a CSO's Board of Directors:

- Determines the organization's purpose as outlined in a CSO's articles of incorporation and bylaws and ensures resources are continually focused on a CSO's purpose
- As a nonprofit organization, the Board of Directors is accountable to the public for the organization's success in carrying out its purpose. The Board of Directors can accomplish this and garner public support through the clear and consistent articulation of the organization's purpose, goals and accomplishments.
- Selects board members who are committed to the purpose and have the ability to meet the organization's goals
- Provides adequate resources to fulfill its purpose
- Maintains annual budget, financial controls, annual financial reporting and adherence to established financial practices and policies for nonprofit corporations
- Ensures legal and ethical integrity and maintains accountability
- Establishes, supervises and strengthens the organization's programs and services and evaluates its ongoing effectiveness
- Ensuring the organization meets its obligations of a CSO MOA
- Works together with the Site Manager to create a plan that is consistent with the site's management plan and ensures direct or indirect support of the sites
- Ensures all active Board members volunteering in an Office site complete and submit a Department/Office Volunteer Agreement to the Site Manager

A CSO President and Site Manager uphold, operate and partner under the guidelines, policies and laws that govern the public lands of the State of Florida to maintain the trust of the public.

Pursuant to 617.0801, F.S., "[a]ll corporate powers must be exercised by or under the authority of, and the affairs of the corporation managed under the direction of, its Board of Directors, subject to any limitation set forth in the articles of incorporation."

CSO OFFICERS

A corporation shall elect or appoint the officers described in the articles of incorporation and bylaws in accordance with section 617.0840, F. S. The officers of a CSO include: President, Vice President, Secretary and Treasurer.

Officers are typically responsible for:

- Making final decisions on policies relating to the finance, public relations and programs of a CSO
- Understand the history, purpose, program, policies and practices of the Department and Office
- Be prepared to represent the site and CSO to the local community
- Be available to the Site Manager for consultation on matters of common concern and need
- Interpret, informally, the site in day-to-day contact with the community
- Ensure financial and volunteer support for CSO programs

A CSO officer could benefit from:

- Basic business skills - An understanding of essential business concepts such as budgeting, motivation and leadership will help officers be more effective.
- Communication skills - CSO officers frequently serve as the spokesperson for a CSO to the site, prospective members, prospective volunteers and outside organizations and businesses. The ability to communicate to multiple audiences will help the officers effectively move a CSO forward.

- Computer skills - Many basic CSO functions and communications require the use of a computer. Officers can be most effective if they have the basic skills to navigate the internet, use e-mail and create basic documents.
- Record keeping - At least one officer should be designated as records manager, who will be responsible for maintaining public records for the required retention period and disposing of them only upon approval from the Department.

There is no minimum number of officers required for a CSO. A CSO may choose to have a variety of officer positions. One person may serve several of the above roles.

PRESIDENT

A CSO President typically presides over meetings and helps set priorities for a CSO. An effective President will work with a CSO members, other officers and the Site Manager to guide a CSO in accomplishing its goals.

VICE PRESIDENT

A CSO Vice President serves to assist the President and to take over the responsibilities in his/her absence. A Vice President may also take on other responsibilities as needed.

SECRETARY

A CSO Secretary is typically responsible for maintaining the formal records of a CSO and keeping the group organized. The Secretary also keeps track of accomplishments and priorities and may handle CSO communications.

TREASURER

A CSO Treasurer is responsible for maintaining the bookkeeping for the organization. The Treasurer is typically responsible for maintaining a CSO's banking accounts and finances, preparing annual financial reports and helping a CSO manage its funds.

OTHER SUPPORT POSITIONS

A CSO need not limit itself to the four officer positions described above. As a CSO grows, so do the responsibilities. Through the creation of additional support positions, the work can be spread more evenly to prevent overtaxing of CSO officers. In addition, support positions may offer members interested in serving in a leadership role the opportunity to participate without becoming an officer. Some potential support positions are listed below.

HISTORIAN / PUBLIC RELATIONS

A CSO may benefit from having one person take responsibility for recording all the accomplishments of a CSO. This person may also coordinate with the APS to help publicize their CSO's accomplishments to a much broader membership base.

VOLUNTEER COORDINATOR

One of the most time-consuming functions for a CSO is keeping up with the volunteer needs of the site. A CSO Volunteer Coordinator can help by maintaining a list of active volunteers, tracking volunteer hours and ensuring volunteers are scheduled when needed. A Volunteer Coordinator might also oversee maintaining volunteer recruitment and retention activities.

Any CSO volunteer working on a Department/Office site must complete the Department/Office Volunteer Application and Volunteer Agreement, which cover the volunteer under state liability.

SUB-COMMITTEE CHAIRS

Many sites have large projects or events that may require a large amount of support from a CSO. A committee can be a great way to help manage these types of needs. Typically, a committee would be made up of a Chairperson who would work to manage the committee and report accomplishments and challenges to the full Board.

ACCOUNTANT

As a CSO's finances grow, it may be appropriate to appoint a CSO Accountant to perform internal audits to help the Treasurer track finances or task goals and objectives. A CSO Accountant may also want to review minutes to ensure a CSO is working towards its set priorities.

CSO MEETINGS

CSO meetings are essential to working with and supporting a site. They allow a CSO to come together to discuss projects, plans and priorities.

MEETING CONTENT

CSO meetings typically include the following basic agenda items:

- Welcome and Introductions - As a CSO generates and cultivates volunteer interest, new members will frequently attend a CSO meeting. Special care should be taken to welcome new faces and to introduce the officers in attendance. Guests at a meeting should feel welcomed into the group and offered the opportunity to get involved and contribute in a meaningful way. In addition, it may be helpful to review some of the basic information about a CSO to help familiarize guests with the process and goals.
- Inter-meeting Updates - Occasionally, decisions will need to be made between meetings as authorized by CSO leadership. In these cases, any decisions or actions taken since the group last met can be discussed and reviewed with all present.
- Full Treasurer Report - The CSO Treasurer or his/her designee often provides a complete treasurer report with printed copies for the membership. The report would include bank balances and any income received or expenses incurred since the last meeting.
- New Business - At some point in the meeting, a request can be made for new business, questions or issues from all those in attendance. Every attendee should feel that they have the opportunity to speak and contribute at CSO meetings.

The above is not a comprehensive list of all agenda items that can or should be covered at a CSO meeting, but can be used as a framework.

MEETING FREQUENCY, TIME AND LOCATION

CSOs may choose to hold meetings monthly and manage all CSO business at each meeting. However, some CSOs may choose to hold quarterly CSO member meetings and monthly officer meetings. The frequency of CSO meetings may also depend on the activities at the site.

Ultimately, it is up to a CSO to determine how often meetings are held. Regardless of the frequency, it is very important to make sure that members who would like to attend know the meeting schedule and that any changes to the schedule are well publicized.

The time and location of meetings is also flexible and entirely up to a CSO. Most CSOs choose to meet at the site they support. Site Managers may be able to provide meeting space free of charge for CSO meetings. If a meeting space at the site is not available, a CSO should find a meeting location near the site. Some options may include community centers or reception halls. Even local businesses or restaurants may be willing to provide space for meetings. Regardless of the location, a CSO should try to hold meetings at the same location each time.

CSOs may hold meetings in the evenings or on weekends when members who may work other jobs during the week can attend. It may be important to periodically check with members to make sure the time of the meeting works with members' schedules.

SITE STAFF ATTENDANCE AT MEETINGS

The site staff is critical to the success of a CSO and its ability to function. The Site Manager or his/her designee should be in attendance at all CSO meetings. However, given staffing levels and workload, it may not be possible for a site staff representative to attend every meeting. Should a meeting occur with no site staff member present, a CSO should work with the Site Manager to communicate what was discussed at the meeting, review any decisions that were made and relay questions that require site input.

KEEPING MEETING ORDER

There are formal methods for keeping order and organization at meetings. One such method is known as "Robert's Rules of Order". This method is one of the most widely known and utilized methods for formal meetings. "Robert's Rules of Order" defines the processes maintaining speaking orders and making a motion, seconding a motion and voting on motions using quorums.

"Robert's Rules of Order" may in some cases become too unwieldy or complicated for smaller CSO meetings. "Robert's Rules of Order" is a simplified version of "Robert's Rules of Order." With a smaller CSO, it is also possible to conduct meetings without a formal rule of order.

More information on "Robert's Rules of Order" is available online: <http://www.rulesonline.com>.

MEETING MINUTES

Minutes provide a record of what was discussed and should capture the main points, ideas, decisions and plans from the meeting. Minutes capture who has volunteered to complete certain activities, how things may be accomplished and the next steps that may be required to finish a task. Minutes do not have to capture everything that is said at the meeting. Typically, minutes should answer the basic questions: "who", "what", "where", "when", "how" and "why".

It is a common and preferred practice to formally approve minutes from previous meetings. This practice gives attendees the opportunity to review the minutes from the last meeting and to ensure everyone is in agreement on what was said. This can also help to serve as a reminder for those who volunteered to complete certain tasks.

As a general rule, minutes should be distributed to all those who were in attendance at the meeting. Additionally, minutes may be posted for the general public or for those who were unable to attend. A web site is typically a good place to post minutes.

Note: All records generated or received by a CSO and its officers, including e-mails, are subject to Florida's broad public records law in Chapter 119, F.S. These records must be maintained in accordance with the records retention period approved by the Department of State in the General Records Schedule GS1-SL for State and Local Government Agencies. It is therefore encouraged that CSO officers create e-mail accounts separate from their personal accounts to maintain these records for the required period of time and ensure that records are properly filed for reasonable access.

POST OFFICE BOXES

Post office boxes are a great way to maintain the identity of a CSO and have CSO mail disconnected from any one officer. When opening a post office box, a CSO should make sure the box is opened as a business. Rates may be a bit higher for business P.O. Boxes, but the flexibility they offer is worth the additional cost.

Boxes should be opened under the same name as banking accounts: Aquatic Preserve Society or the respective CSO Name. P.O. Boxes should list at least two officers as having access to receive mail and make changes to the account. In addition, at least two keys should be obtained. One may be kept in the hands of the

officer responsible for checking the mailbox. The other should be kept secured in a safe location to which all officers have access. The site office is a good place to keep a clearly labeled P.O. Box key.

ONLINE ACCOUNTS

CSOs will often find the need to open accounts for various online services. This may be for e-mail discussion groups, payment processing accounts or accounts with various printers or other services. Account usernames and passwords should be shared among at least two officers. All online accounts, including social media accounts, are public record and cannot be deleted without approval from the Department.

RECORD KEEPING, MANAGEMENT AND RETENTION

All CSO records should be maintained in a manner to mitigate risk to a CSO. Financial records, meeting minutes, organizational paperwork, etc. should be maintained in at least two locations. In most situations, copies of CSO records can be maintained at the site office.

For electronic files, backups should be maintained in at least two locations with at least two officers having access.

All CSO records should be retained in accordance with GS1-SL and are open to the public and the Office by request.

Additionally, all records should be archived annually and stored at the site the CSO supports. Site Managers should provide a small area or filing cabinet to store CSO records for archival and security purposes.

RECORDS MANAGEMENT AND RETENTION

According to section 20.2551(4), F.S. CSOs are subject to public inspection of their records pursuant to Chapter 119, F.S., commonly referred to as the "public records law." A CSO is permitted to charge a reasonable fee for duplicating requested records pursuant to section 119.07, F.S.

According to 617.1601, F.S., CSOs are required to:

- Keep a record of all the meeting minutes, a record of all actions taken by members or Board of Directors without a meeting and a record of all actions taken by a committee of the Board of Directors in place of the Board of Directors on behalf of the corporation
- Maintain accurate accounting records
- Maintain a record of member names and addresses in alphabetical order by voting class
- Maintain records in written form or in another form capable of conversion into written form within a reasonable time
- Keep a copy of the following records:
 - Articles of incorporation, or restated articles of incorporation, and all amendments to them currently in effect
 - Bylaws, or restated bylaws, and all amendments to them currently in effect
 - The minutes of all meetings and records of all actions taken by members without a meeting for the past three (3) years
 - Written communication to all members within the past three (3) years
 - Financial statements furnished for the past three (3) years under 617.1605, F.S., such as Internal Revenue Service (IRS) 990/990-EZ/990-N and the Office's required Annual Financial Report
 - A list of the names and business street, or home if there is no business street, addresses of its current directors and officers
 - The most recent Division of Corporations annual report delivered to the Department of State under 617.1622, F.S.

In the event that a CSO dissolves or a site closes, any retained property belonging to a CSO will come under control of the APS. If operations of the site are being transferred to another entity, the APS may opt to transfer property to a similar support organization for the site.

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CONFLICT OF INTEREST

A CSO Board of Directors is required to adopt and regularly evaluate an effective conflict of interest policy. This written policy should include the following:

- Require CSO members to act solely in the interests of the site and CSO mission without regard to personal interests
- Set procedures for determining whether a relationship, financial interest or business affiliation results in a conflict of interest
- Prescribe a certain course of action in the event a conflict of interest is identified

Any CSO member with a financial interest in any business dealings with a CSO, a site or the Office within the Department should disclose the interest to the other board members and to the Office's CSO Program Coordinator. Furthermore, a CSO member should exclude themselves from voting on any issue which may give the appearance of a conflict of interest. It should be noted in the Board of Directors' meeting minutes that a CSO member abstained from voting on issues which appeared to have been a conflict of interest.

CSO MARKETING

ACCOMPLISHMENTS AND NEWS

CSOs are encouraged to submit information on CSO accomplishments and successes via e-mail to the appropriate Regional Communications Coordinator so they can be published in the Office newsletters, Executive Office of the Governor weekly reports or other communications materials.

PRESS RELEASES

Any off-site marketing or press releases must be coordinated with the Site Manager and the appropriate Regional Communication Coordinator.

LOGOS

A logo representing a CSO should be created for public recognition. For example, the logo below appears on all formal publications and website for the statewide CSO. Every effort should be made to provide a consistent look and feel so that members and the public can easily recognize the organization and its publications.



CSOs should be cautious to ensure a clear distinction between a CSO and the site. The use of a CSO logo can help differentiate the organizations.

IDENTITY

One of the most important places for a CSO identity is at the site itself. Signs and brochures should be displayed around the site to help visitors understand the importance of a CSO's activities. Site Managers should work with their respective CSOs to ensure a CSO's identity is displayed on site in keeping with Office standards.

CSOs should also consider the use of branded apparel for displaying identity to site visitors. Any CSO merchandise sold must follow the applicable tax laws (p. 32, <http://www.irs.gov> and <http://dor.myflorida.com/dor/>).

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SOCIAL NETWORKING

All CSOs are encouraged to make efficient use of the many social networking tools available. Social networking sites such as Facebook and Twitter are great tools to stay in touch with supporters, organize events and recruit volunteers.

When a CSO representative posts to a social networking site on a CSO account or the APS account, it is important to remember that the CSO's views reflect those of the Department and the Office. Posts should always comply with the purposes of a CSO.

The Site Manager and CSO Program Coordinator should work directly with a CSO to swiftly address any customer satisfaction issues posted to a CSO's social media account.

CSO FINANCES

FINANCIAL MANAGEMENT

REPORTING REQUIREMENTS

A CSO must submit records of its income and expenses to the Office and Department annually. Financial records should be submitted prior to August 1 for the previous state fiscal year (July 1– June 30).

BANK ACCOUNTS

At least two officers should hold signature authority on CSO bank accounts. Check with the financial institution to make sure multiple individuals have access to the account and can make changes if needed. All bank accounts should be in a CSO's name.

DEPARTMENT OF REVENUE REQUIREMENTS

A sales tax number is required for any organization or business selling items such as books, posters, T-shirts, admission tickets and any other retail items. Florida law requires a CSO to collect and report sales tax on all taxable sales. CSOs can obtain a Florida sales tax number by filing out the State of Florida Department of Revenue Form DR-1, "Application to Collect and/or Report Tax in Florida" R. 07/11. The information on form DR-1 can be found on the Department of Revenue webpage <http://dor.myflorida.com/dor/forms/current/dr1n.pdf>. For additional assistance, contact the Florida Department of Revenue at 850-488-9750.

CSOs may be eligible for a Florida sales tax exemption for purchases and leases used when carrying out customary nonprofit activities. In order to obtain this exemption, a CSO must first obtain 501(c)(3) status from the IRS. Once these steps are completed, a CSO will file the Florida Department of Revenue Form DR-5, "Application for Consumer's Certificate of Exemption" R.11/03. The filing requires an attached copy of a CSO's IRS Exempt Organization Determination Letter. The form instructions can be found on the Department of Revenue webpage (<http://dor.myflorida.com/dor/forms/current/drls.pdf>). Assistance can also be found via the Florida Department of State Division of Corporations at 850-245-6052. The application should be sent directly to Central Registration/Exemptions, Florida Department of Revenue, P.O. Box 6480, Tallahassee, Fla. 32314-6480

A sales tax exemption may not absolve a CSO from collecting sales tax on sales of merchandise and other taxable items. To understand the exemptions, seek professional tax advice.

SUGGESTED BEST PRACTICES FOR GOVERNING FINANCIAL ACTIVITIES

The following information contains suggested best practices and language which could be adopted by a CSO Board of Directors to govern financial activities. These policies provide a framework for the development of specific practices and procedures to ensure proper internal controls are in place. CSOs may modify or adapt the wording in these policies to address the individual needs of each CSO, while maintaining the essential intent.

Financial Policies

It is important for CSOs to address financial policies either in their bylaws or through a separate standalone financial policy. Establishing a financial policy is a critical component for strong financial management. A financial policy can be used to establish a CSO's internal controls and ensure compliance with regulatory standards.

Fiscal Operations

CSOs should conduct their fiscal operations in accordance with accepted business practices and comply with a variety of annual reporting requirements. The Annual Financial Report required by a CSO's MOA contains information about corporation assets and liabilities, principal changes in assets and liabilities, revenue or receipts and expenses or disbursements. All CSOs should submit an Annual Financial Report which can be readily justified with simple scrutiny and standard practices.

Adoption of a Budget

A CSO should adopt an annual budget to account for projected revenue and expenses for the coming year. This budget should be adopted at the first Board meeting of the fiscal year. The Treasurer is authorized to approve expenditures and reimbursements in accordance with the budget.

Finance Committee

The President should appoint a Finance Committee, which should include the Treasurer and at least one Board member. Additional members who have knowledge or experience with financial management from either the Board of Directors or general membership may also be appointed. This committee should be responsible for developing the annual budget, advising the Board of Directors of financial policy, managing a CSO's investment portfolio and recommending internal control policies for handling a CSO's finances.

Audit Committee

If a CSO is not required to have an audit performed in accordance with the policies of the Department and the Office at the close of a CSO's fiscal year, the President should appoint an Internal Audit Committee composed of the Office's CSO Program Coordinator or designee and two Board members who do not have signature authority or custody of a CSO's funds. The purpose of this committee is to review all expenditures and checks to ensure funds have been properly expended and documented. This committee should issue a report to the Board of Directors.

Approval of Non-Budgeted Items

All non-budgeted expenditures should be approved by either the Treasurer, President or the Board of Directors via a vote. This vote may take place in accordance with voting procedures outlined in the bylaws of a CSO.

Accounts

All funds received by a CSO should be deposited in a CSO's designated financial institution in a timely manner, to be specified by the individual CSO in their financial policy. All funds which are not immediately needed and are not earning interest should be invested in accordance with an investment policy established by the Board of Directors.

Authority to Sign

All checks should be signed by the designated officer(s) who have been authorized by the Board of Directors. The designated officers may include the President, Treasurer, Secretary or another specified

officer. In addition, any checks issued over a certain amount (determined by CSO leadership) should require two signatures, and any checks payable to any one of the above-named officers should be signed by someone other than the payee.

Check Review

If the Treasurer has signatory authority and possession of a CSO's checks, s/he should not receive the monthly bank statements. These statements should be mailed to a Board member who does not have signatory authority and is appointed by the President. This person should be responsible for reconciling the bank statements and reviewing checks written on the account.

Bonding

Designated signatories may be asked to be bonded. The cost to secure the coverage should be borne by a CSO. The amount of insurance coverage should be reviewed annually by the Board of Directors or Finance Committee.

Quarterly Review

On a quarterly basis, the Finance Committee should review all expenditures.

Payments and Reimbursements

All disbursements for goods and services should be paid for by check. Minimal reimbursements may be made to members and volunteers for documented expenditures (e.g. receipts, invoices, etc.) as well as actual mileage driven for appropriate CSO business. A written explanation of why other means of payment were not available should accompany a receipt. Prior President or Board of Directors approval is needed for all reimbursements.

Endowment

A CSO may establish a general endowment fund to support the general purposes of the organization, in compliance with Office policy.

When establishing an endowment fund, a CSO should consider the following:

- The policy governing how the principal should be invested- it is recommended the investment is made in a reasonably prudent manner
- The policy governing how the income is used- it is recommended the income is used to support a CSO's general purpose
- The policy governing whether a CSO will allow the creation of named endowments for a donor and the minimum level (if any) to fund endowments

In situations where the Board of Directors agrees the purposes of the endowment can no longer be met or the organization's needs may so require, the Board of Directors retains the right to dissolve a CSO's endowments. If dissolved, a CSO may use the principal for general or restricted purposes consistent with its mission, contained in each endowment.

Gift Acceptance

A CSO reserves the right to decline any financial commitment, gift, or bequest. A CSO has the right to determine how a gift will be credited and/or recognized. All donations should be unrestricted gifts. All receipts from unrestricted bequests, annuities, charitable remainder trusts or charitable lead trusts should become a part of the general endowment, unless the Board of Directors determines a particular unrestricted gift should be deposited in a different account. In drafting an agreement for the gift of restricted funds to a CSO, donors and their advisors are encouraged to use language which would permit application of the gift to a more general purpose if or when, in the opinion of the Board of Directors, the designated purpose is no longer feasible. A CSO will pay no commissions or finder's fees as consideration for directing a gift to a CSO.

Donors are responsible for obtaining their own appraisals for tax purposes of real property and tangible or intangible personal property being given to a CSO. Prospective donors should be responsible for their own legal, accounting, appraisal, transportation and other fees.

A CSO retains the right to obtain its own qualified appraisals of real property and tangible or intangible personal property being offered as a gift at its own expense. A CSO should acknowledge receipt of gifts of real property and tangible personal property in accordance with IRS requirements, and should sign any IRS form or other documents necessary for the donor to obtain a tax deduction for such gifts, so long as such acknowledgment does not entail valuing the gift.

Upon request, representatives of a CSO may provide to the donor sample language for the bequest of restricted and unrestricted gifts in order to ensure a bequest is properly designated.

All information about donors and prospective donors, including but not limited to their names, the names of their beneficiaries, the nature and amounts of their gifts and the sizes of their estates will be kept strictly confidential by a CSO and its representatives unless the donor grants permission to release such information. All requests by donors for anonymity will be honored, excluding when a CSO is legally required to disclose the identity of donors.

Prospective donors should be strongly encouraged in all cases to consult with their own independent legal and/or tax advisors about proposed gifts, including tax and estate planning implications of the gifts. No representative of a CSO or the Office should provide legal or tax advice to any donor or prospective donor.

Borrowing Policy

Due to the seasonality of income from fees, donations, sales and dues, it may be necessary for a CSO to borrow funds from outside sources (e.g., financial institutions) to fund operation and expansion. Funds should be borrowed only as required to meet these needs and should be consistent with sound fiscal management practices. Borrowings are not intended to make up for inadequate planning or spending above budgeted levels.

Borrowing of funds should be done within the following guidelines:

- Borrowing should be within appropriate limits approved by the Board of Directors prior to the time of borrowing
- Amounts should be borrowed at the lowest available interest rates
- Borrowing from individuals may be done if the interest rate is lower than current commercial rates
- Most borrowing should be done on short term conditions due to the seasonal nature of CSO income
- Long term borrowing should be done only if rates are favorable and amounts for short term borrowing would be at the same minimum level
- All instruments which secure loans for a CSO should clearly state that neither the State of Florida nor the Office assumes any liability for the loan.
- No state-owned property or assets may be used to secure loans

Key Controls

It is the responsibility of the Board of Directors and president to implement and maintain an effective and efficient system of internal controls. It is the responsibility of the members and volunteers of the CSO to adhere to those controls.

The following is recommended guidance on ensuring proper CSO internal security controls are in place:

- Only individuals authorized by the Board of Directors should handle revenue
- Safes should be kept locked except when in use to deposit or remove money
- Safe combinations should be changed at least annually

- All movement of cash to and from the safe should be documented in a safe log
- All cash transactions and/or donations should have a receipt retained for audit purposes
- All monies in the cash box should not be used to make purchases of any type
- No foreign checks or currency, even those marked payable in U.S. funds, should be accepted
- Credit card numbers provided by customers should remain confidential
- Written records of credit card numbers should be attached to the corresponding receipts, if applicable, and should be stored in a locked area

Security

Every reasonable security safeguard should be used during the various stages of cash handling. Areas used for cash counting and reconciliation should be screened from public view. A CSO President and the Office's CSO Program Coordinator should maintain a list of all individuals issued safe combinations and keys.

Online Received Payments

It is best practice to protect the privacy of members' financial information. Although not a mandated Department policy, CSOs should take actions to ensure funds collected online passes through a trusted web connection. An Organization Validation SSL Certificate should be considered by CSOs to ensure webpages are safe for submitting passwords, contact information or donations.

Inventory

An accurate record or inventory log of storage items should be maintained and reviewed annually. When receivable items are delivered, a CSO member or volunteer should verify goods received as listed on the packing slip. S/he should sign and date the slip to acknowledge receipt of delivery. After verification of receipt of goods, the packing slip and invoice should be sent to the Treasurer. All payments should be made in a timely manner. The Treasurer should retain a copy of shipping papers as a basis for inventory records. Two people should conduct inventories whenever possible.

Bank Deposits

Deposits should be counted in dual control by members, site staff and/or volunteers. Revenue should be deposited at least weekly on the same day they are taken from the site or CSO office. A deposit should also be made through the last day of each month. Deposits should be made in numerical sequence and should include all receipts prior to the last deposit. The actual amount being deposited should be written on the deposit slip to ensure all discrepancies, such as shortages and overages, can be noted. The person verifying the deposit should place their initials on the deposit slip, documenting a second count and a verification of the amount written on the deposit slip.

Operations differ from bank to bank. However, if there are discrepancies between what the depositor has written and the bank's count, the bank will usually attach an advice of debit/credit to the deposit slip and indicate the reason. The advice slip should reflect an adjustment to the deposit. It is important that the original deposit amount is adjusted; do not change the original deposit amount.

Cash Handling

The Office's CSO Program Coordinator or the CSO Board of Directors should assign volunteers or members to achieve appropriate separation of duties, review work, take corrective action and provide training on procedures and practices.

Cash received via mail for membership and special orders are endorsed when the mail is opened. Customers who pay with cash or check over the counter should be issued a written receipt. Checks should be logged, and/or a tape should be made of all receipts. Double check to confirm total cash deposit and total check deposit. The total from the tape should equal the sum of cash and checks in hand. At the bottom of the tape, the preparer should affix their initials and the current date. Checks and cash should be delivered to the deposit preparer with a log or machine tape.

If checks are not cashable (not signed, amount not filled in, etc.) pull the check and contact the customer to resolve.

There may be slight variations in procedures, depending on the cash handling event, but some recommended key controls for all members and volunteers are outlined below:

- All movement of cash should be documented in a log sheet for the event
- All cash transactions should have a receipt retained for audit purposes
- Each person handling cash should be assigned a cash box which will be counted before and after their shift
- Each cash handler should be responsible for their collections, receipts and end-of-shift reconciliation reports
- Any individual conducting sales should not prepare or have access to the final deposit and/or revenue report
- No foreign checks or currency, even those marked payable in U.S. funds, should be accepted

CSO volunteers who are given cash handling duties should be subject to the same cash-handling controls, procedures and training as regular site staff or organization members and should be held to the same level of competence as the other CSO members participating in events.

Special events, for the purposes of financial policies, are defined as cash handling events. These events can take place at or outside the site and thus may require transporting a change fund and any revenue collected during the event. This also applies to fundraisers, drawings of chance, fairs, RV shows, off-site events and auctions.

SUCCESSFUL FUNDRAISING

Fundraising, either through donation or membership fees, is essential in the operation of an effective CSO. The Department can provide general suggestions on how to fundraise, however, each individual CSO must decide how they will effectively raise funds.

The Florida Solicitation of Contributions Act requires anyone who solicits donations from people in Florida to register with the Florida Department of Agriculture and Consumer Services (Division of Consumer Services, Bureau of Compliance) and renew annually. This applies to charitable organizations, sponsors, professional solicitors, as well as professional fundraising consultants. The Department collects registration fees and has the authority to impose penalties for non-compliance. Some exemptions may apply. The following entities may use the online registration tool: charitable organizations (including Small Charitable/Sponsor Organizations and Charitable/Sponsor Organizations), professional solicitors and professional fundraising consultants.

The following steps may help guide a CSO through the fundraising process:

1. Identify the need – coordinate with the Site Manager to identify any needs for which a CSO could raise funds
2. Set a goal – agree on the total amount of money that needs to be raised
3. Develop a plan – decide how funds will be raised (special event, pledge drive, etc.), nominate members responsible for contacting the prospective donors, and set appropriate benchmarks with deadlines for raising the funds
4. Identify prospective donors – construct a list of all possible donors (individuals, grantors, foundations, corporations, etc.), donor contact information and, if applicable, grant cycle due dates
Note: Only registered 501(c)(3) organizations can advertise donations to donors as tax deductible.
5. Advertise the funding opportunity – develop a brochure, letter, notice, advertisement, website, etc., about the fundraising effort to provide to prospective donors. In this material, a CSO should:
 - Provide information about the CSO and the site it supports
 - State the need as identified in step one (1) and explain why this need is important
 - State the monetary goal of the fundraising effort as identified in step two (2)

- Describe how the donor's contribution will be used

- Include stories, testimonials or photos of previous successful fundraising activities
- 6. Raise the funds – a CSO can solicit donations in several ways including conducting a special event, writing grants, contacting the media to raise awareness or contacting prospective donors (individuals, foundations or corporations)
- 7. Thanks – send thank you letters to all donors, including a final report on the fundraising effort, photos and how their donation benefitted the CSO and the site
- 8. Evaluate – assess the effectiveness of the fundraising effort and identify areas for improvement
- 9. Recruit and retain members – make an effort to recruit new members to a CSO and foster a good relationship with all current members. Recruitment efforts may include:
 - Clearly defining member benefits
 - Developing an easy to return mailing envelope
 - Encouraging members to volunteer at the site
 - Holding open houses
 - Sending out newsletters, e-mails, etc., to members and potential new members
 - Setting up an outreach table during site open hours to engage visitors
 - Give presentations at local civic organizations, community events, etc.
 - Recognize and thank Board members on a regular basis

See Chapter 496, F.S., for more details on fundraising.

PROPERTY OWNERSHIP

Any CSO purchasing or receiving assets for the benefit of the site needs to understand the property ownership rules set forth in the CSO's MOAs with the site and statewide CSO. A CSO's MOA with the APS clearly delineates the property ownership rules for any property purchased by a CSO. A CSO and site MOA outlines the use of state owned property by a CSO. All CSO use of state property must be for the public interest.

GIFTED PROPERTY

In some cases, items purchased by or donated to a CSO will be donated to a site. It is important to note that any items gifted to a site become property of the state and will be maintained by Department staff for the benefit of the site within the boundaries afforded by state law and rules. Because ownership rests with the state, gifted assets are not guaranteed to stay with the site they were donated to. A site is not able to give state-owned donations back to a CSO.

For all property gifted to a site, a CSO should prepare a gift letter describing the equipment/resource that is to be gifted including any appropriate serial numbers or details. The letter should be dated and then signed by both a CSO officer and the Site Manager or site staff. The letter should clearly state that the property is gifted to the site as a donation and that no reciprocal value is received or expected. One copy of the letter should be maintained in a CSO records, and one copy should be submitted to the APS.

CSO PROPERTY

A CSO may own certain assets. For example, a CSO may require a generator for certain programs it helps its site with throughout the year. A CSO should always be aware that the Department and its staff cannot maintain or repair property or assets owned by a CSO.

Additionally, it is important to document all assets appropriately in the year-end financials.

CREATING ACCOUNTS

In addition to banking accounts, a CSO may have the need to open various other types of accounts. CSOs may find need for online accounts with various services. Care should be taken when opening any type of account in a CSO's name to ensure multiple officers have access to the account, or at a minimum, access to change the account.

GOVERNING DOCUMENTS

Governance structure of CSOs may vary but must ultimately comply with Florida Statutes and federal laws regarding nonprofit corporations, IRS requirements for tax exempt organizations and Department-specific requirements found at 20.2551, F.S., and in the CSO's MOA.

Five governing documents fundamental to the operation of a CSO include:

1. Articles of incorporation
2. Nonprofit corporation bylaws
3. CSO Annual Legislative Report form
4. MOA between the Department and a CSO
5. IRS Letter of Determination of tax exempt organization

This set of documents governs the operations of CSOs and how they interact with the sites they support and the Department. If there is any conflict between any of these documents, a CSO should work to resolve the conflict so that it is always operating as described in the MOA between the Department and CSO.

ARTICLES OF INCORPORATION AND NONPROFIT CORPORATION BYLAWS

The State of Florida requires a CSO to create articles of incorporation and bylaws because a CSO is a corporation. The articles serve as the foundation for the corporation, whereas the bylaws implement the articles and serve as the guide to corporate governance. The bylaws set forth the proper decision making process for the corporation and should be tailored to serve the needs of the corporation. A CSO Board of Directors has the duty of upholding the charitable purposes as stated in the articles of incorporation and bylaws. The bylaws and articles are legally binding documents, and the corporation should carefully consider what procedures and provisions to adopt. While this handbook offers sample bylaws as a recommendation for CSOs, the actual content of the bylaws should be determined by CSO leadership. Assuming there are no contradictions with any of the other governing documents or with state law, the bylaws can contain virtually any provision a CSO leadership determines appropriate for the operation of a CSO. The bylaws and procedure of a CSO must be updated to reflect Office of Inspector General Audit findings and recommendations.

DEVELOPING THE ARTICLES OF INCORPORATION

The articles of incorporation are the basis for any corporation. An attorney should draft or review a CSO's articles of incorporation. This may be done at no cost to a CSO with pro bono services of a lawyer. According to section 617.0202(1), F.S., the Department of State Division of Corporations requires articles include at minimum:

- Article 1 – Name
 - A CSO must provide a name for the corporation. A corporate name must satisfy the requirements of section 617.0401, F.S., which indicates that the name of the corporation must include a corporate suffix such as "Corporation", "Corp.", "Incorporated" or "Inc.". Note: "Company" or "Co." may not be used as a corporate suffix.
- Article 2 – Principal office
 - A CSO must provide the street address of the initial principal office and, if different, the mailing address of the corporation
 - The mailing address cannot be the site address
- Article 3 – Purpose
 - A CSO must provide the specific purpose of the corporation
 - A general statement of "any and all lawful business" will not be sufficient
- Article 4 – Manner of election
 - A CSO must provide the manner in which the Directors are elected or appointed
- Article 5 – Initial directors and/or officers
 - A CSO may choose to list name(s), address(es) and specific title(s) of directors and officers
 - When naming directors, three must be listed
- Article 6 – Initial registered agent

- o A CSO must provide a name and Florida street address (P.O. Box is not acceptable) of the registered agent
- o The registered agent must sign in the space provided and type or print their name below their signature accepting the designation as the registered agent
- o The Florida street address cannot be the site address
- o Department or site staff cannot be named or serve as the registered agent for a CSO
- o A local attorney or accountant could perform this function as the registered agent does not need to be a Board member or officer
- o The registered agent will receive all official notices from the Department of State regarding the organization's corporate status
- o A CSO should avoid changing this designation each year to ensure the notices are not being missed
- Article 7 – Incorporator
 - o The name and address of the Incorporator must be provided
 - o The incorporator must sign in the space provided and type or print their name below the signature line
 - o The incorporator is the person who prepares and signs the articles of incorporation and submits them for filing to the Division of Corporations
 - o The function of the incorporator usually ends after the corporation is filed
 - o This role cannot be filled by Department or site staff

If a CSO intends to apply for IRS federal tax exemption as a charitable organization, the articles of incorporation must contain a required purpose clause and a dissolution of assets provision. Valuable information on 501(c)(3) qualification and sample articles of incorporation can be found on the [IRS website](#) under "Filing" and "Charities and Nonprofits".

A new CSO should first send the articles of incorporation to the Office's CSO Program Coordinator. The Central office will then submit the articles for filing with the Department of State. Section §17.0122, F.S., states all Department CSOs are exempt from all corporate filing fees, including incorporation and annual filing fees. In order to obtain the exemption from the Department of State, all official filings must be sent through the Department to ensure the Department is able to certify the status of a CSO.

AMENDING THE ARTICLES OF INCORPORATION

Should a CSO need or desire to amend its articles of incorporation with Florida, a CSO must do so pursuant to section §17.1006, F.S. A CSO is required to file a basic amendment form with the Florida Department of State Division of Corporations, which may not satisfy all statutory requirements for amending.

A corporation can amend or add as many articles as necessary in one amendment. However:

- Original incorporators cannot be amended
- If amending the name of the corporation, the new name must be distinguishable on the records of the Florida Department of State. A preliminary search for name availability can be made through the Division's [website](#). A CSO is responsible for any name infringement that may result from the corporate name selection.
- If amending the registered agent, the new agent must sign the form thereby accepting the appointment and state that he/she is familiar with the obligations of the position
- If amending or adding officers and/or directors, titles and addresses for each officer/director must be listed

Please seek counsel from an attorney for more information on requirements by the Division of Corporations.

DEVELOPING BYLAWS

CSO bylaws should not be perceived as static. As such, it is recommended that bylaws be reviewed periodically to ensure they continue to meet the needs of a CSO. Bylaws should also include a provision for

amendments. Bylaws should be thorough enough to help set the guidelines for CSO operations but should not be so restrictive as to make adherence difficult.

The following outline is intended to serve as a guide to the development of bylaws for corporate, not for profit entities established under Florida law as a CSO and is not an all-inclusive list of bylaw components.

Sample outline of bylaws for a CSO:

- Name
- Purpose and/or objective(s)
- Membership
 - o Defining membership
 - o Eligibility
 - o Membership categories
 - o Membership dues
 - o Enrollment
 - o Termination of membership
 - o Reinstatement
- Board of Directors
 - o Defining roles
 - o Election/ procedures
 - o Terms
 - o Management of affairs
 - o Agreements
 - o Conflict of interest
 - o Voting
 - o Removal of Directors
 - o Vacancies
- Officers
 - o Defining officer roles
 - o Removal of officers
 - o Vacancies
 - o Elections
- Financial Policies
- Committees
 - o Long-term standing
 - Membership
 - Fundraising
 - Nominating
 - Publications
 - Finance
 - Audit
 - o Short-term and Ad-hoc
- Meetings and Members
 - o Annual meetings
 - o Other meetings
 - o Frequency
 - o Quorum
 - o Voting
 - o Corporate members
- Notices
 - o Notice
 - o Waiver of notice
 - o Contracting

- o Proxies
- o Amendments
- o Interpretations of bylaws
- o Dissolution
- o Parliamentary authority
 - "Robert's Rules of Order"

AMENDING THE BYLAWS

According to section §17.0206, F.S., the power to alter, amend, repeal and/or adopt bylaws shall be vested in the Board of Directors, unless otherwise provided in the articles of incorporation or bylaws. Bylaws are internal CSO documents and therefore a CSO is not required to amend their bylaws with the Division of Corporations. Bylaw updates should be sent to the Site Manager and shared with the Office's CSO Program Coordinator.

The current bylaws must be reviewed to determine the appropriate process for approving proposed amendments. Although no single board member may unilaterally amend the bylaws, they can propose an amendment. It is recommended the amendment be proposed to the Board of Directors prior to a vote. The Board of Directors vote on the proposed amendment change, and if the vote meets the requirements set forth in the bylaws, the amendment has passed. It is important a CSO follow all rules in the bylaws regarding who must be at the meeting, how many must attend the meeting and the percentage of votes in favor of the proposal necessary for the vote to be valid. A record of the vote, regardless of the outcome, must be kept with a CSO's corporate records.

CSO ANNUAL LEGISLATIVE REPORT FORM

A CSO Annual Legislative Report form is a one-page document with required attachments displaying general information on all CSOs with the Department. This form ensures that each CSO is functioning for the benefit of the Office and that each CSO is filing appropriate information with the IRS. A CSO Annual Legislative Report asks for the contact information of the group, brief descriptions of its mission, results and planning for the next three fiscal years. Attached to this document, each CSO will submit their code of ethics and the applicable IRS 990 form. A template is included in the appendices of this handbook.

CSO MOA WITH THE DEPARTMENT

A CSO MOA formalizes a CSO as an affiliate of a specific site and the Department. Essentially, this document is related to the initial formation of a CSO itself. The MOA outlines the opportunities and responsibilities of a CSO. Includes provisions related to use of the Department site/buildings and financial reporting requirements. A template is included in the appendices of this handbook.

IRS LETTER OF DETERMINATION

FEDERAL FILINGS AND 501(C)(3) STATUS

Once a CSO receives their charter status from the Florida Department of State and executes a CSO MOA with the Department, a CSO can begin its initial filings with the IRS. CSOs are required to apply for a FEID, also known as a Federal Tax Identification Number, if filing for federal 501(c)(3) status. File for an FEID by filing out IRS Form SS-4 (see IRS [website](#)).

The statewide CSO is recognized by the IRS as a 501(c)(3) organization. Each individual CSO is responsible for obtaining and maintaining recognition as a not for profit 501(c)(3) if it wishes to receive tax deductible contributions and donations. Simply being a Florida registered nonprofit does not entitle a CSO to receive tax deductible contributions and donations, which may hinder fundraising opportunities. The Department does not require CSOs to secure designation as a charitable organization under Section 501(c)(3) of the Internal Revenue Code as a condition of its CSO MOA with the Department. However, failure to secure such a

designation could result in the organization having to pay federal income tax. It will be the responsibility of a CSO to remain in compliance with all applicable tax and income laws.

LETTER OF DETERMINATION

An IRS determination letter is issued in response to an application for tax exemption under Section 501(c)(3) of the Internal Revenue Code and is official recognition of exemption from federal income tax. To qualify for 501(c)(3) status, a CSO must operate as a nonprofit.

An IRS determination letter offers several unique advantages to a CSO:

1. A CSO is 'exempt from federal income tax under Internal Revenue Code (IRC) 501(c)(3)'
2. If stipulated, CSO donors can claim their contributions to the organization on their annual tax return under Section 170 of the code
3. CSO donors can retroactively claim contributions made since the "effective date of exemption" listed on the letter
4. A CSO can receive discounts on U.S. Postal Service postage rates and many other services and products

A CSO can use its determination letter as proof that it is an IRS-recognized nonprofit. A CSO should provide a copy when requested, not the original letter.

Many grantors require "proof of IRS federal tax-exempt status, dated within the last five years." Proof is generally the organization's 501(c)(3) IRS Determination Letter. Since an organization's exempt-status can change (i.e. reclassified under a different IRS code or revoked for non-compliance), it is necessary for grant seeking CSOs to provide a letter from the IRS dated within the last five years, even though technically, the IRS does not 're-issue new determination letters as an organization's original determination letter does not expire and is always still valid until the point in which an organization's exempt status changes." In this instance, the IRS would issue a brand-new determination letter. Rather than requesting a "new determination letter" and confusing the IRS agent, it is best to ask for an "affirmation letter", which simply affirms that a CSO's original tax exempt status is still valid. The "affirmation letter" dated within the last five years, in most cases, is acceptable proof for grantors.

Receiving an IRS determination letter is an important milestone as a CSO, but it is not the last step. A CSO will have ongoing activities, such as filing IRS Form 990 annually, to keep their federal tax-exempt status.

APPENDIX

The appendix contains CSO related Florida State Statutes as well as important Department agreements, templates and forms.

FLORIDA STATE STATUTES

20.058 Citizen support and direct-support organizations. —

- (1) By August 1 of each year, a citizen support organization or direct-support organization created or authorized pursuant to law or executive order and created, approved, or administered by an agency, shall submit the following information to the appropriate agency:
 - (a) The name, mailing address, telephone number, and website address of the organization.
 - (b) The statutory authority or executive order pursuant to which the organization was created.
 - (c) A brief description of the mission of, and results obtained by, the organization.
 - (d) A brief description of the plans of the organization for the next 3 fiscal years.
 - (e) A copy of the organization's code of ethics.
 - (f) A copy of the organization's most recent federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).
- (2) Each agency receiving information from a citizen support organization or direct-support organization pursuant to subsection (1) shall make such information available to the public through the agency's website. If the organization maintains a website, the agency's website must provide a link to the organization's website.
- (3) By August 15 of each year, each agency shall report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information provided by each citizen support organization and direct-support organization. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each organization.
- (4) Any contract between an agency and a citizen support organization or direct-support organization must be contingent upon the organization's submission and posting of information pursuant to subsections (1) and (2). If an organization fails to submit the required information for 2 consecutive years, the agency head shall terminate any contract between the agency and the organization.
- (5) A law creating, or authorizing the creation of, a citizen support organization or a direct-support organization must state that the creation of or authorization for the organization is repealed on October 1 of the 5th year after enactment, unless reviewed and saved from repeal through reenactment by the Legislature. Citizen support organizations and direct-support organizations in existence on July 1, 2014, must be reviewed by the Legislature by July 1, 2019.

20.2551 Citizen support organizations; use of property; audit; public records; partnerships. —

- (1) DEFINITIONS. —For the purposes of this section, a "citizen support organization" means an organization which is:
 - (a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State;
 - (b) Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect

benefit of the Department of Environmental Protection or individual units of the department. The citizen support organization may not receive funds from the department by grant, gift, or contract unless specifically authorized by the Legislature;

- (c) Determined by the appropriate division of the Department of Environmental Protection to be consistent with the goals of the department and in the best interests of the state; and
- (d) Approved in writing by the department to operate for the direct or indirect benefit of the individual units of the department. Such approval shall be given in a letter of agreement from the department.
- (2) USE OF PROPERTY. —
 - (a) The department may permit, without charge, appropriate use of fixed property and facilities of the department by a citizen support organization subject to the provisions of this section. Such use shall be directly in keeping with the approved purposes of the citizen support organization and may not be made at times or places that would unreasonably interfere with normal department operations.
 - (b) The department may prescribe by rule any condition with which a citizen support organization shall comply in order to use fixed property or facilities of the department.
 - (c) The department shall not permit the use of any fixed property or facilities by a citizen support organization which does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.
 - (3) ANNUAL AUDIT.—Each citizen support organization shall provide for an annual financial audit in accordance with s. 215.981.
 - (4) PUBLIC RECORDS. —All records of the citizen support organization constitute public records for the purposes of chapter 119.
 - (5) PARTNERSHIPS. —
 - (a) The Legislature recognizes that many of the lands managed by the department need a variety of facilities to enhance the use and potential of such lands and that many of the department's programs are of interest to, and could benefit from the support of, local citizen groups. Such facilities and programs include, but are not limited to, improved access, camping areas, picnicking shelters, management offices and facilities, environmental education facilities and programs, and cleanup and restoration projects. The need for such facilities and programs has exceeded the ability of the state to provide funding in a timely manner with available moneys. The Legislature finds it to be in the public interest to provide incentives for partnerships with private entities whose intent is the production of additional revenues to help enhance the use and potential of state property and environmental programs and projects funded by the department.
 - (b) The Legislature may annually appropriate funds, to be used as matching funds in conjunction with private donations, for capital improvement facilities development on state lands or the enhancement of department sponsored environmental programs or projects of local interest to citizen support organizations formed under this section. Citizen support organizations organized and operating for the benefit of the department may acquire private donations pursuant to this section, and matching state funds for approved projects or programs may be provided in accordance with this subsection. The department is authorized to properly recognize and honor a private donor by placing a plaque or other appropriate designation noting the contribution to project or program facilities or by naming project or program facilities after the person or organization that provided matching funds.
 - (6) REPEAL. —This section is repealed October 1, 2019, unless reviewed and saved from repeal by the Legislature.

112.3251 Citizen support and direct-support organizations; standards of conduct. —

CSO ANNUAL LEGISLATIVE REPORT TEMPLATE



Florida Department of Environmental Protection

CITIZEN SUPPORT ORGANIZATION

20__ REPORT

IMPLEMENTATION OF 20.058 F.S.

Citizen Support Organization (CSO) Name: _____

Mailing Address: _____

Telephone Number: _____ Website Address (if applicable): _____

Statutory Authority:

Section 20.2551, F.S., Citizen support organizations; use of property; audit; public records; partnerships.
In summary, the statute specifies the organizational requirements, operational parameters, duties of a CSO to support the Department of Environmental Protection (Department), or individual units of the Department, use of Department property, audit requirements, public records requirements, and authorizes public-private partnerships to enhance lands managed by the Department.

Brief Description of the CSO's Mission:

Brief Description of the CSO's Results Obtained:

Brief Description of the CSO's Plans for Next Three Fiscal Years:

☐ Copy of the CSO's Code of Ethics attached

☐ Certify the CSO has completed and provided to the Department the organization's most recent Internal Revenue Service (IRS) Form 990, 990-EZ, or 990-N/Annual Financial Statement

A citizen support or direct-support organization created or authorized pursuant to law must adopt its own ethics code. The ethics code must contain the standards of conduct and disclosures required under ss. 112.313 and 112.314(2), respectively. However, an ethics code adopted pursuant to this section is not required to contain the standards of conduct specified in s. 112.313(3) or (7). The citizen support or direct-support organization may adopt additional or more stringent standards of conduct and disclosure requirements if those standards of conduct and disclosure requirements do not otherwise conflict with this part. The ethics code must be conspicuously posted on the citizen support or direct-support organization's website.

215.981 Audits of state agency direct-support organizations and citizen support organizations. —

(1) Each direct-support organization and each citizen support organization with annual expenditures in excess of \$100,000, created or authorized pursuant to law, and created, approved, or administered by a state agency, other than a university, district board of trustees of a community college, or district school board, shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the state agency that created, approved, or administers the direct-support organization or citizen support organization. The audit report shall be submitted within 9 months after the end of the fiscal year to the Auditor General and to the state agency responsible for creation, administration, or approval of the direct-support organization or citizen support organization. Such state agency, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from the independent auditor any records relative to the operation of the organization.

(2) Notwithstanding subsection (1), direct-support organizations and citizen support organizations for the Department of Environmental Protection or direct-support organizations and citizen support organizations for the Department of Agriculture and Consumer Services that are not for profit and that have annual expenditures of less than \$300,000 are not required to have an independent audit. The respective department shall establish accounting and financial management guidelines for those organizations under its jurisdiction. Each year, the respective department shall conduct operational and financial reviews of a selected number of direct-support organizations or citizen support organizations that fall below the audit threshold established in this subsection.

110.504 Volunteer benefits. —

(1) Meals may be furnished without charge to regular-service volunteers serving state departments, provided the scheduled assignment extends over an established meal period, and to occasional-service volunteers at the discretion of the department head. No department shall expend or authorize any expenditure in excess of the amount provided for by appropriation in any fiscal year.

(2) Lodging, if available, may be furnished temporarily, in case of a department emergency, at no charge to regular-service volunteers.

(3) Transportation reimbursement may be furnished those volunteers whose presence is determined to be necessary to the department. Volunteers may utilize state vehicles in the performance of department-related duties. No department shall expend or authorize an expenditure in excess of the amount appropriated in any fiscal year.

(4) Volunteers shall be covered by state liability protection in accordance with the definition of a volunteer and the provisions of s. 768.28.

(5) Volunteers shall be covered by workers' compensation in accordance with chapter 440.

(6) Incidental recognition benefits or incidental nonmonetary awards may be furnished to volunteers serving in state departments to award, recognize, or encourage volunteers for their service. The awards may not cost in excess of \$100 each plus applicable taxes.

(7) Volunteers, including volunteers receiving a stipend as provided by the Domestic Service Volunteer Act of 1973, as amended (Pub. L. No. 93-113), shall be covered by s. 768.1355, the Florida Volunteer Protection Act.

MOA TEMPLATES

MASTER AGREEMENT

CITIZEN SUPPORT ORGANIZATION AGREEMENT

THIS LETTER OF AGREEMENT is made the _____ day of _____, 20____, by the State of Florida Department of Environmental Protection's ("Department") Florida Coastal Office ("FCO"), for the purposes of recognizing the Aquatic Preserve Society, hereinafter called "APS," as an approved Citizen Support Organization.

PARTIES

1. The Department is an agency of the state created under section 20.255, F.S.
2. The Office acts as manager over the Aquatic Preserve and Buffer Preserve System throughout the State.
3. APS is a not for profit Florida corporation incorporated under the provisions of CSO 617, F.S., and approved by the Department of State.

PURPOSE

4. The Office is vested with maintaining the aquatic preserve and buffer preserve system for resource management, restoration, education, public enjoyment, and healthful recreation.
5. APS desires to act as an approved Citizen Support Organization ("CSO") for the Office, with all rights and privileges provided in section 20.2551, F.S.
6. APS's mission is to establish a general membership and revenue base, act as an umbrella for a statewide system of CSOs, and serve as an advocate for the Office's needs and priorities
7. By this Letter of Agreement, the Office has determined that APS's organization and purpose, as provided in APS' s articles of incorporation, incorporated and made part of this agreement as Attachment A, are consistent with the goals of the Department and are in the best interests of the state.

NOW THEREFORE, it is agreed:

8. The Department hereby grants to APS the exclusive approval to serve as the Citizen Support Organization for the Office, in accordance with the provisions of section 20.2551, F.S., subject to all terms and conditions set forth in this agreement.
9. This agreement shall take effect upon execution and shall continue indefinitely or until terminated pursuant to paragraphs 10-11, below, or modified pursuant to paragraph 12, below.
10. Any violation of, or failure to comply with, the terms of this approval shall, at the option of the Department, terminate this agreement after three days from receipt of notice in writing to APS.
11. This agreement may be terminated by either party without cause after 90 days from the receipt of notice in writing to the other party.
12. The Department may modify this Agreement at any time by letter modification or substantial rewrite of this Agreement. APS may either execute the modification or terminate its status as a CSO. APS understands that there are preexisting CSO groups already within the aquatic preserve and buffer preserve system and these existing CSO groups will be given the opportunity to join APS at their will. Future aquatic preserve and buffer preserve CSO groups will become CSOs of the APS.
13. APS shall have appropriate use of the Office's (List the site-specific facilities and equipment to which a CSO will have reasonable access) when approved, in writing, a minimum of [15] business days in advance of use by the site manager.
14. APS is hereby authorized to: conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; make expenditures to or for the direct or

indirect benefit of the Office; and conduct official meetings of APS.

15. All notices and orders given to APS may be served by mail at the following address: Aquatic Preserve Society, (Address...) All notices and orders given to the Office may be served by mail at the following address: DEP, Florida Coastal Office Manager, (Address...)
16. The Office Director is hereby designated as the Department's agreement manager and shall be responsible for insuring performance of the terms and conditions of this agreement.
17. The Office may permit, without charge, appropriate use of FCO property, equipment, staff and facilities by APS subject to the conditions of this paragraph. Such use must be directly in keeping with the approved purposes of APS, and may not be made at times or places that would unreasonably interfere with the Office's use of property and facilities or normal FCO operations. In order to use property or facilities of the Office, the APS must:
 - A. Comply with all FCO and Department policies, rules and regulations as they may be amended periodically;
 - B. Develop and submit to the Office director and applicable FCO site manager, for review and prior written approval, a program or schedule of all projects, activities and events it plans to carry out on FCO property, including the designation of a specific location and time for such use, no less than [15] business days prior to the project, activity, or event; and
 - C. Be responsible for maintaining the property, facilities, or equipment assigned in a clean and orderly state.
18. APS agrees that all funds generated by APS will be used for the direct benefit of the Office or in accordance with Articles III and IV of Attachment A of this agreement. At no time shall less than [85%] of all revenue collected by APS be used for the direct benefit of the Office of the Office and its Aquatic Preserves.
19. APS agrees to provide for financial reporting by the submittal of:
 - A. A Monthly gross sales report, submitted quarterly within 30 days of the end of each calendar quarter; and
 - B. An annual Profit and Loss (P&L) statement, where "annual" means the state fiscal year, July 1 through June 30, submitted within 30 days of the end of each fiscal year.
20. In accordance with section 215.98 (2), F.S., should APS's annual expenditures (of the state fiscal year, July 1 through June 30 of each year) exceed \$300,000, APS shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with CSO 10.700, Rules of the Auditor General and Financial Accounting Standards No. 117, Financial Statements of Not-For-Profit Organizations established by the Financial Accounting Standards Board. The audit report shall be submitted within 9 months after the end of the fiscal year to the Auditor General and to the Office Director.
21. APS agrees and consents to allow the Office, or the Department to conduct operational and financial reviews of the APS's finances without prior notice.
22. It is acknowledged that the FAAP is operating as a citizen support organization and volunteer nonprofit organization for the benefit of the Florida Department of Environmental Protection. As such, activities of the APS may be covered by state liability protection as outlined in Sections 110.504 and 768.28, F.S. Nothing in this agreement shall be interpreted to act as a waiver of the state's sovereign immunity.
23. Both APS and the Office will meet their respective obligations under this agreement in such a manner as to maintain a distinct separation, evident to the public, between the activities and management of the friends and those of the Office

IN WITNESS WHEREOF, based on the foregoing, the State of Florida Department of Environmental Protection herein approves the APS as Citizen Support Organization.

Approved as to form and legality:

STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: _____
Attorney
By: _____
(Director Name)
Regional Environmental Administrator
Florida Coastal Office

Signed as a recognition of this LETTER OF AGREEMENT and its conditional approval:

ATTEST: Aquatic Preserve Society
By: _____
Secretary
President

CSO MOA WITH STATEWIDE CSO
YYY = Local CSC
CITIZEN SUPPORT ORGANIZATION COOPERATIVE
AGREEMENT

THIS COOPERATIVE AGREEMENT is made the _____ day of _____, 20____, by the Aquatic Preserve Society, Inc. ("APS"), and the Local CSO ("YYY") pursuant to each parties' respective Letter of Agreement with the Florida Department of Environmental Protection (Department) recognizing each as a Citizen Support Organization pursuant to section 20.2551, F.S.

PARTIES

1. APS is a not for profit Florida corporation incorporated under the provisions of CSO 617, F.S., and approved by the Department of State. APS acts as the approved Citizen Support Organization for the statewide network of Aquatic Preserves, Associated Buffer Preserves, and National Estuarine Research Reserves (collectively "AP Network").
2. YYY is a not for profit Florida corporation incorporated under the provisions of CSO 617, F.S., and approved by the Department of State. YYY acts as the approved Citizen Support Organization for the [LIST ALL APPLICABLE APS].

PURPOSE

3. As approved Citizen Support Organizations, APS and YYY are vested with supporting and advocating for aquatic preserves, state-wide or individually, consistent with the goals of the Department and in the best interest of the state of Florida.
4. The APS will act as the coordinator over the YYY to ensure cohesion throughout the state.
5. The APS will be responsible for the creation of an overall visioning plan to incorporate the existing CSOs into a statewide framework.

NOW THEREFORE, it is agreed:

6. This agreement shall take effect upon execution and shall continue indefinitely or until terminated pursuant to paragraphs 7, below, or modified pursuant to paragraph 8, below.
7. This agreement may be terminated by either party without cause after 90 days from the receipt of notice in writing to the other party.
8. The APS may modify this Agreement at any time by letter modification or substantial rewrite of this Agreement in accordance with its Letter of Agreement with the Department. YYY may either execute the modification or terminate this Agreement.
9. YYY recognizes that APS has been authorized by the Department to: conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; make expenditures to or for the direct or indirect benefit of the AP Network.
10. APS shall be responsible for insuring performance of the terms and conditions of this agreement.
11. All notices and orders given to APS may be served by mail at the following address: Aquatic Preserve Society, Inc., (Address...)
12. All notices and orders given to the YYY may be served by mail at the following address: YYY, (Address...)
13. The YYY shall assist the APS in the following:
 - A. Assisting in securing appropriate use by APS of property, equipment, staff and facilities at the [LIST ALL APPLICABLE APS] subject to the conditions of this each party's Letter of Agreement with the Department.
 - B. Assisting in developing and submitting to the [LIST ALL APPLICABLE APS] manager, for review and prior written approval, a program or schedule of all projects, activities and events APS plans to

carry out on [LIST ALL APPLICABLE APS] property, including the designation of a specific location and time for such use, no less than 15 business days prior to the project, activity, or event; and

C. Assisting APS in being responsible for and maintaining the property, facilities, or equipment assigned in a clean and orderly state.

14. The YY may approve the use of its property and equipment by the APS at its discretion.

15. In advance of any revenue-generating events jointly coordinated between the APS and YY, the parties will set forth in writing the percentage of revenue that will be deposited with each respective party.

IN WITNESS WHEREOF this Cooperative Agreement is signed and given effect by:
For Aquatic Preserve Society, Inc.:

Signature	Date
Printed Name	Title
For YY:	
Signature	Date
Printed Name	Title

CSO MOA WITH THE DEPARTMENT
XXX = CSO Name

YY/XX = AP Name/ Regional Name

CITIZEN SUPPORT ORGANIZATION AGREEMENT

THIS AGREEMENT is made the _____ day of _____, 20____, by the State of Florida Department of Environmental Protection ("Department") for the purposes of recognizing XXX, hereinafter called "XXX," as an approved Citizen Support Organization for the XXX.

PARTIES

1. The Department is an agency of the state created under section 20.255, F.S.
2. The XXX is a field office within the Department's Florida Coastal Office (FCO), hereinafter collectively called "XXX."
3. The XXX acts as manager over the XXX Aquatic Preserve, the XXX Aquatic Preserve, etc....
4. XXX is a not for profit Florida corporation incorporated under the provisions of CSO 617, F.S., and approved by the Department of State.

PURPOSE

5. The XXX is vested with restoring and enhancing (Site Specific Information Here) within the XXX Aquatic Preserve, the XXX for resource management, restoration, education, public enjoyment, and healthful recreation.
6. XXX desires to act as an approved Citizen Support Organization ("CSO") for the XX, with all rights and privileges provided in section 20.2551, F.S.
7. By this Letter of Agreement, the XXX has determined that XXX's organization and purpose, as provided in XXX 's articles of incorporation, incorporated and made part of this agreement as Attachment A, are consistent with the goals of the Department and are in the best interests of the state.

NOW THEREFORE, it is agreed:

8. The Department hereby grants to XXX the exclusive approval to serve as the Citizen Support Organization for the XXX, in accordance with the provisions of section 20.2551, F.S., subject to all terms and conditions set forth in this agreement.
9. This agreement shall take effect upon execution and shall continue indefinitely or until terminated pursuant to paragraphs 10-11, below, or modified pursuant to paragraph 12, below.
10. Any violation of, or failure to comply with, the terms of this approval shall, at the option of the Department, terminate this agreement after three days from receipt of notice in writing to XXX.
11. This agreement may be terminated by either party without cause after 90 days from the receipt of notice in writing to the other party.
12. The Department may modify this Agreement at any time by letter modification or substantial rewrite of this Agreement. XXX may either execute the modification or terminate its status as a CSO. XXX understands that the Department is in the process of establishing and approving a statewide CSO. The Department intends all new CSOs to join the statewide CSO as a member CSO. XXX agrees that the Department may modify this Agreement upon the establishment of a statewide CSO to incorporate provisions relating to the statewide CSO.
13. XXX shall have appropriate use of the XXX's (List the site specific facilities and equipment to which a CSO will have reasonable access) when approved, in writing, a minimum of [15] business days in advance of use by the XXX Manager.
14. XXX is hereby authorized to: conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; make expenditures to or for the direct or indirect benefit of the XXX; and conduct official meetings of XXX.

15. All notices and orders given to XXX may be served by mail at the following address: XXX, (Address...) All notices and orders given to the XXX may be served by mail at the following address: DEP, XXX Manager, (Address...)
16. The XXX Manager is hereby designated as the Department's agreement manager and shall be responsible for insuring performance of the terms and conditions of this agreement.
17. The XXX may permit, without charge, appropriate use of XXX property, equipment, staff and facilities by XXX subject to the conditions of this paragraph. Such use must be directly in keeping with the approved purposes of XXX, and may not be made at times or places that would unreasonably interfere with the XXX's use of property and facilities or normal XXX operations. In order to use property or facilities of the XXX, the XXX must:
- Comply with all XXX, FCO, and Department policies, rules and regulations as they may be amended periodically;
 - Develop and submit to the XXX Manager, for review and prior written approval, a program or schedule of all projects, activities and events it plans to carry out on XXX property, including the designation of a specific location and time for such use, no less than [15] business days prior to the project, activity, or event; and
 - Be responsible for maintaining the property, facilities, or equipment assigned in a clean and orderly state.
18. XXX agrees that all funds generated by XXX will be used for the direct benefit of the office of the XXX or in accordance with Article III of Attachment A of this agreement. At no time shall less than [85%] of all revenue collected by XXX be used for the direct benefit of the office of the XXX and its Aquatic Preserves.
19. XXX agrees to provide for financial reporting by the submittal of:
- A Monthly gross sales report, submitted quarterly within 30 days of the end of each calendar quarter; and
 - An annual Profit and Loss (P&L) statement, where "annual" means the state fiscal year, July 1 through June 30, submitted within 30 days of the end of each fiscal year.
20. In accordance with section 215.981(2), F.S., should XXX's annual expenditures (of the state fiscal year, July 1 through June 30 of each year) exceed \$300,000, XXX shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with CSO 10.700, Rules of the Auditor General and Financial Accounting Standards No. 117, Financial Statements of Not-For-Profit Organizations established by the Financial Accounting Standards Board. The audit report shall be submitted within 9 months after the end of the fiscal year to the Auditor General and to the XXX Manager.
21. XXX agrees and consents to allow the XXX, FCO, or the Department to conduct operational and financial reviews of the XXX's finances without prior notice.
22. It is acknowledged that the XXX is operating as a citizen support organization and volunteer nonprofit organization for the benefit of the Florida Department of Environmental Protection. As such, activities of the XXX may be covered by state liability protection as outlined in Sections 110.504 and 768.28, F.S. Nothing in this agreement shall be interpreted to act as a waiver of the state's sovereign immunity.

IN WITNESS WHEREOF, based on the foregoing, the State of Florida Department of Environmental Protection herein approves the XXX as Citizen Support Organization.

Approved as to form and legality: STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____ Attorney XXX Program Manager

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Florida Coastal Office

Signed as a recognition of this LETTER OF AGREEMENT and its conditional approval:

ATTEST:

By: _____ by: _____ Secretary President

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DEPARTMENT/OFFICE VOLUNTEER APPLICATION

Florida Department of Environmental Protection
Florida Coastal Office
Volunteer Application

Purpose for Volunteering
☐ Give back to the community
☐ Internship
☐ CSO/Friends Group
☐ Educational requirement
☐ Project for scouting or service group
☐ Other

Applicant Information (Please submit a separate application for each individual)

First Name	Middle Initial	Last name	Telephone #
Address (Home)			
City	State	Zip Code	
Email Address			
Are you a minor (under 18)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, parent or guardian sign here:			
Print Name	X Signature		Date

Do you have a valid Driver's License? (Required for some duties)

☐ Yes
☐ No

Emergency Contact Information

Name	Relationship	Telephone (Best)
------	--------------	------------------

Availability for Choose an item.

Jan	Feb	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday					
<input type="checkbox"/> AM	<input type="checkbox"/> AM	<input type="checkbox"/> AM	<input type="checkbox"/> AM	<input type="checkbox"/> AM	<input type="checkbox"/> AM	<input type="checkbox"/> AM	<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM
<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM	<input type="checkbox"/> PM

How many hours a week can you volunteer? Click or tap here to enter text.

Is your availability flexible?

☐ Yes ☐ No

Background & Experience

Education, Knowledge, Skills, Abilities, Experience:

Click or tap here to enter text.

Licenses, Certifications:

Click or tap here to enter text.

Hobbies, Interests:

Click or tap here to enter text.

Are you willing to supervise other volunteers?

☐ Yes ☐ No

Experience and Interests

Please check all of the boxes of those skills/duties that you are interested in performing.

- ☐ Plant/animal identification
- ☐ Snorkeling
- ☐ Restoration management (controlled burn, exotics removal, trail maintenance, etc.)
- ☐ Habitat or wildlife monitoring/surveying
- ☐ Canoeing/kayaking
- ☐ Construction/repair
- ☐ Boating
- ☐ Computer software/administrative
- ☐ Gardening
- ☐ Aquarium care
- ☐ Education/outreach
- ☐ Other

Background Information

1. Have you ever been asked to vacate a volunteer position?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Have you ever been convicted of a felony or a first degree misdemeanor?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Have you ever plead Nolo Contendere or plead guilty to felony or a first degree felony?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Have you ever had the adjudication of guilt withheld for a crime which is a felony or first degree misdemeanor?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. If YES to any of the questions above, please explain, what charges or convictions and where?	Click or tap here to enter text.

Note: A YES answer to these questions will not automatically bar you from volunteering. The nature, job-relatedness, severity and date of the offense in relation to the position for which you are applying are considered. It is the policy of the Department of Environmental Protection that all current and new volunteers, who are assigned to perform the duties or positions of special trust as designated by the Secretary, may be subject to a security background check including fingerprinting as a condition of employment or working for with the Department.

Acknowledgement

"I understand that I may be asked to provide date of birth, driver's license number(s) or other proof of identification, and social security number(s) at a later date. I certify that all information contained in this

application is true and correct. Further, I authorize the Florida Coastal Office to verify the information provided."

Print Name _____

X _____

Signature _____

Date _____

DEPARTMENT/OFFICE VOLUNTEER AGREEMENT

As a volunteer for the Florida Department of Environmental Protection, Florida Coastal Office (FCO), at _____ (print name of FCO site) rules, policies and standards governing volunteers. I acknowledge that it is my responsibility to become familiar with the contents of the FCO Volunteer Procedure Manual. A copy may be provided by the FCO site.

Volunteer Agreement Standards

I agree to:

1. Support the FCO mission and policies when communicating with the public, staff and fellow volunteers.
2. Uphold a high level of professionalism at all times, to include maintaining a courteous and supportive attitude.
3. Only participate in approved assignments and duties as outlined in my volunteer position description.
4. Abstain from using my volunteer position to secure special privileges, benefits, personal business or exemptions for others or myself.
5. Only use state equipment, office space and vehicles as assigned to me for my volunteer position, and return all state property issued to me at the end of my service.
6. Implement all safety standards and report job-related injuries immediately to supervisory staff.
7. Report volunteer hours and other information as required by my supervisor.
8. Request clarification of rules and policies that I do not understand.

Volunteers are not considered to be employees of the State of Florida. Volunteers are covered by state liability protection (Section 768.28, F.S.) and by workers' compensation (Chapter 440, F.S.). No other benefits of collective bargaining agreements apply. I understand my volunteer performance will be evaluated. I also understand my service can be terminated by the FCO, or I can terminate my volunteer status at any time, with or without cause, and I do not have the right to grieve or appeal. I understand that volunteers on duty for the Department may be photographed or videoed and the materials may be used to promote the Department. No further releases are required.

Volunteer's Signature _____

Date _____

Supervisor's Signature _____

Date _____

If volunteer is under 18: I, _____ (print name of parent or guardian), understand and agree to the above FCO volunteer rules, policies and standards governing volunteers and do hereby grant permission for _____ (name of applicant), date of birth _____, to participate in volunteer activities with the FCO.

Signature of Parent / Guardian _____

Date _____

CSO FILING DATES

2017 Summary of Citizen Support Organization Reporting Requirements

TYPE OF REPORT	Due Date	Recipient
Department of State, Division of Corporations		
Florida Division of Corporations Annual Report http://www.sunbiz.org/index.html	By May 1st each year	District Park Programs Development Specialist *Provide voucher for a fee waiver
Department of Environmental Protection		
CSO Handbook: https://www.floridastateparks.org/content/cso-handbook		
Annual Program Plan Form DRP-052	December 31	Park Manager
Annual Financial Report See: CSO Handbook 5.7	To Park Manager June 1 Finalized to DEP June 30	Park Manager
Independent Annual Financial Audit If applicable, gross receipts over \$300,000. See: CSO Handbook 5.8	August 31	Auditor General and Division of Recreation and Parks
Transparency Reporting and Code of Ethics laws (New legislation Sections 20.058 & 112.3251, F.S.) See: CSO Handbook 5.12	"Legislative Report" To Park Manager June 1 Finalized to DEP June 30	District Park Programs Development Specialist
Department of Revenue		
Sales and Use Tax Return (if applicable)	Monthly or quarterly depending on volume	Florida Department of Revenue
Internal Revenue Service		
IRS Tax Return Form 990 Form 990 EZ Form 990-N (e-postcard)	May 15 *If CSO submits 990-N to IRS, financials must be submitted on 990EZ as a workbook for the DEP Annual Financial Report	Internal Revenue Service https://www.irs.gov/charities-non-profits/exempt-organization-annual-filing-requirements-overview

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: SPB 7024

INTRODUCER: Committee on Environment and Natural Resources

SUBJECT: Department of Environmental Protection Citizen Support Organizations

DATE: February 13, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Anderson	Rogers		EN Submitted as Comm. Bill/Fav

I. Summary:

SPB 7024 deletes the scheduled repeal of provisions governing citizen support organizations established under the Department of Environmental Protection, allowing the existing citizen support organizations to continue operating and providing benefits to the department.

The bill requires a contract between the department and its citizen support organizations to include a provision that requires the citizen support organization to transfer any state funds held in trust by the organization to another citizen support organization under the department or revert to the state if the authorizing statute for a citizen support organization is repealed, the contract is terminated, or the organization is dissolved.

The bill requires the department to submit a report to the President of the Senate and the Speaker of the House of Representatives that examines the financial transparency, accountability, and ethics of those citizen support organizations with annual expenditures of more than \$300,000 and those citizen support organizations under the Florida Coastal Office, as of November 1, 2018.

The report must include audits for the last three fiscal years for any citizen support organization that is subject to the statutory requirement for an audit. Of the department's 96 citizen support organizations, this requirement only includes those with annual expenditures of \$300,000 or more. Audits conducted after March 1, 2019 must be conducted in accordance with Government Auditing Standards, which explicitly reinforces the existing requirement that audits be conducted in accordance with rules adopted by the Auditor General. The Auditor General rules specify Government Auditing Standards as the standards for audits of nonprofit and for-profit organizations. The report must demonstrate that citizen support organizations under the Florida Coastal Office, as of November 1, 2018, comply with statutory requirements.

The report must identify any of the department's citizen support organizations included in the report that are not in compliance with statutory requirements and describe whether the department has terminated its contracts with those organizations.

II. Present Situation:

Citizen Support Organizations and Direct-Support Organizations

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily authorized or created private entities that are generally required to be non-profit corporations, and are authorized to carry out specific tasks in support of public entities or public causes.¹ The functions and purpose of a CSO or DSO are prescribed by its enacting statute and, for most organizations, by a written contract with the agency the CSO or DSO was created to support.

Section 20.2551, F.S., governs CSOs that support the Department of Environmental Protection (DEP) and its programs. Section 258.015, F.S. governs CSOs that specifically support the Division of Recreation and Parks within DEP.

CSO and DSO Transparency and Reporting Requirements

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs that are created or authorized pursuant to law or executive order and created, approved, or administered by a state agency.² Specifically, the law requires each CSO and DSO to annually submit, by August 1, the following information related to its organization, mission, and finances to the agency it supports:³

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent federal Internal Revenue Service (IRS) Return of Organization Exempt From Income Tax form (Form 990).⁴

Each agency receiving the above information must make the information available to the public through the agency's website.⁵ If the CSO or DSO maintains a website, the agency's website must provide a link to the website of the CSO or DSO.⁶ Additionally, any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting and posting the information.⁷ If a CSO or DSO fails to submit the required information for two consecutive years, the agency must terminate the contract with the CSO or DSO.⁸ The contract must also include a provision "for the orderly cessation of operations and reversion to the state of state

¹ See ss. 258.015(1) and 257.43(1), F.S. Specific CSOs and DSOs are granted the authority to operate and conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer funds and property; and make expenditures.

² Chapter 2014-96, Laws of Fla.

³ Section 20.058(1), F.S.

⁴ The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. s. 501.

⁵ Section 20.058(2), F.S.

⁶ *Id.*

⁷ Section 20.058(4), F.S.

⁸ *Id.*

funds held in trust by the organization within 30 days after its authorizing statute is repealed, the contract is terminated, or the organization is dissolved.”⁹

By August 15 of each year, the agency must report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information provided by the CSO or DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency’s association with each CSO or DSO.¹⁰

Lastly, a law creating or authorizing the creation of a CSO or DSO must state that the creation or authorization for the CSO or DSO is repealed on October 1 of the fifth year after enactment, unless reviewed and saved from repeal by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.¹¹

CSO and DSO Audit Requirements

Section 215.981, F.S., requires each CSO and DSO created or authorized pursuant to law with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records, except for the CSOs for DEP, which are not required to provide for an audit unless annual expenditures are \$300,000 or more.¹² The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created, approved, or administers the CSO or DSO. The Auditor General has adopted the Government Auditing Standards as the standards for audits of nonprofit and for-profit organizations.¹³ The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports.

Additionally, the Auditor General may conduct audits or other engagements of the accounts and records of the CSO or DSO, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee.¹⁴ The Auditor General is authorized to require and receive any records from the CSO or DSO, or its independent auditor.¹⁵

CSO and DSO Ethics Code Requirement

Section 112.3251, F.S., requires a CSO or DSO created or authorized pursuant to law to adopt its own ethics code. The ethics code must contain the statutory standards of conduct and disclosures.¹⁶ A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must conspicuously post its code of ethics on its website.¹⁷

⁹ *Id.*

¹⁰ Section 20.058(3), F.S.

¹¹ Section 20.058(5), F.S.

¹² The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

¹³ Rule 10.651(4), Rules of the Auditor General.

¹⁴ Section 11.45(3)(d), F.S.

¹⁵ *Id.*

¹⁶ Sections 112.313 and 112.3143(2), F.S.

¹⁷ Section 112.3251, F.S.

Department of Environmental Protection

DEP is the state's lead agency for environmental management and stewardship, protecting air, water, and land in the state. DEP's Land and Recreation programs, including the Division of Recreation and Parks, acquire and protect lands for preservation and recreation. DEP's Ecosystem Restoration programs protect and improve water quality and aquatic resources, including Florida's coastal resources, which are coordinated through its Florida Coastal Office.

Department of Environmental Protection CSOs

A DEP CSO must be a Florida corporation not for profit, incorporated under ch. 617, F.S.¹⁸ DEP or the Division of Recreation and Parks must determine that the CSO is consistent with DEP or the state park system's goals and the best interests of the state and provide in a letter of agreement its written approval of the CSO to operate for the direct or indirect benefit of DEP or the state park system or its individual units.¹⁹

The CSOs are organized and operated to conduct programs and activities; raise funds; collect and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities, funds, or real personal property; and make expenditures for the benefit of DEP or the state park system or its individual units.²⁰ However, CSOs must not receive funds from DEP by grant, gift, or contract unless specifically authorized by the Legislature.²¹ Statutory requirements and Auditor General rules require an annual audit be conducted in accordance with Government Auditing Standards for DEP's CSOs with annual expenditures above \$300,000.²²

DEP may permit its CSOs to use DEP property, facilities, and personnel free of charge, as long as such use is in keeping with the approved purposes of the CSO and does not unreasonably interfere with normal operations.²³ The CSO's use of state property must provide for equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.²⁴

DEP holds agreements with 96 CSOs. Eighty-three CSOs support the Division of Recreation and Parks and 13 CSOs support the Florida Coastal Office.²⁵ The statutes that authorize the CSOs for DEP generally and for DEP's Division of Recreation and Parks are repealed October 1, 2019, unless reviewed and saved from repeal beforehand by the Legislature.²⁶

¹⁸ Sections 20.2551(1)(a) and 258.015(1)(a), F.S.

¹⁹ Sections 20.2551(1)(c) and (d) and 258.015(1)(c) and (d), F.S.

²⁰ Sections 20.2551(1)(b) and 258.015(1)(b), F.S.

²¹ Section 20.2551(1)(b), F.S.

²² Sections 20.2551 and 215.981(2), F.S.

²³ Sections 20.2551(2) and 258.015(2), F.S.

²⁴ *Id.*

²⁵ Department of Environmental Protection, *Citizen Support Organization Reports*, <https://floridadep.gov/comm/comm/content/citizen-support-organizations-reports> (last visited Feb. 6, 2019) [hereinafter *DEP CSO Reports*].

²⁶ Sections 20.2551(6) and 258.015(4), F.S.

Division of Recreation and Parks

The Division of Recreation and Parks, or the Florida Park Service, is one of the largest park systems in the country with 175 state parks, trails, and historic sites.²⁷ The park system includes nearly 800,000 acres of land and 100 miles of beaches. Florida's state park system offers year-round outdoor activities to citizens and visitors of all ages and provides education about the state and its natural diversity.

CSOs provide numerous benefits to DEP including fundraising, programs, activities, services, and volunteer time to assist in park operations. CSOs provide important financial support that is used by parks to purchase equipment, improve facilities, develop exhibits, and provide other enhancements to the parks. CSOs provide community outreach and educational activities to children and adults. CSOs also often provide staff assistance and volunteers when needed by state parks.²⁸

The Florida State Parks Foundation is a CSO that benefits the park system statewide through preservation and protection of parks, children's education, community engagement, and financial support.²⁹ Other CSOs benefit individual state parks by generating additional resources and support for the park. Many of these CSOs sponsor and organize events and activities, such as guided walks, kayak tours, and cultural festivals that bring visitors to the parks.

Examples of the important benefits CSOs have provided to state parks are completing significant upgrades to river boats in Wakulla Springs State Park,³⁰ maintaining campground laundry facilities at Florida Caverns State Park,³¹ and providing trail interpretive booths at Paynes Prairie State Park.³² Other CSOs host large events, such as the Florida Springs Fest at Silver Springs State Park, which brings music, entertainment, guest speakers, scientists, artists, and activists to the park for a two-day festival that educates visitors about Florida's springs.³³

Senate Professional Staff Review of DEP Division of Recreation and Parks CSOs

The statutory authority for DEP's Division of Recreation and Parks' CSOs are scheduled to repeal on October 1, 2019, unless reviewed and saved from repeal by the Legislature.³⁴ Professional staff of the Senate Committee on Environment and Natural Resources reviewed the 83 Division of Recreation and Parks CSOs to verify their compliance with applicable Florida

²⁷ Florida Department of Environmental Protection, *Division of Recreation and Parks*, <https://floridadep.gov/parks> (last visited Feb. 6, 2019).

²⁸ Florida State Parks, *Friend Groups*, <https://www.floridastateparks.org/friend-groups> (last visited Feb. 6, 2019).

²⁹ Florida Department of Environmental Protection, *Florida State Parks Foundation*, <https://www.floridastateparks.org/parks-and-trails/florida-state-parks-foundation> (last visited Feb. 6, 2019).

³⁰ Florida State Parks, *Friends of Wakulla Springs State Park*, <https://www.floridastateparks.org/parks-and-trails/edward-ball-wakulla-springs-state-park/friends-wakulla-springs-state-park> (last visited Feb. 6, 2019).

³¹ Florida State Parks, *Friends of the Florida Caverns State Park*, <https://www.floridastateparks.org/parks-and-trails/friends-florida-caverns-state-park> (last visited Feb. 6, 2019).

³² Florida State Parks, *Friends of Paynes Prairie*, <https://www.floridastateparks.org/parks-and-trails/paynes-prairie-preserve-state-park/friends-paynes-prairie> (last visited Feb. 6, 2019).

³³ The Friends of Silver Springs State Park, *Springs Festival*, <https://www.thefriendsofsilversprings.org/springs-festival> (last visited Feb. 6, 2019).

³⁴ Sections 20.2551(6) and 258.015(4), F.S.

Statutes. After reviewing the submitted documents and other requirements to which the CSOs are subject, staff found that these organizations are active CSOs that support Florida's state parks and provide valuable benefits to the state and its visitors. Staff concluded that it appears the 83 CSOs are in substantial compliance with their governing legislation³⁵ as well as the general CSO requirements.³⁶

Staff identified a few deficiencies where individual CSOs are not in full compliance with the applicable Florida Statutes. A contract between an agency and a CSO must contain a provision "for the orderly cessation of operations and reversion to the state of state funds held in trust by the organization within 30 days after its authorizing statute is repealed, the contract is terminated, or the organization is dissolved."³⁷ However, DEP's contracts with its CSOs expressly authorize a CSO that is dissolved to transfer its funds to another CSO. Because transferring funds to another CSO that supports the same agency is consistent with the legislative intent of the provision, staff recommends adding a statutory provision to specifically authorize a CSO to transfer funds to another CSO that supports DEP upon dissolution.

DEP has substantially complied with the general statutory requirements and has posted its CSOs' documents, IRS forms, and annual audits, where available, on its website.³⁸ DEP has posted each CSO's code of ethics on its website.³⁹ Each CSO with annual expenditures in excess of \$300,000 must provide for an annual financial audit of its accounts and records.⁴⁰ Five CSOs were identified as requiring audits and one audit is still outstanding as of the date of this analysis. Additionally, several audits were not conducted in accordance with the Government Auditing Standards required by Auditor General rules.⁴¹ These standards provide more information about whether the CSO is complying with the law than a general audit provides.

Staff finds that while many of DEP's CSOs have substantially complied with the statutory requirements, more oversight is required for those CSOs with annual expenditures in excess of \$300,000. Staff recommends requiring the CSOs that meet the audit threshold to provide audits for the last three fiscal years and ensure that audits are conducted in accordance with Government Auditing Standards, which explicitly reinforces the existing requirement that audits be conducted in accordance with rules adopted by the Auditor General.

Other deficiencies are technical and administrative in nature and can be resolved by DEP and its CSOs. DEP has committed to updating its CSO agreements, tracking CSO compliance, and establishing consistent and streamlined reporting.⁴²

³⁵ Sections 20.2551 and 258.015, F.S.

³⁶ Section 20.058, F.S.

³⁷ Section 20.058, F.S.

³⁸ *DEP CSO Reports*, available at <https://floridadep.gov/comm/comm/content/citizen-support-organizations-reports> (last visited Feb. 6, 2019).

³⁹ *Id.*

⁴⁰ Section 215.981, F.S.

⁴¹ Rule 10.651(4), Rules of the Auditor General.

⁴² Department of Environmental Preservation, *Presentation on Citizen Support Organizations to the Florida Senate Committee on Environment and Natural Resources* (Jan. 22, 2019), available at http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket_4355.22.19.pdf (last visited Feb. 6, 2019) [hereinafter *DEP Presentation*].

Staff recommends repealing the sunset date for future legislative review of DEP CSOs to allow for their continued operation, while requiring DEP to report to the Legislature by December 1, 2019 on the CSOs requiring audits. If any of the CSOs are not in compliance with statutory requirements, DEP must identify the CSOs in its report and describe whether it has terminated its contracts with the CSOs as required by law.⁴³

Florida Coastal Office

DEP's Florida Coastal Office coordinates the protection of the state's coastal resources, including more than 4 million acres of submerged lands and coastal uplands, aquatic preserves and national estuarine research reserves, and coral reef resources.⁴⁴

The Florida Coastal Office's CSOs support and aid aquatic preserves and other managed areas through operational support provided by volunteers and financial support provided by fundraising. CSO members and volunteers work to secure grants and donations, plan and staff special events and programs, conduct research as citizen scientists, and increase outreach to benefit Florida's coastal and aquatic resources.⁴⁵

Examples of the important benefits CSOs provide to coastal areas and their communities are Friends of the Reserve providing scholarships to high school students in the Apalachicola area⁴⁶ and Friends of Charlotte Harbor Aquatic Preserves removing nonnative species and monitoring water quality.⁴⁷

Senate Professional Staff Review of DEP Florida Coastal Office CSOs

The statutory authority for DEP's CSOs is scheduled to repeal on October 1, 2019, unless reviewed and saved from repeal by the Legislature.⁴⁸ Professional staff of the Senate Committee on Environment and Natural Resources reviewed the 13 Florida Coastal Office CSOs to verify their compliance with applicable Florida Statutes. After reviewing the submitted documents and other requirements to which the CSOs are subject, staff found that these organizations are active CSOs that support Florida's aquatic preserves and provide valuable benefits to the state and its visitors.

Staff concluded that several of the 13 CSOs are not in full compliance with the applicable Florida Statutes. Some contracts need to be updated and missing information should be submitted. A contract between an agency and a CSO must contain a provision "for the orderly cessation of operations and reversion to the state of state funds held in trust by the organization within 30 days after its authorizing statute is repealed, the contract is terminated, or the

⁴³ Section 20.058(4), F.S.

⁴⁴ Florida Department of Environmental Protection, *Florida Coastal Office*, <https://floridadep.gov/fco> (last visited Feb. 6, 2019).

⁴⁵ Florida Coastal Office, *Citizen Support Organization Handbook*, on file with Senate Environment and Natural Resources Committee.

⁴⁶ Apalachicola National Estuarine Research Reserve, *Friends of the Reserve*, <https://apalachicolareserve.com/for.php> (last visited Feb. 6, 2019).

⁴⁷ Friends of Charlotte Harbor Aquatic Preserves, *Projects*, <https://fchap.org/projects> (last visited Feb. 6, 2019).

⁴⁸ Section 20.2551, F.S.

organization is dissolved.”⁴⁹ Where contracts between the CSO and DEP exist, the contracts generally do not provide for the return of state funds to the state if the statutory authorization is repealed, the contract is terminated, or the organization is dissolved. Because transferring funds to another CSO that supports the same agency is consistent with the legislative intent of the provision, staff recommends adding a statutory provision to specifically authorize a CSO to transfer funds to another CSO that supports DEP upon dissolution.

DEP has substantially complied with general statutory requirements and has posted its CSOs’ documents, IRS forms, and annual audits, where available, on its website.⁵⁰ DEP has posted each CSO’s code of ethics on its website.⁵¹ However, the Florida Coastal Office has not had the same level of organization in oversight of its CSOs that is evident for the CSOs that are overseen by the Division of Recreation and Parks.

Staff finds that while DEP and its CSOs have substantially complied with many of the statutory requirements, more oversight is needed. Staff recommends that DEP be required to report to the Legislature on what it is doing to facilitate full compliance for the Florida Coastal Office’s CSOs, including updating agreements and authorizations if needed. Other deficiencies are technical and administrative in nature and can be resolved by DEP and its CSOs. DEP has committed to updating its CSO agreements, tracking CSO compliance, and establishing consistent and streamlined reporting.⁵²

Staff recommends repealing the sunset date for future legislative review of DEP CSOs to allow for their continued operation, while requiring DEP to report to the Legislature by December 1, 2019, on the Florida Coastal Office CSOs’ compliance with statutory requirements. If any of the CSOs are not in compliance, DEP must identify the CSOs in its report and describe whether it has terminated its contracts with the CSOs.

III. Effect of Proposed Changes:

SPB 7024 requires that a contract between the Department of Environmental Protection (DEP) and its citizen support organizations (CSOs) must include a provision that requires any state funds held in trust by the organization to be transferred to another DEP CSO or revert to the state if the authorizing statute for the CSO is repealed, the contract is terminated, or the organization is dissolved.

The bill requires DEP to submit a report to the President of the Senate and the Speaker of the House of Representatives that examines the financial transparency, accountability, and ethics of those CSOs with annual expenditures of more than \$300,000 and those CSOs under the Florida Coastal Office, as of November 1, 2018.

⁴⁹ Section 20.058, F.S.

⁵⁰ *DEP CSO Reports*, available at <https://floridadep.gov/comm/comm/content/citizen-support-organizations-reports> (last visited Feb. 6, 2019).

⁵¹ *Id.*

⁵² *DEP Presentation*, (Jan. 22, 2019), available at http://www.flsenate.gov/PublishedContent/Committees/2018-2020/EN/MeetingRecords/MeetingPacket_4355.22.19.pdf (last visited Feb. 6, 2019).

The bill provides that the report must include audits for the last three fiscal years for any CSO that is subject to the statutory requirement for an audit. Of DEP's 96 CSOs, this requirement only includes those with annual expenditures of \$300,000 or more. Audits conducted after March 1, 2019 must be conducted in accordance with Government Auditing Standards, which explicitly reinforces the existing requirement that audits be conducted in accordance with rules adopted by the Auditor General. The Auditor General rules specify Government Auditing Standards as the standards for audits of nonprofit and for-profit organizations. The bill provides that the report must demonstrate that the CSOs within the Florida Coastal Office, as of November 1, 2018, are in compliance with statutory provisions.

The bill provides that the report must identify any of DEP's CSOs included in the report that are not in compliance with statutory requirements and describe whether DEP has terminated its contracts with those CSOs.

The bill deletes the scheduled repeal of provisions governing CSOs established under DEP, allowing the existing CSOs to continue operating and providing benefits to DEP.

The effective date of the bill is July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

By saving the statutes governing DEP's CSOs from repeal, the bill sustains a source of funding, promotional support, and other assistance that benefits Florida citizens, youth, and visitors to the state parks and aquatic preserves.

C. Government Sector Impact:

By saving the statutes governing DEP's CSOs from repeal, the bill allows the CSOs to continue benefitting DEP and its programs through valuable research and support that assists DEP in meeting its goals.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 20.2551 and 258.015.

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.



755340

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/13/2019	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 44
and insert:
within the Florida Coastal Office, as of November 1, 2018, are
in compliance with ss.

FOR CONSIDERATION By the Committee on Environment and Natural Resources

592-02107-19

20197024pb

A bill to be entitled

An act relating to the Department of Environmental Protection citizen support organizations; amending s. 20.2551, F.S.; requiring that contracts between the department and a citizen support organization include a specified provision; requiring the department to submit a report to the Legislature by a specified date; providing requirements for the report; abrogating the scheduled repeal of provisions governing citizen support organizations established under the department; amending s. 258.015, F.S.; abrogating the scheduled repeal of provisions governing citizen support organizations established under the department for the benefit of the state park system; providing an effective date.

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

Section 1. Present subsections (4), (5), and (6) of section 20.2551, Florida Statutes, are redesignated as subsections (5), (6) and (7), respectively, a new subsection (4) is added to that section, and present subsection (6) is amended, to read:

20.2551 Citizen support organizations; use of property; audit; public records; partnerships.—

(4) REVERSION OF FUNDS.—Notwithstanding s. 20.058(4), a contract between the department and a citizen support organization must include a provision that requires any state funds held in trust by the organization to be transferred to another citizen support organization under the department or

592-02107-19

20197024pb

30 revert to the state if the authorizing statute for a citizen
31 support organization is repealed, the contract is terminated, or
32 the organization is dissolved.

33 (7)(6) REPORT REPEAL. By December 1, 2019, the department
34 shall submit a report to the President of the Senate and the
35 Speaker of the House of Representatives which examines the
36 financial transparency, accountability, and ethics of its
37 citizen support organizations. The report must:

38 (a) Include audits for the most recent 3 fiscal years for
39 its citizen support organizations that are subject to audit
40 requirements under s. 215.981. An audit conducted after March 1,
41 2019, must be conducted in accordance with government auditing
42 standards.

43 (b) Demonstrate that its citizen support organizations
44 within the Florida Coastal Office are in compliance with ss.
45 20.058 and 20.2551.

46 (c) Identify any citizen support organizations under
47 paragraph (a) or paragraph (b) which are not in compliance with
48 ss. 20.058 and 20.2551 and describe whether the department has
49 terminated a contract with such organization. This section is
50 repealed October 1, 2019, unless reviewed and saved from repeal
51 by the Legislature.

52 Section 2. Subsection (4) of section 258.015, Florida
53 Statutes, is amended to read:

54 258.015 Citizen support organizations; use of property;
55 audit.—

56 ~~(4) REPEAL. This section is repealed October 1, 2019,~~
57 ~~unless reviewed and saved from repeal by the Legislature.~~

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



Florida Federation of Garden Clubs, Inc.

BAN HYDRAULIC FRACTURING IN FLORIDA

Position Statement

Adopted January 14, 2015

Florida Federation of Garden Clubs, Inc. is committed to banning the practice of hydraulic fracturing in Florida.

The oil and gas industry has surged over the past decade by employing new techniques and technologies that combine horizontal drilling and hydraulic fracturing—commonly known as fracking—to extract natural gas and oil otherwise unreachable with conventional technologies from underground rock formations. The process involves drilling vertically to reach the rock layer where the gas or oil exists, then drilling horizontally along the rock layer from the vertical wellbore. A mixture of water, sand and chemicals or “fracking fluid” is pumped into the well at extremely high pressure. The pressure is powerful enough to fracture the surrounding rock, creating fissures and cracks through which trapped reservoirs of gas and oil are released. The gas and oil are pumped back to the surface, along with millions of gallons of “flowback.” Flowback is a mix of recovered fracking fluid and “produced waters” or water released from the underground rock formations along with the gas and oil. Flowback contains harmful contaminants, such as naturally occurring radioactivity, heavy metals, hydrocarbons, brine and other toxins. This wastewater is stored on the fracking site in pits, injected in deep underground disposal wells or trucked off-site for treatment prior to discharge to surface waters.

Despite the fact that there is substantial evidence that enormous volumes of wastewater degrades the environment and endangers public health, no federal or state laws regulate the handling, storage, treatment or disposal of fracking waste. Gas and oil production wastes are exempt from the disclosure requirements for hazardous waste under the Resource Conservation and Recovery Act. Attending physicians, researchers and public agencies are not necessarily privy to the toxicological and epidemiological information necessary to understand the scope, scale and long-term implications of exposure to the chemical additives in fracking fluids. Drilling sites are also exempt from the laws limiting the emissions of toxic airborne pollutants under the Clean Air Act, even though wastewater left in open air pits to evaporate, releases harmful volatile organic compounds into the atmosphere, polluting the air and contributing to acid rain and ground level ozone. Where catastrophic spills of fracking chemicals and wastes have contaminated soil and surface waters, drilling operators are exempt from any liability under the Comprehensive Environmental Response, Compensation and Liability Act (a.k.a. Superfund Act), which holds most industries accountable for cleaning up hazardous waste.

There are no wastewater treatment methods in wide use that recondition water to an acceptable quality for surface discharge. Municipal sewage facilities merely dilute hazardous chemicals and other pollutants, rather than remove them. Private industrial treatment facilities are better able to precipitate metals and filter out suspended solids, but removing dissolved salts, in particular, require expensive distillation or reverse osmosis processes. Disposal of toxic wastewater in deep underground injection wells is a common practice. Disposal wells are tubes of concrete and steel that extend deep into the earth, and at the bottom, the wells open into a natural rock formation. There is no container. Waste simply seeps out. According to recent studies, the extreme pressure of deep well injection can cause underground rock layers to crack, accelerating the migration of wastewater into aquifers. Once toxic compounds leach into groundwater, vital drinking water resources may be contaminated irreparably. The U.S. Environmental Protection Agency (EPA) has no hard data on how many underground disposal wells are leaking dangerous chemicals. The Energy Policy of 2005 expressly exempts fracking operations from the provisions of the Safe Drinking Water Act, effectively removing the authority of the EPA to regulate the underground injection of hazardous substances so that these materials do not endanger underground sources of drinking water.

Florida Federation of Garden Clubs, Inc. recognizes that the millions of gallons of water used in fracking operations not only strain water resources, but end up as vast amounts of polluted wastewater. To protect Florida aquifers, reservoirs, rivers, streams, wetlands, lakes and ponds and recharge areas, Florida Federation of Garden Clubs, Inc. supports the following:

To Ban Hydraulic Fracturing in Florida

- Permanently halt or prohibit the initiation of gas and oil extraction using hydraulic fracturing (fracking) of horizontally drilled wells
- Permanently halt or prohibit the initiation of hydraulic fracturing (fracking) operations on public lands, which are not only home to the last remaining wild places in Florida, but public and private drinking water supplies for millions of people
- Permanently halt or prohibit the initiation of treating, discharging, disposing and storing of waste from hydraulic fracturing (fracking) operations
- Repeal oil and gas industry exemptions from the National Environmental Policy Act, Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, Superfund Act, and Emergency Planning and Community Right to Know Act

Charter Member of National Garden Clubs, Inc.

Headquarters: 1400 South Denning Drive, Winter Park, Florida 32789-5662

Tel: 407-647-7016 / Fax: 407-647-5479 / Web: www.ffgc.org

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Bill Number (if applicable) _____

Topic Ban fracking

305964
Amendment Barcode (if applicable)

Name Jim Tatum

Job Title _____

Address 914 SW Riverland Ct

Phone _____

Street

Fort White FL 32038

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Our Santa Fe River

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/13/19
Meeting Date

Bill Number (if applicable)

305964

Amendment Barcode (if applicable)

Topic ADVANCES Well Stimulation

Name SONATHAN Webber

Job Title Deputy Director

Address 1700 N. Monroe St. #11-286

Street

Tallahassee

City

FL

State

32303

Zip

Phone 954-593-4449

Email JWEBBER@FCVOTERS

ORG

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Conservation Voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/13/19

Meeting Date

3141

Bill Number (if applicable)

305964

Amendment Barcode (if applicable)

Topic Fracking

Name Kim Ross

Job Title Executive Dir

Address 603 N MLK Jr Blvd

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-888-2565

Email kim@rethinkenergyflorida.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Rethink Energy Florida

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Bill Number (if applicable) _____

Topic Banfracking

305964
Amendment Barcode (if applicable)

Name Merrilee Tipson

Job Title Owner of watersports recreational tourism business

Address 2070 SW CR 138

Phone 386-454-4247

Street

Fort White FL 32038

City

State

Zip

Email merrilleart@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Rum 138

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/13/19

Meeting Date

314

Bill Number (if applicable)

Topic Ban Fracking

305964

Amendment Barcode (if applicable)

Name Michelle Allen

Job Title Senior Florida Organizer

Address 2655 Wth Ave S

Phone 727-217-5135

St Pete FL 33712

City State Zip

Email mailen@fwwatch.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Food & Water Watch

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

APPEARANCE RECORD

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

2-13-19

Meeting Date

314

Bill Number (if applicable)

305964

Amendment Barcode (if applicable)

Topic Well StimulationName Brian LeeJob Title Lobbyist, Floridians Against FrackingAddress 1203 Buckingham Dr.

Street

Tallahassee

City

FL

State

32308

Zip

Phone 850-766-7309Email brian.lee.tallahassee@gmail.comSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing Floridians Against FrackingAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/13/14

Meeting Date

314

Bill Number (if applicable)

Topic FRACKING - ADV. WELL STIM.

→ 305964
Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title

Address 1674 UNIVERSITY PKWY #296

Street

Phone 941-323-2404

SARASOTA FL 34243

City

State

Zip

Email cullenasea@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/13/19
Meeting Date

SB 314
Bill Number (if applicable)

Topic Advanced Well Stimulation Treatment

Amendment Barcode (if applicable)

Name Devon West

Job Title Policy Advisor

Address 115 S. Andrews Ave
Street
Fort Lauderdale FL 33301
City State Zip

Phone 954.789.9293

Email dewest@broward.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Broward County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/13/19
Meeting Date

314
Bill Number (if applicable)

Topic Advanced Well Stimulation Treatment

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Job Title Deputy General Counsel

Address PO Box 1757
Street

Phone 222 9684

Tallahassee FL 32302-1757
City State Zip

Email rohara@flcities.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Fla League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/13/19

Meeting Date

314

Bill Number (if applicable)

Topic Advanced Well Stimulation Treatment

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N. Adams St

Phone 850-521-2913

Street

Tallahassee

FL

32312

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/13/19

Meeting Date

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

314

Bill Number (if applicable)

Topic ADVANCED Well Stimulation

Amendment Barcode (if applicable)

Name JONATHAN Webber

Job Title Deputy Director

Address 1700 N. Monroe St. #11-286

Phone 954-593-4449

Street

Tallahassee

FL

32303

City

State

Zip

Email JWebber@FCUOTERS.

Org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Conservation Voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-13-2019
Meeting Date

SB-314
Bill Number (if applicable)

Topic BAN FRACKING

Amendment Barcode (if applicable)

Name GALE DICKERT

Job Title _____

Address P.O. Box 70, MADISON, FL 32340 Phone 850-973-3699
Street

FL 32340 Email johnws12@yahoo.com
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL Federation of Garden Clubs, ~~FLA~~

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/13/19

Meeting Date

314

Bill Number (if applicable)

Topic Fracking

Amendment Barcode (if applicable)

Name Kim Rose

Job Title Exec Dir

Address 603 N MLK Jr Blvd

Phone 850-888-2565

Street

Tall

City

FL

State

32801

Zip

Email kim@rethinkenergyflorida.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing ReThink Energy Florida

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ^(unpaid) ☐ Yes ☒ No

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S-001 (10/14/14)

APPEARANCE RECORD

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

2-13-19

Meeting Date

314

Bill Number (if applicable)

Topic Fracking

Amendment Barcode (if applicable)

Name Brian Lee

Job Title Lobbyist

Address 1203 Buckingham Dr

Phone 850-766-7309

Street

Tallahassee

FL

State

32308

Zip

Email brian@rethinkenergyflorida.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Floridians Against Fracking

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/13

Meeting Date

314

Bill Number (if applicable)

Topic Fracking Ban

Amendment Barcode (if applicable)

Name Desmond Nichols

Job Title Legislative Affairs

Address _____

Phone _____

Street

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The Surridge Foundation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/13/19

Meeting Date

SB 314

Bill Number (if applicable)

Topic Fucking Ban Bill

Amendment Barcode (if applicable)

Name Gladys Delgadillo

Job Title Environmental Policy Specialist

Address 1495 Smith Presence Way

Street

Naples

City

FL

State

34102

Zip

Phone (239) 262-0304 x308

Email gladysd@conservancy.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Conservancy of Southwest Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/13/19
Meeting Date

314
Bill Number (if applicable)

Topic ADV. WASH. STATE TECH

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 UNIVERSITY PKWY #296
Street

Phone 941-323-2404

SARASOTA FL 34243
City State Zip

Email cullenasea@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-13-19

Meeting Date

314

Bill Number (if applicable)

Topic Ban on Fracking

Amendment Barcode (if applicable)

Name Merrilee Tipson

Job Title Owner ^{watersports} recreational tourism business

Address 2070 SW CR 138

Phone 386-454-4247

Street

Fort White

City

FL

State

32038

Zip

Email Merrilleeart@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Rum 138

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

314
Bill Number (if applicable)

Topic ~~Jim Tatum~~ Ban of fracking

Amendment Barcode (if applicable)

Name Jim Tatum

Job Title

Address 914 SW Riverland Ct
Street

Phone

Fort White FL 32038
City State Zip

Email Jim@jimtatum.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Our Santa Fe River

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/13/19

Meeting Date

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

314

Bill Number (if applicable)

Topic Ban Fracking

Amendment Barcode (if applicable)

Name Michelle Allen

Job Title Senior Florida Organizer

Address 2655 6th Ave S

Phone 727-217-5135

Street St Pete FL 33712

Email mallen@fwwatch.org

City State Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Food & Water Watch

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/13/2019
Meeting Date

SB 314
Bill Number (if applicable)

Topic Fracking

Amendment Barcode (if applicable)

Name Marc Freeman

Job Title Emeritus Professor

Address 5143 Icicle Hill

Phone 850 980-4097

Street

Tallahassee

City

State

32303

Zip

Email prolactin@comcast.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/13/2019

Meeting Date

SB-314

Bill Number (if applicable)

Topic FRACKING BAN BILL

Amendment Barcode (if applicable)

Name JENNIFER C. WRIGHT

Job Title CITIZEN

Address 3026-B CLOUDLAND DRIVE

Street

TALLAHASSEE

FL

32312

City

State

Zip

Phone 850-408-7552

Email Jennifer, C. Wright @
hotmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/13/19

Meeting Date

SB 314

Bill Number (if applicable)

Topic ADVANCED WELL STIMULATION TREATMENT

Amendment Barcode (if applicable)

Name GUENDA ABBOTT (ABBOTT)

Job Title SERVICES TECHNICIAN

Address 4305 SW 98 AV
Street

Phone 76-376-1181

MIAMI FL 33165
City State Zip

Email GUENDA.ABBOTT@GMAIL.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

Feb 13, 2019

Meeting Date

SB 314

Bill Number (if applicable)

Topic Fracking

Amendment Barcode (if applicable)

Name Dr. Ana Ciereszko

Job Title Retired

Address 7550 SW 61 St.

Phone 305 321 0016

Street

Miami

City

FL

State

33143

Zip

Email aciereszko@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/13/2019

Meeting Date

SB314

Bill Number (if applicable)

Topic Advanced Well Water Stimulation Treatment

Amendment Barcode (if applicable)

Name Joshua Romero

Job Title Legislative Affairs Director

Address 308 N. Monroe Street

Phone 407.201.1337

Street

Tallahassee

FL

32301

Email jromero@audubon.org

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Audubon Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/13/19

Meeting Date

314

Bill Number (if applicable)

Topic Advanced well Stimulation Treatment

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Job Title _____

Address P.O. Box 2020
Street

Phone 727.421.6902

St. Petersburg FL 33731
City State Zip

Email travis@moore-relations.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Defenders of Wildlife

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/13/2019
Meeting Date

5B314
Bill Number (if applicable)

Topic Hydraulic Fracturing

Amendment Barcode (if applicable)

Name Eric Hamilton

Job Title Associate Director

Address 215 South Monroe Street

Phone (850) 561-6300

Tallahassee FL 32301
City State Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Petroleum Council

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/13/2019

Meeting Date

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

SB 314

Bill Number (if applicable)

Topic

Hydraulic Fracturing

Amendment Barcode (if applicable)

Name

David Mica

Job Title

Executive Director

Address

215 South Monroe Street

Phone

(850) 561-6300

Street

Tallahassee

FL

32301

City

State

Zip

Email

mica.d@api.org

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Florida Petroleum Council

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

314
Bill Number (if applicable)

Meeting Date

Topic Water

Amendment Barcode (if applicable)

Name ~~Michelle Levy~~ Michelle Levy

Job Title LWV

Address 4249 Canine Dr.

Phone

Street

City

Orlando

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/13/19

Meeting Date

SB314

Bill Number (if applicable)

Topic FRACKING

Amendment Barcode (if applicable)

Name ALINA GONZALEZ

Job Title INTERGOV

Address 111 NW 1ST

Phone 305 375-2889

Street

Miami

FL

33128

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Miami-Dade County

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/13/19

Meeting Date

314

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Diana Ferguson

Job Title _____

Address _____
Street

Phone 850-481-1788

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Association of Counties

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/13/19

Meeting Date

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

PSB 7022

Bill Number (if applicable)

Topic FWC Citizen Support Organizations

Amendment Barcode (if applicable)

Name Jessica Crawford

Job Title Legislative Affairs Director

Address 620 S. Meridian Street

Phone 880-487-3795

Street

Tallahassee

FL

32399

City

State

Zip

Email Jessica.Crawford@myfwc.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Fish & Wildlife Conservation Commission

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/13/19

Meeting Date

SRB 7024

Bill Number (if applicable)

Topic DEP CSOs.

Amendment Barcode (if applicable)

Name DON PHILPOTT

Job Title EXEC. DIRECTOR

Address 3999 ~~W~~ OAKINGTON PL

Phone 321-277-8442

Street

LONGWOOD

FL

32779

City

State

Zip

Email dp@donphilpott.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing FLORIDA STATE PARKS FOUNDATION

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/13/19

Meeting Date

SPB 7024

Bill Number (if applicable)

Topic DEP CSO's

Amendment Barcode (if applicable)

Name ~~DEP~~ GIL ZIFFER

Job Title president-elect Fla. State Parks Foundation

Address 1448 - #1 Terrace Street Tall. Phone 850-509-7886

Street

Tallahassee

City

FL

State

32303

Zip

Email gil@ziffberg.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing FSPF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

CourtSmart Tag Report

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

Type:
Judge:

Started: 2/13/2019 1:34:20 PM
Ends: 2/13/2019 2:07:26 PM **Length:** 00:33:07

1:34:19 PM Meeting called to order
1:34:22 PM Roll Call
1:34:26 PM Pledge to flag
1:34:58 PM Senator Montford with opening comments
1:35:23 PM Tab 1 SB 314, by Senator Montford, Advanced Well Stimulation Treatment
1:35:32 PM Vice Chair Allbritton in chair
1:35:49 PM Amendment 305964 by Senator Montford
1:36:57 PM David Cullen supports amendment
1:37:07 PM Jonathan Webber waives in support
1:37:15 PM Jim Tatum in support of amendment
1:37:27 PM Merrillee Jimpson waives in support
1:37:36 PM Kim Ross waives in support
1:37:44 PM Brian Lee waives in support
1:37:50 PM Michelle Allen waiving in support
1:38:05 PM Michelle Allen waiving in support
1:38:05 PM Amendment 305964 passes
1:38:21 PM Senator Montford explaining SB 314 as amended
1:39:56 PM Questions on bill as amended - none
1:40:07 PM Devon West waives in support
1:40:20 PM Rebecca O'hara waives in support
1:40:24 PM Jonathan Webber waives in support
1:40:29 PM Gail Dickert Florida Federation of Garden Clubs
1:44:32 PM Gail Dickert Florida Federation of Garden Clubs
1:44:33 PM Kim Ross waives in support
1:44:40 PM Brewster Bevis waives against bill
1:45:00 PM Brian Lee waives in support
1:45:06 PM Desmond Nichols waives in support
1:46:42 PM Gladys Delgadito, Cnservancy of SW Florida
1:47:42 PM David Cullen waives in support
1:47:50 PM Mary Lee Jenson waives in support
1:48:01 PM Jim Tatum waives in support
1:48:08 PM Michelle Allen waives in support
1:48:16 PM Mark Freedman waives in support
1:48:22 PM Jennifer Wright waives in support
1:48:30 PM Glenda Abbott waives in support
1:48:42 PM Dr, Anna Ciereszko waives in support
1:48:56 PM Joshua Romaro waives in support
1:49:06 PM Travis Moore waives in support
1:49:12 PM Eric Hamilton, Florida Petroleum Council
1:53:21 PM David Mica waiving in opposition
1:53:30 PM Michelle Levy, League of Women Voters waives in support
1:53:50 PM Alina Gonzalez waives in support
1:53:58 PM Diane Ferguson waives in support
1:54:04 PM Debate on bill - None
1:54:15 PM Senator Montford closes on bill
1:56:55 PM Roll call CS/SB 314
1:56:55 PM Senator Montford closes on bill
1:57:05 PM CS/SB 314 passes
1:57:21 PM Return Chair to Senator Monthford
1:57:33 PM Tab 2 SPB 7022 - -by Environment and Natural Resources, FWC Citizen Support Organizations
1:57:48 PM Crystal Anderson, Legislative Analyst presents SPB 7022
1:58:49 PM Crystal Anderson, Legislative Analyst Presents SPB 7022

1:58:51 PM Questions on proposed bill -None
1:59:00 PM Jessica Crawford, Legislative Affairs Director, FWC waives in support
1:59:10 PM Debate on Bill - None
1:59:13 PM Senator Mayfield moves bill as Committee Bill
1:59:21 PM Roll Call on SPB 7022
1:59:28 PM SPB 7022 reported as a committee bill
1:59:37 PM SPB 7024 by Environment and Natural Resources -- DEP, Protection Citizen Support Organizations
1:59:47 PM Crystal Anderson, Legislative Analyst presents SPB 7024
2:01:47 PM Senator Albritton in chair
2:01:47 PM Crystal Anderson, Legislative Analyst presents bill
2:02:05 PM Amendment 755340 by Senator Montford
2:02:12 PM Senator Montford explains amendment
2:02:29 PM Senator Montford explains amendment
2:02:36 PM Appearance cards on amendment none
2:02:59 PM Amendment 755340 passes
2:03:12 PM Chair Montford in Chair
2:03:31 PM Gil Ziffer, President Elect, Florida State Parks foundation
2:04:50 PM Gil Ziffer, President Elect, Florida State Parks Foundation
2:04:50 PM Don Philpott, Executive Director, Florida Parks Foundation
2:06:04 PM Don Philpott, Executive Director, Florida Parks Foundation
2:06:06 PM Senator Montford with comments re: Mr. Phillpot's concern
2:06:30 PM Debate - None
2:06:36 PM Senator Berman moved bill be submitted as committee bill
2:06:51 PM Bill passes as Committe bill
2:07:05 PM Senator Mayfield moves to Adjourn
2:07:08 PM Moves to adjourn
2:07:14 PM Meeting Adjourn