Tab 4	SB 1360	by Ro	odriguez; (Sir	nilar to	H 01067) Florida Endang	ered and	Threatened Species	s Act		
217556	A	S	RCS	EN,	Rodriguez	Delete	L.74 - 75:	02/10	05:44	РМ
Tab 5	SB 1378	B by Ro	<b>ouson</b> ; (Simila	r to H	01407) Vessels					
520256	D	S	RCS	EN,	Rouson	Delete	everything afte	r 02/10	05:44	РМ
Tab 6	CS/SR :	<b>L572</b> b	y <b>IS, Stewar</b>	<b>t</b> ; Clima	ate Change					
Tab 7	CS/SB 9	<b>996</b> by	CA, Albritto	<b>ı</b> ; (Ideı	ntical to H 00639) Displac	ement of	Private Waste Com	panies		
<b>Tab 7</b> 752760	-	<b>996</b> by S	<b>CA, Albritto</b> RCS		ntical to H 00639) Displac Albritton		Private Waste Com L.17 - 21:		05:44	PM

#### The Florida Senate

### **COMMITTEE MEETING EXPANDED AGENDA**

#### ENVIRONMENT AND NATURAL RESOURCES Senator Montford, Chair Senator Albritton, Vice Chair

MEETING DATE:	Monday, February 10, 2020
TIME:	4:00—6:00 p.m.
PLACE:	Mallory Horne Committee Room, 37 Senate Building

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

TAB	OFFICE and APPOINTMENT (HOM	IE CITY)	FOR TERM ENDING	COMMITTEE ACTION	
	Senate Confirmation Hearing: A public hearing will be held for consideration of the below- named executive appointments to the offices indicated.				
	Executive Director of South Florid	la Water Management			
1	Bartlett, Andrew "Drew" (Lake	Worth Beach)	Pleasure of the Board	Recommend Confirm Yeas 5 Nays 0	
	Governing Board of the South Flo District	rida Water Management	:		
2	Bergeron, Ronald M. (Weston)		03/01/2022	Recommend Confirm Yeas 4 Nays 1	
	Executive Director of Suwannee F District	River Water Management	t		
3	Thomas, Hugh L. (Bell)		Pleasure of the Board	Recommend Confirm Yeas 5 Nays 0	
TAB	BILL NO. and INTRODUCER		SCRIPTION and MMITTEE ACTIONS	COMMITTEE ACTION	
4	<b>SB 1360</b> Rodriguez (Similar H 1067)	Florida Endangered and Threatened Species Act; directing the Fish and Wildlife Conservation Commission to protect certain declassified species; prohibiting the commission and the Department of Environmental Protection from considering certain costs when designating a species as endangered or threatened; revising criteria for placement of species on the Regulated Plant Index by the Department of Agriculture and Consumer Services; directing the department, in consultation with the Endangered Plant Advisory Council, to protect certain declassified species, etc. EN 02/10/2020 Fav/CS AEG AP		Fav/CS Yeas 5 Nays 0	

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources Monday, February 10, 2020, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 1378</b> Rouson (Similar H 1407)	Vessels; Specifying operation of a vessel at slow speed, minimum wake; prohibiting the operation of vessels at speeds faster than slow speed, minimum wake in certain situations; prohibiting the anchoring or mooring of a vessel to, or within a specified distance of, a mangrove or to vegetation upon, or within a specified distance of, public lands; revising civil penalties relating to certain at-risk vessels and prohibited anchoring or mooring, etc. EN 02/10/2020 Fav/CS JU RC	Fav/CS Yeas 5 Nays 0
6	CS/SR 1572 Infrastructure and Security / Stewart	Climate Change; Expressing the Legislature's support for the adoption of policies that will prepare Florida for the environmental and economic impact of climate change, sea-level rise, and flooding, and recognizing the important role that resiliency and infrastructure will play in fortifying this state, etc. IS 01/27/2020 Fav/CS EN 02/10/2020 Favorable RC	Favorable Yeas 5 Nays 0
7	<b>CS/SB 996</b> Community Affairs / Albritton (Identical H 639)	Displacement of Private Waste Companies; Requiring a local government to pay a specified amount of compensation to a displaced private waste company at the end of a specified notice period; removing a provision authorizing a local government to pay a specified amount of compensation to a private waste company as an alternative to delaying displacement for a specified period; removing a provision authorizing a local government and a private waste company to negotiate such compensation and notice period, etc. CA 01/27/2020 Fav/CS EN 02/10/2020 Fav/CS RC	Fav/CS Yeas 5 Nays 0

#### COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, February 10, 2020, 4:00-6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1706 Montford	Water Testing for Pollution; Authorizing specified persons or businesses that suspect contamination of their private water systems, multifamily water systems, or certain public water systems to request that the Department of Health or its agents test such source for pollution, under certain circumstances; requiring such testing to be done within a specified timeframe and follow certain procedures; revising the specified purposes that funds in a County Health Department Trust Fund may be used for to include the costs and expenditures related to certain water testing provisions, etc. EN 02/10/2020 Favorable AHS AP	Favorable Yeas 5 Nays 0

Other Related Meeting Documents

# STATE OF FEORIDA

Division of Elections I, Laurel M. Lee, Secretary of State,

# do hereby certify that

# Andrew "Drew" Bartlett

is duly appointed

# **Executive Director,** South Florida Water Management District

for a term beginning on the Fourth day of September, A.D., 2019, to serve at the pleasure of the District's Governing Board and is subject to be confirmed by the Senate during the next regular session of the Legislature.

# iod void void

Given under my hand and th<u>e Great Seal of</u> the State of Florida, at Tallahassee, the Capital, this The Seventeenth day of September, A.D., 2019.



DSDE 99 (3/03)

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

BWW BWW BWW BWW

244

Amended



## RON DESANTIS GOVERNOR

## RECEIVED

## 2019 OCT 28 PM 12: 44

DIVISION OF ELECTIONS TALLAHASSEE, FL

September 4, 2019

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

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.079(4)(a), Florida Statutes:

Mr. Drew Bartlett 3301 Gun Club Road West Palm Beach, FL 33406

as Executive Director of the South Florida Water Management District, subject to confirmation by the Senate. This appointment is effective September 4, 2019.

Sincerely,

Ron DeSantis Governor

RD/sk

HAND DELIVERED

## **OATH OF OFFICE**

(Art. II. § 5(b), Fla. Const.)

UE PARTMENT OF STATE

2019 MAR 27 PM 2: 20

DIVISION OF ELECTIONS TALLAHASSEE, FL

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

EXECUTIVE DIRECTOR, SOUTHFLORIDA WATER (Title of Office) MANAGEMENT DISTRICT

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature Sworn to and subscribed before me this 24 day of March, 2019. TORI DEAL Commission # FF 957701 Signature of Officer Administering Oath or of Notary Public Expires March 5, 2020 Bonded Thru Troy Fain Insurance 800-3d5-7019 Tori Deal Print, Type, or Stamp Commissioned Name of Notary Public Personally Known Z. OR Produced Identification Type of Identification Produced \_ ACCEPTANCE I accept the office listed in the above Oath of Office. Home Office Mailing Address: 3301GUNCLUBROAD

Street or Post Office Box

WETPALM BEACH, PL 33406 City, State, Zip Code

ANDREW	"DREW"	BARTLETT
Print Name	/	
20	$\sim$	

Signature

### The Florida Senate Committee Notice Of Hearing

IN THE FLORIDA SENATE TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Andrew "Drew" Bartlett

Executive Director of South Florida Water Management District

#### NOTICE OF HEARING

TO: Mr. Andrew "Drew" Bartlett

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, February 10, 2020, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

κ.

Please be present at the time of the hearing. DATED this the 5th day of February, 2020

Committee on Environment and Natural Resources

Senator Bill Montford As Chair and by authority of the committee

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

## THE FLORIDA SENATE

# **COMMITTEE WITNESS OATH**

CHAIR:

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

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

WITNESS'S NAME: Andrew "Drew" Bartlett

ANSWER: I Do

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

**COMMITTEE NAME:** Environment and Natural Resources

DATE: February 10, 2020

File 1 copy with the Secretary of the Senate

S-002 (01/12/2015)

	为了,我们们们有非常的,我们就能是你有些正常的,你就能能把我做你的,我做你的你,你就把我们。""你你不是你?"你说,你们们不是你的,你们们不是你的,你们都不是你,我们还能能
	LORIDA SENATE
Deliver BOTH copies of this form to the Sen Meeting Date	ANCE RECORD nator or Senate Professional Staff conducting the meeting)
Topic CONFIRMATION HOTARING	Bill Number (if applicable)
Name DREW BARTLETT	Amendment Barcode (if applicable)
Job Title	
Address	Phone
City State Speaking: For Against Information	<i>Zip</i> Waive Speaking: In Support Against
Representing SFWMD	(The Chair will read this information into the record.)
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony, tim meeting. Those who do speak may be asked to limit their remains the form is part of the public record family	
This form is part of the public record for this meeting.	

	LORIDA SENATE NOCE RECORD ator or Senate Professional Staff conducting the meeting)
Topic <u>Confirmation of Drew Bartl</u> Name <u>Anna Upton</u>	Bill Number (if applicable)         CH         Amendment Barcode (if applicable)
Job Title   Address <u>960 Live Oak Plantation Rd.</u> Street <u>Tallahassee</u> <u>Fe</u> City   Speaking:   For   Against   Information   Representing <u>The Everglades Found</u>	32312     Email       Zip     Waive Speaking:     In Support     Against       (The Chair will read this information)     In Support     In Support
Appearing at request of Chair: Yes X No While it is a Senate tradition to encourage public testimony, time meeting. Those who do speak may be asked to limit their remark This form is part of the public record for this meeting.	Lobbyist registered with Legislature: Yes No may not permit all persons wishing to speak to be heard at this so that as many persons as possible can be heard.

The Florida Senate         APPEARANCE REC         Z - 10 - 2020       (Deliver BOTH copies of this form to the Senator or Senate Profession         Meeting Date       Meeting Date	<b>ORD</b> al Staff conducting the meeting)
Topic Confirmation of Drew Bartlett	Bill Number (if applicable)
Name Daniel Andrews	Amendment Barcode (if applicable)
Job Title Erecutive Director	
Address 12360 Flintlack Ln Street	_ Phone 239-989-9352
	_ Email daniel@ captainsfor clean water.org
Valve S	Speaking: In Support Against Against air will read this information into the record.)
Appearing at request of Chair: Yes No Lobbyist regist	ered with Legislature: Yes XNo
While it is a Senate tradition to encourage public testimony, time may not permit all meeting. Those who do speak may be asked to limit their remarks so that as many <b>This form is part of the public record for the</b>	
This form is part of the public record for this meeting.	persons as possible can be heard.

THE FLORIDAS <b>APPEARANCE</b> (Deliver BOTH copies of this form to the Senator or Senator Meeting Date	
Topic <u>Confirmation of Drew</u> Name <u>Jessica Pinsky</u>	Bill Number (if applicable) Bill Number (if applicable) Amendment Barcode (if applicable)
Job Title <u>EX Director, The Florid</u> Address <u>2477 Periwinkle Way</u> Street Schelle Fl	<u>A Economic Council</u> Phone <u>957</u> Email jessica the flectors Waive Speaking: In Support Against (The Chair will read this information into the record.)
Appearing at request of Chair: Yes No Lobby While it is a Senate tradition to encourage public testimony, time may not meeting. Those who do speak may be asked to limit their remarks so that This form is part of the public record for this meeting.	ist registered with Legislature: Yes No permit all persons wishing to speak to be heard at this t as many persons as possible can be heard.

**~** • • •

THE FLORIDA SENATE	
APPEARANCE RECORD	
02/10/20 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)	
	Bill Number (if applicable)
Topic ( on firmation: Executive Director SFWMD.	
hune hoes chuperger (hloe See-you - Per.	ent Barcode (if applicable)
Job Title Legislative Coordinator	
Address <u>2401 SE Monterey</u> Rd Phone 7724	864131
City Stuart FL 34986 Email	
Speaking:     For     Against     Information     Vaive Speaking:     In Support <i>Contraction Contraction Contraction Contraction Contraction</i>	oort Against
Representing Martin County	
Appearing at request of Chair: Yes No Lobbyist registered with Legislature	
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to spear meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can	k <sup>4</sup> o be heard at this be heard.
This form is part of the public record for this meeting.	

THE FLORIDA SENATE
APPEARANCE RECORD
(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date
Topic Appl of Ex Dr. Bartlatt
Amendment Barcode (if applicable)
Name Holly Smoth
Job Title Sanchel Guncilwoman
Address BOO Dunlop Rd Phone 239-270-1723
City Janibel En 33957 Email Holly Smithle mysanibel
Speaking: For Against Information Waive Speaking: Against Against
Representing <u>City of Saute</u> (The Chair will read this information into the record.)
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes UNo
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.
This form is part of the public record for this meeting.

THE FI	LORIDA SENATE
2/10/2.020 Meeting Date	ANCE RECORD ator or Senate Professional Staff conducting the meeting)
Topic <u>South Florida Water Hanagemen</u> Name <u>Laura</u> Aquirve	Ron Bugeron Ron Bugeron Bill Number (if applicable) Amendment Barcode (if applicable)
Job Title <u>Conservation Organize</u> Address <u>308</u> N nonvoe	
Street <u>TAIIahasse</u> <u>City</u> Speaking: For Against Information	Phone <u>786-405-2100</u> Email <u>Jaury</u> . <u>aquivve</u> <u>Zip</u> Waive Speaking: In Support Against
Representing Audubon Flovida	(The Chair will read this information into the record.)
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature:
While it is a Senate tradition to encourage public testimony, time meeting. Those who do speak may be asked to limit their remai <b>This form is part of the public record for this meeting.</b>	e may not permit all persons wishing to speak to be heard at this rks so that as many persons as possible can be heard.

2			APPEARAN	<sup>da Senate</sup> CE RECOR	חי	
Meetin	<u>⊅ / XV √</u> ng Øate		copies of this form to the Senator or	Senate Professional Staff	conducting	
Topic	CONF	RMATICIN	OF SFLOMD FD.	DREY KART	1	Bill Number (if applicable)
Name	BE	TH ALV	1	PROV 181K/ (	(HI	Amendment Barcode (if applicable)
Job Title _	DIR	OF Pok	1 C Y			
Address	30 £	N. MOR	VROE	 P	hone	850 - 591-9784
<i>Ci</i> i Speaking:	TALL	Against	<i>State</i> Information	Er <i>Zip</i>	mail	Bett. An Candubon.org
Repres	enting	AUQU,	SON FL	(The Chair wil	lking: [ Il read th	In Support Against Against <i>information into the record.)</i>
Appearing a While it is a S meeting. Thos	Senate tradit	ion to oncourse	Yes No Lo ge public testimony, time ma sked to limit their remarks s	obbyist registered ay not permit all pers o that as many perso	d with L sons wis	egislature: Yes No
This form is	part of the <sub>l</sub>	public record	for this meeting.		r	

THE FL	ORIDA SENATE
APPEARA	NCE RECORD
2100 (Deliver BOTH copies of this form to the Sena	tor or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
The Calmaka Dr	a (the Meth
Topic <u>Confirmation</u> 1/1	Amendment Barcode (if applicable)
Name Kygn Orgera	
Job Title CEO	1211 0000
	239-834-9550
Address 3333 San Cap. Rd	Phone Phone
Street El	22002 - DDim O C
CityState	<u>33957</u> Email <u>ROrgeraCasccf.org</u>
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing Sanipul - Captivg Conse	rugtion Foundation
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature:
M/bilo it is a Canata tradition (	

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

The Florida Senate	
APPEARANCE RECO	RD
(Deliver BOTH copies of this form to the Senator or Senate Professional S	
Meeting Date	Bill Number (if applicable)
Topic Drow BACTLOTT CONFERMATION	Amendment Barcode (if applicable)
Name JOHN LAI	
Job Title Prosport & CEO	-
Address 1159 Cruson Ro	Phone 239 2096068
Street Fr 33957	Email JOHN CSAN1302 Comments
City State Zip	
	peaking: In Support Against
(The Cha	ir will read this information into the record.)
Representing Sanzor & CAMBOR CHANGOR	OF Common co
	ered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony, time may not permit all meeting. Those who do speak may be asked to limit their remarks so that as many	persons wishing to speak to be heard at this persons as possible can be heard.

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

THE FLORIDA SENATE	
APPEARANCE RECO	RD
2020 (Deliver BOTH copies of this form to the Senator or Senate Professional S	Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation Drew Bartlett	Amendment Barcode (if applicable)
Name_Jessica Buthan	
Job Title	
Address 538 Street Crche	Phone 7274249957
5t Pete FE 33753	Email Bibzaje nut
Speaking: For Against Information Waive Sp	peaking: 🔀 In Support 🔲 Against
RepresentingNat Wild Federation	ir will read this information into the record.)
Appearing at request of Chair: Yes No Lobbyist registe	ered with Legislature: 🔄 Yes 🔀 No
While it is a Senate tradition to encourage public testimony, time may not permit all meeting. Those who do speak may be asked to limit their remarks so that as many	persons wishing to speak to be heard at this persons as possible can be heard.

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

## THE FLORIDA SENATE APPEARANCE RECORD

2/10/2020	(Deliver BOTH copies of this form to the Senate	or or Senate Professional Si	aff conducting the meeting)
Meeting Date		X	Bill Number (if applicable)
Topic Senate Confirmati	ion Hearing to support Drew Bartlet	t and Ron Bergeron	Amendment Barcode (if applicable)
Name Savana Roach			
Job Title Environmenta	I Consulting Associate		
Address 1001 Ocala R	d. APT. 259		Phone 9543480534
Tallahassee	FL	32304	Email sroach@conservationconceptsllc.org
City Speaking: For	State Against Information	Zip Waive Sp (The Chair	beaking: In Support Against
Representing			
Appearing at request o While it is a Senate tradition	n to encourage public testimony tim	e may not permit all	ered with Legislature: Yes Ves No
meeting. mose who do spe	eak may be asked to limit their rema	rks so that as many p	persons as possible can be heard.

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The Flor	IDA SENATE	
APPEARAN	CE RECO	RD
(Deliver BOTH copies of this form to the Senator of	or Senate Professional S	taff conducting the meeting)
Meeting Date		Bill Number (if applicable)
Topic Confirmation of SFWMD Bergeron and Bartlett		Amendment Barcode (if applicable)
Name Jessica Bibza		
Job Title Policy Specialist		
Address 538 St Tropez Circle NE		Phone <u>7274249957</u>
Street St Petersburg FL	33703	Email_bibzaj@nwf.org
City State Speaking: For Against Information		peaking: In Support Against ir will read this information into the record.)
Representing National Wildlife Federation		
Appearing at request of Chair: Yes No	Lobbyist regist	ered with Legislature: 🗌 Yes 🗹 No
While it is a Senate tradition to encourage public testimony, time meeting. Those who do speak may be asked to limit their remark		

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

THE FLO	RIDA SENATE
	NCE RECORD r or Senate Professional Staff conducting the meeting) Bill Number (if applicable)
Topic Drew Bartlett Confirmation	Amendment Barcode (if applicable)
Name Reinaldo Diaz	
Job Title Water leeper - Lake worth Waterkee	per
Address <u>PO Bay 1367</u> Street	Phone <u>561-707-2897</u>
Lale Warth FL City State Speaking: For Against Information	<u>Zip</u> Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing Lake worth Water keeper	
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature:
While it is a Senate tradition to encourage public testimony, time meeting. Those who do speak may be asked to limit their remark	e may not permit all persons wishing to speak to be heard at this ks so that as many persons as possible can be heard.

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

The Flor	RIDA SENATE	
APPEARAN	ICE RECO	RD
(Deliver BOTH copies of this form to the Senator of 2/10/2020	or Senate Professional S	Staff conducting the meeting)
Meeting Date		Bill Number (if applicable)
Topic Confirmation of Drew Bartlett and Ron Bergero	on	Amendment Barcode (if applicable)
Name Elizabeth Fata Carpenter		-
Job Title Staff Attorney		_
Address <u>378 Northlake Blvd. #105</u>		Phone
North Palm Beach FL	33408	Email elizabeth@evergladeslaw.org
City State Speaking: For Against Information		Speaking: In Support Against Against air will read this information into the record.)
Representing The Everglades Law Center		
Appearing at request of Chair: Yes 🖌 No	Lobbyist regis	tered with Legislature: Yes 🖌 No

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

The Florida Senate	
APPEARANCE RECO	RD
(Deliver BOTH copies of this form to the Senator or Senate Professional S 02/10/20	taff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation of Drew Bartlett	Amendment Barcode (if applicable)
Name Erica McCaughey	
Job Title _ <sup>n/a</sup>	
Address 24700 Lakemont Cove Ln A102	Phone
Street bonita springs fl 34134	Email ericals22@gmail.com
	peaking: In Support Against ir will read this information into the record.)
Representing	
Appearing at request of Chair: Yes No Lobbyist regist While it is a Senate tradition to encourage public testimony, time may not permit all meeting. Those who do speak may be asked to limit their remarks so that as many This form is part of the public record for this meeting.	
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THE FLORIDA SENATE	
(Deliver BOTH copies of this form to the Senator or Senate Professional St	
02/10/20	
Meeting Date	Bill Number (if applicable)
Topic Confirmation of Drew Bartlett	Amendment Barcode (if applicable)
Name Erica McCaughey	
Job Title <u>n/a</u>	
Address 24700 Lakemont Cove Ln A102	Phone
bonita springs fl 34134	Email ericals22@gmail.com
City     State     Zip       Speaking:     For     Against     Information     Waive Speaking       (The Chair	peaking: In Support Against r will read this information into the record.)
Representing	
Appearing at request of Chair: Yes 🖌 No Lobbyist registe	ered with Legislature: Yes 🖌 No

The Florida Senate	
APPEARANCE RECOR	RD
(Deliver BOTH copies of this form to the Senator or Senate Professional Sta 2/10/2020	ff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation of Drew Bartlett SFWMD	Amendment Barcode (if applicable)
Name Kelly McNab	
Job Title Environmental Planning Specialist	
Address 9330 Marino Circle, Unit 304	Phone 713-705-9107
Street	
NaplesFL34102CityStateZip	Email <u>kellym@conservancy.org</u>
Speaking: For Against Information Waive Sp	eaking: In Support Against will read this information into the record.)
Representing Self	
Appearing at request of Chair:Yes✓NoLobbyist registerWhile it is a Senate tradition to encourage public testimony, time may not permit all permits.This form is part of the public record for this meeting.This form is part of the public record for this meeting.	
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The Florida Senate	
APPEARANCE RECO	
(Deliver BOTH copies of this form to the Senator or Senate Professional Sta 2/10/2020	ff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation of Drew Bartlett SFWMD	Amendment Barcode (if applicable)
Name Kelly McNab	
Job Title Environmental Planning Specialist	
Address 9330 Marino Circle, Unit 304	Phone 713-705-9107
Street FL 34102	Email kellym@conservancy.org
City State Zip	
Speaking: For Against Information Waive Sp (The Chair	eaking: In Support Against will read this information into the record.)
Representing Self	
Appearing at request of Chair: Yes 🖌 No Lobbyist register	ered with Legislature: Yes 🖌 No

The Florida Senate	
APPEARANCE RECO	RD
(Deliver BOTH copies of this form to the Senator or Senate Professional S 2/10/20	taff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation of SFWMD Ex Director Drew Bartlett	Amendment Barcode (if applicable)
Name Rae Ann Wessel	
Job Title <u>Natural Resource Policy Director</u>	
Address 3333 Sanibel-Captiva Road	Phone 239472.2329
<i>Street</i> Sanibel fl 33957	
City State Zip	Email <u>rawessel@sccf.org</u>
Speaking: For Against Information Waive S	peaking: In Support Against ir will read this information into the record.)
Representing <u>Sanibel-Captiva Conservation Foundation</u>	
Appearing at request of Chair: Yes No Lobbyist regist While it is a Senate tradition to encourage public testimony, time may not permit al meeting. Those who do speak may be asked to limit their remarks so that as many	
This form is part of the public record for this meeting.	S 004 /40/44/44
This form is part of the public record for this meeting.	S-001 (10/14/14)
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The Florida Senate	
APPEARANCE RECO	
(Deliver BOTH copies of this form to the Senator or Senate Professional S 2/10/20	taff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation of SFWMD Ex Director Drew Bartlett	Amendment Barcode (if applicable)
Name Rae Ann Wessel	
Job Title Natural Resource Policy Director	
Address 3333 Sanibel-Captiva Road	Phone _239472.2329
Street fl 33957	
Sanibel fl 33957 City State Zip	Email <u>rawessel@sccf.org</u>
Speaking: For Against Information Waive S	peaking: In Support Against ir will read this information into the record.)
Representing Sanibel-Captiva Conservation Foundation	
Appearing at request of Chair: Yes 🖌 No Lobbyist regist	ered with Legislature: 🚺 Yes ✔ No
M/hile it is a Sanata tradition to anacurage public testime in time may and a survey of	I normany wishing to analy to be been at this

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

	THE FLOR	rida Senate	
	APPEARAN	ICE RECO	RD
(Deliver BOTH cop	ies of this form to the Senator	or Senate Professional St	aff conducting the meeting)
Meeting Date			Bill Number (if applicable)
Topic Confirmation of Andrew "Dre	ew'' Bartlett		Amendment Barcode (if applicable)
Name <u>Mark Perry</u>			
Job Title Executive Director			
Address 890 NE Ocean Blvd			Phone 772-4586-3858
Street Stuart	FL	34996	Email <u>mperry@floridaocean.org</u>
<i>City</i> Speaking: For Against	State	Zip Waive Sj (The Chai	peaking: In Support Against ir will read this information into the record.)
Representing Florida Oceanog	graphic Society		
Appearing at request of Chair: While it is a Senate tradition to encourage meeting. Those who do speak may be as This form is part of the public record for	e public testimony, time ked to limit their remar	e may not permit all	S-001 (10/14/14)
	The Flor	RIDA SENATE	Duplicate
	APPEARAN	ICE RECO	RD
February 10, 2020 (Deliver BOTH cop	ies of this form to the Senator	or Senate Professional St	aff conducting the meeting)
Meeting Date			Bill Number (if applicable)
Topic Confirmation of Andrew "Dre	ew" Bartlett		Amendment Barcode (if applicable)
Name <u>Mark Perry</u>			
Job Title Executive Director			
Address 890 NE Ocean Blvd			Phone 772-4586-3858
Street Stuart	FL	34996	Email
City Speaking: For Against	State	Zip Waive Sj (The Chai	peaking: In Support Against ir will read this information into the record.)
Representing Florida Oceanog	raphic Society		
Appearing at request of Chair:	Yes 🖌 No	Lobbyist registe	ered with Legislature: 🗌 Yes 🖌 No

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	- N		<ul> <li>1</li> </ul>	8 <b>- 1</b> 7	- Y	<b>1 B B</b>	192
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APPEARANCE	ERECORD
(Deliver BOTH copies of this form to the Senator or Sen	ate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation of Drew Bartlett to SFWMD	Amendment Barcode (if applicable)
Name Alison Enchelmaier	
Job TitleEducation Director	
Address 5530 Sunset Drive	Phone 973-896-5422
Street Miami FL	33143 Email_education@tropicalaudubon.r
City State Speaking: For Against Information	Zip Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing	
Appearing at request of Chair: Yes Vo Lok	byist registered with Legislature: Yes 🗹 No
While it is a Senate tradition to encourage public testimony, time may meeting. Those who do speak may be asked to limit their remarks so	
This form is part of the public record for this meeting.	S-001 (10/14/14)
	Duplicate
The Florida S	
(Deliver BOTH copies of this form to the Senator or Senator	
02/10/20	
Meeting Date	Bill Number (if applicable)
Topic Confirmation of Drew Bartlett to SFWMD	Amendment Barcode (if applicable)
Name Alison Enchelmaier	
Job Title Education Director	
Address 5530 Sunset Drive	Phone 973-896-5422
Street Miami FL	33143 Email_education@tropicalaudubon.r
City State Speaking: For Against Information	Zip Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing	
Appearing at request of Chair: Yes 🖌 No Lok	obyist registered with Legislature: Yes ✔ No

THE FLORIDA SENATE

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

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

THE FLO	ORIDA SENATE
APPEARA	NCE RECORD
(Deliver BOTH copies of this form to the Senato	or or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Drew Bartlett Confirmation	Amendment Barcode (if applicable)
Name Doug Gaston	
Job Title Policy Analyst	
Address 4500 Biscayne Blvd	Phone
Miami FL	33137 Email doug.gaston@audubon.org
City State Speaking: For Against Information	Zip Waive Speaking: In Support Against
Representing <u>Audubon Florida</u>	(The Chair will read this information into the record.)
Appearing at request of Chair: Yes No While it is a Senate tradition to encourage public testimony, tim meeting. Those who do speak may be asked to limit their rema This form is part of the public record for this meeting.	Lobbyist registered with Legislature: Yes No ne may not permit all persons wishing to speak to be heard at this arks so that as many persons as possible can be heard. S-001 (10/14/14)
THE ELO	Duplicate
	or or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Drew Bartlett Confirmation	Amendment Barcode (if applicable)
Name Doug Gaston	
Job Title Policy Analyst	
Address 4500 Biscayne Blvd	Phone 6105478054
Street Miami FL	33137 Email_doug.gaston@audubon.org
City State Speaking: For Against Information	Zip 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

-

The Florida Senate		
APPEARANCE RECO	RD	
(Deliver BOTH copies of this form to the Senator or Senate Professional S 02/10/2020	taff conducting the meeting)	Tab 1
Meeting Date	-	Bill Number (if applicable)
Topic Confirmation Hearing, Drew Bartlett SFWMD	Amend	ment Barcode (if applicable)
Name Alyssa Lenkel		
Job Title <u>N/A</u>		
Address	Phone 201-723-8	3026
<i>Street</i> Lakeland FL 33801	Email <sup>alenkel614</sup>	@gmail.com
City State Zip		
Speaking: For Against Information Waive S	peaking: In Su ir will read this informa	
Representing Myself		
Appearing at request of Chair:Yes✓NoLobbyist registWhile it is a Senate tradition to encourage public testimony, time may not permit all meeting. Those who do speak may be asked to limit their remarks so that as manyThis form is part of the public record for this meeting.		beak to be heard at this
		Duplicate
THE FLORIDA SENATE	80	
(Deliver BOTH copies of this form to the Senator or Senate Professional SI		
02/10/2020	-	Tab 1
Meeting Date		Bill Number (if applicable)
Topic Confirmation Hearing, Drew Bartlett SFWMD	Amend	ment Barcode (if applicable)
Name Alyssa Lenkel		
Job Title <u>N/A</u>		
Address <u>111 Lake Hollingsworth Drive LHA</u>	Phone 201-723-8	3026
Lakeland FL 33801	Email <u>alenkel614</u>	@gmail.com
City     State     Zip       Speaking:     For     Against     Information     Waive Speaking	peaking: In Su ir will read this informa	pport Against ation into the record.)
Representing Myself		
Appearing at request of Chair: Yes 🖌 No Lobbyist register	ered with Legislatu	ure: Yes 🖌 No

The Florida Senate		
APPEARANCE RECO	RD	
(Deliver BOTH copies of this form to the Senator or Senate Professional Sta 02/10/2020	aff conducting the meeting)	Tab 1
Meeting Date		Bill Number (if applicable)
Topic Confirmation Hearing, Drew Bartlett SFWMD	Ameno	dment Barcode (if applicable)
Name Caitlin Westerfield		
Job Title N/A		
		0500
Address <u>11720 Bitola Dr</u> <u>Street</u>	Phone 954 665	8508
Odessa FL 33556	Email <sup>cwesterfiel</sup>	ld@mail.usf.edu
CityState Zip		
Speaking: For Against Information Waive Sp		
(The Chai	r will read this inform	nation into the record.)
Representing <u>Myself</u>		
Appearing at request of Chair: Yes Vo Lobbyist register	ered with Legislat	ure: Yes 🗸 No
While it is a Senate tradition to encourage public testimony, time may not permit all	-	
meeting. Those who do speak may be asked to limit their remarks so that as many		
This form is part of the public record for this meeting.		S-001 (10/14/14)
This form is part of the public record for this meeting.		
		Duplicate
THE FLORIDA SENATE		
APPEARANCE RECO		
(Deliver BOTH copies of this form to the Senator or Senate Professional Sta 02/10/2020	aff conducting the meeting)	Tab 1
Meeting Date		Bill Number (if applicable)
Topic Confirmation Hearing, Drew Bartlett SFWMD	4	dment Barcode (if applicable)
	Amend	intent barcoue (il applicable)
Name Caitlin Westerfield		
Job Title N/A		
	Phone	8508
Address <u>Address</u> <u>Street</u>		
Odessa FL 33556	Email <u>cwesterfie</u>	ld@mail.usf.edu
City State Zip		[]
Speaking: For Against Information Waive Sp (The Chai	<b>v –</b>	upportAgainst ation into the record.)
Representing <u>Myself</u>		
Appearing at request of Chair: Yes 🖌 No Lobbyist register	ered with Legislat	ure: Yes 🗸 No

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

The Florida Senate	
APPEARANCE RECO	RD
(Deliver BOTH copies of this form to the Senator or Senate Professional Sta 02/10/2020	aff conducting the meeting) Tab 1
Meeting Date	Bill Number (if applicable)
- Confirmation Hearing Drew Devilate CEWIND	
Topic Confirmation Hearing, Drew Bartlett SFWMD	Amendment Barcode (if applicable)
Name Susan Truett	
Job Title <u>N/A</u>	
Address 1011 South Tennessee Av	Phone 863-660-6556
Street Lakeland FL 33803	
City State Zip	Email <u>struett48@gmail.com</u>
Speaking: For Against Information Waive Sp	peaking: In Support Against r will read this information into the record.)
Representing <u>Myself</u>	
Appearing at request of Chair: Yes No Lobbyist register While it is a Senate tradition to encourage public testimony, time may not permit all meeting. Those who do speak may be asked to limit their remarks so that as many This form is part of the public record for this meeting.	
	Duplicate
(Deliver BOTH copies of this form to the Senator or Senate Professional Sta	
02/10/2020	Tab 1
Meeting Date	Bill Number (if applicable)
Topic Confirmation Hearing, Drew Bartlett SFWMD	Amendment Barcode (if applicable)
Name Susan Truett	
Job Title <u>N/A</u>	
Address 1011 South Tennessee Av	Phone 863-660-6556
Street Lakeland FL 33803	Email struett48@gmail.com
City State Zip	Email
Speaking: For Against Information Waive Sp ( <i>The Chai</i>	peaking: In Support Against will read this information into the record.)
Representing <u>Myself</u>	
Appearing at request of Chair: Yes 🖌 No Lobbyist registe	ered with Legislature: Yes 🖌 No

	THE FLOP	RIDA SENATE	
	APPEARAN	CE RECO	RD
(Deliver BOTH cc	ppies of this form to the Senator	or Senate Professional St	aff conducting the meeting)
Meeting Date			Bill Number (if applicable)
Topic Confirmation of Drew Bartlet	t		Amendment Barcode (if applicable)
Name Solemi Hernandez			
Job Title <u>N/A</u>			
Address 6070 Painted Leaf Lane			Phone 2398210517
Street Naples	Fl	34116	Email hernandezsolemi@gmail.com
<i>City</i> Speaking: For Against	State	Zip Waive SJ (The Chai	beaking: In Support Against fr will read this information into the record.)
Representing Myself			
While it is a Senate tradition to encourage meeting. Those who do speak may be a <b>This form is part of the public record</b>	sked to limit their remar for this meeting.		persons wishing to speak to be heard at this persons as possible can be heard. S-001 (10/14/14) <sub>Duplicate</sub>
	APPEARAN		PN
(Deliver BOTH co	opies of this form to the Senator		
02/10/20 Meeting Date			Bill Number (if applicable)
Topic Confirmation of Drew Bartlet	t		Amendment Barcode (if applicable)
Name Solemi Hernandez			
Job Title <u>N/A</u>			
Address 6070 Painted Leaf Lane			Phone 2398210517
Naples	FI	34116	Email <u>hernandezsolemi@gmail.com</u>
<i>City</i> Speaking: For Against	<i>State</i> Information	Zip Waive S (The Chai	peaking: In Support Against ir will read this information into the record.)
Representing Myself			
Appearing at request of Chair:	Yes 🖌 No	Lobbyist regist	ered with Legislature: 🗌 Yes ✔ No

The Florida Senate		
APPEARANCE RECO	RD	
(Deliver BOTH copies of this form to the Senator or Senate Professional S 02/10/2020	Staff conducting the meeting)	Tab 1
Meeting Date	-	Bill Number (if applicable)
Topic Confirmation Hearing, Drew Bartlett SFWMD	Amend	ment Barcode (if applicable)
Name Holly Schwartz	_	
Job Title <u>N/A</u>	_	
Address 17520 Oak Creek Rd	_ Phone <u>239</u> 209-1	081
Street Alva FL 33920	- : hechwartz@	Decef ora
City State Zip	_ Email <u>hschwartz</u> (	
Speaking: For Against Information Waive S	Speaking: In Su air will read this informa	pport Against ation into the record.)
Representing Myself		
Appearing at request of Chair: Yes No Lobbyist regis While it is a Senate tradition to encourage public testimony, time may not permit a meeting. Those who do speak may be asked to limit their remarks so that as many This form is part of the public record for this meeting.		beak to be heard at this
THE FLORIDA SENATE		Duplicate
APPEARANCE RECO	RD	·
(Deliver BOTH copies of this form to the Senator or Senate Professional S		<b>T</b> 1 4
02/10/2020 Meeting Date	-	Tab 1 Bill Number (if applicable)
-		
Topic Confirmation Hearing, Drew Bartlett SFWMD	_ Amend	ment Barcode (if applicable)
Name Holly Schwartz	-	
Job Title <u>N/A</u>	_	
Address 17520 Oak Creek Rd	_ Phone _239 209-1	081
Street Alva FL 33920	Email hschwartz@	Dsccf.org
	Speaking: In Su	pport Against
Representing Myself		
Appearing at request of Chair: Yes 🖌 No Lobbyist regis	tered with Legislatu	ure: Yes 🖌 No

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

	THE FLORIDA SENATE
APPI	EARANCE RECORD
(Deliver BOTH copies of this forr 02/10/2020	n to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation Hearing, Drew Bartlett SF	WMD Amendment Barcode (if applicable)
Name Kelly Andrew	
Job Title	
Address 23 6th Ave N	Phone 4802254140
Street	
	L 34102 Email kellyandrew49@gmail.com
Speaking: For Against Inform	tateZipationWaive Speaking:In Support(The Chair will read this information into the record.)
Representing <u>Myself</u>	· · · · · · · · · · · · · · · · · · ·
	stimony, time may not permit all persons wishing to speak to be heard at this their remarks so that as many persons as possible can be heard.
	Duplicate
APPI	EARANCE RECORD
(Deliver BOTH copies of this form 02/10/2020	to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation Hearing, Drew Bartlett SF	WMD Amendment Barcode (if applicable)
Name Kelly Andrew	
Job Title <u>N/A</u>	
Address 23 6th Ave N	Phone <u>4802254140</u>
Naples F	L 34102 Email kellyandrew49@gmail.com
City Streaking: For Against Inform	ate Zip
Representing <u>Myself</u>	
Appearing at request of Chair: Yes 🗸	No Lobbyist registered with Legislature: Yes 🖌 No




## Ron DESANTIS Governor

## RECEIVED

2019 APR 23 AM 10: 48 DIVISION OF ELECTIONS TALLAHASSEE, FL

April 12, 2019

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

Dear Secretary Lee:

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

Mr. Ronald Bergeron 19612 Southwest 69th Place Fort Lauderdale, Florida 33332

as a member of the Governing Board, South Florida Water Management District, filling the seat vacated by Carlos Diaz, subject to confirmation by the Senate. This appointment is effective April 12, 2019, for a term ending March 1, 2022.

Sincerely,

Ron DeSantis Governor

RD/sk

(Art. II. § 5(b), Fla. Const.) DEPARTMENT (CONTACT
STATE OF FLORIDA 2019 MAY -7 AM 9: 21
County of Broward DEPARTMENT UNITED OF ELECTIONS
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of
the Governing Board of the South Florida Water Management District
(Title of Office) on which I am now about to enter, so help me God.
INOTE: If you affirm, you may omit the words "so help me God," See \$92.52, Fla. Stat.]         Signature         Signature         Sworn to and subscribed before me this 2 day of MA4 / LU19         Signature of Officer Administering Ogth or of Notary Public         Signature of Officer Administering Ogth or of Notary Public         INA M. OAKES         Notary Public - State of Florda Commission 4 GG :9772 Commission 4 GG :9772 My Comm. Expires Jul 14, 2022 My Comm. Expires Jul 14, 2027         Bonded through National Notary Assorptionally Known         OR         Produced Identification []         Type of Identification Produced
ACCEPTANCE
I accept the office listed in the above Oath of Office.
Mailing Address: Home Hoffice
<u>19612 500 69th Place</u> Street or Post Office Box <u>FI. Laud, FL 333324</u> City, State, Zip Code <u>Signature</u> <u>Signature</u>
DS-DE 56 (Rev. 11/16)

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#### The Florida Senate Committee Notice Of Hearing

IN THE FLORIDA SENATE TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Ronald M. Bergeron

Governing Board of the South Florida Water Management District

#### NOTICE OF HEARING

TO: Mr. Ronald M. Bergeron

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, February 10, 2020, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing. DATED this the 5th day of February, 2020

Committee on Environment and Natural Resources

Senator Bill Montford As Chair and by authority of the committee

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

### THE FLORIDA SENATE

# **COMMITTEE WITNESS OATH**

CHAIR:

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

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

WITNESS'S NAME: Ronald Bergeron

ANSWER: I Do

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

**COMMITTEE NAME:** Environment and Natural Resources

DATE: February 10, 2020

File 1 copy with the Secretary of the Senate

S-002 (01/12/2015)

	RIDA SENATE ICE RECORD or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic <u>Schate Confirmation of Ronald</u> Name <u>Ronald M. Bergeron</u>	M. Bergeron Amendment Barcode (if applicable)
Job Title	
Address	Phone 561-682-6262
street Weston FL	Email RBergeron@stwmd.gov
City State Speaking: For Against Information	Zip Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing <u>Myself</u>	
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony, time meeting. Those who do speak may be asked to limit their remark	e may not permit all persons wishing to speak to be heard at this ks so that as many persons as possible can be heard.

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

# THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senato	or or Senate Professional Sta	Iff conducting the meeting)
Meeting Date		Bill Number (if applicable) N/A
Topic Ron Bergeron and Drew Bartlett's Confirmation	on	Amendment Barcode (if applicable)
Name Pauline I. Stacey		
Job Title Board of Directors, Everglades Coalition M	lember	
Address 1128 Royal Palm Beach Blvd., Suite 414		Phone 561-254-0199
Street		
Royal Palm Beach Fl	33411	Email Pauline@environmental-matters.org
City State Speaking: For Against Information	•	eaking: In Support Against will read this information into the record.)
Representing Everyglades Coalition		
Appearing at request of Chair: Yes 🗸 No	Lobbyist registe	ered with Legislature: Yes 🖌 No
While it is a Senate tradition to encourage public testimony, tin meeting. Those who do speak may be asked to limit their rema		
This form is part of the public record for this meeting.		S-001 (10/14/14)

THE FLC	DRIDA SENATE		
(Deliver BOTH copies of this form to the Senator Machine Data	-		
Meeting Date			Bill Number (if applicable)
Topic Confirmation of Ron Bergere	n	_	Amendment Barcode (if applicable)
Name Anna Upton		_	
Job Title		_	
Address <u>960 Live Oak Plantation Rd.</u> Street		Phone	
Tallahassec FL City State	<b>32312</b> Zip	_ Email	
Speaking: For Against Information	Waive S		In Support Against information into the record.)
Representing The Everglades Found	ation		
Appearing at request of Chair: 🗌 Yes 🔀 No	Lobbyist regis	tered with Le	egislature: XYes No

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

THE FLOI	RIDA SENATE
APPEARAN	ICE RECORD
2 - 10 - 2020 (Deliver BOTH copies of this form to the Senator	or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation of Ron Bergeron	Amendment Barcode (if applicable)
Name Daniel Andrews	
Job Title Executive Divector	
Address 12360 Flintlock Lu	Phone 239-989-9352
Ft. Myers FL	33912 Email daniel @ Captainsforcleanwater.org
Speaking: ForAgainst Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing Captains For Clean Wat	21
Appearing at request of Chair: Yes 📉 No	Lobbyist registered with Legislature: Yes Xo

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

THE FLORIDA SENATE
APPEARANCE RECORD
2/10/20 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date Bill Number (if applicable)
Topic Confirmation of Ron Bergeron Amendment Barcode (if applicable)
Name <u>Jessica Pinsky</u>
Job Title EX Director, The Florida Economic Council
Address 2477 Periwinkle War Phone
Street Sanibel, FL 33957 Email jessical the flec. org
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

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

THE FLO	ORIDA SENATE	
Meeting Date (Deliver BOTH copies of this form to the Senato	r or Senate Professional S	
Topic Bonconn Confern Men		Bill Number (if applicable)
Topic Dollarkan Contract Them		Amendment Barcode (if applicable)
Name Jour Las		
Job Title Prostor T& COO		
Address 1159 CMLSOWLY RO		Phone 239 209 60 68
Smar Fr City State	33957	Email John Carron - APTZNA-ON
Speaking: For Against Information		peaking: Lin Support Against ir will read this information into the record.)
Representing Smoon Crothe Com	DOR OF Com	MAN CS
Appearing at request of Chair: Yes No	Lobbyist regist	ered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony, time	e may not permit all	persons wishing to speak to be board at this

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

THE FLORIDA SENATE
APPEARANCE RECORD
2/10/20 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date Bill Number (if applicable)
Topic Confirmation Kin Bernarde (if applicable)
Amendment Barcode (if applicable)
Name <u>Ryan Orgera</u>
Job Title
Address 3333 San Cap RJ Phone 2398349550
Syncher 33957 Email Rorgeral Sciences
Speaking:       For       Against       Information       Waive Speaking:       In Support       Against         (The Chair will read this information into the record.)
Representing <u>SUCF</u>
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 FLO	RIDA SENATE
(Deliver BOTH copies of this form to the Senator	ICE RECORD or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Ron Bergeron Confirmation	Amendment Barcode (if applicable)
Name Reinaldo Diaz	
Job Title Waterheeper- Lake Worsh Waterheeper	
Address <u>Po Box 1367</u> Street	Phone 561-707-2897
Lale Worth FL City State	23460 Email Reinaldu @lateworthwaterkeeper.or
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing Lake Worth Water keeper	
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature: Yes No

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

<b></b>	IDA SENATE	
(Deliver BOTH copies of this form to the Senator o)		
Meeting Date		Bill Number (if applicable)
Topic SEWMD BOARD ROW BERBERON		 Amendment Barcode (if applicable)
Name BITH ALVI		
Job Title DIR OF POLICY		- · · · · · · · · · · · · · · · · · · ·
Address 308 N, Monke		Phone 850 - 591 - 9784
Street TALLAAA SSEE	323/2	Email_bett.Av@Aususon.org
City State	Zip	
Speaking: For Against Information		peaking: In Support Against Against ir will read this information into the record.)
Representing AUDUKON R		
Appearing at request of Chair: Yes No	Lobbyist regist	ered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony time r	nav not permit al	persons wishing to speak to be beard at this

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

APPEARA	NCE RECORD
Feb 10, 2020 (Deliver BOTH copies of this form to the Sena	ator or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation of SFWMD Bergeron and Bartle	ett Amendment Barcode (if applicable)
Name Jessica Bibza	
Job Title Policy Specialist	
Address 538 St Tropez Circle NE	Phone <u>7274249957</u>
St Petersburg FL	33703 Email bibzaj@nwf.org
City State Speaking: For Against Information	Zip Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing National Wildlife Federation	
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature: Yes 🗸 No
While it is a Senate tradition to encourage public testimony, tin meeting. Those who do speak may be asked to limit their rema	me may not permit all persons wishing to speak to be heard at this parks so that as many persons as possible can be heard.

THE FLORIDA SENATE

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

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THE FLORIDA SENAT
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# **APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 2/10/2020 Meeting Date Bill Number (if applicable) Senate Confirmation Hearing to support Drew Bartlett and Ron Bergeron Topic Amendment Barcode (if applicable) Name Savana Roach Job Title Environmental Consulting Associate Phone 9543480534 1001 Ocala Rd. APT. 259 Address Street Email sroach@conservationconceptsllc.org Tallahassee FL 32304 City Zip State 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

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

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

THE FLO	rida Senate		
APPEARAN	ICE RECO	RD	
(Deliver BOTH copies of this form to the Senator	or Senate Professional S	Staff conducting the meeting)	N/A
Meeting Date			Bill Number (if applicable) N/A
Topic Ron Bergeron and Drew Bartlett's Confirmatio	n	Amend	ment Barcode (if applicable
Name Pauline I. Stacey		-	
Job Title Board of Directors, Everglades Coalition Me	ember	_	
Address <u>1128 Royal Palm Beach Blvd.</u> , Suite 414		_ Phone <u>561-254-</u>	0199
Royal Palm Beach Fl	33411	Email <sup>Pauline@en</sup>	vironmental-matters.org
City State Speaking: For Against Information		Speaking: In Su air will read this informa	
Representing Everyglades Coalition			
Appearing at request of Chair: Yes 🖌 No	Lobbyist regis	tered with Legislat	ure: 🗌 Yes 🖌 No
While it is a Senate tradition to encourage public testimony time	e mav not nermit a	ll persons wishing to si	peak to be heard at this

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

# THE FLORIDA SENATE APPEARANCE RECORD

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

2/10/2020	Senate Professional Stan Conducting	ane meeting)
Meeting Date		Bill Number (if applicable)
Topic Confirmation of Drew Bartlett and Ron Bergere	n,/	Amendment Barcode (if applicable)
Name Elizabeth Fata Carpenter		
Job Title Staff Attorney		
Address 378 Northlake Blvd. #105	Phone _	
North Palm Beach FL		izabeth@evergladeslaw.org
City State Speaking: For Against Information	Zip Waive Speaking; (The Chair will read t	In Support Against his information into the record.)
Representing The Everglades Law Center		
Appearing at request of Chair: Yes 🖌 No	Lobbyist registered with	Legislature: 🗌 Yes 🖌 No
While it is a Senate tradition to encourage public testimony, time meeting. Those who do speak may be asked to limit their remar		
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 Senator of Senator)	te Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation of Ron Bergeron	Amendment Barcode (if applicable)
Name Erica McCaughey	
Job Title N/A	
Address 24700 Lakemont Cove Ln A102	Phone
Street Bonita Springs Fl	34134 Email ericalsm22@gmail.com
City State Speaking: For Against Information	Zip Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing <u>Myself</u>	
Appearing at request of Chair: Yes 🖌 No Lob	byist registered with Legislature: Yes 🖌 No
While it is a Senate tradition to encourage public testimony, time may meeting. Those who do speak may be asked to limit their remarks so	not permit all persons wishing to speak to be heard at this 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 S	
APPEARANCE	
02/10/20 (Deliver BOTH copies of this form to the Senator or Sena	te Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation of Ron Bergeron	Amendment Barcode (if applicable)
Name Erica McCaughey	
Job Title <u>N/A</u>	
Address 24700 Lakemont Cove Ln A102	Phone <u>6093049686</u>
Bonita Springs FI City State	34134 Email ericalsm22@gmail.com
<i>City State</i> Speaking: For Against Information	Zip Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing <u>Myself</u>	·
Appearing at request of Chair: Yes 🖌 No Lob	byist 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.

#### APPEARANCE RECORD (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 2/10/2020 Meeting Date Bill Number (if applicable) Topic Confirmation of Ron Bergeron SFWMD Amendment Barcode (if applicable) Name Kelly McNab Job Title Environmental Planning Specialist Phone 713-705-9107 9330 Marino Circle, Unit 304 Address Street Email kellym@conservancy.org Naples FL 34102 City State Zip Waive Speaking: Speaking: For Information Against 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 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) Duplicate **THE FLORIDA SENATE** APPEARANCE RECORD

**THE FLORIDA SENATE** 

2/10/202	(Deliver BOTH	copies of this form to the Senate	or or Senate Professional S	taff conducting the meeting)
Меє	eting Date			Bill Number (if applicable)
Topic C	Confirmation of Ron Berge	ron SFWMD		Amendment Barcode (if applicable)
Name <u>k</u>	Celly McNab			
Job Title	Environmental Planning	Specialist		
Address	9330 Marino Circle, Unit	304		Phone
	Naples	FL	34102	Email kellym@conservancy.org
Speaking	<i>City</i> g:	State	Zip Waive S (The Cha	peaking: In Support Against ir will read this information into the record.)
Repr	esenting <u>Self</u>			
Appearii	ng at request of Chair:	Yes 🖌 No	Lobbyist regist	ered 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.

#### The Florida Senate

## APPEARANCE RECORD

2/10/20	(Deliver BO	TH copies of this form to the Senator o	r Senate Professional St	aff conducting the meeting)	
	eting Date			Bill I	Number (if applicable)
Topic _	Confirmation of SFWMD	Governing Board member	Ron Bergeron	Amendment	Barcode (if applicable)
Name F	Rae Ann Wessel				
Job Title	Natural Resource Poli	cy Director			
Address		Road		Phone 239.472.2329	
	<i>Street</i> Sanibel	FL	33957	Email rawessel@sccf.	org
Speaking	<i>City</i> g: For Agains	<i>State</i> t Information		peaking:  In Suppor	t Against
Repr	esenting Sanibel-Cap	tiva Conservation Foundat	ion		
Appeari	ng at request of Chair:	Yes No	Lobbyist regist	ered with Legislature:	Yes 🖌 No
		ourage public testimony, time be asked to limit their remark			
This form	n is part of the public rec	ord for this meeting.			S-001 (10/14/14)
					Duplicate
			da Senate		Duplicate
	(Deliver BO	THE FLORI APPEARAN TH copies of this form to the Senator o	CE RECO		Duplicate
2/10/20 <i>Mee</i>	(Deliver BO	APPEARAN	CE RECO	aff conducting the meeting)	Duplicate Number (if applicable)
Меє	eting Date	APPEARAN	CE RECO	aff conducting the meeting) Bill I	Number (if applicable)
Mee Topic C	oting Date	<b>APPEARAN</b> TH copies of this form to the Senator o	CE RECO	aff conducting the meeting) Bill I	
Mee Topic <u>C</u> Name <u>F</u>	eting Date Confirmation of SFWMD Rae Ann Wessel	<b>APPEARAN</b> TH copies of this form to the Senator of Governing Board member	CE RECO	aff conducting the meeting) Bill I	Number (if applicable)
Mee Topic <u>C</u> Name <u>F</u>	eting Date Confirmation of SFWMD Rae Ann Wessel	<b>APPEARAN</b> TH copies of this form to the Senator of Governing Board member cy Director	CE RECO	aff conducting the meeting) Bill I Amendment	Number (if applicable)
Mee Topic <u>C</u> Name <u>F</u> Job Title	eting Date Confirmation of SFWMD Rae Ann Wessel	<b>APPEARAN</b> TH copies of this form to the Senator of Governing Board member cy Director	CE RECO	aff conducting the meeting) Bill I Amendment Phone 239.472.2329	Number (if applicable) Barcode (if applicable)
Mee Topic <u>C</u> Name <u>F</u> Job Title	eting Date Confirmation of SFWMD Rae Ann Wessel Natural Resource Polici 3333 Sanibel-Captiva Street Sanibel City	APPEARAN TH copies of this form to the Senator of Governing Board member cy Director Road FL State	CE RECO Senate Professional St Ron Bergeron 33957 Zip Waive Sp	aff conducting the meeting) Bill / Amendment Phone 239.472.2329 Email rawessel@sccf.	Number (if applicable) Barcode (if applicable) org
Mee Topic <u>C</u> Name <u>F</u> Job Title Address	Confirmation of SFWMD Rae Ann Wessel Natural Resource Polition 3333 Sanibel-Captiva Street Sanibel City g: For Agains	APPEARAN TH copies of this form to the Senator of Governing Board member cy Director Road FL State	CE RECO r Senate Professional St Ron Bergeron 33957 Zip Waive Sp (The Chai	aff conducting the meeting) Bill I Amendment Phone 239.472.2329 Email rawessel@sccf. peaking: ☑ In Suppor	Number (if applicable) Barcode (if applicable) org

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.

THE FLO	RIDA SENATE
APPEARAI	NCE RECORD
(Deliver BOTH copies of this form to the Senato	r or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Confirmation of Ronald Bergeron	Amendment Barcode (if applicable)
Name Mark Perry	
Job Title Executive Director	
Address 890 NE Ocean Blvd.	Phone <u>772-486-3858</u>
Stuart FL	34996 Email mperry@floridaocean.org
City State Speaking: For Against Information	Zip Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing Florida Oceanographic Society	
Appearing at request of Chair: Yes No While it is a Senate tradition to encourage public testimony, tim meeting. Those who do speak may be asked to limit their rema This form is part of the public record for this meeting.	Lobbyist registered with Legislature: Yes V No e may not permit all persons wishing to speak to be heard at this rks so that as many persons as possible can be heard. S-001 (10/14/14)
	Duplicate
	ICE RECORD or Senate Professional Staff conducting the meeting)
February 10, 2020	
Meeting Date	Bill Number (if applicable)
Topic Confirmation of Ronald Bergeron	Amendment Barcode (if applicable)
Name Mark Perry	
Job Title Executive Director	
Address 890 NE Ocean Blvd.	Phone 772-486-3858
Street Stuart FL	34996 Email mperry@floridaocean.org
City State Speaking: For Against Information	Zip Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing Florida Oceanographic Society	
Appearing at request of Chair: 🗌 Yes ✔ No	Lobbyist registered with Legislature: Yes 🗸 No

	APPEARAI	NCE RECO	RD
02/10/20 (Deliver BOTH Meeting Date	copies of this form to the Senato	r or Senate Professional St	aff conducting the meeting) Bill Number (if applicable)
Topic Confirmation of Ron Bei	rgeron to SFWMD		Amendment Barcode (if applicable)
Name Alison Enchelmaier			
Job Title Education Director			
Address 5530 Sunset Drive			Phone 973-896-5422
Street Miami	FL	33143	Email_education@tropicalaudubon.r
<i>City</i> Speaking: For Against	<i>State</i> Information	Zip Waive Sj (The Chai	peaking: In Support Against ir will read this information into the record.)
Representing		)	
Appearing at request of Chair:	Yes 🖌 No	Lobbyist registe	ered with Legislature: 🗌 Yes 🗹 No
While it is a Senate tradition to encour meeting. Those who do speak may be			persons wishing to speak to be heard at this persons as possible can be heard.
This form is part of the public recor	d for this meeting.		S-001 (10/14/14)
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		RIDA SENATE	
(Deliver BOTH	<b>APPEARAN</b> copies of this form to the Senato		
Meeting Date			Bill Number (if applicable)
Topic Confirmation of Ron Ber	geron to SFWMD		Amendment Barcode (if applicable)
Name Alison Enchelmaier			
Job Title Education Director			
Address 5530 Sunset Drive	•		Phone 973-896-5422
Street Miami	FL	33143	Email_education@tropicalaudubon.r
<i>City</i> Speaking: For Against	<i>State</i> Information	Zip Waive Sp (The Chai	
Representing			
Appearing at request of Chair:	Yes 🖌 No	Lobbyist registe	ered with Legislature: 🌅 Yes ✔ No

THE FLORIDA SENATE

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.

**Reset Form** 

	APPEARA	NCE RECO	RD
(Deliver BOT) 2/10/2020	H copies of this form to the Senato	or or Senate Professional S	taff conducting the meeting)
Meeting Date			Bill Number (if applicable)
Topic Ron Bergeron Confirmation	n		Amendment Barcode (if applicable)
Name Doug Gaston			
Job Title Policy Analyst			
Address 4500 Biscayne Blvd	·	1743-1457-1-V.	Phone 6195478054
<i>Street</i> Miami	FL	33137	Email doug.gaston@audubon.org
City	State	Zip	
Speaking: For Against	Information		peaking: In Support Against ir will read this information into the record.)
Representing Audubon Flor	ida		
Appearing at request of Chair:	Yes 🖌 No	Lobbyist regist	ered with Legislature: Yes 🗸 No
While it is a Senate tradition to encour meeting. Those who do speak may be	rage public testimony, tim e asked to limit their rema	ne may not permit all arks so that as many	persons wishing to speak to be heard at this persons as possible can be heard.
This form is part of the public reco			 S-001 (10/14/14)
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	THE FLO	RIDA SENATE	Duplicate
	APPEARAI		RD
(Deliver BOT) 2/10/2020	H copies of this form to the Senato		
Meeting Date			Bill Number (if applicable)
Topic Ron Bergeron Confirmatio	n		Amendment Barcode (if applicable)
Name Doug Gaston			
Job Title Policy Analyst			
Address 4500 Biscayne Blvd		,	Phone <u>6195478054</u>
Street			
Miami	FL	33137	Email doug.gaston@audubon.org
<i>City</i> Speaking: For Against	State	Zip Waive S (The Chai	peaking: In Support Against ir will read this information into the record.)
Representing <u>Audubon Flor</u>	ida		
Appearing at request of Chair:	Yes 🖌 No	Lobbyist regist	ered with Legislature: 🗌 Yes ✔ No

THE FLORIDA SENATE

#### APPEARANCE RECORD (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) Tab 2 02/10/2020 Bill Number (if applicable) Meeting Date Topic Confirmation Hearing, Ron Bergeron SFWMD Amendment Barcode (if applicable) Name Alyssa Lenkel Job Title N/A Address 111 Lake Hollingsworth Drive LHA Phone 2017238026 Street Email alenkel614@gmail.com Lakeland FL 33801 City State Zip Waive Speaking: For Information In Support Speaking: Against Adainst (The Chair will read this information into the record.) Myself Representing Yes 🗸 No Lobbyist registered with Legislature: No Appearing at request of Chair: Yes 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) Duplicate THE FLORIDA SENATE APPEARANCE RECORD (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 02/10/2020 Tab 2 Bill Number (if applicable) Meeting Date Topic Confirmation Hearing, Ron Bergeron SFWMD Amendment Barcode (if applicable) Name Alyssa Lenkel Job Title N/A Address 111 Lake Hollingsworth Drive LHA Phone 2017238026 Street Email alenkel614@gmail.com Lakeland FL 33801 City Zip State Waive Speaking: In Support For Information Speaking: Against Adainst (The Chair will read this information into the record.) Representing Myself Yes **√** No Lobbvist registered with Legislature: Appearing at request of Chair: Yes 🖌

THE FLORIDA SENATE

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.

	APPEARAI	NCE RECO	RD	
(Deliver BOTH 02/10/2020	copies of this form to the Senato	r or Senate Professional St	aff conducting the meeting)	Tab 2
Meeting Date			Bill N	lumber (if applicable)
Topic Confirmation Hearing, Ron	Bergeron SFWMD		Amendment	Barcode (if applicable)
Name Caitlin Westerfield	K. 014			
Job Title <u>N/A</u>				
Address 11720 Bitola Dr			Phone 954 665 8508	
Street		22556	–	
Odessa City	FL State	33556 Zip	Email <u>cwesterfield@m</u>	
Speaking: For Against		Waive S	peaking: In Support	
Representing Myself				
Appearing at request of Chair:	Yes 🖌 No	Lobbyist registe	ered with Legislature:	Yes 🖌 No
While it is a Senate tradition to encoura meeting. Those who do speak may be				
This form is part of the public record	d for this meeting.			S-001 (10/14/14)
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	APPEARAI		RD	
(Deliver BOTH )	copies of this form to the Senato	r or Senate Professional St	aff conducting the meeting)	Tab 2
Meeting Date			Bill N	umber (if applicable)
Topic Confirmation Hearing, Ron	Bergeron SFWMD		Amendment E	Barcode (if applicable)
Name Caitlin Westerfield				
Job Title <u>N/A</u>				
Address 11720 Bitola Dr			Phone 954 665 8508	
Street Odessa	FL	33556	Email cwesterfield@ma	ail.usf.edu
	State	Zip		[]
Speaking: For Against	Information	Waive Sp (The Chai	peaking: 【✔】In Support r will read this information i	
Representing Myself				
Appearing at request of Chair:	Yes 🖌 No	Lobbyist registe	ered with Legislature:	Yes 🖌 No

THE FLORIDA SENATE

#### APPEARANCE RECORD (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 02/10/2020 Tab 2 Meeting Date Bill Number (if applicable) Topic Confirmation Hearing, Ron Bergeron SFWMD Amendment Barcode (if applicable) Name Susan Truett Job Title N/A Phone 863-660-6556 1011 South Tennessee Ave Address Street Email struett48@gmail.com Lakeland FL 33803 City Zip State Waive Speaking: Against Information Speaking: For In Support Against (The Chair will read this information into the record.) Myself Representing Yes I No Lobbyist registered with Legislature: Appearing at request of Chair: No Yes 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) Duplicate THE FLORIDA SENATE APPEARANCE RECORD (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 02/10/2020 Tab 2 Bill Number (if applicable) Meeting Date Topic Confirmation Hearing, Ron Bergeron SFWMD Amendment Barcode (if applicable) Name Susan Truett Job Title N/A Address 1011 South Tennessee Ave Phone 863-660-6556 Street Email struett48@gmail.com Lakeland FL 33803 City State Zip Against Speaking: Waive Speaking: For nformation In Support Against (The Chair will read this information into the record.) Representing Myself Yes 🖌 No Lobbyist registered with Legislature: Appearing at request of Chair: Yesl No

**THE FLORIDA SENATE** 

## THE FLORIDA SENATE APPEARANCE RECORD

(D	eliver BOTH copies of this form to the Senator	r or Senate Professional S	Staff conducting the meeting)
Meeting Date			Bill Number (if applicable)
Topic Confirmation of Ro	on Bergeron		Amendment Barcode (if applicable)
Name Solemi Hernandez			_
Job Title <u>N/A</u>			
Address Painted Lo	eaf Lane		Phone 2398210517
Street Naples	FI	34116	Email_hernandezsolemi@gmail.com
<i>City</i> Speaking: For	State Against Information		Speaking: In Support Against Against air will read this information into the record.)
Representing Mysel	f		
Appearing at request of	Chair: 🗌 Yes 🗹 No	Lobbyist regis	tered with Legislature: 🔲 Yes 🗹 No
			ll persons wishing to speak to be heard at this / persons as possible can be heard.
This form is part of the pub	olic record for this meeting.		S-001 (10/14/14)
			Duplicate
	THE FLO	rida Senate	
(0)	APPEARAN		
02/10/20	eliver BOTH copies of this form to the Senator	r or Senate Protessional S	
Meeting Date			Bill Number (if applicable)
Topic Confirmation of Ro	on Bergeron		Amendment Barcode (if applicable)
Name Solemi Hernandez			-
Job Title <u>N/A</u>			-
Address 6070 Painted Lo	eaf Lane		Phone 2398210517
<i>Street</i> Naples	FI	34116	Email hernandezsolemi@gmail.com
City	State	Zip	
Speaking: For .	Against Information		Speaking: In Support Against air will read this information into the record.)
Representing Mysel	f		
Appearing at request of			

#### THE FLORIDA SENATE APPEARANCE RECORD (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 02/10/2020 Tab 2 Meeting Date Bill Number (if applicable) Topic Confirmation Hearing, Ron Bergeron SFWMD Amendment Barcode (if applicable) Name Holly Schwartz Job Title N/A Phone 239 209-1081 Address 17520 Oak Creek /Rd Street Email hschwartz/@sccf.org FL 33920 Alva City State Zip Waive Speaking: Speaking: For Against Information In Support Against (The Chair will read this information into the record.) Myself Representing Yes 🗸 No Lobbyist registered with Legislature: Appearing at request of Chair: Yes V 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) Duplicate THE FLORIDA SENATE APPEARANCE RECORD (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 02/10/2020 Tab 2 Bill Number (if applicable) Meeting Date Topic Confirmation Hearing, Ron Bergeron SFWMD Amendment Barcode (if applicable) Name Holly Schwartz Job Title N/A Address 17520 Oak Creek /Rd Phone 239 209-1081 Street Email hschwartz/@sccf.org FL 33920 Alva Zip Citv State

	(The Chair will read this information into the record.)
Representing Myself	
Appearing at request of Chair: Yes 🖌 No	Lobbyist registered with Legislature: Yes 🖌 No

Information

Waive Speaking:

In Support

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.

Against

For

Speaking:

Against

#### THE FLORIDA SENATE APPEARANCE RECORD (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 02/10/2020 Meeting Date Bill Number (if applicable) Topic Confirmation Hearing, Ron Bergeron SFWMD Amendment Barcode (if applicable) Name Kelly Andrew Job Title N/A Phone 4802254140 Address 23 6th Ave N Street Email kellyandrew49@gmail.com 34102 Naples FL City State Zip Waive Speaking: Speaking: For Against Information In Support Against (The Chair will read this information into the record.) Myself Representing Yes 🖌 No Lobbyist registered with Legislature: Appearing at request of Chair: 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) Duplicate THE FLORIDA SENATE APPEARANCE RECORD (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 02/10/2020 Meeting Date Bill Number (if applicable) Topic Confirmation Hearing, Ron Bergeron SFWMD Amendment Barcode (if applicable) Name Kelly Andrew Job Title N/A Address 23 6th Ave N Phone 4802254140 Street Email kellyandrew49@gmail.com Naples FL 34102 Zip State Citv Waive Speaking: Speaking: For Against Information In Support Against (The Chair will read this information into the record.) Representing Myself Appearing at request of Chair: Ves 🖌 No Lobbyist registered with Legislature: Yes 🖌 No



Amended

RECEIVED

2019 OCT 28 PM 12: 44 DIVISION OF ELECTIONS TALLAHASSEE, FL

September 4, 2019

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

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.079(4)(a), Florida Statutes:

Mr. Hugh Thomas 9225 CR 49 Live Oak, FL 32060

as Executive Director of the Suwannee River Water Management District, subject to confirmation by the Senate. This appointment is effective September 4, 2019.

Sincerely,

Ron DeSantis Governor

RD/sk



# Ron DeSantis Governor

HAND DELIVERED

# **OATH OF OFFICE**

(Art. II. § 5(b), Fla. Const.) JE PAR IMENT OF STALL

#### STATE OF FLORIDA

2019 AUG 21 PH 3: 29

County of Suwannee

DIVISION OF ELECTIONS TALLAPASSEF. FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

## Executive Director-Suwannee River Water Management District

#### (Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Sworn to and subscribed before me this <u>al</u> day of <u>August</u> 2019. Signature of Officer Administering Oath or of Notary Public Robin R. Lamm NOTARY PUBLIC STATE OF FLORIDA Comm# GG107867 Robin R. Lamm Expires 8/28/2021 Print, Type, or Stamp Commissioned Name of Notary Public Produced Identification Personally Known D OR Type of Identification Produced NA

## ACCEPTANCE

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

Mailing Address: Home Office

9225 CR 49

Street or Post Office Box

Live Oak, FL 32060

City, State, Zip Code

Hugh Thomas
Print Name,
11. 1 1100
Signaturo

Signature

DS-DE 56 (Rev. 11/16)

#### The Florida Senate Committee Notice Of Hearing

IN THE FLORIDA SENATE TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Hugh L. Thomas

Executive Director of Suwannee River Water Management District

#### NOTICE OF HEARING

TO: Mr. Hugh L. Thomas

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, February 10, 2020, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing. DATED this the 5th day of February, 2020

Committee on Environment and Natural Resources

Senator Bill Montford As Chair and by authority of the committee

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

### THE FLORIDA SENATE

# **COMMITTEE WITNESS OATH**

CHAIR:

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

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

WITNESS'S NAME: Hugh Thomas

ANSWER: I Do

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

**COMMITTEE NAME:** Environment and Natural Resources

DATE: February 10, 2020

File 1 copy with the Secretary of the Senate

S-002 (01/12/2015)

THE FLORIDA SENATE         APPEARANCE RECORD         J/10/JUJ0       (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)         Meeting Date	
Topic Configmations	Bill Number (if applicable)
Name Hugh Thomas	Amendment Barcode (if applicable)
Job Title Executive Director	
Address <u>115</u> CR 49 Street	Phone 386-3()-)00
Live Oak FL 310 City State 7	60 Email Kugh. Throngs Restlyind
Speaking: For Against Information	Waive Speaking: Up Support
Representing Sawannee River Water	(The Chair will read this information into the record.)
Appearing at request of Chair: Yes No Lobbyis	st registered with Logislature March
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.	as many persons as possible can be heard.

Q 001 (40/44/4 A
	ORIDA SENATE
2 10 20 20 Meeting Date (Deliver BOTH copies of this form to the Senat	NCE RECORD for or Senate Professional Staff conducting the meeting)
	Bill Number (if applicable)
Topic Vanee River WMB 20 H	1G++ THOWIAS
Name_Bett Havi	Amendment Barcode (if applicable)
Job Title UR Or Policy	
Address <u>308</u> M. NowROG	Phone $350 - 571 - 9787$
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City State	Zip Email SEPTH. ALMO AUDUBON. OKG
Speaking: For Against Information	Waive Speaking:
RepresentingAUDUBON PL	(The Chair will read this information into the record.)
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature: Ves No
While it is a Senate tradition to encourage public testimony, time meeting. Those who do speak may be asked to limit their remar	e may not permit all persons wishing to speak to be heard at this
This form is part of the public record for this meeting.	a set that as many persons as possible can be heard.

S-001 (10/14/14)

Pre	pared By: The	Professior	al Staff of the C	ommittee on Enviro	nment and Na	tural Resources
LL:	CS/SB 1360	)				
NTRODUCER:	Environmer	it and Na	tural Resource	es Committee and	d Senator Ro	driguez
SUBJECT:	Endangered	and Thre	eatened Specie	es		
DATE:	February 10	, 2020	REVISED:			
ANAL	YST	STAFI	- DIRECTOR	REFERENCE		ACTION
Anderson		Rogers	5	EN	Fav/CS	
				AEG		
				AP		

# Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

## I. Summary:

CS/SB 1360 revises the definitions of "endangered species" and "threatened species" in the Florida Endangered and Threatened Species Act to include the impact of climate change as a factor that may jeopardize the survival of certain species of fish and wildlife. The bill requires the Fish and Wildlife Conservation Commission (FWC) to continue to protect endangered or threatened fish and wildlife species as FWC determines, regardless of whether such species are declassified under the federal Endangered Species Act of 1973. The bill prohibits FWC from considering the economic cost of protecting a fish or wildlife species as a factor in designating it as endangered or threatened.

The bill requires the Department of Agriculture and Consumer Services (DACS) to consider the impacts of climate change on plant species as part of its 4-year review of the Regulated Plant Index. The bill requires DACS to continue to protect endangered or threatened plant species as DACS determines, regardless of whether such species are declassified under the federal Endangered Species Act of 1973. The bill prohibits DACS from considering the economic cost of protecting a plant species as a factor in designating it as endangered or threatened.

# II. Present Situation:

# Endangered Species Act of 1973 (Federal)<sup>1</sup>

The Endangered Species Act (ESA), enacted in 1973 and amended in 1996, designates that species of fish, (including marine mammals), wildlife, and plants, which are so depleted they are in danger of or threatened with extinction, must be conserved.<sup>2</sup> The ESA is overseen by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). The ESA provides for the conservation of threatened and endangered species of fish, wildlife, and plants by federal action and by encouraging state conservation programs.<sup>3</sup> The objective of ESA is to enable listed species not merely to survive, but to recover from their endangered or threatened status.<sup>4</sup> The act authorizes the determination and listing of endangered and threatened species and their habitats.

# Delisting/Declassification

When a species is able to survive on its own in the wild, the species is considered to be recovered, and protection of the ESA is no longer necessary. At least once every five years, USFWS conducts a review of all listed species to determine whether any species should be removed from the list, changed in status from endangered to threatened, or changed in status from threatened to endangered.<sup>5</sup> When USFWS removes a species from the federal list of Endangered and Threatened Wildlife and Plants, the species is "delisted." To delist a species, USFWS must determine that threats have been eliminated or controlled, based on several factors including population size and trends and the stability of habitat quality and quantity.<sup>6</sup>

USFWS reviews five factors in its determination of whether a species still needs protection under the ESA:

- Is there a present or threatened destruction, modification, or curtailment of the species' habitat or range?
- Is the species subject to over-utilization for commercial, recreational, scientific, or educational purposes?
- Is disease or predation a factor?
- Are there adequate existing regulatory mechanisms in place, taking into account the initiatives by states and other organizations, to protect the species or habitat?
- Are other natural or manmade factors affecting the species' continued existence?<sup>7</sup>

During this process, USFWS works with species experts; federal, state, and local agencies; tribes; nongovernmental organizations; the academic community; and other stakeholders to achieve success in population assessments, recovery, and eliminating or reducing threats. Species are generally delisted for the following reasons: recovery, extinction, or evidence of additional

<sup>7</sup> Id.

<sup>&</sup>lt;sup>1</sup> 16 U.S.C. s. 1531-1544.

<sup>&</sup>lt;sup>2</sup> 16 U.S.C. s. 1531.

<sup>&</sup>lt;sup>3</sup> *Id*.

<sup>&</sup>lt;sup>4</sup> Id.; Sierra Club v. U.S. Fish and Wildlife Service, 245 F. 3d 434 (2001).

<sup>&</sup>lt;sup>5</sup> 16 U.S.C. s. 1533.

<sup>&</sup>lt;sup>6</sup> USFWS, *Delisting a Species, Section 4 of the Endangered Species Act, available at* <u>https://www.fws.gov/endangered/esa-library/pdf/delisting.pdf</u>.

populations. After a species is delisted, it is still monitored for at least five years according to a post-delisting monitoring plan.<sup>8</sup>

# Economic Costs

Historically, economics has not been a factor in the decision of whether or not to list a species under the ESA. However, economic costs are considered in the designation of critical habitat,<sup>9</sup> even when the impacts are attributable to other causes, including listing.<sup>10</sup>

The ESA states that listing decisions are to be made "solely on the basis of the best scientific and commercial data available."<sup>11</sup> The 1978 regulations expanded on this prohibition by adding "without reference to possible economic or other impacts of such determination."<sup>12</sup> The revised regulations, effective September 26, 2019 removed this language<sup>13</sup> to clarify that it is not prohibited for USFWS to compile economic information that is not used to influence a listing decision.<sup>14</sup> When first proposing the rule, the USFWS and NMFS indicated that there may be circumstances where referencing economic or other impacts may be informative to the public.<sup>15</sup>

## State Programs

Section 6 of the ESA provides funding for the development of state programs for the management of threatened and endangered species by state wildlife agencies.<sup>16</sup> Additionally, each state has state endangered species lists containing species that are endangered in the state but are not a federally-listed species. The Secretary of the Interior must enter into a cooperative agreement with a state which establishes and maintains an adequate and active program for the conservation of endangered and threatened species if the program meets certain standards under the ESA.<sup>17</sup> If a cooperative agreement exists, a state may receive federal funds under the ESA to implement the program, though normally states are expected to contribute a minimum matching amount.<sup>18</sup>

## Fish and Wildlife Conservation Commission

Pursuant to s. 9, Art. IV of the State Constitution, the Florida Fish and Wildlife Conservation Commission (FWC) exercises the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life.<sup>19</sup> While the USFWS has primary responsibility for Florida species that are federally endangered or threatened, FWC works in

<sup>&</sup>lt;sup>8</sup> 16 U.S.C. s. 1533.

<sup>&</sup>lt;sup>9</sup> 50 C.F.R. s. 424.12.

<sup>&</sup>lt;sup>10</sup> New Mexico Cattle Growers Ass'n v. United States Fish & Wildlife Serv., 248 F.3d 1277, 1285 (10th Cir. 2001).

<sup>&</sup>lt;sup>11</sup> 50 C.F.R. s. 424.11(b) (2019).

<sup>&</sup>lt;sup>12</sup> 50 C.F.R. s. 424.11(b) (1984).

<sup>&</sup>lt;sup>13</sup> 50 C.F.R. s. 424.11(b) (2019).

<sup>&</sup>lt;sup>14</sup> Endangered and Threatened Wildlife and Plants, Revision of the Regulations for Listing Species and Designating Critical Habitat, 84 Fed. Reg. 45020, 45024 (Aug. 27, 2019) (to be codified at 50 C.F.R. s. 424.11).

<sup>&</sup>lt;sup>15</sup> Endangered and Threatened Wildlife and Plants, Revision of the Regulations for Listing Species and Designating Critical Habitat, 84 Fed. Reg. 35194-35195 (Jul. 25, 2018) (to be codified at 50 C.F.R. s. 424.11).

<sup>&</sup>lt;sup>16</sup> 16 U.S.C. § 1535.

<sup>&</sup>lt;sup>17</sup> 16 U.S.C. § 1535(c).

<sup>&</sup>lt;sup>18</sup> 16 U.S.C. § 1535(d)(2).

<sup>&</sup>lt;sup>19</sup> Fla. Const. Art. IV, s. 9.

partnership with USFWS to help conserve these species and maintains a list of state endangered and threatened species.

# Florida Endangered and Threatened Species Act<sup>20</sup>

The Florida Endangered and Threatened Species Act of 1977 provides for research and management to conserve and protect threatened and endangered species as a natural resource.<sup>21</sup> Responsibility for the research and management of upland, freshwater, and marine species is given to FWC.<sup>22</sup> The act also encourages FWC to develop a public education program dealing with endangered and threatened species. Annually, the FWC director submits a revised plan for management and conservation of endangered and threatened species to the Governor, Cabinet, and Legislature.<sup>23</sup>

Endangered and threatened species can be listed as state-designated or federally-designated endangered or threatened species. State-designated threatened species are species that are native to Florida and are classified as threatened as determined by:

- A reduction in population size;
- Decline in geographic range;
- A population size estimated to be under 10,000 mature individuals with a continuing decline;
- A population size estimated to be under 1,000 mature individuals or with a very restricted area of occupancy; or
- A quantitative analysis showing the probability of extinction in the wild is at least 10% within 100 years.<sup>24</sup>

Federally-designated endangered and threatened species are species of fish or wild animal life that are native to Florida and are classified as endangered or threatened by their federal designation as endangered or threatened under the ESA.<sup>25</sup>

Pursuant to FWC rule, if a species native to Florida is reclassified under the ESA and is a species within FWC's constitutional authority, the species must also be reclassified under the Florida Endangered and Threatened Species list.<sup>26</sup> However, if a species is removed from ESA protection, or delisted, the species must receive a biological status review to determine if it warrants listing as a state-listed species.<sup>27</sup> FWC must consider the biological status report, independent scientific reviews received, and public comments regarding biological status when making a final determination regarding a change in listing status.<sup>28</sup>

Before any species is removed from the state-endangered and threatened species lists, FWC must develop a management plan that is intended to maintain or enhance the conservation of that

<sup>&</sup>lt;sup>20</sup> Ch. 77-375, ss. 1-6, Laws of Fla. (creating s. 379.2291).

<sup>&</sup>lt;sup>21</sup> Section 379.2291(2), F.S.

<sup>&</sup>lt;sup>22</sup> Section 379.2291(4), F.S.

<sup>&</sup>lt;sup>23</sup> Section 379.2291(5), F.S.; see FWC, Endangered and Threatened Species Management and Conservation Plan, Progress Report, Fiscal Year 2018-2019 (Nov. 19, 2019), available at https://myfwc.com/media/22264/2018-19-legislative-report.pdf.

<sup>&</sup>lt;sup>24</sup> Fla. Admin. Code R. 68A-27.001(3).

<sup>&</sup>lt;sup>25</sup> Fla. Admin. Code R. 68A-27.001(2).

<sup>&</sup>lt;sup>26</sup> Fla. Admin. Code R. 68A-27.0012(1).

<sup>&</sup>lt;sup>27</sup> Id.

<sup>&</sup>lt;sup>28</sup> Fla. Admin. Code R. 68A-27.0012(c)2.e.

species.<sup>29</sup> FWC also developed the Imperiled Species Management Plan to address the needs of state-listed species that did not already have a management plan or specific program in place.<sup>30</sup>

## Climate Change Effects on Fish and Wildlife

FWC is Florida's lead agency on addressing the impacts of climate change on fish and wildlife, including adaptation strategies for Florida's coastal ecosystems.<sup>31</sup> Projections indicate that few other states will be impacted by climate change as severely as Florida.<sup>32</sup> Some of the climatic changes that may affect Florida include: sea-level rise and changes in precipitation, air temperature, extreme events, and carbon dioxide.<sup>33</sup>

Many species of fish and wildlife in Florida could be threatened by climatic shifts. Species with narrow tolerance ranges, those occupying habitats in areas where migration or relocation is challenging due to physical barriers or unsuitable habitat, those with limited ability to disperse, or those with specialized habitat requirements, small populations, or low genetic diversity are expected to be most at risk.<sup>34</sup>

## **Regulated Plant Index**

The Division of Plant Industry within the Department of Agriculture and Consumer Services (DACS) protects plant species native to the state that are endangered, threatened, or commercially exploited.<sup>35</sup> The policy of the state is to provide recognition of these plant species; protect them from unlawful harvesting on both public and privately owned lands; and provide an orderly and controlled procedure for restricted harvesting from the wild.<sup>36</sup> The state also encourages the propagation of endangered species and provides information necessary to legally collect these species for propagation.<sup>37</sup>

Florida's native plant species in need of conservation efforts are listed in the Regulated Plant Index and are classified as endangered, threatened, or commercially exploited.<sup>38</sup> The list includes 448 endangered, 118 threatened, and nine commercially exploited species. Fifty-four of these species are on the federal list of endangered plant species and 14 are on the federal list of threatened species.<sup>39</sup>

<sup>&</sup>lt;sup>29</sup> Fla. Admin. Code R. 68A-27.0012(1).

<sup>&</sup>lt;sup>30</sup> FWC, Imperiled Species Management Plan, available at <u>https://myfwc.com/media/2030/imperiled-species-management-plan.pdf</u>.

<sup>&</sup>lt;sup>31</sup> FWC, *What FWC is Doing*, <u>https://myfwc.com/conservation/special-initiatives/climate-change/fwc/</u> (last visited Feb. 4, 2020); FWC, *A Guide to Climate Change Adaptation for Conservation*, 6-81–6-108, 9-35–9-51 (2016), *available at* <u>https://myfwc.com/media/5864/adaptation-guide.pdf</u>.

 $<sup>^{32}</sup>$  *Id.* at 4-1.

<sup>&</sup>lt;sup>33</sup> *Id*. at 4-2.

<sup>&</sup>lt;sup>34</sup> *Id*. at 5-1.

<sup>&</sup>lt;sup>35</sup> Section 581.185(3), F.S.

<sup>&</sup>lt;sup>36</sup> Section 581.185(1), F.S.

<sup>&</sup>lt;sup>37</sup> Id.

<sup>&</sup>lt;sup>38</sup> Fla. Admin. Code R. 5B-40.0055.

<sup>&</sup>lt;sup>39</sup> DACS, *Florida's Endangered Plants*, <u>https://www.fdacs.gov/Divisions-Offices/Plant-Industry/Bureaus-and-</u> Services/Entomology-Nematology-Plant-Pathology/Botany/Florida-s-Endangered-Plants (last visited Feb. 4, 2020).

DACS has adopted rules relating to the listing, delisting, and changing the listing of plants on the Regulated Plant Index.<sup>40</sup> Every 4 years, DACS and the Endangered Plant Advisory Council review the Regulated Plant Index and consider any species of plant which is in danger of disappearing from its native habitat within the foreseeable future throughout all or a significant portion of the range of the species because of:

- Present or threatened destruction, modification, or curtailment of the range of the species.
- Overutilization of the species for commercial, scientific, or educational purposes.
- Disease or predation.
- Any other natural or manmade factor affecting the continued existence of the species.<sup>41</sup>

Any changes to the Regulated Plant Index must consider the recommendation of the Endangered Plant Advisory Council and the best environmental and commercial data available.<sup>42</sup> DACS must also consider the recommendations of the general public.<sup>43</sup> The Endangered Plant Advisory Council meets at least once a year.<sup>44</sup>

# III. Effect of Proposed Changes:

# Section 1 (Fish and Wildlife)

The bill revises the legislative policy of the Florida Endangered or Threatened Species Act to conserve and manage resources, with particular attention to species "designated," rather than "defined" by the Fish and Wildlife Conservation Commission (FWC), the Department of Environmental Protection (DEP), or the United States Department of the Interior or its successor agencies, as being endangered or threatened.

The bill revises the definitions of "endangered species" and "threatened species" to include the impact of climate change as a factor that may jeopardize the survival of certain species of fish and wildlife.

The bill revises the requirement that FWC, in consultation with several agencies, establish reduced speed zones along roads, streets, and highways to protect endangered and threatened species, rather than endangered or threatened species.

The bill requires FWC to continue to protect endangered or threatened fish and wildlife species as FWC determines, regardless of whether such species are declassified under the federal Endangered Species Act of 1973. The bill prohibits FWC from considering the economic cost of protecting a fish or wildlife species as a factor in designating it as endangered or threatened.

<sup>&</sup>lt;sup>40</sup> Fla. Admin. Code Ch. 5B-40.

<sup>&</sup>lt;sup>41</sup> Section 581.185(5), F.S.

<sup>&</sup>lt;sup>42</sup> Section 581.185(4), F.S.

<sup>&</sup>lt;sup>43</sup> *Id.*, Fla. Admin. Code R. 5B-40.0056(1).

<sup>&</sup>lt;sup>44</sup> Fla. Admin. Code R. 5B-40.0056(2).

## Section 2 (Plants)

The bill requires the Department of Agriculture and Consumer Services (DACS) and the Endangered Plant Advisory Council to consider the impacts of climate change on plant species as part of its 4-year review of the Regulated Plant Index.

The bill requires DACS to continue to protect endangered or threatened plant species as DACS determines, regardless of whether such species are declassified under the federal Endangered Species Act of 1973. The bill prohibits DACS from considering the economic cost of protecting a plant species as a factor in designating it as endangered or threatened.

## Section 3

The bill takes effect on July 1, 2020.

# IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

# V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

None.

## VIII. Statutes Affected:

This bill substantially amends sections 379.2291 and 581.185 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 10, 2020:

- Revises title of bill to "An act relating to endangered and threatened species" to include the section relating to endangered and threatened plant species which are not covered under the Florida Endangered and Threatened Species Act.
- Deletes incorrect reference to DEP.
- B. Amendments:

None.

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

LEGISLATIVE ACTION

Senate House • Comm: RCS . 02/10/2020 The Committee on Environment and Natural Resources (Rodriguez) recommended the following: Senate Amendment (with title amendment) Delete lines 74 - 75 and insert: (e) The commission may not consider the economic cost of protecting a 9 And the title is amended as follows: Delete lines 2 - 8

1 2 3

4

5

6

7 8

10

COMMITTEE AMENDMENT

Florida Senate - 2020 Bill No. SB 1360



Page 2 of 2

11	and insert:
12	An act relating to endangered and threatened species;
13	amending s. 379.2291, F.S.; revising legislative
14	intent of the Florida Endangered and Threatened
15	Species Act; revising definitions; directing the Fish
16	and Wildlife Conservation Commission to protect
17	certain declassified species; prohibiting the
18	commission from considering certain

 ${\bf By}$  Senator Rodriguez

	37-01306-20 20201360
1	A bill to be entitled
2	An act relating to the Florida Endangered and
3	Threatened Species Act; amending s. 379.2291, F.S.;
4	revising legislative intent; revising definitions;
5	directing the Fish and Wildlife Conservation
6	Commission to protect certain declassified species;
7	prohibiting the commission and the Department of
8	Environmental Protection from considering certain
9	costs when designating a species as endangered or
10	threatened; amending s. 581.185, F.S.; revising
11	criteria for placement of species on the Regulated
12	Plant Index by the Department of Agriculture and
13	Consumer Services; directing the department, in
14	consultation with the Endangered Plant Advisory
15	Council, to protect certain declassified species;
16	prohibiting the department from considering certain
17	costs when designating a species as endangered or
18	threatened; providing an effective date.
19	
20	Be It Enacted by the Legislature of the State of Florida:
21	
22	Section 1. Subsections (2), (3), and (4) of section
23	379.2291, Florida Statutes, are amended to read:
24	379.2291 Endangered and Threatened Species Act
25	(2) DECLARATION OF POLICY.—The Legislature recognizes that
26	the State of Florida harbors a wide diversity of fish and
27	wildlife and that it is the policy of this state to conserve and
28	wisely manage these resources, with particular attention to
29	those species <u>designated</u> <del>defined</del> by the Fish and Wildlife
	Page 1 of 4

CODING: Words stricken are deletions; words underlined are additions.

	37-01306-20 20201360
30	Conservation Commission, the Department of Environmental
31	Protection, or the United States Department of Interior, or
32	successor agencies, as being endangered or threatened. As
33	Florida has more endangered and threatened species than any
34	other continental state, it is the intent of the Legislature to
35	provide for research and management to conserve and protect
36	these species as a natural resource.
37	(3) DEFINITIONSAs used in this section:
38	(a) "Fish and wildlife" means any member of the animal
39	kingdom, including, but not limited to, any mammal, fish, bird,
40	amphibian, reptile, mollusk, crustacean, arthropod, or other
41	invertebrate.
42	(b) "Endangered species" means any species of fish and
43	wildlife naturally occurring in Florida, whose prospects of
44	survival are in jeopardy due to modification or loss of habitat;
45	overuse overutilization for commercial, sporting, scientific, or
46	educational purposes; disease; predation; inadequacy of
47	regulatory mechanisms; or other natural or manmade factors
48	affecting its continued existence, including climate change.
49	(c) "Threatened species" means any species of fish and
50	wildlife naturally occurring in Florida which may not be in
51	immediate danger of extinction, but which exists in such small
52	populations as to become endangered if it is subjected to
53	increased stress as a result of further modification of its
54	environment, including climate change.
55	(4) INTERAGENCY COORDINATION

(a) The commission shall be responsible for research and
management of freshwater and upland species and for research and
management of marine species.

## Page 2 of 4

CODING: Words stricken are deletions; words underlined are additions.

	37-01306-20 20201360
59	(b) Recognizing that citizen awareness is a key element in
60	the success of this plan, the commission and the Department of
61	Education are encouraged to work together to develop a public
62	education program with emphasis on, but not limited to, both
63	public and private schools.
64	(c) The commission, in consultation with the Department of
65	Agriculture and Consumer Services, the Department of Economic
66	Opportunity, or the Department of Transportation, may establish
67	reduced speed zones along roads, streets, and highways to
68	protect endangered and threatened species or threatened species.
69	(d) Notwithstanding declassification under the federal
70	Endangered Species Act of 1973, the commission shall continue to
71	protect species that meet the definition of endangered or
72	threatened under subsection (3), as determined by the
73	commission.
74	(e) The commission and the Department of Environmental
75	Protection may not consider the economic cost of protecting a
76	species as a factor in designating the species as endangered or
77	threatened.
78	Section 2. Subsection (5) of section 581.185, Florida
79	Statutes, is amended to read:
80	581.185 Preservation of native flora of Florida
81	(5) REVIEW
82	(a) Beginning in 1984, and every 4 years thereafter, the
83	department and the Endangered Plant Advisory Council shall
84	<u>conduct</u> a comprehensive review of this section and of the
85	Regulated Plant Index, as provided in rules of the department $_{m  au}$
86	shall be made by the department and the Endangered Plant
87	Advisory Council at 4-year intervals.

# Page 3 of 4

CODING: Words stricken are deletions; words underlined are additions.

1	37-01306-20 20201360
88	(b) The department shall consider any species of plant that
89	should be placed on the Regulated Plant Index which is in danger
90	of disappearing from its native habitat within the foreseeable
91	future throughout all or a significant portion of the range of
92	the species because of:
93	1. Present or threatened destruction, modification, or
94	curtailment of the range of the species.
95	2. <u>Overuse</u> <del>Overutilization</del> of the species for commercial,
96	scientific, or educational purposes.
97	3. Disease or predation.
98	4. Any other natural or manmade factor affecting the
99	continued existence of the species, including climate change.
100	(c) In carrying out reviews and arriving at recommendations
101	under paragraphs (a) and (b), the department and the advisory
102	council shall use the best scientific and commercial data
103	available and shall consult with interested persons and
104	organizations.
105	(d) Notwithstanding declassification under the federal
106	Endangered Species Act of 1973, the department shall continue to
107	protect species that meet the definition of endangered or
108	threatened under subsection (2), as determined by the department
109	in consultation with the advisory council.
110	(e) The department may not consider the economic cost of
111	protecting a species as a factor in designating the species as
112	endangered or threatened.
113	Section 3. This act shall take effect July 1, 2020.

# Page 4 of 4

CODING: Words stricken are deletions; words underlined are additions.

SB 1360

Pre	pared By: The	Profession	al Staff of the C	ommittee on Enviro	onment and Na	tural Resources
L:	CS/SB 137	8				
TRODUCER:	Environme	nt and Na	tural Resource	es Committee and	d Senator Ro	uson
UBJECT:	Vessels					
DATE:	February 10	0, 2020	REVISED:			
ANAL	YST	STAFI	- DIRECTOR	REFERENCE		ACTION
Anderson		Rogers	5	EN	Fav/CS	
				JU		
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# Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

# I. Summary:

CS/SB 1378:

- Prohibits a vessel operating at slow speed, minimum wake from proceeding at a speed faster than is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.
- Prohibits vessel operators from operating a vessel faster than slow speed, minimum wake upon approaching certain hazardous conditions, including approaching an emergency or construction vessel.
- Provides requirements for an orange flag displayed by a construction vessel or barge to indicate that it is actively engaged in construction operations.
- Prohibits an owner or responsible party of a vessel at risk of becoming derelict, who has been issued a citation for a second violation for the same vessel, from anchoring or mooring a vessel to, or within 20 feet of, a mangrove or upland vegetation on public lands. The bill authorizes the Fish and Wildlife Conservation Commission (FWC) and other officers to relocate or cause to be relocated at-risk vessels that violate this provision.
- Increases the civil penalties for a vessel deemed at risk of becoming derelict and increases the maximum civil penalties for anchoring or mooring in a prohibited area.
- Creates civil penalties for vessels creating special hazards as specified in the bill.
- Adds to the list of violations resulting in a noncriminal infraction the display of an orange flag when the vessel or barge is not actively engaged in construction operations, and vessels at risk of becoming derelict that are found to be anchored within 20 feet of a mangrove or upland vegetation on public lands.

• Provides specific procedures, including notice and hearing requirements, for lost or abandoned property that is a derelict vessel, a vessel at risk of becoming derelict, or a vessel anchored or moored in a prohibited area.

# II. Present Situation:

# **Boating Speed Safety Regulations**

An operator of a vessel in Florida must operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person outside the vessel or due to vessel overloading or excessive speed.<sup>1</sup> A person operating a vessel in excess of a posted speed limit is guilty of a civil infraction.<sup>2</sup>

## Anchoring or Mooring

Anchoring or mooring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration. Anchoring is accomplished using an anchor carried on the vessel.<sup>3</sup> Mooring is accomplished through the use of moorings permanently affixed to the bottom of the water body. Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not. Mooring fields are areas designated and used for a system of properly spaced moorings.<sup>4</sup>

The anchoring of vessels has created conflicts in some areas of the state related to the use and enjoyment of the waters for many years. These issues include, but are not limited to:

- The locations where anchored vessels accumulate;
- Unattended vessels;
- Anchored vessels that are dragging anchor or not showing proper lighting;
- Vessels that are not maintained properly;
- Vessels that become derelict;
- Interpretation of state laws leading to inconsistent regulation of anchoring on state waters and confusion among the boating community; and
- Questions about local governmental authority to regulate anchoring.<sup>5</sup>

# State Regulation of the Anchoring or Mooring of Vessels

The Board of Trustees of the Internal Improvement Trust Fund (BOT) is authorized to adopt rules governing all uses of sovereignty submerged lands including rules for anchoring, mooring,

clinics/clinics/conservation/resources/anchaway.pdf.

<sup>&</sup>lt;sup>1</sup> Section 327.33, F.S.

<sup>&</sup>lt;sup>2</sup> Section 327.73(h), F.S.

<sup>&</sup>lt;sup>3</sup> Section 327.02, F.S., defines the term "vessel" to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

<sup>&</sup>lt;sup>4</sup> Ankersen, Hamann, & Flagg, Anchoring Away: Government Regulation and the Rights of Navigation in Florida, 2 (Rev. May 2012), available at <u>https://www.law.ufl.edu/\_pdf/academics/centers-</u>

<sup>&</sup>lt;sup>5</sup> Fish and Wildlife Conservation Commission (FWC), *Anchoring and Mooring Pilot Program Report of Findings and Recommendations*, 6 (Dec. 31, 2016), *available at* <u>http://www.boatus.com/gov/assets/pdf/fwc-2016-anchoring-and-mooring-report.pdf</u>.

or otherwise attaching to the bottom, the establishment of anchorages, the discharge of sewage, pump-out requirements, and facilities associated with anchorages.<sup>6</sup> Such rules must control the use of sovereignty submerged lands as a place of business or residence but are prohibited from interfering with commerce or the transitory operation of vessels through navigable water.<sup>7</sup>

State law prohibits a person from anchoring a vessel, except in case of emergency, in a manner which unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel.<sup>8</sup> Anchoring under bridges or in or adjacent to heavily traveled channels constitutes interference, if unreasonable under the prevailing circumstances.<sup>9</sup> Interference with navigation is a noncriminal infraction and punishable by a fine of \$50.<sup>10</sup>

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

- Within 150 feet of any marina, boat ramp, boatyard, or vessel launching or loading facility;
- Within 300 feet of a superyacht repair facility (a facility that services or repairs a yacht with a water line of 120 feet or more in length); or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the local government within which the mooring field is located.<sup>11</sup>

Exceptions from these restrictions apply for:

- A vessel owned or operated by a governmental entity;
- A construction or dredging vessel on an active job site;
- A commercial fishing vessel actively engaged in commercial fishing; and
- A vessel actively engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.<sup>12</sup>

An owner or operator of a vessel may anchor or moor within 150 feet of any marina, boat ramp, boatyard, or other vessel launching or loading facility; within 300 feet of a superyacht repair facility; or within 100 feet outward from the marked boundary of a public mooring field if:

- The vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor for 5 business days or until the vessel is repaired, whichever occurs first; or
- Imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor until weather conditions no longer pose such risk.<sup>13</sup>

<sup>&</sup>lt;sup>6</sup> Section 253.03(7), F.S.

<sup>&</sup>lt;sup>7</sup> *Id.*; *see* Fla. Admin. Code ch. 18-21.

<sup>&</sup>lt;sup>8</sup> Section 327.44, F.S.

<sup>&</sup>lt;sup>9</sup> Section 327.44(2), F.S.

<sup>&</sup>lt;sup>10</sup> Section 327.73, F.S.

<sup>&</sup>lt;sup>11</sup> Section 327.4109(1)(a), F.S.

<sup>&</sup>lt;sup>12</sup> Section 327.4109(1)(b), F.S.

<sup>&</sup>lt;sup>13</sup> Section 327.4109(2), F.S.

The owner or operator of a vessel or floating structure may not anchor or moor within the marked boundary of a public mooring field unless the owner or operator has a lawful right to do so by contractual agreement or other business arrangement.<sup>14</sup>

A vessel or floating structure may not be anchored, moored, or affixed to an unpermitted, unauthorized, or otherwise unlawful object that is on or affixed to the bottom of the waters of this state. This does not apply to a private mooring owned by the owner of privately owned submerged lands.<sup>15</sup>

## Derelict Vessels and Vessels at Risk of Becoming Derelict

A derelict vessel is a vessel that is left, stored, or abandoned in a wrecked, junked, or substantially dismantled condition upon any public waters of this state; at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached upon the property of another without the consent of the owner of the property.<sup>16</sup>

In 2016, the Legislature prohibited neglected vessels or those in deteriorating conditions from anchoring, mooring, or occupying the waters of the state.<sup>17</sup> Section 327.4107(2), F.S., provides that a vessel is at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, or is listing due to water intrusion, or is sunk or partially sunk; or
- The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair.<sup>18</sup>

# Penalties for Prohibited Acts Relating to Derelict Vessels and Anchoring and Mooring

It is a first degree misdemeanor to store, leave, or abandon a derelict vessel in Florida.<sup>19</sup> Further, such violation is punishable by a civil penalty of up to \$50,000 per violation per day.<sup>20</sup> Each day during any portion of which the violation occurs constitutes a separate offense.<sup>21</sup>

<sup>20</sup> Sections 376.15(2) and 376.16(1), F.S.

<sup>&</sup>lt;sup>14</sup> Section 327.4109(3), F.S.

<sup>&</sup>lt;sup>15</sup> Section 327.4019(4), F.S.

<sup>&</sup>lt;sup>16</sup> Section 823.11(1)(b), F.S.

<sup>&</sup>lt;sup>17</sup> Ch. 2016-108, s. 1, Laws of Fla. (creating s. 327.4107, F.S., effective Jul. 1, 2016).

<sup>&</sup>lt;sup>18</sup> Section 327.4107, F.S., does not apply to a vessel that is moored to a private dock or wet slip with the consent of the owner for the purpose of receiving repairs. Section 327.4107(5), F.S.

<sup>&</sup>lt;sup>19</sup> Sections 376.15(2) and 823.11(2) and (5), F.S. A first degree misdemeanor is punishable by up to one year in county jail and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

<sup>&</sup>lt;sup>21</sup> Section 376.16(1), F.S.

Section 327.4107(3), F.S., provides that a person who anchors or moors a vessel at risk of becoming derelict on the waters of this state or allows such a vessel to occupy such waters commits a noncriminal infraction,<sup>22</sup> punishable as provided in s. 327.73, F.S.<sup>23</sup>

Section 327.73(1)(aa), F.S., provides that an owner or operator of a vessel at risk of becoming derelict on waters of the state in violation of s. 327.4107, F.S., is subject to a uniform boating citation and civil penalty. The civil penalty provided is:

- \$50 for a first offense;
- \$100 for a second offense occurring 30 days or more after a first offense; and
- \$250 for a third offense occurring 30 days or more after a previous offense.

Section 327.73(1)(bb), F.S., provides that an owner or operator who anchors or moors in a prohibited area in violation of s. 327.4109, F.S., is subject to a uniform boating citation and civil penalty. The civil penalty provided is up to a maximum of:

- \$50 for a first offense;
- \$100 for a second offense; and
- \$250 for a third offense.<sup>24</sup>

Finally, s. 327.73(1) F.S., provides that any person who fails to appear or otherwise properly respond to a uniform boating citation must, in addition to the charge relating to the violation of the boating laws of this state, be charged with a second degree misdemeanor.<sup>25</sup>

# Abandoned Vessels

"Abandoned property" means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels, as defined in s. 823.11, F.S.<sup>26</sup>

When an article of lost or abandoned property is present on public property and is not easily removable, the law enforcement officer must place a notice of removal on the property. The law enforcement agency must then contact the Department of Highway Safety and Motor Vehicles to determine the name and address of the owner, and must mail a copy of the notice to the owner.<sup>27</sup>

If, after 5 days of posting the notice and mailing such notice, the owner has not removed the items from public property, the law enforcement agency may retain the property for its own use, donate the property, sell the property, or remove the property.<sup>28</sup>

<sup>&</sup>lt;sup>22</sup> Section 775.082(5), F.S., provides that any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in ch. 316, F.S., or by ordinance of any city or county.

<sup>&</sup>lt;sup>23</sup> The penalty under s. 327.4107, F.S., is in addition to any other penalties provided by law. Section 327.4107(4), F.S.

<sup>&</sup>lt;sup>24</sup> Section 327.73(1)(bb), F.S.

<sup>&</sup>lt;sup>25</sup> A second degree misdemeanor is punishable by up to 60 days in county jail and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

<sup>&</sup>lt;sup>26</sup> Section 705.101(3), F.S.

<sup>&</sup>lt;sup>27</sup> Section 705.103(2), F.S.

 $<sup>^{28}</sup>$  *Id*.

# **Removal of Derelict Vessels**

The Division of Law Enforcement of the Fish and Wildlife Conservation Commission (FWC) and its officers, and the sheriffs of the various counties and their deputies, municipal police officers, and any other law enforcement officers, have the responsibility and authority to enforce vessel safety and vessel title certificates, liens, and registration.<sup>29</sup>

Both state and local law enforcement are authorized and empowered to relocate or remove a derelict vessel from public waters if the derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons.<sup>30</sup> The costs incurred for relocating or removing a derelict vessel are recoverable against the vessel owner.<sup>31</sup> A vessel owner who neglects or refuses to pay the costs of removal, storage, and destruction of the vessel, less any salvage value obtained by disposal of the vessel, is not entitled to be issued a certificate of registration for such vessel, or any other vessel or motor vehicle, until the costs are paid.<sup>32</sup>

## Mangroves

Mangroves are tropical plants that are adapted to loose, wet soils, salt water, and periodic submersion by tides.<sup>33</sup> There are more than 50 species of mangroves found throughout the world. Florida law defines a mangrove as a specimen of the species *Laguncularia racemosa* (white mangrove), *Rhizophora mangle* (red mangrove), or *Avicennia germinans* (black mangrove).<sup>34</sup>

There are over 555,000 acres of mangroves now existing in the coastal areas of Central and South Florida. Of this total, over 80 percent are expressly set aside for preservation or conservation purposes.<sup>35</sup> Mangroves provide protected nursery areas for fishes, crustaceans, and shellfish. They also provide food for a multitude of marine species. Many animals find shelter either in the roots or branches of mangroves. Mangrove branches are rookeries, or nesting areas, for coastal birds such as brown pelicans and roseate spoonbills.<sup>36</sup> Mangroves also stabilize the shoreline and help prevent storm surge and erosion damage to coastal property.<sup>37</sup> They help maintain water quality and clarity by trapping sediments, absorbing nutrients, and removing pollutants from land that would otherwise harm the coastal ocean.<sup>38</sup>

<sup>&</sup>lt;sup>29</sup> Section 327.70 F.S.; *see* section 943.10(1), F.S., which defines "law enforcement officer" as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

<sup>&</sup>lt;sup>30</sup> Section 327.44(3), F.S.; section 823.11(3), F.S.

<sup>&</sup>lt;sup>31</sup> Section 327.44(5), F.S.; section 823.11(3)(b), F.S.

<sup>&</sup>lt;sup>32</sup> Section 705.103(4), F.S.

<sup>&</sup>lt;sup>33</sup> Department of Environmental Protection (DEP), *What is a mangrove?*, <u>https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/what-mangrove</u> (last visited Jan. 31, 2020).

<sup>&</sup>lt;sup>34</sup> Id.

<sup>&</sup>lt;sup>35</sup> Section 403.9322, F.S.

<sup>&</sup>lt;sup>36</sup> DEP, Florida's Mangroves, <u>https://floridadep.gov/rcp/rcp/content/floridas-mangroves</u> (last visited Jan. 31, 2020).

<sup>&</sup>lt;sup>37</sup> FWC, *Mangrove Forests*, <u>https://myfwc.com/research/habitat/coastal-wetlands/information/mangroves/</u> (last visited Jan. 31, 2020).

<sup>&</sup>lt;sup>38</sup> Id.

Mangroves can be damaged and destroyed by natural causes, but human activities such as coastal development are responsible for destroying more mangrove forests worldwide than any other type of coastal habitat.<sup>39</sup> The loss of mangrove habitat has been severe in Florida's three largest estuaries since the 1900s. Tampa Bay has lost nearly 50 percent of its mangrove forests and Charlotte Harbor estuary has lost nearly 60 percent. On Florida's East coast, the construction of mosquito ditches and impoundments has caused nearly 85 percent of the mangroves in the Indian River Lagoon to be inaccessible and unusable as nursery habitat for local fisheries.<sup>40</sup>

Currently, there are not any state regulations for anchoring or mooring near mangroves, although the trimming of mangroves is regulated under the Mangrove Trimming and Preservation Act.<sup>41</sup> Through the Mangrove Trimming and Preservation Act, the Legislature intends to protect and preserve mangrove resources valuable to our environment and economy from unregulated removal, defoliation, and destruction.<sup>42</sup>

# III. Effect of Proposed Changes:

**Section 1** of the bill creates s. 327.332, F.S., relating to special hazards requiring slow speeds by vessel operators. The bill specifies conditions under which a vessel is and is not considered to be operating at slow speed, minimum wake.

A vessel is considered to be operating at slow speed, minimum wake only if it is:

- Fully off plane and completely settled into the water; and
- Proceeding without wake or with minimum wake.

A vessel is not considered to be operating at slow speed, minimum wake if it is:

- Operating on plane;
- In the process of coming off plane and settling into the water or getting on plane; or
- Operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels.

The bill prohibits a vessel operating at slow speed, minimum wake from proceeding at a speed greater than is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.

The bill prohibits vessel operators from operating a vessel faster than slow speed, minimum wake upon approaching certain hazardous conditions and provides that a vessel operator found in violation of this requirement is guilty of a noncriminal infraction. The hazardous conditions are:

• Approaching within 300 feet of any emergency vessel, including but not limited to, a law enforcement vessel, a United States Coast Guard vessel, or firefighting vessel, when such emergency vessel has its emergency lights activated; and

<sup>&</sup>lt;sup>39</sup> Id.

<sup>&</sup>lt;sup>40</sup> Id.

<sup>&</sup>lt;sup>41</sup> Section 403.9321-403.9333, F.S.

<sup>&</sup>lt;sup>42</sup> Section 403.9323, F.S.

- Approaching within 300 feet of any construction vessel or barge displaying an orange flag indicating that the vessel or barge is actively engaged in construction operations.
  - The flag must be displayed from a pole that extends at least 10 feet above the tallest portion of the vessel or barge, or at least 5 feet above any superstructure permanently installed upon the vessel or barge.
  - The flag must meet certain requirements, including:
    - Be a size of at least 2 feet by 3 feet;
    - Include a wire or other stiffener or be otherwise constructed to ensure that the flag remains fully unfurled and extended in the absence of a wind or breeze; and
    - Be displayed so the visibility of the flag is not obscured in any direction.

The bill specifies that a person may not be cited for a violation during periods of low visibility, including any time between the hours from 30 minutes after sunset and 30 minutes before sunrise, unless the orange flag is illuminated and visible from a distance of at least 2 nautical miles.

The bill also provides that an owner of or responsible party for a construction vessel or barge that displays an orange flag when it is not actively engaged in construction operations is guilty of a noncriminal infraction.

The bill specifies that the speed and penalty provisions of this section do not apply to law enforcement, firefighting, or rescue vessels that are owned or operated by a governmental entity.

**Section 2** of the bill amends s. 327.4107, F.S., relating to vessels at risk of becoming derelict on waters of this state. The bill prohibits an owner or responsible party of a vessel at risk of becoming derelict, who has been issued a citation for a second violation for the same vessel, from anchoring or mooring the vessel to, or within 20 feet of, a mangrove or upland vegetation on public lands. The 20 foot distance is to be measured in a straight line from the point of the vessel closest to the outermost branches of the mangrove or vegetation. The bill provides that a violation is a noncriminal infraction.

The bill authorizes the Fish and Wildlife Conservation Commission (FWC) and its officers, and county sheriffs and deputies, municipal police officers, and other municipal officers to relocate or cause to be relocated at-risk vessels in violation to a distance of greater than 20 feet from any mangrove or upland vegetation. FWC or any law enforcement officer that relocates an at-risk vessel upon state waters is held harmless for any damages to the vessel resulting from relocation, unless the damage is the result of gross negligence or willful misconduct.

**Section 3** of the bill amends s. 327.73, F.S., relating to civil penalties for violations of specified vessel laws. The bill increases civil penalties for a violation of s. 327.4107, F.S., relating to vessels at risk of becoming derelict on waters of the state, from:

- \$50 to \$100 for a first offense;
- \$100 to \$250 for a second offense occurring 30 days or more after a previous offense; and
- \$250 to \$500 for a third or subsequent offense occurring 30 days or more after a previous offense.

The bill increases the maximum civil penalty for a violation of s. 327.4109, F.S., relating to anchoring or mooring in a prohibited area, from:

- \$50 to \$100 for a first offense;
- \$100 to \$250 for a second offense; and
- \$250 to \$500 for a third or subsequent offense.

The bill provides that a vessel which is the subject of three or more violations within 12 months for being at risk of becoming derelict on waters of the state or anchoring or mooring in a prohibited area, and which resulted in dispositions other than acquittal or dismissal, is declared to be a public nuisance and is subject to abandoned property provisions specific to derelict vessels in s. 705.103, F.S., and derelict vessel relocation and removal provisions in s. 823.11, F.S.

The bill creates civil penalties for a violation of s. 327.332, F.S., the new section relating to vessels creating special hazards:

- \$50 for a first offense;
- \$250 for a second offense occurring within 12 months after a prior offense; and
- \$500 for a third offense occurring within 36 months after a prior offense.

The bill adds to the list of violations resulting in a noncriminal infraction:

- The display of an orange flag when the vessel or barge is not actively engaged in construction operations, which would result in a civil penalty of \$50 pursuant to existing law; and
- Vessels at risk of becoming derelict that are found to be anchored within 20 feet of a mangrove or upland vegetation on public lands, which would result in a civil penalty of \$250.

**Section 4** of the bill amends s. 705.103, F.S., relating to procedures for abandoned or lost property. The bill provides specific procedures for lost or abandoned property present on the waters of the state that is a derelict vessel, a vessel at risk of becoming derelict, or a vessel anchored or moored in a prohibited area. When a law enforcement officer ascertains that such a vessel exists, the officer must cause a notice to be placed on the vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description)... is unlawfully upon waters of the state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties may have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ... (contact information for person who can arrange for a hearing in accordance with this section) .... The owner will be liable for the costs of removal, storage, and publication of notice if this vessel is not removed by the owner. Dated this: ... (setting forth the date of posting of notice) ..., signed: ... (setting forth name, title, address, and telephone number of law enforcement officer) .... Additionally, pursuant to existing law, the law enforcement agency must also mail a copy of the notice by certified mail, return receipt requested, to the owner. The mailed notice must inform the owner or responsible party that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If the owner requests a hearing, the Administrative Procedure Act must be followed. If, at the end of 21 days after the notice is posted and mailed, the owner or any person interested in the lost or abandoned vessel has not removed it or shown reasonable cause for failure to do so or if the vessel has been determined to have violated the law following a hearing, the law enforcement agency or its designee must remove the vessel from the waters of the state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so.

Section 5 of the bill provides that the bill is effective on July 1, 2020.

# IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

# V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be a positive fiscal impact to FWC due to the new and increased civil penalties provided under the bill.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

None.

## VIII. Statutes Affected:

This bill creates section 327.332 of the Florida Statutes.

This bill substantially amends the following sections of the Florida Statutes: 327.4107, 327.73, and 705.103.

## 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 10, 2020:

- Specifies conditions under which a vessel is and is not considered to be operating at slow speed, minimum wake.
- Exempts law enforcement, firefighting, or rescue vehicles that are owned and operated by a governmental entity from the provisions in the bill restricting speed around emergency and construction vessels.
- Prohibits an owner or responsible party for a vessel at risk of becoming derelict, who has received a citation for a second violation for the same vessel, from anchoring or mooring within 20 feet of a mangrove or to upland vegetation on public lands. Provides that a violation is a noncriminal infraction.
- Authorizes FWC and other law enforcement officers to relocate a vessel at risk of becoming derelict that is anchored or moored within 20 feet of a mangrove or to upland vegetation on public lands.
- Provides procedures, including notice and hearing requirements, for abandoned or lost derelict vessels, vessels at risk of becoming derelict, or vessels that are anchored or moored in a prohibited area.
- Deletes the appropriation to FWC to conduct a study of the impacts of long-term stored vessels.
- B. Amendments:

None.

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

520256

LEGISLATIVE ACTION

Senate House . Comm: RCS 02/10/2020 The Committee on Environment and Natural Resources (Rouson) recommended the following: Senate Amendment (with title amendment) Delete everything after the enacting clause and insert: Section 1. Section 327.332, Florida Statutes, is created to read: 327.332 Special hazards.-(1) For purposes of this section, a vessel: (a) Is operating at slow speed, minimum wake only if it is: 1. Fully off plane and completely settled into the water;

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# 520256

19 <u>1. Operating on plane;</u>	11	and
14A vessel that is operating at slow speed, minimum wake may not15proceed at a speed greater than a speed that is reasonable and16prudent to avoid the creation of an excessive wake or other17hazardous condition under the existing circumstances.18(b) Is not proceeding at slow speed, minimum wake if it is191. Operating on plane;202. In the process of coming off plane and settling into the21water or getting on plane; or223. Operating at a speed that creates a wake which23unreasonably or unnecessarily endangers other vessels.24(2) A person may not operate a vessel faster than slow25speed, minimum wake upon approaching within 300 feet of any26emergency vessel, including, but not limited to, a law27(3) (a) A person may not operate a vessel faster than slow31speed, minimum wake upon approaching within 300 feet of any23(3) (a) A person may not operate a vessel faster than slow31speed, minimum wake upon approaching within 300 feet of any32construction vessel or barge when the vessel or barge is	12	2. Proceeding without wake or with minimum wake.
proceed at a speed greater than a speed that is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances. (b) Is not proceeding at slow speed, minimum wake if it is 1. Operating on plane; 2. In the process of coming off plane and settling into the water or getting on plane; or 3. Operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels. (2) A person may not operate a vessel faster than slow speed, minimum wake upon approaching within 300 feet of any emergency vessel, including, but not limited to, a law enforcement vessel, When such emergency vessel has its emergency lights activated. (3) (a) A person may not operate a vessel faster than slow speed, minimum wake upon approaching within 300 feet of any emergency lights activated. (3) (a) A person may not operate a vessel faster than slow speed, minimum wake upon approaching within 300 feet of any emergency lights activated. (3) (a) A person may not operate a vessel faster than slow speed, minimum wake upon approaching within 300 feet of any construction vessel or barge when the vessel or barge is	13	
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17hazardous condition under the existing circumstances.18(b) Is not proceeding at slow speed, minimum wake if it is191. Operating on plane;202. In the process of coming off plane and settling into the21water or getting on plane; or223. Operating at a speed that creates a wake which23unreasonably or unnecessarily endangers other vessels.24(2) A person may not operate a vessel faster than slow25speed, minimum wake upon approaching within 300 feet of any26emergency vessel, including, but not limited to, a law27enforcement vessel, United States Coast Guard vessel, or28firefighting vessel, when such emergency vessel has its29emergency lights activated.30(3) (a) A person may not operate a vessel faster than slow31speed, minimum wake upon approaching within 300 feet of any32construction vessel or barge when the vessel or barge is	15	proceed at a speed greater than a speed that is reasonable and
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<ul> <li>20</li> <li>2. In the process of coming off plane and settling into the</li> <li>21</li> <li>22</li> <li>23. Operating at a speed that creates a wake which</li> <li>23</li> <li>24</li> <li>25 A person may not operate a vessel faster than slow</li> <li>25 speed, minimum wake upon approaching within 300 feet of any</li> <li>26 emergency vessel, including, but not limited to, a law</li> <li>27 enforcement vessel, United States Coast Guard vessel, or</li> <li>28 firefighting vessel, when such emergency vessel has its</li> <li>29 emergency lights activated.</li> <li>30 (3) (a) A person may not operate a vessel faster than slow</li> <li>31 speed, minimum wake upon approaching within 300 feet of any</li> <li>32</li> <li>33. Construction vessel or barge when the vessel or barge is</li> </ul>	18	(b) Is not proceeding at slow speed, minimum wake if it is:
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<ul> <li>3. Operating at a speed that creates a wake which</li> <li>unreasonably or unnecessarily endangers other vessels.</li> <li>(2) A person may not operate a vessel faster than slow</li> <li>speed, minimum wake upon approaching within 300 feet of any</li> <li>emergency vessel, including, but not limited to, a law</li> <li>enforcement vessel, United States Coast Guard vessel, or</li> <li>firefighting vessel, when such emergency vessel has its</li> <li>emergency lights activated.</li> <li>(3) (a) A person may not operate a vessel faster than slow</li> <li>speed, minimum wake upon approaching within 300 feet of any</li> <li>construction vessel or barge when the vessel or barge is</li> </ul>	20	2. In the process of coming off plane and settling into the
<ul> <li>unreasonably or unnecessarily endangers other vessels.</li> <li>(2) A person may not operate a vessel faster than slow</li> <li>speed, minimum wake upon approaching within 300 feet of any</li> <li>emergency vessel, including, but not limited to, a law</li> <li>enforcement vessel, United States Coast Guard vessel, or</li> <li>firefighting vessel, when such emergency vessel has its</li> <li>emergency lights activated.</li> <li>(3) (a) A person may not operate a vessel faster than slow</li> <li>speed, minimum wake upon approaching within 300 feet of any</li> <li>construction vessel or barge when the vessel or barge is</li> </ul>	21	water or getting on plane; or
<ul> <li>(2) A person may not operate a vessel faster than slow</li> <li>speed, minimum wake upon approaching within 300 feet of any</li> <li>emergency vessel, including, but not limited to, a law</li> <li>enforcement vessel, United States Coast Guard vessel, or</li> <li>firefighting vessel, when such emergency vessel has its</li> <li>emergency lights activated.</li> <li>(3) (a) A person may not operate a vessel faster than slow</li> <li>speed, minimum wake upon approaching within 300 feet of any</li> <li>construction vessel or barge when the vessel or barge is</li> </ul>	22	3. Operating at a speed that creates a wake which
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<pre>26 emergency vessel, including, but not limited to, a law 27 enforcement vessel, United States Coast Guard vessel, or 28 firefighting vessel, when such emergency vessel has its 29 emergency lights activated. 30 (3) (a) A person may not operate a vessel faster than slow 31 speed, minimum wake upon approaching within 300 feet of any 32 construction vessel or barge when the vessel or barge is</pre>	24	(2) A person may not operate a vessel faster than slow
<pre>27 enforcement vessel, United States Coast Guard vessel, or 28 firefighting vessel, when such emergency vessel has its 29 emergency lights activated. 30 (3) (a) A person may not operate a vessel faster than slow 31 speed, minimum wake upon approaching within 300 feet of any 32 construction vessel or barge when the vessel or barge is</pre>	25	speed, minimum wake upon approaching within 300 feet of any
28 firefighting vessel, when such emergency vessel has its 29 emergency lights activated. 30 (3) (a) A person may not operate a vessel faster than slow 31 speed, minimum wake upon approaching within 300 feet of any 32 construction vessel or barge when the vessel or barge is	26	emergency vessel, including, but not limited to, a law
29 <u>emergency lights activated.</u> 30 <u>(3) (a) A person may not operate a vessel faster than slow</u> 31 <u>speed, minimum wake upon approaching within 300 feet of any</u> 32 <u>construction vessel or barge when the vessel or barge is</u>	27	enforcement vessel, United States Coast Guard vessel, or
30 <u>(3) (a) A person may not operate a vessel faster than slow</u> 31 <u>speed, minimum wake upon approaching within 300 feet of any</u> 32 <u>construction vessel or barge when the vessel or barge is</u>	28	firefighting vessel, when such emergency vessel has its
31 speed, minimum wake upon approaching within 300 feet of any 32 construction vessel or barge when the vessel or barge is	29	emergency lights activated.
32 construction vessel or barge when the vessel or barge is	30	(3)(a) A person may not operate a vessel faster than slow
	31	speed, minimum wake upon approaching within 300 feet of any
33 displaying an orange flag from a pole extending:	32	construction vessel or barge when the vessel or barge is
	33	displaying an orange flag from a pole extending:
34 <u>1. At least 10 feet above the tallest portion of the vesse</u>	34	1. At least 10 feet above the tallest portion of the vessel
35 or barge, indicating that the vessel or barge is actively	35	or barge, indicating that the vessel or barge is actively
36 engaged in construction operations; or	36	engaged in construction operations; or
37 2. At least 5 feet above any superstructure permanently	37	2. At least 5 feet above any superstructure permanently
38 installed upon the vessel or barge, indicating that the vessel	38	installed upon the vessel or barge, indicating that the vessel
39 or barge is actively engaged in construction operations	39	or barge is actively engaged in construction operations.

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40	(b) A flag displayed on a vessel or barge pursuant to this
41	subsection must:
42	1. Be at least 2 feet by 3 feet in size;
43	2. Have a wire or other stiffener or be otherwise
44	constructed to ensure that the flag remains fully unfurled and
45	extended in the absence of a wind or breeze; and
46	3. Be displayed so that the visibility of the flag is not
47	obscured in any direction.
48	(c) In periods of low visibility, including any time
49	between the hours from 30 minutes after sunset and 30 minutes
50	before sunrise, a person may not be cited for a violation of
51	this subsection unless the orange flag is illuminated and
52	visible from a distance of at least 2 nautical miles.
53	(4)(a) A person operating a vessel in violation of this
54	section commits a noncriminal infraction, punishable as provided
55	<u>in s. 327.73.</u>
56	(b) The owner of, or party who is responsible for, a
57	construction vessel or barge who displays an orange flag on the
58	vessel or barge when it is not actively engaged in construction
59	operations commits a noncriminal infraction, punishable as
60	provided in s. 327.73.
61	(5) The speed and penalty provisions of this section do not
62	apply to a law enforcement, firefighting, or rescue vessel that
63	is owned or operated by a governmental entity.
64	Section 2. Present subsections (4) and (5) of section
65	327.4107, Florida Statutes, are redesignated as subsections (5)
66	and (6), respectively, a new subsection (4) is added to that
67	section, and present subsection (4) is amended, to read:
68	327.4107 Vessels at risk of becoming derelict on waters of



69 this state.-

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(4) (a) Any owner or responsible party who has been issued a citation for a second violation of this section for the same vessel may not anchor or moor such vessel or allow the vessel to remain anchored or moored within 20 feet of a mangrove or to upland vegetation upon public lands. This distance shall be measured in a straight line from the point of the vessel closest to the outermost branches of the mangrove or vegetation. An owner or responsible party who violates this subsection commits a noncriminal infraction, punishable as provided in s. 327.73.

(b) The commission, officers of the commission, and any law enforcement agency or officer specified in s. 327.70 are authorized and empowered to relocate or cause to be relocated an at-risk vessel found to be in violation of this subsection to a distance greater than 20 feet from any mangrove or upland vegetation. The commission, officers of the commission, or any other law enforcement agency or officer acting under this subsection to relocate or cause to be relocated an at-risk vessel, upon state waters, away from mangroves or upland vegetation shall be held harmless for all damages to the at-risk vessel resulting from such relocation unless the damage results from gross negligence or willful misconduct.

91 (5) (4) The penalties penalty under this section are is in
 92 addition to other penalties provided by law.

Section 3. Paragraphs (aa) and (bb) of subsection (1) of section 327.73, Florida Statutes, are amended, and paragraphs (cc), (dd), and (ee) are added to that subsection, to read: 327.73 Noncriminal infractions.-

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(1) Violations of the following provisions of the vessel



98	laws of this state are noncriminal infractions:
99	(aa) Section 327.4107, relating to vessels at risk of
100	becoming derelict on waters of this state, for which the civil
101	penalty is:
102	1. For a first offense, <u>\$100</u> <del>\$50</del> .
103	2. For a second offense occurring 30 days or more after a
104	first offense, <u>\$250</u> <del>\$100</del> .
105	3. For a third or subsequent offense occurring 30 days or
106	more after a previous offense, <u>\$500</u> <del>\$250</del> . <u>A vessel that is the</u>
107	subject of three or more violations issued pursuant to the same
108	paragraph of s. 327.4107(2) within a 12-month period which
109	resulted in dispositions other than acquittal or dismissal shall
110	be declared to be a public nuisance and subject to the abandoned
111	property provisions specific to derelict vessels in s. 705.103
112	and the derelict vessel removal and relocation provisions in s.
113	823.11.
114	(bb) Section 327.4109, relating to anchoring or mooring in
115	a prohibited area, for which the penalty is:
116	1. For a first offense, up to a maximum of $\frac{\$100}{\$50}$ .
117	2. For a second offense, up to a maximum of $\frac{\$250}{\$100}$ .
118	3. For a third or subsequent offense, up to a maximum of
119	\$500 $$250$ . A vessel that is the subject of three or more
120	violations of the same subparagraph of s. 327.4109(1)(a) within
121	a 12-month timeframe which resulted in dispositions other than
122	acquittal or dismissal shall be declared to be a public nuisance
123	and subject to the abandoned property provisions specific to
124	derelict vessels in s. 705.103 and the derelict vessel removal
125	and relocation provisions in s. 823.11.
126	(cc) Section 327.332, relating to vessels creating special

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127	hazards, for which the penalty is:
128	1. For a first offense, \$50.
129	2. For a second offense occurring within 12 months after a
130	prior offense, \$250.
131	3. For a third offense occurring within 36 months after a
132	prior offense, \$500.
133	(dd) Section 327.332, relating to the display of an orange
134	flag on a vessel or barge when the vessel or barge is not
135	actively engaged in construction operations.
136	(ee) Section 327.4107(4), relating to vessels at risk of
137	becoming derelict found to be anchored within 20 feet of a
138	mangrove or upland vegetation upon public lands, for which the
139	civil penalty is \$250.
140	
141	Any person cited for a violation of any provision of this
142	subsection shall be deemed to be charged with a noncriminal
143	infraction, shall be cited for such an infraction, and shall be
144	cited to appear before the county court. The civil penalty for
145	any such infraction is \$50, except as otherwise provided in this
146	section. Any person who fails to appear or otherwise properly
147	respond to a uniform boating citation shall, in addition to the
148	charge relating to the violation of the boating laws of this
149	state, be charged with the offense of failing to respond to such
150	citation and, upon conviction, be guilty of a misdemeanor of the
151	second degree, punishable as provided in s. 775.082 or s.
152	775.083. A written warning to this effect shall be provided at
153	the time such uniform boating citation is issued.
154	Section 4. Subsections (2) and (4) of section 705.103,
155	Florida Statutes, are amended to read:

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156 705.103 Procedure for abandoned or lost property.-(2) (a)1. Whenever a law enforcement officer ascertains 157 158 that: 159 a. An article of lost or abandoned property other than a 160 derelict vessel or vessel declared a public nuisance pursuant to 161 s. 327.73(1)(aa)3. or s. 327.73(1)(bb)3. is present on public 162 property and is of such nature that it cannot be easily removed, 163 the officer shall cause a notice to be placed upon such article 164 in substantially the following form: 165 166 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED 167 PROPERTY. This property, to wit: ... (setting forth brief 168 description)... is unlawfully upon public property known as 169 ... (setting forth brief description of location) ... and must be 170 removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner 171

172 will be liable for the costs of removal, storage, and 173 publication of notice. Dated this: ...(setting forth the date of 174 posting of notice)..., signed: ...(setting forth name, title, 175 address, and telephone number of law enforcement officer)....

b. A derelict vessel or a vessel designated in ss. 327.73(1)(aa)3. and (bb)3. is present on the waters of the state, the officer shall cause a notice to be placed upon the vessel in substantially the following form:

182 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED 183 VESSEL. This vessel, to wit: ... (setting forth brief 184 description)... is unlawfully upon waters of the state

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185 ... (setting forth brief description of location)... and must be 186 removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner 187 188 and other interested parties may have the right to a hearing to 189 challenge the determination that this vessel is derelict or 190 otherwise in violation of the law. Please contact ... (contact 191 information for person who can arrange for a hearing in accordance with this section) .... The owner will be liable for 192 193 the costs of removal, storage, and publication of notice if this 194 vessel is not removed by the owner. Dated this: ... (setting 195 forth the date of posting of notice) ..., signed: ... (setting forth name, title, address, and telephone number of law 196 197

enforcement officer) ....

198 2. The notices required under subparagraph 1. may Such 199 notice shall be not be less than 8 inches by 10 inches and must 200 shall be sufficiently weatherproof to withstand normal exposure 201 to the elements. In addition to posting, the law enforcement 202 officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the 203 204 officer, she or he shall mail a copy of such notice to the owner 205 on or before the date of posting. If the property is a motor 206 vehicle as defined in s. 320.01(1) or a vessel as defined in s. 207 327.02, the law enforcement agency shall contact the Department 2.08 of Highway Safety and Motor Vehicles in order to determine the 209 name and address of the owner and any person who has filed a 210 lien on the vehicle or vessel as provided in s. 319.27(2) or (3) 211 or s. 328.15(1). On receipt of this information, the law 212 enforcement agency shall mail a copy of the notice by certified 213 mail, return receipt requested, to the owner and to the

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214 lienholder, if any, except that a law enforcement officer who 215 has issued a citation for a violation of s. 823.11 to the owner of a derelict vessel is not required to mail a copy of the 216 217 notice by certified mail, return receipt requested, to the 218 owner. For a derelict vessel or a vessel designated in ss. 219 327.73(1)(aa)3. and (bb)3., the mailed notice shall inform the 220 owner or responsible party that he or she has a right to a 221 hearing to dispute the determination that the vessel is derelict 2.2.2 or otherwise in violation of the law. If a request for a hearing 223 is made, a state agency shall follow the processes set forth in 224 s. 120.569. Local government entities shall follow the processes 225 set forth in s. 120.569, with the exception that a local judge, 226 magistrate, or code enforcement officer may be designated to 227 conduct such hearings. If, at the end of 5 days, or 21 days for 228 a derelict vessel or a vessel designated in ss. 327.73(1)(aa)3. 229 and (bb)3., after posting the notice and mailing such notice, if 230 required, the owner or any person interested in the lost or 231 abandoned article or articles described has not removed the 232 article or articles from public property or shown reasonable cause for failure to do so, and, in the case of a derelict 233 234 vessel or a vessel designated in ss. 327.73(1)(aa)3. and (bb)3., 235 has not requested a hearing in accordance with this section, the 236 following shall apply:

237 <u>a.(a)</u> For abandoned property <u>other than a derelict vessel</u> 238 <u>or a vessel designated in ss. 327.73(1)(aa)3. and (bb)3.</u>, the 239 law enforcement agency may retain any or all of the property for 240 its own use or for use by the state or unit of local government, 241 trade such property to another unit of local government or state 242 agency, donate the property to a charitable organization, sell

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243 the property, or notify the appropriate refuse removal service. b. For a derelict vessel or a vessel designated in ss. 244 327.73(1)(aa)3. and (bb)3., the law enforcement agency or its 245 246 designee shall remove the vessel from the waters of the state 247 and destroy and dispose of the vessel or authorize another 248 governmental entity or its designee to do so. A law enforcement 249 agency or its designee shall remove a vessel from the waters of 250 the state and destroy and dispose of the vessel or authorize 251 another governmental entity or its designee to do so if, 252 following a hearing pursuant to this section, the judge, 253 magistrate, administrative law judge, or hearing officer has 254 determined the vessel to be derelict as provided in s. 823.11 or 255 otherwise in violation of the law in accordance with s. 256 327.73(1)(aa)3. or s. 327.73(1)(bb)3.

(b) For lost property, the officer shall take custody and the agency shall retain custody of the property for 90 days. The agency shall publish notice of the intended disposition of the property, as provided in this section, during the first 45 days of this time period.

262 1. If the agency elects to retain the property for use by 263 the unit of government, donate the property to a charitable 264 organization, surrender such property to the finder, sell the 265 property, or trade the property to another unit of local government or state agency, notice of such election shall be 266 267 given by an advertisement published once a week for 2 268 consecutive weeks in a newspaper of general circulation in the 269 county where the property was found if the value of the property 270 is more than \$100. If the value of the property is \$100 or less, 271 notice shall be given by posting a description of the property


at the law enforcement agency where the property was turned in. The notice must be posted for not less than 2 consecutive weeks in a public place designated by the law enforcement agency. The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

278 2. If the agency elects to sell the property, it must do so 279 at public sale by competitive bidding. Notice of the time and 280 place of the sale shall be given by an advertisement of the sale 281 published once a week for 2 consecutive weeks in a newspaper of 282 general circulation in the county where the sale is to be held. 283 The notice shall include a statement that the sale shall be 284 subject to any and all liens. The sale must be held at the 285 nearest suitable place to that where the lost or abandoned 286 property is held or stored. The advertisement must include a 287 description of the goods and the time and place of the sale. The 288 sale may take place no earlier than 10 days after the final 289 publication. If there is no newspaper of general circulation in 290 the county where the sale is to be held, the advertisement shall 291 be posted at the door of the courthouse and at three other 292 public places in the county at least 10 days prior to sale. 293 Notice of the agency's intended disposition shall describe the 294 property in a manner reasonably adequate to permit the rightful owner of the property to identify it. 295

(4) The owner of any abandoned or lost property who, after
notice as provided in this section, does not remove such
property within the specified period shall be liable to the law
enforcement agency, other governmental entity, or their designee
for all costs of removal, storage, and destruction of such

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301 property, less any salvage value obtained by disposal of the 302 property. Upon final disposition of the property, the law 303 enforcement officer or representative of the law enforcement 304 agency or other governmental entity shall notify the owner, if known, of the amount owed. In the case of an abandoned vessel or 305 306 motor vehicle, any person who neglects or refuses to pay such 307 amount is not entitled to be issued a certificate of 308 registration for such vessel or motor vehicle, or any other 309 vessel or motor vehicle, until such costs have been paid. The 310 law enforcement officer shall supply the Department of Highway 311 Safety and Motor Vehicles with a list of persons whose vessel 312 registration privileges or whose motor vehicle privileges have 313 been revoked under this subsection. Neither the department nor 314 any other person acting as agent thereof shall issue a 315 certificate of registration to a person whose vessel or motor 316 vehicle registration privileges have been revoked, as provided 317 by this subsection, until such costs have been paid. 318 Section 5. This act shall take effect July 1, 2020.

Delete everything before the enacting clause and insert:

#### A bill to be entitled

An act relating to vessels; creating s. 327.332, F.S.; specifying the conditions under which a vessel is and is not considered to be operating at slow speed, minimum wake; prohibiting the operation of vessels at speeds faster than slow speed, minimum wake in certain

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330 emergency and hazardous situations; providing 331 requirements for flags displayed from vessels and barges actively engaged in construction operations; 332 333 providing civil penalties; providing applicability; 334 amending s. 327.4107, F.S.; prohibiting certain 335 parties within certain waterbodies from anchoring or 336 mooring a vessel within a specified distance of a 337 mangrove or to upland vegetation upon public lands; 338 providing civil penalties; authorizing certain 339 individuals to relocate or cause to be relocated 340 certain vessels; providing liability protection for 341 the individuals under certain circumstances; providing 342 that penalties are assessed in addition to other 343 available penalties; amending s. 327.73, F.S.; 344 revising civil penalties relating to certain at-risk 345 vessels and prohibited anchoring or mooring; requiring 346 a vessel to be declared a public nuisance and subject 347 to certain provisions after a specified number of 348 violations within a specified timeframe; providing 349 civil penalties relating to vessels that fail to 350 reduce speed for special hazards and the display of 351 specified flags by construction vessels or barges not 352 actively engaged in construction operations; providing 353 civil penalties relating to vessels at risk of 354 becoming derelict and anchored within a specified 355 distance of a mangrove or to vegetation upon public 356 grounds; amending s. 705.103, F.S.; providing 357 procedures for abandoned or lost property relating to 358 certain vessels; providing notice and hearing

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59 requirements; providing an effective date.

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By Senator Rouson

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1	A bill to be entitled
2	An act relating to vessels; creating s. 327.332, F.S.;
3	specifying operation of a vessel at slow speed,
4	minimum wake; prohibiting the operation of vessels at
5	speeds faster than slow speed, minimum wake in certain
6	situations; providing requirements for flags displayed
7	from vessels and barges actively engaged in
8	construction operations; providing noncriminal
9	penalties; amending s. 327.4109, F.S.; prohibiting the
10	anchoring or mooring of a vessel to, or within a
11	specified distance of, a mangrove or to vegetation
12	upon, or within a specified distance of, public lands;
13	providing exceptions; amending s. 327.73, F.S.;
14	revising civil penalties relating to certain at-risk
15	vessels and prohibited anchoring or mooring; providing
16	civil penalties relating to vessels that fail to
17	reduce speed for special hazards and the display of
18	specified flags by construction vessels or barges not
19	actively engaged in construction operations; providing
20	an appropriation; providing an effective date.
21	
22	
23	Be It Enacted by the Legislature of the State of Florida:
24	
25	Section 1. Section 327.332, Florida Statutes, is created to
26	read:
27	<u>327.332 Special hazards</u>
28	(1) For purposes of this section, a vessel is operating at
29	slow speed, minimum wake only if it is fully off plane and

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i	19-01886-20 20201378_					
30	completely settled into the water.					
31	(2) A person may not operate a vessel faster than slow					
32	speed, minimum wake upon approaching within 300 feet of any					
33	emergency vessel, including, but not limited to, a law					
34	enforcement vessel, United States Coast Guard vessel or					
35	auxiliary vessel, fire vessel, or tow vessel, with its emergency					
36	lights activated.					
37	(3)(a) A person may not operate a vessel faster than slow					
38	speed, minimum wake upon approaching within 300 feet of any					
39	construction vessel or barge when the vessel or barge is					
40	displaying an orange flag from a pole extending:					
41	1. At least 10 feet above the tallest portion of the vessel					
42	2 or barge, indicating the vessel or barge is actively engaged in					
43	3 <u>construction operations; or</u>					
44	2. At least 5 feet above any superstructure permanently					
45	installed upon the vessel or barge, indicating that the vessel					
46	or barge is actively engaged in construction operations.					
47	(b) A flag displayed pursuant to this subsection must:					
48	1. Be at least 2 feet by 3 feet in size.					
49	2. Have a wire or other stiffener or be otherwise					
50	constructed to ensure that the flag remains fully unfurled and					
51	extended in the absence of a wind or breeze.					
52	3. Displayed so that the visibility of the flag is not					
53	obscured in any direction.					
54	(c) In periods of low visibility, including 1 hour before					
55	sunset and 1 hour after sunrise, a person may not be cited for a					
56	violation of this subsection unless the orange flag is					
57	illuminated and visible from a distance of at least 2 nautical					
58	miles.					

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59	(4)(a) A person operating a vessel in violation of this
60	section commits a noncriminal infraction, punishable as provided
61	<u>in s. 327.73.</u>
62	(b) The owner of, or party responsible for, a construction
63	vessel or barge who displays an orange flag on the vessel or
64	barge when it is not actively engaged in operations commits a
65	noncriminal infraction, punishable as provided in s. 327.73.
66	Section 2. Subsections (5) and (6) of section 327.4109,
67	Florida Statutes, are redesignated as subsections (6) and (7),
68	respectively, and a new subsection (5) is added to that section,
69	to read:
70	327.4109 Anchoring or mooring prohibited; exceptions;
71	penalties
72	(5)(a) Except as provided in paragraph (b), the owner or
73	operator of a vessel may not anchor or moor a vessel to, or
74	within 20 feet of, a mangrove as defined in s. 403.9325 or to
75	vegetation upon, or within 20 feet of, public lands. Such
76	distance must be measured in a straight line from the point of
77	the vessel closest to the outermost branches of the mangrove or
78	from the outermost line of vegetation upon the public lands.
79	(b) The owner or operator of a vessel may anchor or moor
80	to, or within 20 feet of, a mangrove as defined in s. 403.9325
81	or to vegetation upon, or within 20 feet of, public lands under
82	the following conditions:
83	1. The vessel suffers a mechanical failure that poses an
84	unreasonable risk of harm to the vessel or the persons onboard
85	unless the vessel anchors. The vessel may anchor for 3 business
86	days or until the vessel is repaired, whichever occurs first.
87	2. Imminent or existing weather conditions in the vicinity

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88	of the vessel pose an unreasonable risk of harm to the vessel or					
89	the persons onboard unless the vessel anchors. The vessel may					
90	anchor until weather conditions no longer pose such risk. During					
91	a hurricane or tropical storm, weather conditions are deemed to					
92	no longer pose an unreasonable risk of harm when the hurricane					
93	or tropical storm warning affecting the area has expired.					
94	3. The vessel is within a state or locally permitted or					
95	designated dockage, mooring, or other anchorage area.					
96	Section 3. Paragraphs (aa) and (bb) of subsection (1) of					
97	section 327.73, Florida Statutes, are amended, and paragraphs					
98	(cc) and (dd) are added to that subsection, to read:					
99	327.73 Noncriminal infractions					
100	(1) Violations of the following provisions of the vessel					
101	laws of this state are noncriminal infractions:					
102	(aa) Section 327.4107, relating to vessels at risk of					
103	becoming derelict on waters of this state, for which the civil					
104	penalty is:					
105	1. For a first offense, <u>\$100</u> <del>\$50</del> .					
106	2. For a second offense occurring 30 days or more after a					
107	first offense, <u>\$250</u> <del>\$100</del> .					
108	3. For a third or subsequent offense occurring 30 days or					
109	more after a previous offense, <u><math>\\$500</math></u> $\$250$ . A vessel which is the					
110	subject of more than three violations within 12 months which					
111	resulted in dispositions other than acquittal or dismissal shall					
112	be declared to be a public nuisance and subject to the					
113	provisions of ss. 705.103 and 823.11.					
114	(bb) Section 327.4109, relating to anchoring or mooring in					
115	a prohibited area, for which the penalty is:					
116	1. For a first offense, up to a maximum of $\frac{\$100}{\$50}$ .					

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<ul> <li>117 2. For a second offense, up to a maximum of \$250 \$10</li> <li>118 3. For a third or subsequent offense, up to a maximum</li> <li>119 \$500 \$250. A vessel which is the subject of more than three</li> </ul>						
	m of					
119 $\frac{500}{250}$ . A vessel which is the subject of more than thr						
\$500 $$250$ . A vessel which is the subject of more than three						
120 violations within 12 months which resulted in disposition	s other					
121 than acquittal or dismissal shall be declared to be a pub	olic					
122 nuisance and subject to the provisions of ss. 705.103 and	nuisance and subject to the provisions of ss. 705.103 and					
123 <u>823.11.</u>						
124 (cc) Section 327.332(2) and (3), relating to vessels	<u>-</u>					
125 creating special hazards, for which the penalty is:						
126 <u>1. For a first offense, \$50.</u>						
127 2. For a second offense occurring within 12 months a	fter a					
128 prior offense, \$250.						
129 <u>3. For a third offense occurring within 36 months af</u>	ter a					
130 prior offense, \$500.						
131 (dd) Section 327.332(4), relating to the display of	an					
132 orange flag on a vessel or barge when the vessel or barge	is not					
actively engaged in construction operations.						
134						
135 Any person cited for a violation of any provision of this						
136 subsection shall be deemed to be charged with a noncrimin	al					
137 infraction, shall be cited for such an infraction, and sh	all be					
138 cited to appear before the county court. The civil penalt	y for					
139 any such infraction is \$50, except as otherwise provided	in this					
140 section. Any person who fails to appear or otherwise prop	erly					
141 respond to a uniform boating citation shall, in addition	to the					
142 charge relating to the violation of the boating laws of t	his					
143 state, be charged with the offense of failing to respond	to such					
144 citation and, upon conviction, be guilty of a misdemeanor	of the					
145 second degree, punishable as provided in s. 775.082 or s.						

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146	775.083. A written warning to this effect shall be provided at						
147	the time such uniform boating citation is issued.						
148	Section 4. Beginning in fiscal year 2020-2021 and each year						
149	thereafter through fiscal year 2023-2024, the sum of \$250,000 in						
150	nonrecurring funds is appropriated from the General Revenue Fund						
151	to the Fish and Wildlife Conservation Commission for the purpose						
152	of conducting a study of the impacts of long-term stored vessels						
153	on local communities and the state pursuant to s. 327.4109,						
154	Florida Statutes.						
155	Section 5. This act shall take effect July 1, 2020.						

#### 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 CS/SR 1572 BILL: Infrastructure and Security Committee and Senator Stewart INTRODUCER: Climate Change SUBJECT: February 7, 2020 DATE: **REVISED:** ANALYST STAFF DIRECTOR REFERENCE ACTION 1. Price Miller IS Fav/CS 2. Schreiber EN Favorable Rogers 3. RC

# Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

### I. Summary:

CS/SR 1572 expresses the Legislature's support for the adoption of policies that will prepare this state for the environmental and economic impact of climate change, sea-level rise, and flooding, and recognizes the important role that resiliency and infrastructure will play in fortifying this state.

The resolution states that the Legislature intends to adopt:

- Policies focusing on resiliency efforts and appropriate infrastructure which prepare Florida for the environmental and economic impact of climate change, sea-level rise, and flooding; and
- Policies relating to clean and renewable energy, including the provision of adequate electric vehicle charging stations.

Legislative resolutions have no force of law and are not subject to the approval or veto powers of the Governor.

### II. Present Situation:

#### Sea-Level Rise and Coastal Flooding

With 1,350 miles of coastline and relatively low elevations, Florida is particularly vulnerable to coastal flooding.<sup>1</sup> There are three primary ways that climate change<sup>2</sup> influences coastal flooding: sea-level rise, storm surge intensity, and rainfall intensity and frequency.<sup>3</sup>

Sea-level rise is an observed increase in the average local sea level or global sea level trend.<sup>4</sup> The two major causes of global sea-level rise are thermal expansion caused by the warming of the oceans (water expands as it warms) and the loss of land-based ice (ice sheets and glaciers) due to melting.<sup>5</sup> Since 1880, the average global sea level has risen about eight to nine inches, and the rate of global sea-level rise has been accelerating.<sup>6</sup> The National Oceanic and Atmospheric Administration (NOAA) utilizes tide gauges to measure changes in sea level, and provides data on local sea-level rise trends.<sup>7</sup> Analysis of this data shows some low-lying areas in the southeastern U.S. experience higher local rates of sea-level rise than the global average.<sup>8</sup>

Florida's coastal communities are experiencing high-tide flooding events, sometimes referred to as "sunny day" or "nuisance" flooding, with increasing frequency because sea-level rise increases the height of high tides.<sup>9</sup> The areas of the state most at risk from sea-level rise include the 35 coastal counties that contain approximately 76 percent of Florida's population.<sup>10</sup> In the

shmp/shmp-2018-full final approved.6.11.2018.pdf (last visited January 23, 2020). This measurement of Florida's coastline increases to over 8,000 miles when considering the intricacies of Florida's coastline, including bays, inlets, and waterways. <sup>2</sup> *Id.* at 204-205, 231, 243, 393. In addition to sea-level rise, storms, and flooding, topics related to the effects of climate change in Florida include, but are not limited to: extreme heat, drought, wildfires, and changing ecosystems.

<sup>3</sup> *Id.* at 107.

<sup>5</sup> DEP Guidebook, at Glossary; NOAA, Climate Change: Ocean Heat Content, https://www.climate.gov/news-

<sup>8</sup> NCA4, at 757.

<sup>&</sup>lt;sup>1</sup> Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan, State of Florida*, 107-108, 162 (2018) [hereinafter *SHMP*], *available at* https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--

<sup>&</sup>lt;sup>4</sup> DEP, *Florida Adaptation Planning Guidebook*, Glossary (2018) [hereinafter *DEP Guidebook*], *available at* <u>https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf</u>; *see* NASA, Facts, *Vital Signs: Sea Level*, <u>https://climate.nasa.gov/vital-signs/sea-level/</u> (last visited January 23, 2020).

features/understanding-climate/climate-change-ocean-heat-content (last visited January 23, 2020). More than 90 percent of the warming that has happened on Earth over the past 50 years has occurred in the ocean; IPCC, *The Ocean and Cryosphere in a Changing Climate*, SPM-8, SPM-10, SPM-19, SPM -21, SPM-23, 1-14, 4-3, 4-4, 4-14 (Sept. 2019) [hereinafter *IPCC Ocean and Cryosphere*], available at <a href="https://report.ipcc.ch/srocc/pdf/SROCC">https://report.ipcc.ch/srocc/pdf/SROCC</a> FinalDraft FullReport.pdf (last visited January 23, 2020). Uncertainty regarding projected sea-level rise by 2100 is mainly determined by ice sheets, especially in Antarctica and Greenland, which are losing ice at increasing rates. The sum of glacier and ice sheet contributions is now the dominant source of global mean sea-level rise.

<sup>&</sup>lt;sup>6</sup> U.S. Global Change Research Program, *Fourth National Climate Assessment*, 757 (2018)[hereinafter NCA4], *available at* <u>https://nca2018.globalchange.gov/downloads/NCA4\_2018\_FullReport.pdf</u> (last visited January 23, 2020); *IPCC Ocean and Cryosphere*, at SPM-10, 4-3.

<sup>&</sup>lt;sup>7</sup> NOAA, *What is a Tide Gauge?*, <u>https://oceanservice.noaa.gov/facts/tide-gauge.html</u> (last visited January 23, 2020); NOAA, Tides and Currents, *Sea Level Trends*, <u>https://tidesandcurrents.noaa.gov/sltrends/</u> (last visited January 23, 2020); *see DEP Guidebook*, at 8, 16.

<sup>&</sup>lt;sup>9</sup> SHMP, at 108, 101, available at <u>https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full\_final\_approved.6.11.2018.pdf;</u> NOAA, *High-Tide Flooding*, <u>https://toolkit.climate.gov/topics/coastal-flood-risk/shallow-coastal-flooding-nuisance-flooding</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>10</sup> *DEP Guidebook*, at III, *available at* <u>https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf</u> (last visited January 23, 2020).

United States, sea-level rise and flooding threaten an estimated \$1 trillion in coastal real estate value, and analyses estimate that there is a chance Florida could lose more than \$300 billion in property value by 2100.<sup>11</sup> Sea-level rise affects the salinity of both surface water and groundwater through saltwater intrusion, posing a risk particularly for shallow coastal aquifers.<sup>12</sup> Sea-level rise also pushes saltwater further upstream in tidal rivers and streams, raises coastal groundwater tables, and pushes saltwater further inland at the margins of coastal wetlands.<sup>13</sup>

Storm surge intensity and the intensity and precipitation rates of hurricanes are generally projected to increase,<sup>14</sup> and studies suggest the overall extent of destruction from hurricanes is also rising.<sup>15</sup> Higher sea levels will cause storm surges to travel farther inland and impact more properties than in the past.<sup>16</sup> Stronger storms and sea-level rise are likely to lead to increased coastal erosion.<sup>17</sup>

Increases in evaporation rates and water vapor in the atmosphere increase rainfall intensity and extreme precipitation events, and the sudden onset of water can overwhelm stormwater infrastructure.<sup>18</sup> As sea levels and groundwater levels rise, low areas drain more slowly, and the combined effects of rising sea levels and extreme rainfall events are increasing the frequency and magnitude of coastal and lowland flood events.<sup>19</sup>

<sup>&</sup>lt;sup>11</sup> NCA4, at 324, 758; Zillow, Climate Change and Housing: Will a Rising Tide Sink All Homes? (2017),

https://www.zillow.com/research/climate-change-underwater-homes-12890/ (last visited January 23, 2020) (stating that by 2100 \$883 billion in U.S. homes are at risk of being underwater with the total value of potentially underwater properties in Florida at \$413 billion); Union of Concerned Scientists, *New Study Finds 1 Million Florida Homes Worth \$351 Billion Will Be At Risk From Tidal Flooding* (2018), <u>https://www.ucsusa.org/about/news/1-million-florida-homes-risk-tidal-flooding</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>12</sup> SHMP, at 106, *available at* <u>https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full\_final\_approved.6.11.2018.pdf</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>13</sup> Id. at 108.

<sup>&</sup>lt;sup>14</sup> Id. at 106, 141; IPCC Ocean and Cryosphere, at 6-21, available at

https://report.ipcc.ch/srocc/pdf/SROCC\_FinalDraft\_FullReport.pdf; NCA4, at 95, 97, 116-117, 1482, available at https://nca2018.globalchange.gov/downloads/NCA4\_2018\_FullReport.pdf (last visited January 23, 2020).

<sup>&</sup>lt;sup>15</sup> See Aslak Grinsted et. al., Normalized US Hurricane Damage Estimates Using Area of Total Destruction, 1900-2018, Proceedings of the National Academy of Sciences Nov. 2019, 116 (48) 23942-23946, available at

https://www.pnas.org/content/116/48/23942 (last visited January 23, 2020).

<sup>&</sup>lt;sup>16</sup> NCA4, at 758; SHMP, at 107; see also NOAA, Florida Marine Debris Emergency Response Guide: Comprehensive Guidance Document (Jan. 2019), available at <u>https://marinedebris.noaa.gov/sites/default/files/publications-files/FL\_Marine\_Debris\_Emergency\_Response\_Guide\_2019.pdf</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>17</sup> NCA4, 331, 340-341, 833, 1054, 1495; SHMP, at 108, 221; IPCC, *Climate Change and Land*, 4-44–4-45 (Aug. 2019), *available at* https://www.ipcc.ch/site/assets/uploads/2019/08/Fullreport-1.pdf (last visited January 23, 2020).

<sup>&</sup>lt;sup>18</sup> SHMP, at 99, 106, 116, 141, 181; NCA4, at 88, 762-763; see Florida Senate, Committee on Infrastructure and Security, *Meeting Packet for October 14, 2019*, 16-20, 23, *available at* 

http://www.flsenate.gov/Committees/Show/IS/MeetingPacket/4649/8266\_MeetingPacket\_4649\_2.pdf (last visited January 23, 2020).

<sup>&</sup>lt;sup>19</sup> *SHMP*, at 106; *NCA4*, at 763.

#### Sea-Level Rise Projections

Sea-Level Rise Projections				
Source	Scale	Years	Low (feet)	High (feet)
Intergovernmental		2046-2065	0.79	1.05
Panel on Climate	Global	2081-2100	1.28	2.32
Change <sup>20</sup>		2100	1.41	2.76
U.S. Global		2030	0.3	0.6
Change Research	Global	2050	0.5	1.2
Program <sup>21</sup>		2100	1	4.3
Southeast Florida Regional Climate		2030	0.5	0.83
Change Compact Sea Level Rise	Southeast Florida	2060	1.17	2.83
Work Group <sup>22</sup> (SFRCCC)	Tionua	2100	2.58	6.75
Tampa Bay	Tampa	2050	1	2.5
Climate Science Advisory Panel <sup>23</sup>	Bay Region	2100	2	8.5

Below is a table of projections for future sea-level rise, globally and in regions of Florida:

As seen in these projections, there are considerable variations in estimates of future sea-level rise. In addition, certain research indicates that current sea-level rise projections significantly underestimate future coastal exposure to impacts associated with rising sea levels.<sup>24</sup> Although some local governments and state agencies have adopted sea-level rise estimates for planning purposes, the State of Florida has no officially-established estimates of projected sea-level rise for use by state agencies in developing, planning, and implementing their respective duties and responsibilities.<sup>25</sup> Senate Bill 7016 (2020) relating to the Statewide Office of Resiliency, would

<sup>&</sup>lt;sup>20</sup> *IPCC Ocean and Cryosphere*, at SPM-7, 4-4, CCB9-21, AI-23. These projected ranges are based on climate models using "representative concentration pathways (RCPs)," which are scenarios of future emissions and concentrations of the full suite of greenhouse gases and aerosols and chemically active gases, as well as land use/land cover.

<sup>&</sup>lt;sup>21</sup> NCA4, at 406, 758, *available at* <u>https://nca2018.globalchange.gov/downloads/NCA4\_2018\_FullReport.pdf</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>22</sup> Southeast Florida Regional Climate Change Compact Sea Level Rise Work Group, *Unified Sea Level Rise Projection*, *Southeast Florida*, 4-5 (2015), *available at* <u>https://southeastfloridaclimatecompact.org/wp-content/uploads/2015/10/2015</u>-

<sup>&</sup>lt;u>Compact-Unified-Sea-Level-Rise-Projection.pdf</u> (last visited January 23, 2020). These projections are compared to the mean sea level in 1992; *see* SFRCCC, *Unified Sea Level Rise Projections*,

https://southeastfloridaclimatecompact.org/resources/unified-sea-level-rise-projections/ (last visited January 23, 2020). The SFRCCC will soon release updated projections.

<sup>&</sup>lt;sup>23</sup> Tampa Bay Climate Science Advisory Panel, *Recommended Projections of Sea Level Rise in the Tampa Bay Region*, 1, 7 (Apr. 2019), *available at* <u>http://www.tbrpc.org/wp-content/uploads/2019/05/CSAP\_SLR\_Recommendation\_2019.pdf</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>24</sup> See Scott A. Kulp & Benjamin H. Strauss, *New Elevation Data Triple Estimates of Global Vulnerability to Sea-Level Rise and Coastal Flooding*, Nature Communications 10, 4844 (Oct. 2019), *available at <u>https://www.nature.com/articles/s41467-</u>019-12808-z.pdf (last visited January 23, 2020).* 

<sup>&</sup>lt;sup>25</sup> Senate Committee on Infrastructure and Security, *Bill Analysis and Fiscal Impact Statement* for Senate Bill 7016 (January 22, 2020), available at <u>http://www.flsenate.gov/Session/Bill/2020/7016/Analyses/2020s07016.pre.ap.PDF</u> (last visited January 24, 2020).

create a task force process to develop consensus baseline projections of expected coastal sealevel rise and flooding impacts.<sup>26</sup>

### State, Regional, and Local Programs

Many state, regional, and local programs and policies are in place that address issues relating to sea-level rise and coastal flooding. Examples include the following:

- The Department of Environmental Protection's (DEP) Office of Resilience and Coastal Protection implements numerous programs related to sea-level rise and coastal issues, including the Coastal Construction Control Line Program and the Beach Management Funding Assistance Program.<sup>27</sup>
- The DEP's Florida Resilient Coastlines Program helps prepare coastal communities and habitats for the effects of climate change, especially sea-level rise, by offering technical assistance and funding to communities dealing with coastal flooding, erosion, and ecosystem changes.<sup>28</sup>
- Other state agencies are working on coastal resilience in Florida, including the following examples. The Department of Transportation plans for resilience to prepare Florida's transportation system for potential hazards.<sup>29</sup> The Department of Economic Opportunity assists communities with adaptation planning and works with the DEP on the Community Resiliency Initiative.<sup>30</sup> The Fish and Wildlife Conservation Commission is Florida's lead agency on addressing the impacts of climate change on fish and wildlife, including adaptation strategies for Florida's coastal ecosystems.<sup>31</sup> The Department of Agriculture and Consumer Services develops Florida's energy policy and works on climate change issues.<sup>32</sup> The Division of Emergency Management in the Executive Office of the Governor maintains a statewide emergency management program, and its roles include administering federal mitigation grant programs and serving as Florida's state coordinating agency for the National Flood Insurance Program.<sup>33</sup>
- The water management districts address flood protection as a core part of their respective missions, and many of their activities are related to resilience efforts. For example, the St. John's River Water Management District provides resources and cost-sharing to increase community resilience.<sup>34</sup> The South Florida Water Management District is implementing

https://myfwc.com/media/5864/adaptation-guide.pdf (last visited January 23, 2020).

<sup>&</sup>lt;sup>26</sup> Senate Bill 7016 (2020), available at <u>http://www.flsenate.gov/Session/Bill/2020/7016/?Tab=BillText</u> (last visited January 24, 2020).

<sup>&</sup>lt;sup>27</sup> DEP, *Beaches*, <u>https://floridadep.gov/rcp/beaches</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>28</sup> DEP, *Florida Resilient Coastlines Program*, <u>https://floridadep.gov/rcp/florida-resilient-coastlines-program</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>29</sup> DOT, Florida Transportation Plan (FTP): Resilience, <u>http://www.floridatransportationplan.com/resilience.htm</u> (last visited January 23, 2020); DOT, Florida Transportation Plan (FTP): Resilience Subcommittee Members,

http://www.floridatransportationplan.com/resilience\_committee.htm (last visited January 23, 2020).

<sup>&</sup>lt;sup>30</sup> DEO, *Adaptation Planning*, <u>http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/adaptation-planning</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>31</sup> FWC, *What FWC is Doing*, <u>https://myfwc.com/conservation/special-initiatives/climate-change/fwc/</u> (last visited January 23, 2020); FWC, *A Guide to Climate Change Adaptation for Conservation*, 6-81–6-108, 9-35–9-51 (2016), *available at* 

<sup>&</sup>lt;sup>32</sup> DACS, Office of Energy, <u>https://www.fdacs.gov/Divisions-Offices/Energy</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>33</sup> DEM, *Mitigation*, <u>https://www.floridadisaster.org/dem/mitigation/</u> (last visited January 23, 2020); DEM, *State Flood Plain Management Program*, <u>https://www.floridadisaster.org/dem/mitigation/floodplain/</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>34</sup> St. John's River Water Management District, *Sea-Level Rise*, <u>https://www.sjrwmd.com/localgovernments/sea-level-rise/#projects</u> (last visited January 23, 2020).

comprehensive plans for addressing sea-level rise, including a flood protection level of service program, incorporating sea-level rise projections into planning, conducting vulnerability assessments, and assisting local governments.<sup>35</sup>

- In 2010, through a proactive regional collaboration to address climate change, the four counties of Broward, Miami-Dade, Monroe, and Palm Beach formed the Southeast Florida Regional Climate Change Compact.<sup>36</sup> The Compact's innovative work includes developing a Regional Climate Action Plan and developing a Unified Sea-Level Rise Projection.<sup>37</sup> Many local governments in southeast Florida have incorporated the Compact's projections into their planning documents and policies.<sup>38</sup>
- Florida's local governments in coastal areas must have in their comprehensive plans a coastal management element that uses principles to reduce flood risk and eliminate unsafe development in coastal areas.<sup>39</sup> In certain coastal areas, local governments are authorized to establish an "adaptation action area" designation in their comprehensive plan, to develop policies and funding priorities that improve coastal resilience and plan for sea-level rise.<sup>40</sup>

In January of 2019, Governor DeSantis issued Executive Order 19-12, creating the Office of Resilience and Coastal Protection to help prepare Florida's coastal communities and habitats for impacts from sea-level rise by providing funding, technical assistance, and coordination among state, regional, and local entities.<sup>41</sup> In August of 2019, the Governor appointed Florida's first Chief Resilience Officer, which will report to the Executive Officer of the Governor and collaborate with state agencies, local communities, and stakeholders to prepare for the impacts of sea-level rise and climate change.<sup>42</sup>

### **Renewable Energy and Electric Vehicle Infrastructure**

Renewable energy is energy produced from a method that uses one or more of certain fuels or energy sources, including hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.<sup>43</sup> Currently, renewable energy accounts for 5.5

<sup>&</sup>lt;sup>35</sup> Akintunde Owosina, South Florida Water Management District, Governing Board Meeting, June 13, 2019, Chief, Hydrology and Hydraulics Bureau, *Impact of Sea Level Rise on the SFWMD Mission, Focus on Flood Protection*, 2, 6-10 (June 13, 2019), *available at https://apps.sfwmd.gov/webapps/publicMeetings/viewFile/21964* (last visited January 23, 2020).

<sup>&</sup>lt;sup>36</sup> Regional Climate Leadership Summit, *Southeast Florida Regional Climate Change Compact* (2010), *available at* <u>http://southeastfloridaclimatecompact.org/wp-content/uploads/2014/09/compact.pdf</u>; SFRCCC, *What is the Compact?*, <u>http://southeastfloridaclimatecompact.org/about-us/what-is-the-compact/</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>37</sup> SFRCCC, *Regional Climate Action Plan*, <u>http://southeastfloridaclimatecompact.org/regional-climate-action-plan/</u> (last visited January 23, 2020).

<sup>&</sup>lt;sup>38</sup> See SFRCCC, ST-1: Incorporate Projections Into Plans,

http://southeastfloridaclimatecompact.org/recommendations/incorporate-projections-into-plans/ (last visited January 23, 2020).

<sup>&</sup>lt;sup>39</sup> See ss. 380.24, 163.3177(6)(g), and 163.3178(2)(f), F.S.; see Ch. 2015-69, Laws of Fla.

<sup>&</sup>lt;sup>40</sup> See ss. 163.3177(6)(g)10. and 163.3164(1), F.S.; see Ch. 2011-139, Laws of Fla.

<sup>&</sup>lt;sup>41</sup> State of Florida, Office of the Governor, *Executive Order Number 19-12*, 5 (2019), *available at* https://www.flgov.com/wp-content/uploads/2019/01/EO-19-12-.pdf (last visited January 23, 2020).

<sup>&</sup>lt;sup>42</sup> Governor Ron DeSantis, News Releases, *Governor Ron DeSantis Announces Dr. Julia Nesheiwat as Florida's First Chief Resilience Officer* (Aug. 1, 2019), <u>https://flgov.com/2019/08/01/governor-ron-desantis-announces-dr-julia-nesheiwat-as-</u><u>floridas-first-chief-resilience-officer</u>/ (last visited January 23, 2020).

<sup>&</sup>lt;sup>43</sup> See s. 377.803(4), F.S.

percent of Florida's overall electric generation.<sup>44</sup> The Department of Agriculture and Consumer Services' Office of Energy is responsible for developing and implementing Florida's energy policies, programs, and projects.<sup>45</sup> In 2019, the Office of Energy released the Florida Energy and Climate Plan, and the plan's nine focus areas include recommended initiatives involving energy efficiency, renewable energy, and resiliency.<sup>46</sup>

In 2016, Volkswagen settled with the United States government resolving claims that it violated the Clean Air Act by selling diesel vehicles that falsely passed emissions tests for nitrogen oxides, and this resulted in the Environmental Mitigation Trust for State Beneficiaries.<sup>47</sup> Florida will receive over \$166 million overall from the Mitigation Trust Fund.<sup>48</sup> DEP has established the Diesel Emissions Mitigation Program (DEMP), which will use money from the settlement, along with money from an EPA state program, to fund projects that reduce mobile source emissions such as nitrogen oxides, particulate matter, and organic hazardous air pollutants.<sup>49</sup> DEP's Beneficiary Mitigation Plan includes the following estimated percentage breakdown for project-specific funding: 70% for School, Transit, and Shuttle Buses; 15% (maximum) for Light-Duty Zero Emission Vehicles Supply Equipment; and 15% for use in conjunction with the Diesel Emissions Act (DERA).<sup>50</sup> In connection with this funding, Governor DeSantis has announced the expansion of electric vehicle infrastructure in Florida.<sup>51</sup>

### III. Effect of Proposed Changes:

The CS/SR contains "Whereas" clauses stating that:

- The State of Florida has 1,350 miles of low-elevation coastline, and 75 percent of this state's population are living in coastal counties that generate a significant portion of this state's economic output;<sup>52</sup>
- The residents and the economy of this state, and the State of Florida itself, would benefit from the development of an established estimated consensus projection of the anticipated

<sup>46</sup> DACS, Office of Energy, *Florida Energy and Climate Plan: Powering Change* (2019), *available at* <u>https://www.fdacs.gov/ezs3download/download/89011/2560887/Media/Files/Energy-</u> Files/Florida%20Energy%20and%20Climate%20Plan.pdf.

<sup>50</sup> DEP, State of Florida Beneficiary Mitigation Plan, 3 (Oct. 2019), available at

<sup>44</sup> DACS, 2019 Office of Energy Annual Report, 5 (2019),

https://www.fdacs.gov/ezs3download/download/90056/2572665/Media/Files/Energy-Files/2019-OOE-Annual-Report.pdf. 45 Section 570.67, F.S.; DACS, *Office of Energy*, <u>https://www.fdacs.gov/Divisions-Offices/Energy</u> (last visited Feb. 7, 2020).

 <sup>&</sup>lt;sup>47</sup> DEP, Volkswagen Settlement - Mitigation Trust, <u>https://floridadep.gov/air/air/content/volkswagen-settlement-mitigation-</u> trust (last visited Feb. 7, 2020).

<sup>&</sup>lt;sup>48</sup> *Id*.

<sup>&</sup>lt;sup>49</sup> DEP, *Diesel Emissions Mitigation Program - DEMP*, <u>https://floridadep.gov/air/air-director/content/diesel-emissions-mitigation-program-demp</u> (last visited Feb. 7, 2020).

https://floridadep.gov/sites/default/files/Florida%27s%20Beneficiary%20Mitigation%20Plan.pdf; see DEP, Diesel Emissions Reduction Act (DERA) in Florida, https://floridadep.gov/air/air-director/content/diesel-emissions-reduction-act-dera-florida (last visited Feb. 7, 2020).

<sup>&</sup>lt;sup>51</sup> Governor Ron DeSantis, News Releases, *Governor Ron DeSantis Announces Plan for Expansion of Florida's Electric Vehicle Infrastructure*, <u>https://www.flgov.com/2019/07/24/governor-ron-desantis-announces-plan-for-expansion-of-floridas-electric-vehicle-infrastructure/</u> (last visited Feb. 7, 2020); Governor Ron DeSantis, News Releases, *Governor Ron DeSantis Announces Finalization of Plan to Strengthen Florida's Electric Vehicle Infrastructure*,

https://www.flgov.com/2019/10/09/governor-ron-desantis-announces-finalization-of-plan-to-strengthen-floridas-electric-vehicle-infrastructure/ (last visited Feb. 7, 2020).

<sup>&</sup>lt;sup>52</sup> Supra note 1.

sea-level rise and flooding impacts to these communities in developing future projects, plans, and programs;

- Clean and renewable energy is a tool that combats climate change, and the provision of adequate electric vehicle charging stations along our main transportation infrastructure will make a cleaner fuel source more readily available and reduce carbon dioxide emissions; and
- Appropriate infrastructure will continue to fortify and protect this state.

The resolution states that the Legislature intends to adopt:

- Policies focusing on resiliency efforts and appropriate infrastructure which prepare Florida for the environmental and economic impact of climate change, sea-level rise, and flooding; and
- Policies relating to clean and renewable energy, including the provision of adequate electric vehicle charging stations.

Legislative resolutions have no force of law and are not subject to the approval or veto powers of the Governor.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

### V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

### C. Government Sector Impact:

None.

#### VI. Technical Deficiencies:

None.

#### VII. Related Issues:

None.

#### VIII. Statutes Affected:

This Senate resolution does not amend the Florida Statutes. If enacted, it will become an undesignated chapter law codified in the Laws of Florida.

#### 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 Infrastructure and Security on January 26, 2020:

The committee substitute revises the "whereas" clauses contained in the Senate Resolution to focus on the benefit to the state and its residents of established estimated consensus projections of sea-level rise and flooding with respect to developing future projects, plans, and programs in coastal communities; and on clean and renewable energy with respect to reducing carbon dioxide emissions as a tool for combating climate change, including the provisions of adequate electric vehicle charging stations along Florida's main infrastructure.

The Senate Resolution is also revised to provide the Legislature's intent to adopt policies focusing on resiliency efforts and appropriate infrastructure which prepare Florida for the environmental and economic impact of climate change, sea-level rise, and flooding and policies relating to clean and renewable energy, including the provision of adequate electric vehicle charging stations.

#### B. Amendments:

None.

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

 $\mathbf{B}\mathbf{y}$  the Committee on Infrastructure and Security; and Senator Stewart

	596-02655-20 20201572c1					
1	Senate Resolution					
2	A resolution expressing the Legislature's support for					
3	the adoption of policies that will prepare Florida for					
4	the environmental and economic impact of climate					
5	change, sea-level rise, and flooding, and recognizing					
6	the important role that resiliency and infrastructure					
7	will play in fortifying this state.					
8						
9	WHEREAS, the State of Florida has 1,350 miles of low-					
10	elevation coastline, and 75 percent of this state's population					
11	are living in coastal counties that generate a significant					
12	portion of this state's economic output, and					
13	WHEREAS, the residents and the economy of this state, and					
14	the State of Florida itself, would benefit from the development					
15	of an established estimated consensus projection of anticipated					
16	sea-level rise and flooding impacts to these communities in					
17	developing future projects, plans, and programs, and					
18	WHEREAS, clean and renewable energy is a tool that combats					
19	climate change, and the provision of adequate electric vehicle					
20	charging stations along our main transportation infrastructure					
21	will make a cleaner fuel source more readily available and					
22	reduce carbon dioxide emissions, and					
23	WHEREAS, appropriate infrastructure will continue to					
24	fortify and protect this state, NOW, THEREFORE,					
25						
26	Be It Resolved by the Senate of the State of Florida:					
27						
28	That the Legislature intends to adopt policies focusing on					
29	resiliency efforts and appropriate infrastructure which prepare					
I	Page 1 of 2					

1	596-02655-20 20201572c1
30	Florida for the environmental and economic impact of climate
31	change, sea-level rise, and flooding and policies relating to
32	clean and renewable energy, including the provision of adequate
33	electric vehicle charging stations.

## Page 2 of 2

Pre	pared By: The	Professior	nal Staff of the C	ommittee on Enviro	nment and Na	tural Resources	
BILL:	CS/CS/SB 996						
NTRODUCER:	Environment and Natural Resources Committee; Community Affairs Committee; and Senator Albritton						
SUBJECT:	Local Government Waste Programs						
DATE:	February 1	0, 2020	REVISED:				
ANAL	YST	STAF	F DIRECTOR	REFERENCE		ACTION	
Toman		Ryon		CA	Fav/CS		
Schreiber		Rogers	5	EN	Fav/CS		
				RC			

## Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

#### I. Summary:

CS/CS/SB 996 exempts fiscally constrained counties from solid waste goals and requirements for local governments. The exemption expires July 1, 2035.

The bill creates a recycled materials management pilot project for Polk County, in coordination with the University of Florida. The bill contains requirements for the program. During the term of the program, Polk County is exempt from the solid waste goals and requirements for local governments. Polk County must submit a report on the pilot program to the Governor and Legislature by July 1, 2025. The pilot program expires July 1, 2025.

The bill revises the definition of "displacement" in requirements for local government collection services that displace private waste companies. The bill states that the term does not apply to certain government actions or situations at the end of a franchise granted to a private company.

The bill revises the process and procedures a local government must follow to displace a private waste company. The bill removes the discretion of the local government to pay a displaced company in lieu of providing a 3-year notice period. The bill makes the 3-year notice requirement mandatory before a local government engages in the actual provision of the service that displaces the company. In addition, the bill requires a local government to pay a displaced company an amount equal to the company's gross receipts for the preceding 18 months at the end of the 3-year period.

### II. Present Situation:

#### **Home Rule Authority**

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>1</sup> Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.<sup>2</sup> Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide services, and exercise any power for municipal purposes except when expressly prohibited by law.<sup>3</sup>

County governments have authority to provide fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.<sup>4</sup> Municipalities are afforded broad home rule powers with the exception of annexation, merger, exercise of extraterritorial power, or subjects prohibited or preempted by the Federal or State Constitutions, county charter, or statute.<sup>5</sup>

#### Solid Waste

Counties have the authority to provide and regulate waste and sewage collection and disposal.<sup>6</sup> A county may require that any person within the county demonstrate the existence of some arrangement or contract by which the person's solid waste<sup>7</sup> will be disposed of in a manner consistent with county ordinance or state or federal law.<sup>8</sup> Counties also have authority to adopt ordinances that govern the disposal of solid waste generated outside the county at the county's solid waste disposal facility.<sup>9</sup>

The Department of Environmental Protection (DEP) is responsible for implementing and enforcing the solid waste management program, which provides guidelines for the storage, separation, processing, recovery, recycling, and disposal of solid waste throughout the state.<sup>10</sup> The program is required to include procedures and requirements to ensure cooperative efforts in solid waste management by counties and municipalities and groups of counties and municipalities where appropriate.<sup>11</sup>

<sup>&</sup>lt;sup>1</sup> FLA. CONST., art. VIII, s. 1.(f).

<sup>&</sup>lt;sup>2</sup> FLA. CONST., art. VIII, s. 1.(g).

<sup>&</sup>lt;sup>3</sup> FLA. CONST., art. VIII, s. 2.(b); see also s. 166.021(1), F.S.

<sup>&</sup>lt;sup>4</sup> Section 125.01(1)(d)(e)(f) and (k)1., F.S.

<sup>&</sup>lt;sup>5</sup> Section 166.021(3), F.S.

<sup>&</sup>lt;sup>6</sup> Section 125.01(1)(k)1., F.S.

<sup>&</sup>lt;sup>7</sup> Section 403.703(36), F.S., defines "solid waste" as sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

<sup>&</sup>lt;sup>8</sup> Section 125.01(1)(k)2., F.S.

<sup>&</sup>lt;sup>9</sup> Section 403.706(1), F.S.

<sup>&</sup>lt;sup>10</sup> Section 403.705, F.S.

<sup>&</sup>lt;sup>11</sup> Section 403.705(2)(a), F.S.

Counties are responsible for operating solid waste disposal facilities, which are permitted through the DEP, in order to meet the needs of the incorporated and unincorporated areas of the county<sup>12</sup> and may contract with other persons to fulfill some or all of its solid waste responsibilities.<sup>13</sup> Each county must ensure that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements or other means.<sup>14</sup> In providing services or programs for solid waste management, local governments and state agencies are encouraged to use the most cost-effective means for providing services and are encouraged to contract with private entities for any or all such services or programs to assure that those services are provided on the most cost-effective basis.<sup>15</sup> Local governments are expressly prohibited from discriminating against privately owned solid waste management facilities solely because they are privately owned.<sup>16</sup>

#### Competition with Private Companies

Section 403.70605, F.S., was enacted in 2000<sup>17</sup> to address concerns of private waste management companies about competition with local government solid waste departments for third party service contracts. Private companies were concerned that public entities were able to subsidize their costs with funds from other government operations, allowing the public entities to unfairly compete for contracts.<sup>18</sup>

### Solid Waste Collection Services in Direct Competition

Under s. 403.70605, F.S., local governments providing specific solid waste collection services in direct competition with a private company must comply with local environmental, health, and safety standards applicable to private companies providing competitive collection services.<sup>19</sup> Local governments may not enact or enforce any license, permit, registration procedure, or associated fee that:

- Does not apply to the local government and for which there is not a substantially similar requirement that applies to the local government; and
- Provides the local government with a material advantage in its ability to compete with a private company in terms of cost or ability to promptly or efficiently provide such collection services, excluding zoning, land use, or comprehensive plan requirements.<sup>20</sup>

When providing solid waste collection services outside of their jurisdiction in competition with private companies, local governments are prohibited from instituting predatory pricing schemes.<sup>21</sup>

<sup>18</sup> See Florida House of Representatives, *CS/HB 1425 Final Analysis*, p. 2 (May 12, 2000), *available at* <u>http://archive.flsenate.gov/data/session/2000/House/bills/analysis/pdf/HB1425S1Z.CA.pdf</u> (last visited March 29, 2019).
 <sup>19</sup> Section 403.70605(1)(a), F.S.

<sup>&</sup>lt;sup>12</sup> Section 403.706(1), F.S.

<sup>&</sup>lt;sup>13</sup> Section 403.706(8), F.S.

<sup>&</sup>lt;sup>14</sup> Section 403.706(3), F.S.

<sup>&</sup>lt;sup>15</sup> Section 403.7063, F.S.

<sup>&</sup>lt;sup>16</sup> *Id*.

<sup>&</sup>lt;sup>17</sup> Chapter 2000-304, s. 1, Laws of Fla.

 $<sup>^{20}</sup>$  Section 403.70605(1)(a)2., F.S.

<sup>&</sup>lt;sup>21</sup> Section 403.70605(2), F.S.; see also ss. 542.18 and 542.19, F.S.

A private company in competition with a local government has legal remedies against local government action that violates the statute, including injunctive relief. <sup>22</sup> The private company must notify the local government of the violation and give them 30 days to respond. A local government may defend against these suits if the official action has a reasonable relationship to the health, safety, or welfare of the citizens of the local government or the action taken was in direct response to a natural disaster or emergency declaration order by the Governor. A court may still grant relief in cases where the official action was taken for public health and safety if the court finds that the actual or potential anticompetitive effects of the official action outweigh the public benefits.

### Displacement of Private Garbage, Trash, and Refuse Collection Services

A local government, or group of local governments, may not displace a private company<sup>23</sup> that provides garbage, trash, or refuse collection without following the requirements under s. 403.70605, F.S. "Displacement" refers to a local government deciding to provide a collection service and prohibiting a private company from continuing to provide the same service it was providing at the time the local government decision was made.<sup>24</sup>

Displacement does not include situations such as:

- Public and private sector competition for individual contracts;
- A local government refusing to renew an expiring contract with a private company;
- Local government action in response to any act by a private company that is a threat to public health or safety or a substantial public nuisance;
- A material breach of contract by a private company;
- Contracts between local governments and private companies absent an ordinance that displaces another private company;
- A majority of property owners in the displacement area petitioning for the local governing body to take over collection services;
- Municipal annexations honoring existing solid waste contracts pursuant to law; or
- A private company licensed to provide service for a limited time whose license expires and is not renewed by the local government.<sup>25</sup>

Before displacing a private company, a local government must first hold at least one public hearing, publicly noticed, with separate notice to private companies providing service in the jurisdiction by mail at least 45 days before the hearing.<sup>26</sup> The local government must take measures to provide services within 1 year of the final public hearing, and provide 3 years' notice to a private company before it engages in the actual provision of the service that displaces the company. To avoid the 3 years' notice requirement, the local government may pay the displaced company an amount equal to the company's preceding 15 months' gross receipts for

<sup>&</sup>lt;sup>22</sup> See ss. 403.70605(1)(b) & (2)(c), F.S. for information for this entire paragraph.

<sup>&</sup>lt;sup>23</sup> "Private company" does not include another local government providing solid waste collection services. Section 403.70605(4)(b), F.S.

<sup>&</sup>lt;sup>24</sup> Section 403.70605(3)(a), F.S.

<sup>&</sup>lt;sup>25</sup> Id.

<sup>&</sup>lt;sup>26</sup> Section 403.70605(3)(b), F.S.

the displaced service in the displacement area. The local government and the private company are not prohibited from agreeing to a different notice period or compensation amount.<sup>27</sup>

If a private company refuses to continue operations under the terms and conditions of its existing agreement during the 3-year notice period, the company no longer falls within the definition of displaced.<sup>28</sup>

### **Other Restrictions on Terminating Private Solid Waste Collection Services**

A new municipality, except for the merger of existing municipalities, cannot incorporate without honoring any existing solid waste contracts for 5 years or the remainder of the contract term, whichever is shorter.<sup>29</sup> Similarly, municipalities cannot annex additional land subject to existing solid waste contracts without honoring the existing contracts for 5 years or the remainder of the contract term, whichever is shorter.<sup>30</sup> If an exclusive franchisee has provided services in an area to be annexed for at least the preceding 6 months, the franchisee may continue to provide service in the area for the shorter of 5 years or the expiration of its service contract as long as it meets certain conditions including providing the service at a reasonable cost.<sup>31</sup>

#### **Recycling in Florida**

"Recycling" is any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or intermediate or final products.<sup>32</sup> "Municipal solid waste" includes any solid waste (except for sludge) resulting from the operation of residential, commercial, or governmental establishments that would normally be collected, processed, and disposed of through a solid waste management service (this excludes waste from industrial, mining, or agricultural operations).<sup>33</sup>

In 2008, the Legislature established a weight-based goal of recycling 75 percent of Florida's municipal solid waste by 2020.<sup>34</sup> In 2010, the Legislature established interim goals that counties must pursue leading up to 2020.<sup>35</sup> The interim goals require each Florida county to implement a recyclable materials recycling program with a goal of recycling 40 percent of recyclable solid waste by December 31, 2012; 50 percent by December 31, 2014; 60 percent by December 31, 2016; 70 percent by December 31, 2018; and 75 percent by December 31, 2020.<sup>36</sup> These programs must be designed to recover a significant portion of at least four of the following

<sup>&</sup>lt;sup>27</sup> Section 403.70605(3)(c), F.S.

<sup>&</sup>lt;sup>28</sup> Section 403.70605(3)(a)5., F.S.

<sup>&</sup>lt;sup>29</sup> See s. 165.061(1)(f); see also FLA. CONST., art. I, s. 10.

<sup>&</sup>lt;sup>30</sup> See s. 171.062(4), F.S.; see also FLA. CONST., art. I, s. 10.

<sup>&</sup>lt;sup>31</sup> Section 171.062(4)(a)2., F.S.

<sup>&</sup>lt;sup>32</sup> Section 403.703(31), F.S.

<sup>&</sup>lt;sup>33</sup> Section 403.706(5), F.S.

<sup>&</sup>lt;sup>34</sup> Chapter 2008-227, s. 95, Laws of Fla.; s. 403.7032, F.S.; see DEP, Florida and the 2020 75% Recycling Goal, Volume I - Report, 5, 7, 28 (2017)[hereinafter DEP 2017 Report], available at

https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1\_0\_0.pdf. The 75% recycling goal is a weight-based recycling rate: for every 100 tons of municipal solid waste collected, the goal is to recycle (or recover energy from) at least 75 tons.

<sup>&</sup>lt;sup>35</sup> Chapter 2010-143, s. 7, Laws of Fla.; s. 403.706(2)(a), F.S.

<sup>&</sup>lt;sup>36</sup> Section 403.706(2)(a), F.S.

materials from the solid waste stream before final disposal at a solid waste disposal facility and to offer these materials for recycling:

- Newspapers.
- Aluminum cans.
- Steel cans.
- Glass.
- Plastic bottles.
- Cardboard.
- Office paper.
- Yard trash.<sup>37</sup>

Counties with a population of 100,000 or less, in lieu of achieving the interim goals, may instead provide residents with the opportunity to recycle.<sup>38</sup> Providing the "opportunity to recycle" must include both of the following:

- Either:
  - Providing a system for separating and collecting recyclable materials prior to disposal that is located at a solid waste management facility or solid waste disposal area; or
  - Providing a system of places within the county for collection of source-separated recyclable materials.
- Providing a public education and promotion program that is conducted to inform residents of the opportunity to recycle, encourages source separation of recyclable materials, and promotes the benefits of reducing, reusing, recycling and composting materials.<sup>39</sup>

According to a 2019 report by DEP, only 36 of Florida's 67 counties have populations over 100,000.<sup>40</sup> These 36 counties contain approximately 95% of Florida's population, and produced 45 million of the 47 million tons of municipal solid waste generated in Florida in 2018.<sup>41</sup>

In order to assess progress towards achieving the interim goals, counties are required to provide information on their solid waste management programs and recycling activities to DEP by April 1 of each year.<sup>42</sup> Certain activities are eligible for special credit towards achieving a county's recycling goals, including using solid waste as a fuel in a renewable energy facility and innovatively using yard trash or other clean wood waste or paper waste.<sup>43</sup> If DEP determines that a county has not reached the interim recycling goals in time, DEP is authorized to direct the county to develop a plan to expand recycling programs to existing commercial and multifamily dwellings, including apartment complexes.<sup>44</sup> Such a directive applies to the larger counties (with populations over 100,000), which are required to pursue the interim goals.<sup>45</sup>

<sup>&</sup>lt;sup>37</sup> Section 403.706(2)(f), F.S.

<sup>&</sup>lt;sup>38</sup> Section 403.706(4)(c), F.S.

<sup>&</sup>lt;sup>39</sup> Id.

<sup>&</sup>lt;sup>40</sup> DEP, *Florida and the 2020 75% Recycling Goal: 2019 Status Report*, *Volume 1*, 3, 9 (2019)[hereinafter *DEP 2019 Report*], *available at* <u>https://floridadep.gov/sites/default/files/Final%20Strategic Plan 2019%2012-13-2019 1.pdf</u>. <sup>41</sup> *Id.* at 18, 29.

<sup>&</sup>lt;sup>42</sup> Section 403.706(7), F.S.; Fla. Admin. Code R. 62-716.450.

<sup>&</sup>lt;sup>43</sup> Section 403.706(4), F.S.

<sup>44</sup> Section 403.706(2)(d), F.S.

<sup>&</sup>lt;sup>45</sup> DEP 2019 Report, at 3.

Florida achieved the interim recycling goals established for 2012 and 2014.<sup>46</sup> However, Florida's recycling rate for 2016 was 56 percent, falling short of the 2016 interim recycling goal of 60 percent.<sup>47</sup> Florida's recycling rate declined from 52 percent in 2017 to 49 percent in 2018, both of which fall short of the interim targets.<sup>48</sup> This decrease can largely be attributed to a reduction in the reported amount of construction and demolition (C&D) debris recycled in 2018.<sup>49</sup> In those years when the state's recycling rate does not meet the statutory thresholds for the interim goals, DEP must provide a report to the President and Legislature, identifying those additional programs or statutory changes needed to achieve the state's recycling goals.<sup>50</sup> DEP submitted the most recent status report in 2019.<sup>51</sup> Without significant changes to the current approach, DEP does not expect the 75% by 2020 goal will be achieved.<sup>52</sup>

In 2018, of Florida's 36 large counties (with populations over 100,000), four met the 70% interim recycling goal.<sup>53</sup> Recycling credits received for renewable energy and C&D debris were the primary factors for success in these four counties.<sup>54</sup> In August of 2019, DEP requested each of the 32 large counties not reaching the interim goals to develop a plan to expand current recycling programs to existing commercial and multifamily dwellings.<sup>55</sup> As of November 21st, DEP has received all 32 county recycling plans.<sup>56</sup>

DEP may reduce or modify the municipal solid waste recycling goal if necessary to alleviate the adverse effects on the financial viability of a county's waste-to-energy facility.<sup>57</sup>

DEP has been working to increase recycling rates through grant programs, educational opportunities, and the development of a statewide outreach campaign called "Rethink. Reset. Recycle."<sup>58</sup> DEP is also working on the following recycling options:

- Evaluating the implications of shifting from a weight-based recycling goal to sustainable materials management<sup>59</sup> processes.
- Researching the concept of moving from a weight-based recycling goal of 75 percent by 2020 to market-specific goals such as a food diversion goal or an organics recycling goal.

<sup>50</sup> Section 403.706(2)(e), F.S.

- <sup>52</sup> *Id.* at 29.
- <sup>53</sup> *Id.* at 3.
- <sup>54</sup> *Id*.

<sup>59</sup> See EPA, Sustainable Materials Management Basics, <u>https://www.epa.gov/smm/sustainable-materials-management-basics</u> (last visited Jan. 31, 2020); see DEP 2019 Report, at 26-29, available at

https://floridadep.gov/sites/default/files/Final%20Strategic\_Plan\_2019%2012-13-2019\_1.pdf. The report contains a discussion of Sustainable Materials Management.

<sup>&</sup>lt;sup>46</sup> *DEP 2017 Report*, at 5, *available at* <u>https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1\_0\_0.pdf</u>. <sup>47</sup> *Id.* 

<sup>&</sup>lt;sup>48</sup> DEP 2019 Report, at 3.

<sup>&</sup>lt;sup>49</sup> *Id.* at 9; *see.* s. 403.706(2)(b), F.S. Each county must implement a program for recycling C&D debris.

<sup>&</sup>lt;sup>51</sup> DEP 2019 Report, at 3.

<sup>&</sup>lt;sup>55</sup> *Id.* at 9.

<sup>&</sup>lt;sup>56</sup> *Id.*; DEP, *Florida and the 2020 75% Recycling Goal: 2019 Status Report, Volume 2, Appendices, Appendix B (2019), available at <u>https://floridadep.gov/sites/default/files/Final%20Appendix%20Strategic%20Plan%2012-13-</u>2019 for upload test.pdf.* 

<sup>&</sup>lt;sup>57</sup> Id.

<sup>&</sup>lt;sup>58</sup> *DEP 2019 Report*, at 22, *available at* <u>https://floridadep.gov/sites/default/files/Final%20Strategic Plan 2019%2012-13-2019\_1.pdf</u>; Rethink. Reset. Recycle., *About*, <u>https://floridarecycles.org/</u> (last visited Jan. 31, 2020).

- Requesting that Florida's state universities and Department of Education review potential K-12 curriculum programs emphasizing waste reduction and recycling practices.
- Continuing to work with state agencies to identify recycling/cost-saving measures specific to their operations.
- Providing counties not achieving the interim recycling goals with assistance in analyzing, planning, and executing opportunities to increase recycling.<sup>60</sup>

#### Contamination

Many counties and municipalities have instituted single stream recycling programs.<sup>61</sup> Single stream curbside recycling programs allow all accepted recyclables to be placed in a single, curbside recycling cart, comingling paper, plastic bottles, metal cans, and glass containers. Single stream recycling programs have been marginally successful in providing curbside collection efficiency by increasing the number of materials collected and residential participation. While there are many advantages to single stream recycling, it has not consistently yielded positive results for the recycling industry. The unexpected consequence of single stream recycling has been the collection of unwanted materials and poorly sorted recovered materials, resulting in increased contamination originating in the curbside recycling cart.<sup>62</sup>

Contamination hinders processing at recovered materials processing facilities (RMPFs) when unwanted items are placed into recycling carts.<sup>63</sup> For example, plastic bags are harmful to the automated equipment typically used to process and separate recyclable materials from single stream collections. While RMPFs are equipped to handle some non-recyclable materials, excessive contamination can undermine the recycling process and result in additional sorting, processing, energy consumption, and other increased costs due to equipment downtime, repair, or replacement needs. In addition to increased recycling processing costs, contamination also results in poorer quality recovered materials, and increased rejection and landfilling of materials. Although some local governments have implemented successful single-stream recycling programs with low contamination rates, contamination rates for other programs have continued to increase.<sup>64</sup>

### **Recycling Markets**

Until 2017, China consumed over 50 percent of the recycled paper and plastic in the world, including 70 percent of the plastics collected for recycling in the U.S.<sup>65</sup> In 2017, China announced a ban on the import of 24 recyclable materials, such as post-consumer plastics and mixed paper, as well as a 0.5 percent contamination standard for most recyclables not named in

<sup>&</sup>lt;sup>60</sup> DEP 2019 Report, at 10.

<sup>&</sup>lt;sup>61</sup> *Id.* at 11.

<sup>&</sup>lt;sup>62</sup> Id.

<sup>&</sup>lt;sup>63</sup> Id.

<sup>&</sup>lt;sup>64</sup> Id.

<sup>&</sup>lt;sup>65</sup> National Waste & Recycling Association, *Issue Brief: China's Changing Policies on Imported Recyclables*, 1 (Apr. 2018), *available at* <u>https://c.ymcdn.com/sites/wasterecycling.site-</u>

<sup>&</sup>lt;u>ym.com/resource/resmgr/files/issue\_brief/China's\_Changing\_Policies\_on.pdf</u>; Cheryl Katz, *Piling Up: How China's Ban on Importing Waste Has Stalled Global Recycling*, Yale Environment 360 (Mar. 7, 2019), <u>https://e360.yale.edu/features/piling-up-how-chinas-ban-on-importing-waste-has-stalled-global-recycling</u> (last visited Jan. 31, 2020).

the ban.<sup>66</sup> In 2018, the ban was expanded to include post-industrial plastics and a variety of scrap metals, and China implemented pre-shipment inspection requirements for inbound loads of certain material.<sup>67</sup> The ban has caused shipments of recyclables to other Asian countries to increase dramatically, resulting in nations including India, Malaysia, Indonesia, Thailand, and Vietnam enacting policies restricting the import of recyclable materials.<sup>68</sup>

China's recycling ban has created substantial challenges around the world for the solid waste and recycling industry.<sup>69</sup> The loss of the Chinese export markets has caused recyclable materials to be sent to landfills or burned.<sup>70</sup> China's ban and higher standards for contamination are leading to higher costs and lower revenues for the U.S. recycling industry.<sup>71</sup> In Florida, local governments are struggling with issues such as rising costs of processing and high contamination rates.<sup>72</sup> DEP reports that these changes in the markets create challenges for Florida as it tries to increase its recycling rates because future growth is dependent on healthy markets.<sup>73</sup> The increased supply of recyclable materials and decreased demand from end markets has resulted in a depression of commodities prices in the recycling industry.<sup>74</sup> In response, DEP has utilized state programs and engaged various stakeholders to develop and grow Florida's recycling markets.<sup>75</sup>

The reduction in global markets has forced many waste haulers and waste management companies to reduce the amount of contamination, i.e., unwanted items found in recycling bins, being transported and delivered to their processing facilities.<sup>76</sup> Reducing contamination increases the value of the recovered materials.<sup>77</sup> Due to decreases in the average price for mixed recovered materials, several counties have been asked to renegotiate their recycling contracts.<sup>78</sup> Many of

<sup>70</sup> Cheryl Katz, *Piling Up: How China's Ban on Importing Waste Has Stalled Global Recycling*, Yale Environment 360 (March 7, 2019), <u>https://e360.yale.edu/features/piling-up-how-chinas-ban-on-importing-waste-has-stalled-global-recycling</u> (last visited Jan. 31, 2020).

<sup>76</sup> DEP 2019 Report, at 12.

<sup>&</sup>lt;sup>66</sup> Resource Recycling, *From Green Fence to Red Alert: A China Timeline*, <u>https://resource-</u> <u>recycling.com/recycling/2018/02/13/green-fence-red-alert-china-timeline/</u> (last visited Jan. 31, 2020); National Waste & Recycling Association, *Issue Brief: China's Changing Policies on Imported Recyclables*, 1 (Apr. 2018).

<sup>&</sup>lt;sup>67</sup> Resource Recycling, From Green Fence to Red Alert: A China Timeline; see also Resource Recycling, China Reiterates Total Ban and Tries to Define "Solid Waste" (Apr. 9, 2019), available at <u>https://resource-</u>

recycling.com/recycling/2019/04/09/china-reiterates-total-ban-and-tries-to-define-solid-waste/ (last visited Jan. 31, 2020). China is planning a total ban on virtually all recovered material imports.

<sup>&</sup>lt;sup>68</sup> Resource Recycling, From Green Fence to Red Alert: A China Timeline; Christopher Joyce, Where Will Your Plastic Trash Go Now That China Doesn't Want It?, NPR (Mar. 13, 2019),

https://www.npr.org/sections/goatsandsoda/2019/03/13/702501726/where-will-your-plastic-trash-go-now-that-china-doesnt-want-it (last visited Jan. 31, 2020).

<sup>&</sup>lt;sup>69</sup> See Brooks et. al., *The Chinese Import Ban and Its Impact on Global Plastic Waste Trade*, SCIENCES ADVANCES (Jun. 20, 2019), *available at* <u>https://advances.sciencemag.org/content/advances/4/6/eaat0131.full.pdf</u> (last visited Jan. 31, 2020).

<sup>&</sup>lt;sup>71</sup> National Waste & Recycling Association, *Issue Brief: China's Changing Policies on Imported Recyclables*, 1-2 (Apr. 2018), *available at <u>https://c.ymcdn.com/sites/wasterecycling.site-</u>* 

ym.com/resource/resmgr/files/issue\_brief/China's\_Changing\_Policies\_on.pdf (last visited Jan. 31, 2020).

<sup>&</sup>lt;sup>72</sup> Waste Dive, *How Recycling is Changing in All 50 States* (June 5, 2019), <u>https://www.wastedive.com/news/what-chinese-import-policies-mean-for-all-50-states/510751/</u> (last visited Jan. 31, 2020).

 <sup>&</sup>lt;sup>73</sup> DEP 2017 Report, at 15, available at <u>https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1 0 0.pdf</u>.
 <sup>74</sup> Id.

<sup>&</sup>lt;sup>75</sup> Id. at 15-17; DEP 2019 Report, at 12-15, available at

https://floridadep.gov/sites/default/files/Final%20Strategic\_Plan\_2019%2012-13-2019\_1.pdf.

<sup>&</sup>lt;sup>77</sup> Id.

<sup>&</sup>lt;sup>78</sup> Id.

the contracts have clauses that stipulate contamination must be below a certain percentage or the local government will be charged a much higher rate and/or penalized.<sup>79</sup> There is very little revenue, if any, generated and returned to municipalities for recovered materials that have been collected and processed, and many municipalities are left with decisions regarding which materials to include in curbside recycling programs or whether to continue the programs.<sup>80</sup>

#### **Fiscally Constrained Counties**

Section 218.67, F.S., defines "fiscally constrained counties" as:

- Each county entirely within a rural area of opportunity<sup>81</sup> as designated by the Governor pursuant to the Rural Economic Development Initiative in s. 288.0656, F.S.; or
- Each county for which the value of a mill will raise no more than \$5 million in revenue, based on the taxable value certified pursuant to the calculations in s. 1011.62(4)(a)1.a., F.S., from the previous July 1.<sup>82</sup>

For the 2019-20 fiscal year, the Department of Revenue determined the following 29 counties to be fiscally constrained: Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Okeechobee, Putnam, Suwannee, Taylor, Union, Wakulla, and Washington.<sup>83</sup>

### III. Effect of Proposed Changes:

The bill amends s. 403.706, F.S., which contains goals and requirements for county recycling programs. The bill exempts fiscally constrained counties<sup>84</sup> from solid waste goals and requirements for local governments in s. 403.706, F.S. The exemption expires July 1, 2035.

The bill contains legislative findings regarding challenges in meeting the state's recycling goals and the need to investigate other options for the management of recyclable material resources. The bill creates a recycled materials management pilot project for Polk County, in coordination with the University of Florida. The pilot project must identify sustainable, environmentally responsible, and cost-effective collection, storage, and retention methods for recyclable materials which have limited economic or industrial utility but retain their potential to be reintroduced into the market through an economically viable recycling process. The pilot program expires July 1, 2025.

The bill states the following regarding the pilot program:

<sup>&</sup>lt;sup>79</sup> *Id.* at 12-13.

<sup>&</sup>lt;sup>80</sup> *Id.* at 13.

<sup>&</sup>lt;sup>81</sup> See s. 288.0656(2), F.S. A rural area of opportunity is a rural community (such as counties with a population of 75,000 or fewer), or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe/chronic distress, or a natural disaster, or which presents a unique economic development opportunity of regional impact.

<sup>&</sup>lt;sup>82</sup> Section 218.67(1), F.S.

<sup>&</sup>lt;sup>83</sup> Office of Economic and Demographic Research, 2019 Local Government Financial Information Handbook, 93 (2019), available at <u>http://edr.state.fl.us/Content/local-government/reports/lgfih19.pdf</u>; see also Department of Revenue, Fiscally Constrained Counties, available at <u>https://floridarevenue.com/property/Documents/fcco081210.pdf</u>.

<sup>&</sup>lt;sup>84</sup> Section 218.67(1), F.S. The bill defines fiscally constrained counties using this subsection.

- Polk County may join or contract with one or more other public or private entities to finance or implement the pilot program. The contracts may provide for contributions by each party to the contract for the division and apportionment of resulting costs, including operations and
- maintenance, benefits, services, and products. The Legislature may not provide funding assistance for the pilot program. However, this does not limit the University of Florida or other state entities from providing in-kind services to the pilot program.
- During the term of the pilot program, Polk County is exempt from the solid waste goals and requirements for local governments.<sup>85</sup>
- Polk County must periodically communicate and collaborate with the Department of Environmental Protection (DEP) regarding the program's objectives, progress, and conclusions.
- Polk County must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2025, regarding the conclusions of the pilot program. The report must include all of the following:
  - A description of the pilot program, including its goals and an overview of the methodology used to identify the specific recyclable materials determined to provide the greatest environmental benefit and opportunity for recycling.
  - An overview of the methodology used to segregate the recyclable materials of greatest benefit while minimizing the processing of recyclable materials of low environmental benefit.
  - Progress made with the pilot program in comparison to other processes currently being used for the collection, disposal, or reuse of the same recyclable materials.
  - Capital and operating costs Polk County estimates it would expend to implement recycling and solid waste management practices revealed by the pilot program, in comparison to other alternatives local governments have implemented in Florida.
  - The source of funds used in developing and implementing the pilot program.
  - The benefits to Polk County and the state from implementing any recycling and solid waste management practices revealed by the pilot program.
  - A recommendation as to whether any recycling and solid waste management practices revealed by the pilot program should be available as an alternative to traditional processes used by local governments to manage recyclable materials and, if so, identification of the statutory changes necessary to do so.

The bill amends s. 403.70605(3), F.S., which contains requirements for when a local government's collection service displaces a private waste company. The bill revises the definition of the term "displacement," as used in the subsection. The bill states that the term "displacement" does not include actions by which a local government, at the end of a franchise that the local government has granted to a private company, refuses to renew the franchise and either: grants a franchise or awards a contract to another company or companies, or decides to provide the collection service itself. The bill also states that the term "displacement" does not include situations where private companies are franchised to do business within a local

<sup>&</sup>lt;sup>85</sup> See DEP, Florida and the 2020 75% Recycling Goal: 2019 Status Report, Volume 2, Appendices, 162-164 (2019), available at <u>https://floridadep.gov/sites/default/files/Final%20Appendix%20Strategic%20Plan%2012-13-</u>

<sup>&</sup>lt;u>2019 for upload\_test.pdf</u>. In 2019, Polk County submitted a recycling plan to DEP in accordance with s. 403.706, F.S. Polk County is working with the University of Florida's Sustainable Materials Management Research Laboratory to update the county's recycling data and explore future recycling initiatives that would have the greatest positive environmental impact.

government for a limited time and such franchise expires and is not renewed by the local government.

The bill revises the process and procedures a local government must follow to displace a private waste company. The local government must provide 3 years' notice to the private company before the local government engages in the actual provision of the service that displaces the company. At the end of the 3-year notice period, the local government must pay the displaced company an amount equal to the company's preceding 18 months' gross receipts for the displaced service in the displacement area. The bill also removes a provision stating that a local government and a private waste company may voluntarily negotiate a different notice period or amount of compensation.

The bill takes effect on July 1, 2020.

### 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:

There may be a positive economic impact on the private sector because displaced private waste collection companies are assured 3 years' notice prior to displacement and 18 months of gross receipts when their service ends.

### C. Government Sector Impact:

There may be a negative fiscal impact on local governments due to the required 3-year notice period for displacement of a private waste company and the payment of 18 months of gross receipts when the service ends.

The bill exempts fiscally constrained counties from solid waste goals and requirements for local governments, which could result in these counties avoiding expenditures on recycling programs. This may have an indeterminate, positive fiscal impact on fiscally constrained counties.

The bill creates a recycled materials management pilot project that Polk County must implement, which may cause Polk County to incur additional costs. The bill exempts Polk County from solid waste goals and requirements for local governments during the term of the pilot program, which may result in Polk County avoiding certain expenditures.

### VI. Technical Deficiencies:

None.

### VII. Related Issues:

On lines 39-41 and 79-81, the bill creates exemptions from all goals and requirements in s. 403.706, F.S. While s. 403.706, F.S., contains required recycling goals and related requirements for county governments, it also contains requirements pertaining to the solid waste responsibilities of local governments in general. Therefore, in order to create exemptions from the recycling goals in s. 403.706, F.S., revising the language to make the exemptions apply only to the recycling goals in s. 403.706, F.S., is recommended.

### VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.70605 and 403.706.

### IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

### CS/CS by Environment and Natural Resources on February 10, 2020:

- Exempts fiscally constrained counties from the solid waste goals and requirements for local governments. This exemption expires July 1, 2035.
- Creates a pilot project for Polk County, in coordination with the University of Florida, for recycled materials management. The project will identify collection, storage, and retention methods for recyclable materials. Regarding the pilot project, the bill provides the following: Polk County may join or contract with other entities to finance or implement the project, but the Legislature may not provide funding

assistance to the program; during the term of the pilot program, Polk County is exempt from solid waste goals and requirements for local governments; Polk County must periodically communicate and collaborate with DEP regarding the program's objectives and progress; and Polk County must submit a report to the Governor and Legislature by July 1, 2025, which must include the program's goals and progress, overviews of the methodologies used to identify and segregate the recyclable materials of greatest environmental benefit, funding sources for the program, estimated costs and benefits to Polk County of implementing practices revealed by the program, and a recommendation on practices revealed by the program.

- Repeals the pilot program on July 1, 2025.
- Revises the definition of "displacement" in requirements for local governments' collection services that displace a private waste company. The bill states that the term "displacement" does not include actions by which a local government, at the end of a franchise that the local government has granted to a private company, refuses to renew the franchise and either: grants a franchise or awards a contract to another company or companies, or decides to provide the collection service itself. The bill also states that the term "displacement" does not include situations where private companies are franchised to do business within a local government for a limited time and such franchise expires and is not renewed by the local government.

#### CS by Community Affairs on January 27, 2020:

The committee substitute:

- Removes the discretion of a local government to pay a displaced private waste company in lieu of providing a 3-year notice period and makes the 3-year notice mandatory.
- Requires a local government to pay a displaced private waste company an amount equal to the company's preceding 18 months' gross receipts for the displaced service at the end of the 3-year notice period.
- Removes a provision stating that a local government and a private waste company are not prohibited from voluntarily negotiating a different notice period or amount of compensation.
- B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate Comm: RCS 02/10/2020 House

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

Senate Amendment (with title amendment)

Delete lines 17 - 21

and insert:

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Section 1. Subsections (23) and (24) are added to section 403.706, Florida Statutes, to read:

403.706 Local government solid waste responsibilities.-(23) A fiscally constrained county, as defined in s. 218.67(1), is exempt from the goals and requirements of this

section. This subsection expires July 1, 2035.
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11	(24)(a) The Legislature finds that local governments,
12	regional solid waste management authorities, and government-
13	owned and privately owned waste management entities face
14	significant challenges in meeting this state's waste recycling
15	goals, as provided in subsection (2), due to a variety of
16	factors, including the diversity and magnitude of the waste
17	stream and the ever-changing global demand and market conditions
18	for recyclable materials. These factors make it necessary to
19	investigate other options for the management of recyclable
20	material resources to ensure the protection of the environment,
21	as well as limit the cost to the residents of this state for
22	solid waste collection and disposal.
23	(b) A recycled materials management pilot project is
24	created for Polk County, in coordination with the University of
25	Florida, to identify sustainable, environmentally responsible,
26	and cost-effective collection, storage, and retention methods
27	for recyclable materials which have limited economic or
28	industrial utility, but retain their potential to be
29	reintroduced into the market through an economically viable
30	recycling process.
31	(c) Polk County may join with one or more counties,
32	municipalities, special districts, publicly owned or privately
33	owned waste utilities, multijurisdictional water management
34	entities, or other entities in carrying out the pilot program
35	and may contract with other entities to finance or otherwise
36	implement the operation and maintenance of the pilot program.
37	The contracts may provide for contributions to be made by each
38	party to the contract for the division and apportionment of
39	resulting costs, including operations and maintenance, benefits,

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40	services, and products. The contracts may contain other
41	covenants and agreements necessary and appropriate to accomplish
42	their purposes. The Legislature will not provide any funding
43	assistance for the pilot program. However, this section may not
44	be construed so as to limit or prevent the University of Florida
45	or any other state entity wishing to participate in the pilot
46	program from providing in-kind services in furtherance of the
47	goals of the pilot program.
48	(d) During the term of the pilot program, Polk County is
49	exempt from meeting the goals and requirements set forth in this
50	section.
51	(e) Polk County shall periodically communicate and
52	collaborate with the department regarding specific objectives of
53	the pilot program, progress made in achieving such objectives,
54	and any conclusions that may be drawn from the program.
55	(f) Polk County shall submit a report to the Governor, the
56	President of the Senate, and the Speaker of the House of
57	Representatives by July 1, 2025, regarding the conclusions of
58	the pilot program. The report must include all of the following
59	information:
60	1. A description of the pilot program, including a summary
61	of its goals and an overview of the methodology used to identify
62	the specific recyclable materials that were determined to
63	provide the greatest environmental benefit and opportunity for
64	retention and later reintroduction to the recyclable materials
65	market.
66	2. An overview of the methodology implemented to segregate
67	the recyclable materials of greatest environmental benefit while
68	minimizing the handling and processing of recyclable materials



69	of low environmental benefit.
70	3. Any progress made in developing and implementing the
71	pilot program in comparison to the development and
72	implementation of other processes currently being used for the
73	collection, disposal, or reuse of the same recyclable materials.
74	4. The capital and operating costs Polk County estimates it
75	would expend to fully implement any economically feasible
76	recycling and solid waste management practices revealed by the
77	pilot program in comparison to the same estimated costs it would
78	expend to fully implement other alternative recycling and solid
79	waste management practices that counties, municipalities, or
80	special districts have implemented in this state.
81	5. The source of funds used in developing and implementing
82	the pilot program.
83	6. The benefits to Polk County and this state from
84	implementation of any economically viable recycling and solid
85	waste management practices revealed by the pilot program.
86	7. A recommendation as to whether any economically viable
87	recycling and solid waste management practices revealed by the
88	pilot program should be available as an acceptable alternative
89	to the traditional processes that counties, municipalities, or
90	special districts have used to manage recyclable materials and,
91	if so, identification of the statutory changes necessary to do
92	<u>so.</u>
93	(g) The pilot program and this subsection shall expire July
94	<u>1, 2025.</u>
95	Section 2. Paragraphs (a) and (c) of subsection (3) of
96	section 403.70605, Florida Statutes, are amended to read:
97	403.70605 Solid waste collection services in competition



98 with private companies.-

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(3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.-

(a) As used in this subsection, the term "displacement" means a local government's provision of a collection service which prohibits a private company from continuing to provide the same service that it was providing when the decision to displace was made. The term does not include:

1. Competition between the public sector and private companies for individual contracts;

2. Actions by which a local government, at the end of a contract with a private company <u>or at the end of any franchise a</u> <u>local government has granted to a private company</u>, refuses to renew the contract <u>or franchise</u> and either awards the contract <u>or grants a franchise</u> to another private company <u>or companies</u> or decides for any reason to provide the collection service itself;

3. Actions taken against a private company because the company has acted in a manner threatening to the public health or safety or resulting in a substantial public nuisance;

4. Actions taken against a private company because the company has materially breached its contract with the local government;

119 5. Refusal by a private company to continue operations 120 under the terms and conditions of its existing agreement during 121 the 3-year notice period;

6. Entering into a contract with a private company to provide garbage, trash, or refuse collection which contract is not entered into under an ordinance that displaces or authorizes the displacement of another private company providing garbage, trash, or refuse collection;

COMMITTEE AMENDMENT

Florida Senate - 2020 Bill No. CS for SB 996

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127	7. Situations in which a majority of the property owners in						
128	the displacement area petition the governing body to take over						
129	the collection service;						
130	8. Situations in which the private companies are						
131	franchised, licensed, or permitted to do business within the						
132	local government for a limited time and such <u>franchise</u> , license,						
133	or permit expires and is not renewed by the local government.						
134	This subparagraph does not apply to licensing or permitting						
135	processes enacted after May 1, 1999, or to occupational						
136	licenses; or						
137	9. Annexations, but only to the extent that the provisions						
138	of s. 171.062(4) apply.						
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140	======================================						
141	And the title is amended as follows:						
142	Delete lines 2 - 3						
143	and insert:						
144	An act relating to local government waste programs;						
145	amending s. 403.706, F.S.; exempting fiscally						
146	constrained counties from certain local government						
147	recycling goals and requirements; providing an						
148	expiration date for the exemption; providing						
149	legislative findings; creating a recycled materials						
150	management pilot program for Polk County, in						
151	coordination with the University of Florida, for a						
152	specified purpose; authorizing the county to						
153	collaborate with other local governmental and private						
154	entities to carry out and finance the pilot program;						
155	exempting Polk County from specified recycling						



156	provisions while participating in the pilot program;
157	requiring Polk County to communicate and collaborate
158	with the Department of Environmental Protection for
159	certain purposes; requiring Polk County to submit a
160	report containing specified information to the
161	Governor and the Legislature by a specified date;
162	providing for expiration of the pilot program;
163	amending s. 403.70605, F.S.; revising the definition
164	of the term "displacement"; requiring a

CS for SB 996

By the Committee on Community Affairs; and Senator Albritton

	578-02662-20 2020996c1						
1	A bill to be entitled						
2	An act relating to displacement of private waste						
3	companies; amending s. 403.70605, F.S.; requiring a						
4	local government to pay a specified amount of						
5	compensation to a displaced private waste company at						
6	the end of a specified notice period; removing a						
7	provision authorizing a local government to pay a						
8	specified amount of compensation to a private waste						
9	company as an alternative to delaying displacement for						
10	a specified period; removing a provision authorizing a						
11	local government and a private waste company to						
12	negotiate such compensation and notice period;						
13	providing an effective date.						
14							
15	Be It Enacted by the Legislature of the State of Florida:						
16							
17	Section 1. Paragraph (c) of subsection (3) of section						
18	403.70605, Florida Statutes, is amended to read:						
19	403.70605 Solid waste collection services in competition						
20	with private companies						
21	(3) DISPLACEMENT OF PRIVATE WASTE COMPANIES						
22	(c) Following the final public hearing held under paragraph						
23	(b), but not later than 1 year after the hearing, the local						
24	government may proceed to take those measures necessary to						
25	provide the service. The $A$ local government shall provide 3						
26	years' notice to the $\frac{1}{2}$ private company before it engages in the						
27	actual provision of the service that displaces the company. <u>At</u>						
28	the end of the 3-year notice period As an alternative to						
29	delaying displacement 3 years, the a local government shall may						

## Page 1 of 2

CODING: Words stricken are deletions; words underlined are additions.

1	578-02662-20 2020996c1
30	pay <u>the</u> a displaced company an amount equal to the company's
31	preceding $\underline{18}$ $\underline{15}$ months' gross receipts for the displaced service
32	in the displacement area. The 3-year notice period shall lapse
33	as to any private company being displaced when the company
34	ceases to provide service within the displacement area. <del>Nothing</del>
35	in this paragraph prohibits the local government and the company
36	from voluntarily negotiating a different notice period or amount
37	of compensation.
38	Section 2. This act shall take effect July 1, 2020.

## Page 2 of 2

CODING: Words stricken are deletions; words underlined are additions.

#### 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.)

Pre	pared By: The	Professior	nal Staff of the C	ommittee on Enviro	onment and Natur	al Resources
BILL:	SB 1706					
INTRODUCER:	Senator Mo	ntford				
SUBJECT:	Water Testi	ng for Po	ollution			
DATE:	February 7,	2020	REVISED:			
ANAL	YST	STAF	F DIRECTOR	REFERENCE		ACTION
. Schreiber		Rogers		EN	Favorable	
2.				AHS		
				AP		

#### I. Summary:

SB 1706 provides that if a government entity discovers or confirms pollution in an area which could impact certain drinking water systems and result in a violation of water quality standards then any potentially affected resident, business, or property owner may request the Department of Health (DOH) or its agents to test the water source for contamination relating to the pollution. If DOH receives such a request, DOH or its agents must collect or receive water samples from the system's water source and submit the samples to certain laboratories for contaminant analysis. The analysis must be completed as expeditiously as possible, but not later than seven business days after DOH's receipt of the request. DOH must provide information regarding the test results sufficient for the requesting party to understand whether the sample contains contaminants exceeding water quality standards.

The bill requires that certain money going into the County Health Department Trust Fund be used to pay the costs of expenditures for the section created by the bill.

#### II. Present Situation:

#### Florida Drinking Water Quality and Testing

Groundwater is the primary source of drinking water in Florida.<sup>1</sup> While most groundwater is naturally protected from contaminants, chemicals and microorganisms can reach drinking water sources due to pollution from a range of human activities.<sup>2</sup> Consumption of contaminated

<sup>&</sup>lt;sup>1</sup> South Florida Water Management District, *Groundwater Modeling*, <u>https://www.sfwmd.gov/science-data/gw-modeling</u> (last visited Feb. 4, 2019).

<sup>&</sup>lt;sup>2</sup> Florida Department of Health in Charlotte County, *Private Well Testing*, <u>http://charlotte.floridahealth.gov/programs-and-services/environmental-health/private-well-testing/index.html</u> (last visited Feb. 4, 2020); DEP, *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern (last visited Feb. 4, 2020).

drinking water results in thousands of cases of illness each year and can even be fatal.<sup>3</sup> Water quality testing can make people aware of contaminants in their drinking water, protect public health and safety, and enhance corrective action.

Under Florida's drinking water laws, a "well" is defined as any excavation that is drilled, dug, or otherwise constructed with the intended use of locating, acquiring, or developing groundwater.<sup>4</sup> The Department of Environmental Protection (DEP) delegates to the water management districts authority to issue permits for the location, construction, repair, and abandonment of water wells.<sup>5</sup> Under state regulations, a "water system" is the mechanical and electrical assembly of one or more pumps, pipes, storage structures, treatment equipment, and distribution network meant to provide water to the plumbing of a building or premises.<sup>6</sup> In general, Florida regulates drinking water quality by regulating the entire "water system" that provides water to a building for human consumption, and this includes the well. The term "private well" is often used interchangeably with other terms for small, private water systems.

The Safe Drinking Water Act is the federal law that protects public drinking water supplies.<sup>7</sup> It applies to "public water systems," which are defined as having at least 15 service connections or serving at least 25 individuals.<sup>8</sup> The Safe Drinking Water Act is implemented by the United States Environmental Protection Agency (EPA).<sup>9</sup> Federal law does not regulate private wells or provide recommended criteria or standards for individual wells, and the EPA generally states that private well owners are responsible for the safety of their water.<sup>10</sup> The EPA delegates authority to the state of Florida to adopt and enforce Florida's drinking water standards pertaining to public water systems.<sup>11</sup> DEP has the primary role of regulating public water systems in Florida.<sup>12</sup>

<sup>8</sup> 42 U.S.C. s. 300f(4)(A).

<sup>&</sup>lt;sup>3</sup> Florida Department of Health in Charlotte County, *Private Well Testing*, <u>http://charlotte.floridahealth.gov/programs-and-services/environmental-health/private-well-testing/index.html</u> (last visited Feb. 4, 2020).

<sup>&</sup>lt;sup>4</sup> Section 373.303(7), F.S. A "well" is defined as "any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development, or artificial recharge of groundwater, but such term does not include any well for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying; for inserting media to dispose of oil brines or to repressure oil-bearing or natural gas-bearing formation; for storing petroleum, natural gas, or other products; or for temporary dewatering of subsurface formations for mining, quarrying, or construction purposes."

<sup>&</sup>lt;sup>5</sup> Section 373.308, F.S.; Fla. Admin. Code Ch. 40A-3; Fla. Admin. Code Ch. 40B-3; Fla. Admin. Code Ch. 40C-3; Fla. Admin. Code Ch. 40D-3; Fla Admin. Code Ch. 40E-3.

<sup>&</sup>lt;sup>6</sup> Fla. Admin. Code R. 64E-8.001. A "water system" is defined as "the mechanical and electrical assembly of one or more pumps, pipes, storage structures, treatment equipment, and distribution network meant to provide water to the plumbing of a building or premise. For the purposes of this chapter, except as described in subsection 64E-8.007(8), F.A.C., a water system does not include any connections after a master water meter where the water is obtained from a public water system that is covered or included in the Florida Safe Drinking Water Act, the water is not treated, collected or resold after the master water meter, and the end user is not a carrier which conveys passengers in interstate commerce."

<sup>&</sup>lt;sup>7</sup> 42 U.S.C. s. 300f, *et seq.*; U.S. EPA, *Safe Drinking Water Act (SDWA)*, <u>https://www.epa.gov/sdwa</u> (last visited Feb. 4, 2020).

<sup>&</sup>lt;sup>9</sup> U.S. EPA, *Laws and Regulations, Summary of the Safe Drinking Water Act*, <u>https://www.epa.gov/laws-regulations/summary-safe-drinking-water-act</u> (last visited Feb. 4, 2020).

 <sup>&</sup>lt;sup>10</sup> U.S. EPA, *Private Drinking Water Wells*, <u>https://www.epa.gov/privatewells</u> (last visited Feb. 4, 2020).
 <sup>11</sup> Chapter 403, pt. IV, F.S.

<sup>&</sup>lt;sup>12</sup> DEP, Source & Drinking Water Program, <u>https://floridadep.gov/water/source-drinking-water</u> (last visited Feb. 4, 2020).

#### Page 3

### Florida Safe Drinking Water Act

The Florida Safe Drinking Water Act (FSDWA) establishes a water supply program implemented by DEP, and the Department of Health (DOH) and its county health departments, to assure the availability of safe drinking water.<sup>13</sup> The FSDWA, like the federal law, applies to public water systems that have at least 15 service connections or regularly serve at least 25 individuals.<sup>14</sup> Approximately 88% of Florida's residents are served by public water systems covered by the FSDWA.<sup>15</sup>

DEP adopts and enforces drinking water standards that apply to public water systems.<sup>16</sup> DEP rules contain the drinking water standards, monitoring requirements, and treatment techniques required of these systems.<sup>17</sup> In seven Florida counties, DEP delegates to DOH the authority to fully implement drinking water quality standards in public drinking water systems.<sup>18</sup> DOH implements a certification program for laboratories that perform analyses of drinking water samples.<sup>19</sup> When a public water system in Florida is not in compliance with the requirements of the FSDWA the owner or operator of the system is required to notify DEP, the local public health departments, and the communications media serving the area.<sup>20</sup>

#### Smaller Water Systems

Many water systems in Florida are too small to fit the FSDWA's definition of a public water system. DOH has general supervision and control over water systems not covered under the FSDWA.<sup>21</sup> These smaller water systems are regulated under the following definitions:

- "Private water system" a water system that provides piped water for one or two residences, one of which may be a rental residence.
- "Multifamily water system" a water system that provides piped water to three or four residences, one of which may be a rental residence.
- "Limited use commercial public water system" a public water system not covered under the FSDWA, serving one or more nonresidential establishments and providing piped water.

<sup>&</sup>lt;sup>13</sup> Sections 403.850-403.864, F.S.; Fla. Admin. Code chapters 62-550, 62-555, 62-560, and 64E-8.

<sup>&</sup>lt;sup>14</sup> Section 403.852(2), F.S. Under Florida law, the term "public water system" is defined as "a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system is either a community water system or a noncommunity water system. The term 'public water system' includes: (a) Any collection, treatment, storage, and distribution facility or facilities under control of the operator of such system and used primarily in connection with such system."

<sup>&</sup>lt;sup>15</sup> DOH, *Private Well Testing: Private Well Owner's Guide*, <u>http://www.floridahealth.gov/environmental-health/private-well-testing/index.html</u> (last visited Feb. 4, 2020).

<sup>&</sup>lt;sup>16</sup> Section 403.853, F.S; Fla. Admin. Code Ch. 62-550.

<sup>&</sup>lt;sup>17</sup> Fla. Admin. Code Ch. 62-550.

<sup>&</sup>lt;sup>18</sup> DOH, *Public Drinking Water Systems in Florida*, <u>http://www.floridahealth.gov/environmental-health/drinking-water/public-drinking-water-systems.html</u> (last visited Feb. 4, 2020).

<sup>&</sup>lt;sup>19</sup> Sections 403.863 and 403.8635, F.S.; *see* Fla. Admin. Code ch. 64E-1.

<sup>&</sup>lt;sup>20</sup> Section 403.857, F.S.

<sup>&</sup>lt;sup>21</sup> Section 381.0062(2), F.S.

• "Limited use community public water system" - a public water system not covered under the FSDWA, serving five or more residences, or two or more rental residences, providing piped water.<sup>22</sup>

Limited use public water systems are subject to monitoring schedules and specific water quality standards, maintained through sampling coordinated by the owner or operator of the water system.<sup>23</sup> When a sample analysis reveals contamination in limited use public water systems, corrective actions must be taken by the owner or operator of the system, including disinfection of the system and public notification to caution consumers.<sup>24</sup> DOH requires water quality testing and the clearance of certain standards during the construction of new multi-family water systems.<sup>25</sup> However, while all public water systems in Florida are required to perform routine testing to maintain state drinking water standards, private well owners are responsible for ensuring that the water in their systems is safe to drink.<sup>26</sup>

DEP responds to pollutants entering surface and ground waters, and maintains programs to restore contaminated potable water supplies.<sup>27</sup> Together, DEP and DOH implement a Well Surveillance Program that monitors and identifies threats to drinking water supplies, ensures that contaminated sites posing the greatest risk get cleaned up first, and prevents long-term consumption of contaminated drinking water.<sup>28</sup> The two main activities of the program are surveys to find drinking water wells around areas of known or suspected contamination, and sampling for contamination.<sup>29</sup> Priority is given to areas around wells where elevated levels of contamination appear to pose a public health threat, followed by wells in areas near reported contamination sites that have not yet been investigated.<sup>30</sup> Since 2005, the program has identified over 4,400 wells with chemical concentrations that exceed state or federal drinking water standards.<sup>31</sup> Private and other small wells with water sampling results showing certain levels of contamination are eligible for assistance through DEP's Water Supply Restoration Program.<sup>32</sup>

<sup>&</sup>lt;sup>22</sup> Section 381.0062(1)(e), (f), (h), and (k), F.S.; *see* DOH, *Limited Use Wells*, <u>http://www.floridahealth.gov/environmental-health/drinking-water/limited-use-wells.html</u> (last visited Mar. 14, 2019).

<sup>&</sup>lt;sup>23</sup> Fla. Admin. Code R. 64E-8.006.

 $<sup>^{\</sup>rm 24}$  Fla. Admin. Code Rules 64E-8.007 and 64E-8.008.

<sup>&</sup>lt;sup>25</sup> Fla. Admin. Code R. 64E-8.003.

<sup>&</sup>lt;sup>26</sup> DOH, *Private Well Testing: Private Well Owner's Guide*, <u>http://www.floridahealth.gov/environmental-health/private-well-testing/index.html</u> (last visited Feb. 4, 2020).

<sup>&</sup>lt;sup>27</sup> Section 376.30(3), F.S.

<sup>&</sup>lt;sup>28</sup> DOH, *Well Surveillance Program*, <u>http://www.floridahealth.gov/environmental-health/drinking-water/well-surveys.html</u> (last visited Feb. 4, 2020); *see also* DEP, *Petroleum Cleanup Participation Program (PCPP)*,

https://floridadep.gov/waste/petroleum-restoration/content/petroleum-cleanup-participation-program-pcpp (last visited Feb. 4, 2020).

<sup>&</sup>lt;sup>29</sup> DOH, *Well Surveillance Program*, <u>http://www.floridahealth.gov/environmental-health/drinking-water/well-surveys.html</u> (last visited Feb. 4, 2020).

<sup>&</sup>lt;sup>30</sup> DEP, *Private Well Water Sampling*, <u>https://floridadep.gov/wra/water-supply-restoration/content/private-well-water-sampling</u> (last visited Feb. 4, 2020).

<sup>&</sup>lt;sup>31</sup> DOH, *Well Surveillance Program*, <u>http://www.floridahealth.gov/environmental-health/drinking-water/well-surveys.html</u> (last visited Feb. 4, 2020).

<sup>&</sup>lt;sup>32</sup> DEP, Water Supply Restoration, <u>https://floridadep.gov/wra/water-supply-restoration</u> (last visited Feb. 5, 2020).

County health departments are units of DOH that are located in each of Florida's 67 counties.<sup>33</sup> They are state-local partnerships created to protect and improve public health and safety through "a system of coordinated county health department services."<sup>34</sup> Each county government enters into a contract annually with DOH that specifies the services to be provided and the revenues that will fund the services.<sup>35</sup> The state maintains the County Health Department Trust Fund.<sup>36</sup> This trust fund contains all state and local funds that are expended by county health departments, and these funds are expended in accordance with budgets and plans agreed on by DOH and each county.<sup>37</sup>

Fees from permitting the construction, alteration, or operation of public water systems, and administrative penalties assessed for violations of the FSDWA, are deposited into the County Health Department Trust Fund.<sup>38</sup> Such funds must then be used by DOH for paying the costs of expenditures required to carry out its responsibilities for: water systems not covered under the FSDWA, and county health departments' regulating and monitoring public water systems.<sup>39</sup>

Private well owners can consult their local county health department for how to test their own well, and the cost is usually around \$20-30 per sample if the well owner collects the water samples.<sup>40</sup> In some cases, local health department staff can come to a home and collect the samples, generally for an additional fee of \$30-\$40 per visit.<sup>41</sup> DOH strongly recommends that private well owners test their water at least once a year for contaminants such as bacteria, nitrates, and arsenic.<sup>42</sup> Private laboratories that have been certified by the state are also available to perform water testing.<sup>43</sup> DOH advises well owners to contact county health departments to assess the need for testing their water and to seek help from county health departments to understand test results and respond to findings of contamination.<sup>44</sup> In some cases, DOH may be able to do testing for certain toxic substances free of charge.<sup>45</sup>

## III. Effect of Proposed Changes:

Section 1 creates s. 381.00621, F.S., entitled "Testing for contamination."

<sup>&</sup>lt;sup>33</sup> Chapter 154, part I, F.S.; DOH, *County Health Departments*, <u>http://www.floridahealth.gov/programs-and-services/county-health-departments/index.html</u> (last visited Feb. 4, 2020).

<sup>&</sup>lt;sup>34</sup> Section 154.001, F.S.

<sup>&</sup>lt;sup>35</sup> DOH, *County Health Departments*, <u>http://www.floridahealth.gov/programs-and-services/county-health-departments/index.html</u> (last visited Feb. 4, 2020).

<sup>&</sup>lt;sup>36</sup> Section 154.02(2), F.S.

<sup>&</sup>lt;sup>37</sup> Section 154.02(3), F.S.

<sup>&</sup>lt;sup>38</sup> Sections 381.0063, 403.860(5), and 403.861(7)(a), F.S.

<sup>&</sup>lt;sup>39</sup> Section 381.0063, F.S.; see ss. 381.0062 and 403.862(1)(c), F.S.

<sup>&</sup>lt;sup>40</sup> DOH, *Private Well Testing: How and When to Test*, <u>http://www.floridahealth.gov/environmental-health/private-well-testing/index.html</u> (last visited Feb. 4, 2020).

 $<sup>^{41}</sup>$  *Id*.

<sup>&</sup>lt;sup>42</sup> *Id*.

<sup>&</sup>lt;sup>43</sup> DOH, *National Environmental Laboratory Accreditation Program*, <u>http://www.floridahealth.gov/licensing-and-regulation/environmental-laboratories/environmental-laboratory-certification/nelap.html</u> (last visited Feb. 4, 2020).

<sup>&</sup>lt;sup>44</sup> DOH, *Private Well Testing: How and When To Test*, <u>http://www.floridahealth.gov/environmental-health/private-well-testing/index.html</u> (last visited Feb. 4, 2020).

The bill defines the term "pollution," as used in the section of law created by the bill, to mean: "the presence in the outdoor land, air, or waters of the state of any substance, contaminant, or manmade or human-induced impairment or alteration of the chemical, physical, biological, or radiological integrity of a water source in quantities that are or may be potentially harmful or injurious to human health or welfare."

The bill provides that if a government entity discovers or confirms that pollution exists in an area which could impact a private water system, multifamily water system, or public water system not subject to the Florida Safe Drinking Water Act, and result in a violation of water quality standards adopted by the Department of Health (DOH) or the Department of Environmental Protection, any potentially affected resident, business, or property owner may request DOH or its agents to test the water source for contamination relating to the pollution identified by the government entity.

If DOH receives such a request, DOH or its agents must collect or receive water samples from the system's water source, and submit the samples to a DOH laboratory or a DOH-certified drinking water laboratory for contaminant analysis. Water samples received by DOH for such analysis must be collected using methods acceptable to DOH. The analysis must be completed as expeditiously as possible, but not later than seven business days after DOH's receipt of the request. DOH must provide information regarding the test sufficient for a resident, business, or property owner making the request and receiving the results to understand whether the sample contains contaminants that exceed water quality standards.

**Section 2** amends s. 381.0063, F.S., which requires revenue from permitting fees for public water systems and certain administrative penalties to be deposited into the County Health Department Trust Fund to pay the costs of DOH carrying out its responsibilities under the Florida Safe Drinking Water Act. The bill adds paying the costs of expenditures pursuant to s. 381.00621, F.S., to the authorized uses of the funds in the County Health Department Trust Fund.

Section 3 states that the act takes effect July 1, 2020.

#### 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:

Residents, businesses, and property owners with water systems that are not regulated under the Florida Safe Drinking Water Act often have to pay the costs of testing their water system or the cost of having someone else test their water system. This bill would prevent such costs from being incurred. Therefore, the bill may result in an indeterminate, positive fiscal impact on the private sector.

C. Government Sector Impact:

This bill requires DOH and its agents, in certain situations, to conduct testing of water systems, and to communicate the results of the testing. This may result in DOH and/or its agents incurring additional costs. The bill likely has an indeterminate, negative fiscal impact on DOH.

#### VI. Technical Deficiencies:

None.

#### VII. Related Issues:

None.

#### VIII. Statutes Affected:

This bill substantially amends section 381.0063 of the Florida Statutes.

This bill creates section 381.00621 of the Florida Statutes.

#### IX. Additional Information:

A. Committee Substitute – Statement of Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

### B. Amendments:

None.

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

By Senator Montford

	3-00505A-20 20201706							
1	A bill to be entitled							
2	An act relating to water testing for pollution;							
3	creating s. 381.00621, F.S.; defining the term							
4	"pollution"; authorizing specified persons or							
5	businesses that suspect contamination of their private							
6	water systems, multifamily water systems, or certain							
7	public water systems to request that the Department of							
8	Health or its agents test such source for pollution,							
9	under certain circumstances; requiring such testing to							
10	be done within a specified timeframe and follow							
11	certain procedures; amending s. 381.0063, F.S.;							
12	revising the specified purposes that funds in a County							
13	Health Department Trust Fund may be used for to							
14	include the costs and expenditures related to certain							
15	water testing provisions; providing an effective date.							
16								
17	Be It Enacted by the Legislature of the State of Florida:							
18								
19	Section 1. Section 381.00621, Florida Statutes, is created							
20	to read:							
21	381.00621 Testing for contamination							
22	(1) DEFINITIONAs used in this section, the term							
23	"pollution" means the presence in the outdoor land, air, or							
24	waters of the state of any substance, contaminant, or manmade or							
25	human-induced impairment or alteration of the chemical,							
26	physical, biological, or radiological integrity of a water							
27	source in quantities that are or may be potentially harmful or							
28	injurious to human health or welfare.							
29	(2) WATER TESTING.—							

## Page 1 of 3

CODING: Words stricken are deletions; words underlined are additions.

1	3-00505A-20 20201706							
30	(a) If a governmental entity discovers or confirms that							
31	pollution exists in an area which could impact a private water							
32	system, multifamily water system, or public water system not							
33	subject to the Florida Safe Drinking Water Act, and result in a							
34	violation of water quality standards adopted by the department							
35	or the Department of Environmental Protection, any potentially							
36	affected resident, business, or property owner may request the							
37	department or its agents to test the water source for							
38	contamination relating to the pollution identified by the							
39	governmental entity.							
40	(b) If the department receives a request under paragraph							
41	(a), the department or its agents must collect water samples							
42	from the system's water source, or receive water samples from							
43	the system's water source collected using methods acceptable to							
44	the department, and submit the samples to a department							
45	laboratory or a department-certified drinking water laboratory							
46	for contaminant analysis. The analysis must be completed as							
47	expeditiously as possible, but not later than 7 business days							
48	after the department's receipt of a request under paragraph (a).							
49	(c) The department must provide information sufficient for							
50	a resident, business, or property owner who makes a request and							
51	receives the results of testing done under this section to							
52	understand whether the sample contains contaminants that exceed							
53	water quality standards.							
54	Section 2. Section 381.0063, Florida Statutes, is amended							
55	to read:							
56	381.0063 Drinking water fundsAll fees and penalties							
57	received from suppliers of water pursuant to ss. 403.860(5) and							
58	403.861(7)(a) shall be deposited in the appropriate County							
I								

## Page 2 of 3

CODING: Words stricken are deletions; words underlined are additions.

	3-00505A-20 20201706						
59	Health Department Trust Fund to be used by the department to pay						
60	the costs of expenditures required pursuant to ss. 381.0062 <u>,</u>						
61	<u>381.00621,</u> and 403.862(1)(c).						
62	Section 3. This act shall take effect July 1, 2020.						

	THE FLOR	RIDA SENATE		
	APPEARAN	ICE RECO	RD	
February 10, 2020 (Delive	r BOTH copies of this form to the Senator	or Senate Professional St	taff conducting the meeting)	996
Meeting Date			7527	Bill Number (if applicable)
Topic Displacement of Pr	ivate Waste Companies		Amen	dment Barcode (if applicable)
Name Edgar G. Fernande	Z			
Job Title				
Address 201 W Park Aver	nue, Suite 100		Phone 786 255-5755	
Street Tallahassee	FL	32301		Anfieldflorida.com
City	State	Zip		
Speaking: For Aga	ainst Information		peaking: In S ir will read this inform	upport Against
Representing Polk Co	unty	κ.		
Appearing at request of Ch	air: 🗌 Yes ✔ No	Lobbyist registe	ered with Legislat	ture: 🖌 Yes 🗌 No
While it is a Sonata tradition to a	nourage public testimony time	move not normit all	noroono wiching to	and the beautiest this

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S-001 (10/14/14)

Duplicate

THE FLORIDA S	ENATE
APPEARANCE	RECORD
(Deliver BOTH copies of this form to the Senator or Sena <u>Feb</u> <u>O</u> <u>2020</u> Meeting Date	te Professional Staff conducting the meeting) SB 99 ( Bill Number (if applicable)
Topic Displacement of Private	Waste Amendment Barcode (if applicable)
Name Janelle Christensen	
Job Title President Den Environ	mental Cancers of FL
Address 5544 Pernod Drive	Phone
Street FI Mygy J FL 3 City State	3919 Email president DECFE
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 Yes Lob	byist registered with Legislature: 🗌 Yes 🏹 No

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THE FLORIDA SENATE
APPEARANCE RECORD
(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) <u>Feb 10,2020</u> Meeting Date <u>Sol 13,00</u> Bill Number (if applicable)
Topic FL Threatened & Endengered Species <u>217556</u> Amendment Barcode (if applicable)
Name Janelle Christensen
Job Title President Democratic Environmental Caucers of FL
Address 5544 Porned Phone Phone
Ft Myrs FL 33919 Email President DECFO State Zip Email President DECFO
Speaking: For Against Information Waive Speaking: In Support Against ( <i>The Chair will read this information into the record.</i> )
Representing
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes Ko

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Тне	FLORIDA SENATE
2/10/2020 (Deliver BOTH copies of this form to the Se	ANCE RECORD enator or Senate Professional Staff conducting the meeting)
Meeting Date Topic <u>Enclangened Speciels</u> Name Hather Hunter	$\frac{15(\alpha)}{Bill Number (if applicable)}$ $\frac{21755(\beta)}{Amendment Barcode (if applicable)}$
Job Title President Florida Colle	ege Democras
Address <u>114 HUNHER SF</u> <u>Street</u> <u>City</u> State	Phone (386) 898-6528 32303 Email Munterheather 20@
Speaking: For Against Information	Zip graitice Waive Speaking: 1 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.
While it is a Senate tradition to encourage public testimony	time many set of the the

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

ENR 37		a baran di dibubba badan kutan kutan kutan bagi kutan dan kutan di di da kutan di daka da da da da kutan kutan
е На страна с	THE FLORIDA SENATE	
Deliver BOTH copies Meeting Date	APPEARANCE RECO of this form to the Senator or Senate Professional S	Staff conducting the meeting) <i>1360</i> <i>Bill Number (if applicable)</i>
Topic NameAVID CU	LEN	Amendment Barcode (if applicable)
Job Title		
Address <u>lou - Cr</u>	est St	Phone 941-323-2404
City City	EL 32301 State Zip	Email cullengseg @col-
Speaking: For Against	Information Waive Sp (The Chai	Deaking: 1 In Support Against ir will read this information into the record.)
Representing	A LOB TLOP	2 $c$ $D$ $k$
Appearing at request of Chair: Ye	es UNo Lobbyist registe	ered with Legislature: 🏹 Yes 🗌 No
While it is a Senate tradition to oppour	blie te climana (	

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THE FLORIDA SENATE	
APPEARANCE RECORD         (D       20         Meeting Date       (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)	Bill Number (if applicable)
Topic Florida Endangened + Inreatened Species	
Topic <u>Florida Endangened + Inreatened Species</u> Amend Name <u>Ryann</u> Lynn	lment Barcode (if applicable)
Job Title Advocate	
Address <u>412</u> W Jefferson St Phone <u>847</u> -	644-7929
<u>Tallahassee</u> FL <u>32301</u> Email <u>rlyna</u>	environment Florido,
Speaking:     For     Against     Information     Waive Speaking:     In Su (The Chair will read this information)	
Representing Environment Florida	,
Appearing at request of Chair: Yes No Lobbyist registered with Legislatu While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to sp meeting. Those who do speak may be asked to limit their remarks so that as menuty and	
c and as many persons as possible c	an be heard.
This form is part of the public record for this meeting.	S-001 (10/14/14)

	DRIDA SENATE	,
$\frac{\partial \left( \bigcirc \begin{array}{c} \partial \end{array} \right)}{\partial O}$ (Deliver BOTH copies of this form to the Senator Meeting Date	NCE RECO	Staff conducting the meeting) <i>1360</i> <i>Bill Number (if applicable)</i>
Topic <u>Gudangered Species</u>		Amendment Barcode (if applicable)
Name Lindsay Cross		
Job Title Government Relations Deree	for	
Address 1700 Monroe 11-286		Phone
Tully Th City State	32303 Zip	Email lindsay cfcvoters.org
Speaking: For Against Information	Waive Sp (The Chai	peaking: In Support Against ir will read this information into the record.)
Representing Florida Conservation,	voters	
Appearing at request of Chair: 🗌 Yes 🕅 No	Lobbyist registe	ered with Legislature: 🔀 Yes 🗌 No
While it is a Senate tradition to encourage public testimony, time meeting. Those who do speak may be asked to limit their remar	e may not permit all ks so that as many p	persons wishing to speak to be heard at this persons as possible can be heard.

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

THE FLORIDA SENATE	
2-16-20 (Deliver BOTH copies of this form to the Senator or Senate Professional St	
Meeting Date	Bill Number (if applicable)
Topic Endangend Species	Amendment Barcode (if applicable)
Name Sue Mullins	
JOB TITLE FL NATIVE PLANT SOCIETY	, LOBBYIST
Address 113 5 Monroe St	Phone 850 590-8000
Street 724 32301	Email brue mullins OUHook . Com
City State Zip	
	eaking: 🚺 In Support 🔄 Against 🗇 will read this information into the record.)
Representing FLOPIDA NATIVE PLANT ST	JUBTO
Appearing at request of Chair: Yes VNo Lobbyist registe	ered with Legislature: Yes No

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

THE FL	ORIDA SENATE
APPEARA	NCE RECORD
$\frac{2 - 16 - 20}{Meeting Date}$ (Deliver BOTH copies of this form to the Senat	for or Senate Professional Staff conducting the meeting) / 3 7 & Bill Number (if applicable)
Topic PORTINg SALety	520256
Name Bonnie Bas HAM	Amendment Barcode (if applicable)
Job Title	
Address 133 OFT St. #15	Phone <u>850-933-7277</u>
Tallahassee, H 3 City State	Zip Email CAp, tal. 1 dease Att. Nit
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing <u>BOAT</u> U.S.	
Appearing at request of Chair: Yes No While it is a Senate tradition to encourage public testimony, time meeting. Those who do speak may be asked to limit their remar	Lobbyist registered with Legislature: Yes No e may not permit all persons wishing to speak to be heard at this rks so that as many persons as possible can be beard

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

THE FLORIDA SENATE
APPEARANCE RECORD
210       20         Meeting Date       (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)         ISTS         Bill Number (if applicable)
Topic VESSELSSZO256
Name SHARKEN
Job Title Prosent Copital Allanep Group
Address ULE COLLE M. Phone 82 24 1660
Street Finile Finile
Speaking:       For       Against       Information       Waive Speaking:       In Support       Against         (The Chair will read this information into the record.)
Representing City of ST Petersburg
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENAT	ΓΕ
(Deliver BOTH copies of this form to the Senator or Senate Profe	ECORD essional Staff conducting the meeting)
	1378
Meeting Date	Bill Number (if applicable)
Topic Vesseus	Amendment Baraada (if applicable)
Name Tory WRIGHT	Amendment Barcode (if applicable)
Job Title LIEUTERIANT	
Address 2500 W Coconine DR	Phone 407-259-7448
ORCANDO, FZ 32804 CityState Zip	Email antorio. Wright Cocfl. net
Speaking: For Against Information Wa	aive Speaking: In Support Against
Representing ORANGE Country SHERIFY'S	OFACE
	registered with Legislature: Yes No
While it is a Senate tradition to oncourage public testing of the	,

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

	THE FLO	RIDA SENATE	
2 - 10 - 20 Meeting Date	(Deliver BOTH copies of this form to the Senator	NCE RECORD r or Senate Professional Staff conducting the	e meeting) 378 Bill Number (if applicable)
Торіс			Amendment Barcode (if applicable)
Name JERRY	1 PAUL		
Job Title			
Address		Phone 2	350-386-5267
		Email	
City	State	Zip	
Speaking: For	Against Information	Waive Speaking: (The Chair will read this	In Support Against information into the record.)
Representing	MULTIPLE CRUISING	ASSOCIATIONIS (A	IGLCA, ETC)
Appearing at reques	st of Chair: 🔄 Yes 📈 No	Lobbyist registered with Le	egislature: 🔀 Yes 🗌 No

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

THE FLORIDA SENATE	•
APPEARANCE RECORD	
(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting t Meeting Date	the meeting) IS72
	Bill Number (if applicable)
Topic POLITICAL CLIMATE CHAMGE / FEE (SIMPLE) TITLE	Amendment Barcode (if applicable)
Name DAVID BALLAND GEDDIS JA	
Address <u>802 GEOMAIN AVE</u> Phone (	727) 483-1330
Prim Hunden FL 3463 Email g City State Zip	Jeddisdavid C YAHOO. Com
Speaking: For Against X Information Waive Speaking: ( <i>The Chair will read th</i>	In Support Against
Representing <u>SELF</u>	
Appearing at request of Chair: Yes 🔀 No Lobbyist registered with L	_egislature: Yes 🔀 No

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(Deliver BOTH copies of this form to the Senator or Senate Professional Sta Feb 10,2020 Meeting Date	aff conducting the meeting) $\frac{SR1572}{Bill Number (if applicable)}$
Topic <u>Climate Change</u>	Amendment Barcode (if applicable)
Name Janelle Christensen	
Job Title President Den Environmental	Cancus of FL
Address 5544 Pernod Drive	Phone
FI Mars FL 33919 City State Zip	Email president DFCFO gmail. Com
	eaking: In Support Against
Representing	:
Appearing at request of Chair: Yes No Lobbyist registe	red 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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$\mathcal{L}/\mathcal{O}/\mathcal{O}$ (Deliver BOTH copies of this form to the Senator or Se	enate Professional Staff conducting the meeting) $157\lambda$
'Meeting Date	Bill Number (if applicable)
TOPIC <u>CLIMATE</u> CHANGE	Amendment Barcode (if applicable)
Name JONATHAN WEBBER	
Job Title Deputy Director	
Address 1700 N. Morive st. #11-286	Phone <u>954-593-4449</u>
	32303 Email JWEBBER@ FCUOTERS. Org
Speaking: For Against Information	Zip Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing FLORIDA CONSERVATION	J VOTERS
Appearing at request of Chair: Yes No Lo	bbyist registered with Legislature: 🔀 Yes 🗌 No
While it is a Senate tradition to encourage public testimony, time ma meeting. Those who do speak may be asked to limit their remarks s	

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ENR 37

2/10/26 Meeting Date (Deliver BOTH copies of this form to the Senator or Senate Professional S	Staff conducting the meeting) $\frac{5572}{Bill Number (if applicable)}$
Topic	Amendment Barcode (if applicable)
Name DAVID CULLEN	
Job Title	
Address 104-2 Coast St	Phone 841-323-2404
City FL 3230/ State Zip	Email <u>cullens space</u>
Speaking:    For    Against    Information    Waive Speaking:      (The Chain	beaking: In Support Against ir will read this information into the record.)
Representing SIERRA LUB ELOI	ZIDA
Appearing at request of Chair: Yes No Lobbyist regist	ered 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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(Deliver BOTH copies of this form to the Senator or Senate Profession	al Staff conducting the meeting) $1572$
'Meeting Date	Bill Number (if applicable)
Topic <u>Climente</u> Chaneze	Amendment Barcode (if applicable)
Name Ryann Lynn	
Job Title Advocate	
Address <u>412 W Jefferson St</u>	Phone 847-644-7929
<u>Tallahasesa</u> FL 32301 City State Zip	_ Email rynn @ environmentflorida
Speaking: For Against Information Waive	e Speaking: In Support Against Chair will read this information into the record.)
Representing Environment Florida	
Appearing at request of Chair: Yes 🕅 No. Lobbyist reg	istered with Legislature: 🖉 Yes 🗌 No
While it is a Senate tradition to encourage public testimony, time may not permit meeting. Those who do speak may be asked to limit their remarks so that as ma	all persons wishing to speak to be heard at this ny persons as possible can be heard.

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	THE FLORIDA SENAT	E	
APPE	EARANCE RI	ECORD	
(Deliver BOTH copies of this form Meeting Date	i to the Senator or Senate Prof	essional Staff conducting the	$\frac{5B157Q}{Bill Number (if applicable)}$
Topic <u>Climate Change</u>			Amendment Barcode (if applicable)
Name Salome Garcia			
Job Title <u>Program</u> Mar Address <u>124 marriet Di</u>	nager		
Address 124 marriet Di	· #104	Phone 7	106 3875111
Street Taltahassey F City St	L 32.30 Tate Zip	<u>03</u> Email <u>5α</u>	lome @ cleoinstitute
Speaking: For Against Inform			In Support Against information into the record.)
Representing The CLEO	Instituty	2	/
Appearing at request of Chair: Yes	]No Lobbyist	registered with Le	egislature: 🗌 Yes 🚺 No
While it is a Senate tradition to encourage public tes	timony, time may not p	ermit all persons wish	ing to speak to be heard at this

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2-10-2020	an opricability the	1572
Meeting Date	and the second second	Bill Number (if applicable)
Topic Name <u>Richard Pinsky</u>	-	Amendment Barcode (if applicable)
Job Title		
Address 106 E College Ave # 1200	Phone	
Tallabassee FL 32301 City State Zip	Email	
Speaking: For Against Information Waive Sp (The Chai	-	In Support Against
Representing Florida Solar Energy Indust	ries A	tssociation
	ered with Le	egislature: Yes No
While it is a Senate tradition to encourage public testimony, time may not permit all meeting. Those who do speak may be asked to limit their remarks so that as many	persons wish persons as po	ing to speak to be heard at this ossible can be heard.

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THE FLORIDA SENATE APPEARANCE RECO	RD	•
(Deliver BOTH copies of this form to the Senator or Senate Professional S Meeting Date	taff conducting the me	_ 1106
Topic In Suspect, EXONDER#12803 ~ MERCURY "IN PINELLAS Name DAVID BALLARD GEODIS JR.	WATON AI	Bill Number (if applicable) mendment Barcode (if applicable)
Job Title		
Address BOZ GREATLAN AUE	Phone $(127)$	483-1330
Speaking: For Against Information Waive Sp	eaking:	Sdavid @ YnHav, com
Representing <u>SELF</u>		
Appearing at request of Chair: Yes No Lobbyist register	red with Legis	lature: Yes 🖄 No
While it is a Senate tradition to encourage public testimony, time may not permit all p meeting. Those who do speak may be asked to limit their remarks so that as many p	ersons wishing to	o speak to be heard at this
This form is part of the public record for this meeting.		

THE FLORIDA SENATE	
, , APPEARANCE RECO	RD
(Deliver BOTH copies of this form to the Senator or Senate Professional S Meeting Date	
Topic	Amendment Barcode (if applicable)
Name DAVIB GULLEN	
Job Title	
Address 184-7 Crest Street	Phone <u>981-323-2404</u>
City FL 32.30/ State Zip	Email <u>encersoraliter</u>
	beaking: 🚺 In Support 🔲 Against ir will read this information into the record.)
Representing SIERRA CLOB FLOR	(24
Appearing at request of Chair: Yes 🖌 No Lobbyist register	ered with Legislature: 📈 Yes 🦳 No

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# **CourtSmart Tag Report**

Type: Room: LL 37 Case No.: Caption: Senate Environment and Natural Resources Committee Judge: Started: 2/10/2020 4:03:13 PM Ends: 2/10/2020 4:51:24 PM Length: 00:48:12 4:03:12 PM Meeting called to order 4:03:14 PM Roll call 4:03:17 PM Quorum is present 4:03:26 PM Pledge of allegiance President Scott special welcome 4:04:28 PM Chair Montford starts on Tab 1 - confirmation of Andrew Bartlett 4:04:37 PM 4:04:41 PM Andrew Bartlett is called for confirmation hearing for Executive Director of SFWMD for Lake Worth Beach 4:04:48 PM Andrew Bartlett is sworn in 4:05:46 PM Andrew Bartlett addresses the committee 4:07:26 PM Vice-Chair Albritton with comment 4:08:14 PM Questions Response from Drew Bartlett 4:08:19 PM Senator Albritton with comment 4:09:22 PM 4:09:34 PM Anna Upton the Everglades Foundation in support 4:09:39 PM Daniel Andrews - Captains for Clean Water in support 4:09:43 PM Jessica Pinsky Exec Dir of The Florida Economic Council/Kloee Ciuperger Legislative Coordinator Martin County both in support 4:10:09 PM Holly Smith Sanibel Council Woman City of Sanibel in support 4:10:11 PM Laura Aguirre Conservation Organizer Audubon FL - Tallahassee in support Beth Alvi Dir of Policy Audubon FL /Ryan Orgera CEO Sanibel FL in support 4:10:21 PM 4:10:25 PM John Lai President & CEO Sanibel & Captiva Chamber of Commerce 4:10:27 PM Jessica Bibza National Wild Federation St. Pete in support 4:11:15 PM Savana Roach Environmental Consulting Associate TLH in support 4:11:16 PM Renaldo Diaz Lake Worth Water-Keeper Lake Worth FL in support Elizabeth Fata Carpenter Staff Attorney North Palm Beach of The Everglades Law Center in support 4:11:21 PM 4:11:26 PM Pauline Stacey Board of Dir Everglades Coalition Member Royal Palm Beach FL in support Erica McCaughley Bonita Springs in support 4:11:40 PM 4:12:00 PM Kelly McNab Env Planning Specialist Naples FL in support 4:12:03 PM Rae Ann Wessel Natural Resource Policy Di Sanibel FL in support 4:12:09 PM Mark Perry Exec Dir FL Oceanographic Society Stuart FL in support 4:12:15 PM Alison Enchelmaier Education Dir Miami FL in support 4:12:21 PM Doug Gaston Policy Analyst Miami FL Audubon FL in support Alyssa Lenkel of Lakeland FL in support 4:12:31 PM Caitlin Westerfield Odessa FL in support 4:12:32 PM 4:12:37 PM Susan Truett Lakeland FL in support 4:12:39 PM Solemi Hernandez Naples FL in support 4:12:53 PM Holly Schwartz Alva FL in support 4:12:57 PM Kelly Andrew Naples FL in support 4:13:01 PM Senator Mayfield makes comments 4:13:18 PM Senator Mayfield makes motion recommending confirmation Seconded by Senator Berman 4:13:53 PM 4:14:01 PM Senator Berman with comments 4:14:28 PM Kim call the roll Confirmation for Drew Bartlett is recommended favorably 4:14:52 PM 4:15:08 PM Tab 2 Governing Board of the SWFWMD 4:15:17 PM Ron Bergeron called to stand and is sworn in 4:15:28 PM Chair Montford recognizes Ron Bergeron 4:15:39 PM Ron Bergeron addresses the committee 4:17:19 PM Questions: none Public appearance forms 4:18:20 PM 4:18:25 PM Pauline Stacey Board Dir Everglades Coalition Member Royal Palm Beach FL in support 4:18:28 PM Anna Upton of The Everglades Foundation in support

4:18:38 PM Daniel Andrews Exec Dir Captains for Clean Water in support Ft. Myers 4:18:41 PM Jessica Pinsky Exec Dir of The Florida Economic Council Sanibel FL in support 4:18:43 PM John Lai CEO Sanibel Captiva Chamber of Commerce in support 4:18:50 PM Ryan Orgera CEO SLCF Sanibel FL in support Renaldo Diaz Lake Worth Water-keeper Lake Worth in support 4:18:55 PM 4:19:00 PM Beth Alvi Audubon FL in support Savana Roach Environmental Consulting Associate TLH in support 4:19:05 PM Jessica Bibza Policy Specialist St Petersburg in support 4:19:09 PM Pauline Stacey Everglades Coalition Member in support 4:19:22 PM 4:19:29 PM Elizabeth Fata Carpenter Staff Attorney The Everglades Law Center North Palm Beach in support 4:19:32 PM Ericka McCaughey Bonita Springs in support 4:19:36 PM Kelly McNab Naples FL Env Planning Specialist in support 4:19:40 PM Rae Ann Russell natural Resource Policy Dir Sanibel FL in support 4:19:44 PM Mark Perry Exec Director Stuart Fl in support 4:19:45 PM Alison Enchelmaier ED Dir Miami FL in support 4:19:51 PM Doug Gaston Policy Analyst in support Miami FL 4:19:55 PM Alyssa Lenkel Lakeland FL in support Caitlin Westerfield Odessa FL in support 4:20:00 PM Susan Truett Lakeland FL in support 4:20:02 PM Solemi Hernandez Naples FL in support 4:20:06 PM 4:20:10 PM Holly Shwartz Alva FL in support Kelly Andrew Naples FL in support 4:20:13 PM 4:20:23 PM In debate 4:20:28 PM Senator Mayfield with comments 4:21:11 PM Chair requests motion for confirmation recommendation Senator Wright moves to recommend confirmations 4:21:16 PM 4:21:21 PM Roll Call 4:21:26 PM Confirmation recommended favorably 4:21:34 PM Executive Director of Suwannee River Water Management District 4:21:44 PM Hugh Thomas Exec Director Live Oak FL Hugh Thomas sworn in 4:21:53 PM Hugh Thomas recognized to address committee 4:22:02 PM 4:24:04 PM Questions: none 4:25:04 PM Beth Alvi Audubon FL Tallahassee in support Debate: none 4:25:13 PM 4:25:17 PM Vice-Chair Albritton makes motion to recommend confirmation/ Senator Wright seconded the motion 4:25:22 PM Roll call 4:25:27 PM Confirmation recommended favorably 4:25:53 PM Tab 7 with Senator Albritton for CS/SB 996 Amendment 752760 is explained 4:26:06 PM 4:27:16 PM Questions on amendment: none 4:28:15 PM Edgar G. Fernandez Polk County in support Vice-Chair Albritton waives close 4:28:26 PM 4:28:36 PM Amendment is adopted Bill as amended - questions - none 4:28:40 PM 4:28:49 PM Vice-Chair Albritton waives close 4:29:15 PM Roll call 4:29:18 PM CS/CS/SB 996 is reported favorably 4:29:28 PM Gavel is passed to Vice-Chair Albritton Tab 4 SB 1360 Senator Rouson 4:29:53 PM 4:29:58 PM Senator Rodriguez explains the bill 4:30:32 PM Questions on the bill: none 4:31:17 PM Amendment 217556 is explained Amendment is explained 4:31:29 PM 4:31:35 PM Questions on Amendment 4:31:45 PM Janelle Christensen President Democratic Environmental Caucus of FL Ft. Myers in support 4:32:04 PM Heather Hunter President FL College Democrat in support TLH 4:32:25 PM Questions on the bill as amended 4:32:30 PM David Cullen Florida Sierra Club Florida in support 4:32:43 PM Ryann Lynn Advocate Env FL Tallahassee in support/ Lindsay Cross FL conservation voters in support 4:32:49 PM Sue Mullins FL Native Plant Society in support 4:33:10 PM Senator Rodriguez waives close

4:33:19 PM 4:33:21 PM 4:33:35 PM	Roll call CS/SB 1360 reported favorably Tab 5 SB 1378 by Senator Rouson
4:33:39 PM	Bill is explained
4:34:32 PM	Amendment 520256 taken up
4:34:45 PM	Amendment is explained by Senator Rouson
4:35:09 PM	Questions on amendment:
4:36:09 PM	Senator Berman with question
4:36:22 PM	Senator Rouson responds
4:36:29 PM	Bonnie Basham US Boating in support
4:37:16 PM	Jeff Sharkey President Capital Alliance Group City of St. Petersburg in support
4:37:35 PM	Amendment is adopted
4:37:39 PM 4:37:42 PM	Back on the bill as amended Tory Wright Lieutenant Orange County Sheriff's Office in support
4:37:56 PM	Jerry Paul Multiple cruising Associations in support
4:38:28 PM	Jeff Sharkey in support
4:39:23 PM	Debate - none
4:39:33 PM	Waive close
4:39:36 PM	Roll call
4:39:40 PM	CS/SB 1378 reported favorably
4:39:54 PM	Gavel returned to Chair Montford
4:40:03 PM	Tab 6 Senator Stewart CS/SR 1572
4:40:09 PM	Resolution is explained
4:41:09 PM	Questions: none
4:41:22 PM	David Ballard Geddis Jr Palm Harbor information
4:42:58 PM	Janelle Christensen President Dem Env Caucus of FL in support
4:43:06 PM	Jonathan Webber FL Conservation voters in support
4:44:34 PM	David Cullen Florida Sierra Club in support
4:44:40 PM	Ryann Lynn Advocate Environment FL in support
4:44:44 PM	Salomi Garcia Program Manager The CLEO Institute in support
4:44:49 PM	Richard Pinsky FL Solar Energy Industries Association in support Debate: none
4:46:11 PM 4:46:35 PM	Senator Stewart closes on bill
4:46:47 PM	Roll Call on 1572
4:47:07 PM	CS/SR 1572 reported favorably
4:47:22 PM	Gavel passed back to Vice-Chair Albritton
4:47:30 PM	Take up tab 8 SB 1706 by Senator Montford
4:47:38 PM	Senator Montford explains bill
4:47:44 PM	Questions on bill: none
4:48:35 PM	David Geddes Jr. Palm Harbor information
4:49:20 PM	David Cullen Sierra Club FL in support
4:50:22 PM	Debate- none
4:50:27 PM	Senator Montford waives close
4:50:30 PM	Roll Call
4:50:33 PM	SB 1706 is reported favorably
4:50:42 PM	Gavel returned to Chair Montford
4:50:50 PM	Vote after in the affirmative recorded for Chair Montford on SB 1360
4:51:02 PM	No further business
4:51:05 PM	Vice-Chair Albritton moves adjourn the meeting
4:51:12 PM	Meeting is adjourned