

Tab 1	SB 224 by Gruters (CO-INTRODUCERS) Bradley, Farmer, Berman, Stewart, Rouson, Boyd, Hooper; (Compare to H 00105) Regulation of Smoking in Public Places						
763050	A	S	RCS	EN, Gruters	Delete L.27 - 42:	02/07 03:28 PM	

Tab 2	SB 604 by Berman; (Identical to H 00393) Safe Waterways Act						
266516	D	S	RCS	EN, Berman	Delete everything after	02/07 03:28 PM	

Tab 3	SB 1210 by Albritton; (Compare to CS/H 00909) Development of Current or Former Agricultural Land						
467912	D	S	RCS	EN, Albritton	Delete everything after	02/07 03:28 PM	

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Brodeur, Chair
Senator Stewart, Vice Chair

MEETING DATE: Monday, February 7, 2022
TIME: 2:30—4:30 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 224 Gruters (Compare H 105)	Regulation of Smoking in Public Places; Authorizing counties and municipalities to further restrict smoking within the boundaries of public beaches and public parks under certain circumstances; prohibiting smoking within the boundaries of a state park, etc. CA 11/03/2021 Favorable EN 02/07/2022 Fav/CS RC	Fav/CS Yeas 6 Nays 0
2	SB 604 Berman (Identical H 393)	Safe Waterways Act; Revising the definition of the term "public bathing place"; requiring, rather than authorizing, the Department of Health to adopt and enforce certain rules; requiring, rather than authorizing, the department to issue health advisories under certain circumstances; requiring the department to notify a municipality or county if the department issues a health advisory against swimming on the basis of elevated bacteria levels in a public bathing place within the municipality's or county's jurisdiction; requiring the municipality or county to post certain signage around public bathing places that have elevated levels of specified bacteria, etc. EN 02/07/2022 Fav/CS CA AP	Fav/CS Yeas 6 Nays 0
3	SB 1210 Albritton (Compare CS/H 909)	Development of Current or Former Agricultural Land; Providing that the application of pesticides as part of agricultural operations is presumed to be a lawful application under certain circumstances; requiring the Department of Environmental Protection to investigate claims and provide certain remedies as applicable; providing site assessment and remedial activity requirements for current or former agricultural land; providing that current or former agricultural land that meets certain requirements is exempt from further regulation by the department; authorizing property owners to voluntarily apply for brownfield site rehabilitation activities, etc. EN 02/07/2022 Fav/CS AG AP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, February 7, 2022, 2:30—4:30 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
Secretary of Environmental Protection			
4	Hamilton, Emile DeShawn (Pensacola)	Pleasure of Governor	Recommend Confirm Yeas 6 Nays 0
Executive Director of Northwest Florida Water Management District			
5	Seigler, Robert (DeFuniak Springs)	Pleasure of the Board	Recommend Confirm Yeas 6 Nays 0
TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 224

INTRODUCER: Environment and Natural Resources Committee; and Senator Gruters and others

SUBJECT: Regulation of Smoking in Public Places

DATE: February 7, 2022 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	Favorable
2.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 224 amends the “Florida Clean Indoor Air Act,” which regulates vaping and tobacco smoking in Florida. The bill allows counties and municipalities to restrict smoking within the boundaries of any of the public beaches and public parks they own, except with regard to the smoking of cigars that do not contain a filter or a plastic tip or the smoking of pipe tobacco in a pipe. Currently, the regulation of smoking is preempted to the state, and counties and municipalities are prohibited from regulating smoking. “Smoking” is defined in ch. 386, F.S., as “inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.”

The bill changes the title of the “Florida Clean Indoor Air Act” to the “Florida Clean Air Act” to account for the broader application of the act proposed in the bill.

II. Present Situation:

The Florida Clean Indoor Air Act (act) in part II of ch. 386, F.S., regulates vaping and tobacco smoking in Florida. The legislative purpose of the act is to protect the public from the health hazards of secondhand tobacco smoke and to implement the Florida health initiative in s. 20, Art. X of the State Constitution.¹

¹ Section 386.202, F.S.

Florida Constitution

Tobacco Smoking

On November 5, 2002, the voters of Florida approved Amendment 6 to the State Constitution, which prohibits tobacco smoking in enclosed indoor workplaces. Codified as s. 20, Art. X, Florida Constitution, the amendment defines an “enclosed indoor workplace,” in part, as “anyplace where one or more persons engages in work, and which place is predominantly or totally bounded on all sides and above by physical barriers ... without regard to whether work is occurring at any given time.” The amendment defines “work” as “any persons providing any employment or employment-type service for or at the request of another individual or individuals or any public or private entity, whether for compensation or not, whether full or part-time, whether legally or not.” The amendment provides limited exceptions for private residences “whenever they are not being used commercially to provide child care, adult care, or health care, or any combination thereof,” retail tobacco shops, designated smoking guest rooms at hotels and other public lodging establishments, and stand-alone bars.

The constitutional amendment directed the Legislature to implement the “amendment in a manner consistent with its broad purpose and stated terms.” The amendment required that implementing legislation have an effective date of no later than July 1, 2003, and required that implementing legislation provide civil penalties for violations, provide for administrative enforcement, and require and authorize agency rules for implementation and enforcement. The amendment further provided that the Legislature may enact legislation more restrictive of tobacco smoking than that provided in the Florida Constitution.

Vaping

On November 6, 2018, the voters of Florida approved Amendment 9 to the Florida Constitution, to ban the use of vapor-generating electronic devices, such as electronic cigarettes (e-cigarettes), in enclosed indoor workplaces.² The use of e-cigarettes is commonly referred to as vaping.

Amendment 9 adds vapor-generating electronic devices to the current prohibition against tobacco smoking in enclosed indoor workplaces. The amendment makes exceptions for the same enclosed indoor workplace locations where tobacco smoking is permitted and further permits tobacco smoking and the use of vapor-generating electronic devices in a “vapor-generating electronic device retailer.”

The amendment defines a “vapor-generating electronic device retailer” to mean “any enclosed indoor workplace dedicated to or predominantly for the retail sale of vapor-generating electronic devices and components, parts, and accessories for such products, in which the sale of other products or services is merely incidental.”

A vapor-generating electronic device is defined as “any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance.” The definition includes electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, and other similar devices or products, replacement cartridges for such

² Amendment 9 also bans offshore oil and natural gas drilling on lands beneath state waters. See FLA. CONST. art II, s. 7.

devices, and other containers of a solution or other substance intended to be used with or within the devices.

Section 20, Art. X, Florida Constitution, as amended, directs the Legislature to implement the “amendment in a manner consistent with its broad purpose and stated terms.” The implementing legislation must have an effective date of no later than July 1 of the year following approval (July 1, 2019). The implementing legislation must also provide civil penalties for violations, provide for administrative enforcement, and require and authorize agency rules for implementation and enforcement. The Legislature may enact legislation more restrictive of tobacco smoking or vaping than that provided in the State Constitution.

Under the amendment, local governments may adopt more restrictive local ordinances on the use of vapor-generating electronic devices.

Florida’s Clean Indoor Air Act

The Legislature implemented the smoking ban by enacting ch. 2003-398, Laws of Fla., which amended part II of ch. 386, F.S., and created s. 561.695, F.S., of the Beverage Law. The act, as amended, implements the constitutional amendment’s prohibition. Specifically, s. 386.204, F.S., prohibits smoking in an enclosed indoor workplace unless the act provides an exception. The act adopts and implements the amendment’s definitions and adopts the amendment’s exceptions for private residences whenever not being used for certain commercial purposes;³ stand-alone bars;⁴ designated smoking rooms in hotels and other public lodging establishments;⁵ and retail tobacco shops, including businesses that manufacture, import, or distribute tobacco products and tobacco loose leaf dealers.⁶

Section 386.207, F.S., provides for enforcement of the act by the Department of Health (DOH) and the Department of Business and Professional Regulation (DBPR) within each department’s specific areas of regulatory authority. Sections 386.207(1) and 386.2125, F.S., grant rulemaking authority to DOH and DBPR and require that the departments consult with the State Fire Marshal during the rulemaking process.

Section 386.207(3), F.S., provides penalties for violations of the act by proprietors or persons in charge of an enclosed indoor workplace.⁷ The penalty for a first violation is a fine of not less than \$250 and not more than \$750. The act provides fines for subsequent violations in the amount of not less than \$500 and not more than \$2,000. Penalties for individuals who violate the act are provided in s. 386.208, F.S., which provides for a fine of not more than \$100 for a first violation and not more than \$500 for a subsequent violation. The penalty range for an individual violation is identical to the penalties for violations of the act before the implementation of the constitutional smoking prohibition.

³ Section 386.2045(1), F.S. See also definition of the term “private residence” in s. 386.203(1), F.S.

⁴ Section 386.2045(4), F.S. See also definition of the term “stand-alone bar” in s. 386.203(11), F.S.

⁵ Section 386.2045(3), F.S. See also definition of the term “designated guest smoking room” in s. 386.203(4), F.S.

⁶ Section 386.2045(2), F.S. See also definition of the term “retail tobacco shop” in s. 386.203(8), F.S.

⁷ The applicable penalties for violations by designated stand-alone bars are set forth in s. 561.695(8), F.S.

During the 2019 Regular Session, the Legislature amended part II of ch. 386, F.S., to ban the use of vapor-generating electronic devices, such as electronic cigarettes (e-cigarettes), in enclosed indoor workplaces.⁸

Smoking Prohibited Near School Property

Section 386.212(1), F.S., prohibits smoking by any person under 18 years of age in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. The prohibition does not apply to any person occupying a moving vehicle or within a private residence.

Enforcement

Section 386.212(2), F.S., authorizes law enforcement officers to issue citations in the form as prescribed by a county or municipality to any person violating the provisions of ch. 386, F.S., and prescribes the information that must be included in the citation.

The issuance of a citation under s. 386.212(2), F.S., constitutes a civil infraction punishable by a maximum civil penalty not to exceed \$25 or 50 hours of community service or, where available, successful completion of a school-approved anti-tobacco “alternative to suspension” program.⁹

If a person fails to comply with the directions on the citation, the person will waive his or her right to contest the citation, and the court may issue an order to show cause.¹⁰

Regulation of Smoking Preempted to State

Section 386.209, F.S., provides that the act expressly preempts regulation of smoking to the state and supersedes any municipal or county ordinance on the subject.

As an exception to the state’s preemption of smoking regulation, s. 386.209, F.S., permits school districts to further restrict smoking by persons on school district property.

Section 386.209, F.S., adopts and implements the Florida Constitution’s grant of authority to local governments to adopt more restrictive local ordinances on the use of vapor-generating electronic devices.

Regarding the issue of preemption, a Florida Attorney General Opinion concluded that the St. Johns Water Management District could not adopt a regulation prohibiting smoking by all persons on district property.¹¹ The Attorney General reasoned that s. 386.209, F.S., represents a clear expression of the legislative intent that the act preempts the field of smoking regulation for indoor and outdoor smoking. The Attorney General noted that the 2011 amendment of s.

⁸ See ch. 2019-14, Laws of Fla.

⁹ Section 386.212(3), F.S.

¹⁰ Section 386.212(4), F.S.

¹¹ Op. Att’y Gen. Fla. 2011-15 (July 21, 2011). *See also*, Op. Att’y Gen. Fla. 2005-63 (Nov. 21, 2005), which opined that a municipality is preempted from regulating smoking in a public park other than as prescribed by the Legislature.

386.209, F.S.,¹² authorizes school districts to prohibit smoking on school district property and concluded that further legislative authorization would be required for the water management district to regulate smoking on its property.

Public Parks Owned by Counties and Municipalities

In Florida, there are 67 separate county park systems and more than 400 separate municipal park systems.¹³ For example, Orange County Florida maintains and operates 118 county-owned parks, which consist of a wide array of available activities and facilities.¹⁴ Parks provide a variety of activities to the public, including nature trails, bird watching, youth and adult athletics, bike paths, horse trails, boat ramps, fishing piers, metal detecting locations, outdoor gyms, and outdoor pavilions.¹⁵ Additionally, municipalities within Orange County also own and operate parks and outdoor recreational facilities. For example, the City of Winter Park, within Orange County, owns and operates 11 city parks, which offer similar recreational activities.¹⁶

The Division of Recreation and Parks within the Florida Department of Environmental Protection (DEP) maintains a comprehensive inventory of the existing park facilities and outdoor resources in Florida. The inventory provides details about the parks and recreation areas in the state and consists of over 13,000 separate records, the majority of which are county and municipal parks.¹⁷

Laws in Other States

In 2009, Maine passed a law prohibiting “[smoking] tobacco or any other substance in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site.”¹⁸ In 2015, Hawaii passed a law prohibiting smoking within its state park system.¹⁹ In 2018, New Jersey banned smoking at public parks and beaches.²⁰ New Jersey’s legislature found that “[t]he prohibition of smoking at public parks and beaches would better preserve and maintain the natural assets of this State by

¹² Chapter 2011-108, L.O.F.

¹³ Florida Division of Recreation and Parks, *Frequently Asked Questions*, available at <http://prodenv.dep.state.fl.us/DrpOrpcr/StaticFiles/FAQ.pdf> (last visited Oct 21, 2021).

¹⁴ Orange County Government Florida, *Parks*, <http://www.orangecountyfl.net/CultureParks/Parks.aspx?m=lstaz#.Xcwjw8GP6Uk> (last visited Feb. 2, 2022).

¹⁵ *Id.*

¹⁶ City of Winter Park, *Parks*, <https://cityofwinterpark.org/departments/parks-recreation/parks-playgrounds/parks/> (last visited Feb. 2, 2022).

¹⁷ Florida Division of Recreation and Parks, *Florida Outdoor Recreation Inventory*, <https://floridadep.gov/parks/florida-outdoor-recreation-inventory> (last visited Feb. 2, 2022).

¹⁸ Me. Rev. Stat. tit. 22, ss. 1580-E(2) and 1541(6). Under Maine law, “‘Smoking’ includes carrying or having in one’s possession a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. ‘Smoking’ includes the use of an electronic smoking device.”

¹⁹ Haw. Rev. Stat. Ann. § 184-4.5. “Smoking” is defined in the statute as “inhaling or exhaling upon, burning, or carrying any lit cigarette, cigar, or pipe or the use of an electronic smoking device.”

²⁰ Connecticut Office of Legislative Research, *New Jersey Law Prohibiting Smoking at Public Parks and Beaches*, available at <https://cga.ct.gov/2018/rpt/pdf/2018-R-0208.pdf> (last visited Feb. 2, 2022). The law defines “smoking” as burning, inhaling, or exhaling smoke from, or possessing a lighted cigar, cigarette, pipe, or any other substance that contains tobacco or another matter that can be smoked. It also means inhaling or exhaling smoke or vapor from an electronic smoking device.

reducing litter and increasing fire safety in those areas, while lessening exposure to secondhand tobacco smoke and providing for a more pleasant park or beach experience for the public[.]”²¹

Alaska law prohibits individuals from smoking outdoors “within 10 feet of playground equipment located at a public or private school or a state or municipal park while children are present.”²² Oklahoma law designates all buildings and other properties owned or operated by the state as nonsmoking, effectively prohibiting smoking at state parks in Oklahoma, except for at any designated outdoor smoking areas.²³

Oregon’s Parks and Recreation Department prohibits smoking tobacco products at park properties but provides exceptions, including smoking in vehicles and at designated campsites.²⁴ Outside of Florida, many local governments in the United States have restricted or prohibited smoking in public parks.²⁵

Health and Environmental Concerns

In 2020, an estimated 14.7 percent of the adults in Florida were tobacco smokers.²⁶ Tobacco smoke contains over 7,000 chemicals, including hundreds that are toxic and up to 69 that are known to cause cancer.²⁷ Exposure to secondhand smoke can cause numerous health problems and has been causally linked to cancer and other fatal diseases.²⁸ Secondhand smoke is generally defined as smoke from burning tobacco products or smoke that is exhaled by a tobacco smoker.²⁹ Studies suggest that secondhand smoke in crowded outdoor areas can cause concentrations of air contaminants comparable to those caused by indoor smoking.³⁰

Another significant issue with tobacco smoking in natural areas is litter consisting of used cigarette filters, commonly known as cigarette butts. Cigarette butts are typically comprised

²¹ N.J. Stat. Ann. § 26:3D-56(e).

²² Alaska Stat. Ann. ss. 18.35.301(c)(1) and 18.35.399(12). Alaska law defines “smoking” as “using an e-cigarette or other oral smoking device or inhaling, exhaling, burning, or carrying a lighted or heated cigar, cigarette, pipe, or tobacco or plant product intended for inhalation.”

²³ Okla. Stat. Ann. tit. 21, § 1247(B).

²⁴ Or. Admin. R. 736-010-0040(8)(j).

²⁵ American Nonsmokers’ Rights Foundation, *Municipalities with Smokefree Park Laws* (2017), <https://no-smoke.org/wp-content/uploads/pdf/SmokefreeParks.pdf> (last visited Feb. 2, 2022). This document lists local governments in the U.S. that have created laws that restrict or prohibit smoking in public parks within their jurisdiction.

²⁶ United Health Foundation, *America’s Health Rankings, Annual Report*, <https://www.americashealthrankings.org/explore/annual/measure/Smoking/state/FL> (last visited Feb. 2, 2022).

²⁷ *Id.*; National Cancer Institute available at <https://www.cancer.gov/about-cancer/causes-prevention/risk/tobacco/cessation-fact-sheet> (last visited Feb. 2, 2022).

²⁸ Center for Disease Control and Prevention, *Secondhand Smoke (SHS) Facts*, https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm (last visited Feb. 2, 2022).

²⁹ *Id.*

³⁰ Nipapun Kungskulniti et al., *Secondhand Smoke Point-Source Exposures Assessed By Particulate Matter At Two Popular Public Beaches in Thailand*, 40 J. Public Health 3, 527–532 (2017), available at <https://academic.oup.com/jpubhealth/article/40/3/527/4110319?guestAccessKey=5947c328-fd75-4b6c-acfe-28f989c4c639> (last visited Feb. 2, 2022); Ario Ruprecht, et. al, *Outdoor second-hand cigarette smoke significantly affects air quality*, European Respiratory Journal, 48 (3) 918-920, (Sept. 2016) available at <https://erj.ersjournals.com/content/48/3/918> (last visited Feb. 2, 2022).

mainly of cellulose acetate, a plastic-like material that can take years to decompose.³¹ It is estimated that, of the roughly 6 trillion cigarettes smoked annually worldwide, up to two-thirds of the cigarette butts are discarded as litter.³² Furthermore, cigarette butts contain hazardous substances, and studies have shown these substances to be potentially toxic to animals.³³

Under Florida law, it is illegal to discard any tobacco product as litter.³⁴ Discarding a cigarette butt is a noncriminal infraction, punishable by a penalty of \$100 in addition to any court-ordered litter pickup or other commensurate labor.³⁵

Fires are another significant issue regarding smoking tobacco in public parks. The Legislature has found that cigarettes are the leading cause of fire deaths in Florida and the nation.³⁶ Florida law requires that cigarettes sold in the state meet standards for reduced ignition propensity.³⁷ In addition to the risk of fires in buildings, Florida generally has a year-round risk of wildfire.³⁸ Cigarettes or other smoking materials can cause wildfires when discarded as litter. Data from the U.S. Forest Service shows that a significant number of wildfires were started by “smoking” between 1992 and 2018.³⁹

III. Effect of Proposed Changes:

Section 1 changes the title of Part II of ch. 386, F.S., from “Indoor Air: Smoking and Vaping” to “Smoking and Vaping.”

Section 2 amends s. 386.201, F.S., to provide that the short title of Part II of ch. 386, F.S., may be cited as the “Florida Clean Air Act,” removing the reference to indoor air.

Section 3 amends s. 386.209, F.S., to provide counties and municipalities with the authority to further restrict smoking within the boundaries of any public beaches and public parks they own, except with regard to the smoking of cigars that do not contain a filter or a plastic tip or the smoking of pipe tobacco in a pipe. The bill allows municipalities to further restrict smoking, except the smoking of cigars that do not contain a filter or a plastic tip or the smoking of pipe tobacco in a pipe, within county owned beaches and parks located within the municipality’s

³¹ NOAA, National Ocean Service, *What Is the Most Common Form of Ocean Litter?*, <https://oceanservice.noaa.gov/facts/most-common-ocean-litter.html> (last visited Feb. 2, 2022).

³² World Health Organization, *Tobacco and Its Environmental Impact: An Overview*, 24 (2017) available at <https://apps.who.int/iris/bitstream/handle/10665/255574/9789241512497-eng.pdf;jsessionid=8E8DFDA81D9C76448B2C9EAD445BC784?sequence=1> (last visited Feb. 2, 2022).

³³ Wenjau Lee and Chih Chun Lee, *Developmental Toxicity of Cigarette Butts - An Underdeveloped Issue*, 113 *Ecotoxicology and Environmental Safety*, 362-368, 362-363, 367 (2015), available at http://tweb.cjcu.edu.tw/journal/2015_03_04_11_23_24.114.pdf (last visited Feb. 2, 2022).

³⁴ Section 403.413(2)(d) and (f), (4), F.S.

³⁵ Section 403.413(6)(a), F.S. Littering is a noncriminal infraction if the litter does not exceed 15 pounds in weight or 27 cubic feet in volume.

³⁶ Section 633.142(2)(a), F.S.

³⁷ Section 633.142, F.S.

³⁸ Florida Department of Agriculture and Consumer Services, *Wildland Fire, Prevention*, <https://www.fdacs.gov/Forest-Wildfire/Wildland-Fire> (last visited Feb. 2, 2022).

³⁹ Karen C. Short, *Spatial wildfire occurrence data for the United States, 1992-2018*, (2021), available at <https://www.fs.usda.gov/rds/archive/Catalog/RDS-2013-0009.5> (last visited Feb. 2, 2022). The data can be viewed by clicking on the file labeled “RDS-2018-0009.5_ACCDB.zip,” and viewing the column labeled “STAT_CAUSE_DESCR.”

jurisdiction if doing so would not conflict with a county ordinance. Although this bill specifically relates to “smoking,” counties and municipalities are currently allowed to impose more restrictive regulation on the use of vapor-generating devices under s. 386.209, F.S.

Section 4 amends s. 381.84, F.S., to conform the reference to the short title of Part II of ch. 386, F.S., to changes made by the bill.

Section 5 amends s. 386.211, F.S., to conform references to the short title of Part II of ch. 386, F.S., to changes made by the bill.

Section 6 provides an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Visitors to county or municipal parks who violate smoking restrictions imposed by a county or municipality may be subject to the applicable fines or civil penalties for such violations.

C. Government Sector Impact:

Counties and municipalities that opt to restrict smoking within the boundaries of public parks may incur indeterminate expenses related to enacting and enforcing such restrictions.

To the extent any imposed smoking restrictions deter or encourage visitation of county and municipal beaches and parks, local governments may experience fluctuation in revenues generated by any fees for beach and park admittance.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends sections 386.201, 386.209, 381.84, and 386.211 of the Florida Statutes.

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

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

CS by Environment and Natural Resources on February 7, 2022:

- Limits the bill's authorization of county and municipal smoking restrictions to prevent counties and municipalities from restricting the smoking of cigars that do not have a filter or a plastic tip, or the smoking of tobacco in a pipe, within the boundaries of public beaches of public parks that they own.
- Deletes the bill's smoking prohibition in state parks.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2022	.	
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The Committee on Environment and Natural Resources (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 27 - 42
and insert:
supersedes any county or municipal ~~municipal or county~~ ordinance on the subject; however, counties and municipalities may further restrict smoking within the boundaries of any public beaches or public parks that they own, except with regard to the smoking of cigars that do not contain a filter or a plastic tip or the smoking of pipe tobacco in a pipe. Municipalities may further



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11 restrict smoking within the boundaries of any public beaches or
12 public parks that are within their jurisdiction but are owned by
13 the county if doing so would not conflict with a county
14 ordinance, except that they may not further restrict the smoking
15 of cigars that do not contain a filter or plastic tip or the
16 smoking of pipe tobacco in a pipe. School districts may further
17 restrict smoking by persons on school district property. This
18 section does not preclude the adoption of county or municipal
19 ~~municipal or county~~ ordinances that impose more restrictive
20 regulation on the use of vapor-generating devices than is
21 provided in this part.

22

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

24 And the title is amended as follows:

25 Delete lines 8 - 10

26 and insert:

27 under certain circumstances, with exceptions; amending
28 ss. 381.84 and 386.211, F.S.;

By Senator Gruters

23-00367-22

2022224__

1 A bill to be entitled
2 An act relating to regulation of smoking in public
3 places; revising the title of part II of ch. 386,
4 F.S.; amending s. 386.201, F.S.; revising a short
5 title; amending s. 386.209, F.S.; authorizing counties
6 and municipalities to further restrict smoking within
7 the boundaries of public beaches and public parks
8 under certain circumstances; creating s. 386.2095,
9 F.S.; prohibiting smoking within the boundaries of a
10 state park; amending ss. 381.84 and 386.211, F.S.;
11 conforming provisions to changes made by the act;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Part II of chapter 386, Florida Statutes,
17 entitled "INDOOR AIR: SMOKING AND VAPING," is renamed "SMOKING
18 AND VAPING."

19 Section 2. Section 386.201, Florida Statutes, is amended to
20 read:

21 386.201 Short title ~~Popular name~~.—This part may be cited as
22 ~~by the popular name~~ the "Florida Clean ~~Indoor~~ Air Act."

23 Section 3. Section 386.209, Florida Statutes, is amended to
24 read:

25 386.209 Regulation of smoking preempted to state.—This part
26 expressly preempts regulation of smoking to the state and
27 supersedes any municipal or county ordinance on the subject;
28 however, counties and municipalities may further restrict
29 smoking within the boundaries of any public beaches or public

23-00367-22

2022224__

30 parks that they own. Municipalities may further restrict smoking
31 within the boundaries of any public beaches or public parks that
32 are within their jurisdiction but are owned by the county if
33 doing so would not conflict with a county ordinance. School
34 districts may further restrict smoking by persons on school
35 district property. This section does not preclude the adoption
36 of municipal or county ordinances that impose more restrictive
37 regulation on the use of vapor-generating devices than is
38 provided in this part.

39 Section 4. Section 386.2095, Florida Statutes, is created
40 to read:

41 386.2095 Smoking prohibited in state parks.—A person may
42 not smoke within the boundaries of a state park.

43 Section 5. Paragraph (h) of subsection (3) of section
44 381.84, Florida Statutes, is amended to read:

45 381.84 Comprehensive Statewide Tobacco Education and Use
46 Prevention Program.—

47 (3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department
48 shall conduct a comprehensive, statewide tobacco education and
49 use prevention program consistent with the recommendations for
50 effective program components contained in the 1999 Best
51 Practices for Comprehensive Tobacco Control Programs of the CDC,
52 as amended by the CDC. The program shall include the following
53 components, each of which shall focus on educating people,
54 particularly youth and their parents, about the health hazards
55 of tobacco and discouraging the use of tobacco:

56 (h) *Enforcement and awareness of related laws.*—In
57 coordination with the Department of Business and Professional
58 Regulation, the program shall monitor the enforcement of laws,

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59 rules, and policies prohibiting the sale or other provision of
60 tobacco to minors, as well as the continued enforcement of the
61 Florida Clean ~~Indoor~~ Air Act prescribed in chapter 386. The
62 advertisements produced in accordance with paragraph (a) may
63 also include information designed to make the public aware of
64 these related laws and rules. The departments may enter into
65 interagency agreements to carry out this program component.

66 Section 6. Section 386.211, Florida Statutes, is amended to
67 read:

68 386.211 Public announcements in mass transportation
69 terminals.—Announcements about the Florida Clean ~~Indoor~~ Air Act
70 shall be made regularly over public address systems in terminals
71 of public transportation carriers located in metropolitan
72 statistical areas with populations over 230,000 according to the
73 latest census. These announcements shall be made at least every
74 30 minutes and shall be made in appropriate languages. Each
75 announcement must include a statement to the effect that Florida
76 is a clean ~~indoor~~ air state and that smoking and vaping are
77 prohibited except as provided in this part.

78 Section 7. This act shall take effect July 1, 2022.



2022 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Department of Health

<u>BILL INFORMATION</u>	
BILL NUMBER:	604
BILL TITLE:	Safe Waterways Act
BILL SPONSOR:	Berman
EFFECTIVE DATE:	7/1/2022

<u>COMMITTEES OF REFERENCE</u>
1) Environment and Natural Resources
2) Community Affairs
3) Appropriations
4) Click or tap here to enter text.
5) Click or tap here to enter text.

<u>CURRENT COMMITTEE</u>
Environment and Natural Resources

<u>SIMILAR BILLS</u>	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	393
SPONSOR:	Hinson

Is this bill part of an agency package?
No

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	1/5/2022
LEAD AGENCY ANALYST:	Bob Vincent
ADDITIONAL ANALYST(S):	Carina Blackmore
LEGAL ANALYST:	Louise St. Laurent
FISCAL ANALYST:	Carolyn Albaugh

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

This bill will change the definition of a public bathing place to include many more sites than are currently regulated by DOH. It will require cities or counties to post health advisories whenever there is a fecal-indicator bacteriological water quality violation at a public bathing place within their boundaries. DOH may coordinate with two state agencies on signage that DOH must post whenever a city or county has no jurisdiction.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

The landowner of a freshwater public bathing place is required to routinely test water quality and provide public health advisories under department rule 64E-9, F.A.C., and the existing statute, section 514.023. Florida has over 100 regulated freshwater bathing places in ~35 counties that provide monthly lab test results to the department. County-based DOH staff review the tests and require owner to post a public health advisory sign for the fraction of samples with poor water quality, and when the owner does not, the Department posts advisory signage. General Revenue funds are used for this program because permits are not required. These monitored bathing places average one per 658 square miles of state. The department does not currently require stretches of rivers or lakes to be monitored unless there is a public bathing place per the statutory definition. This interpretation has been a source of public controversy about the limited access streams, rivers and lakes in Florida that are accessible by watercraft but are not held out to the public for swimming, diving or recreational bathing. Prior to 2012, public bathing places were required to have a permit and more importantly, to have restrooms, so they were easily identifiable, and they were sanitary.

County-based DOH staff routinely collect and test water bi-weekly from 263 marine beaches in 30 counties under the US EPA federal grant known as the Healthy Beaches Act. This year's grant allotment is \$470,000. The DOH expended \$775,941 in FY17-18 to collect, process and notify the public for the 7,846 beach water samples they collected (cost=\$98.90 each). Of these tests, statewide there were 543 (6.9%) samples of poor water quality exceeding the Enterococci bacteria standard resulting in 184 (2.3%) public health advisories issued by DOH. This program's federal grant and state statute requirements include media notification of advisories for poor water quality, notification of advisory issuance to sister state agency DEP and local government, signage for normally good water and for poor quality at all included public beaches, and online posting of all test results and advisories on a real-time DOH webpage. The locations of these monitored beaches averages one per four miles of Intracoastal, Gulf or Atlantic frontage. For the state's marine and brackish waters, nearly all the water and the land below the mean high tide water level are owned by the state; it is not clear if the bill would require these public bathing places be monitored by the owner.

2. EFFECT OF THE BILL:

Bill expands the number of landowners that will be required to test water quality. It requires DOH to: establish standards and prescribe procedures and timeframes for bacteriological testing in rule (current rule 64E-9 FAC will need revisions); create health advisory signs in rule (current sign in rule will need revision); issue health advisories when poor water quality is detected (preempted to the state); report health advisories to DEP and the local city/county jurisdiction (currently only for marine fecal-indicator exceedances); monitor city/county-posted signage until bacteria contamination is resolved; and to resample/retest to satisfactory completion after a health advisory is issued (currently only for marine beaches).

There could be as many as 2,000 freshwater, marine, and brackish places added to the existing sites depending on how the definition of a public bathing place is legally interpreted and implemented.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?

Y N

If yes, explain:	Line 53 requires rules be promulgated to establish health standards and prescribe procedures and timeframes for bacteriological sampling of fecal-indicator bacteria. Line 82 also requires rules to adopt the required signage to be posted in the event of an issued health advisory against swimming.
Is the change consistent with the agency's core mission?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y N

If yes, provide a description:	N/A
Date Due:	N/A
Bill Section Number(s):	N/A

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y N

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y N

Revenues:	N/A
Expenditures:	Costs for their part in sign manufacturing or purchase, and for their staff time posting/removing the signage. Tamper-resistant lockable aluminum flip-style signs made like traffic signage are used for the Healthy Beaches grant

	program at all marine beaches and cost between \$250 and \$350 each, depending on quantity ordered. Secured wind-resistant installation has additional cost.
Does the legislation increase local taxes or fees? If yes, explain.	N/A
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?

Y N

Revenues:	N/A
Expenditures:	<p>A total of \$4.66M is needed in the lapsed first year for 27 FTEs totaling \$1.8M, Lab Testing \$2.4M, and water sample collection \$0.3M; this includes three pickup truck vehicles for regional water collection in first year. For an estimated 920 new water quality testing sites that are sampled weekly.</p> <p>Each following year there will be a recurring total cost of \$4.86M with \$2M for the FTEs, \$2.4M for Lab Testing and \$0.3M for water sample collection.</p> <p>Worksheet details staff time (professional, IT, and legal), travel, three pickup truck vehicles, equipment, computer ware, and laboratory tests. Staff in numerous County Health Departments and at Central Office will be necessary</p>
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	N/A

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?

Y N

Revenues:	Unknown
Expenditures:	Property owners of public bathing places are required to lab test the water routinely; so, would spend time and costs for this and for posting advisories.
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Y N

If yes, explain impact.	N/A
Bill Section Number:	N/A

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.	The DOH Environmental Health Database would be sourced, and software created or adopted to track, store and retrieve information on test results and advisories. A public online database would be posted such that citizens and visitors could visit the website or other electronic information source.
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FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y N

If yes, describe the anticipated impact including any fiscal impact.	N/A
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ADDITIONAL COMMENTS

None.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	<p>Removes the definition of "beach waters" from section 514.023(1), Florida Statutes, and incorporates it clearly into the definition of "public bathing place" under section 514.011(4), Florida Statutes. This could extend the number of public bathing places that are required to test and post signage, including to those owned by the state.</p> <p>Lines 53 - 55 require, instead of permit, the DOH to adopt and enforce rules related to public bathing places; rules must establish health standards and prescribe procedures and timeframes for sampling of public bathing places. This will require revisions to the current rule chapter, 64E-9.</p> <p>Lines 59 - 61 require, instead of permit, the DOH to issue health advisories if the quality of a public bathing place fails to meet the standards established by the department.</p> <p>Lines 80 - 98 provide that a municipality or county in which an affected public bathing place is located will now be required to post sign advising the public when the DOH has issued a health advisory against swimming in a public bathing place. It requires the DOH to adopt by rule the signs required and includes specified language that must be posted. The department will be required to monitor the posting until contamination is resolved. This will require revisions to the current rule chapter, 64E-9 and may completely shift the</p>
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	<p>responsibility of posting signage from the owner of the public bathing place (as is currently required by rule) to a governmental entity.</p> <p>Lines 99 - 105 will require the DOH to post the signage mentioned in the previous paragraph in the event that a municipality or county does not have jurisdiction and provides that DOH may coordinate with DEP and FWC as needed.</p>
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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 604

INTRODUCER: Environment and Natural Resources Committee and Senator Berman

SUBJECT: Safe Waterways Act

DATE: February 8, 2022 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Rogers	EN	Fav/CS
2.			CA	
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 604 revises state law governing the sampling of beach waters and public bathing places, the issuance of health advisories, and the posting of associated signage. The bill:

- Eliminates Department of Health (DOH) discretion regarding whether to:
 - Adopt and enforce rules to protect the health, safety, and welfare of persons using beach waters and public bathing places, by making the adoption and enforcement of such rules mandatory; and
 - Issue health advisories if the water quality of beach waters or a public bathing place fails to meet DOH standards, by making the issuance of such health advisories mandatory.
- Includes public bathing places as areas over which the issuance of health advisories related to the results of bacteriological sampling is preempted to DOH.
- Includes public bathing places as areas for which DOH must give notice of health advisories against swimming to municipalities, counties, and the local office of the Department of Environmental Protection (DEP).
- Requires DOH to adopt by rule a sign containing certain language, to be used when it issues a health advisory against swimming in beach waters or public bathing places due to bacterial contamination.
- Provides that DOH must require health advisory signs to be posted around affected beach waters or public bathing places until bacteria levels meet DOH standards.
- Makes municipalities and counties responsible for posting and maintaining health advisory signs in affected beach waters and public bathing places that they own.

- Makes DOH responsible for posting and maintaining health advisory signs in affected beach waters and public bathing places owned by the state.
- Authorizes DOH to coordinate with DEP and the Fish and Wildlife Conservation Commission to implement signage requirements.
- Requires DOH to monitor affected beach waters and public bathing places to ensure that signage is posted appropriately until the bacterial contamination is resolved.

II. Present Situation:

Department of Health

The Department of Health (DOH) protects and promotes the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties.¹

DOH is required to:²

- Identify, diagnose, and conduct surveillance of diseases and health conditions in the state and accumulate the health statistics necessary to establish trends;
- Implement interventions that prevent or limit the impact or spread of diseases and health conditions;
- Collect, manage, and analyze vital statistics and other health data to inform the public and formulate public health policy and planning;
- Maintain and coordinate preparedness for and responses to public health emergencies in the state;
- Provide or ensure the provision of quality health care and related services to identified populations in the state;
- Regulate environmental activities that have a direct impact on public health in the state; and
- Regulate health practitioners for the preservation of the health, safety, and welfare of the public.³

DOH is comprised of a state health office (i.e. a central office) in Tallahassee, with statewide responsibilities; Florida's 67 County Health Departments (CHDs); 22 Children's Medical Services area offices; 12 Medical Quality Assurance regional offices; 9 Disability Determinations regional offices; and 3 public health laboratories.⁴ Facilities for the 67 CHDs are provided through partnerships with local county governments. These 67 CHDs have a total of 255 sites throughout the state, providing a variety of services, and ranging from small to large in location size.⁵

¹ Section 20.43(1), F.S.

² Section 20.43(1)(a)-(g), F.S.

³ *Id.*

⁴ DOH, *About Us*, <https://www.floridahealth.gov/about/index.html> (last visited Feb. 1, 2022).

⁵ *Id.*

DOH Regulation of Beach Waters and Public Bathing Places

State law permits, but does not require, DOH to adopt and enforce rules to protect the health, safety, and welfare of persons using the beach waters and public bathing places of the state.⁶ State law defines the term “beach waters” to mean the waters along the coastal and intracoastal beaches and shores of the state, and includes all salt water and brackish water.⁷ A “[p]ublic bathing place” means a body of water, natural or modified by humans, for swimming, diving, and recreational bathing used by consent of the owner or owners and held out to the public by any person or public body, regardless of whether a fee is charged to use it.⁸ The bathing water areas of public bathing places include, but are not limited to, lakes, ponds, rivers, streams, artificial impoundments, and waters along the coastal and intracoastal beaches and shores of the state.⁹

If adopted, the rules must establish health standards and prescribe procedures and timeframes for bacteriological sampling of beach waters and public bathing places.¹⁰ State law also permits, but does not require, DOH to issue health advisories if the quality of beach waters or a public bathing place fails to meet standards adopted by it.¹¹ The issuance of health advisories related to the results of bacteriological sampling of beach waters is preempted to the state.¹²

DOH has adopted and enforces rules requiring the owners or managers of public bathing places to monitor for water quality, report the results to DOH and the relevant county health department, and provide notice to DOH and the public whenever there are water quality violations of adopted bacteriological standards for fecal coliform, *E. coli*, and *enterococci*.¹³ Bacteriological samples for public bathing places must be collected and tested monthly.¹⁴ If test results exceed standards, the relevant county health department must perform an inspection and the bathing place owner or manager must post a no swimming advisory; only after re-sampling confirms that the bathing water again meets standards may the owner or manager rescind the posted no-swimming advisory.¹⁵ DOH can close a public pool for failing to comply with the rules, including failing to comply with water quality standards, and may attach a sign that states: “Pool closed. This pool is not in compliance with Chapter 64E-9, F.A.C., and may endanger the health, safety or welfare of persons using this facility.”¹⁶

By statute, whenever DOH issues a health advisory against swimming in beach waters or a public bathing place on the basis of finding elevated levels of fecal coliform, *Escherichia coli*, or *enterococci* bacteria in a water sample, DOH must concurrently notify the municipality or county in which the affected beach waters are located, whichever has jurisdiction, and the local office of

⁶ Section 514.023(2), F.S.

⁷ Section 514.023(1), F.S.

⁸ Section 514.011(4), F.S.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 514.023(3), F.S.

¹² *Id.*

¹³ Fla. Admin. Code R. 64E-9.013(1)-(3).

¹⁴ Fla. Admin. Code R. 64E-9.013(1)(a).

¹⁵ Fla. Admin. Code R. 64E-9.013(1)-(2).

¹⁶ See Fla. Admin. Code R. 64E-9.017(1)(h) (permitting closure for “[a]ny other condition” endangering the health, safety, or welfare of persons using the public pool).

the Department of Environmental Protection (DEP).¹⁷ The local office of DEP must then promptly investigate wastewater treatment facilities within 1 mile of the affected beach waters or public bathing place to determine if a facility experienced an incident that may have contributed to the contamination and provide the results of the investigation in writing or by electronic means to the municipality or county, as applicable.¹⁸

Fecal Coliform, Escherichia Coli, and Enterococci Bacteria

Coliforms are bacteria that live in the intestines of warm-blooded animals (humans, pets, farm animals, and wildlife).¹⁹ Fecal coliform bacteria are a kind of coliform associated with human or animal wastes. *Escherichia coli* (*E. coli*) is part of the group of fecal coliforms.²⁰ *Enterococci* are also bacteria associated with human and animal wastes.²¹

Sources of fecal indicator bacteria include wastewater treatment plant effluent, leaking septic systems, stormwater runoff, sewage discharged or dumped from recreational boats, domestic animal and wildlife waste, improper land application of manure or sewage, and runoff from manure storage areas, pastures, rangelands, and feedlots.²²

Coliforms and *enterococci* are indicators of the presence of fecal material in water and, therefore, of the possible presence of disease-causing bacteria, viruses, and protozoa.²³ These pathogens can sicken swimmers and others who use rivers and streams for recreation or eat raw shellfish or fish. Other potential health effects can include diseases of the skin, eyes, ears and respiratory tract. Eating fish or shellfish harvested from waters with fecal contamination can also result in human illness.²⁴

The Beaches Environmental Assessment and Coastal Health (BEACH) Act

The federal Beaches Environmental Assessment and Coastal Health Act of 2000 (BEACH Act)²⁵ amended the Clean Water Act in 2000.²⁶ The BEACH Act is designed to reduce the risk of disease to users of coastal recreation waters. It authorizes the U.S. Environmental Protection Agency to award program development and implementation grants to eligible states, territories, tribes, and local governments to support microbiological testing and monitoring of coastal recreational waters, including the Great Lakes and waters adjacent to beaches or similar points of access used by the public. BEACH Act grants also provide support for developing and

¹⁷ Section 514.023(4), F.S.

¹⁸ *Id.*

¹⁹ U.S. Environmental Protection Agency (EPA), *Response to 2005 Hurricanes*, <https://archive.epa.gov/katrina/web/html/fecal.html> (last visited Feb. 1, 2022).

²⁰ *Id.*

²¹ EPA, *National Aquatic Resource Surveys, Indicators: Enterococci*, <https://www.epa.gov/national-aquatic-resource-surveys/indicators-enterococci> (last visited Feb 1, 2022).

²² See EPA, *Response to 2005 Hurricanes*, <https://archive.epa.gov/katrina/web/html/fecal.html> (last visited Feb. 1, 2022) (regarding coliforms); see also EPA, *National Aquatic Resource Surveys, Indicators: Enterococci*, <https://www.epa.gov/national-aquatic-resource-surveys/indicators-enterococci> (last visited Feb 1, 2022) (regarding *enterococci*).

²³ See *id.*

²⁴ See *id.*

²⁵ Pub. L. No. 106-284, 114 Stat. 870 (2000), available at <https://www.congress.gov/106/plaws/publ284/PLAW-106publ284.pdf> (last visited Feb. 1, 2022).

²⁶ EPA, *Summary of the BEACH Act*, <https://www.epa.gov/laws-regulations/summary-beach-act> (last visited Feb. 1, 2022).

implementing programs to notify the public of the potential for exposure to disease-causing microorganisms in coastal recreation waters.²⁷

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 514.023, F.S., which regulates the sampling of beach waters and public bathing places, as well as the issuance of health advisories.

The bill eliminates Department of Health (DOH) discretion regarding whether to:

- Adopt and enforce rules to protect the health, safety, and welfare of persons using beach waters and public bathing places, by making the adoption and enforcement of such rules mandatory; and
- Issue health advisories if the water quality of beach waters or a public bathing place fails to meet DOH standards, by making the issuance of such health advisories mandatory.

The bill revises existing law to include public bathing places as areas over which the issuance of health advisories related to the results of bacteriological sampling is preempted to DOH. It also revises existing law to include public bathing places as areas for which DOH must give concurrent notice of health advisories against swimming to municipalities, counties, and the local office of the Department of Environmental Protection (DEP).

The bill requires DOH to adopt by rule a sign to be used when it issues a health advisory against swimming in beach waters or public bathing places due to elevated levels of fecal coliform, *Escherichia coli*, or *enterococci* bacteria in the water. The sign must include the following language:

THIS WATER BODY HAS BEEN VERIFIED BY THE FLORIDA DEPARTMENT OF HEALTH TO BE CONTAMINATED WITH FECAL BACTERIA. RESTORATION IN COMPLIANCE WITH STATE WATER QUALITY STANDARDS IS REQUIRED. THIS WATER BODY PRESENTS A RISK OF INFECTION OR ILLNESS. AVOID SWIMMING AND USE CAUTION TO AVOID INGESTING THE WATER OR EXPOSING OPEN WOUNDS. SECTION 514.023, FLORIDA STATUTES.

DOH must require health advisory signs to be displayed in conspicuous areas around affected beach waters or public bathing places until subsequent testing of the water shows that the bacteria levels meet DOH's standards.

The bill provides that municipalities and counties are responsible for maintaining health advisory signs in affected beach waters and public bathing places that they own. DOH is responsible for maintaining health advisory signs in affected beach waters and public bathing places owned by the state. DOH may coordinate with DEP and the Fish and Wildlife Conservation Commission to implement the signage requirements of the bill.

²⁷ *Id.*

The bill requires DOH to monitor affected beach waters and public bathing places for compliance with the signage requirements of the bill, to ensure that signage is posted appropriately until the bacteria contamination is resolved.

Section 2 of the bill provides an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will likely cause municipalities, counties, and DOH to incur costs associated with the acquisition, posting, and removal of signage. DOH will also likely incur costs associated with monitoring affected beach waters and public bathing places for compliance with the signage requirements of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 514.023 of the Florida Statutes.

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

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

CS by Environment and Natural Resources on February 7, 2022:

Retains the following from the underlying bill:

- Elimination of Department of Health (DOH) discretion by requiring (not just authorizing) it to:
 - Adopt and enforce rules to protect the health, safety, and welfare of persons using beach waters and public bathing places; and
 - Issue health advisories if the water quality of beach waters or a public bathing place fails to meet DOH standards.
- Requirement of DOH to adopt by rule a sign containing certain language, to be used when it issues a health advisory against swimming in beach waters or public bathing places due to bacterial contamination.

Amends the underlying bill as follows:

- Deletes revisions to the definitions of “public bathing place” and “beach waters” and deletes all conforming changes.
- Eliminates the requirement that municipalities and counties having jurisdiction post and maintain health advisory signage, unless they own the affected beach waters and public bathing places, in which case they are responsible.
- Provides that DOH is responsible for maintaining signs at beach waters and public bathing places owned by the state.

B. Amendments:

None.



266516

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2022	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 514.023, Florida Statutes, is amended to read:

514.023 Sampling of beach waters~~r~~ and public bathing places; health advisories; signage.—

(1) As used in this section, the term "beach waters" means the waters along the coastal and intracoastal beaches and shores



266516

11 of this ~~the~~ state, and includes salt water and brackish water.

12 (2) The department shall ~~may~~ adopt and enforce rules to
13 protect the health, safety, and welfare of persons using the
14 beach waters and public bathing places of this ~~the~~ state. The
15 rules must establish health standards and prescribe procedures
16 and timeframes for bacteriological sampling of beach waters and
17 public bathing places.

18 (3) The department shall ~~may~~ issue health advisories if the
19 quality of beach waters or a public bathing place fails to meet
20 standards established by the department. The issuance of health
21 advisories related to the results of bacteriological sampling of
22 beach waters and public bathing places is preempted to the
23 state.

24 (4) (a) When the department issues a health advisory against
25 swimming in beach waters or a public bathing place on the basis
26 of finding elevated levels of fecal coliform, *Escherichia coli*,
27 or enterococci bacteria in a water sample, the department must
28 ~~shall~~ concurrently notify the municipality or county in which
29 the affected beach waters or public bathing place is ~~are~~
30 located, whichever has jurisdiction, and the local office of the
31 Department of Environmental Protection, of the advisory.

32 (b) The local office of the Department of Environmental
33 Protection must ~~shall~~ promptly investigate wastewater treatment
34 facilities within 1 mile of the affected beach waters or public
35 bathing place to determine if a facility experienced an incident
36 that may have contributed to the contamination and provide the
37 results of the investigation in writing or by electronic means
38 to the municipality or county, as applicable.

39 (c) The department shall adopt by rule a sign to be used



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40 when it issues a health advisory against swimming in affected
41 beach waters or public bathing places due to elevated levels of
42 fecal coliform, *Escherichia coli*, or enterococci bacteria in the
43 water. The sign must include the following language: "THIS WATER
44 BODY HAS BEEN VERIFIED BY THE FLORIDA DEPARTMENT OF HEALTH TO BE
45 CONTAMINATED WITH FECAL BACTERIA. RESTORATION IN COMPLIANCE WITH
46 STATE WATER QUALITY STANDARDS IS REQUIRED. THIS WATER BODY
47 PRESENTS A RISK OF INFECTION OR ILLNESS. AVOID SWIMMING AND USE
48 CAUTION TO AVOID INGESTING THE WATER OR EXPOSING OPEN WOUNDS.
49 SECTION 514.023, FLORIDA STATUTES." The department shall require
50 health advisory signs to be displayed in conspicuous areas
51 around affected beach waters or public bathing places until
52 subsequent testing of the water shows that the bacteria levels
53 meet the department's standards.

54 (d) Municipalities and counties are responsible for
55 maintaining health advisory signs in affected beach waters and
56 public bathing places that they own. The department is
57 responsible for maintaining health advisory signs in affected
58 beach waters and public bathing places owned by the state. The
59 department may coordinate with the Department of Environmental
60 Protection and the Fish and Wildlife Conservation Commission to
61 implement the signage requirements of this paragraph.

62 (e) The department shall monitor affected beach waters and
63 public bathing places for compliance with the signage
64 requirements of this subsection, ensuring that signage is posted
65 appropriately until the bacteria contamination is resolved.

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

67
68 ===== T I T L E A M E N D M E N T =====



266516

69 And the title is amended as follows:

70 Delete everything before the enacting clause
71 and insert:

72 A bill to be entitled

73 An act relating to the Safe Waterways Act; amending s.
74 514.023, F.S.; requiring, rather than authorizing, the
75 Department of Health to adopt and enforce certain
76 rules; requiring, rather than authorizing, the
77 department to issue health advisories under certain
78 circumstances; requiring the department to notify a
79 municipality or county if the department issues a
80 health advisory against swimming on the basis of
81 elevated bacteria levels in a public bathing place
82 within the municipality's or county's jurisdiction;
83 requiring the department to adopt by rule a certain
84 health advisory sign; providing requirements for the
85 sign; requiring the sign to be posted in a specified
86 manner and maintained until subsequent testing shows
87 the water's bacteria levels meet the department's
88 standards; providing that municipalities and counties
89 are responsible for maintaining the health advisory
90 signs for affected beach waters and public bathing
91 places that they own; providing that the department is
92 responsible for maintaining the health advisory signs
93 for affected beach waters and public bathing places
94 owned by the state; authorizing the department to
95 coordinate with the Department of Environmental
96 Protection and the Fish and Wildlife Conservation
97 Commission to implement such signage requirements;



98 requiring the department to monitor the affected beach
99 waters and public bathing places for compliance with
100 the signage requirements; providing an effective date.

By Senator Berman

31-00208D-22

2022604__

1 A bill to be entitled
2 An act relating to the Safe Waterways Act; amending s.
3 514.011, F.S.; revising the definition of the term
4 "public bathing place"; amending s. 514.023, F.S.;
5 deleting the definition of the term "beach waters";
6 requiring, rather than authorizing, the Department of
7 Health to adopt and enforce certain rules; requiring,
8 rather than authorizing, the department to issue
9 health advisories under certain circumstances;
10 requiring the department to notify a municipality or
11 county if the department issues a health advisory
12 against swimming on the basis of elevated bacteria
13 levels in a public bathing place within the
14 municipality's or county's jurisdiction; requiring the
15 municipality or county to post certain signage around
16 public bathing places that have elevated levels of
17 specified bacteria; specifying requirements for the
18 signage; requiring municipalities and counties to
19 maintain the signage until subsequent testing shows
20 the water's bacteria levels meet the department's
21 standards again; requiring the department to monitor
22 the affected public bathing places to ensure the
23 appropriate signage is displayed; requiring the
24 department to post and maintain the appropriate
25 signage under certain circumstances; authorizing the
26 department to coordinate with the Department of
27 Environmental Protection and the Fish and Wildlife
28 Conservation Commission to implement such signage
29 requirements; providing an effective date.

31-00208D-22

2022604__

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

Section 1. Subsection (4) of section 514.011, Florida Statutes, is amended to read:

514.011 Definitions.—As used in this chapter:

(4) "Public bathing place" means a body of water, including fresh water, salt water, and brackish water, that is natural or modified by humans; used for swimming, diving, and recreational bathing with ~~used by~~ consent of the owner or owners; and held out to the public by any person or public body, irrespective of whether a fee is charged for the use thereof. The bathing water areas of public bathing places include, but are not limited to, lakes, ponds, rivers, streams, artificial impoundments, and waters along the coastal and intracoastal beaches and shores of this ~~the~~ state.

Section 2. Section 514.023, Florida Statutes, is amended to read:

514.023 Sampling of ~~beach waters;~~ and public bathing places; health advisories; signage.—

(1) ~~As used in this section, the term "beach waters" means the waters along the coastal and intracoastal beaches and shores of the state, and includes salt water and brackish water.~~

(2) The department shall ~~may~~ adopt and enforce rules to protect the health, safety, and welfare of persons using the ~~beach waters~~ and public bathing places of this ~~the~~ state. The rules must establish health standards and prescribe procedures and timeframes for bacteriological sampling of ~~beach waters~~ and public bathing places.

31-00208D-22

2022604__

59 (2)~~(3)~~ The department shall ~~may~~ issue health advisories if
60 the quality of ~~beach waters~~ or a public bathing place fails to
61 meet standards established by the department. The issuance of
62 health advisories related to the results of bacteriological
63 sampling of public bathing places ~~beach waters~~ is preempted to
64 the state.

65 (3) (a)~~(4)~~ When the department issues a health advisory
66 against swimming in ~~beach waters~~ or a public bathing place on
67 the basis of finding elevated levels of fecal coliform,
68 *Escherichia coli*, or enterococci bacteria in a water sample, the
69 department shall concurrently notify the municipality or county
70 in which the affected public bathing place is ~~beach waters are~~
71 located, whichever has jurisdiction, and the local office of the
72 Department of Environmental Protection, of the advisory.

73 (b) The local office of the Department of Environmental
74 Protection shall promptly investigate wastewater treatment
75 facilities within 1 mile of the affected ~~beach waters~~ or public
76 bathing place to determine if a facility experienced an incident
77 that may have contributed to the contamination and provide the
78 results of the investigation in writing or by electronic means
79 to the municipality or county, as applicable.

80 (c) The municipality or county in which the affected public
81 bathing place is located, whichever has jurisdiction, shall post
82 conspicuous signs, adopted by department rule, around the
83 affected areas which advise the public that the department has
84 issued a health advisory against swimming in that area due to
85 elevated levels of fecal coliform, *Escherichia coli*, or
86 enterococci bacteria in the water. The sign must include the
87 following language: "THIS WATER BODY HAS BEEN VERIFIED BY THE

31-00208D-22

2022604__

88 FLORIDA DEPARTMENT OF HEALTH TO BE CONTAMINATED WITH FECAL
89 BACTERIA. RESTORATION IN COMPLIANCE WITH STATE WATER QUALITY
90 STANDARDS IS REQUIRED. THIS WATER BODY PRESENTS A RISK OF
91 INFECTION OR ILLNESS. AVOID SWIMMING AND USE CAUTION TO AVOID
92 INGESTING THE WATER OR EXPOSING OPEN CUTS. SECTION 514.023,
93 FLORIDA STATUTES.” The municipality or county, as applicable,
94 shall maintain the signage until subsequent testing of the water
95 shows the bacteria levels meet the department’s standards again.
96 The department shall monitor affected public bathing places to
97 ensure that signage is posted appropriately until the bacteria
98 contamination is resolved.

99 (d) If the affected public bathing place is not within the
100 jurisdiction of a municipality or county, the department must
101 post and maintain the required signage as provided in paragraph
102 (c). The department may coordinate with the Department of
103 Environmental Protection and the Fish and Wildlife Conservation
104 Commission to implement the signage requirements of this
105 paragraph.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1210

INTRODUCER: Environment and Natural Resources Committee and Senator Albritton

SUBJECT: Development of Current or Former Agricultural Land

DATE: February 8, 2022

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1210 amends s. 403.182, F.S., regarding local pollution control programs. The bill provides that notwithstanding existing law or any existing local pollution control programs, the Secretary of the Department of Environmental Protection (DEP) has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural land pursuant to state law and being converted to a nonagricultural use. This exclusive jurisdiction includes defining what constitutes all appropriate inquiry required by federal law relating to the innocent landowners defense under CERCLA and associated guidance.

For land that is classified as agricultural land pursuant to state law and being converted to a nonagricultural use, the bill provides that the Secretary of DEP may not delegate the authority to set standards or procedures for evaluating environmental conditions and assessing potential liability described in the bill to a county, a municipality, or another unit of local government through a local pollution control program. However, the bill does not preempt the enforcement authority of a county, a municipality, or another unit of local government through a local pollution control program.

The bill does not apply to former agricultural land for which a permit has been approved by a local government to initiate development or for which development was completed on or before July 1, 2022.

II. Present Situation:

Classification of Agricultural Lands

Section 193.461(1), F.S., requires state property appraisers to classify for ad valorem tax assessment purposes all lands within their counties as agricultural or nonagricultural.¹ Only lands that are used primarily for bona fide agricultural purposes may be classified agricultural.²

The term “bona fide agricultural purposes” means good faith commercial agricultural use of the land.³ The term “agricultural purposes” includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture as defined in state law; algaculture; sod farming; and all forms of farm products as defined in state law; and farm production.⁴

In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

- The length of time the land has been so used;
- Whether the use has been continuous;
- The purchase price paid;
- Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment;
- Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices;
- Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease; and
- Such other factors as may become applicable.⁵

In contrast, nonagricultural lands are lands that have either been diverted from an agricultural to a nonagricultural use, or are no longer being utilized for agricultural purposes.⁶

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)⁷ is commonly known as Superfund.⁸ Thousands of contaminated sites exist nationally due to

¹ Section 193.461(2), F.S.

² Section 193.461(3)(b), F.S.

³ *Id.*

⁴ Section 193.461(5), F.S.

⁵ *Id.*

⁶ Section 193.461(4), F.S.

⁷ 42 U.S.C. ss. 9601 et seq.

⁸ EPA, *What is CERCLA?*, https://usepa.servicenowservices.com/ecss?id=kb_article_view&sys_kb_id=12ec93221bb99c1013bdb913cc4bcb32 (last visited Nov. 17, 2021).

hazardous waste being dumped, left out in the open, or otherwise improperly managed.⁹ These sites include manufacturing facilities, processing plants, landfills, and mining sites.¹⁰

CERCLA created a tax on the chemical and petroleum industries and required that the money collected be used to clean up hazardous waste sites throughout the country.¹¹ Superfund allows the U.S. Environmental Protection Agency (EPA) to clean up contaminated sites.¹² It also forces the parties responsible for the contamination to either perform cleanups or reimburse the government for EPA-led cleanup work.¹³ When there is no viable responsible party, Superfund gives EPA the funds and authority to clean up contaminated sites.¹⁴

Federal agencies must comply with substantive and procedural CERCLA requirements to the same extent as private entities.¹⁵ The following sequence of events generally applies to all sites, both privately and federally-owned or operated: preliminary assessment; site investigation; listing on the National Priorities List; remedial investigation; feasibility study; record of decision; remedial design; remedial action; long-term operation; and maintenance.¹⁶ The remedy selected for cleanup at a federal facility must meet CERCLA's cleanup standards.¹⁷

All Appropriate Inquiries

All appropriate inquiries (AAI)¹⁸ is the process of evaluating a property's environmental conditions and assessing potential liability for any contamination.¹⁹ AAI requirements apply to any party who can potentially claim protection from CERCLA liability as an innocent landowner, contiguous property owner, or bona fide prospective purchasers (BFPPs).²⁰

Title 40, Part 312 of the Code of Federal Regulations (AAI Final Rule) provides that AAI investigations must be documented in a written report prepared by an environmental

⁹ EPA, *What is Superfund?*, https://usepa.servicenowservices.com/ecss?id=kb_article_view&sys_kb_id=2e020af01b215410a5dced39bc4bcb98 (last visited Nov. 17, 2021).

¹⁰ *Id.*

¹¹ EPA, *What is CERCLA?*, https://usepa.servicenowservices.com/ecss?id=kb_article_view&sys_kb_id=12ec93221bb99c1013bdb913cc4bcb32 (last visited Nov. 17, 2021).

¹² EPA, *What is Superfund?*, https://usepa.servicenowservices.com/ecss?id=kb_article_view&sys_kb_id=2e020af01b215410a5dced39bc4bcb98 (last visited Nov. 17, 2021).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ EPA, *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Federal Facilities*, <https://www.epa.gov/enforcement/comprehensive-environmental-response-compensation-and-liability-act-cercla-and-federal> (last visited Nov. 17, 2021).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ See 40 C.F.R. pt. 312 (entitled "Innocent Landowners, Standards for Conducting All Appropriate Inquiries," also known as the "AAI Final Rule"); see also EPA, *Memorandum: Enforcement Discretion Guidance Regarding Statutory Criteria for Those Who May Qualify as CERCLA Bona Fide Prospective Purchasers, Contiguous Property Owners, or Innocent Landowners ("Common Elements")* (July 29, 2019), available at <https://www.epa.gov/sites/default/files/2019-08/documents/common-elements-guide-mem-2019.pdf> (last visited Feb. 8, 2022) (providing Common Elements guidance).

¹⁹ EPA, *Lender Liability and Applicability of All Appropriate Inquiries*, available at https://www.epa.gov/sites/default/files/2017-07/documents/aai_factsheet_lender_liability_epa_560_f_17_192_508.pdf (last visited Jan. 12, 2022).

²⁰ *Id.*

professional.²¹ These reports often take the form of a Phase I Environmental Site Assessment.²² A Phase I Environmental Site Assessment uses existing information to help understand the property conditions by examining current and historical uses of the site and potential threats to human health or the environment. When a potential owner conducts an AAI in compliance with Title 40, Part 312 of the Code of Federal Regulations, he or she may have a defense to liability if contamination is later discovered.²³

A Phase II Environmental Site Assessment is recommended if the Phase I Environmental Site Assessment results reveal known or potential contamination on the property.²⁴ In that event, an environmental professional develops a sampling plan to evaluate the potential presence of contamination from hazardous substances and petroleum on the property and determines the sources and exposures.²⁵ If the contamination found at the property exceeds risk thresholds for the proposed reuse, a cleanup plan may be necessary.²⁶

Local Pollution Control Programs

Section 403.182, F.S., provides that each county and municipality (or any combination thereof) may establish and administer a local pollution control program, so long as it complies with all other provisions of the Florida Air and Water Pollution Control Act (FAWPCA).²⁷ All local pollution control programs must:²⁸

- Be approved by the Department of Environmental Protection (DEP) as adequate to meet the requirements of the FAWPCA and any applicable rules and regulations pursuant thereto;
- Provide by ordinance, regulation, or local law for requirements compatible with, or stricter or more extensive than those imposed by the FAWPCA and regulations issued thereunder;
- Provide for the enforcement of such requirements by appropriate administrative and judicial process; and
- Provide for administrative organization, staff, financial, and other resources necessary to effectively and efficiently carry out its program.

If DEP determines that a local pollution control program is inadequate to prevent and control pollution, or is being administered in a manner inconsistent with the requirements of the FAWPCA, it may require necessary corrective measures.²⁹ If these corrective measures are not implemented, DEP may reassume implementation of the FAWPCA within the jurisdiction.³⁰

²¹ EPA, *All Appropriate Inquiries Rule: Reporting Requirements and Suggestions on Report Content*, available at https://www.epa.gov/sites/default/files/2015-05/documents/aa_i_reporting_factsheet.pdf (last visited Feb. 8, 2022).

²² See EPA, *Assessing Brownfield Sites*, available at https://www.epa.gov/sites/default/files/2020-07/documents/assessing_brownfield_sites.pdf (last visited Feb. 8, 2022) (explaining that performing a Phase I Environmental Site Assessment pursuant to ASTM International Standards E1527-13 prior to owning a property is often equivalent to conducting all appropriate inquiries).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Section 403.182, F.S.; see also ch. 67-436, s. 2, Laws of Fla. (identifying the short title of the act).

²⁸ Section 403.182(1), F.S.

²⁹ See s. 403.182(4), F.S.

³⁰ See *id.*

Each local pollution control program must cooperate with and assist DEP in carrying out its powers, duties, and functions.³¹

Site Assessment Guidance for Former Agricultural Sites in Miami-Dade County

The Miami-Dade County (County) Division of Environmental Resources Management (DERM) implements monitoring, education, restoration, regulatory, and land management programs to protect water quality, drinking water supply, air quality and natural resources that are vital to the health and well-being of all County residents and visitors and the ecosystem.³²

In August 2021, DERM issued a revised *Site Assessment Guidance for Former Agricultural Sites in Miami-Dade County, DERM Guidance 7G* (DERM Guidance).³³ The DERM Guidance revised earlier interim guidance on the same topic.³⁴ DERM states that the guidance was developed in response to requests to provide environmental professionals and practitioners clear guidance for evaluating potential environmental concerns at sites transitioning from a former bona fide agriculture land use (e.g. crops and orchards) to a nonagricultural land use, such as residential use.³⁵

According to the DERM Guidance, the conversion of former agricultural lands into nonagricultural uses like residences and schools results in different exposed populations (e.g. expectant mothers, children, and construction workers), different exposure scenarios (e.g. increased exposure frequency and duration), and different exposure pathways.³⁶ Under these new scenarios, residual agrichemical concentrations in the environment may pose an unacceptable health risk to exposed populations and have the potential to cause a nuisance, ground pollution, or water pollution as defined in the Miami-Dade County Code.³⁷

To address these concerns, the DERM Guidance requires “testing/proper assessment and, if necessary, risk mitigation to ensure the protection of public health, safety, and welfare.”³⁸ It addresses areas historically utilized for growing agricultural crops and provides minimum requirements to characterize the site’s environmental conditions resulting from agricultural activities at the site. DERM notes that based upon changes in types of crops grown,

³¹ Section 403.182(10), F.S.

³² DERM, *Environment*, <https://www.miamidade.gov/environment/> (last visited Jan. 7, 2022).

³³ DERM, *Site Assessment Guidance for Former Agricultural Sites in Miami-Dade County, DERM Guidance 7G*, available at <https://www.miamidade.gov/resources/legal-ads/2021-08-interim-guidance-assessment-at-former-agricultural-sites.pdf> (last visited Jan. 7, 2022).

³⁴ DERM, *Interim Site Assessment Guidance for Developing at Former Agricultural Sites*, <https://www.miamidade.gov/environment/research-reports.asp#0> (last visited Jan. 7, 2022). The Dade County Farm Bureau opposed the interim guidance, asserting (among other things) that it unfairly targeted agricultural lands, assumed without evidence that they are polluted, and imposed on them heavy-handed environmental testing protocols. See *Landowners Urged to Fight Back against Miami-Dade County DERM*, SOUTH DADE NEWSLEADER, Nov. 13, 2020, http://www.southdadenewsleader.com/news/landowners-urged-to-fight-back-against-miami-dade-county-derm/article_bac6b9f8-253c-11eb-915f-cf89a59e3111.html (last visited Jan. 7, 2021).

³⁵ *Id.*

³⁶ DERM, *Site Assessment Guidance for Former Agricultural Sites in Miami-Dade County, DERM Guidance 7G*, available at <https://www.miamidade.gov/resources/legal-ads/2021-08-interim-guidance-assessment-at-former-agricultural-sites.pdf> (last visited Jan. 7, 2022).

³⁷ *Id.* at 1.

³⁸ *Id.*

agricultural use, irrigation, and pest management strategies, homogenous application of agricultural chemicals and distribution of agricultural chemical residues in soils and groundwater cannot be assumed. Ancillary use areas such as agricultural storage, mix-load areas, and fuel storage areas may require more targeted assessment and may include additional contaminants of concern (COCs). And additional assessment may be necessary on a case-by-case basis for properties at which a nonagricultural land use predated the bona fide agricultural use (such as landfills and military installations) or where the land use history indicates a period during which bona fide agricultural use was interrupted by a nonagricultural use.³⁹

The DERM Guidance provides guidance on soil assessment issues like sampling methodologies (including discrete sampling, composite sampling, and Incremental Sampling Methodology (ISM) sampling); sampling intervals; COCs; Synthetic Precipitation Leaching Procedure (SPLP) analysis; acute toxicity considerations; assessment of bioavailability from soil; and background concentrations.⁴⁰ It also provides guidance on groundwater assessment issues like sampling frequency and COCs, the substance of technical reports that property owners submit to DERM, and notifications.⁴¹

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 403.182, F.S., regarding local pollution control programs. The bill provides that notwithstanding existing law or any existing local pollution control programs, the Secretary of the Department of Environmental Protection (DEP) has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural land pursuant to state law and being converted to a nonagricultural use. This exclusive jurisdiction includes defining what constitutes all appropriate inquiry required by federal law relating to innocent landowners defense under CERCLA and associated guidance.

For land that is classified as agricultural land pursuant to state law and being converted to a nonagricultural use, the bill provides that the Secretary of DEP may not delegate the authority to set standards or procedures for evaluating environmental conditions and assessing potential liability described in the bill to a county, a municipality, or another unit of local government through a local pollution control program. However, the bill also provides that it does not preempt the enforcement authority of a county, a municipality, or another unit of local government through a local pollution control program.

The bill does not apply to former agricultural land for which a permit has been approved by a local government to initiate development or for which development was completed on or before July 1, 2022.

Section 2 provides that the bill takes effect July 1, 2022.

³⁹ *Id.*

⁴⁰ *Id.* at 2-6.

⁴¹ *Id.* at 6-8.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may increase costs to DEP because it is assuming exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural land pursuant to state law and being converted to a nonagricultural use. In contrast, local governments may experience a decrease in costs associated with setting such standards or procedures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.182 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Environment and Natural Resources on February 7, 2022**

- Narrows the scope of the underlying bill to the following:
 - Provides that the Secretary of the Department of Environmental Protection has exclusive jurisdiction from “all matters related to” (in the underlying bill) evaluating environmental conditions and assessing potential liability for the presence of contaminants, to “setting standards or procedures” for same.
 - Modifies the scope of the evaluation and assessment, from land that is or was classified as agricultural land, to land that is classified as agricultural land and is being converted to a nonagricultural use.
 - Clarifies that the secretary’s exclusive jurisdiction includes defining what constitutes all appropriate inquiry consistent with federal law and guidance.
 - Clarifies that the secretary may not delegate this authority to set standards or procedures to a county, a municipality, or another unit of local government through a local pollution control program for land that is classified as agricultural under state law and being converted to nonagricultural use.
 - Provides that the bill does not preempt the enforcement authority of a county, a municipality, or another unit of local government through a local pollution control program.
 - Provides that the bill does not apply to former agricultural land for which a permit has been approved by a local government to initiate development or for which development was completed on or before July 1, 2022.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2022	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (11) is added to section 403.182,
Florida Statutes, to read:

403.182 Local pollution control programs.-

(11) (a) Notwithstanding this section or any existing local
pollution control programs, the Secretary of Environmental
Protection has exclusive jurisdiction in setting standards or



467912

11 procedures for evaluating environmental conditions and assessing
12 potential liability for the presence of contaminants on land
13 that is classified as agricultural land pursuant to s. 193.461
14 and being converted to a nonagricultural use. The exclusive
15 jurisdiction includes defining what constitutes all appropriate
16 inquiry consistent with 40 C.F.R. part 312 and guidance
17 thereunder.

18 (b) The secretary may not delegate the authority to set
19 standards or procedures for evaluating environmental conditions
20 and assessing potential liability under paragraph (a) to a
21 county, a municipality, or another unit of local government
22 through a local pollution control program under this section.
23 This subsection does not preempt the enforcement authority of a
24 county, a municipality, or another unit of local government
25 through a local pollution control program under this section.

26 (c) This subsection does not apply to former agricultural
27 land for which a permit has been approved by a local government
28 to initiate development or for which development was completed
29 on or before July 1, 2022.

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

31
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Delete everything before the enacting clause
35 and insert:

36 A bill to be entitled
37 An act relating to pollution control standards and
38 liability; amending s. 403.182, F.S.; providing that
39 the Secretary of Environmental Protection has



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40 exclusive jurisdiction in setting standards or
41 procedures for evaluating environmental conditions and
42 assessing potential liability for the presence of
43 contaminants on certain agricultural lands;
44 prohibiting the secretary from delegating such
45 authority to a local governmental entity; providing
46 construction and applicability; providing an effective
47 date.

By Senator Albritton

26-00911-22

20221210__

1 A bill to be entitled
2 An act relating to the development of current or
3 former agricultural land; creating s. 376.3065, F.S.;
4 defining terms; providing legislative findings;
5 providing that the application of pesticides as part
6 of agricultural operations is presumed to be a lawful
7 application under certain circumstances; authorizing
8 pesticide mixing areas to be legally subdivided for
9 certain purposes; requiring the Department of
10 Environmental Protection to investigate claims and
11 provide certain remedies as applicable; providing site
12 assessment and remedial activity requirements for
13 current or former agricultural land; providing
14 applicability; providing that current or former
15 agricultural land that meets certain requirements is
16 exempt from further regulation by the department;
17 authorizing property owners to voluntarily apply for
18 brownfield site rehabilitation activities; authorizing
19 lenders to rely on certain provisions under certain
20 circumstances; requiring property owners to provide
21 the department with reasonable assurances that certain
22 risk management techniques have been implemented
23 before redeveloping their property; requiring the
24 property owner to notify the department upon
25 completion of the risk management techniques;
26 prohibiting the department from requiring additional
27 environmental management activities for certain
28 property owners except in cases of fraud, the
29 discovery of new information regarding a specified

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30 contaminant, failed management efforts, or substantial
31 changes in exposure conditions; amending s. 403.182,
32 F.S.; providing that the Secretary of Environmental
33 Protection has exclusive jurisdiction in evaluating
34 environmental conditions and assessing potential
35 liability for the presence of contaminants on certain
36 lands; prohibiting the secretary from delegating such
37 authority to a local governmental entity; providing an
38 effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Section 376.3065, Florida Statutes, is created
43 to read:

44 376.3065 Development of current or former agricultural
45 land.—

46 (1) DEFINITIONS.—As used in this section, the term:

47 (a) "Current or former agricultural land" means land that
48 is or was classified as agricultural land pursuant to s.
49 193.461.

50 (b) "Lawful application" means the application of
51 pesticides that have been properly mixed and applied in
52 accordance with the manufacturer specifications and United
53 States Environmental Protection Agency approvals on the labels
54 of properly registered products.

55 (c) "Pesticide" has the same meaning as in 7 U.S.C. s.
56 136(u).

57 (d) "Pesticide mixing area" means the area on the property
58 where pesticide storage, mixing, or equipment maintenance

26-00911-22

20221210__

59 facilities are located.

60 (e) "Qualified property" means a parcel of land that is
61 part of a broader, regional, or multi property area impacted by
62 pesticides.

63 (2) LAWFUL APPLICATION OF PESTICIDES.—

64 (a) The Legislature finds that state and federal
65 regulations prescribe lawful application of pesticides and limit
66 their use in the operation of bona fide agricultural activities.

67 (b) For purposes of this section, the application of
68 pesticides as part of agricultural operations is presumed to be
69 a lawful application, unless a discharge as defined in s.
70 376.301 exists, and is presumed not to be a recognized
71 environmental condition pursuant to 40 C.F.R. part 312.

72 (c) Notwithstanding any other state or local law or
73 regulation to the contrary, pesticide mixing areas may be
74 legally subdivided as separate parcels of land for environmental
75 evaluation and remediation.

76 (d) Upon receiving a report of a discovery of verifiable
77 pesticide impacts to potable water systems or potable private
78 wells caused by a property, the department shall investigate the
79 claim pursuant to s. 376.30(3) and provide any appropriate
80 remedies pursuant to s. 376.307(5).

81 (3) SITE ASSESSMENT AND REMEDIAL ACTIVITIES FOR CURRENT OR
82 FORMER AGRICULTURAL LAND.—

83 (a) Notwithstanding any existing state or local law or
84 regulation for site assessment and remedial activity applicable
85 to current or former agricultural land, this section shall be
86 used for evaluating environmental conditions and prescribing
87 remedial activity for a contaminated site for such current or

26-00911-22

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88 former agricultural land. This section does not apply to former
89 agricultural land that has obtained local government-approved
90 permits to initiate redevelopment or has completed redevelopment
91 as of July 1, 2022.

92 (b) Current or former agricultural land that meets the
93 requirements of this section is exempt from regulation by
94 department rules for site assessment and remedial activity
95 associated with lawful applications.

96 (c) A property owner may voluntarily apply for brownfield
97 site rehabilitation activities in accordance with the
98 Brownfields Redevelopment Act, ss. 376.77-376.85.

99 (d) Lenders may rely on this section if:

100 1. The lender is serving as a trustee, a personal
101 representative, or another type of fiduciary;

102 2. The lender holds indicia of ownership in the site
103 primarily to protect a security interest; or

104 3. The lender held a security interest in the site and has
105 foreclosed or otherwise acted to acquire title primarily to
106 protect its security interest; seeks to sell, transfer, or
107 otherwise divest the assets for subsequent sale at the earliest
108 possible time, taking all relevant facts and circumstances into
109 account; and has not undertaken management activities beyond
110 those necessary to protect its financial interest, to effectuate
111 compliance with environmental statutes and rules.

112 (e) This section applies regardless of when a contaminant
113 was discovered if the real property owner of the current or
114 former agricultural land:

115 1. Completes environmental management activities pursuant
116 to subsection (4) as part of the property's redevelopment. The

26-00911-22

20221210__

117 incentives of this subsection do not apply to formerly
118 cultivated land that has obtained local government-approved
119 permits to initiate redevelopment or has completed redevelopment
120 as of July 1, 2022, and such redeveloped properties are not
121 required to complete the risk management activities pursuant to
122 subsection (4);

123 2. Has not been proved to have operated in a grossly
124 negligent manner. Discharges as defined in s. 376.301 do not
125 exist on the current or former agricultural land;

126 3. Has not willfully concealed a discharge as defined in s.
127 376.301; and

128 4. Provides reasonable assurances that the property does
129 not include:

130 a. A pesticide mixing area; or

131 b. An area, including surface or groundwater, designated as
132 a contaminated site whose classification as a contaminated site
133 was the result of its proximity to a pesticide mixing area.

134 (f) Current or former bona fide agricultural operations are
135 presumed to have lawfully applied pesticides in this state,
136 unless evidence of a point source of impacts or a discharge as
137 defined in s. 376.301 exists.

138 (4) ENVIRONMENTAL MANAGEMENT.—

139 (a) Before redevelopment of current or former agricultural
140 land that qualifies as a contaminated site, the property owner
141 or authorized representative shall provide the department with
142 reasonable assurances that all of the following applicable risk
143 management techniques have been implemented:

144 1. A soil management plan that includes, at a minimum,
145 exposed soils on site that are subject to human exposure, that

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146 are found between land surface and 2 feet below land surface,
147 and that meet or exceed soil cleanup target levels established
148 by department rule. The soils must be managed using appropriate
149 institutional or engineering controls consistent with the
150 proposed land reuse, which may be accomplished using non-
151 contaminated fill material or by mixing or blending the soil
152 during construction. Soil reuse or relocation must be conducted
153 in accordance with all applicable federal, state, and local
154 regulations. A soil management plan must follow guidance
155 developed by the department.

156 2. If surface water or groundwater sampling for the current
157 or former agricultural land indicates the presence of
158 contaminants at concentrations exceeding cleanup target levels
159 established by department rule, a water management plan for the
160 property that incorporates institutional controls as defined in
161 s. 376.301(21) or s. 376.79(11). Stormwater conveyance
162 construction and dewatering requirements must be completed
163 pursuant to applicable department permits. Proposed or existing
164 improvements to a property with human occupancy which is served
165 by a municipal drinking water supply system or which accesses
166 drinking water must meet water management district well
167 permitting rules.

168 (b) The property owner shall notify the department upon
169 completion of the risk management techniques, with an
170 affirmative demonstration that the owner has met the
171 requirements of this section.

172 (c) Qualified properties are not required to meet any off-
173 property sampling requirements under this chapter, and a
174 property owner of such a property is only responsible for

26-00911-22

20221210__

175 environmental risk management within the qualified property's
176 legal boundaries.

177 (5) REOPENERS.—Upon completion of environmental management
178 activities in compliance with subsection (4), the property may
179 not be required to complete additional environmental management
180 activities unless:

181 (a) The department determines that fraud was committed in
182 demonstrating land or real property conditions or in completing
183 environmental management activities;

184 (b) New information confirms the existence of a contaminant
185 that exceeds the environmental management criteria established
186 in accordance with subsection (4) or that otherwise poses the
187 threat of real and substantial harm to public health, safety,
188 and the environment;

189 (c) Environmental management efforts failed to achieve the
190 criteria established under this section; or

191 (d) Substantial changes in exposure conditions have
192 increased the level of risk beyond the acceptable risk
193 established under subsection (4). The department may require a
194 person who changes the land use of the property which causes the
195 level of risk to increase beyond the acceptable risk level to
196 undertake additional environmental management measures to assure
197 the protection of human health and the environment.

198 Section 2. Subsection (11) is added to section 403.182,
199 Florida Statutes, to read:

200 403.182 Local pollution control programs.—

201 (11) Notwithstanding this section or any existing local
202 pollution control programs, the Secretary of Environmental
203 Protection has exclusive jurisdiction in all matters related to

26-00911-22

20221210__

204 evaluating environmental conditions and assessing potential
205 liability for the presence of contaminants on land that is or
206 was classified as agricultural land pursuant to s. 193.461,
207 including defining what constitutes all appropriate inquiries.
208 The secretary may not delegate the authority to a county, a
209 municipality, or another unit of local government through a
210 local pollution control program under s. 403.182.

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

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

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

Emile DeShawn Hamilton

is duly appointed

**Secretary,
Department of Environmental Protection**

for a term beginning on the Thirty-First day of August, A.D.,
2021, to serve at the pleasure of the Governor and is subject to
be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-First day of September, A.D., 2021.*



Secretary of State

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

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



RON DESANTIS
GOVERNOR

RECEIVED

2021 SEP -1 PM 2:46

DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 31, 2021

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

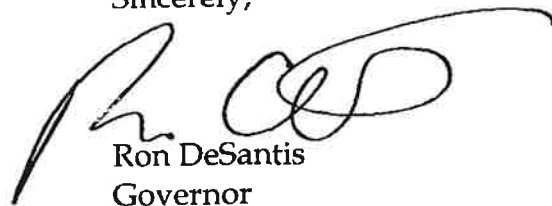
Dear Secretary Lee:

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

Mr. Emile D. Hamilton
1131 Naples Drive
Pensacola, Florida 32507

as Secretary of the Florida Department of Environmental Protection, subject to confirmation by the Senate. This appointment is effective August 31, 2021.

Sincerely,



Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
2021 SEP 20 AM 9:24

STATE OF FLORIDA

County of Leon

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

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

Secretary, Florida Department Environmental Protection
(Title of Office)

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

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

[Signature]
Signature

Sworn to and subscribed before me by means of physical presence or
 online notarization, this 13 day of September, 2021.



[Signature]
Signature of Officer Administering Oath or of Notary Public
Tori Deal
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

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

Mailing Address: Home Office

Commonwealth Blvd
Street or Post Office Box

Tallahassee, Florida 32399
City, State, Zip Code

Emile DeShawn Hamilton
Print Name

[Signature]
Signature

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Emile DeShawn Hamilton
Secretary of Environmental Protection

NOTICE OF HEARING

TO: Emile DeShawn Hamilton

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 7, 2022, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 2:30 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 2nd day of February, 2022

Committee on Environment and Natural
Resources



Senator Jason Brodeur
As Chair and by authority of the committee

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

2410

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

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

Robert Lyle Seigler

is duly appointed

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

for a term beginning on the Thirteenth day of January, A.D.,
2022, to serve at the pleasure of the District's Governing Board
and is subject to be confirmed by the Senate during the next
regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eighteenth day of January, A.D., 2022.*



Secretary of State

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

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



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2022 JAN 14 PM 1:37
DIVISION OF ELECTIONS
TALLAHASSEE, FL

January 13, 2022

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. R. Lyle Seigler
7450 County Highway 280 East
DeFuniak Springs, Florida 32435

as Executive Director of the Northwest Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective January 13, 2022.

Sincerely,

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

Ron DeSantis
Governor

RD/kk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

STATE OF FLORIDA

2022 JAN 14 PM 3: 37

County of Gadsden

VISION COLLECTIONS
TALLAHASSEE, FL

HAND DELIVERED

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, Northwest Florida Water Management District
(Title of Office)

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

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

Robert Lyle Seigler
Signature

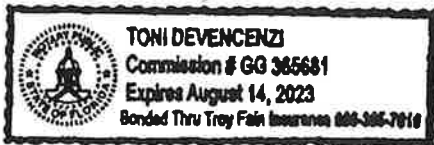
Sworn to and subscribed before me by means of physical presence or
online notarization, this 14th day of January, 2022.

Toni DeWencenzi
Signature of Officer Administering Oath or of Notary Public

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

Personally Known OR Produced Identification

Type of Identification Produced _____



ACCEPTANCE

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

Mailing Address: Home Office

81 Water Management Drive Robert Lyle Seigler
Street or Post Office Box Print Name

Havana, FL 32333
City, State, Zip Code Signature

The Florida Senate

APPEARANCE RECORD

2/7/22

Meeting Date

224

Bill Number or Topic

Env. & Nat. Resources

Committee

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

763050

Amendment Barcode (if applicable)

Name

Susan Harbin

Phone

770 546-8845

Address

Street

Email

susan.harbin@cancer.org

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

American Cancer Society Cancer Action Network

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

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S-001 (08/10/2021)

The Florida Senate

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2/7/22

Meeting Date

Env + NR

Committee

224

Bill Number or Topic

763050

Amendment Barcode (if applicable)

Name Lindsay Cross

Phone

Address 1700 N Monroe 11-286

Email lindsay@footers.org

Street

Tallah

FL

32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Conservation Voters

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

The Florida Senate

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Feb 7, 2022
Meeting Date

SB 224
Bill Number or Topic

Environment & Natural Resources
Committee

763050
Amendment Barcode (if applicable)

Name Onjewel Santa Phone 607-918-7081

Address 21798 MARIGOT DR Email Onjewel@outlook.com

Boca Raton FL 33428
City State Zip

Reset Form

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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2/7/2022

Meeting Date

Environment & Natural Resources

Committee

The Florida Senate APPEARANCE RECORD

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SB224

Bill Number or Topic

763050

Amendment Barcode (if applicable)

Name **Ashley Lyerly**

Phone **205-968-2266**

Address **P.O. Box 43263**

Street

Email **ashley.lyerly@lung.org**

Vestavia

City

AL

State

35243

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

American Lung Association

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

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

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The Florida Senate

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2-7-22

Meeting Date

ENR

Committee

~~604~~ 224

Bill Number or Topic

763050

Amendment Barcode (if applicable)

Name DAVID CULLEN

Phone 941-323-2404

Address 9830 Elm St

Email cculenasee@gmail.com

Street

DC

City

MD

State

21842

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

SIERRA CLUB FLORIDA

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

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S-001 (08/10/2021)

2/7/22

Meeting Date

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224

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Larisa Svechin

Phone

917 751 1565

Address

19140 Atlantic Blvd

Email

Street

Sunny Isles Beach FL 33160

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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2/17/2022

Meeting Date

SB 224

Bill Number or Topic

ENR

Committee

Amendment Barcode (if applicable)

Name low Pausky

Phone 386-319-4220

Address ATLANTIC AVE

Email lpauskys@pnc-intel.org

Street

Ponce Inlet FL

Mayor

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

SB 224

2/7/22

Meeting Date

Env & Nat Resources

Committee

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Bill Number or Topic

Amendment Barcode (if applicable)

Name Tara Taggart

Phone _____

Address PO Box 1757

Email _____

Street

Tallahassee

FL

32302

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida League of Cities

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB224 - Smoking
Bill Number or Topic

2/7/22
Meeting Date

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

Committee

Council woman Satellite

Amendment Barcode (if applicable)

Name Mindy Gibson

Phone 321 960 0328

Address 110 Sherwood Ave
Street

Email mgibson@satellite
Broch.org

Satellite Beach FL 32937
City State Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 224

2/7/2022
Meeting Date

Bill Number or Topic

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Committee

Amendment Barcode (if applicable)

Name Courtney Barker

Phone 321-773-4407

Address 565 Cassia Blvd.

Email cbarker@satellitebeach.org

Street

Satellite Beach FL 32937

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

City of Satellite Beach

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/7/22

Meeting Date

SB 224

Bill Number or Topic

ENVIRON. & AGRI

Committee

Amendment Barcode (if applicable)

Name JASON Steele

Phone 321-258-8993

Address 709 S. HARBOR CITY

Street

Email JASONSteele@ME.com

MELB, FLA 32901

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing: CITY OF SATELLITE TOWN OF INDIAN LAKE

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

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

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The Florida Senate

APPEARANCE RECORD

2-7-2022

Meeting Date

224

Bill Number or Topic

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

Environment & Natural

Committee

Amendment Barcode (if applicable)

Name Dawn Steward

Phone 407-645-0273

Address Florida PTA

Email stu2130@aol.com

Street

2130 Blossom Loop 32789

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

2/7/22

Meeting Date

The Florida Senate APPEARANCE RECORD

224

Bill Number or Topic

ENR

Committee

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

Amendment Barcode (if applicable)

Name

DAVID CULLEN

Phone

941-323-2404

Address

9830 ELM ST

Email

cullenasea@gmail.com

Street

OCEAN CITY

MD

21842

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

SIERRA CLUB FLORIDA

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

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

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

2/7/2022

Meeting Date

Environment & Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 224

Bill Number or Topic

Amendment Barcode (if applicable)

Name Bob McKee

Phone (850) 922-4300

Address 100 S Monroe

Email bmckee@fl-counties.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Association of Counties

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/17/21 Meeting Date

224 Bill Number or Topic

Environment & Nat. Resources Committee

Amendment Barcode (if applicable)

Mark Ryan Name

321 773-3181 Phone

2055 South Patrick Dr. Street Address

meyan@indianharbour.org Email

Indian Harbour Beach FL 32937 City State Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

S-001 (08/10/2021)

February 7, 2022

Meeting Date

Environment and Natural Resources

Committee

Name **Laura Boehmer**

Phone **(850) 671-4401**

Address **123 S. Adams Street**

Email **boehmer@thesoutherngroup.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Sarasota County

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

02/07/2022

Meeting Date

SB 224

Bill Number or Topic

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

Env. and Natural Resources

Committee

Amendment Barcode (if applicable)

Name Mary K. Winn

Phone (850) 766-2612

Address 1006 Brookwood Dr

Street

Email kathywinnclan@embarqmail.com

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

representing League of Women Voters

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

02/07/2022

Meeting Date

SB 224

Bill Number or Topic

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

Environment

Committee

(na-vey-yana)

Amendment Barcode (if applicable)

Name Sabrina Javellana

Phone 754-230-2729

Address 810 NE 27th Ave.

Email sjavellana@cohb.org

Street

Mallardale Beach FL

33009

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

224

Bill Number or Topic

2/7/22

Meeting Date

Env+ NR

Committee

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

Amendment Barcode (if applicable)

Name Lindsay Cross

Phone _____

Address 1700 N Monroe 11-286

Email lindsayc@fvoters.org

Street

Tally

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida conservation voters

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

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

S-001 (08/10/2021)

2/7/22

Meeting Date

The Florida Senate

APPEARANCE RECORD

604

Bill Number or Topic

ENR

Committee

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

Amendment Barcode (if applicable)

Name

DAVID CULLEN

Phone

941-323-2404

Address

9830 ELM ST

Email

cullenasea@gmail.com

Street

OCEAN CITY

MD

21842

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

SIERRA CLUB FLORIDA

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

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

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

The Florida Senate

APPEARANCE RECORD

02/07/2022
Meeting Date

SB 604
Bill Number or Topic

Env. and Natural Resources
Committee

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

Amendment Barcode (if applicable)

Name Mary K. Winn

Phone (850) 766-2612

Address 1006 Brookwood Dr.
Street

Email

Tallahassee FL 32308
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

representing League of Women Voters

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 604

Bill Number or Topic

2-7-22

Meeting Date

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

Amendment Barcode (if applicable)

ENR

Committee

(239) 209-1081

Name

HOLLY SCHWARTZ

Phone

Address

17520 OAK CREEK RD

Email

HOLLYSCH31@gmail.com

Street

ALVA, FL

33920

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

February 7, 2022

Meeting Date

Environment & Natural Resources

Committee

Name Jonathan Webber

Phone 954-593-4449

Address 1700 N. Monroe St. #11-286

Email jwebber@fcvoters.org

Street

Tallahassee

FL

32303

City

State

Zip

The Florida Senate

APPEARANCE RECORD

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

604 - Safe Waterways Act

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Conservation Voters

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/7/22

Meeting Date

1210

Bill Number or Topic

Environmental Preservation

Committee

467912

Amendment Barcode (if applicable)

Name Gary Hunter

Phone 850/567-5763

Address 119 S. Monroe St. Suite 300

Email garyh@vogelgroupdc.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Fruit & Vegetable Assoc.

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 604

Bill Number or Topic

2-7-22

Meeting Date

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

ENR

Committee

Amendment Barcode (if applicable)

Name JOHN CASSANI / Calusa Waterkeeper Phone 239-633-7274

Address 17520 Oak Creek Rd. Email jca54927@gmail.com

Street

Alva FL 33920

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1210

Bill Number or Topic

2/7/22

Meeting Date

Env & NR

Committee

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

Amendment Barcode (if applicable)

Name Lindsay Cross

Phone

Address 1700 N Monroe 11-286

Email lindsay@fcvoters.org

Street

Tally

City

FL

State

32301

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida conservation voters

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

7/7/22

Meeting Date

1210

Bill Number or Topic

ENR

Committee

Amendment Barcode (if applicable)

Name Jim SPRATT

Phone 950-228-1296

Address 119 S Monroe St.

Email jim@magnificastategiesllc.com

Street

TLH

City

FL

State

32301

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

FLORIDA Nursery, Growers & Landscapers Association

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/7/22

1210

Meeting Date

Bill Number or Topic

Environment and Natural Resources

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

Committee

Amendment Barcode (if applicable)

Name **Adam Basford**

Phone **850-224-7173**

Address **516 N Adams**

Email **abasford@aif.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Associated Industries of Florida

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1210

2/7/22

Meeting Date

Environment and Natural Resources

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Adam Basford

Phone 850-224-7173

Address 516 N Adams

Email abasford@aif.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Associated Industries of Florida

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

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

The Florida Senate

APPEARANCE RECORD

Feb 7, 2022

Meeting Date

SB 1210

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name John Walt Boatright

Phone

Address 310 W College Avenue

Email

Street

Tallahassee FL

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing: Florida Farm Bureau

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

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The Florida Senate

APPEARANCE RECORD

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

Bill Number or Topic

Amendment Barcode (if applicable)

2/7/22
Meeting Date

ENR
Committee

Name

Shawn Hamilton

Phone

Address

3900 Commonwealth Blvd
Street

Email

Tallahassee FL
City State

32399
Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

CourtSmart Tag Report

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

Case No.:

Type:
Judge:

Started: 2/7/2022 2:31:08 PM
Ends: 2/7/2022 3:00:08 PM **Length:** 00:29:01

2:31:07 PM Meeting called to order and roll call
2:31:15 PM Pledge of Allegiance
2:31:38 PM Chair Brodeur opening comments
2:31:51 PM Tab 1 - SB 224, Regulation of Smoking in Public Places
2:32:01 PM Senator Gruters explains the bill
2:32:42 PM Amendment Barcode 763050
2:32:53 PM Susan Harbin, American Conservation Society waives against the amendment
2:32:59 PM Lindsay Cross, Florida Conservation Voters waives against the amendment
2:33:07 PM Onjewel Smith waives against the amendment
2:33:17 PM Ashley Lyerly, American Lung Assoc., waives against the amendment
2:33:22 PM David Cullin, Sierra Club Florida waives against the amendment
2:33:32 PM Amendment Barcode 763050 is adopted
2:33:57 PM Senator Ausley for a question
2:34:10 PM Response by Senator Gruters
2:35:02 PM Senator Bean for a question
2:35:11 PM Response by Senator Gruters
2:36:21 PM Senator Stewart for a question
2:36:26 PM Response by Senator Gruters
2:37:39 PM Public Testimony
2:37:42 PM Mayor Lois Purisky waives in support
2:37:46 PM Tara Taggart, Florida League of Cities waives in support
2:37:50 PM Mindy Gibson, Council Woman Satellite waives in support
2:37:52 PM Courtney Barker, City of Satellite Beach waives in support
2:38:02 PM Jason Steele, Satellite Beach waives in support
2:38:09 PM Dawn Steward, Florida PTA waives in support
2:38:14 PM David Cullen, Sierra Club Florida waives in support
2:38:19 PM Bob McKee, Florida Assoc. of Counties waives in support
2:38:23 PM Mark Ryan speaking in support of the bill
2:38:52 PM Laura Boehmer, Sarasota County waives in support
2:39:02 PM Mary Winn, League of Women Voters waives in support
2:39:07 PM Sabrina Javellana speaking in support of the bill
2:39:54 PM Lindsay Cross, Florida Conservation Voters waives in support
2:40:21 PM Larisa Svechin speaking in support of the bill
2:41:19 PM Senator Brodeur comments
2:41:29 PM Senator Gruters closes on the bill
2:41:41 PM Roll all on CS/SB 224
2:42:41 PM CS/SB 224 is reported favorably
2:42:54 PM Tab 2 - SB 604, Safe Waterways Act
2:43:00 PM Senator Berman explains the bill
2:43:07 PM Amendment Barcode 266516 Delete-All
2:44:47 PM Amendment adopted
2:45:08 PM Public Testimony
2:45:11 PM David Cullen, Sierra Club Florida waives in support
2:45:14 PM Mary Winn, League of Women Voters waives in support
2:45:17 PM Holly Schwartz waiving in support
2:45:22 PM Jonathan Webber, Florida Conservation Voters speaking in favor of the bill
2:46:39 PM John Cassani speaking in support of the bill
2:49:06 PM Senator Berman closes on the bill
2:49:12 PM Roll call on CS/SB 604
2:49:51 PM CS/SB 604 is reported favorably
2:50:06 PM Tab 3 - SB 1210, Development of Current or Former Agricultural Land
2:50:09 PM Senator Albritton explains the strike-all barcode 467912

2:50:57 PM Gary Hunter, Florida Fruit and Veg. Assoc. waives in support of the amendment
2:51:11 PM Amendment Barcode 467912 is adopted
2:51:26 PM Lindsay Cross, Florida Conservation Voters waives against the bill
2:51:33 PM Jim Spratt, Florida Nursery, Growers, and Landscape Assoc. waives in support
2:51:39 PM Adam Bassford, Assoc. Industries of Florida waiving in support
2:51:45 PM John Boatright, Florida Farm Bureau waives in support
2:51:56 PM Senator Ausley in debate
2:51:56 PM Roll call on the confirmation of Robert Seigler
2:52:13 PM Senator Albritton closes on the bill
2:52:20 PM Roll all on CS/SB 1210
2:53:10 PM CS/SB 1210 is reported favorably
2:53:22 PM Tab 4 - Confirmation - Emile DeShawn Hamilton, Sec'y of Environmental Protection
2:53:30 PM Comments by Secretary Hamilton
2:56:46 PM Senator Albritton in debate
2:58:04 PM Senator Brodeur in debate
2:58:26 PM Senator Bean recommends confirmation
2:58:35 PM Roll call on the confirmation of Secretary Hamilton
2:58:40 PM Conf. of Sec'y Hamilton is favorable
2:58:46 PM Tab 6 - Confirmation - Robert Seigler, Exec. Director of Northwest Florida Water Management District
2:59:04 PM Motion by Senator Albritton to recommend confirmation
2:59:13 PM Roll call on confirmation of Robert Seigler
2:59:21 PM Conf. of Robert Seigler is favorable
2:59:30 PM Motion by Senator Bean to be shown as a yes for tabs 1, 2, and 3
2:59:53 PM Senator Ausley moves to adjourn