

**SB 714 by Grimsley; (Compare to CS/CS/H 0653) Environmental Control**

871996	A	S	RCS	EP, Hays	btw L.20 - 21:	04/09 03:57 PM
503042	A	S	RCS	EP, Evers	Delete L.26 - 30:	04/09 03:57 PM
379968	A	S	RCS	EP, Evers	Delete L.41:	04/09 03:57 PM

**CS/SB 832 by CA, Simpson; (Compare to CS/CS/H 0933) Sector Plans**

**SB 946 by Bullard; (Similar to CS/H 0585) Legal Holidays and Special Observances**

441332	D	S	RCS	EP, Soto	Delete everything after	04/09 11:06 AM
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**SB 966 by Bullard (CO-INTRODUCERS) Soto, Sobel; (Similar to H 0661) Disposable Plastic Bags**

676666	A	S	RCS	EP, Soto	Delete L.22:	04/09 04:25 PM
551824	A	S	RCS	EP, Soto	Delete L.36 - 40.	04/09 04:25 PM

**SPB 7086 by EP; State Lands**

530252	A	S	FAV	EP, Altman	Delete L.102 - 168:	04/09 01:42 PM
481596	A	S	FAV	EP, Altman	btw L.440 - 441:	04/09 01:42 PM
858462	A	S	FAV	EP, Simpson	btw L.462 - 463:	04/09 01:42 PM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**ENVIRONMENTAL PRESERVATION AND CONSERVATION**  
**Senator Dean, Chair**  
**Senator Simpson, Vice Chair**

**MEETING DATE:** Wednesday, April 8, 2015

**TIME:** 1:30 —3:30 p.m.

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

**MEMBERS:** Senator Dean, Chair; Senator Simpson, Vice Chair; Senators Altman, Evers, Hays, Simmons, Smith, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 714</b> Grimsley (Compare CS/CS/H 653)	Environmental Control; Authorizing land set-asides and land-use modifications that reduce nutrient loads into nutrient-impaired surface waters to be used under the water quality credit trading program; providing applicability of prohibited variances relating to certain discharges of waste; establishing a solid waste landfill closure account within the Solid Waste Management Trust Fund to be used for specified purposes, etc.  EP     04/08/2015 Fav/CS AGG AP	Fav/CS Yeas 7 Nays 0
2	<b>CS/SB 832</b> Community Affairs / Simpson (Compare CS/CS/H 933)	Sector Plans; Providing that other requirements of this chapter inconsistent with or superseded by certain planning standards relating to a long-term master plan and detailed specific area plans do not apply; authorizing the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, or the water management district to accept compensatory mitigation under certain circumstances, pursuant to a specified section or chapter; authorizing a water management district to issue a permit to an applicant for the same period of time as the applicant's approved master development order, subject to certain requirements and restrictions, etc.  CA     03/31/2015 Fav/CS EP     04/08/2015 Favorable FP	Favorable Yeas 7 Nays 0
3	<b>SB 946</b> Bullard (Similar CS/H 585)	Legal Holidays and Special Observances; Designating the second Monday in October of each year as "Sir Lancelot Jones Day"; authorizing the Governor to issue proclamations commemorating the occasion; encouraging public officials, schools, private organizations, and citizens to commemorate the occasion, etc.  GO     03/10/2015 Favorable EP     04/08/2015 Fav/CS RC	Fav/CS Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Environmental Preservation and Conservation  
Wednesday, April 8, 2015, 1:30 —3:30 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 966</b> Bullard (Similar H 661)	Disposable Plastic Bags; Authorizing certain municipalities to establish pilot programs for the regulation or ban of disposable plastic bags; directing participating municipalities to collect data and submit reports to the municipal governing body and the Department of Environmental Protection; authorizing municipalities to continue such regulation or ban after the program expires under certain conditions, etc.  EP 04/08/2015 Fav/CS CA FP	Fav/CS Yeas 7 Nays 0
Consideration of proposed bill:			
5	<b>SPB 7086</b>	State Lands; Revising measurable objectives for management goals to include the preservation of low-impact agriculture; requiring updated land management plans to identify conservation lands that could support low-impact agriculture and conservation lands that are no longer needed and could be disposed of; directing the Department of Environmental Protection to include certain county, municipal, state, and federal lands in the Florida State-Owned Lands and Records Information System (SOLARIS) database and to update the database at specified intervals, etc.	Submitted as Committee Bill Yeas 7 Nays 0
6	Other Related Meeting Documents		

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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.)

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Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

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BILL: CS/SB 714

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Grimsley

SUBJECT: Environmental Control

DATE: April 9, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Uchino	EP	Fav/CS
2.			AGG	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 714 revises requirements and necessary qualifications for membership on the Harris Chain of Lakes Restoration Council (council). The bill allows the Department of Environmental Protection (DEP) to authorize water quality credit trading for land set-asides and land-use modifications that reduce nutrient loads into nutrient impaired surface waters when they are not already required by state law or a permit. The bill also provides that the provisions of s. 403.201, F.S., do not prohibit the issuance of moderating provisions or requirements under state law but are subject to approval by the U.S. Environmental Protection Agency, if necessary. The bill creates a solid waste landfill closure account and authorizes the DEP to use funds from the account to contract with a third party for the closing and long-term care of a solid waste management facilities under certain conditions.

**II. Present Situation:**

**The Harris Chain of Lakes Restoration Council**

The Harris Chain of Lakes is located north and west of the Orlando metropolitan area and is in Lake and Orange counties.<sup>1</sup> It contains tens of thousands of acres of lakes and wetlands and is at the headwaters of the Ocklawaha River.<sup>2</sup>

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<sup>1</sup> Harris Chain of Lakes Restoration Council, *Where is the Harris Chain of Lakes and What Does the Restoration Council Do?*, <http://harrischainoflakescouncil.com/> (last visited Apr. 8, 2015).

<sup>2</sup> *Id.*

The council was created by the Legislature in 2001 and consists of nine voting members. The members are:

- A representative of waterfront property owners;
- A representative of the sport fishing industry;
- An environmental engineer;
- A person with training in biology or another scientific discipline;
- A person with training as an attorney;
- A physician;
- A person with training as an engineer; and
- Two residents of Lake County appointed by the Lake County legislative delegation who do not meet any of the other qualifications for membership on the council.<sup>3</sup>

The council's duties are to:

- Review audits and all data related to lake restoration techniques and sport fish population recovery strategies;
- Evaluate whether additional studies are needed;
- Explore all possible sources of funding to conduct the restoration activities; and
- Report to the President of the Senate and the Speaker of the House of Representatives yearly before November 25 on the progress of the Harris Chain of Lakes restoration program and provide any recommendations for the next fiscal year.<sup>4</sup>

The council works with an advisory group composed of one representative from:

- The St. Johns River Water Management District, which also provides staff for the council;
- The DEP;
- The Department of Transportation;
- The Fish and Wildlife Conservation Commission;
- The Lake County Water Authority;
- The U.S. Army Corps of Engineers; and
- The University of Florida.<sup>5</sup>

### **Water Quality Credit Trading**

Water quality credit trading provides a potentially less costly option for meeting the pollution limits for an impaired waterbody. It is a voluntary, market-based approach for reducing pollution to Florida's impaired rivers, lakes, streams, and estuaries.<sup>6</sup>

The underlying theory is that achieving pollution abatement at the lowest incremental cost at each additional increment reduced is the most cost effective means to achieve pollution abatement. Trading is based on the premise that different dischargers of a pollutant in a

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<sup>3</sup> Section 373.467, F.S.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> DEP, *The Pilot Water Quality Credit Trading Program for the Lower St. Johns River: A Report to the Governor and Legislature*, 1 (Oct. 2010), available at <http://www.dep.state.fl.us/water/wqssp/docs/WaterQualityCreditReport-101410.pdf> (last visited Apr. 6, 2015).

watershed can face substantially different costs to control that pollutant. Trading allows pollutant reduction activities to be environmentally valued in the form of credits that can then be traded on a local market to promote cost-effective water quality improvements.<sup>7</sup> Water quality credits are generated when a discharger reduces its loading of a given pollutant below the load allowable for the discharger.<sup>8</sup> Financial savings accrue to parties that buy credits (pollutant reductions) from others for less than the cost of implementing the reductions themselves. Those that sell credits will do so only if the value of the trade is equal to or higher than their investment in the facilities or activities necessary to achieve the pollutant reductions.<sup>9</sup>

Water quality credit trading can accelerate cleanup because potentially unaffordable costs for individual dischargers can be reduced and cooperative relationships built through trading agreements that foster shared responsibility and commitment. Trading can also accommodate new growth, including new pollutant loadings from urban stormwater, and domestic and industrial wastewater discharges. It offers the possibility for the owners of potential new or increased discharges to purchase credits from existing dischargers so that overall pollutant loads to a watershed are not increased and water quality is preserved.<sup>10</sup>

Trading is authorized pursuant to s. 403.067, F.S., The DEP is in the process of rulemaking to amend the water quality credit trading rule to implement statewide trading and detail precisely how trades are to be conducted and tracked in the future.<sup>11</sup> The DEP has conducted four public workshops on the rule, two in late August 2014 to review potential rule concepts, and two in mid-January 2015 to discuss draft rule language. The public comment period following the most recent workshops closed in early February, but the DEP has accepted some subsequent comments. The DEP will consider all comments received and produce a final proposed rule for adoption in the near future.<sup>12</sup>

## Variances

The Florida and Water Pollution Control Act was enacted in 1967.<sup>13</sup> The legislative declaration states, “[t]he pollution of the air and waters of this state constitute a menace to the public health and welfare; create public nuisances; is harmful to wildlife and fish and other aquatic life; and impairs domestic, agricultural, industrial, recreational, and other beneficial uses of the air and water.”<sup>14</sup>

The act provides the DEP with authority to control and prohibit the pollution of water and air and to establish rules to carry out the act. Section 403.201, F.S., allows the DEP to grant a variance

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<sup>7</sup> *Id.*

<sup>8</sup> Lower St. Johns River TMDL Executive Committee, *Basin Management Action Plan: For the Implementation of Total Maximum Daily Loads for Nutrients Adopted by the Florida Department of Environmental Protection for the Lower St. Johns River Basin Main Stem*, 53 (October 2008), available at <http://www.dep.state.fl.us/water/watersheds/docs/bmap/adopted-lsjr-bmap.pdf> (last visited Apr. 6, 2015).

<sup>9</sup> *Supra* note 6, at 2.

<sup>10</sup> *Supra* note 6, at 2.

<sup>11</sup> Fla. Admin. Code R. 62-306 (2010).

<sup>12</sup> DEP, *Senate Bill 714 Agency Analysis* (Feb. 13, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>13</sup> Chapter 67-436, Laws of Fla.

<sup>14</sup> Section 403.21, F.S.

from provisions of the act or adopted rules and regulations. A variance may be granted for any of the following reasons:

- There is no practicable means known or available for the adequate control of the pollution;
- Compliance with the requirements of the variance will require extensive cost and time, therefore, a variance may be issued with a timetable for the actions required; or
- To relieve or prevent hardship. The variances granted under this provision are limited to 24 months. A variance granted for electrical power plant and transmission line siting, as described in Part II of ch. 403, F.S., may be granted for the life of the permit.

A variance is prohibited for the discharge of waste into state waters or for hazardous waste management that would result in the requirement being less stringent than an applicable federal requirement. Research, development, and demonstration permits under s. 403.70715, F.S., are exempt from this provision.<sup>15</sup>

Relief mechanisms may be included in a permit when the natural conditions for the impacted area results in limits that exceed what is authorized in the permit. The relief mechanisms include:

- A site specific alternative criteria for each water quality criteria;
- A variance or exemption for each water quality criteria;
- A variance or exemption for a public water system from the maximum contaminant level or treatments techniques;
- A variance from other permitting standards or conditions; or
- A major or minor exemption for an aquifer.<sup>16</sup>

### **Solid Waste Management Trust Fund**

The DEP is responsible for implementing and enforcing the solid waste management program, which provides guidelines for the storage, separation, processing, recovery, recycling, and disposal of solid waste throughout the state.<sup>17</sup> Counties are responsible for operating solid waste disposal facilities, which are permitted through the DEP, in order to meet the needs of the incorporated and unincorporated areas of the county.<sup>18</sup>

Rule 62-701, F.A.C., establishes the standards for the construction, operation, and closure of a solid waste management facility. Landfills or solid waste disposal sites that close require a closure permit issued by the DEP or a closure plan approved by the DEP. The closure plan includes:

- A design plan;
- A closure operation plan;
- A long-term care plan; and
- Proof of financial assurance, which may include closure insurance, for long-term care and a cost estimate for closure pursuant to Rule 62-701.630, F.A.C.

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<sup>15</sup> Section 403.201, F.S.

<sup>16</sup> Fla. Admin. Code R. 62-4.050 (2014).

<sup>17</sup> See s. 403.705, F.S.

<sup>18</sup> See s. 403.706, F.S.

Section 403.7125, F.S., provides the statutory requirement that the owner or operator of a landfill is responsible for the closure of the landfill and is liable for its improper closure. The owner or operator is required to establish a fee to ensure financial resources are available for the closure of the landfill. Section 403.707(9), F.S., requires the same financial assurance responsibilities for the owner or operator. Sections 403.7125 and 403.707(9), F.S., allow the DEP to establish acceptable financial mechanisms that cover the cost of closure; however, neither section specifies that closure insurance is allowed.

Section 403.709, F.S., creates the Solid Waste Management Trust Fund, which is administered by the DEP. The trust fund requires that, of the money deposited:

- Up to 40 percent must be used for solid waste activities;
- Up to 4.5 percent must be for research and training programs;
- Up to 11 percent must be used for mosquito control, administered by the Department of Agriculture and Consumer Services;
- Up to 4.5 percent for Department of Transportation litter prevention control programs; and
- A minimum of 40 percent for funding a solid waste management grant program for activities related to recycling and waste reduction.

### III. Effect of Proposed Changes:

**Section 1** amends s. 373.467, F.S., to revise the membership requirements for the Harris Chain of Lakes Restoration Council. One member must be a person with experience in environmental science or regulation, rather than an environmental engineer. It requires an attorney and an engineer, rather than people that have training in either discipline. It also clarifies that the two members, who are residents of the county, are not required to meet any of the other requirements of membership to be appointed to the council. As the statute is currently written, it appears those two members are prohibited from meeting any of the other requirements for membership. The bill provides that the Lake County legislative delegation may waive the qualifications for membership on a case-by-case basis for good cause. The bill provides that resignation by a council member or the failure of a member to attend three consecutive meetings without being excused by the chair of the committee results in a vacancy.

**Section 2** amends s. 403.067, F.S., to allow the DEP to authorize water quality credit trading for land set-asides and land-use modifications, including constructed wetlands and other water quality improvement projects, which reduce nutrient loads into nutrient-impaired surface waters. Currently, land set-asides and land-use modifications may also include changes in crop type, conservation easements, term-limited contracts for environmental services, and other similar activities.

**Section 3** amends s. 403.201, F.S., to provide that the issuance of moderating provisions or requirements under state law is not prohibited by s. 403.201(2), regarding the prohibition of variances from any provision or requirement concerning discharges of waste into state waters, or hazardous waste management.

**Section 4** amends s. 403.709, F.S., creating a solid waste landfill closure account within the Solid Waste Management Trust Fund to provide funding for the closing and long-term care of solid waste management facilities. The bill authorizes the DEP to use funds from the account to



contract with a third party for the closing and long-term care of a solid waste management facility if:

- The facility has or had a DEP permit to operate;
- The permittee provided proof of financial assurance for the closure in the form of an insurance certificate;
- The facility is deemed to be abandoned or was ordered to close by the DEP;
- Closure is accomplished in substantial accordance with the closure plan approved by the DEP; and
- The DEP has written documentation that the insurance company issuing the closure insurance policy will provide or reimburse the funds required to complete the closing and long-term care of the facility.

The bill requires the DEP to deposit funds received from an insurance company as reimbursement for the costs of closing or long-term care of the facility into the Solid Waste Landfill Closure Account.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the federal government rescinds a delegated authority from the state, a permittee may have to obtain both state and federal permits rather than only a state permit for certain activities. The fiscal impact and number or parties that may be affected is unknown.

C. Government Sector Impact:

The DEP states that it would need \$2,339,764 in budget authority from the Solid Waste Management Trust Fund in order to execute contracts with a third-party for the closure of five landfills.

**VI. Technical Deficiencies:**

On lines 56-57, the phrase “results in a vacancy on the council” is may be misinterpreted and may be reworded to specify that resignation of a council member or the failure of a member to attend three consecutive meetings without an excuse approved by the chair of the committee results in the removal of the committee member.

**VII. Related Issues:**

According to the DEP, Section 1 of the bill does not expand or clarify the authority of existing law. Rules are under development that contain provisions allowed by the bill.

According to the DEP, Section 2 of the bill is ambiguous and could lead to an interpretation that a “moderating provision or requirement” could be granted from a state law, even when that law is necessary for the state’s implementation of federally delegated or approved program. Such an interpretation could result in revocation of the state’s approval to implement a federally delegated or approved program. In instances where a regulated entity’s state approval operates as its federal license, such an interpretation could result in a regulated entity being unable to utilize a state-approval as a required federal license.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 403.067, 403.201, and 403.709.

**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 Environmental Preservation and Conservation on April 8, 2015:**

- Provides that a member of the Harris Chain of Lakes Restoration Council must be a person with experience in environmental science or regulation, rather than an environmental engineer;
- Clarifies that one member must be an attorney, and another must be an engineer, rather than a person with training in either discipline;
- Clarifies that the two residents may, but are not required to, meet any of the other requirements for membership;
- Provides the Lake County legislative delegation with the authority to waive the qualifications for membership on the council on a case-by-case basis if good cause is shown;
- Provides that resignation by a council member, or failure by a council member to attend three consecutive meetings without an excuse approved by the chair of the council, will result in a vacancy;
- Clarifies that land set-asides and land-use modifications that may qualify for water quality credits must not otherwise be required by state law or a permit; and

- Clarifies that the issuance of any moderating provisions or requirements under state law, which are otherwise prohibited under s. 403.201, F.S., are subject to any necessary approval by the U.S. Environmental Protection Agency.

**B. Amendments:**

None.

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

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871996

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2015	.	
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The Committee on Environmental Preservation and Conservation  
(Hays) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 20 and 21

insert:

Section 1. Paragraph (a) of subsection (1) and subsection  
(3) of section 373.467, Florida Statutes, are amended, to read:

373.467 The Harris Chain of Lakes Restoration Council.—

There is created within the St. Johns River Water Management  
District, with assistance from the Fish and Wildlife

Conservation Commission and the Lake County Water Authority, the



871996

11 Harris Chain of Lakes Restoration Council.

12 (1) (a) The council shall consist of nine voting members,  
13 which shall include a representative of waterfront property  
14 owners, a representative of the sport fishing industry, a person  
15 with experience in an environmental science or regulation  
16 engineer, a person with training in biology or another  
17 scientific discipline, ~~a person with training as an attorney, a~~  
18 ~~physician, a person with training as an engineer,~~ and two  
19 residents of the county who are ~~de~~ not required to meet any  
20 additional of the other qualifications for membership ~~enumerated~~  
21 ~~in this paragraph~~, each to be appointed by the Lake County  
22 legislative delegation. The Lake County legislative delegation  
23 may waive the qualifications for membership on a case-by-case  
24 basis if good cause is shown. ~~A~~ ~~No~~ person serving on the council  
25 may not be appointed to a council, board, or commission of any  
26 council advisory group agency. The council members shall serve  
27 as advisors to the governing board of the St. Johns River Water  
28 Management District. The council is subject to ~~the provisions of~~  
29 chapters 119 and 120.

30 (3) The council shall meet at the call of its chair, at the  
31 request of six of its members, or at the request of the chair of  
32 the governing board of the St. Johns River Water Management  
33 District. Resignation by a council member, or failure by a  
34 council member to attend three consecutive meetings without an  
35 excuse approved by the chair, results in a vacancy on the  
36 council.

37  
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:



871996

40           Delete line 3  
41 and insert:  
42           373.467, F.S.; revising the qualifications for  
43           membership on the Harris Chain of Lakes Restoration  
44           Council; authorizing the Lake County legislative  
45           delegation to waive such membership qualifications for  
46           good cause; providing for council vacancies; amending  
47           s. 403.067, F.S.; authorizing land set-asides and  
48           land-



503042

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2015	.	
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The Committee on Environmental Preservation and Conservation  
(Evers) recommended the following:

**Senate Amendment**

Delete lines 26 - 30  
and insert:

(i) Land set-asides and land-use modifications not otherwise required by state law or a permit, including constructed wetlands and other water quality improvement projects that reduce nutrient loads into nutrient-impaired surface waters, may be used under this subsection.



379968

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2015	.	
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The Committee on Environmental Preservation and Conservation  
(Evers) recommended the following:

**Senate Amendment**

Delete line 41  
and insert:  
under state law, subject to any necessary approval by the United  
States Environmental Protection Agency.



By Senator Grimsley

21-00906-15

2015714\_\_

1                   A bill to be entitled  
2       An act relating to environmental control; amending s.  
3       403.067, F.S.; authorizing land set-asides and land-  
4       use modifications that reduce nutrient loads into  
5       nutrient-impaired surface waters to be used under the  
6       water quality credit trading program; amending s.  
7       403.201, F.S.; providing applicability of prohibited  
8       variances relating to certain discharges of waste;  
9       amending s. 403.709, F.S.; establishing a solid waste  
10      landfill closure account within the Solid Waste  
11      Management Trust Fund to be used for specified  
12      purposes; providing for the deposit of certain funds  
13      into the account; reenacting s. 373.414(17), F.S.,  
14      relating to additional criteria for activities in  
15      surface waters and wetlands, to incorporate the  
16      amendment made to s. 403.201, F.S.; providing an  
17      effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21       Section 1. Paragraph (i) is added to subsection (8) of  
22       section 403.067, Florida Statutes, to read:

23       403.067 Establishment and implementation of total maximum  
24       daily loads.—

25       (8) WATER QUALITY CREDIT TRADING.—

26       (i) The department may authorize water quality credit  
27       trading for land set-asides and land-use modifications,  
28       including constructed wetlands and other water quality  
29       improvement projects, which reduce nutrient loads into nutrient-

21-00906-15

2015714\_\_

30 impaired surface waters.

31 Section 2. Subsection (2) of section 403.201, Florida  
 32 Statutes, is amended to read:

33 403.201 Variances.—

34 (2) A ~~No~~ variance may not shall be granted from any  
 35 provision or requirement concerning discharges of waste into  
 36 waters of the state or hazardous waste management which would  
 37 result in the provision or requirement being less stringent than  
 38 a comparable federal provision or requirement, except as  
 39 provided in s. 403.70715. However, this subsection does not  
 40 prohibit the issuance of moderating provisions or requirements  
 41 under state law.

42 Section 3. Subsection (5) is added to section 403.709,  
 43 Florida Statutes, to read:

44 403.709 Solid Waste Management Trust Fund; use of waste  
 45 tire fees.—There is created the Solid Waste Management Trust  
 46 Fund, to be administered by the department.

47 (5) (a) Notwithstanding subsection (1), a solid waste  
 48 landfill closure account is established within the Solid Waste  
 49 Management Trust Fund to provide funding for the closing and  
 50 long-term care of solid waste management facilities. The  
 51 department may use funds from the account to contract with a  
 52 third party for the closing and long-term care of a solid waste  
 53 management facility if:

54 1. The facility operates or operated under a department  
 55 permit;

56 2. The permittee provides proof of financial assurance for  
 57 closure in the form of an insurance certificate;

58 3. The facility is deemed to be abandoned or was ordered to

21-00906-15

2015714\_\_

59 be closed by the department;

60 4. Closure is accomplished in substantial accordance with a  
61 closure plan approved by the department; and

62 5. The department has written documentation that the  
63 insurance company issuing the closure insurance policy will  
64 provide or reimburse the funds required to complete closing and  
65 long-term care of the facility.

66 (b) The department shall deposit funds received from an  
67 insurance company as reimbursement for the costs of closing or  
68 long-term care of the facility into the solid waste landfill  
69 closure account.

70 Section 4. For the purpose of incorporating the amendment  
71 made by this act to section 403.201, Florida Statutes, in a  
72 reference thereto, subsection (17) of section 373.414, Florida  
73 Statutes, is reenacted to read:

74 373.414 Additional criteria for activities in surface  
75 waters and wetlands.—

76 (17) The variance provisions of s. 403.201 are applicable  
77 to the provisions of this section or any rule adopted pursuant  
78 to this section. The governing boards and the department are  
79 authorized to review and take final agency action on petitions  
80 requesting such variances for those activities they regulate  
81 under this part and s. 373.4145.

82 Section 5. This act shall take effect July 1, 2015.

**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.)

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Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

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BILL: CS/SB 832

INTRODUCER: Community Affairs Committee and Senator Simpson

SUBJECT: Sector Plans

DATE: April 7, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	<b>Fav/CS</b>
2.	<u>Hinton</u>	<u>Uchino</u>	<u>EP</u>	<b>Favorable</b>
3.	_____	_____	<u>FP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 832 primarily clarifies the sector plan law. It states that the planning standards of the sector planning statute supersede generally applicable planning standards elsewhere in ch. 163, F.S. The bill provides more flexibility in the designation of conservation easements related to sector plans but still requires they be designated prior to the beginning of construction. The bill requires a local government to send an application for development of a detailed specific area plan to the Department of Economic Opportunity (DEO) and certain state agencies for review as to whether the development would be consistent with the comprehensive plan and the long-term master plan. It provides that a water management district (WMD) may issue a consumptive use permit (CUP) for the same time period as a master development of regional impact development order if the project meets certain requirements. The bill provides that a WMD may phase in the water allocation over the duration of the permit to correspond to actual needs.

**II. Present Situation:**

**Sector Plans**

Originally authorized as a pilot program in 1998, the Legislature enacted s. 163.3245, F.S., in 2011 to permit all local governments to adopt a sector plan into their comprehensive plans. The Legislature stated that the sector planning process is “designed to promote and encourage long-term planning for conservation, development and agriculture on a landscape scale as well as

facilitate protection of regionally significant resources, including, but not limited to, regionally significant water courses and wildlife corridors.”<sup>1</sup>

Sector plans must be a minimum of 15,000 acres and may not be created within an area of critical state concern.<sup>2</sup> The sector planning process requires two levels of planning:

- Adoption of a long-term master plan (formerly a “conceptual long-term buildout overlay”) for the entire planning area as an amendment to the local comprehensive plan adopted pursuant to the state coordinated review process in s. 163.3184(4), F.S.; and
- Adoption by a local development order of two or more detailed specific area plans (DSAP) that implement the long-term master plan and within which development of regional impact (DRI) requirements are waived.<sup>3</sup>

The law allows a local government, prior to preparing a sector plan, to request a scoping meeting with a developer proposing a sector plan. The scoping meeting must be noticed, open to the public, and conducted by the applicable regional planning council (RPC) with affected local governments and certain state agencies. If a scoping meeting is conducted, the RPC must make written recommendations to the DEO and affected local governments on the issues requested by the local government.<sup>4</sup>

Section 163.3245, F.S., specifies that the long-term master plan must include maps, illustrations, and text supported by data and analysis to address and identify:

- A framework map that, at a minimum, generally depicts conservation land use, identifies allowed uses in the planning area, specifies maximum and minimum densities and intensities of use, and provides the general framework for the development pattern;
- A general identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long-term master plan;
- A general identification of the transportation facilities to serve the future land uses in the long-term master plan;
- A general identification of other regionally significant public facilities necessary to support the future land uses;
- A general identification of regionally significant natural resources within the planning area and policies setting forth the procedures for protection or conservation of specific resources consistent with the overall conservation and development strategy for the planning area;
- General principles and guidelines addressing, among other things, future land uses, the use of lands identified for permanent preservation through recordation of conservation easements, achieving a healthy environment, limiting urban sprawl, and providing housing types; and
- Identification of general procedures and policies to facilitate intergovernmental coordination to address extrajurisdictional impacts from the future land uses.

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<sup>1</sup> Section 163.3245(1), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 163.3245(3), F.S.

<sup>4</sup> Section 163.3245(2), F.S.

The two-level planning process provides that a long-term master plan and a DSAP may be based upon a planning period longer than the planning period of the local comprehensive plan. Both the long-term master plan and the DSAP must specify the projected population within the planning area during the chosen planning period. Concurrent with or subsequent to review and adoption of a long-term master plan, an applicant may apply for approval of a master development order for the entire planning area in order to establish the buildout date for the sector plan.<sup>5</sup>

A long-term master plan may include a phasing or staging schedule that allocates a portion of the local government's future growth to the planning area through the planning period. Neither the long-term master plan nor a DSAP are required to demonstrate need based upon projected population growth or on any other basis.<sup>6</sup> The state land planning agency must consult with certain state and governmental agencies when it is reviewing a long-term master plan.<sup>7</sup>

When a local government issues a development order approving a DSAP, it must provide copies of the order to the state land planning agency and the owner or developer of the property affected by the order according to the rules established for DRI development orders.<sup>8</sup> This order may be appealed by the owner, developer, or state land planning agency to the Florida Land and Water Adjudicatory Commission (commission), made up of the Governor and Cabinet, by filing a petition alleging that the DSAP is not consistent with the long-term master plan or the local government's comprehensive plan. The administrative proceeding for review of a DSAP is conducted according to s. 380.07(6), F.S., and the commission must grant or deny permission to develop according to the long-term master plan and may attach conditions or restrictions to its decision.<sup>9</sup>

If a development order is challenged by an aggrieved and adversely affected party in a judicial proceeding pursuant to s. 163.3215, F.S., the state land planning agency, if it has received notice, must dismiss its appeal to the commission and may intervene in the pending judicial proceeding.<sup>10</sup>

Once a long-term master plan becomes legally effective, s. 163.3245, F.S., requires the plan to be connected to any long-range transportation plan developed by a metropolitan planning organization and the regional water supply plan. A WMD also may issue CUPs for the duration of the long-term master plan or DSAP, considering the ability of the master plan area to contribute to regional water supply availability and the need to maximize reasonable-beneficial use of the water resource. The consumptive use permitting criteria must be applied based upon the projected population, the approved densities and intensities of use and their distribution in the long-term master plan, but the allocation of the water may be phased over the duration of the permit to reflect actual projected needs.<sup>11</sup>

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<sup>5</sup> Section 163.3245(6), F.S.

<sup>6</sup> Section 163.3245(3)(a) and (b), F.S.

<sup>7</sup> Section 163.3245(3)(c), F.S.

<sup>8</sup> Section 163.3245(3)(e), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Section 163.3245(4), F.S.

When a DSAP becomes effective for a portion of the planning area governed by a long-term master plan, developments within the DSAP are not subject to DRI review.<sup>12</sup> A developer may enter into a development agreement with the local government.<sup>13</sup> The duration of the agreement may be through the planning period of the long-term master plan or the DSAP.<sup>14</sup>

Property owners within the planning area of a proposed long-term master plan may withdraw their consent to the master plan prior to adoption by the local government, and the parcels withdrawn will not be subject to the long-term master plan, any DSAP, or the exemption from DRI review.<sup>15</sup> After the local government adopts the long-term master plan, a property owner may withdraw from the master plan only if the local government approves by adopting a plan amendment.<sup>16</sup>

Existing agricultural, silvicultural, and other natural resource activities are protected by s. 163.3245, F.S., within a long-term master plan or a DSAP.<sup>17</sup> The law also protects properties against downzoning, unit density reduction, or intensity reduction in the DSAP until the buildout date.<sup>18</sup>

### **Rural Areas of Opportunity**

Rural Areas of Opportunity (RAOs) are rural communities, or regions composed of rural communities, that have been adversely affected by extraordinary economic events or natural disasters. The Governor, by executive order, may designate up to three RAOs, which establishes each region as a priority assignment for the Rural Economic Development Initiative agencies and allows the Governor to waive criteria of any economic development incentive including, but not limited to:

- The Qualified Target Industry Tax Refund Program under s. 288.106, F.S.;
- The Quick Response Training Program and the Quick Response Training Program for participants in the welfare transition program under s. 288.047, F.S.;
- Transportation projects under s. 288.063, F.S.;
- The brownfield redevelopment bonus refund under s. 288.107, F.S.; and
- The rural job tax credit program under ss. 212.098 and 220.1895, F.S.<sup>19</sup>

### **Regional Water Supply Plans**

Section 373.709, F.S., requires each WMD to conduct water supply planning for a water supply planning region where it determines that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and

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<sup>12</sup> Section 163.3245(5), F.S.

<sup>13</sup> Section 163.3245(7), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> Section 163.3245(8), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> Section 163.3245(9), F.S.

<sup>18</sup> Section 163.3245(5)(d), F.S.

<sup>19</sup> DEO, *Rural Areas of Opportunity*, <http://www.floridajobs.org/business-growth-and-partnerships/rural-and-economic-development-initiative/rural-areas-of-opportunity> (last visited Apr. 5, 2015).

related natural systems for the planning period. Each regional water supply plan must be based on at least a 20-year planning period and must include, at a minimum:

- A water supply development component for each water supply planning region identified by the WMD;
- A water resource development component;
- A recovery or prevention strategy;
- A funding strategy;
- Consideration of how the project options in the plan serve the public interest or save costs;
- The technical data and information applicable to each planning region;
- The minimum flows and levels established for water resources;
- Reservations of water adopted by rule;
- Identification of surface waters or aquifers for which minimum flows and levels are scheduled to be adopted; and
- An analysis of areas or instances in which variances may be used to create water supply or water resource development projects.<sup>20</sup>

### **Basin Management Action Plans**

Basin Management Action Plans (BMAPs) address pollutant loading in impaired waterbodies so they meet their total maximum daily loads. A total maximum daily load is the amount of a pollutant a waterbody may assimilate and still meet water quality standards. The plans equitably allocate pollutant reductions to individual basins, as a whole to all basins, or to each identified source of pollution. BMAPs then establish schedules for implementing projects and activities to meet pollution reduction allocations.<sup>21</sup>

### **Consumptive Use Permits**

A CUP establishes the duration and type of water use as well as the maximum amount of water that may be withdrawn daily by a permittee. Pursuant to s. 373.219, F.S., each CUP must be consistent with the objectives of the issuing WMD or the Department of Environmental Protection (DEP) and may not be harmful to the water resources of the area. To obtain a CUP, an applicant must establish that the proposed use of water satisfies the statutory test, commonly referred to as “the three-prong test.” Under s. 373.223, F.S., the proposed water use must:

- Be a “reasonable-beneficial use” as defined in s. 373.019(16), F.S.;
- Not interfere with any presently existing legal use of water; and
- Be consistent with the public interest.

## **III. Effect of Proposed Changes:**

**Section 1** amends s. 163.3245, F.S., to update the sector plan law. The bill clarifies that the planning standards of s. 163.3245(3)(a), F.S., concerning long-term master plans, supersede generally applicable planning standards elsewhere in ch. 163, F.S.

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<sup>20</sup> Section 373.709, F.S.

<sup>21</sup> Section 403.067(7), F.S.



The bill also clarifies that the planning standards of s. 163.3245(3)(b), F.S., concerning detailed specific area plans, supersede generally applicable planning standards elsewhere in ch. 163, F.S.

The bill allows conservation easements associated with a long-term master plan or a DSAP to be based on rectified aerial photographs without the need for a survey and may include a right of adjustment authorizing the developer to modify portions of the area protected by the easement to substitute other lands by recording an amendment to the conservation easement. The bill requires that those substitute lands:

- Contain no less gross acreage than the lands to be removed;
- Have equivalent values in the proportion and quality of wetlands, uplands, and wildlife habitat; and
- Be contiguous to other lands protected by the easement.

The bill requires the applicant for a DSAP to transmit copies of the application to the reviewing agencies specified in s. 163.3184(1)(c), F.S., or their successor agencies,<sup>22</sup> for review and comment as to whether the DSAP would be consistent with the comprehensive plan and the long-term master plan. Any comments from those reviewing agencies must be submitted in writing to the host local government within 30 days after the applicant's transmittal of the application.

The bill authorizes the DEP, the Fish and Wildlife Conservation Commission, or the WMD to accept wetland or upland preservation lands previously designated as conservation lands in relation to the development of a sector plan for the purposes of compensatory mitigation related to permitting under chs. 373 or 379, F.S., without considering that those lands are already encumbered by a previously recorded conservation easement.

The bill clarifies that neither a long-term master plan nor a DSAP limits the right to establish new agricultural or silvicultural uses that are consistent with the sector plan.

The bill authorizes an applicant with an approved master development order to request that the applicable WMD issue a CUP for the same period of time as the approved master development order.

The bill states that the more specific provisions of s. 163.3245, F.S., shall supersede the generally applicable provisions of ch. 163, F.S., which would otherwise apply. However, the bill clarifies that the sector plan law does not preclude a local government from requiring data and analysis beyond the minimum criteria it establishes.

**Section 2** amends s. 373.236, F.S., to authorize a WMD to issue a permit to an applicant, who is authorized to request a permit under section one of the bill, for the same time period as the applicant's approved master development order if the order was issued subject to the following requirements:

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<sup>22</sup> Section 163.3184(1)(c), F.S., defines "reviewing agencies" as: the state land planning agency (DEO); the appropriate RPC; the appropriate WMD; the DEP; the Department of State; the Department of Transportation; and, under specific circumstances, the Department of Education; the commanding officer of an affected military installation; the Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, and the county in which the municipality is located.

- It was issued by a county which, at the time the order was issued, was designated as an RAO pursuant to s. 288.0656, F.S.;
- It was not located in an area encompassed by a regional water supply plan as set forth in s. 373.709(1), F.S.; and
- It was not located within the basin area management plan of a first-order magnitude spring.<sup>23</sup>

In reviewing the permit application, the WMD must apply the permitting criteria in s. 373.223, F.S., based on the projected population and approved densities and intensities of use and their distribution in the master development order. However, the WMD may phase in the water allocation over the duration of the permit to correspond to actual projected needs. This subsection does not supersede the public interest test established in s. 373.223, F.S.

**Section 3** provides an effective date of July 1, 2015.

#### **IV. Constitutional Issues:**

##### A. Municipality/County Mandates Restrictions:

None.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

##### A. Tax/Fee Issues:

None.

##### B. Private Sector Impact:

None.

##### C. Government Sector Impact:

According to the DEO, there will be some costs associated with the review of and comment on documents submitted concerning the DSAP. The costs are dependent on the number of applications submitted, but will likely be negligible.

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<sup>23</sup> First magnitude springs are springs that have a median water discharge greater than or equal to 100 cubic feet per second for the period of record.

**VI. Technical Deficiencies:**

Lines 296-297 contain the phrase “basin area management plan.” The correct phrase is “basin management action plan.”

Line 297 contains the phrase “first-order magnitude springs.” The correct phrase is “first magnitude springs.”

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 163.3245 and 373.236.

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

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

**CS by Community Affairs on March 31, 2015:**

- Clarifies the planning standards of the sector planning statute supersede generally applicable planning standards elsewhere in ch. 163, F.S.;
- Provides more flexibility in the designation of a conservation easement associated with a sector plan but still requires they be designated prior to the beginning of construction;
- Requires a local government to send an application for development of a DSAP to the DEO and state agencies so that they may comment on its consistency with the comprehensive plan and long-term master sector plan; and
- Authorizes the DEP and the Fish and Wildlife Conservation Commission to accept as mitigation for purposes of permitting lands that have already been designated as a conservation easement associated with a sector plan.

**B. Amendments:**

None.

By the Committee on Community Affairs; and Senator Simpson

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1                   A bill to be entitled  
2       An act relating to sector plans; amending s. 163.3245,  
3       F.S.; providing that other requirements of this  
4       chapter inconsistent with or superseded by certain  
5       planning standards relating to a long-term master plan  
6       do not apply; providing that other requirements of  
7       this chapter inconsistent with or superseded by  
8       certain planning standards relating to detailed  
9       specific area plans do not apply; providing that  
10      conservation easements may be based on rectified  
11      aerial photographs without the need for a survey and  
12      may include a right of adjustment subject to certain  
13      requirements; providing that substitution is  
14      accomplished by recording an amendment to a  
15      conservation easement as accepted by the grantee;  
16      requiring the applicant for a detailed specific area  
17      plan to transmit copies of the application to  
18      specified reviewing agencies for review and comment;  
19      requiring such agency comments to be submitted to the  
20      local government having jurisdiction and to the state  
21      land planning agency, subject to certain requirements;  
22      authorizing the Department of Environmental  
23      Protection, the Fish and Wildlife Conservation  
24      Commission, or the water management district to accept  
25      compensatory mitigation under certain circumstances,  
26      pursuant to a specified section or chapter; providing  
27      that the adoption of a long-term master plan or a  
28      detailed specific area plan pursuant to this section  
29      does not limit the right to establish new agricultural

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30 or silvicultural uses under certain circumstances;  
31 allowing an applicant with an approved master  
32 development order to request that the applicable water  
33 management district issue a specified consumptive use  
34 permit for the same period of time as the approved  
35 master development order; providing applicability;  
36 providing that a local government is not precluded  
37 from requiring data and analysis beyond the minimum  
38 criteria established in this section; amending s.  
39 373.236, F.S.; authorizing a water management district  
40 to issue a permit to an applicant for the same period  
41 of time as the applicant's approved master development  
42 order, subject to certain requirements and  
43 restrictions; providing an effective date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Present subsection (13) of section 163.3245,  
48 Florida Statutes, is redesignated as subsection (14),  
49 subsections (3) and (9) of that section are amended, and new  
50 subsections (13) and (15) are added to that section, to read:

51 163.3245 Sector plans.—

52 (3) Sector planning encompasses two levels: adoption  
53 pursuant to s. 163.3184 of a long-term master plan for the  
54 entire planning area as part of the comprehensive plan, and  
55 adoption by local development order of two or more detailed  
56 specific area plans that implement the long-term master plan and  
57 within which s. 380.06 is waived.

58 (a) In addition to the other requirements of this chapter,

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59 except for those that are inconsistent with or superseded by the  
60 planning standards of this paragraph, a long-term master plan  
61 pursuant to this section must include maps, illustrations, and  
62 text supported by data and analysis to address the following:

63 1. A framework map that, at a minimum, generally depicts  
64 areas of urban, agricultural, rural, and conservation land use;  
65 identifies allowed uses in various parts of the planning area;  
66 specifies maximum and minimum densities and intensities of use;  
67 and provides the general framework for the development pattern  
68 in developed areas with graphic illustrations based on a  
69 hierarchy of places and functional place-making components.

70 2. A general identification of the water supplies needed  
71 and available sources of water, including water resource  
72 development and water supply development projects, and water  
73 conservation measures needed to meet the projected demand of the  
74 future land uses in the long-term master plan.

75 3. A general identification of the transportation  
76 facilities to serve the future land uses in the long-term master  
77 plan, including guidelines to be used to establish each modal  
78 component intended to optimize mobility.

79 4. A general identification of other regionally significant  
80 public facilities necessary to support the future land uses,  
81 which may include central utilities provided onsite within the  
82 planning area, and policies setting forth the procedures to be  
83 used to mitigate the impacts of future land uses on public  
84 facilities.

85 5. A general identification of regionally significant  
86 natural resources within the planning area based on the best  
87 available data and policies setting forth the procedures for

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88 protection or conservation of specific resources consistent with  
89 the overall conservation and development strategy for the  
90 planning area.

91 6. General principles and guidelines addressing the urban  
92 form and the interrelationships of future land uses; the  
93 protection and, as appropriate, restoration and management of  
94 lands identified for permanent preservation through recordation  
95 of conservation easements consistent with s. 704.06, which shall  
96 be phased or staged in coordination with detailed specific area  
97 plans to reflect phased or staged development within the  
98 planning area; achieving a more clean, healthy environment;  
99 limiting urban sprawl; providing a range of housing types;  
100 protecting wildlife and natural areas; advancing the efficient  
101 use of land and other resources; creating quality communities of  
102 a design that promotes travel by multiple transportation modes;  
103 and enhancing the prospects for the creation of jobs.

104 7. Identification of general procedures and policies to  
105 facilitate intergovernmental coordination to address  
106 extrajurisdictional impacts from the future land uses.

107

108 A long-term master plan adopted pursuant to this section may be  
109 based upon a planning period longer than the generally  
110 applicable planning period of the local comprehensive plan,  
111 shall specify the projected population within the planning area  
112 during the chosen planning period, and may include a phasing or  
113 staging schedule that allocates a portion of the local  
114 government's future growth to the planning area through the  
115 planning period. A long-term master plan adopted pursuant to  
116 this section is not required to demonstrate need based upon

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117 projected population growth or on any other basis.

118 (b) In addition to the other requirements of this chapter,  
119 except for those that are inconsistent with or superseded by the  
120 planning standards of this paragraph, the detailed specific area  
121 plans shall be consistent with the long-term master plan and  
122 must include conditions and commitments that provide for:

123 1. Development or conservation of an area of at least 1,000  
124 acres consistent with the long-term master plan. The local  
125 government may approve detailed specific area plans of less than  
126 1,000 acres based on local circumstances if it is determined  
127 that the detailed specific area plan furthers the purposes of  
128 this part and part I of chapter 380.

129 2. Detailed identification and analysis of the maximum and  
130 minimum densities and intensities of use and the distribution,  
131 extent, and location of future land uses.

132 3. Detailed identification of water resource development  
133 and water supply development projects and related infrastructure  
134 and water conservation measures to address water needs of  
135 development in the detailed specific area plan.

136 4. Detailed identification of the transportation facilities  
137 to serve the future land uses in the detailed specific area  
138 plan.

139 5. Detailed identification of other regionally significant  
140 public facilities, including public facilities outside the  
141 jurisdiction of the host local government, impacts of future  
142 land uses on those facilities, and required improvements  
143 consistent with the long-term master plan.

144 6. Public facilities necessary to serve development in the  
145 detailed specific area plan, including developer contributions



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146 in a 5-year capital improvement schedule of the affected local  
147 government.

148 7. Detailed analysis and identification of specific  
149 measures to ensure the protection and, as appropriate,  
150 restoration and management of lands within the boundary of the  
151 detailed specific area plan identified for permanent  
152 preservation through recordation of conservation easements  
153 consistent with s. 704.06, which easements shall be effective  
154 before or concurrent with the effective date of the detailed  
155 specific area plan and other important resources both within and  
156 outside the host jurisdiction. Any such conservation easement  
157 may be based on rectified aerial photographs without the need  
158 for a survey and may include a right of adjustment authorizing  
159 the grantor to modify portions of the area protected by a  
160 conservation easement and substitute other lands in their place  
161 if the lands to be substituted contain no less gross acreage  
162 than the lands to be removed; have equivalent values in the  
163 proportion and quality of wetlands, uplands, and wildlife  
164 habitat; and are contiguous to other lands protected by the  
165 conservation easement. Substitution is accomplished by recording  
166 an amendment to the conservation easement as accepted by the  
167 grantee.

168 8. Detailed principles and guidelines addressing the urban  
169 form and the interrelationships of future land uses; achieving a  
170 more clean, healthy environment; limiting urban sprawl;  
171 providing a range of housing types; protecting wildlife and  
172 natural areas; advancing the efficient use of land and other  
173 resources; creating quality communities of a design that  
174 promotes travel by multiple transportation modes; and enhancing

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175 the prospects for the creation of jobs.

176 9. Identification of specific procedures to facilitate  
177 intergovernmental coordination to address extrajurisdictional  
178 impacts from the detailed specific area plan.

179  
180 A detailed specific area plan adopted by local development order  
181 pursuant to this section may be based upon a planning period  
182 longer than the generally applicable planning period of the  
183 local comprehensive plan and shall specify the projected  
184 population within the specific planning area during the chosen  
185 planning period. A detailed specific area plan adopted pursuant  
186 to this section is not required to demonstrate need based upon  
187 projected population growth or on any other basis. All lands  
188 identified in the long-term master plan for permanent  
189 preservation shall be subject to a recorded conservation  
190 easement consistent with s. 704.06 before or concurrent with the  
191 effective date of the final detailed specific area plan to be  
192 approved within the planning area. Any such conservation  
193 easement may be based on rectified aerial photographs without  
194 the need for a survey and may include a right of adjustment  
195 authorizing the grantor to modify portions of the area protected  
196 by a conservation easement and substitute other lands in their  
197 place if the lands to be substituted contain no less gross  
198 acreage than the lands to be removed; have equivalent values in  
199 the proportion and quality of wetlands, uplands, and wildlife  
200 habitat; and are contiguous to other lands protected by the  
201 conservation easement. Substitution is accomplished by recording  
202 an amendment to the conservation easement as accepted by the  
203 grantee.

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204 (c) In its review of a long-term master plan, the state  
205 land planning agency shall consult with the Department of  
206 Agriculture and Consumer Services, the Department of  
207 Environmental Protection, the Fish and Wildlife Conservation  
208 Commission, and the applicable water management district  
209 regarding the design of areas for protection and conservation of  
210 regionally significant natural resources and for the protection  
211 and, as appropriate, restoration and management of lands  
212 identified for permanent preservation.

213 (d) In its review of a long-term master plan, the state  
214 land planning agency shall consult with the Department of  
215 Transportation, the applicable metropolitan planning  
216 organization, and any urban transit agency regarding the  
217 location, capacity, design, and phasing or staging of major  
218 transportation facilities in the planning area.

219 (e) Whenever a local government issues a development order  
220 approving a detailed specific area plan, a copy of such order  
221 shall be rendered to the state land planning agency and the  
222 owner or developer of the property affected by such order, as  
223 prescribed by rules of the state land planning agency for a  
224 development order for a development of regional impact. Within  
225 45 days after the order is rendered, the owner, the developer,  
226 or the state land planning agency may appeal the order to the  
227 Florida Land and Water Adjudicatory Commission by filing a  
228 petition alleging that the detailed specific area plan is not  
229 consistent with the comprehensive plan or with the long-term  
230 master plan adopted pursuant to this section. The appellant  
231 shall furnish a copy of the petition to the opposing party, as  
232 the case may be, and to the local government that issued the

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233 order. The filing of the petition stays the effectiveness of the  
234 order until after completion of the appeal process. However, if  
235 a development order approving a detailed specific area plan has  
236 been challenged by an aggrieved or adversely affected party in a  
237 judicial proceeding pursuant to s. 163.3215, and a party to such  
238 proceeding serves notice to the state land planning agency, the  
239 state land planning agency shall dismiss its appeal to the  
240 commission and shall have the right to intervene in the pending  
241 judicial proceeding pursuant to s. 163.3215. Proceedings for  
242 administrative review of an order approving a detailed specific  
243 area plan shall be conducted consistent with s. 380.07(6). The  
244 commission shall issue a decision granting or denying permission  
245 to develop pursuant to the long-term master plan and the  
246 standards of this part and may attach conditions or restrictions  
247 to its decisions.

248 (f) The applicant for a detailed specific area plan shall  
249 transmit copies of the application to the reviewing agencies  
250 specified in s. 163.3184(1)(c), or their successor agencies, for  
251 review and comment as to whether the detailed specific area plan  
252 is consistent with the comprehensive plan and the long-term  
253 master plan. Any comments from the reviewing agencies shall be  
254 submitted in writing to the local government with jurisdiction  
255 and to the state land planning agency within 30 days after the  
256 applicant's transmittal of the application.

257 (g) ~~(f)~~ This subsection does not prevent preparation and  
258 approval of the sector plan and detailed specific area plan  
259 concurrently or in the same submission.

260 (h) If an applicant seeks to use wetland or upland  
261 preservation achieved by granting conservation easements as

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262 compensatory mitigation for permitting purposes under chapter  
263 373 or chapter 379, the Department of Environmental Protection,  
264 the Fish and Wildlife Conservation Commission, or the water  
265 management district may accept such mitigation under the  
266 criteria established in the uniform assessment method required  
267 by s. 373.414, or pursuant to chapter 379, as applicable,  
268 without considering the fact that a conservation easement  
269 encumbering the same real property was previously recorded  
270 pursuant to paragraph (b).

271 (9) The adoption of a long-term master plan or a detailed  
272 specific area plan pursuant to this section does not limit the  
273 right to continue existing agricultural or silvicultural uses or  
274 other natural resource-based operations or to establish similar  
275 new agricultural or silvicultural uses that are consistent with  
276 the plans approved pursuant to this section.

277 (13) An applicant with an approved master development order  
278 may request that the applicable water management district issue  
279 a consumptive use permit as set forth in s. 373.236(8) for the  
280 same period of time as the approved master development order.

281 (15) The more specific provisions of this section shall  
282 supersede the generally applicable provisions of this chapter  
283 which otherwise would apply. This section does not preclude a  
284 local government from requiring data and analysis beyond the  
285 minimum criteria established in this section.

286 Section 2. Subsection (8) is added to section 373.236,  
287 Florida Statutes, to read:

288 373.236 Duration of permits; compliance reports.—

289 (8) A water management district may issue a permit to an  
290 applicant, as set forth in s. 163.3245(13), for the same period

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2015832c1

291 of time as the applicant's approved master development order if  
292 the master development order was issued under s. 380.06(21) by a  
293 county which, at the time the order issued, was designated as a  
294 rural area of opportunity under s. 288.0656, was not located in  
295 an area encompassed by a regional water supply plan as set forth  
296 in s. 373.709(1), and was not located within the basin area  
297 management plan of a first-order magnitude spring. In reviewing  
298 the permit application, the water management district shall  
299 apply the permitting criteria in s. 373.223 based on the  
300 projected population and approved densities and intensities of  
301 use and their distribution in the master development order.  
302 However, the district may phase in the water allocation over the  
303 duration of the permit to correspond to actual projected needs.  
304 This subsection does not supersede the public interest test  
305 established in s. 373.223.

306 Section 3. This act shall take effect July 1, 2015.  
307

**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.)

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Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

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BILL: CS/SB 946

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Bullard

SUBJECT: Legal Holidays and Special Observances

DATE: April 9, 2015                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<b>Favorable</b>
2.	<u>Clift</u>	<u>Uchino</u>	<u>EP</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 946 designates the second Monday of October of each year as “Sir Lancelot Jones Day” in Miami-Dade and Monroe Counties. The bill encourages citizens, public entities, and private organizations in these counties to honor Sir Lancelot Garfield Jones and his contributions in the preservation of Biscayne Bay and the establishment of Biscayne Bay National Park.

**II. Present Situation:**

**Sir Lancelot Garfield Jones**

Sir Lancelot Garfield Jones was born in 1898 and lived in Porgy Key, near Biscayne Bay. His parents were early settlers of the area and the Jones Family Historic District is listed on the National Register of Historic Places. He was a farmer, fisherman, and conservationist. He was a skilled fishing guide and fished with many notable men, including presidents Warren Harding, Herbert Hoover, Lyndon Johnson, John F. Kennedy, and Richard Nixon.<sup>1</sup> In 1970, he sold 277 acres of his property to the National Park Service to contribute to what is now known as Biscayne National Park.<sup>2</sup>

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<sup>1</sup> Susan Shumaker, *Untold Stories from America’s National Parks*, 47-68, available at <http://www-tc.pbs.org/nationalparks/media/pdfs/tnp-abi-untold-stories-pt-03-jones.pdf> (last accessed Apr. 7, 2015).

<sup>2</sup> National Park Service, *The Joneses of Porgy Key*, <http://www.nps.gov/bisc/learn/historyculture/the-joneses-of-porgy-key-page-3.htm> (Last accessed Apr. 6, 2015).

In 2014, Senate Resolution 1158 designated October 13, 2014, as “Lancelot Jones Day” in Florida. Currently, there is no legal holiday or special observance of Sir Lancelot Garfield Jones.

### **Legal Holidays and Special Observations**

Florida has 21 legal holidays and 31 special observations, which are designated under ch. 683, F.S. Celebration of legal holidays and special observances can be statewide or limited to certain groups, such as schools, counties, or branches of government. The dates, days, or months designated in ch. 683, F.S., may require the government or group to perform an action or may simply call for commemoration or observance. For example, on Pan American Day the Governor must issue a proclamation and all public schools must honor the countries of Latin America.<sup>3</sup> Gasparilla Day is a legal holiday on which government offices and banks are closed only in Hillsborough County.<sup>4</sup> Observance of a legal holiday may also be discretionary. For instance, a chief judge in a judicial circuit is authorized to designate Rosh Hashanah, Yom Kippur, and Good Friday as legal holidays and close the courts in his or her circuit.<sup>5</sup>

State holidays on which all branches of state government are closed are found in s. 110.117, F.S.

### **III. Effect of Proposed Changes:**

The bill honors Sir Lancelot Garfield Jones and commemorates his contributions in the preservation of Biscayne Bay and the establishment of Biscayne Bay National Park by:

- Designating the second Monday of each October as “Sir Lancelot Jones Day” in Miami-Dade and Monroe Counties; and
- Encouraging public officials, schools, private organizations, and all citizens to honor the legacy of Sir Lancelot Garfield Jones.

This bill becomes effective upon becoming a law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>3</sup> Section 683.05, F.S.

<sup>4</sup> Section 683.08, F.S.

<sup>5</sup> Section 683.19, F.S.



**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The bill does not create a paid state holiday and does not require the governor to issue a proclamation. There should be no fiscal impact on state and local governments.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 683.095 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 Environmental Preservation and Conservation on April 8, 2015:**

The CS limits the designation of “Sir Lancelot Jones Day” to Miami-Dade and Monroe Counties and deletes the authorization for the Governor to designate this holiday.

## B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2015	.	
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	.	
	.	

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The Committee on Environmental Preservation and Conservation  
(Soto) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 683.095, Florida Statutes, is created to  
read:

683.095 Sir Lancelot Jones Day; Miami-Dade and Monroe  
Counties.—The second Monday in October of each year is  
designated as "Sir Lancelot Jones Day" in Miami-Dade and Monroe  
Counties to commemorate the contributions of Sir Lancelot



441332

11 Garfield Jones in the preservation of Biscayne Bay and the  
12 establishment of Biscayne National Park. Public officials,  
13 schools, private organizations, and all citizens in Miami-Dade  
14 and Monroe Counties are encouraged to honor the legacy of Sir  
15 Lancelot Garfield Jones and his contributions to the state by  
16 commemorating Sir Lancelot Jones Day on the second Monday in  
17 October of each year.

18 Section 2. This act shall take effect upon becoming a law.

19

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

21 And the title is amended as follows:

22 Delete everything before the enacting clause  
23 and insert:

24 A bill to be entitled  
25 An act relating to legal holidays and special  
26 observances; creating s. 683.095, F.S.; designating  
27 the second Monday in October of each year as "Sir  
28 Lancelot Jones Day" in Miami-Dade and Monroe Counties;  
29 encouraging public officials, schools, private  
30 organizations, and citizens in Miami-Dade and Monroe  
31 Counties to commemorate the occasion; providing an  
32 effective date.

33  
34 WHEREAS, born in 1898 on a 22-foot boat in Biscayne Bay,  
35 entrepreneur and farmer Sir Lancelot Garfield Jones prospered by  
36 supplying the nation with Key limes and was an expert fishing  
37 guide sought by five presidents and numerous senators,  
38 influential industrialists, and other cultural icons eager to  
39 experience the beauty of the bay's wildlife, and



441332

40 WHEREAS, Sir Lancelot Garfield Jones lived most of his 99  
41 years on the tiny island known as Porgy Key, near the southern  
42 end of Biscayne Bay, which was first settled by his pioneer  
43 father and Bahamian mother in 1897 in an area long associated  
44 with African American maritime history and which is now on the  
45 National Register of Historical Places, and

46 WHEREAS, given the adjacent ecosystems of southern Biscayne  
47 Bay and the northern Florida Keys, the lifelong conservation and  
48 education efforts of Sir Lancelot Garfield Jones are of  
49 significant importance to Miami-Dade and Monroe Counties, and

50 WHEREAS, often referred to as the "Sage of Caesar Creek,"  
51 Sir Lancelot Garfield Jones became an educator of schoolchildren  
52 and a conservationist whose resolute values toward the  
53 preservation of Biscayne Bay greatly contributed to the  
54 establishment of Biscayne National Park, which was created to  
55 preserve and protect area wildlife for the education,  
56 inspiration, recreation, and enjoyment of present and future  
57 generations, and

58 WHEREAS, Biscayne National Park is home to a rare  
59 combination of terrestrial, marine, and amphibious life in a  
60 tropical and subtropical setting of great natural beauty, which  
61 annually draws an average of 500,000 visitors, contributes more  
62 than \$34 million to the state's economy, and supports 422 jobs,  
63 and

64 WHEREAS, the invaluable efforts of Sir Lancelot Garfield  
65 Jones to preserve the land he loved and to ensure that future  
66 generations would delight in its beauty and abundance have  
67 resulted in significant economic, ecological, and cultural  
68 contributions to the state, its heritage, and its future, NOW,



441332

69 | THEREFORE,

By Senator Bullard

39-00137A-15

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1                                   A bill to be entitled  
2       An act relating to legal holidays and special  
3       observances; creating s. 683.095, F.S.; designating  
4       the second Monday in October of each year as "Sir  
5       Lancelot Jones Day"; authorizing the Governor to issue  
6       proclamations commemorating the occasion; encouraging  
7       public officials, schools, private organizations, and  
8       citizens to commemorate the occasion; providing an  
9       effective date.

10  
11       WHEREAS, born in 1898 on a 22-foot boat in Biscayne Bay,  
12       entrepreneur and farmer Sir Lancelot Garfield Jones prospered by  
13       supplying the nation with Key limes and was an expert fishing  
14       guide sought by five presidents and numerous senators,  
15       influential industrialists, and other cultural icons eager to  
16       experience the beauty of the bay's wildlife, and

17       WHEREAS, Sir Lancelot Garfield Jones lived most of his 99  
18       years on the tiny island known as Porgy Key, near the southern  
19       end of Biscayne Bay, which was first settled by his pioneer  
20       father and Bahamian mother in 1897 in an area long associated  
21       with African-American maritime history and which is now on the  
22       National Register of Historical Places, and

23       WHEREAS, often referred to as the "Sage of Caesar Creek,"  
24       Sir Lancelot Garfield Jones became an educator of schoolchildren  
25       and a conservationist whose resolute values toward the  
26       preservation of Biscayne Bay greatly contributed to the  
27       establishment of Biscayne National Park, which was created to  
28       preserve and protect area wildlife for the education,  
29       inspiration, recreation, and enjoyment of present and future

39-00137A-15

2015946\_\_

30 generations, and

31 WHEREAS, Biscayne National Park is home to a rare  
32 combination of terrestrial, marine, and amphibious life in a  
33 tropical and subtropical setting of great natural beauty, which  
34 annually draws an average of 500,000 visitors, contributes more  
35 than \$34 million to the state's economy, and supports 422 jobs,  
36 and

37 WHEREAS, the invaluable efforts of Sir Lancelot Garfield  
38 Jones to preserve the land he loved and to ensure that future  
39 generations would delight in its beauty and abundance have  
40 resulted in significant economic, ecological, and cultural  
41 contributions to the state, its heritage, and its future, NOW,  
42 THEREFORE,

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. Section 683.095, Florida Statutes, is created to  
47 read:

48 683.095 Sir Lancelot Jones Day.-

49 (1) The second Monday in October of each year is designated  
50 as "Sir Lancelot Jones Day" to commemorate the contributions of  
51 Sir Lancelot Garfield Jones in the preservation of Biscayne Bay  
52 and the establishment of Biscayne National Park.

53 (2) The Governor may issue annually a proclamation  
54 designating the second Monday in October as "Sir Lancelot Jones  
55 Day." Public officials, schools, private organizations, and all  
56 citizens are encouraged to honor the legacy of Sir Lancelot  
57 Garfield Jones and his contributions to the state by  
58 commemorating Sir Lancelot Jones Day on the second Monday in

39-00137A-15

2015946\_\_

59 October of each year.

60 Section 2. This act shall take effect upon becoming a law.



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

---

BILL: CS/SB 966

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Bullard and others

SUBJECT: Disposable Plastic Bags

DATE: April 9, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hinton</u>	<u>Uchino</u>	<u>EP</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>FP</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 966 provides coastal municipalities with populations under 100,000 with the authority to establish a pilot program to regulate or ban disposable plastic bags. It directs municipalities that choose to establish a pilot program to enact an ordinance by December 31, 2015. The bill provides reporting requirements.

**II. Present Situation:**

Section 403.7033, F.S., was enacted in 2008, requiring the Department of Environmental Protection (DEP) to study “the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments.”<sup>1</sup> The report was submitted to the Legislature on February 1, 2010. Until the DEP’s recommendations are adopted by the Legislature, no state agency or governmental entity may regulate containers, wrappers, or plastic bags.<sup>2</sup> To date, the Legislature has not adopted the recommendations contained in the report.

The report noted two major concerns regarding retail bags. First, improper disposal of retail bags can hinder recycling, waste management, stormwater management, and litter control. Second,

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<sup>1</sup> Chapter 2008-227, s. 96, Laws of Fla.

<sup>2</sup> Section 403.7033, F.S.

improper disposal affects natural systems and wildlife.<sup>3</sup> The report recommended four options to address the problem of plastic bags:

- Bans;
- Fees and taxes;
- Voluntary measures; and
- Phase-out.<sup>4</sup>

The report concluded that while all methods of reducing plastic bags had merit, some were more effective than others. Reducing plastic bag use was most effective through bans, followed closely by fees or taxes. Many people and businesses prefer voluntary measures because they do not involve any new fees or costs.<sup>5</sup>

Phasing out retail disposable bags typically involves progressively combining fees and bans. Voluntary measures, which are difficult to quantify, place the responsibility of recycling on the businesses that provide plastic bags and the consumers who use them.<sup>6</sup> Voluntary measures include providing store recycling bins, using reusable bags, and providing benefits such as discounts for those who use recyclable bags.<sup>7</sup>

Laws and local ordinances banning and placing fees and taxes on plastic bags, auxiliary containers, and wrappings have been enacted in a small number of locations in the United States.<sup>8</sup> One of the most publicized bans on plastic bags was in San Francisco, California. The city passed an ordinance in 2007, requiring pharmacies and supermarkets with gross annual sales of \$2 million or more to provide only paper, compostable, or reusable bags.<sup>9</sup> More recently, the state of California enacted a bill on September 30, 2014, to ban single-use plastic bags at large retail stores. The ban takes effect July 1, 2015.

Other states that have enacted legislation to address plastic bags include Delaware, Maine, and North Carolina. Delaware requires stores to establish an at-store recycling program. Maine also requires recycling receptacles to be available in affected stores. North Carolina enacted a law designed to reduce plastic bag usage in the Outer Banks.<sup>10</sup> The law requires affected retailers to display a sign that reads: “[county name] County discourages the use of single-use plastic and paper bags to protect our environment from excess litter and greenhouse gases. We would appreciate our customers using reusable bags, but if you are not able to, a 100% recycled paper bag will be furnished for your use.”<sup>11</sup>

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<sup>3</sup> DEP, *Florida Department of Environmental Protection, Retail Bags Report*, 4 (Feb. 1, 2010), available at [http://www.dep.state.fl.us/waste/quick\\_topics/publications/shw/recycling/retailbags/Retail-Bag-Report\\_01Feb10.pdf](http://www.dep.state.fl.us/waste/quick_topics/publications/shw/recycling/retailbags/Retail-Bag-Report_01Feb10.pdf) (last accessed Mar. 23, 2014).

<sup>4</sup> *Id.* at 15-18.

<sup>5</sup> *Id.* at 18.

<sup>6</sup> *Id.* at 17.

<sup>7</sup> *Id.* at 17.

<sup>8</sup> *Id.* at 15.

<sup>9</sup> *Id.* at 15.

<sup>10</sup> National Conference of State Legislatures, *State Plastic and Paper Bag Legislation: Fees, Taxes and Bans; Recycling and Reuse* (Jan. 22, 2015), <http://www.ncsl.org/research/environment-and-natural-resources/plastic-bag-legislation.aspx> (last visited Apr. 3, 2015).

<sup>11</sup> N.C. Gen. Stat. s. 130A-309.124.

A phase-out approach was pursued in Australia in 2005, but an analysis of the program in 2008 concluded the economic costs of a regulatory phase out would significantly outweigh the environmental benefits.<sup>12</sup>

Recently, New Jersey has considered bills that require stores to:

- Impose fees for disposable carryout bags;
- Establish in-store recycling programs; and
- Restrict the use of plastic bags by 50 percent by November 30, 2014, and ban all plastic bags from use in the state by December 31, 2016.

Puerto Rico also considered a bill that prohibits the use, manufacture, importation, distribution, and sale of plastic bags unless they are manufactured to be biodegradable.<sup>13</sup>

One widely used standard for compostable bags promulgated by the American Society for Testing & Materials is the ASTM D6400 standard. It was developed to establish standards for identifying products and materials that will compost satisfactorily in commercial and municipal aerobic composting facilities.<sup>14</sup>

Recyclable bags are often marked with a symbol such as this:<sup>15</sup>



Labeling may also include the percentage of total recycled fiber or plastic.

### III. Effect of Proposed Changes:

The bill creates s. 403.70325, F.S., to allow coastal municipalities with populations fewer than 100,000 to establish a pilot program to regulate or ban disposable plastic bags. This would exclude approximately 20 municipalities with populations of 100,000 or greater.<sup>16</sup>

The bill provides that a municipality establishing a pilot program must enact an ordinance for the regulation or ban of disposable plastic bags by December 31, 2015, to begin on January 1, 2016, and end on June 30, 2018. The bill restricts such ordinances from including any new taxes or fees on the use or distribution of disposable plastic bags.

The bill provides requirements for a municipality's pilot program, including:

- Data collection pertaining to the impact of such regulation or ban;
- By April 1, 2018, submittal of a report on the impact of such regulation or ban to the governing body of the municipality at a public hearing that is open to comment from the public; and

<sup>12</sup> *Supra* note 3, at 17.

<sup>13</sup> *Supra* note 10.

<sup>14</sup> Buygreen.com, *ASTM D6400 certified*, available at <http://www.buygreen.com/astmd6400certified.aspx#UzA3rPk7uG4> (last visited Apr. 6, 2015).

<sup>15</sup> American Forest and Paper Association, *Recycling Symbol Guidelines*, available at <http://www.afandpa.org/docs/default-source/default-document-library/recycling-symbol-guidelines.pdf?sfvrsn=0> (last visited Apr. 6, 2015).

<sup>16</sup> University of Florida, Bureau of Economic and Business Research, *Florida Estimates of Population 2014*, 8-21 (Apr. 1, 2014), available at <http://edr.state.fl.us/Content/population-demographics/data/PopulationEstimates2014.pdf> (last visited Apr. 3, 2015).

- Providing a copy of the report to the DEP.

The bill will take effect upon becoming a law.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A ban or restriction on the use of disposable plastic bags will result in an indeterminate negative fiscal impact on businesses, consumers, or both, depending on the costs of alternatives.

C. Government Sector Impact:

Municipalities incur costs to clean up disposable plastic bags that are discarded and become litter or that wind up in stormwater drainage systems. Ordinances that have the effect of limiting the number of plastic bags may provide a positive, but indeterminate, fiscal impact on these local governments.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

“Coastal community” is not defined in statute or rule. This may lead to confusion about which municipalities are eligible to participate in the pilot program.

**VIII. Statutes Affected:**

This bill creates section 403.70325 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 Environmental Preservation and Conservation on April 8, 2015:**

- Specifies that the pilot program may only be established by coastal communities with a population of 100,000 or less; and
- Deletes the provision that allows participants in the pilot program to continue enforcing an ordinance regulating or banning plastic bags past the sunset date of June 30, 2018.

- B. **Amendments:**

None.



676666

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2015	.	
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The Committee on Environmental Preservation and Conservation  
(Soto) recommended the following:

**Senate Amendment**

Delete line 22  
and insert:  
population of fewer than 100,000 which is a coastal community  
may establish a pilot program



551824

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2015	.	
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The Committee on Environmental Preservation and Conservation  
(Soto) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 36 - 40.

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

And the title is amended as follows:

Delete lines 10 - 12

and insert:

republishing s. 403.7033, F.S.; providing

By Senator Bullard

39-00151A-15

2015966\_\_

1                   A bill to be entitled  
2           An act relating to disposable plastic bags; creating  
3           s. 403.70325, F.S.; authorizing certain municipalities  
4           to establish pilot programs for the regulation or ban  
5           of disposable plastic bags; providing program  
6           criteria; providing for expiration of the program;  
7           directing participating municipalities to collect data  
8           and submit reports to the municipal governing body and  
9           the Department of Environmental Protection;  
10          authorizing municipalities to continue such regulation  
11          or ban after the program expires under certain  
12          conditions; republishing s. 403.7033, F.S.; providing  
13          an effective date.

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

16  
17           Section 1. Section 403.70325, Florida Statutes, is created  
18           to read:

19           403.70325 Municipal pilot program for regulation or ban of  
20           disposable plastic bags.-

21           (1) Notwithstanding s. 403.7033, a municipality with a  
22           population of fewer than 100,000 may establish a pilot program  
23           to regulate or ban disposable plastic bags. A municipality  
24           establishing a pilot program shall, by December 31, 2015, enact  
25           an ordinance for the regulation or ban of disposable plastic  
26           bags that begins January 1, 2016, and expires June 30, 2018.  
27           Such ordinance may not include any new taxes or fees on the use  
28           or distribution of disposable plastic bags.

29           (2) A municipality that establishes a pilot program shall:



39-00151A-15

2015966\_\_

30 (a) Collect data pertaining to the impact of such  
31 regulation or ban.

32 (b) By April 1, 2018, submit a report on the impact of such  
33 regulation or ban to the governing body of the municipality at a  
34 public hearing that is open to comments from the public.

35 (c) Provide a copy of the report to the department.

36 (3) A municipality may continue to regulate or ban  
37 disposable plastic bags after June 30, 2018, if the municipality  
38 enacts an ordinance after April 1, 2018, indicating that the  
39 municipality will continue the regulation or ban of plastic  
40 bags, notwithstanding s. 403.7033.

41 Section 2. Section 403.7033, Florida Statutes, is  
42 republished to read:

43 403.7033 Departmental analysis of particular recyclable  
44 materials.—The Legislature finds that prudent regulation of  
45 recyclable materials is crucial to the ongoing welfare of  
46 Florida's ecology and economy. As such, the Department of  
47 Environmental Protection shall undertake an analysis of the need  
48 for new or different regulation of auxiliary containers,  
49 wrappings, or disposable plastic bags used by consumers to carry  
50 products from retail establishments. The analysis shall include  
51 input from state and local government agencies, stakeholders,  
52 private businesses, and citizens, and shall evaluate the  
53 efficacy and necessity of both statewide and local regulation of  
54 these materials. To ensure consistent and effective  
55 implementation, the department shall submit a report with  
56 conclusions and recommendations to the Legislature no later than  
57 February 1, 2010. Until such time that the Legislature adopts  
58 the recommendations of the department, no local government,

39-00151A-15

2015966\_\_

59 local governmental agency, or state government agency may enact  
60 any rule, regulation, or ordinance regarding use, disposition,  
61 sale, prohibition, restriction, or tax of such auxiliary  
62 containers, wrappings, or disposable plastic bags.

63 Section 3. This act shall take effect upon becoming a law.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Community Affairs, *Chair*  
Environmental Preservation and Conservation,  
*Vice Chair*  
Appropriations Subcommittee on General Government  
Finance and Tax  
Judiciary  
Transportation

## JOINT COMMITTEE:

Joint Legislative Auditing Committee

## SENATOR WILTON SIMPSON

18th District

April 2, 2015

Senator Charles S. Dean  
Committee on Environmental Conservation and Preservation  
325 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chairman Dean,

Please place Senate Bill 832 relating to the Sector Plans, on the next Environmental Conservation and Preservation Committee agenda.

Please contact my office with any questions. Thank you.

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson  
Senator, 18<sup>th</sup> District

CC: Pepper Uchino, Staff Director

## REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**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.)

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Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

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BILL: SPB 7086

INTRODUCER: Environmental Preservation and Conservation Committee

SUBJECT: State Lands

DATE: April 9, 2015

REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Gudeman</u>	<u>Uchino</u>	_____	<b>EP Submitted as Committee Bill</b>

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**I. Summary:**

SPB 7086:

- Provides legislative findings regarding the acreage of conservation lands in Florida;
- Defines “low-impact agriculture”;
- Includes the preservation of low-impact agriculture as a measureable objective in land management plans;
- Requires updated land management plans to identify conservation lands that could support low-impact agriculture and those lands that are no longer needed for conservation purposes;
- Requires the Division of State Lands (division), within the Department of Environmental Protection (DEP), to review state-owned conservation lands and determine if the lands could support low-impact agriculture or be disposed of;
- Requires the division to submit a list of such lands to the Acquisition and Restoration Council (ARC);
- Requires ARC to provide recommendations to the division and authorizes the division to direct managing agencies to offer agreements for low-impact agriculture on such lands under certain conditions;
- Specifies the Board of Trustees of the Internal Improvement Trust Fund (BOT) may dispose of such lands under certain conditions;
- Requires the DEP to review certain nonconservation lands every 10 years and make recommendations to the BOT whether the lands should be retained by the state or disposed of;
- Allows the water management districts (WMDs) to sell parcels of land valued at \$25,000 or less subject to specific noticing requirements;
- Requires the DEP to conduct an inventory of federal and state-owned lands and update the Florida State-Owned Lands and Records Information System (SOLARIS) every five years;
- Requires the DEP to include certain county, municipality, and financially disadvantaged small community lands in SOLARIS;
- Requires counties, municipalities, and financially disadvantaged small communities to submit a list of certain lands to the DEP every five years;

- Requires the DEP to conduct a study and submit a report on the technical and economic feasibility of including certain lands in the SOLARIS database;
- Requires ARC to give increased priority to certain projects; and
- Requires the DEP to consolidate all individually titled parcels of conservation lands owned by the BOT that are contiguous to other parcels of conservation lands owned by the BOT under a single, unified title and legal description.

## II. Present Situation:

The division is responsible for acquiring and managing state lands as directed by the BOT. The division oversees approximately 12 million acres of public lands and 700 freshwater springs. It is also responsible for upland leases for state parks, forests, wildlife management areas, historic sites, educational facilities, vegetable farming, and mineral, oil and gas exploration.<sup>1</sup>

### Conservation Land Management Plans

Section 253.034, F.S., specifies that state lands acquired under ch. 259, F.S., must be managed to serve a public interest by protecting and conserving land, air, water, and the state's natural resources. The conservation lands must be managed to provide areas for natural resource based recreation, ensure the survival of plant and animal species, and protect the state's renewable natural resources.

All conservation lands require a land management plan pursuant ss. 253.034(5) and 259.032(1), F.S. The management plans must include the stated use of the lands, the management activities necessary to preserve and protect natural and cultural resources, a management schedule, a cost estimate of management activities, and a determination of public uses and access. The land management plans must also include short- and long-term management goals. The short-term goals must be achievable within a two-year planning period and the long-term goals must be achievable within a 10-year period. The goals must include measurable objectives and be the basis for all future land management activities. The measureable objective are:

- Habitat restoration and improvement;
- Public access and recreational opportunities;
- Hydrological preservation and restoration;
- Sustainable forest management;
- Exotic and invasive species maintenance and control;
- Capital facilities and infrastructure;
- Cultural and historical resources; and
- Imperiled species habitat maintenance, enhancement, restoration, or population restoration.

The law also requires parcels over 160 acres to have a land management plan developed with input from an advisory group. A public hearing must be held prior to the adoption of the management plan.<sup>2</sup>

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<sup>1</sup> DEP, *Division of State Lands*, [http://www.dep.state.fl.us/lands/statelands\\_cont.htm](http://www.dep.state.fl.us/lands/statelands_cont.htm) (last visited Apr. 6, 2015).

<sup>2</sup> Section 259.032(10), F.S.

## **Acquisition and Restoration Council**

ARC is a 10-member council that consists of four members appointed by the Governor, representatives from four state agencies, and one member each appointed by the Florida Fish and Wildlife Conservation Commission and the Commissioner of Agriculture. ARC is responsible for evaluating, selecting, and ranking state land acquisition projects on the Florida Forever Priority list, and reviewing management plans and land uses for all state-owned conservation lands.

## **Disposition of State-owned Conservation Lands**

Section 253.42, F.S., allows for the exchange of state lands that are vested or titled in the BOT. The BOT may request land of equal conservation value from local governments for the exchange of conservation lands for which no consideration was paid. If consideration was paid for the conservation lands, the exchange must result in an equal or greater conservation benefit to the state.

Pursuant to Article X, section 18 of the Florida Constitution, and ss. 253.42 and 253.034(6)(e), F.S., the BOT, with ARC's recommendation, must determine if the conservation lands proposed for exchange are no longer needed for conservation purposes. Section 253.034(6), F.S., requires the BOT to make the determination that the exchange will result in a net-positive conservation benefit. Additionally, s. 253.034(15), F.S., requires the BOT to first offer surplus lands proposed for lease, sublease, or sale, to universities, community colleges, and state agencies before they are offered to the general public.

Since 2000, approximately 3,041 conservation acres have been declared surplus and disposed of and approximately 940 acres have been exchanged.<sup>3</sup>

## **The Florida Forever Act**

The Florida Forever Program was created in 1999 as the successor program to the Preservation 2000 Program. The Florida Forever Program reinforces the state's commitment to conservation and expands the state's role in protecting its natural resources. The stated goals of the Florida Forever Program are to acquire lands and water areas to preserve natural resources and protect water supply, provide opportunities for agricultural activities on working lands, provide outdoor recreational opportunities, preserve the Everglades, prioritize the land acquisition process based on science-based assessments of the natural resources, and enhance imperiled species management.<sup>4</sup>

Land acquisitions proposed under the Florida Forever Program are developed by ARC. ARC adopted rules to evaluate, select, and rank projects eligible for funds according to specific criteria. ARC gives weight to projects that:

- Are consistent with the goals of the Florida Forever Program;

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<sup>3</sup> DEP, *Senate Bill 7086 Agency Analysis*, 3 (Mar. 23, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>4</sup> Section 259.105, F.S.

- Restore or protect developed areas or water resources that are part of an ongoing government project;
- Enhance or facilitate the management of properties already under public ownership;
- Have significant archeological or historic value;
- Have a funding sources through at least the first two years;
- Have the potential to resolve regional water resource issues;
- Are located in an area that is in imminent threat of losing natural attributes or recreational open space, or are in danger of subdivision that would result in multiple ownership;
- Implement a plan developed by an ecosystem management team;
- Are a component of the Everglades restoration effort;
- May be purchased at 80 percent of appraised value;
- May be acquired using alternatives to fee simple; and
- Are a joint acquisition with other public agencies, nonprofit organizations, private entities, and public-private partnerships.<sup>5</sup>

Section 259.105(11), F.S., also requires ARC to give increased priority to projects where the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions.

### **Sale or Exchange of Water Management District Lands**

Section 373.089, F.S., provides the mechanisms and the noticing requirements for WMDs to sell WMD land. The law authorizes land determined to be surplus to be sold at the highest possible price but not less than the appraised value of the land. Before selling any surplus land the WMD must publish the notice of intent to sell the land in a newspaper circulated in the same county as the property for sale. The notice must be published each week for three successive weeks with the first publication occurring no more than 45 days prior to the sale.

### **State Lands Database**

Section 253.0325, F.S., was created in 1990 to require the DEP to establish a computerized system for state lands records. The DEP contracted with a company to create the mainframe-based land record system for documents related to lands where title is vested in the BOT. In 1999, the system was updated to include new technologies and integration components and referred to as the Board of Trustees Land Document System (BTLDS). The law requires the program to include, at a minimum, a document management component, a lands and records management component, an evaluation component, and a mapping component. The DEP is responsible for ensuring the information system is compatible within the DEP and other state, local, and regional government agencies.

In 2008, s. 253.0325, F.S., was amended to require the DEP to include all lands purchased with Preservation 2000 funds and Florida Forever funds.<sup>6</sup> To comply with the requirement, the DEP contracted with an outside vendor to conduct a BTLDS Feasibility Study. The study determined

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<sup>5</sup> Fla. Admin. Code R. 18-24.0021 (2010).

<sup>6</sup> Chapter 2008-229, s. 4, Laws of Fla.

the division would be the clearinghouse for all state lands data and be solely responsible for maintaining the database.

In 2010, s. 216.0153, F.S., directed the DEP to create, administer, operate, and maintain a comprehensive system and automated inventory of all state lands and real property leased, owned, rented, occupied, or maintained by a state agency, judicial branch, or water management district (WMD). In order to meet the requirement, the DEP created the SOLARIS database. The database includes all state-owned lands in which the state has a fee interest, including conservation easements acquired through a formal acquisition process for conservation.

The SOLARIS database has been implemented by the DEP and the Department of Management Services to include a facility information component and land information component. The Facility Information Tracking System includes 332 users and 65 different agencies, and the Lands Information Tracking System includes 140 users and 50 different agencies.<sup>7</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 253.034, F.S., to provide legislative findings that the land area of Florida is approximately 34.7 million acres including 3.2 million acres of conservation lands titled to the BOT, of which 1.2 million acres are uplands.

The bill defines “low-impact agriculture” as any agricultural activity that, when occurring on conservation land or on land under a permanent conservation easement:

- Does not cause or contribute to violations of water quality standards as evidenced by water quality monitoring prescribed by the DEP or an applicable WMD;
- Is consistent with an adopted land management plan;
- Does not adversely impact the land’s conservation purpose; and
- Does not adversely limit recreational use.

The bill specifies the preservation of low-impact agriculture on conservation lands must be a measureable objective in establishing short- and long-term management goals.

Land management plans, updated on a rotating basis every ten years, must identify conservation lands, except lands managed as a state park or preserve, that:

- May support low-impact agricultural uses while maintaining the land’s conservation purpose; and
- Are no longer needed for conservation purposes and could be disposed of in fee simple or with the state retaining a permanent conservation easement.

The bill requires the division to review all state-owned conservation lands titled to the BOT to determine if the lands could support low-impact agricultural uses while maintaining the land’s conservation purpose. The division must submit a list of these identified lands and the lands identified in an updated land management plan to ARC. ARC is required to provide recommendations as to whether the lands could support low-impact agriculture to the division

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<sup>7</sup> DEP, *State of Florida Lands and Facilities Inventory Search*, <http://webapps.dep.state.fl.us/DslPi/splash?Create=new> (last visited Apr. 6, 2015).



within nine months of receiving the list. The bill authorizes the division to direct managing agencies to offer agreements for low-impact agriculture on the conservation lands. The agreements may not exceed 10 years and may be renewed with division approval. The bill does not prohibit a managing agency from entering into agreements as otherwise provided by law.

The bill renumbers a section of statute that requires the division to review all state-owned conservation lands titled to the BOT to determine if the lands are no longer needed for conservation purposes and could be disposed of in fee simple or with the state retaining a permanent conservation easement. The bill requires the review to include additional lands identified in an updated land management plan. The bill also requires that within nine months of receiving the list, ARC is required to recommend to the division whether the lands are no longer needed for conservation purposes and could be disposed of in fee simple or if the state should retain a permanent conservation easement. The BOT may dispose of the land by an affirmative vote of at least three BOT members.

The bill also requires division to review all encumbered and unencumbered nonconservation lands titled to BOT and determine if the lands should remain in public ownership or be disposed of by the BOT. The BOT may dispose of the land by an affirmative vote of three BOT members.

**Section 2** creates s. 253.87, F.S., to require the DEP to include in the SOLARIS database by July 1, 2017:

- All federally owned conservation lands;
- All lands on which the federal government retains a permanent conservation easement; and
- All lands on which the state retains a permanent conservation easement.

The bill requires each county, municipality, and financially disadvantaged small communities as defined in s. 403.1838, F.S., to identify all conservation lands that are owned in fee simple and all lands that are retained in a permanent conservation easement. Counties and municipalities must submit their lists to the DEP by July 1, 2017, and disadvantaged small communities must submit their lists by July 1, 2018. The DEP must include these properties in the SOLARIS database within six months after receiving the list.

The bill also requires the DEP to conduct a study to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the technical and economic feasibility of including the following lands in the SOLARIS database or a similar public lands inventory:

- All lands on which local comprehensive plans, land use restrictions, zoning ordinances, or land development regulations prohibit the land from being developed or limit the amount of development to one unit per 40 or more acres;
- All publicly and privately owned lands for which development rights have been transferred;
- All privately owned lands under a permanent conservation easement;
- All lands owned by a nonprofit or nongovernmental organization for conservation purposes; and
- All lands that are part of a mitigation bank

**Section 3** amends s. 259.105, F.S., to require ARC to give projects increased priority for Florida Forever funding that:

- May be acquired in less than fee ownership, such as a permanent conservation easement;
- Contribute to improving the quality and quantity of surface water and groundwater; Contribute to improving the water quality and flow of springs; and
- Contribute to a 20-year strategy for implementation of Article X, section 28 of the Florida Constitution that achieve the goals in s. 259.105(5), F.S.

**Section 4** amends s. 373.089, F.S., to allow the WMDs to sell parcels of land valued at \$25,000 or less and no longer necessary for conservation purposes. A WMD is required to send notice of the intent to sell to adjacent property owners within 45 days of the sale and post the notice on its website. The WMD's governing board may close the sale of the parcel without receiving bids after 14 days of publication. If two or more adjacent property owners offer to purchase the property, the WMD must accept sealed bids and sell the property to the highest bidder. The WMDs are authorized to restrict the future use of parcels as a term and condition of sale.

**Section 5** creates an unnumbered section of law to require the DEP to consolidate all individually titled parcels of conservation lands solely owned by the BOT and are contiguous to other parcels of conservation lands solely owned by the BOT under a single, unified title and legal description.

**Section 6** provides an effective date of July 1, 2015.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The ability to conduct low-impact agricultural activities on conservation lands that support such activities may provide a positive fiscal impact to the agriculture industry.

**C. Government Sector Impact:**

The ability for the WMDs to sell parcels of land valued at less than \$25,000 will have a positive fiscal impact to the WMDs. The number of parcels that may qualify for this type of sale is unknown; therefore, the potential revenue to the WMDs is indeterminate. The WMDs will also be relieved from managing the small parcels, providing an indeterminate positive fiscal impact.

According to the DEP the additional detailed environmental assessment of state conservation lands every ten years, in addition to the five-year review currently conducted for all conservation land management plans, will cost \$184,400. This estimate includes salary and benefits for two additional employees and expenses.<sup>8</sup>

The cost to review encumbered and unencumbered nonconservation lands is unknown; however, the DEP conducted a similar review of state-owned land in 2014 at a cost of \$150,000.<sup>9</sup>

The DEP estimates the cost to update the SOLARIS database to be \$1,135,784. This cost includes salaries and benefits for two full time employees, recurring and nonrecurring expenses, and contracted services. The cost to the DEP to conduct a study to determine the economic feasibility of including lands in the SOLARIS database is unknown; however, a similar study cost over \$500,000.<sup>10</sup>

The DEP estimates the cost to consolidate the title of the state-owned conservation land, including separate metes and bounds descriptions that encompass all of the contiguous parcels to be \$7,337,221.<sup>11</sup> This cost estimate assumes title review of 35,000 documents at 10 documents per day and \$1000 per day. The cost estimate also includes 480 BOT conservation units at a rate of \$2650 per unity of title to process. The DEP estimates seven additional staff, including two attorneys, two surveyors, two Geographic Information System technicians, and one planning manager will be required. The estimate is calculated with the assumption that all of the title reviews will be conducted without legal challenge. Legal challenges could increase costs dramatically.

The cost to counties and municipalities to identify and submit a list of conservation lands to the DEP is indeterminate.

**VI. Technical Deficiencies:**

None.

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<sup>8</sup> *Supra* note 3, at 7

<sup>9</sup> *Supra* note 3, at 7

<sup>10</sup> *Supra* note 3, at 8.

<sup>11</sup> *Supra* note 3, at 9.

**VII. Related Issues:**

The bill requires the preservation of low-impact agriculture to be considered when establishing the short- and long-term measurable objectives in a land management plan. The bill also allows the DEP to direct managing agencies to offer agreements for low-impact agriculture on conservation lands. Sections 259.105(3)(i) and 570.71, F.S., allow the BOT to purchase conservation easements on agricultural lands. Rule 5I-7.001, F.A.C., provides the application procedures, priority ranking, and acquisition procedures to implement these sections. It is not clear how the bill will be implemented in conjunction with current law.

The bill does not expressly provide the DEP with rulemaking authority to implement the criteria for increased priority funding for Florida Forever projects based on the new criteria.

Section 3 of the bill requires ARC to give increased priority to projects that contribute to the 20-year strategy for the implementation of Article X, section 28 of the Florida Constitution. According to the DEP, there is no 20-year strategy, therefore, it is unclear what is meant by this reference.

According to the DEP, in Section 5 of the bill, it is not clear what “shall consolidate under a single unified title and legal description” means. This may mean the descriptions for all contiguous parcels must be identified and listed separately in a document such as a Unity of Title or a separate metes and bounds description must be created that encompasses all of the parcels that were acquired separately. This would necessitate a title amendment each time another parcel is acquired.<sup>12</sup>

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 253.034, 259.105, and 373.089.

This bill creates section 253.87 of the Florida Statutes and an undesignated section of Florida Law.

**IX. Additional Information:**

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

None.

B. **Amendments:**

None.

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

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<sup>12</sup> *Supra* note 3, at 5.



530252

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/09/2015	.	
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The Committee on Environmental Preservation and Conservation  
(Altman) recommended the following:

**Senate Amendment**

- Delete lines 102 - 168  
and insert:
- 2. Is consistent with an adopted land management plan;
  - 3. Does not adversely impact the land's conservation purpose; and
  - 4. Does not adversely limit recreational use.

Lands acquired by the state as a gift, through donation, or by



530252

11 any other conveyance for which no consideration was paid, and  
12 which are not managed for conservation, outdoor resource-based  
13 recreation, or archaeological or historic preservation under a  
14 land management plan approved by the board of trustees are not  
15 conservation lands.

16 (5) Each manager of conservation lands shall submit to the  
17 Division of State Lands a land management plan at least every 10  
18 years in a form and manner prescribed by rule by the board and  
19 in accordance with the provisions of s. 259.032. Each manager of  
20 conservation lands shall also update a land management plan  
21 whenever the manager proposes to add new facilities or make  
22 substantive land use or management changes that were not  
23 addressed in the approved plan, or within 1 year of the addition  
24 of significant new lands. Each manager of nonconservation lands  
25 shall submit to the Division of State Lands a land use plan at  
26 least every 10 years in a form and manner prescribed by rule by  
27 the board. The division shall review each plan for compliance  
28 with the requirements of this subsection and the requirements of  
29 the rules established by the board pursuant to this section. All  
30 land use plans, whether for single-use or multiple-use  
31 properties, shall include an analysis of the property to  
32 determine if any significant natural or cultural resources are  
33 located on the property. Such resources include archaeological  
34 and historic sites, state and federally listed plant and animal  
35 species, and imperiled natural communities and unique natural  
36 features. If such resources occur on the property, the manager  
37 shall consult with the Division of State Lands and other  
38 appropriate agencies to develop management strategies to protect  
39 such resources. Land use plans shall also provide for the



530252

40 control of invasive nonnative plants and conservation of soil  
41 and water resources, including a description of how the manager  
42 plans to control and prevent soil erosion and soil or water  
43 contamination. Land use plans submitted by a manager shall  
44 include reference to appropriate statutory authority for such  
45 use or uses and shall conform to the appropriate policies and  
46 guidelines of the state land management plan. Plans for managed  
47 areas larger than 1,000 acres shall contain an analysis of the  
48 multiple-use potential of the property, which analysis shall  
49 include the potential of the property to generate revenues to  
50 enhance the management of the property. Additionally, the plan  
51 shall contain an analysis of the potential use of private land  
52 managers to facilitate the restoration or management of these  
53 lands. In those cases where a newly acquired property has a  
54 valid conservation plan that was developed by a soil and  
55 conservation district, such plan shall be used to guide  
56 management of the property until a formal land use plan is  
57 completed.

58 (b) Short-term and long-term management goals shall include  
59 measurable objectives for the following, as appropriate:

- 60 1. Habitat restoration and improvement.
- 61 2. Public access and recreational opportunities.
- 62 3. Hydrological preservation and restoration.
- 63 4. Sustainable forest management.
- 64 5. Exotic and invasive species maintenance and control.
- 65 6. Capital facilities and infrastructure.
- 66 7. Cultural and historical resources.
- 67 8. Imperiled species habitat maintenance, enhancement,  
68 restoration, or population restoration.



530252

69           9. Preservation of low-impact agriculture.  
70           (e) Land management plans are to be updated every 10 years  
71 on a rotating basis. Each updated land management plan must  
72 identify conservation lands under the plan, except land managed  
73 as a state park or preserve, in part or in whole:





481596

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/09/2015	.	
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The Committee on Environmental Preservation and Conservation  
(Altman) recommended the following:

**Senate Amendment**

Between lines 440 and 441  
insert:

(f) Projects that contribute to a 20-year strategy for  
implementation of s. 28, Art. 10 of the state constitution that  
achieve the goals set forth in subsection (5).



858462

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/09/2015	.	
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The Committee on Environmental Preservation and Conservation (Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 462 and 463

insert:

Section 4. Subsection (8) is added to section 373.089, Florida Statutes, to read:

373.089 Sale or exchange of lands, or interests or rights in lands.—The governing board of the district may sell lands, or interests or rights in lands, to which the district has acquired title or to which it may hereafter acquire title in the



858462

11 following manner:

12 (8) If a parcel of land is no longer essential or necessary  
13 for conservation purposes and is valued at \$25,000 or less as  
14 determined by a certified appraisal obtained within 360 days  
15 before any sale, the governing board may sell the lot to an  
16 adjacent property owner. Notwithstanding the successive  
17 publishing requirements in subsection (3), a water management  
18 district must cause a notice of intention to sell to be  
19 published no more than 45 days prior to sale, send notice of its  
20 intention to sell the parcel to adjacent property owners by  
21 certified mail, and post the notice of sale on its website. The  
22 governing board may close the sale of the parcel without  
23 receiving bids after 14 days from such publication. If, within  
24 14 days after such publication, two or more owners of adjacent  
25 properties notify the water management district of their desire  
26 to purchase the parcel, the water management district shall  
27 accept sealed bids from such property owners and may sell such  
28 parcel to the highest bidder or reject all offers. The water  
29 management district may include a restriction on the future use  
30 of such parcel as a term and condition of the sale.

31  
32

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

34 And the title is amended as follows:

35 Delete line 45

36 and insert:

37 Recreation Lands list; amending s. 373.089, F.S.;

38 revising the procedures a water management district

39 must follow for publishing notice of intention to sell



858462

40 parcels no longer essential or necessary for  
41 conservation purposes and valued below a certain  
42 threshold; providing that such parcels may be sold  
43 directly to the highest bidder; authorizing districts  
44 to include restrictions on future use of such parcels  
45 sold; directing the department to

**FOR CONSIDERATION** By the Committee on Environmental Preservation and Conservation

592-03468-15

20157086pb

1                                   A bill to be entitled  
2       An act relating to state lands; amending s. 253.034,  
3       F.S.; providing legislative findings; defining the  
4       term "low-impact agriculture"; revising measurable  
5       objectives for management goals to include the  
6       preservation of low-impact agriculture; requiring  
7       updated land management plans to identify conservation  
8       lands that could support low-impact agriculture and  
9       conservation lands that are no longer needed and could  
10      be disposed of; requiring the Division of State Lands  
11      to review state-owned conservation lands and determine  
12      if such lands could support low-impact agriculture or  
13      be disposed of; requiring the division to submit a  
14      list of such lands to the Acquisition and Restoration  
15      Council; requiring the council to provide  
16      recommendations to the division and the Board of  
17      Trustees of the Internal Improvement Trust Fund;  
18      requiring that the division may direct managing  
19      agencies to offer agreements for low-impact  
20      agriculture on such lands under certain conditions;  
21      providing applicability of such agreements; specifying  
22      that the board may dispose of such lands under certain  
23      conditions; requiring the division to review certain  
24      nonconservation lands and make recommendations to the  
25      board as to whether such lands should be retained in  
26      public ownership or disposed of; creating s. 253.87,  
27      F.S.; directing the Department of Environmental  
28      Protection to include certain county, municipal,  
29      state, and federal lands in the Florida State-Owned

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30 Lands and Records Information System (SOLARIS)  
31 database and to update the database at specified  
32 intervals; requiring counties, municipalities, and  
33 financially disadvantaged small communities to submit  
34 a list of certain lands to the department by a  
35 specified date and at specified intervals; directing  
36 the department to conduct a study and submit a report  
37 to the Governor and the Legislature by a specified  
38 date on the technical and economic feasibility of  
39 including certain lands in the database or a similar  
40 public lands inventory; amending s. 259.105, F.S.;  
41 deleting obsolete provisions; requiring the council to  
42 give increased priority to certain projects when  
43 developing proposed rules relating to Florida Forever  
44 funding and additions to the Conservation and  
45 Recreation Lands list; directing the department to  
46 consolidate specified parcels of conservation lands  
47 under a single, unified title and legal description by  
48 a specified date; providing an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Subsection (1), paragraphs (b) and (e) of  
53 subsection (5), and subsection (6) of section 253.034, Florida  
54 Statutes, are amended, and paragraph (e) is added to subsection  
55 (2), to read:

56 253.034 State-owned lands; uses.—

57 (1) (a) The Legislature finds that the total land area of  
58 the state is approximately 34.7 million acres and, as of January

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59 1, 2014, approximately 3.2 million acres of conservation lands  
60 are titled in the name of the Board of Trustees of the Internal  
61 Improvement Trust Fund. Approximately 1.2 million acres of these  
62 conservation lands, which equal approximately 3.4 percent of the  
63 total land area of the state, are uplands located above the  
64 boundary of jurisdictional wetlands.

65 (b) All lands acquired pursuant to chapter 259 shall be  
66 managed to serve the public interest by protecting and  
67 conserving land, air, water, and the state's natural resources,  
68 which contribute to the public health, welfare, and economy of  
69 the state. These lands shall be managed to provide for areas of  
70 natural resource based recreation, and to ensure the survival of  
71 plant and animal species and the conservation of finite and  
72 renewable natural resources. The state's lands and natural  
73 resources shall be managed using a stewardship ethic that  
74 assures these resources will be available for the benefit and  
75 enjoyment of all people of the state, both present and future.  
76 It is the intent of the Legislature that, where feasible and  
77 consistent with the goals of protection and conservation of  
78 natural resources associated with lands held in the public trust  
79 by the Board of Trustees of the Internal Improvement Trust Fund,  
80 public land not designated for single-use purposes pursuant to  
81 paragraph (2) (b) be managed for multiple-use purposes. All  
82 multiple-use land management strategies shall address public  
83 access and enjoyment, resource conservation and protection,  
84 ecosystem maintenance and protection, and protection of  
85 threatened and endangered species, and the degree to which  
86 public-private partnerships or endowments may allow the entity  
87 with management responsibility to enhance its ability to manage

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88 these lands. The Acquisition and Restoration Council created in  
89 s. 259.035 shall recommend rules to the board of trustees, and  
90 the board shall adopt rules necessary to carry out the purposes  
91 of this section.

92 (2) As used in this section, the following phrases have the  
93 following meanings:

94 (e) "Low-impact agriculture," as used in this chapter,  
95 means any agricultural activity that, when occurring on  
96 conservation land or on land under a permanent conservation  
97 easement:

98 1. Does not cause or contribute to violations of water  
99 quality standards as evidenced by water quality monitoring  
100 prescribed by the department or an applicable water management  
101 district;

102 2. Is consistent with an adopted land management plan; and

103 3. Does not adversely impact the land's conservation  
104 purpose.

105  
106 Lands acquired by the state as a gift, through donation, or by  
107 any other conveyance for which no consideration was paid, and  
108 which are not managed for conservation, outdoor resource-based  
109 recreation, or archaeological or historic preservation under a  
110 land management plan approved by the board of trustees are not  
111 conservation lands.

112 (5) Each manager of conservation lands shall submit to the  
113 Division of State Lands a land management plan at least every 10  
114 years in a form and manner prescribed by rule by the board and  
115 in accordance with the provisions of s. 259.032. Each manager of  
116 conservation lands shall also update a land management plan



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117 whenever the manager proposes to add new facilities or make  
118 substantive land use or management changes that were not  
119 addressed in the approved plan, or within 1 year of the addition  
120 of significant new lands. Each manager of nonconservation lands  
121 shall submit to the Division of State Lands a land use plan at  
122 least every 10 years in a form and manner prescribed by rule by  
123 the board. The division shall review each plan for compliance  
124 with the requirements of this subsection and the requirements of  
125 the rules established by the board pursuant to this section. All  
126 land use plans, whether for single-use or multiple-use  
127 properties, shall include an analysis of the property to  
128 determine if any significant natural or cultural resources are  
129 located on the property. Such resources include archaeological  
130 and historic sites, state and federally listed plant and animal  
131 species, and imperiled natural communities and unique natural  
132 features. If such resources occur on the property, the manager  
133 shall consult with the Division of State Lands and other  
134 appropriate agencies to develop management strategies to protect  
135 such resources. Land use plans shall also provide for the  
136 control of invasive nonnative plants and conservation of soil  
137 and water resources, including a description of how the manager  
138 plans to control and prevent soil erosion and soil or water  
139 contamination. Land use plans submitted by a manager shall  
140 include reference to appropriate statutory authority for such  
141 use or uses and shall conform to the appropriate policies and  
142 guidelines of the state land management plan. Plans for managed  
143 areas larger than 1,000 acres shall contain an analysis of the  
144 multiple-use potential of the property, which analysis shall  
145 include the potential of the property to generate revenues to

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146 enhance the management of the property. Additionally, the plan  
147 shall contain an analysis of the potential use of private land  
148 managers to facilitate the restoration or management of these  
149 lands. In those cases where a newly acquired property has a  
150 valid conservation plan that was developed by a soil and  
151 conservation district, such plan shall be used to guide  
152 management of the property until a formal land use plan is  
153 completed.

154 (b) Short-term and long-term management goals shall include  
155 measurable objectives for the following, as appropriate:

- 156 1. Habitat restoration and improvement.
- 157 2. Public access and recreational opportunities.
- 158 3. Hydrological preservation and restoration.
- 159 4. Sustainable forest management.
- 160 5. Exotic and invasive species maintenance and control.
- 161 6. Capital facilities and infrastructure.
- 162 7. Cultural and historical resources.
- 163 8. Imperiled species habitat maintenance, enhancement,  
164 restoration, or population restoration.
- 165 9. Preservation of low-impact agriculture.

166 (e) Land management plans are to be updated every 10 years  
167 on a rotating basis. Each updated land management plan must  
168 identify conservation lands under the plan, in part or in whole:

- 169 1. Which could support low-impact agricultural uses while  
170 maintaining the land's conservation purposes; and
- 171 2. Which are no longer needed for conservation purposes and  
172 could be disposed of in fee simple or with the state retaining a  
173 permanent conservation easement.

174 (6) The board ~~of Trustees of the Internal Improvement Trust~~

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175 ~~Fund~~ shall determine which lands titled to, ~~the title to which~~  
176 ~~is vested in~~ the board, may be surplused. For conservation  
177 lands, the board shall determine whether the lands are no longer  
178 needed for conservation purposes and may dispose of them by an  
179 affirmative vote of at least three members. In the case of a  
180 land exchange involving the disposition of conservation lands,  
181 the board must determine by an affirmative vote of at least  
182 three members that the exchange will result in a net positive  
183 conservation benefit. For all other lands, the board shall  
184 determine whether the lands are no longer needed and may dispose  
185 of them by an affirmative vote of at least three members.

186 (a) For the purposes of this subsection, all lands acquired  
187 by the state before July 1, 1999, using proceeds from  
188 Preservation 2000 bonds, the Conservation and Recreation Lands  
189 Trust Fund, the Water Management Lands Trust Fund,  
190 Environmentally Endangered Lands Program, and the Save Our Coast  
191 Program and titled to the board which are identified as core  
192 parcels or within original project boundaries are deemed to have  
193 been acquired for conservation purposes.

194 (b) For any lands purchased by the state on or after July  
195 1, 1999, before acquisition, the board must determine which  
196 parcels must be designated as having been acquired for  
197 conservation purposes. Lands acquired for use by the Department  
198 of Corrections, the Department of Management Services for use as  
199 state offices, the Department of Transportation, except those  
200 specifically managed for conservation or recreation purposes, or  
201 the State University System or the Florida College System may  
202 not be designated as having been purchased for conservation  
203 purposes.

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204           (c)1. At least every 10 years, the division shall review  
205 all state-owned conservation lands titled to the board to  
206 determine whether any such lands could support low-impact  
207 agricultural uses while maintaining the land's conservation  
208 purposes. After such review, the division shall submit to the  
209 council a list of such lands, including any additional lands  
210 identified in any updated land management plan pursuant to  
211 subparagraph (5) (e)1. Within 9 months after receiving the list,  
212 the council shall provide recommendations to the division as to  
213 whether any such lands could support low-impact agricultural  
214 uses while maintaining the land's conservation purposes. After  
215 considering such recommendations, the division may direct  
216 managing agencies to offer agreements for low-impact agriculture  
217 on lands that it determines could support such agriculture while  
218 maintaining the land's conservation purposes. This section does  
219 not prohibit a managing agency from entering into agreements as  
220 otherwise provided by law. An agreement entered into pursuant to  
221 this paragraph may not exceed a term of 10 years. However, an  
222 agreement may be renewed with the consent of the division ~~as a~~  
223 ~~component of each land management plan or land use plan and in a~~  
224 ~~form and manner prescribed by rule by the board, each manager~~  
225 ~~shall evaluate and indicate to the board those lands that are~~  
226 ~~not being used for the purpose for which they were originally~~  
227 ~~leased. For conservation lands, the council shall review and~~  
228 ~~recommend to the board whether such lands should be retained in~~  
229 ~~public ownership or disposed of by the board. For~~  
230 ~~nonconservation lands, the division shall review such lands and~~  
231 ~~recommend to the board whether such lands should be retained in~~  
232 ~~public ownership or disposed of by the board.~~

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233       2. At least every 10 years, the division shall review all  
234 state-owned conservation lands titled to the board to determine  
235 whether any such lands are no longer needed for conservation  
236 purposes and could be disposed of in fee simple or with the  
237 state retaining a permanent conservation easement. After such  
238 review, the division shall submit a list of such lands,  
239 including additional conservation lands identified in an updated  
240 land management plan pursuant to subparagraph (5)(e)2., to the  
241 council. Within 9 months after receiving the list, the council  
242 shall provide recommendations to the board as to whether any  
243 such lands are no longer needed for conservation purposes and  
244 could be disposed of in fee simple or with the state retaining a  
245 permanent conservation easement. After reviewing such list and  
246 considering such recommendations, if the board determines by an  
247 affirmative vote of at least three members of the board that any  
248 such lands are no longer needed for conservation purposes, the  
249 board may dispose of the lands in fee simple or with the state  
250 retaining a permanent conservation easement.

251       3. At least every 10 years, the division shall review all  
252 encumbered and unencumbered nonconservation lands titled to the  
253 board and recommend to the board whether any such lands should  
254 be retained in public ownership or disposed of by the board. The  
255 board may dispose of nonconservation lands under this paragraph  
256 by a majority vote of the board.

257       (d) Lands titled to ~~owned by~~ the board which are not  
258 actively managed by any state agency or for which a land  
259 management plan has not been completed pursuant to subsection  
260 (5) must be reviewed by the council or its successor for its  
261 recommendation as to whether such lands should be disposed of by

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262 the board.

263 (e) Before any decision by the board to surplus lands, the  
264 ~~Acquisition and Restoration~~ council shall review and make  
265 recommendations to the board concerning the request for  
266 surplusings. The council shall determine whether the request for  
267 surplusings is compatible with the resource values of and  
268 management objectives for such lands.

269 (f) In reviewing lands titled to ~~owned by~~ the board, the  
270 council shall consider whether such lands would be more  
271 appropriately owned or managed by the county or other unit of  
272 local government in which the land is located. The council shall  
273 recommend to the board whether a sale, lease, or other  
274 conveyance to a local government would be in the best interests  
275 of the state and local government. ~~The provisions of This~~  
276 paragraph does not in no way limit the provisions of ss. 253.111  
277 and 253.115. Such lands shall be offered to the state, county,  
278 or local government for ~~a period of~~ 45 days. Permittable uses  
279 for such surplus lands may include public schools; public  
280 libraries; fire or law enforcement substations; governmental,  
281 judicial, or recreational centers; and affordable housing  
282 meeting the criteria of s. 420.0004(3). County or local  
283 government requests for surplus lands shall be expedited  
284 throughout the surplusings process. If the county or local  
285 government does not elect to purchase such lands in accordance  
286 with s. 253.111, any surplusings determination involving other  
287 governmental agencies shall be made when the board decides the  
288 best public use of the lands. Surplus lands ~~properties~~ in which  
289 governmental agencies have not expressed an ~~no~~ interest must  
290 ~~then~~ be available for sale on the private market.

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291 (g) The sale price of lands determined to be surplus  
292 pursuant to this subsection and s. 253.82 shall be determined by  
293 the division, which shall consider an appraisal of the property,  
294 or, if the estimated value of the land is \$500,000 or less, a  
295 comparable sales analysis or a broker's opinion of value. The  
296 division may require a second appraisal. The individual or  
297 entity that requests to purchase the surplus parcel shall pay  
298 all costs associated with determining the property's value, if  
299 any.

300 1. A written valuation of land determined to be surplus  
301 pursuant to this subsection and s. 253.82, and related documents  
302 used to form the valuation or which pertain to the valuation,  
303 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
304 I of the State Constitution.

305 a. The exemption expires 2 weeks before the contract or  
306 agreement regarding the purchase, exchange, or disposal of the  
307 surplus land is first considered for approval by the board.

308 b. Before expiration of the exemption, the division may  
309 disclose confidential and exempt appraisals, valuations, or  
310 valuation information regarding surplus land:

311 (I) During negotiations for the sale or exchange of the  
312 land.

313 (II) During the marketing effort or bidding process  
314 associated with the sale, disposal, or exchange of the land to  
315 facilitate closure of such effort or process.

316 (III) When the passage of time has made the conclusions of  
317 value invalid.

318 (IV) When negotiations or marketing efforts concerning the  
319 land are concluded.

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320           2. A unit of government that acquires title to lands  
321 pursuant to this paragraph hereunder for less than appraised  
322 value may not sell or transfer title to all or any portion of  
323 the lands to any private owner for 10 years. Any unit of  
324 government seeking to transfer or sell lands pursuant to this  
325 paragraph must first allow the board ~~of trustees~~ to reacquire  
326 such lands for the price at which the board sold such lands.

327           (h) Parcels with a market value over \$500,000 must be  
328 initially offered for sale by competitive bid. The division may  
329 use agents, as authorized by s. 253.431, for this process. Any  
330 parcels unsuccessfully offered for sale by competitive bid, and  
331 parcels with a market value of \$500,000 or less, may be sold by  
332 any reasonable means, including procuring real estate services,  
333 open or exclusive listings, competitive bid, auction, negotiated  
334 direct sales, or other appropriate services, to facilitate the  
335 sale.

336           (i) After reviewing the recommendations of the council, the  
337 board shall determine whether lands identified for surplus are  
338 to be held for other public purposes or are no longer needed.  
339 The board may require an agency to release its interest in such  
340 lands. A state agency, county, or local government that has  
341 requested the use of a property that was to be declared as  
342 surplus must secure the property under lease within 90 days  
343 after being notified that it may use such property.

344           (j) Requests for surplusing may be made by any public or  
345 private entity or person. All requests shall be submitted to the  
346 lead managing agency for review and recommendation to the  
347 council or its successor. Lead managing agencies have 90 days to  
348 review such requests and make recommendations. Any surplusing



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349 requests that have not been acted upon within the 90-day ~~time~~  
350 period shall be immediately scheduled for hearing at the next  
351 regularly scheduled meeting of the council or its successor.  
352 Requests for surplusings pursuant to this paragraph are not  
353 required to be offered to local or state governments as provided  
354 in paragraph (f).

355 (k) Proceeds from any sale of surplus lands pursuant to  
356 this subsection shall be deposited into the fund from which such  
357 lands were acquired. However, if the fund from which the lands  
358 were originally acquired no longer exists, such proceeds shall  
359 be deposited into an appropriate account to be used for land  
360 management by the lead managing agency assigned the lands before  
361 the lands were declared surplus. Funds received from the sale of  
362 surplus nonconservation lands, or lands that were acquired by  
363 gift, by donation, or for no consideration, shall be deposited  
364 into the Internal Improvement Trust Fund.

365 (l) Notwithstanding this subsection, such disposition of  
366 land may not be made if it would have the effect of causing all  
367 or any portion of the interest on any revenue bonds issued to  
368 lose the exclusion from gross income for federal income tax  
369 purposes.

370 (m) The sale of filled, formerly submerged land that does  
371 not exceed 5 acres in area is not subject to review by the  
372 council or its successor.

373 (n) The board may adopt rules to administer this section  
374 which may include procedures for administering surplus land  
375 requests and criteria for when the division may approve requests  
376 to surplus nonconservation lands on behalf of the board.

377 Section 2. Section 253.87, Florida Statutes, is created to

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378 read:

379 253.87 Inventory of state, federal, and local government  
380 conservation lands by the Department of Environmental  
381 Protection.—

382 (1) By July 1, 2017, the Department of Environmental  
383 Protection shall include in the Florida State-Owned Lands and  
384 Records Information System (SOLARIS) database all federally  
385 owned conservation lands, all lands on which the federal  
386 government retains a permanent conservation easement, and all  
387 lands on which the state retains a permanent conservation  
388 easement. The department shall update the database at least  
389 every 5 years.

390 (2) (a) By July 1, 2017, for counties and municipalities,  
391 and by July 1, 2018, for financially disadvantaged small  
392 communities, as defined in s. 403.1838, and at least every 5  
393 years thereafter, respectively, each county, municipality, and  
394 financially disadvantaged small community shall identify all  
395 conservation lands that it owns in fee simple and all lands on  
396 which it retains a permanent conservation easement and submit,  
397 in a manner determined by the department, a list of such lands  
398 to the department. Within 6 months after receiving such list,  
399 the department shall add such lands to the SOLARIS database.

400 (3) By January 1, 2017, the department shall conduct a  
401 study and submit a report to the Governor, the President of the  
402 Senate, and the Speaker of the House of Representatives on the  
403 technical and economic feasibility of including any of the  
404 following lands in the SOLARIS database or a similar public  
405 lands inventory:

406 (a) All lands on which local comprehensive plans, land use

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407 restrictions, zoning ordinances, or land development regulations  
408 prohibit the land from being developed or limit the amount of  
409 development to one unit per 40 or more acres.

410 (b) All publicly and privately owned lands for which  
411 development rights have been transferred.

412 (c) All privately owned lands under a permanent  
413 conservation easement.

414 (d) All lands owned by a nonprofit or nongovernmental  
415 organization for conservation purposes.

416 (e) All lands that are part of a mitigation bank.

417 Section 3. Present subsections (5) through (21) of section  
418 259.105, Florida Statutes, are redesignated as subsections (4)  
419 through (20), respectively, and present subsections (4), (11),  
420 and (14) are amended, to read:

421 259.105 The Florida Forever Act.—

422 ~~(4) Notwithstanding subsection (3) and for the 2014-2015~~  
423 ~~fiscal year only, the funds appropriated in section 56 of the~~  
424 ~~2014-2015 General Appropriations Act may be provided to water~~  
425 ~~management districts for land acquisitions, including less than~~  
426 ~~fee interest, identified by water management districts as being~~  
427 ~~needed for water resource protection or ecosystem restoration.~~  
428 ~~This subsection expires July 1, 2015.~~

429 (10)(11) The Acquisition and Restoration Council shall give  
430 increased priority to:

431 (a) those Projects for which matching funds are available.

432 (b) and to Project elements previously identified on an  
433 acquisition list pursuant to this section that can be acquired  
434 at 80 percent or less of appraised value.

435 (c) Projects that can be acquired in less than fee

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436 ownership, such as a permanent conservation easement.

437 (d) Projects that contribute to improving the quality and  
438 quantity of surface water and groundwater.

439 (e) Projects that contribute to improving the water quality  
440 and flow of springs.

441 ~~(f) The council shall also give increased priority to those~~  
442 Projects where the state's land conservation plans overlap with  
443 the military's need to protect lands, water, and habitat to  
444 ensure the sustainability of military missions including:

445 1.~~(a)~~ Protecting habitat on nonmilitary land for any  
446 species found on military land that is designated as threatened  
447 or endangered, or is a candidate for such designation under the  
448 Endangered Species Act or any Florida statute;

449 2.~~(b)~~ Protecting areas underlying low-level military air  
450 corridors or operating areas; and

451 3.~~(c)~~ Protecting areas identified as clear zones, accident  
452 potential zones, and air installation compatible use buffer  
453 zones delineated by our military partners, and for which federal  
454 or other funding is available to assist with the project.

455 ~~(13)~~~~(14)~~ An affirmative vote of at least five members of  
456 the Acquisition and Restoration Council shall be required in  
457 order to place a ~~proposed~~ project submitted pursuant to  
458 subsection (6) on the proposed project list developed pursuant  
459 to subsection (7) ~~(8)~~. Any member of the council who by family  
460 or a business relationship has a connection with any project  
461 proposed to be ranked shall declare such interest before ~~prior~~  
462 ~~to~~ voting for a project's inclusion on the list.

463 Section 4. Consolidating titles to state-owned conservation  
464 lands.-As expeditiously as possible, but not later than July 1,

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465 2018, the Department of Environmental Protection shall  
466 consolidate under a single, unified title and legal description  
467 all individually titled parcels of conservation lands solely  
468 owned by the Board of Trustees of the Internal Improvement Trust  
469 Fund that are contiguous to other parcels of conservation lands  
470 solely owned by the board.

471 Section 5. This act shall take effect July 1, 2015.



The Florida Senate

## Committee Agenda Request

**To:** Senator Charles S. "Charlie" Dean, Chair  
Committee on Environmental Preservation and Conservation

**Subject:** Committee Agenda Request

**Date:** March 10, 2015

---

I respectfully request that **Senate Bill #714**, relating to Environmental Control, be placed on the:

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

cc: Pepper Uchino, Staff Director  
Kim Bonn, Committee Administrative Assistant

A handwritten signature in cursive script that reads "Denise Grimsley".

---

Senator Denise Grimsley  
Florida Senate, District 21



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Community Affairs, *Chair*  
Environmental Preservation and Conservation,  
*Vice Chair*  
Appropriations Subcommittee on General Government  
Finance and Tax  
Judiciary  
Transportation

## JOINT COMMITTEE:

Joint Legislative Auditing Committee

## SENATOR WILTON SIMPSON

18th District

April 2, 2015

Senator Charles S. Dean  
Committee on Environmental Conservation and Preservation  
325 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chairman Dean,

Please place Senate Bill 832 relating to the Sector Plans, on the next Environmental Conservation and Preservation Committee agenda.

Please contact my office with any questions. Thank you.

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson  
Senator, 18<sup>th</sup> District

CC: Pepper Uchino, Staff Director

## REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



The Florida Senate

## Committee Agenda Request

**To:** Senator Charles S. Dean, Chair  
Committee on Environmental  
Preservation and Conservation

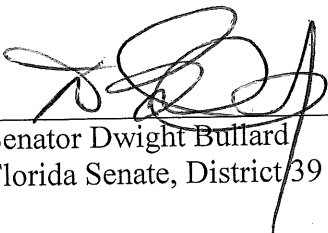
**Subject:** Committee Agenda Request

**Date:** March 11, 2015

---

I respectfully request that **Senate Bill #946**, relating to Legal Holidays and Special Observances, be placed on the:

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



---

Senator Dwight Bullard  
Florida Senate, District 39





The Florida Senate

## Committee Agenda Request

**To:** Senator Charles S. Dean, Sr., Chair  
Committee on Environmental Preservation and Conservation

**Subject:** Committee Agenda Request

**Date:** March 2, 2015

---

I respectfully request that **Senate Bill #966**, relating to Disposable Plastic Bags, be placed on the:

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

A handwritten signature in black ink, appearing to read "Dwight Bullard", written over a horizontal line.

Senator Dwight Bullard  
Florida Senate, District 39

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/8/15  
Meeting Date

714  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Jim Spratt

Job Title \_\_\_\_\_

Address PO Box 10011

Phone 850-228-1296

Street

TALLAHASSEE

City

FL

State

32302

Zip

Email Jim@magnoliastrategiesllc.com

Speaking:  For  Against  Information

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

Representing FLORIDA FORESTRY ASSOCIATION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/8/2015  
Meeting Date

714  
Bill Number (if applicable)

Topic Environmental Control

Amendment Barcode (if applicable)

Name Phil Leary

Job Title Lobbyist

Address 1821 Carr St

Phone 386-937-7827

Palatka FL 32177  
City State Zip

Email pleary@learygnc.com

Speaking:  For  Against  Information

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

Representing Florida Ground Water Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

TAB 1

4/8/15  
Meeting Date

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

SB 714  
Bill Number (if applicable)

Topic ENVIRONMENTAL CONTROL

Amendment Barcode (if applicable)

Name KEYNA CORY

Job Title LOBBYIST

Address PO BOX 1347

Phone 850 681-1065

TALLAHASSEE FL 32302  
City State Zip

Email keynacory@epaconsultants.com

Speaking:  For  Against  Information

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

Representing NATIONAL WASTE + RECYCLING ASSN - FL CHAPTER

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/8/14  
Meeting Date

714  
Bill Number (if applicable)

Topic Questions

Amendment Barcode (if applicable)

Name Tom Frick

Job Title Director of Environmental Assessment & Restoration

Address 3900 Commonwealth Blvd.

Phone \_\_\_\_\_

Street

Tallahassee

FL

State

32303

Zip

Email \_\_\_\_\_

City

Speaking:  For  Against  Information

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

Representing DEP

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

4-8-15

Meeting Date

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

832

Bill Number (if applicable)

Topic

sector plans

Amendment Barcode (if applicable)

Name

Mark Sexton

Job Title

Alachua County Legislative Affairs

Address

12 SE 1st Street

Phone

352 283 2317

Street

Gainesville

FL

32601

Email

msexton@alachuacounty.us

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

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

Representing

Alachua County

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/8/15

Meeting Date

7AB2  
832

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St., Suite 300  
Street

Phone 222-7500

Tallahassee FL 32301  
City State Zip

Email garyh@hgslaw.com

Speaking:  For  Against  Information

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

Representing Association of Florida Community Developers

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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TAB 4

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/8/15

Meeting Date

SB 966

Bill Number (if applicable)

Topic Plastic Bags

Amendment Barcode (if applicable)

Name Sally Everett

Job Title Dir. Legislative & Intergovt. Affairs

Address City Hall

Phone

Street

St. Petersburg FL 33731

City

State

Zip

Email

Speaking: [X] For [ ] Against [X] Information

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

Representing City of St. Petersburg

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4/8/15

Meeting Date

966

Bill Number (if applicable)

Topic PLASTIC BAGS / FL STAT 403.7033

Amendment Barcode (if applicable)

Name MICHAEL GREGO

Job Title COMMISSIONER MIAMI BEACH

Address 1700 CONV. CENTER DR

Phone

Street

City

MIAMI BEACH FL

State

Zip

Email

Speaking:  For  Against  Information

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

Representing CITY OF MIAMI BEACH

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/8/15  
Meeting Date

SB 766  
Bill Number (if applicable)

Topic PLASTIC BAGS

Amendment Barcode (if applicable)

Name JERRY SANSON

Job Title \_\_\_\_\_

Address PO Box 98

Phone 321-772-8130

Street  
COLOA FL 32923  
City State Zip

Email FISHAWK@AOL.COM

Speaking:  For  Against  Information

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

Representing CITY of CAPE CANAVERAL

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4-8-15

Meeting Date

SB 906

Bill Number (if applicable)

Topic Plastic Bags

Amendment Barcode (if applicable)

Name Stephanie Kunkel

Job Title \_\_\_\_\_

Address 1143 Albritton Dr

Phone 850-320-4208

Street

Tallahassee

City

FL

State

32301

Zip

Email Stef.Kunkel@gmail.com

Speaking:  For  Against  Information

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

Representing Clean Water Action

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/8/15

Meeting Date

966

Bill Number (if applicable)

Topic SB 966

Amendment Barcode (if applicable)

Name Michael DeFilippi

Job Title Realtor

Address 410 Euclid Ave #6

Phone 305-588-9469

Street

Miami Beach FL

City

State

Zip

Email Michaelemdreahtymisc@

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

April 7  
Meeting Date

966  
Bill Number (if applicable)

Topic PLASTIC BAGS

Amendment Barcode (if applicable)

Name Captain Donald Vass

Job Title Operations Director

Address 323 Leonard Lane 202

Phone 772 528 0675

Street

FT Pierce  
City

FL  
State

State

34949  
Zip

Zip

Email Captain-dvass@comcast.net

Speaking:  For  Against  Information

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

Representing MARINE CLEANUP INITIATIVE INC

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

04/08/15  
Meeting Date

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

966  
Bill Number (if applicable)

Topic Plastic Bag

Amendment Barcode (if applicable)

Name ~~Antonio~~ Michele Lazarow

Job Title Hallandale Beach City Commissioner

Address 400 South Federal Hwy

Phone 3056075683

Street  
Hallandale Bch FL 33009

Email mlazarow@COHB.ORG

City State Zip

Speaking:  For  Against  Information

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

Representing City of Hallandale Beach

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4/8/15  
Meeting Date

966  
Bill Number (if applicable)

Topic Disposable Plastic Bags

Amendment Barcode (if applicable)

Name Samantha Padgett

Job Title General Counsel

Address 227 S. Adams St.  
Street

Phone 222-4082

Tallahassee FL 32301  
City State Zip

Email samantha@frf.org

Speaking:  For  Against  Information

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

Representing Florida Retail Federation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/8/15  
Meeting Date

SB966  
Bill Number (if applicable)

Topic Disposable Plastic Bags

Amendment Barcode (if applicable)

Name Holly Parker

Job Title Florida Regional Manager

Address 1229 Mitchell Ave.  
Street

Phone 850.567.3393

Tallahassee, FL 32303  
City State Zip

Email hparker@surftrider.org

Speaking:  For  Against  Information

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

Representing Surfrider Foundation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4/8/05  
Meeting Date

SB 966  
Bill Number (if applicable)

Topic Plastic Bag Ban

Amendment Barcode (if applicable)

Name Nyla Pipes

Job Title \_\_\_\_\_

Address 332 NW Aurora St.  
Street

Phone 772-233-6182

Port St. Lucie FL 34983  
City State Zip

Email Nyla@onefloridafoundation.org

Speaking:  For  Against  Information

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

Representing one Florida Foundation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4/8/15

Meeting Date

SB 966

Bill Number (if applicable)

Topic Disposable Plastic Bags

Amendment Barcode (if applicable)

Name Tim Nungesser (Nun-Guess-er)

Job Title Legislative Director

Address 110 E. Jefferson St.

Phone 850-445-5367

Tallahassee FL 32301

Email tim.nungesser@nfib.org

Speaking: For [ ] Against [X] Information [ ]

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

Representing National Federation of Independent Business

Appearing at request of Chair: Yes [ ] No [X]

Lobbyist registered with Legislature: Yes [X] No [ ]

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/8/15

Meeting Date

9660

Bill Number (if applicable)

Topic Disposable Bags

Amendment Barcode (if applicable)

Name Katie Kelly

Job Title \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FLA Chamber of Commerce

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/8/15

Meeting Date

966

Bill Number (if applicable)

Topic Disposable bags

Amendment Barcode (if applicable)

Name Ryan Matthews

Job Title AK362 Director

Address Po Box 1757

Phone 222 9684

Street

Tallahassee

FL

State

32302

Zip

Email rmatthms@phofres.com

Speaking:  For  Against  Information

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

Representing FL League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

SB 966  
Bill Number (if applicable)

Meeting Date \_\_\_\_\_

Topic Plastic Bags

Amendment Barcode (if applicable) \_\_\_\_\_

Name Cindy Lerner

Job Title Mayor

Address 5901 Moss Ranch Rd

Phone 305 992 3433

Street

Pinecrest, FL 33156

City

State

Zip

Email mayorlerner@gmail.com

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4/8/15

Meeting Date

966

Bill Number (if applicable)

Topic DISPOSABLE PLASTER BOARDS

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title

Address 1674 UNIVERSITY PARKWAY

Phone 941-323

Street

SARASOTA FL 34243

City

State

Zip

Email cullen@sierra.org

Speaking: [X] For [ ] Against [ ] Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

966

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic \_\_\_\_\_

Amendment Barcode (if applicable) \_\_\_\_\_

Name MIAMI-DADE COUNTY COMMISSIONER DANIELLA LEVINE CAVA

Job Title \_\_\_\_\_

Address 111 NW 1<sup>ST</sup> ST 2<sup>ND</sup> FLOOR

Phone 305-375-5218

Street

MIAMI

City

33128

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/08/15  
Meeting Date

SB966  
Bill Number (if applicable)

Topic Disposable Plastic Bags

Amendment Barcode (if applicable)

Name Johnny Miller

Job Title Vice Mayor, Fernandina Beach

Address 391 S 18 ST  
Street

Phone 904 556-3299

FERNANDINA BEACH FL 32034  
City State Zip

Email JMILLER@FBFL.ORG

Speaking:  For  Against  Information

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

Representing CITY OF FERNANDINA BEACH

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4/8/15

Meeting Date

SB 966

Bill Number (if applicable)

Topic Disposable Fast CB29

Amendment Barcode (if applicable)

Name Lori Miller

Job Title

Address 301 S. 18th St

Street

Phone 904 556 3325

Fernandine Beach FL 32034

City

State

Zip

Email lorika@gmail.com

Speaking: [X] For [ ] Against [ ] Information

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

Representing

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4-8-15

Meeting Date

SB 966

Bill Number (if applicable)

Topic Plastic bags

Amendment Barcode (if applicable)

Name Debbie Hansen Rumberger

Job Title Legislative Liaison

Address 540 Seelye

Street

Phone ~~2044~~ 850-274-2545

City

Tallahassee

State

Zip

Email Lwofadwan@fla.net

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against

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

Representing Florida League of Women Voters

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

April 18, 2015  
Meeting Date

7086  
Bill Number (if applicable)

Topic Surplus Parcels

858462  
Amendment Barcode (if applicable)

Name Steve Minnis

Job Title Governmental Affairs & Communications Dir

Address 9225 CR 49  
Street

Phone 386.362.1001

Live Oak FL 32060  
City State Zip

Email same@swmd.org

Speaking:  For  Against  Information

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

Representing Suwannee River Water Management District

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4/8/15  
Meeting Date

7086  
Bill Number (if applicable)

Topic ~~Amendment 858462~~  
~~858462~~ State Lands

858462  
Amendment Barcode (if applicable)

Name Colleen Thayer

Job Title Public Affairs Bureau Chief

Address 6750 Fruitville Rd.  
Street

Phone 941 356 1205

Jarasota FL 34230  
City State Zip

Email Colleen.thayer  
@watermatters.  
org

Speaking:  For  Against  Information

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

Representing SW FL Water mgmt Dist

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

TAB 5

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

4-8-15  
Meeting Date

SPB 7086  
Bill Number (if applicable)

Topic State Lands

Amendment Barcode (if applicable)

Name Stephanie Kinkel

Job Title \_\_\_\_\_

Address 1143 Albrighton Dr  
Street

Phone 850-320-4208

Tallahassee FL 32301  
City State Zip

Email Step.Kinkel@gmail.com

Speaking:  For  Against  Information

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

Representing Conservancy of Southwest Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

4/8/15  
Meeting Date

7386  
Bill Number (if applicable)

Topic STATE LANDS

Amendment Barcode (if applicable)

Name DAVID CUNEN

Job Title

Address 1674 UNIVERSITY PKWY  
Street

Phone 84.323-2454

City

State

Zip

Email cunencsa@deal.com

Speaking:  For  Against  Information

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

Representing SEARA CLUB FLORIDA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4-8-15  
Meeting Date

SPB 7086  
Bill Number (if applicable)

Topic STATE LANDS

Amendment Barcode (if applicable)

Name DEBBIE HARRISON RUMBERGER

Job Title Legislative Liaison

Address 540 Beverly Court  
Street  
Tallahassee, FL 32301  
City State Zip

Phone 850-224-2545

Email LWRFD advocacy@gmail.com

Speaking:  For  Against  Information

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

Representing Florida League of Women Voters

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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4-8-15

Meeting Date

SB 7086

Bill Number (if applicable)

Topic Public Lands

Amendment Barcode (if applicable)

Name Eric Draper

Job Title \_\_\_\_\_

Address 308 N Monroe  
Street

Phone 850 222 7546

Tallahassee, FL 32301  
City State Zip

Email edraper@audubon.org

Speaking:  For  Against  Information

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

Representing Audubon

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)



# CourtSmart Tag Report

Room: LL 37

Case:

Caption: Senate Environmental Preservation and Conservation Committee

Type:

Judge:

Started: 4/8/2015 1:31:07 PM

Ends: 4/8/2015 2:39:10 PM Length: 01:08:04

1:35:46 PM Meeting Called to Order by Senator Dean  
1:36:49 PM Roll Call  
1:38:15 PM Travis Hutson Introduction  
1:38:45 PM Tab 1 SB 714 Senator Grimsley  
1:39:51 PM Amendment Barcode 871996  
1:40:05 PM Senator Hays on Amendment  
1:41:00 PM Amendment adopted  
1:41:11 PM Amendment Barcode 503042  
1:41:18 PM Senator Grimsley on Amendment  
1:41:58 PM Amendment adopted  
1:42:03 PM Amendment Barcode 379968  
1:42:13 PM Senator Grimsley on Amendment  
1:42:39 PM Amendment adopted  
1:42:53 PM Question from Senator Soto  
1:43:18 PM Response from Tom Frick representing DEP  
1:44:36 PM Kenya Cory representing National Waste and Recycling Association  
1:44:46 PM Phil Leary representing Florida Ground Water Association  
1:44:54 PM Jim Spratt representing Florida Forestry Association  
1:45:16 PM Roll Call on CS/SB 714  
1:45:33 PM Bill reported favorably  
1:45:51 PM Tab 2 CS/SB 832 Senator Simpson  
1:46:56 PM Mark Sexton representing Alachua County  
1:48:02 PM Roll Call on CS/SB 832  
1:48:07 PM Bill reported favorably  
1:48:25 PM Tab 3 SB 946 Senator Bullard  
1:49:33 PM Amendment Barcode 441332  
1:49:42 PM Senator Bullard on Amendment  
1:50:14 PM Amendment adopted  
1:50:38 PM Question from Senator Soto  
1:51:08 PM Senator Bullard close  
1:51:59 PM Roll Call on CS/SB 946  
1:52:15 PM Bill reported favorably  
1:52:22 PM Tab 4 SB 966 Senator Bullard  
1:53:11 PM Amendment Barcode 676666  
1:53:20 PM Senator Bullard on Amendment  
1:53:52 PM Amendment adopted  
1:53:56 PM Amendment Barcode 551824  
1:54:07 PM Senator Bullard on Amendment  
1:54:36 PM Amendment adopted  
1:54:58 PM Sally Everett representing City of St. Petersburg  
1:55:13 PM Michael Grieco representing City of Miami Beach  
1:56:04 PM Jerry Sansom representing City of Cape Canaveral  
1:56:59 PM Stephanie Kunkel representing Clean Water Action  
1:57:31 PM Captain Donald Voss representing Marine Cleanup Initiative Inc.  
1:58:10 PM Michael DeFilippi representing Miami Beach Florida  
1:58:51 PM Michele Lazarow representing City of Hallandale Beach  
2:00:33 PM Samantha Padgett representing Florida Retail Federation  
2:05:26 PM Question from Senator Altman  
2:05:41 PM Question from Senator Soto  
2:06:04 PM Response from Ms. Padgett  
2:06:28 PM Holly Parker representing the Surfrider Foundation  
2:08:36 PM Nyla Pipes representing One Florida Foundation

2:10:14 PM Tim Nungesser representing National Federation of Independent Business  
2:10:24 PM Katie Kelley representing Florida Chamber of Commerce  
2:10:31 PM Ryan Matthews representing Florida League of Cities  
2:10:41 PM Cindy Lerner, Mayor of Pinecrest, Florida  
2:13:28 PM David Cullen representing Sierra Club Florida  
2:13:55 PM Daniella Levine Cava representing Miami-Dade  
2:14:56 PM Johnny Miller representing City of Fernandina Beach  
2:16:02 PM Lori Miller representing Fernandina Beach  
2:16:08 PM Debbie Rumberger representing League of Women Voters  
2:17:17 PM Comment from Senator Smith  
2:18:42 PM Comment from Senator Soto  
2:19:36 PM Senator Bullard close  
2:20:54 PM Roll Call on CS/SB 966  
2:21:07 PM Bill reported favorably  
2:21:21 PM Tab 5 SPB 7086  
2:21:36 PM Pepper Uchino on the Proposed Bill  
2:23:21 PM Question from Senator Soto  
2:23:31 PM Response from Mr. Uchino  
2:24:24 PM Amendment Barcode 530252  
2:24:32 PM Senator Altman on Amendment  
2:26:08 PM Amendment adopted  
2:26:12 PM Amendment Barcode 481596  
2:26:25 PM Senator Altman on Amendment  
2:27:06 PM Question from Senator Hays  
2:27:14 PM Response from Senator Altman  
2:29:06 PM Follow-up from Senator Hays  
2:29:10 PM Response from Senator Altman  
2:30:23 PM Comments from Senator Hays  
2:30:38 PM Senator Altman close  
2:31:43 PM Question from Senator Dean  
2:32:53 PM Response from Senator Altman  
2:33:14 PM Amendment adopted  
2:33:18 PM Amendment Barcode 858462  
2:33:30 PM Senator Simpson on Amendment  
2:34:00 PM Question from Senator Soto  
2:34:10 PM Response from Senator Simpson  
2:34:38 PM Follow-up from Senator Soto  
2:34:51 PM Response from Senator Simpson  
2:35:10 PM Steve Minnis representing Suwannee River Water Management District  
2:35:24 PM Colleen Thayer representing SW Water Management District  
2:35:45 PM Amendment adopted  
2:35:50 PM Stephanie Kunkel representing Conservancy of Southwest Florida  
2:36:10 PM David Cullen representing Sierra Club Florida  
2:36:15 PM Debbie Rumberger representing League of Women Voters  
2:36:30 PM Eric Draper representing Audubon  
2:38:12 PM Roll Call on SPB 7086  
2:38:29 PM Bill reported favorably  
2:38:52 PM Motion from Senator Simpson  
2:38:58 PM Meeting Adjourned