

Tab 1	SR 550 by Broxson (CO-INTRODUCERS) Rouson, Farmer, Taddeo, Steube, Gainer, Montford; (Identical to H 00319) Gulf of Mexico Range Complex					
Tab 2	SB 806 by Baxley; (Similar to H 00703) Water Management District Surplus Lands					
Tab 3	SB 808 by Baxley; (Similar to CS/CS/H 00705) Public Records/Surplus Lands					
647560	A	S	FAV	EP, Baxley	Delete L.31 - 62:	01/16 11:51 AM
Tab 4	SB 1130 by Powell; (Similar to H 07033) Land Acquisition Trust Fund within the Department of State					
Tab 5	SB 1132 by Hutson; (Identical to H 00915) Vessel Safety Inspection Decals					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
ENVIRONMENTAL PRESERVATION AND CONSERVATION
Senator Bradley, Chair
Senator Stewart, Vice Chair

MEETING DATE: Tuesday, January 16, 2018
TIME: 10:00 a.m.—12:00 noon
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Bradley, Chair; Senator Stewart, Vice Chair; Senators Bean, Book, Farmer, Flores, Hukill, Hutson, Simmons, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SR 550 Broxson (Identical HR 319)	Gulf of Mexico Range Complex; Supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line, etc. EP 01/16/2018 Favorable MS RC	Favorable Yeas 10 Nays 0
2	SB 806 Baxley (Similar H 703, Compare CS/CS/H 705, Linked S 808)	Water Management District Surplus Lands; Revising the circumstances when a water management district must publish its intention to sell surplus lands; revising the process for selling certain lower valued surplus lands, etc. EP 01/16/2018 Favorable GO RC	Favorable Yeas 10 Nays 0
3	SB 808 Baxley (Similar CS/CS/H 705, Compare H 703, Linked S 806)	Public Records/Surplus Lands; Providing an exemption for valuations, certain records, and sales offers for sales related to surplus lands; authorizing disclosure of such records under certain circumstances; providing a statement of public necessity, etc. EP 01/16/2018 Amendment Adopted - Temporarily Postponed GO RC	Amendment Adopted - Temporarily Postponed
4	SB 1130 Powell (Similar H 7033)	Land Acquisition Trust Fund within the Department of State; Re-creating the Land Acquisition Trust Fund within the Department of State without modification; abrogating provisions relating to the termination of the trust fund, to conform, etc. EP 01/16/2018 Favorable ATD AP	Favorable Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environmental Preservation and Conservation
Tuesday, January 16, 2018, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1132 Hutson (Identical H 915)	Vessel Safety Inspection Decals; Providing rulemaking authority to the Fish and Wildlife Conservation Commission regarding expiration and design of safety inspection decals, etc. EP 01/16/2018 Favorable AEN AP	Favorable Yeas 10 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SR 550

INTRODUCER: Senator Broxson

SUBJECT: Gulf of Mexico Range Complex

DATE: January 12, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Mitchell</u>	<u>Rogers</u>	<u>EP</u>	<u>Favorable</u>
2.	_____	_____	<u>MS</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SR 550 pronounces that:

- The State of Florida must maintain a unified front in supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line;
- Drilling east of the Military Mission Line would mean loss of range areas and possible relocation of aircraft and bases to other unrestricted range areas; and
- The Florida Senate supports an indefinite extension of the restriction, specified in the Gulf of Mexico Security Act (GOMESA), on oil and gas leasing in all areas east of the Military Mission Line established at 86°41' west longitude and an indefinite extension of the GOMESA's ban on oil and gas leasing within 125 miles of the Florida coastline in the Eastern Planning Area and in a portion of the Central Planning Area.

Resolutions are not subject to action by the Governor and do not have the effect of law. In addition, they are not subject to the constitutional single-subject limitation or title requirements.

II. Present Situation:

Gulf of Mexico Range Complex

Florida's 20 major military installations and defense business presence provide a nearly \$80 billion annual economic impact and account for 774,000 jobs in Florida.¹ Additionally, Florida houses 10 unified combatant commands and hosts two of only four Navy deep water ports in the United States with adjacent airfields, the military's only east coast space launch facility, the Marine Corps' only maritime prepositioning force facility, and one of only three Navy Fleet

¹ Enterprise Florida, *Florida's Military Profile*, available at http://www.enterpriseflorida.com/wp-content/uploads/Military_Install_Map.pdf (last visited January 9, 2018).

Readiness Centers, as well as several critical research, development, training and evaluation centers.²

Joint basing, joint usage, and joint training areas are vital to assessing the future of a military base. Florida's military bases are dependent on access to the air and sea space the Gulf of Mexico Range Complex (GOMEX Range Complex) provides. The GOMEX Range Complex is larger than all other training ranges inside the continental United States combined and has been in use for over 60 years. The GOMEX Range Complex stretches from the Florida Panhandle (commonly referred to as the Military Mission Line) south to Key West and encompasses 180,000 square miles in the eastern Gulf of Mexico.³ The GOMEX Range Complex "supports NAS Pensacola, NAS Whiting Field, Hurlburt Air Force Base, Duke Field, Eglin Air Force Base, NSA Panama City, Tyndall Air Force Base, MacDill Air Force Base, and NAS Key West missions, while also supporting joint live fire weapons and operational testing for the Air Force, Navy and Marine units from around the world."⁴ The GOMEX Range Complex also contains multiple live-fire bombing ranges, including Pinycastle Range, Avon Park Air Force Range, and Eglin Bombing Range, that allow for simultaneous maritime, air, and land training exercises.⁵

New technology and the need for more integrated realistic training missions are constantly changing in order to keep up with ever changing global threats. Consequently, Air Force and Navy ranges within the GOMEX Range Complex must keep pace to ensure they will be capable of handling the new aircraft and weapons requirements.⁶ Due to its capabilities of offering joint training exercises, access to sea and land, and close proximity to Florida's bases, the GOMEX Range Complex serves as a vital part of the Department of Defense's training strategies.

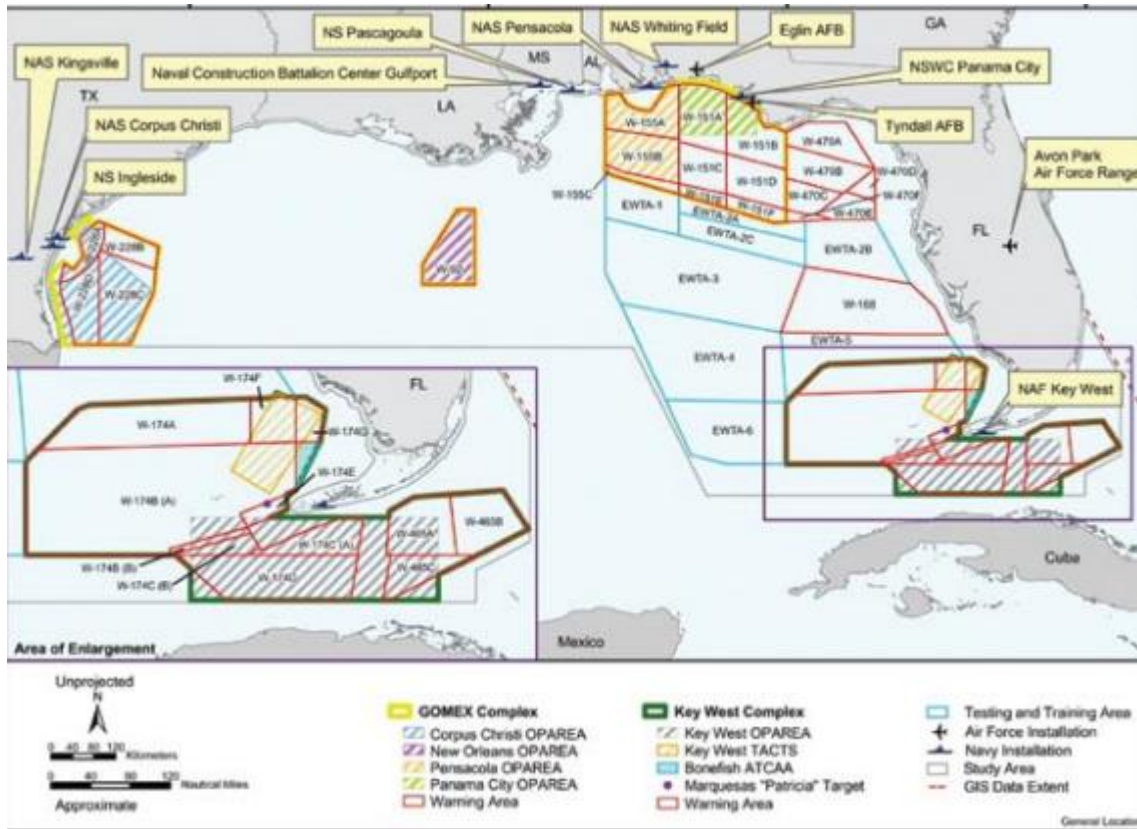
² Florida Defense Factbook, 5 (September 2015), available at <http://www.coj.net/departments/military-and-veterans-affairs/docs/2015-fl-defense-factbook-sept-2015.aspx> (last visited January 9, 2018).

³ Florida Defense Support Task Force White Paper, *Oil Drilling & Military Mission Compatibility*, 1 (January 2017), available at <https://www.enterpriseflorida.com/wp-content/uploads/FDSTF-White-Paper-Oil-Drilling-and-Military-Mission-Compatibility.pdf> (last visited January 9, 2018).

⁴ *Id.* at 2.

⁵ *Supra* note 2.

⁶ *Supra* note 3, at 3.



Oil Production in the Gulf of Mexico

Offshore drilling and oil exploration in the Gulf of Mexico began in the 1930s. According to the U.S. Department of Energy, in 2016 Gulf of Mexico offshore production accounted for seventeen percent of total U.S. crude oil production and five percent of total U.S. dry natural gas production.⁷

The federal government’s jurisdiction over submerged lands, subsoil, and seabed extends from the seaward extent of the state’s jurisdiction (between three International Nautical Miles and nine U.S. Nautical Miles from the territorial sea baseline) and the seaward limits defined under accepted principles of international law (generally 200 to 350 nautical miles from the territorial sea baseline). Florida’s jurisdiction extends nine U.S. Nautical Miles seaward off the Gulf coast.⁸ The Department of Interior’s Bureau of Ocean Energy Management is responsible for administering the National Outer Continental Shelf Oil and Gas Leasing Program for oil and gas lease sales proposed for planning areas of the U.S. Outer Continental Shelf. The program

⁷ U.S. Energy Information Administration website, *Gulf of Mexico Fact Sheet*, available at https://www.eia.gov/special/gulf_of_mexico/ (last visited January 9, 2018).

⁸ Department of the Interior Bureau of Ocean Energy Management website, *Outer Continental Shelf*, available at <https://www.boem.gov/Outer-Continental-Shelf/> (last visited January 9, 2018).

specifies the size, timing, and location of potential leasing activity that the Secretary of the Interior determines will best meet national energy needs.⁹

After the OPEC crisis in the 1970s and the September 11, 2001 attacks, interest in energy production, particularly domestic oil and natural gas, grew.¹⁰ The Department of Defense became concerned about the possibility of an unchecked expansion of oil drilling platforms in the eastern Gulf of Mexico conflicting with military training and weapons testing in the GOMEX Range Complex. In 2005, the Secretary of Defense sent a memo to the United States Senate Armed Services Committee stating the concern and said the Department of Defense would work with the Department of Interior to strike a balance between energy needs and national security goals.¹¹

Gulf of Mexico Energy Security Act of 2006

The Secretary of Defense's memo led to federal legislation limiting oil and gas production in the Gulf of Mexico. On December 20, 2006, the Gulf of Mexico Energy Security Act of 2006 (GOMESA)¹² was signed into law. GOMESA enhances Outer Continental Shelf oil and gas leasing activities and revenue sharing in the Gulf of Mexico by:

- Sharing leasing revenues with Gulf producing states and the Land & Water Conservation Fund for coastal restoration projects;
- Banning oil and gas leasing within 125 miles off the Florida coastline in the Eastern Gulf of Mexico Planning Area, and a portion of the Central Planning Area until 2022; and
- Allowing companies to exchange certain existing leases in moratorium areas for bonus and royalty credits to be used on other Gulf of Mexico leases.

Specifically, GOMESA restricts leasing activities that include portions of the Eastern Planning Area within 125 miles of Florida, all areas in the Gulf of Mexico east of the Military Mission Line (86° 41' west longitude), and the area within the Central Planning Area that is within 100 miles of Florida.¹³

Efforts to Revise the Moratorium

In 2013, the "Offshore Energy and Jobs Act was introduced to remove limits imposed by the GOMESA, including shortening the duration of the moratorium from 2022 to 2017. The bill passed the House of Representatives; however, it was never taken up in the Senate.¹⁴

⁹ Department of the Interior Bureau of Ocean Energy Management website, *National OCS Oil and Gas Leasing Program*, available at <https://www.boem.gov/National-OCS-Program/> (last visited January 9, 2018).

¹⁰ *Supra* note 3, at 2.

¹¹ *Supra* note 3, at 4.

¹² Gulf of Mexico Energy Security Act of 2006, Pub. L. No. 109-432, S. 3711, 109th Cong. (Dec. 20, 2006), available at <https://www.congress.gov/bill/109th-congress/senate-bill/3711> (last visited January 5, 2018).

¹³ Department of the Interior Bureau of Ocean Energy Management website, *Gulf of Mexico Energy Security Act*, available at <https://www.boem.gov/Revenue-Sharing/> (last visited 10/25/2017).

¹⁴ H.R. 2231, 113th Cong. (June 4, 2013). See <https://www.congress.gov/bill/113th-congress/house-bill/2231> (last visited January 5, 2018).

Two years later a similar bill, the “Offshore Energy and Jobs Act of 2015,” was filed. Among other things, the bill reduced the exclusion area east of the Military Mission Line from 125 miles to 50 miles off shore and reduced the area subject to the moratorium in the Central Planning Area off the coastline of Florida. The bill was never heard in the Senate.¹⁵

On April 28, 2017, President Trump signed an executive order with the intent to expand offshore drilling in the Arctic and Atlantic Oceans, in addition to assessing whether energy exploration can take place in marine sanctuaries in the Pacific and Atlantic.¹⁶ The order also directs the Secretary of the Interior, in consultation with the Secretary of Defense, to review “the schedule of proposed oil and gas lease sales...in the Western Gulf of Mexico, Central Gulf of Mexico, Chukchi Sea, Beaufort Sea, Cook Inlet, Mid-Atlanta, and the South Atlantic.”¹⁷ The executive order does not require a review of oil and gas lease sales in the eastern Gulf of Mexico; however, the oil industry is pushing to drill in the region.¹⁸

Subsequently, in October, 2017, Department of the Interior Secretary Zinke announced that the department is proposing “the largest oil and gas lease sale ever held in the United States, 76,967,935 acres in federal waters of the Gulf of Mexico, offshore of Texas, Louisiana, Mississippi, Alabama and Florida.”¹⁹ The proposed lease sale is scheduled for March 2018.²⁰

On January 4, 2018, Secretary Zinke announced a draft proposed National Outer Continental Shelf Oil and Gas Leasing Program that would make over 90 percent of the total outer continental shelf acreage and more than 98 percent of undiscovered, technically recoverable oil and gas resources in federal offshore areas available for future exploration and development. By contrast, the current oil and gas leasing program puts 94 percent of the outer continental shelf off limits. In addition to the largest number of lease sales in U.S. history, the proposed program announced in early January, 2018, includes two lease sales in portions of the Eastern and Central Gulf of Mexico after the expiration of the Congressional moratorium in 2022, making the majority of the Eastern Gulf of Mexico Planning Area available for leasing for the first time since 1988.²¹ However, news organizations report that on January 9, 2018, after meeting with Florida’s Governor Rick Scott, Secretary Zinke said that he would not allow offshore drilling in waters near Florida through 2024. A spokeswoman for the Department of Interior said that Gulf and Atlantic waters adjacent to Florida would be removed from consideration for the plan that covers drilling rights sales from 2019 to 2024.²²

¹⁵ S. 1276, 114th Cong. (May 11, 2015). See <https://www.congress.gov/bill/114th-congress/senate-bill/1276> (last visited January 5, 2018).

¹⁶ Executive Order 13795, available at <https://www.federalregister.gov/documents/2017/05/03/2017-09087/implementing-an-america-first-offshore-energy-strategy> (last visited January 5, 2018).

¹⁷ *Id.*

¹⁸ Timothy Cama, *Pentagon wants offshore drilling ban maintained in eastern Gulf*, THE HILL (May 2, 2017), <http://thehill.com/policy/energy-environment/331520-pentagon-wants-offshore-drilling-ban-maintained-in-eastern-gulf> (last visited January 5, 2018).

¹⁹ Department of the Interior Press Release, October 24, 2017, available at <https://www.doi.gov/pressreleases/secretary-zinke-announces-largest-oil-gas-lease-sale-us-history> (last visited January 9, 2018).

²⁰ *Id.*

²¹ Department of the Interior Press Release, January 4, 2018, available at <https://www.doi.gov/pressreleases/secretary-zinke-announces-plan-unleashing-americas-offshore-oil-and-gas-potential> (last visited January 9, 2018)

²² Timothy Cama, *Zinke removing Florida from offshore drilling plan*, THE HILL, January 9, 2018, available at <http://thehill.com/homenews/administration/368208-zinke-to-take-florida-out-of-offshore-drilling-plan> (last visited January 9, 2018).

Expanding the Current Moratorium

Senator Bill Nelson (D-FL) filed the “Marine Oil Spill Prevention Act” in January, 2017. The bill, among other things, expands the GOMESA to 2027. The bill has been referred to committees but has not received a hearing.²³

In May, 2017, Acting Under Secretary of Defense, A.M. Kurta, sent a letter to Representative Matt Gaetz (R-FL) stating that military training and related exercises in the Eastern Gulf necessitate a continuation of the GOMESA. Kurta also stated the following:

Emerging technologies such as hypersonics, autonomous systems, and advanced sub-surface systems will require enlarged testing and training footprints and increased Department of Defense reliance on the Gulf of Mexico Energy Security Act’s moratorium beyond 2022. The moratorium is essential for developing and sustaining our nation’s future combat capabilities.²⁴

Additionally, county commissions, chambers of commerce, local economic development councils, and military affairs committees from the counties bordering the Gulf of Mexico have provided resolutions in support of the GOMESA to the Florida Legislature.²⁵

III. Effect of Proposed Changes:

The resolution pronounces that:

- The State of Florida must maintain a unified front in supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line;
- Drilling east of the Military Mission Line would mean loss of range areas and possible relocation of aircraft and bases to other unrestricted range areas; and
- The Florida Senate supports an indefinite extension of the restriction, specified in the GOMESA, on oil and gas leasing in all areas east of the Military Mission Line established at 86°41’ west longitude and an indefinite extension of the GOMESA’s ban on oil and gas leasing within 125 miles of the Florida coastline in the Eastern Planning Area and in a portion of the Central Planning Area.

Resolutions are not subject to action by the Governor and do not have the effect of law. In addition, they are not subject to the constitutional single-subject limitation or title requirements.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²³ S. 74, 115th Cong. (January 9, 2017). See <https://www.congress.gov/bill/115th-congress/senate-bill/74?q=%7B%22search%22%3A%5B%22oil+drilling+moratorium%22%5D%7D&r=1> (last visited January 5, 2018).

²⁴ Congressional Record on *Gulf of Mexico Oil Drilling Moratorium*, Senator Bill Nelson remarks, May 1, 2017, available at <https://www.congress.gov/congressional-record/2017/05/01/senate-section/article/S2654-4> (last visited January 5, 2018).

²⁵ *Supra* note 3, at 5,6.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

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

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

None.

B. Amendments:

None.

By Senator Broxson

1-00784-18

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Senate Resolution

A resolution supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line.

WHEREAS, the Florida Legislature represents the military bases and personnel that maintain, manage, and use the Gulf of Mexico Range Complex (GOMEX Range Complex) which provides for the common defense of this state and the nation, and

WHEREAS, defense is the State of Florida's fourth largest industry, accounting for more than 775,000 jobs, \$80 billion in economic impact, and 65 percent of the regional economy of Northwest Florida, and

WHEREAS, testing and training activities conducted from Florida's air and sea bases are considerably dependent on unconstrained access to the Eastern Gulf of Mexico airspace and seaspace, and

WHEREAS, the GOMEX Range Complex is a unique national resource, and

WHEREAS, the range is larger than all other training ranges inside the continental United States combined, stretching from the Florida Panhandle south to Key West and encompassing the Eastern Gulf of Mexico, and

WHEREAS, surrounding the GOMEX Range Complex are numerous United States Department of Defense installations, ranges, and airspaces, which make the complex unique, and

WHEREAS, originally a place to practice air-to-air engagements and air-to-surface bombing and strafing, the GOMEX Range Complex has served the nation for over 60 years, and

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30 WHEREAS, after World War II, the GOMEX Range Complex was
31 used to test surface-to-air rockets against drones and, with the
32 advent of fifth-generation aircraft at Tyndall and Eglin Air
33 Force Bases, has been used extensively to test future weapons
34 systems, and

35 WHEREAS, the military missions require day and night access
36 to the airspace, from the surface up to 60,000 feet, for high-
37 speed flying and maneuvering, as well as day and night access to
38 the seaspace, from the sea surface to the subsurface areas, for
39 use by ships and submarines, and

40 WHEREAS, the military uses live ammunition and missiles
41 against remotely piloted full-scale targets and drones,
42 resulting in large debris fields of dangerous objects, and

43 WHEREAS, for well over a decade and through two
44 presidential administrations, the United States Department of
45 Defense policy has been to keep the Eastern Gulf of Mexico free
46 from obstruction, and

47 WHEREAS, oil exploration and offshore platforms placed in
48 the Eastern Gulf of Mexico could jeopardize military missions
49 and severely reduce the state's appeal in keeping military
50 installations, and

51 WHEREAS, without access to airspace in order to test modern
52 and emerging weapons systems and train the aircrews that support
53 such systems, Florida would lose its primary reason for hosting
54 the GOMEX Range Complex, and

55 WHEREAS, the Gulf of Mexico Energy Security Act (GOMESA) of
56 2006 restricts oil and gas leasing in all areas east of the
57 Military Mission Line established at 86°41' W. longitude and
58 bans oil and gas leasing within 125 miles of the Florida

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59 coastline in the Eastern Planning Area and in a portion of the
60 Central Planning Area until 2022, and

61 WHEREAS, attempts to reduce restrictions on oil and gas
62 exploration and production arose in 2013 and 2015, when the
63 members of the United States Senate and the United States House
64 of Representatives developed and introduced bills to change
65 GOMESA without addressing the military need to maintain the
66 GOMEX Range Complex, and

67 WHEREAS, in 2013, the Offshore Energy and Jobs Act was
68 introduced by United States Representative Doc Hastings of
69 Washington to propose changes in oil and gas drilling and
70 exploration locations, and

71 WHEREAS, the Offshore Energy and Jobs Act of 2015 was
72 introduced by United States Senator Bill Cassidy of Louisiana,
73 to increase oil and gas exploration and production, most notably
74 through reducing the exclusion area east of the Military Mission
75 Line from 125 miles to 50 miles offshore and through shortening
76 the time limit of the moratorium from 2022 to 2017, but the bill
77 ultimately did not advance past committee, and GOMESA remained
78 intact for the time being, and

79 WHEREAS, the United States Secretary of Defense, the Chief
80 of Staff of the United States Air Force, and fifteen members of
81 the United States Congress from Florida have written letters
82 requesting an extension to the moratorium, which is essential
83 for developing and sustaining the military's future capabilities
84 and for guaranteeing long-term capabilities for future test
85 missions that may enable new technologies such as hypersonic
86 fifth-generation fighters, advanced subsurface weapons systems,
87 and other projects that require enlarged testing and training

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88 footprints well beyond 2022, and

89 WHEREAS, without the certainty of an extension to the
90 moratorium, investment in upgrades in telemetry, tracking, and
91 other important improvements are at risk, and

92 WHEREAS, in March 2017, twenty local county commissions,
93 chambers of commerce, local economic development councils, and
94 military affairs committees drafted resolutions in support of
95 the moratorium and submitted them to the Florida Legislature,
96 NOW, THEREFORE,

97

98 Be It Resolved by the Senate of the State of Florida:

99

100 That the State of Florida must maintain a united front in
101 supporting an extension of the current moratorium on drilling in
102 the Gulf of Mexico east of the Military Mission Line.

103 BE IT FURTHER RESOLVED that to allow drilling east of the
104 Military Mission Line would mean loss of range areas and
105 possible relocation of aircraft and bases to other unrestricted
106 range areas.

107 BE IT FURTHER RESOLVED that the Florida Senate supports an
108 indefinite extension of the restriction, specified in the Gulf
109 of Mexico Energy Security Act of 2006, oil and gas leasing in
110 all areas east of the Military Mission Line established at
111 86°41' W. longitude and indefinite extension of the Act's ban
112 oil and gas leasing within 125 miles of the Florida coastline in
113 the Eastern Planning Area and in a portion of the Central
114 Planning Area.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 806

INTRODUCER: Senator Baxley

SUBJECT: Water Management District Surplus Lands

DATE: January 12, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 806 makes the following changes to the procedures a water management district (WMD) must follow when selling surplus lands:

- Provides that the first publication of the required notice of intention to sell must occur at least 30 days, but not more than 360 days, before any sale is approved by a WMD. Currently, the law states “before any sale,” the change is meant to provide clarity.
- Authorizes, rather than requires, the governing board of a WMD to sell surplus parcels of land valued at \$25,000 or less to adjacent property owners. Currently, the law requires WMDs to give adjacent property owners the first opportunity to purchase such lands.
- Authorizes a WMD to sell surplus parcels of land valued at \$25,000 or less at any time to the general public for the highest price obtainable, if the parcel is not sold to an adjacent property owner.
- Defines the term “adjacent property owners” to mean “those owners whose property abuts the parcel.”

II. Present Situation:

There are five water management districts (WMDs) established within the state which are responsible for the administration of water resources at the regional level.¹ The four core mission areas of WMDs include water supply, water quality, flood protection and floodplain management, and natural systems. To accomplish these goals and responsibilities, WMDs are authorized to acquire fee or less than fee title to land.² Of the approximately 5.6 million acres of

¹ Department of Environmental Protection (DEP), *Water Management Districts*, <https://floridadep.gov/water-policy/water-policy/content/water-management-districts> (last visited Jan. 8th, 2018).

² *Id.*; s. 373.139, F.S.

land that the state owns, the WMDs collectively own 2.15 million acres of land.³ The following is a breakdown of the land in acres owned by each WMD:

- Northwest Florida: 210,740.
- Suwannee River: 160,330.
- St. Johns River: 625,000.
- Southwest Florida: 337,810.
- South Florida: 818,840.⁴

Each WMD assesses its land inventory to ensure that the present and future uses of the lands it owns will be utilized in the most effective manner and support the WMD's core mission requirements. Lands determined to be surplus may be offered for public bid and sold pursuant to s. 373.089, F.S., conveyed by a WMD to another governmental entity pursuant to s. 373.056, F.S., or used in potential real estate exchange transactions. In most cases and depending on the source of funds that were initially used to purchase the lands, the proceeds from the disposition of lands revert to the fund from which the lands were acquired to be used for the purchase of acquiring additional lands.⁵

Sale of Surplus WMD Lands

The governing board of a WMD may sell lands, or interests or rights in lands, to which the WMD has acquired title to, if the governing board declares such lands surplus. To declare lands surplus a governing board must determine:

- For lands designated as acquired for conservation purposes, that the lands are no longer needed for conservation purposes.⁶
- For all other lands, that the lands are no longer needed.⁷

Upon determining that the lands are surplus, the governing board may dispose of conservation lands by a two-thirds vote and all other lands by a majority vote.⁸

The governing board of a WMD must first offer any land that was acquired in whole or in part using Florida Forever funds to the Board of Trustees of the Internal Improvement Trust Fund (BOT), unless the disposition of such land is for the following purposes:

- Linear facilities, including electric transmission and distribution facilities, telecommunication transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances.
- The disposition of the fee interest in the land where a conservation easement is retained by the WMD to fulfill the conservation objectives for which the land was acquired.
- An exchange of the land for other lands that meet or exceed the conservation objectives for which the original land was acquired.
- To be used by a governmental entity for a public purpose.

³ DEP, *State of Florida Lands and Facilities Inventory Search*, State Lands Dashboard (01/07/2018), <http://prodenv.dep.state.fl.us/DsIPi/stateLandDashboard.action> (last visited Jan. 8th, 2018).

⁴ *Id.*

⁵ Section 373.139(6), F.S.

⁶ FLA. CONST., art. x, s. 18.

⁷ Section 373.089(6), F.S.

⁸ *Id.*

- The portion of an overall purchase deemed surplus at the time of the acquisition.⁹

Any surplus lands, including lands acquired with Florida Forever funds if the BOT declines to accept title, may be sold by the WMD at any time, for the highest price obtainable; however, the selling price may not be less than the appraised value of the lands, as determined by a certified appraisal obtained within 360 days before the effective date of a contract for sale.¹⁰

Before selling surplus lands, a WMD must publish a notice of its intention to sell, which includes a description of the lands to be offered for sale, in a newspaper circulated in the county in which the lands are located once each week for three successive weeks. The first publication must occur at least 30 days, but no more than 360 days before any sale.

Expedited process for parcels valued at \$25,000 or less

If the governing board of a WMD determines that a parcel of land is no longer essential or necessary for conservation purposes and such parcel is valued at \$25,000 or less as determined by a certified appraisal obtained within 360 days before the effective date of the contract for sale, the governing board may determine that the parcel of land is surplus.

The governing board must publish, one time only, a notice of intention to sell in a newspaper that is published within the county in which the parcel for sale is located at least 30 days, but not more than 360 days, before any sale.¹¹ The governing board is required to send the notice of intention to sell the parcel to adjacent property owners and post such notice on its website. Fourteen days after publication of such notice, the WMD may sell the parcel to an adjacent property owner or, if there are two or more owners of adjacent property, accept sealed bids and sell the parcel to the highest bidder or reject all offers.¹² Thirty days after publication of such notice, the WMD must accept sealed bids and may sell the parcel to the highest bidder or reject all offers.¹³

III. Effect of Proposed Changes:

SB 806 amends s. 373.089, F.S., to revise the procedures a WMD must follow when selling surplus lands.

Under current law, a WMD must publish a notice of intention to sell in a newspaper published in the county in which the land is located for three successive weeks. The first publication of such notice must occur at least 30 days, but not more than 360 days, before any sale. The bill specifies that the first publication of the required notice must occur at least 30 days, but not more than 360 days, before any sale is approved by a WMD.

The bill revises the expedited process for surplus properties valued at \$25,000 or less to authorize, rather than require, a WMD to sell such land to an adjacent property owner. The bill

⁹ Section 373.089(7), F.S.

¹⁰ Section 373.089, F.S.

¹¹ Section 373.089(8), F.S.

¹² Section 373.089(8), F.S.

¹³ *Id.*

removes the requirement that a WMD accept sealed bids and sell the property to the highest bidder or reject all offers 30 days after publication of the notice of intention to sell.

The bill authorizes a WMD to sell a surplus parcel valued at \$25,000 or less at any time to the general public for the highest price obtainable, if the WMD does not elect to sell the parcel to the adjacent property owner.

If, however, a WMD does choose to sell to an adjacent property owner, the WMD must publish, one time only, a notice of intention to sell in a newspaper published in the county in which the land is located at least 30 days, but not more than 360 days, before any sale is approved by the WMD. The WMD is required to wait 14 days after publication of such notice before selling the parcel to an adjacent property owner. The bill defines the term “adjacent property owners” to mean “those owners whose property abuts the parcel.”

The bill takes effect July 1, 2018.

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:

The bill may have a positive, indeterminate fiscal impact on WMDs selling surplus lands valued at \$25,000 or less by authorizing the parcels to be sold more efficiently by removing the requirement that a WMD must offer the land to adjacent property owners first and wait 30 days from publication of its notice of intention to sell before accepting offers from individuals who are not adjacent property owners.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 373.089 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Baxley

12-00876-18

2018806__

1 A bill to be entitled
2 An act relating to water management district surplus
3 lands; amending s. 373.089, F.S.; revising the
4 circumstances when a water management district must
5 publish its intention to sell surplus lands; revising
6 the process for selling certain lower valued surplus
7 lands; defining the term "adjacent property owners";
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsections (3) and (8) of section 373.089,
13 Florida Statutes, are amended to read:

14 373.089 Sale or exchange of lands, or interests or rights
15 in lands.—The governing board of the district may sell lands, or
16 interests or rights in lands, to which the district has acquired
17 title or to which it may hereafter acquire title in the
18 following manner:

19 (3) Before selling any surplus land, or interests or rights
20 in land, the district shall publish a notice of intention to
21 sell in a newspaper published in the county in which the land,
22 or interests or rights in the land, is situated once each week
23 for 3 successive weeks, three insertions being sufficient. The
24 first publication of the required notice must occur at least 30
25 days, but not more than 360 days, before any sale is approved by
26 the district and must include a description of lands, or
27 interests or rights in lands, to be offered for sale.

28 (8) (a) If a parcel of land is no longer essential or
29 necessary for conservation purposes and is valued at \$25,000 or

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30 less as determined by a certified appraisal obtained within 360
31 days before the effective date of a contract for the sale, as
32 specified in subsection (1), the governing board may determine
33 that the parcel of land is surplus and may offer to sell it to
34 the adjacent property owners. If the governing board elects to
35 offer for sale the parcel to adjacent property owners pursuant
36 to this subsection, the governing board must publish the notice
37 of intention to sell ~~must be published~~ as required under
38 subsection (3), one time only, ~~and.~~ the governing board must
39 ~~shall~~ send the notice of intention to sell the parcel to
40 adjacent property owners by certified mail and publish the
41 notice on its website. For the purpose of this subsection, the
42 term "adjacent property owners" means those owners whose
43 property abuts the parcel.

44 (b) Fourteen days after publication of such notice, the
45 district may sell the parcel to an adjacent property owner or,
46 if there are two or more owners of adjacent property, accept
47 sealed bids and sell the parcel to the highest bidder or reject
48 all offers.

49 (c) If the parcel is not sold to an adjacent property owner
50 pursuant to paragraph (b), the district may sell the parcel at
51 any time to the general public for the highest price obtainable
52 ~~Thirty days after publication of such notice, the district shall~~
53 ~~accept sealed bids and may sell the parcel to the highest bidder~~
54 ~~or reject all offers.~~

55
56 If the Board of Trustees of the Internal Improvement Trust Fund
57 declines to accept title to the lands offered under this
58 section, the land may be disposed of by the district under the

12-00876-18

2018806__

59 provisions of this section.

60 Section 2. This act shall take effect July 1, 2018.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 808

INTRODUCER: Senator Baxley

SUBJECT: Public Records/Surplus Lands

DATE: January 12, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 808 designates the following information as confidential and exempt from the disclosure requirements under the Public Records Act and Art. I, s. 24(a) of the Florida Constitution:

- A written valuation of land determined to be surplus by the governing board of a water management district (WMD);
- Related documents used to form, or which pertain to, such valuation; and
- Written offers to purchase surplus lands.

The bill provides for when the exemption expires, which is no more than one year from the completion of the valuation, and authorizes the WMD to disclose the information under certain circumstances to facilitate the successful or expedited closure of the sale of surplus lands.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

In addition to the Florida Constitution, the primary statutory requirements for executive branch agencies are found in ch. 119, F.S., which is known as the Public Records Act. The Public Records Act states that:

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

It is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.³

According to the Public Records Act, every person who has custody of a public record is required to permit that record to be inspected or copied unless that record is exempted by law.⁴ A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁵ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁶ A violation of the Public Records Act may result in civil or criminal penalties.⁷

Public Records Exemptions

By general law, the Legislature may create an exemption to the public records requirements.⁸ An exemption must pass by a two-thirds vote of the House and the Senate.⁹ In addition, an exemption must explicitly state the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹¹

When creating a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”¹² Records designated as “confidential and exempt” may be released by the records custodian only under the circumstances specifically designated by law. Records designated as “exempt” are not required to be made available for public inspection, but may be released at the discretion of the records custodian under certain circumstances.¹³

³ Section 119.01(1), F.S.

⁴ *Id.*

⁵ Section 119.011(12), F.S., defines the term “public records” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines the term “agency” to mean “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.10, F.S.

⁸ FLA. CONST., art. I, s. 24(c).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). See also *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004).

¹² If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹³ *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991).

Valuation of state lands for sale

Pursuant to s. 253.0341(8)(a), F.S., a written valuation of land determined to be surplus by the Board of Trustees of the Internal Improvement Trust Fund (BOT) and related documents used to form the valuation or which pertain to the valuation are confidential and exempt from disclosure.¹⁴ This exemption expires two weeks before the contract or agreement regarding the purchase, exchange, or disposal of the surplus land is first considered for approval by the BOT.¹⁵

The Division of State Lands within the Department of Environmental Protection is authorized to disclose the confidential and exempt appraisals, valuations, or valuation information regarding the surplus land:

- During negotiations for the sale or exchange of the land;
- During the marketing effort or bidding process associated with the sale disposal or exchange of the land to facilitate closure of such effort or process;
- When the passage of time has made the conclusions of value invalid; or
- When negotiations or marketing efforts concerning the land are concluded.¹⁶

While a public records exemption exists for written valuations of land determined to be surplus by the BOT, a similar exemption does not exist for written valuations of land determined to be surplus by a WMD.

Appraisals and written offers for lands the state is purchasing

There are public records exemptions for appraisals and written offers when the state is seeking to purchase land. When an agency of the executive branch of state government seeks to acquire real property by purchase or through the exercise of the power of eminent domain all appraisals, other reports relating to value, and written offers and counteroffers are exempt until the execution of a valid option contract or a written offer to sell that has been conditionally accepted by the agency.¹⁷ If the parties do not execute a valid option contract or the agency does not conditionally accept a written offer to sell, then the exemption expires at the conclusion of the condemnation litigation of the subject property.¹⁸

Similarly, when a WMD is seeking to purchase land, all appraisal reports, offers, and counteroffers are exempt until an option contract is executed or if no option contract is executed, until 30 days before a contract of agreement for purchase is considered for approval by the governing board.¹⁹

¹⁴ Section 253.0341(8)(a), F.S.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Section 119.0711, F.S.

¹⁸ *Id.*

¹⁹ Section 373.139, F.S.

Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSR) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.²⁰ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.²¹

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²² An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²³
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²⁴ or
- It protects trade or business secrets.²⁵

The OGSR also requires specified questions to be considered during the review process.²⁶ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption. If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁷ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁸

²⁰ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to section 119.15(2), F.S.

²¹ Section 119.15(3), F.S.

²² Section 119.15(6)(b), F.S.

²³ Section 119.15(6)(b)1., F.S.

²⁴ Section 119.15(6)(b)2., F.S.

²⁵ Section 119.15(6)(b)3., F.S.

²⁶ Section 119.15(6)(a), F.S. The specified questions are:

1. What specific records or meetings are affected by the exemption?
2. Whom does the exemption uniquely affect, as opposed to the general public?
3. What is the identifiable public purpose or goal of the exemption?
4. Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
5. Is the record or meeting protected by another exemption?
6. Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁷ FLA. CONST. art. I, s. 24(c).

²⁸ Section 119.15(7), F.S.

III. Effect of Proposed Changes:

SB 808 designates the following information as confidential and exempt from the disclosure requirements under the Public Records Act and Art. I, s. 24(a) of the Florida Constitution:

- A written valuation of land determined to be surplus by the governing board of a water management district (WMD);
- Related documents used to form, or which pertain to, the valuation; and
- Written offers to purchase such surplus lands.

The bill provides that the exemption expires, thus the specified information may be disclosed, upon:

- The contract or agreement regarding the purchase, exchange, or disposal of the surplus land being approved by the WMD;
- In the sole discretion of the WMD, the conclusion of negotiations or marketing efforts related to the surplus land; or
- The passage of one year from the date of the completion of the valuation.

Additionally, the bill authorizes a WMD, before the expiration of the exemption, to disclose confidential and exempt appraisals, valuations, and valuation information that is related to the surplus lands or written offers to purchase such surplus lands, in order to facilitate successful or expedited closure of the sale of such lands during:

- The negotiations for the sale or exchange of the land; or
- The marketing efforts or bidding process associated with the sale, disposal, or exchange of the land.

As required by the Florida Constitution, the bill provides a statement of public necessity.²⁹ This statement is based on the following findings:

- In order to facilitate successful or expedited closure of the sale of surplus lands; and
- The public availability of such valuations, related documents, and written offers can negatively impact the ability of WMDs to negotiate with potential purchasers and potentially places WMDs at a disadvantage in attempting to maximize the return on the sale of surplus land.

The bill takes effect on the same date that SB 806 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²⁹ FLA. CONST. art. I, s. 24(c).

B. Public Records/Open Meetings Issues:

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record exemption. As the bill creates a new public record exemption, it requires a two-thirds vote for final passage.

Article I, s. 24(c) of the Florida Constitution requires a public necessity statement for a newly created public record exemption. The bill creates a public record exemption and includes a public necessity statement.

Article I, s. 24(c) of the Florida Constitution requires a newly created public record exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill specifically exempts written valuations of land determined to be surplus, any related documents, and written offers and provides for the expiration of such exemption upon the contract or agreement being approved, at the conclusion of negotiations or marketing efforts, or the passage of a year. Thus, the bill appears to be no broader than necessary to accomplish the public necessity for this public record exemption.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has a negative, indeterminate fiscal impact to the water management districts (WMDs) as they will incur additional costs related to training staff regarding the new public records exemption and redacting the information prior to the release of the record. However, these costs likely can be absorbed as part of the day-to-day responsibilities of the WMD.

VI. Technical Deficiencies:

The bill does not contain a sunset provision as required by the Open Government Sunset Review Act.³⁰

³⁰ See s. 119.15(3), F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 373.089 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



647560

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/16/2018	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 31 - 62
and insert:
expires upon the contract or agreement regarding the purchase,
exchange, or disposal of the surplus land being approved by the
district.

(b) Before expiration of the exemption established in
paragraph (a), and in order to facilitate successful or
expedited closure of the sale of surplus land, the district may



647560

11 disclose confidential and exempt valuations and valuation
12 information which are related to surplus land, or written offers
13 to purchase such surplus land, to potential purchasers:

14 1. During negotiations for the sale or exchange of the
15 land;

16 2. During the marketing effort or bidding process
17 associated with the sale, disposal, or exchange of the land;

18 3. When the passage of time has made the conclusions of
19 value invalid; or

20 4. When negotiations or marketing efforts concerning the
21 land are concluded.

22 (c) Paragraphs (a) and (b) are subject to the Open
23 Government Sunset Review Act in accordance with s. 119.15 and
24 shall stand repealed on October 2, 2023, unless reviewed and
25 saved from repeal through reenactment by the Legislature.

26
27 If the Board of Trustees of the Internal Improvement Trust Fund
28 declines to accept title to the lands offered under this
29 section, the land may be disposed of by the district under the
30 provisions of this section.

31 Section 2. The Legislature finds that it is a public
32 necessity that written valuation of land determined to be
33 surplus pursuant to s. 373.089, Florida Statutes, related
34 documents used to form the valuation or which pertain to the
35 valuation, and written offers to purchase surplus land, be made
36 confidential and exempt from s. 119.07(1), Florida Statutes, and
37 s. 24(a), Article I of the State Constitution until the contract
38 or agreement regarding the purchase, exchange, or disposal of
39 the surplus land is approved by the district in order to

By Senator Baxley

12-00737-18

2018808__

1 A bill to be entitled
2 An act relating to public records; amending s.
3 373.089, F.S.; providing an exemption for valuations,
4 certain records, and sales offers for sales related to
5 surplus lands; authorizing disclosure of such records
6 under certain circumstances; providing a statement of
7 public necessity; providing a contingent effective
8 date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (1) of section 373.089, Florida
13 Statutes, is amended to read:

14 373.089 Sale or exchange of lands, or interests or rights
15 in lands.—The governing board of the district may sell lands, or
16 interests or rights in lands, to which the district has acquired
17 title or to which it may hereafter acquire title in the
18 following manner:

19 (1) Any lands, or interests or rights in lands, determined
20 by the governing board to be surplus may be sold by the
21 district, at any time, for the highest price obtainable;
22 however, ~~in no case shall~~ the selling price may not be less than
23 the appraised value of the lands, or interests or rights in
24 lands, as determined by a certified appraisal obtained within
25 360 days before the effective date of a contract for sale.

26 (a) A written valuation of land determined to be surplus
27 pursuant to this section; related documents used to form, or
28 which pertain to, the valuation; and written offers to purchase
29 such surplus land are confidential and exempt from s. 119.07(1)

12-00737-18

2018808__

30 and s. 24(a), Art. I of the State Constitution. This exemption
31 expires upon:

32 1. The contract or agreement regarding the purchase,
33 exchange, or disposal of the surplus land being approved by the
34 district;

35 2. In the sole discretion of the district, the conclusion
36 of negotiations or marketing efforts related to the surplus
37 land; or

38 3. The passage of 1 year from the date of the completion of
39 the valuation.

40 (b) Before expiration of the exemption established in
41 paragraph (a), and in order to facilitate successful or
42 expedited closure of the sale of surplus land, the district may
43 disclose confidential and exempt appraisals, valuations, and
44 valuation information which are related to surplus land, or
45 written offers to purchase such surplus land:

46 1. During negotiations for the sale or exchange of the
47 land; or

48 2. During the marketing effort or bidding process
49 associated with the sale, disposal, or exchange of the land.

50
51 If the Board of Trustees of the Internal Improvement Trust Fund
52 declines to accept title to the lands offered under this
53 section, the land may be disposed of by the district under the
54 provisions of this section.

55 Section 2. The Legislature finds that it is a public
56 necessity that written valuation of land determined to be
57 surplus pursuant to s. 373.089, Florida Statutes, related
58 documents used to form the valuation or which pertain to the

12-00737-18

2018808__

59 valuation, and written offers to purchase surplus land, be made
60 confidential and exempt from s. 119.07(1), Florida Statutes, and
61 s. 24(a), Article I of the State Constitution for up to 1 year
62 at a water management district's discretion in order to
63 facilitate successful or expedited closure of the sale of
64 surplus lands. The public availability of such valuations,
65 related documents, and written offers can negatively impact the
66 ability of water management districts to negotiate with
67 potential purchasers and potentially places water management
68 districts at a disadvantage in attempting to maximize the return
69 on the sale of surplus land.

70 Section 3. This act shall take effect on the same date that
71 SB ___ or similar legislation takes effect, if such legislation
72 is adopted in the same legislative session or an extension
73 thereof and becomes a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1130

INTRODUCER: Senator Powell

SUBJECT: Land Acquisition Trust Fund within the Department of State

DATE: January 12, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 1130 re-creates, without modification, the Land Acquisition Trust Fund within the Department of State and repeals s. 20.106(5), F.S., which is the subsection of law relating to the termination of such trust fund.

II. Present Situation:

Trust Funds

Article III, s. 19(f) of the Florida Constitution requires all, unless specifically exempted, state trust funds to terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund.

Land Acquisition Trust Fund within the Department of State

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for water and land conservation and restoration. The amendment required that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund.

To implement Art. X, s. 28 of the Florida Constitution, the Legislature passed ch. 2015-229, Laws of Florida. This act, in part, amended the following sections of law:

- Section 201.15, F.S., to conform to the constitutional requirement that the Land Acquisition Trust Fund receive at least 33 percent of net revenues derived from documentary stamp taxes.
- Section 375.041, F.S., to designate the Land Acquisition Trust Fund within the Department of Environmental Protection as the trust fund to serve as the constitutionally mandated depository for the required percentage of documentary stamp tax revenues.

- Section 379.212, F.S., to limit revenues deposited into the Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission to only those transferred from the Land Acquisition Trust Fund within the Department of Environmental Protection to maintain the integrity of such funds.¹

Additionally, to ensure that funds transferred from the Land Acquisition Trust Fund within the Department of Environmental Protection are tracked from distribution to expenditure the Legislature created two additional Land Acquisition Trust Funds, one within the Department of Agriculture and Consumer Services and one within the Department of State.²

Specifically, s. 20.106, F.S., was created to establish the Land Acquisition Trust Fund within the Department of State to be used as a depository for funds received from the Land Acquisition Trust Fund within the Department of Environmental Protection and for the expenditure of such funds for the purposes set forth in Art. X, s. 28 of the Florida Constitution.

In accordance with Art. III, s. 19(f)(2) of the Florida Constitution, the Land Acquisition Trust Fund within the Department of State is scheduled to be terminated on July 1, 2019, unless terminated sooner.

III. Effect of Proposed Changes:

To ensure that the Land Acquisition Trust Fund within the Department of State is not terminated, the bill re-creates such trust fund without modification.

The bill repeals s. 20.106(5), F.S., which provides that the Land Acquisition Trust Fund within the Department of State terminates on July 1, 2019, in accordance with Art. III, s. 19(f)(2) of the Florida Constitution and requires the trust fund to be reviewed before its scheduled termination.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Article III, s. 19(f)(1) of the Florida Constitution requires bills that create or re-create trust funds to pass by three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

¹ Ch. 2015-229, s. 9, s. 50, Laws of Fla.

² Ch 2015-230 and Ch 2015-231, Laws of Fla.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida Statutes.

This bill repeals section 20.106(5) of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Powell

30-00911A-18

20181130__

1 A bill to be entitled
2 An act relating to trust funds; re-creating the Land
3 Acquisition Trust Fund within the Department of State
4 without modification; repealing s. 20.106(5), F.S.,
5 abrogating provisions relating to the termination of
6 the trust fund, to conform; providing an effective
7 date.

8

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

10

11 Section 1. The Land Acquisition Trust Fund within the
12 Department of State, FLAIR number 45-2-2423, which is to be
13 terminated pursuant to s. 19(f)(2), Article III of the State
14 Constitution on July 1, 2019, is re-created.

15 Section 2. Subsection (5) of section 20.106, Florida
16 Statutes, is repealed.

17 Section 3. This act shall take effect July 1, 2018.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1132

INTRODUCER: Senator Hutson

SUBJECT: Vessel Safety Inspection Decals

DATE: January 12, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Favorable
2.			AEN	
3.			AP	

I. Summary:

SB 1132 authorizes the Fish and Wildlife Commission (FWC) to designate by rule the timeframe for the expiration of, and the specific design for, the safety inspection decal. The bill specifies that the decal may not be valid for more than 5 years, and, at a minimum, meet the standards specified in s. 327.70(2)(a), F.S., which requires the decal to be displayed:

- Within six inches of the vessel’s properly displayed vessel registration decal; or
- For a non-motorized vessel which is not required to be registered, on the forward half of the port side of the vessel above the waterline.

II. Present Situation:

Florida Vessel Safety Law

Florida leads the nation in the number of vessels registered in any state with close to one million vessels.¹ The Fish and Wildlife Conservation Commission (FWC) is charged with coordinating and managing the waterways of the state to provide for safe and enjoyable boating.² Specifically, the Division of Law Enforcement within the FWC provides protection to those who enjoy Florida’s waterways, while also enforcing resource protection and boating safety laws.³

Chapter 327, F.S., titled the “Florida Vessel Safety Law” includes laws relating to vessel safety, such as boating safety education course requirements, vessel operation requirements, and the delineation of boating-restricted areas. The Florida Vessel Safety Law, as well as vessel titling,

¹ Fish and Wildlife Conservation Commission (FWC), 2016 Boating Accident Statistical Report, *Introduction*, II (2016) available at <http://myfwc.com/media/4215167/2016BoatStatBook.pdf> (last visited Jan. 3, 2018).

² FWC, *Boating in Florida*, <http://myfwc.com/boating/> (last visited Jan. 8, 2018).

³ FWC, 2016 Boating Accident Statistical Report, *Introduction*, I (2016) available at <http://myfwc.com/media/4215167/2016BoatStatBook.pdf> (last visited Jan. 3, 2018).

certificate, and registration requirements, are authorized to be enforced by the following entities or officers:

- The Division of Law Enforcement within the FWC and its officers;
- Sheriffs of the various counties and their deputies;
- Municipal police officers; and
- Any other law enforcement officer described in s. 943.10, F.S.⁴

Safety Equipment and Inspections

The following safety items are required by state and federal law to be aboard a vessel and if found to be missing during a safety inspection can result in a vessel citation:

- Visible distress signals;
- Fire extinguishers;
- Navigation lights;
- Personal floatation devices; and
- Sound-producing devices.⁵

The United States Coast Guard offers Vessel Safety Checks (VSC) free of charge.⁶ Boats that pass the safety check are awarded a distinctive VSC Decal that alerts the Coast Guard, Harbor Patrol, and other law enforcement agencies that the boat was in full compliance with all federal and state boating laws for that year.⁷ The decal must be immediately affixed to a portion of the boat where it is readily visible to law enforcement authorities.⁸

The FWC also issues safety inspection decals upon demonstrated compliance with the safety equipment carriage and use requirements during a safety inspection administered by a law enforcement officer.⁹ The safety inspection decal, if displayed, must be located within six inches of the inspected vessel's properly displayed vessel registration decal or, for nonmotorized vessels that are not required to be registered, must be located above the waterline on the forward half of the port side of the vessel.¹⁰

The FWC and any other law enforcement agency are authorized to inspect and investigate vessels as necessary to carry out and enforce the Florida Vessel Safety Law.¹¹ An officer is

⁴ Section 327.70, F.S.; Section 943.10, F.S., defines the term "law enforcement officer" as "any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state..."

⁵ See s. 327.50, F.S., and FWC, *Boating Regulations, Equipment and Lighting Requirements*, available at <http://myfwc.com/boating/regulations/#nogo> (last visited Jan. 8, 2018) and U.S. Coast Guard Auxiliary, *Vessel Safety Checks*, available at <http://cgaux.org/vsc/> (last visited Jan. 8, 2018).

⁶ U.S. Coast Guard Auxiliary, *Vessel Safety Check Website*, available at <http://wow.uscgaux.info/content.php?unit=V-DEPT> (last visited Jan. 8, 2018).

⁷ U.S. Coast Guard, *Vessel Safety Check Manual*, (Oct. 2014) available at http://vdept.cgaux.org/pdf-files/CIM_16796_8A_Printable_Version.pdf (last visited Jan. 8, 2018).

⁸ *Id.*

⁹ Section 327.70(2), F.S.

¹⁰ *Id.*

¹¹ See ss. 327.56, 327.70(4) and 328.18, F.S.; ch. 327, F.S. compromises the *Florida Vessel Safety Law*. The U.S. Constitution protects people from unreasonable searches and seizures by the government through the Fourth Amendment, which provides that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable

prohibited from boarding a vessel to make a safety inspection if the owner or operator is not aboard.¹² If the owner or operator is aboard, an officer is authorized to board a vessel with the consent or when the officer has probable cause or knowledge to believe that a violation of the Florida Vessel Safety Law is occurring. An officer may board a vessel if the operator refuses or is unable to display the safety equipment required by law when requested to do so by an officer or when the safety equipment to be inspected is permanently installed and is not visible for inspection unless the officer boards the vessel.¹³

Additionally, if a vessel has a properly displayed and valid safety inspection decal created or approved by the FWC, then a law enforcement officer may not stop such vessel for the sole purpose of inspecting the vessel for compliance with the safety equipment carriage and use requirements, unless there is a reasonable suspicion that a violation of a safety equipment carriage or use requirement has occurred or is occurring.¹⁴

The following chart provides a summary of the citations that were issued in 2016 relating to violations for registration and numbering requirements or safety equipment and regulations.

2016 Uniform Boating Citation Summary¹⁵

Citation Type	Number of Citations Issued	
	FWC	Other
Registration and Numbering		
Operation of unregistered/unnumbered vessels		
Application, certificate, number or decal violation	1,970	556
Special manufacturer and dealer numbers		
Violation relating to vessel titling		
Violation relating to Hull Identification Numbers		
Safety Equipment and Regulations		
Equipment and lighting requirements	3,260	432

III. Effect of Proposed Changes:

SB 1132 authorizes the Fish and Wildlife Commission (FWC) to designate by rule the timeframe for the expiration of, and the specific design for, the safety inspection decal. The bill specifies that the decal may not be valid for more than 5 years, and, at a minimum, meet the standards specified in s. 327.70(2)(a), F.S., which requires the decal to be displayed:

- Within six inches of the vessel’s properly displayed vessel registration decal; or

searches and seizures, shall not be violated....” The extent to which an individual is protected by the Fourth Amendment depends on the location of the search or seizure. None of the similar safeguards that are applicable to stops of motor vehicles on less than a probable cause are necessary predicates to stop a vessel. See U.S. CONST. amend. IV and U.S. Government Publishing Office, *Amendment 4-Search and Seizure*, pg. 1241 (Oct. 5, 2014), available at <https://www.gpo.gov/fdsys/pkg/GPO-CONAN-1992/pdf/GPO-CONAN-1992-10-5.pdf> (last visited Jan. 8, 2018).

¹² Section 327.56, F.S.

¹³ *Id.*

¹⁴ Section 327.70, F.S.

¹⁵ FWC, 2016 Boating Accident Statistical Report, *Violation Summary*, 35 (2016) available at <http://myfwc.com/media/4215167/2016BoatStatBook.pdf> (last visited Jan. 3, 2018).

- For a non-motorized vessel which is not required to be registered, on the forward half of the port side of the vessel above the waterline.

The bill takes effect July 1, 2018.

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:

The bill has a negative, but indeterminate, fiscal impact due to the bill's requirement that the Fish and Wildlife Conservation Commission adopt rules designating the timeframe for the expiration of safety inspection decals.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 327.70 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Hutson

7-00683A-18

20181132__

1 A bill to be entitled
2 An act relating to vessel safety inspection decals;
3 amending s. 327.70, F.S.; providing rulemaking
4 authority to the Fish and Wildlife Conservation
5 Commission regarding expiration and design of safety
6 inspection decals; specifying standards for such
7 rulemaking; providing a maximum period of validity;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (a) of subsection (2) of section
13 327.70, Florida Statutes, is amended to read:

14 327.70 Enforcement of this chapter and chapter 328.—

15 (2) (a) 1. Upon demonstrated compliance with the safety
16 equipment carriage and use requirements of this chapter during a
17 safety inspection initiated by a law enforcement officer, the
18 operator of a vessel shall be issued a safety inspection decal
19 signifying that the vessel is deemed to have met the safety
20 equipment carriage and use requirements of this chapter at the
21 time and location of such inspection. The commission may
22 designate by rule the timeframe for expiration of, and the
23 specific design for, the safety inspection decal. However, a
24 decal may not be valid for more than 5 years and, at a minimum,
25 must meet the standards specified in this paragraph.

26 2. The safety inspection decal, if displayed, must be
27 located within 6 inches of the inspected vessel's properly
28 displayed vessel registration decal. For nonmotorized vessels
29 that are not required to be registered, the safety inspection

7-00683A-18

20181132__

30 decal, if displayed, must be located above the waterline on the
31 forward half of the port side of the vessel.

32 Section 2. This act shall take effect July 1, 2018.

THE FLORIDA SENATE
APPEARANCE RECORD

TAB 1

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

1/16/18

Meeting Date

SR 550

Bill Number (if applicable)

Topic drilling eastern Gulf

Name Christian Wagley

Amendment Barcode (if applicable)

Job Title Coastal organizer, Gulf Restoration Network

Address 801 East Larua St.

Phone 850-687-9968

Street

City

Pensacola FL 32501

State

Zip

Email christian@healthygulf.org

Speaking: For Against Information

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

Representing Gulf Restoration Network

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)

1/16/18
Meeting Date

550
Bill Number (if applicable)

Topic Memorandum/Resolution

Amendment Barcode (if applicable)

Name David Mica

Job Title Director

Address 215 S Monroe St 800
Street

Phone 561-6300

Lallahassee FL 32301
City State Zip

Email MICA@AP1.ORG

Speaking: For Against Information

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

Representing FL Petroleum Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/16/18

Meeting Date

SR 550 & HR 319

Bill Number (if applicable)

Topic Gulf of Mexico Range Complex

Amendment Barcode (if applicable)

Name Lauren Conigliaro

Job Title Animal Trainer

Address 2808 Donaldson Drive

Phone 407-704-0332

Orlando

City

FL

State

32812

Zip

Email laurencon@pip.earth

Speaking: [] For [] Against [] Information

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

Representing Surfridley Foundation

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)

11/6/18
Meeting Date

RSB and HR 319
Bill Number (if applicable)

Topic GULF of Mexico Range Complex

Amendment Barcode (if applicable)

Name Lauren McManus

Job Title Marine Mammal Trainer and Registered Nurse

Address 4140 Middlebrook Rd. Apt. #824

Phone 8870-904-6250

Orlando, FL 32811
City State Zip

Email LMcmanu18@hotmail.com

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

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)

1/16/18
Meeting Date

SR550 / HR 319
Bill Number (if applicable)

Topic Gulf of Mexico Range Complex
Environmental Preservation & Conservation

Amendment Barcode (if applicable)

Name Vernica Burgess

Job Title Marine Mammal Trainer

Address 11978 Athin Dr.
Street

Phone _____

Orlando FL 32837
City State Zip

Email vernicaburgess@gmail.com

Speaking: For Against Information

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

Representing Suffrider Foundation

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)

1/16/18
Meeting Date

550
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID GULLEN

Job Title _____

Address 1674 UNIV. PKWY #296
Street
SARASOTA FL 34243
City State Zip

Phone 941.373.2408

Email cullenasea@cel.com

Speaking: For Against Information

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

Representing SIERRA CLUB FL

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)

1-16-18

Meeting Date

550

Bill Number (if applicable)

Topic Risky Fossil Fuel Extraction

Name Brian Lee

Job Title Legislative Director

Address 1203 Buckingham Dr.

Street

Tallahassee FL 32308

City

State

Zip

Phone 850 766 7309

Email brian@rethinkenergy.org

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

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

Representing Floridians Against Fracking

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

Lobbyist registered with Legislature: [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)

1-16-18
Meeting Date

SR 550-
Bill Number (if applicable)

Topic Gulf of Mexico Range
Name Theresa Hamilton

Amendment Barcode (if applicable)

Job Title _____

Address 12218 53rd RD. W.
Street
W.P.B. Fl. 33411
City State Zip

Phone 561-644-4474

Email thamilton@surfrider
pbc.org

Speaking: For Against Information

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

Representing my self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

1/16/18

Meeting Date

550

Bill Number (if applicable)

Topic Fossil Fuel Extraction

Amendment Barcode (if applicable)

Name Jennilee Zipperer

Job Title Associate Director of Communications Rethink Energy FL

Address 1607 Sharkey St

Phone 850-570-8655

Street

Tallahassee

FL

32304

City

State

Zip

Email jennzipperer@gmail.com

Speaking: For Against Information

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

Representing Rethink Energy Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

1 - 16 - 18
Meeting Date

SSC
Bill Number (if applicable)

Topic Fossil Fuel Extraction

Amendment Barcode (if applicable)

Name Kim Ross

Job Title _____

Address 1203 Buckingham Dr.
Street

Phone 850-766-1300

Tallahassee FL 32308
City 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

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)

1/16/18
Meeting Date

550
Bill Number (if applicable)

Topic Fossil Fuel Extraction

Amendment Barcode (if applicable)

Name Susan A Fleming

Job Title Interested Citizen

Address 1620 Mitchell Ave

Phone 203-722-6501

Tallahassee, FL 32303
City State Zip

Email SAFLFLEMING02@MSN.COM

Speaking: For Against Information

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

Representing ReThink Energy

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)

SB 550

Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date

Topic Off shore oil Drilling

Name Amy Patz

Job Title Retired Environmental Scientist

Address 1130 Crestview Ave.
Street

Phone 322-7599

Tallahassee FL 32303
City State Zip

Email amypatz@me.com

Speaking: For Against Information

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

Representing Environmental Caucus of Florida.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/16/18
Meeting Date

550
Bill Number (if applicable)

Topic Gulf Drilling

Amendment Barcode (if applicable)

Name Aliki Mondrief

Job Title Exec. Dir.

Address 1700 N. Monroe #11-206
Street
TLH
City State Zip

Phone 850 629 4656

Email combat@fcvoters.org

Speaking: For Against Information

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

Representing Florida Conservation Voters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

1-16-18
Meeting Date

SR 550
Bill Number (if applicable)

Topic Gulf of Mexico Range Complex

Amendment Barcode (if applicable)

Name Jaimie Hamilton

Job Title Owner of Intuitiv Designs

Address 12218 53 RD N
Street

Phone 561-667-5233

West Palm Beach FL 33411
City State Zip

Email jahamilton@surfriderfla.org

Speaking: For Against Information

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

Representing Myself and Surfrider Foundation

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)

1/16/18
Meeting Date

SR350
Bill Number (if applicable)

Topic Golf of Mex. Range Complex

Amendment Barcode (if applicable)

Name Holly Parker Curry

Job Title FL Regional Manager

Address 1229 Mitchell Ave

Phone 850 567-3393

Street

Talkhassa 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

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)

SR 550
Bill Number (if applicable)

Meeting Date _____

Topic SR 550

Amendment Barcode (if applicable) _____

Name Kent Wimmer

Job Title Senior Representative

Address 1294 Avondale Way

Phone 850-528-5261

Tallahassee FL 32317
City State Zip

Email kwimmer@defenders.org

Speaking: For Against Information

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

Representing Defenders of Wildlife

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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)

1/16/18
Meeting Date

SR550
Bill Number (if applicable)

Topic Gulf of Mexico Range Complex Amendment Barcode (if applicable)

Name ANGELA Diaz

Job Title _____

Address 3100 COLLINS ave #1401
Street

Phone 786 728 4495

MIAMI BH FL 33146
City State Zip

Email angela.diaz@icloud.com

Speaking: For Against Information

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

Representing None

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)

1/16/18
Meeting Date

808
Bill Number (if applicable)

Topic SALE OF SURPLUS LANDS / PUBLIC RECORDS

Amendment Barcode (if applicable)

Name Katie Kelly

Job Title SWFWMD

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

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

Representing SWFWMD

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)

1/16/18 Meeting Date

9008 Bill Number (if applicable)

Topic Sale of surplus lands/public records

Amendment Barcode (if applicable)

Name Carmen Sanders

Job Title SWFWMP

Address Street

Phone

City State Zip

Email

Speaking: For Against Information

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

Representing Southwest Fl. 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.

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

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Environmental Preservation Committee

Judge:

Started: 1/16/2018 10:02:41 AM

Ends: 1/16/2018 10:46:19 AM

Length: 00:43:39

10:03:05 AM Meeting Called to Order
10:03:08 AM Roll Call
10:03:20 AM Quorum is Present
10:04:14 AM Tab 1 SB 550
10:04:24 AM Senator Broxson Explains SB 550
10:06:22 AM Question from Senator Bean
10:06:54 AM Senator Broxson Responds
10:07:48 AM Christian Wagley Representing Gulf Restoration Network Waives in Support
10:08:01 AM David Mica Representing the Florida Petroleum Council Speaks Against SB 550
10:12:37 AM Question from Senator Farmer
10:13:22 AM David Mica Responds
10:14:35 AM Lauren Canigliaro Representing the Surfrider Foundation Waives in Support
10:14:42 AM Lauren McManus Representing the Surfrider Foundation Waives in Support
10:14:48 AM Veronica Burgess Representing the Surfrider Foundation Waives in Support
10:14:55 AM David Cullen Representing the Sierra Club FL Waives in Support
10:15:02 AM Brian Lee Representing Floridians Against Fracking Waives in Support
10:15:07 AM Theresa Hamilton Waives in Support
10:15:18 AM Jennielee Zippener Representing ReThink Energy Florida Waives in Support
10:15:23 AM Kim Ross Waives in Support
10:15:30 AM Susan A. Fleming Waives in Support
10:15:48 AM Amy Patz Representing the Environmental Caucus of Florida Speaks in Support
10:16:25 AM Alike Moncrief Representing Florida Conservation Voters Waives in Support
10:16:28 AM Jaimie Hamilton Representing the Surfrider Foundation Waives in Support
10:16:37 AM Holly Parker Curry Representing the Surfrider Foundation Waives in Support
10:16:44 AM Kent Wimmer Representing Defenders of Wildlife Waives in Support
10:16:51 AM Angela Diaz Waives in Support
10:17:07 AM Senator Hudson in Debate
10:17:44 AM Senator Farmer in Debate
10:18:37 AM Senator Broxson Closes on SB 550
10:19:55 AM Roll Call on SB 550
10:20:04 AM SB 550 is reported favorably
10:20:11 AM Tab 2 SB 806
10:20:21 AM Senator Baxley explains SB 806
10:21:07 AM Question from Senator Taddeo
10:21:25 AM Senator Baxley Responds
10:21:38 AM No Debate
10:21:42 AM Senator Baxley Waives Close
10:21:51 AM Roll Call on SB 806
10:22:10 AM SB 806 is reported favorably
10:22:20 AM Tab 3 SB 808
10:22:30 AM Senator Baxley Explains SB 808
10:22:58 AM Technical Amendment Barcode 647560 Explained by Senator Baxley
10:23:08 AM No Questions
10:23:12 AM No Debate
10:23:19 AM Senator Baxley Waives Close on Amendment Barcode 647560
10:23:28 AM Amendment Barcode 647560 is adopted
10:23:49 AM Senator Hukill Questions for Senator Baxley
10:23:57 AM Senator Baxley responds
10:25:00 AM Senator Hukill Responds
10:25:39 AM Katie Kelly and Carmen Sanders from SWF Water Management District with Additional Information
10:26:50 AM Senator Hukill Responds with Further Questions
10:26:55 AM Carmen Sanders Responds

10:27:46 AM Question from Senator Hudson
10:27:51 AM Carmen Sanders Responds
10:29:22 AM Question from Senator Hudson
10:29:35 AM Carmen Sanders Responds
10:29:59 AM Question from Senator Farmer
10:30:06 AM Carmen Sanders Responds
10:30:18 AM Question from Senator Farmer
10:30:53 AM Senator Baxley Responds
10:31:58 AM Question from Senator Hudson
10:32:21 AM Senator Baxley Responds
10:32:46 AM Question from Senator Hudson
10:33:13 AM Senator Baxley Responds
10:34:22 AM No Further Questions
10:34:40 AM Debate
10:35:20 AM Senator Farmer in Debate
10:36:10 AM Senator Baxley Responds
10:36:55 AM Senator Hukill in Debate
10:37:42 AM Senator Simmons in Debate
10:39:49 AM Bill is TP'd
10:40:12 AM Senator Hukill Comment
10:40:36 AM SB 808 is Temporarily Postponed
10:40:44 AM Tab 4 SB 1130
10:41:02 AM Senator Powell explains SB 1130
10:42:27 AM No Questions, Speakers, or Debate
10:42:48 AM Senator Powell Waives Close
10:42:53 AM Roll Call on SB 1130
10:43:05 AM SB 1130 is Reported Favorably
10:43:23 AM Tab 5 SB 1132
10:43:34 AM Senator Hudson Explains SB 1132
10:44:27 AM No Questions, Speakers, or Debate
10:44:42 AM Senator Hudson Waives Close
10:44:48 AM Roll Call on SB 1132
10:45:03 AM SB 1132 is Reported Favorably
10:45:30 AM Motion from Senator Bradley, Senator Bradley voted favorably of Tab 4 1130
10:46:01 AM Senator Farmer Comment
10:46:11 AM Meeting is Adjourned