Tab 1 SB 178 by Rodriguez; Public Financing of Construction Projects

Tab 2	SB 326 by Perry; (Identical to H 00073) Environmental Regulation					
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Tab 3SB 332 by Stewart; Land Acquisition Trust Fund

Tab 4SB 200 by Montford (CO-INTRODUCERS) Stewart, Rader; Advanced Well Stimulation Treatment

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

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

MEETING DATE:	Monday, November 4, 2019
TIME:	4:00—6:00 p.m.
PLACE:	Mallory Horne Committee Room, 37 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 178 Rodriguez	Public Financing of Construction Projects; Prohibiting state-financed constructors from commencing construction of certain structures in coastal areas without first conducting a sea level impact projection study; requiring the Department of Environmental Protection to develop by rule a standard for such studies; requiring the department to enforce certain requirements and to adopt rules, etc. EN 11/04/2019 Favorable IS AEG AP	Favorable Yeas 5 Nays 0
2	SB 326 Perry (Identical H 73)	Environmental Regulation; Specifying requirements for contracts between residential recycling collectors or recovered materials processing facilities and counties or municipalities for the collection or processing of residential recycling material; prohibiting local governments from requiring further verification from the Department of Environmental Protection for certain projects; revising the types of dock and pier replacements and repairs that are exempt from such verification and certain permitting requirements, etc. EN 11/04/2019 Fav/CS CA RC	Fav/CS Yeas 5 Nays 0
3	SB 332 Stewart	Land Acquisition Trust Fund; Requiring a specified annual appropriation to the Florida Forever Trust Fund; prohibiting moneys from the Land Acquisition Trust Fund from being used for specified costs, etc. EN 11/04/2019 Favorable AEG AP	Favorable Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, November 4, 2019, 4:00-6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 200	Advanced Well Stimulation Treatment; Defining the terms "high-pressure well stimulation" and "matrix acidization"; prohibiting the performance of high-pressure well stimulation or matrix acidization; providing that permits for drilling or for operating a well do not authorize the performance of high-pressure well stimulation or matrix acidization, etc.	Favorable
	Montford	EN 11/04/2019 Favorable IT AP	Yeas 5 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 Environment and Natural Resources SB 178 BILL: Senator Rodriguez INTRODUCER: **Public Financing of Construction Projects** SUBJECT: November 1, 2019 DATE: **REVISED:** ANALYST STAFF DIRECTOR REFERENCE ACTION 1. Schreiber EN Favorable Rogers IS 2. 3. AEG AP 4.

I. Summary:

SB 178 requires a public entity that commissions or manages a construction project within the coastal building zone using funds appropriated from the state to conduct a sea level impact projection (SLIP) study prior to commencing construction. The study must be conducted, submitted to the Department of Environmental Protection (DEP), and published on DEP's website before construction can commence.

The bill requires DEP to adopt rules establishing standards for the SLIP studies, and the standards must include certain requirements for how the studies will be conducted and the information they must contain. DEP must publish and maintain a copy of all SLIP studies on its website for ten years after receipt. The bill requires DEP to adopt rules as necessary to administer the section and authorizes DEP to enforce the requirements of the section.

The bill authorizes DEP to bring a civil action to seek injunctive relief to cease construction, enforce the section or rules adopted pursuant thereto, or seek recovery of state funds expended on a coastal structure, if construction commences without complying with the section. The bill states that the section may not be construed to create a cause of action for damages.

II. Present Situation:

Sea Level Rise and Coastal Flooding

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

Sea level rise is an observed increase in the average local sea level or global sea level trend.³ The two major causes of global sea level rise are thermal expansion caused by the warming of the oceans (water expands as it warms) and the loss of land-based ice (ice sheets and glaciers) due to melting.⁴ Since 1880, the average global sea level has risen about 8 to 9 inches, and the rate of global sea level rise has been accelerating.⁵ The National Oceanic and Atmospheric Administration (NOAA) utilizes tide gauges to measure changes in sea level, and provides data on local sea level rise trends.⁶ Analysis of this data shows some low-lying areas in the southeastern U.S. experience higher local rates of sea level rise than the global average.⁷

⁷ NCA4, at 757.

¹ Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan*, *State of Florida*, 107-108, 162 (2018) [hereinafter *SHMP*], *available at* <u>https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full final approved.6.11.2018.pdf</u> (last visited Oct. 16, 2019).

² *Id.* at 107.

³ DEP, *Florida Adaptation Planning Guidebook*, Glossary (2018) [hereinafter *DEP Guidebook*], *available at* <u>https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf</u> (last visited Oct. 16, 2019); NASA, *Facts: Sea Level*, <u>https://climate.nasa.gov/vital-signs/sea-level/</u> (last visited Oct. 16, 2019).

⁴ *DEP Guidebook*, at Glossary; NOAA, *Climate Change: Ocean Heat Content*, <u>https://www.climate.gov/news-features/understanding-climate/climate-change-ocean-heat-content</u> (last visited Oct. 16, 2019). More than 90 percent of the warming that has happened on Earth over the past 50 years has occurred in the ocean; IPCC, *The Ocean and Cryosphere in a Changing Climate*, SPM-8, SPM-10, SPM-19, SPM -21, SPM-23, 1-14, 4-3, 4-4, 4-14 (Sept. 2019) [hereinafter *IPCC Ocean and Cryosphere*], *available at* <u>https://report.ipcc.ch/srocc/pdf/SROCC_FinalDraft_FullReport.pdf</u> (last visited Oct. 16, 2019). Uncertainty regarding projected sea level rise by 2100 is mainly determined by ice sheets, especially in Antarctica and Greenland, which are losing ice at increasing rates.

⁵ U.S. Global Change Research Program, *Fourth National Climate Assessment*, 757 (2018)[hereinafter NCA4], *available at* <u>https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf</u> (last visited Oct. 31, 2019); *IPCC Ocean and Cryosphere*, at 4-3.

⁶ NOAA, *What is a Tide Gauge*?, <u>https://oceanservice.noaa.gov/facts/tide-gauge.html</u> (last visited Oct. 17, 2019); NOAA, Tides and Currents, *Sea Level Trends*, <u>https://tidesandcurrents.noaa.gov/sltrends/</u> (last visited Oct. 16, 2019); *see DEP Guidebook*, at 8, 16.

Sea Level Rise Projections for the Year 2100				
Source	Scale	Low (feet)	High (feet)	
Intergovernmental Panel	Global	1.4	2.75	
on Climate Change ⁸				
U.S. Global Change	Global	1	4.3	
Research Program ⁹				
Southeast Florida	Southeast	2.59	6.75	
Regional Climate	Florida			
Change Compact Sea				
Level Rise Work				
Group ¹⁰				
The Tampa Bay Climate	Tampa Bay	2	8.5	
Science Advisory	Region			
Panel ¹¹				

Below is a table of projections for future sea level rise, globally and in regions of Florida, by the year 2100:

Florida's coastal communities are experiencing high-tide flooding events, sometimes referred to as "sunny day" or "nuisance" flooding, with increasing frequency because sea level rise increases the height of high tides.¹² In Florida, the area at risk from one foot of projected sea level rise contains more than 65,000 homes and 121,909 people, and Florida's 35 coastal counties contain 76% of its population.¹³ In the U.S., sea level rise and flooding threaten approximately \$1 trillion in national wealth held in coastal real estate, and analyses estimate that there is a chance Florida could lose more than \$300 billion in property value by 2100.¹⁴ Sea level rise affects the salinity of both surface water and groundwater through saltwater intrusion, posing

⁸ *IPCC Ocean and Cryosphere*, at 1-15, 4-4, CCB9-21. These projections are relative to a period of 1986-2005, and the projected range is based on different "representative concentration pathways," which are scenarios of future concentrations of greenhouse gases and aerosols and chemically active gases, and land use changes.

⁹ NCA4, at 406, 758, *available at* <u>https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf</u> (last visited Oct. 31, 2019).

¹⁰ Southeast Florida Regional Climate Change Compact Sea Level Rise Work Group, *Unified Sea Level Rise Projection*, *Southeast Florida*, 4-5 (2015), *available at* <u>https://southeastfloridaclimatecompact.org/wp-content/uploads/2015/10/2015-Compact-Unified-Sea-Level-Rise-Projection.pdf</u> (last visited Oct. 21, 2019). These projections are compared to the sea level in 1992.

¹¹ Tampa Bay Climate Science Advisory Panel, *Recommended Projections of Sea Level Rise in the Tampa Bay Region*, 1, 7 (Apr. 2019), *available at* <u>http://www.tbrpc.org/wp-content/uploads/2019/05/CSAP_SLR_Recommendation_2019.pdf</u> (last visited Oct. 16, 2019).

¹² SHMP, at 108, available at <u>https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf</u> (last visited Oct. 15, 2019); NOAA, *High-Tide Flooding*,

https://toolkit.climate.gov/topics/coastal-flood-risk/shallow-coastal-flooding-nuisance-flooding (last visited Oct. 16, 2019). ¹³ DEP Guidebook, at III, available at <u>https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf</u> (last visited Oct. 16, 2019).

¹⁴ NCA4, at 324, 758; Zillow, Climate Change and Housing: Will a Rising Tide Sink All Homes? (2017),

https://www.zillow.com/research/climate-change-underwater-homes-12890/ (last visited Oct. 31, 2019) (stating that by 2100 \$883 billion in U.S. homes are at risk of being underwater with the total value of potentially underwater properties in Florida at \$413 billion); Union of Concerned Scientists, *New Study Finds 1 Million Florida Homes Worth \$351 Billion Will Be At Risk From Tidal Flooding* (2018), https://www.ucsusa.org/about/news/1-million-florida-homes-risk-tidal-flooding (last visited Oct. 31, 2019).

a risk particularly for shallow coastal aquifers.¹⁵ Sea level rise also pushes saltwater further upstream in tidal rivers and streams, raises coastal groundwater tables, and pushes saltwater further inland at the margins of coastal wetlands.¹⁶

Storm surge intensity and the intensity and precipitation rates of hurricanes are generally projected to increase.¹⁷ Higher sea levels will cause storm surges to travel farther inland and impact more properties than in the past.¹⁸ Storms and sea level rise are likely to lead to increased coastal erosion.¹⁹

Increases in evaporation rates and water vapor in the atmosphere increase rainfall intensity and precipitation extremes, and the sudden onset of water can overwhelm stormwater infrastructure.²⁰ As sea levels and groundwater levels rise, low areas drain more slowly, and the combined effects of rising sea levels and extreme rainfall events are increasing the frequency and magnitude of coastal and lowland flood events.²¹

Coastal Construction

Coastal Construction Control Line

Under Florida law, coastal construction is regulated by the Department of Environmental Protection (DEP).²² The state's purpose is to protect Florida's beaches and dunes from imprudent construction that can jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access.²³ "Coastal construction" is defined as any work or activity likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.²⁴ Florida's coastal local governments may establish coastal construction zoning and building codes in lieu of the statutory requirements as long as they are approved by DEP.²⁵

The coastal construction control line (CCCL) defines the portion of the beach-dune system that is subject to severe fluctuations caused by a 100-year storm surge, storm waves, or other forces

https://report.ipcc.ch/srocc/pdf/SROCC FinalDraft FullReport.pdf (last visited Oct. 16, 2019); NCA4, at 95, 97, 116-117, 1482, available at https://nca2018.globalchange.gov/downloads/NCA4 2018 FullReport.pdf (last visited Oct. 31, 2019). ¹⁸ NCA4, at 758; SHMP, at 107, 112-113, 158-160; see also NOAA, Florida Marine Debris Emergency Response Guide:

Comprehensive Guidance Document (Jan. 2019), *available at* <u>https://marinedebris.noaa.gov/sites/default/files/publications-files/FL_Marine_Debris_Emergency_Response_Guide_2019.pdf</u> (last visited Oct. 16, 2019).

²⁴ Section 161.021(6), F.S.

¹⁵ *SHMP*, at 106, *available at* <u>https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf</u> (last visited Oct. 31, 2019).

¹⁶ *Id.* at 108.

¹⁷ Id. at 106, 141; IPCC Ocean and Cryosphere, at 6-21, available at

¹⁹ NCA4, 331, 340-341, 833, 1054, 1495; *SHMP*, at 108; IPCC, *Climate Change and Land*, 4-44–4-45 (Aug. 2019), *available at* <u>https://www.ipcc.ch/site/assets/uploads/2019/08/Fullreport-1.pdf</u> (last visited Oct. 17, 2019).

²⁰ SHMP, at 99, 106, 116, 141, 181; NCA4, at 88, 763.

²¹ *SHMP*, at 106; *NCA4*, at 763.

²² Chapter 161, F.S.

²³ Section 161.053(1)(a), F.S.

²⁵ Section 161.053(3), F.S.

such as wind, wave, or water level changes.²⁶ A 100-year storm is a shore-incident hurricane or any other storm with accompanying wind, wave, and storm surge intensity having a one percent chance of being equaled or exceeded in any given year.²⁷ Seaward of the CCCL, new construction and improvements to existing structures generally require a CCCL permit from DEP.²⁸ Due to the potential environmental impacts and greater risk of hazards from wind and flood, the standards for construction seaward of the CCCL are often more stringent than those applied in the rest of the coastal building zone.²⁹ Applicants must show that the proposed project will not result in a significant adverse impact.³⁰ CCCLs are established by DEP on a county-wide basis, and they currently exist for large portions of Florida's coast.³¹

The "mean high-water line" is the point on the shore marking the average height of the high waters over a 19-year period.³² The mean high-water line is generally the boundary between the publically-owned foreshore (the land alternately covered and uncovered by the tide) and the dry sand above the line which may be privately owned.³³ Generally, construction is prohibited within 50 feet of the mean high-water line, and this is known as the 50-foot setback.³⁴ Any structures below the mean high-water line which DEP determines serve no public purpose, endanger human life, health, or welfare, or prove to be undesirable or unnecessary must be adjusted, altered, or removed.³⁵

Above the mean high-water line is the "seasonal high-water line," which accounts for variations in the local mean high water, such as spring tides that occur twice per month.³⁶ The seasonal high-water line is used to create 30-year erosion projections of long-term shoreline recession based on historical measurements.³⁷ DEP makes 30-year erosion projections of the location of the seasonal high-water line on a site-specific basis upon receipt of an application.³⁸ With certain

³⁰ Fla. Admin. Code R. 62B-33.005.

³⁷ Fla. Admin. Code R. 62B-33.024.

²⁶ Section 161.053, F.S.; Fla. Admin. Code R. 62B-33.005(1); DEP, *The Homeowner's Guide to the Coastal Construction Control Line Program*, 3 (2017), *available at* <u>https://floridadep.gov/water/coastal-construction-control-line/documents/homeowners-guide-coastal-construction-control-line (last visited Oct. 18, 2019).</u>

²⁷ Fla. Admin. Code R. 62B-33.002(41).

²⁸ Section 161.053, F.S.; Fla. Admin. Code Chapters 62B-33 and 62B-34; DEP, *The Homeowner's Guide to the Coastal Construction Control Line Program*, 2 (2017); DEP, *ASK - Have Questions about the Coastal Construction Control Line (CCCL)*?, <u>https://floridadep.gov/water/coastal-construction-control-line/content/ask-have-questions-about-coastal-construction (last visited Oct. 18, 2019)</u>.

²⁹ Fla. Admin. Code Ch. 62B-33.

³¹ Section 161.053(2), F.S.; DEP Geospatial Open Data, *Coastal Construction Control Lines (CCCL)*, <u>http://geodata.dep.state.fl.us/datasets/4674ee6d93894168933e99aa2f14b923_2?geometry=-102.41%2C25.011%2C-60.596%2C31.77</u> (last visited Oct. 18, 2019).

³² Section 177.27(14), (15), F.S.

³³ Section 177.28, F.S.; **ss**. 161.052(1), 161.151(3), 161.161(3)-(5), and 161.191, F.S. Where an "erosion control line" is established, it serves as the mean high-water line when landward of the existing mean high-water line, and all lands seaward of a recorded erosion control line are deemed to be vested in the state.

³⁴ Fla. Admin. Code R. 62B-33.002(17).

³⁵ Section 161.061, F.S.

³⁶ Section 161.053(5)(a)2., F.S. "Seasonal high-water line" is defined as "the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above local mean high water"; NOAA, *What Are Spring and Neap Tides*?, <u>https://oceanservice.noaa.gov/facts/springtide.html</u> (last visited Oct. 17, 2019).

³⁸ *Id.* Applicants may submit projections by licensed engineers.

exceptions, DEP or local governments may not issue CCCL permits for major structures that are seaward of the 30-year erosion projection.³⁹



The Coastal Zone Protection Act

The Coastal Zone Protection Act of 1985 (Act) was created to minimize the impacts that activities or construction near the coast have on Florida's coastal areas.⁴⁰ The Legislature intended the Act to impose strict construction standards in Florida's coastal areas to protect the natural environment, private property, and life.⁴¹ The Act covers activities and construction within the "coastal building zone:" an area stretching landward from the seasonal high-water line to a line 1,500 feet landward from the CCCL.⁴² The Act uses the term "construction" to mean either the act of construction or the result of construction, and defines construction as "the carrying out of any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land."⁴³

The Act defines certain types of structures regulated within the coastal building zone.⁴⁴ "Major structure[s]" are residential, commercial, or public buildings, and other construction having the potential for substantial impact on coastal zones.⁴⁵ "Nonhabitable major structure[s]" are structures that people would generally not dwell in, such as parking garages, drainage structures, electrical power plants, transmission lines, and underground storage tanks.⁴⁶ "Minor structure[s]"

⁴⁴ Section 161.54(6), F.S.

³⁹ Section 161.053(5), F.S.; DEP, *The Homeowner's Guide to the Coastal Construction Control Line Program*, 6 (2017), *available at* <u>https://floridadep.gov/water/coastal-construction-control-line/documents/homeowners-guide-coastal-construction-control-line</u> (last visited Oct. 18, 2019).

⁴⁰ Sections 161.52-161.58, F.S.

⁴¹ Section 161.53(1),(4), and (5), F.S.

⁴² Section 161.54(1), F.S.; s. 161.55(4), F.S. On coastal barrier islands, the coastal building zone stretches 5,000 feet landward from the CCCL.

⁴³ Section 161.54(5), (12) F.S. "Substantial improvement" means "any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the improvement or repair of the structure to its pre-damage condition equals or exceeds 50 percent of the market value of the structure either: (a) Before the improvement or repair is started; or (b) If the structure has been damaged and is being restored, before the damage occurred."

⁴⁵ Section 161.54(6)(a), F.S.

⁴⁶ Section 161.54(6)(c), F.S.

are structures that are considered to be expendable under wind, wave, or storm forces, and examples include walkways, bathhouses, fences, and uncovered paved areas.⁴⁷

The Act generally requires construction to be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and preserve dune stability.⁴⁸ Nonhabitable major structures and minor structures must be designed to produce the minimum adverse impact on the beach and dune system.⁴⁹ Minor structures must be designed to produce the minimum adverse impact to adjacent properties and reduce the potential for water or wind-blown material.⁵⁰ The Act states that both DEP and local governments have the authority to adopt or enforce standards for construction seaward of the CCCL that are as restrictive or more restrictive than the Act.⁵¹

At or before the sale of real property located partially or totally seaward of the CCCL, the seller must give prospective purchasers a certain written disclosure statement, which states that the property may be subject to coastal erosion and to federal, state, and local regulations that govern coastal property.⁵² The disclosure statement indicates that DEP can provide additional information on whether significant erosion conditions are associated with the shoreline of the property being purchased. The Legislature found it necessary to ensure that purchasers of interests in real property located in coastal areas are fully aware that such lands are subject to frequent and severe fluctuations.⁵³

Florida Building Code

The Department of Business and Professional Regulation's Florida Building Commission (the Commission) develops, amends, and adopts by rule the Florida Building Code.⁵⁴ The Florida Building Code provides the minimum standard building code which must be applied and enforced by each local government in Florida.⁵⁵ The code contains or incorporates by reference all laws and rules governing the design, construction, and repair of public and private structures in the state. In compliance with statutory requirements, local governments may pass ordinances creating local requirements that are more stringent than the statewide code.⁵⁶

The code contains structural design requirements for the design, construction, improvement, and repair of certain structures seaward of the CCCL or the 50-foot setback line.⁵⁷ Special standards in the code apply in areas such as High-Velocity Hurricane Zones and flood hazard areas.⁵⁸ In

⁴⁷ Section 161.54(6)(b), F.S.

⁴⁸ Section 161.55(3), F.S. The Act makes exceptions for certain structures such as piers, beach access ramps, or shore protection structures.

⁴⁹ Section 161.55(1), (2), F.S. Special requirements for flood proofing nonhabitable major structures exist for sewage treatment plants, public water supply systems, and underground utilities. These are intended to prevent infiltration of surface water from a 100-year storm event, or else loss of function during submersion.

⁵⁰ Section 161.55(1), F.S.

⁵¹ Section 161.56(1), F.S.

⁵² Section 161.57(2), F.S.

⁵³ Section 161.57(1), F.S.

⁵⁴ DBPR, Building Code Information System, <u>https://floridabuilding.org/c/default.aspx</u> (last visited Oct. 18, 2019).

⁵⁵ Section 553.73, F.S.; Fla. Admin. Code R. 61g20-1.001(1).

⁵⁶ Section 553.73 (4)-(5), F.S. Special exemptions apply to ordinances relating to flooding.

⁵⁷ Section 3109, Florida Building Code, Building, 6th Edition (2017), <u>https://codes.iccsafe.org/content/FBC2017/chapter-31-special-construction#FBC2017_Ch31_Sec3109</u> (last visited Oct. 18, 2019).

⁵⁸ Section 202, Florida Building Code, Building, 6th Edition (2017).

flood hazard areas, if repairing "substantial damage," meaning the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the before-damaged market value, all aspects of the structure must comply with the requirements for new construction for flood design.⁵⁹ "Substantial structural damage" means certain damage to the load-carrying structures of a building, and the code has separate requirements for repairing such damage.⁶⁰

The Commission updates the code every three years, and the 7th edition will be adopted in 2020.⁶¹ The proposed modifications include changes related to hurricane protection, such as new roofing requirements to mitigate water intrusion, more stringent wind resistance for vinyl siding, additional inspections for exterior wall coverings, and revised wind speed requirements for essential facilities.⁶²

Coastal Resilience

State Programs

Governor DeSantis' Executive Order 19-12 created the Office of Resilience and Coastal Protection to help prepare Florida's coastal communities and habitats for impacts from sea level rise by providing funding, technical assistance, and coordination among state, regional, and local entities.⁶³ In August of 2019, the Governor appointed Florida's first Chief Resilience Officer, which will report to the Executive Officer of the Governor and collaborate with state agencies, local communities, and stakeholders to prepare for sea level rise and climate change.⁶⁴

DEP's Florida Resilient Coastlines Program helps prepare coastal communities and habitats for the effects of climate change and sea level rise by offering technical assistance and funding to communities dealing with coastal flooding, erosion, and ecosystem changes.⁶⁵ In 2019, DEP awarded funding for numerous projects providing assistance for coastal Florida communities.⁶⁶ Priority areas include implementing statutory requirements and objectives, vulnerability assessments, adaptation plans, regional efforts, and environmental justice.⁶⁷

⁶¹ Section 553.73(7), F.S.; DBPR, *Materials Related to the 2020 Update, Supplements - Post Commission August 13, 2019*, <u>http://www.floridabuilding.org/fbc/thecode/2020_Code_Development/2020_Code_Development_Process.htm</u> (last visited Oct. 19, 2019). In the top table, under Florida Supplement, the links show modifications approved by the Commission.

https://www.flgov.com/wp-content/uploads/2019/01/EO-19-12-.pdf (last visited Oct. 20, 2019).

⁵⁹ Section 404.5, Florida Building Code, Existing Building, 6th Edition (2017),

https://codes.iccsafe.org/content/FEBC2017/chapter-4-prescriptive-compliance-method#FEBC2017 Ch04 Sec404.5 (last visited Oct. 21, 2019).

⁶⁰ Section 404, Florida Building Code, Existing Building, 6th Edition (2017).

⁶² Florida Senate, Committee on Community Affairs, *Video of Committee Meeting on 10/14/2019*, 32:00:00 http://www.flsenate.gov/Media/VideoPlayer?EventId=2443575804 2019101070 (last visited Oct. 19, 2019).

⁶³ State of Florida, Office of the Governor, *Executive Order Number 19-12*, 5 (2019), *available at*

⁶⁴ Governor Ron DeSantis, News Releases, *Governor Ron DeSantis Announces Dr. Julia Nesheiwat as Florida's First Chief Resilience Officer* (Aug. 1, 2019), <u>https://flgov.com/2019/08/01/governor-ron-desantis-announces-dr-julia-nesheiwat-as-</u><u>floridas-first-chief-resilience-officer/</u> (last visited Oct. 20, 2019).

⁶⁵ DEP, Florida Resilient Coastlines Program, <u>https://floridadep.gov/ResilientCoastlines</u> (last visited Oct. 19, 2019).

⁶⁶ DEP, *Funded Projects*, <u>https://floridadep.gov/rcp/florida-resilient-coastlines-program/content/funded-projects</u> (last visited Oct 19, 2019).

⁶⁷ DEP, Resiliency Planning Grants, Fiscal Year 2020-2021, *Grant Goals and Priorities*, https://floridadep.gov/sites/default/files/RPG-FY-20-21-Goals-and-Priorities.pdf (last visited Oct. 19, 2019).

The program has published the Florida Adaptation Planning Guidebook to be used by local governments to develop and update adaptation plans for sea level rise.⁶⁸ The guidebook breaks down the adaptation planning process into four steps, and below is a summary:

- <u>Context</u>: organizing and engaging stakeholders, and delineating the geographic boundaries of the planning area, including the assets and structures contained therein.
- <u>Vulnerability Assessment</u>: an exposure analysis to determine how much sea level rise will occur and where, a sensitivity analysis to provide an inventory of community assets and features located in areas at risk, and assigning focus areas that will receive attention in adaptation strategies.
- <u>Adaptation Strategies</u>: assess adaptive capacities such as planning capabilities and fiscal capacity, prioritize adaptation needs, and identify adaptation strategies, which may include strategies in the following categories:
 - o "Protection" strategies that are structurally defensive measures;
 - "Accommodation" strategies that alter the design of vulnerable structures so structures or land use can stay in place with modification;
 - "Retreat" strategies; and
 - "Avoidance" strategies that guide development away from areas subject to coastal hazards, by implementing policies or offering incentives.
- <u>Implementation</u>: survey funding options, create a schedule of activities, actions and actors, and monitor and evaluate adaptation strategies.⁶⁹

DEP's Florida Coastal Management Program implements the Coastal Partnership Initiative, which makes funding from NOAA available to Florida's 35 coastal counties, and municipalities therein, that are required to include a coastal zone protection element in their comprehensive plan.⁷⁰ Grant applications must benefit the management of coastal resources, and meet the purpose of at least one of the initiative's priority areas: resilient communities, coastal resource stewardship, access to coastal resources, and working waterfronts.⁷¹

DEP issues permits for coastal armoring, defined as manmade structures, such as seawalls or bulkheads, that protect upland properties and structures from erosion, wave action, or currents.⁷² While hardened structures may be necessary in areas of high wave energy, armoring can create problems such as costly construction and maintenance, erosion, and loss of biodiversity and ecosystem services.⁷³ Living shorelines are a nature-based approach to coastal protection, using natural elements such as ecosystems, vegetation, stone, or organic materials to increase coastal

⁶⁸ *DEP Guidebook, available at* <u>https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf</u> (last visited Oct. 19, 2019).

⁶⁹ *Id.* at 1-61.

 ⁷⁰ DEP, *Florida Coastal Management Program*, <u>https://floridadep.gov/rcp/fcmp</u> (last visited Oct. 19, 2019); DEP, *Coastal Partnership Initiative*, <u>https://floridadep.gov/rcp/fcmp/content/coastal-partnership-initiative</u> (last visited Oct. 19, 2019).
 ⁷¹ Fla. Admin. Code R. Ch. 62S-4.

⁷² Sections 161.053 and 161.085, F.S.; Fla. Admin. Code Rules 62B-33.0051, 62B-34.010(4), and 62B-41.002(4).

⁷³ DEP, *Living Shorelines*, <u>https://floridadep.gov/rcp/rcp/content/living-shorelines</u> (last visited Oct. 20, 2019).

resilience and adapt to sea level rise.⁷⁴ DEP provides exemptions from environmental resource permitting for small-scale shoreline stabilization projects including living shorelines projects.⁷⁵

In addition to DEP, other state agencies are working on coastal resilience in Florida. The Department of Transportation plans for resilience to prepare Florida's transportation system for potential hazards.⁷⁶ The Department of Economic Opportunity works with DEP on the Community Resiliency Initiative, assisting communities with adaptation planning.⁷⁷ The Fish and Wildlife Conservation Commission is Florida's lead agency on addressing the impacts of climate change on fish and wildlife, including adaptation strategies for Florida's coastal ecosystems.⁷⁸ The Division of Emergency Management in the Executive Office of the Governor maintains a state-wide emergency management program, and its roles include administering federal mitigation grant programs and serving as Florida's state coordinating agency for the National Flood Insurance Program.⁷⁹

Regional Programs

The water management districts address flood protection as a core part of their respective missions, and many of their activities are related to resilience efforts. For example, the St. John's River Water Management District provides resources and cost-sharing to increase community resilience.⁸⁰ The South Florida Water Management District is implementing comprehensive plans for addressing sea level rise, including a flood protection level of service program, incorporating sea level rise projections into planning, conducting vulnerability assessments, and assisting local governments.⁸¹

In 2010, through a proactive regional collaboration to address climate change, the four counties of Broward, Miami-Dade, Monroe, and Palm Beach signed on to the Southeast Florida Regional Climate Change Compact.⁸² The Compact's innovative work has included developing a Regional

http://www.floridatransportationplan.com/resilience committee.htm (last visited Oct. 31, 2019).

 ⁷⁴ Bilkovic et. al., *Living Shorelines: The Science and Management of Nature-Based Coastal Protection*, Taylor & Francis Group, 11-25 (2017); Florida Living Shorelines, *Home*, <u>http://floridalivingshorelines.com/</u> (last visited Oct. 20, 2019).
 ⁷⁵ Fla. Admin. Code R. 62-330.051(12)(e); see UF IFAS, *Streamlining Resiliency: Regulatory Considerations in Permitting*

Small-Scale Living Shorelines in Florida, 1-3 (Apr. 2018), <u>https://edis.ifas.ufl.edu/pdffiles/SG/SG15500.pdf</u> (last visited Oct. 20, 2019).

⁷⁶ DOT, *Florida Transportation Plan (FTP): Resilience*, <u>http://www.floridatransportationplan.com/resilience.htm</u> (last visited Oct. 25, 2019); DOT, *Florida Transportation Plan (FTP): Resilience Subcommittee Members*,

⁷⁷ DEO, *Adaptation Planning*, <u>http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/adaptation-planning</u> (last visited Oct. 19, 2019).

⁷⁸ FWC, *What FWC is Doing*, <u>https://myfwc.com/conservation/special-initiatives/climate-change/fwc/</u> (last visited Oct. 19, 2019); FWC, *A Guide to Climate Change Adaptation for Conservation*, 6-81–6-108, 9-35–9-51 (2016), *available at* <u>https://myfwc.com/media/5864/adaptation-guide.pdf</u> (last visited Oct. 20, 2019).

⁷⁹ DEM, *Mitigation*, <u>https://www.floridadisaster.org/dem/mitigation/</u> (last visited Oct. 20, 2019); DEM, *State Flood Plain Management Program*, <u>https://www.floridadisaster.org/dem/mitigation/floodplain/</u> (last visited Oct. 20, 2019).

⁸⁰ St. John's River Water Management District, *Sea-Level Rise*, <u>https://www.sjrwmd.com/localgovernments/sea-level-rise/#projects</u> (last visited Oct. 30, 2019).

⁸¹ Akintunde Owosina, South Florida Water Management District, Governing Board Meeting, June 13, 2019, Chief, Hydrology and Hydraulics Bureau, *Impact of Sea Level Rise on the SFWMD Mission, Focus on Flood Protection*, 2, 6, 7-10 (June 13, 2019) *available at* https://apps.sfwmd.gov/webapps/publicMeetings/viewFile/21964 (last visited Oct. 20, 2019).

⁸² Regional Climate Leadership Summit, *Southeast Florida Regional Climate Change Compact* (2010), *available at* <u>http://southeastfloridaclimatecompact.org/wp-content/uploads/2014/09/compact.pdf</u> (last visited Oct. 31,2019); SFRCCC, *What is the Compact?*, <u>http://southeastfloridaclimatecompact.org/about-us/what-is-the-compact/</u> (last visited Oct. 31, 2019).

Climate Action Plan and developing a Unified Sea Level Rise Projection.⁸³ One of the many recommendations in the regional plan is for local governments in the region to incorporate the unified sea level rise projections into their comprehensive plans, and at least 45 municipalities have completed this recommendation.⁸⁴

Florida's regional planning councils have many programs on resilience initiatives.⁸⁵ For example, the Tampa Bay Regional Planning Council formed the ONE BAY Resilient Communities program, which advances collaborative resilience in the Tampa Bay region.⁸⁶ The East Central Florida Regional Planning Council has produced a Regional Resiliency Action Plan and formed the East Central Florida Regional Resilience Collaborative.⁸⁷ The Northeast Florida Regional Council has provided a Regional Action Plan for sea level rise.⁸⁸

Local Governments

Florida's local governments in coastal areas must have a coastal management element in their comprehensive plans.⁸⁹ These coastal management elements must use principles to eliminate inappropriate and unsafe development in coastal areas when opportunities arise, and they must:

- Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
- Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency (FEMA).
- Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in Florida.
- Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable federal flood plain management regulations.
- Require that any construction activities seaward of the coastal construction control lines be consistent with Ch. 161, F.S., which regulates coastal construction.

⁸³ SFRCCC, *Regional Climate Action Plan*, <u>http://southeastfloridaclimatecompact.org/regional-climate-action-plan/</u> (last visited Oct. 31, 2019); SFRCCC, *Unified Sea Level Rise Projection, Southeast Florida*, 5, 11, 13, 33 (2015), *available at* <u>http://www.southeastfloridaclimatecompact.org/wp-content/uploads/2015/10/2015-Compact-Unified-Sea-Level-Rise-Projection.pdf</u> (last visited Oct. 31, 2019).

⁸⁴ SFRCCC, ST-1: Incorporate Projections Into Plans,

http://southeastfloridaclimatecompact.org/recommendations/incorporate-projections-into-plans/ (last visited Oct. 31, 2019); see also SFRCCC, Integrating the Unified Sea Level Rise Projection into Local Plans, 17-21 (2017), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2017/01/SLRGuidance-Doc.pdf (last visited Oct. 16, 2019).

⁸⁵ Peril of Flood - Florida's Coastal Resiliency Portal, https://www.perilofflood.net/ (last visited Oct. 30, 2019).

⁸⁶ Tampa Bay Regional Planning Council, *One Bay Resilient Communities*, <u>http://www.tbrpc.org/onebay/</u> (last visited Oct. 31, 2019).

⁸⁷ East Central Florida Regional Planning Council, *East Central Florida Regional Resiliency Action Plan* (2018), *available at* <u>http://ftp.ecfrpc.org/Projects/East%20Central%20Florida%20Regional%20Resiliency%20Action%20Plan.pdf</u> (last visited Oct. 31, 2019); East Central Florida Regional Planning Council, *East Central Florida Regional Resilience Collaborative*, <u>https://metroplanorlando.org/wp-content/uploads/CFMPOA-MOU-presentation.pdf</u> (last visited Oct. 31, 2019).

⁸⁸ Northeast Florida Regional Council, *Summary and Regional Action Plan: A Report of the Emergency Preparedness Committee on Sea Level Rise*, <u>http://www.nefrc.org/WiP/PDFs/Resource-Library/Regional-Action-Plan.pdf</u> (last visited Oct. 31, 2019).

⁸⁹ Sections 380.24 and 163.3177(6)(g), F.S.

• Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the FEMA to achieve flood insurance premium discounts for their residents.⁹⁰

Florida's Community Planning Act authorizes local governments to establish an "adaptation action area" designation in their comprehensive plan for low-lying coastal zones that are experiencing coastal flooding and are vulnerable to the impacts of sea level rise.⁹¹ This enables local governments to develop policies and funding priorities that improve coastal resilience and plan for sea level rise.

Flood Insurance

The Federal Emergency Management Act (FEMA) administers the National Flood Insurance Program, created to offer federally subsidized flood insurance to property owners and to encourage land-use controls in floodplains.⁹² The National Flood Insurance Program makes flood insurance available to communities that adopt and enforce a floodplain management ordinance to reduce future flood risk to new construction in floodplains.⁹³ Communities eligible to participate in the National Flood Insurance Program community rating system receive discounts on flood insurance premiums.⁹⁴

An important aspect of the National Flood Insurance Program is the flood maps that FEMA creates to support the program.⁹⁵ A Flood Insurance Rate Map is an official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.⁹⁶ These maps have many applications relevant to resilience planning, including communicating base flood elevations and flood risk, establishing special flood hazard areas where flood insurance is required, and setting local floodplain and building standards.⁹⁷

III. Effect of Proposed Changes:

Section 1 creates s. 161.551, F.S., titled "Public financing of construction projects within the coastal building zone."

⁹¹ Sections 163.3177(6)(g) and (10) and 163.3164(1), F.S.; Ch. 2011-139, Laws of Fla.

https://www.fema.gov/media-library-data/20130726-1447-20490-2156/nfipdescrip_1_.pdf (last visited Oct. 20, 2019). 94 FEMA, Fact Sheet: Community Rating System (2017), available at https://www.fema.gov/media-library-

⁹⁰ Section 163.3178(2)(f), F.S. (referencing 44 C.F.R. part 60, relating to insurance and hazard mitigation, criteria for land management and use); Ch. 2015-69, Laws of Fla. This is referred to as the "Peril of Flood" law.

⁹² 42 U.S.C. § 4001 *et seq.*; 44 C.F.R. Ch. I, Subchap. B.; FEMA, *The National Flood Insurance Program*, <u>https://www.fema.gov/national-flood-insurance-program</u> (last visited Oct. 20, 2019).

⁹³ FEMA, *National Flood Insurance Program, Program Description* (Aug. 1, 2002), *available at* https://www.fema.gov/media-library-data/20130726-1447-20490-2156/nfipdescrip 1 .pdf (last visited Oct. 20, 2019).

data/1507029324530-082938e6607d4d9eba4004890dbad39c/NFIP_CRS_Fact_Sheet_2017_508OK.pdf (last visited Oct. 20, 2019).

 ⁹⁵ FEMA, FEMA Flood Map Service Center: Welcome!, <u>https://msc.fema.gov/portal/home</u> (last visited Oct. 20, 2019).
 ⁹⁶ 44 C.F.R. § 59.1.

⁹⁷ FEMA, *Flood Maps: Know Your Risk and Take Action Against Flooding*, 2, *available at* <u>https://www.fema.gov/media-library-data/1516468489259-8eb4bfef27ab35159b2f140a2926e809/What_Goes_Into_a_Flood_Map.pdf</u> (last visited Oct. 20, 2019); *SHMP*, at 102-103, *available at* <u>https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf</u> (last visited Oct. 16, 2019); *DEP Guidebook*, at 40-41, *available at* <u>https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf</u> (last visited Oct. 16, 2019).

The bill creates definitions for five terms, defining them as they are used in the section:

- "Coastal structure" is defined as "a major structure or nonhabitable major structure within the coastal building zone." As used within the section, the term "coastal structure" would generally include residential, commercial, and public buildings that could substantially impact coastal zones, as well as major uninhabited structures such as parking garages or drainage structures, that are located landward of the seasonal high-water line to a line 1,500 feet landward from the coastal construction control line.
- "Public entity" is defined as "the state or any of its political subdivisions, or any municipality, county, agency, special district, authority, or other public body corporate of the state which is demonstrated to perform a public function or to serve a governmental purpose that could properly be performed or served by an appropriate governmental unit."
- "SLIP study" is defined as "a sea level impact projection study" as established by the Department of Environmental Protection (DEP) pursuant to requirements specified in the bill.
- "State-financed constructor" is defined as "a public entity that commissions or manages a construction project using funds appropriated from the state."
- "Substantial flood damage" is defined to mean "flood, inundation, or wave action damage resulting from a single event, such as a flood or tropical weather system, where such damage exceeds 25 percent of the market value of the coastal structure at the time of the event."

The bill requires DEP to develop by rule the standards for a SLIP study. The standards may require that a professional engineer sign off on the study. The standards must require that state-financed constructors, at a minimum, do all of the following for conducting a SLIP study:

- Use a systematic, interdisciplinary, and scientifically accepted approach in the natural sciences and construction design in conducting the study.
- Assess the flooding, inundation, and wave action damage risks relating to the coastal structure over its expected life or 50 years, whichever is less. This assessment must:
 - Take into account potential sea level rise and increased storm risk during the expected life of the coastal structure or 50 years, whichever is less;
 - Provide scientific and engineering evidence of the risk to the coastal structure and methods used to mitigate, adapt to, or reduce this risk;
 - Use and consider available scientific research and generally accepted industry practices;
 - Provide the mean average annual chance of substantial flood damage over the expected life of the coastal structure or 50 years, whichever is less; and
 - Analyze potential public safety and environmental impacts resulting from damage to the coastal structure including, but not limited to, leakage of pollutants, electrocution and explosion hazards, and hazards resulting from floating or flying structural debris.
- Provide alternatives for the coastal structure's design and siting, including discussion of how such alternatives would affect the potential public safety and environmental impacts assessed in the study, as well as the risks and costs associated with maintaining, repairing, and constructing the coastal structure.

The bill requires DEP to publish and maintain on its website a copy of all SLIP studies it receives pursuant to the bill for a period of at least 10 years following receipt. However, the bill requires DEP to redact, prior to publication, any portion of a SLIP study containing information

that is exempt from Art. I, s. 24(a) of the State Constitution and s. 119.07(1), F.S., which provide for access to public records.

The bill requires state-financed constructors to conduct SLIP studies pursuant to DEP's standards. The bill prohibits a state-financed constructor from commencing construction of a coastal structure without first doing all of the following:

- Conducting a SLIP study meeting the standards established by DEP.
- Submitting the SLIP study to DEP. If multiple coastal structures are to be built concurrently within one project, a state-financed constructor may conduct and submit one SLIP study for the entire project.
- Receiving notification from DEP that the study was received and published on DEP's website for at least 30 days. The bill states that the state-financed constructor is solely responsible for ensuring that the study submitted to DEP meets the established standards.

If a state-financed constructor begins construction of a coastal structure without first submitting a SLIP study as required under the section, then DEP is authorized to institute a civil action. Such civil action may be brought to:

- Seek injunctive relief to cease further construction of the coastal structure;
- Enforce compliance with s. 161.551, F.S., or rules adopted by DEP pursuant to it; or,
- If the coastal structure has been completed or substantially completed, seek recovery of all or a portion of state funds expended on the coastal structure.

DEP is required to adopt rules as necessary to administer the section. DEP is authorized to enforce the requirements of the section. The section may not be construed to create a cause of action for damages.

Section 2 states that the act shall take effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill requires procedures that identify long-term risks to coastal structures, and potentially avoid some of the large costs of mitigating and dealing with future damage to, or even loss of, coastal structures. These coastal structures may be used or owned by residents or private businesses. Therefore, the bill may have a positive, indeterminate impact on the private sector.

C. Government Sector Impact:

The bill requires DEP to promulgate and administer new regulations which may cause DEP to incur additional costs.

Requiring government entities to conduct a sea level impact study prior to construction may result in an indeterminate, negative fiscal impact on the government sector in the short-term. However, the bill requires procedures that identify risks and potentially avoid damage and loss of coastal structures that are constructed, at least in part, using funds appropriated from the state. This may result in state funds, or potentially federal grant money that is appropriated from the state, being used for coastal structures that have less risk of damage or loss over time, or coastal structures that may remain undamaged or intact for a longer period of time. Therefore, the bill may result in an indeterminate, positive impact on the government sector in the long-term.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 161.551 of the Florida Statutes.

IX. **Additional Information:**

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

None.

Β. Amendments:

None.

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

 ${\bf By}$ Senator Rodriguez

	37-00373-20 2020178
1	A bill to be entitled
2	An act relating to public financing of construction
3	projects; creating s. 161.551, F.S.; defining terms;
4	prohibiting state-financed constructors from
5	commencing construction of certain structures in
6	coastal areas without first conducting a sea level
7	impact projection study; requiring the Department of
8	Environmental Protection to develop by rule a standard
9	for such studies; requiring the department to publish
10	such studies on its website, subject to certain
11	conditions; requiring the department to enforce
12	certain requirements and to adopt rules; providing for
13	enforcement; providing an effective date.
14	
15	Be It Enacted by the Legislature of the State of Florida:
16	
17	Section 1. Section 161.551, Florida Statutes, is created to
18	read:
19	161.551 Public financing of construction projects within
20	the coastal building zone
21	(1) As used in this section, the term:
22	(a) "Coastal structure" means a major structure or
23	nonhabitable major structure within the coastal building zone.
24	(b) "Public entity" means the state or any of its political
25	subdivisions, or any municipality, county, agency, special
26	district, authority, or other public body corporate of the state
27	which is demonstrated to perform a public function or to serve a
28	governmental purpose that could properly be performed or served
29	by an appropriate governmental unit.

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1	37-00373-20 2020178		
30	(c) "SLIP study" means a sea level impact projection study		
31	as established by the department pursuant to subsection (3).		
32	(d) "State-financed constructor" means a public entity that		
33	commissions or manages a construction project using funds		
34	appropriated from the state.		
35	(e) "Substantial flood damage" means flood, inundation, or		
36	wave action damage resulting from a single event, such as a		
37	flood or tropical weather system, where such damage exceeds 25		
38	percent of the market value of the coastal structure at the time		
39	of the event.		
40	(2) A state-financed constructor may not commence		
41	construction of a coastal structure without:		
42	(a) Conducting a SLIP study that meets the requirements		
43	established by the department;		
44	(b) Submitting the study to the department; and		
45	(c) Receiving notification from the department that the		
46	study was received and that it has been published on the		
47	department's website pursuant to paragraph (6)(a) for at least		
48	30 days. The state-financed constructor is solely responsible		
49	for ensuring that the study submitted to the department for		
50	publication meets the requirements under subsection (3).		
51	(3) The department shall develop by rule a standard by		
52	which a state-financed constructor must conduct a SLIP study and		
53	may require that a professional engineer sign off on the study.		
54	At a minimum, this standard must require that a state-financed		
55	constructor do all of the following:		
56	(a) Use a systematic, interdisciplinary, and scientifically		
57	accepted approach in the natural sciences and construction		
58	design in conducting the study.		

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	37-00373-20 2020178		
59	(b) Assess the flooding, inundation, and wave action damage		
60	risks relating to the coastal structure over its expected life		
61	or 50 years, whichever is less.		
62	1. The assessment must take into account potential sea		
63	level rise and increased storm risk during the expected life of		
64	the coastal structure or 50 years, whichever is less.		
65	2. The assessment must provide scientific and engineering		
66	evidence of the risk to the coastal structure and methods used		
67	to mitigate, adapt to, or reduce this risk.		
68	3. The assessment must use and consider available		
69	scientific research and generally accepted industry practices.		
70	4. The assessment must provide the mean average annual		
71	chance of substantial flood damage over the expected life of the		
72	coastal structure or 50 years, whichever is less.		
73	5. The assessment must analyze potential public safety and		
74	environmental impacts resulting from damage to the coastal		
75	structure including, but not limited to, leakage of pollutants,		
76	electrocution and explosion hazards, and hazards resulting from		
77	floating or flying structural debris.		
78	(c) Provide alternatives for the coastal structure's design		
79	and siting, and how such alternatives would impact the risks		
80	specified in subparagraph (b)5. as well as the risk and cost		
81	associated with maintaining, repairing, and constructing the		
82	coastal structure.		
83			
84	If multiple coastal structures are to be built concurrently		
85	within one project, a state-financed constructor may conduct and		
86	submit one SLIP study for the entire project for publication by		
87	the department.		
I	Page 3 of 4		

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

SB 178

	37-00373-20 2020178
88	(4) If a state-financed constructor commences construction
89	of a coastal structure but has not complied with the SLIP study
90	requirement under subsection (2), the department may institute a
91	civil action in a court of competent jurisdiction to:
92	(a) Seek injunctive relief to cease further construction of
93	the coastal structure or enforce compliance with this section or
94	with rules adopted by the department pursuant to this section.
95	(b) If the coastal structure has been completed or has been
96	substantially completed, seek recovery of all or a portion of
97	state funds expended on the coastal structure.
98	(5) This section may not be construed to create a cause of
99	action for damages.
100	(6) The department:
101	(a) Shall publish and maintain a copy of all SLIP studies
102	submitted pursuant to this section on its website for at least
103	10 years after receipt. However, any portion of a study
104	containing information that is exempt from s. 119.07(1) and s.
105	24 (a), Art. I of the State Constitution must be redacted by the
106	department before publication.
107	(b) Shall adopt rules as necessary to administer this
108	section.
109	(7) The department may enforce the requirements of this
110	section.
111	Section 2. This act shall take effect July 1, 2020.

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

The Florida Senate BILL ANALYSIS AND FISCAL IMPACT STATEMENT (This document is based on the provisions contained in the legislation as of the latest date listed below.) Prepared By: The Professional Staff of the Committee on Environment and Natural Resources **CS/SB 326** BILL: Environment and Natural Resources Committee and Senator Perry INTRODUCER: **Environmental Regulation** SUBJECT: November 5, 2019 DATE: **REVISED**: ANALYST STAFF DIRECTOR REFERENCE ACTION 1. Schreiber Fav/CS Rogers EN CA 2. 3. RC

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 326 requires local governments to address the contamination of recyclable material in contracts for the collection, transportation, and processing of residential material. The bill applies to contracts between a local government and a residential recycling collector or recovered materials processing facility that are executed or renewed after October 1, 2020. Such contracts are required to define the term "contaminated recyclable material." The bill specifies topics that must be addressed in local government contracts with both residential recycling collectors and recovered materials processing facilities.

The bill prohibits local governments from requiring a person claiming an exemption from environmental resource permitting requirements to provide further verification from the Department of Environmental Protection. The bill also changes the specific criteria for the replacement or repair of a dock or pier that is exempt from environmental resource permitting requirements.

II. Present Situation:

Local Government Solid Waste Responsibilities

Each Florida county has the responsibility and authority to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the

county.¹ Municipalities are responsible for collecting and transporting solid waste from their jurisdictions to a solid waste disposal facility operated by a county or operated under a contract with a county.² Counties may charge reasonable fees for the handling and disposal of solid waste at their facilities.³ Under Florida law, "recycling" is defined as "any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or intermediate or final products."⁴

Each Florida county must have a recyclable materials recycling program that has a goal of recycling 40 percent of recyclable solid waste by December 31, 2012; 50 percent by December 31, 2014; 60 percent by December 31, 2016; 70 percent by December 31, 2018; and 75 percent by December 31, 2020.⁵ These programs must be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling:

- Newspapers.
- Aluminum cans.
- Steel cans.
- Glass.
- Plastic bottles.
- Cardboard.
- Office paper.
- Yard trash.⁶

Each county must ensure, to the maximum extent possible, that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements or other means provided by law.⁷ Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs.⁸ Certain activities are eligible for special credit towards achieving a county's recycling goals, including the use of solid waste as a fuel in a renewable energy facility, the innovative use of yard trash or other clean wood waste or paper waste, and providing opportunities to recycle in counties with smaller populations.⁹ To assess progress, counties must provide information on their solid waste management programs and recycling activities to the Department of Environmental Protection (DEP) by April 1 of each year.¹⁰

⁹ Section 403.706(4), F.S.

¹ Section 403.706(1), F.S. Municipalities may also be authorized to construct and operate solid waste disposal facilities, if certain statutory requirements are met; Fla. Admin. Code Ch. 62-701.

 $^{^{2}}$ Id.

 $^{^{3}}$ Id.

⁴ Section 407.703(31), F.S.

⁵ Section 403.706(2)(a), F.S. These are interim goals to help Florida reach the goal of recycling at least 75% of municipal solid waste by 2020; Ch. 2010-143, s. 7, Laws of Fla.; *see* s. 403.7032(2), F.S.

⁶ Section 403.706(2)(f), F.S.

⁷ Section 403.706(3), F.S.

⁸ Section 403.706(2)(a), F.S.

¹⁰ Section 403.706(7), F.S.; Fla. Admin. Code R. 62-716.450.

"Municipal solid waste" includes any solid waste, except for sludge, resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service.¹¹ The term includes yard trash but does not include solid waste from industrial, mining, or agricultural operations. DEP may reduce or modify the municipal solid waste recycling goal that a county is required to achieve if the county demonstrates to DEP that:

- The achievement of the goal would have an adverse effect on the financial obligations of the county that are directly related to the county's waste-to-energy facility; and
- The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.¹²

The goal may only be reduced or modified to the extent necessary to alleviate the adverse effects on the financial viability of a county's waste-to-energy facility.¹³

In the development and implementation of a curbside recyclable materials collection program, a county or municipality must enter into negotiations with a franchisee who is operating to exclusively collect solid waste within a service area of a county or municipality to undertake curbside recyclable materials collection responsibilities for a county or municipality.¹⁴ Local governments are authorized to enact ordinances that require and direct all residential properties, multifamily dwellings, and apartment complexes and industrial, commercial, and institutional establishments as defined by the local government.¹⁵ A market must exist for the recyclable materials and the local government must specifically intend for them to be recycled.¹⁶ Local governments are authorized to provide for the collection of the recyclable materials. Such ordinances may include, but are not limited to, prohibiting any person from knowingly disposing of recyclable materials designated by the local government and that ensure the collection of recovered materials as necessary to protect public health and safety.¹⁷

A local government may not:

- Require a commercial establishment that generates source-separated recovered materials to sell or otherwise convey its recovered materials to the local government or to a facility designated by the local government;
- Restrict such a generator's right to sell or otherwise convey such recovered materials to any properly certified recovered materials dealer who has registered with DEP; or
- Enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials.¹⁸

¹³ *Id*.

¹¹ Section 403.706(5), F.S.

¹² Section 403.706(6), F.S.

¹⁴ Section 403.706(9), F.S.

¹⁵ Section 403.706(21), F.S.

¹⁶ Id.

¹⁷ Section 403.706(21), F.S.

¹⁸ Section 403.7046(3), F.S.

Local governments may require a commercial establishment to source separate the recovered materials generated on the premises.¹⁹

Florida's Recycling Goal

In 2008, in recognition of the volume of waste generated by Floridians and visitors every year and the value of some of these discarded commodities, the Legislature set a statewide goal to recycle at least 75 percent of the municipal solid waste that would otherwise be disposed of in waste management facilities, landfills, or incineration facilities by 2020.²⁰ DEP has established numerous programs and initiatives to reach that goal.²¹ In 2010, the Legislature established the interim goals that counties must pursue leading up to 2020.²²

In those years when the recycling rate does not meet the statutory thresholds for these interim goals, DEP must provide a report to the President of the Senate and the Speaker of the House of Representatives.²³ This report must identify those additional programs or statutory changes needed to achieve the state's recycling goals.²⁴ Florida achieved the interim recycling goals established for 2012 and 2014, but Florida's recycling rate for 2016 was 56 percent, falling short of the interim recycling goal of 60 percent by 2017.²⁵ DEP submitted the most recent report in 2017.²⁶ The current practices in Florida are not expected to significantly increase the recycling rate beyond the 56 percent rate.²⁷ The most recent interim goal was 70 percent by January 1, 2019, and DEP is expected to submit a report prior to the 2020 session. Without significant changes to Florida's current approach, the state's recycling rate will likely fall short of the 2020 goal of 75 percent.²⁸

DEP, in partnership with material recycling facilities (MRFs) across the state, has developed a statewide public education campaign, entitled "Rethink. Reset. Recycle."²⁹ The campaign addresses the need to educate Florida residents on how to reduce single stream curbside recycling contamination. Plastic bags, cords, clothing and packaging are causing contamination problems that can shut down MRF operations and cause good loads of recyclables to become trash. The campaign also serves to remind Florida residents of the basics of curbside recycling: clean and dry aluminum and steel cans, plastic bottles and jugs, and paper and cardboard. DEP is also working on the following recycling options:

• Evaluating the implications of shifting from a weight-based recycling goal to sustainable materials management processes.

 29 *Id.* at 11.

¹⁹ Section 403.7046(3)(a), F.S.

²⁰ Section 403.7032, F.S.; Ch. 2008-227, s. 95, Laws of Fla.; *see* DEP, *Florida and the 2020 75% Recycling Goal*, *Volume I - Report*, 5 (2017), *available at* <u>https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1 0 0.pdf</u> (last visited Oct. 29, 2019).

²¹ DEP, *Recycling*, <u>http://www.dep.state.fl.us/waste/categories/recycling/default.htm</u> (last visited Oct. 29, 2019).

²² Section 403.706(2)(a), F.S.

²³ Section 403.706(2)(e), F.S.

²⁴ Id.

²⁵ DEP, *Florida and the 2020 75% Recycling Goal*, *Volume I - Report*, 5 (2017), *available at* <u>https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1_0_0.pdf</u> (last visited Oct. 30, 2019).

 $^{^{26}}$ *Id.*

 ²⁷ Id.
 ²⁸ Id.

- Researching the concept of moving from a weight-based recycling goal of 75 percent by 2020, to market specific goals such as a food diversion goal or an organics recycling goal.
- Engaging Florida's state universities and the Florida Department of Education to review potential K-12 curriculum programs emphasizing waste reduction and recycling practices.
- Continuing to work with state agencies to identify recycling/cost saving measures specific to their operations.
- Providing counties not achieving the interim recycling goals with assistance in analyzing, planning and executing opportunities to increase recycling.³⁰

A number of counties and municipalities have instituted single stream recycling programs.³¹ Single stream recycling programs allow all accepted recyclables to be placed in a single, curbside recycling cart, comingling materials from paper and plastic bottles to metal cans and glass containers. Single stream recycling programs have been marginally successful in providing curbside collection efficiency by increasing the amount of recyclables collected and residential participation. While there are many advantages to single stream recycling, it has not consistently yielded positive results for the recycling industry. The unexpected consequence of single stream recycling has been the collection of unwanted materials and poorly sorted recyclables, resulting in increased contamination originating in the curbside recycling cart.³²

Contamination hinders processing at MRFs when unwanted items are placed into recycling carts.³³ For example, plastic bags are often harmful to the automated equipment typically used to process and separate recyclable materials from single stream collections. While MRFs are equipped to handle some non-recyclable materials, excessive contamination can undermine the recycling process resulting in additional sorting, processing, energy consumption, and other increased costs due to equipment downtime, repair or replacement needs. In addition to increased recycling processing costs, contamination also results in poorer quality recyclables, and increased rejection and landfilling of unusable materials. Although some local governments have implemented successful single stream recycling programs with low contamination rates, contamination rates for other programs have continued to rise, in some case reaching contamination rates of more than 30-40 percent by weight.³⁴

Recycling Markets

Until 2017, China consumed over 50 percent of the recycled paper and plastic in the world, including 70 percent of the plastics collected for recycling in the U.S.³⁵ In 2017, China banned the import of 24 recyclable materials, such as post-consumer plastics and mixed paper, and also

³⁰ Id.

³¹ *Id.* at 13.

³² Id.

³³ Id.

³⁴ Id.

³⁵ National Waste & Recycling Association, *Issue Brief: China's Changing Policies on Important Recyclables*, 1 (Apr. 2018), *available at* <u>https://c.ymcdn.com/sites/wasterecycling.site-</u>

<u>ym.com/resource/resmgr/files/issue_brief/China%27s_Changing_Policies_on.pdf</u> (last visited Oct. 29, 2019); Cheryl Katz, *Piling Up: How China's Ban on Importing Waste Has Stalled Global Recycling*, Yale Environment 360 (March 7, 2019), <u>https://e360.yale.edu/features/piling-up-how-chinas-ban-on-importing-waste-has-stalled-global-recycling</u> (last visited Oct. 29, 2019).

announced a 0.5 percent contamination standard for most recyclables not named in the ban.³⁶ In 2018, the ban was expanded to include post-industrial plastics and a variety of scrap metals, and China implemented pre-shipment inspection requirements for inbound loads of scrap material.³⁷ The ban has caused shipments of recyclables to other Southeast Asian countries to increase dramatically, resulting in nations including Malaysia, Indonesia, Thailand, and Vietnam enacting policies restricting the import of recyclable material.³⁸

China's recycling ban has created substantial challenges around the world for the solid waste and recycling industry.³⁹ The loss of the Chinese export markets has caused recyclable materials to be sent to landfills or burned.⁴⁰ China's ban and higher standards for contamination are leading to higher costs and lower revenues for the U.S. recycling industry.⁴¹ In Florida, local governments are struggling with issues such as rising costs of processing and high contamination rates.⁴² DEP reports that these changes in the markets create challenges for Florida as it tries to increase its recycling rates, because future growth is dependent on healthy markets.⁴³ The increased supply of recyclable materials and decreased demand from end markets has resulted in a depression of commodities prices in the recycling industry.⁴⁴ In response, DEP has utilized state programs and engaged various stakeholders in an effort to develop and grow Florida's recycling markets.⁴⁵

³⁸ Resource Recycling, From Green Fence to Red Alert: A China Timeline, https://resource-

recycling.com/recycling/2018/02/13/green-fence-red-alert-china-timeline/ (last visited Oct. 29, 2019); Christopher Joyce, Where Will Your Plastic Trash Go Now That China Doesn't Want It?, NPR (Mar. 13, 2019),

⁴³ DEP, Florida and the 2020 75% Recycling Goal, Volume I - Report, 15 (2017), available at

⁴⁴ *Id*.

⁴⁵ *Id.* at 15-17.

³⁶ Resource Recycling, From Green Fence to Red Alert: A China Timeline, <u>https://resource-</u>

recycling.com/recycling/2018/02/13/green-fence-red-alert-china-timeline/ (last visited Oct. 29, 2019); National Waste & Recycling Association, *Issue Brief: China's Changing Policies on Important Recyclables*, 1 (Apr. 2018), *available at* https://c.ymcdn.com/sites/wasterecycling.site-

ym.com/resource/resmgr/files/issue_brief/China%27s_Changing_Policies_on.pdf (last visited Oct. 29, 2019).

³⁷ *Id.*; *see* Resource Recycling, *China Reiterates Total Ban and Tries to Define "Solid Waste"* (Apr. 9, 2019), *available at* <u>https://resource-recycling.com/recycling/2019/04/09/china-reiterates-total-ban-and-tries-to-define-solid-waste/</u> (last visited Oct. 31, 2019). China is planning a total ban on virtually all recovered material imports.

https://www.npr.org/sections/goatsandsoda/2019/03/13/702501726/where-will-your-plastic-trash-go-now-that-china-doesnt-want-it (last visited Oct. 29, 2019).

³⁹ see Brooks et. al., *The Chinese Import Ban and Its Impact on Global Plastic Waste Trade*, SCIENCES ADVANCES (Jun. 20, 2019), *available at* <u>https://advances.sciencemag.org/content/advances/4/6/eaat0131.full.pdf</u> (last visited Oct. 29, 2019).

⁴⁰ Cheryl Katz, *Piling Up: How China's Ban on Importing Waste Has Stalled Global Recycling*, Yale Environment 360 (March 7, 2019), <u>https://e360.yale.edu/features/piling-up-how-chinas-ban-on-importing-waste-has-stalled-global-recycling</u> (last visited Oct. 29, 2019).

⁴¹ National Waste & Recycling Association, *Issue Brief: China's Changing Policies on Important Recyclables*, 1-2 (Apr. 2018), *available at* <u>https://c.ymcdn.com/sites/wasterecycling.site-</u>

ym.com/resource/resmgr/files/issue brief/China%27s Changing Policies on.pdf (last visited Oct. 29, 2019).

⁴² Waste Dive, *How Recycling is Changing in All 50 States* (June 5, 2019), <u>https://www.wastedive.com/news/what-chinese-import-policies-mean-for-all-50-states/510751/</u> (last visited Oct. 31, 2019).

https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1_0_0.pdf (last visited Oct. 29, 2019).

Exceptions to Requirements for Environmental Resource Permitting

DEP's Environmental Resource Permitting (ERP) program regulates activities involving the alteration of surface water flows.⁴⁶ The ERP program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and works (including docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters).⁴⁷

For a number of low impact activities and projects that are narrow in scope, an ERP permit is not required under state law.⁴⁸ Engaging in these activities and projects requires compliance with applicable local requirements, but generally requires no notice to DEP.⁴⁹ A broad array of activities are expressly exempted from the ERP program, and these include, but are not limited to: the installation of overhead transmission lines; installation and maintenance of boat ramps; work on seawalls and mooring pilings, swales, and foot bridges; the removal of aquatic plants; construction and operation of floating vessel platforms; and work on county roads and bridges.⁵⁰ Included among activities exempt from the requirement to obtain an ERP permit is the replacement or repair of existing docks and piers, if fill material is not used and the replacement or repaired dock or pier is in the same location and of the same configuration and dimensions as the dock or pier being replaced or repaired.⁵¹ Although permitting is not required for these activities, there may be a requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity.⁵²

III. Effect of Proposed Changes:

Section 1 amends s. 403.706, F.S., which establishes the responsibilities and authority of local governments to provide facilities and programs for solid waste management and recycling.

The bill defines "residential recycling collector" as "a for-profit business entity that collects and transports residential recyclable material on behalf of a county or municipality."

The bill states that after a contract is executed a residential recycling collector is not required to collect or transport contaminated recycling material, except pursuant to a contract consistent with the requirements below. The bill requires that each contract between a residential recycling collector and a county or municipality for the collection or transport of waste, and each request for proposal or other solicitation for the collection of residential recycling material, include all of the following:

• A definition of "contaminated recyclable material" that is appropriate for the local community.

⁴⁶ Chapter 373, p. IV, F.S.; Fla. Admin. Code Ch. 62-330; DEP, *DEP 101: Environmental Resource Permitting*, <u>https://floridadep.gov/comm/press-office/content/dep-101-environmental-resource-permitting</u> (last visited Oct. 29, 2019).

⁴⁷ Fla. Admin. Code R. 62-330.010. The responsibilities for implementing the statewide ERP program are partially delegated by DEP to the water management districts and certain local governments.

⁴⁸ Section 403.813, F.S.

⁴⁹ Fla. Admin. Code Rules 62-330.050(1) and 62-330.051(2).

⁵⁰ Section 403.813(1), F.S.; Fla. Admin. Code R. 62-330.051.

⁵¹ Section 403.813(1)(d), F.S.

⁵² Section 403.813(1), F.S.

- The respective strategies and obligations of the local government and residential recycling collector to reduce the amount of contaminated recyclable material being collected.
- The procedures for identifying, documenting, managing, and rejecting residential recycling containers, truck loads, carts, or bins containing contaminated recyclable material.
- The remedies authorized to be used if a container, cart, or bin contains contaminated recyclable material.
- The education and enforcement measures that will be used to reduce the amount of contaminated recyclable material.

The bill states that after a contract is executed a recovered materials processing facility is not required to process contaminated recyclable material, except pursuant to a contract consistent with the requirements below. The bill requires that each contract between a recovered materials processing facility and a county or municipality for processing residential recyclable material, and each request for proposal or other solicitation for processing residential recyclable material, include all of the following:

- A definition of "contaminated recyclable material" that is appropriate for the local community.
- The respective strategies and obligations of the local government and the facility to reduce the amount of contaminated recyclable material being collected and processed.
- The procedures for identifying, documenting, managing, and rejecting residential recycling containers, truck loads, carts, or bins containing contaminated recyclable materials.
- The remedies authorized to be used if a container or truck load contains contaminated recyclable material.

These contractual requirements apply only to the collection and processing of material obtained from residential recycling activities. As used in the bill, the term "contaminated recyclable material" refers only to recyclable material that is comingled or mixed with solid waste or other nonhazardous material. Contaminated recyclable material, as used in the bill, does not include "contamination" as used in programs such as brownfield site cleanup, water quality remediation, drycleaning-solvent-contaminated site cleanup, petroleum-contaminated site cleanup, cattle dipping vat site cleanup, or other hazardous waste remediation.

The contractual requirements apply to each contract between a municipality or county and a residential recycling collector or recovered materials processing facility executed or renewed after October 1, 2020.

Section 2 amends s. 403.813, F.S., which identifies certain activities for which an environmental resource permit is not required.

The bill prohibits a local government from requiring a person claiming an exemption under s. 403.813(1), F.S., to provide further verification from the Department of Environmental Protection.

The bill revises the exemption in current law from environmental resource permitting for the replacement or repair of existing docks or piers. Rather than requiring that the replaced or repaired dock or pier be in the same location and of the same configuration and dimensions as

the dock or pier being replaced or repaired, the bill states that it must be within 5 feet of the same location and no larger in size than the existing dock or pier. No additional aquatic resources may be adversely and permanently impacted by such replacement or repair.

Section 3 states that this act shall take effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The bill requires local governments to include provisions in their contracts requiring procedures for minimizing contamination and authorizing remedies if contamination exists. Requirements for local governments to perform additional procedures in the collection or transport of residential recyclable material, to establish and enforce new standards for contamination, or to be subject to remedies may cause local governments to incur additional costs. Therefore, this bill may result in an indeterminate, negative fiscal impact on local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.706, 403.813.

IX. Additional Information:

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

CS by Environment and Natural Resources Committee on November 4, 2019:

- Deletes the requirement that the definition of "contaminated recyclable material" in certain local government contracts must take into consideration the available markets for recyclable material, available waste composition studies, and other relevant factors.
- Clarifies that after the execution of a contract is when a residential recycling collector or recycled material processing facility is not required to collect, transport, or process contaminated recyclable material except pursuant to specified contractual requirements.
- B. Amendments:

None.

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

412992

LEGISLATIVE ACTION

Senate	. House
Comm: RCS	
11/04/2019	
The Committee on Environme	ent and Natural Resources (Perry)
recommended the following	:
Senate Amendment (wit	th title amendment)
Delete lines 45 - 72	
and insert:	
	iate for the local community.
(b) Each contract bet	tween a recovered materials processing
facility and a county or r	nunicipality for processing residential
recyclable material, and e	each request for proposal or other
solicitation for processing	ng residential recyclable material,
must include all of the for	ollowing:

Florida Senate - 2020 Bill No. SB 326

412992

11 1. The respective strategies and obligations of the county or municipality and the facility to reduce the amount of 12 13 contaminated recyclable material being collected and processed. 14 2. The procedures for identifying, documenting, managing, 15 and rejecting residential recycling containers, truck loads, 16 carts, or bins that contain contaminated recyclable material. 3. The remedies authorized to be used if a container or 17 18 truck load contains contaminated recyclable material. 19 4. A definition of the term "contaminated recyclable 20 material" that is appropriate for the local community. 21 (c) After a contract is executed, a residential recycling 22 collector is not required to collect or transport contaminated 23 recyclable material, except pursuant to a contract consistent 24 with paragraph (a). As used in this subsection, the term 25 "residential recycling collector" means a for-profit business 26 entity that collects and transports residential recyclable 27 material on behalf of a county or municipality. 28 (d) After a contract is executed, a recovered materials 29 processing facility is not 30 31 32 And the title is amended as follows: 33 Delete lines 7 - 11 and insert: 34 35 residential recycling material; providing that a 36 residential recycling collector or recovered materials 37 processing facility is not required to collect, 38 transport, or process contaminated recyclable material 39 except pursuant to specified contractual requirements

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EN.EN.01126

Florida Senate - 2020 Bill No. SB 326



40

after a contract is executed; defining
By Senator Perry

	8-00240C-20 2020326
1	A bill to be entitled
2	An act relating to environmental regulation; amending
3	s. 403.706, F.S.; specifying requirements for
4	contracts between residential recycling collectors or
5	recovered materials processing facilities and counties
6	or municipalities for the collection or processing of
7	residential recycling material; prohibiting counties
8	and municipalities from requiring the collection,
9	transport, or processing of contaminated recyclable
10	material by residential recycling collectors or
11	recovered materials processing facilities; defining
12	the term "residential recycling collector"; providing
13	applicability; amending s. 403.813, F.S.; prohibiting
14	local governments from requiring further verification
15	from the Department of Environmental Protection for
16	certain projects; revising the types of dock and pier
17	replacements and repairs that are exempt from such
18	verification and certain permitting requirements;
19	providing an effective date.
20	
21	Be It Enacted by the Legislature of the State of Florida:
22	
23	Section 1. Subsection (22) of section 403.706, Florida
24	Statutes, is renumbered as subsection (23), and a new subsection
25	(22) is added to that section, to read:
26	403.706 Local government solid waste responsibilities
27	(22)(a) Each contract between a residential recycling
28	collector and a county or municipality for the collection or
29	transport of residential recyclable material, and each request

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i	8-00240C-20 2020326
30	for proposal or other solicitation for the collection of
31	residential recyclable material, must include all of the
32	following:
33	1. The respective strategies and obligations of the county
34	or municipality and the residential recycling collector to
35	reduce the amount of contaminated recyclable material being
36	collected.
37	2. The procedures for identifying, documenting, managing,
38	and rejecting residential recycling containers, truck loads,
39	carts, or bins that contain contaminated recyclable material.
40	3. The remedies authorized to be used if a container, cart,
41	or bin contains contaminated recyclable material.
42	4. The education and enforcement measures that will be used
43	to reduce the amount of contaminated recyclable material.
44	5. A definition of the term "contaminated recyclable
45	material" that is appropriate for the local community, taking
46	into consideration available markets for recyclable material,
47	available waste composition studies, and other relevant factors.
48	(b) Each contract between a recovered materials processing
49	facility and a county or municipality for processing residential
50	recyclable material, and each request for proposal or other
51	solicitation for processing residential recyclable material,
52	must include all of the following:
53	1. The respective strategies and obligations of the county
54	or municipality and the facility to reduce the amount of
55	contaminated recyclable material being collected and processed.
56	2. The procedures for identifying, documenting, managing,
57	and rejecting residential recycling containers, truck loads,
58	carts, or bins that contain contaminated recyclable material.

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59	
60	truck load contains contaminated recyclable material.
61	4. A definition of the term "contaminated recyclable
62	material" that is appropriate for the local community, taking
63	into consideration available markets for recyclable material,
64	available waste composition studies, and other relevant factors.
65	(c) A residential recycling collector is not required to
66	collect or transport contaminated recyclable material, except
67	pursuant to a contract consistent with paragraph (a). As used in
68	this subsection, the term "residential recycling collector"
69	means a for-profit business entity that collects and transports
70	residential recyclable material on behalf of a county or
71	municipality.
72	(d) A recovered materials processing facility is not
73	required to process contaminated recyclable material, except
74	pursuant to a contract consistent with paragraph (b).
75	(e) This subsection applies to each contract between a
76	municipality or county and a residential recycling collector or
77	recovered materials processing facility executed or renewed
78	after October 1, 2020.
79	(f) This subsection applies only to the collection and
80	processing of material obtained from residential recycling
81	activities. As used in this subsection, the term "contaminated
82	recyclable material" refers only to recyclable material that is
83	comingled or mixed with solid waste or other nonhazardous
84	material. The term does not include contamination as that term
85	or a derivation of that term is used in chapter 376 and other
86	sections of chapter 403, including, but not limited to,
87	brownfield site cleanup, water quality remediation, drycleaning-

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

	8-00240C-20 2020326
88	solvent-contaminated site cleanup, petroleum-contaminated site
89	cleanup, cattle dipping vat site cleanup, or other hazardous
90	waste remediation.
91	Section 2. Subsection (1) of section 403.813, Florida
92	Statutes, is amended to read:
93	403.813 Permits issued at district centers; exceptions
94	(1) A permit is not required under this chapter, chapter
95	373, chapter 61-691, Laws of Florida, or chapter 25214 or
96	chapter 25270, 1949, Laws of Florida <u>, and a local government may</u>
97	not require a person claiming this exception to provide further
98	department verification, for activities associated with the
99	following types of projects; however, except as otherwise
100	provided in this subsection, this subsection does not relieve an
101	applicant from any requirement to obtain permission to use or
102	occupy lands owned by the Board of Trustees of the Internal
103	Improvement Trust Fund or a water management district in its
104	governmental or proprietary capacity or from complying with
105	applicable local pollution control programs authorized under
106	this chapter or other requirements of county and municipal
107	governments:
108	(a) The installation of overhead transmission lines, <u>having</u>
109	with support structures that which are not constructed in waters
110	of the state and which do not create a navigational hazard.
111	(b) The installation and repair of mooring pilings and
112	dolphins associated with private docking facilities or piers and
113	the installation of private docks, piers, and recreational
114	docking facilities, or piers and recreational docking facilities
115	of local governmental entities when the local governmental
116	entity's activities will not take place in any manatee habitat,

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

	8-00240C-20 2020326
117	any of which docks:
118	1. Has 500 square feet or less of over-water surface area
119	for a dock which is located in an area designated as Outstanding
120	Florida Waters or 1,000 square feet or less of over-water
121	surface area for a dock which is located in an area <u>that</u> which
122	is not designated as Outstanding Florida Waters;
123	2. Is constructed on or held in place by pilings or is a
124	floating dock which is constructed so as not to involve filling
125	or dredging other than that necessary to install the pilings;
126	3. May Shall not substantially impede the flow of water or
127	create a navigational hazard;
128	4. Is used for recreational, noncommercial activities
129	associated with the mooring or storage of boats and boat
130	paraphernalia; and
131	5. Is the sole dock constructed pursuant to this exemption
132	as measured along the shoreline for a distance of 65 feet,
133	unless the parcel of land or individual lot as platted is less
134	than 65 feet in length along the shoreline, in which case there
135	may be one exempt dock <u>may be</u> allowed per parcel or lot.
136	
137	Nothing in This paragraph <u>does not</u> shall prohibit the department
138	from taking appropriate enforcement action pursuant to this
139	chapter to abate or prohibit any activity otherwise exempt from
140	permitting pursuant to this paragraph if the department can
141	demonstrate that the exempted activity has caused water
142	pollution in violation of this chapter.
143	(c) The installation and maintenance to design
144	specifications of boat ramps on artificial bodies of water where
145	navigational access to the proposed ramp exists or the

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8-00240C-20 2020326 146 installation of boat ramps open to the public in any waters of 147 the state where navigational access to the proposed ramp exists 148 and where the construction of the proposed ramp will be less 149 than 30 feet wide and will involve the removal of less than 25 150 cubic yards of material from the waters of the state, and the 151 maintenance to design specifications of such ramps.; however, 152 The material to be removed shall be placed on upon a self-153 contained, upland spoil site which will so as to prevent the 154 escape of the spoil material into the waters of the state. 155 (d) The replacement or repair of existing docks and piers, 156 except that fill material may not be used and the replacement or 157 repaired dock or pier must be within 5 feet of the same location 158 and no larger in size than the existing dock or pier, and no 159 additional aquatic resources may be adversely and permanently impacted by such replacement or repair in the same location and 160 161 of the same configuration and dimensions as the dock or pier 162 being replaced or repaired. This does not preclude the use of 163 different construction materials or minor deviations to allow 164 upgrades to current structural and design standards.

(e) The restoration of seawalls at their previous locations or upland of, or within 18 inches waterward of, their previous locations. However, This <u>may</u> shall not affect the permitting requirements of chapter 161, and department rules shall clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

(f) The performance of maintenance dredging of existing manmade canals, channels, intake and discharge structures, and previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been

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8-00240C-20 2020326 175 recorded in the public records of the county, when where the 176 spoil material is to be removed and placed deposited on a self-177 contained, upland spoil site which will prevent the escape of 178 the spoil material into the waters of the state, provided that 179 no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures, and 180 181 previously dredged portions of natural water bodies, to original 182 design specifications or configurations, provided that the work is conducted in compliance with s. 379.2431(2)(d), provided that 183 184 no significant impacts occur to previously undisturbed natural 185 areas, and provided that control devices for return flow and 186 best management practices for erosion and sediment control are 187 used utilized to prevent bank erosion and scouring and to 188 prevent turbidity, dredged material, and toxic or deleterious 189 substances from discharging into adjacent waters during 190 maintenance dredging. Further, For maintenance dredging of 191 previously dredged portions of natural water bodies within 192 recorded drainage rights-of-way or drainage easements, an entity 193 that seeks an exemption must notify the department or water 194 management district, as applicable, at least 30 days before 195 prior to dredging and provide documentation of original design 196 specifications or configurations when where such exist. This 197 exemption applies to all canals and previously dredged portions 198 of natural water bodies within recorded drainage rights-of-way or drainage easements constructed before prior to April 3, 1970, 199 200 and to those canals and previously dredged portions of natural 201 water bodies constructed on or after April 3, 1970, pursuant to 202 all necessary state permits. This exemption does not apply to the removal of a natural or manmade barrier separating a canal 203

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8-00240C-20 2020326 204 or canal system from adjacent waters. When no previous permit 205 has been issued by the Board of Trustees of the Internal 206 Improvement Trust Fund or the United States Army Corps of 207 Engineers for construction or maintenance dredging of the 208 existing manmade canal or intake or discharge structure, such 209 maintenance dredging shall be limited to a depth of no more than 210 5 feet below mean low water. The Board of Trustees of the 211 Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair 212 213 market value and the actual cost of the maintenance dredging for material removed during such maintenance dredging; - however, a 214 no charge may not shall be exacted by the state for material 215 216 removed during such maintenance dredging by a public port 217 authority. The removing party may subsequently sell such 218 material; however, proceeds from such sale that exceed the costs 219 of maintenance dredging shall be remitted to the state and 220 deposited in the Internal Improvement Trust Fund. (g) The maintenance of existing insect control structures, 221

222 dikes, and irrigation and drainage ditches, provided that spoil 223 material is placed deposited on a self-contained, upland spoil 224 site which will prevent the escape of the spoil material into 225 waters of the state. In the case of insect control structures, 226 if the cost of using a self-contained, upland spoil site is so 227 excessive, as determined by the Department of Health, pursuant to s. 403.088(1), that it will inhibit proposed insect control, 228 229 then-existing spoil sites or dikes may be used, upon 230 notification to the department. In the case of insect control 231 where upland spoil sites are not used pursuant to this 232 exemption, turbidity control devices shall be used to confine

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233	
	the spoil material discharge to that area previously disturbed
234	when the receiving body of water is used as a potable water
235	supply, is designated as shellfish harvesting waters, or
236	functions as a habitat for commercially or recreationally
237	important shellfish or finfish. In all cases, no more dredging
238	is to be performed than is necessary to restore the dike or
239	irrigation or drainage ditch to its original design
240	specifications.
241	(h) The repair or replacement of existing functional pipes
242	or culverts the purpose of which is the discharge or conveyance
243	of stormwater. In all cases, the invert elevation, the diameter,
244	and the length of the culvert <u>may</u> shall not be changed. However,
245	the material used for the culvert may be different from the
246	original.
247	(i) The construction of private docks of 1,000 square feet
248	or less of over-water surface area and seawalls in artificially
249	created waterways <u>when</u> where such construction will not violate
250	existing water quality standards, impede navigation, or affect
251	flood control. This exemption does not apply to the construction
252	of vertical seawalls in estuaries or lagoons unless the proposed
253	construction is within an existing manmade canal where the
254	shoreline is currently occupied in whole or part by vertical
255	seawalls.
256	(j) The construction and maintenance of swales.
257	(k) The installation of aids to navigation and buoys

258 associated with such aids, provided the devices are marked 259 pursuant to s. 327.40.

(1) The replacement or repair of existing open-trestle footbridges and vehicular bridges that are 100 feet or less in

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262	length and two lanes or less in width, provided that no more
263	dredging or filling of submerged lands is performed other than
264	that which is necessary to replace or repair pilings and that
265	the structure to be replaced or repaired is the same length, the
266	same configuration, and in the same location as the original
267	bridge. No Debris from the original bridge <u>may not</u> shall be
268	allowed to remain in the waters of the state.
269	(m) The installation of subaqueous transmission and
270	distribution lines laid on, or embedded in, the bottoms of
271	waters in the state, except in Class I and Class II waters and
272	aquatic preserves, provided no dredging or filling is necessary.
273	(n) The replacement or repair of subaqueous transmission
274	and distribution lines laid on, or embedded in, the bottoms of
275	waters of the state.
276	(o) The construction of private seawalls in wetlands or
277	other surface waters when where such construction is between and
278	adjoins at both ends existing seawalls; follows a continuous and
279	uniform seawall construction line with the existing seawalls; is
280	not no more than 150 feet in length; and does not violate
281	existing water quality standards, impede navigation, or affect
282	flood control. However, in estuaries and lagoons the
283	construction of vertical seawalls is limited to the
284	circumstances and purposes stated in s. 373.414(5)(b)14. This
285	paragraph does not affect the permitting requirements of chapter
286	161, and department rules must clearly indicate that this
287	exception does not constitute an exception from the permitting
288	requirements of chapter 161.
289	(p) The restoration of existing insect control impoundment

289 (p) The restoration of existing insect control impoundment 290 dikes which are less than 100 feet in length. Such impoundments

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291	shall be connected to tidally influenced waters for 6 months
292	each year beginning September 1 and ending February 28 if
293	feasible or operated in accordance with an impoundment
294	management plan approved by the department. A dike restoration
295	may involve no more dredging than is necessary to restore the
296	dike to its original design specifications. For the purposes of
297	this paragraph, restoration does not include maintenance of
298	impoundment dikes of operating insect control impoundments.
299	(q) The construction, operation, or maintenance of
300	stormwater management facilities which are designed to serve
301	single-family residential projects, including duplexes,
302	triplexes, and quadruplexes, if they are less than 10 acres
303	total land and have less than 2 acres of impervious surface and
304	if the facilities:
305	1. Comply with all regulations or ordinances applicable to
306	stormwater management and adopted by a city or county;
307	2. Are not part of a larger common plan of development or
308	sale; and
309	3. Discharge into a stormwater discharge facility exempted
310	or permitted by the department under this chapter which has
311	sufficient capacity and treatment capability as specified in
312	this chapter and is owned, maintained, or operated by a city,
313	county, special district with drainage responsibility, or water
314	management district; however, this exemption does not authorize
315	discharge to a facility without the facility owner's prior
316	written consent.
317	(r) The removal of aquatic plants, the removal of tussocks,
318	the associated replanting of indigenous aquatic plants, and the

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associated removal from lakes of organic detrital material when

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320
     such planting or removal is performed and authorized by permit
321
     or exemption granted under s. 369.20 or s. 369.25, provided
322
     that:
323
          1. Organic detrital material that exists on the surface of
324
     natural mineral substrate shall be allowed to be removed to a
325
     depth of 3 feet or to the natural mineral substrate, whichever
326
     is less;
327
          2. All material removed pursuant to this paragraph shall be
328
     placed on a self-contained, deposited in an upland spoil site
329
     which in a manner that will prevent the escape reintroduction of
330
     the spoil material into waters in the state except when spoil
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     material is permitted to be used to create wildlife islands in
332
     freshwater bodies of the state when a governmental entity is
333
     permitted pursuant to s. 369.20 to create such islands as a part
334
     of a restoration or enhancement project;
335
          3. All activities are performed in a manner consistent with
336
     state water quality standards; and
337
          4. No Activities under this exemption are not conducted in
338
     wetland areas, as defined in s. 373.019(27), which are supported
339
     by a natural soil as shown in applicable United States
340
     Department of Agriculture county soil surveys, except when a
341
     governmental entity is permitted pursuant to s. 369.20 to
342
     conduct such activities as a part of a restoration or
343
     enhancement project.
344
345
     The department may not adopt implementing rules for this
346
     paragraph, notwithstanding any other provision of law.
           (s) The construction, installation, operation, or
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348
     maintenance of floating vessel platforms or floating boat lifts,
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349
     provided that such structures:
350
          1. Float at all times in the water for the sole purpose of
351
     supporting a vessel so that the vessel is out of the water when
352
     not in use;
353
          2. Are wholly contained within a boat slip previously
354
     permitted under ss. 403.91-403.929, 1984 Supplement to the
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     Florida Statutes 1983, as amended, or part IV of chapter 373, or
356
     do not exceed a combined total of 500 square feet, or 200 square
357
     feet in an Outstanding Florida Water, when associated with a
358
     dock that is exempt under this subsection or associated with a
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     permitted dock with no defined boat slip or attached to a
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     bulkhead on a parcel of land where there is no other docking
361
     structure;
362
          3. Are not used for any commercial purpose or for mooring
363
     vessels that remain in the water when not in use, and do not
364
     substantially impede the flow of water, create a navigational
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365 hazard, or unreasonably infringe upon the riparian rights of 366 adjacent property owners, as defined in s. 253.141; 367 4. Are constructed and used so as to minimize adverse

367
368 impacts to submerged lands, wetlands, shellfish areas, aquatic
369 plant and animal species, and other biological communities,
370 including locating such structures in areas where seagrasses are
371 least dense adjacent to the dock or bulkhead; and

5. Are not constructed in areas specifically prohibited for boat mooring under conditions of a permit issued in accordance with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or other form of authorization issued by a local government.

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8-00240C-20 2020326 378 Structures that qualify for this exemption are relieved from any 379 requirement to obtain permission to use or occupy lands owned by 380 the Board of Trustees of the Internal Improvement Trust Fund 381 and, with the exception of those structures attached to a 382 bulkhead on a parcel of land where there is no docking 383 structure, may shall not be subject to any more stringent 384 permitting requirements, registration requirements, or other 385 regulation by any local government. Local governments may 386 require either permitting or one-time registration of floating 387 vessel platforms to be attached to a bulkhead on a parcel of 388 land where there is no other docking structure as necessary to 389 ensure compliance with local ordinances, codes, or regulations. 390 Local governments may require either permitting or one-time registration of all other floating vessel platforms as necessary 391 392 to ensure compliance with the exemption criteria in this 393 section; to ensure compliance with local ordinances, codes, or 394 regulations relating to building or zoning, which are no more 395 stringent than the exemption criteria in this section or address 396 subjects other than subjects addressed by the exemption criteria 397 in this section; and to ensure proper installation, maintenance, 398 and precautionary or evacuation action following a tropical 399 storm or hurricane watch of a floating vessel platform or 400 floating boat lift that is proposed to be attached to a bulkhead 401 or parcel of land where there is no other docking structure. The 402 exemption provided in this paragraph shall be in addition to the 403 exemption provided in paragraph (b). The department shall adopt 404 a general permit by rule for the construction, installation, 405 operation, or maintenance of those floating vessel platforms or 406 floating boat lifts that do not qualify for the exemption

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8-00240C-20 2020326 407 provided in this paragraph but do not cause significant adverse 408 impacts to occur individually or cumulatively. The issuance of 409 such general permit shall also constitute permission to use or 410 occupy lands owned by the Board of Trustees of the Internal 411 Improvement Trust Fund. No Local governments may not government 412 shall impose a more stringent regulation, permitting 413 requirement, registration requirement, or other regulation 414 covered by such general permit. Local governments may require either permitting or one-time registration of floating vessel 415 416 platforms as necessary to ensure compliance with the general 417 permit in this section; to ensure compliance with local 418 ordinances, codes, or regulations relating to building or zoning 419 that are no more stringent than the general permit in this 420 section; and to ensure proper installation and maintenance of a 421 floating vessel platform or floating boat lift that is proposed 422 to be attached to a bulkhead or parcel of land where there is no 423 other docking structure. 424

(t) The repair, stabilization, or paving of existing county
maintained roads and the repair or replacement of bridges that
are part of the roadway, within the Northwest Florida Water
Management District and the Suwannee River Water Management
District, provided:

1. The road and associated bridge were in existence and in use as a public road or bridge, and were maintained by the county as a public road or bridge on or before January 1, 2002;

432 2. The construction activity does not realign the road or
433 expand the number of existing traffic lanes of the existing
434 road; however, the work may include the provision of safety
435 shoulders, clearance of vegetation, and other work reasonably

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436
     necessary to repair, stabilize, pave, or repave the road,
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     provided that the work is constructed by generally accepted
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     engineering standards;
439
          3. The construction activity does not expand the existing
440
     width of an existing vehicular bridge in excess of that
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     reasonably necessary to properly connect the bridge with the
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     road being repaired, stabilized, paved, or repaved to safely
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     accommodate the traffic expected on the road, which may include
     expanding the width of the bridge to match the existing
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445
     connected road. However, no Debris from the original bridge may
     not shall be allowed to remain in waters of the state, including
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447
     wetlands;
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          4. Best management practices for erosion control shall be
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     employed as necessary to prevent water quality violations;
          5. Roadside swales or other effective means of stormwater
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451
     treatment must be incorporated as part of the project;
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6. No more dredging or filling of wetlands or water of the state is performed than that which is reasonably necessary to repair, stabilize, pave, or repave the road or to repair or replace the bridge, in accordance with generally accepted engineering standards; and

7. Notice of intent to use the exemption is provided to the department, if the work is to be performed within the Northwest Florida Water Management District, or to the Suwannee River Water Management District, if the work is to be performed within the Suwannee River Water Management District, 30 days <u>before</u> prior to performing any work under the exemption.

464 Within 30 days after this act becomes a law, the department

463

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8-00240C-20 2020326 465 shall initiate rulemaking to adopt a no fee general permit for 466 the repair, stabilization, or paving of existing roads that are 467 maintained by the county and the repair or replacement of 468 bridges that are part of the roadway where such activities do 469 not cause significant adverse impacts to occur individually or 470 cumulatively. The general permit shall apply statewide and, with 471 no additional rulemaking required, apply to qualified projects 472 reviewed by the Suwannee River Water Management District, the St. Johns River Water Management District, the Southwest Florida 473 Water Management District, and the South Florida Water 474 475 Management District under the division of responsibilities 476 contained in the operating agreements applicable to part IV of 477 chapter 373. Upon adoption, this general permit shall, pursuant 478 to the provisions of subsection (2), supersede and replace the 479 exemption in this paragraph. 480 (u) Notwithstanding any provision to the contrary in this

481 subsection, a permit or other authorization under chapter 253, 482 chapter 369, chapter 373, or this chapter is not required for an 483 individual residential property owner for the removal of organic 484 detrital material from freshwater rivers or lakes that have a 485 natural sand or rocky substrate and that are not Aquatic 486 Preserves or for the associated removal and replanting of 487 aquatic vegetation for the purpose of environmental enhancement, 488 providing that:

1. No activities under this exemption are conducted in wetland areas, as defined in s. 373.019(27), which are supported by a natural soil as shown in applicable United States Department of Agriculture county soil surveys.

493

2. No filling or peat mining is allowed.

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494
          3. No removal of native wetland trees, including, but not
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     limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.
496
          4. When removing organic detrital material, no portion of
497
     the underlying natural mineral substrate or rocky substrate is
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     removed.
499
          5. Removed organic detrital material and plant material
500
     removed is placed on deposited in an upland spoil site which in
501
     a manner that will not cause water quality violations.
502
          6. All activities are conducted in such a manner, and with
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     appropriate turbidity controls, so as to prevent any water
504
     quality violations outside the immediate work area.
          7. Replanting with a variety of aquatic plants native to
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506
     the state shall occur in a minimum of 25 percent of the
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     preexisting vegetated areas where organic detrital material is
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     removed, except for areas where the material is removed to bare
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     rocky substrate; however, an area may be maintained clear of
510
     vegetation as an access corridor. The access corridor width may
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     not exceed 50 percent of the property owner's frontage or 50
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     feet, whichever is less, and may be a sufficient length
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     waterward to create a corridor to allow access for a boat or
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     swimmer to reach open water. Replanting must be at a minimum
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     density of 2 feet on center and be completed within 90 days
516
     after removal of existing aquatic vegetation, except that under
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     dewatered conditions replanting must be completed within 90 days
     after reflooding. The area to be replanted must extend waterward
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519
     from the ordinary high water line to a point where normal water
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     depth would be 3 feet or the preexisting vegetation line,
521
     whichever is less. Individuals are required to make a reasonable
522
     effort to maintain planting density for a period of 6 months
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523	after replanting is complete, and the plants, including
524	naturally recruited native aquatic plants, must be allowed to
525	expand and fill in the revegetation area. Native aquatic plants
526	to be used for revegetation must be salvaged from the
527	enhancement project site or obtained from an aquatic plant
528	nursery regulated by the Department of Agriculture and Consumer
529	Services. Plants that are not native to the state may not be
530	used for replanting.
531	8. No activity occurs any farther than 100 feet waterward
532	of the ordinary high water line, and all activities must be
533	designed and conducted in a manner that will not unreasonably
534	restrict or infringe upon the riparian rights of adjacent upland
535	riparian owners.
536	9. The person seeking this exemption notifies the
537	applicable department district office in writing at least 30
538	days before commencing work and allows the department to conduct
539	a preconstruction site inspection. Notice must include an
540	organic-detrital-material removal and disposal plan and, if
541	applicable, a vegetation-removal and revegetation plan.
542	10. The department is provided written certification of
543	compliance with the terms and conditions of this paragraph
544	within 30 days after completion of any activity occurring under
545	this exemption.
546	(v) Notwithstanding any other provision in this chapter,
547	chapter 373, or chapter 161, a permit or other authorization is
548	not required for the following exploratory activities associated
549	with beach restoration and nourishment projects and inlet
550	management activities:

551

1. The collection of geotechnical, geophysical, and

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552	cultural resource data, including surveys, mapping, acoustic
553	soundings, benthic and other biologic sampling, and coring.
554	2. Oceanographic instrument deployment, including temporary
555	installation on the seabed of coastal and oceanographic data
556	collection equipment.
557	3. Incidental excavation associated with any of the
558	activities listed under subparagraph 1. or subparagraph 2.
559	Section 3. This act shall take effect July 1, 2020.

The Florida Senate BILL ANALYSIS AND FISCAL IMPACT STATEMENT (This document is based on the provisions contained in the legislation as of the latest date listed below.) Prepared By: The Professional Staff of the Committee on Environment and Natural Resources SB 332 BILL: Senator Stewart INTRODUCER: Land Acquisition Trust Fund SUBJECT: November 1, 2019 DATE: **REVISED:** ANALYST STAFF DIRECTOR REFERENCE ACTION 1. Dyson **Favorable** Rogers EN AEG 2. 3. AP

I. Summary:

SB 332 creates a statutory distribution from the Land Acquisition Trust Fund requiring \$100 million to be appropriated annually to the Florida Forever Trust Fund. Funds appropriated into the Florida Forever Trust Fund are required to be distributed in accordance with the Florida Forever Act. The bill also specifies that the Land Acquisition Trust Fund may not be used to fund any costs within the budget entities that provide administrative support for the four state entities receiving these funds.

II. Present Situation:

Florida Forever

As a successor to Preservation 2000, the Legislature created the Florida Forever program in 1999 as the Blueprint for conserving Florida's natural resources.¹ The Florida Forever Act reinforced the state's commitment to conserve its natural and cultural heritage, provide urban open space, and better manage the land acquired by the state.² Florida Forever encompasses a wide range of goals including: land acquisition; environmental restoration; water resource development and supply; increased public access; public lands management and maintenance; and increased protection of land through the purchase of conservation easements.³ The state has acquired more than 2.4 million acres since 1991 under the Preservation 2000 and the Florida Forever programs.⁴

¹ Chapter 99-247, Laws of Fla.

² Department of Environmental Protection (DEP), *Florida Forever Five Year Plan* (2019), *available at* <u>http://publicfiles.dep.state.fl.us/DSL/FFWeb/Current%20Florida%20Forever%20Five-Year%20Plan.pdf</u> (last visited Oct. 31, 2019).

³ Section 259.105, F.S.

⁴ DEP, *Frequently Asked Questions about Florida Forever*, <u>https://floridadep.gov/lands/environmental-services/content/faq-florida-forever</u> (last visited Oct. 29, 2019). *See* Florida Natural Areas Inventory, *Summary of Florida Conservation Lands* (Feb. 2019), *available at* <u>https://www.fnai.org/PDF/Maacres_201902_FCL_plus_LTF.pdf</u> (last visited Oct. 18, 2019) for a complete summary of the total amount of conservation lands in Florida.

Under Florida Forever, the issuance of up to \$5.3 billion in Florida Forever bonds is authorized to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements⁵ to lands and water areas which accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.⁶

The Florida Forever Trust Fund was created to serve as the repository for Florida Forever bond proceeds to fund the Florida Forever Program. The Florida Forever Trust Fund is administered by the Department of Environmental Protection (DEP). DEP is required to distribute revenues from the Florida Forever Trust Fund in accordance with s. 259.105(3), F.S., which sets forth the allocation of the proceeds of cash payments or bonds deposited into the Florida forever Trust Fund and is depicted in the graph below.



⁵ As defined in s. 259.03, F.S., the terms "capital improvement" or "capital project expenditure" when used in ch. 259, F.S., mean "those activities relating to the acquisition, restoration, public access, and recreational uses of such lands, water areas, and related resources deemed necessary to accomplish the purposes of this chapter. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities' signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary services for land or water areas. Such activities shall be identified prior to the acquisition of a parcel or the approval of a project. The continued expenditures necessary for a capital improvement approved under this subsection shall not be eligible for funding provided in this chapter."

⁶ Section 215.618, F.S.

Division of State Lands – 35 Percent

The Division of State Lands (DSL) within DEP oversees the Florida Forever program, under which the state has protected over 770,279 acres of land purchased with about \$3 billion in Florida Forever funds.⁷ Florida Forever projects and acquisitions are required to contribute to the achievement of one or more of the following program goals:

- Enhance the coordination and completion of land acquisition projects;
- Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels;
- Protect, restore, and maintain the quality and natural functions of land, water, and wetlands systems of the state;
- Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state;
- Increase natural resource-based public recreational and educational opportunities;
- Preserve significant archaeological or historic sites;
- Increase the amount of forestland available for sustainable management of natural resources;
- Increase the amount of open space available in urban areas; and
- Mitigate the effects of natural disasters and floods in developed areas.⁸

The Acquisition and Restoration Council (ARC) is a 10-member body⁹ that makes recommendations on the acquisition, management, and disposal of state-owned lands.¹⁰ ARC accepts applications from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals for project proposals eligible for Florida Forever funding. In evaluating each application, ARC is required to consider whether the project:

- Meets multiple program goals;
- Is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources;
- Enhances or facilitates management of properties already under public ownership;
- Has significant archaeological or historic value;
- Has funding sources that are identified and assured through at least the first 2 years of the project;
- Contributes to the solution of water resource problems on a regional basis;

⁷ DEP, Florida Forever Five Year Plan, 51 (2019), available at

http://publicfiles.dep.state.fl.us/DSL/FFWeb/Current%20Florida%20Forever%20Five-Year%20Plan.pdf (last visited Oct. 31, 2019).

⁸ Section 259.105(4), F.S.

⁹ Section 259.035(1), F.S. Four of ARC's 10 members are appointed by the Governor, three from scientific disciplines related to land, water, or environmental sciences and one with least five years of experience in managing lands for both active and passive types of recreation. Four of the members are the Secretary of Environmental Protection, the director of the Florida Forest Service of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State, or their respective designees. One member is appointed by the Commissioner of Agriculture from a discipline related to agriculture, including silviculture, and one member is appointed by the Fish and Wildlife Conservation Commission from a discipline related to wildlife management or wildlife ecology.

¹⁰ DEP, *Florida Forever Five Year Plan*, 49 (2019), *available at*

http://publicfiles.dep.state.fl.us/DSL/FFWeb/Current%20Florida%20Forever%20Five-Year%20Plan.pdf (last visited Oct 31, 2019).

- Has a significant portion of its land area in imminent danger of development, losing its significant natural attributes or recreational open space, or subdivision that would result in multiple ownership and make acquisition of the project more costly or less likely to be accomplished;
- Implements an element from a plan developed by an ecosystem management team;
- Is one of the components of Everglades restoration efforts;
- May be purchased at 80 percent of appraised value;
- May be acquired, in whole or in part, using alternatives to fee simple; and
- Is a joint acquisition.¹¹

ARC is required to give increased priority to:

- Projects for which matching funds are available;
- Project elements previously identified on an acquisition list which can be acquired at 80 percent or less of appraised value;
- Projects that can be acquired in less than fee ownership (acquiring land at less than fee ownership means acquisition of an interest in the property which allows the conservation and protection of resources on the property at less cost while keeping the land in private ownership);
- Projects that contribute to improving the quality or quantity of surface water or groundwater; and
- Projects that contribute to improving the water quality and flow of springs; and projects for which the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions.¹²

Using its established criteria, ARC develops a priority list of applications submitted. An affirmative vote of at least five members of ARC is required to place a proposed project on the priority list. ARC evaluates and selects projects twice per year, in June and December, and ranks the projects annually.¹³ Each project on the priority list is placed in one of the following categories of expenditure for land conservation projects: climate change, critical natural lands, less-than-fee, partnerships or regional incentives, and substantially complete (greater than 85 percent complete).¹⁴ Projects are ranked within each category from highest to lowest priority.

The proposed project list is presented to the Governor and the Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund (BOT).¹⁵ The BOT is responsible for acting on ARC's recommendations by approving the acquisition of each parcel.¹⁶ While the BOT is authorized to remove projects from the proposed list, the BOT may not add or rearrange projects on the list.¹⁷

¹¹ Section 259.105(9), F.S.

¹² Section 259.105(10), F.S.

¹³ DEP, *Frequently Asked Questions about Florida Forever*, <u>https://floridadep.gov/lands/environmental-services/content/faq-florida-forever</u> (last visited Oct. 29, 2019).

¹⁴ Section 259.105(17), F.S.

¹⁵ Section 259.105(14), F.S.

¹⁶ DEP, Florida Forever Five Year Plan, 50 (2019), available at

http://publicfiles.dep.state.fl.us/DSL/OESWeb/FF2017/FLDEP_DSL_SOLI_2018FloridaForever5YrPlan_20180706.pdf (last visited Oct. 31, 2019).

¹⁷ Section 259.105(14), F.S.

DSL prepares an annual work plan based on the priority list developed by ARC, which outlines the specific projects and acquisitions within projects that will be negotiated for purchase with Florida Forever funds available for that fiscal year for land acquisition.¹⁸

At least \$5 million of the funds allocated to DSL under Florida Forever, beginning in the 2017-2018 fiscal year and continuing through the 2026-2027 fiscal year, are required to be spent on land acquisition within the Florida Keys Area of Critical State Concern.¹⁹

Water Management Districts – 30 Percent

The state is divided into five water management districts (WMDs), which are responsible for the administration of water resources at a regional level. Each WMD is required to develop a Florida Forever five-year work plan that identifies projects necessary to promote reclamation, storage, or recovery of water and other properties or activities that would assist in meeting the goals of the Florida Forever program.²⁰ Each project identified must contribute to the achievement of the Florida Forever goals and be evaluated in accordance with the specific criteria and numeric performance measures developed by the ARC.²¹ By March 1 of each year, each WMD is required to report to DEP on acquisitions completed during the year together with modifications or additions to its five-year work plan, including:

- A description of land management activity for each property or project area owned by the WMD;
- A list of any lands surplused and the amount of compensation received; and
- The progress of funding, staffing, and resource management of every project funded pursuant to Florida Forever for which the district is responsible.²²

DEP is required to submit each WMD's five-year work plan to the BOT together with ARC's project list.²³ Pursuant to s. 259.105(11), F.S., Florida Forever funds provided to the WMDs are allocated as follows:

- Thirty-five percent to the South Florida WMD;
- Twenty-five percent to the Southwest Florida WMD;
- Twenty-five percent to the St. Johns River WMD;
- Seven and one-half percent to the Suwannee River WMD; and
- Seven and one-half percent to the Northwest Florida WMD.

Florida Communities Trust – 21 Percent

The Florida Communities Trust (FCT) is a multi-faceted program that assists communities in protecting important natural resources, providing recreational opportunities, and preserving the state's traditional working waterfronts through grant programs.²⁴ The FCT is governed by a

¹⁸ Section 259.105(17), F.S.

¹⁹ Section 259.105(3)(b), F.S.

²⁰ Section 373.199, F.S.

²¹ Section 259.105(4), F.S.

²² Section 373.199(7), F.S.

 $^{^{23}}$ *Id*.

²⁴ DEP, *Florida Communities Trust Annual Report Fiscal Year 2018-2019*, 3 (Sept. 30, 2019) *available at* <u>https://floridadep.gov/sites/default/files/FCT 18-19 Annual Report FINAL 0.pdf</u> (last visited Oct. 31, 2019).

five-member board that includes the Secretary of DEP or his or her designee and four members of the public appointed by the Governor. From the funds available to the FCT and used for land acquisition, 75 percent is required to be matched by local governments on a dollar-for-dollar basis.²⁵

The Parks and Open Space grant program provides funding to local governments and eligible nonprofit organizations for acquisition of community-based parks, open space, and greenways that further outdoor recreation and natural resource protection needs identified in a local government's comprehensive plan. As of June 2017, more than 92,400 acres have been preserved statewide, leveraging \$839 million state dollars of the total \$1.56 billion used to acquire such lands.²⁶

Stan Mayfield Working Waterfronts – 2.5 Percent

The FCT administers the Stan Mayfield Working Waterfront program, which provides funding to acquire parcels of land used directly for commercially harvesting marine organisms or saltwater products.²⁷ Such projects include piers, wharves, docks, and other facilities operated to provide waterfront access to licensed commercial fishermen, aquaculturists, or business entities.²⁸ The funds may also be used for the acquisition of land for exhibitions, demonstrations, educational venues, civic events, and other purposes to promote and educate the public about the economic, cultural, and historic heritage of the state's traditional working waterfronts, including marketing events for the seafood and aquaculture industries.²⁹

Rural and Family Lands Protection Program – 3.5 Percent

The Rural and Family Lands Protection Program within the Department of Agriculture and Consumer Services (DACS) is an agricultural land preservation program designed to protect important agricultural lands through the acquisition of permanent agricultural land conservation easements.³⁰ The purpose of the program is to promote and improve wildlife habitat; protect and enhance water bodies, aquifer recharge areas, wetlands, and watersheds; perpetuate open space on lands with significant natural areas; or protect agricultural lands threatened by conversion to other uses.³¹ Under the program, lands must be acquired pursuant to a priority ranking process developed by DACS, DEP, the WMDs, the Department of Economic Opportunity, and the Fish and Wildlife Conservation Commission (FWC).³² Preference must be given to ranch and timber lands that are managed using sustainable practices.³³

²⁵ Section 259.105(3)(c), F.S.

²⁶ DEP, *FCT Parks and Open Space Program Overview*, <u>https://floridadep.gov/ooo/land-and-recreation-grants/content/fct-parks-and-open-space-program-overview</u> (last visited Oct. 28, 2019).

²⁷ DEP, *FCT Stan Mayfield Working Waterfronts Grant Program Overview*, <u>https://floridadep.gov/lands/land-and-recreation-grants/content/fct-stan-mayfield-working-waterfronts-grant-program</u> (last visited Oct. 28, 2019).

²⁸ Id.

²⁹ Id.

³⁰ Department of Agriculture and Consumer Services (DACS), *Rural and Family Lands Protection Program*, <u>http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/Land-Planning-and-Administration-Section/Rural-and-Family-Lands-Protection-Program2</u> (last visited Oct. 28, 2019); *see* DEP, *Florida Forever*, <u>https://floridadep.gov/lands/environmental-services/content/florida-forever</u> (last visited Oct. 28, 2019).
³¹ Section 570.71, F.S.

³² Id.; see Fla. Admin. Code Ch. 5I-7.

³³ Section 570.71, F.S.

Florida Recreation Development Assistance Program – 2 Percent

The Florida Recreation Development Assistance Program within DEP provides grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes.³⁴ The maximum grant that may be awarded for each project application is \$200,000 in state funds and a local government may not have more than three active projects expending grant funds during a state fiscal year.³⁵ DEP has developed a competitive project selection process designed to maximize outdoor recreation for the public.³⁶ The selection criteria ranks projects, in part, based on the extent to which the project would implement outdoor recreation goals, objectives, and priorities specified in the state comprehensive outdoor recreation plan and the extent to which the project would provide priority resource or facility needs in the region, as specified in the state comprehensive outdoor recreation plan.³⁷

Florida Greenways and Trails Program – 1.5 Percent

The Office of Greenways and Trails (OGT) within DEP provides a comprehensive approach to identify, prioritize, connect, promote, and coordinate the implementation of a statewide system of connected greenways and trails.³⁸ The program serves to integrate natural and human environments using greenways and trails to tie communities together by linking features such as parks, open spaces, historic sites, and residential areas. The Florida Greenways and Trails Council recommends lands for acquisition based on ranking criteria developed by DEP and is not subject to the ranking criteria developed by the ARC.³⁹

Division of Recreation and Parks – 1.5 Percent

The Division of Recreation and Parks (DRP) within DEP administers Florida's Park Service, which consists of 175 state parks, trails, and historic sites spanning nearly 800,000 acres and 100 miles of beaches.⁴⁰ DRP is authorized to use Florida Forever funds to purchase inholdings and additions to state parks and for capital expenditure project expenditures.⁴¹ At a minimum, one percent, and no more than 10 percent, must be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access.⁴² DRP must develop and utilize a priority acquisition list based on the specific criteria and numeric performance measures developed by ARC for acquisitions under the Florida Forever program.⁴³

⁴² Id.

³⁴ DEP, *Florida Recreation Development Assistance Program*, <u>https://floridadep.gov/lands/land-and-recreation-grants/content/florida-recreation-development-assistance-program</u> (last visited Oct. 28, 2019).

³⁵ Section 375.075, F.S.

³⁶ See Fla. Admin. Code Ch. 62D-5.057.

³⁷ Section 375.075, F.S.

³⁸ DEP, *Florida Greenways and Trails System Plan 2019-2023*, 6, *available at* <u>https://floridadep.gov/sites/default/files/FL-Greenway%2BTrails-System-Plan-2019%2C%202023.pdf</u> (last visited Oct. 28, 2019).

³⁹ Section 260.015(1), F.S.

⁴⁰ DEP, Division of Recreation and Parks, <u>https://floridadep.gov/Parks</u> (last visited Oct. 28, 2019).

⁴¹ Section 259.105(3)(e), F.S.

⁴³ Section 259.105(3)(i)1., F.S.

Florida Forest Service – 1.5 Percent

The Florida Forest Service (FFS) within DACS manages 37 state forests, totaling over one million acres.⁴⁴ FFS is authorized to acquire lands, suitable for state forest purposes, by gift, donation, contribution, purchase, or otherwise and is authorized to enter into an agreement with the federal government, or other agency, for acquiring by gift, purchase, or otherwise, such lands as are, in the judgment of FFS, suitable and desirable for state forests.⁴⁵ FFS may use Florida Forever funds for the acquisition of state forest inholdings and additions, the implementation of reforestation plans, or sustainable forestry management practices, and for capital project expenditures.⁴⁶ At a minimum, one percent, and no more than 10 percent, must be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access.⁴⁷

Fish and Wildlife Conservation Commission (FWC) – 1.5 Percent

FWC exercises the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life.⁴⁸ FWC is authorized to acquire lands and waters suitable for the protection, improvement, and restoration of the state's wild animal life, freshwater aquatic life, and marine life resources.⁴⁹ Lands acquired must be managed for recreational and other multiple-use activities that do not impede FWC's ability to perform its constitutional and statutory duties and responsibilities.⁵⁰ The lands managed by FWC include lands that are leased to FWC and owned by the state, and lands owned by FWC. FWC is authorized to use Florida Forever funds for the acquisition of inholdings and additions to lands they manage which are important to the conservation of fish and wildlife and for capital project expenditures.⁵¹ At a minimum, one percent, and no more than 10 percent, must be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access.⁵²

Land Acquisition Trust Fund

Documentary stamp tax revenues are collected under ch. 201, F.S., which requires an excise tax to be levied on two classes of documents: deeds and other documents related to real property, which are taxed at the rate of 70 cents per \$100; and certificates of indebtedness, promissory notes, wage assignments, and retail charge account agreements, which are taxed at 35 cents per \$100.⁵³

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for land and water conservation and restoration. The amendment

⁵² Id.

⁴⁴ DACS, *State Forests*, <u>http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests</u> (last visited Oct. 29, 2019).

⁴⁵ Section 589.07, F.S.

⁴⁶ Section 259.105(3)(f), F.S.

⁴⁷ Id.

⁴⁸ FLA. CONST. art. IV, s. 9.

⁴⁹ Section 20.331(11), F.S.

⁵⁰ Id.

⁵¹ Section 259.105(3)(g), F.S.

⁵³ See ss. 201.02 and 201.08, F.S.

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 (LATF). Article X, s. 28 of the State Constitution requires that funds in the LATF be expended only for the following purposes:

As provided by law, to finance or refinance: the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; wildlife management areas; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.⁵⁴

To implement Art. X, s. 28 of the State 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 LATF receive at least 33 percent of net revenues derived from documentary stamp taxes; and
- Section 375.041, F.S., to designate the LATF within the Department of Environmental Protection (DEP) as the trust fund to serve as the constitutionally mandated depository for the percentage of documentary stamp tax revenues.⁵⁵

Under s. 375.041, F.S., funds deposited into the LATF must be distributed in the following order and amounts:

- First, obligations relating to debt service, specifically:
 - Payments relating to debt service on Florida Forever Bonds and Everglades restoration bonds.
- Then, before funds are authorized to be appropriated for other uses:
 - A minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. From these funds, the following specified distributions are required:
 - \$32 million annually through the 2023-2024 Fiscal Year for the Long-Term Plan;

⁵⁴ FLA. CONST. art. X, s. 28(b)(1).

⁵⁵ Ch. 2015-229, ss. 9 and 50, Laws of Fla.

- After deducting the \$32 million, the minimum of the lesser of 76.5 percent of the remainder or \$100 million annually through the 2025-2026 Fiscal Year for the CERP; and
- Any remaining funds for Everglades projects under the CERP, the Long-Term Plan, or the NEEPP.
- A minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million annually for spring restoration, protection, and management projects;
- \$5 million annually through the 2025-2026 Fiscal Year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka; and
- \$64 million to the Everglades Trust Fund in the 2018-2019 Fiscal Year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project, and any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 Reservoir Project or projects that implement CERP, the Long Term Plan, or NEEPP.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.⁵⁶

The General Revenue Estimating Conference in August 2019 estimated that for the 2019-2020 Fiscal Year a total of \$2.76 billion would be collected in documentary stamp taxes.⁵⁷ Thirty-three percent of the net revenues collected, or approximately \$907.84 million, must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution. Of that number, \$158.21 million is committed to debt service, leaving \$749.63 million to be distributed for the uses specified by s. 375.041, F.S., and other purposes in accordance with the General Appropriations Act.⁵⁸

In 2015, two lawsuits were filed challenging the constitutionality of appropriations from the LATF and expenditures by state agencies.⁵⁹ The cases were consolidated and a hearing was held in June of 2018.⁶⁰ The plaintiffs argued that funds from the LATF were appropriated and expended for general state expenses in ways that were inconsistent with the constitutional language. The court held for the plaintiffs, stating the amendment requires the funds be used for acquiring conservation lands, and for improving, managing, restoring, and enhancing public access to conservation lands acquired after the effective date of the amendment.⁶¹ The decision described how LATF funds may be used, and ruled numerous appropriations from 2015 and 2016 unconstitutional.⁶²

The case was appealed and the First District Court of Appeal overturned the circuit court ruling, holding that LATF funds are not restricted to use on land purchased by the state after the

⁵⁶ Section 375.041(3)-(4), F.S.

⁵⁷ Office of Economic & Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary*, 3 (Aug. 2019), *available at* <u>http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf</u> (last visited Oct. 29, 2019).

⁵⁸ Id.

⁵⁹ Florida Wildlife Federation, Inc. v. Negron, No. 2015-CA-001423 (Fla. 2nd Cir. Ct.); Florida Defenders of the Environment, Inc., v. Detzner, No. 2015-CA-002682 (Fla. 2nd Cir. Ct.).

 ⁶⁰ Florida Wildlife Federation, Inc. v. Negron, Nos. 2015-CA-001423, 2015-CA-002682 (Fla. 2nd Cir. Ct. June 28, 2018).
 ⁶¹ Id. at 3.

⁶² *Id.* at 7–8.

constitutional amendment took effect in 2015.⁶³ The court also held that the plain language in the Constitution authorizing the use of funds for management, restoration, and enhancement activities would specifically authorize use of the funds on activities beyond land acquisition.⁶⁴ The case is currently on remand to the circuit court to rule on the legality of appropriations made since the enactment of the constitutional amendment.⁶⁵

III. Effect of Proposed Changes:

The bill creates a statutory distribution from the Land Acquisition Trust Fund requiring \$100 million to be appropriated annually to the Florida Forever Trust Fund. In accordance with the current provisions of s. 259.105(3), F.S., the distribution must be allocated as follows:

- Division of State Lands \$35 million, of which \$5 million is dedicated for land acquisition within the Florida Keys Area of Critical State Concern.
- Water Management Districts \$30 million.
- Florida Communities Trust \$21 million.
- Rural and Family Lands Protection Program \$3.5 million.
- Stan Mayfield Working Waterfronts \$2.5 million.
- Florida Recreation Development Assistance Program \$2 million.
- Division of Recreation and Parks \$1.5 million.
- Office of Greenways and Trails \$1.5 million.
- Florida Forest Service \$1.5 million.
- Fish and Wildlife Conservation Commission \$1.5 million.

The bill deletes an obsolete provision relating to an appropriation for the 2019-2020 fiscal year.

The bill provides that moneys distributed from the Land Acquisition Trust Fund may not be used by the following budget entities:

- Executive Direction and Support Services and the Technology and Information Services within the Department of Environmental Protection;
- Executive Direction and Support Services and the Office of Agriculture Technology Services within the Department of Agriculture and Consumer Services;
- Office of Executive Direction and Administrative Support Services within the Fish and Wildlife Conservation Commission; and
- Executive Direction and Support Services within the Department of State.

The bill takes effect July 1, 2020.

⁶³ Oliva v. Florida Wildlife Federation, Inc., 1D18-3141 (Fla. 1st Dist. Ct. App.), available at https://www.1dca.org/content/download/536427/5956785/file/183141_1286_09092019_09211709_i.pdf (last visited Sept. 23, 2019).
⁶⁴ Id. at 9-10.

⁶⁵ *Id.* at 11.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill creates a new distribution from LATF to the Florida Forever Trust Fund for distribution for various purposes. LATF has constitutionally restricted uses, which are discussed in the Present situation section of this bill analysis.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill creates a \$100 million annual distribution from the Land Acquisition Trust Fund (LATF) to the Florida Forever Trust Fund. Absent subsequent direction by the legislature to the contrary, these funds are to be distributed as follows:

- Division of State Lands \$35 million, of which \$5 million is dedicated for land acquisition within the Florida Keys Area of Critical State Concern.
- Water Management Districts \$30 million.
- Florida Communities Trust \$21 million.
- Rural and Family Lands Protection Program \$3.5 million.
- Stan Mayfield Working Waterfronts \$2.5 million.
- Florida Recreation Development Assistance Program \$2 million.
- Division of Recreation and Parks \$1.5 million.
- Office of Greenways and Trails \$1.5 million.
- Florida Forest Service \$1.5 million.

• Fish and Wildlife Conservation Commission - \$1.5 million.

Agencies that receive funds from LATF are the departments of Environmental Protection, State, and Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission. These agencies receive legislative appropriations for various items, such as springs restoration, Everglades and Northern Everglades restoration, Lake Apopka restoration, beach restoration, and land management activities. The additional \$100 million in distributions may affect the amount of additional funding available beyond the minimum required appropriation for the other purposes funded from the trust fund. Projections of Fiscal Year 2020-2021 documentary tax revenues deposited into LATF totals \$943.52 million, which is an increase of \$35.68 million.⁶⁶ This increase in collections may offset some of the negative fiscal impact to the available funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Other allocations from the Land acquisition Trust Fund (LATF) require the allocations to be reduced to the extent of any debt service on bonds issued for the same purpose after a date certain. This bill does not contain language to reduce the distribution based on any debt service paid on bonds issued for the Florida Forever program. As a result, the new \$100 million distribution for the Florida Forever program will be in addition to any payment of debt service for bonds issued for the purposes of the Florida Forever program. If the legislature wants to treat the allocation authorized in this bill similar to other allocations of LATF moneys, the following language could be inserted: "This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2020, for the purposes set forth in this subparagraph."

VIII. Statutes Affected:

This bill substantially amends section 375.041 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.

⁶⁶ Office of Economic & Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary*, 3 (Aug. 2019), *available at* <u>http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf</u> (last visited Oct. 29, 2019).

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

By Senator Stewart

	13-00037-20 2020332
1	A bill to be entitled
2	An act relating to the Land Acquisition Trust Fund;
3	amending s. 375.041, F.S.; requiring a specified
4	annual appropriation to the Florida Forever Trust
5	Fund; deleting an obsolete provision; prohibiting
6	moneys from the Land Acquisition Trust Fund from being
7	used for specified costs; providing an effective date.
8	
9	Be It Enacted by the Legislature of the State of Florida:
10	
11	Section 1. Subsections (3) and (4) of section 375.041 ,
12	Florida Statutes, are amended to read:
13	375.041 Land Acquisition Trust Fund
14	(3) Funds distributed into the Land Acquisition Trust Fund
15	pursuant to s. 201.15 shall be applied:
16	(a) First, to pay debt service or to fund debt service
17	reserve funds, rebate obligations, or other amounts payable with
18	respect to Florida Forever bonds issued under s. 215.618; and
19	pay debt service, provide reserves, and pay rebate obligations
20	and other amounts due with respect to Everglades restoration
21	bonds issued under s. 215.619; and
22	(b) Of the funds remaining after the payments required
23	under paragraph (a), but before funds may be appropriated,
24	pledged, or dedicated for other uses:
25	1. A minimum of the lesser of 25 percent or \$200 million
26	shall be appropriated annually for Everglades projects that
27	implement the Comprehensive Everglades Restoration Plan as set
28	forth in s. 373.470, including the Central Everglades Planning
29	Project subject to Congressional authorization; the Long-Term
	Page 1 of 4

58

13-00037-20 2020332 30 Plan as defined in s. 373.4592(2); and the Northern Everglades 31 and Estuaries Protection Program as set forth in s. 373.4595. From these funds, \$32 million shall be distributed each fiscal 32 year through the 2023-2024 fiscal year to the South Florida 33 34 Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the \$32 million distributed 35 36 under this subparagraph, from the funds remaining, a minimum of 37 the lesser of 76.5 percent or \$100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the 38 39 planning, design, engineering, and construction of the 40 Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project, the 41 42 Everglades Agricultural Area Storage Reservoir Project, the Lake 43 Okeechobee Watershed Project, the C-43 West Basin Storage 44 Reservoir Project, the Indian River Lagoon-South Project, the Western Everglades Restoration Project, and the Picayune Strand 45 46 Restoration Project. The Department of Environmental Protection 47 and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce 48 49 harmful discharges of water from Lake Okeechobee to the St. 50 Lucie or Caloosahatchee estuaries in a timely manner. For the 51 purpose of performing the calculation provided in this 52 subparagraph, the amount of debt service paid pursuant to 53 paragraph (a) for bonds issued after July 1, 2016, for the 54 purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph 55 56 (a). The amount of the distribution calculated shall then be 57 reduced by an amount equal to the debt service paid pursuant to

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paragraph (a) on bonds issued after July 1, 2016, for the

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59 purposes set forth under this subparagraph.

60 2. A minimum of the lesser of 7.6 percent or \$50 million 61 shall be appropriated annually for spring restoration, protection, and management projects. For the purpose of 62 63 performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds 64 65 issued after July 1, 2016, for the purposes set forth under 66 paragraph (b) shall be added to the amount remaining after the 67 payments required under paragraph (a). The amount of the 68 distribution calculated shall then be reduced by an amount equal 69 to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this 70 71 subparagraph.

3. The sum of \$5 million shall be appropriated annually each fiscal year through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth in this subparagraph.

79 4. The sum of \$64 million is appropriated and shall be 80 transferred to the Everglades Trust Fund for the 2018-2019 81 fiscal year, and each fiscal year thereafter, for the EAA 82 reservoir project pursuant to s. 373.4598. Any funds remaining 83 in any fiscal year shall be made available only for Phase II of the C-51 reservoir project or projects identified in 84 85 subparagraph 1. and must be used in accordance with laws 86 relating to such projects. Any funds made available for such 87 purposes in a fiscal year are in addition to the amount

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	13-00037-20 2020332
88	appropriated under subparagraph 1. This distribution shall be
89	reduced by an amount equal to the debt service paid pursuant to
90	paragraph (a) on bonds issued after July 1, 2017, for the
91	purposes set forth in this subparagraph.
92	5. The sum of \$100 million is appropriated annually to the
93	Florida Forever Trust Fund Notwithstanding subparagraph 3., for
94	the 2019-2020 fiscal year, funds shall be appropriated as
95	provided in the General Appropriations Act. This subparagraph
96	expires July 1, 2020.
97	(4) Any remaining moneys in the Land Acquisition Trust Fund
98	which are not distributed as provided in subsection (3) may be
99	appropriated from time to time for the purposes set forth in s.
100	28, Art. X of the State Constitution, except that moneys
101	distributed from the Land Acquisition Trust Fund may not be used
102	for costs associated with any of the following budget entities:
103	(a) The Executive Direction and Support Services and the
104	Technology and Information Services within the Department of
105	Environmental Protection.
106	(b) The Executive Direction and Support Services and the
107	Office of Agriculture Technology Services within the Department
108	of Agriculture and Consumer Services.
109	(c) The Office of Executive Direction and Administrative
110	Support Services within the Fish and Wildlife Conservation
111	Commission.
112	(d) The Executive Direction and Support Services within the
113	Department of State.
114	Section 2. This act shall take effect July 1, 2020.

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

From: Truitt, John <<u>John.Truitt@dep.state.fl.us</u>>
Sent: Friday, October 18, 2019 11:49 AM
To: Rogers, Ellen <<u>ROGERS.ELLEN@flsenate.gov</u>>
Cc: Alvarez, Bryan <<u>Bryan.Alvarez@FloridaDEP.gov</u>>; Powell, Frank <<u>Frank.Powell@dep.state.fl.us</u>>;
Schrader, John <<u>John.Schrader@FloridaDEP.gov</u>>
Subject: Follow-up

Ellen,

Here are the follow up answers from our call yesterday:

For the oil and gas questions - How many permits has DEP ever issued that expressly authorize hydraulic fracturing or acidizing?

Absent a permit condition that specifically prohibits it, hydraulic fracturing or acidizing would be allowed under our rules as a workover operation. Accordingly, there are no known past oil and gas permits that have expressly authorized, "fracking or acidizing," as an operation to alter the surrounding formation as may be envisioned for hydraulic fracturing. However, the use of acid may be specified in the drilling plans for a new well as a method to cleanup and repair permeability in the immediate near wellbore vicinity following drilling operations; or may be used for maintenance of an existing wellbore. Rule 62C-25.002, F.A.C., defines workover as, "an operation involving a deepening, plug back, repair, cement squeeze, perforation, hydraulic fracturing, acidizing, or other chemical treatment which is performed in a production, disposal, or injection well in order to restore, sustain, or increase production, disposal, or injection rates."

How many notifications has DEP received that a workover was being done under an existing permit? There are currently a total of 104 active permitted production wells in Florida. During the time period from January 2016 to present, DEP has received a total of 196 workover notifications. Of the 196 notifications, 41 of those workovers involved the use of acid for near wellbore cleanout purposes. There have been no workover notifications/requests to perform hydraulic fracturing since 2013.

Recycling report – we are currently working through final reviews and will definitely meet the 30 days prior to session requirement but may be earlier.

Small sewage treatment systems under DEP, not DOH – 1,214 facilities of less than 100,000 gallons per day categorized as type III wastewater treatment plants. DEP regulated facilities must meet secondary standards prior to discharge, so if there is a drain field on a DEP facility, the sampling applies at the point of discharge prior to the drain field. And DOH regulated facilities cannot have open treatment tanks or any surface discharges.

John J Truitt Deputy Secretary for Regulatory Programs Florida Department of Environmental Protection john.truitt@dep.state.fl.us Office: 850-245-2037

The Florida Senate BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.) Prepared By: The Professional Staff of the Committee on Environment and Natural Resources **SB 200** BILL: Senators Montford, Stewart, and Rader INTRODUCER: Advanced Well Stimulation Treatment SUBJECT: November 1, 2019 DATE: **REVISED:** ANALYST STAFF DIRECTOR REFERENCE ACTION 1. Schreiber EN Favorable Rogers IT 2. _____ 3. AP

I. Summary:

SB 200 defines:

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

The bill prohibits high-pressure well stimulation and matrix acidization in the state. The bill clarifies that a permit for drilling or operating a well does not authorize the performance of high-pressure well stimulation or matrix acidization. The prohibition only applies to oil and gas wells.

II. Present Situation:

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

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

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

Hydraulic Fracturing

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

¹ Michael Ratner & Mary Tiemann, Congressional Research Service, R 43148, *An Overview of Unconventional Oil and Natural Gas: Resources and Federal Actions*, 2 (Apr. 22, 2015), *available at* <u>https://www.fas.org/sgp/crs/misc/R43148.pdf</u> (last visited Oct. 25, 2019).

 $^{^{2}}$ Id.

³ U.S. Energy Information Administration (EIA), *Hydraulically Fractured Horizontal Wells Account for Most New Oil and Natural Gas Wells* (Jan. 30, 2018), <u>https://www.eia.gov/todayinenergy/detail.php?id=34732</u> (last visited Oct. 25, 2019). ⁴ California Council on Science and Technology Lawrence Berkeley National Laboratory, *An Independent Assessment of Well Stimulation in California, vol. 1, Well stimulation technologies and their past, present, and potential future use in California*, 13–14 (January 2015) [hereinafter *CA Study*], *available at* <u>https://ccst.us/wp-content/uploads/160708-sb4-vol-Lpdf</u> (last visited Oct. 25, 2019).

⁵ *Id*. at 2.

⁶ Id. at 28.

⁷ Gallegos, T.J., and Varela, B.A., United States Geological Survey, *Trends in Hydraulic Fracturing Distributions and Treatment Fluids, Additives, Proppants, and Water Volumes Applied to Wells Drilled in the United States from 1947 through 2010—Data Analysis and Comparison to the Literature, Scientific Investigations Report 2014–5131, 1 (2015), available at <u>http://pubs.usgs.gov/sir/2014/5131/pdf/sir2014-5131.pdf</u> (last visited Oct. 25, 2019).*

⁸ *Id*. at 7.

⁹ *Id.* at 1, 10–11, 303.

¹⁰ CA Study, at 48, available at <u>https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf</u> (last visited Oct. 25, 2019).

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

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

Acid Fracturing

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

The purpose of an acid fracturing treatment is to create new or open existing fractures, and dissolve formation material, to create an irregular fracture surface that opens up new flow paths or enhances existing flow paths into the wellbore.²⁰ As compared to hydraulic fracturing, acid

https://www.sciencedirect.com/science/article/pii/S0016236118314273?via%3Dihub#bi005 (last visited Oct. 25, 2019). ¹⁶ CA Study at 348, available at https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf (last visited Oct. 25, 2019).

¹¹*CA Study*, at 42, 300 *available at* <u>https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf</u> (last visited Oct. 25, 2019). Flowback is defined as "fracturing fluid, perhaps mixed with formation water and traces of hydrocarbon, that flows back to the surface after the completion of hydraulic fracturing."

¹² U.S. Environmental Protection Agency (EPA), *Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States*, 3-1 (Dec. 2016) [hereinafter *EPA Study*], *available at* <u>https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990</u> (last visited Oct. 25, 2019).

¹³ U.S. Energy Information Administration (EIA), *Hydraulically fractured horizontal wells account for most new oil and natural gas wells* (Jan. 28, 2019), <u>https://www.eia.gov/todayinenergy/detail.php?id=34732</u> (last visited Oct. 25, 2019). ¹⁴ *Id.*

¹⁵ CA Study, at 25, 56, available at <u>https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf</u> (last visited Oct. 25, 2019); see generally Bing Hou, Ruxin Zhang, Mian Chen, Jiawie Kao, and Xin Liu, *Investigation on Acid Fracturing Treatment in Limestone Formation Based on True Tri-Axial Experiment*, 235 Fuel 473-484 (2019), available at

¹⁷ *Id.* at 28.

¹⁸ *Id*. at 14.

 $^{^{19}}$ *Id.* at 56.

²⁰ American Petroleum Institute, *Acidizing: Treatment in Oil and Gas Operations*, 1–3 (2014), *available at* <u>http://www.api.org/~/media/files/oil-and-natural-gas/hydraulic-fracturing/acidizing-oil-natural-gas-briefing-paper-v2.pdf</u> (last visited Oct. 25, 2019).

fracturing results in fractures that are relatively short in length.²¹ One of the main factors that adversely affects acid fracture growth is fluid loss, or acid "leakoff." Acid leakoff can result in the enlargement of channels and natural fractures, and can greatly increase the area from which fluid loss occurs, making fluid-loss control difficult and preventing acid from reaching untreated parts of the fracture.²²

Matrix Acidizing

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

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

²³ CA Study, at 69, available at https://ccst.us/wp-content/uploads/160708-sb4-vol-Lpdf (last visited Oct. 25, 2019).

 25 *Id*.

²⁶ CA Study, at 69, available at https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf (last visited Oct. 25, 2019). ²⁷ *Id.* at 14.

²¹ CA Study, at 56, available at https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf (last visited Oct. 25, 2019).

²² Middle East & Asia Reservoir Review, vol. 4, Stimulate the Flow, 46 (Jan. 2003), available at https://connect.slb.com/~/media/Files/resources/mearr/num4/stimulate_flow.pdf (last visited Oct. 25, 2019).

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

²⁸ *Id*. at 69.

²⁹ *Id.* at 14.

³⁰ The Groundwater Association, How Well Systems Are Cleaned, http://wellowner.org/water-well-maintenance/residentialwell-cleaning/ (last visited Oct. 25, 2019).

³¹ CA Study, at 14, available at https://ccst.us/wp-content/uploads/160708-sb4-vol-I.pdf (last visited Oct. 25, 2019). ³² *Id.* at 28.

³³ Id. at 14, 69-70.

³⁴ *Id.* at 30.

³⁵ Id.

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

https://connect.slb.com/~/media/Files/resources/mearr/num4/stimulate flow.pdf (last visited Oct. 25, 2019).

formation, which could create channels into water-producing zones, careful treatment, design, and execution is required when performing a matrix acidizing treatment.³⁷

Production of Oil and Gas Resources in Florida

Northwest and South Florida are the major oil and gas producing areas in the state. Florida's first producing oil well was discovered in 1943 at a wellsite located near present-day Big Cypress Preserve.³⁸ Oil and gas resources were first discovered in Northwest Florida in 1970, in the town of Jay.³⁹ Annual production of petroleum from these two regions peaked at more than 47 million barrels in 1978 but has subsequently decreased substantially, with annual statewide production dropping to less than 2 million barrels annually since 2016.⁴⁰ Florida's natural gas production also peaked in the 1970s, and production in 2017 was less than one-third of peak output in 1978.⁴¹ There are currently two active oil and gas fields in Northwest Florida, and seven active oil and gas fields in South Florida.⁴² While geologists believe that there may be oil and natural gas deposits off Florida's western coast, the state enacted a drilling ban for state waters in 1990 and, in 2006, Congress banned the leasing of federal offshore blocks within 125 miles of Florida's western coast until at least 2022.⁴³ Additionally, federal law gives priority use of much of the area to the military for training.⁴⁴ In 2018, the Florida constitution was amended to prohibit drilling for exploration or extraction of oil or natural gas on lands "beneath all state waters which have not been alienated and that lie between the mean high water line and the outermost boundaries of the state's territorial seas."45

In 2018, there were 57 active producer wells in Florida.⁴⁶ The Department of Environmental Protection's (DEP) 2018 Annual Production Report totaled natural gas production at 816,587 million cubic feet and oil production at 622,359 thousand barrels in the state.⁴⁷ Proven oil and gas reserves in Northwest and South Florida are composed of carbonate formations (limestone and dolomite reservoirs), which have naturally higher permeability than the tighter shale or similar formations.⁴⁸ Rather than hydraulic fracturing, well operators in the state have generally preferred washing or flushing the formations, or other alternative methods, to enhance recovery of oil and gas resources.⁴⁹

³⁷ *Id.* at 44.

³⁸ American Oil & Gas Historical Society, *First Florida Oil Well*, <u>http://aoghs.org/states/first-florida-oil-well/</u> (last visited Oct. 31, 2019).

³⁹ Lloyd, Jacqueline M., *Information Circular 107, Part I: 1988 and 1989 Florida Petroleum Production and Exploration*, 1 (1991), *available at* <u>http://ufdc.ufl.edu/UF00001168/00001/pdf</u> (last visited Oct. 25, 2019).

⁴⁰ EIA, Florida, *Profile Analysis*, <u>http://www.eia.gov/state/analysis.php?sid=FL</u> (last visited Oct. 25, 2019).

⁴¹ *Id.*

⁴² DEP, *State Production Data* (2018), *available at* <u>https://floridadep.gov/water/oil-gas/documents/state-production-data</u> (last visited Oct. 25, 2019).

⁴³ EIA, Florida, *Profile Analysis: Petroleum*, <u>http://www.eia.gov/state/analysis.php?sid=FL</u> (last visited Oct. 25, 2019); see Pub. L. No. 109-432, s. 104(a)(2), 120 Stat. 3003 (2006); see s. 377.242(1), F.S.

 ⁴⁴ EIA, Florida, *Profile Analysis: Petroleum*, <u>http://www.eia.gov/state/analysis.php?sid=FL</u> (last visited Oct. 25, 2019).
 ⁴⁵ FLA CONST. art. II, s. 7(c).

⁴⁶ DEP, *State Production Data* (2018), *available at* <u>https://floridadep.gov/water/oil-gas/documents/state-production-data</u> (last visited Oct. 25, 2019).

⁴⁷ Id.

 ⁴⁸ DEP, Hydraulic Fracturing Background and Recommendations, 2-3 (Sept. 29, 2011) available at http://news.caloosahatchee.org/docs/Dep_Fracturing_Response_130118.pdf (last visited Oct. 25, 2019).
 ⁴⁹ Id. at 3.

Regulation of Well Stimulation Techniques

Federal Regulation

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

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

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

⁵¹ 42 U.S.C. s. 300h(d) (2012).

⁵² 33 U.S.C. s 1342 (1)(2) (2012).

⁵³ 33 U.S.C. s. 1362(24) (2012); *NRDC v. U.S. EPA*, 526 F.3d 591, 599, 608 (9th Cir. 2008)(vacating an EPA rule implementing the 2005 amendment); William J. Brady, *Hydraulic Fracturing Regulation in the United States: The Laissez-faire Approach of the Federal Government and Varying State Regulations*, 7–8 (2012), *available at* <u>http://www.law.du.edu/documents/faculty-highlights/Intersol-2012-HydroFracking.pdf</u> (last visited Oct. 31, 2019). Oil and gas construction facilities remain subject to the CWA's permitting requirements for stormwater, and for discharging a pollutant into navigable waters, when applicable.

⁵⁴ Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands, 80 Fed. Reg. 16,128-16,222 (Oct. 25, 2015). Under the final BLM regulations, the term "hydraulic fracturing" is defined as "those operations conducted in an individual wellbore designed to increase the flow of hydrocarbons from the rock formation to the wellbore through modifying the permeability of reservoir rock by applying fluids under pressure to fracture it. Hydraulic fracturing does not include enhanced secondary recovery such as water flooding, tertiary recovery, recovery through steam injection, or other types of well stimulation operations such as acidizing."

⁵⁵ State of Wyo. vs. U.S. Dept. of the Int., No. 2: 15-CV-043-SWS (D. Wyo. Sept. 30, 2015) (granting a preliminary injunction), available at <u>http://www.wyd.uscourts.gov/pdfforms/orders/15-cv-043%20130%20order.pdf</u> (last visited Oct. 25, 2019).

⁵⁶ State of Wyo. vs. U.S. Dept. of the Int., No. 2: 15-CV-043-SWS (D. Wyo. June 21, 2016), available at <u>http://www.wyd.uscourts.gov/pdfforms/orders/15-cv-043-S%20Order.pdf</u> (last visited Oct. 25, 2019).

⁵⁷ State of Wyo. vs. U.S. Dept. of the Int., No. 16-8068 (10th Cir. Sept. 21, 2017), available at https://www.ca10.uscourts.gov/opinions/16/16-8068.pdf (last visited Oct. 25, 2019).

While direct regulation over well stimulation techniques at the federal level is limited, there are several federal statutes that regulate the indirect impacts of oil and gas extraction. The EPA's Oil and Gas Extraction Effluent Guidelines and Standards regulate wastewater discharges from field exploration, drilling, production, well treatment, and well completion activities.⁵⁸ The regulations apply to conventional and unconventional extraction, with the exception of extractions of coalbed methane.⁵⁹ These standards are incorporated into the CWA's National Pollutant Discharge Elimination System (NPDES) regulatory framework.⁶⁰

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

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

Regulation in Other States

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

⁶¹ 42 U.S.C. ss. 9601-9675 (2012); Adam Vann, Brandon J. Murrill, & Mary Tiemann, Cong. Research Serv., R 43152, *Hydraulic Fracturing: Selected Legal Issues*, 12-13 (Sept. 26, 2014), *available at*

https://www.fas.org/sgp/crs/misc/R43152.pdf (last visited Oct. 28, 2019).

⁵⁸ EPA, *Oil and Gas Extraction Effluent Guidelines, Rule Summary, available at* <u>http://www.epa.gov/eg/oil-and-gas-extraction-effluent-guidelines</u> (last visited Oct. 25, 2019).

⁵⁹ Id. ⁶⁰ Id.

 $^{^{60}}$ Id.

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

⁶³ *Id.* at 13.

⁶⁴ Id. at 22.

⁶⁵ Id.

⁶⁶ See generally Hannah Wiseman, Untested Waters: The Rise of Hydraulic Fracturing in Oil and Gas Production and the Need to Revisit Regulation, 20 FORDHAM ENVTL. L. REV. 115 (2009), available at http://low.ub.edu/foculty/thestor/courses/Emerging% 202011/Wiseman% 202019 (December 2020)

http://law.uh.edu/faculty/thester/courses/Emerging%20Tech%202011/Wiseman%20on%20Fracking.pdf (last visited Oct. 25, 2019).

Vermont, New York, Maryland, and Washington prohibit some form of hydraulic fracturing. In 2012, Vermont banned the practice of hydraulic fracturing.⁶⁷ In 2015, New York's Department of Environmental Conservation found that there were "no feasible or prudent alternatives [other than a ban which] would adequately avoid or minimize adverse environmental impacts and that address the scientific uncertainties and risks to public health from [high-volume hydraulic fracturing]."⁶⁸ The Findings Statement effectively banned high-volume hydraulic fracturing in the state of New York.⁶⁹ In 2017, Maryland prohibited hydraulic fracturing for the exploration or production of oil or natural gas.⁷⁰ In 2019, the state of Washington prohibited hydraulic fracturing for the exploration and production of oil or natural gas.⁷¹

Regulation in Florida

In Florida, DEP has regulatory authority over oil and gas resources.⁷² DEP's Division of Water Resource Management (Division) oversees the permitting process for drilling, production, and exploration.⁷³ The Division has jurisdiction and authority over all persons and property necessary to administer and enforce all laws relating to the conservation of oil and gas.⁷⁴ Local government approval is required for drilling within municipal boundaries, or in tidal waters or near improved beaches.⁷⁵

When issuing permits for oil and gas exploration or extraction, the Division is required to consider the nature, character, and location of the lands involved; the nature, type, and extent of ownership of the applicant; and the proven or indicated likelihood of the presence of oil, gas, or related minerals on a commercially profitable basis.⁷⁶ DEP is required to issue orders and adopt rules that ensure all precautions are taken to prevent the spillage of oil or any other pollutant in all phases of drilling for and extracting oil, gas, or other petroleum products.⁷⁷ The purposes of such rules and orders include preventing the pollution of fresh, salt, or brackish waters or lands

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

⁶⁸ New York Department of Environmental Conservation, *Final Supplemental Generic Environmental Impact Statement on the Oil, Gas, and Solution Mining Regulatory Program: Regulatory Program for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs, Findings Statement, 42 (June 2015), available at <u>http://www.dec.ny.gov/docs/materials_minerals_pdf/findingstatehvhf62015.pdf</u> (last visited Oct. 25, 2019).*

⁶⁹ See id. at 2. The Findings Statement defined the term "high-volume hydraulic fracturing" as "the stimulation of a well using 300,000 or more gallons of water as the base fluid for hydraulic fracturing for all stages in a well completion, regardless of whether the well is vertical or directional, including horizontal."

⁷⁰ Maryland Code § 14-107.1 (2017). Under Maryland law, the term "hydraulic fracturing" is defined as "a stimulation treatment performed on oil and natural gas wells in low-permeability oil or natural gas reservoirs through which specially engineered fluids are pumped at high pressure and rate into the reservoir interval to be treated, causing fractures to open."
⁷¹ RCWA 78.52.560. Under the prohibition, "hydraulic fracturing" is defined as "the process of pumping a fluid into or under

the surface of the ground in order to create fractures in rock for the purpose of the production or recovery of oil or natural gas."

⁷² Chapter 377, pt. I, F.S.; Fla. Admin. Code, Chapters 62C-25–62C-30.

⁷³ DEP, Oil and Gas Program, <u>https://floridadep.gov/water/oil-gas</u> (last visited Oct. 28, 2019).

⁷⁴ Section 377.21(1), F.S.

⁷⁵ Section 377.24, F.S.

⁷⁶ Section 377.241, F.S.

⁷⁷ Section 377.22(2), F.S.

of the state, and preventing the escape of oil or other petroleum products from one stratum to another.⁷⁸

Before any person begins work other than environmental assessments or surveying at the site of a proposed drilling operation, a permit to drill is required and a preliminary site inspection must be conducted by DEP.⁷⁹ In oil and gas wells, the "casing" is a hollow steel pipe used to line the inside of the wellbore, and the casing is usually surrounded by a cement sheath.⁸⁰ An application to DEP for a permit to drill must include a proposed casing and cementing program and a location plat survey.⁸¹ The regulations require the operator to case and cement wells in order to maintain well control and prevent degradation of other natural resources, including water.⁸² Each drilling permit is valid for one year from the date of approval.⁸³ Before a permit is granted, the owner or operator is required to post a bond or other form of security for each well.⁸⁴

Before a well is used for its intended purpose, in addition to the drilling permit, a permit to operate the well must be obtained.⁸⁵ Operating permits are valid for the life of the well, although each operating well and permit must be recertified every five years from the permit date.⁸⁶ Each application and subsequent recertification must include: the appropriate fee; bond or security coverage; a spill prevention and cleanup plan; flowline specifications and an installation plan; containment facility certification; and additional reporting and data submissions, such as driller's logs and monthly well reports.⁸⁷

A separate permit is not required for the performance of well stimulation techniques. Such techniques are regulated as workovers.⁸⁸ DEP regulations define the term "workover" as: "an operation involving a deepening, plug back, repair, cement squeeze, perforation, *hydraulic fracturing, acidizing*, or other chemical treatment which is performed in a production, disposal, or injection well in order to restore, sustain, or increase production, disposal, or injection rates."⁸⁹ An operator is required to notify DEP before commencing a workover procedure and must submit a revised well record to DEP within 30 days of completion of any workover procedure.⁹⁰ During the time period from January 2016 to present, DEP has received a total of

⁸⁵ Fla. Admin. Code R. 62C-26.008.

⁷⁸ Id.

⁷⁹ Fla. Admin. Code R. 62C-26.003.

⁸⁰ FracFocus, *Well Construction & Groundwater Protection*, <u>https://fracfocus.org/hydraulic-fracturing-how-it-works/casing</u> (last visited Oct. 28, 2019).

⁸¹ Fla. Admin. Code R. 62C-26.003.

⁸² Fla. Admin. Code R. 62C-27.005. The regulations specify standards for casing depth and pressure testing.

⁸³ Fla. Admin. Code R. 62C-26.003.

⁸⁴ Fla. Admin. Code R. 62C-26.002.

⁸⁶ Id.

⁸⁷ Id.

⁸⁸ See s. 377.22(2)(o)(p), F.S. The division is required to adopt rules to "regulate the 'shooting,' perforating and chemical treatment of wells," and to "regulate secondary recovery methods, including the introduction of gas, air, water, or other substance into producing formations"; see s. 377.26, F.S. In regulating the vertical orientation of the well, the division is required to "take into account technological advances in drilling and production technology, including, but not limited to, horizontal well completions in the producing formation using directional drilling methods."

⁸⁹ Fla. Admin. Code R. 62C-25.002(61).

⁹⁰ Fla. Admin. Code R. 62C-29.006.

196 workover notifications.⁹¹ Of the 196 notifications, 41 of those workovers involved the use of acid and all of those were for near wellbore cleanout purposes. There have been no workover notifications/requests to perform hydraulic fracturing since 2013.⁹²

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

In December of 2013, DEP received a workover notice proposing use of an enhanced extraction procedure and requested that the company that submitted the notice not complete the procedure until DEP could conduct a review.⁹⁶ When the company commenced with the procedure, DEP issued a cease and desist order.⁹⁷ DEP fined the company \$25,000 for violating the cease and desist order.⁹⁸ It was concluded that the workover procedures performed on the well involved hydraulic fracturing, and seemingly also involved acid stimulation.⁹⁹

Local Regulation

While cities and counties do not operate oil and gas permitting programs in Florida, some, through their land use regulations or zoning ordinances, require special exceptions for oil and gas activities or limit oil and gas activities to certain zoning classifications.¹⁰⁰ When authorizing oil and gas activities, local governments consider factors such as consistency with their comprehensive plan, injuries to communities or the public welfare, and compliance with zoning ordinances.¹⁰¹ DEP may not issue a permit for drilling within the corporate limits of a municipality unless the municipality first adopts a resolution approving the permit.¹⁰² At least six municipalities (Estero, Bonita Springs, Coconut Creek, Cape Coral, Dade, and Zephyrhills) and thirteen counties (Alachua, Bay, Brevard, Broward, Citrus, Indian River, Martin, Miami-Dade, Osceola, Pinellas, St. Lucie, Volusia, Wakulla, and Walton) have banned one or more forms of

- ⁹⁴ Id.
- ⁹⁵ Id.

⁹¹ Email from John Truitt, Deputy Secretary for Regulatory Programs, DEP, RE: Follow-Up (Oct. 18. 2019)(on file with the Environment and Natural Resources Committee).

⁹² Id.

⁹³ Section 377.37(1)(a), F.S.

⁹⁶ State of Florida Department of Environmental Protection vs. Dan A. Hughes Company, L.P., OGC File No. 14-0012, 2 (April 8, 2014), available at <u>https://www.doah.state.fl.us/FLAID/DEP/2014/DEP_14-0012_05162014_014716.pdf</u> (last visited Oct. 28, 2019).

⁹⁷ Id. ⁹⁸ Id.

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⁹⁹ ALL Consulting, LLC., *Expert Evaluation of the D.A. Hughes Collier-Hogan 20-3H, Well Drilling and Workover, Prepared for Florida Department of Environmental Protection*, 3, 4, 25 (2014), *available at* <u>https://assets.documentcloud.org/documents/1507525/allconsulting.pdf</u> (last visited Oct. 28, 2019).

¹⁰⁰ See, e.g., Lee County's Land Development Code § 34-1651 and 34-145.

 $^{^{101}}$ Id.

¹⁰² Section 377.24(5), F.S.

well stimulation techniques by ordinance.¹⁰³ Additionally, many counties and cities in Florida have passed resolutions supporting bans or moratoriums relating to well stimulation techniques.¹⁰⁴

Environmental Concerns

There are a variety of environmental concerns relating to well stimulation techniques. Potential impacts and concerns include: groundwater or surface water contamination; stress on water supplies; inadequate wastewater management and disposal; and air quality degradation including methane emissions.¹⁰⁵ Because well stimulation techniques are applied to so many types of underground formations using a variety of methods and fluids, environmental impacts vary depending on factors such as the toxicity of the fluid used; the closeness of the fracture zone to underground drinking water; the existence of a barrier between the fracture formation and other formations; and how wastewater is disposed of.¹⁰⁶

Water Quality

The EPA estimated that of the approximately 275,000 wells that have been hydraulically fractured in 25 states between 2000 and 2013, an estimated 21,900, or 8%, were within one mile of at least one public water system groundwater well or surface water intake.¹⁰⁷ As a result of fracturing, sources of drinking water may be contaminated through the release of gas-phase hydrocarbons, in what is known as stray gas migration, if the well casing or cementing is too weak or if it fails.¹⁰⁸ The EPA concluded that the "injection of hydraulic fracturing fluids into wells with inadequate mechanical integrity [may allow for] gases or liquids to move to groundwater sources."¹⁰⁹ While concerns related to inadequate well casing or cementing are not

¹⁰³ Village of Estero, Ordinance No. 2015-19; Bonita Spring's Land Development Code, Chapter 4, Article VI, Division 15, Section 4-1380; Coconut Creek's Land Development Code, Article IV, Section 13-1000; City of Cape Coral, Ordinance §3.23; City of Dade, Ordinance No. 2016-08; City of Zephyrhills, Ordinance No. 1310-16; Alachua County's Code of Ordinances, §77.13.5; Bay County's Land Development Regulation, §311; Brevard County's Code of Ordinances, §46-375; Citrus County's Code of Ordinances, §66-133; Indian River County's Code of Ordinances, §317.03; Osceola County's Land Development Code, §4.12.3; Broward County's Code of Ordinances, §27-193; Martin County's Code of Ordinances, §67.443; Miami-Dade County's Code of Ordinances, §33-437; Pinellas County's Code of Ordinances, §58-489; St. Lucie County's Code of Ordinances, Policy 6.1.5.7; Volusia County's Code of Ordinances, §50-42; Wakulla County's Code of Ordinances, §6-34; Walton County's Code of Ordinances, §9-156.

¹⁰⁴ See Food & Water Watch, *Local Regulations Against Fracking*, <u>http://www.foodandwaterwatch.org/insight/local-resolutions-against-fracking#florida</u> (last visited Oct. 28, 2019). The page shows a list of local governments that passed resolutions against fracking.

¹⁰⁵ EPA, Unconventional Oil and Natural Gas Development, Providing Regulatory Clarity and Protections Against Known Risks, <u>https://www.epa.gov/uog</u> (last visited Oct. 28, 2018).

¹⁰⁶ Hannah Wiseman, Untested Waters: The Rise of Hydraulic Fracturing in Oil and Gas Production and the Need to Revisit Regulation, 20 FORDHAM ENVTL. L. REV. 115, 6 (2009), available at

http://law.uh.edu/faculty/thester/courses/Emerging%20Tech%202011/Wiseman%20on%20Fracking.pdf (last visited Oct. 28, 2019).

¹⁰⁷ EPA Study, at 2-14, available at <u>https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990</u> (last visited Oct. 28, 2019).

 ¹⁰⁸ Avner Vengosh, Robert B. Jackson, Nathaniel Warner, Thomas Darrah, & Andrew Kondash, *A Critical Review of the Risks to Water Resources from Unconventional Shale Gas Development and Hydraulic Fracturing in the United States*, American Chemical Society, 48 Env. Sci. & Technol. 8334-8348, 8335-8336 (C-D) (Mar. 2014), *available at* https://www.researchgate.net/publication/260643891_A_Critical_Review_of_the_Risks_to_Water Resources_from_Unconventional_Shale_Gas_Development_and_Hydraulic_Fracturing_in_the_United_States (last visited Oct. 28, 2019).
 ¹⁰⁹ EPA Study, at 10-3.

unique to hydraulic fracturing, horizontally drilled, hydraulically fractured wells pose more production challenges because the well casing is subject to greater pressures.¹¹⁰

Mitigating measures, such as extending the casing farther below groundwater resources and pressure testing the well casing before the injection of fluids, may work to prevent well casing failures.¹¹¹ Blowout preventers also help control and prevent pressure build-ups.¹¹² Hydraulically fractured wells in shale formations are usually drilled deeper than vertical wells, which can lead to a greater vertical separation between the formation and the drinking water resource.¹¹³ Thousands of feet of rock layers typically overlay the produced portion of shale and serve as a barrier to contamination.¹¹⁴ The majority of Florida's public water supply is obtained from groundwater sources, such as the Floridan aquifer system.¹¹⁵ Areas in which oil and gas have been extracted have an upper confining unit that is generally greater than 100 feet, which may serve as a barrier to contamination.¹¹⁶

Fractures created during hydraulic fracturing can intersect nearby wells or their fracture networks, resulting in the flow of fluids into those wells and to underground drinking water resources. These "frac-hits" are more likely to occur if wells are close to each other or are on the same well pad.¹¹⁷ According to one study, the likelihood of a frac-hit is less than 10% in hydraulically fractured wells more than 4,000 feet apart, while the likelihood is nearly 50% in wells that are less than 1,000 feet apart.¹¹⁸ In Florida, horizontal wells and associated drilling units that are deeper than 7,000 feet have more stringent spacing requirements.¹¹⁹

Surface water contamination may occur because of the inadequate storage and disposal of produced water. Produced water is the water that comes back to the surface as part of the oil and gas production process, and has generally been found to contain salts, metals, organic compounds, radioactive materials, and hydraulic fracturing chemicals.¹²⁰ For a hydraulically fractured well, the produced water includes the fracturing fluids, or flowback. While the chemicals used will vary by region or between wells, some chemicals used in hydraulic

https://www.sciencedirect.com/topics/engineering/preventers (last visited Oct. 28, 2019).

¹¹⁰ Michael Ratner & Mary Tiemann, Cong. Research Serv., R 43148, *An Overview of Unconventional Oil and Natural Gas: Resources and Federal Actions*, 8 (Apr. 22, 2015), *available at* <u>https://fas.org/sgp/crs/misc/R43148.pdf</u> (last visited Oct. 28, 2019).

¹¹¹ EPA Study, at 6-9, available at <u>https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990</u> (last visited Oct. 28, 2019).

¹¹² Michael Ratner & Mary Tiemann, Cong. Research Serv., R 43148, *An Overview of Unconventional Oil and Natural Gas: Resources and Federal Actions*, 10 (Apr. 22, 2015), *available at* <u>https://fas.org/sgp/crs/misc/R43148.pdf</u> (last visited Oct. 28, 2019); ScienceDirect, *Preventers: Learn More About Preventers*,

¹¹³ Michael Ratner & Mary Tiemann, Cong. Research Serv., R 43148, An Overview of Unconventional Oil and Natural Gas: Resources and Federal Actions, 7 (Apr. 22, 2015).

¹¹⁴ *Id*.

¹¹⁵ DEP, Aquifers, <u>https://fldep.dep.state.fl.us/swapp/Aquifer.asp</u> (last visited Oct. 28, 2019).

¹¹⁶ U.S. Geological Survey, *Conceptual Model of the Floridan*, <u>http://fl.water.usgs.gov/floridan/conceptual-model.html</u> (last visited Oct. 28, 2019).

¹¹⁷ EPA Study, at 6-71, available at <u>https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990</u> (last visited Oct. 28, 2019).

¹¹⁸ *Id.* at 10-18.

¹¹⁹ Fla. Admin. Code R. 62C-26.004(5).

¹²⁰ *EPA Study*, at ES-33, *available at* <u>https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990</u> (last visited Oct. 28, 2019).

fracturing are hazardous.¹²¹ It is estimated that approximately 10-40% of the volume of injected fracturing fluids return to the surface after hydraulic fracturing.¹²² In most produced waters, the concentrations of toxic elements, such as radioactive radium, are positively correlated with salinity, which suggests that many of the potential water quality issues associated with produced waters may be attributable to the geochemistry of the brines within the shale formations.¹²³

As the use of hydraulic fracturing has increased, so has the volume of wastewater generated. Spills of produced water do occur and can result in large volumes or high concentrations of chemicals reaching groundwater sources.¹²⁴ The EPA has reported that spills generally occur at 1-10% of hydraulically fractured or active wells.¹²⁵ In Florida, any spill of waste material relating to oil or gas wells must be immediately reported to the Division and the appropriate federal agencies, and the owner or operator is responsible for the costs of cleanup or other damage incurred.¹²⁶

Water Supply

The amount of water used during the performance of a hydraulic fracturing treatment depends on factors such as the well depth, formation geology, and the composition of the fluids injected. In most cases, the large majority of the fracturing fluid is water, and each hydraulically fractured well can require thousands to millions of gallons of water.¹²⁷ While the total water use for hydraulic fracturing is relatively low compared to other industrial uses of water, wells that are good candidates for such techniques are usually located near the same water source and, as a result, the collective impact of water withdrawals can be significant.¹²⁸ Some states have implemented pilot projects evaluating the feasibility of reusing produced waters or other brackish or wastewaters.¹²⁹ The reuse of wastewater, however, is often limited by the amount of water water that is available.¹³⁰ The volume of produced water from a single well can be relatively small compared to the volume of water needed to fracture a well.¹³¹

¹²² Avner Vengosh, Robert B. Jackson, Nathaniel Warner, Thomas Darrah, & Andrew Kondash, *A Critical Review of the Risks to Water Resources from Unconventional Shale Gas Development and Hydraulic Fracturing in the United States*, American Chemical Society, 48 Env. Sci. & Technol. 8334-8348, 8339 (G) (Mar. 2014), *available at*

https://www.researchgate.net/publication/260643891 A Critical Review of the Risks to Water Resources from Unconv entional_Shale_Gas_Development_and_Hydraulic_Fracturing_in_the_United_States (last visited Oct. 28, 2019). ¹²³ Id.

¹²¹ *Id.* at 9-1, 9-16; *see* FracFocus, *What Chemicals Are Used*, <u>https://fracfocus.org/chemical-use/what-chemicals-are-used</u> (last visited Oct. 28, 2019).

¹²⁴ *EPA Study*, at ES-35, 10-3, *available at* <u>https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990</u> (last visited Oct. 28, 2019).

¹²⁵ *Id.* at 10-9.

¹²⁶ Section 377.371, F.S.

¹²⁷ EPA Study, at 4-3, 4-11, available at <u>https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990</u> (last visited Oct. 28, 2019).

¹²⁸ Avner Vengosh, Robert B. Jackson, Nathaniel Warner, Thomas Darrah, & Andrew Kondash, *A Critical Review of the Risks to Water Resources from Unconventional Shale Gas Development and Hydraulic Fracturing in the United States*, American Chemical Society, 48 Env. Sci. & Techol. 8334-8348, 8343 (J) (2014); Hannah Wiseman, *Risk and Response in Fracturing Policy*, 84 UNV. OF COL. L. REV. 729-817, 776 (2009), *available at* <u>http://lawreview.colorado.edu/wp-</u> <u>content/uploads/2013/11/11.-Wiseman_For-Printer_s.pdf</u> (last visited Oct. 28, 2019).

¹²⁹ Hannah Wiseman, Risk and Response in Fracturing Policy, 84 UNV. OF COL. L. REV. 729-817, 770 (2009).

¹³⁰ *EPA Study*, at 10-6, *available at* <u>https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990</u> (last visited Oct. 28, 2019).

 $^{^{131}}$ Id.

Wastewater Management and Disposal

The majority of produced water is disposed of using injection wells.¹³² Injection wells are permitted under the federal Underground Injection Control (UIC) program.¹³³ The goal of the UIC program is the effective isolation of injected fluids from underground sources of drinking water.¹³⁴ Class II injection wells are designed for injecting fluids associated with the production of oil and natural gas, or fluids used to enhance hydrocarbon recovery. While the injection of fracturing fluids, unless the fluid contains diesel, is exempt from the UIC program, the wastewater from oil and gas operations is not exempt.¹³⁵ As of 2016, there were about 14 active Class II disposal wells in Florida, with an average disposal rate per well of 246,000 gallons per day.¹³⁶

Another issue that is developing with the increase in the number of injection wells is the concern that the deep-well disposal of oil and gas production wastewater is responsible for seismic activity in certain areas.¹³⁷ The Oklahoma Geological Survey stated that the primary suspected source of triggered seismicity is from the injection of produced water associated with oil and gas production in disposal wells.¹³⁸ The likelihood of potentially inducing seismic events differs between regions, based on factors such as geology and the wastewaters produced.¹³⁹

Additionally, in some states, the produced water is being sent to treatment facilities that are not equipped to treat wastewater from hydraulically fractured wells.¹⁴⁰ In June of 2016, the EPA, under the authority of the CWA, published final rules for the oil and gas extraction category.¹⁴¹ The rules establish pretreatment standards that prevent the discharge of pollutants in wastewater from onshore, unconventional oil and gas facilities to publicly owned treatment works.¹⁴² The

¹³⁸ Oklahoma Geological Survey, *Statement on Oklahoma Seismicity*, 1 (Apr. 21, 2015),

¹³⁹ Tanya Gallegos, Brian Varela, Seth Haines, & Mark Engle, *Hydraulic Fracturing Water Use Variability in the United States and Potential Environmental Implications*, Water Resour. Res., 5839–5845, 5844 (2015), *available at* https://agupubs.onlinelibrary.wiley.com/doi/epdf/10.1002/2015WR017278 (last visited Oct. 28, 2019).

¹³² *Id.* at 8-3.

¹³³ EPA, Underground Injection Control, General Information About Injection Wells, <u>https://www.epa.gov/uic/general-information-about-injection-wells</u> (last visited Oct. 28, 2019).

¹³⁴ Id.

¹³⁵ Watershed Council, *Regulations and Exemptions*, <u>https://www.watershedcouncil.org/hydraulic-fracturing---regulations-and-exemptions.html</u> (last visited Oct. 28, 2019).

¹³⁶ EPA Study, at 8-24, available at <u>https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990</u> (last visited Oct. 28, 2019).

¹³⁷ See generally Peter Folger & Mary Tiemann, Cong. Research Serv., R 43836, *Human-Induced Earthquakes from Deep-Well Injection: A Brief Overview* (Sept. 30, 2016), *available at* <u>https://www.fas.org/sgp/crs/misc/R43836.pdf</u> (last visited Oct. 28, 2019).

http://wichita.ogs.ou.edu/documents/OGS_Statement-Earthquakes-4-21-15.pdf (last visited Oct. 28, 2019).

¹⁴⁰ Hannah Wiseman, *Risk and Response in Fracturing Policy*, 84 UNV. OF COL. L. REV. 729-817, 768-769 (2009), *available at* http://lawreview.colorado.edu/wp-content/uploads/2013/11/11.-Wiseman For-Printer s.pdf (last visited Oct. 28, 2019).

¹⁴¹ Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category, 81 Fed. Reg. 41845–41857 (June 28, 2016), *available at* <u>https://www.govinfo.gov/content/pkg/FR-2016-06-28/pdf/2016-14901.pdf</u> (last visited Oct. 28, 2019).

¹⁴² EPA, Unconventional Extraction in the Oil and Gas Industry, <u>http://www2.epa.gov/eg/unconventional-extraction-oil-and-gas-industry</u> (last visited Oct. 28, 2019).

compliance date for the rules was extended until 2019 for certain facilities, but the rules are currently in effect.¹⁴³

Air Quality

The key aerial emissions associated with unconventional oil and gas production include methane (the main component of natural gas and a potent greenhouse gas), volatile organic compounds (VOCs), nitrogen oxides, sulfur dioxide, particulate matter, and various hazardous air pollutants.¹⁴⁴ In 2012, under the Clean Air Act, the EPA issued the first federal air standards for hydraulically fractured natural gas wells.¹⁴⁵ The New Source Performance Standards required reductions in VOC emissions from hydraulically fractured natural gas wells.¹⁴⁶

In May of 2016, the EPA issued three rules which together sought to curb emissions of methane, VOCs, toxins, and air pollutants, such as benzene, from new, reconstructed, and modified oil and gas sources.¹⁴⁷ The final rule on new and modified sources required compressor stations to monitor leaks, also known as "fugitive emissions," and required owners or operators to find and repair such leaks, which can be a significant source of both methane and VOC pollution.¹⁴⁸ The rule phased in requirements for a process known as "green completion" to capture aerial emissions from hydraulically fractured wells.¹⁴⁹ The EPA expects that implementation of the rule will reduce air pollutants and toxins, as well as provide health benefits related to reductions in fine particle pollution and ozone toxics, along with improvements in visibility.¹⁵⁰ In October of 2018, the EPA proposed clarifications and amendments regarding details of the rule's implementation.¹⁵¹ In 2019, the EPA issued proposed amendments to the New Source

¹⁴⁹ *Id.* at 3. ¹⁵⁰ *Id.* at 4.

¹⁴³ 40 C.F.R. ss. 435.33 and 435.34 (2016).

¹⁴⁴ Michael Ratner & Mary Tiemann, Cong. Research Serv., R 43148, *An Overview of Unconventional Oil and Natural Gas: Resources and Federal Actions*, 9 (Apr. 22, 2015), *available at* <u>https://fas.org/sgp/crs/misc/R43148.pdf</u> (last visited Oct. 28, 2019); *see* Richard Lattanzio, R 42986, *Methane and Other Air Pollution Issues in Natural Gas Systems*, 5-6 (Nov. 5, 2018), *available at* <u>https://fas.org/sgp/crs/misc/R42986.pdf</u> (last visited Oct. 29, 2019).

¹⁴⁵ Michael Ratner & Mary Tiemann, Cong. Research Serv., R 43148, An Overview of Unconventional Oil and Natural Gas: Resources and Federal Actions, 14 (Apr. 22, 2015).

¹⁴⁶ EPA, Controlling Air Pollution from the Oil and Natural Gas Industry: Actions and Notices About Oil and Natural Gas Air Pollution Standards, <u>https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/actions-and-notices-about-oil-and-natural-gas#regactions</u> (last visited Oct. 28, 2019).

¹⁴⁸ EPA, *EPA's Actions to Reduce Methane Emissions from the Oil and Gas Industry: Final Rules and Draft Information Collection Request*, 2 (2016), *available at* <u>https://www.epa.gov/sites/production/files/2016-09/documents/nsps-overview-fs.pdf</u> (last visited Oct. 28, 2019).

¹⁵¹ Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration, 83 Fed. Reg. 52056–52107 (Oct. 15, 2018), *available at* <u>https://www.govinfo.gov/content/pkg/FR-2018-10-15/pdf/2018-20961.pdf</u> (last visited Oct. 28, 2019); *see* EPA, *EPA Proposes Amendments to the 2016 New Source Performance Standards for the Oil*

Performance Standards, which include rescinding methane emissions limits, while keeping the limits for VOCs, for sources in the production and processing segments of the oil and gas industry such as well completion.¹⁵²

III. Effect of Proposed Changes:

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

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

Section 2 creates s. 377.2405, F.S., regarding advanced well stimulation treatments. The bill prohibits the performance of high-pressure well stimulation or matrix acidization in the state. The prohibition states that a permit from the Department of Environmental Protection (DEP) allowing drilling or operating an oil or gas well does not authorize high-pressure well stimulation or matrix acidization. The bill clarifies that the prohibition only applies to wells regulated under Ch. 377, F.S., entitled "Energy Resources." The only types of wells regulated under Ch. 377, F.S., relate to the oil and gas industry. The bill would not apply to water wells, or other wells that are not directly related to the oil and gas industry.

Section 3 states that the bill shall take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

and Natural Gas Industry: Fact Sheet (2018), available at <u>https://www.epa.gov/sites/production/files/2018-09/documents/oil and gas technical proposal fact sheet.9.11.18 0.pdf</u> (last visited Oct. 28, 2019).

¹⁵² Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review, 84 Fed. Reg. 50244–50286 (Sept. 24, 2019), *available at <u>https://www.govinfo.gov/content/pkg/FR-2019-09-24/pdf/2019-19876.pdf</u> (last visited Oct. 28, 2019); EPA, <i>EPA Proposed Policy Amendments to the 2012 and 2016 New Source Performance Standards for the Oil and Gas Industry*, 1-2 (Aug. 28, 2019), *available at <u>https://www.epa.gov/sites/production/files/2019-08/documents/fact_sheet.proposed_amendments_to_nsps_for_oil_and_natural_gas_industry.8.28.19.pdf</u> (last visited Oct. 28, 2019).*

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 377.19 of the Florida Statutes. This bill creates section 377.2405 of the Florida Statutes.

IX. **Additional Information:**

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

None.

Β. Amendments:

None.

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

By Senator Montford

	3-00108A-20 2020200_
1	A bill to be entitled
2	An act relating to advanced well stimulation
3	treatment; amending s. 377.19, F.S.; defining the
4	terms "high-pressure well stimulation" and "matrix
5	acidization"; creating s. 377.2405, F.S.; prohibiting
6	the performance of high-pressure well stimulation or
7	matrix acidization; providing that permits for
8	drilling or for operating a well do not authorize the
9	performance of high-pressure well stimulation or
10	matrix acidization; providing applicability; providing
11	an effective date.
12	
13	Be It Enacted by the Legislature of the State of Florida:
14	
15	Section 1. Present subsections (6) through (10) and (11)
16	through (32) of section 377.19, Florida Statutes, are
17	redesignated as subsections (7) through (11) and (13) through
18	(34), respectively, new subsections (6) and (12) are added to
19	that section, and subsection (5) of that section is amended, to
20	read:
21	377.19 Definitions.—As used in ss. 377.06, 377.07, and
22	377.10-377.40, the term:
23	(5) "Gas" means all natural gas, including casinghead gas,
24	and all other hydrocarbons not defined as oil in subsection (17)
25	(15) .
26	(6) "High-pressure well stimulation" means all stages of a
27	well intervention performed by injecting fluids into a rock
28	formation at a pressure that equals or exceeds the fracture
29	gradient of the rock formation and the purpose or effect is to

Page 1 of 2

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

	3-00108A-20 2020200_
30	fracture the formation to increase production or recovery from
31	an oil or gas well, such as in hydraulic fracturing or acid
32	fracturing.
33	(12) "Matrix acidization" means all stages of a well
34	intervention performed by injecting fluids into a rock formation
35	at a pressure below the fracture gradient of the rock formation
36	and the purpose or effect is to dissolve the formation to
37	increase production or recovery from an oil or gas well. The
38	term does not include techniques used for routine well cleanout
39	work, well maintenance, removal of formation damage due to
40	drilling or production, or acidizing techniques used to maintain
41	or restore the natural permeability of the formation near the
42	wellbore.
43	Section 2. Section 377.2405, Florida Statutes, is created
44	to read:
45	377.2405 Advanced well stimulation treatments
46	(1) PROHIBITION.—The performance of high-pressure well
47	stimulation or matrix acidization is prohibited in this state. A
48	permit for drilling or operating a well does not authorize the
49	performance of high-pressure well stimulation or matrix
50	acidization.
51	(2) APPLICABILITYThis section applies only to wells
52	regulated pursuant to this chapter.
53	Section 3. This act shall take effect upon becoming a law.

Page 2 of 2

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

Senate District 26 – Florida Forever Projects

SEN. BEN ALBRITTON (R-BARTOW)

2020 LEGISLATIVE REQUEST: Dedicate a minimum of \$100 million from the Land Acquisition Trust Fund to the Florida Forever Trust Fund for conservation land acquisition through the Florida Forever program, including the Florida Communities Trust and the Acquisition and Restoration Council's scientifically ranked Florida Forever Priority List.



Florida Forever Program (Fee purchases and conservation easements)

- Lake Wales Ridge Ecosystem
- 4,439 acres; \$26.2 million Catfish Creek
 - 5,800 acres; \$15.9 million

Greenways and Trails Program

• 8.7 acres; \$280,000

3.0 acres; \$230,000

Bartow Trailhead

Lake Wales Trailways

Florida Communities Trust (State funding matched by local funding)

Bayshore Live Oak Park, Charlotte County •

40 acres; \$11.2 million

District 26 Yes vote for Amendment 1 (2014): 69% Yes (98,691 Yes votes)

Total acres acquired, and federal, state, and local dollars spent in District 26 (1998-2009):

138,740 acres; \$533.0 million

The Trust for Public Land creates parks and protects land for people, ensuring healthy, livable communities for generations to come.

tpl.org

FOR ADDITIONAL INFORMATION:

Will Abberger Vice President and Director, Conservation Finance 306 North Monroe Street Tallahassee, FL 32301 850.222.7911 will.abberger@tpl.org

PHOTO: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ©2019 THE TRUST FOR PUBLIC LAND

Senate District 31 – Florida Forever Projects

SEN. LORI BERMAN (D-BOYNTON BEACH)

2020 LEGISLATIVE REQUEST: Dedicate a minimum of \$100 million from the Land Acquisition Trust Fund to the Florida Forever Trust Fund for conservation land acquisition through the Florida Forever program, including the Florida Communities Trust and the Acquisition and Restoration Council's scientifically ranked Florida Forever Priority List.



Florida Communities Trust (State funding matched by local funding)

Jaycee Park, City of Boynton Beach
5 acres; \$1.7 million
Hypoluxo Scrub Scrub Natural Area, Palm Beach
County/Town of Hypoluxo
97 acres; \$1.7 million

Iocal dollars spent in District 31 (1998-2009): 136.9 acres; \$7.4 million

Old School Square Addition, City of Delray Beach

5 acres; \$2.0 million

RUST

The Trust for Public Land creates parks and protects land for people, ensuring healthy, livable communities for generations to come.

tpl.org

FOR ADDITIONAL INFORMATION:

86% Yes (112,501 Yes votes)

Will Abberger Vice President and Director, Conservation Finance 306 North Monroe Street Tallahassee, FL 32301 850.222.7911 will.abberger@tpl.org

District 31 Yes vote for Amendment 1 (2014):

Total acres acquired, and federal, state, and

PHOTO: BROWARD.ORG ©2019 THE TRUST FOR PUBLIC LAND Scrub Ja

Senate District 17-Florida Forever Projects

SEN. DEBBIE MAYFIELD (R-VERO BEACH)

2020 LEGISLATIVE REQUEST: Dedicate a minimum of \$100 million from the Land Acquisition Trust Fund to the Florida Forever Trust Fund for conservation land acquisition through the Florida Forever program, including the Florida Communities Trust and the Acquisition and Restoration Council's scientifically ranked Florida Forever Priority List.



Florida Forever Program (Fee purchases and conservation easements)

Brevard Coastal Scrub Ecosystem

• 3,550 acres; \$4.3 million

Branch Reserve

7,700 acres; \$3.7 million

District 17 Yes vote for Amendment 1 (2014): 75% Yes (140,393 Yes votes)

Total acres acquired, and federal, state, and local dollars spent in District 17 (1998-2009): 33,500 acres; \$170 million

tpl.org

Florida Communities Trust

(State funding matched by local funding)

Eau Gallie Square Park, City of Melbourne

• 1 acre; \$100,000

Maritime Hammock Preserve, City of Cocoa Beach

• 128 acres; \$600,000

Lost Tree Island, Town of Indian River Shores / City of Vero Beach

• 483 acres; \$5.5 million

Jones Pier, Indian River County

• 16.5 acres; \$2.6 million

THE TRUST FOR PUBLIC LAND The Trust for Public Land creates parks and protects land for people, ensuring healthy, livable communities for generations to come. FOR ADDITIONAL INFORMATION:

Will Abberger Vice President and Director, Conservation Finance 306 North Monroe Street Tallahassee, FL 32301 850.222.7911 will.abberger@tpl.org

PHOTO: FLORIDA STATE PARKS ©2019 THE TRUST FOR PUBLIC LAND

Senate District 3 – Florida Forever Projects

SEN. BILL MONTFORD (D-TALLAHASSEE)

2020 LEGISLATIVE REQUEST: Dedicate a minimum of \$100 million from the Land Acquisition Trust Fund to the Florida Forever Trust Fund for conservation land acquisition through the Florida Forever program, including the Florida Communities Trust and the Acquisition and Restoration Council's scientifically ranked Florida Forever Priority List.



State Park and State Forest

Dickerson Bay / Bald Point

Lake Talquin State Forest

Additions and Inholdings Program

• 4,500 acres; \$7.8 million

574 acres; \$1.1 million

Florida Forever Program (Fee purchases and conservation easements)

Florida's First Magnitude Springs

- 60 acres; \$3.5 million
- Wacissa / Aucilla River Sinks 14,500 acres; \$8.9 million
- 14,500 acres, \$6.9 mmor

District 3 Yes vote for Amendment 1 (2014): 71% Yes (121,063 Yes votes)

Total acres acquired, and federal, state, and local dollars spent in District 3 (1998-2009): 135,870 acres; \$150.1 million

Miccosukee Canopy Road Greenway

Florida Communities Trust (State funding matched by local funding)

Capital Cascades Trail, City of Tallahassee • 10 acres; \$980,000 St. Marks Headwaters, Leon County • 450 acres; \$840,000 Fred George Greenway, Leon County • 17 acres; \$775,000

THE TRUST FOR PUBLIC LAND The Trust for Public Land creates parks and protects land for people, ensuring healthy, livable communities for generations to come.

tpl.org

FOR ADDITIONAL INFORMATION:

Will Abberger Vice President and Director, Conservation Finance 306 North Monroe Street Tallahassee, FL 32301 850.222.7911 will.abberger@tpl.org

PHOTO: ANNE NELSON ©2019 THE TRUST FOR PUBLIC LAND

Senate District 14 – Florida Forever Projects

SEN. TOM A. WRIGHT (R-PORT ORANGE)

2020 LEGISLATIVE REQUEST: Dedicate a minimum of \$100 million from the Land Acquisition Trust Fund to the Florida Forever Trust Fund for conservation land acquisition through the Florida Forever program, including the Florida Communities Trust and the Acquisition and Restoration Council's scientifically ranked Florida Forever Priority List.



Florida Forever Program (Fee purchases and conservation easements)

- Brevard Coastal Scrub Ecosystem
 - 500 acres; \$4.3 million
- Volusia Conservation Corridor • 6,400 acres; \$16.3 million

District 14 Yes vote for Amendment 1 (2014): 73% Yes (124,732 Yes votes)

Total acres acquired, and federal, state, and local dollars spent in District 14 (1998-2009): 13,100 acres; \$82.7 million

Spluce Cleek Flese

Florida Communities Trust (State funding matched by local funding)

Esther Street Beachfront Park, City of New Smyrna Beach

• 3.3 acres; \$2.8 million Timucuan Oaks Botanical Garden, Town of Ponce Inlet

• 8 acres; \$2.0 million Russell / Spruce Creek Property, City of Port Orange

• 17 acres; \$775,000

THE TRUST FOR PUBLIC LAND The Trust for Public Land creates parks and protects land for people, ensuring healthy, livable communities for generations to come.

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FOR ADDITIONAL INFORMATION:

Will Abberger Vice President and Director, Conservation Finance 306 North Monroe Street Tallahassee, FL 32301 850.222.7911 will.abberger@tpl.org

PHOTO: MICHAEL WRAY ©2019 THE TRUST FOR PUBLIC LAND

East Central Regional Rail Trail 600 acres; \$14.1 million

Greenways and Trails Program

Florida Senate Committee on Environment and Natural Resources

General Information Comments Provided by: Bruce French 1854 E. Windwood Way Tallahassee, FL 32311 Cell: 850-274-2776

Representing: Self as a citizen of Florida

Mr. Chairman and honorable committee members, it is indeed an honor to have the opportunity to present relevant information and express my concerns on the state of the Florida environment and natural resources.

Mr. Chairman, as you know, I addressed the Florida Legislative Delegation to Leon County on Monday evening, October 28, 2019. My written comments including supporting references were provided to your staff and to the other three Delegation members. I respectfully request that my written comments be read into the minutes of this Committee meeting.

As a retired state employee of the FDEP and DEM-Recovery Office I was required to possess the Knowledge, Skills and Abilities (KSAs) necessary to perform the duties and responsibilities within my respective job descriptions.

2017 Summary of the Job Description of The Senate Environmental Preservation and Conservation Committee (similar to this Senate Committee) reads as follows: Members are to examine legislation in the following subject areas-Aquaculture, Basin management and restoration, Beaches, Boating and vessel safety, Brownfields, Clean air and water, Clean and alternative energy initiatives, Coastal management, Consumptive use permitting, Dry cleaning contamination, Environmental land acquisition and protection (Florida Forever, etc.), Environmental resource permitting, Everglades, Hazardous and solid waste, Hunting and fishing, Invasive species management, Mining, Oceans, Oil and gas exploration, Onsite sewage treatment and disposal systems, Petroleum tanks, Power plant siting, Recycling, Sovereignty submerged lands, State parks and preserves, Statewide numeric nutrient criteria, Total maximum daily loads and Water supply (traditional and supplemental).

Florida Senate Committee on Environment and Natural Resources

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Florida Senate Committee on Environment and Natural Resources

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Consumptive use permitting, Dry clean and alternative energy initiatives, obasta management, Consumptive use permitting, Dry cleaning contamination, Environmental land acquisition and protection (Florida Forever, etc.), Environmental resource permitting, Everglades, Hazardous and solid waste, Hunting and fishing, Invasive species management, Mining, Oceans, Oil and gas exploration, Onsite sewage treatment and disposal systems, Petroleum tanks, Power plant siting, Recycling, Sovereignty submerged lands, State parks and preserves, Statewide numeric nutrient criteria, Total maximum daily loads and Water supply (traditional and supplemental).

APPEARANCE RECORD	
(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conduct	ing the meeting) $\mathcal{N}\mathcal{A}$
Meeting Date	Bill Number (if applicable)
Topic <u>Climate Change Corrective Action</u> Name <u>Bruce French</u>	Amendment Barcode (if applicable)
Name Bruce French	
Job Title Refired - FDEP&FDEM-Recovery	_
Address 1854 E. Windwood Way Phone	850-274-2776
Street	al_bFrench@yahod, com
City State Zip	
	: In Support Against d this information into the record.)
Representing Self as a citizen of Florida te	boyears
Appearing at request of Chair: Yes No Lobbyist registered wi	th Legislature: Yes XNo
While it is a Senate tradition to encourage public testimony, time may not permit all persons meeting. Those who do speak may be asked to limit their remarks so that as many persons	÷ .

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

THE FLORIDA SENATE
APPEARANCE RECORD
11/4/19 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date Bill Number (if applicable)
Topic Public Financing of Construction Phy Amendment Barcode (if applicable)
Name Drbarah Foote
Job Title Coveriment Affairs + Political Dir.
Address $200W$ (a) 1791 ± 314 Phone $251 - 533 - 1798$
Street deborah. tootew Email Signaclub. ors
City State Zip
Speaking: For Against Information Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLOR	IDA SENATE
APPEARAN	CE RECORD
(Deliver BOTH copies of this form to the Senator of Meeting Date	or Senate Professional Staff conducting the meeting) SBIS Bill Number (if applicable)
Topic Public Financing SLR	Amendment Barcode (if applicable)
Name Lauren Corey	
Job Title ASSOC. Direct of Campuig	ins, lethink Energy
Address 3129 Millehrooks Civ	Phone 860 766 6533
Street TLH City State	32312 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) SR178					
Meeting Date	Bill Number (if applicable)				
Topic <u>Public Financing of Construction Pro</u> Name <u>Leighanne Boone</u>	ject Amendment Barcode (if applicable)				
Name Leighanne Boone					
Job Title					
Address	Phone				
Street					
City State Zip	Email				
Speaking: For Against Information Waive Sp	peaking: In Support Against				
Representing Rethink Energy Action Fu	nd				
Appearing at request of Chair: Yes No Lobbyist register	ered with Legislature: Ves 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 RECO	RD
(Deliver BOTH copies of this form to the Senator or Senate Professional S	Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Public FINANCING of Construction Ressects	Amendment Barcode (if applicable)
Name Aliki Moncrief	-
Job Title Executive Directon	- · · · · · · · · · · · · · · · · · · ·
Address 1700 N. Monroe st.	Phone 9850-629-4656
Street TAllahassee FL 32303	Email AlikIC FLUOTERS, Org
	Speaking: In Support Against Air will read this information into the record.)
Representing FLORIDA CONSERVATION VOTERS	
Appearing at request of Chair: Yes No Lobbyist regist	tered with Legislature: 🔀 Yes 🗌 No
While it is a Senate tradition to encourage public testimony, time may not permit al	I 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 FL	ORIDA SENATE		
	APPEARA	NCE RECOR	ZD	
ルーレーノイ Meeting Date	eliver BOTH copies of this form to the Senat	tor or Senate Professional Staf	f conducting the meeting) -	Bill Number (if applicable)
Topic Sea Level R.	υĊ		Amend	ment Barcode (if applicable)
Name Kin Ross	٠ ۲		$\langle /$	
Job Title _ Excutive	Di-			
Address <u>603 N</u>	MLK Jr.		Phone <u>%</u> 6-9	188-2565
Street Tallahasse City	E FL State	<u>37361</u> Zip	Email <u>h</u> ,m©ret	hinkenersy florida ong
	Against Information	Waive Spe		pport Against ation into the record.)
Representing				
Appearing at request of (Chair: Yes 📝 No	Lobbyist register	red with Legislatu	ure: Yes 🗶 No

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THE FLO	RIDA SENATE
APPEARAI	NCE RECORD
	r or Senate Professional Staff conducting the meeting) <u>176</u> Bill Number (if applicable)
Topic COASTAL Resiliency	Amendment Barcode (if applicable)
Name Brion Lee	
Job Title Legislerive Director	
Address 1203 Buckinghum Dr	Phone <u>850-766-7309</u>
Tallahissee FL	32-308 Email Orion lee Tall chissee & gracil
City State	
Speaking: For Against Information	Waive Speaking: [X] In Support Against (The Chair will read this information into the record.)
Representing <u>Self</u>	
Appearing at request of Chair: Yes 🔀 No	Lobbyist registered with Legislature: 🕅 Yes 🗌 No

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THE FLORIDA SENAT	IATE	SEI	IDA	OR	FL	"HE	T
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, APPEARANC	CE RECOI	RD	
$\left - 4 \right - \left Q \right $ (Deliver BOTH copies of this form to the Senator or S	Sonato Professional St	iff conducting the meeting)	178
Meeting Date	,	/ .	Bill Numbor (if applicable)
Topic _ PUBLIC Finmerinly OF Constr	nucrion	C	lment Barcode (if applicable)
Name INICA PARTICK BIEHL			~
Job Title Jin. (70VERNMENT RELATION	s- (min	- MUNTE (;	Neo sh
Address 106. E. COURTE AVE Source	640	Phone 870	-224-1660
Street nempsie FL	32301	Email Anticon	CAVITOLALIM
City State Speaking: For Against Information	Zip Waive Sp (Tjhe Chaii	eaking: In Su	
Representing	1 VOFERS	FLORISA	
Appearing at request of Chair: Yes No L	_obbyist registe	ered with Legislati	ure: Yes No
While it is a Senate tradition to encourage public testimony, time n	nay not permit all i	persons wishina to s	peak 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			
1-4-19(Dollver BOTH copies of this form to the Senator or Se			178
Meeting Date	,		Bill Number (if applicable)
Topic Public Finmerinly OF Conson	uction	Amen	dment Barcode (if applicable)
Name INILOR PARTICLE BIEHC	1		. 1
Job Title TOVERNMENT RELATION	s- (mine	MUME (areasing (areasing)
Address 106. E. COLLEGE AVE SUITE	640 1	Phone 370	y dd 7 - 1060
ALMASSEE FL	32301	Email	R @ CATITOLALIAN GUSP. to
City State Speaking: For Against Information	Zip Waive Spe (The Chair y	eaking: In S	· · · · · ·
Representing <u>LEALINE OF WOMEN</u>	VOFERS	FLORISA	
		red with Legisla	ture: Yes No
While it is a Senate tradition to encourage public testimony, time ma	av not permit all p	ersons wishing to	speak to be heard at this

meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

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THE FLORIDA SENATE	
APPEARANCE RECO	RD
(Deliver BOTH copies of this form to the Senator or Senate Professional S	Staff conducting the meeting) $SB326$
Meeting Date	Bill Number (if applicable)
Topic Amendment 412992 to SB324	<u><i># 4/2992</i></u> Amendment Barcode (if applicable)
Name Elizabeth Biser	-
Job Title VP, Public Affairs	
Address	Phone
Street	
City State Zip	Email <u>ebiser erecycling partners hip</u>
	peaking:In SupportAgainst
Representing The Recycling Partnership	
Appearing at request of Chair: Yes No Lobbyist regist	tered with Legislature: Yes No

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The Florida Sena:	
APPEARANCE R	ECORD
(Deliver BOTH copies of this form to the Senator or Senate Prof Meeting Date	essional Staff conducting the meeting) <u>56 326</u> Bill Number (if applicable)
Topic <u>RECYCLING</u>	Amendment Barcode (if applicable)
Name CHARUE LATHAM	
Job Title GOVT. AFFAIRS	
Address 6501 GREENAND RD.	Phone 904-234-9617
Street ACKSONVILLE FL 32258	
City State Zip	
	Vaive Speaking: KIIn Support Against The Chair will read this information into the record.)
Representing WASTE MANAGEMENT	
Appearing at request of Chair: Yes No Lobbyist	registered with Legislature: Yes No

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APPEARANCE RECORD

11-41-19 (Dellver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 326
Meeting Date Bill Number (if applicable)
Topic Environment Barcode (if applicable)
Name INILOR BIEHL
Job Title DiRECTOR GOVERNMENT RELATIONS + (APIPOL MUIME (7ROUP)
Address 19 E. COLLEGE INE. SUITE 640 Phone 800 001 4000
Street NouthASSE FL 3230/ Email ANORE CATIOLALIME GREE
City State Zip City City State Zip City City
Representing LEAGUE OF WOMEN VOTERS FLORISA
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

1

The Florida Senate	E
IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII	
Topic RECYCLING	Amendment Barcode (if applicable)
Name KEYNA CORY	- $$
Job Title LOBOTIST	
Address 730 E. PARK AVE	Phone 858 6811065
Street FL 32301	Email Keynacury Opacinsultants ca
	aive Speaking: In Support Against e Chair will read this information into the record.)
Representing NATIONAL WASTE + RECYCLING A	55N-FR CHAPTER
Appearing at request of Chair: Yes No Lobbyist r	registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD
NOV 4 2017 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date Bill Number (if applicable)
Topic <u>IVFRPSTRWETR GYMIS</u> <u>LAND</u> Amendment Barcode (if applicable)
Name Sax & BUDS CLAY COUNTY FLHOTELS
lob Title SEX TOY & HOTELS
Address <u>2904 - 2910 Hund 21</u> Phone <u>909 416 327</u>
MIDDLEBURLY GLA 32069 Email
Čity State Zip
Speaking: Against Against Speaking: Against Against (The Chair will read this information into the record.)
Representing James Onto
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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

APPEARANCE RECORD

11/4/19 (Deliver BOTH copies of this form to the Senator or Senate Professional St	raff conducting the meeting) 332
Meeting Date	Bill Number (if applicable)
Topic LATE	Amendment Barcode (if applicable)
Name Deborah Foote	
Job Title Gov't Affairs + Pol. Dir	
Address 200 W College Are #314	251-533-1798 Phone
Tallahassie, PL 32301	deborah foote a Email SierMeller
Speaking: For Against Information Waive Speaking: (The Chai	beaking: In Support Against ir will read this information into the record.)
Representing SIErra CLB FL	
Appearing at request of Chair: Yes No Lobbyist registe	ered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony, time may not permit all meeting. Those who do speak may be asked to limit their remarks so that as many	

This form is part of the public record for this meeting.	S-001 (10/14/14)

THE FLORIDA SENA	ATE
APPEARANCE R	ECORD
Deliver BOTH copies of this form to the Senator or Senate Pr	ofessional Staff conducting the meeting) 332
Meeting Date	Bill Number (if applicable)
Topic Land aquisition Trust Fund	Amendment Barcode (if applicable)
Name TRAV'S MOORE	\/
Job Title	
Address P. O. Box ZOZO	Phone 724.421-6902
Gt. Pete FL. 333	731 Email travis & moore-relations-com
	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing Defending of Wildlice	
	st registered with Legislature: Ves No

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

The Florida Senate	
(Deliver BOTH copies of this form to the Senator or Senate Professional S	
Meeting Date	Bill Number (if applicable)
Topic Land Aggisition Trust Fund	Amendment Barcode (if applicable)
Name Daylor Bight	-
Job Title Labbi S-L	
Address 106 East College Ave, Ste 640	Phone 850-224-1660
Street Johnssee FL 32301	Email taylor @ capito alliance group
City State Zip	- Porn
	Speaking: In Support Against
Representing League of Women Vo	ters ,
Appearing at request of Chair: Yes No Lobbyist regist	tered with Legislature: Yes No

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

The Florida Senate	
APPEARANCE RE	CORD
(Deliver BOTH copies of this form to the Senator or Senate Profess Meeting Date	sional Staff conducting the meeting) <u>5332</u> Bill Number (if applicable)
Topic _ Flivide Farenel	Amendment Barcode (if applicable)
Name Lindsay Cross	
Job Title Government Relations Deveet	¥
Address 545 27th LUN	Phone
Street FL 33704	Email
	ive Speaking: In Support Against e Chair will read this information into the record.)
Representing Florida conservation voters	
Appearing at request of Chair: Yes No Lobbyist r	egistered with Legislature: Yes No

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

THE FLORIDA SENATE	
APPEARANCE RECO	RD
(Deliver BOTH copies of this form to the Senator or Senate Professional Senator Meeting Date	taff conducting the meeting) SB322 Bill Number (if applicable)
Topic Flomida Forever	Amendment Barcode (if applicable)
Name Will Abberger	
Job Title Vice President	
Address <u>306 N. Mommae St.</u>	Phone $\frac{850}{294 - 2000}$
Tallahasse FL 32301 City State Zip	Email Will abberger atplong
Speaking: For Against Information Waive S	peaking: In Support Against ir will read this information into the record.)
Representing The Trust for Public 1	and
Appearing at request of Chair: Yes No Lobbyist regist	ered with Legislature: Yes No

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

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

The Florida Ser	IATE
	RECORD
(Deliver BOTH copies of this form to the Senator or Senate F	JJ4
Meéting Date	Bill Number (if applicable)
Topic Florider Forener	Amendment Barcode (if applicable)
Name Paul OWMS	
Job Title President	
Address 308 N. MONTOR Sti	Phone
TULAMISSE FL	Email
City State Z	
Speaking: 🗹 For 🔄 Against 🔄 Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing 1000 Friends OF Flor	-ida
Appearing at request of Chair: Yes No Lobby	vist registered with Legislature: Yes No

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

THE FLORIDA SENATE APPEARANCE RECORD

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

(SB (332
Meeting Date				Bill Num	ber (if applicable)
Topic ADUANCE	ED WELL	- Syster	nS	Amendment Barc	ode (if applicable)
Name <u>Sax</u> & Bc	105 GAYL	punil &	& Horris		
Job Title ADUCT	704 STURE	- 1/10960	-5		
Address <u>2904 - 2</u> Street	910 Hmy	2/	Phone _	904 415	3221
MIDDZEBO	RLG FL		<u>20169</u> Email <u>S</u>	SEXBUDS 1	10 brmAll, un
City	ainst Informatio		p Waive Speaking: [(The Chair will read th	In Support	Against the record.)
Representing	× 7045 05	= Ciay (oung FL	Č.	
Appearing at request of C	hair: Yes N	o Lobbyi	st registered with I	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 1000 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date Bill Number (if applicable)
Topic 10 FRASTRINGTOR / GIANLS LAND Amendment Barcode (if applicable
Name Sex & BUDS CLAY Country FLHOTELS
Job Title SEX 704 9 HOTELS
Address 2904 - 2910 Hund 21 Phone 209 416 3224
MIDDLEBURCH GE 32069 Email
City State Zip Speaking: For Against Information Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing James Onto
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

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

S-001 (10/14/14

APPEARANCE RECORD

11-41-19 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 326
Meeting Date Bill Number (if applicable)
Topic Environment Barcode (if applicable)
Name TAILOR BIEHL
Job Title DiRECTOR GOVERNMENT RELATIONS + (Minute (700))
Address 19 E. COLLEGE AVE. SUITE 640 Phone SOUDD 7-7660
Street TransfitsEE FC 3230/ Email ANUR CATION MILING
City State Zip
Speaking: For Against Information Waive Speaking: In Support Against
(The Chair will read this information into the record.)
Representing LEAGUE OF WOMEN VOTERS FLORISA
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

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.



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

APPEARANCE RECORD

11-4-19 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Bill Number (If applicable
Topic ADVINED VIEL STIMLATION TITEATMENT Amondmont Barcodo (Il applicable
Name Torror BIEHL
Job Title Dir. GOVERNMENT RELATIONS
Address 186 E. COLLEGE AVE SITE 640 Phone 810-224-1660
Street <u>INUMPASSEE FL 3230/</u> Email <u>Invole (APITOLALI</u>
City State Z/p Speaking: For Against Information Waive Speaking: In Support Against (The Chair will read this information into the record.) Information
Representing LERGUE OF WOMEN VORERS FLORIDA
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at thi meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14

Dur

APPEARANCE RECORD

11/4/2019	(Deliver BOTH copies of this form to the Senator	or Senate Professional St	aff conducting the meeting)	SB 200
Meeting Date	-			Bill Number (if applicable)
Topic Advanced Well	Stimulation Treatments		Ameno	Iment Barcode (if applicable)
Name <u>Jennifer Wilson</u>				
Job Title Lobbyist				
Address 101 East Ker	nnedy Blvd, Suite 2800		Phone <u>813-407-</u>	0703
<i>Street</i> Tampa	FL	33612	Email_JWilson@	shumaker.com
City Speaking: For	State	Zip Waive S (The Cha	peaking: In S ir will read this inform	upport Against
Representing <u>Co</u>	nservancy of Southwest Florida			
Appearing at request	of Chair: 🗌 Yes 🖌 No	-		ture: 🖌 Yes 🗌 No
While it is a Senate tradit meeting. Those who do s	ion to encourage public testimony, time peak may be asked to limit their remai	e may not permit all rks so that as many	l persons wishing to s persons as possible	speak to be heard at this can be heard.

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

THE FLORIDA SENATE	
APPEARANCE RECORD	
11/4/19 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)	200
Meeting Date Bill 1	Number (if applicable)
Topic Advanced Well Stimlation Amendment	Barcode (if applicable)
Name Deborah Foote	
Job Title Government Affairst Pol.tical Director	
Address $200 W college # 34$ Phone $\frac{251 533}{251 533}$	3///8
Street Tallahussee FL 32301 Email Sierraci	Lb. Org
City State Zip	
Speaking: For Against Information Waive Speaking: In Suppor (The Chair will read this information (The Chair will read this information)	•
Representing Sichra C.1.5 FL	an an de change an an tha an an tha an
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 meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be	

This form is part of the public record for this meeting.	S-001 (10/14/14)

THE FLOR	IDA SENATE
APPEARAN	CE RECORD
	r Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Fracking	Amendment Barcode (if applicable)
Name Laura Junigan	
Job Title - ctincla	
Address <u>1571 Sau Lois</u>	Phone 850-516-2968
Tallahassed Fl City State	JJ304 Email KJHBOYDQqmall.m
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 meeting. Those who do speak may be asked to limit their remark	
This form is part of the public record for this meeting.	S-001 (10/14/14)

APPEARANCE RECORD

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

SB2	00
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4-Nov-2019			nate i joicașionai	Stan conducting the mee	SB200
Meeting Date					Bill Number (if applicable)
Topic Fracking Ban				An	nendment Barcode (if applicable)
Name <u>Ken Hays</u>			<u>_</u>		
Job Title Concerned Ci	tizen			_	
Address 1935 Nanticol	ke Circle	anna a tha bhain an ann an a	N	Phone	
Street Tallahassee	FL		32303	_ Email	·
<i>City</i> Speaking: √ For	State				n Support Against ormation into the record.)
Representing					
Appearing at request of	of Chair: 🗌 Yes 🗸 N	lo Lo	bbyist regis	stered with Legis	slature: Yes 🗸 No
	on to encourage public testin eak may be asked to limit th				to speak to be heard at this ble can be heard.
This form is part of the p	ublic record for this meeti	ing.			S-001 (10/14/14

	THE FLO	orida Senate		
	APPEARAI	NCE RECO	RD	
(Deliver BOTH co	pies of this form to the Senato	or or Senate Professional St	aff conducting the meeting)	200
Meeting Date			-	Bill Number (if applicable)
Topic Advanced Well Stimulation	Treatment		Amend	ment Barcode (if applicable
Name Brewster Bevis				
Job Title Senior Vice President				
Address 516 N. Adams St			Phone <u>8502247</u>	173
Street Tallahassee	FL	32301	Email_bbevis@a	if.com
<i>City</i> Speaking: For Against	<i>State</i> Information	Zip Waive Sp (The Chai	peaking: In Su r will read this informa	•••
Representing Associated Ind	ustries of Florida			
Appearing at request of Chair:	Yes 🖌 No	Lobbyist registe	ered with Legislat	ure: 🖌 Yes 🗌 No
While it is a Senate tradition to encourage meeting. Those who do speak may be a	e public testimony, tim sked to limit their rema	ne may not permit all arks so that as many	persons wishing to s persons as possible o	peak to be heard at this can be heard.
This form is part of the public record	for this meeting.			S-001 (10/14/14)

APPEARANCE RECORD

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

200 (2020)

Bill Number (if applicable) Topic Fracking Accelerates Climate Change, Increases Pollution, and may Kill Tourism Amendment Barcode (if applicable) Name Sam H. Adams, Jr. Phone (850) 544-3134 Address 1906 E. Nelson Cir.

Tallahassee	FL	32303	Email ^{samadams32303@comcast.net}
City	State	Zip	
Speaking: For Against	Information		Speaking: In Support Against Against air will read this information into the record.)
Representing			
Appearing at request of Chair:	Yes 🖌 No	Lobbyist regis	tered 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.

November 4, 2019

Meeting Date

Job Title Retired

Stroot

THE FLORIDA SENATE	
Deliver BOTH copies of this form to the Senator or Senate Professional St. Meeting Date	
Topic	Amendment Barcode (if applicable)
Name Justin Foley	
Job Title Vice President, Land	
Address 1111 Bagby Street	Phone
Honoton JX 77002 City State Zip	Email Justin. Aolay @ marresources.
Speaking: For Against Information Waive Sp (<i>The Chai</i>	peaking: In Support Against r will read this information into the record.)
Representing Maverich Natural Resources / the Independent	dent Petroleum Producers Assoc.
Appearing at request of Chair: Yes No Lobbyist registe	ered with Legislature: Yes 🔀 No

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THE FLORIDA SENATE APPEARANCE RECORD

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

(Deliver BOTH copies of this form to the Senator or Senate Profession	SB 200
Meeting Date	Bill Number (if applicable)
Topic Fracking	Amendment Barcode (if applicable)
Name Leighanne Boone	
Job Title	
Address	Phone
Street	Email
	re Speaking: In Support Against Chair will read this information into the record.)
Representing ReThink Energy Action	Fund
Appearing at request of Chair: Yes No Lobbyist re	gistered with Legislature: Ves 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
Meeting Date (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB200 Bill Number (if applicable)
opic Fracking Ban Bill Amendment Barcode (if applicable)
lame <u>Hmy Date</u>
ob Title Activist.
Address Phone 850) 372-2599
Street Email Amalie date Mac.
City State Zip 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

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

11-	4-2019	(Deliver BOTH co	THE FLO APPEARAI pies of this form to the Senato			g the meeting)		200
Meeting	g Date		\checkmark				Bill Number	r (if applicable)
Topic	SB 200					Amend	ment Barcod	e (if applicable)
Name	Chris	5 Colso	n					
Job Title _	Project	- Geol	gist					
Address _	812		Way		Phone		-408-	<i>R</i> 4
Sti	Tallal	lassee	FL	32308	Email_	colson	Grower	drilling
Ċi		-	State	Zip				1
Speaking:	For	Against	Information	Waive Sp (The Chại		In Su this information		Against e record.)
Repres	enting	Water 1	Well Drilling	Company (-	Sver	AS)		
Appearing	at request o	of Chair:	Yes No	Lobbyist registe	ered with	n Legislatı	ure:	res No

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

Тне	Florida Senate	
APPEAR	ANCE RECO	RD
(Deliver BOTH copies of this form to the So	enator or Senate Professional S	taff conducting the meeting)
Meeting Date		Bill Number (if applicable)
Topic FAACKINg		Amendment Barcode (if applicable)
Name Im Tatum		
Job Title 18418 Teachor		$n = n + \frac{1}{2}$
Address 914 SW RIVER IMD	\mathcal{I}	Phone 386454 1916
Street Fort White Fl City, State	32038 Zip	Email Jun PIMTattem, Nat
Speaking: For Against Information	Waive S	peaking: In Support Against
Representing Our Santa Fp	River I	
Appearing at request of Chair: Yes No	Lobbyist regist	ered with Legislature: Yes No

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THE FLO	RIDA SENATE
APPEARAN	ICE RECORD
(Deliver BOTH copies of this form to the Senator Meeting Date	or Senate Professional Staff conducting the meeting) 200 Bill Number (if applicable)
Topic Ban Fracking	Amendment Barcode (if applicable)
Name Memillee Malwitz-Ji	pson
Job Title <u>Citizen</u>	
Address <u>2070 SW CR 138</u>	Phone <u>352-222-8893</u>
Given Fort White FL City State	32038 Email Merrilleeart@mail.
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing <u>Our Santa fe River</u>	
Appearing at request of Chair: 🗌 Yes 🗹 No	Lobbyist registered with Legislature: 🗌 Yes 🔀 No

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

The Florida Senate			
APPEARANCE RECORD			
(Deliver BOTH copies of this form to the Senator or Senate Professional Sta Nov 4 2019	in conducting the meeting)	200	
Meeting Date	-	Bill Number (if applicable)	
Topic FRACKING BAN	Amend	ment Barcode (if applicable)	
Name DAN HENDRICKSON			
Job Title VOLUNTEER, FLA LEAGUE OF CONSERVATION VOTERS ED FUND			
Address <u>319 E PARK AVE</u> <u>Street</u>	Phone 850 570-	1967	
TALLAHASSEE, FL 32301	Email DANBHENDRIG	CKSON@COMCAST.NET	
	eaking: 🔽 In Sι		
Representing FLA LEAGUE OF CONSERVATION VOTERS EDU	ICATION FUND		
Appearing at request of Chair: Yes No Lobbyist register While it is a Senate tradition to encourage public testimony, time may not permit all meeting. Those who do speak may be asked to limit their remarks so that as many	persons wishing to s	peak to be heard at this	

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THE FLORIDA APPEARANC		
$\frac{11 - 04 - 19}{Meeting Date}$ (Deliver BOTH copies of this form to the Senator or Se	enate Professional Staff conducting the meeting) 200 Bill Number (if applicable)	
Topic Fracking	Amendment Barcode (if applicable)	
Name Kim Ross		
Job Title <u>Executive</u> D:		
Address 603 NMLKJ, Blue	Phone <u>850-888-2505</u>	
Street Tollahassee FL	32301 Email KinDrethink Energy flored og	
City State Speaking: For Against Information	Zip Waive Speaking: In Support Against (The Chair will read this information into the record.)	
Representing		
Appearing at request of Chair: Yes No Lo	obbyist registered with Legislature: Yes 📝 No	
While it is a Senate tradition to encourage public testimony, time ma meeting. Those who do speak may be asked to limit their remarks s		

This form is part of the public record for this meeting.
THE FLORIDA SENATE	
APPEARANCE RECO (Deliver BOTH copies of this form to the Senator or Senate Professional S Meeting Date	
Торіс	Amendment Barcode (if applicable)
Name Gary Hunter	
Job Title <u>Attorney</u>	
Address 119 S. Monroe St. Suite 300	Phone 850-222-7500
Tallchassee FL 32301 City State Zip	Email garyh@hgslaw.com
Speaking: For Against Information Waive S	peaking: In Support Against ir will read this information into the record.)
RepresentingSKIAr Exploration Co., L	LC
Appearing at request of Chair: Yes Ko Lobbyist regist	ered with Legislature: Yes No

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

THE FLORIDA SENATE APPEARANCE RECOR	
11 - 4 - 19 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff	conducting the meeting) 200
Meeting Date	Bill Number (if applicable)
Topic Fracking	Amendment Barcode (if applicable)
Name Nicole Knutson	
Job Title ASSOCIAte Director of Ed.	321-693-9959
Address 603 N. MK Jr Blvd F	hone
Tallahassee FL 32301 E	Email <u>Ni KKi@rethink</u>
Speaking: For Against Information Waive Spea	aking: In Support Against will read this information into the record.)
Representing	
Appearing at request of Chair: Yes Yoo Lobbyist registered	ed with Legislature: Yes No
While it is a Sanata tradition to anourage public testimony, time may not permit all pe	reans wishing to speak to be beard at this

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

THE FL	ORIDA SENATE	and the second second	
APPEARA	NCE RECO	RD	
(Deliver BOTH copies of this form to the Sena	tor or Senate Professional St	aff conducting the meetir	$^{(g)}$ b 200
Meeting Date	A		Bill Number (if applicable)
Topic FRACKING		Ame	endment Barcode (if applicable)
Name PUTH CHASE			
Job Title			
Address <u>91001 Milcosulte</u> Pt	\geqslant	Phone	
TALLAHASSEE FL	32309	Email	
City State Speaking: For Against Information	Zip Waive S (The Chai		Support Against
Representing <u>SELF</u>			
Appearing at request of Chair: Yes XNo	Lobbyist registe	ered with LegisI	ature: Yes X No
	, ., .,		

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

	The Florid	A SENATE		
	APPEARANC	E RECOR	D	
(Deliver BO	TH copies of this form to the Senator or S	Senate Professional Staff	conducting the meeting)	56 200
Meeting Date				Bill Number (if applicable)
TOPIC FRANKING	2		Amendm	nent Barcode (if applicable)
Name Marty	MONROE			
Job Title TAX PAY	ER			
Address (0992)	ALHAMBRA	DR	Phone	~
Street TALLAH	KSER FC		Email Mary 1	NONVOC COME.COM
City Speaking: For Agains	State t Information	Zip Waive Spe (The Chair v	eaking: In Sup will read this informat	•
Representing <u>CiTTZ</u>	ens who CAA	917 ATTEN	VID	
Appearing at request of Chair:		obbyist register.	ed with Legislatu	re: Yes X No
While it is a Senate tradition to enco	urage public testimony time m	nav not nermit all ne	ersons wishing to spe	eak to be heard at this

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

			orida Senate NCE RECO	RD
<u>III//I9</u> Meeting Date	(Deliver BOTH co	pies of this form to the Sena	tor or Senate Professional St	aff conducting the meeting) 200 Bill Number (if applicable)
Topic ADVAN	ced Well	Stimulation	Tacotwart	Amendment Barcode (if applicable)
Name JONATH	an Webbe			
Job Title Depty	Diredon			
Address 1700	N. Meptol	st #11-	286	Phone 954-593-4449
Street 	Assec	FC	32303	Email SWEBBER & FUNCTERS, ON
<i>City</i> Speaking: For	Against	<i>State</i> Information		peaking: In Support Against ir will read this information into the record.)
Representing	FLORIDA	CONSERVATIO	NOTERS	
Appearing at reque	est of Chair:	Yes No	Lobbyist registe	ered with Legislature: 🔀 Yes 🗌 No
While it is a Senate tra	dition to encourac	e nublic testimony ti	me may not permit all	persons wishing to speak to be heard at this

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

The Florida Senate	
APPEARANCE RECO	-
(Deliver BOTH copies of this form to the Senator or Senate Professional S Meeting Date	Bill Number (if applicable)
Topic Ban Frauling	Amendment Barcode (if applicable)
Name Michelle Alen	-
Job Title Florida State Director	
Address 3900 1St St N # 201	Phone 27-217-5135
Street Pete FL 33703	Email Mallen Stwutch.og
	peaking: In Support Against
Representing Food & Water Water	
Appearing at request of Chair: Yes Vo Lobbyist regist	tered with Legislature: Yes KNo

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

THE FLOR	rida Senate		
(Deliver BOTH copies of this form to the Senator			50 200
			Bill Number (if applicable)
Topic Freeking		Ameno	Iment Barcode (if applicable)
Name Rich Templic			
Job Title			
Address 135 S. Mon-ve		Phone 550	- 224 - 6926
Street <u>Tallchassee</u> City State	32302	Email	
Speaking: For Against Information		peaking: In Su	
Representing Florida AF2 - C10			
Appearing at request of Chair: Yes 🗶 No	Lobbyist regist	ered with Legislat	ure: 🕅 Yes 🗌 No

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

			THE FLOR	rida Senate ICE RECO	RD	
(1 (2	119	(Deliver BOTH cop	ies of this form to the Senator	or Senate Professional St	aff conducting th	ne meeting) SB 700
Mee	eting Date	-				Bill Number (if applicable)
Topic _	fracking		-			Amendment Barcode (if applicable)
Name _	Sabrina H	.U				
Job Title	e Lesearch	8 Policy	(aurilmanor,	feth Mk Ener	74	
	3134 Bo	ş	_			830 345 - 2665
	Street TLH	.)	FL	32311	Email	
Speaking	<i>City</i> g: For	Against	<i>State</i> Information	<i>Zip</i> Waive Sp	beaking:	In Support Against
Repr	resenting					
Appeari	ng at request	of Chair:	Yes No	Lobbyist registe	ered with I	_egislature: Yes No
While it is	a Senate traditio	on to encourage	e public testimony, time	may not permit all	persons wis	hing 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 RECO	RD
Deliver BOTH copies of this form to the Senator or Senate Professional S Meeting Date	Staff conducting the meeting) <u>573200</u> Bill Number (if applicable)
Topic Fracking	Amendment Barcode (if applicable)
Name Lauven Corey	-
Job Title ASSOC. Divect of Campuigns, ReThink F	Energy
Address 329 Middlebrooks Cin	Phone 9607666533
TLH FL 37312	Email
	peaking: In Support Against air will read this information into the record.)
Representing	
Appearing at request of Chair: Yes No Lobbyist regist	tered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony time may not permit al	I persons wishing to speak to be heard at this

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THE FLORIDA SENATE APPEARANCE RECO (Deliver BOTH copies of this form to the Senator or Senate Professional S Meeting Date	
Topic <u>Fracking</u>	Amendment Barcode (if applicable)
Name lyann lynn	
Job Title Advocate	
Address <u>412 w Sefferson St #323</u> Street	Phone 847-644-7929
Tavahassee FL 32301 City State Zip	Email offen rlynn@environment
	peaking: In Support Against ir will read this information into the record.)
Representing Environment Plovida	
Appearing at request of Chair: Yes No Lobbyist regist	ered with Legislature: Yes No

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THE FLORIDA SENATE	
APPEARANCE RECO)RD
Deliver BOTH copies of this form to the Senator or Senate Professional S Meeting Date	Staff conducting the meeting) SB200 Bill Number (if applicable)
Topic SB200 Fracking	Amendment Barcode (if applicable)
Name Jackson Oberlink	_
Job Title President - FSU Environmental Service Progr	ram
Address 2001 Melapie Dr.	Phone 7725321371
Tallahasee FL 32304 City State Zip	_ Email jackson oberlink @gmail.com
	Speaking: In Support Against air will read this information into the record.)
Representing FSU Environmental Service Pr	<u>rogram</u>
Appearing at request of Chair: Yes 🔀 No Lobbyist regis	stered with Legislature: Yes 🕅 No

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APPEARANCE RECORD
11-4-19 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) Meeting Date Bill Number (If applicable
Topic ADVMED NELL STIMLATION LIPEATMENT Amondmont Barcodo (Il applicab.
Name Torror BIENL
Job Title <u>Dir.</u> GOVERNMENT RELATIONS Address 186 E. COLLEGE AVE SITE 640 Phone 80-224-1660
Address 106 E. (OLLEGE THE STREE FINITE OF FINITE EMail AND CAPITOLALL
City State Zlp Speaking: For Against Information Waive Speaking: In Support Against Speaking: For Against Information (The Chair will read this information into the record.)
Representing LENGUE OF WOMEN VORRS FLORISA
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at thi meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14

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THE FLORIDA SENATE	
APPEARANCE REC	ORD
(Deliver BOTH copies of this form to the Senator or Senate Professional Meeting Date	al Staff conducting the meeting)
Topic Fracking	Amendment Barcode (if applicable)
Name Brincher	
Job Title LegisliTive Director	
Address 1203 Buchingham Dr	Phone \$50-766-7309
Jallehigser FL 32308	Email <u>6Lee@Fwwerch.ocs</u>
City State Zip Speaking: Y For Against Information Waive (The Classical Content of	Speaking: In Support Against
Representing Food and Wover Warch	
	stered with Legislature: 🔏 Yes 🗌 No

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THE FLORIDA SENA	ATE
APPEARANCE R Image: Date (Deliver BOTH copies of this form to the Senator or Senate Provide the Senator of Senat	
Topic <u>Fracking Ban</u> Name Brianna Blastick	Amendment Barcode (if applicable)
Job Title	
Address 1709 W Call Street Street Tallahasser PL 3230	Phone (250)532-2603 M Email bribl998 @hotmail.com
City State Zip Speaking: For Against Information	
Representing <u>ReTHINK Energy</u> Flor Appearing at request of Chair: Yes No Lobbyis	rida st registered with Legislature: Yes Ko

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THE FLORI	DA SENATE
(Deliver BOTH copies of this form to the Senator or Meeting Date	
TopicFSBQ00	Amendment Barcode (if applicable)
Name	J. Thomas
Job Title Volunteer	
Address 0985 Teton Tit	2 Phone $386-9475$
Street Cellohassee City State	<u>3230</u> ³ Email
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
RepresentingAFSEME	
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature: Yes Avo

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		THE FLOR	RIDA SENATE		
		APPEARAN	ICE RECO	RD	
400514	(Deliver BOTH co	opies of this form to the Senator	or Senate Professional S	taff conducting the meeting)	SRZON
Meeting Date					Bill Number (if applicable)
Topic <u>SB20</u>	0	V		Amena	Iment Barcode (if applicable)
Name Ryan	1SER	GER			
Job Title Comp on	Rebon.	Le Dev-He	ndry Fotol	SUM	
Address 13656 fi	2)histike	Diva, Suite 2	17-303	Phone Lag 7	19-47/12
City	itris	[Jarid]	329912	Email cron, ber	a Phenderstein
Speaking: For	Against	State	Zīp Waive Sļ (The Chai	peaking: In Su	upport Against ation into the record.)
Representing	Nory	Petilizian Cor	palsol.		
Appearing at request of	of Chair:	Yes No	Lobbyist registe	ered with Legislati	ure: Yes 🛛 No

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	DRIDA SENATE NCE RECOR Of or Senate Professional Staff	
Topic Fracking		Amendment Barcode (if applicable)
Name Theresa Reynolds		
Job Title		
Address 82421 Jacksonbuff Road	and and the second s	Phone 386 237 891
Street Tallahoossee FL		Email theresare under Comail com
City State Speaking: For Against Information	Zip Waive Spe (The Chair v	aking: In Support Against will read this information into the record.)
Representing		
Appearing at request of Chair: Yes No	Lobbyist register	ed with Legislature: Yes 🔀 No
While it is a Senate tradition to encourage public testimony tim	e may not permit all pe	rsons wishing to speak to be heard at this

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

	Lorida Senate	
Deliver BOTH copies of this form to the Sena		Staff conducting the meeting) 200
Meeting Date		Bill Number (if applicable)
Topic Fracting		Amendment Barcode (if applicable)
Name Dane Foster		
Job Title Student		_
Address 501 Chapel Dr.		Phone 305-778-1611
Street Tallawassel FL	32304	Email & dane toster 484 Comail con
City State	Zip	
Speaking: For Against Information		Speaking: In Support Against air will read this information into the record.)
Representing		
Appearing at request of Chair: Yes No	Lobbyist regis	tered with Legislature: 🏾 Yes 🖄 No
While it is a Senate tradition to encourage public testimony to	ime may not permit a	Il persons wishing to speak to be heard at this

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THE FL	ORIDA SENATE
APPEARA	NCE RECORD
(Deliver BOTH copies of this form to the Senat	or or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic WELL Stimulation J	reatment Amendment Barcode (if applicable)
Name Edward G. Labrado	
Job Title Legislative Counse	l
Address 100 S. Andrews Ave. Me	in Library Phone 954-826-1155
Fort lavelerdale FC	3330) Email plabrador @ broward.org
Speaking: For Against Information	Zip Waive Speaking: In Support Against (The Chair will read this information into the record.)
RepresentingBeoward Compt	1
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature: Yes No

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	The Flori	DA SENATE	
Meeting Date	(Deliver BOTH copies of this form to the Senator or		ng the meeting)
Topic Frackir	19 Ban		Amendment Barcode (if applicable)
Name Job Title	HAN Macmullar		
Address	Tallahasse FL		annacmillan Qyahoo Con
<i>City</i> Speaking: For	Against Information	Zip Waive Speaking: (The Chair will read	In Support Against Athis information into the record.)
Representing			
Appearing at request	of Chair: Yes 🗡 No I	_obbyist registered wit	h Legislature: 🔄 Yes 🗡 No
M/bila it is a Canata tradit	ion to oncourage nublic testimony, time	now not normit all marray	

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11/4/2019	(Deliver BOTH copi	APPEARA es of this form to the Senate		RD taff conducting the meeting)	200
Meeting Date	_			-	Bill Number (if applicable)
Topic Oil and Gas				Amend	ment Barcode (if applicable)
Name Andy Palmer					
Job Title Senior Polic	cy Advisor				
Address 119 South I	Monroe, Suite	200		Phone <u>850-205-</u>	9000
Street Tallahassee)	FL	32301	Email andy.palm	er@MHDFirm.com
<i>City</i> Speaking: For [Against	<i>State</i>		peaking: In Su	
Representing <u>Co</u>	ollier Resource	es Company			
Appearing at request	of Chair:	Yes 🖌 No	Lobbyist regis	tered with Legislatu	ure: 🖌 Yes 🗌 No
While it is a Senate tradit meeting. Those who do s	ion to encourage peak may be as	e public testimony, tin ked to limit their rema	ne may not permit al arks so that as many	l persons wishing to sp persons as possible o	beak to be heard at this can be heard.

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THE FLORIDA SENATE	
L(4/2019 Deliver BOTH copies of this form to the Senator or Senate Professional St	aff conducting the meeting) $\underline{SB200}$
Meeting Date	Bill Number (if applicable)
Topic Fracking	Amendment Barcode (if applicable)
Name Susan Mileod	
Job Title Pharmaeist	
Address 802 Chestwood Ave	Phone 8502644217
Street 32303	Email
City ^t State Zip Speaking: For Against Information Waive Speaking	peaking: In Support Against r will read this information into the record.)
RepresentingSelf	<i>}</i> `
Appearing at request of Chair: Yes XNo Lobbyist registe	ered with Legislature: 🗌 Yes 📈 No
While it is a Senate tradition to encourage public testimony, time may not permit all meeting. Those who do speak may be asked to limit their remarks so that as many	

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

The Florida Senate	
(Deliver BOTH copies of this form to the Senator or Senate Professional Meeting Date	
Topic <u>Stop Fricking Fracking</u> Name <u>C. Forfar</u>	Amendment Barcode (if applicable)
Job Title	_
Address <u>4421 Annette</u> Street	Phone
	Email
	Speaking: In Support Against air will read this information into the record.)
Representing Indivisible	
	stered with Legislature: Yes No
While it is a Sanata tradition to anonyrada public tastimony, time may not permit a	Il persons wishing to speak to be beard at this

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

Тне	FLORIDA SENATE		
APPEAR	RANCE RECO	RD	
(Deliver BOTH copies of this form to the S)	Senator or Senate Professional S	taff conducting the meet	<u>DDAOO</u>
Meeting Date			Bill Number (if applicable)
Topic 0,19 GAS TRODUCTION		Am	endment Barcode (if applicable)
Name David Mica			
Job Title Executive Director			
Address 215 S. MONBOE ST SUIT	e 800	Phone 850	561
TALLAHASSEE FL City State	32301	Email	
Speaking: For Against Information			Support Against
Representing FLORIDA PETROLEUM	COUNCI		······
Appearing at request of Chair: Yes No	Lobbyist regist	ered with Legis	lature: Ves No

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THE FLORIDA SENATE
APPEARANCE RECORD (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date
Topic 10 FRDSTRNOWR / GIMLS LAND Amendment Barcode (if applicabl
Name Sax BUDS CLAY County ALHOTELS
Job Title SEX 704 & HOTELS
Address 2904 - 2910 Hund 21 Phone 209 415 3224
MIDDLEBURLY GL 32068 Email
City Zip Speaking: For Against Information Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing James 0770
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/1

CourtSmart Tag Report

Room: LL 37 Case No.: Caption: Senate Environment and Natural Resources Committee Type: Judge:

	/2019 4:00:39 PM /2019 5:00:13 PM Length: 00:59:35
4:00:38 PM	Call to Order
4:00:39 PM	Roll call
4:00:53 PM	Quorum is present
4:01:22 PM	Pledge of allegiance
4:01:33 PM	Chair Montford with introduction
4:01:43 PM	Tab 1 SB 178 Public Financing of Construction Projects by Senator Rodriguez
4:01:46 PM	Senator Rodriguez presents the bill
4:02:06 PM	SB 178 is explained
4:02:20 PM	Chair opens for member questions on the bill
4:02:26 PM	No questions, move on to public appearance
4:03:00 PM	Deborah Foote
4:03:02 PM 4:03:08 PM	Leighanne Boone ReThink Energy Action Fund in support Aliki Moncrief Executive Director Florida Conservation Voters Tallahassee in support
4:03:42 PM	Kim Ross ReThink Energy Action Fund in support
4:03:42 PM	Brian Lee in support
4:03:46 PM	Jeff Sharkey in support
4:03:54 PM	Taylor Patrick Biehl in support
4:03:56 PM	Continue public testimony
4:04:00 PM	Lauren Corey, ReThink Energy Tallahassee in support
4:04:29 PM	Debate: Senator Berman in support
4:04:46 PM	Recognized to close, Senator Rodriguez Waives close
4:04:52 PM	Roll Call on SB 178
4:04:58 PM	By your vote SB 178 reported favorable
4:05:05 PM	Tab 2 SB 326 Environmental Regulation by Senator Perry
4:05:47 PM	Senator Perry is recognized to explain the bill
4:05:47 PM 4:06:02 PM	Senator Perry gives explanation of SB 326 Take up Amendment barcode 412992 by Senator Perry
4:06:21 PM	Questions on amendment by members- none
4:06:30 PM	Appearance cards for amendment
4:06:35 PM	Elizabeth Biser VP Public Affairs of the Recycling Partnership in support
4:07:35 PM	Senator Perry waives close
4:07:37 PM	Amendment barcode 412992 is adopted
4:07:44 PM	Member questions on the bill as amended- none
4:08:02 PM	Charlie Latham in support
4:08:06 PM	Taylor Biehl in support
4:08:10 PM	James Orro Sex & Buds Clay County FL Hotels Middleburg FL information
4:08:10 PM	Kenya Cory in support
4:09:13 PM	Chair Montford opens for debate
4:09:13 PM 4:09:17 PM	No debate Senator Perry waive close
4:09:19 PM	Roll call on SB 326
4:09:24 PM	SB 326 reported favorvable
4:09:38 PM	Tab 3 SB 332 Land Acquistion Trust Fund by Senator Stewart
4:09:56 PM	Senator Stewart is recognized to explain bill
4:10:31 PM	SB 332 Land Acquistion Trust Fund is explained
4:11:32 PM	No member questions
4:11:33 PM	Public Appearance
4:11:38 PM	Deborah Foote Govt Affairs & Policy Director Sierra Club FL information
4:12:59 PM	Travis Moore Defenders of Wildlife St. Pete FL in support
4:13:14 PM	Taylor Biehl Lobbyist League of Women Voters FL in support
4:13:14 PM	Lindsay Cross in support
4:13:22 PM	James Orro Sex & Buds Clay County FL Hotels Middleburg FL information

4:16:23 PM Will Abberger Vice President The Trust for Public Land TLH in support 4:17:21 PM Paul Owens President 1000 Friends of Florida TLH in support 4:18:49 PM Debate on the bill by Sen Berman in support 4:19:29 PM Sen Stewart recognized to close Roll Call on SB 332 4:19:41 PM 4:19:48 PM SB 332 reported favorable 4:20:10 PM Tab 4 4:20:25 PM Gavel passed from Chair Montford to Vice Chair Albritton Sen Montford recognized and presents SB 200 4:20:46 PM 4:20:58 PM SB 200 Advanced Well Stimulation Treatment 4:22:07 PM Questions on the bill from members 4:22:20 PM No questions 4:22:24 PM Move to Public Testimony 4:23:08 PM Taylor Biehl in support 4:23:09 PM Jennifer Wilson in support Deborah Foote for David Cullen in support 4:23:10 PM 4:24:10 PM Deborah Foote in support 4:24:25 PM Laura Jennigan against Ken Hays concerned citizen TLH in support 4:24:35 PM 4:24:45 PM Brewster Bevis waives in opposition 4:25:05 PM Sam H. Adams retired of TLH in support 4:26:43 PM Justin Foley in opposition 4:27:42 PM Leighanne Boone in support 4:27:43 PM Amy Datz in support 4:29:54 PM Chris Colson in opposition 4:31:16 PM Jim Tatum in support 4:33:12 PM Merilee Malwitz-Jipson in support 4:35:10 PM Dan Hendrickson in support Kim Ross in support 4:35:55 PM Gary Hunter in opposition 4:37:22 PM 4:37:35 PM Nicole Knutson in support Ruth Chase in support 4:37:56 PM Marty Monroe in support 4:38:07 PM Jonathon Webber in support 4:38:18 PM Michelle Allen in support 4:38:28 PM 4:38:45 PM 4:38:46 PM Rick Temple FLorida AFL- CIO in support 4:41:47 PM Sabrina Hu in support 4:41:57 PM Lauren Corey in support 4:42:30 PM Ryann Lynn in support 4:42:42 PM Jackson Oberlink in support 4:43:33 PM Taylor Beihl League of Womens voters in support Michelle Allen in support 4:43:33 PM 4:43:52 PM Brian Lee in support Brianna Blastick in support 4:43:59 PM 4:44:36 PM Patricia T. Thomas in support 4:46:02 PM Ryan Berger in opposition 4:48:00 PM Theresa Reynolds in support 4:48:04 PM Dane Foster in support Edward Labrador in support 4:48:11 PM 4:48:22 PM Ann Macmillan in support 4:48:34 PM Andy Palmer in opposition 4:48:58 PM Susan McLeod in support C. FoFar in support 4:49:26 PM 4:49:43 PM Dave Mica in opposition James Orro - information 4:53:37 PM 4:55:53 PM Debate 4:55:59 PM Senator Berman in debate 4:57:07 PM Senator Montford closes on bill 4:58:08 PM Call Roll on SB 200 4:59:07 PM SB 200 reported Favorably Gavel passed back to Senator Montford 4:59:23 PM

4:59:32 PM Senator Wright moves we adjourn