

Tab 1	SB 958 by Oelrich; (Identical to H 0773) Airboats					
514606	D	S	FAV	EP, Oelrich	Delete everything after	02/14 12:05 PM

Tab 2	CS/CS/SB 268 by CM, TR, Wise; (Similar to CS/H 0181) Sponsorship of State Greenways and Trails					
517104	D	S	FAV	EP, Latvala	Delete everything after	02/14 12:05 PM
258276	AA	S	WD	EP, Latvala	Delete L.30 - 41:	02/14 12:05 PM
403976	AA	S	FAV	EP, Latvala	Delete L.43 - 49:	02/14 12:05 PM

Tab 3	SB 648 by Hays (CO-INTRODUCERS) Evers, Fasano, Flores, Benacquisto, Lynn, Oelrich; (Identical to H 4001) Florida Climate Protection Act					
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Tab 4	SB 1540 by Hays; Restoration of Lake Apopka					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
ENVIRONMENTAL PRESERVATION AND CONSERVATION
Senator Dean, Chair
Senator Oelrich, Vice Chair

MEETING DATE: Tuesday, February 14, 2012

TIME: 9:00 —11:00 a.m.

PLACE: *Toni Jennings Committee Room, 110 Senate Office Building*

MEMBERS: Senator Dean, Chair; Senator Oelrich, Vice Chair; Senators Detert, Jones, Latvala, Rich, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Pending Reconsideration:			
1	SB 958 Oelrich (Identical H 773)	Airboats; Requiring the Fish and Wildlife Conservation Commission to establish a voluntary sound-testing program for airboats; allowing airboats that test below a specified sound level to be operated on all navigable waters of the state, including waterways on which airboats are prohibited by local ordinance; requiring a fee; providing testing requirements; requiring a super majority vote to enact certain ordinances regulating airboats; amending provisions relating to muffling devices on vessels, etc. EP 02/06/2012 Pending reconsider (Unfavorable) EP 02/14/2012 Abandoned reconsider (Unfavorable) CA BC	Pending Motion to Reconsider Abandoned -- Final Vote: Unfavorable Yeas 2 Nays 5
2	CS/CS/SB 268 Commerce and Tourism / Transportation / Wise (Similar CS/H 181)	Sponsorship of State Greenways and Trails; Creating the "John Anthony Wilson Bicycle Safety Act;" providing for the Department of Environmental Protection to enter into concession agreements for naming rights of state greenway and trail facilities or property or for commercial advertising to be displayed on state greenway and trail facilities or property; providing for distribution of proceeds from such concession agreements; authorizing the department to adopt rules, etc. TR 12/07/2011 Fav/CS CM 01/19/2012 Fav/CS EP 02/06/2012 Temporarily Postponed EP 02/14/2012 Fav/CS	Fav/CS Yeas 7 Nays 0
3	SB 648 Hays (Identical H 4001)	Florida Climate Protection Act; Repealing provisions relating to a cap-and-trade regulatory program to reduce greenhouse gas emissions from electric utilities, etc. CU 01/30/2012 Favorable EP 02/14/2012 Favorable BC	Favorable Yeas 5 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

Environmental Preservation and Conservation
 Tuesday, February 14, 2012, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1540 Hays	Restoration of Lake Apopka; Requiring the Department of Environmental Protection, the St. Johns River Water Management District, the Fish and Wildlife Conservation Commission, the Zellwood Drainage and Water Control District, the Lake County Water Authority, the Harris Chain of Lakes Restoration Council, and local governmental entities located within the jurisdictional boundaries of the districts to collaborate in order to create a report for the Legislature and Governor, etc. EP 02/14/2012 Temporarily Postponed CA BC	Temporarily Postponed

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Executive Director of Northwest Florida Water Management District			
5	Barr, Douglas E. (Tallahassee)	Pleasure of the Board	Recommend Confirm Yeas 5 Nays 2
Governing Board of the St. Johns River Water Management District			
6	Robbins, George W. III (Jacksonville)	03/01/2012	Recommend Confirm Yeas 7 Nays 0
Executive Director of St. Johns River Water Management District			
7	Tanzler, Hans G. III ()	Pleasure of the Board	Recommend Confirm Yeas 7 Nays 0
Executive Director of South Florida Water Management District			
8	Meeker, Melissa L. (Stuart)	Pleasure of the Board	Recommend Confirm Yeas 7 Nays 0
Executive Director of Suwannee River Water Management District			
9	Still, David (Lake City)	Pleasure of the Board	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Other Related Committee 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 Environmental Preservation and Conservation Committee

BILL: SB 958

INTRODUCER: Senator Oelrich

SUBJECT: Airboats

DATE: February 2, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiggins	Yeatman	EP	Unfavorable
2.			CA	
3.			BC	
4.				
5.				
6.				

I. Summary:

This bill requires the Florida Fish and Wildlife Conservation Commission (FWC) to establish a voluntary sound testing program for airboats. It provides that persons submitting to the voluntary testing program, whose airboat registers below a certain sound level, will be permitted to operate their airboat on all navigable waterways of the state, even if local ordinances or other laws otherwise prohibit the airboat's operation. The bill provides that those passing the voluntary test will be provided a certificate and decal by the FWC. The bill also sets testing requirements and provides that airboat operators opting to have the test must pay a fee (the amount to be determined by the FWC) to the testing facility. All testing facilities would have to be certified by the FWC.

The bill amends ss. 327.60 and 327.65, F.S.

II. Present Situation:

According to the FWC, during the calendar year 2010, there were 6,851 registered airboats in the State. The 5 counties with the highest number of airboat registrations in 2010 were:

County	Number of Airboat Registrations
Polk	720
Brevard	548
Citrus	359
Marion	319
Palm Beach	305 ¹

Florida law requires that the exhaust of every airboat engine must be adequately muffled by use of automotive-style mufflers, underwater exhaust, or another device capable of adequately muffling exhaust sound.²

Section 327.60(2)(e), F.S., prohibits local governments from discriminating against airboats with any ordinances adopted after July 1, 2006, unless the ordinance is adopted by a two-thirds vote of the governing body.

Section 327.65(1), F.S., requires that the exhaust of every internal combustion engine used on any vessel must be effectively muffled, and further prohibits the use of exhaust cut-out devices (which would allow the operator to mechanically divert the exhaust gases in order to bypass a muffling device). Section 327.65(2)(a), F.S., provides that counties wishing to impose additional noise pollution and exhaust regulations on vessels may adopt (by ordinance) the following language:

No person shall operate or give permission for the operation of any vessel on the waters of any county or on a specified portion of the waters of any county, including the Florida Intracoastal Waterway, which has adopted the provisions of this section in such a manner as to exceed the following sound levels at a distance of 50 feet from the vessel: for all vessels, a maximum sound level of 90 dB A.

“Sound level” is defined as:

A-weighted³ sound pressure level measured with fast response using an instrument complying with the specification for sound level meters of the American National Standards Institute, Inc., or its successor bodies, except that only a weighting and fast dynamic response need be provided.

“dB A” is defined as “the composite abbreviation for the A-weighted sound level and the unit of sound level, the decibel.”

¹ Florida Fish and Wildlife Conservation Commission, Senate Bill 958 Analysis (Dec. 21, 2011) (on file with the Senate Committee on Environmental Preservation and Conservation).

² Section 327.391(1), F.S.

³ A-Weighted Sound Level - A measure of sound pressure level designed to reflect the acuity of the human ear, which does not respond equally to all frequencies. The ear is less efficient at low and high frequencies than at medium or speech-range frequencies. Therefore, to describe a sound containing a wide range of frequencies in a manner representative of the ear's response, it is necessary to reduce the effects of the low and high frequencies with respect to the medium frequencies. The resultant sound level is said to be A-weighted, and the units are dB A. The A-weighted sound level is also called the noise level. Sound level meters have an A-weighting network for measuring A-weighted sound level.

According to the FWC, in 2005, a research team from Florida Atlantic University (FAU) was contracted by the Commission to perform research concerning airboat noise. The research revealed that, during airboat drive-by tests, the peak sound level measured at 50-feet from the path of the vessel always exceeded 90 dB A at maximum operating conditions and speed, and, in many cases, exceeded 100 dB A. It was also found that most airboats can operate with a peak sound level of 90 dB A or less, measured at 50-feet during drive-by tests, at the minimum speed required to maintain planing conditions.⁴ The research also revealed that airboat sound levels vary greatly from one boat to the next and depend upon a host of variables. Vessel load, type, design of propeller, and the use of either a gear or belt-drive to reduce propeller speed are just a few.⁵

The FWC served as a co-host (together with the Florida Airboat Association) of a quiet airboat demonstration held in central Florida in May of 2006 which was intended to offer an opportunity for airboat owners to learn about the sound levels generated by their personal boats. The FAU research team was on-hand to take sound level readings as volunteers drove their airboats through a prescribed course at either maximum throttle or minimum planing speed. Of the ten airboats participating, the maximum throttle sound level readings taken at 50-feet from the vessel during drive-by testing ranged from 88.9 dB A to 106.8 dB A for boats equipped with mufflers. Minimum planing speed sound levels ranged from 77.4 dB A to 91.15 dB A for muffled boats.⁶

According to s. 327.60, F.S., local ordinances relating to the operation of a vessel on the water by airboats may not be “discriminated” against by local ordinances unless they are adopted after July 1, 2006, by a two thirds vote by the governing body. To address excessive noise on the water many counties have passed local ordinances imposing noise curfews.

III. Effect of Proposed Changes:

Section 1 amends s. 327.391, F.S., and requires FWC to establish a voluntary sound testing program for airboats. Tests would be required to meet minimum requirements, including that a test would have to be conducted while an airboat is travelling on plane in water that is 1 foot deep or less and at a distance of 100 feet perpendicular to the fixed-in-place testing equipment (measured from the closest edge of the airboat). Additionally, all testing equipment would have to be calibrated to allow for ambient noise, weather, and other factors that could interfere with an accurate reading. The test would cost the airboat owner an unspecified fee, not to exceed administrative costs of the FWC, which would be paid to the testing facility. All testing facilities would have to be certified by the FWC.

⁴ Airboat hulls, like many boat hulls, are designed to be capable of skimming across the water once they reach an appropriate speed. This “skimming” on the water, as contrasted with plowing through the water, is called being on a “plane.” The research looked at the sound levels that were generated by boats when they got up on a plane (which takes more engine effort and generates more noise) then reduced their speed so they were going just fast enough to maintain a planing attitude. This is often the most efficient speed at which to run a boat and, for airboats, was the quietest the boat would be able to run at any appreciable speed.

⁵ Florida Fish and Wildlife Conservation Commission, Senate Bill 958 Analysis (Dec. 21, 2011) (on file with the Senate Committee on Environmental Preservation and Conservation).

⁶ *Id.*

The bill provides that persons submitting to the voluntary testing program and whose airboat tests at or below 107 dB A under the above specified conditions will be provided a certificate and numbered decal by the FWC. The certificate and decal will permit that specific airboat to be operated on all navigable waterways of the state, even on waterways otherwise prohibited for airboat operation by local ordinance or other law.

Section 2 amends s. 327.60, F.S., to allow airboats bearing a decal to operate above sound levels that have been prohibited by local ordinances. Section 327.65(2)(a), F.S., currently allows local governments to adopt an ordinance preventing sound levels over a certain dB A. While this bill does not propose to strike that provision, the proposed changes to section 327.65(2)(a), F.S., create an exception to the provision that effectively eliminates it as it pertains to airboats which would have a decal.

The bill would also modify the prohibition of local government “discrimination” against airboats for ordinances adopted on or before July 1, 2006. According to FWC, it appears that the proposed change to section 327.60, F.S., would still allow local governments to discriminate against airboats that have received a decal pursuant to the new section 327.391(5) F.S., but would no longer allow ordinances discriminating against airboats not bearing such a decal.⁷

Section 3 amends s. 327.65, F.S., to clarify that any person who refuses to submit to a sound level test when requested by a law enforcement officer commits a misdemeanor in the second degree.

Section 4 establishes an effective date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁷Florida Fish and Wildlife Conservation Commission, Senate Bill 958 Analysis (Dec. 21, 2011) (on file with the Senate Committee on Environmental Preservation and Conservation).

B. Private Sector Impact:

If private testing companies are permitted to perform the sound tests on airboats, then those companies may see an increase in the demand for the tests on airboats.

C. Government Sector Impact:

FWC is unclear if the Commission or private entities are anticipated to be tasked with performing the actual sound testing as well as who will ultimately receive the testing fees paid by the airboat owner.

According to the FWC, the proposed language could be interpreted to eliminate the obligation of an airboat operator who has a certificate and decal, acquired as a result of voluntary sound level testing, to submit to a sound level test when requested to do so by a law enforcement officer.

VI. Technical Deficiencies:

According to the FWC, the proposed language could be interpreted to eliminate the obligation of an airboat operator who has a certificate and decal, acquired as a result of voluntary sound level testing, to submit to a sound level test when requested to do so by a law enforcement officer.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/14/2012	.	
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	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 327.391, Florida Statutes, is amended to read:

327.391 Airboats regulated.—

(1) The exhaust of every internal combustion engine used on any airboat operated on the waters of this state shall be provided with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine as described in



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13 s. 327.02(24). The use of cutouts or flex pipe as the sole
14 source of muffling is prohibited, except as provided in
15 subsection (4). Any person who violates this subsection commits
16 a noncriminal infraction punishable as provided in s. 327.73(1).

17 (2) An airboat operator cited for an infraction of
18 subsection (1) may not operate the airboat until a muffler as
19 defined in s. 327.02 is installed.

20 (3) An airboat may not operate on the waters of the state
21 unless it is equipped with a mast or flagpole bearing a flag at
22 a height of at least 10 feet above the lowest portion of the
23 vessel. The flag must be square or rectangular, at least 10
24 inches by 12 inches in size, international orange in color, and
25 displayed so that the visibility of the flag is not obscured in
26 any direction. Any person who violates this subsection commits a
27 noncriminal infraction punishable as provided in s. 327.73(1).

28 (4) This section does not apply to a person participating
29 in an event for which a permit is required, or of which notice
30 must be given, under s. 327.48.

31 (5) (a) Airboat testing facilities may implement a voluntary
32 testing program to conduct sound level tests on airboats. The
33 testing program shall meet all requirements of this subsection,
34 including having at least 50 percent of their revenues generated
35 by the airboat manufacturing or airboat servicing industries.
36 Any testing facility shall maintain a record of each airboat
37 tested, including the date, registration number, and decal
38 number issued, if applicable. Failure to perform the testing in
39 accordance with this subsection or maintain records of each test
40 and decals issued may result in a suspension of the right of the
41 facility to perform testing.



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42 (b) An airboat that is tested through a testing program
43 established pursuant to this subsection and that tests at a
44 sound level of 92 dB A or less while traveling on plane from a
45 distance of 100 feet shall be issued a certificate and numbered
46 decal by the testing facility conducting the test. The decal
47 shall have on it the name of the testing facility that conducted
48 the test, the date of the test, and a sequential number unique
49 to the decal. The decal shall be posted on the left side of the
50 vessel within 6 inches of the Florida registration decal or on
51 the left-hand side of the operator's seat. Such decal shall
52 authorize the airboat to be operated on all navigable waterways
53 of this state, including waterways on which airboats are
54 prohibited by a local ordinance or other provision of law, but
55 not in places designated by the Division of Recreation and Parks
56 of the Department of Environmental Protection as closed to
57 combustible engine watercraft, for a period of 12 months
58 following the date of issuance.

59 (c) The testing facility may charge a fee for conducting
60 the airboat sound level test to the party requesting such test.
61 Tests must meet the following requirements:

62 1. Each test shall be conducted while the airboat is
63 traveling on plane in water 1 foot deep or less, from a distance
64 of 100 feet perpendicular to the fixed-in-place testing
65 equipment, as measured from the closest edge of the airboat; and

66 2. The sound level meter used in the test shall be
67 calibrated to allow for ambient noise, weather, and other
68 factors that may interfere with an accurate and reliable reading
69 and must comply with the standards set forth in S1.4-1983
70 (R2006) of the American National Standards Institute,



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71 Specifications for Sound Level Meters, as those standards
72 existed on February 1, 2012.

73 (d) A law enforcement agency may require retesting of any
74 decaled boat if there is probable cause to believe that the boat
75 violates the standards established for obtaining a decal and if
76 the boat is operating at a time or location authorized only by a
77 decal obtained pursuant to this subsection. Such retest shall
78 comply with the conditions outlined in this subsection in all
79 respects. A vessel operator who fails to submit to a retest upon
80 probable cause to believe that the vessel is being operated in
81 violation of this subsection commits a misdemeanor of the second
82 degree, punishable as provided in s. 775.082 or s. 775.083. A
83 vessel that fails a retest forfeits the right to operate during
84 any "decal only" time or location. An operator who operates a
85 vessel in violation of this subsection is subject to a fine that
86 may not exceed \$150.

87 Section 2. Subsection (2) of section 327.60, Florida
88 Statutes, is amended to read:

89 327.60 Local regulations; limitations.-

90 (2) Nothing in this chapter or chapter 328 shall be
91 construed to prevent the adoption of any ordinance or local
92 regulation relating to operation of vessels, except that a
93 county or municipality may ~~shall~~ not enact, continue in effect,
94 or enforce any ordinance or local regulation:

95 (a) Establishing a vessel or associated equipment
96 performance or other safety standard, imposing a requirement for
97 associated equipment, or regulating the carrying or use of
98 marine safety articles;

99 (b) Relating to the design, manufacture, installation, or



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100 use of any marine sanitation device on any vessel;
101 (c) Regulating any vessel upon the Florida Intracoastal
102 Waterway;
103 (d) Discriminating against personal watercraft;
104 (e) Discriminating against airboats that possess a valid
105 decal obtained in compliance with s. 327.391(5), for ordinances
106 adopted after July 1, 2006, unless adopted by a two-thirds vote
107 of the governing body enacting such ordinance;
108 (f) Regulating the anchoring of vessels other than live-
109 aboard vessels outside the marked boundaries of mooring fields
110 permitted as provided in s. 327.40;
111 (g) Regulating engine or exhaust sound ~~noise~~, except as
112 provided in s. 327.65; or
113 (h) That conflicts with any provisions of this chapter or
114 any amendments thereto or rules adopted thereunder.
115 Section 3. Subsection (2) of section 327.65, Florida
116 Statutes, is amended to read:
117 327.65 Muffling devices.—
118 (2) (a) Any county wishing to impose additional noise
119 pollution and exhaust regulations on vessels may, pursuant to s.
120 327.60(2), adopt by county ordinance the following regulations:
121 1. Except as provided in s. 327.391(5), a ~~no~~ person may not
122 ~~shall~~ operate or give permission for the operation of any vessel
123 on the waters of any county or on a specified portion of the
124 waters of any county, including the Florida Intracoastal
125 Waterway, which has adopted the provisions of this section in
126 such a manner as to exceed the following sound levels at a
127 distance of 50 feet from the vessel: for all vessels, a maximum
128 sound level of 90 dB A.



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129 2. Except as provided in s. 327.391(5), any person who
130 refuses to submit to a sound level test when requested to do so
131 by a law enforcement officer commits ~~is guilty of~~ a misdemeanor
132 of the second degree, punishable as provided in s. 775.082 or s.
133 775.083.

134 (b) The following words and phrases, when used in this
135 section, shall have the meanings respectively assigned to them
136 in this subsection.

137 1. "dB A" means the composite abbreviation for the A-
138 weighted sound level and the unit of sound level, the decibel.

139 2. "Sound level" means the A-weighted sound pressure level
140 measured with fast response using an instrument complying with
141 the specification for sound level meters of the American
142 National Standards Institute, Inc., or its successor bodies,
143 except that only a weighting and fast dynamic response need be
144 provided.

145 Section 4. This act shall take effect July 1, 2012.

146
147 ===== T I T L E A M E N D M E N T =====

148 And the title is amended as follows:

149 Delete everything before the enacting clause
150 and insert:

151 A bill to be entitled
152 An act relating to airboats; amending s. 327.391,
153 F.S.; providing for airboat testing facilities to
154 establish a voluntary sound level testing program for
155 airboats; providing qualification requirements and
156 recordkeeping requirements for such facilities;
157 allowing airboats that test below a specified sound



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158 level to be operated on all navigable waters of the
159 state, including waterways on which airboats are
160 prohibited by local ordinance or other provision of
161 law for a specified time; providing an exception;
162 requiring a fee; providing testing requirements;
163 authorizing law enforcement agencies to require
164 retesting in certain situations; providing penalties;
165 amending s. 327.60, F.S.; requiring a super majority
166 vote to enact certain ordinances regulating airboats;
167 amending s. 327.65, F.S., relating to muffling devices
168 on vessels; conforming provisions to changes made by
169 the act; providing an effective date.

By Senator Oelrich

14-00655B-12

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1 A bill to be entitled
2 An act relating to airboats; amending s. 327.391,
3 F.S.; requiring the Fish and Wildlife Conservation
4 Commission to establish a voluntary sound-testing
5 program for airboats; allowing airboats that test
6 below a specified sound level to be operated on all
7 navigable waters of the state, including waterways on
8 which airboats are prohibited by local ordinance;
9 requiring a fee; providing testing requirements;
10 amending s. 327.60, F.S.; requiring a super majority
11 vote to enact certain ordinances regulating airboats;
12 amending s. 327.65, F.S., relating to muffling devices
13 on vessels; conforming provisions to changes made by
14 the act; providing an effective date.

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

17
18 Section 1. Section 327.391, Florida Statutes, is amended to
19 read:

20 327.391 Airboats regulated.—

21 (1) The exhaust of every internal combustion engine used on
22 any airboat operated on the waters of this state shall be
23 provided with an automotive-style factory muffler, underwater
24 exhaust, or other manufactured device capable of adequately
25 muffling the sound of the exhaust of the engine as described in
26 s. 327.02(24). The use of cutouts or flex pipe as the sole
27 source of muffling is prohibited, except as provided in
28 subsection (4). Any person who violates this subsection commits
29 a noncriminal infraction punishable as provided in s. 327.73(1).

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30 (2) An airboat operator cited for an infraction of
31 subsection (1) may not operate the airboat until a muffler as
32 defined in s. 327.02 is installed.

33 (3) An airboat may not operate on the waters of the state
34 unless it is equipped with a mast or flagpole bearing a flag at
35 a height of at least 10 feet above the lowest portion of the
36 vessel. The flag must be square or rectangular, at least 10
37 inches by 12 inches in size, international orange in color, and
38 displayed so that the visibility of the flag is not obscured in
39 any direction. Any person who violates this subsection commits a
40 noncriminal infraction punishable as provided in s. 327.73(1).

41 (4) This section does not apply to a person participating
42 in an event for which a permit is required, or of which notice
43 must be given, under s. 327.48.

44 (5) (a) The commission shall establish a voluntary testing
45 program to conduct sound level tests on airboats.

46 (b) An airboat that tests at a sound level of 107 dB A or
47 less while traveling on plane from a distance of 100 feet shall
48 be issued a certificate and numbered decal by the commission
49 which authorizes the airboat to be operated on all navigable
50 waterways of this state, including waterways on which airboats
51 are prohibited by a local ordinance or other provision of law.

52 (c) A person must pay a fee, not to exceed the
53 administration costs of the commission, established by the
54 commission after consultation with experts in the industry, to a
55 testing facility that has been certified by the commission to
56 use sound test equipment and testing methods pursuant to this
57 paragraph. Tests must meet the following requirements:

58 1. Each test shall be conducted while the airboat is

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59 traveling on plane in water 1 foot deep or less from a distance
60 of 100 feet perpendicular to the fixed-in-place testing
61 equipment, as measured from the closest edge of the airboat; and

62 2. Test equipment shall be calibrated to allow for ambient
63 noise, weather, and other factors that may interfere with an
64 accurate and reliable reading.

65 Section 2. Subsection (2) of section 327.60, Florida
66 Statutes, is amended to read:

67 327.60 Local regulations; limitations.—

68 (2) Nothing in this chapter or chapter 328 shall be
69 construed to prevent the adoption of any ordinance or local
70 regulation relating to operation of vessels, except that a
71 county or municipality may ~~shall~~ not enact, continue in effect,
72 or enforce any ordinance or local regulation:

73 (a) Establishing a vessel or associated equipment
74 performance or other safety standard, imposing a requirement for
75 associated equipment, or regulating the carrying or use of
76 marine safety articles;

77 (b) Relating to the design, manufacture, installation, or
78 use of any marine sanitation device on any vessel;

79 (c) Regulating any vessel upon the Florida Intracoastal
80 Waterway;

81 (d) Discriminating against personal watercraft;

82 (e) Discriminating against airboats that do not bear a
83 decal issued pursuant to s. 327.391(5), ~~for ordinances adopted~~
84 ~~after July 1, 2006,~~ unless adopted by a two-thirds vote of the
85 governing body enacting such ordinance;

86 (f) Regulating the anchoring of vessels other than live-
87 aboard vessels outside the marked boundaries of mooring fields

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88 permitted as provided in s. 327.40;

89 (g) Regulating engine or exhaust sound ~~noise~~, except as
90 provided in s. 327.65; or

91 (h) That conflicts with any provisions of this chapter or
92 any amendments thereto or rules adopted thereunder.

93 Section 3. Subsection (2) of section 327.65, Florida
94 Statutes, is amended to read:

95 327.65 Muffling devices.—

96 (2) (a) Any county wishing to impose additional noise
97 pollution and exhaust regulations on vessels may, pursuant to s.
98 327.60(2), adopt by county ordinance the following regulations:

99 1. Except as provided in s. 327.391(5), a ~~no~~ person may not
100 ~~shall~~ operate or give permission for the operation of any vessel
101 on the waters of any county or on a specified portion of the
102 waters of any county, including the Florida Intracoastal
103 Waterway, which has adopted the provisions of this section in
104 such a manner as to exceed the following sound levels at a
105 distance of 50 feet from the vessel: for all vessels, a maximum
106 sound level of 90 dB A.

107 2. Except as provided in s. 327.391(5), any person who
108 refuses to submit to a sound level test when requested to do so
109 by a law enforcement officer commits ~~is guilty of~~ a misdemeanor
110 of the second degree, punishable as provided in s. 775.082 or s.
111 775.083.

112 (b) The following words and phrases, when used in this
113 section, shall have the meanings respectively assigned to them
114 in this subsection.

115 1. "dB A" means the composite abbreviation for the A-
116 weighted sound level and the unit of sound level, the decibel.

14-00655B-12

2012958

117 2. "Sound level" means the A-weighted sound pressure level
118 measured with fast response using an instrument complying with
119 the specification for sound level meters of the American
120 National Standards Institute, Inc., or its successor bodies,
121 except that only a weighting and fast dynamic response need be
122 provided.

123 Section 4. This act shall take effect July 1, 2012.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

✓

COMMITTEES:
Education Pre-K - 12, *Chair*
Budget
Budget - Subcommittee on Education Pre-K - 12
Appropriations
Budget - Subcommittee on Higher Education
Appropriations
Community Affairs
Governmental Oversight and Accountability
Rules
Transportation

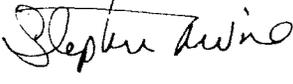
SENATOR STEPHEN R. WISE
5th District

JOINT COMMITTEES:
Legislative Auditing Committee
Legislative Budget Commission

MEMORANDUM

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

Mr. Tom Yeatman
Staff Director: Senate Committee on Environmental Preservation and Conservation

From: Senator Stephen R. Wise 

Subject: Legislative Assistant to Present Senate Bill 268

Date: February 13, 2012

Due to a scheduling conflict, I am unable to attend the Senate Committee on Environmental Preservation and Conservation to present Senate Bill 268 – Sponsorship of State Greenways and Trails. Please allow my legislative assistant, Steven Richardson, to present this bill to the Committee on February 14, 2012, at 1:30pm.

Thanks so very much for the consideration you have given to my request.

REPLY TO:

- 1460 Cassat Avenue, Suite B, Jacksonville, Florida 32205 (904) 381-6000 FAX: (904) 381-6040
- 410 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5027

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

2

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

2/14/12
Meeting Date

Topic Greenways & Trails

Bill Number SB 268
(if applicable)

Name John Outland

Amendment Barcode 517104
(if applicable)

Job Title N/A

Address 1562 TUNG Hill Drive

Phone 878-6828

Tallahassee FL 32317
Street City State Zip

E-mail OUTLANDJB@hotmail.com

Speaking: For Against Information

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.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-14-12

Meeting Date

Topic GREENWAYS & TRAILS

Bill Number 268
(if applicable)

Name DAVID CULLEN

Amendment Barcode 258276
(if applicable)

Job Title _____

Address 1624 UNIVERSITY PKWY #296

Phone 941-323-2404

Street

SIERRA

FL

34243

City

State

Zip

E-mail cullen@sead.com

Speaking: For Against Information

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/14/12
Meeting Date

Topic GREENWAYS & TRAILS

Bill Number SB 268
(if applicable)

Name John Outland

Amendment Barcode 258226
(if applicable)

Job Title N/A

Address 1562 TONG HILL DRIVE
Street

Phone 878-6828

Tallahassee FL 32317
City State Zip

E-mail outlandjb@hotmail.com

Speaking: For Against Information

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.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-14
Meeting Date

Topic Trails & Greenways

Bill Number SB-026 P
(if applicable)

Name Rip Calen

Amendment Barcode 258276
(if applicable)

Job Title Board member - Scenic Fla.

Address 304 P Godfrey Pl.
Street
Tallahassee, FL 32309
City State Zip

Phone (850) 508-9335

E-mail ripcalen@yahoo.com

Speaking: For Against Information

Representing Citizens for Scenic Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic _____

Bill Number 268 (if applicable)

Name Ken Bryan

Amendment Barcode _____ (if applicable)

Job Title Florida Director

Address Po Box 15227

Phone _____

Street

City

Tallahassee

State

FL

Zip

32317

E-mail Ken@rails-to-trails.org

Speaking: For Against Information

For strike all
against amendment

Representing Rails-to-Trails Conservancy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/14/12

Meeting Date

F. Amundson

Topic Signs on Greenways & Trails

Bill Number SB 268
(if applicable)

Name Howard Pardue

Amendment Barcode _____
(if applicable)

Job Title volunteer

Address 809 maderia Cir
Street

Phone 386-1494 (850)

Tallahassee FL 32312
City State Zip

E-mail hpardue@concast.net

Speaking: For Against Information

*- support committee amendment
- oppose other amendments
possibly*

Representing Florida Trail Assn

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-14
Meeting Date

Topic Greenways & Trails

Bill Number SB - 3268
(if applicable)

Name Rip Caleen

Amendment Barcode 517104
(if applicable)

Job Title Board member - Scenic Fla.

Address 3048 Godfrey Pl.

Phone (850) 508-9335

Callahassie, FL 32309
Street City State Zip

E-mail ripcaleen@yahoo.com

Speaking: For Against Information

Representing Citizens for Scenic Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/14/10
Meeting Date

Topic State Trails

Bill Number 268
(if applicable)

Name Jon Stevenson

Amendment Barcode _____
(if applicable)

Job Title Special Counsel on Policy and Legislative Affairs

Address 3900 Commonwealth Blvd.
Street

Phone (850) 245-2140

Tallahassee FL 32399
City State Zip

E-mail _____

Speaking: For Against Information

Representing DEP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-14-12

Meeting Date

Topic Sponsorship Bill

Bill Number SB 268
(if applicable)

Name Donald V. Forgiore

Amendment Barcode _____
(if applicable)

Job Title Director of the FL Park Service

Address 3900 Commonwealth Blvd
Street
Tallahassee
City *State* *Zip*

Phone 950-245-3036

E-mail _____

Speaking: For Against Information

Representing DEP/DRP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

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 Environmental Preservation and Conservation Committee

BILL: CS/CS/CS/SB 268

INTRODUCER: Environmental Preservation and Conservation Committee; Commerce and Tourism Committee; Transportation Committee; and Senator Wise

SUBJECT: Sponsorship of State Greenways and Trails

DATE: February 14, 2012 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Buford</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Juliachs</u>	<u>Hrdlicka</u>	<u>CM</u>	<u>Fav/CS</u>
3.	<u>Roam</u>	<u>Yeatman</u>	<u>EP</u>	<u>Fav/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/CS/SB 268 creates the “John Anthony Wilson Bicycle Safety Act of 2011,” which authorizes the Department of Environmental Protection to enter into agreements with not-for-profit or private-sector entities allowing those entities to sponsor signage on state-owned greenway and trail facilities in the form of commercial displays.

The CS contains restrictions on placement, size, terms, materials, and construction. It also describes how proceeds from the agreements are to be distributed: 85 percent to the appropriate department trust fund to manage and operate state trails and greenways, and 15 percent to the State Transportation Trust Fund for use in the Florida Traffic and Bicycle Safety Education program and the Florida Safe Routes to School program. Furthermore, the CS lists those trails and greenways where sponsorship is authorized.

The Department of Environmental Protection is authorized to adopt rules to implement the provisions of the CS.

This CS creates s. 260.0144, F.S.

II. Present Situation:

Florida Greenways and Trails

The 1979 Legislature enacted ch. 79-110, L.O.F., entitled the Florida Recreational Trails Act (act) of 1979. The purpose of the act was to provide for a network of recreational and scenic trails to be used for hiking, biking, horseback riding, canoeing, and jogging, which were to be designated as the “Florida Recreational Trails System.” The Department of Environmental Protection (department) was encouraged to use areas within and connecting to state parks and forests, national parks and forests, local parks, public rights-of-way, and existing trails.

In 1983, the Florida Trail was designated as the Florida National Scenic Trail. Today, it is a 1,500 mile-long trail, including both National Scenic Trail certified and non-certified miles, which stretches from the Panhandle of Florida to the Big Cypress National Preserve.¹ Portions of the trail are components of the Florida Greenways and Trails program, the successor to the Recreational Trails System.

In 1987, the Florida Rails-to-Trails program was created to provide an emphasis on the acquisition and development of abandoned railroad corridors for use as public recreational trails, as well as to contribute to the preservation of wildlife habitat. Many railroad lines run along river corridors and coastal plains, areas with the most scenic views and productive habitat. Until 1990, the program depended on annual legislative appropriations, but the creation of the Preservation 2000 (P2000) program changed that. The P2000 program was created as a 10-year, \$3 billion bond program to acquire environmentally sensitive lands for conservation, protection, restoration and preservation purposes. The Rails-to-Trails program was provided with \$3.9 million a year in funding under P2000 through 1996.

In 1996, the Florida Legislature enacted ch. 96-389, L.O.F., which renamed the Recreational Trails System Act as the “Florida Greenways and Trails Act,” and provided for a statewide system of greenways and trails for recreational and conservation purposes and uses. A greenway was defined to be a “linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, or over land along a railroad right-of-way converted to recreational use...” and trails were defined to mean “linear corridors and any adjacent support parcels on land or water providing public access for recreation or authorized alternative modes of transportation.” P2000 funding for Rails-to-Trails was extended through 2000 and was succeeded by funding from the Florida Forever program, as well as other state and federal funding programs.

In 2005, the Florida Legislature enacted ch. 2005-87, L.O.F., to recognize the Florida National Scenic Trail (trail) as Florida’s official statewide non-motorized trail from the Florida Panhandle to the Everglades and the Florida Keys. It further recognized the federal government’s major contributions and the efforts of private landowners, state government and non-profit entities in establishing the trail. Private landowners were encouraged to continue to allow the use of private property for trail purposes, through incentives and liability protection.

¹Florida Trail Association, Hike Florida on Florida’s Own National Scenic Trail, available at <http://www.floridatrail.org> (last visited January 13, 2012).

Presently, s. 260.016, F.S., sets forth general powers that the department may use in managing and overseeing the Florida Greenways and Trails System. These powers include charging user fees or rentals.

The Office of Greenways & Trails (OGT)

OGT provides statewide coordination to establish, expand, and promote Florida's Statewide System of Greenways and Trails. The office manages trails and other lands as key components of the Florida greenways and trails system, and partners with nearly 30 communities that manage state acquired greenways and trails through sublease agreements. It also manages a multi-million dollar capital budget consisting of federal Transportation Enhancement grants and fixed capital funds for the development of trails and facilities on state managed properties.²

Additionally, OGT coordinates with, and provides assistance to, local governments, developers, state and federal agencies, private landowners, and other interested citizens or advocates regarding the acquisition, designation, establishment, and management of greenways and trails projects. OGT works to expand the statewide network through a 1.5-percent annual allocation of Florida Forever funding, about \$4.5 million annually, for acquisition of trails. OGT administers the Recreational Trails Program (RTP), a federally funded competitive grant program providing financial assistance to local communities for the development of trails. Since inception, RTP has assisted communities in 42 Florida counties to establish and expand trails.

Florida's state trails and the Cross Florida Greenway had the highest annual visitation ever in 2009 with more than 4 million visitors, generating an estimated economic impact of \$95 million.³

Florida Trail Association

The Florida Trail Association is a private, non-profit volunteer organization founded in 1966, whose mission is to develop, maintain, promote, and protect a continuous hiking trail that runs the length of the state, as well as the loop and side trails throughout the state.⁴

Outdoor Advertising

With respect to outdoor advertising, ss. 337.407 and 479.11(8), F.S., prohibit advertisement signs from being placed in the right-of-way of any road on the interstate highway system, the federal-aid primary highway system, the State Highway System, or the State Park Road System. Based on these provisions, it appears that greenways and trails are excluded from such regulations, unless otherwise provided.

²Greenways and Trails, Florida Department of Environmental Protection, available at <http://www.dep.state.fl.us/gwt> (last visited January 13, 2012).

³ See <http://www.dep.state.fl.us/gwt/PDF/OfficeOverview.pdf> (last visited January 13, 2012).

⁴Florida Trail Association, Hike Florida on Florida's Own National Scenic Trail, available at <http://www.floridatrail.org> (last visited January 13, 2012).

III. Effect of Proposed Changes:

Section 1 names this legislation as the “John Anthony Wilson Bicycle Safety Act.” Mr. Wilson⁵ was a veteran firefighter for the city of Boca Raton and a cycling enthusiast who was struck and killed by a motor vehicle in February of 2011 while riding his bike.

Section 2 creates s. 260.0144, F.S., to authorize the department to enter into concession agreements⁶ for naming rights or the display of commercial sponsorship on certain state-owned greenway and trail facilities or property. Specifically, the CS provides the following:

- Authorizes the department to establish a cost for entering into a concession agreement.
- Placement of signage or displays shall conform to the provisions of s. 337.407, F.S., and ch. 479, F.S., and shall be limited to only trailheads or parking areas and designated public access points.
- The size of the signage or display is limited to 16 square feet at trailheads and parking areas and 4 square feet at designated public access points.
- The commercial displays contemplated by the concession agreements are for public relations or advertising purposes for the concessionaires, and therefore, are not to be construed as having any relationship with the department other than as set forth in the terms of the concession agreements.
- Any name or display must be approved by the department before installation.
- The department must ensure that:
 - The size, color, materials, construction, and location of all signs are consistent with the management plan for the property and the standards of the department;
 - Signs do not intrude on natural and historic settings; and
 - Signs contain only a logo selected by the sponsor and the following sponsorship wording: “(Name of the sponsor)...proudly sponsors the costs of maintaining the ...(Name of the greenway or trail).
- Sponsorships are limited to the following trails and greenways: Florida Keys Overseas Heritage Trail, Blackwater Heritage Trail, Tallahassee-St. Marks Historic Railroad State Trail, Nature Coast State Trail, Withlacoochee State Trail, General James A. Van Fleet State Trail, and Palatka-Lake Butler State Trail.
- All costs associated with the signage, including its development, construction, installation, operation, maintenance, and removal, must be borne by the concessionaire.
- A concession agreement must be for a minimum 1-year term unless extended by a multiyear agreement and may be terminated by the department for just cause with 60 days notice to the concessionaire. Just cause for termination shall include, but not be limited to, violation of the terms of the concession agreement or any provision found within this section.
- A concession agreement is not to be construed to grant a proprietary or compensable interest in any sign or display site or location.
- All proceeds from the concession agreements are to be distributed as follows:

⁵ More information about the life of Mr. Wilson is available at <http://www.ci.boca-raton.fl.us/fire/pdf/PressReleases/2011/wilson.pdf> and at <http://www.palmbeachpost.com/news/hundreds-from-across-florida-gather-to-mourn-boca-1247122.html> (last visited January 13, 2012).

⁶ A concession agreement grants a specific privilege by the government to the other party in the agreement. *See* Black’s Law Dictionary (9th ed. 2009).

- 85 percent to the appropriate department trust fund used for the management and operation of state greenway or trail facilities and properties; and
- 15 percent to the State Transportation Trust Fund for use in the Florida Traffic and Bicycle Safety Education program and the Florida Safe Routes to School program.
- The department is authorized to adopt rules to administer the act.

Section 3 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

A strict separation of powers doctrine is found in Article II, Section 3 of the Florida Constitution. Accordingly, two tenets encompassing separation of powers are that no branch of government may encroach on another branch's power and that no branch may delegate its constitutionally assigned powers to another branch.⁷ For these reasons, the doctrine of separation of powers is inextricably linked to agency operations and may potentially raise constitutional issues when dealing with statutes that authorize agency action.

⁷ *Fla. Dept. of State v. Martin*, 916 So. 2d 763, 770 (Fla. 2005).

Therefore, “the Legislature may not delegate the power to enact a law or the right to exercise unrestricted discretion in applying the law, but is required to delineate “some minimal standards and guidelines” when authorizing agency actions.⁸ The rationale for this limitation is guided by the belief that “fundamental and primary policy decisions ... [should] be made by members of the Legislature who are elected to perform those tasks ...”⁹ As amended, the agency action authorized by the Legislature in CS/CS/SB 268 will likely satisfy constitutional requirements.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

At this time, the Revenue Estimating Conference has not considered this CS. Therefore, the amount of revenue that might be realized due to this CS cannot be determined.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by Environmental Preservation and Conservation Committee on February 14, 2012 – The CS:

- Removes the option in section two to give the naming rights of the trail to commercial sponsors;
- Limits the occurrence of displays to one large sign (16 sq. ft.) at trailheads and parking areas and one small sign (4 sq. ft.) at each designated public access point;
- Adds the requirements that signs do not intrude on natural and historic settings and contain only a logo selected by the sponsor along with specified sponsorship language; and

⁸ *Sloban v. Fla. Bd. of Pharmacy*, 982 So. 2d 26, 29 (Fla. 1st DCA 2008) (quoting *Chiles v. Children A, B, C, D, E, & F*, 589 So. 2d 260, 264 (Fla. 1991).

⁹ *Martin*, 916 So. 2d at 770.

- Enumerates the seven trails to which the bill applies.

CS by Commerce Committee on January 19, 2012 – The CS:

- Authorized the department to establish a cost for entering into a concession agreement.
- Removed the term “as appropriate” from language that authorizes the department to approve each name and sponsorship display prior to installation.
- Qualified “just cause” by specifying that it shall include, but not be limited to, violation of the terms of the concession agreement or any provision found within this section.
- Made stylistic changes with respect to organization.

CS by Transportation Committee on December 7, 2011 – The CS:

- Changed the word “advertising” to the word “sponsorship” throughout the bill.
- Added mandated compliance with s. 337.407, F.S, and Ch. 479, F.S.
- Added a sixty day notice period should the department choose to end a concession agreement for just cause.
- Added paragraph (5) which clarifies that concession agreements under this section do not create proprietary or compensable interests in any sign or display site or location.
- Changed the allocation of revenue from this section from 90 percent to 85 percent allocated to the appropriate department trust fund; and from 10 percent allocated to district school boards, which must be used to enhance funds for the school district’s bicycle education program or Safe Route to Schools Program prorated by population, to 15 percent allocated to the State Transportation Trust Fund for use in Florida Traffic and Bicycle Safety Education program and the Florida Safe Routes to School program.

B. Amendments:

None.



517104

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/14/2012	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "John Anthony
Wilson Bicycle Safety Act."

Section 2. Section 260.0144, Florida Statutes, is created
to read:

260.0144 Sponsorship of state greenways and trails.—The
department may enter into a concession agreement with a not-for-
profit entity or private sector business or entity for
commercial sponsorship to be displayed on state greenway and



517104

13 trail facilities or property specified in this section. The
14 department may establish the cost for entering into a concession
15 agreement.

16 (1) A concession agreement shall be administered by the
17 department and must include the requirements found in this
18 section.

19 (2) (a) Space for a commercial sponsorship display may be
20 provided through a concession agreement on certain state-owned
21 greenway or trail facilities or property.

22 (b) Signage or displays erected under this section shall
23 comply with the provisions of s. 337.407 and chapter 479, and
24 shall be limited as follows:

25 1. One large sign or display, not to exceed 16 square feet
26 in area, may be located at each trailhead or parking area.

27 2. One small sign or display, not to exceed 4 square feet
28 in area, may be located at each designated trail public access
29 point.

30 (c) Before installation, each name or sponsorship display
31 must be approved by the department.

32 (d) The department shall ensure that the size, color,
33 materials, construction, and location of all signs are
34 consistent with the management plan for the property and the
35 standards of the department, do not intrude on natural and
36 historic settings, and contain only a logo selected by the
37 sponsor and the following sponsorship wording:

38
39 ...(Name of the sponsor)...proudly sponsors the costs
40 of maintaining the...(Name of the greenway or
41 trail)....



517104

42
43 (e) Sponsored trails and greenways are authorized only at:

44 1. Blackwater Heritage Trail.

45 2. Tallahassee-St. Marks Historic Railroad State Trail.

46 3. Nature Coast State Trail.

47 4. Withlacoochee State Trail.

48 5. General James A. Van Fleet State Trail.

49 6. Palatka-Lake Butler State Trail.

50 (f) All costs of a display, including development,
51 construction, installation, operation, maintenance, and removal
52 costs, shall be paid by the concessionaire.

53 (3) A concession agreement shall be for a minimum of 1
54 year, but may be for a longer period under a multiyear
55 agreement, and may be terminated for just cause by the
56 department upon 60 days' advance notice. Just cause for
57 termination of a concession agreement includes, but is not
58 limited to, violation of the terms of the concession agreement
59 or any provision of this section.

60 (4) Commercial sponsorship pursuant to a concession
61 agreement is for public relations or advertising purposes of the
62 not-for-profit entity or private sector business or entity, and
63 may not be construed by that not-for-profit entity or private
64 sector business or entity as having a relationship to any other
65 actions of the department.

66 (5) This section does not create a proprietary or
67 compensable interest in any sign, display site, or location.

68 (6) Proceeds from concession agreements shall be
69 distributed as follows:

70 (a) Eighty-five percent shall be deposited into the



517104

71 appropriate department trust fund that is the source of funding
72 for management and operation of state greenway and trail
73 facilities and properties.

74 (b) Fifteen percent shall be deposited into the State
75 Transportation Trust Fund for use in the Traffic and Bicycle
76 Safety Education Program and the Safe Paths to School Program
77 administered by the Department of Transportation.

78 (7) The department may adopt rules to administer this
79 section.

80 Section 3. This act shall take effect July 1, 2012.

81
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete everything before the enacting clause
85 and insert:

86 A bill to be entitled
87 An act relating to the sponsorship of state greenways
88 and trails; creating the "John Anthony Wilson Bicycle
89 Safety Act"; creating s. 260.0144, F.S.; providing for
90 the Department of Environmental Protection to enter
91 into concession agreements for commercial sponsorship
92 displays to be displayed certain on state greenway and
93 trail facilities or property; providing requirements
94 for concession agreements; specifying which greenways
95 and trails may be included in the sponsorship program;
96 providing for distribution of proceeds from the
97 concession agreements; authorizing the department to
98 adopt rules; providing an effective date.



258276

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/14/2012	.	
	.	
	.	
	.	

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

1 **Senate Amendment to Amendment (517104) (with title**
2 **amendment)**

3
4 Delete lines 30 - 41
5 and insert:

6 3. Small signs or displays for the safety enhancement of
7 the greenway and trail user community, upon which the commercial
8 display may not exceed 4 feet in area, may be located on the
9 greenway or trail facility or property. Such signs or displays
10 must be spaced at least one-half mile apart and be equipped with
11 mile markers and geo-tags and may be equipped with first aid
12 kits, 911 call boxes, bicycle air pumps, or other safety



258276

13 enhancements approved by the department.

14 (c) Before installation, each sign or display must be
15 approved by the department.

16 (d) The department shall ensure that the size, color,
17 materials, construction, and location of all signs are
18 consistent with the management plan for the property and the
19 standards of the department, and do not intrude on natural and
20 historic settings.

21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete line 92

25 and insert:

26 displays to be displayed on certain state greenway and



403976

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/14/2012	.	
	.	
	.	
	.	

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

1 **Senate Amendment to Amendment (517104) (with title**
2 **amendment)**

3
4 Delete lines 43 - 49

5 and insert:

6 (e) Sponsored trails and greenways are authorized only at:

7 1. Florida Keys Overseas Heritage Trail.

8 2. Blackwater Heritage Trail.

9 3. Tallahassee-St. Marks Historic Railroad State Trail.

10 4. Nature Coast State Trail.

11 5. Withlacoochee State Trail.

12 6. General James A. Van Fleet State Trail.



403976

13
14
15
16
17
18
19

7. Palatka-Lake Butler State Trail.

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

And the title is amended as follows:

Delete line 92

and insert:

displays to be displayed on certain state greenway and

By the Committees on Commerce and Tourism; and Transportation;
and Senator Wise

577-02066-12

2012268c2

1 A bill to be entitled

2 An act relating to the sponsorship of state greenways
3 and trails; creating the "John Anthony Wilson Bicycle
4 Safety Act"; creating s. 260.0144, F.S.; providing for
5 the Department of Environmental Protection to enter
6 into concession agreements for naming rights of state
7 greenway and trail facilities or property or for
8 commercial advertising to be displayed on state
9 greenway and trail facilities or property; providing
10 for distribution of proceeds from such concession
11 agreements; authorizing the department to adopt rules;
12 providing an effective date.

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

15
16 Section 1. This act may be cited as the "John Anthony
17 Wilson Bicycle Safety Act."

18 Section 2. Section 260.0144, Florida Statutes, is created
19 to read:

20 260.0144 Sponsorship of state greenways and trails.—The
21 department may enter into a concession agreement with a not-for-
22 profit entity or private sector business or entity for naming
23 rights of state greenway and trail facilities or property or for
24 commercial sponsorship to be displayed on state greenway and
25 trail facilities or property. The department is authorized to
26 establish the cost for entering into a concession agreement.

27 (1) A concession agreement under this section shall be
28 administered by the department and must include the requirements
29 found in this section.

577-02066-12

2012268c2

30 (2) (a) Naming rights or space for a commercial sponsorship
31 display may be provided through a concession agreement on
32 certain state-owned greenway or trail facilities or property.

33 (b) Signage or displays erected under this section shall
34 comply with the provisions of s. 337.407 and chapter 479, and
35 shall be limited to trailheads, trail intersections, directional
36 or distance markers, interpretive exhibits, and parking areas.

37 (c) The size of any sign or display shall be limited as
38 follows:

39 1. A sign or display located at a trailhead or parking area
40 may not exceed 16 square feet.

41 2. All other signs or displays may not exceed 4 square
42 feet.

43 (d) Before installation, each name or sponsorship display
44 must be approved by the department.

45 (e) The department shall set materials and construction
46 standards for all signage displayed.

47 (f) All costs of a display, including its development,
48 construction, installation, operation, maintenance, and removal,
49 shall be paid by the concessionaire.

50 (3) A concession agreement under this section shall be for
51 a minimum of 1 year but may be for a longer period under a
52 multiyear agreement, and may be terminated for just cause by the
53 department with 60 days' advance notice. Just cause for
54 termination of a concession agreement under this section shall
55 include, but is not limited to, violation of the terms of the
56 concession agreement or any provision found within this section.

57 (4) Naming rights of a facility and commercial sponsorship
58 pursuant to a concession agreement under this section are for

577-02066-12

2012268c2

59 public relations or advertising purposes of the not-for-profit
60 entity or private sector business or entity, and shall not be
61 construed by that not-for-profit entity or private sector
62 business or entity as having a relationship to any other actions
63 of the department.

64 (5) This section does not create a proprietary or
65 compensable interest in any sign or display site or location.

66 (6) Proceeds from concession agreements under this section
67 shall be distributed as follows:

68 (a) Eighty-five percent shall be deposited into the
69 appropriate department trust fund that is the source of funding
70 for management and operation of state greenway and trail
71 facilities and properties.

72 (b) Fifteen percent shall be deposited into the State
73 Transportation Trust Fund for use in the Traffic and Bicycle
74 Safety Education Program and the Safe Paths to School Program
75 administered by the Department of Transportation.

76 (7) The department may adopt rules to administer this
77 section.

78 Section 3. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-14-2012
Meeting Date

Topic Repeal of Florida Climate Protection Act Bill Number SB 648
(if applicable)

Name Susan Glickman Amendment Barcode _____
(if applicable)

Job Title Lobbyist

Address PO Box 310 Phone 727.595.7314

Indian Rocks Beach FL 33785 E-mail skglickman@gmail.com
Street City State Zip

Speaking: For Against Information

Representing Southern Alliance for Clean Energy

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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

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

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 Environmental Preservation and Conservation Committee

BILL: SB 648

INTRODUCER: Senator Hays and others

SUBJECT: Florida Climate Protection Act

DATE: February 9, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Carter	CU	Favorable
2.	Uchino	Yeatman	EP	Favorable
3.			BC	
4.				
5.				
6.				

I. Summary:

The bill repeals s. 403.44, F.S., known as the Florida Climate Protection Act (act), which authorizes the Department of Environmental Protection (DEP) to adopt rules to create a cap-and-trade regulatory program to reduce greenhouse gas emissions. It also deletes a related provision in s. 366.8255, F.S., on the recovery of costs associated with greenhouse gas registries.

The bill repeals s. 403.44 and substantially amends s. 366.8255 of the Florida Statutes.

II. Present Situation:

Section 403.44, F.S., known as the Florida Climate Protection Act, was created in 2008. The statute contains legislative findings that it is in the best interest of the state to document, to the greatest extent practicable, greenhouse gas emissions and to pursue a market-based emissions abatement program, such as cap and trade, to address greenhouse gas emissions reductions. It defines the following terms:

- “Allowance” means a credit issued by the DEP through allotments or auction that represents an authorization to emit specific amounts of greenhouse gases, as further defined in rule.
- “Cap and trade” or “emissions trading” means an administrative approach used to control pollution by providing a limit on total allowable emissions, providing for allowances to emit pollutants, and providing for the transfer of the allowances among pollutant sources as a means of compliance with emission limits.
- “Greenhouse gas” or “GHG” means carbon dioxide, methane, nitrous oxide, and fluorinated gases such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.
- “Leakage” means the offset of emission abatement that is achieved in one location subject to emission control regulation by increased emissions in unregulated locations.

- “Major emitter” means an electric utility regulated under ch. 403, F.S., which includes all electric utilities.

Initially, each major emitter was required to use The Climate Registry for purposes of emission registration and reporting. The DEP was required to establish the methodologies, reporting periods, and reporting systems that were to be used when major emitters report to The Climate Registry. In 2010, ch. 2010, s. 2 of the Laws of Florida, deleted these requirements.

The act authorizes the DEP to adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from major emitters. It specifically provides that, when the DEP is developing the rules, it must consult with the Florida Energy and Climate Commission and the Florida Public Service Commission and may consult with the Governor’s Action Team for Energy and Climate Change. The act provides that the DEP may not adopt rules until after January 1, 2010, and the rules may not become effective until ratified by the Legislature.

The act requires that the rules of the cap-and-trade regulatory program include the following provisions:

- A statewide limit or cap on the amount of greenhouse gases emitted by major emitters.
- Methods, requirements, and conditions for allocating the cap among major emitters.
- Methods, requirements, and conditions for emissions allowances and the process for issuing emissions allowances.
- The relationship between allowances and the specific amounts of greenhouse gas emissions they represent.
- The length of allowance periods and the time over which entities must account for emissions and surrender allowances equal to emissions.
- The timeline of allowances from the initiation of the program through 2050.
- A process for the trade of allowances between major emitters, including a registry, tracking, or accounting system for such trades.
- Cost containment mechanisms to reduce price and cost risks associated with the electric generation market in this state.
- A process to allow the DEP to exercise its authority to discourage leakage of GHG emissions to neighboring states attributable to the implementation of this program.
- Provisions for a trial period on the trading of allowances before full implementation of a trading system.

The statute requires that the following factors be considered in recommending and evaluating proposed features of the cap-and-trade system:

- The overall cost-effectiveness of the cap-and-trade system in combination with other policies and measures in meeting statewide targets.
- Minimization of the administrative burden to the state of implementing, monitoring and enforcing the program.
- Minimization of the administrative burden on entities covered under the cap.
- The impacts on electricity prices for consumers.
- The specific benefits to the state’s economy for early adoption of a cap-and-trade system for greenhouse gases in the context of federal climate change legislation and the development of new international compacts.

- The specific benefits to the state's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.
- The potential effects on leakage if economic activity relocates out of the state.
- The effectiveness of the combination of measures in meeting identified targets.
- The implications for near-term periods of long-term targets specified in the overall policy.
- The overall costs and benefits of a cap-and-trade system to the state economy.
- Strategies to moderate financial impacts to low-income consumers that result from energy price increases.
- Consistency of the program with other state and possible federal efforts.
- The feasibility and cost-effectiveness of extending the program scope as broadly as possible among emitting activities and sinks in Florida.
- Evaluation of the conditions under which Florida should consider linking its trading system to the systems of other states or other countries and how that might be affected by the potential inclusion in the rule of a safety valve.

The act also states that, "recognizing that the international, national, and neighboring state policies and the science of climate change will evolve, prior to submitting the proposed rules to the Legislature for consideration," the DEP must submit the proposed rules to the Florida Energy and Climate Commission, which must review the proposed rules and submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the DEP. The report must address:

- The overall cost-effectiveness of the proposed cap-and-trade system in combination with other policies and measures in meeting statewide targets.
- The administrative burden to the state of implementing, monitoring, and enforcing the program.
- The administrative burden on entities covered under the cap.
- The impacts on electricity prices for consumers.
- The specific benefits to the state's economy for early adoption of a cap-and-trade system for greenhouse gases in the context of federal climate change legislation and the development of new international compacts.
- The specific benefits to the state's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.
- The potential effects on leakage if economic activity relocates out of the state.
- The effectiveness of the combination of measures in meeting identified targets.
- The economic implications for near-term periods of short-term and long-term targets specified in the overall policy.
- The overall costs and benefits of a cap-and-trade system to the economy of the state.
- The financial impacts to low-income consumers that result from energy price increases.
- The consistency of the program with other state and possible federal efforts.
- The evaluation of the conditions under which the state should consider linking its trading system to the systems of other states or other countries and how that might be affected by the potential inclusion in the rule of a safety valve.
- The timing and changes in the external environment, such as proposals by other states or implementation of a federal program that would spur reevaluation of the Florida program.

- The conditions and options for eliminating the Florida program if a federal program were to supplant it.
- The need for a regular reevaluation of the progress of other emitting regions of the country and of the world, and whether other regions are abating emissions in a commensurate manner.
- The desirability and possibility of broadening the scope of the state's cap-and-trade system at a later date to include more emitting activities as well as sinks in Florida, the conditions that would need to be met to do so, and how the program would encourage these conditions to be met, including developing monitoring and measuring techniques for land use emissions and sinks, regulating sources upstream, and other considerations.

Section 366.8255, F.S., authorizes an investor-owned electric utility to recover costs of compliance with federal, state, or local environmental laws or regulations. When the act was enacted in 2008, this section was amended to allow recovery of costs or expenses prudently incurred for the quantification, reporting, and third-party verification as required for participation in greenhouse gas emission registries for greenhouse gases.

III. Effect of Proposed Changes:

The bill repeals s. 403.44, F.S., known as the Florida Climate Protection Act, and deletes the provision in s. 366.8255, F.S., relating to recovery of costs associated with greenhouse gas registries.

The bill provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Electric utilities will not incur costs of a state cap-and-trade program if this bill is passed. Consequently, ratepayers will not be required to pay for such costs.

C. Government Sector Impact:

According to the DEP, the provisions of s. 403.44, F.S., have not been implemented. If this legislation is passed, the DEP will not incur costs associated with rulemaking, implementation and recurring programmatic costs as required for a cap-and-trade regulatory program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

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

By Senator Hays

20-00707-12

2012648__

1 A bill to be entitled
2 An act relating to the Florida Climate Protection Act;
3 repealing s. 403.44, F.S., relating to a cap-and-trade
4 regulatory program to reduce greenhouse gas emissions
5 from electric utilities; amending s. 366.8255, F.S.;
6 conforming a cross-reference; providing an effective
7 date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 403.44, Florida Statutes, is repealed.

12 Section 2. Paragraph (d) of subsection (1) of section
13 366.8255, Florida Statutes, is amended to read:

14 366.8255 Environmental cost recovery.—

15 (1) As used in this section, the term:

16 (d) "Environmental compliance costs" includes all costs or
17 expenses incurred by an electric utility in complying with
18 environmental laws or regulations, including, but not limited
19 to:

- 20 1. Inservice capital investments, including the electric
21 utility's last authorized rate of return on equity thereon.
22 2. Operation and maintenance expenses.
23 3. Fuel procurement costs.
24 4. Purchased power costs.
25 5. Emission allowance costs.
26 6. Direct taxes on environmental equipment.
27 7. Costs or expenses prudently incurred by an electric
28 utility pursuant to an agreement entered into on or after the
29 effective date of this act and prior to October 1, 2002, between

20-00707-12

2012648__

30 the electric utility and the Florida Department of Environmental
31 Protection or the United States Environmental Protection Agency
32 for the exclusive purpose of ensuring compliance with ozone
33 ambient air quality standards by an electrical generating
34 facility owned by the electric utility.

35 ~~8. Costs or expenses prudently incurred for the~~
36 ~~quantification, reporting, and third party verification as~~
37 ~~required for participation in greenhouse gas emission registries~~
38 ~~for greenhouse gases as defined in s. 403.44.~~

39 8.9. Costs or expenses prudently incurred for scientific
40 research and geological assessments of carbon capture and
41 storage conducted in this state for the purpose of reducing an
42 electric utility's greenhouse gas emissions when such costs or
43 expenses are incurred in joint research projects with Florida
44 state government agencies and Florida state universities.

45 Section 3. This act shall take effect July 1, 2012.

4

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/14/12
Meeting Date

Topic Restoration of Lake Apopka

Bill Number SB 1540
(if applicable)

Name Mary Jean Yan

Amendment Barcode
(if applicable)

Job Title

Address 3324 Charleston Rd
Street
14 FL 32309
City State Zip

Phone (850) 519-7859

E-mail maryjeanyan@comcast.net

Speaking: For Against Information

Representing Audubon Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
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 Environmental Preservation and Conservation Committee

BILL: SB 1540

INTRODUCER: Senator Hays

SUBJECT: Restoration of Lake Apopka

DATE: February 10, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Uchino	Yeatman	EP	Pre-meeting
2.			CA	
3.			BC	
4.				
5.				
6.				

I. Summary:

The bill requires numerous state agencies, special districts and councils, and local governments to collaborate on a report for the Legislature on the Lake Apopka restoration.

This bill creates an unnumbered section of law.

II. Present Situation:

Lake Apopka is the state's fourth largest lake and is located 15 miles northwest of Orlando. The lake is the headwaters of the Harris Chain of Lakes and is fed by a natural spring, rainfall and stormwater runoff. Water from Lake Apopka flows through the Harris Chain of Lakes into the Ocklawaha River and eventually into the St. Johns River. The lake was once a world-class bass fishery, but years of abuse caused the lake to be named Florida's most polluted large lake. The St. Johns River Water Management District (SJRWMD) is overseeing the restoration of Lake Apopka.¹

The Degradation of Lake Apopka

The beginning of the lake's decline began with the completion of the Apopka-Beauclair Canal, which lowered lake levels by one-third. During the 1940s, 20,000 acres of the lake's northern marshlands were drained to expose rich soil for farming. The phosphorus-laden agricultural runoff continued until the late 1990s.² Over time, as the area was further developed, pollutants

¹ St. Johns River Water Management District, *Lake Apopka*, <http://www.sjrwmd.com/lakeapopka/> (last visited Feb. 10, 2012).

² *Id.*

entered the lake's ecosystem from various sources. In addition to phosphorus runoff, pesticide usage, treated wastewater discharges from shoreline communities prior to the 1980s, discharges from citrus processing plants prior to the 1980s,³ and two pesticide Superfund sites continued to pollute Lake Apopka.⁴ However, by the 1960s, Lake Apopka was already known as Florida's most polluted large lake.⁵

The continual discharge of large quantities of nutrients into the lake led to a chronic algal bloom, and turned the water a pea green color. The cloudy water prevented sunlight from reaching underwater vegetation critical to fish and wildlife habitat and native plants and animals died off in large numbers. The bass population in the lake has significantly been reduced and is replaced by gizzard shad.⁶

Restoration Activities for Lake Apopka

The Lake Apopka Restoration Act of 1985⁷ and the Surface Water Improvement and Management Act, known as SWIM,⁸ set in motion restoration activities for the lake. Then, in 1996, the Legislature enacted the Lake Apopka Improvement and Management Act which specifically provides for restoration of the Lake Apopka Basin through acquisition of the land and facilities in agricultural production to reduce phosphorus pollution to the lake.⁹ The intent of the Legislature was to provide for a fair and equitable program of acquisition of the lands and facilities, with the SJRWMD tasked with buying the land.

There are four primary goals for the Lake Apopka restoration:¹⁰

- Reduce phosphorus loading;
- Remove phosphorus and other suspended sediments;
- Restore biological processes, including removing gizzard shad; and
- Create more natural lake shorelines, habitats and water level fluctuations.

Historically, more than 85 percent of the phosphorus loading to the lake was from farms along the northern rim. As of 2001, the SJRWMD and the U.S. Department of Agriculture purchased almost all of the farms to allow for restoration.

The Lake Apopka Improvement and Management Act authorized the SJRWMD to limit phosphorus loading to the lake. Pursuant to this authorization, the SJRWMD set an annual limit of 15.9 metric tons, which represents a 75 percent reduction from 1989–1994 levels. This goal was later expressed as a total maximum daily load for the lake, which has a goal of attaining an

³*Id.*

⁴ Environmental Justice Resource Center at Clark Atlanta Univ., *Poisoned Communities Tell EPA to Address Legacy of Unequal Protection*, http://kyenvironmentalfoundation.org/ejrc10_27_09.html (last visited Feb 10, 2012) (The Tower Chemical Company Superfund site and the Drum Chemical Company Superfund site are only partially remediated).

⁵ Mary Jane Angelo, *Stumbling Toward Success: A Story of Adaptive Law and Ecological Resilience*, 87 Neb. L. Rev. 967 (2008), available at <http://digitalcommons.unl.edu/nlr/vol87/iss4/3> (last visited Feb, 10, 2012).

⁶ *Supra* note 1.

⁷ See ch. 85-147, Laws of Fla.

⁸ See ch. 87-97, ss. 1-6, Laws of Fla.

⁹ See ch. 96-207, Laws of Fla.

¹⁰ *Supra* note 1.

in-lake total phosphorus concentration of 55 parts per billion.¹¹ Restoration of wetlands, lake habitat, soil inversion and remediation, and applying soil amendments will help trap and limit release of phosphorus once these former farmlands are flooded. In addition, the SJRWMD is harvesting gizzard shad, which accumulates phosphorus and nitrogen in their bodies. Through the fall of 2011, 18.5 million pounds of gizzard shad have been removed. This equates to removing 129,000 pounds of phosphorus and 387,000 pounds of nitrogen from the lake.¹²

Lake Apopka Summit – 2011

On December 14, 2011, Senator Alan Hays, Representative Bryan Nelson and Lake County Commission Sean Parks sponsored the first Lake Apopka Restoration Summit. Other members of the Legislature, representatives from local governments and many other stakeholders attended to focus ongoing restoration efforts.¹³ Presentations were made by the SJRWMD, Department of Environmental Protection (DEP), Florida Fish and Wildlife Conservation Commission (FWC), Lake County Water Authority, the University of Florida and the Harris Chain of Lakes Restoration Council.

III. Effect of Proposed Changes:

The bill directs the DEP, SJRWMD, FWC, Zellwood Drainage and Water Control District, Lake County Water Authority, Harris Chain of Lakes Restoration Council, and other local governmental entities within certain jurisdictional boundaries state to collaborate to create a report for the Legislature.

The bill requires the report to:

- Provide the status of the improvement and management of Lake Apopka, as required by s. 373.461, F.S.;
- Make recommendations for future restoration efforts; and
- Specify and account for all funds received for the restoration of Lake Apopka.

It is due to the President of the Senate, Speaker of the House of Representatives and the Governor by January 1, 2013.

The bill specifies the act is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹¹ *Id.*

¹² *Id.*

¹³ SJRWMD, *Stakeholders brought together at Lake Apopka Summit*, <http://blog.floridaswater.com/2011/12/stakeholders-brought-together-at-lake.html> (last visited Feb. 10, 2012).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The entities required to collaborate to create the report should all be able to absorb any costs with existing staff and resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

By Senator Hays

20-01104A-12

20121540__

1 A bill to be entitled
2 An act relating to the restoration of Lake Apopka;
3 requiring the Department of Environmental Protection,
4 the St. Johns River Water Management District, the
5 Fish and Wildlife Conservation Commission, the
6 Zellwood Drainage and Water Control District, the Lake
7 County Water Authority, the Harris Chain of Lakes
8 Restoration Council, and local governmental entities
9 located within the jurisdictional boundaries of the
10 districts to collaborate in order to create a report
11 for the Legislature and Governor; providing guidelines
12 for the report; providing a due date for the report;
13 providing an effective date.

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

16
17 Section 1. The Department of Environmental Protection, the
18 St. Johns River Water Management District, the Fish and Wildlife
19 Conservation Commission, the Zellwood Drainage and Water Control
20 District, the Lake County Water Authority, the Harris Chain of
21 Lakes Restoration Council, and local governmental entities
22 located within the jurisdictional boundaries of the districts
23 shall collaborate to create a report for the Legislature. The
24 report shall provide information on the status of the
25 improvement and management of Lake Apopka, as required in s.
26 373.461, Florida Statutes, make recommendations for future
27 efforts necessary to restore Lake Apopka, and specify and
28 account for all funds received for the restoration of Lake
29 Apopka. The report shall be submitted to the President of the

20-01104A-12

20121540__

30 Senate, the Speaker of the House of Representatives, and the
31 Governor by January 1, 2013.

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

2410

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Kurt S. Browning, Secretary of State,
do hereby certify that

Douglas E. Barr

is duly appointed

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

for a term beginning on the
Twenty-Fourth day of January, A.D., 2012,
to serve at the pleasure of the District's Governing Board
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Third day of February, A.D., 2012.*



Secretary of State



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

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

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2012 FEB -2 PM 3:49

STATE OF FLORIDA

County of Leon

6 V. STATE OF FLORIDA

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

Executive Director, Northwest Florida Water Management District

(Title of Office)

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

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

[Signature]
Signature

Sworn to and subscribed before me this 2nd day of February, 2012

[Signature]
Signature of Officer Administering Oath or of Notary Public

Sarah O. Martin
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

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

Mailing Address: Home Office

3751 Swallowtail Trace

Street or Post Office Box

Tallahassee, Florida 32309

City, State, Zip Code

Douglas E. Barr

Print name as you desire commission issued

[Signature]
Signature

HAND DELIVERED



RICK SCOTT
GOVERNOR

2012 JAN 25 AM 10:46

OFFICE OF THE GOVERNOR

January 24, 2012

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

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

Mr. Douglas E. Barr
81 Water Management Drive
Havana, Florida 32333

as Executive Director of the Northwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective January 24, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/nj

QUESTIONNAIRE FOR GUBERNATORIAL APPOINTMENTS

2 PM 3:49

The information from this questionnaire will be used by the Governor's office and, where applicable, The Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in black ink.

10/31/11

1. Name: Mr. Barr Douglas Date Completed Edward
MR./MRS./MS. LAST FIRST MIDDLE/MAIDEN

2. Business Address: 81 Water Management Drive Havana
STREET OFFICE # CITY
Florida 32333 (850) 539-5999
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

3. Residence Address: 3751 Swallowtail Trace Tallahassee Leon
STREET CITY COUNTY
Florida 32309
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

Specify the preferred mailing address: Business Residence Fax # _____
(optional)

4. A. List all your places of residence for the last five (5) years.

ADDRESS	CITY & STATE	FROM	TO
3751 Swallowtail Trace	Tallahassee, Fl.	08/2003	Present
2632 Nez Perce Trail	Tallahassee, Fl.	1980	08/03

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

ADDRESS	CITY & STATE	FROM	TO
<u>NONE</u>			

5. Date of Birth: 07/17/52 Place of Birth: Chicago, Illinois

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain _____

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1977

11. Are you a registered Florida voter? Yes No If "Yes" list:
 A. County of registration: Leon B. Current party affiliation: Republican

12. Education
 A. High School: Ottawa Township High School Year Graduated: 1970
(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

NAME & LOCATION	DATES ATTENDED	CERTIFICATES/DEGREES RECEIVED
Bradley Univ., Peoria, Ill	1970 - 1974	B.S., Geology
Texas Christian Univ.	1975 - 1977	M.S. Env. Sci.- Specialty in Ground Water

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:
 A. Dates of service: _____
 B. Branch or component: _____
 C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) If "Yes" give details:
DATE PLACE NATURE DISPOSITION
NA

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
Northwest Florida Water Management District	WMD	Executive Director	02/92 - Present
81 Water Management Drive			(as Executive Director)
Havana, Florida 32333			

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
 If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT
Executive Director	NWFWMD	02/92 - Present
Deputy Executive Director	NWFWMD	1989 - 1992
Director, Water Resources Division	NWFWMD	1983 - 1992
Assistant to Senior Hydrogeologist	NWFWMD	1977 - 1983

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.
 Thirty-four years of professional experience with the Northwest Florida Water Management District in positions from Assistant Hydrogeologist to Executive Director. Have served as the Executive Director for the last 20 years. Eighteen publications on water resources of Northwest Florida. State of Florida technical representative for the Apalachicola-Chattahoochee-Flint River Interstate Compact. Court qualified expert in ground water hydrology, ground water modeling, hydrogeology and Consumptive Water Use Permitting.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:
 B.S. Geology
 M.S. Env. Sci. (Specialty in Ground Water)
 Professional Geologist, State of Florida License No. 0000121

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No
 If "Yes", list:
 Four gubernatorial appointments as State of Florida technical representative for the Apalachicola-Chattahoochee-Flint River Basin Compact.
 Florida Rural Water Association Special Recognition Award (1987).

D. Identify all association memberships and association offices held by you that relate to this appointment:
 American Water Resources Association
 Sigma Xi Research Society

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT
Executive Director	03/1992 - Present	Pleasure of Governing Board	WMD
Deputy Executive Director	07/89 to 03/92	N/A	WMD

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: N/A

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: Executive Director, Northwest Florida Water Management District C. Reason for suspension: _____
B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: Executive Director, Northwest Florida Water Management District
B. Term of Appointment: 3 appointments by District Governing Board and Governor
C. Confirmation results: Confirmed on all 3 occasions.

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE TITLE & NUMBER	ORIGINAL ISSUE DATE	ISSUING AUTHORITY	DISCIPLINARY ACTION/DATE
<u>Professional Geologist</u>	<u>1989</u>	<u>Florida DBPR</u>	<u>None</u>
<u>(License No. 0000121)</u>			

25. A. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	YOUR RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO YOU</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS' RELATIONSHIP TO AGENCY</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>AGENCY LOBBIED</u>	<u>PRINCIPAL REPRESENTED</u>
Florida Legislature	Northwest Florida Water Management District

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>ZIP CODE</u>	<u>AREA CODE/PHONE NUMBER</u>
George Roberts			
Jerry Pate			
Ralph Rish			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>OFFICE(S) HELD & TERM</u>	<u>DATE(S) OF MEMBERSHIP</u>
American Water Resources Association, (Florida Section)		Board of Directors	1985-1987

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

CERTIFICATION

2012 FEB -2

STATE OF FLORIDA, COUNTY OF

Before me, the undersigned Notary Public of Florida, personally appeared Douglas E. Barr, who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me
this 2nd day of February, 2012.

[Signature]
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 7-20-15

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

THE FLORIDA SENATE
APPEARANCE RECORD

5

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

02/14/02
Meeting Date

Topic _____

Bill Number _____
(if applicable)

Name Douglas E. BARR

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address RT. 1, Box 3100
Street

Phone 539-5999

Havana FL.
City State Zip

E-mail _____

Speaking: For Against Information

Representing Northwest Florida Water Management District

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

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

I, Kurt S. Browning, Secretary of State,
do hereby certify that

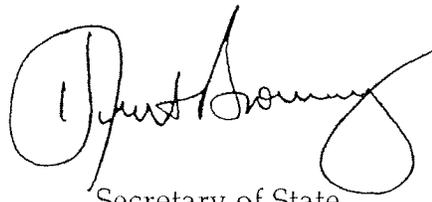
George W. Robbins, III 2011

is duly appointed a member of the

**Governing Board,
Saint Johns River Water Management District**

for a term beginning on the
Twelfth day of October, A.D., 2011,
until the First day of March, A.D., 2012
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Second day of December, A.D., 2011*



Secretary of State



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

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

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Kurt S. Browning, Secretary of State,
do hereby certify that

George W. Robbins, III

22-5

is duly appointed a member of the

Governing Board,
Saint Johns River Water Management District

for a term beginning on the
Twelfth day of October, A.D., 2011,
until the First day of March, A.D., 2012
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

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

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



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Second day of December, A.D., 2011*

Secretary of State

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Duval

RECEIVED
11 DEC 12 AM 10:15

DIVISION OF ELECTIONS
SECRETARY OF STATE

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

Governing Board St Johns River Water Management Dist.
(Title of Office)

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

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

George W. Robbins
Signature

Sworn to and subscribed before me this TH day of DECEMBER 2011.

L. Anne Morrow
Signature of Officer Administering Oath or of Notary Public

NOTARY PUBLIC-STATE OF FLORIDA
L. Anne Morrow
Commission # EE128504
Expires: SEP. 08, 2015
BONDED THRU ATLANTIC BONDING CO., INC.

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

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

Mailing Address: Home Office

12550 MANDARIN RD
Street or Post Office Box

JACKSONVILLE FL 32223-1819
City, State, Zip Code

George W. Robbins III
Print name as you desire commission issued

George W. Robbins
Signature



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2011 OCT 27 PM 4:22

DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 12, 2011

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

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

Mr. George W. Robbins
12550 Mandarin Road
Jacksonville, Florida 32223

as a member of the Governing Board, St. Johns River Water Management District, succeeding Hans Tanzler, subject to confirmation by the Senate. This appointment is effective October 12, 2011, for a term ending March 1, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/nj

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate.

Please type or print in blue or black ink.

Nov 18, 2011

1. Name: Mr Robbins George William
MR./MRS./MS. LAST FIRST MIDDLE/MAIDEN

2. Business Address: 12550 Mandarin Rd Jacksonville
STREET OFFICE # CITY
FL 32223 904 509 4879
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

3. Residence Address: 12550 Mandarin Rd Jacksonville Duval
STREET CITY COUNTY
FL 32223 904 260 6319
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

Specify the preferred mailing address: Business Residence Fax # 904 260 8576
(optional)

4. A. List all your places of residence for the last five (5) years.

<small>ADDRESS</small>	<small>CITY & STATE</small>	<small>FROM</small>	<small>TO</small>
<u>12550 Mandarin Rd</u>	<u>Jacksonville FL</u>	<u>1982</u>	<u>Present</u>

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

<small>ADDRESS</small>	<small>CITY & STATE</small>	<small>FROM</small>	<small>TO</small>
<u>7351 Briarwood Dr</u>	<u>Mentor OH</u>	<u>1977</u>	<u>1982</u>
<u>92 Lerai Dr</u>	<u>Pittsfield MA</u>	<u>1972</u>	<u>1977</u>
<u>2834 N. Hills Dr</u>	<u>Atlanta GA</u>	<u>1970</u>	<u>1972</u>
<u>1823 Colonial Ave</u>	<u>Greensboro NC</u>	<u>1968</u>	<u>1970</u>

5. Date of Birth: July 25, 1946 Place of Birth: Norfolk, VA

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain _____

DEPARTMENT OF STATE
 SECRETARY OF STATE
 11 DEC 12 AM 10:15
 RECEIVED

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1982

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: DUVAL B. Current Party Affiliation: Republican

12. Education

A. High School: Folk Union Military Academy Folk Union VA Year Graduated: 1958
(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

NAME & LOCATION	DATES ATTENDED	CERTIFICATES/DEGREES RECEIVED
<u>Virginia Military Institute Lexington VA</u>	<u>1958-1963</u>	<u>BA BIOLOGY</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: 1964-1966

B. Branch or Component: US Army Medical Service Corps

C. Date & type of discharge: 1966 Honorable

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

DATE	PLACE	NATURE	DISPOSITION

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
<u>VISTAGE Florida 8286 Bayberry Rd Jacksonville FL 32256</u>	<u>COACHING</u>	<u>Chair</u>	<u>2002 - present</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT
<u>Consultant</u>	<u>City of Jacksonville</u>	<u>2005</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

CEO Millennium Chemicals
Vice-Chair Jacksonville Environmental Protection Board
Bethel Jacksonville Plans Capital Review Board
Board Member City of Jacksonville LIBRARY
Founder First Coast Manufacturers Association

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

BA Biology

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

First Coast Manufacturers Association

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT
Library Board	2009	4 yrs	City
BJP Capital Review	1999(?)	8 yrs	City
Environmental Protection Board	1989	4 yrs	City
Economic Development Commission	1984	4 yrs	City

B. If your service was on an appointed board(s), committee(s), or council(s):

- (1) How frequently were meetings scheduled: monthly / quarterly
- (2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED: _____ MEETINGS MISSED: _____ REASON FOR ABSENCE: 11 DEC 22 AM 11:38

UNKNOWN, 15-25 years ago DIVISION OF ELECTIONS
SECRETARY OF STATE

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

- A. Title of office: _____ C. Reason for suspension: _____
- B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

- A. Title of Office: _____
- B. Term of Appointment: _____
- C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE TITLE & NUMBER	ORIGINAL ISSUE DATE	ISSUING AUTHORITY	DISCIPLINARY ACTION/DATE

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	YOUR RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS FAMILY MEMBER'S RELATIONSHIP TO YOU FAMILY MEMBER'S RELATIONSHIP TO BUSINESS BUSINESS' RELATIONSHIP TO AGENCY

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? . Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

AGENCY LOBBIED PRINCIPAL REPRESENTED

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

NAME	AREA CODE/PHONE NUMBER
Chip Webster	-
Bill Hopf	2
Dr. William Morrow	1

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you have been a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

NAME	MAILING ADDRESS	OFFICE(S) HELD & TERM	DATE(S) OF MEMBERSHIP
Mandarin Rotary	PO 23376 Jax 32241	Board 2011-2012	1983 - present
FCMA	4215 Southpoint Dr Jax 32216	Treasurer - 2 3yr terms	1988 - Present
ACFr	4911 Bench Blvd Ste 300 Jax 32207	Board 2007 - Present	2004 - Present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

CERTIFICATION

STATE OF FLORIDA, COUNTY OF

Before me, the undersigned Notary Public of Florida, personally appeared George W. Cabbins III, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

George W. Cabbins III

Signature of Applicant-Affiant

Sworn to and subscribed before me

this 21st day of November, 2011.

L. Anne Morrow

Signature of Notary Public-State of Florida

NOTARY PUBLIC-STATE OF FLORIDA
L. Anne Morrow
Commission # EE128504
Expires: SEP. 08, 2015
BONDED THRU ATLANTIC BONDING CO., INC.

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 9/8/15

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

2425

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Kurt S. Browning, Secretary of State,
do hereby certify that

Hans G. Tanzler

is duly appointed

**Executive Director,
Saint Johns River Water Management District**

for a term beginning on the
Twenty-Fourth day of January, A.D., 2012,
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital,
this the Seventh day of February, A.D., 2012.*



Secretary of State

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

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



RICK SCOTT
GOVERNOR

2012 JAN 25 AM 10:46

DIVISION OF ELECTORALS

January 24, 2012

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

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

Mr. Hans G. Tanzler III
4049 Reid Street
Palatka, Florida 32177

as Executive Director of the St. Johns River Water Management District, subject to confirmation by the Senate. This appointment is effective January 24, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/nj

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

12 FEB -6 AM 10:23

STATE OF FLORIDA

County of Putnam

DIVISION OF DOCUMENTS
SECRETARY OF STATE

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

Executive Director, St. Johns River Water Management District
(Title of Office)

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

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

Hans G. Tanzler III
Signature

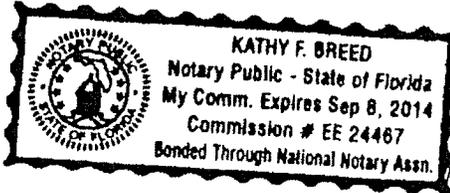
Sworn to and subscribed before me this 3rd day of January 2012

Kathy F. Breed
Signature of Officer Administering Oath or of Notary Public

Kathy F. Breed
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced n/a



ACCEPTANCE

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

Mailing Address: Home Office

4049 Reid Street
Street or Post Office Box

Palatka, FL 32177
City, State, Zip Code

Hans G. Tanzler III
Print name as you desire commission issued

Hans G. Tanzler III
Signature

QUESTIONNAIRE

for

GUBERNATORIAL APPOINTMENTS



Please Return To:
400 South Monroe Street
Capitol Building, Suite 705
Tallahassee, Florida 32399

FOR THE GOVERNOR'S APPOINTMENTS OFFICE

RECEIVED
DEC 19 2011
2012 JAN 25 AM 10:46
GOVERNOR'S APPOINTMENTS OFFICE

The information from this page has been requested and will be used exclusively by the GOVERNOR'S OFFICE.
Please type or use black ink.

1. Board of Interest: Executive Director, St. Johns River Water Management District
2. Current Employer and Occupation: Executive Director, St. Johns River Water Management District
3. Are you applying for reappointment: Yes No
4. *Do you have a disability? Yes No If "Yes", please describe your disability that would qualify you for this appointment, if applicable.

5. *Sex: Male Female
6. *Race: White Native-American/Alaskan Native
Hispanic-American Asian/Pacific Islander
African-American

7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor.

Email address htanzler@sjrwmd.com

Cellular Telephone Number 386-336-2788

Hans Gerhardt Tanzler III

Applicant's Name, including name commonly used (Please print)

* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis.

RECEIVED
 NOV 25 AM 10:46
 STATE ELECTIONS

QUESTIONNAIRE FOR GUBERNATORIAL APPOINTMENTS

The information from this questionnaire will be used by the Governor's office and, where applicable, The Florida Senate, in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. Please type or print in black ink.

November 22, 2011

1. Name: Mr. Tanzler Hans Gerhardt
MR./MRS./MS. LAST FIRST MIDDLE/MAIDEN

2. Business Address: 4049 Reid Street Palatka
STREET OFFICE # CITY
P.O. Box 1429 Florida 32177 386-329-4214
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

3. Residence Address: 3965 Ortega Blvd. Jacksonville Duval
STREET CITY COUNTY
Florida 32210 904-387-5340
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

Specify the preferred mailing address: Business Residence Fax # 904-381-9615
 (optional)

4. A. List all your places of residence for the last ten (10) years.

ADDRESS	CITY & STATE	FROM	TO
3965 Ortega Blvd.	Jacksonville, Florida	1986	Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

ADDRESS	CITY & STATE	FROM	TO
None			

5. Date of Birth: _____ Place of Birth: Jacksonville, Florida
 6. Social Security Number: _____
 7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1951

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of registration: Duval B. Current party affiliation: Republican

12. Education

A. High School: Lee High School Jacksonville, Florida Year Graduated: 1969

(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

NAME & LOCATION	DATES ATTENDED	CERTIFICATES/DEGREES RECEIVED
University of Florida	1969	BS (Accounting)
University of Florida	1973-1976	JD
University of Florida	1976-1977	LLM (Taxation)

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of service: _____

B. Branch or component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) If "Yes" give details:

DATE	PLACE	NATURE	DISPOSITION
N/A			

15. Concerning your current employer and for all of your employment during the last ten years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
St. Johns River Water Management District		Executive Director	10/12/11-present
St. Johns River Water Management District		General Counsel	7/18/11 - 10/12/11
Marion Equities, Inc.	Family Holding Co.	President	2001 - President

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
 If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT
Executive Director	St. Johns River Water Management District	10/12/11-present
General Counsel	St. Johns River Water Management District	7/18/11 - 10/12/11

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I was the General Counsel of the St. Johns River Water Management District just prior to my appointment, and was a member of its Governing Board for over 3 years. I am a CPA, an attorney with a legal masters in tax law, and have been CEO, CFO or Vice President of several large corporations. My corporate experience was industries including construction, insurance, information technology and manufacturing and often involved corporate restructuring and "right sizing". I am a lifelong resident of NE Florida.

- B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

Juris Doctorate, Legal Masters in Taxation, Certified Public Accountant

- C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No
 If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?
 Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT
Jacksonville Transportation Authority		1989 -1990	County
Gulf States Fisheries Commission		1990 - 1994	State
St. Johns River Water Management District - Governing Board	4/7/08-7/12/11		Agency of the State

B. If your service was on an appointed board(s), committee(s), or council(s):

- (1) How frequently were meetings scheduled: Monthly-JTA; Quarterly-GSMFC; Monthly - SJRWMD
- (2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE
JTA - all meetings attended		
GSMFC	80%	scheduling conflict
SJRWMD	40 attended / 3 missed	family vacation/illness

20. Has probable cause ever been found that you were in violation of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S.? Yes No If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

- A. Title of office: Jacksonville Transportation Authority, Gulf States Marine Fisheries Co C. Reason for suspension: _____
- B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No
 If "Yes", list:

A. Title of Office: Jacksonville Transportation Authority, Gulf States Marine Fisheries Commission, St. Johns River Water Management District Board
 B. Term of Appointment: JTA/1989-1990; GSMFC/1990-1994; SJRWMD/2008-2011
 C. Confirmation results: Approved

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No
 If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>LICENSE/CERTIFICATE TITLE & NUMBER</u>	<u>ORIGINAL ISSUE DATE</u>	<u>ISSUING AUTHORITY</u>	<u>DISCIPLINARY ACTION/DATE</u>
Florida Bar Association-0232599	1977	Florida Bar Assoc.	None
Certified Public Accountant - 2284292	1974	DPR	None
Real Estate Broker-3329229	1973	DPR	None

25. A. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>YOUR RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS' RELATIONSHIP TO AGENCY</u>

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>NAME OF BUSINESS</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO YOU</u>	<u>FAMILY MEMBER'S RELATIONSHIP TO BUSINESS</u>	<u>BUSINESS' RELATIONSHIP TO AGENCY</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No
 B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>AGENCY LOBBIED</u>	<u>PRINCIPAL REPRESENTED</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
Sidney Simmons,		
Robert Shircliff		
Tyrie W. Boyer		

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>OFFICE(S) HELD & TERM</u>	<u>DATE(S) OF MEMBERSHIP</u>
Florida Bar Assoc-Tax Section	651 E. Jefferson St., Tallahassee, FL.	Chairman/1992	1976-Present
University of Florida Foundation	P.O. Box 14425, Gainesville, FL 32604		2007-Present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

CERTIFICATION

RECEIVED
2012 JAN 25 AM 10:46

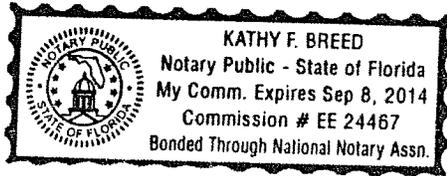
STATE OF FLORIDA, COUNTY OF

Before me, the undersigned Notary Public of Florida, personally appeared James G. Taylor III who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me
this 13th day of December, 2011.

[Signature]
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced _____

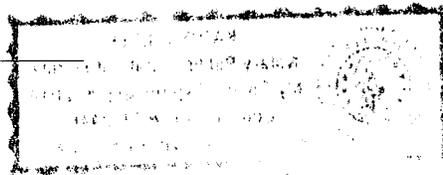
(seal)

RECEIVED
2012 JAN 25 AM 10:47

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS, WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC...IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under Public Records Law. Please indicate what section of Florida Statutes provides this in your particular situation.



IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0158

2440

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Kurt S. Browning, Secretary of State,
do hereby certify that

Melissa L. Meeker

is duly appointed

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

for a term beginning on the
Twenty-Fourth day of January, A.D., 2012,
to serve at the pleasure of the District's Governing Board
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Second day of February, A.D., 2012.*

A handwritten signature in black ink, appearing to read "Kurt S. Browning".

Secretary of State

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

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

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2012 FEB -1 AM 11:53

NOTARY PUBLIC

STATE OF FLORIDA

County of Palm Beach

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

Executive Director of the South Florida Water Management District
(Title of Office)

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

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

Melissa L. Meeker
Signature

Sworn to and subscribed before me this 31 day of January, 2012.

Brenda E. Low
Signature of Officer Administering Oath or of Notary Public

Brenda E. Low
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____



ACCEPTANCE

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

Mailing Address: Home Office

3301 Gun Club Road
Street or Post Office Box
West Palm Beach, FL 33406
City, State, Zip Code

Melissa L. Meeker
Print name as you desire commission issued
Melissa L. Meeker
Signature

HAND DELIVERED



RICK SCOTT
GOVERNOR

2012 JAN 25 11:10:47

January 24, 2012

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

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

Ms. Melissa L. Meeker
3301 Gun Club Road
West Palm Beach, Florida 33406

as Executive Director of South Florida Water Management District, subject to confirmation by the Senate. This appointment is effective January 24, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/nj

QUESTIONNAIRE FOR GUBERNATORIAL APPOINTMENTS

AM 10:47

The information from this questionnaire will be used by the Governor's office and, where applicable, The Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate. **Please type or print in black ink.**

RECEIVED
STATE
DIVISION OF ELECTIONS

11.28.2011

1. Name: Ms. Meeker Melissa Kaye/Lago
MR./MRS./MS LAST FIRST MIDDLE/MAIDEN

2. Business Address: 3301 Gun Club Road West Palm Beach
STREET OFFICE # CITY
Florida 33406 561.682.6302
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

3. Residence Address: 6754 SW Cinnamon Court Stuart Martin
STREET CITY COUNTY
FL 34997 772.285.9589
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

Specify the preferred mailing address: Business Residence Fax # 561.682.6200
 (optional)

4. A. List all your places of residence for the last ten (10) years.

<u>ADDRESS</u>	<u>CITY & STATE</u>	<u>FROM</u>	<u>TO</u>
6754 SW Cinnamon Court	Stuart, FL	May 1996	Present
2000 Merchants Row Blvd. #921	Tallahassee, FL	March 2011	May 2011

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

<u>ADDRESS</u>	<u>CITY & STATE</u>	<u>FROM</u>	<u>TO</u>
None			

5. Date of Birth: 06.13.1969 Place of Birth: Tampa, FL
 6. Social Security Number: _____
 7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain
Melissa Kaye Lago; Maiden Name from June 1969 to July 1992

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1969

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of registration: Martin County B. Current party affiliation: Republican

12. Education

A. High School: HB Plant High School, Tampa FL Year Graduated: 1987
(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

<u>NAME & LOCATION</u>	<u>DATES ATTENDED</u>	<u>CERTIFICATES/DEGREES RECEIVED</u>
<u>Palm Beach Atlantic College, West Palm Beach, FL</u>	<u>1987 - 1992</u>	<u>BS, Biology</u>
<u>Florida Institute of Technology, Melbourne, FL</u>	<u>1994 - 1995</u>	<u>MS, Environmental Resource Management</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of service: N/A

B. Branch or component: N/A

C. Date & type of discharge: N/A

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) If "Yes" give details:

<u>DATE</u>	<u>PLACE</u>	<u>NATURE</u>	<u>DISPOSITION</u>
<u>N/A</u>			

15. Concerning your current employer and for all of your employment during the last ten years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>EMPLOYER'S NAME & ADDRESS</u>	<u>TYPE OF BUSINESS</u>	<u>OCCUPATION/JOB TITLE</u>	<u>PERIOD OF EMPLOYMENT</u>
South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406.	Water Resource Management.	Executive Director.	June 2011 to Present
Florida Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, FL 32399.	State Environmental Protection.	Deputy Secretary of Water Policy.	March 2011 to June 2011
Hesperides Group, 2678 SE Willoughby Boulevard, Stuart, FL.	Environmental Consulting Firm.	President.	February 2007 to March 2011
Tetra Tech, EC 759 South US Highway 1, Stuart.	Environmental Engineering and Consulting Firm.	Vice President.	April 2003 to February 2007 (also for a time in 2010)
Florida Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, FL 32399.	State Environmental Protection.	SED Director.	June 2000 to April 2003
South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406.	Water Resource Management.	Senior Planner.	January 1999 to June 2000
Florida Department of Environmental Protection, Southeast District, 1801 SE Hillmoor Avenue.	State Environmental Protection.	Branch Administrator.	1996 to 1999

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>POSITION</u>	<u>EMPLOYING AGENCY</u>	<u>PERIOD OF EMPLOYMENT</u>
Executive Director,	South Florida Water Management District,	June 2011 to Present;
Deputy Secretary,	FDEP,	March 2011 to June 2011;
SED Director,	FDEP,	June 2000 to April 2003;
Senior Planner,	South Florida Water Management District,	January 1999 to June 2000; and Branch Administrator, FDEP, 1996 to 1999

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.
Extensive public and private sector experience working in water resources management. Advanced degree in resource management and nearly twenty years of professional experience working in policy development and implementation.

- B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

Bachelor of Science, Biology
Master of Science, Environmental Resource Management

- C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No
If "Yes", list:

2009 Natural Resources Leadership Institute Alumni Leadership Award

D. Identify all association memberships and association offices held by you that relate to this appointment:

Water Management Institute, Member

American Water Resources Association, Member

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?
Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE	DATE OF ELECTION OR APPOINTMENT	TERM OF OFFICE	LEVEL OF GOVERNMENT
Governing Board Member, South Florida Water Management District	June 4 2007 through March 1 2009		
Environmental Regulation Commission	March 31, 2010 through July 1, 2011		

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Monthly

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE
20	2	Work requirement out of state

20. Has probable cause ever been found that you were in violation of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, F.S.? Yes No If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION
N/A		

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office:

C. Reason for suspension:

B. Date of suspension:

D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No
 If "Yes", list:

A. Title of Office: South Florida Water Management District / Environmental Regulation Commission
 B. Term of Appointment: June 4, 2007 through March 1, 2009 / March 31, 2010 through July 1, 2011
 C. Confirmation results: Confirmed 2008 / Confirmed 2010

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No
 If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE TITLE & NUMBER	ORIGINAL ISSUE DATE	ISSUING AUTHORITY	DISCIPLINARY ACTION/DATE

25. A. Have you, or businesses of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	YOUR RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY
Hesperides Group, President, Environmental Contractor	(Contract requirements fulfilled prior to appointment to Executive Director, no further contracts to be issued to SFWMD or any other state entity)	

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	FAMILY MEMBER'S RELATIONSHIP TO YOU	FAMILY MEMBER'S RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY
Hesperides Group, Husband, Vice-President, Environmental Contractor			(Contract requirements fulfilled prior to appointment to Executive Director, no further contracts to be issued to SFWMD or any other state entity)

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No
 B. Name of agency or entity you lobbied and the principal(s) you represented:

AGENCY LOBBIED	PRINCIPAL REPRESENTED
Florida Legislature	South Florida Water Management District
Executive Branch	South Florida Water Management District

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

NAME

Ken Pruitt

Eduardo Balbis

Carolyn Ansay

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

NAME

MAILING ADDRESS

OFFICE(S) HELD & TERM

DATE(S) OF MEMBERSHIP

American Water Resources Association PO Box 1626, Middleburg, VA 20118 2007 to present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

CERTIFICATION

2012 JAN 25 AM 10:47

STATE OF FLORIDA, COUNTY OF

Before me, the undersigned Notary Public of Florida, personally appeared Melissa L. Meeker, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

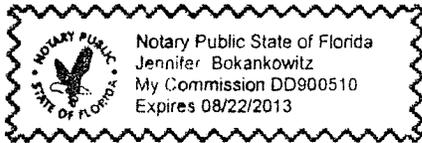
Melissa L. Meeker

Signature of Applicant-Affiant

Sworn to and subscribed before me this 1st day of December, 2011.

Jennifer Bokankowitz

Signature of Notary Public-State of Florida



Jennifer Bokankowitz

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 8/22/2013

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

MEMORANDUM

2012 JAN 25 AM 10:47

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS, WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC...IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under Public Records Law. Please indicate what section of Florida Statutes provides this in your particular situation.

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0158

8

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/14/12
Meeting Date

Topic Confirmation

Bill Number _____
(if applicable)

Name Melissa Meeker

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 3301 Gun Club Rd

Phone 561 682 6305

Street
West Palm Bch FL 33406
City State Zip

E-mail mmeeker@sfwmd.gov

Speaking: For Against Information

Representing SFWMD

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

2560

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Kurt S. Browning, Secretary of State,
do hereby certify that

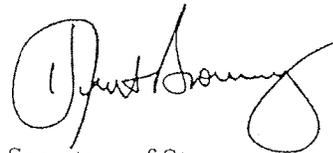
David Still

is duly appointed

**Executive Director,
Suwannee River Water Management District**

for a term beginning on the
Twenty-Fourth day of January, A.D., 2012,
to serve at the pleasure of the District's Governing Board
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this,
the Third day of February, A.D., 2012.*



Secretary of State



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

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

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Suwannee

12 FEB -2 AM 11:01
DIRECTOR OF REGULATIONS
SECRETARY OF STATE

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

Executive Director of Suwannee River Water
(Title of Office) Management District

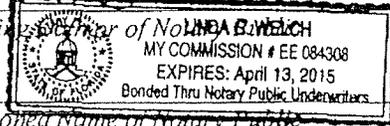
on which I am now about to enter, so help me God.

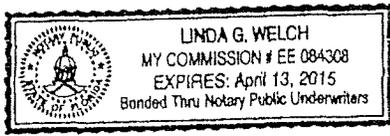
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

David Still
Signature

Sworn to and subscribed before me this 31st day of January, 2012.

Linda G. Welch
Signature of Officer Administering Oath

 LINDA G. WELCH
MY COMMISSION # EE 084308
EXPIRES: April 13, 2015
Bonded Thru Notary Public Underwriters

 LINDA G. WELCH
MY COMMISSION # EE 084308
EXPIRES: April 13, 2015
Bonded Thru Notary Public Underwriters

Linda G. Welch
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

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

Mailing Address: Home Office

9225 CR 49
Street or Post Office Box

LIVE OAK, FL 32060
City, State, Zip Code

DAVID STILL
Print name as you desire commission issued

David Still
Signature



RICK SCOTT
GOVERNOR

2012 JAN 25 AM 10:47

January 24, 2012

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

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

Mr. David A. Still
9225 County Road 49
Live Oak, Florida 32060

as Executive Director of the Suwannee River Water Management District, subject to confirmation by the Senate. This appointment is effective January 24, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/nj

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate.

Please type or print in blue or black ink.

14th Nov 2011

Date Completed

1. Name: Stim DAVID A.
MR./MRS./MS LAST FIRST MIDDLE/MAIDEN

2. Business Address: 9225 CRAIG LIVE OAK
STREET OFFICE # CITY
FL 32060 386 362-1001
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

3. Residence Address: 10966 S. US HIGHWAY 441 LAKE CITY COLUMBIA
STREET CITY COUNTY
FL 32029 386-288-6390
POST OFFICE BOX STATE ZIP CODE AREA CODE/PHONE NUMBER

Specify the preferred mailing address: Business Residence Fax # _____
(optional)

4. A. List all your places of residence for the last five (5) years.

ADDRESS	CITY & STATE	FROM	TO
<u>SAME AS ABOVE</u>			

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

ADDRESS	CITY & STATE	FROM	TO
	<u>MERCER, FL</u>	<u>1993</u>	<u>1997</u>
	<u>KEYSTONE HEIGHTS, FL</u>	<u>1980</u>	<u>1993</u>

5. Date of Birth: 18 JULY 1955 Place of Birth: NEWARK, N.J.

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? BIRTH

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: COLUMBIA B. Current Party Affiliation: REPUBLICAN

12. Education

A. High School: BARTOW HIGH / BARTOW, FL Year Graduated: 1973
(NAME AND LOCATION)

B. List all postsecondary educational institutions attended:

NAME & LOCATION	DATES ATTENDED	CERTIFICATES/DEGREES RECEIVED
<u>POLK C.C. / WINTER HAVEN</u>	<u>1977-1979</u>	<u>A.A.</u>
<u>FL. ATLANTIC U. / BOCA RATON</u>	<u>1979-1981</u>	
<u>U of F / GAINESVILLE</u>	<u>1981-1984</u>	<u>BS / MASTERS</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: JULY 1973 JULY 1977

B. Branch or Component: NAVY

C. Date & type of discharge: JULY 1977 HONORABLE

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

DATE	PLACE	NATURE	DISPOSITION

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

EMPLOYER'S NAME & ADDRESS	TYPE OF BUSINESS	OCCUPATION/JOB TITLE	PERIOD OF EMPLOYMENT
<u>SRWHO 925 CRAIG LINDEN WMD</u>	<u>WMD</u>	<u>EXECUTIVE DIRECTOR</u>	<u>1984 - PRESENT</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

POSITION	EMPLOYING AGENCY	PERIOD OF EMPLOYMENT
<u>SAGE AS 15</u>		
<u>SRWHO POB 1429 PALATKA WMD</u>		<u>1986 1994</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

EDUCATION AND WORK HISTORY

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

NONE

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

OFFICE TITLE DATE OF ELECTION OR APPOINTMENT TERM OF OFFICE LEVEL OF GOVERNMENT

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

MEETINGS ATTENDED	MEETINGS MISSED	REASON FOR ABSENCE

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

DATE	NATURE OF VIOLATION	DISPOSITION

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____
 B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: _____
 B. Term of Appointment: _____
 C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

LICENSE/CERTIFICATE TITLE & NUMBER	ORIGINAL ISSUE DATE	ISSUING AUTHORITY	DISCIPLINARY ACTION DATE
PROFESSIONAL ENGINEER 42068	1987	FL. DEPT. OF BUS. REG.	NONE

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	YOUR RELATIONSHIP TO BUSINESS	BUSINESS RELATIONSHIP TO AGENCY

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

NAME OF BUSINESS	FAMILY MEMBER'S RELATIONSHIP TO YOU	FAMILY MEMBER'S RELATIONSHIP TO BUSINESS	BUSINESS' RELATIONSHIP TO AGENCY
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26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

AGENCY LOBBIED	PRINCIPAL REPRESENTED
----------------	-----------------------

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

NAME	MAILING ADDRESS	ZIP CODE	AREA CODE/PHONE NUMBER
------	-----------------	----------	------------------------

LEE McDUFFIE

BELINDA CLASON

ANDY ANDRIEUS

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

NAME	MAILING ADDRESS	OFFICE(S) HELD & TERM	DATE(S) OF MEMBERSHIP
------	-----------------	-----------------------	-----------------------

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

OFFICE OF THE
 SECRETARY OF STATE
 12 FEB -2 AM 11:01

CERTIFICATION

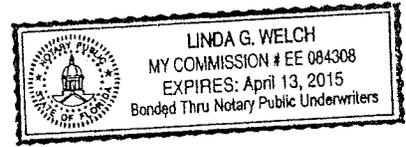
STATE OF FLORIDA, COUNTY OF

Before me, the undersigned Notary Public of Florida, personally appeared David Still, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

David Still
Signature of Applicant-Affiant

Sworn to and subscribed before me
this 31st day of January, 2012.

Linda G. Welch
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: April 13, 2015

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

THE FLORIDA SENATE
APPEARANCE RECORD

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

February 14, 212

Meeting Date

Topic Confirmation Hearing

Bill Number _____
(if applicable)

Name David Still

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 9225 CR 49

Phone 386.362.1001

Street

Live Oak

Florida

32060

E-mail das@srwmd.org

City

State

Zip

Speaking: For Against Information

Representing Suwannee River Water Management District

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

9:29:02 AM Roll Call on CS/268
9:29:13 AM CS/CS/CS/ SB 268 passes
9:29:32 AM Tab 5 Confirmation Douglas Barr
9:30:02 AM Swearing In
9:30:08 AM Mr. Barr responding and testifying
9:31:10 AM Senator Latvala with questions of Mr. Barr
9:32:30 AM Senator Latvala with questions of Mr. Barr
9:32:30 AM Mr Barr responding
9:33:37 AM Senator Latvala with question
9:33:53 AM Mr. Barr responding
9:34:31 AM Senator Latvala with question
9:34:55 AM Mr. Barr responding
9:36:00 AM Mr. Barr responding
9:36:01 AM Senator Latvala responding
9:36:47 AM Mr. Barr responding
9:38:29 AM Senator Latvala
9:39:17 AM Mr. Barr responding
9:39:58 AM Senator Latvala with question
9:41:36 AM Questions?
9:41:48 AM Senator Latvala with comments
9:43:11 AM Senator Dean with comments
9:43:18 AM Senator Jones with comments
9:43:38 AM Senator Dean with comments
9:44:04 AM Discussion on delay of confirmation
9:44:44 AM Senator Dean with comments
9:45:09 AM Senator Oelrich with comments
9:45:25 AM Senator Jones with question
9:45:58 AM Senator Latvala withdraws motion to TP
9:46:08 AM Senator Jones moves confirmation
9:46:18 AM Mr. Barr confirmed
9:46:29 AM Confirmation of George W Robbins, III, St. Johns River Water Management District
9:46:58 AM Sen. Oelrich moves confirmation
9:47:06 AM Confirmation Confirmed
9:47:16 AM Hans G, Tanzler, Executive Director of St., Johns River Water Management Distriect
9:47:47 AM Senator Oelrich moves confirmation
9:47:56 AM confirmation confirmed
9:48:09 AM Melissa Meeker, Executive Director of South Florida Water Management District
9:48:32 AM Melissa Meeker addressing committee
9:49:41 AM Senator Jones moves confirmation
9:49:51 AM Confirmation Confirmed
9:50:00 AM David Still, Executive Director of Suwannee River Water Management District
9:50:26 AM Mr. Still addressing committee
9:53:20 AM Sen. Oelrich with question of Mr. Still
9:54:24 AM Senator Latvala with comment
9:54:39 AM Senator Latvala moves confirmation
9:55:17 AM Senator Dean with comments
9:56:31 AM Mr. Still confirmed
9:56:45 AM Senator Rich with comments
9:57:25 AM Senator Oelrich responding
9:58:01 AM Senator Rich requesting to hear from Water Management district
9:58:29 AM Senator Dean responding
9:58:42 AM Senator Oelrich comments
9:58:52 AM Senator Jones with comments
9:59:07 AM Senator Dean commenting and remarks
9:59:41 AM Meeting adjourned