

Tab 14 SB 400 by Hays; (Similar to H 0561) Organizational Structure of the Department of Environmental Protection							
441256	A	S	RCS	EP, Hays	Delete L.19 - 52:		11/18 05:47 PM

Tab 15 SB 534 by Hays; (Similar to CS/H 0491) Water and Wastewater							
766628	A	S	RCS	EP, Hays	Delete L.79 - 80:		11/18 05:47 PM
335606	A	S	RCS	EP, Hays	Delete L.82:		11/18 05:47 PM
378164	A	S	RCS	EP, Hays	Delete L.234:		11/18 05:47 PM

Tab 16 SB 546 by Simpson; (Compare to H 0359) Sale or Exchange of Lands							
546530	A	S	RCS	EP, Simpson	Delete L.39:		11/18 05:47 PM

Tab 17 SB 570 by Dean; State Park Entrance Fee Holiday							
823518	A	S	RCS	EP, Dean	Delete L.18:		11/18 05:47 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENTAL PRESERVATION AND CONSERVATION

Senator Dean, Chair
Senator Simpson, Vice Chair

MEETING DATE: Wednesday, November 18, 2015
TIME: 2:00—4:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

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

OFFICE and APPOINTMENT (HOME CITY)

FOR TERM ENDING

COMMITTEE ACTION

Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.

Secretary of Environmental Protection

1	Steverson, Jonathan Paul (Tallahassee)	Pleasure of Governor	Recommend Confirm Yeas 8 Nays 1
<hr/>			
Governing Board of the Northwest Florida Water Management District			
2	Andrews, Angus "Gus" G., Jr. (DeFuniak Springs)	03/01/2019	Recommend Confirm Yeas 9 Nays 0
3	Patronis, Nicholas "Nick" J. (Panama City Beach)	03/01/2019	Recommend Confirm Yeas 9 Nays 0
4	Everett, Ted (Chipley)	03/01/2017	Recommend Confirm Yeas 9 Nays 0
5	Dunbar, Marc W. (Tallahassee)	03/01/2018	Recommend Confirm Yeas 9 Nays 0
6	Alter, John W. (Malone)	03/01/2019	Recommend Confirm Yeas 9 Nays 0
<hr/>			
Executive Director of Northwest Florida Water Management District			
7	Cyphers, Brett J. (Tallahassee)	Pleasure of the Board	Recommend Confirm Yeas 9 Nays 0
<hr/>			
Governing Board of the Southwest Florida Water Management District			
8	Armstrong, Elijah D. III (Dunedin)	03/01/2018	Recommend Confirm Yeas 9 Nays 0
9	Senft, H. Paul, Jr. (Haines)	03/01/2019	Recommend Confirm Yeas 9 Nays 0
10	Moran, Michael A. (Sarasota)	03/01/2019	Recommend Confirm Yeas 9 Nays 0
11	Maggard, Randall "Randy" (Zephyrhills)	03/01/2019	Recommend Confirm Yeas 9 Nays 0
12	Adams, Jeffrey M. (St. Petersburg)	03/01/2018	Recommend Confirm Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA
 Environmental Preservation and Conservation
 Wednesday, November 18, 2015, 2:00—4:00 p.m.

BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Executive Director of Southwest Florida Water Management District		
13 Beltran, Roberto R., Jr. (Lakeland)	Pleasure of the Board	Recommend Confirm Yeas 9 Nays 0
14 SB 400 Hays (Similar H 561)	Organizational Structure of the Department of Environmental Protection; Authorizing the secretary of the Department of Environmental Protection to establish divisions as necessary to accomplish the missions and goals of the department, etc.	Fav/CS Yeas 9 Nays 0
	EP 11/18/2015 Fav/CS AGG AP	
15 SB 534 Hays (Similar CS/H 491)	Water and Wastewater; Creating a provision requiring the Division of Bond Finance of the State Board of Administration to review the allocation of private activity bonds to determine the availability of additional allocation and reallocation of bonds for water and wastewater infrastructure projects; authorizing the Department of Environmental Protection to require or request that the Florida Water Pollution Control Financing Corporation make loans, grants, and deposits to for-profit, privately owned, or investor-owned water systems, etc.	Fav/CS Yeas 9 Nays 0
	EP 11/18/2015 Fav/CS CU AP	
16 SB 546 Simpson (Compare H 359)	Sale or Exchange of Lands; Extending the timeframe within which a certified appraisal may be obtained for parcels of land to be sold as surplus; revising the procedures a water management district must follow for publishing a notice of intention to sell surplus lands; providing an exception from such notice requirements if a parcel of land is valued below a certain threshold; authorizing such parcels to be sold directly to the highest bidder; authorizing districts to include restrictions on future use of such parcels, etc.	Fav/CS Yeas 9 Nays 0
	EP 11/18/2015 Fav/CS AGG AP	
17 SB 570 Dean	State Park Entrance Fee Holiday; Prohibiting the Division of Recreation and Parks from charging day use entrance fees at state parks for a specified period; clarifying that the holiday does not apply to other fees; providing exceptions, etc.	Fav/CS Yeas 7 Nays 2
	EP 11/18/2015 Fav/CS AGG AP	

Other Related Meeting Documents



RIK SCOTT
GOVERNOR

RECEIVED
DEPT. OF STATE
2015 OCT -7 PM 2:38
DIVISION OF ELECTIONS
TALLAHASSEE, FL

October 7, 2015

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised that effective August 5, 2015, I have made the following appointment under the provisions of Section 20.255, Florida Statutes:

Mr. Jonathan P. Steverson
309 Saratoga Drive
Tallahassee, Florida 32312

as Secretary of the Department of Environmental Protection, subject to concurrence of the Florida Cabinet and confirmation by the Senate. This appointment was concurred with by the Florida Cabinet on August 5, 2015, for a term ending at the pleasure of the Governor.

Sincerely,

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

Rick Scott
Governor

RS/cc

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

STATE OF FLORIDA

2015 OCT -5 AM 9:40

County of Leon

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

Secretary, Department of Environmental Protection

(Title of Office)

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

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



[Signature]
Signature

Sworn to and subscribed before me this 30 day of September, 2015.

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

Tori Deal
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

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

Mailing Address: Home Office

3900 Commonwealth Blvd; MS10

Street or Post Office Box

Tallahassee, FL 32399-3000

City, State, Zip Code

Jonathan P. Steverson

Print name as you desire commission issued

[Signature]
Signature

780

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Jonathan P. Steverson

is duly appointed

Secretary,
Department of Environmental Protection

for a term beginning on the
Fifth day of August, A.D., 2015,
to serve at the pleasure of the Governor
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Seventh day of October, A.D., 2015.*



Ken Detzner

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

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Jonathan Paul Steverson
Secretary of Environmental Protection

NOTICE OF HEARING

TO: Mr. Jonathan Paul Steverson

YOU ARE HEREBY NOTIFIED that the Committee on Environmental Preservation and Conservation of the Florida Senate will conduct a hearing on your executive appointment on Wednesday, November 18, 2015, in the Mallory Horne Committee Room, 37 Senate Office Building, commencing at 2:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 6th day of November, 2015

Committee on Environmental Preservation and
Conservation



Senator Charles S. "Charlie" Dean, Sr.
As Chair and by authority of the committee

cc: Members, Committee on Environmental Preservation and Conservation
Office of the Sergeant at Arms



rick scott
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2015 MAR 19 AM 10:58
DIVISION OF ELECTIONS
TALLAHASSEE, FL

March 13, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

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

Mr. Angus G. Andrews
3590 US Highway 331
Suite 101
DeFuniak Springs, Florida 32435

as a member of the Governing Board, Northwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective March 13, 2015, for a term ending March 1, 2019.

Sincerely,

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

Rick Scott
Governor

RS/cw

OATH OF OFFICE
(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2015 MAR 26 AM 9:46
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Walton

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 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.]

Angus G. Andrews Jr.
Signature

Sworn to and subscribed before me this 17th day of March, 2015.

Brenda May Neenan
Signature of Officer Administering Oath or of Notary Public



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

P O Box 405
Street or Post Office Box
DeFuniak Springs FL 32435
City, State, Zip Code

Angus G. "Gus" Andrews Jr.
Print name as you desire commission issued
Angus G. Andrews Jr.
Signature

2405

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

I, Ken Detzner, Secretary of State,
do hereby certify that

Angus G. "Gus" Andrews, Jr.

is duly appointed a member of the

**Governing Board,
Northwest Florida Water Management
District**

for a term beginning on the
Thirteenth day of March, A.D., 2015,
until the First day of March, A.D., 2019
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 Eleventh day of May, A.D., 2015.*

Ken Detzner

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

RECEIVED
DEPARTMENT OF STATE
2015 MAR 19 AM 10:58
DIVISION OF ELECTIONS
TALLAHASSEE, FL

March 13, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

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

Mr. Nicholas J. Patronis
5551 North Lagoon Drive
Panama City Beach, Florida 32408

as a member of the Governing Board, Northwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective March 13, 2015, for a term ending March 1, 2019.

Sincerely,

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

Rick Scott
Governor

RS/cw

OATH OF OFFICE
(Art. II, § 5(b), Fla. Const.)

RECEIVED
15 MAY -7 PM 4:45

DIVISION OF ELECTIONS
SECRETARY OF STATE

STATE OF FLORIDA

County of BAY

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

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
(Title of Office)

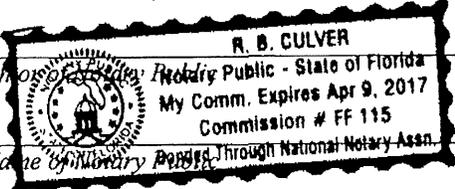
on which I am now about to enter, so help me God.

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

[Handwritten Signature]
Signature

Sworn to and subscribed before me this 15 day of APRIL, 2015.

[Handwritten Signature]
Signature of Officer Administering Oath



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

5551 NORTH LAGOON DRIVE
Street or Post Office Box

PANAMA CITY BEACH, FL 32408
City, State, Zip Code

NICHOLAS J PATRONIS
Print name as you desire commission issued

[Handwritten Signature]
Signature

2405

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

I, Ken Detzner, Secretary of State,
do hereby certify that

Nicholas J. Patronis

is duly appointed a member of the

**Governing Board,
Northwest Florida Water Management
District**

for a term beginning on the
Thirteenth day of March, A.D., 2015,
until the First day of March, A.D., 2019
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 Eleventh day of May, A.D., 2015.*

Ken Detzner

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

RECEIVED
DEPARTMENT OF STATE
2015 AUG -7 AM 12:47
DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 5, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

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

Mr. Ted S. Everett
P.O. Box 457
672 5th Street
Chipley, Florida 32428

as a member of the Governing Board, Northwest Florida Water Management District, succeeding Gary Clark, subject to confirmation by the Senate. This appointment is effective July 31, 2015, for a term ending March 1, 2017.

Sincerely,

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

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Washington

RECEIVED
DEPT. OF STATE
2015 AUG 21 PM 12:38
LEGISLATIVE RELATIONS
TAL. AMASSER, FL

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

Board member NWFLWA
(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.]

Ted S
Signature

Sworn to and subscribed before me this 20 day of August, 2015.

Lauren P. Owen
Signature of Officer Administering Oath or of Notary Public

Lauren P. Owen
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

P.O. Box 739
Street or Post Office Box

Ted Everett
Print name as you desire commission issued

Chipley, Fl. 32428
City, State, Zip Code

Ted S
Signature

2405

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Ted Everett

is duly appointed a member of the

Governing Board,
Northwest Florida Water Management
District

for a term beginning on the
Thirty-First day of July, A.D., 2015,
until the First day of March, A.D., 2017
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 Tenth day of September, A.D., 2015.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

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



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2015 JUN 17 AM 11:54
DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 15, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

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

Mr. Marc W. Dunbar
7335 Ox Bow Circle
Tallahassee, Florida 32312

as a member of the Governing Board, Northwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective June 12, 2015, for a term ending March 1, 2018.

Sincerely,

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

Rick Scott
Governor

RS/cw

OATH OF OFFICE
(Art. II, § 5(b), Fla. Const.)

RECEIVED
15 JUL -1 PM 1:38

STATE OF FLORIDA

County of Gadsden

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

NWFWMG Governing Board
(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 11th day of June, 2015

[Signature]
Signature of Officer Administering Oath of Notary Public



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

7335 OX BOW Circle
Street or Post Office Box

Tallahassee, FL 32312
City, State, Zip Code

Marc Dunbar
Print name as you desire commission issued

[Signature]
Signature

2405

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

I, Ken Detzner, Secretary of State,
do hereby certify that

Marc Dunbar

is duly appointed a member of the

**Governing Board,
Northwest Florida Water Management District**

for a term beginning on the
Twelfth day of June, A.D., 2015,
until the First day of March, A.D., 2018
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 First day of July, A.D., 2015.*



Ken Detzner

Secretary of State

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



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2015 JUN 17 AM 11:54

DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 15, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

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

Captain John W. Alter
5246 Highway 71
Malone, Florida 32445

as a member of the Governing Board, Northwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective June 12, 2015, for a term ending March 1, 2019.

Sincerely,

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

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
15 JUL -1 PM 1:40
DIVISION OF ELECTIONS
SECRETARY OF STATE

STATE OF FLORIDA

County of GADSDEN

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

NWFWMD GOVERNING BOARD

(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.]

John W. Alter
Signature

Sworn to and subscribed before me this 11th day of JUNE, 2015.

April Murray
Signature of Officer Administering Oath or of Notary Public



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

5246 HIGHWAY 71
Street or Post Office Box

MALONE, FL 32445
City, State, Zip Code

JOHN W. ALTER
Print name as you desire commission issued

John W. Alter
Signature

7405

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

I, Ken Detzner, Secretary of State,
do hereby certify that

John W. Alter

is duly appointed a member of the

**Governing Board,
Northwest Florida Water Management District**

for a term beginning on the
Twelfth day of June, A.D., 2015,
until the First day of March, A.D., 2019
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 First day of July, A.D., 2015.*



Ken Detzner

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

RECEIVED
DEPARTMENT OF STATE
2015 JUN 17 AM 11:55
DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 15, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have amended the following approval of appointment under the provisions of Section 373.079, Florida Statutes:

Mr. Brett J. Cyphers
1537 Woodgate Way
Tallahassee, Florida 32308

as Executive Director of the Northwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective for a term beginning June 15, 2015, and ending at the pleasure of the Board of Directors of the Northwest Florida Water Management District.

Sincerely,

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

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

15 JUL -1 PM 1:40

STATE OF FLORIDA

County of Gadsden

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

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.]

Brett J. Cyphers
Signature

Sworn to and subscribed before me this 1 day of June, 2015.

Grace Adams
Signature of Officer Administering Oath or of Notary Public

GRACE ADAMS
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____



ACCEPTANCE

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

Mailing Address: Home Office

81 Water Management Drive

Street or Post Office Box

Havana, FL 32333

City, State, Zip Code

Brett J. Cyphers

Print name as you desire commission issued

Brett J. Cyphers
Signature

2410

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

I, Ken Detzner, Secretary of State,
do hereby certify that

Brett J. Cyphers

is duly appointed

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

for a term beginning on the
Fifteenth day of June, A.D., 2015,
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 Thirtieth day of July, A.D., 2015*

Ken Detzner

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

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Brett J. Cyphers
Executive Director of Northwest Florida Water Management District

NOTICE OF HEARING

TO: Mr. Brett J. Cyphers

YOU ARE HEREBY NOTIFIED that the Committee on Environmental Preservation and Conservation of the Florida Senate will conduct a hearing on your executive appointment on Wednesday, November 18, 2015, in the Mallory Horne Committee Room, 37 Senate Office Building, commencing at 2:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 6th day of November, 2015

Committee on Environmental Preservation and
Conservation



Senator Charles S. "Charlie" Dean, Sr.
As Chair and by authority of the committee

cc: Members, Committee on Environmental Preservation and Conservation
Office of the Sergeant at Arms



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2015 JUN 17 AM 11:54
DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 15, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

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

Mr. Elijah E. Armstrong III
1614 Santa Barbara Drive
Dunedin, Florida 34698

as a member of the Governing Board, Southwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective June 12, 2015, for a term ending March 1, 2018.

Sincerely,

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

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF
STATE

2015 JUN 26 AM 9:48

DEPARTMENT OF STATE

STATE OF FLORIDA

County of Hernando

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 Member - Southwest 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.]

E. D. Armstrong III

Signature



worn to and subscribed before me this 23 day of June, 2015.

Cara S. Martin

Signature of Officer Administering Oath or of Notary Public

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

1614 Santa Barbara Dr.

Street or Post Office Box

Puneedin FL 34698

City, State, Zip Code

E. D. Armstrong III

Print name as you desire commission issued

E. D. Armstrong III

Signature

2460

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

I, Ken Detzner, Secretary of State,
do hereby certify that

E. D. Armstrong, III

is duly appointed a member of the

**Governing Board,
Southwest Florida Water Management District**

for a term beginning on the
Twelfth day of June, A.D., 2015,
until the First day of March, A.D., 2018
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-Ninth day of July, A.D., 2015.*

Ken Detzner

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

RECEIVED
DEPARTMENT OF STATE
2015 JUN 17 AM 11:54
DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 15, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

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

Mr. H. Paul Senft
1910 Peninsular Drive
Haines City, Florida 33844

as a member of the Governing Board, Southwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective June 12, 2015, for a term ending March 1, 2019.

Sincerely,

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

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Hernando

RECEIVED
CLERK OF COURSE
2015 JUN 26 AM 9:48
DIVISION OF FILLS

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

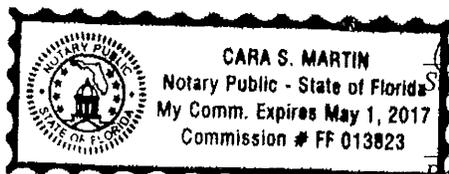
Governing Board Member - Southwest Florida Water Management District
(Title of Office)

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 23 day of June, 2015.



Cara S. Martin
Signature of Officer Administering Oath or of Notary Public

Cara S. 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

1910 Peninsular Dr.
Street or Post Office Box

Haines City, FL 33844
City, State, Zip Code

H. Paul Serff, Jr.
Print name as you desire commission issued

[Signature]
Signature

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

I, Ken Detzner, Secretary of State,
do hereby certify that

H. Paul Senft, Jr.

is duly appointed a member of the

**Governing Board,
Southwest Florida Water Management District**

for a term beginning on the
Twelfth day of June, A.D., 2015,
until the First day of March, A.D., 2019
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 Sixteenth day of July, A.D., 2015.*



Ken Detzner
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

RECEIVED
DEPARTMENT OF STATE
2015 JUN 17 AM 11:54
DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 15, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

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

Mr. Michael A. Moran
3284 Founders Club Drive
Sarasota, Florida 34240

as a member of the Governing Board, Southwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective June 12, 2015, for a term ending March 1, 2019.

Sincerely,

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

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF
2015 JUN 26 AM 9:48
SOUTHWEST FLORIDA

STATE OF FLORIDA

County of Hernando

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 Member - Southwest Florida Water Management District
(Title of Office)

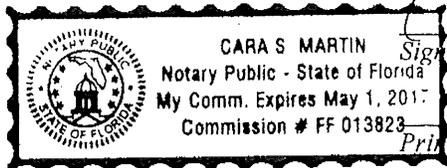
on which I am now about to enter, so help me God.

[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 23 day of June, 2015

Cara S Martin
Signature of Officer Administering Oath or of Notary Public



Cara S 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

3284 Founders Club Drive

Street or Post Office Box

SPASATA, FL 34240

City, State, Zip Code

Michael A. Moran

Print name as you desire commission issued

[Signature]
Signature

2460

A black and white copy of this document is not official

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

I, Ken Detzner, Secretary of State,
do hereby certify that

Michael A. Moran

is duly appointed a member of the

**Governing Board,
Southwest Florida Water Management
District**

for a term beginning on the
Twelfth day of June, A.D., 2015,
until the First day of March, A.D., 2019,
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-First day of July, A.D., 2015.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

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

RECEIVED
DEPARTMENT OF STATE
2015 JUN 17 AM 11:54
DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 15, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

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

Mr. Randall S. Maggard
37518 Geiger Road
Zephyrhills, Florida 33525

as a member of the Governing Board, Southwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective June 12, 2015, for a term ending March 1, 2019.

Sincerely,

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

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF
2015 JUN 26 AM 9:48
CIVIL SERVICE

STATE OF FLORIDA

County of Hernando

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 Member - Southwest Florida Water Management District
(Title of Office)

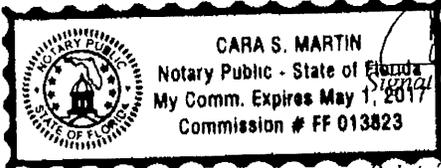
on which I am now about to enter, so help me God.

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

[Handwritten Signature]

Signature

Sworn to and subscribed before me this 23 day of June, 2015.



Cara S. Martin
Signature of Officer Administering Oath or of Notary Public

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

37518 Geiger Rd.
Street or Post Office Box

Zephyrhills, FL 33542
City, State, Zip Code

Randy Mass
Print name as you desire commission issued

[Handwritten Signature]
Signature

2460

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

I, Ken Detzner, Secretary of State,
do hereby certify that

Randy Maggard

is duly appointed a member of the

**Governing Board,
Southwest Florida Water Management District**

for a term beginning on the
Twelfth day of June, A.D., 2015,
until the First day of March, A.D., 2019
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 Thirteenth day of July, A.D., 2015.*



Ken Detzner
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

RECEIVED
DEPARTMENT OF STATE
2015 JUN 17 AM 11:30
DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 16, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

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

Mr. Jeffrey M. Adams
360 Central Avenue
St. Petersburg, Florida 33701

as a member of the Governing Board, Southwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective June 12, 2015, for a term ending March 1, 2018.

Sincerely,

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

Rick Scott
Governor

RS/cw

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2015 JUN 30 AM 10:24

STATE OF FLORIDA

County of Pinellas

COMMISSION OF ELECTORAL
ADMINISTRATION
TALLAHASSEE, FL

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, Southwest 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

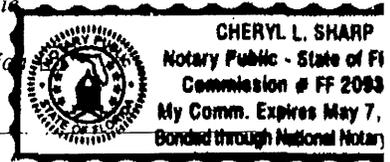
Sworn to and subscribed before me this 26 day of June, 2015.

Cheryl L Sharp
Signature of Officer Administering Oath or of Notary Public

CHERYL L SHARP
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

P.O. Box 1511
Street or Post Office Box
St. Petersburg, FL 33731
City, State, Zip Code

Jeffrey M. Adams
Print name as you desire commission issued

[Signature]
Signature

2460

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

I, Ken Detzner, Secretary of State,
do hereby certify that

Jeffrey M. Adams

is duly appointed a member of the

**Governing Board,
Southwest Florida Water Management District**

for a term beginning on the
Twelfth day of June, A.D., 2015,
until the First day of March, A.D., 2018
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 Thirtieth day of June, A.D., 2015.*



Ken Detzner

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.



An Equal Opportunity Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Michael A. Babb
Chair, Hillsborough

Randall S. Maggard
Vice Chair, Pasco

Jeffrey M. Adams
Secretary, Pinellas

David W. Dunbar
Treasurer, Hillsborough, Pinellas

Carlos Boruff
Former Chair, Manatee

H. Paul Senft, Jr.
Former Chair, Polk

Ed Armstrong
Pinellas

Bryan K. Beswick
DeSoto, Hardee, Highlands

Thomas E. Bronson
Hernando, Marion

Wendy Griffin
Hillsborough

George W. Mann
Polk

Michael A. Moran
Charlotte, Sarasota

Vacant
Citrus, Lake, Levy, Sumter

Robert R. Beltran, P.E.
Executive Director

September 9, 2015

Ms. Inez Williams
Division of Elections
Commissions Insurance Section
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Subject: Robert R. Beltran, Executive Director
Southwest Florida Water Management District

Dear Ms. Williams:

As requested, Mr. Beltran's appointment date is October 3, 2013. His contract stipulates that he serves at the pleasure of the Board. He will continue employment until such a time that resigns or the Board releases him; therefore, no ending date is specified.

Please contact Cara Martin, Boards and Executive Services Manager, District if you require any additional information. She can be reached at (352) 796-7211, Extension 4636. Her email address is cara.martin@watermatters.org.

Sincerely,

Michael A. Babb
Chair

RECEIVED
2015 SEP 14 AM 9:45

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2015 SEP 22 AM 9:42

STATE OF FLORIDA

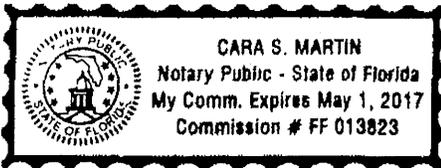
County of Hernando

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 Southwest 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 15 day of September, 2015.

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

Cara S. 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

2379 Broad Street
Street or Post Office Box
Brooksville, FL 34604-6899
City, State, Zip Code

Roberto R. BELTRAN JR
Print name as you desire commission issued
[Signature]
Signature

2465

A black and white copy of this document is not official

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Roberto R. Beltran, Jr.

is duly appointed

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

for a term beginning on the
Third day of October, A.D., 2013,
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 Twenty-Second day of September, A.D. 2015:*



Ken Detzner

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.

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Roberto R. Beltran Jr.
Executive Director of Southwest Florida Water Management District

NOTICE OF HEARING

TO: Mr. Roberto R. Beltran Jr.

YOU ARE HEREBY NOTIFIED that the Committee on Environmental Preservation and Conservation of the Florida Senate will conduct a hearing on your executive appointment on Wednesday, November 18, 2015, in the Mallory Horne Committee Room, 37 Senate Office Building, commencing at 2:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 6th day of November, 2015

Committee on Environmental Preservation and
Conservation



Senator Charles S. "Charlie" Dean, Sr.
As Chair and by authority of the committee

cc: Members, Committee on Environmental Preservation and Conservation
Office of the Sergeant at Arms

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 400

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Hays

SUBJECT: Organizational Structure of the Department of Environmental Protection

DATE: November 19, 2015 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Fav/CS
2.			AGG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 400 revises the organizational structure of the Department of Environmental Protection (department) and authorizes the secretary of the department to establish divisions as he or she deems necessary to accomplish the mission and goals of the department.

II. Present Situation:

Chapter 20, F.S., sets forth the requirements for the organizational structure of the executive branch to maximize the efficiency and effectiveness of agencies. Specifically, s. 20.02, F.S., requires departments to be organized along functional or program lines and stipulates the structural reorganization of departments to be a continuing process through careful executive and legislative appraisal of the placement of proposed new programs and coordination of existing programs in response to public needs.

Section 20.04(3), F.S., requires each department¹ to adhere to the following organizational structure:

- The principal unit of the department is the “division.” Each division is headed by a “director.”
- The principal unit of the division is the “bureau.” Each bureau is headed by a “chief.”

¹ Section 20.04(3), F.S. provides an exception for the Department of Financial Services, the Department of Children and Families, the Department of Corrections, the Department of Management Services, the Department of Revenue, and the Department of Transportation.

- The principal unit of the bureau is the “section.” Each section is headed by an “administrator.”
- If further subdivision is necessary, sections may be divided into “subsections,” which are headed by “supervisors.”

The head of a department is prohibited from reallocating duties and functions specifically assigned by law to a specific unit of the department, unless specifically authorized by law. However, the head of the department is authorized to allocate or reallocate those duties or functions that are assigned generally.²

Additional divisions, bureaus, sections, and subsections of a department may be recommended by the head of the department to promote efficient and effective operation. New bureaus, sections, and subsections of a department may be initiated by a department and established as recommended by the Department of Management Services and approved by the Executive Office of the Governor, or may be established by specific statutory enactment.³

Some departments like the Department of State and the Department of Management Services have organizational structures that statutorily establish each division or program within the department.⁴ Whereas, other departments like the Department of Transportation and the Department of Corrections have organizational structures that statutorily authorize the secretaries of such departments to appoint positions at the level of deputy assistant secretary, director, or other positions as the secretary deems necessary to accomplish the mission and goals of the department.⁵

Section 20.255, F.S., provides the organizational structure for the Department of Environmental Protection and statutorily establishes each division and special office within the department. Additionally, s. 20.255, F.S., requires there to be six administrative districts involved in regulatory matters of waste management, water resource management, wetlands, and air resources.

III. Effect of Proposed Changes:

CS/SB 400 revises the requirements for the organizational structure of the Department of Environmental Protection (department) to promote efficiency and effectiveness within the department and to provide greater flexibility in the coordination of existing programs in response to public needs.

The bill requires the secretary of the department to appoint a general counsel who is directly responsible to and serves at the pleasure of the secretary. The bill provides that the general counsel is responsible for all legal matters of the department.

² Section 20.04(7)(a), F.S.

³ Section 20.04(7)(b), F.S.

⁴ See s. 20.10, F.S., creating the Department of State and s. 20.22, F.S., creating the Department of Management Services.

⁵ See s. 20.23, F.S., creating the Department of Transportation and s. 20.315, F.S., creating the Department of Corrections.

Rather than statutorily establishing each division, the bill authorizes the secretary to establish divisions as he or she deems necessary to accomplish the mission and goals of the department, which include, but are not limited to, the following areas of program responsibility:

- Water Resources Management;
- Regulatory Programs; and
- Lands and Recreation.

As required under s. 20.04, F.S., the bill specifies that divisions shall be headed by directors. Each director is to be appointed by and shall serve at the pleasure of the secretary. The bill does not revise the statutorily established Division of State Lands within the department.

The bill authorizes offices to be established as deemed necessary to promote the effective and efficient operation of the department. Under the bill, the secretary is authorized to combine, separate, or delete offices as necessary in consultation with the Executive Office of the Governor.

The bill removes the authorization for a division to have one assistant or two deputy division directors and the requirement that there be six administrative districts limited to the areas of waste management, water resource management, wetlands, and air resources.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

There are numerous references in statute to specific divisions and offices within the department. If the department revises the names of divisions or offices or transfers authority between divisions or offices, then the statutory references to such division or office will need to be amended.

VIII. Statutes Affected:

This bill substantially amends section 20.255 of the Florida Statutes.

IX. Additional Information:

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

CS by Environmental Preservation and Conservation on November 18, 2015:

The CS requires the Secretary of the Department of Environmental Protection to appoint a general counsel and provides that the general counsel is responsible for all legal matters of the department.

- B. **Amendments:**

None.



441256

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/18/2015	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 19 - 52
and insert:

(2) (a) The secretary shall appoint ~~There shall be three~~
deputy secretaries who ~~are to be appointed by and shall~~ serve at
the pleasure of the secretary. The secretary may assign any
deputy secretary the responsibility to supervise, coordinate,
and formulate policy for any division, office, or district.

(b) The secretary shall appoint a general counsel who is



441256

11 directly responsible to and serves at the pleasure of the
12 secretary. The general counsel is responsible for all legal
13 matters of the department.

14 (c) The secretary may establish divisions as he or she
15 deems necessary to accomplish the mission and goals of the
16 department, including, but not limited to, the following areas
17 of program responsibility: water resources management,
18 regulatory programs, and lands and recreation. The divisions
19 shall be headed by directors, each of whom is to be appointed by
20 and serve at the pleasure of the secretary. The Division of
21 State Lands is established within the department, the director
22 of which is to be appointed by the secretary, subject to
23 confirmation by the Governor and Cabinet sitting as the Board of
24 Trustees of the Internal Improvement Trust Fund.

25 (d) Offices may be established as deemed necessary to
26 promote the efficient and effective operation of the department.
27 The secretary may combine, separate, or delete offices as
28 necessary in consultation with the Executive Office of the
29 Governor. The following special offices shall be are established
30 and headed by managers, each of whom is to be appointed by and
31 serve at the pleasure of the secretary:

- 32 1. Office of Chief of Staff;
- 33 2. Office of General Counsel;
- 34 3. Office of Inspector General;
- 35 4. Office of External Affairs;
- 36 5. Office of Legislative Affairs;
- 37 6. Office of Intergovernmental Programs; and
- 38 7. Office of Greenways and Trails.
- 39 8. Office of Emergency Response.



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40 (e) ~~(b)~~ There shall be ~~six~~ administrative districts involved
41 in regulatory matters, such as ~~of~~ waste management, water
42 resource management, wetlands, and air resources. The districts,
43 ~~which~~ shall be

44

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

46 And the title is amended as follows:

47 Delete lines 4 - 5

48 and insert:

49 20.255, F.S.; requiring the secretary of the
50 Department of Environmental Protection to appoint a
51 general counsel; authorizing the secretary to
52 establish

By Senator Hays

11-00556-16

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1 A bill to be entitled
2 An act relating to the organizational structure of the
3 Department of Environmental Protection; amending s.
4 20.255, F.S.; authorizing the secretary of the
5 Department of Environmental Protection to establish
6 divisions as necessary to accomplish the missions and
7 goals of the department; authorizing offices to be
8 established as necessary to promote the efficient and
9 effective operation of the department; deleting the
10 required establishment of certain offices and
11 divisions; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsections (2) and (3) of section 20.255,
16 Florida Statutes, are amended to read:

17 20.255 Department of Environmental Protection.—There is
18 created a Department of Environmental Protection.

19 (2)~~(a)~~ There shall be three deputy secretaries who are to
20 be appointed by and shall serve at the pleasure of the
21 secretary. The secretary may assign any deputy secretary the
22 responsibility to supervise, coordinate, and formulate policy
23 for any division, office, or district.

24 (a) The secretary may establish divisions as he or she
25 deems necessary to accomplish the mission and goals of the
26 department, including, but not limited to, the following areas
27 of program responsibility: water resources management,
28 regulatory programs, and lands and recreation. The divisions
29 shall be headed by directors, each of whom is to be appointed by

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30 and serve at the pleasure of the secretary. The Division of
31 State Lands is established within the department, the director
32 of which is to be appointed by the secretary, subject to
33 confirmation by the Governor and Cabinet sitting as the Board of
34 Trustees of the Internal Improvement Trust Fund.

35 (b) Offices may be established as deemed necessary to
36 promote the efficient and effective operation of the department.
37 The secretary may combine, separate, or delete offices as
38 necessary in consultation with the Executive Office of the
39 Governor. The following special offices shall be are established
40 and headed by managers, each of whom is to be appointed by and
41 serve at the pleasure of the secretary:

- 42 1. Office of Chief of Staff;
- 43 2. Office of General Counsel;
- 44 3. Office of Inspector General;
- 45 4. Office of External Affairs;
- 46 5. Office of Legislative Affairs;
- 47 6. Office of Intergovernmental Programs; and
- 48 7. Office of Greenways and Trails.
- 49 8. Office of Emergency Response.

50 (c)(b) There shall be six administrative districts involved
51 in regulatory matters, such as of waste management, water
52 resource management, wetlands, and air resources, which shall be
53 headed by managers, each of whom is to be appointed by and serve
54 at the pleasure of the secretary. Divisions of the department
55 may have one assistant or two deputy division directors, as
56 required to facilitate effective operation.

57
58 The managers of all divisions, and offices, and districts

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59 ~~specifically named in this section and the directors of the six~~
60 ~~administrative districts~~ are exempt from part II of chapter 110
61 and are included in the Senior Management Service in accordance
62 with s. 110.205(2)(j).

63 (3) ~~The following divisions of the Department of~~
64 ~~Environmental Protection are established:~~

65 ~~(a) Division of Administrative Services.~~

66 ~~(b) Division of Air Resource Management.~~

67 ~~(c) Division of Water Resource Management.~~

68 ~~(d) Division of Environmental Assessment and Restoration.~~

69 ~~(e) Division of Waste Management.~~

70 ~~(f) Division of Recreation and Parks.~~

71 ~~(g) Division of State Lands, the director of which is to be~~
72 ~~appointed by the secretary of the department, subject to~~
73 ~~confirmation by the Governor and Cabinet sitting as the Board of~~
74 ~~Trustees of the Internal Improvement Trust Fund.~~

75

76 In order to ensure statewide and intradepartmental consistency,
77 the department's divisions shall direct the district offices and
78 bureaus on matters of interpretation and applicability of the
79 department's rules and programs.

80 Section 2. This act shall take effect July 1, 2016.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 534

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Hays

SUBJECT: Water and Wastewater

DATE: November 19, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hinton	Rogers	EP	Fav/CS
2.			CU	
3.			AP	

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

I. Summary:

CS/SB 534:

- Directs the Division of Bond Finance of the State Board of Administration to review the allocation of private activity bonds for water and wastewater projects;
- Provides a sales tax exemption to certain water and wastewater investor-owned utilities (IOUs);
- Provides an exemption for entities who resell water service to allow recovery of certain costs;
- Authorizes the Public Service Commission (PSC) to create an IOU reserve fund and requires the PSC to adopt rules;
- Adds additional expenses eligible for an automatic rate increase or decrease outside of a rate case (also known as pass-through treatment) and authorizes the PSC to adopt rules;
- Limits the amount that can be recovered for rate case expenses by water and wastewater IOUs;
- Limits the ability of the PSC to award rate case expenses;
- Eliminates the accumulation of rate case expenses by specifying a utility may not recover approved rate case expenses for more than one rate case at a time;
- Allows the PSC to review secondary drinking water quality standards of a water utility subject to its jurisdiction, or wastewater service as it relates to certain standards for a wastewater utility subject to its jurisdiction; and
- Expands the availability of low-interest loans through the Drinking Water State Revolving Fund Program (DWSRF) to all for-profit water utilities.

II. Present Situation:

Sales Tax Exemptions

Florida's sales and use tax is a 6 percent levy on retail sales of a wide array of tangible personal property, admissions, transient lodgings, commercial real estate rentals, and motor vehicles, unless explicitly exempted. In addition, Florida authorizes several local option sales taxes that are levied at the county level on transactions that are subject to the state sales tax. Generally, the sales tax is added to the price of a taxable good and collected from the purchaser at the time of sale. Sales tax represents the majority of Florida's general revenue stream (75.7 percent for the 2014-2015 fiscal year)¹ and is administered by the Department of Revenue (DOR) under chapter 212, F.S.

Investor-Owned Water and Wastewater Utility Systems

Water and wastewater services can be provided through privately-owned and operated water and wastewater companies, which are referred to as "investor-owned utilities." The term "utility" is defined as, "a water or wastewater utility and, except as provided in s. 367.022, F.S., includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide water or wastewater service to the public for compensation."² An investor-owned utility (IOU) can range in size from very small systems, owned by an individual as a sole proprietorship and serving only a few dozen customers, to systems owned by large interstate corporations serving tens of thousands of customers in multiple counties.³ The remaining water and wastewater customers are served by IOUs in non-jurisdictional counties, by statutorily exempt utilities (such as municipal utilities, cooperatives, and non-profits), by wells and septic tanks, or by systems owned, operated, managed, or controlled by governmental authorities.⁴

Chapter 367, F.S., concerning water and wastewater systems, grants the PSC exclusive jurisdiction over each utility with respect to its authority, service, and rates. A Florida county has the option to regulate the rates and services of water and wastewater IOUs that operate within their jurisdictions or allow the PSC to regulate those rates and services.⁵ Water and wastewater IOUs whose service areas cross county boundaries are regulated by the PSC, unless regulated by an intergovernmental authority.⁶ As of December, 2014, the PSC has regulatory authority over 149 water and wastewater IOUs in 37 counties in Florida.⁷

¹ Florida Revenue Estimating Conference, *2015 Florida Tax Handbook*, 16 (2015), available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2015.pdf> (last visited Nov. 12, 2015).

² Section 367.021(12), F.S.

³ Florida Public Service Commission, *Report of the Study Committee on Investor-Owned Water and Wastewater Utility Systems*, 17 (Feb. 2013), available at <http://www.floridapsc.com/utilities/waterwastewater/Water-Wastewater%20Sub%20Committee%20Report.pdf> (last visited Nov. 10, 2015).

⁴ Section 367.022(2), F.S.

⁵ Section 367.171, F.S.

⁶ Section 367.171(7), F.S.

⁷ Florida Public Service Commission, *Facts and Figures of the Florida Utility Industry*, 30 (Mar. 2015), available at <http://www.psc.state.fl.us/publications/pdf/general/factsandfigures2015.pdf> (last visited Nov. 10, 2015).

For regulatory purposes, the PSC classifies IOUs into one of three categories based on annual operating revenues:⁸

- Class A has operating revenues of \$1,000,000 or more;
- Class B has operating revenues of \$200,000 or more but less than \$1,000,000; and
- Class C has operating revenues less than \$200,000.

As of 2012, there were 14 Class A utilities, 33 Class B utilities, and 93 Class C utilities under the PSC's jurisdiction.⁹

Study Committee on Investor-Owned Water and Wastewater Utility Systems

Chapter 2012-187, Laws of Florida, created the Study Committee on Investor-Owned Water and Wastewater Utility Systems (study committee) to, “identify issues of concern of investor-owned water and wastewater utility systems, particularly small systems, and their customers,” and to research possible solutions.¹⁰ The study committee was comprised of 18 members, including 15 voting members and three non-voting members.¹¹ The study committee was required to consider:

- The ability of small IOUs to achieve economies of scale when purchasing equipment, commodities, or services;
- The availability of low-interest loans to small water or wastewater IOUs;
- Any tax incentives or exemptions, temporary or permanent, which are available to small water or wastewater IOUs;
- The impact on customer rates if a utility purchases an existing water or wastewater utility system;
- The impact of a utility providing service through the use of a reseller on customer rates; and
- Other issues that the study committee identifies during its investigation.¹²

The study committee submitted a report with recommendations to the Governor and the Legislature on February 15, 2013. The report made the following recommendations for consideration by the Legislature:

- Increase the availability of low-interest loans to small water and wastewater IOUs by:
 - Expanding availability of low-interest loans through the Drinking Water State Revolving Fund Program (DWSRF) to all for-profit water utilities;
 - Allowing IOUs to apply pass-through treatment for loan service fees or loan origination fees for eligible projects identified by the PSC; and
 - Reviewing the allocation of private activity bonds to determine how much is currently allocated to water and wastewater projects, how much of the allocation is unused or

⁸ Rules 25-30.110(4) and 25-30.115, F.A.C. As noted in these rules, this classification system is used by the National Association of Regulatory Utility Commissioners for publishing its system of accounts.

⁹ Florida Public Service Commission, *Report of the Study Committee on Investor-Owned Water and Wastewater Utility Systems*, 17 (Feb. 2013), available at <http://www.floridapsc.com/utilities/waterwastewater/Water-Wastewater%20Sub%20Committee%20Report.pdf> (last visited Nov. 10, 2015).

¹⁰ *Id.* at 7.

¹¹ Chapter 2012-187, s. 2, Laws of Fla.

¹² Florida Public Service Commission, *Report of the Study Committee on Investor-Owned Water and Wastewater Utility Systems*, 27 (Feb. 2013), available at <http://www.floridapsc.com/utilities/waterwastewater/Water-Wastewater%20Sub%20Committee%20Report.pdf> (last visited Nov. 16, 2015).

- reallocated, and whether any additional amount of private activity bonds should be used for water and wastewater infrastructure;
- Provide ad valorem tax exemptions for real property that is dedicated to providing potable water;
 - Provide an ad valorem tax exemption for the property of an IOU owned or operated by a Florida corporation if the rates are established by the governing board of the county or the PSC and the property remains dedicated to providing public utility services;
 - Provide a sales tax exemption for sales or leases to a sewer or water IOU owned or operated by a Florida corporation if the primary function of the corporation is to construct, maintain, or operate a water or sewer system in Florida;
 - Create an exemption from PSC regulation for persons who resell service to individually-metered end-users at a price that does not exceed actual purchase price of water plus actual costs of meter reading and billing not to exceed nine percent;
 - Authorize the PSC, during a rate case, to create individual utility reserve funds to be used for projects identified in an IOU's capital improvement plan, with disbursement subject to approval by the PSC;
 - Reduce the impact of rate case expenses¹³ on customer rates by:
 - Prohibiting the recovery of a rate case expense for attorney or outside consultant fees if the utility receives staff assistance in changing rates and charges;
 - Requiring the utility to recover the four-year amortized rate case expense for only one rate case at a time; and
 - Prohibiting the PSC from awarding rate case expenses that exceed the total rate increase approved by the PSC;
 - Provide a mechanism for the resolution of issues involving secondary water and wastewater operational requirements; and
 - Identify specific types of expenses eligible for pass-through treatment in utility rates, or authorize the PSC to adopt rules identifying such expenses provided the expenses are beyond the utility's control.¹⁴

Private Activity Bonds

Qualified private activity bonds are tax-exempt bonds issued by a state or local government, the proceeds of which are used for a defined, qualified purpose by an entity other than the government issuing the bonds. For a private activity bond to be tax-exempt, 95 percent or more of the net bond proceeds must be used for one of the qualified purposes listed in sections 142-145, and 1394 of the Internal Revenue Code, which includes facilities used to furnish water or sewer services.¹⁵ The Internal Revenue Code limits an issuing authority, such as a state, to a maximum amount of tax-exempt bonds that can be issued to finance a particular qualified purpose during a calendar year. Facilities used to furnish water or sewer services are subject to a limit on the amount of tax-exempt bonds that can be issued in a calendar year.¹⁶

¹³ "Rate case expenses may include legal, engineering, and accounting expenses associated with preparation and processing of a rate case." *Id.* at 9.

¹⁴ *Id.* at 155-161.

¹⁵ IRS, *Tax-Exempt Private Activity Bonds, Compliance Guide, Publication 4708*, 2 (Sept. 2005), available at <http://www.irs.gov/pub/irs-pdf/p4078.pdf> (last visited Nov. 10, 2015).

¹⁶ *Id.* at 3.

Private activity bonds are administered in Florida by the Division of Bond Finance of the State Board of Administration (division) pursuant to ss. 159.801-159.816, F.S. Each year, the division determines the amount of private activity bonds that can be issued in Florida under the Internal Revenue Code. This amount is allocated yearly on January 1 as follows:

- An initial amount is allocated to manufacturing facility projects;
- Fifty percent of the amount remaining after the initial allocation is allocated to individual counties and groups of counties identified in s. 159.804(2)(b), F.S., on a per capita basis for any permitted purpose, which may include water and sewer projects;
- Twenty-five percent of the amount remaining after the initial allocation is allocated to the Florida Housing Finance Corporation for use in connection with the issuance of housing bonds;
- Five percent of the amount remaining after the initial allocation is allocated to the state allocation pool and applied to priority projects, which may include water and sewer projects; and
- Twenty percent of the amount remaining after the initial allocation is allocated to the Florida First Business allocation pool for projects certified by the Department of Economic Opportunity.¹⁷

The study committee was unable to determine the amount of private activity bonds that are allocated to water and wastewater projects, or how the private activity bonds can be fairly distributed.¹⁸

Resellers of Water Service

Certain entities that meet the definition of “utility” are exempt from PSC regulation as utilities, including entities that resell water or wastewater service at a rate or charge that does not exceed the actual purchase price of the water or wastewater.¹⁹ If the reseller includes any additional costs in the rate or charge to the retail customer, the reseller is considered a utility subject to PSC regulation.²⁰

Reseller utilities, such as mobile home parks and subdivisions, are regulated by the PSC and generally have significant investment in distribution and collection lines and other utility equipment. In a rate proceeding, the PSC determines the utility’s investment and expenses related to the facilities it owns and operates, then sets rates accordingly. The cost of the water and wastewater services purchased from a wholesale provider, which are often a significant portion of the customers’ bills, are allowed to be passed through to the customers pursuant to s. 367.081(4)(b), F.S. Resellers that choose not to pass along costs beyond their costs to purchase water or wastewater (and therefore remain exempt from PSC regulation) generally have very little investment in equipment or lines needed to provide the service. These types of resellers

¹⁷ Section 159.804, F.S.

¹⁸ Florida Public Service Commission, *Report of the Study Committee on Investor-Owned Water and Wastewater Utility Systems*, 43 (Feb. 2013), available at <http://www.floridapsc.com/utilities/waterwastewater/Water-Wastewater%20Sub%20Committee%20Report.pdf> (last visited Nov. 10, 2015).

¹⁹ Section 367.022(8), F.S.

²⁰ Florida Public Service Commission, *Report of the Study Committee on Investor-Owned Water and Wastewater Utility Systems*, 61 (Feb. 2013), available at <http://www.floridapsc.com/utilities/waterwastewater/Water-Wastewater%20Sub%20Committee%20Report.pdf> (last visited Nov. 10, 2015).

include apartment complexes, condominium buildings, and small master-metered shopping centers.²¹

A metered charge for water sends an appropriate price signal to end users and is a means of discouraging indiscriminate use of water. However, if a reseller wishes to install sub-meters and bill those users for their actual water use, the reseller will be unable to recover the metering and billing costs being regulated and incurring regulatory costs.²²

Reserve Funds for Water and Wastewater Utilities

The study committee considered the availability of low interest loans to small IOUs. The report noted that affordable and accessible financing is problematic for smaller IOUs because of the risk associated with smaller utilities, insufficient cash reserves, and the limitations of current regulatory policy. During a critical system failure, the smaller IOUs may be unable to address that failure because of limited available funds. In addition, loans typically do not provide sufficient cash flow to fully address the financial needs over the life of the loan. The study committee reports that the establishment of individual utility reserve funding and/or the creation of a statewide reserve fund could reduce borrowing costs and make funding more readily available.²³

Section 367.081, F.S., establishes the rate-setting procedures for water and wastewater IOUs regulated by the PSC. However, these procedures do not provide explicit statutory authority for the PSC to establish reserve funds for water and wastewater IOUs during the rate-setting process.

Public Service Commission Ratemaking

Pursuant to s. 367.081, F.S., the PSC establishes rates that are just, reasonable, compensatory, and not unfairly discriminatory. The PSC must consider the value and quality of the service and the cost of providing the service, including:

- Debt interest;
- A utility's working capital requirements;
- Maintenance, depreciation, tax, and operating expenses incurred in the operation of all property used and useful in the public service; and
- A fair return on the investment of the utility in property used and useful in the public service.

In order for an IOU to increase rates, the utility must file an application for a rate increase with the PSC. This process is referred to as a rate case. The application includes schedules and reports containing the operational, financial, economic, and rate information in order for the PSC staff to evaluate the request. The utility is also required to forecast how much funding is necessary to cover expenses for the next year and the potential return on investment from assets used to

²¹ *Id.*

²² Florida Public Service Commission, *Report of the Study Committee on Investor-Owned Water and Wastewater Utility Systems*, 61-62 (Feb. 2013), available at <http://www.floridapsc.com/utilities/waterwastewater/Water-Wastewater%20Sub%20Committee%20Report.pdf> (last visited Nov. 10, 2015).

²³ *Id.* at 67.

provide services.²⁴ Utilities are limited to adjusting their rates twice during any 12-month period.²⁵

In setting rates, the PSC staff reviews the utility's records, conducts site inspections, and evaluates the value and quality of service based on customer input at a rate case hearing or in writing. Following the rate case hearing, the PSC staff issues a written order with the commissioners' decision on the rate increase. The utility is required to notify the customers of the revised rates.²⁶

Pass-Through Rate Adjustment

A pass-through rate adjustment allows a utility to increase or decrease its rates to reflect an increase or decrease in certain expenses without the requirement of the PSC approval.²⁷ This mechanism provides quick rate relief to a utility when it experiences an increase in one of these types of costs and may help defer the need for a full rate case. Currently, the types of expenses eligible for pass-through treatment are limited by statute to:

- Purchased water or wastewater service;
- Electric power;
- Ad valorem taxes;
- Regulatory assessment fees;
- The Department of Environmental Protection (DEP) fees for the National Pollutant Discharge Elimination System Program; and
- Water or wastewater quality testing required by the DEP.²⁸

Prior to changing rates using this mechanism, the IOU must file, under oath, an affirmation as to the accuracy of the figures and calculations upon which rate changes are based and a statement that the change will not cause the utility to exceed the rate of return on equity last approved by the PSC.²⁹

Secondary Water Standards and Quality of Service

The DEP has the primary authority to implement and enforce federal and state drinking water and wastewater standards. The focus of the DEP's permitting, monitoring, and enforcement of water and wastewater systems is to ensure compliance with primary drinking water standards and wastewater operational requirements to protect the health and safety of the public and the environment.³⁰

²⁴ Florida Public Service Commission, *Utility Ratemaking in Florida* (Oct. 2012), available at <http://www.floridapsc.com/publications/consumer/brochure/ratemaking.pdf> (last visited Nov. 10, 2014).

²⁵ Section 367.081, F.S.

²⁶ Florida Public Service Commission, *Utility Ratemaking in Florida* (Oct. 2012), available at <http://www.floridapsc.com/publications/consumer/brochure/ratemaking.pdf> (last visited Nov. 10, 2014).

²⁷ Section 367.081(4)(b), F.S.

²⁸ *Id.*

²⁹ Section 367.081(4)(c), F.S.

³⁰ See ch. 403, F.S., and Rules 62-550, 62-555, 62-602, and 62-699, F.A.C., for drinking water regulations, and Rules 62-600, 62-604, 62-610, 62-620, 62-621, and 62-640, F.A.C., for wastewater regulations.

The DEP has adopted secondary drinking water standards for aluminum, chloride, copper, fluoride, iron, manganese, silver, sulfate, zinc, color, odor, pH, total dissolved solids, and foaming agents.³¹ Testing for the secondary standards is required on a regular basis, though the DEP generally requires corrective action only if users voice significant complaints or if a primary contaminant level has also been exceeded.³²

The DEP requires that new wastewater treatment plants and modifications to existing plants be designed to minimize odors, noise, aerosol drift, and lighting, which may have an adverse effect on neighboring residential and commercial areas.³³ The utilities must provide reasonable assurance that such effects will not be potentially harmful to human health or welfare or unreasonably interfere with the enjoyment of life or property.³⁴ If the existing facilities fail to function as intended and create such adverse effects, the permittee must take corrective action.³⁵ The DEP may also require corrective action if there are significant complaints or if a primary contaminant level has been exceeded.³⁶

The PSC considers an IOU's quality of service in rate cases by evaluating the quality of the product, the operating condition of the IOU's plant and facilities, and the IOU's efforts to address customer satisfaction.³⁷ Sanitary surveys, outstanding citations, violations, and consent orders on file with the DEP and county health departments are also considered. In addition, the DEP and county health department officials' testimony and customer testimony concerning quality of service is considered.³⁸ In most cases, the emphasis of this evaluation is on compliance with standards related to the health and safety of the public and the environment.³⁹

Chapter 2014-68, Laws of Florida, created s. 367.072, F.S., to provide a process for customers to petition the PSC to require compliance with secondary water quality standards. If a utility fails to comply with PSC orders, the process could result in revocation of the utility's certificate of authority. The law provides petition criteria and factors the PSC must consider in its review of the petition and the action it may take to dispose of the petition. Once a petition has been filed in compliance with the section, a utility is prohibited from filing a rate case until the PSC has issued a final order.

Chapter 2014-68, Laws of Florida, also created s. 367.0812, F.S., to add secondary water quality standards to the criteria that the PSC must consider when setting rates for water service. The law

³¹ Rule 62-550.320, F.A.C.

³² Florida Public Service Commission, *Report of the Study Committee on Investor-Owned Water and Wastewater Utility Systems*, 113 (Feb. 2013), available at <http://www.floridapsc.com/utilities/waterwastewater/Water-Wastewater%20Sub%20Committee%20Report.pdf> (last visited Nov. 10, 2015).

³³ Rule 62-600.400(2)(a), F.A.C.

³⁴ *Id.*

³⁵ Rule 62-600.410, F.A.C.

³⁶ Florida Public Service Commission, *Report of the Study Committee on Investor-Owned Water and Wastewater Utility Systems*, 113 (Feb. 2013), available at <http://www.floridapsc.com/utilities/waterwastewater/Water-Wastewater%20Sub%20Committee%20Report.pdf> (last visited Nov. 10, 2015).

³⁷ Rule 25-30.433(1), F.A.C.

³⁸ *Id.*

³⁹ Florida Public Service Commission, *Report of the Study Committee on Investor-Owned Water and Wastewater Utility Systems*, 106 (Feb. 2013), available at <http://www.floridapsc.com/utilities/waterwastewater/Water-Wastewater%20Sub%20Committee%20Report.pdf> (last visited Nov. 10, 2015).

authorizes the PSC to reduce the utility's return on equity up to 100 basis points (1 percent) or deny all or part of a rate increase for a utility's system or part of a system if it determines that the quality of water service is less than satisfactory for the time the system remains unsatisfactory. The law requires a utility to provide an estimate of the costs and benefits of plausible solutions for each concern that the PSC finds, meet with the customers to discuss the costs and benefits of the solution, and periodically report on the progress of implementation. The PSC may require the utility to resolve certain problems and require benchmarks and periodic progress reporting. The law authorizes the PSC to adopt rules to assess and enforce compliance with the secondary water standards and prescribe penalties for a utility's failure to adequately address each concern.

Section 367.111, F.S., requires each utility to provide service to its service area within a reasonable time. It authorizes the commission to amend the service territory or rescind the certificate of authorization of a utility that has failed to provide service as required or it is more feasible for another utility to provide such service. The section also requires each utility to provide safe, efficient, and sufficient service as prescribed by Part VI of ch. 403, F.S., and Parts I and II of ch. 373, F.S. If the PSC determines that an IOU has failed to provide its customers with water or wastewater service that meets the standards set by the DEP or the water management districts, the PSC may reduce the IOU's return on equity until the standards are met.⁴⁰

Drinking Water State Revolving Fund Program

The Drinking Water State Revolving Fund Program (DWSRF) is a federal program administered by the states. The program emphasizes providing funds to small and disadvantaged communities and to programs that encourage pollution prevention as a tool for ensuring safe drinking water.⁴¹ State programs are primarily funded through annual federal grants, state matching funds, loan repayments, and interest earnings.⁴² According to the Associate Press, the program has struggled to spend the funds available through the program, despite demand for assistance exceeding the amount available.⁴³

In Florida, the DWSRF, is administered by the DEP. The fund provides low-interest loans to eligible entities for planning, designing, and constructing public water facilities. An investor-owned public water system that is legally responsible for public water services and serves no more than 1,500 connections is eligible for a loan. An investor-owned public water system that serves more than 1,500 connections may qualify for a loan only if the proposed project will result in the consolidation of two or more public water systems.⁴⁴ Loan funding is based on a priority system that takes into account public health considerations, compliance, and affordability.⁴⁵

⁴⁰ Section 367.111(2), F.S.

⁴¹ EPA, *Drinking Water State Revolving Fund*, available at http://water.epa.gov/grants_funding/dwsrf/index.cfm (last visited Nov. 12, 2015).

⁴² EPA, *Drinking Water State Revolving Fund 2009 Annual Report*, 6 (Nov. 2010), available at http://water.epa.gov/grants_funding/dwsrf/upload/dwsrf-annualreport2009nov2010.pdf (last visited Nov. 12, 2015)

⁴³ Ryan J. Foley, *More than \$1 Billion in Water Funds Unspent*, Herald Tribune, Sept. 29, 2015. available at <http://www.heraldtribune.com/article/20150929/ARTICLE/150929592/2416/NEWS?Title=More-than-1-billion-in-water-funds-unspent&tc=ar> (last visited Nov. 13, 2015).

⁴⁴ Section 403.8532(3), F.S.

⁴⁵ Section 403.8532(9)(a), F.S.

Based on data gathered by the study committee, it was determined that all Class C water IOUs and 28 out of 33 Class B water IOUs serve no more than 1,500 connections and are eligible for the DWSRF. The remaining PSC-regulated Class A and B water IOUs are not eligible to use the DWSRF. The report notes that this data does not include water IOUs that are regulated by counties.⁴⁶

III. Effect of Proposed Changes:

Section 1 creates s. 159.8105, F.S., to require the Division of Bond Finance of the State Board of Administration to review the allocation of private activity bonds to determine the availability of additional allocations of reallocations of private activity bonds for water and wastewater infrastructure projects.

Section 2 amends s. 212.08, F.S., to provide a tax exemption for sales or leases to investor-owned water or wastewater utilities if the sole or primary function of the utility is to construct, maintain, or operate a water or wastewater system in Florida and if the goods or services purchased or leased are used in Florida.

Section 3 amends s. 367.022, F.S., to provide that any person who resells water service to his or her tenants or to individually metered residents for a fee that does not exceed the actual purchase price of the water plus the actual cost of meter reading and billing, not to exceed nine percent of the actual cost of service, is exempt from regulation by the PSC as a utility and from the provisions of ch. 367, F.S., which concerns water and wastewater systems.

Section 4 amends s. 367.081, F.S., to provide the PSC with the authority to create a utility reserve fund for infrastructure repair and replacement for a utility for distribution and collection infrastructure that is nearing the end of its useful life or is detrimental to water quality or reliability of service. The fund is to be funded by a portion of the rates charged by the utility, by a secured escrow account, or through a letter of credit.

The bill requires the PSC to adopt rules to govern the implementation, management, and use of the fund, including but not limited to:

- Expenses for which the fund may be used;
- Segregation of reserve account funds;
- Requirements for a capital improvement plan; and
- Requirements for PSC authorization before disbursements are made from the fund.

The bill adds the following items to the list of costs eligible for pass-through treatment:

- Fees charged for wastewater biosolids disposal;
- Costs incurred for any tank inspection required by the DEP or local governmental authority;
- Treatment plant operator and water distribution system operator license fees required by the DEP or local governmental authority; and

⁴⁶ Florida Public Service Commission, *Report of the Study Committee on Investor-Owned Water and Wastewater Utility Systems*, 36-37 (Feb. 2013), available at <http://www.floridapsc.com/utilities/waterwastewater/Water-Wastewater%20Sub%20Committee%20Report.pdf> (last visited Nov. 10, 2015).

- Consumptive use or water use permit fees charged by a water management district.

Pass-through costs explicitly permitted in current law are the only costs a utility is allowed to pass through to the customer. The bill makes the list of new and existing pass-through costs a nonexhaustive list, which would allow these utilities to pass through costs not explicitly listed in statute. The bill provides that these costs are not eligible to be passed through without a hearing if the increase occurred more than 12 months before the utility files for the rate increase. This has the effect of expanding the existing list of costs currently subject to this restriction.

The bill authorizes the PSC to adopt rules establishing additional specific expense items eligible for pass-through treatment. To be eligible for such treatment, an additional expense item must be imposed by a federal, state, or local law, rule, order, or notice and must be outside the control of the utility. If the PSC uses this authority, it must review its rule at least once every five years to determine if each specific expense item should remain eligible for pass-through treatment or if any additional expense items should become eligible.

The bill limits the amount of reasonable expenses associated with bringing a rate case that a utility may recover to 50 percent.

Section 5 amends s. 367.0814, F.S., to detail expenses associated with rate cases that may and may not be recovered.

Allowed	Not Allowed
Expenses for attorney fees or fees of other outside consultants if those fees are incurred for the purpose of providing consulting or legal services to the utility after the initial staff report becomes available.	Expenses for attorney fees or fees of other outside consultants who are engaged for the purpose of preparing or filing the case if a utility receives staff assistance in changing rates and charges, unless the Office of Public Counsel or interested parties have intervened.
Expenses for attorney fees or fees of other outside consultants if there is a protest or appeal by a party other than the utility.	

The bill requires the PSC to adopt rules to administer this provision by December 31, 2016.

Section 6 amends s. 367.0816, F.S., to prevent a utility from recovering the four-year amortized rate case expense for more than one rate case at any given time. If the PSC approves, and the utility implements, a rate change from a subsequent rate case, any unamortized rate case expense from a prior rate case must be discontinued. The unamortized portion of the previous rate case expense must be removed from rates before the implementation of an additional amortized rate case expense for the most recent rate proceeding.

Section 7 amends s. 367.111, F.S., to allow the PSC, on its own motion or based on complaints of customers of a water utility subject to the PSC’s jurisdiction, to review water quality as it pertains to secondary drinking water standards established by the DEP or review wastewater service as it pertains to odor, noise, aerosol drift, or lighting.

Section 8 amends s. 403.8532, F.S., to increase the number of entities that are eligible for DWSRF loans by allowing the DEP to make loans to for-profit, privately owned, or investor-owned water systems.

In order to conform to this change, the bill also deletes a restriction on loans for projects for a for-profit, privately owned or investor owned water system that serves 1,500 service connections or more within a single certified or franchised area. The bill also removes permission for making loans for for-profit, privately owned or investor owned must result in the consolidation of two or more water systems in order to qualify for a loan, since this is rendered unnecessary by the change.

Section 9 amends s. 367.171, F.S., to provide that counties must regulate rates of a utility providing water and wastewater services that abandons its facilities but is not subject to regulation by the PSC.

Section 10 provides an effective date of July 1, 2016.

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:

According to the PSC, it is unknown if the provision limiting rate case expense recovery would violate Amendments V and XIV of the U.S. Constitution; article 1, sections 2 and 9 of the Florida Constitution; and article X, section 6 of the Florida Constitution. The bill may generate litigation by the water and wastewater IOUs concerning the constitutionality of limiting reasonable rate case expenses.⁴⁷

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The revenue estimating conference estimates that the total impact of the sales-tax exemption in section two of the bill for fiscal year 2016-2017 is -\$3.4 million (-\$3.7 million recurring) of which -\$2.7 million (-\$3.0 million recurring) is on General

⁴⁷ PSC, *Senate Bill 776 Agency Analysis* (Mar. 13, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

Revenue, and -\$700,000 (-\$700,000 recurring) is on local government. The impact on state trust funds is negative but insignificant.

B. Private Sector Impact:

The water and wastewater IOUs that qualify for the sales tax exemption in s. 212.08, F.S., will realize a positive fiscal impact.

By allowing for the recovery of expenses associated with meter reading and billing, the bill may encourage resellers to use individual metering more often for their tenants. Water users can be charged more accurately for the water they consume; therefore, they may experience a positive or negative fiscal impact, depending on their water use.

The establishment of individual utility reserve funds may reduce borrowing costs and make funding more readily available for PSC-regulated water and wastewater IOUs to make needed improvements and repairs. In some instances, the availability of these reserve funds may allow IOUs to avoid or defer the need for a rate case, providing a cost savings to the ratepayers for this expense.

The expanded availability of pass-through treatment for new expense items may, in some instances, allows IOUs to avoid or defer the need for a rate case, providing a cost savings to the ratepayer.

The limitation of rate case expenses for staff assisted rate cases may benefit the rate payer; however, the utilities' rates may increase to ensure compliance with secondary water and wastewater standards.

If the utility has to petition for new rates within four years, it will be forced to forfeit the unamortized rate case expense, increasing costs to the utility and decreasing costs to the ratepayer.

The expanded availability of low-interest financing through the DWSRF to additional water and wastewater IOUs may encourage more of these utilities to make investments in water infrastructure at a lower cost to ratepayers. Lending institutions that have the ability to evaluate the credit worthiness of the large private systems may experience an increase in revenue.

C. Government Sector Impact:

To reduce the financial risk to the state, the DEP would outsource the financial review of large for-profit, privately owned or investor-owned systems requesting DWSRF funding. Costs would be incurred related to this outsourcing. Service fees collected through DWSRF repayments would be used as the source of funding for this contract; the actual costs would depend on the number of large private systems that request funding. The

DEP estimates this cost to be between \$10,000 and \$100,000 annually for additional staffing resources.⁴⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

The sales tax exemption provided for in the bill is limited to goods and services used in Florida. However, a seller will not know at the time of sale where the items being sold will be used. To provide the seller with clarity as to when tax should or should not be collected, the Department of Revenue recommends that language be added requiring the purchaser to provide the seller with a written statement certifying the purchaser's entitlement to the exemption.⁴⁹

According to the PSC, the bill does not address how the provision of the bill concerning the surcharge a person who resells water service to his or her tenants is allowed to charge would be enforced or what proof the water reseller may need to provide to the PSC. Additionally, the change may require the PSC to adopt rules to implement this provision. It is unclear if the bill provides specific rulemaking authority for this provision.⁵⁰

Section 5 of the bill seems to anticipate intervention by parties other than the Office of Public Counsel prior to the issuance of a proposed agency action. According to the PSC, this is inconsistent with how staff-assisted rate cases are processed.⁵¹

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 212.08, 367.022, 367.081, 367.0814, 367.0816, 367.111, 403.8532, and 367.171.

This bill creates section 159.8105 of the Florida Statutes.

IX. Additional Information:

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

CS by Environmental Preservation and Conservation on November 18, 2015:

Removes a provision that limits a tax exemption for investor owned water and wastewater utilities to those that are owned or operated by a Florida corporation. This

⁴⁸ DEP, *Senate Bill 776 Agency Analysis* (Mar. 13, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

⁴⁹ DOR, *Senate Bill 776 Agency Analysis* (Apr. 14, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

⁵⁰ PSC, *Senate Bill 776 Agency Analysis* (Mar. 13, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

⁵¹ *Id.*

change allows the tax exemption to apply to investor owned water and wastewater utility, regardless of whether the utility is owned or operated by a Florida corporation.

Changes a provision that a tax exemption applies to utilities that are owned by a corporation. The amendment changes the word “corporation” to “utility.”

Changes the date the PSC must adopt certain rules from December 31, 2015 to December 31, 2016.

B. Amendments:

None.



766628

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/18/2015	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 79 - 80
and insert:
or leases to an investor-owned water or wastewater utility are
exempt from the tax



335606

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/18/2015	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 82
and insert:
utility is to construct, maintain, or operate a water or



378164

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/18/2015	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 234
and insert:
2016, the commission must adopt rules to administer this

By Senator Hays

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1 A bill to be entitled
2 An act relating to water and wastewater; creating s.
3 159.8105, F.S.; requiring the Division of Bond Finance
4 of the State Board of Administration to review the
5 allocation of private activity bonds to determine the
6 availability of additional allocation and reallocation
7 of bonds for water and wastewater infrastructure
8 projects; amending s. 212.08, F.S.; extending
9 specified tax exemptions to certain investor-owned
10 water and wastewater utilities; amending s. 367.022,
11 F.S.; exempting from regulation by the Florida Public
12 Service Commission a person who resells water service
13 to certain tenants or residents up to a specified
14 percentage or cost; amending s. 367.081, F.S.;
15 authorizing the commission to create a utility reserve
16 fund; requiring the commission to adopt rules to
17 govern the implementation, management, and use of the
18 fund; establishing criteria for adjusted rates;
19 specifying expense items that may be the basis for an
20 automatic increase or decrease of a utility's rates;
21 authorizing the commission to establish by rule
22 additional specified expense items; restricting a
23 utility from recovering more than a certain percentage
24 of reasonable rate case expenses; amending s.
25 367.0814, F.S.; authorizing the commission to award
26 rate case expenses to recover attorney fees or fees of
27 other outside consultants in certain circumstances;
28 requiring the commission to adopt rules by a certain
29 date; amending s. 367.0816, F.S.; prohibiting a

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30 utility from recovering certain expenses for more than
31 one rate case at a time; amending s. 367.111, F.S.;
32 authorizing the commission to review water quality and
33 wastewater service under certain circumstances;
34 amending s. 403.8532, F.S.; authorizing the Department
35 of Environmental Protection to require or request that
36 the Florida Water Pollution Control Financing
37 Corporation make loans, grants, and deposits to for-
38 profit, privately owned, or investor-owned water
39 systems; removing current restrictions on such
40 activities; amending s. 367.171, F.S.; making
41 technical changes; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Section 159.8105, Florida Statutes, is created
46 to read:

47 159.8105 Allocation of bonds for water and wastewater
48 infrastructure projects.—The division shall review the
49 allocation of private activity bonds to determine the
50 availability of additional allocation and reallocation of bonds
51 for water and wastewater infrastructure projects.

52 Section 2. Paragraph (ooo) is added to subsection (7) of
53 section 212.08, Florida Statutes, to read:

54 212.08 Sales, rental, use, consumption, distribution, and
55 storage tax; specified exemptions.—The sale at retail, the
56 rental, the use, the consumption, the distribution, and the
57 storage to be used or consumed in this state of the following
58 are hereby specifically exempt from the tax imposed by this

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59 chapter.

60 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
61 entity by this chapter do not inure to any transaction that is
62 otherwise taxable under this chapter when payment is made by a
63 representative or employee of the entity by any means,
64 including, but not limited to, cash, check, or credit card, even
65 when that representative or employee is subsequently reimbursed
66 by the entity. In addition, exemptions provided to any entity by
67 this subsection do not inure to any transaction that is
68 otherwise taxable under this chapter unless the entity has
69 obtained a sales tax exemption certificate from the department
70 or the entity obtains or provides other documentation as
71 required by the department. Eligible purchases or leases made
72 with such a certificate must be in strict compliance with this
73 subsection and departmental rules, and any person who makes an
74 exempt purchase with a certificate that is not in strict
75 compliance with this subsection and the rules is liable for and
76 shall pay the tax. The department may adopt rules to administer
77 this subsection.

78 (ooo) Investor-owned water and wastewater utilities.—Sales
79 or leases to an investor-owned water or wastewater utility owned
80 or operated by a Florida corporation are exempt from the tax
81 imposed by this chapter if the sole or primary function of the
82 corporation is to construct, maintain, or operate a water or
83 wastewater system in this state and if the goods or services
84 purchased or leased are used in this state.

85 Section 3. Present subsections (9) through (12) of section
86 367.022, Florida Statutes, are redesignated as subsections (10)
87 through (13), respectively, and a new subsection (9) is added to

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88 that section, to read:

89 367.022 Exemptions.—The following are not subject to
90 regulation by the commission as a utility nor are they subject
91 to the provisions of this chapter, except as expressly provided:

92 (9) Any person who resells water service to his or her
93 tenants or to individually metered residents for a fee that does
94 not exceed the actual purchase price of the water plus the
95 actual cost of meter reading and billing, not to exceed 9
96 percent of the actual cost of service.

97 Section 4. Paragraph (c) is added to subsection (2) of
98 section 367.081, Florida Statutes, and paragraph (b) of
99 subsection (4) and subsection (7) of that section are amended,
100 to read:

101 367.081 Rates; procedure for fixing and changing.—

102 (2)

103 (c) In establishing rates for a utility, the commission may
104 create a utility reserve fund for infrastructure repair and
105 replacement for a utility for existing distribution and
106 collection infrastructure that is nearing the end of its useful
107 life or is detrimental to water quality or reliability of
108 service, to be funded by a portion of the rates charged by the
109 utility, by a secured escrow account, or through a letter of
110 credit. The commission shall adopt rules to govern the
111 implementation, management, and use of the fund, including, but
112 not limited to, rules related to expenses for which the fund may
113 be used, segregation of reserve account funds, requirements for
114 a capital improvement plan, and requirements for commission
115 authorization before disbursements are made from the fund.

116 (4)

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117 (b) The approved rates of any utility which ~~receives all or~~
118 ~~any portion of its utility service from a governmental authority~~
119 ~~or from a water or wastewater utility regulated by the~~
120 ~~commission and which redistributes that service to its utility~~
121 ~~customers~~ shall be automatically increased or decreased without
122 hearing, upon verified notice to the commission 45 days prior to
123 its implementation of the increase or decrease that the
124 utility's costs for any specified expense item ~~the rates charged~~
125 ~~by the governmental authority or other utility~~ have changed. The
126 ~~approved rates of any utility which is subject to an increase or~~
127 ~~decrease in the rates or fees that it is charged for electric~~
128 ~~power, the amount of ad valorem taxes assessed against its used~~
129 ~~and useful property, the fees charged by the Department of~~
130 ~~Environmental Protection in connection with the National~~
131 ~~Pollutant Discharge Elimination System Program, or the~~
132 ~~regulatory assessment fees imposed upon it by the commission~~
133 ~~shall be increased or decreased by the utility, without action~~
134 ~~by the commission, upon verified notice to the commission 45~~
135 ~~days prior to its implementation of the increase or decrease~~
136 ~~that the rates charged by the supplier of the electric power or~~
137 ~~the taxes imposed by the governmental authority, or the~~
138 ~~regulatory assessment fees imposed upon it by the commission~~
139 ~~have changed. The new rates authorized shall reflect the amount~~
140 ~~of the change of the ad valorem taxes or rates imposed upon the~~
141 ~~utility by the governmental authority, other utility, or~~
142 ~~supplier of electric power, or the regulatory assessment fees~~
143 ~~imposed upon it by the commission. The approved rates of any~~
144 ~~utility shall be automatically increased, without hearing, upon~~
145 ~~verified notice to the commission 45 days prior to~~

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146 ~~implementation of the increase that costs have been incurred for~~
147 ~~water quality or wastewater quality testing required by the~~
148 ~~Department of Environmental Protection.~~

149 1. The new rates authorized shall reflect, on an amortized
150 or annual basis, as appropriate, the cost of, or the amount of
151 change in the cost of, the specified expense item, ~~required~~
152 ~~water quality or wastewater quality testing performed by~~
153 ~~laboratories approved by the Department of Environmental~~
154 ~~Protection for that purpose.~~ The new rates, however, shall not
155 reflect the costs of any specified expense item ~~any required~~
156 ~~water quality or wastewater quality testing~~ already included in
157 a utility's rates. Specified expense items that are eligible for
158 automatic increase or decrease of a utility's rates include, but
159 are not limited to:

160 a. The rates charged by a governmental authority or other
161 water or wastewater utility regulated by the commission which
162 provides utility service to the utility.

163 b. The rates or fees that the utility is charged for
164 electric power.

165 c. The amount of ad valorem taxes assessed against the
166 utility's used and useful property.

167 d. The fees charged by the Department of Environmental
168 Protection in connection with the National Pollutant Discharge
169 Elimination System Program.

170 e. The regulatory assessment fees imposed upon the utility
171 by the commission.

172 f. Costs incurred for water quality or wastewater quality
173 testing required by the Department of Environmental Protection.

174 g. The fees charged for wastewater biosolids disposal.

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175 h. Costs incurred for any tank inspection required by the
176 Department of Environmental Protection or a local governmental
177 authority.

178 i. Treatment plant operator and water distribution system
179 operator license fees required by the Department of
180 Environmental Protection or a local governmental authority.

181 j. Water or wastewater operating permit fees charged by the
182 Department of Environmental Protection or a local governmental
183 authority.

184 k. Consumptive or water use permit fees charged by a water
185 management district.

186 2. A utility may not use this procedure to increase its
187 rates as a result of an increase in a specific expense item
188 which occurred ~~water quality or wastewater quality testing or an~~
189 ~~increase in the cost of purchased water services, sewer~~
190 ~~services, or electric power or in assessed ad valorem taxes,~~
191 ~~which increase was initiated~~ more than 12 months before the
192 filing by the utility.

193 3. The commission may establish by rule additional specific
194 expense items that are outside the control of the utility and
195 have been imposed upon the utility by a federal, state, or local
196 law, rule, order, or notice. If the commission establishes such
197 a rule, the commission shall review the rule at least once every
198 5 years and determine if each expense item should continue to be
199 cause for an automatic increase or decrease and whether
200 additional items should be included.

201 4. The provisions of This subsection does ~~de~~ not prevent a
202 utility from seeking a change in rates pursuant to the
203 provisions of subsection (2).

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204 (7) The commission shall determine the reasonableness of
205 rate case expenses and shall disallow all rate case expenses
206 determined to be unreasonable. No rate case expense determined
207 to be unreasonable shall be paid by a consumer. In determining
208 the reasonable level of rate case expense, the commission shall
209 consider the extent to which a utility has utilized or failed to
210 utilize ~~the provisions of~~ paragraph (4) (a) or paragraph (4) (b)
211 and such other criteria as it may establish by rule. A utility
212 may recover only up to 50 percent of rate case expenses that are
213 determined to be reasonable.

214 Section 5. Subsection (3) of section 367.0814, Florida
215 Statutes, is amended to read:

216 367.0814 Staff assistance in changing rates and charges;
217 interim rates.—

218 (3) The provisions of s. 367.081(1), (2) (a), and (3) shall
219 apply in determining the utility's rates and charges. However,
220 the commission may not award rate case expenses to recover
221 attorney fees or fees of other outside consultants who are
222 engaged for the purpose of preparing or filing the case if a
223 utility receives staff assistance in changing rates and charges
224 pursuant to this section, unless the Office of Public Counsel or
225 interested parties have intervened. The commission may award
226 rate case expenses for attorney fees or fees of other outside
227 consultants if such fees are incurred for the purpose of
228 providing consulting or legal services to the utility after the
229 initial staff report is made available to customers and the
230 utility. If there is a protest or appeal by a party other than
231 the utility, the commission may award rate case expenses to the
232 utility for attorney fees or fees of other outside consultants

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233 for costs incurred after the protest or appeal. By December 31,
234 2015, the commission must adopt rules to administer this
235 subsection.

236 Section 6. Section 367.0816, Florida Statutes, is amended
237 to read:

238 367.0816 Recovery of rate case expenses.—

239 (1) The amount of rate case expense determined by the
240 commission pursuant to the provisions of this chapter to be
241 recovered through a public utilities rate shall be apportioned
242 for recovery over a period of 4 years. At the conclusion of the
243 recovery period, the rate of the public utility shall be reduced
244 immediately by the amount of rate case expense previously
245 included in rates.

246 (2) A utility may not recover the 4-year amortized rate
247 case expense for more than one rate case at any given time. If
248 the commission approves and a utility implements a rate change
249 from a subsequent rate case pursuant to this section, any
250 unamortized rate case expense for a prior rate case must be
251 discontinued. The unamortized portion of rate case expense for a
252 prior rate case must be removed from rates before the
253 implementation of an additional amortized rate case expense for
254 the most recent rate proceeding.

255 Section 7. Subsection (3) is added to section 367.111,
256 Florida Statutes, to read:

257 367.111 Service.—

258 (3) The commission may, on its own motion or based on
259 complaints of customers of a water utility subject to its
260 jurisdiction, review water quality as it pertains to secondary
261 drinking water standards established by the Department of

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262 Environmental Protection. The commission may, on its own motion
263 or based on complaints of customers of a wastewater utility
264 subject to its jurisdiction, review wastewater service as it
265 pertains to odor, noise, aerosol drift, or lighting.

266 Section 8. Subsection (3) of section 403.8532, Florida
267 Statutes, is amended to read:

268 403.8532 Drinking water state revolving loan fund; use;
269 rules.—

270 (3) The department may make, or request that the
271 corporation make, loans, grants, and deposits to community water
272 systems; for-profit, privately owned, or investor-owned water
273 systems; ~~nonprofit, transient, noncommunity water systems;~~ and
274 ~~nonprofit, nontransient, noncommunity water systems~~ to assist
275 them in planning, designing, and constructing public water
276 systems, ~~unless such public water systems are for-profit~~
277 ~~privately owned or investor-owned systems that regularly serve~~
278 ~~1,500 service connections or more within a single certified or~~
279 ~~franchised area. However, a for-profit privately owned or~~
280 ~~investor-owned public water system that regularly serves 1,500~~
281 ~~service connections or more within a single certified or~~
282 ~~franchised area may qualify for a loan only if the proposed~~
283 ~~project will result in the consolidation of two or more public~~
284 ~~water systems.~~ The department may provide loan guarantees,
285 purchase loan insurance, and refinance local debt through the
286 issue of new loans for projects approved by the department.
287 Public water systems may borrow funds made available pursuant to
288 this section and may pledge any revenues or other adequate
289 security available to them to repay any funds borrowed.

290 (a) The department shall administer loans so that amounts

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291 credited to the Drinking Water Revolving Loan Trust Fund in any
292 fiscal year are reserved for the following purposes:

293 1. At least 15 percent for qualifying small public water
294 systems.

295 2. Up to 15 percent for qualifying financially
296 disadvantaged communities.

297 (b) If an insufficient number of the projects for which
298 funds are reserved under this subsection have been submitted to
299 the department at the time the funding priority list authorized
300 under this section is adopted, the reservation of these funds no
301 longer applies. The department may award the unreserved funds as
302 otherwise provided in this section.

303 Section 9. Subsection (8) of section 367.171, Florida
304 Statutes, is amended to read:

305 367.171 Effectiveness of this chapter.-

306 (8) Each county that ~~which~~ is not subject to ~~excluded from~~
307 ~~the provisions of~~ this chapter shall regulate the rates of all
308 utilities in that county which would otherwise be subject to
309 regulation by the commission pursuant to s. 367.081(1), (2),
310 (3), and (6) and s. 367.165. The county shall not regulate the
311 rates or charges of any system or facility that ~~which~~ would
312 otherwise be exempt from commission regulation pursuant to s.
313 367.022(2). For this purpose the county or its agency shall
314 proceed as though the county or agency is the commission.

315 Section 10. This act shall take effect July 1, 2016.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 546

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Simpson

SUBJECT: Sale or Exchange of Lands

DATE: November 19, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Fav/CS
2.			AGG	
3.			AP	

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

I. Summary:

CS/SB 546 revises the noticing requirements that a water management district must adhere to when selling or exchanging lands, or interests or rights in lands, and provides a water management district with an expedited process for selling surplus lands that are valued at \$25,000 or less.

II. Present Situation:

A governing board of a water management district is authorized to acquire real property for the conservation and protection of water and water-related resources.¹ Collectively, the water management districts hold approximately 32.5 percent of the total land owned by the state.² The following is a breakdown of the land in acres owned by each water management district:

- Northwest Florida Water Management District: 193,165.
- Suwannee River Water Management District: 157,704.
- St. Johns River Water Management District: 472,825.
- Southwest Florida Water Management District: 307,728.
- South Florida Water Management District: 689,500.³

¹ Section 373.139, F.S.

² State of Florida Lands and Facilities Inventory Search (SOLARIS), *State Lands Dashboard*, <http://webapps.dep.state.fl.us/DslPi/stateLandDashboard.action> (last visited Nov. 16, 2015).

³ *Id.*

Sections 373.056 and 373.089, F.S., set forth the manner in which water management districts may dispose of lands, or interests or rights in lands. Before lands, or interests or rights in lands, are disposed of the governing board of a water management district must determine that the parcel of land is no longer needed, or, in other words, is surplus. Lands that are determined surplus may be offered for public bid and sold pursuant to s. 373.089, F.S., conveyed by a district to another governmental entity pursuant to s. 373.056, F.S., or used in potential real estate exchange transactions.

The governing board of a water management district may sell lands determined to be surplus at any time. The disposal of surplus lands requires a majority vote of the governing board. The disposal of surplus lands that were acquired for conservation purposes requires a determination that the lands are no longer needed for conservation purposes and a two-thirds vote of the governing board.⁴

A water management district must first offer title to surplus lands that were acquired in whole or in part with Florida Forever funds to the Board of Trustees of the Internal Improvement Trust Fund, unless the disposition of lands is for any one of the following purposes:

- Linear facilities, such as transmission and distribution facilities.
- Dispositions of the fee interest in the land where a conservation easement is retained by the district to fulfill the conservation objectives for which the land was acquired.
- An exchange of the land for other lands that meet or exceed the conservation objections for which the original land was acquired.
- Dispositions of lands, or rights or interests in lands, to be used by a governmental entity for a public purpose.⁵

Before selling surplus lands a district must publish a notice of intention to sell, which includes a description of the lands to be offered for sale, in a newspaper circulated in the county in which the land is situated once each week for three consecutive weeks, with the first publication being not less than 30 days nor more than 45 days before any sale.⁶ Surplus lands must be sold for the highest price obtainable, which may not be less than the appraised value of the lands as determined by a certified appraisal obtained within 120 days before the sale.⁷

Where the proceeds from the sale of surplus lands go depends on the source of funds that were initially used to buy the land. In most cases, the proceeds go to the fund from which the lands were acquired to be used for the purchase of additional lands, or the proceeds are used for payment of debt service on revenue bonds or notes issued under s. 373.584, F.S.⁸

III. Effect of Proposed Changes:

CS/SB 546 extends the timeframe in which a certified appraisal has to be obtained for determining the minimum price at which the land may be sold from 120 days to 360 days before the sale. The bill clarifies that the timing is measured by the effective date of the contract for

⁴ Section 373.089, F.S.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Section 373.139(6), F.S.

sale, rather than “the sale.” The bill revises the period from which the first publication of the required notice must occur to not more than 360 days before any sale, rather than 45 days.

The bill exempts any portion of a parcel of land acquired with Florida Forever funds which was deemed surplus at the time it was acquired from the requirement that title for such lands be first offered to the Board of Trustees of the Internal Improvement Trust Fund.

The bill provides an expedited process for the sale of surplus lands valued at \$25,000 or less, as determined by a certified appraisal obtained 360 days before any sale. This process enables a water management district to sell a parcel of land quicker than the minimum of 45 days required under current law.

Instead of requiring a governing board to publish a notice of intention to sell in a newspaper circulated in the county in which the parcel of land is situated for three consecutive weeks, the bill requires a governing board to publish such notice one time only. Additionally, the governing board must send notice to adjacent property owners by certified mail and publish the notice on its website. Within 14 days of such notice, the bill authorizes a water management district to sell the parcel to an adjacent property owner or accept sealed bids if there are two or more owners of adjacent property and sell the parcel to the highest bidder. Within 30 days of such notice, the bill authorizes a water management district to accept sealed bids and sell the parcel to the highest bidder. The bill authorizes a water management district to reject all offers in either case.

The bill authorizes a water management district to include a restriction on the future use of the surplus parcel as a term and condition of sale.

The bill has an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The ability for water management districts to sell parcels of land valued at \$25,000 or less through an expedited process will have a positive fiscal impact to the districts. The number of parcels that may qualify for this type of sale is unknown; therefore, the potential revenue to the water management districts is indeterminate at this time.

VI. Technical Deficiencies:

The term “sale” was amended in subsection (1) to “the effective date of the contract for sale” for clarification. In subsection (8), the language authorizing an expedited process for selling parcels valued at \$25,000 or less, the term “sale” is used. For consistency, this should be amended to “the effective date of the contract for sale.”

It is not clear on lines 77 and 81 what “such notice” relates back to; is it the published notice in the newspaper, the notice to adjacent buyers, or the notice on the district’s website. While all of these could be the same day, there is a possibility for inconsistency.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 373.089 of the Florida Statutes.

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

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

CS by Environmental Preservation and Conservation on November 18, 2015:

The CS revises the noticing requirements a water management district must adhere to before selling any surplus land, or interest or rights in land, to require the first publication of the notice to occur at least 360 days before any sale, rather than 45 days.

B. Amendments:

None.



546530

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/18/2015	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 39
and insert:
30 days, but not ~~nor~~ more than 360 ~~45~~ days, before ~~prior to~~ any
sale

By Senator Simpson

18-00392-16

2016546__

1 A bill to be entitled
2 An act relating to the sale or exchange of lands;
3 amending s. 373.089, F.S.; extending the timeframe
4 within which a certified appraisal may be obtained for
5 parcels of land to be sold as surplus; revising the
6 procedures a water management district must follow for
7 publishing a notice of intention to sell surplus
8 lands; providing an exception from such notice
9 requirements if a parcel of land is valued below a
10 certain threshold; authorizing such parcels to be sold
11 directly to the highest bidder; authorizing districts
12 to include restrictions on future use of such parcels;
13 providing an effective date.

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

16
17 Section 1. Subsections (1), (3), and (7) of section
18 373.089, Florida Statutes, are amended, and subsection (8) is
19 added to that section, to read:

20 373.089 Sale or exchange of lands, or interests or rights
21 in lands.—The governing board of the district may sell lands, or
22 interests or rights in lands, to which the district has acquired
23 title or to which it may hereafter acquire title in the
24 following manner:

25 (1) Any lands, or interests or rights in lands, determined
26 by the governing board to be surplus may be sold by the
27 district, at any time, for the highest price obtainable;
28 however, in no case shall the selling price be less than the
29 appraised value of the lands, or interests or rights in lands,

18-00392-16

2016546__

30 as determined by a certified appraisal obtained within 360 ~~120~~
31 days before the effective date of a contract for sale.

32 (3) Before selling any surplus land, or interests or rights
33 in land, it shall be the duty of the district to cause a notice
34 of intention to sell to be published in a newspaper published in
35 the county in which the land, or interests or rights in the
36 land, is situated once each week for 3 successive weeks, three
37 insertions being sufficient.~~),~~ The first publication of the
38 required notice must occur at least ~~which shall be not less than~~
39 30 days, but not ~~nor~~ more than 45 days, before ~~prior to~~ any sale
40 and must include, ~~which notice shall set forth~~ a description of
41 lands, or interests or rights in lands, to be offered for sale.

42 (7) Notwithstanding other provisions of this section, the
43 governing board shall first offer title to lands acquired in
44 whole or in part with Florida Forever funds which are determined
45 to be no longer needed for conservation purposes to the Board of
46 Trustees of the Internal Improvement Trust Fund unless the
47 disposition of those lands is for the following purposes:

48 (a) Linear facilities, including electric transmission and
49 distribution facilities, telecommunication transmission and
50 distribution facilities, pipeline transmission and distribution
51 facilities, public transportation corridors, and related
52 appurtenances.

53 (b) The disposition of the fee interest in the land where a
54 conservation easement is retained by the district to fulfill the
55 conservation objectives for which the land was acquired.

56 (c) An exchange of the land for other lands that meet or
57 exceed the conservation objectives for which the original land
58 was acquired in accordance with subsection (4).

18-00392-16

2016546__

59 (d) To be used by a governmental entity for a public
60 purpose.

61 (e) The portion of an overall purchase deemed surplus at
62 the time of the acquisition.

63
64 ~~If In the event~~ the Board of Trustees of the Internal
65 Improvement Trust Fund declines to accept title to the lands
66 offered under this section, the land may be disposed of by the
67 district under the provisions of this section.

68 (8) Notwithstanding this section, if a parcel of land is no
69 longer essential or necessary for conservation purposes and is
70 valued at \$25,000 or less as determined by a certified appraisal
71 obtained within 360 days before any sale, the governing board
72 may determine that the parcel of land is surplus. The notice of
73 sale shall be published, as required under subsection (3), one
74 time only. The governing board shall send notice of its
75 intention to sell the parcel to adjacent property owners by
76 certified mail and publish the notice on its website.

77 (a) Within 14 days after such notice, the district may sell
78 the parcel to an adjacent property owner or accept sealed bids
79 if there are two or more owners of adjacent property and may
80 sell the parcel to the highest bidder or reject all offers.

81 (b) Within 30 days after such notice, the district shall
82 accept sealed bids and may sell the parcel to the highest bidder
83 or reject all offers.

84 (c) The district may include a restriction on the future
85 use of the surplus parcel as a term and condition of the sale.

86 Section 2. This act shall take effect July 1, 2016.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 570

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Dean

SUBJECT: State Park Entrance Fee Holiday

DATE: November 19, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Fav/CS
2.			AGG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 570 creates a state park entrance fee holiday in order to encourage the use and enjoyment of Florida's state parks. The bill prohibits the Department of Environmental Protection from charging day use entrance fees for a 12-month period at all state parks, except at the Skyway Fishing Pier State Park, the Ellie Schiller Homosassa Springs Wildlife State Park, and the Weeki Wachee Springs State Park.

II. Present Situation:

Florida's state park system was created in 1935 when the Legislature enacted a series of laws authorizing the Florida Board of Forestry to establish a Florida Park Service and to develop and maintain a system of state parks.¹ Today, the Division of Recreation and Parks (division) within the Department of Environmental Protection (DEP) has the duty to supervise, administer, regulate, and control the operation of all public parks owned by the state,² which includes 163 state parks and 11 state trails and spans over nearly 800,000 acres, 100 miles of beaches, and more than 1,500 miles of multi-use trails.³

¹ Florida Park Service Alumni Association, *Florida State Park History*, <http://fpsaa.org/traditions/fps-history> (last visited Nov. 12, 2015).

² Section 258.004, F.S.

³ DEP, Division of Recreation and Parks, *Program at a Glance*, <http://www.dep.state.fl.us/mainpage/programs/parks.htm> (last visited Nov. 12, 2015).

The National Recreation and Park Association annually honors state park systems that demonstrate excellence in long-range planning and resource management, and, in 2013, Florida became the first three-time National Recreation and Park Association Gold Medal award winner.⁴ It is the policy of the division to promote the state park system for the use, enjoyment, and benefit of the people and visitors of Florida.⁵ The total attendance for the 2014-2015 fiscal year was 31,108,245 visitors, which is an increase from 27.1 million visitors for the previous fiscal year.⁶

Section 258.014, F.S., authorizes the division to charge reasonable fees, rentals, or charges for the use or operation of facilities and concessions in state parks. All such fees, rentals, and charges collected must be credited to the State Park Trust Fund. The continuing balance of the trust fund is to be used for the administration, improvement, and maintenance of state parks and for the acquisition and development of lands acquired for state park purposes.⁷

The director of the division is authorized to recommend standard admission and other park fees. Admission fees can range from \$1.00-\$13.00 based upon factors such as user demand, the location of the park, the cost of managing and operating the park, the type of facilities available, the season, and the natural and historic resource values of the park.⁸ The total revenue generated from the state parks for the 2014-2015 fiscal year was \$64,212,331,⁹ of that total approximately \$23.7 million was generated from state park entrance fees.¹⁰

Each state park has a unit management plan based on statewide resource management goals and recreational needs which is updated every ten years.¹¹ To ensure that opportunities for quality outdoor recreation experiences are provided while preserving the unique natural areas of the state, the division has established carrying capacity guidelines.¹² The established optimum carrying capacity is included in each park unit management plan.¹³ The division is authorized to close any park or section of a park to the public at any time or for any interval of time, including when carrying capacities are reached, to provide visitor and employee safety, resource protection, operational efficiency, and facility maintenance.¹⁴ Additionally, authorized law enforcement officers and park personnel are required to direct traffic in parks and on roads adjacent to parks as conditions warrant.¹⁵

⁴ DEP, *About Florida State Parks*, <http://www.dep.state.fl.us/parks/> (last visited Nov. 12, 2015).

⁵ Section 258.037, F.S.

⁶ DEP, *Long Range Program Plan* (Fiscal Years: 2016-2016 through 2020-2021), pg. 51, *available at* <http://floridafiscalportal.state.fl.us/Document.aspx?ID=13551&DocType=PDF>.

⁷ Section 258.014(1), F.S.

⁸ Fla. Admin. Code R. 62D-2.014(2)(c). *See* DEP, *Florida State Parks Fee Schedule*, *available at* <https://www.floridastateparks.org/sites/default/files/Division%20of%20Recreation%20and%20Parks/documents/FPSFeeSchedule.pdf>.

⁹ DEP, *Long Range Program Plan* at 51.

¹⁰ DEP, *Senate Bill 570 Agency Legislative Bill Analysis* (Nov. 12, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹¹ DEP, The Office of Park Planning - Park Management Plans, <http://www.dep.state.fl.us/parks/planning/plans.htm> (last visited Nov. 16, 2015).

¹² DEP, *Visitor Carrying Capacity Guidelines*, <http://www.dep.state.fl.us/parks/planning/forms/CarryingCapacityGuidelines.pdf> (last visited Nov. 16, 2015).

¹³ *Id.*

¹⁴ Fla. Admin. Code R. 62D-2.014(16)(b).

¹⁵ Fla. Admin. Code R. 62D-2.014(3).

III. Effect of Proposed Changes:

CS/SB 570 creates a state park entrance fee holiday of one year. The bill prohibits the DEP from charging day use entrance fees at state parks for a 12-month period beginning July 1, 2016. The bill requires the division to ensure that each state park closes once it carrying capacity, as set forth in its unit management plan, is reached.

The bill clarifies that the state park entrance fee holiday does not apply to fees for the use of facilities, campgrounds, or equipment or fees for concessions, entertainment, or guided tours at any state park.

The bill exempts the Skyway Fishing Pier State Park, the Ellie Schiller Homosassa Springs Wildlife State Park, and the Weeki Wachee Springs State Park.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

If the fee holiday results in increased visitation at state parks, privately owned concession and rental operations would potentially see an increase in business which would have a positive fiscal impact on the private sector.

C. Government Sector Impact:

Prohibiting the division from charging day use entrance fees will have a negative impact on state park revenues. The DEP estimates a negative impact of \$22.8 million in the 2016-2017 fiscal year due to the fee holiday. Additionally, individuals who have purchased annual entrance passes may request refunds for any period that falls within the fee holiday resulting in a negative impact to state park revenues. The Revenue Estimating

Conference has not yet met on this issue; therefore, the exact amount of the impact is indeterminate at this time.

The fee holiday may increase visitation which potentially will increase other types of park revenue such as entertainment, guided tours, and equipment rentals.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Environmental Preservation and Conservation on November 18, 2015:

The CS requires the division to ensure that each state park closes once it carrying capacity is reached.

B. Amendments:

None.



823518

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/18/2015	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete line 18
and insert:
beginning July 1, 2016. The division shall ensure that each
state park closes once its carrying capacity, as set forth in
its unit management plan, is reached.

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

And the title is amended as follows:



823518

11 Delete line 5
12 and insert:
13 specified period; requiring the division to ensure
14 that each state park closes once its carrying capacity
15 is reached; clarifying that the holiday does not

By Senator Dean

5-00717A-16

2016570__

1 A bill to be entitled
2 An act relating to a state park entrance fee holiday;
3 prohibiting the Division of Recreation and Parks from
4 charging day use entrance fees at state parks for a
5 specified period; clarifying that the holiday does not
6 apply to other fees; providing exceptions; providing
7 an effective date.

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

10
11 Section 1. In order to encourage the use and enjoyment of
12 Florida's state parks, a state park entrance fee holiday is
13 created.

14 (1) Notwithstanding s. 258.014, Florida Statutes, the
15 Division of Recreation and Parks of the Department of
16 Environmental Protection may not charge day use entrance fees at
17 any state park operated by the division for a 12-month period
18 beginning July 1, 2016.

19 (2) This act does not apply to fees for the use of
20 facilities, campgrounds, or equipment; or fees for concessions,
21 entertainment, or guided tours, at any state park.

22 (3) This act does not apply to Skyway Fishing Pier State
23 Park, Ellie Schiller Homosassa Springs Wildlife State Park, or
24 Weeki Wachee Springs State Park.

25 Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Jonathan Steverson

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: November 18, 2015

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: David Cullen

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: November 18, 2015

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Amy Datz

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: November 18, 2015

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Bob Fulford

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: November 18, 2015

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Philip Werndli

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: November 18, 2015

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Debbie Rumberger

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: November 18, 2015

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Brett Cyphers

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: November 18, 2015

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Roberto Beltran, Jr.

ANSWER: I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Environmental Preservation and Conservation

DATE: November 18, 2015

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18/15
Meeting Date

Bill Number (if applicable)

Topic Confirmation

Amendment Barcode (if applicable)

Name John Otker, son

Job Title Secretary

Address 3900 Common Wealth Blvd

Phone 845.2142

Street

Tallahassee FL 32399

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Department of Environmental Protection

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)

11-18-15
Meeting Date

Bill Number (if applicable)

Topic Confirmation of Sec. of DEP

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Environmental Scientist

Address 1130 Crestview Ave

Phone (850) 322-7599

Street

Tallahassee, FL

City

State

32303

Zip

Email AmalieDatz@

mac.on

Speaking: For Against Information

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

Representing Environmental Caucus of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

11/18/15
Meeting Date

Bill Number (if applicable)

Topic SEC. STEVENSON CONF. HRR

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title

Address 1674 UNIVERSITY PKWY # 296

Phone 941-323-2404

Street SARASOTA FL 34243
City State Zip

Email cullen@sea.org
out.com

Speaking: For Against Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes 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)

11/18/15

Meeting Date

Bill Number (if applicable)

Topic Confirmation of Secretary

Amendment Barcode (if applicable)

Name Phillip Weindli

Job Title _____

Address 1028 Apollo Beach Blvd. #3

Phone 850 519 8398

Street

Apollo Beach

FL

33572

Email pweindli@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Himself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____ Bill Number (if applicable) _____
Topic DEP Confirmation Amendment Barcode (if applicable) _____
Name ALBERT GREGORY

Job Title _____
Address 2019 WILDRIDGE DR. Phone 850-562-1586
Street
TALLAHASSEE FL 32303 Email albertgregory1@gmail.com
City State Zip

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

Representing Self

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

11-18-15
Meeting Date

Bill Number (if applicable)

Topic CONFIRM. SEC/DEP

Amendment Barcode (if applicable)

Name MIKE BULLOCK

Job Title RETIRED

Address 155 FOX RUN CIRCLE
Street

Phone (850) 519-1300

CRAWFORDVILLE FL 32327
City State Zip

Email EM BULLOCK@YAHOO.COM

Speaking: For Against Information

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

Representing SELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

11/18/15
Meeting Date

~~11/18/15~~ N/A
Bill Number (if applicable)

Topic Conspiration of Jon Steverson

Amendment Barcode (if applicable)

Name Debbie Harrison Rumberger

Job Title Legislatvie Liaison

Address 540 Beverly Court
Street

Phone 850-224-2545

City

State

Zip

Email lwvadvocacy@gmail.com

Speaking: For Against Information

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

Representing Florida League of Women Voters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

11-18-15

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

Meeting Date

Bill Number (if applicable)

Topic Jim Steveson's confirmation

Amendment Barcode (if applicable)

Name BOB FULFORD

Job Title Retired citizen

Address 231 WESTRIDGE DR

Phone 576-1617

Street

TALLAHASSEE

FL

Email: bobfulford@netally.com

City

State

Zip

Speaking: For Against Information

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

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18
Meeting Date

Bill Number (if applicable)

Topic Confirmation

Amendment Barcode (if applicable)

Name Prett Cyphers

Job Title Executive Director → Director

Address 81 Water Management Dr
Street
Havana FL 32333
City State Zip

Phone _____

Email _____

Speaking: For Against Information

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

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18/15
Meeting Date

Bill Number (if applicable)

Topic Confirmation

Amendment Barcode (if applicable)

Name Robert Beltran

Job Title Executive Director

Address 2379 Broad St.

Phone 800 4231476

Street

Brooksville FL 34604

City

State

Zip

Email robert.beltran@watermatters.org

Speaking: For Against Information

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

Representing SWFWMD

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18/15
Meeting Date

SB400
Bill Number (if applicable)

Topic SB400

Amendment Barcode (if applicable)

Name Andrew Ketchel

Job Title DEP Legislative Affairs Director

Address 3900 Commonwealth Blvd

Phone 245-2142

Street

Tallahassee

City

FL

State

32399

Zip

Email andrew.ketchel@

dep.state.fl.us

Speaking: For Against Information

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

Representing Dept. of Env. Protection

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/19/2015
Meeting Date

SB 400
Bill Number (if applicable)

Topic SB 400 - Chapter 28 Revisions

Amendment Barcode (if applicable)

Name Leonard Zeiler

Job Title Chief of Staff

Address 3900 Commonwealth

Phone 850 245 2012

Street

TLH

City

FL

State

32399

Zip

Email len.zeiler@

dep.state.fl.us

Speaking: For Against Information

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

Representing DEP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18/15
Meeting Date

400
Bill Number (if applicable)

Topic DEP REGRS.

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 UNIVERSITY BLVD #290 Phone 941.323.2434

Street

SARASOTA FL 34243

City

State

Zip

Email cullen@scad.com

Speaking: For Against Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11-18-2015

Meeting Date

400

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email _____

Speaking: For Against Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18/15

Meeting Date

400

Bill Number (if applicable)

Topic Senate Bill 400

Amendment Barcode (if applicable)

Name Phillip Weindt

Job Title _____

Address 1028 Apollo Beach Blvd. #3
Street

Phone 850 519 8398

Apollo Beach FL 33572
City State Zip

Email pweindt@gmail.com

Speaking: For Against Information

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

Representing himself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Should be
570

11/18/15

Meeting Date

Bill Number (if applicable)

Topic state parks

Amendment Barcode (if applicable)

Name Julie Wraithmell

Job Title Dir. Wildlife Conservation

Address 308 N. Monroe St

Phone 850 339-5009

Street

Tulla 32301

Email jwraithmell@audubon.org

City

State

Zip

Speaking: For Against Information

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

Representing Audubon FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18

Meeting Date

534

Bill Number (if applicable)

Topic Water / Wastewater by Hays

Amendment Barcode (if applicable)

Name Chris Hansen

Job Title Ballard Partners

Address _____

Phone 577-0444

Street

Tallahassee FL 32302

City

State

Zip

Email Chansen@ballardfl.com

Speaking: For Against Information

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

Representing Florida Rural Water Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11-18-2015

Meeting Date

534

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email _____

Speaking: For Against Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11-18-2015
Meeting Date

546
Bill Number (if applicable)

Topic Sale or Exchange of Lands

Amendment Barcode (if applicable)

Name Steven Morris

Job Title Governmental Affairs + Communications Director

Address 9225 CR 49
Street

Phone 386.362.1001

Live Oak FL 32060
City State Zip

Email SAM@SRUMD.org

Speaking: For Against Information

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

Representing Suwannee River Water Management District

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

11/18/15

Meeting Date

546

Bill Number (if applicable)

Topic SB 546 - Surplus Lands

Amendment Barcode (if applicable)

Name Colleen Thayer

Job Title Public Affairs Bureau Chief

Address 2379 Broad St

Phone 941 377 3722

Street

Brooksville FL 34604

City

State

Zip

Email colleen.thayer@watermatters.org

Speaking: For Against Information

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

Representing SWFWMD

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

11/17/2015

Meeting Date

570

Bill Number (if applicable)

Topic SB 570 - State Park Entrance Fee Holiday

Amendment Barcode (if applicable)

Name Marianne Moran

Job Title Director of Government Relations

Address

Phone 202-285-3004

Street

Tallahassee

FL

32303

City

State

Zip

Email Marianne.Moran@tnc.org

Speaking: For Against Information

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

Representing The Nature 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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11-18-2015

Meeting Date

570

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email _____

Speaking: For Against Information

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

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/18/15
Meeting Date

570
Bill Number (if applicable)

Topic STATE PARKS ENTR. FEES

Amendment Barcode (if applicable)

Name DAVID COLLEN

Job Title

Address 1674 UNIVERSITY PKWY #296

Phone 941-323-3444

Street

SARASOTA

FL

34243

Email collen@spca.org
cam

City

State

Zip

Speaking: For Against Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/18/15
Meeting Date

570
Bill Number (if applicable)

Topic state parks

Amendment Barcode (if applicable)

Name Julie Wraithmell

Job Title Dir Wildlife Cons.

Address 308 N. Monroe St.
Street

Phone 850 339 5001

Tulla. FL 32301
City State Zip

Email jwraithmell@audubon.org

Speaking: For Against Information

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

Representing Audubon FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Environmental Preservation and Conservation Committee

Judge:

Started: 11/18/2015 2:02:55 PM

Ends: 11/18/2015 3:37:04 PM

Length: 01:34:10

2:02:54 PM Meeting called to order
2:03:03 PM roll call
2:03:11 PM quorum present
2:04:47 PM SB 400 Sen. Hays Presenting
2:05:58 PM Amendment 441256 Presented by Sen. Hays
2:06:34 PM Amendment closed by Sen Hays
2:06:48 PM Amendment passes
2:07:09 PM FL Dept of Environmental Protection Cullen
2:07:59 PM Div Wildlife Conservation
2:08:14 PM David Cullen Sierra Club FL
2:09:18 PM Phillip Weindl
2:10:10 PM Brian Pitts Justice -2- Jesus
2:14:28 PM Soto with question for DEP
2:15:47 PM Soto with series of questions
2:16:21 PM Sen. Hays recognized to close on the bill as amended
2:17:00 PM Roll call on SB 400
2:17:33 PM SB 400 reported favorably
2:17:46 PM SB 534 Presented by Sen. Hays
2:19:12 PM Sen. Hays presents amendment #766628
2:20:14 PM Sen. Hays closes on the amendment
2:20:40 PM Amendment is adopted
2:20:47 PM Amendment #335606 Presented by Sen Hays
2:21:01 PM Sen. Hays closes on the amendment
2:21:26 PM Amendment is adopted
2:21:34 PM Senator Hays presents amendment #378164
2:21:50 PM Sen. Hays closes on the amendment
2:22:07 PM Amendment adopted
2:22:21 PM Chris Hansen with FL Rural Water Assoc.
2:22:42 PM Brian Pitts with Justice-2-Jesus
2:23:32 PM Sen. Hays recognized to close on bill as amended
2:24:33 PM Roll call on SB 534
2:24:41 PM SB 534 reported favorably
2:24:52 PM John Steverson called forth to be sworn in
2:25:46 PM John Steverson addresses the committee
2:32:44 PM Soto with question
2:33:45 PM Steverson response
2:34:05 PM Soto with follow-up question
2:34:31 PM Steverson response
2:34:43 PM Soto with follow-up question
2:35:18 PM Steverson response
2:35:26 PM Soto with another question
2:36:26 PM Steverson response
2:36:48 PM Soto with follow-up question
2:37:40 PM Steverson response
2:37:46 PM Soto clarification of question
2:37:58 PM Steverson response
2:38:03 PM Sen. Smith with question
2:38:30 PM Steverson response
2:38:46 PM Sen. Smith with follow-up question
2:39:17 PM Steverson response
2:39:49 PM Sen. Smith with another question
2:40:39 PM Steverson response

2:40:53 PM Sen. Hays with a question
2:41:32 PM Steverson response
2:42:33 PM Sen. Hays with follow-up
2:43:28 PM Sen. Dean with question
2:44:01 PM Steverson response
2:44:13 PM Sen. Altman question
2:45:08 PM Steverson response
2:45:47 PM Sen. Altman with follow-up
2:46:23 PM Sen. Hays with correction/ comment
2:46:41 PM Sen. Altman with follow-up
2:47:14 PM Steverson response
2:47:38 PM Amy Datz sworn in to speak about Jon Steverson
2:49:47 PM David Cullen with the Sierra Club of Florida sworn in
2:51:36 PM Phillip Werndli sworn in and recognized to speak
2:56:11 PM Sen. Dean limits appearance speakers to about 2 minutes
2:57:12 PM Sen. Altman with procedure question
2:57:24 PM Sen. Dean with response
2:57:31 PM Albert Gregory waives in support
2:57:56 PM Mike Bullock waives in support
2:58:23 PM Debbie Rumberger sworn in to speak
3:00:07 PM Bob Fulford sworn in and recognized to speak
3:01:59 PM Mr. Steverson response to speakers
3:02:42 PM Motion to recommend confirmation by Sen. Hays
3:03:09 PM Seconded by Sen. Evers
3:03:19 PM Sen. Smith asks if they will debate the confirmation
3:03:39 PM Sen. Dean closes debate
3:03:49 PM Roll called
3:03:55 PM The confirmation is recommended favorably
3:04:16 PM Brett Cyphers Exec. Member of NW FL Water Mgmt District sworn in
3:04:48 PM Motion by Sen. Evers to recommend confirmation
3:05:28 PM Roll called
3:05:32 PM Confirmation recommended favorably
3:05:41 PM Sen. Soto wants to be recognized as voting in affirmative on SB 534
3:06:15 PM Roberto Beltran sworn in and recognized as appointee for Exec. Director of SW FL
3:06:53 PM Sen. Simpson motions to recommend confirmation
3:07:13 PM Roll called
3:07:16 PM Confirmation is recommended favorably
3:07:45 PM Chair recommends one vote for remaining apointees
3:08:04 PM Sen. Soto with a question
3:08:37 PM Sen. Soto comments
3:09:07 PM Sen. Dean explains procedure
3:09:19 PM Sen. Soto just clarifies his comment
3:09:35 PM Sen. Smith would like to be associated with Soto's comment
3:09:49 PM Sen. Evers with a comment
3:10:12 PM Motion by Sen. Simpson to recommend confirmation of remaining appointees
3:10:38 PM Roll called
3:10:41 PM Confirmations are recommended favorably
3:11:00 PM Sen. Simpson presents SB 546
3:11:13 PM Sen. Simpson presents amendment #546530
3:11:40 PM Sen. Simpson closes on amendment
3:12:11 PM Amendment adopted
3:12:23 PM Steven Minnis waives in support
3:12:41 PM Sen. Simpson closes on bill as amended
3:13:01 PM Roll called
3:13:04 PM SB 546 reported favorably
3:13:11 PM Senator Simpson recognizes Sen. Dean to explain SB 570
3:14:44 PM Sen. Soto has a question on the bill
3:15:44 PM Sen. Dean responds
3:15:50 PM Sen. Soto with follow-up question
3:16:40 PM Sen. Dean response
3:16:50 PM Sen. Soto with follow-up
3:17:01 PM Sen. Dean response

3:17:12 PM Sen. Altman with a question
3:17:39 PM Sen. Dean response
3:17:44 PM Sen. Altman with question
3:17:54 PM Sen. Dean response
3:18:00 PM Sen. Evers with question
3:18:44 PM Sen. Dean with response
3:18:51 PM Sen. Hays with question
3:19:03 PM Sen. Dean with response
3:19:26 PM Amendment #823518 presented by Sen. Dean
3:20:09 PM Sen. Dean recognized to close on the amendment
3:20:35 PM Amendment is adopted
3:20:45 PM Julie Wraithmell with Audubon FL recognized
3:23:32 PM David Cullen with Sierra Club Florida recognized
3:24:49 PM Sen. Hutson motions to have his affirmative votes for appointees recognized
3:25:49 PM Brian Pitts with Justice-2-Jesus recognized to speak
3:27:20 PM Marianne Moran with the Nature Conservancy recognized to speak
3:28:28 PM Sen. Smith recognized to speak
3:29:28 PM Sen. Soto recognized to speak
3:29:58 PM Sen. Simmons recognized to speak
3:32:23 PM Sen. Altman recognized to speak
3:34:01 PM Sen. Hutson recognized to speak
3:35:01 PM Sen. Dean recognized to close on the bill as amended
3:35:42 PM Roll called on SB 570
3:36:07 PM SB 570 reported favorably
3:36:28 PM Sen. Simmons moves to adjourn