

Tab 2	SB 50 by Garcia ; Identical to H 00371 Nature-based Methods for Improving Coastal Resilience					
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Tab 3	SB 56 by Garcia (CO-INTRODUCERS) Leek ; Identical to H 00477 Weather Modification Activities					
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253362	A	S	RCS	EN, Garcia	Delete L.33 - 73:	02/11 01:44 PM
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Tab 4	SB 200 by Berman ; Identical to H 00295 Comprehensive Waste Reduction and Recycling Plan					
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Tab 6	SPB 7000 by EN ; OGSR/Site-specific Location Information for Endangered and Threatened Species					
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Tab 7	SB 62 by Rodriguez ; Similar to H 00143 Resilient Buildings					
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737514	A	S	RCS	EN, Rodriguez	Delete L.203 - 249:	02/11 01:59 PM
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Tab 8	SB 80 by Harrell (CO-INTRODUCERS) Bradley, Smith, Gaetz ; Identical to H 00209 State Land Management					
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143920	A	S	RCS	EN, Harrell	Delete L.330 - 373:	02/11 01:32 PM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Rodriguez, Chair
Senator Ingoglia, Vice Chair

MEETING DATE: Tuesday, February 11, 2025

TIME: 11:00 a.m.—1:00 p.m.

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

MEMBERS: Senator Rodriguez, Chair; Senator Ingoglia, Vice Chair; Senators Arrington, Avila, Brodeur, DiCeglie, Harrell, Polsky, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentations by the Florida Fish and Wildlife Conservation Commission on: Gopher tortoises Wild animal diseases and conditions The Keys National Marine Sanctuary		Presented
2	SB 50 Garcia (Identical H 371)	Nature-based Methods for Improving Coastal Resilience; Requiring the Florida Flood Hub for Applied Research and Innovation at the University of South Florida College of Marine Science to develop design guidelines and standards for green and gray infrastructure and models for conceptual designs of green infrastructure and green-gray infrastructure; requiring the Department of Environmental Protection to adopt rules for nature-based methods for coastal resilience; requiring the department, in consultation with the Division of Insurance Agent and Agency Services of the Department of Financial Services, to conduct a statewide feasibility study regarding the value of nature-based methods being used for a specified purpose, etc. EN 02/11/2025 Favorable AEG RC	Favorable Yeas 9 Nays 0
3	SB 56 Garcia (Identical H 477)	Weather Modification Activities; Repealing provisions relating to the definitions, purpose, licensing requirements, applications, proof of financial responsibility requirements, license issuance and discipline provisions, publication of notice of intention to operate requirements, required contents of the notice of intention, publication of the notice of intention requirements, proof of publication requirements, record and reports of operations requirements, provision of emergency licenses, and suspension or revocation of licenses, respectively, of the weather modification law; prohibiting certain acts intended to affect the temperature, the weather, or the intensity of sunlight within the atmosphere of this state, etc. EN 02/11/2025 Fav/CS CJ RC	Fav/CS Yeas 6 Nays 3

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Tuesday, February 11, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 200 Berman (Identical H 295, Compare H 189)	Comprehensive Waste Reduction and Recycling Plan; Requiring the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan for this state by a specified date, based on certain department recommendations; requiring the department to create and convene a technical assistance group for a specified purpose; requiring the department to submit a report to the Legislature upon completion of the comprehensive plan, etc. EN 02/11/2025 Favorable AEG FP	Favorable Yeas 9 Nays 0
5	Consideration of proposed bill:		
6	SPB 7000	OGSR/Site-specific Location Information for Endangered and Threatened Species; Amending a provision which provides an exemption from public records requirements for site-specific location information for endangered and threatened species; removing the scheduled repeal of the exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 9 Nays 0
7	SB 62 Rodriguez (Similar H 143)	Resilient Buildings; Defining the term “resilient building”; specifying that owners of resilient buildings are eligible to receive a specified tax credit; requiring building owners to file a specified application with the Department of Environmental Protection by a specified date in order to claim such tax credit; creating the Florida Resilient Building Advisory Council adjunct to the Department of Environmental Protection, etc. EN 02/11/2025 Fav/CS FT AP	Fav/CS Yeas 9 Nays 0
8	SB 80 Harrell (Identical H 209)	State Land Management; Citing this act as the “State Park Preservation Act”; requiring public hearings for all updated conservation and nonconservation land management plans; requiring the Division of Recreation and Parks of the Department of Environmental Protection to comply with specified provisions when granting certain privileges, leases, concessions, and permits; requiring that individual management plans for parcels located within state parks be developed with input from an advisory group, etc. EN 02/11/2025 Fav/CS AEG FP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA
Environment and Natural Resources
Tuesday, February 11, 2025, 11:00 a.m.—1:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	Other Related Meeting Documents		

Overview of Gopher Tortoise Relocation



Senate Committee on Environment and Natural Resources
Chief Conservation Officer George Warthen
February 11, 2025



Florida Fish and Wildlife Conservation Commission

Gopher Tortoise Biology and Habitat

- Can live up to 60 years
- Slow to mature and reproduce
- Occur in all 67 counties
- High, dry, and sandy places
- May use some disturbed habitats, such as pastures



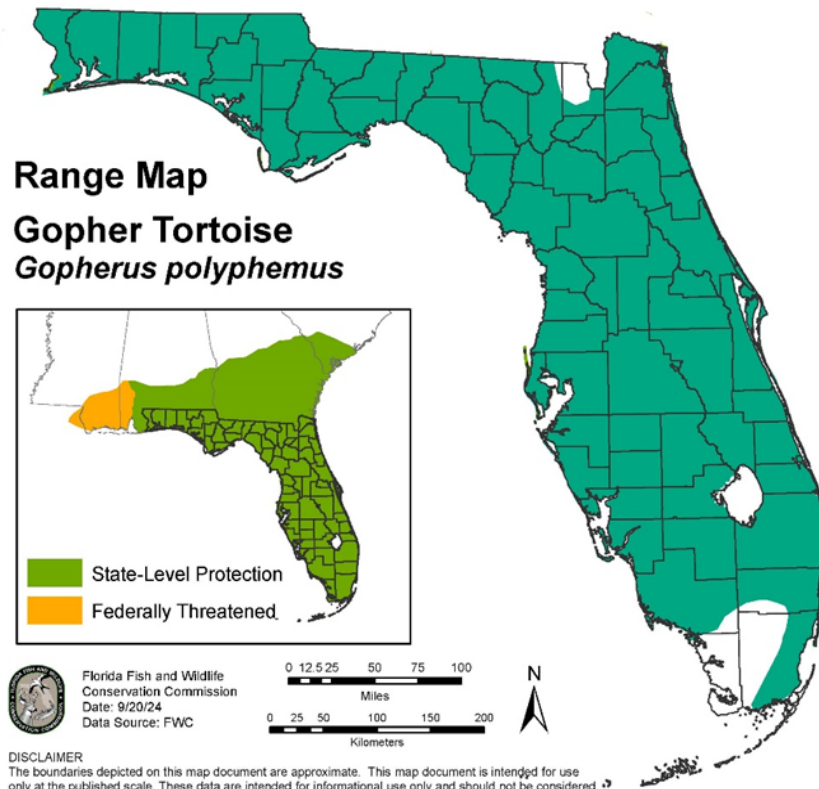


Burrows

- Average 7 feet deep and 15 feet long
- Use more than one burrow
- Protection from extremes in climate, fire, and predators
- Burrows are used by 350+ other species



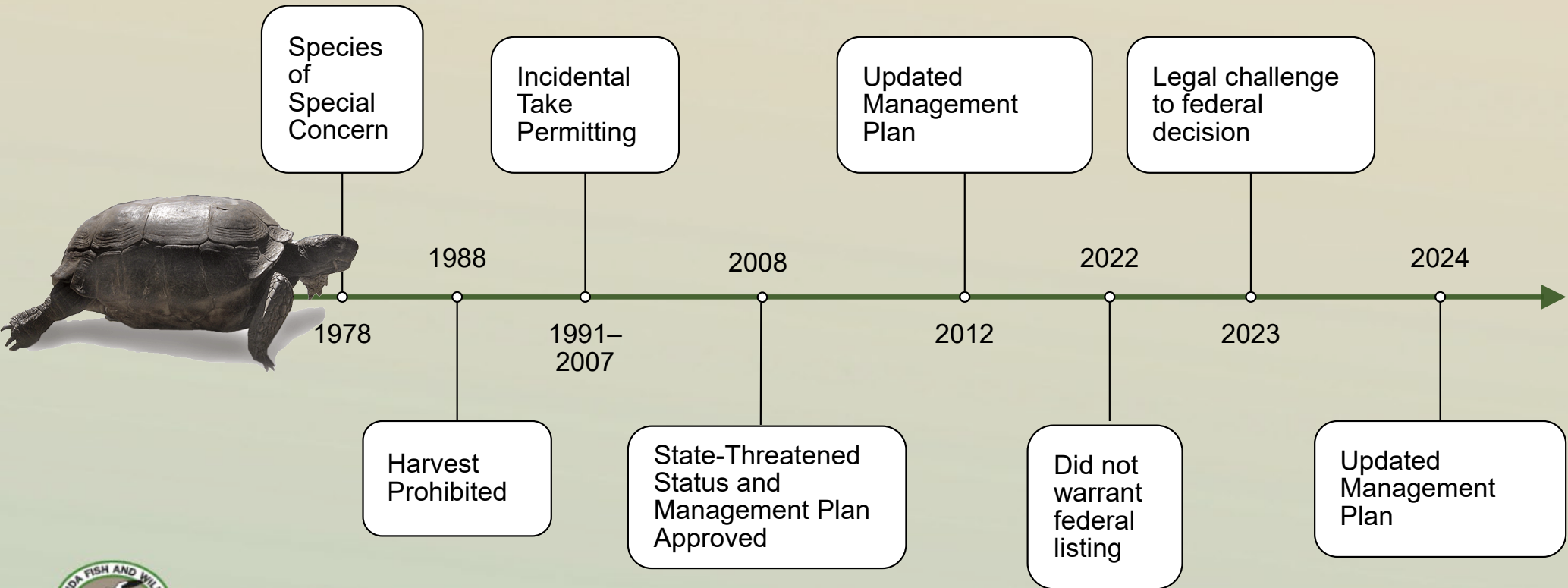
Gopher Tortoise Populations



- Largest remaining populations and habitat found in Florida
- 94 conservation lands surveyed since 2011
 - Approximately 100,000 tortoises on conservation lands
- Monitor populations for existing and emergent diseases
 - Upper respiratory tract disease and additional pathogens are found in Florida gopher tortoise populations



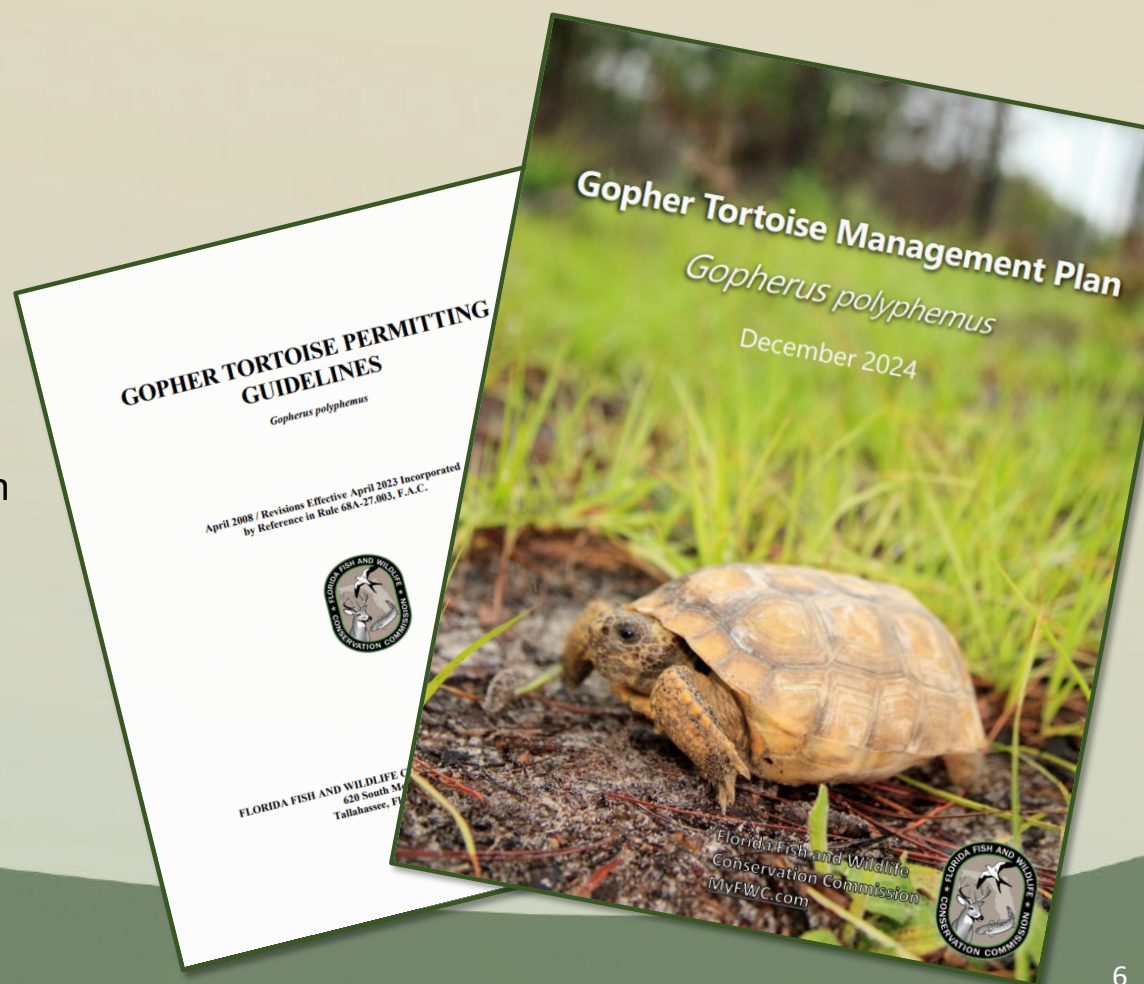
Conservation History and Status



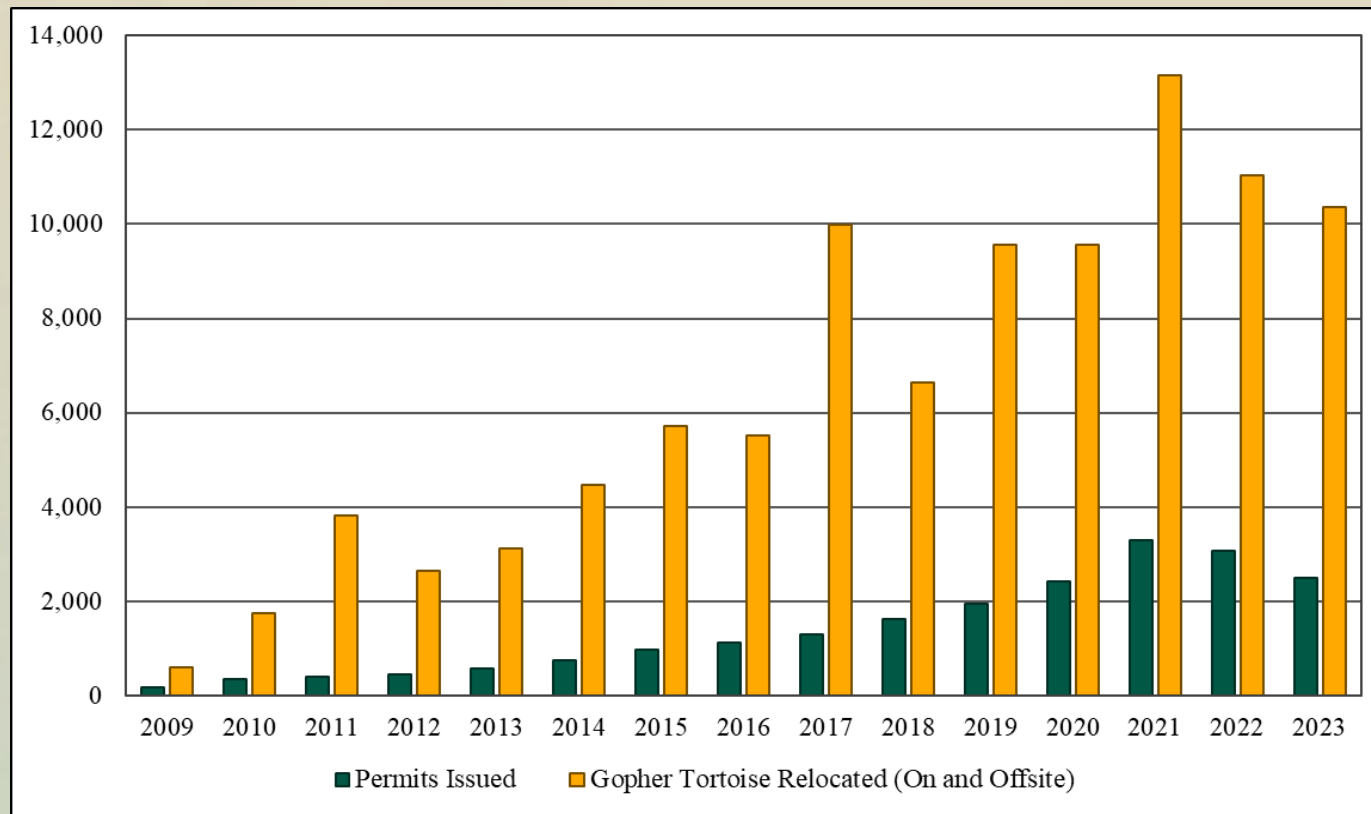
Permitting Guidelines have been updated 11 times in response to constituent needs and interests.

Management and Permitting

- Gopher Tortoise Management Plan
 - Guides conservation actions
- Gopher Tortoise Permitting Guidelines
- Relocation is an important tool for conservation
 - Permits require relocation of tortoises
 - Permit types include on and off-site relocation
 - Approximately **7,900** on-site relocation permits to date, approximately 17,200 tortoises
 - Approximately **14,500** off-site relocation permits to date, approximately 127,000 tortoises



Permitting Trends



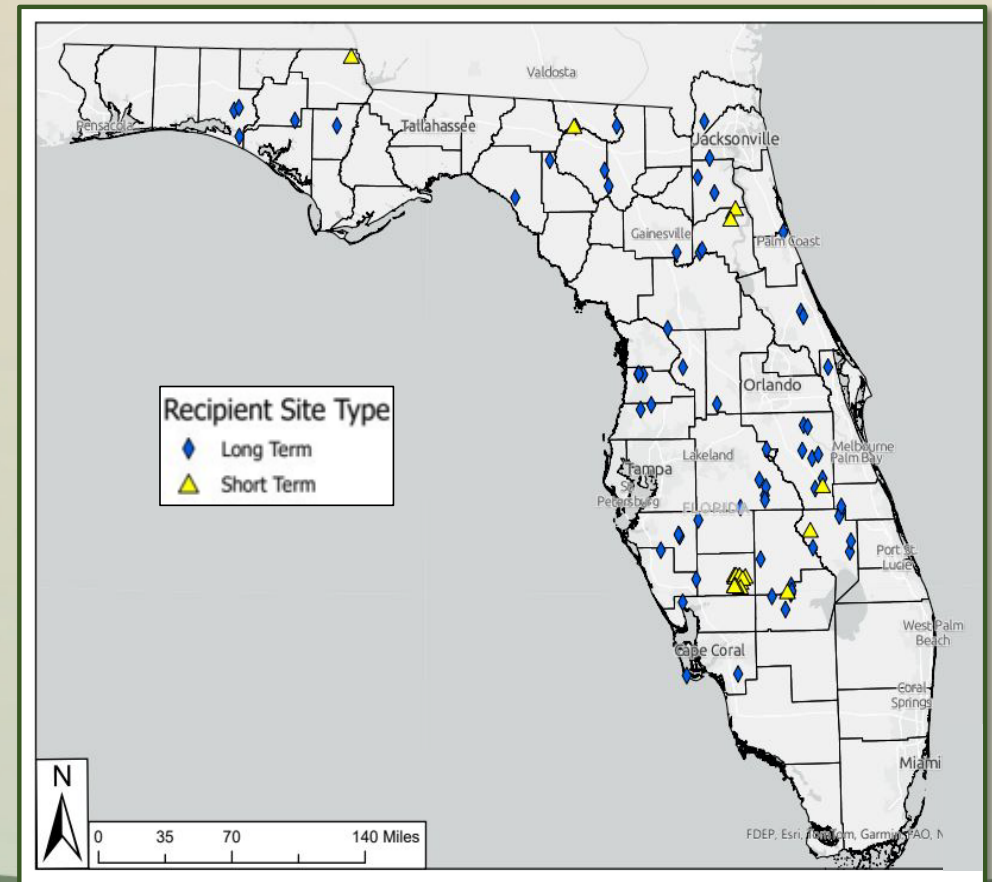
Conservation Permitting for Developing Lands

- Off-site relocation to protected sites
- Online permitting process
- Must reserve capacity at a recipient site as part of application
- 4,999 permits issued in 2023 and 2024
 - 13,862 tortoises relocated offsite
 - 2,454 relocated onsite



Recipient Site Program

- Located throughout the state
- Provide long-term conservation for tortoises and habitat
- Market-driven
- Permitted recipient sites provide:
 - Habitat management
 - Population monitoring
 - Legal protection
 - Long-term financial assurance



Recipient Site Enrollment

- 149 recipient sites enrolled
 - 124 private lands
 - 25 public lands
- 97,592 acres conserved
- Current capacity: 23,412 tortoises
- In 2023 and 2024:
 - 21 new recipient sites enrolled
 - **Added** capacity for 18,502 tortoises
- 65% of permitted tortoises are relocated



Current Conditions for Recipient Sites

Recipient Sites by the Numbers

- Current capacity: 23,412 tortoises
- 26 properties have applied and are under review
 - Capacity for 16,000 new tortoises
- 153 properties are in pre-application process

Program Improvements

- 2023 Guidelines update added new site types to increase enrollment
- Public lands evaluation
- New permitting system
- Added internal capacity and expertise



Thank You



Fish and Wildlife Disease Investigation and Surveillance

Senate Committee on Environment and Natural
Resources

Chief Conservation Officer George Warthen
February 11, 2025



FWC Fish and Wildlife Disease Investigation and Surveillance

- Focus on diseases impacting fish and wildlife populations and those impacting agriculture and/or human health



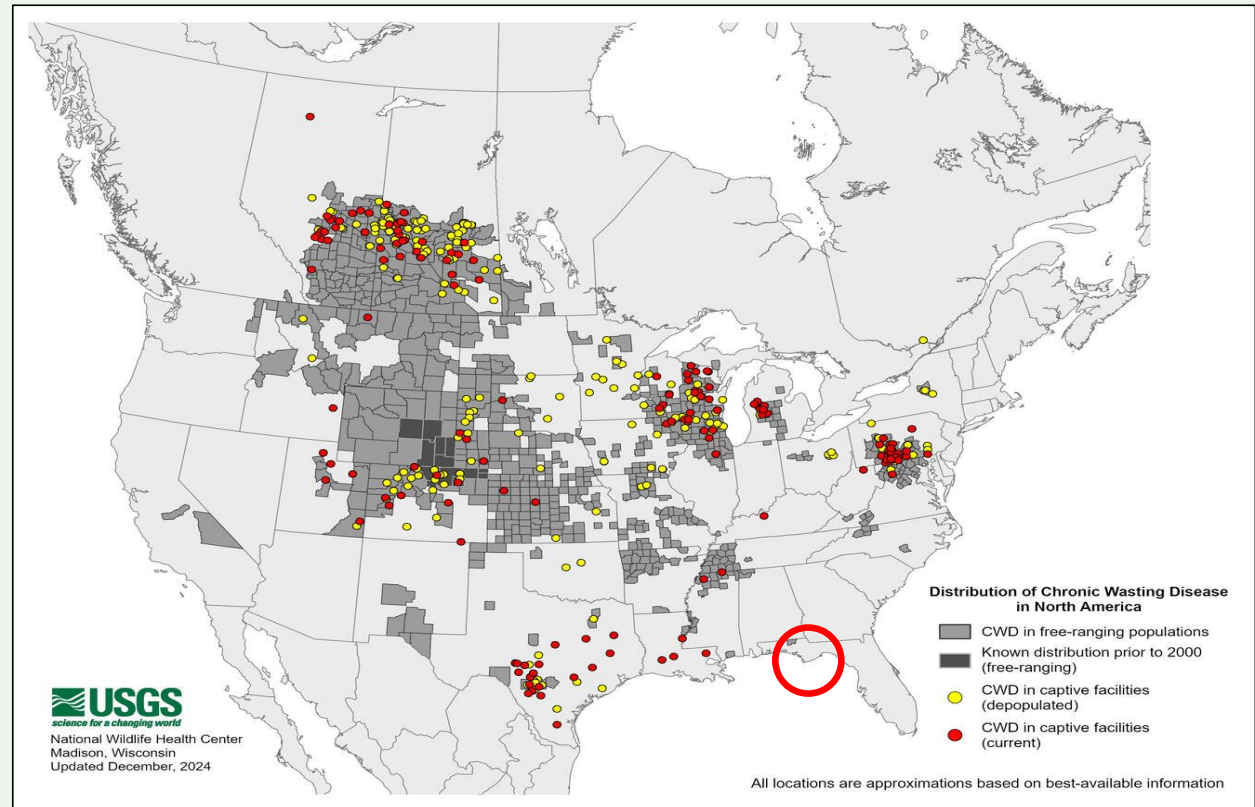
Chronic Wasting Disease (CWD)

- Cause: prion (misfolded protein)
- Affects deer family (Cervidae)
- Long incubation: 18–24 months; deer appear healthy until advanced stages
- Clinical signs: Weight loss, behavior changes, incoordination, death
- Always fatal; no developed cure
- Threat to deer populations



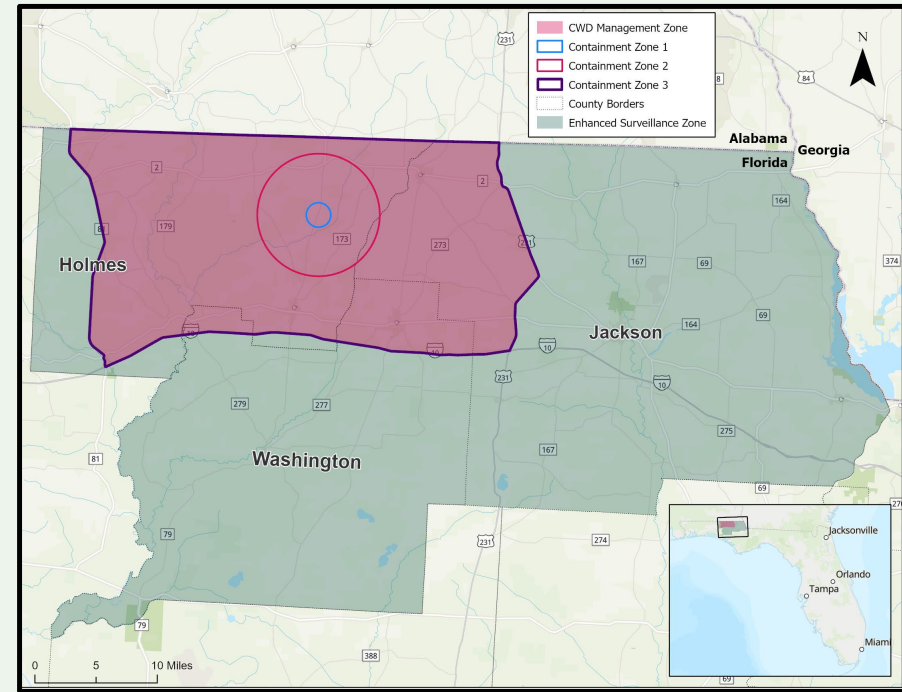
Known CWD Distribution (2024)

- CWD continues to spread in North America
- First positive Florida case in 2023



CWD detected in 2023

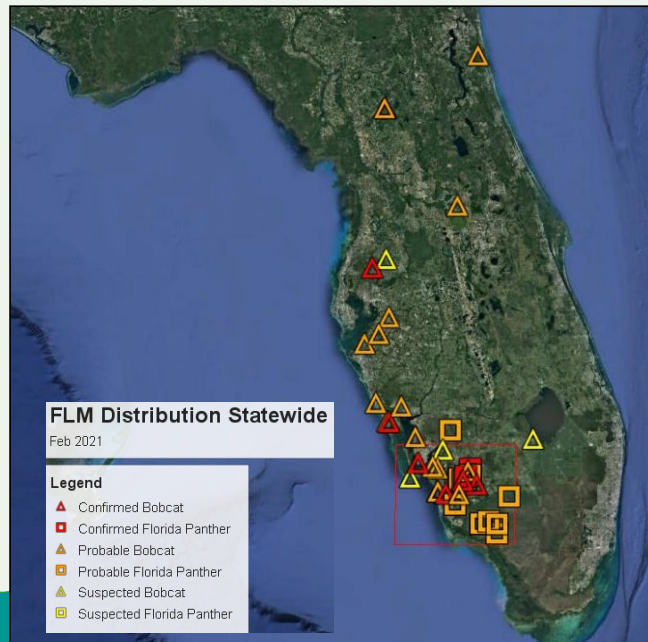
- Initial positive was road-killed adult doe with no outward CWD signs
- Holmes County; 6.4 miles south of Alabama line
- Implementation of joint FWC / FDACS CWD Response Plan with increased monitoring
- Regulations designed to limit spread



- 5,500 deer tested in FL since detection
- No additional positives

Feline Leukomyelopathy (FLM)

- 101 cases in bobcats/FL panthers
 - 26 Confirmed, 75 Probable
 - First case early 2017



No other species affected
Not detected in other states

FLM Challenges

- Does not cause direct mortality
 - Most cases examined months or years after exposure
 - Lesions chronic and non-specific
- Numerous possible causes
 - Toxin, virus, and/or nutritional deficiency
 - May be many factors
 - Evidence points to a toxin but no link between a specific toxin and FLM found to date
- Research priorities will focus on determining cause and assessing impact on populations



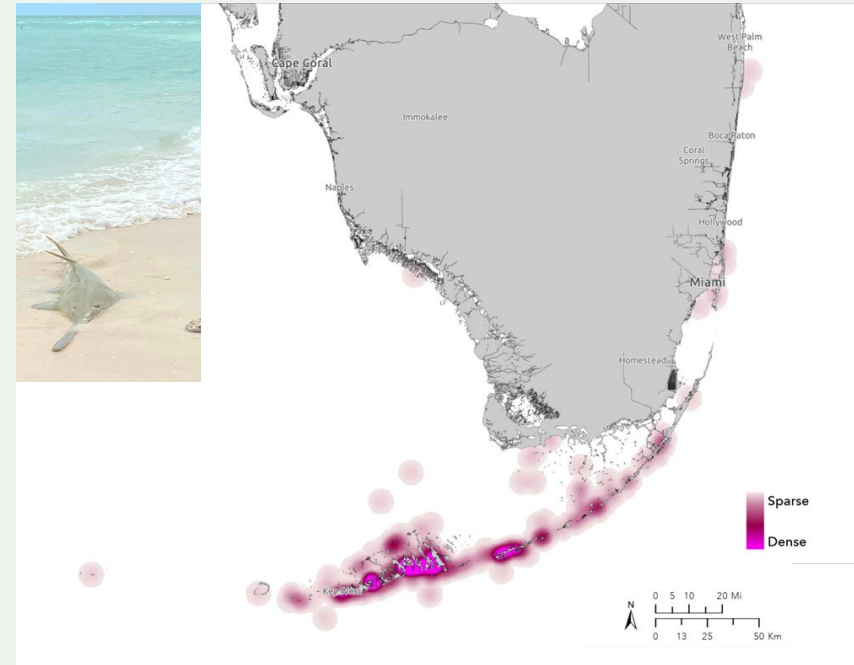
Abnormal Fish Behavior Observed in the Keys

- FWC began receiving reports of “spinning fish” in December 2023
- Multi-agency working group formed to investigate in January 2024
- First distressed smalltooth sawfish reported in January 2024



Scale and Scope of the Event

- Spinning behavior primarily observed in nearshore waters in middle, lower Keys through June 2024
- Greater than 80 species reported but no large-scale fish kills
- Greater than 50 large sawfish mortalities confirmed
- Only a few reports have been received this winter with no sawfish mortalities



Findings to Date

- No evidence of infectious disease (bacterial, viral, fungal, or parasitic)
- Fish had good body condition (not emaciated)
- Tests for more than 250 chemical pollutants in water were below levels expected to have biological effects
- Historical 14-year dataset showed an increase in concentrations of *Gambierdiscus*, an algae that produces toxins
- Algal toxins found in fish tissues, water, sediment, and on vegetation
- Similar brain lesions observed in bony fish and sawfish



Working Group Continues Investigation

- Members of the working group have collected hundreds of fish and water samples and will continue monitoring
- Legislative appropriation to FWC supports work with Bonefish and Tarpon Trust to coordinate efforts
- Working Group continues to investigate the role of harmful algae and their associated toxins



Public Participation is Critical

- Sawfish Hotline:
 - Sawfish sightings, including if any are in distress
 - Call (844-472-9347) or email (Sawfish@MyFWC.com)
- Fish Kill Hotline:
 - Abnormal behavior, fish disease, fish kills
 - Web form (MyFWC.com/ReportFishKill) or by phone (800-636-0511)
- Other FWC Reporting Avenues:
 - Wildlife Alert Hotline: 888-404-FWCC (888-404-3922)
 - Avian mortality web form: <https://app.myfwc.com/FWRI/AvianMortality/>



Questions?



Florida Keys National Marine Sanctuary



Senate Committee on Environment and Natural Resources

February 11, 2025

Chief Conservation Officer George Warthen



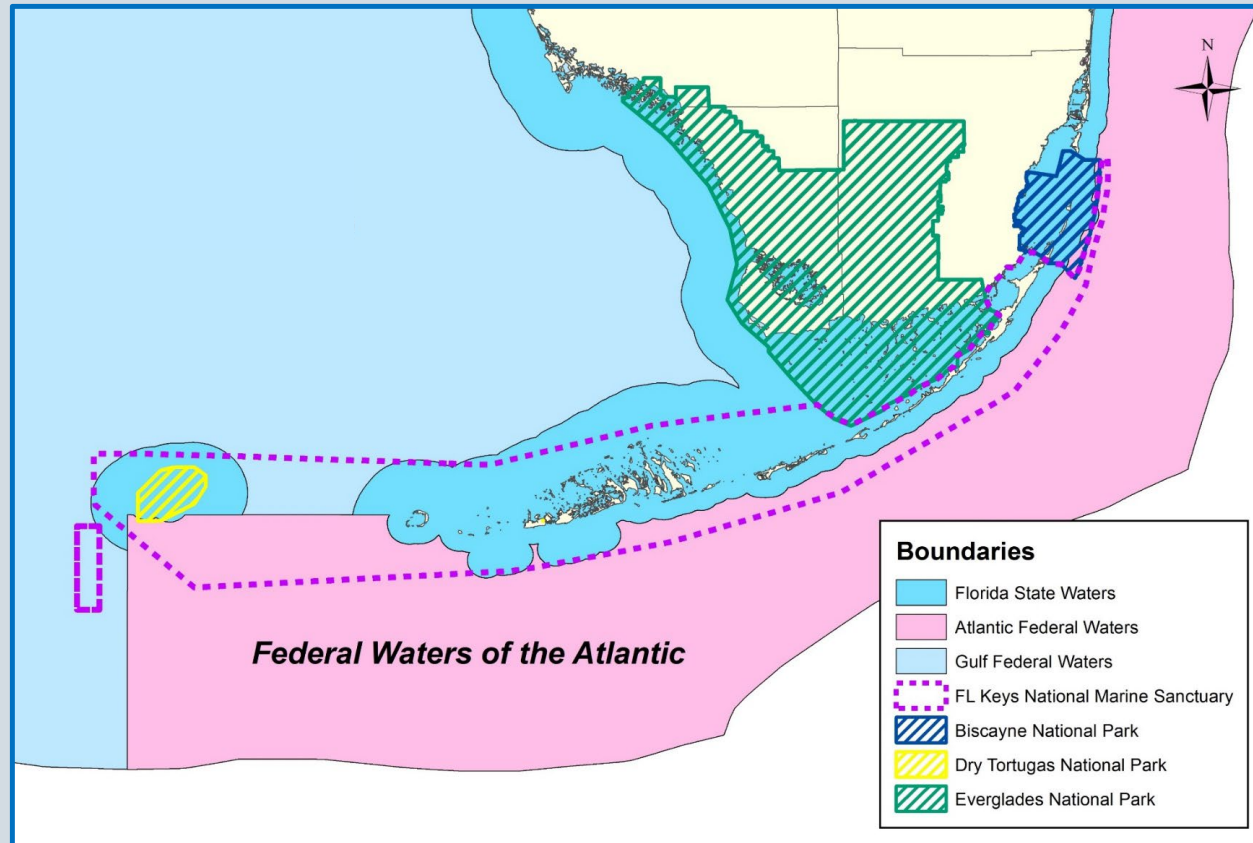
Florida Fish and Wildlife Conservation Commission

Florida Keys National Marine Sanctuary (FKNMS)

- Shared trusteeship of marine resources with state
 - 60% within state waters
 - FKNMS, FWC, and DEP
- FKNMS released Final Rule on 1/17/25
 - 45-day consecutive Congress review period for Governor
 - Governor objection authority



Multiple Management Authorities in South Florida



FKNMS Restoration Blueprint Final Rule

Agreement Between FWC and FKNMS

- Dozens of proposals to conserve habitat (e.g., corals, seagrass) and wildlife that minimize access impacts

Disagreement Between FWC and FKNMS in State Waters

- *Western Sambo Conservation Area* – zone expansion
- *Northeast Tarpon Belly Wildlife Management Area (WMA)* – new zone
- *Woman Key WMA* – zone expansion
- *Boca Grande Key WMA* – zone expansion
- *Catch-and-release fishing by trolling at Sand Key Sanctuary Preservation Area* – removal of existing fishing opportunities



Agreements between FWC, DEP, and FKNMS

5 agreements between State and FKNMS

- All agreements need updating as part of this review process
- Agreements unlikely to be finalized during 45-day review period
- Key agreements
 - Co-Trustees Agreement for Cooperative Management
 - Clarifies the relative jurisdiction, authority, and conditions of the State of Florida and NOAA in the co-trustee management of FKNMS
 - Protocol for Cooperative Fisheries Management
 - Clarifies the relative jurisdiction, authority, and conditions of the State of Florida and NOAA in the co-trustee management of FKNMS



Protocol for Cooperative Fisheries Management

Need for Updates

- Current version and authorities outdated (signed in 1997 by Marine Fisheries Commission)
 - Agreement in principle between FKNMS and FWC

Agency Signees

- FWC, Gulf and South Atlantic Councils, FKNMS (National Ocean Service), NOAA Fisheries

Process and Procedures

- Protocol only used for “pertinent fishing regulations”
- Defines “traditional fishing”
- Determines the lead rulemaking agency
 - State rulemaking: FWC in lead
 - Federal rulemaking: Councils or FKNMS in lead
 - Combined state/federal rulemaking: FWC in lead with Governor having veto power



FKNMS Next Steps

FKNMS Restoration Blueprint Final Rule

- Governor authority to veto any proposals in state waters of FKNMS by March 3, 2025
- FWC will provide recommendations to Governor



Update Management Agreements

FWC Rulemaking

- FWC will implement updates following Governor review



Top photo courtesy of Chris Parsons

APPEARANCE RECORD2/11/2025

Meeting Date

ENR

Committee

Deliver both copies of this form to
Senate professional staff conducting the meetingFKNMS / Gopher tortoise / Wildlife

Bill Number or Topic

Amendment Barcode (if applicable)

Name George Warthen Phone 850-481-9283Address 620 S. Meridian St Email george.warthen@myfwc.com
StreetTallahassee FL 32399
City State ZipSpeaking: ☐ For ☐ Against ☒ Information **OR** Waive Speaking: ☐ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☐ I am appearing without
compensation or sponsorship.☒ I am a registered lobbyist,
representing:FWC☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 50

INTRODUCER: Senator Garcia

SUBJECT: Nature-based Methods for Improving Coastal Resilience

DATE: February 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Favorable
2.			AEG	
3.			RC	

I. Summary:

SB 50 directs the Florida Flood Hub to:

- Develop guidelines and standards for optimal combinations of green and gray infrastructure to address sea level rise and the impact of storm surges; and
- Model the effects of green infrastructure on the state’s coastal resilience.

The bill also directs the Department of Environmental Protection (DEP) to adopt rules governing nature-based methods for improving coastal resilience. Among other things, the rules must:

- Encourage participation in mangrove replanting, hydrological restoration programs, and the restoration of oyster reefs, salt marshes, and coral reefs.
- Identify and monitor threats to mangroves and identify ways that new developments can avoid or mitigate their impacts on mangrove stands.
- Assist efforts to improve coastal resilience using green infrastructure, beach renourishment, dune restoration, living seawalls, shoreline and vegetation planting, stormwater planters, permeable pavements, and ecologically sound building materials.
- Identify vulnerable properties along the coastline and encourage partnerships with local governmental entities to create local protection and restoration zone programs.
- Assist in the development of workforce training, including flood and sea level rise research, prediction, and adaptation and mitigation strategies.
- Encourage green infrastructure projects through the Resilient Florida Grant Program.
- Create permitting incentives for certain green infrastructure projects.

The bill requires a statewide feasibility study and report to determine the value of nature-based methods for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments’ community ratings in the National Flood Insurance Program Community Rating System.

II. Present Situation:

Coastal Resilience, Green Infrastructure, and Nature-Based Solutions

Resilience is the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions.¹ Resilience planning includes preparing for hazard events, risk mitigation, and post-event recovery and should be proactive, continuous, and integrated into other community goals and plans.²

Green infrastructure and nature-based solutions are increasingly being integrated into resilience planning. Green infrastructure uses vegetation, soils, and natural processes to manage and treat stormwater runoff water, often in urban environments.³ The scale of green infrastructure ranges from urban installations, such as rain gardens and green roofs, to large tracts of undeveloped natural lands.⁴ The interconnected network of green infrastructure can enhance the resiliency of infrastructure and communities by increasing water supplies, reducing flooding, providing climate adaptability, and improving water quality.⁵

Similarly, nature-based solutions integrate natural features and processes into the built environment to promote adaptation and resilience and protect communities from natural hazards.⁶ Coastal nature-based solutions can stabilize shorelines, reduce erosion, and buffer coastal areas from the impacts of storms, sea level rise, and flooding.⁷ Examples of green infrastructure and nature-based solutions include:

- Conserving existing natural systems like dunes, wetlands, floodplains, and forests;
- Tree canopy preservation and land conservation;
- Floodplain and marsh restoration;
- Bioretention (e.g., planter boxes, bioswales, rain gardens, green roofs);
- Green streets and permeable pavement; and
- Living shorelines.⁸

¹ Federal Emergency Management Agency (FEMA), *National Risk Index: Community Resilience*, <https://hazards.fema.gov/nri/community-resilience> (last visited Feb. 7, 2025).

² National Institute of Standards and Technology, U.S. Dep't of Commerce, *Community Resilience Planning Guide for Buildings and Infrastructure Systems*, 1 (2016), available at <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1190v1.pdf>.

³ U.S. Environmental Protection Agency (EPA), *Improving Community Resiliency with Green Infrastructure*, 1 (2014), available at https://www.epa.gov/sites/default/files/2014-06/documents/gi_resiliency.pdf.

⁴ *Id.*

⁵ *Id.*

⁶ FEMA, *FEMA Resources for Climate Resilience*, 5 (2021), available at https://www.fema.gov/sites/default/files/documents/fema_resources-climate-resilience.pdf; FEMA, *Nature-Based Solutions: Before, During, and After Disasters*, <https://www.fema.gov/emergency-managers/risk-management/future-conditions/nature-based-solutions> (last visited Feb. 7, 2025).

⁷ FEMA, *Nature-Based Solutions: Before, During, and After Disasters*, <https://www.fema.gov/emergency-managers/risk-management/future-conditions/nature-based-solutions>. See generally EPA, *Climate Resiliency and Green Infrastructure*, <https://www.epa.gov/green-infrastructure/climate-resiliency-and-green-infrastructure> (last visited Feb. 7, 2025); EPA, *Green Infrastructure Opportunities that Arise During Municipal Operations*, 1 (2015), available at https://www.epa.gov/sites/default/files/2015-09/documents/green_infrastructure_roadshow.pdf.

⁸ National Climate Task Force, *Federal Flood Standard Support Tool: Nature-Based Solutions*, <https://floodstandard.climate.gov/pages/nature-based-solutions> (last visited Feb. 7, 2025); EPA, *Types of Green Infrastructure*, <https://www.epa.gov/green-infrastructure/types-green-infrastructure> (last visited Feb. 7, 2025).



Stormwater Planter, Permeable Pavement, Living Shoreline, and Bioretention⁹

Living Shorelines and Seawalls

A living shoreline is a nature-based solution that consists of strategically placing natural materials such as plants and stones along a coastal edge.¹⁰ Living shorelines promote and rely on the growth of natural vegetation over time to help reduce erosion, increase resiliency, and filter runoff.¹¹ This natural infrastructure helps maintain the shoreline ecosystem while being an innovative coastal management technique.¹² Research indicates that living shorelines are more resilient than bulkheads in protecting against the effects of hurricanes.¹³

A living seawall is designed to encourage underwater habitats and usually consists of naturalistic concrete, rock, and/or shell structures designed to attract fish, oysters, and other living things, absorb wave energy without causing erosion, and improve aesthetics.¹⁴

⁹ EPA, *Types of Green Infrastructure*, <https://www.epa.gov/green-infrastructure/types-green-infrastructure> (last visited Feb. 7, 2025).

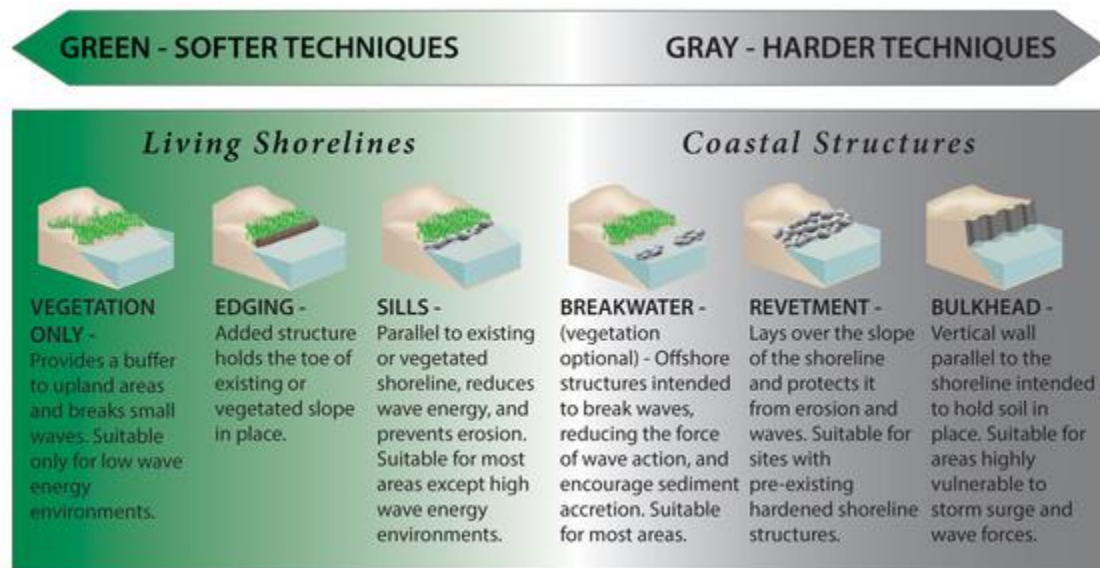
¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ National Oceanic and Atmospheric Administration (NOAA), *What is a living shoreline?*, <https://oceanservice.noaa.gov/facts/living-shoreline.html> (last visited Feb. 7, 2025). See also NOAA, *Understanding Living Shorelines*, <https://www.fisheries.noaa.gov/insight/understanding-living-shorelines#what-is-a-living-shoreline> (last visited Feb. 7, 2025).

¹⁴ Mote Marine Laboratory and Aquarium, *Mote scientists to study Sarasota's new 'living seawall,'* <https://mote.org/news/mote-scientists-to-study-sarasotas-new-living-seawall/> (last visited Feb. 7, 2025). See also Port of San Francisco, *Living Seawall Pilot*, <https://www.sfport.com/wrp/living-seawall> (last visited Feb. 7, 2025).



Mangroves

Florida's estimated 600,000 acres of mangrove forests contribute to the overall health of the state's southern coastal zone and beyond.¹⁵ Mangroves stabilize coastlines, slow the movement of tides, store carbon, and help protect against erosion and damage from storm surges.¹⁶ According to one study by the Nature Conservancy, mangroves prevented \$1.5 billion in direct flood damages and protected over half a million people in Florida during Hurricane Irma in 2017, reducing damages by nearly 25 percent in counties with mangroves.¹⁷ In Collier County, some regions immediately behind the county's mangroves receive annual risk reduction benefits of over \$1 million.¹⁸ Another study found that without the mangroves on Florida's coast, the storm surge of Hurricane Wilma would have extended up to 70 percent further inland.¹⁹

¹⁵ DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves> (last visited Feb. 7, 2025).

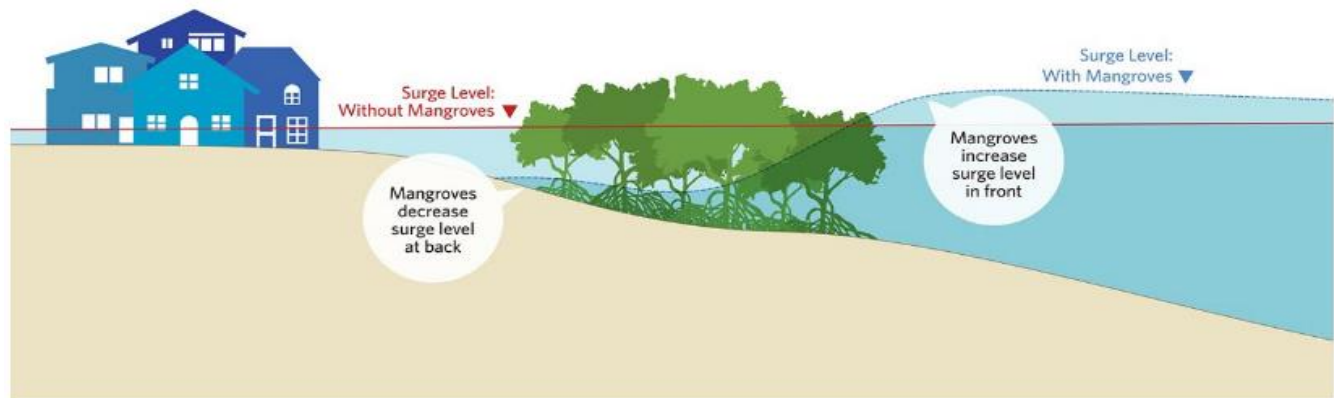
Mangroves are gaining ground along their northern Florida habitat limits, and as winter cold snaps decrease, mangroves are expected to expand further north into new territory. Kristen Minogue & Heather Dewar, Smithsonian Environmental Research Center, *With Fewer Hard Frosts, Tropical Mangroves Push North*, 1 (2013), available at <https://sercblog.si.edu/with-fewer-hard-frosts-tropical-mangroves-push-north/>.

¹⁶ NASA, *Mangroves Are Losing Their Resilience*, <https://landsat.gsfc.nasa.gov/article/mangroves-are-losing-their-resilience/> (last visited Feb. 7, 2025). See also, DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves>; NASA, *NASA Study Maps the Roots of Global Mangrove Loss*, available at <https://www.nasa.gov/feature/goddard/2020/nasa-study-maps-the-roots-of-global-mangrove-loss>. Mangroves reduce wave heights by 31 percent on average. Siddharth Narayan et al., *The Effectiveness, Costs and Coastal Protection Benefits of Natural and Nature-Based Defenses*, Plos One, 4 (2016), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0154735>.

¹⁷ Siddharth Narayan et al., *The Nature Conservancy, Valuing the Flood Risk Reduction Benefits of Florida's Mangroves*, 2, available at https://www.nature.org/content/dam/tnc/nature/en/documents/Mangrove_Report_digital_FINAL.pdf.

¹⁸ *Id.* at 10. Worldwide, mangroves reduce risk to more than 15 million people and prevent more than \$65 billion in property damages each year. Tiffany Duong, World Economic Forum, *Why planting mangroves can help save the planet* (2021), available at <https://www.weforum.org/agenda/2021/08/planting-mangroves-helps-the-planet/>.

¹⁹ Keqi Zhang et al., *The role of mangroves in attenuating storm surges*, Estuarine, Coastal and Shelf Science, vols. 102-103, 11, 23 (2012), available at <https://www.sciencedirect.com/science/article/abs/pii/S0272771412000674>.



MANGROVE BENEFITS Surge is reduced behind mangroves, helping ease flooding to land and properties. © The Nature Conservancy

The amount of protection afforded by mangroves depends on the width of the forest. A narrow fringe of mangroves offers limited protection, while a wide fringe can considerably reduce wave and flood damage to landward areas by enabling overflowing water to be absorbed into the expanse of forest.²⁰ Notably, the Legislature has found that many areas of mangroves in Florida occur as narrow riparian fringes that do not provide all the functions of mangrove forests or provide such functions to a lesser degree.²¹

Mangroves also play an important ecological role as a habitat for various species of marine and estuarine vertebrates, invertebrates, and other wildlife,²² including endangered and threatened species such as the manatee, hawksbill sea turtle, American crocodile, Key deer, and Florida panther.²³ Mangrove branches act as bird rookeries and nesting areas for coastal wading birds, and their intricate root systems provide critical nursery habitats for fish, crustaceans, shellfish, and other marine life.²⁴ The roots also make ideal underwater perches for barnacles, oysters, crabs, and other marine organisms.²⁵ These organisms provide food for juvenile fish, birds, reptiles, and other wildlife.²⁶ Florida's important recreational and commercial fisheries would drastically decline without healthy mangrove forests.²⁷

Human activities such as coastal development are responsible for destroying more mangrove forests worldwide than any other type of coastal habitat.²⁸ Climate change, which results in higher sea levels and more intense droughts and storms, could increase the rate of mangrove loss.²⁹

²⁰ *Id.*

²¹ Section 403.9322(3), F.S.

²² Section 403.9322(2), F.S.

²³ Florida Museum, University of Florida, *South Florida Aquatic Environments: Mangrove Life*, <https://www.floridamuseum.ufl.edu/southflorida/habitats/mangroves/mangrove-life/> (last visited Feb. 7, 2025).

²⁴ *Id.*; DEP, *Florida's Mangroves*; Tiffany Duong, World Economic Forum, *Why planting mangroves can help save the planet* (2021), available at <https://www.weforum.org/agenda/2021/08/planting-mangroves-helps-the-planet/>.

²⁵ Hannah Waters, Smithsonian Institution, *Mangrove Restoration: Letting Mother Nature Do the Work* (2016), available at <https://ocean.si.edu/ocean-life/plants-algae/mangrove-restoration-letting-mother-nature-do-work>.

²⁶ *Id.*

²⁷ DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves>.

²⁸ FWC, *Mangrove Forests*, <https://myfwc.com/research/habitat/coastal-wetlands/mangroves/> (last visited Feb. 7, 2025).

²⁹ Miriam C. Jones et al., *Rapid inundation of southern Florida coastline despite low relative sea-level rise rates during the late-Holocene*, *Nature Communications*, 1, 10 (2019), available at <https://www.nature.com/articles/s41467-019-11138-4>;

Florida Flood Hub for Applied Research and Innovation

The Florida Flood Hub for Applied Research and Innovation was established within the University of South Florida College of Marine Science to coordinate efforts between the academic and research institutions of the state.³⁰ The Florida Flood Hub is tasked with, among other things, organizing existing data needs for a comprehensive statewide flood vulnerability and sea level rise analysis and performing gap analyses to determine data needs; developing statewide open source hydrologic models for physically based flood frequency estimation and real-time forecasting of floods; establishing community-based programs to improve flood monitoring and prediction along major waterways; and providing tidal and storm surge flooding data to counties and municipalities for vulnerability assessments.³¹

Areas of Critical State Concern

The Areas of Critical State Concern Program was created by the Florida Environmental Land and Water Management Act of 1972.³² The program is intended to protect resources and public facilities of major statewide significance within designated geographic areas from uncontrolled development that would cause substantial deterioration of such resources.³³

Designated areas of critical state concern include:

- Big Cypress Area (portions of Collier, Miami-Dade, and Monroe Counties);³⁴
- Green Swamp Area (portions of Polk and Lake Counties);³⁵
- City of Key West and the Florida Keys (Monroe County);³⁶ and
- Apalachicola Bay Area (Franklin County).³⁷

National Flood Insurance Program Community Rating System

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.³⁸ The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables homeowners, business owners, and renters in flood-prone areas to

Xiucheng Yang et al., *Tracking mangrove condition changes using dense Landsat time series*, Remote Sensing of Environment, vol. 15, 1 (2024), available at <https://www.sciencedirect.com/science/article/pii/S0034425724004875?via%3Dihub>.

³⁰ Section 380.0933(1), F.S.

³¹ Section 380.0933(2) and (3), F.S.

³² Florida Department of Commerce, *Area of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Feb. 7, 2025). See Ch. 72-317, s. 5, Laws of Fla.; section 380.05, F.S.

³³ Florida Department of Commerce, *Area of Critical State Concern Program*.

³⁴ Section 380.055, F.S.

³⁵ Section 380.0551, F.S.

³⁶ Section 380.0552, F.S.

³⁷ Section 380.0555, F.S.

³⁸ The National Flood Insurance Act, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. 4001 et seq.). See also FEMA, *Flood Insurance Rules and Regulations*, <https://www.fema.gov/flood-insurance/rules-legislation> (last visited Feb. 7, 2025).

purchase flood insurance protection from the federal government.³⁹ Participation in the NFIP is voluntary.⁴⁰ To join, a community must:

- Complete an application;
- Adopt a resolution of intent to participate and cooperate with FEMA; and
- Adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.⁴¹

The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices that exceed the minimum requirements of the NFIP.⁴² Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.⁴³ Premium discounts range from 5 to 45 percent based on a community's CRS credit points.⁴⁴ Communities earn credit points by implementing FEMA-approved activities or programs, such as:

- Flood damage reduction programs that reduce the flood risk to existing development;
- Public outreach programs advising people about flood hazards, flood insurance, and ways to reduce flood damage;
- Mapping and regulations limiting floodplain development or providing increased protection to new and existing development; or
- Warning and response programs that provide early flood warnings to the public and incorporate substantial damage assessments into flood response operations.⁴⁵

Resilient Florida Grant Program

The Resilient Florida Grant Program provides grants to counties and municipalities to fund community resilience planning, including vulnerability assessments that identify or address risks of flooding and sea level rise, comprehensive plan amendments, and feasibility studies and the cost of permitting for nature-based solutions that reduce the impact of flooding and sea level rise.⁴⁶ Water management districts are also eligible to receive grants under the Resilient Florida Grant Program to assist local government adaptation planning.⁴⁷ Such funding must support the Florida Flood Hub and DEP's efforts related to data creation, collection, modeling, and statewide standards implementation.⁴⁸

³⁹ See FEMA, *Flood Insurance*, <https://www.fema.gov/flood-insurance> (last visited Feb. 7, 2025).

⁴⁰ FEMA, *Participation in the NFIP*, <https://www.fema.gov/glossary/participation-nfip#:~:text=Participation%20in%20the%20National%20Flood%20Insurance%20Program%20%28NFIP%29,of%20intent%20to%20participate%20and%20cooperate%20with%20FEMA%3B> (last visited Feb. 7, 2025).

⁴¹ *Id.*

⁴² FEMA, *Community Rating System*, <https://www.fema.gov/floodplain-management/community-rating-system#:~:text=The%20Community%20Rating%20System%20%28CRS%29%20is%20a%20voluntary,Insurance%20Program%20%28NFIP%29.%20Over%201%2C500%20communities%20participate%20nationwide> (last visited Feb. 7, 2025).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ FEMA, *Community Rating System: A Local Official's Guide to Saving Lives, Preventing Property Damage, and Reducing the Cost of Flood Insurance*, 3-6 (2023), available at https://www.fema.gov/sites/default/files/documents/fema_crs-brochure_032023.pdf.

⁴⁶ Section 380.093(3)(b)1., F.S.

⁴⁷ Section 380.093(3)(b)2., F.S.

⁴⁸ Section 380.093(3)(b)2., F.S.

Workforce Development Capitalization Incentive Grant Program

The Workforce Development Capitalization Incentive Grant Program was created to provide grants to school districts and Florida College System institutions to fund costs associated with the creation or expansion of career and technical education programs that lead to industry certifications included on the CAPE Industry Certification Funding List.⁴⁹ The programs may serve secondary students or postsecondary students if the postsecondary career and technical education program also serves secondary students.⁵⁰

Grant funds may be used for instructional and laboratory equipment, supplies, personnel, student services, or other expenses associated with the creation or expansion of a career and technical education program that serves secondary students.⁵¹ In ranking applications, the State Board of Education must consider the statewide geographic dispersion of grant funds and give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.⁵²

Environmental Resource Permitting (ERP)

Part IV of chapter 373, F.S., and chapter 62-330 of the Florida Administrative Code regulate the statewide ERP program, which is the primary tool used by the DEP and the water management districts (WMDs) for preserving natural resources and fish and wildlife, minimizing degradation of water resources caused by stormwater discharges, and providing for the management of water and related land resources. The program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and other works such as docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters.⁵³

Projects that are in, on, or over surface waters and wetlands are subject to additional permitting requirements. For example, if a proposed activity significantly degrades or is within an Outstanding Florida Water,⁵⁴ the ERP applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.⁵⁵ In determining whether an activity is clearly in the public interest, the WMD or DEP must consider and balance the following criteria:

- Whether the activity will adversely affect the public health, safety, or welfare or the property of others;
- Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;

⁴⁹ Section 1011.801, F.S.

⁵⁰ *Id.*

⁵¹ Section 1011.801(1), F.S.

⁵² Section 1011.801(2), F.S.

⁵³ Fla. Admin. Code R. 62-330.010(2).

⁵⁴ An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, <https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters> (last visited Feb. 7, 2025); see Fla. Admin. Code R. 62-302.700(2) and (9).

⁵⁵ Section 373.414(1), F.S.

- Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
- Whether the activity will be of a temporary or permanent nature;
- Whether the activity will adversely affect or will enhance significant historical and archaeological resources; and
- The current condition and relative value of functions being performed by areas affected by the proposed activity.⁵⁶

III. Effect of Proposed Changes:

The bill contains four whereas clauses that acknowledge the following:

- The coastline is a critical state resource that benefits the public interest by providing economic benefits, such as flood control, fishing, recreation, and navigation, and natural habitat and biodiversity functions, such as improved water quality and habitat for endangered and threatened species and other flora and fauna;
- Rising sea levels and an increasing frequency of adverse weather events pose a significant risk to people and property along the coastline and threaten the public benefits and functions offered by the coastline;
- As identified in the Miami-Dade Back Bay Coastal Storm Risk Management Feasibility Study, natural infrastructure, including mangrove stands, living seawalls, and other nature-based designs, can play an essential role in improving coastal resilience and mitigating harm to this state's coastlines; and
- The Legislature intends to promote state and local efforts to restore mangrove forests along the coastline and further study the impact of other nature-based methods on this state's coastal resilience and economic development.

Section 1 amends s. 380.0933, F.S., regarding the Florida Flood Hub for Applied Research and Innovation. The bill directs the Flood Hub to:

- Develop design guidelines and standards for optimal combinations of green and gray infrastructure to address sea level rise and the impact of storm surges; and
- Model the effects, including flood risk reduction and socio-economic benefits, of conceptual designs of green infrastructure and hybrid green-gray infrastructure, and integration of green natural systems into gray infrastructure systems, on the state's coastal resilience.

Section 2 creates s. 380.0938, F.S., regarding nature-based methods for improving coastal resilience. The bill directs the Department of Environmental Protection (DEP) to adopt rules governing nature-based methods for improving coastal resilience. The rules must:

- Address significant erosion in areas of critical state concern.
- Identify ways that new developments can avoid or mitigate their impacts on mangrove stands.
- Encourage local governmental entities to develop or participate in mangrove replanting and hydrological restoration programs and the restoration of oyster reefs, salt marshes, and coral reefs.
- Identify and monitor threats to mangroves.

⁵⁶ Section 373.414(1)(a), F.S.

- Protect barrier and spoil islands.
- Assist efforts to improve coastal resilience through the use of green infrastructure, beach renourishment, dune restoration, living seawalls, shoreline and vegetation planting, stormwater planters, permeable pavements, and ecologically sound building materials.
- Promote public awareness of the value of green infrastructure and statewide education campaigns conducted by local governmental entities.
- Identify vulnerable public and private properties along the coastline and encourage partnerships with local governmental entities to create local protection and restoration zone programs for implementing the rules developed by DEP.
- Protect and maintain access to and navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway.
- Create permitting incentives and approvals of, and encourage the use of, new strategies and technologies, such as three-dimensional printing, for living shorelines and nature-based features for coastal protection.
- Assist in the development of workforce training in this state which includes flood and sea level rise research, prediction, and adaptation and mitigation strategies. DEP must provide incentives to local communities that apply for funding through the Workforce Development Capitalization Incentive Grant Program to implement such workforce training.
- Encourage partnerships with local governmental entities to create projects using green infrastructure for coastal protection through the Resilient Florida Grant Program.
- Develop guidelines for determining when a green infrastructure project is “clearly in the public interest” under s. 373.414(1)(a), F.S.⁵⁷
- Streamline the Environmental Resource Permitting process for green infrastructure projects.
- Streamline permitting after designated storm events or disasters to replace failed coastal infrastructure with green or hybrid green-gray infrastructure that follows established green and green-gray design guidelines.

The bill also directs DEP, in consultation with the Division of Insurance Agent and Agency Services, to conduct a statewide feasibility study to determine the value of nature-based methods for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments’ community ratings in the National Flood Insurance Program Community Rating System. The bill requires DEP to submit a report on the findings of the study to the Governor and Legislature by July 1, 2026.

Section 3 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁵⁷ Section 373.414(1), F.S., provides that, if a proposed activity requiring an environmental resource permit significantly degrades or is within an Outstanding Florida Water, the applicant must provide reasonable assurance that the proposed activity will be “clearly in the public interest.” Section 373.414(1)(a), F.S., delineates criteria that must be considered when determining whether an activity is “clearly in the public interest.”

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on the Department of Environmental Protection related to the costs associated with the rulemaking and feasibility study requirements of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 380.0933 of the Florida Statutes.

This bill creates section 380.0938 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Garcia

36-00202-25

202550__

A bill to be entitled

An act relating to nature-based methods for improving coastal resilience; amending s. 380.0933, F.S.; requiring the Florida Flood Hub for Applied Research and Innovation at the University of South Florida College of Marine Science to develop design guidelines and standards for green and gray infrastructure and models for conceptual designs of green infrastructure and green-gray infrastructure; creating s. 380.0938, F.S.; requiring the Department of Environmental Protection to adopt rules for nature-based methods for coastal resilience; providing requirements for such rules; requiring the department, in consultation with the Division of Insurance Agent and Agency Services of the Department of Financial Services, to conduct a statewide feasibility study regarding the value of nature-based methods being used for a specified purpose; requiring the department to submit a report to the Governor and the Legislature by a specified date; providing an effective date.

WHEREAS, the coastline is a critical state resource that benefits the public interest by providing economic benefits, such as flood control, fishing, recreation, and navigation, and natural habitat and biodiversity functions, such as improved water quality and habitat for endangered and threatened species and other flora and fauna, and

WHEREAS, rising sea levels and an increasing frequency of adverse weather events pose a significant risk to people and

36-00202-25

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property along the coastline and threaten the public benefits
and functions offered by the coastline, and

WHEREAS, as identified in the Miami-Dade Back Bay Coastal
Storm Risk Management Feasibility Study, natural infrastructure,
including mangrove stands, living seawalls, and other nature-
based designs, can play an essential role in improving coastal
resilience and mitigating harm to this state's coastlines, and

WHEREAS, the Legislature intends to promote state and local
efforts to restore mangrove forests along the coastline and
further study the impact of other nature-based methods on this
state's coastal resilience and economic development, NOW,
THEREFORE,

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

Section 1. Present paragraphs (c) through (i) of subsection
(2) of section 380.0933, Florida Statutes, are redesignated as
paragraphs (e) through (k), respectively, and new paragraphs (c)
and (d) are added to that subsection, to read:

380.0933 Florida Flood Hub for Applied Research and
Innovation.—

(2) The hub shall, at a minimum:

(c) Develop design guidelines and standards for optimal
combinations of green and gray infrastructure to address sea
level rise and the impact of storm surges.

(d) Model the effects, including flood risk reduction and
socio-economic benefits, of conceptual designs of green
infrastructure and hybrid green-gray infrastructure, and
integration of green natural systems into gray infrastructure

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59 systems, on this state's coastal resilience.

60 Section 2. Section 380.0938, Florida Statutes, is created
61 to read:

62 380.0938 Nature-based methods for improving coastal
63 resilience.—

64 (1) The Department of Environmental Protection shall adopt
65 rules governing nature-based methods for improving coastal
66 resilience. The rules must do all of the following:

67 (a) Address significant erosion in areas of critical state
68 concern.

69 (b) Identify ways that new developments can avoid or
70 mitigate their impacts on mangrove stands.

71 (c) Encourage local governmental entities to develop or
72 participate in:

73 1. Mangrove replanting and hydrological restoration
74 programs; and

75 2. Restoration of oyster reefs, salt marshes, and coral
76 reefs.

77 (d) Identify and monitor threats to mangroves.

78 (e) Protect barrier and spoil islands.

79 (f) Assist efforts to improve coastal resilience through
80 the use of green infrastructure, beach renourishment, dune
81 restoration, living seawalls, shoreline and vegetation planting,
82 stormwater planters, permeable pavements, and ecologically sound
83 building materials.

84 (g) Promote public awareness of the value of green
85 infrastructure and statewide education campaigns conducted by
86 local governmental entities.

87 (h) Identify vulnerable public and private properties along

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the coastline and encourage partnerships with local governmental entities to create local protection and restoration zone programs for implementing the rules developed by the department pursuant to this section.

(i) Protect and maintain access to and navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway as defined in s. 327.02.

(j) Create permitting incentives and approvals of, and encourage the use of, new strategies and technologies, such as 3D printing, for living shorelines and nature-based features for coastal protection.

(k) Assist in the development of workforce training in this state which includes flood and sea level rise research, prediction, and adaptation and mitigation strategies. The department shall provide incentives to local communities that apply for funding through the Workforce Development Capitalization Incentive Grant Program pursuant to s. 1011.801 to implement such workforce training.

(l) Encourage partnerships with local governmental entities to create projects using green infrastructure for coastal protection through the Resilient Florida Grant Program pursuant to s. 380.093(3)(b)1.d.

(m) Develop guidelines for determining when a green infrastructure project is clearly in the public interest under s. 373.414(1)(a).

(n) Streamline the permitting process under s. 373.4131 for green infrastructure projects.

(o) Streamline permitting after designated storm events or disasters to replace failed coastal infrastructure with green or

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202550__

117 hybrid green-gray infrastructure that follows established green
118 and green-gray design guidelines.

119 (2) The department, in consultation with the Division of
120 Insurance Agent and Agency Services, shall conduct a statewide
121 feasibility study to determine the value of nature-based methods
122 for coastal flood risk reduction within coastal communities to
123 reduce insurance premiums and improve local governments'
124 community ratings in the National Flood Insurance Program
125 Community Rating System. The department shall submit a report on
126 the findings of the study to the Governor, the President of the
127 Senate, and the Speaker of the House of Representatives by July
128 1, 2026.

129 Section 3. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

2/11/15

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 50

Bill Number or Topic

enviro. & nat. resources

Committee

Amendment Barcode (if applicable)

Name Samantha Kaddis

Phone 727 420 5791

Address 1767 Hermitage Blvd
Street

Email SKaddis@CLEOinstitute.org

Tallahassee
City

FL
State

32308
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

The CLEO Institute

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

Feb 11 2025

Meeting Date

APPEARANCE RECORDDeliver both copies of this form to
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SB50

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Katrina Shadix

Phone

407702 3576

Address

1011 Seneca Oak

Street

Email

Bear Warriors United
@gmail.com

Geneva FL 32732

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

APPEARANCE RECORD

2/11/25

Meeting Date

50

Bill Number or Topic

Environment and Natural

Committee

Resources

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Gene Kelly

Phone

407-709-7042

Address

Email

ekelly@FNPS.org

Street

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB50

Bill Number or Topic

Amendment Barcode (if applicable)

2/11/2025

Meeting Date

ENR

Committee

Name

David Ratlike

Phone

Address

4052 Old Plantation Loop

Email

Street

Tallahassee

City

State

Zip

32311

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

02/11/2025

The Florida Senate
APPEARANCE RECORD

DUPLICATE

50

Meeting Date
Sen Env & Nat Res

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee
Steven Schale
Name

850-222-8900

Amendment Barcode (if applicable)

Address 204 S Monroe Street

Phone

Email steve@tapfla.com

Street

Tallahassee

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Environmental Defense Fund
Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 56

INTRODUCER: Environment and Natural Resources Committee and Senator Garcia

SUBJECT: Weather Modification Activities

DATE: February 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Fav/CS
2.			CJ	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 56 prohibits geoengineering and weather modification activities. Specifically, the bill prohibits the injection, release, or dispersion, by any means, of a chemical, a chemical compound, a substance, or an apparatus into the atmosphere within the borders of this state for the express purpose of affecting the temperature, weather, climate, or intensity of sunlight. The bill increases the fine for any person who conducts a weather modification operation from \$500 to \$100,000. The bill provides that all moneys collected must be deposited in the Air Pollution Control Trust Fund. The bill also directs the Department of Environmental Protection (DEP) to establish a dedicated e-mail address and online form to allow people to report suspected geoengineering and weather modification activities. The bill authorizes DEP to refer reports of observed violations to the Department of Health or the Division of Emergency Management when appropriate. The bill repeals all other existing weather modification statutes.

The bill also removes DEP's authority to conduct programs of study, research, and experimentation and evaluation in the field of weather modification.

II. Present Situation:

Geoengineering and Weather Modification

Geoengineering and weather modification are a range of techniques aimed at manipulating Earth's climate systems to modify precipitation or mitigate the impacts of rising global

temperatures. Weather modification, such as cloud seeding, involves altering local or regional atmospheric conditions to increase precipitation or reduce hailstorms. Geoengineering, such as solar radiation modification, focuses on larger-scale actions to reduce the amount of sunlight reaching Earth.

Solar Radiation Modification (SRM)

SRM refers to deliberate, large-scale actions intended to decrease global average surface temperatures by increasing the reflection of sunlight away from the Earth.¹ Extensive research efforts are underway to gain a comprehensive understanding of SRM technologies. This research focuses on developing and studying a range of potential future scenarios that combine SRM methods with emissions reductions and carbon dioxide removal technologies, to varying degrees and over varying timescales.²

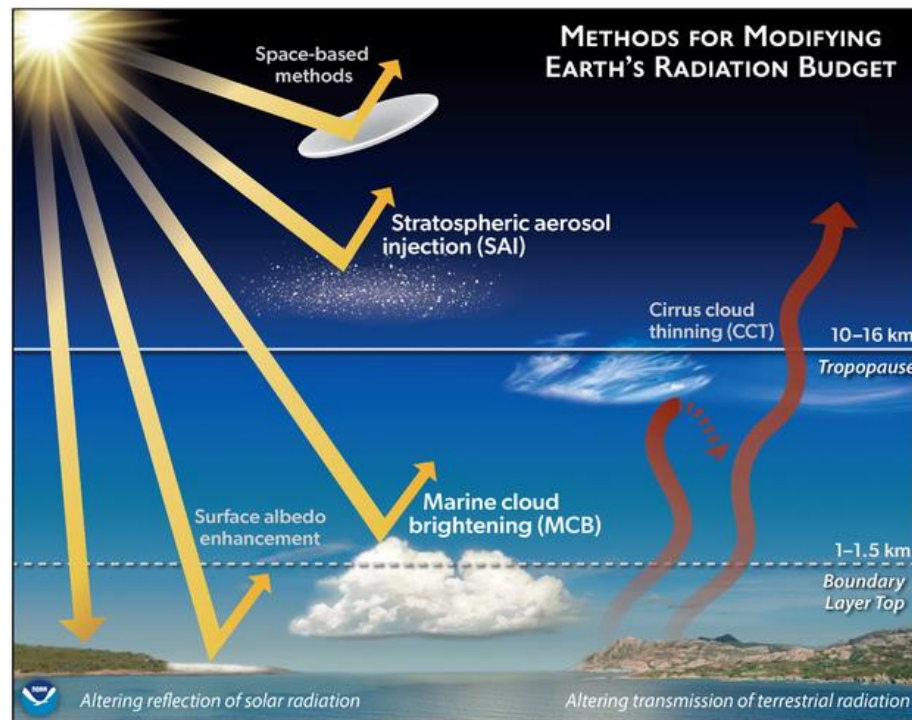
Several SRM methods and technologies are being researched:

- Stratospheric aerosol injection (SAI): a strategy that involves injecting small reflective aerosols such as sulfate into the stratosphere to increase the reflection of incoming sunlight.
- Marine cloud brightening (MCB): a strategy for adding aerosol to the lower atmosphere over ocean regions to increase the reflectivity of low-lying marine clouds.
- Cirrus cloud thinning: a strategy for modifying the properties of high-altitude ice clouds to increase the transmission of outgoing terrestrial radiation to space.
- Surface albedo enhancement: increasing the reflectivity of surfaces through, for example, white roofs or land-cover changes.
- Space-based methods: proposed methods have primarily considered large “mirrors” in space to reflect sunlight.³

¹ NOAA, *Solar radiation modification: NOAA State of the Science factsheet*, <https://www.climate.gov/news-features/understanding-climate/solar-radiation-modification-noaa-state-science-factsheet> (last visited Feb. 6, 2025).

² *Id.*

³ *Id.* The SAI method is based on the observation that past volcanic eruptions that emitted large quantities of sulfates led to a reduction in the amount of incoming solar energy, resulting in a short-term cooling effect. U.S. Congressional Service, *Solar Geoengineering and Climate Change*, 5 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R47551>.



SAI and MCB have been the subject of the most research due to their projected feasibility and estimated cost.⁴ Most of the current understanding of these technologies come from theoretical and modeling studies, not field experimentation. However, the risks and benefits of SAI and MCB are still poorly understood, including their technical feasibility, efficacy, and potential regional and global effects on the climate, agriculture, and ecosystems.⁵

In 2023, the federal government issued a report outlining a research plan and governance framework for investigating SRM as a potential climate intervention tool, focusing on SAI and MCB methods.⁶ The report emphasizes the need to better understand SRM's scientific, societal, and geopolitical implications. The plan aims to balance the exploration of SRM's benefits—such as temperature control and reduced climate risks—with its potential ecological, health, and ethical challenges. It also stresses the importance of transparency, international cooperation, and rigorous oversight in SRM research to build trust and inform decision-making. The report does

⁴ *Id.*

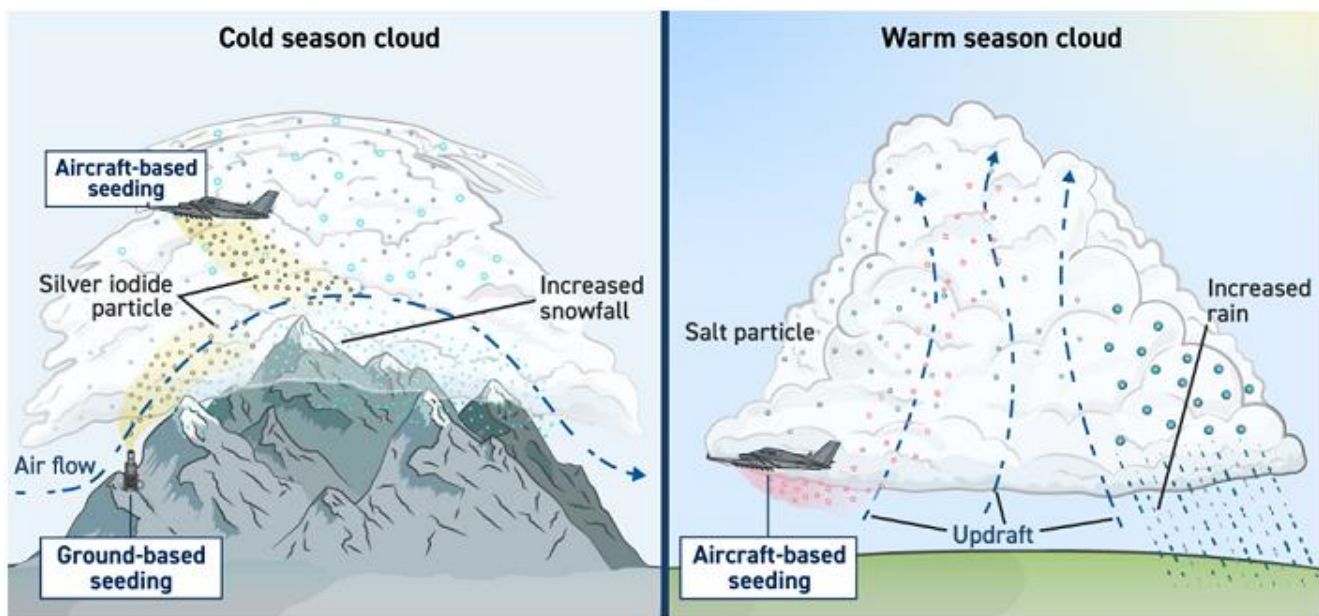
⁵ See U.S. Congressional Service, *Solar Geoengineering and Climate Change* at 10, available at <https://crsreports.congress.gov/product/pdf/R/R47551>; Samantha M. Tracy et al., *Stratospheric aerosol injection may impact global systems and human health outcomes*, *Elementa: Science of the Anthropocene*, vol. 1, 13-14 (2022), available at <https://online.ucpress.edu/elementa/article/10/1/00047/195026/Stratospheric-aerosol-injection-may-impact-global>. See generally Jessica S. Wan et al., *Diminished efficacy of regional marine cloud brightening in a warmer world*, *Nature Climate Change*, vol. 14 (2024), available at <https://www.nature.com/articles/s41558-024-02046-7>; Robert Monroe, Scripps Institution of Oceanography at the University of California San Diego, *Artificial Climate Controls Might Become Ineffective—Because of Climate Change* (2024), <https://scripps.ucsd.edu/news/artificial-climate-controls-might-become-ineffective-because-climate-change>; Katharine Ricke et al., *Hydrological Consequences of Solar Geoengineering*, *Annual Review of Earth and Planetary Sciences*, vol. 51 (2023), available at <https://www.annualreviews.org/content/journals/10.1146/annurev-earth-031920-083456>.

⁶ See White House Office of Science and Technology Policy, *Congressionally Mandated Research Plan and an Initial Research Governance Framework Related to Solar Radiation Modification*, 5 (2023), on file with the Committee on Environment and Natural Resources.

not endorse SRM deployment but highlights the urgency of preparation in case of independent implementation by other actors, ensuring readiness through robust governance and coordinated research efforts.⁷

Cloud Seeding

Cloud seeding is the most common method of weather modification and focuses on producing short-term changes in precipitation, primarily to enhance rain or snowfall, or to suppress hail.⁸ The most frequently used cloud seeding approaches rely on the introduction of tiny particles, usually silver iodide, into certain cloud types to trigger the formation of ice crystals or rain droplets from water already within the cloud.⁹ Clouds amenable to these methods include “cold season clouds” associated with mountainous terrain and “warm season clouds” associated with convective systems, including thunderstorms.¹⁰ While cold season cloud seeding is reasonably well understood, substantial uncertainties remain regarding warm season cloud seeding.¹¹



Cloud seeding operations can be conducted from the ground or the air. Ground-based operations involve strategically positioning cloud seeding generators at higher elevations, usually on the

⁷ See *id.*

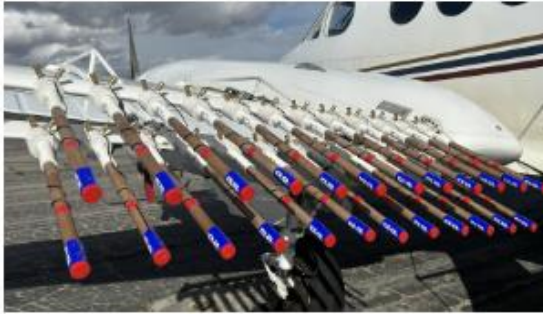
⁸ U.S. Government Accountability Office (GAO), *Technology Assessment: Cloud Seeding Technology*, 3, 5 (2024), available at <https://www.gao.gov/assets/gao-25-107328.pdf>. The use of cloud seeding technology for marine cloud brightening is also being researched. See C. C. Chen et al., *Climate Impact of Marine Cloud Brightening Solar Climate Intervention Under a Susceptibility-Structure Based Strategy Simulated by CESM2*, *Journal of Geophysical Research: Atmospheres*, vol. 130, 2 (2025), available at <https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2024JD041245?af=R>.

⁹ GAO, *Technology Assessment: Cloud Seeding Technology* at 5. Silver iodide is a preferred seeding agent because its crystalline structure is nearly identical to natural ice crystals. Texas Dep’t of Licensing & Regulation, *Weather Modification: Frequently Asked Questions*, <https://www.tdlr.texas.gov/weather/weatherfaq.htm#3> (last visited Feb. 6, 2025).

¹⁰ GAO, *Technology Assessment: Cloud Seeding Technology* at 3, available at <https://www.gao.gov/assets/gao-25-107328.pdf>.

¹¹ *Id.* at 5. See also GAO, *Cloud Seeding Technology: Assessing Effectiveness and Other Challenges*, <https://www.gao.gov/products/gao-25-107328> (depicting graphic of cold and warm season cloud seeding).

windward side of mountains.¹² These generators, operated either manually or remotely, release silver iodide particles into the air; wind then transports the particles upward into the clouds where they facilitate the freezing of water molecules.¹³ This process is typically used to increase snowfall over targeted mountain areas.¹⁴ In airborne operations, aircraft disperse the seeding agent into or above the clouds using pyrotechnic flares.¹⁵



*Wing-Mounted Burn-In-Place Flares*¹⁶



*Ejectable Flares*¹⁷

Other cloud seeding approaches remain emergent or under development, including the use of balloons, drones, or plane-mounted electrostatic nozzles.¹⁸ In the latter technique, the nozzles charge water particles which are then carried up into the clouds and distributed by updrafts.¹⁹ The particles, which have the opposite electrical charge of the water in the clouds, act as cloud condensation nuclei and trigger the natural rainmaking process.²⁰

If successfully deployed, cloud seeding can potentially replenish reservoirs and aquifers, reduce air pollution and the risk of wildfires, prevent erosion, increase soil moisture, and improve

¹² See Idaho Dep't of Water Resources, *Science Behind Cloud Seeding*, <https://idwr.idaho.gov/iwrp/programs/cloud-seeding-program/science-behind-cloud-seeding/> (last visited Feb. 6, 2025); Santa Ana Watershed Project Authority, *Cloud Seeding Pilot Program in the Santa Ana Watershed*, <https://sawpa.gov/santa-ana-river-watershed-cloud-seeding/> (last visited Feb. 6, 2025).

¹³ See *id.*

¹⁴ See *id.*

¹⁵ See GAO, *Technology Assessment: Cloud Seeding Technology* at 8, available at <https://www.gao.gov/assets/gao-25-107328.pdf>; Texas Dep't of Licensing & Regulation, *Weather Modification: Frequently Asked Questions*, <https://www.tdlr.texas.gov/weather/weatherfaq.htm#3> (last visited Feb. 6, 2025).

¹⁶ Burn-In-Place wing mounted flares emit a fine silver iodide smoke directly into the cloud during flight. The flares are released directly in the cloud when the plane flies through the cloud, for as long as conditions remain suitable for the aircraft safety and for seeding to occur. Idaho Dep't of Water Resources, *Science Behind Cloud Seeding*, <https://idwr.idaho.gov/iwrp/programs/cloud-seeding-program/science-behind-cloud-seeding/> (last visited Feb. 6, 2025).

¹⁷ Ejectable, belly mounted flares are released into the cloud when the plane flies above the cloud; the aircraft drops seeding material into the cloud system by ejecting it from the belly of the plane. This technique is used when the conditions in the cloud are too hazardous for the aircraft and its crew. *Id.*

¹⁸ See GAO, *Technology Assessment: Cloud Seeding Technology* at 8, available at <https://www.gao.gov/assets/gao-25-107328.pdf>; R. Giles Harrison et al., *Providing charge emission for cloud seeding aircraft*, AIP Advances, vol. 14, 3-4 (2024), available at <https://pubs.aip.org/aip/adv/article/14/9/095307/3312161/Providing-charge-emission-for-cloud-seeding>.

¹⁹ Agricultural Research Service, U.S. Dep't of Agriculture (USDA), *Seeding the Skies, Harvesting Rain*, <https://www.ars.usda.gov/oc/dof/seeding-the-skies-harvesting-rain/> (last visited Feb. 6, 2025).

²⁰ *Id.*

agricultural productivity.²¹ However, several challenges hinder the development and effective implementation of cloud seeding, including limited scientific understanding, uncertain environmental impacts, and inadequate data collection.²² For example, while recent studies suggest that silver iodide does not pose an environmental or health concern at current levels, it is not known whether more widespread use would have an effect on public health or be a risk to the environment.²³ Further research is also needed to assess whether cloud seeding can affect precipitation outside the intended target area.²⁴ Moreover, estimates of how much additional rainfall cloud seeding can produce vary widely, from 0 to 20 percent for cold season cloud seeding.²⁵

According to the U.S. Government Accountability Office, cloud seeding activities in the U.S. are primarily funded at the state level or below.²⁶ As of July 2024, cloud seeding programs were active in at least nine states: California, Colorado, Idaho, Nevada, New Mexico, North Dakota, Texas, Utah, and Wyoming.²⁷ Several other states have laws that address weather modification in some way. In 2024, Tennessee became the first state to ban cloud seeding and other weather modification operations in the state.²⁸ Similar bills have been introduced in at least eight other state legislatures between January 2023 and December 2024, including Illinois, Kentucky, Minnesota, New Hampshire, Pennsylvania, Rhode Island, South Dakota, and Texas.²⁹

Florida Weather Modification Regulations

Since 1957, Florida law has required a license for weather modification activities.³⁰ Applications must be submitted to the Department of Environmental Protection (DEP) and include:

- The name and post office address of the applicant or the person on whose behalf the weather modification operation is to be conducted if other than the applicant.
- The education, experience, and qualifications of the applicant.
- The nature, object, and general description of the proposed weather modification operation.
- The method, equipment, and materials the applicant proposes to use.³¹

Each application must be accompanied by a \$1,000 filing fee.³² Applicants must also provide proof of financial responsibility, namely, a certificate of insurance or a bond to prove their ability to pay damages for accidents arising out of their weather modification operations in the amount of:

- \$10,000 for bodily injury to or death of one person resulting from any one incident, and subject to said limit for one person,

²¹ GAO, *Technology Assessment: Cloud Seeding Technology* at 11.

²² *Id.* at 16.

²³ *Id.* at 18.

²⁴ *Id.* at 18-19.

²⁵ *Id.* at 13. Estimates for warm season cloud seeding are not provided.

²⁶ GAO, *Technology Assessment: Cloud Seeding Technology* at 6, available at <https://www.gao.gov/assets/gao-25-107328.pdf>.

²⁷ *Id.*

²⁸ Tenn. Code. Ann. § 68-201-122 (2024).

²⁹ GAO, *Technology Assessment: Cloud Seeding Technology* at 9.

³⁰ Ch. 57-128, Laws of Fla.; section 403.301, F.S.

³¹ Section 403.311(1), F.S. DEP may also require the applicant to submit other pertinent information. *Id.*

³² Section 403.311(2), F.S.

- \$100,000 for bodily injury to or death of two or more persons resulting from any one incident, and
- \$100,000 for injury to or destruction of property of others resulting from any one incident.³³

Prior to beginning operations, the licensee must file with DEP a notice of intention to operate that includes the licensee's information and the area and approximate time of operations.³⁴ The notice must be published in a newspaper within the county or counties of operation, and proof of publication must be filed with DEP.³⁵

Licensees are required to maintain a record of all operations conducted pursuant to the license, including the method employed, the type and composition of materials used, the times and places of operation, and the name and post office address of each person participating or assisting in the operation other than licensee.³⁶ Such records must be made available to the public.³⁷

Any person in violation of these requirements is guilty of a second-degree misdemeanor and subject to penalties including imprisonment of up to 60 days and a \$500 fine.³⁸

Each license entitles the licensee to conduct the operation described in the application for the calendar year for which the license is issued unless the license is revoked or suspended.³⁹ The conducting of any weather modification operation or the use of any equipment or materials other than those described in the application shall be cause for revocation or suspension of the license. The license may be renewed annually by payment of a \$50 filing fee.⁴⁰ A weather modification license may be revoked or suspended if DEP finds that the licensee has failed or refused to comply with any of the provisions of the weather modification act.⁴¹

DEP may grant an emergency license and waive notice requirements if the operation appears to DEP to be necessary or desirable in aid of the extinguishment of fire, dispersal of fog, or other emergency.⁴²

There have been no applications for weather modification licenses in the past ten years.⁴³

³³ Sections 403.321(1) and (2), F.S.

³⁴ Section 403.351, F.S.

³⁵ Sections 403.361 and 403.371, F.S. The notice must be published at least once a week for two consecutive weeks in a newspaper having general circulation and published within any county or counties where the operation is to be conducted and in which the affected area is located. Section 403.361, F.S.

³⁶ Section 403.381(1), F.S.

³⁷ Section 403.381(2), F.S.

³⁸ Sections 403.411, 775.082(4)(b), and 775.083(1)(e), F.S.

³⁹ Section 403.331(2), F.S.

⁴⁰ Section 403.331(3), F.S.

⁴¹ Section 403.401, F.S.

⁴² Section 403.391, F.S.

⁴³ Email from DEP to Committee on Environment and Natural Resources (Jan. 28, 2025), on file with the Committee on Environment and Natural Resources.

In addition to regulating weather modification licenses, state law also authorizes DEP to study, research, and experiment in the field of weather modification.⁴⁴ However, there is no indication that DEP has been involved in such weather modification programs.

Federal Weather Modification Regulations

The Weather Modification Reporting Act of 1972 requires anyone who conducts weather modification activities within the United States to report such activities to the U.S. Secretary of Commerce at least 10 days prior to undertaking the activities.⁴⁵ The report must include, among other things, the project's purpose and location, as well as the modification agents used (e.g., carbon dioxide, sodium chloride, silver iodide).⁴⁶ Another report, which summarizes the project duration and total modification agents dispensed, is required within 45 days after completion of the project.⁴⁷ For ongoing projects, interim reports are required on January 1st of each year and must include the number of days weather modification activities took place, total hours of operation, and the amount of agent used.⁴⁸ Failure to adhere to these reporting requirements can result in fines of up to \$10,000.⁴⁹

Activities subject to these reporting requirements include:

- Seeding or dispersing of any substance into clouds or fog, to alter drop size distribution, produce ice crystals or coagulation of droplets, alter the development of hail or lightning, or influence in any way the natural development cycle of clouds or their environment;
- Using fires or heat sources to influence convective circulation or to evaporate fog;
- Modifying the solar radiation exchange of the earth or clouds, through the release of gases, dusts, liquids, or aerosols into the atmosphere;
- Modifying the characteristics of land or water surfaces by dusting or treating with powders, liquid sprays, dyes, or other materials;
- Releasing electrically charged or radioactive particles, or ions, into the atmosphere;
- Applying shock waves, sonic energy sources, or other explosive or acoustic sources to the atmosphere;
- Using aircraft propeller downwash, jet wash, or other sources of artificial wind generation; or
- Using lasers or other sources of electromagnetic radiation.⁵⁰

Reporting requirements do not apply to activities of a purely local nature that can reasonably be expected not to modify the weather outside of the area of operation.⁵¹ This exception is restricted to the use of lightning deflection or static discharge devices in aircraft, boats, or buildings, and to the use of small heat sources, fans, fogging devices, aircraft downwash, or sprays to prevent the occurrence of frost in tracts or fields planted with crops susceptible to frost or freeze damage.

⁴⁴ Section 373.026(6), F.S.

⁴⁵ 15 U.S.C. § 330a; 15 CFR 908.4(a).

⁴⁶ 15 CFR 908.4(a).

⁴⁷ 15 CFR 908.6.

⁴⁸ 15 CFR 908.5.

⁴⁹ 15 U.S.C. § 330d; 15 CFR 908.10.

⁵⁰ 15 CFR § 908.3(a). While all these activities are subject to initial reporting, NOAA may waive the subsequent reporting requirements. The decision to waive certain reporting requirements is based on the general acceptability, from a technical or scientific viewpoint, of the apparatus and techniques to be used. 15 CFR § 908.3(d).

⁵¹ 15 CFR § 908.3(c).

Also exempt are religious activities or other ceremonies, rites and rituals intended to modify the weather.⁵²

According to NOAA's website, NOAA is not currently researching or conducting weather modification experiments and has no plans to do so in the future. However, NOAA studies the stratosphere and marine boundary layer with instruments on balloons and aircraft to help fill important gaps in our knowledge and inform decisions about the potential risks and benefits of solar geoengineering.⁵³

III. Effect of Proposed Changes:

Section 1 repeals several sections of law related to weather modification, including ss. 403.281 (definitions), 403.291 (purpose), 403.301 (licensing requirements), 403.311 (application requirements), 403.321 (proof of financial responsibility requirements), 403.331 (license issuance and discipline provisions), 403.341 (filing and publication of notice of intention to operate requirements), 403.351 (required contents of notice of intention), 403.361 (publication of the notice of intention requirements), 403.371 (proof of publication requirements), 403.381 (records and reports of operations requirements), 403.391 (provision of emergency licenses), and 403.401 (suspension or revocation of licenses), F.S.

Section 2 amends s. 403.411, F.S., to expand the section's catchline from "penalty" to "Geoengineering and weather modification activities prohibited; penalty." The bill provides that the injection, release, or dispersion, by any means, of a chemical, a chemical compound, a substance, or an apparatus into the atmosphere within the borders of this state for the express purpose of affecting the temperature, the weather, climate, or the intensity of sunlight is prohibited.

Under current law, any person in violation of weather modification laws is guilty of a misdemeanor of the second degree, punishable by a definite term of imprisonment not exceeding 60 days and a fine of up to \$500. The bill increases the fine to up to \$100,000. The bill provides that all moneys collected must be deposited in the Air Pollution Control Trust Fund and used only for purposes of air pollution control.

The bill provides that any person who observes a geoengineering or weather modification activity may report the observed violation to the Department of Environmental Protection (DEP) online or by telephone, mail, or e-mail. The bill directs DEP to establish an e-mail address and an online form for persons to report such observed violations. DEP must make the e-mail address and online form publicly accessible on its website. The bill authorizes DEP to refer reports of observed violations to the Department of Health or the Division of Emergency Management when appropriate.

The bill also authorizes DEP to adopt rules necessary to implement the bill.

Section 3 makes conforming changes.

⁵² *Id.*

⁵³ NOAA, *Fact check: Debunking weather modification claims*, <https://www.noaa.gov/news/fact-check-debunking-weather-modification-claims> (last visited Feb. 6, 2025).

Section 4 amends s. 373.026, F.S., regarding the general powers and duties of DEP. The bill removes the requirement that DEP conduct programs of study, research, and experimentation and evaluation in the field of weather modification.

Sections 5 through 7 make conforming changes.

Section 8 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.411, 253.002, 373.026, 373.1501, 373.4598, and 373.470.

This bill repeals the following sections of the Florida Statutes: 403.281, 403.291, 403.301, 403.311, 403.321, 403.331, 403.341, 403.351, 403.361, 403.371, 403.381, 403.391, and 403.401.

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

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

CS by Environment and Natural Resources on February 11, 2025:

- Clarifies that the weather modification ban includes geoengineering activities and activities to affect the climate;
- Clarifies that the ban applies to public and private corporations;
- Increases the fine for conducting geoengineering and weather modification activities from \$10,000 to \$100,000;
- Provides that all funds collected from such fines must be deposited in the Air Pollution Control Trust Fund and used only for purposes of air pollution control;
- Allows any person who observes a geoengineering or weather modification activity to report it to the Department of Environmental Protection (DEP) online or by telephone, mail, or e-mail;
- Requires DEP to establish an e-mail address and an online form for persons to report observed violations and make the e-mail address and online form publicly accessible on its website;
- Provides that DEP may refer reports of observed violations to the Department of Health or the Division of Emergency Management when appropriate;
- Permits DEP to adopt rules necessary to implement the reporting process; and
- Restores language providing that, at the Governor's direction, state agencies charged with responsibilities related to weather modification must make studies of emergency-mitigation-related matters.

B. Amendments:

None.



253362

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2025	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Garcia)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 33 - 73
and insert:

403.411 Geoengineering and weather modification activities
prohibited; penalty.-

(1) The injection, release, or dispersion, by any means, of
a chemical, a chemical compound, a substance, or an apparatus
into the atmosphere within the borders of this state for the
express purpose of affecting the temperature, weather, climate,



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11 or intensity of sunlight is prohibited.

12 (2) Any person, including any public or private
13 corporation, who conducts ~~conducting~~ a geoengineering or weather
14 modification activity in violation of this section commits
15 ~~operation without first having procured a license, or who shall~~
16 ~~make a false statement in his or her application for license, or~~
17 ~~who shall fail to file any report or reports as required by this~~
18 ~~act, or who shall conduct any weather modification operation~~
19 ~~after revocation or suspension of his or her license, or who~~
20 ~~shall violate any other provision of this act, shall be guilty~~
21 ~~of a misdemeanor of the second degree, punishable as provided in~~
22 ~~s. 775.082 and by a fine not exceeding \$100,000, or s. 775.083;~~
23 ~~and, if a corporation, the corporation commits shall be guilty~~
24 ~~of a misdemeanor of the second degree, punishable by a fine not~~
25 ~~exceeding \$100,000 as provided in s. 775.083. Each such~~
26 ~~violation is shall be a separate offense.~~

27 (3) All moneys collected pursuant to this section must be
28 deposited in the Air Pollution Control Trust Fund and used only
29 for purposes of air pollution control pursuant to this chapter.

30 (4) (a) Any person who observes a geoengineering or weather
31 modification activity conducted in violation of this section may
32 report the observed violation to the department online or by
33 telephone, mail, or e-mail.

34 (b) The department shall establish an e-mail address and an
35 online form for persons to report observed violations pursuant
36 to this subsection. The department shall make the e-mail address
37 and online form publicly accessible on its website.

38 (c) The department may refer reports of observed violations
39 made pursuant to this subsection to the Department of Health or



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the Division of Emergency Management when appropriate.

(d) The department may adopt rules necessary to implement this subsection.

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

And the title is amended as follows:

Delete lines 2 - 21

and insert:

An act relating to geoengineering and weather modification activities; repealing ss. 403.281, 403.291, 403.301, 403.311, 403.321, 403.331, 403.341, 403.351, 403.361, 403.371, 403.381, 403.391, and 403.401, F.S., relating to the definitions, purpose, licensing requirements, applications, proof of financial responsibility requirements, license issuance and discipline provisions, publication of notice of intention to operate requirements, required contents of the notice of intention, publication of the notice of intention requirements, proof of publication requirements, record and reports of operations requirements, provision of emergency licenses, and suspension or revocation of licenses, respectively, of the weather modification law; amending s. 403.411, F.S.; prohibiting certain acts intended to affect the temperature, the weather, or the intensity of sunlight within the atmosphere of this state; increasing civil penalties for violations of the geoengineering and weather modification law; requiring that specified moneys be deposited in the



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69 Air Pollution Control Trust Fund and used only for
70 specified purposes; authorizing a person who observes
71 a geoengineering or weather modification activity to
72 report such activity; providing construction;
73 authorizing the department to refer reports of such
74 observations to the Department of Health or Division
75 of Emergency Management; authorizing the department to
76 adopt rules; amending ss. 253.002, 373.026, 373.1501,

By Senator Garcia

36-00059-25

202556__

A bill to be entitled

An act relating to weather modification activities; repealing ss. 403.281, 403.291, 403.301, 403.311, 403.321, 403.331, 403.341, 403.351, 403.361, 403.371, 403.381, 403.391, and 403.401, F.S., relating to the definitions, purpose, licensing requirements, applications, proof of financial responsibility requirements, license issuance and discipline provisions, publication of notice of intention to operate requirements, required contents of the notice of intention, publication of the notice of intention requirements, proof of publication requirements, record and reports of operations requirements, provision of emergency licenses, and suspension or revocation of licenses, respectively, of the weather modification law; amending s. 403.411, F.S.; prohibiting certain acts intended to affect the temperature, the weather, or the intensity of sunlight within the atmosphere of this state; increasing civil penalties for violations of the weather modification law; amending ss. 252.44, 253.002, 373.026, 373.1501, 373.4598, and 373.470, F.S.; conforming cross-references and provisions to changes made by the act; making technical changes; providing an effective date.

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

Section 1. Sections 403.281, 403.291, 403.301, 403.311, 403.321, 403.331, 403.341, 403.351, 403.361, 403.371, 403.381,

36-00059-25

202556__

403.391, and 403.401, Florida Statutes, are repealed.

Section 2. Section 403.411, Florida Statutes, is amended to read:

403.411 Weather modification activities prohibited;
penalty.—

(1) The injection, release, or dispersion, by any means, of a chemical, a chemical compound, a substance, or an apparatus into the atmosphere within the borders of this state for the express purpose of affecting the temperature, the weather, or the intensity of sunlight is prohibited.

(2) A ~~Any~~ person who conducts ~~conducting~~ a weather modification operation in violation of this section commits ~~without first having procured a license, or who shall make a false statement in his or her application for license, or who shall fail to file any report or reports as required by this act, or who shall conduct any weather modification operation after revocation or suspension of his or her license, or who shall violate any other provision of this act, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and by a fine not exceeding \$10,000, or s. 775.083;~~ and, if a corporation, the corporation commits ~~shall be guilty of a misdemeanor of the second degree, punishable by a fine not exceeding \$10,000 as provided in s. 775.083.~~ Each such violation is ~~shall be~~ a separate offense.

Section 3. Subsection (1) of section 252.44, Florida Statutes, is amended to read:

252.44 Emergency mitigation.—

(1) In addition to prevention measures included in the state and local comprehensive emergency management plans, the

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59 Governor shall, ~~consider~~ on a continuing basis, consider steps
60 that could be taken to mitigate the harmful consequences of
61 emergencies. At the Governor's direction and pursuant to any
62 other authority and competence they have, state agencies,
63 including, but not limited to, those charged with
64 responsibilities in connection with protecting and maintaining
65 the public health, flood plain management, stream encroachment
66 and flow regulation, ~~weather modification~~, fire prevention and
67 control, air quality, public works, land use and land use
68 planning, and construction standards, shall make studies of
69 emergency-mitigation-related matters. The Governor shall, from
70 time to time, ~~shall~~ make such recommendations to the
71 Legislature, local governments, and other appropriate public and
72 private entities as may facilitate measures for mitigation of
73 the harmful consequences of emergencies.

74 Section 4. Subsection (1) of section 253.002, Florida
75 Statutes, is amended to read:

76 253.002 Department of Environmental Protection, water
77 management districts, Fish and Wildlife Conservation Commission,
78 and Department of Agriculture and Consumer Services; duties with
79 respect to state lands.—

80 (1) The Department of Environmental Protection shall
81 perform all staff duties and functions related to the
82 acquisition, administration, and disposition of state lands,
83 title to which is or will be vested in the Board of Trustees of
84 the Internal Improvement Trust Fund. However, upon the effective
85 date of rules adopted pursuant to s. 373.427, a water management
86 district created under s. 373.069 shall perform the staff duties
87 and functions related to the review of any application for

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88 authorization to use board of trustees-owned submerged lands
89 necessary for an activity regulated under part IV of chapter 373
90 for which the water management district has permitting
91 responsibility as set forth in an operating agreement adopted
92 pursuant to s. 373.046(4). The Department of Agriculture and
93 Consumer Services shall perform the staff duties and functions
94 related to the review of applications and compliance with
95 conditions for use of board of trustees-owned submerged lands
96 under authorizations or leases issued pursuant to ss. 253.67-
97 253.75 and 597.010 and the acquisition, administration, and
98 disposition of conservation easements pursuant to s. 570.71.
99 Unless expressly prohibited by law, the board of trustees may
100 delegate to the department any statutory duty or obligation
101 relating to the acquisition, administration, or disposition of
102 lands, title to which is or will be vested in the board of
103 trustees. The board of trustees may also delegate to any water
104 management district created under s. 373.069 the authority to
105 take final agency action, without any action on behalf of the
106 board, on applications for authorization to use board of
107 trustees-owned submerged lands for any activity regulated under
108 part IV of chapter 373 for which the water management district
109 has permitting responsibility as set forth in an operating
110 agreement adopted pursuant to s. 373.046(4). This water
111 management district responsibility under this subsection is
112 ~~shall be~~ subject to the department's general supervisory
113 authority pursuant to s. 373.026(6) ~~s. 373.026(7)~~. The board of
114 trustees may also delegate to the Department of Agriculture and
115 Consumer Services the authority to take final agency action on
116 behalf of the board on applications to use board of trustees-

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owned submerged lands for any activity for which that department has responsibility pursuant to ss. 253.67-253.75, 369.25, 369.251, and 597.010. However, the board of trustees shall retain the authority to take final agency action on establishing any areas for leasing, new leases, expanding existing lease areas, or changing the type of lease activity in existing leases. Upon issuance of an aquaculture lease or other real property transaction relating to aquaculture, the Department of Agriculture and Consumer Services must send a copy of the document and the accompanying survey to the Department of Environmental Protection. The board of trustees may also delegate to the Fish and Wildlife Conservation Commission the authority to take final agency action, without any action on behalf of the board, on applications for authorization to use board of trustees-owned submerged lands for any activity regulated under ss. 369.20 and 369.22.

Section 5. Subsection (6) of section 373.026, Florida Statutes, is amended to read:

373.026 General powers and duties of the department.—The department, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible:

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~~(6) Conduct, either independently or in cooperation with any person or governmental agency, a program of study, research, and experimentation and evaluation in the field of weather modification.~~

Section 6. Subsections (1) and (9) of section 373.1501, Florida Statutes, are amended to read:

373.1501 South Florida Water Management District as local sponsor.—

(1) As used in this section and s. 373.026(7) ~~s. 373.026(8)~~, the term:

(a) "C-111 Project" means the project identified in the Central and Southern Florida Flood Control Project, Real Estate Design Memorandum, Canal 111, South Miami-Dade County, Florida.

(b) "Department" means the Department of Environmental Protection.

(c) "District" means the South Florida Water Management District.

(d) "Kissimmee River Restoration Project" means the project identified in the Project Cooperation Agreement between the United States Department of the Army and the South Florida Water Management District dated March 22, 1994.

(e) "Pal-Mar Project" means the Pal-Mar (West Jupiter Wetlands) lands identified in the Save Our Rivers 2000 Land Acquisition and Management Plan approved by the South Florida Water Management District on September 9, 1999 (Resolution 99-94).

(f) "Project" means the Central and Southern Florida Project.

(g) "Project component" means any structural or operational

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change, resulting from the restudy, to the Central and Southern Florida Project as it existed and was operated as of January 1, 1999.

(h) "Restudy" means the Comprehensive Review Study of the Central and Southern Florida Project, for which federal participation was authorized by the federal Water Resources Development Acts of 1992 and 1996 together with related congressional resolutions and for which participation by the South Florida Water Management District is authorized by this section. The term includes all actions undertaken pursuant to the aforementioned authorizations which will result in recommendations for modifications or additions to the Central and Southern Florida Project.

(i) "Southern Corkscrew Regional Ecosystem Watershed Project" means the area described in the Critical Restoration Project Contract C-9906 Southern Corkscrew Regional Ecosystem Watershed Project Addition/Imperial River Flowway and approved by the South Florida Water Management District on August 12, 1999.

(j) "Water Preserve Areas" means those areas located only within Palm Beach and Broward counties that are designated as Water Preserve Areas, as approved by the South Florida Water Management District Governing Board on September 11, 1997, and shall also include all of those lands within Cell II of the East Coast Buffer in Broward County as delineated in the boundary survey prepared by Stoner and Associates, Inc., dated January 31, 2000, SWFWMD #10953.

(k) "Ten Mile Creek Project" means the Ten Mile Creek Water Preserve Area identified in the Central and Southern Florida

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Ecosystem Critical Project Letter Report dated April 13, 1998.

(9) Final agency action with regard to any project component subject to s. 373.026(7)(b) ~~s. 373.026(8)(b)~~ shall be taken by the department. Actions taken by the district pursuant to subsection (5) may ~~shall~~ not be considered final agency action. A ~~Any~~ petition for formal proceedings filed pursuant to ss. 120.569 and 120.57 requires ~~shall require~~ a hearing under the summary hearing provisions of s. 120.574, which is ~~shall be~~ mandatory. The final hearing under this section must ~~shall~~ be held within 30 days after receipt of the petition by the Division of Administrative Hearings.

Section 7. Paragraph (c) of subsection (10) of section 373.4598, Florida Statutes, is amended to read:

373.4598 Water storage reservoirs.—

(10) FUNDING.—

(c) Notwithstanding s. 373.026(7)(b) ~~s. 373.026(8)(b)~~ or any other provision of law, the use of state funds is authorized for the EAA reservoir project.

Section 8. Paragraph (a) of subsection (6) of section 373.470, Florida Statutes, is amended to read:

373.470 Everglades restoration.—

(6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—

(a) Except as provided in paragraphs (d) and (e) and for funds appropriated for debt service, the department shall distribute funds in the Save Our Everglades Trust Fund to the district in accordance with a legislative appropriation and s. 373.026(7)(b) ~~s. 373.026(8)(b)~~. Distribution of funds to the district from the Save Our Everglades Trust Fund shall be equally matched by the cumulative contributions from the

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233 district by fiscal year 2019-2020 by providing funding or
234 credits toward project components. The dollar value of in-kind
235 project design and construction work by the district in
236 furtherance of the comprehensive plan and existing interest in
237 public lands needed for a project component are credits towards
238 the district's contributions.

239 Section 9. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

T 2/11/25

Meeting Date

ENVIRONMENTAL

Committee

SB56

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JACQUIE JORDAN

Phone

310 8909402

Address

6547 MIDNIGHT PASS RD

Email

JJORDAN@

Street

SARASOTA FL 34242

TVGUESTPERT.COM

City

State

Zip

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

JB 56

Bill Number or Topic

2/11/25

Meeting Date

Deliver both copies of this form to

Senate professional staff conducting the meeting

environmental + natural resources

Committee

Amendment Barcode (if applicable)

Name

Aimee Villella McBride

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Street

Sarasota

City

FL

State

34241

Zip

Email

aimee.villella@gmail.com
aimee@globalwellnessforum.org

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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2/11/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

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SB56

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

GREG DIETZ

Phone

(407) 963-1006

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Email

diehlgt@yahoo.com

Street

APUPKA

FL

32703

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

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SB 56: Weather Mod.

Bill Number or Topic

02/11/2025

Meeting Date

Environment & Natural Resources

Committee

Amendment Barcode (if applicable)

Name Marla Maples Phone _____

Address 11231 US Highway 1 #189 Email marla@marlmaples.com

Street

N. Palm Beach FL 33408

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

The Florida Senate

APPEARANCE RECORD

SB80

Meeting Date

2/11/25

Enviro. & Nat. Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

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City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

The CLEO Institute



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 200

INTRODUCER: Senator Berman

SUBJECT: Comprehensive Waste Reduction and Recycling Plan

DATE: February 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Favorable
2.			AEG	
3.			FP	

I. Summary:

SB 200 directs the Department of Environmental Protection (DEP) to develop a comprehensive waste reduction and recycling plan by July 1, 2026, and convene a technical assistance group within DEP to help develop the plan. The bill provides minimum criteria for the plan and directs DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives upon its completion.

II. Present Situation:

Florida's Recycling Goal

In 2008, the Legislature set a statewide goal to recycle at least 75 percent of municipal solid waste (MSW) by 2020.¹ The goal includes only MSW² and is measured by weight.³ The Florida Department of Environmental Protection (DEP) established numerous programs and initiatives to reach the 75 percent recycling goal. In 2010, the Legislature amended s. 403.706, F.S., to require counties to implement local recycling programs with specific interim goals.

¹ Section 403.7032, F.S.

² MSW is any solid waste, except for sludge, resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Section 403.706(5), F.S. MSW also includes yard trash but does not include solid waste from industrial, mining, or agricultural operations. *Id.*

³ Department of Environmental Protection (DEP), *Florida and the 2020 75% Recycling Goal: Final Report*, 3, 8 (2020), available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

Year	Interim Recycling Goal ⁴	Actual Statewide Recycling Rate ⁵
2012	40%	~48%
2014	50%	~50%
2016	60%	56%
2018	70%	49%
2020	75%	50%

While Florida achieved the interim goals for 2012 and 2014, the state’s recycling rate for 2016 fell short of the interim goal.⁶ Between 2016 and 2020, Florida’s statewide recycling rate continued to decline, with a rate of 52 percent in 2019 and 50 percent in 2020.⁷ Only three of Florida’s 36 large counties—Charlotte, Lee, and Pinellas—successfully met the 75 percent recycling goal by 2020.⁸ However, there is evidence that recycling rates are rebounding: the single-family recycling participation rate increased 4 percent from 2020 to 2023.⁹ Commercial recycling participation rates increased 6 percent during the same timeframe.¹⁰

Local Government Solid Waste and Recycling Responsibilities

Each Florida county has the authority and responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.¹¹ Counties may charge reasonable fees for the handling and disposal of solid waste at their facilities.¹² Municipalities are responsible for collecting and transporting solid waste from

⁴ Ch. 2010-143, s. 7, Laws of Fla.; section 403.706(2)(a), F.S. These are interim goals to help Florida reach the goal of recycling at least 75 percent of municipal solid waste by 2020. *See also* s. 403.7032(2), F.S.

⁵ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2, 9, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>; DEP, *Florida and the 2020 75% Recycling Goal: 2019 Status Report*, Vol. 1, 9 (2019), available at https://floridadep.gov/sites/default/files/Final%20Strategic_Plan_2019%2012-13-2019_1.pdf.

⁶ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2.

⁷ *Id.* at 6. Notably, prior to the implementation of the 75 percent recycling goal, Florida’s recycling rate, which was calculated based on recycling traditional materials, was 30 percent. *Id.* If the same methodology was applied to 2020, the recycling rate would be only 25 percent. *Id.*

⁸ *Id.* at 9. “Large counties” are those with a population of over 100,000. *Id.*

⁹ DEP, *2023 Single-Family Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2023%20Single-Family%20Participation.pdf>; DEP, *2022 Single-Family Participation in Recycling*, available at https://floridadep.gov/sites/default/files/2022_Single_Family_Participation.pdf; DEP, *2021 Single-Family Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2021%20Single%20Family%20Recycling%20Participation%20in%20Florida.pdf>; DEP, *2020 Single-Family Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2020%20Single-Family%20Participation%20in%20Recycling.pdf>.

¹⁰ DEP, *2023 Commercial Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2023%20Commercial%20Participation.pdf>; DEP, *2022 Commercial Participation in Recycling*, available at https://floridadep.gov/sites/default/files/2022_Commercial_Participation.pdf; DEP, *2021 Commercial Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2021%20Commercial%20Recycling%20Participation%20in%20Florida.pdf>; DEP, *2020 Commercial Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2020%20Commercial%20Participation%20in%20Recycling.pdf>.

¹¹ Section 403.706(1), F.S. Municipalities are also authorized to construct and operate solid waste disposal facilities if certain statutory requirements are met. Fla. Admin. Code Ch. 62-701.

¹² *Id.*

their jurisdictions to a solid waste disposal facility operated by a county or county contractor.¹³ Local governments are also authorized to provide for the collection of recyclable materials.¹⁴ A market must exist for the recyclable materials, and the local government must specifically intend for them to be recycled.¹⁵

As discussed above, counties are required to implement recycling programs that include the statutory interim goals established in s. 403.706(2)(a), F.S.¹⁶ These programs must be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling:

- Newspapers;
- Aluminum cans;
- Steel cans;
- Glass;
- Plastic bottles;
- Cardboard;
- Office paper; and
- Yard trash.¹⁷

In addition, each county must ensure, to the maximum extent possible, that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements or other means provided by law.¹⁸ Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs,¹⁹ and must enter into negotiations with a franchisee who is operating to exclusively collect solid waste within a specified service area for a county or municipality.²⁰

Certain activities are eligible for special credit towards achieving a county's recycling goals, including the use of solid waste as fuel in a renewable energy facility, the innovative use of yard trash or other clean wood waste or paper waste, and providing opportunities to recycle in counties with smaller populations.²¹ To assess progress, counties must provide information on their solid waste management programs and recycling activities to DEP by April 1st of each year.²²

DEP may reduce or modify a county's recycling goal if the county demonstrates that:

- The achievement of the goal would have an adverse effect on the financial obligations of the county that are directly related to the county's waste-to-energy facility; and

¹³ *Id.*

¹⁴ Section 403.706(21), F.S.

¹⁵ *Id.*

¹⁶ Section 403.706(2)(a), F.S.

¹⁷ Section 403.706(2)(f), F.S.

¹⁸ Section 403.706(3), F.S.

¹⁹ Section 403.706(2)(a), F.S.

²⁰ Section 403.706(9), F.S.

²¹ Section 403.706(4), F.S.

²² Section 403.706(7), F.S.; Fla. Admin. Code R. 62-716.450.

- The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.²³

However, the goal may only be reduced or modified to the extent necessary to alleviate the adverse effects on the financial viability of a county's waste-to-energy facility.²⁴

Local governments can require all residential properties, multifamily dwellings, apartment complexes, and industrial, commercial, and institutional establishments to create programs for the separation of recyclable materials designated by the local government.²⁵ Local governments can also require a commercial establishment to source-separate the recovered materials generated on the premises.²⁶ However, a local government may not:

- Require a commercial establishment that generates source-separated recovered materials to sell its recovered materials to the local government or to a facility designated by the local government;
- Restrict such a generator's right to sell such recovered materials to any properly certified recovered materials dealer who has satisfied the statutory requirements; or
- Enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials.²⁷

DEP's Recycling Report

DEP was required to submit a report to the President of the Senate and the Speaker of the House of Representatives in years when the interim recycling goals established in s. 403.706(2)(a), F.S., were not met.²⁸ These reports had to identify additional programs or statutory changes needed to achieve the recycling goals.²⁹ In 2020, DEP released its final report titled "Florida and the 2020 75% Recycling Goal."³⁰ The report explains that in 2020 alone, the amount of MSW generated in Florida was equivalent to over two tons per resident—approximately twice the national average.³¹ However, there is no universal methodology for measuring progress toward recycling goals, making it difficult to compare states' recycling rates. Moreover, Florida's MSW calculations do not account for tourists—while calculations by the U.S. Environmental Protection Agency and other states do—thereby inflating the amount of MSW generated "per resident."³²

²³ Section 403.706(6), F.S.

²⁴ *Id.*

²⁵ Section 403.706(21), F.S. Such ordinances may include, but are not limited to, prohibiting any person from knowingly disposing of recyclable materials and ensuring the collection of recovered materials as necessary to protect public health and safety. *Id.*

²⁶ Section 403.7046(2)(a), F.S.

²⁷ Section 403.7046(2), F.S.

²⁸ Section 403.706(2)(e), F.S.; see s. 403.705(3), F.S. DEP must evaluate and report biennially to the President of the Senate and the Speaker of the House on the state's success in meeting the solid waste recycling goal in s. 403.706(2), F.S.

²⁹ Section 403.706(2)(e), F.S.

³⁰ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

³¹ *Id.* at 8.

³² *Id.*

In its final report, DEP recommends convening a technical assistance group (TAG) to develop a comprehensive waste reduction and recycling plan for Florida. The TAG, if convened, would include the Florida Recycling Workgroup, local governments, and other interested parties, and the comprehensive plan would implement stakeholder recommendations by:

- Identifying a set of recycling goals that use sustainable materials management³³ and waste diversion³⁴ concepts;
- Developing objectives and proposing a three-year plan to develop a recycling market, education and outreach, and local government assistance; and
- Proposing statutory language to implement the revised recycling goals and strategies.³⁵

DEP's final report also provides recommendations from the Florida Recycling Workgroup and a group of local governments, including:

- Replacing the current 75 percent weight-based goal with a goal or set of goals that are better indicators of program performance and desired environmental and economic outcomes;³⁶
- Using sustainable materials management to prioritize which materials to recycle based on environmental metrics and market availability and setting recycling goals for these specific materials; and
- Focusing on three strategies: education and outreach, funding and incentives to support local government recycling efforts, and developing recycling markets.³⁷

Recycling Education and Outreach

Education on the types of recycling services available, how materials are collected, and which materials are accepted is important for a successful recycling program. Because recycling programs within the state vary significantly, education should be tailored to local recycling programs.³⁸

Currently, DEP operates several education programs, including:

- The Florida Food Waste Prevention Week, which focuses on engagement with local municipalities, universities, national food recovery networks, and the hospitality industry to raise awareness about food waste;³⁹

³³ Sustainable materials management is a term for alternative approaches to recycling that recognize the differences among waste components with respect to environmental and resource outcomes. Sustainable materials management focuses on using and reusing materials more productively over their life cycles. *Id.* at 4.

³⁴ Waste diversion is the process of diverting waste from landfills; it is the amount of material that is reduced, reused, and/or recycled per capita and can be measured by the amount of waste not being disposed of in landfills. Waste diversion reduces disposal costs and the burden on landfills. United States Environmental Protection Agency (EPA), *Waste Diversion at EPA*, <https://www.epa.gov/greeningepa/waste-diversion-epa> (last visited Feb. 7, 2025); DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 4.

³⁵ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 4, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

³⁶ *Id.* at 4. There is a consensus in Florida's recycling industry (as well as other states and at the federal level) that using a weight-based goal does not result in efficient or effective recycling. *Id.* at 6.

³⁷ *Id.* at 4.

³⁸ *Id.*

³⁹ See Food Waste Prevention Week, <https://www.foodwastepreventionweek.com/about-us> (last visited Feb. 7, 2025).

- The Rethink. Reset. Recycle. Program, which explains what items can be recycled and provides counties and municipalities with a variety of customized digital products illustrating correct preparation of recyclables prior to disposing of them;⁴⁰ and
- The Recycling Recognition Program, which encourages private businesses, institutions, schools, organizations, and the public to increase recycling by setting recycling goals.⁴¹

DEP also developed a business recycling tracking tool (Re-TRAC) that allows organizations to track, compare, and report their recycling efforts.⁴²

DEP's final report explains that the TAG, if convened, would propose an education and outreach approach that evaluates statewide solutions but is customized for local needs, including a possible application for mobile devices that provides recycling information based on location.

Local Government Assistance

In 1988, the Solid Waste Management Act required counties to initiate recycling programs to address the growing costs and environmental problems associated with solid waste disposal in the state. To aid counties in setting up recycling programs, the Legislature established the Recycling and Education Grant Program. Under the program, counties received funds for initial capital costs, operations, recycling education, market development, and special projects. The program sunsetted in 2001.

In its final report, DEP recommends that the TAG evaluate the benefits and problems of the now defunct Recycling and Education Grant Program, make a recommendation to reinstate the program, or consider other means to provide recycling assistance to local governments.⁴³

Recycling Market Development

In order for the recycling industry to operate efficiently and provide reasonable returns on investments, there must be a market for finished goods that are manufactured from recycled materials. When the markets for these finished goods increase, the demand for recycled materials will increase, driving up profitability and incentivizing increased investments in the collection, sorting, processing, and manufacturing sectors.⁴⁴

To increase markets for recyclable materials, DEP recommends in its final report that the following be considered when developing the comprehensive recycling plan:

- Tax incentives for usage of recycled materials as feed stocks in manufacturing processes;
- Tax incentives and credits to support materials recovery plant upgrades;
- Public/private partnerships to invest in new processing technologies;

⁴⁰ DEP, *Rethink. Reset. Recycle.*, <https://floridarecycles.org/> (last visited Feb. 7, 2025).

⁴¹ DEP, *Recycling Recognition Program*, <https://floridadep.gov/waste/waste-reduction/content/recycling-recognition-program> (last visited Jan. 27, 2025).

⁴² *Id.*; see also DEP, *Re-TRAC*, <https://app.re-trac.com/> (last visited Feb. 7, 2025).

⁴³ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 5, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

⁴⁴ *Id.* at 5.

- Investments in expansion of Recycling Business Assistance Center⁴⁵ activities;
- End-user purchase rebates for Florida Certified Compost; and
- Preference programs to use and purchase products made from recycled content material.⁴⁶

III. Effect of Proposed Changes:

Section 1 amends s. 403.7032, F.S., to direct the Department of Environmental Protection (DEP) to develop a comprehensive waste reduction and recycling plan by July 1, 2026, based on recommendations from DEP’s “Florida and the 2020 75% Recycling Goal: Final Report.” The bill requires DEP to create and convene a technical assistance group to help develop the plan.

The bill provides that the plan must:

- Identify recycling goals based on sustainable materials management and waste diversion; and
- Include a three-year plan to implement the following strategies:
 - Recycling education and outreach: DEP must propose statewide solutions to provide local recycling information and education.
 - Local government recycling assistance: DEP must evaluate the benefits and challenges of the former state Recycling and Education Grant Program and provide recommendations for reinstating the program or consider other means of providing assistance to local governments.
 - Recycling materials market development: DEP must consider and recommend plans to develop and promote markets for recycling materials.

The bill directs DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives upon completion of the comprehensive waste reduction and recycling plan. The bill requires that the report include any recommendations for statutory changes necessary to achieve the recycling goals and strategies identified in the plan.

Section 2 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁴⁵ The Recycling Business Assistance Center was established in 2010 pursuant to s. 403.7032(5), F.S., to coordinate between state agencies and the private sector to develop new markets for recyclable materials locally and globally. DEP, *Recycling Business Assistance Center*, <https://floridadep.gov/waste/waste-reduction/content/recycling-business-assistance-center> (last visited Feb. 7, 2025).

⁴⁶ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 5.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 403.7032 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Berman

26-00224A-25

2025200__

A bill to be entitled
An act relating to a comprehensive waste reduction and recycling plan; amending s. 403.7032, F.S.; requiring the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan for this state by a specified date, based on certain department recommendations; requiring the department to create and convene a technical assistance group for a specified purpose; specifying minimum requirements for the comprehensive plan; requiring the department to submit a report to the Legislature upon completion of the comprehensive plan; specifying requirements for the report; providing an effective date.

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

Section 1. Subsection (6) is added to section 403.7032, Florida Statutes, to read:

403.7032 Recycling.—

(6) By July 1, 2026, the Department of Environmental Protection shall develop a comprehensive waste reduction and recycling plan for this state based on the recommendations contained in the department's "Florida and the 2020 75% Recycling Goal, Final Report." The department shall create and convene a technical assistance group to assist in the development of the plan.

(a) At a minimum, the plan must do all of the following:

1. Identify recycling goals based on sustainable materials management and waste diversion.

26-00224A-25

2025200__

30 2. Include a 3-year plan to implement all of the following
31 strategies:

32 a. Recycling education and outreach. The department shall
33 propose statewide solutions to provide local recycling
34 information and education throughout this state.

35 b. Local government recycling assistance. The department
36 shall evaluate the benefits and challenges of the former state
37 Recycling and Education Grant Program and provide
38 recommendations for reinstating the program or consider other
39 means of providing recycling assistance to local governments.

40 c. Recyclable materials market development. The department
41 shall consider and recommend plans to develop and promote
42 markets for recyclable materials.

43 (b) Upon completion of the plan, the department shall
44 provide a report to the President of the Senate and the Speaker
45 of the House of Representatives, which must include
46 recommendations for statutory changes necessary to achieve the
47 recycling goals and strategies identified in the plan.

48 Section 2. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 200

Bill Number or Topic

Amendment Barcode (if applicable)

2/11/25

Meeting Date

Senate ENR

Committee

Name

Jared Grigas

Phone

(850) 322-0229

Address

100 S Monroe St

Street

Email

jgrigas@fl-counties.com

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL. Assoc. of Counties

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 200 by Burman
Bill Number or Topic

2/11/2025
Meeting Date

SENR
Committee

Amendment Barcode (if applicable)

Name KEYNA CORY

Phone 850 566-9575

Address 730 E. PARK AVE
Street

Email keynacory@paconsultants.com

TAMPAHASSEE FL 32301
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

NATIONAL WASTE + RECYCLING ASSN - FL CHAPTER

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 200

Bill Number or Topic

2/11/25

Meeting Date

Environmental

Committee

Amendment Barcode (if applicable)

Name

Jim Magill

Phone

850-545-8911

Address

P.O. 10922

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JIM@MAGILLSTRATEGIES.COM

Street

FL

City

FL

State

32302

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/11/2025
Meeting Date
Environment & Nat. Res.
Committee

SB 200
Bill Number or Topic

Amendment Barcode (if applicable)

Name Heather Armstrong

Phone 850 459-9092

Address _____

Email heather@recyclefloridatoday.org

Ocala FL 34474
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SPB 7000

INTRODUCER: Environment and Natural Resources Committee

SUBJECT: OGSR/Site-Specific Location Information for Threatened and Endangered Species

DATE: February 11, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carroll	Rogers		EN Submitted as Comm. Bill/Fav

I. Summary:

SPB 7000 repeals the sunset date in s. 379.1026, F.S., to allow the public records exemption for site-specific location information on endangered and threatened species to remain in statute.

The public records exemption for site-specific location information is subject to the Open Government Sunset Review Act, which requires the Legislature to review each public record and public meeting exemption five years after enactment. The exemption amended by this bill is scheduled for repeal on October 2, 2025. This bill removes the scheduled repeal to continue the confidential and exempt status of the information.

The bill is not expected to affect state and local revenues and expenditures.

The bill takes effect October 1, 2025.

II. Present Situation:

Florida Public Records Law

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

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that:

[i]t is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

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

When creating a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”¹² Records designated “confidential and exempt” may be released by the records custodian only under the circumstances defined by statutory exemptions.

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S., and FLA. CONST. art. I, s. 24(b). Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

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

Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹³

The Exemption

The public records exemption amended in this bill exempts from public records laws site-specific location information held by an agency concerning threatened or endangered species, as defined in the Florida Endangered and Threatened Species Act, or concerning threatened or endangered species listed by a federal agency.¹⁴ The exemption does not apply to the site-specific location information on animals held in captivity.¹⁵

When the exemption became law in 2020, the Legislature found that the harm caused by the release of site-specific location information outweighed any public benefit from the disclosure of such information.¹⁶ The Legislature found that the exemption was a public necessity, because it would:

- Reduce the risk of exposure to wildlife poachers and threats to the integrity of the site due to increased traffic to the area,
- Protect private property owners from potential trespass and related liability issues when threatened or endangered species are found on their property, and
- Encourage private property owners and researchers to share information they might be hesitant to provide if such location information were made public.¹⁷

Unless it is reviewed by the Legislature and saved from repeal, the exemption will be repealed on October 2, 2025.¹⁸

Threatened and Endangered Species

The Endangered Species Act of 1973 protects and conserves imperiled species and their ecosystems.¹⁹ The Act is administered by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The Act requires these agencies to designate certain species as threatened or endangered.²⁰ It defines endangered species as “any species which is in danger of extinction throughout all or a significant portion of its range”²¹ and it defines a threatened species as “any species which is likely to become an endangered species within the foreseeable

¹³ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁴ Section 379.1026, F.S.

¹⁵ *Id.*

¹⁶ Chapter 2020-129, Laws of Fla.

¹⁷ *Id.*

¹⁸ Section 379.1026, F.S.

¹⁹ U.S. Fish and Wildlife Service, *ESA Basics: 50 Years of Conserving Endangered Species*, 1 (Feb. 2023) available at <https://www.fws.gov/sites/default/files/documents/endangered-species-act-basics-february-2023.pdf>.

²⁰ 16 U.S.C. §1533; see U.S. Fish and Wildlife Service, *ESA Basics: 50 Years of Conserving Endangered Species* at 1.

²¹ 16 U.S.C. §1532(6). The definition excludes “a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this chapter would present an overwhelming and overriding risk to man.” *Id.*

future throughout all or a significant portion of its range.”²² The term species includes both plants and animals.²³

In evaluating whether a species should be listed under the Act, the appropriate federal agency must consider factors like the present or threatened destruction, modification, or curtailment of its habitat or range; its overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its continued existence.²⁴

If a fish or wildlife species native to Florida is federally listed as threatened or endangered, it will also be designated by the Florida Fish and Wildlife Conservation Commission (FWC) as a state threatened or endangered species.²⁵ If a species is federally delisted, FWC has the authority to maintain that species as a state-designated species²⁶ and it may also independently list species as state-designated threatened or endangered species.²⁷

The Florida Endangered and Threatened Species Act defines threatened species as “any species of fish and wildlife naturally occurring in Florida which may not be in immediate danger of extinction, but which exists in such small populations as to become endangered if it is subject to increased stress as a result of further modification of its environment.”²⁸ It defines an endangered species as “any species of fish and wildlife naturally occurring in Florida, whose prospects of survival are in jeopardy due to modification or loss of habitat; overutilization for commercial, sporting, scientific, or educational purposes; disease; predation; inadequacy of regulatory mechanisms; or other natural or manmade factors affecting its continued existence.”²⁹

The Florida Endangered and Threatened Species Act does not include plant species in its definitions of threatened and endangered species. State protections and listing authorizations for threatened and endangered plants are found in chapter 581, F.S., which is administered by the Florida Department of Agriculture and Consumer Services.³⁰ Because the public records exemption applies to threatened and endangered species listed under the Florida Endangered and Threatened Species Act and species listed by a federal agency as endangered or threatened, site-

²² 16 U.S.C. §1532(20).

²³ 16 U.S.C. §1532(16). Species is defined to include “any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.” *Id.*

²⁴ 16 U.S.C. §1533(a)(1). These determinations must be made only on the basis of the best scientific and commercial data available after a review of a species’ status and after considering any efforts being made by other governmental entities to protect it. 16 U.S.C. §1533(b)(1).

²⁵ Fla. Admin. Code §68A-27.0012(1); FWC, *Endangered and Threatened Species Management and Conservation Plan: Progress Report Fiscal Year 2022-2023*, 10 (Oct. 2023) available at <https://myfwc.com/media/mv4ezszl/2022-23endangeredspeciesreport.pdf>; see U.S. Fish and Wildlife Service, *ESA Basics: 50 Years of Conserving Endangered Species* at 2.

²⁶ Fla. Admin. Code §68A-27.0012(1).

²⁷ Fla. Admin. Code §68A-27.0012(2). FWC itself may initiate evaluation of a species for listing, or it may begin the process after receiving a species evaluation request. *Id.*

²⁸ Section 379.2291(3)(c), F.S.

²⁹ Section 379.2291(3)(b), F.S.

³⁰ Section 581.185, F.S.; see 581.011, F.S., defining department as “the Department of Agriculture and Consumer Services of the state or its authorized representative.”

specific location information on *plant* species listed only by the state³¹ are not exempt from public records requests.

Site-Specific Location Information

FWC's management of threatened and endangered species includes surveying and monitoring species, improving and restoring habitat, developing management plans, conservation planning, and raising awareness.³² Surveying and monitoring are important tools that wildlife managers use to better understand how their management actions are affecting species. Knowing the effects of management actions on a species can help managers pinpoint the actions that have led to species stabilization and conservation.³³

The importance of surveying and monitoring means that state fish and wildlife managers are constantly collecting data showing site-specific location information on threatened and endangered species.³⁴ For example, FWC biologists track Florida panthers with radio collars.³⁵ The locations of panthers collared with VHF transmitters are monitored two times per week by aircraft, while panthers fitted with GPS-transmitting radio collars can be constantly monitored.³⁶ FWC and the U.S. Fish and Wildlife Service also collect location data on panthers from multiple trail camera locations.³⁷



A sedated Florida panther is fitted with a radio collar to allow researchers to track this individual's movements. *Photo courtesy of FWC.*

Open Government Sunset Review Act

Section 119.15, F.S., the Open Government Sunset Review Act (OGSR), prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.³⁸ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal,

³¹ For the list of plant species listed by the state, in addition to plant species listed by the federal government, see Fla. Admin. Code §5B-40.0055.

³² FWC, *Endangered and Threatened Species Management and Conservation Plan: Progress Report Fiscal Year 2022-2023* at 12.

³³ *Id.*

³⁴ See, e.g., FWC, *Endangered and Threatened Species Management and Conservation Plan: Progress Report Fiscal Year 2022-2023* at 25-27.

³⁵ FWC, *Capturing Florida Panthers*, <https://myfwc.com/wildlifehabitats/wildlife/panther/capture/> (last visited Jan. 2025). The photo on this page of the analysis can be found at this site.

³⁶ FWC, *Endangered and Threatened Species Management and Conservation Plan: Progress Report Fiscal Year 2022-2023* at 25.

³⁷ *Id.*

³⁸ Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

the Legislature must reenact the exemption or repeal the sunset date.³⁹ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.⁴⁰ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;⁴¹
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;⁴² or
- It protects trade or business secrets.⁴³

The OGSR also requires specified questions to be considered during the review process.⁴⁴ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.⁴⁵ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.⁴⁶

Open Government Sunset Review Findings and Recommendations

FWC recommends the preservation of the public records exemption for site-specific location information on threatened and endangered species. FWC supported the exemption when it was

³⁹ Section 119.15(3), F.S.

⁴⁰ Section 119.15(6)(b), F.S.

⁴¹ Section 119.15(6)(b)1., F.S.

⁴² Section 119.15(6)(b)2., F.S.

⁴³ Section 119.15(6)(b)3., F.S.

⁴⁴ Section 119.15(6)(a), F.S. The specified questions are:

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

⁴⁵ FLA. CONST. art. I, s. 24(c).

⁴⁶ Section 119.15(7), F.S.

first codified in 2020, due to concerns that the information's public availability undermined FWC's conservation efforts and hurt public trust among collaborators and stakeholders.⁴⁷

More specifically, FWC supported the exemption because the agency was concerned with protecting private property owners enrolled in its management plan from potential trespass and related liability issues when threatened or endangered species are found on their properties.⁴⁸ FWC was also concerned that allowing the public to easily access site-specific location information would have a chilling effect on its necessary collaboration with nongovernmental organizations, universities, other management agencies, and private consultants to help make management decisions for threatened and endangered species.⁴⁹ FWC also stated that the easy availability of site-specific location information jeopardized threatened and endangered species due to an increased risk of poaching or degradation of habitat from increased use of the site.⁵⁰

FWC has received approximately 800 public records requests for site-specific location information on 12 threatened or endangered species or species groups since fiscal year 2021-2022.⁵¹ There have been well over 100 requests each for manatees, gopher tortoises, Cape Sable seaside sparrows, and marine turtles and over 70 requests each for Florida pine snakes, alligator snapping turtles, and Florida panthers.⁵²

Citing the same concerns it had in 2020, FWC supports the continuation of the public records exemption with the passage of this bill.

III. Effect of Proposed Changes:

Section 1 repeals the October 2, 2025 sunset date for the public records exemption in s. 379.1026, F.S., which protects site-specific location information held by an agency concerning an endangered species, a threatened species, or a species listed by a federal agency as endangered or threatened. The result of the repeal of the sunset date provision is that site-specific location information concerning endangered or threatened species will remain exempt from public records law.

Section 2 provides an effective date of October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁴⁷ FWC, *Agency Analysis of SB 812*, 2 (Dec. 2019), on file with the Senate Committee on Environment and Natural Resources.

⁴⁸ *Id.*

⁴⁹ *Id.* at 2, 3.

⁵⁰ *Id.* at 3.

⁵¹ Email from FWC (Jan. 1, 2025), on file with the Senate Committee on Environment and Natural Resources.

⁵² *Id.*

B. Public Records/Open Meetings Issues:**Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill does not create or expand an exemption and thus, the bill does not require a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill does not create or expand an exemption and thus, a statement of public necessity is not required.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The exemptions in the bill do not appear to be broader than necessary to accomplish the purposes of the laws.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 379.1026 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

FOR CONSIDERATION By the Committee on Environment and Natural Resources

592-00478-25

20257000pb

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 379.1026, F.S., which provides an exemption from public records requirements for site-specific location information for endangered and threatened species; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Section 379.1026, Florida Statutes, is amended to read:

379.1026 Site-specific location information for endangered and threatened species; public records exemption.—The site-specific location information held by an agency as defined in s. 119.011 concerning an endangered species as defined in s. 379.2291(3)(b), a threatened species as defined in s. 379.2291(3)(c), or a species listed by a federal agency as endangered or threatened, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to the site-specific location information of animals held in captivity. ~~This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal by the Legislature.~~

Section 2. This act shall take effect October 1, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 62

INTRODUCER: Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Resilient Buildings

DATE: February 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 62 creates the resilient building tax credit program. This program provides a corporate income tax credit for taxable years beginning on or after January 1, 2026, to owners of “resilient buildings,” defined as buildings with a Leadership in Energy and Environmental Design (LEED) certification of silver, gold, or platinum in Building Design and Construction (BD+C) or Operations and Maintenance (O+M) that meets the requirements for the LEED resilience pathway. The tax credits are based on the type and level of LEED certification and range from \$0.50 to \$2.00 per square foot annually for five years. The bill requires building owners to submit an application to the Department of Business and Professional Regulation (DBPR) by March 1 of the year following certification. The application must include documentation evidencing LEED certification, the date on which the certification was granted, and a commitment to report energy use every year for the five-year credit period. DBPR must review the application within 30 days and either approve it and issue an eligibility letter or notify the applicant of ineligibility. The bill provides that the tax credit may be transferred or carried forward for up to five years. The bill directs DBPR and the Department of Revenue to adopt rules to implement the program.

The bill also creates the Florida Resilient Building Advisory Council adjunct to DBPR to provide DBPR and the Legislature with recommendations on policies to foster and enhance resilient buildings and hurricane resiliency in Florida. The bill provides that members of the advisory council must have specialized knowledge regarding resilient building design and construction, resilient building operations and maintenance, policy innovation and incentives, and building and

community challenges. The members will be appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bill requires appointments to be made by August 1, 2025. The bill also provides that the council must hold its first meeting by November 1, 2025, meet at least semiannually thereafter, and post proposed policies on DBPR's website.

The Revenue Estimating Conference has not reviewed this bill.

II. Present Situation:

Resilience and Green Buildings

Resilience is the ability to anticipate, adapt to, and recover from the impacts of climate change, extreme weather events, and other natural hazards. Resilience planning includes preparing for hazard events, risk mitigation, and post-event recovery and should be proactive and continuous.¹ Green building practices can contribute to resiliency by creating structures that are designed and constructed to minimize damage and operational disruptions from natural disasters.² Applying green building practices can also help reduce a building's overall impact on the natural environment by more efficiently using energy, water, and other resources.³

Green building practices are outlined in several standards and systems, such as the United States Environmental Protection Agency's (EPA) ENERGY STAR program and the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) rating system.⁴ These systems provide detailed criteria and guidance for increasing a building's resilience and reducing its environmental impact through practices like siting buildings in well-connected locations, using low-carbon and efficient construction materials, utilizing renewable energy, completing climate resilience assessments, and preparing emergency response plans.⁵

¹ National Institute of Standards and Technology, U.S. Dep't of Commerce, *Community Resilience Planning Guide for Buildings and Infrastructure Systems*, 1 (2016), available at <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1190v1.pdf>.

² USGBC, *Policy Brief: Resilient by Design: USGBC offers sustainability tools for enhanced resilience*, 1 (2018), available at <https://www.usgbc.org/sites/default/files/2018-USGBC-Resilience-Brief-041118.pdf>; USGBC, *Resilience*, <https://www.usgbc.org/about/priorities/resilience> (last visited Feb. 7, 2025); USGBC, *Defining resilience in LEED v5*, <https://www.usgbc.org/articles/defining-resilience-leed-v5> (last visited Feb. 7, 2025).

³ U.S. Environmental Protection Agency (EPA), *Green Building*, <https://www.epa.gov/smartgrowth/green-building> (last visited Jan. 29, 2025).

⁴ *Id.* ENERGY STAR is a voluntary labeling program: EPA sets energy efficiency specifications, and those that meet them can choose to display the ENERGY STAR logo. Through ENERGY STAR, EPA partners with home builders, developers, energy rating companies, and utilities across the U.S. who construct, verify, promote, and incentivize ENERGY STAR certified residential, commercial, and industrial buildings. ENERGY STAR, *How ENERGY STAR Works*, <https://www.energystar.gov/about/how-energy-star-works> (last visited Feb. 7, 2025).

⁵ EPA, *Green Building*, <https://www.epa.gov/smartgrowth/green-building> (last visited Jan. 29, 2025); USGBC, *LEED v5 Rating System: Building Design and Construction: New Construction*, 6, (2024), available at <https://www.usgbc.org/sites/default/files/2024-09/LEED-v5-BDC-New-Construction-Public-Comment-2-clean.pdf>; USGBC, *LEED v5 Rating System: Operations and Maintenance: Existing Buildings*, 7 (2024), available at <https://www.usgbc.org/sites/default/files/2024-09/LEED-v5-OM-Existing-Buildings-Public-Comment-2-clean.pdf>.

Overview of LEED

LEED is a globally recognized green building certification program administered by the USGBC.⁶ LEED promotes a holistic approach to designing, constructing, and operating buildings in a way that prioritizes energy efficiency, water conservation, improved indoor air quality, and sustainable materials.⁷

LEED is a voluntary program that provides a definitive standard for what constitutes a green building in design, construction, and operation.⁸ The LEED rating system is designed for rating new and existing commercial and residential buildings as well as neighborhood development, and cities and communities. It is based on accepted energy and environmental principles and strikes a balance between established practices and emerging concepts.⁹ The latest version—LEED v5—is scheduled to be fully available for use in early 2025.¹⁰

LEED Certification

The specific requirements for certification vary depending on the type and level of certification. However, all projects must first meet certain minimum program requirements to achieve LEED certification.¹¹ These requirements define the types of buildings that LEED was designed to evaluate.

Projects receive points by earning credits based on direct human and environmental benefit.¹² These benefits are based on the potential effect of each credit with respect to a set of impact categories. Examples of these categories include global warming, greenhouse gas emissions, fossil fuel use, toxins and carcinogens, air and water pollutants, and indoor air quality.¹³ A minimum of 40 points is required for certification; earning more points results in higher levels of certification:

- Certified (40 to 49 points).
- Silver (50 to 59 points).
- Gold (60 to 79 points).
- Platinum (80+ points).¹⁴

⁶ USGBC, *What is LEED Certification?*, <https://support.usgbc.org/hc/en-us/articles/4404406912403-What-is-LEED-certification#LEED> (last visited Feb. 7, 2025).

⁷ *Id.*

⁸ USGBC, *Foundations of LEED*, 9 (2023), available at <https://www.usgbc.org/sites/default/files/2024-07/Foundations-of-LEED.pdf>.

⁹ *Id.*

¹⁰ USGBC, *LEED v5*, <https://support.usgbc.org/hc/en-us/articles/25316160948755-LEED-v5> (last visited Jan. 28, 2025).

¹¹ USGBC, *Foundations of LEED* at 9, available at <https://www.usgbc.org/sites/default/files/2024-07/Foundations-of-LEED.pdf>.

¹² *Id.* at 10.

¹³ *Id.*

¹⁴ USGBC, *LEED credits, prerequisites and points: How are they different?*, <https://www.usgbc.org/articles/leed-credits-prerequisites-and-points-how-are-they-different> (last visited Jan. 28, 2025); USGBC, *Foundations of LEED* at 9, available at <https://www.usgbc.org/sites/default/files/2024-07/Foundations-of-LEED.pdf>.

There are several different types of LEED certifications, including certifications for building design and construction (BD+C), operations and maintenance (O+M), interior design and construction, homes, cities, and neighborhood development.¹⁵

LEED BD+C Certification

This certification is for buildings that are new construction or major renovations.¹⁶ BD+C certification includes several different rating systems based on the type of project:

- **New Construction and Major Renovation:** New construction or major renovation of buildings that do not primarily serve residential, K–12 educational, retail, data centers, warehouses and distribution centers, hospitality, or health care uses.
- **Core and Shell Development:** Buildings that are new construction or major renovation for the exterior shell and core mechanical, electrical, and plumbing units, but not a complete interior fit-out.
- **Schools:** Buildings made up of core and ancillary learning spaces on K–12 school grounds. This rating system may be used for higher education and nonacademic buildings on school campuses.
- **Retail:** Buildings used to conduct the retail sale of consumer product goods; it includes both direct customer service areas (showrooms) and preparation or storage areas that support customer service.
- **Data Centers:** Buildings specifically designed and equipped to meet the needs of high-density computing equipment such as server racks, used for data storage and processing.
- **Warehouses and Distribution Centers:** Buildings used to store goods, manufactured products, merchandise, raw materials or personal belongings, such as self-storage.
- **Hospitality:** Buildings dedicated to hotels, motels, inns or other businesses within the service industry that provide transitional or short-term lodging, with or without food.
- **Healthcare:** Hospitals that operate 24 hours a day, seven days a week and provide inpatient medical treatment, including acute and long-term care.¹⁷

Credits for LEED BD+C certification can be earned for, among other things, renewable energy use, water efficiency, rainwater management, heat island¹⁸ and light pollution reduction, storage and collection of recyclables, the use of low-emitting materials, access to quality transit, and incorporating integrative processes and innovative strategies.¹⁹

¹⁵ USGBC, *LEED rating system*, <https://www.usgbc.org/leed> (last visited Jan. 28, 2025).

¹⁶ USGBC, *LEED v4.1*, <https://www.usgbc.org/leed/v41#bdc> (last visited Jan. 28, 2025). At least 60 percent of the project's gross floor area must be complete by the time of certification (except for LEED BD+C: Core and Shell). *Id.*

¹⁷ *Id.*

¹⁸ Heat islands are urbanized (i.e., highly developed) areas that experience higher temperatures than outlying areas due to having fewer natural features like trees, vegetation, and ponds, and more roadways, sidewalks, and buildings that absorb and retain heat. In the U.S., the heat island effect results in daytime temperatures about 1–7°F higher than temperatures in outlying areas, and nighttime temperatures about 2–5°F higher. EPA, *Frequent Heat Island Questions and Resources*, <https://www.epa.gov/heatislands/frequent-heat-island-questions-and-resources> (last visited Feb. 5, 2025).

¹⁹ See USGBC, *LEED 4.1 Building Design and Construction*, 6-7 (2024), available at https://build.usgbc.org/bd+c_guide.

Newer versions of LEED (v4.1) have a separate certification for residential BD+C, including projects for new single family and multifamily homes.²⁰ Residential projects using LEED v4.1 must use the residential BD+C rating system and may not use LEED BD+C.²¹ Credits for residential BD+C certification can be earned for enhanced indoor air quality strategies, environmentally preferable products, low-emitting products, annual energy use, and indoor water use, among others.²²

LEED v5 includes new resilience requirements and achievement pathways for the BD+C certifications. For example, a climate resilience assessment must be completed as a prerequisite for the integrative processes category.²³ As part of the assessment, project teams must identify observed, projected, and future natural hazards—such as flooding, hurricanes and high winds, sea level rise and storm surge, and tornados—that could potentially affect the project site and building function. Project teams must identify at least two priority hazards to address through proposed operations and maintenance strategies. For each priority hazard, the project team must assess and specify certain information, such as the hazard level, hazard risk rating, potential impact on the project site and building function, and exposure, sensitivity, adaptive capacity, vulnerability, and overall risk levels.²⁴ Information from the assessment should be used to inform the planning, design, operations and maintenance of the project.²⁵ Credits can also be earned for enhanced resilient site design and resilient spaces.²⁶ Resilient spaces include design features that increase the capacity for occupants to adapt to changing climate conditions and be protected from events that may compromise the quality of the indoor environment and subsequently occupant health and wellbeing.²⁷

LEED O+M Certification

This certification is for buildings that are fully operational and occupied for at least one year.²⁸ The project may be undergoing improvement work or little to no construction. O+M certification is available for existing buildings or existing interiors (i.e., existing interior spaces that are contained within a portion of an existing building, whether for commercial, retail, or hospitality purposes).²⁹

²⁰ See USGBC, *LEED v4.1 Residential: Simplified and Streamlined*, <https://www.usgbc.org/articles/leed-v41-residential-simplified-and-streamlined> (last visited Jan. 28, 2025). It is unclear if LEED v5 will also have a separate residential certification.

²¹ However, the LEED v4.1 residential certification for multifamily homes is currently not available in the United States and Canada. Projects in the U.S. and Canada can continue to use the LEED v4 rating systems available to residential projects and substitute credits from the LEED v4.1 Residential rating systems to benefit from the rating system's new features. *Id.*

²² *Id.*

²³ USGBC, *LEED v5 Rating System: Building Design and Construction: New Construction*, 6 (2024), available at <https://www.usgbc.org/sites/default/files/2024-09/LEED-v5-BDC-New-Construction-Public-Comment-2-clean.pdf>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* at 31-32 and 103-104.

²⁷ *Id.* at 103.

²⁸ USGBC, *LEED v4.1: All in—one space, building and place at a time*, <https://www.usgbc.org/articles/leed-v41-all-in%E2%80%94one-space-building-and-place-time> (last visited Jan. 28, 2025).

²⁹ *Id.*

The categories for which credits can be earned include:³⁰

- Transportation performance (rates the project's greenhouse gas emissions measured in carbon dioxide equivalent emissions resulting from transportation to and from the building against other high performing buildings worldwide);
- Sustainable sites (rainwater management, heat island reduction, light pollution reduction, site management);
- Water efficiency/performance (rates the building's total water consumption);
- Energy and atmosphere (energy efficiency and performance, grid harmonization, etc.);
- Materials and resources (purchasing policy, facility maintenance and renovation policy, waste performance);
- Indoor environmental quality (tobacco smoke control, green cleaning policy, integrated pest management, etc.); and
- Innovation (innovation strategy and participation of LEED accredited professional).³¹

LEED v5 includes new resilience requirements and achievement pathways for O+M certifications. Like BD+C certifications, LEED v5 provides that a climate resilience assessment must be completed as a prerequisite for the integrative processes category for O+M certification.³² Points can also be earned for operational planning for resilience through development of an Emergency Response Plan that addresses the priority hazards identified in the climate resilience assessment.³³ Procedures and protocols in the plan must include the following:

- Identify essential personnel responsible for implementing the Emergency Response Plan.
- Ongoing emergency preparedness training and drills for essential personnel.
- Interdepartmental communication during emergencies.
- Pedestrian and vehicle traffic control during emergencies.
- Address special needs for vulnerable populations.
- Protection and restoration of critical facilities and systems.
- Backup power for command centers and essential systems.
- Ongoing maintenance of Emergency Response Plan.³⁴

Overview of Florida Corporate Income Tax

Florida levies a 5.5 percent tax on certain income of corporations and financial institutions doing business in Florida.³⁵ Florida utilizes the taxable income determined for federal income tax purposes as a starting point to determine the total amount of Florida corporate income tax due.³⁶ This means that a corporation paying taxes in Florida generally receives the same benefits from deductions when determining taxable income for federal tax purposes as it does when determining taxable income for state taxation purposes. Corporate income tax is remitted to the Department of Revenue and distributed to the General Revenue Fund.

³⁰ See USGBC, *LEED v4.1: Building Operations and Maintenance* (2023), available at https://build.usgbc.org/clean_om_41; USGBC, *LEED v4.1 O+M scorecard*, available at <https://build.usgbc.org/om41scorecard>.

³¹ *Id.*

³² USGBC, *LEED v5 Rating System: Operations and Maintenance: Existing Buildings*, 7 (2024), available at <https://www.usgbc.org/sites/default/files/2024-09/LEED-v5-OM-Existing-Buildings-Public-Comment-2-clean.pdf>.

³³ *Id.* at 10.

³⁴ *Id.*

³⁵ Section 220.11(2), F.S.

³⁶ Section 220.12, F.S.

Florida provides various tax benefits for certain corporate activities. These tax benefits take the form of subtractions, which reduce the amount of income that is subject to tax, exemptions, which prohibit taxation on certain levels of income, and tax credits, which are a dollar-for-dollar reduction of a corporation's tax liability.

State Advisory Bodies

Advisory councils are a type of advisory body that is created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.³⁷

Advisory bodies and other collegial bodies created as an adjunct to an executive agency must be established, evaluated, or maintained in accordance with the following provisions:³⁸

- They may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose.
- They must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of a public purpose. The executive agency to which the advisory body is made an adjunct must advise the Legislature at the time the advisory body is no longer essential to the furtherance of a public purpose.
- The Legislature and the public must be kept informed of the numbers, purposes, memberships, activities, and expenses of advisory bodies.

An advisory body may not be created or reestablished unless:

- It meets a statutorily defined purpose;
- Its powers and responsibilities conform with the statutory definitions for governmental units;³⁹
- Its members, unless expressly provided otherwise in the State Constitution, are appointed for four-year staggered terms; and
- Its members, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses.⁴⁰

The private citizen members of an advisory body that is adjunct to an executive agency must be appointed by the Governor, the head of the department,⁴¹ the executive director of the department, or a Cabinet officer.⁴²

³⁷ Section 20.03(7), F.S.

³⁸ Section 20.052, F.S.

³⁹ See section 20.03, F.S., for definitions of governmental units.

⁴⁰ Section 20.052(4), F.S.

⁴¹ "Department" means the principal administrative unit within the executive branch of state government. Section 20.03(8), F.S.

⁴² Section 20.052(5)(a), F.S.

Unless an exemption is otherwise specifically provided by law, all meetings of an advisory body, must be public.⁴³ Minutes, including a record of all votes cast, must be maintained for all meetings.⁴⁴

Each executive agency that has an adjunct advisory body must annually upload a report by August 15 to the website maintained by the Executive Office of the Governor.⁴⁵ The report must include all the following information:

- The statutory authority pursuant to which each advisory body is created.
- A brief description of the purpose or objective of each advisory body.
- A list indicating the membership of each advisory body, the appointing authority for each member position, whether the member positions are filled or vacant, the term of each member position, and, if vacant, when the vacancy occurred.
- A list of the meeting dates and times of each advisory body for the preceding 3 fiscal years.
- A brief summary of the work plan for each advisory body for the current fiscal year and the next 2 fiscal years.
- The amount of appropriated funds and staff time used in each fiscal year to support each advisory body.
- A recommendation by the agency, with supporting rationale, to continue, terminate, or modify each advisory body.⁴⁶

A law creating, or authorizing the creation of, an advisory body must provide for the repeal of the advisory body on October 2 of the 3rd year after enactment unless the law is reviewed and saved from repeal through reenactment by the Legislature.⁴⁷

Department of Business and Professional Regulation (DBPR)

DBPR is the agency charged with licensing and regulating businesses and professionals in Florida, such as cosmetologists, veterinarians, real estate agents, and pari-mutuel wagering facilities.⁴⁸ DBPR's Division of Professions has several boards and programs, including the Florida Building Code Administrators and Inspectors Board, Construction Industry Licensing Board, Board of Professional Engineers, and a home inspection services licensing program.⁴⁹

III. Effect of Proposed Changes:

Section 1 creates s. 220.197, F.S., establishing the resilient building tax credit program. The bill defines "resilient building" as:

- A building that has a Leadership in Energy and Environmental Design (LEED) certificate of silver, gold, or platinum in building design and construction (BD+C), which certificate meets the requirements for the LEED resilience pathway; or

⁴³ Section 20.052(5)(c), F.S.

⁴⁴ *Id.*

⁴⁵ Section 20.052(7), F.S.

⁴⁶ *Id.*

⁴⁷ Section 20.052(8), F.S.

⁴⁸ DBPR, *Department Overview*, <https://www2.myfloridalicense.com/about-us/departments-overview/> (last visited Feb. 12, 2025).

⁴⁹ Section 20.165(4)(a), F.S.

- A building that has an LEED certificate of silver, gold, or platinum in operations and maintenance (O+M), which certificate meets the requirements for the LEED resilience pathway.

The bill provides that, for taxable years beginning on or after January 1, 2026, the owner of a resilient building is eligible to receive a corporate income tax credit. A resilient building may qualify for such a tax credit only once.

To claim a credit under the resilient building tax credit program, a building owner must file an application for a tax credit with the Department of Business and Professional Regulation (DBPR) on a form prescribed by the DBPR no later than March 1 of the year immediately following the year of the building's LEED certification. DBPR may allow applications to be filed electronically. The building owner must verify the application under oath, under the penalty of perjury, and the application must contain the following:

- Documentation evidencing the type of LEED certification that was granted for the building that is the subject of the application;
- The date on which LEED certification was granted;
- A statement by the building owner that, for the purpose of research, the resilient building's energy use information will be reported in every year of the 5-year credit period to DBPR using the ENERGY STAR Portfolio Manager.⁵⁰ DBPR may publish the reported energy use information but may disclose such data only in the aggregate or individually without identifying information; and
- Other information DBPR deems necessary to make a proper review and determine eligibility.

The bill requires that, no later than 30 days after a building owner submits a completed application for the tax credit, DBPR must do one of the following:

- If the building owner is not eligible for a tax credit, notify the building owner in writing of the reasons the building owner is not entitled to a tax credit; or
- If the building owner is eligible for a tax credit, issue a letter to the building owner which includes the name of the taxpayer, the address of the resilient building, the amount of the tax credit, and the tax years for which the building owner is eligible for the tax credit. The building owner must attach the letter from DBPR to the tax return on which the credit is claimed.

The bill provides that a building owner may file only one application with DBPR for each resilient building, except that a building owner may file a subsequent application if the first application was denied or withdrawn because of errors or omissions in the application and the building owner corrected such errors or omissions in the subsequent application.

The amount of the tax credit provided under this bill depends on the type and level of LEED certification. Specifically, the bill provides:

⁵⁰ EPA's ENERGY STAR Portfolio Manager is a free online tool for measuring and tracking energy performance within commercial buildings. ENERGY STAR, *About ENERGY STAR for Commercial Buildings*, <https://www.energystar.gov/buildings/about-us> (last visited Jan. 29, 2025).

- A gold or silver BD+C LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to 50 cents per square foot of the building every year for 5 years.
- A platinum BD+C LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to \$1 per square foot of the building every year for 5 years.
- A gold or silver O+M LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to \$1 per square foot of the building every year for 5 years.
- A platinum O+M LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to \$2 per square foot of the building every year for 5 years.

If the credit granted under this bill is not fully used in any one taxable year because of insufficient tax liability on the part of the building owner, or because the building owner is not subject to tax under this chapter, the unused amount may be carried forward for a period not to exceed five taxable years or may be transferred. The carryover or transferred credit may be used in the year approved or any of the five subsequent taxable years when the tax for that taxable year exceeds the credit for which the building owner or transferee is eligible in that taxable year and after applying the other credits and unused carryovers in the order provided by s. 220.02(8), F.S.⁵¹

The bill provides that credits may be transferred, in whole or in part:

- By written agreement to a taxpayer subject to the tax under this chapter; and
- At any time after receipt of the letter of eligibility issued by DBPR, or during the five taxable years following the taxable year the credit was originally earned by the building owner.

The written agreement required for transfer must:

- Be filed jointly by the building owner and the transferee with the Department of Revenue within 30 days after the transfer, in accordance with rules adopted by the Department of Revenue; and
- Contain all the following information:
 - The name, address, and taxpayer identification number for the building owner and the transferee;
 - The amount of the credit being transferred;
 - The taxable year in which the credit was originally earned by the building owner; and
 - The remaining taxable years for which the credit may be claimed.

The bill provides that, if the recipient of the credit in any year fails to provide the energy use information required under this bill, DBPR must rescind the authorization for the credit. Within 10 days after the date on which the building owner was required to report the information, the DBPR must send a notice informing the recipient of the credit of DBPR's intent to rescind the credit. If the recipient does not provide the information within 20 days after the date the notice was sent, DBPR must notify the Department of Revenue of the rescindment of the recipient's tax credit, and the Department of Revenue may not allow the credit to be taken.

⁵¹ Section 20.02(8), F.S., provides the Legislature's intended order of tax credit application.

The bill also directs DBPR and the Department of Revenue to adopt rules to implement this section.

Section 2 creates s. 553.972, F.S., which establishes the Florida Resilient Building Advisory Council. The bill provides that the Florida Resilient Building Advisory Council is an advisory council as defined in s. 20.03(7), F.S.,⁵² and is created adjunct to DBPR. The bill provides that the purpose of the advisory council is to provide DBPR and the Legislature with recommendations on policies to foster and enhance resilient buildings and hurricane resiliency in this state. The bill directs DBPR to post on its website any proposed policies from the advisory council.

The bill provides that the advisory council must be composed of the following members, who will serve at the pleasure of their appointing authorities:

- A representative from the Florida State University, who will serve as co-chair and be appointed by the Governor.
- A representative of the Florida Gulf Coast University U.A. Whitaker School of Engineering, who will serve as co-chair and be appointed by the President of the Senate.
- A representative of the University of Florida College of Design, Construction, and Planning's Sustainability and the Built Environment program, who will serve as co-chair and be appointed by the Speaker of the House of Representatives.
- A representative of the University of Miami, who will be appointed by the President of the Senate.
- A representative of the University of South Florida, who will be appointed by the Speaker of the House of Representatives.
- A representative of the Florida International University International Hurricane Research Center, who will be appointed by the President of the Senate.
- A representative of the University of Central Florida, who will be appointed by the Speaker of the House of Representatives.
- Five members appointed by the Governor.
- Five members appointed by the President of the Senate.
- Five members appointed by the Speaker of the House of Representatives.

The bill provides that the appointed members must have specialized knowledge regarding resilient building design and construction, resilient building operations and maintenance, policy innovation and incentives, and building and community challenges.

The bill provides that the Governor, the President of the Senate, and the Speaker of the House of Representatives must make reasonable efforts to appoint persons to the advisory council who include the following:

- Five members who are representatives of local government.
- Two members who are representatives of building codes and standards organizations.

⁵² Section 20.03(7), F.S., defines "advisory council" as an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

- Two members who are representatives of sustainable or resilient building certification organizations.
- One member who is an architect licensed in this state.
- One member who is an engineer licensed in this state.
- One member who is a representative of the commercial and residential property insurance industry.
- Two members who have expertise in renewable energy and energy storage systems.
- One member who has expertise in building-grid integration.

The bill provides that council members must be appointed no later than August 1, 2025. The bill requires members to serve 4-year terms, except that the initial terms must be staggered. The initial appointments must be made as follows:

- The Governor must initially appoint two members for a term of 4 years, two members for a term of 3 years, and two members for a term of 2 years.
- The President of the Senate must initially appoint three members for a term of 4 years, three members for a term of 3 years, and two members for a term of 2 years.
- The Speaker of the House of Representatives must initially appoint three members for a term of 4 years, two members for a term of 3 years, and two members for a term of 2 years.

Members of the advisory council must serve without compensation but are entitled to reimbursement for per diem and travel expenses.

The bill provides that the advisory council must meet at the call of the co-chairs at a time and location in this state designated by the co-chairs, provided that the first meeting must occur no later than November 1, 2025, and that subsequent meetings must occur no less than semiannually thereafter. The bill directs DBPR to provide staffing and administrative assistance to the advisory council in performing its duties.

The bill repeals this section on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3 amend s. 213.053, F.S., regarding confidentiality and information sharing. The bill provides that the Department of Revenue may provide information relative to s. 220.197, F.S, on the new resilient building tax credit, to DBPR in the conduct of its official business.

Section 4 amends s. 220.02, F.S., regarding the legislative intent for applying credits against the corporate income tax or the franchise tax. The bill amends this section to include the new resilient building tax credit at the end of the Legislature's intended order of tax credit application.

Section 5 amends s. 220.13, F.S., regarding the definition of "adjusted federal income," to provide an addition to taxable income for the amount of a credit taken under the new resilient building program.

Section 6 provides an effective date of July 1, 2025.

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

Not applicable. The bill does not require counties or municipalities to take action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities. Therefore, the bill may not be subject to Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Not applicable. The bill does not impose or raise a state tax or fee nor repeal a state tax credit or exemption.

E. Other Constitutional Issues:

None.

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

The Revenue Estimating Conference has not analyzed the bill.

B. Private Sector Impact:

The tax credit will provide eligible corporate taxpayers with tax savings.

C. Government Sector Impact:

The Department of Business and Professional Regulation and Department of Revenue will need to engage in rulemaking and will incur implementation costs. In addition, the tax credit will result in fewer corporate income taxes being remitted to the Department of Revenue and distributed to the General Revenue Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 213.053, 220.02, and 220.13.

This bill creates the following sections of the Florida Statutes: 220.197 and 553.972.

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

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

CS by Environment and Natural Resources on February 11, 2025:

- Adds two additional advisory council members from state universities (Florida International University and the University of Central Florida);
- Amends the number and term length of the initial appointments made by the Governor, President of the Senate, and Speaker of the House;
- Changes the date for the repeal of the advisory council from June 30, 2030, to October 2, 2028; and
- Changes the Department of Environmental Protection to the Department of Business and Professional Regulation throughout the bill.

B. Amendments:

None.



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The Committee on Environment and Natural Resources (Rodriguez)
recommended the following:

Senate Amendment

Delete lines 203 - 249
and insert:

(f) A representative of the Florida International
University International Hurricane Research Center, who shall be
appointed by the President of the Senate.

(g) A representative of the University of Central Florida,
who shall be appointed by the Speaker of the House of
Representatives.



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11 (h) Five members appointed by the Governor.
12 (i) Five members appointed by the President of the Senate.
13 (j) Five members appointed by the Speaker of the House of
14 Representatives.
15
16 The members appointed must have specialized knowledge regarding
17 resilient building design and construction, resilient building
18 operations and maintenance, policy innovation and incentives,
19 and building and community challenges.
20 (4) When appointing members under paragraphs (3) (h), (i),
21 and (j), the Governor, the President of the Senate, and the
22 Speaker of the House of Representatives, respectively, shall
23 make reasonable efforts to appoint persons to the advisory
24 council who include the following:
25 (a) Five members who are representatives of local
26 government.
27 (b) Two members who are representatives of building codes
28 and standards organizations.
29 (c) Two members who are representatives of sustainable or
30 resilient building certification organizations.
31 (d) One member who is an architect licensed in this state.
32 (e) One member who is an engineer licensed in this state.
33 (f) One member who is a representative of the commercial
34 and residential property insurance industry.
35 (g) Two members who have expertise in renewable energy and
36 energy storage systems.
37 (h) One member who has expertise in building-grid
38 integration.
39 (5) Advisory council members must be appointed no later



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than August 1, 2025. Members shall serve 4-year terms, except that the initial terms must be staggered. The Governor shall initially appoint two members for a term of 4 years, two members for a term of 3 years, and two members for a term of 2 years. The President of the Senate shall initially appoint three members for a term of 4 years, three members for a term of 3 years, and two members for a term of 2 years. The Speaker of the House of Representatives shall initially appoint three members for a term of 4 years, two members for a term of 3 years, and two members for a term of 2 years. Members of the advisory council shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(6) The advisory council shall meet at the call of the co-chairs at a time and location in this state designated by the co-chairs, provided that the first meeting must occur no later than November 1, 2025, and that subsequent meetings must occur no less than semiannually thereafter.

(7) The department shall provide staffing and administrative assistance to the advisory council in performing its duties.

(8) In accordance with s. 20.052(8), this section is repealed October 2, 2028, unless reviewed and



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The Committee on Environment and Natural Resources (Rodriguez)
recommended the following:

**Senate Substitute for Amendment (737514) (with title
amendment)**

Delete lines 64 - 258
and insert:

Business and Professional Regulation on a form prescribed by the
Department of Business and Professional Regulation no later than
March 1 of the year immediately following the year of the
building's LEED certification. The Department of Business and
Professional Regulation may allow applications to be filed



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electronically. The building owner must verify the application under oath, under the penalty of perjury, and the application must contain all of the following:

1. Documentation evidencing the type of LEED certification that was granted for the building that is the subject of the application.

2. The date on which LEED certification was granted.

3. A statement by the building owner that, for the purpose of research, the resilient building's energy use information will be reported in every year of the 5-year credit period to the Department of Business and Professional Regulation using the ENERGY STAR Portfolio Manager. The Department of Business and Professional Regulation may publish the reported energy use information but may disclose such data only in the aggregate or individually without identifying information.

4. Other information the Department of Business and Professional Regulation deems necessary to make a proper review and determine eligibility.

(b) No later than 30 days after a building owner submits a completed application for the tax credit, the Department of Business and Professional Regulation shall do one of the following:

1. If the building owner is not eligible for a tax credit, notify the building owner in writing of the reasons the building owner is not entitled to a tax credit.

2. If the building owner is eligible for a tax credit, issue a letter to the building owner which includes the name of the taxpayer, the address of the resilient building, the amount of the tax credit as specified in subsection (3), and the tax



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years for which the building owner is eligible for the tax credit. The building owner must attach the letter from the Department of Business and Professional Regulation to the tax return on which the credit is claimed.

(c) A building owner may file only one application with the Department of Business and Professional Regulation for each resilient building, except that a building owner may file a subsequent application if the building owner's first application was denied or withdrawn because of errors or omissions in the application and the building owner corrected such errors or omissions in the subsequent application.

(3) If the resilient building that is the subject of an application filed under subsection (2) has:

(a) A gold or silver BD+C LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to \$0.50 per square foot of the building every year for 5 years.

(b) A platinum BD+C LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to \$1 per square foot of the building every year for 5 years.

(c) A gold or silver O+M LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to \$1 per square foot of the building every year for 5 years.

(d) A platinum O+M LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to \$2 per square foot of the building every year for 5 years.



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(4) (a) If the credit granted under this section is not fully used in any one taxable year because of insufficient tax liability on the part of the building owner, or because the building owner is not subject to tax under this chapter, the unused amount may be carried forward for a period not to exceed 5 taxable years or may be transferred in accordance with paragraph (b). The carryover or transferred credit may be used in the year approved or any of the 5 subsequent taxable years when the tax imposed by this chapter for that taxable year exceeds the credit for which the building owner or transferee under paragraph (b) is eligible in that taxable year under this subsection and after applying the other credits and unused carryovers in the order provided by s. 220.02(8).

(b)1. The credit under this section may be transferred, in whole or in part:

a. By written agreement to a taxpayer subject to the tax under this chapter; and

b. At any time after receipt of the letter of eligibility specified in subparagraph (2) (b)2., or during the 5 taxable years following the taxable year the credit was originally earned by the building owner.

2. The written agreement required for transfer under this paragraph must:

a. Be filed jointly by the building owner and the transferee with the department within 30 days after the transfer, in accordance with rules adopted by the department; and

b. Contain all of the following information: the name, address, and taxpayer identification number for the building



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owner and the transferee; the amount of the credit being transferred; the taxable year in which the credit was originally earned by the building owner; and the remaining taxable years for which the credit may be claimed.

(5) If the recipient of the credit granted under this section in any year fails to provide the energy use information required under subparagraph (2)(a)3., the Department of Business and Professional Regulation must rescind the authorization for the credit. Within 10 days after the date on which the building owner was required to report the information, the Department of Business and Professional Regulation shall send a notice informing the recipient of the credit of the Department of Business and Professional Regulation's intent to rescind the credit. If the recipient does not provide the information within 20 days after the date the notice was sent, the Department of Business and Professional Regulation must notify the department of the rescindment of the recipient's tax credit, and the department may not allow the credit to be taken.

(6) The department and the Department of Business and Professional Regulation shall adopt rules to implement this section.

Section 2. Section 553.972, Florida Statutes, is created to read:

553.972 Florida Resilient Building Advisory Council.—

(1) The Florida Resilient Building Advisory Council, an advisory council as defined in s. 20.03(7), is created adjunct to the Department of Business and Professional Regulation. The purpose of the advisory council is to provide the department and the Legislature with recommendations on policies to foster and



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enhance resilient buildings and hurricane resiliency in this state.

(2) The Department of Business and Professional Regulation shall post on its website any proposed policies from the advisory council.

(3) The advisory council shall be composed of the following members, who shall serve at the pleasure of their appointing authorities:

(a) A representative of the Florida State University, who shall serve as co-chair and be appointed by the Governor.

(b) A representative of the Florida Gulf Coast University U.A. Whitaker School of Engineering, who shall serve as co-chair and be appointed by the President of the Senate.

(c) A representative of the University of Florida College of Design, Construction, and Planning's Sustainability and the Built Environment program, who shall serve as co-chair and be appointed by the Speaker of the House of Representatives.

(d) A representative of the University of Miami, who shall be appointed by the President of the Senate.

(e) A representative of the University of South Florida, who shall be appointed by the Speaker of the House of Representatives.

(f) A representative of the Florida International University International Hurricane Research Center, who shall be appointed by the President of the Senate.

(g) A representative of the University of Central Florida, who shall be appointed by the Speaker of the House of Representatives.

(h) Five members appointed by the Governor.



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(i) Five members appointed by the President of the Senate.
(j) Five members appointed by the Speaker of the House of
Representatives.

The members appointed must have specialized knowledge regarding
resilient building design and construction, resilient building
operations and maintenance, policy innovation and incentives,
and building and community challenges.

(4) When appointing members under paragraphs (3)(h), (i),
and (j), the Governor, the President of the Senate, and the
Speaker of the House of Representatives, respectively, shall
make reasonable efforts to appoint persons to the advisory
council who include the following:

(a) Five members who are representatives of local
government.

(b) Two members who are representatives of building codes
and standards organizations.

(c) Two members who are representatives of sustainable or
resilient building certification organizations.

(d) One member who is an architect licensed in this state.

(e) One member who is an engineer licensed in this state.

(f) One member who is a representative of the commercial
and residential property insurance industry.

(g) Two members who have expertise in renewable energy and
energy storage systems.

(h) One member who has expertise in building-grid
integration.

(5) Advisory council members must be appointed no later
than August 1, 2025. Members shall serve 4-year terms, except



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that the initial terms must be staggered. The Governor shall initially appoint two members for a term of 4 years, two members for a term of 3 years, and two members for a term of 2 years. The President of the Senate shall initially appoint three members for a term of 4 years, three members for a term of 3 years, and two members for a term of 2 years. The Speaker of the House of Representatives shall initially appoint three members for a term of 4 years, two members for a term of 3 years, and two members for a term of 2 years. Members of the advisory council shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(6) The advisory council shall meet at the call of the co-chairs at a time and location in this state designated by the co-chairs, provided that the first meeting must occur no later than November 1, 2025, and that subsequent meetings must occur no less than semiannually thereafter.

(7) The department shall provide staffing and administrative assistance to the advisory council in performing its duties.

(8) In accordance with s. 20.052(8), this section is repealed October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. Paragraph (cc) is added to subsection (8) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(cc) Information relative to s. 220.199 to the Department



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of Business and Professional Regulation in the conduct of its
official business.

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

And the title is amended as follows:

Delete lines 9 - 30

and insert:

Business and Professional Regulation by a specified
date in order to claim such tax credit; authorizing
the department to accept such applications
electronically; specifying requirements for such
applications; authorizing the department to disclose
certain data that meets specified requirements;
authorizing the department to publish certain data;
requiring the department to take certain actions;
requiring a building owner to attach a specified
letter to certain tax returns; providing that a
building owner may file only one application with the
department; providing exceptions; specifying the
amounts of the tax credit; authorizing a building
owner to carry forward the unused amount of a tax
credit to a subsequent tax year; authorizing the
transfer of all or part of the tax credits under
certain conditions; requiring the department to
rescind eligibility for the tax credit under certain
circumstances; requiring the Department of Revenue and
the Department of Business and Professional Regulation
to adopt rules; creating s. 533.972, F.S.; creating
the Florida Resilient Building Advisory Council



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243 adjunct to the Business and Professional Regulation;
244 providing



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The Committee on Environment and Natural Resources (Rodriguez) recommended the following:

Senate Substitute for Amendment (737514) (with title amendment)

Delete lines 64 - 258
and insert:

Business and Professional Regulation on a form prescribed by the Department of Business and Professional Regulation no later than March 1 of the year immediately following the year of the building's LEED certification. The Department of Business and Professional Regulation may allow applications to be filed



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electronically. The building owner must verify the application under oath, under the penalty of perjury, and the application must contain all of the following:

1. Documentation evidencing the type of LEED certification that was granted for the building that is the subject of the application.

2. The date on which LEED certification was granted.

3. A statement by the building owner that, for the purpose of research, the resilient building's energy use information will be reported in every year of the 5-year credit period to the Department of Business and Professional Regulation using the ENERGY STAR Portfolio Manager. The Department of Business and Professional Regulation may publish the reported energy use information but may disclose such data only in the aggregate or individually without identifying information.

4. Other information the Department of Business and Professional Regulation deems necessary to make a proper review and determine eligibility.

(b) No later than 30 days after a building owner submits a completed application for the tax credit, the Department of Business and Professional Regulation shall do one of the following:

1. If the building owner is not eligible for a tax credit, notify the building owner in writing of the reasons the building owner is not entitled to a tax credit.

2. If the building owner is eligible for a tax credit, issue a letter to the building owner which includes the name of the taxpayer, the address of the resilient building, the amount of the tax credit as specified in subsection (3), and the tax



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years for which the building owner is eligible for the tax credit. The building owner must attach the letter from the Department of Business and Professional Regulation to the tax return on which the credit is claimed.

(c) A building owner may file only one application with the Department of Business and Professional Regulation for each resilient building, except that a building owner may file a subsequent application if the building owner's first application was denied or withdrawn because of errors or omissions in the application and the building owner corrected such errors or omissions in the subsequent application.

(3) If the resilient building that is the subject of an application filed under subsection (2) has:

(a) A gold or silver BD+C LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to \$0.50 per square foot of the building every year for 5 years.

(b) A platinum BD+C LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to \$1 per square foot of the building every year for 5 years.

(c) A gold or silver O+M LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to \$1 per square foot of the building every year for 5 years.

(d) A platinum O+M LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to \$2 per square foot of the building every year for 5 years.



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(4) (a) If the credit granted under this section is not fully used in any one taxable year because of insufficient tax liability on the part of the building owner, or because the building owner is not subject to tax under this chapter, the unused amount may be carried forward for a period not to exceed 5 taxable years or may be transferred in accordance with paragraph (b). The carryover or transferred credit may be used in the year approved or any of the 5 subsequent taxable years when the tax imposed by this chapter for that taxable year exceeds the credit for which the building owner or transferee under paragraph (b) is eligible in that taxable year under this subsection and after applying the other credits and unused carryovers in the order provided by s. 220.02(8).

(b)1. The credit under this section may be transferred, in whole or in part:

a. By written agreement to a taxpayer subject to the tax under this chapter; and

b. At any time after receipt of the letter of eligibility specified in subparagraph (2) (b)2., or during the 5 taxable years following the taxable year the credit was originally earned by the building owner.

2. The written agreement required for transfer under this paragraph must:

a. Be filed jointly by the building owner and the transferee with the department within 30 days after the transfer, in accordance with rules adopted by the department; and

b. Contain all of the following information: the name, address, and taxpayer identification number for the building



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owner and the transferee; the amount of the credit being transferred; the taxable year in which the credit was originally earned by the building owner; and the remaining taxable years for which the credit may be claimed.

(5) If the recipient of the credit granted under this section in any year fails to provide the energy use information required under subparagraph (2)(a)3., the Department of Business and Professional Regulation must rescind the authorization for the credit. Within 10 days after the date on which the building owner was required to report the information, the Department of Business and Professional Regulation shall send a notice informing the recipient of the credit of the Department of Business and Professional Regulation's intent to rescind the credit. If the recipient does not provide the information within 20 days after the date the notice was sent, the Department of Business and Professional Regulation must notify the department of the rescindment of the recipient's tax credit, and the department may not allow the credit to be taken.

(6) The department and the Department of Business and Professional Regulation shall adopt rules to implement this section.

Section 2. Section 553.972, Florida Statutes, is created to read:

553.972 Florida Resilient Building Advisory Council.—

(1) The Florida Resilient Building Advisory Council, an advisory council as defined in s. 20.03(7), is created adjunct to the Department of Business and Professional Regulation. The purpose of the advisory council is to provide the department and the Legislature with recommendations on policies to foster and



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enhance resilient buildings and hurricane resiliency in this state.

(2) The Department of Business and Professional Regulation shall post on its website any proposed policies from the advisory council.

(3) The advisory council shall be composed of the following members, who shall serve at the pleasure of their appointing authorities:

(a) A representative of the Florida State University, who shall serve as co-chair and be appointed by the Governor.

(b) A representative of the Florida Gulf Coast University U.A. Whitaker School of Engineering, who shall serve as co-chair and be appointed by the President of the Senate.

(c) A representative of the University of Florida College of Design, Construction, and Planning's Sustainability and the Built Environment program, who shall serve as co-chair and be appointed by the Speaker of the House of Representatives.

(d) A representative of the University of Miami, who shall be appointed by the President of the Senate.

(e) A representative of the University of South Florida, who shall be appointed by the Speaker of the House of Representatives.

(f) A representative of the Florida International University International Hurricane Research Center, who shall be appointed by the President of the Senate.

(g) A representative of the University of Central Florida, who shall be appointed by the Speaker of the House of Representatives.

(h) Five members appointed by the Governor.



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(i) Five members appointed by the President of the Senate.
(j) Five members appointed by the Speaker of the House of
Representatives.

The members appointed must have specialized knowledge regarding
resilient building design and construction, resilient building
operations and maintenance, policy innovation and incentives,
and building and community challenges.

(4) When appointing members under paragraphs (3)(h), (i),
and (j), the Governor, the President of the Senate, and the
Speaker of the House of Representatives, respectively, shall
make reasonable efforts to appoint persons to the advisory
council who include the following:

(a) Five members who are representatives of local
government.

(b) Two members who are representatives of building codes
and standards organizations.

(c) Two members who are representatives of sustainable or
resilient building certification organizations.

(d) One member who is an architect licensed in this state.

(e) One member who is an engineer licensed in this state.

(f) One member who is a representative of the commercial
and residential property insurance industry.

(g) Two members who have expertise in renewable energy and
energy storage systems.

(h) One member who has expertise in building-grid
integration.

(5) Advisory council members must be appointed no later
than August 1, 2025. Members shall serve 4-year terms, except



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that the initial terms must be staggered. The Governor shall initially appoint two members for a term of 4 years, two members for a term of 3 years, and two members for a term of 2 years. The President of the Senate shall initially appoint three members for a term of 4 years, three members for a term of 3 years, and two members for a term of 2 years. The Speaker of the House of Representatives shall initially appoint three members for a term of 4 years, two members for a term of 3 years, and two members for a term of 2 years. Members of the advisory council shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(6) The advisory council shall meet at the call of the co-chairs at a time and location in this state designated by the co-chairs, provided that the first meeting must occur no later than November 1, 2025, and that subsequent meetings must occur no less than semiannually thereafter.

(7) The department shall provide staffing and administrative assistance to the advisory council in performing its duties.

(8) In accordance with s. 20.052(8), this section is repealed October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. Paragraph (cc) is added to subsection (8) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(cc) Information relative to s. 220.197 to the Department



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of Business and Professional Regulation in the conduct of its
official business.

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

And the title is amended as follows:

 Delete lines 9 - 30
and insert:
 Business and Professional Regulation by a specified
 date in order to claim such tax credit; authorizing
 the department to accept such applications
 electronically; specifying requirements for such
 applications; authorizing the department to disclose
 certain data that meets specified requirements;
 authorizing the department to publish certain data;
 requiring the department to take certain actions;
 requiring a building owner to attach a specified
 letter to certain tax returns; providing that a
 building owner may file only one application with the
 department; providing exceptions; specifying the
 amounts of the tax credit; authorizing a building
 owner to carry forward the unused amount of a tax
 credit to a subsequent tax year; authorizing the
 transfer of all or part of the tax credits under
 certain conditions; requiring the department to
 rescind eligibility for the tax credit under certain
 circumstances; requiring the Department of Revenue and
 the Department of Business and Professional Regulation
 to adopt rules; creating s. 533.972, F.S.; creating
 the Florida Resilient Building Advisory Council



709528

243 adjunct to the Business and Professional Regulation;
244 providing

By Senator Rodriguez

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A bill to be entitled

An act relating to resilient buildings; creating s. 220.197, F.S.; defining the term "resilient building"; specifying that owners of resilient buildings are eligible to receive a specified tax credit; specifying that a resilient building may qualify for such tax credit only once; requiring building owners to file a specified application with the Department of Environmental Protection by a specified date in order to claim such tax credit; authorizing the department to accept such applications electronically; specifying requirements for such applications; authorizing the department to disclose certain data that meets specified requirements; authorizing the department to publish certain data; requiring the department to take certain actions; requiring a building owner to attach a specified letter to certain tax returns; providing that a building owner may file only one application with the department; providing exceptions; specifying the amounts of the tax credit; authorizing a building owner to carry forward the unused amount of a tax credit to a subsequent tax year; authorizing the transfer of all or part of the tax credits under certain conditions; requiring the department to rescind eligibility for the tax credit under certain circumstances; requiring the Department of Revenue and the Department of Environmental Protection to adopt rules; creating s. 403.8053, F.S.; creating the Florida Resilient Building Advisory Council adjunct to

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the Department of Environmental Protection; providing the purpose of the advisory council; requiring the department to post certain policies on its website; providing for the duties, membership, and meetings of the advisory council; requiring the department to provide the advisory council with staffing and administrative assistance; providing for expiration of the advisory council; amending ss. 213.053, 220.02, and 220.13, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 220.197, Florida Statutes, is created to read:

220.197 Resilient building tax credit program.—

(1) As used in this section, the term "resilient building" means any of the following:

(a) A building that has a Leadership in Energy and Environmental Design (LEED) certificate of silver, gold, or platinum in building design and construction (BD+C), which certificate meets the requirements for the LEED resilience pathway.

(b) A building that has an LEED certificate of silver, gold, or platinum in operations and maintenance (O+M), which certificate meets the requirements for the LEED resilience pathway.

(2) For taxable years beginning on or after January 1, 2026, the owner of a resilient building is eligible to receive a

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credit against the tax imposed by this chapter as specified in subsection (3). A resilient building may qualify for the tax credit under this section only once.

(a) To claim a credit under this section, a building owner must file an application for a tax credit with the Department of Environmental Protection on a form prescribed by the Department of Environmental Protection no later than March 1 of the year immediately following the year of the building's LEED certification. The Department of Environmental Protection may allow applications to be filed electronically. The building owner must verify the application under oath, under the penalty of perjury, and the application must contain all of the following:

1. Documentation evidencing the type of LEED certification that was granted for the building that is the subject of the application.

2. The date on which LEED certification was granted.

3. A statement by the building owner that, for the purpose of research, the resilient building's energy use information will be reported in every year of the 5-year credit period to the Department of Environmental Protection using the ENERGY STAR Portfolio Manager. The Department of Environmental Protection may publish the reported energy use information but may disclose such data only in the aggregate or individually without identifying information.

4. Other information the Department of Environmental Protection deems necessary to make a proper review and determine eligibility.

(b) No later than 30 days after a building owner submits a

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completed application for the tax credit, the Department of Environmental Protection shall do one of the following:

1. If the building owner is not eligible for a tax credit, notify the building owner in writing of the reasons the building owner is not entitled to a tax credit.

2. If the building owner is eligible for a tax credit, issue a letter to the building owner which includes the name of the taxpayer, the address of the resilient building, the amount of the tax credit as specified in subsection (3), and the tax years for which the building owner is eligible for the tax credit. The building owner must attach the letter from the Department of Environmental Protection to the tax return on which the credit is claimed.

(c) A building owner may file only one application with the Department of Environmental Protection for each resilient building, except that a building owner may file a subsequent application if the building owner's first application was denied or withdrawn because of errors or omissions in the application and the building owner corrected such errors or omissions in the subsequent application.

(3) If the resilient building that is the subject of an application filed under subsection (2) has:

(a) A gold or silver BD+C LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to 50 cents per square foot of the building every year for 5 years.

(b) A platinum BD+C LEED certification that fulfills the LEED resilience pathway, the building owner must receive a tax credit equal to \$1 per square foot of the building every year

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117 for 5 years.

118 (c) A gold or silver O+M LEED certification that fulfills
119 the LEED resilience pathway, the building owner must receive a
120 tax credit equal to \$1 per square foot of the building every
121 year for 5 years.

122 (d) A platinum O+M LEED certification that fulfills the
123 LEED resilience pathway, the building owner must receive a tax
124 credit equal to \$2 per square foot of the building every year
125 for 5 years.

126 (4) (a) If the credit granted under this section is not
127 fully used in any one taxable year because of insufficient tax
128 liability on the part of the building owner, or because the
129 building owner is not subject to tax under this chapter, the
130 unused amount may be carried forward for a period not to exceed
131 5 taxable years or may be transferred in accordance with
132 paragraph (b). The carryover or transferred credit may be used
133 in the year approved or any of the 5 subsequent taxable years
134 when the tax imposed by this chapter for that taxable year
135 exceeds the credit for which the building owner or transferee
136 under paragraph (b) is eligible in that taxable year under this
137 subsection and after applying the other credits and unused
138 carryovers in the order provided by s. 220.02(8).

139 (b)1. The credit under this section may be transferred, in
140 whole or in part:

141 a. By written agreement to a taxpayer subject to the tax
142 under this chapter; and

143 b. At any time after receipt of the letter of eligibility
144 specified in subparagraph (2) (b)2., or during the 5 taxable
145 years following the taxable year the credit was originally

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146 earned by the building owner.

147 2. The written agreement required for transfer under this
148 paragraph must:

149 a. Be filed jointly by the building owner and the
150 transferee with the department within 30 days after the
151 transfer, in accordance with rules adopted by the department;
152 and

153 b. Contain all of the following information: the name,
154 address, and taxpayer identification number for the building
155 owner and the transferee; the amount of the credit being
156 transferred; the taxable year in which the credit was originally
157 earned by the building owner; and the remaining taxable years
158 for which the credit may be claimed.

159 (5) If the recipient of the credit granted under this
160 section in any year fails to provide the energy use information
161 required under subparagraph (2)(a)3., the Department of
162 Environmental Protection must rescind the authorization for the
163 credit. Within 10 days after the date on which the building
164 owner was required to report the information, the Department of
165 Environmental Protection shall send a notice informing the
166 recipient of the credit of the Department of Environmental
167 Protection's intent to rescind the credit. If the recipient does
168 not provide the information within 20 days after the date the
169 notice was sent, the Department of Environmental Protection must
170 notify the department of the rescindment of the recipient's tax
171 credit, and the department may not allow the credit to be taken.

172 (6) The department and the Department of Environmental
173 Protection shall adopt rules to implement this section.

174 Section 2. Section 403.8053, Florida Statutes, is created

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to read:

403.8053 Florida Resilient Building Advisory Council.—

(1) The Florida Resilient Building Advisory Council, an advisory council as defined in s. 20.03(7), is created adjunct to the Department of Environmental Protection. The purpose of the advisory council is to provide the department and the Legislature with recommendations on policies to foster and enhance resilient buildings and hurricane resiliency in this state.

(2) The Department of Environmental Protection shall post on its website any proposed policies from the advisory council.

(3) The advisory council shall be composed of the following members, who shall serve at the pleasure of their appointing authorities:

(a) A representative from the Florida State University, who shall serve as co-chair and be appointed by the Governor.

(b) A representative of the Florida Gulf Coast University U.A. Whitaker School of Engineering, who shall serve as co-chair and be appointed by the President of the Senate.

(c) A representative of the University of Florida College of Design, Construction, and Planning's Sustainability and the Built Environment program, who shall serve as co-chair and be appointed by the Speaker of the House of Representatives.

(d) A representative of the University of Miami, who shall be appointed by the President of the Senate.

(e) A representative of the University of South Florida, who shall be appointed by the Speaker of the House of Representatives.

(f) Five members appointed by the Governor.

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204 (g) Five members appointed by the President of the Senate.

205 (h) Five members appointed by the Speaker of the House of
206 Representatives.

207
208 The members appointed must have specialized knowledge regarding
209 resilient building design and construction, resilient building
210 operations and maintenance, policy innovation and incentives,
211 and building and community challenges.

212 (4) When appointing members under subsection (3), the
213 Governor, the President of the Senate, and the Speaker of the
214 House of Representatives shall make reasonable efforts to
215 appoint persons to the advisory council who include the
216 following:

217 (a) Five members who are representatives of local
218 government.

219 (b) Two members who are representatives of building codes
220 and standards organizations.

221 (c) Two members who are representatives of sustainable or
222 resilient building certification organizations.

223 (d) One member who is an architect licensed in this state.

224 (e) One member who is an engineer licensed in this state.

225 (f) One member who is a representative of the commercial
226 and residential property insurance industry.

227 (g) Two members who have expertise in renewable energy and
228 energy storage systems.

229 (h) One member who has expertise in building-grid
230 integration.

231 (5) Advisory council members must be appointed no later
232 than August 1, 2025. Members shall serve 4-year terms, except

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that the initial terms must be staggered. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each initially appoint three members for a term of 3 years, two members for a term of 2 years, and one member for a term of 1 year. Members of the advisory council shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(6) The advisory council shall meet at the call of the co-chairs at a time and location in this state designated by the co-chairs, provided that the first meeting must occur no later than November 1, 2025, and that subsequent meetings must occur no less than semiannually thereafter.

(7) The department shall provide staffing and administrative assistance to the advisory council in performing its duties.

(8) This section expires June 30, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. Paragraph (o) of subsection (8) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(o) Information relative to ss. 220.1845, 220.197, 220.199, and 376.30781 to the Department of Environmental Protection in the conduct of its official business.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director

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and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 4. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.1876, those enumerated in s. 220.1877, those enumerated in s. 220.1878, those enumerated in s. 220.193, those enumerated in former s. 288.9916, those enumerated in former s. 220.1899, those enumerated in former s. 220.194, those enumerated in s. 220.196, those enumerated in s. 220.198, those enumerated in s. 220.1915, those enumerated in s. 220.199, those enumerated in s. 220.1991, ~~and~~ those enumerated in s. 220.1992, and those enumerated in s. 220.197.

Section 5. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount

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equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) *Additions.*—There shall be added to such taxable income:

1.a. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

b. Notwithstanding sub-subparagraph a., if a credit taken under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878 is added to taxable income in a previous taxable year under subparagraph 11. and is taken as a deduction for federal tax purposes in the current taxable year, the amount of the deduction allowed shall not be added to taxable income in the current year. The exception in this sub-subparagraph is intended to ensure that the credit under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878 is added in the applicable taxable year and does not result in a duplicate addition in a subsequent year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

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320 3. In the case of a regulated investment company or real
321 estate investment trust, an amount equal to the excess of the
322 net long-term capital gain for the taxable year over the amount
323 of the capital gain dividends attributable to the taxable year.

324 4. That portion of the wages or salaries paid or incurred
325 for the taxable year which is equal to the amount of the credit
326 allowable for the taxable year under s. 220.181. This
327 subparagraph shall expire on the date specified in s. 290.016
328 for the expiration of the Florida Enterprise Zone Act.

329 5. That portion of the ad valorem school taxes paid or
330 incurred for the taxable year which is equal to the amount of
331 the credit allowable for the taxable year under s. 220.182. This
332 subparagraph shall expire on the date specified in s. 290.016
333 for the expiration of the Florida Enterprise Zone Act.

334 6. The amount taken as a credit under s. 220.195 which is
335 deductible from gross income in the computation of taxable
336 income for the taxable year.

337 7. That portion of assessments to fund a guaranty
338 association incurred for the taxable year which is equal to the
339 amount of the credit allowable for the taxable year.

340 8. In the case of a nonprofit corporation which holds a
341 pari-mutuel permit and which is exempt from federal income tax
342 as a farmers' cooperative, an amount equal to the excess of the
343 gross income attributable to the pari-mutuel operations over the
344 attributable expenses for the taxable year.

345 9. The amount taken as a credit for the taxable year under
346 s. 220.1895.

347 10. Up to nine percent of the eligible basis of any
348 designated project which is equal to the credit allowable for

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the taxable year under s. 220.185.

11. Any amount taken as a credit for the taxable year under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. This addition is not intended to result in adding the same expense back to income more than once.

12. The amount taken as a credit for the taxable year under s. 220.193.

13. The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.

14. The amount taken as a credit for the taxable year pursuant to s. 220.198.

15. The amount taken as a credit for the taxable year pursuant to s. 220.1915.

16. The amount taken as a credit for the taxable year pursuant to s. 220.199.

17. The amount taken as a credit for the taxable year pursuant to s. 220.1991.

18. The amount taken as a credit for the taxable year pursuant to s. 220.197.

Section 6. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

2/11/25

Meeting Date

Enviro. & Nat. Resources

Committee

SB 62

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Ms Samantha Kaddis

Phone 1272420579

Address 1767 Hermitage Blvd

Email SKaddis@CLEOinstitute.org

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

The CLEO Institute

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

02/11/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB62

Bill Number or Topic

~~448780~~ 701528

Amendment Barcode (if applicable)

Committee

Name

Brendan Burke

Phone

727 510 0783

Address

Street

Email

bburke@fhba.com

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Home
Builders Association

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

SB 62

02-11-2025

Meeting Date

Environment & Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Emily Bowers

Phone 678-457-6747

Address 175 Murray Hill Ave. NE

Email e.bowers@the gbi.org

Street

ATL

City

Ga.

State

30317

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Green Building Initiative

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 62

02/11/2025

Meeting Date

ENR

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name George Levesque

Phone 850-577-9090

Address 301 S. Bronough Street, Ste 600

Email glevesque@gray-robinson.com

Street

Tallahassee

FL

32312

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Chapter of American
Institute of Architects

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD2-11-25

Meeting Date

02

Bill Number or Topic

Environment and Natural Resources

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Becky Magdaleno

Phone

850-222-7590

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104 E Jefferson St.

Street

Email

bmagdaleno@aiafla.orgTallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:AIA Florida☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 80

INTRODUCER: Environment and Natural Resources Committee and Senators Harrell and Bradley

SUBJECT: State Land Management

DATE: February 11, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Fav/CS
2.			AEG	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 80 is the State Park Preservation Act.

The bill directs state parks and preserves to be managed for conservation-based public outdoor recreational uses, public access and related amenities, and scientific research.

The bill specifies that “conservation-based public outdoor recreational uses” do not include sports that require sporting facilities, such as golf courses, tennis courts, pickleball courts, ball fields, and other similar facilities. The bill requires the Department of Environmental Protection (DEP) to manage recreational uses in a manner that is compatible with and that ensures the conservation of the state’s natural resources by minimizing impacts to undisturbed habitat and using disturbed upland regions to the maximum extent practicable.

The bill allows for the installation or operation of camping cabins at state parks with certain constraints and it prohibits DEP from authorizing use or construction activities within a state park that may cause significant harm to the park’s resources. It directs that any use or construction activity must, to the maximum extent practicable, be conducted to avoid impacts to a state park’s critical habitat and natural and historical resources. The bill prohibits the installation or operation of certain lodging establishments at state parks.

The bill directs DEP to submit a report on the state park system to the Governor and the Legislature by December 1, 2025.

Regarding land management plans, the bill requires public hearings for plan updates, adds a deadline for publication of a land management plan before a public hearing, requires plans for state parks to be published by that deadline, directs plans for state parks to be developed with input from an advisory group, and adds a notice deadline for advisory group public hearings.

II. Present Situation:

Florida State Parks

The Florida Park Service is one of the largest in the country and manages the state's trails, historic sites, and 175 state parks.¹ This includes over 813,000 acres and 100 miles of beach.² The Florida park system is the first four-time winner of the Gold Medal awarded by the National Recreation and Parks Association and the American Academy for Park and Recreation Administration.³

The Department of Environmental Protection's (DEP's) Division of Recreation and Parks is responsible for supervising, administering, regulating, and controlling the operation of all public parks, including all monuments, memorials, sites of historic interest and value, and certain sites of archaeological interest and value.⁴ The Division of Recreation and Parks is also tasked with preserving, managing, and protecting all parks and recreational areas held by the state, as well as studying and appraising the recreation needs of the state and assembling and disseminating information relating to recreation.⁵

The Division of Recreation and Parks' policy is to:

- Promote the state park system for the use, enjoyment, and benefit of Floridians and visitors.
- Acquire typical portions of the original domain of the state, which will be accessible to the public and of such character as to emblemize the state's natural values.
- Conserve these natural values for all time.
- Administer the development, use, and maintenance of these lands and enable Floridians and visitors to enjoy these values without depleting them.
- Contribute materially to the development of a strong mental, moral, and physical fiber in the public.
- Provide for perpetual preservation of historic sites and memorials of statewide significance and interpretation of their history to the people.
- Contribute to the tourist appeal of Florida.⁶

¹ DEP, *Division of Recreation and Parks*, <https://floridadep.gov/parks> (last visited Jan. 2025).

² *Id.*

³ *Id.*; DEP, *2019 National Gold Medal Winner*, <https://www.floridastateparks.org/learn/2019-national-gold-medal-winner#:~:text=On%20Tuesday%2C%20September%2024%2C%20the%20National%20Recreation%20and,the%20nation%20to%20win%20a%20fourth%20Gold%20Medal> (last visited Jan. 2025).

⁴ Section 258.004(1), F.S.

⁵ Section 258.004(2) and (3), F.S.

⁶ Section 258.037, F.S.

State Park Experiences and Amenities

Visitors can experience state parks through hiking, biking, swimming, boating, camping, birding, geo-seeking, fishing, horseback riding, scuba diving, and more.⁷ State parks also offer amenities including, but not limited to, boat ramps, trails, gardens, picnic pavilions, restroom facilities, parking areas, playgrounds, amphitheaters, shower stations, visitor centers, and museums.⁸ Many state parks offer overnight stays in campgrounds, glamping tents, or four- to six-person cabins.⁹ There are 19 parks that provide cabins, a majority of which offer fewer than 10.¹⁰ The park with the most cabins is Grayton Beach State Park, which has 30.¹¹ Wakulla Springs State Park in the Big Bend region of Florida is the only state park that includes a lodge, which offers 27 guest rooms among its amenities.¹² The Wakulla Springs Lodge was built in the 1930s and was already constructed when Wakulla Springs was designated a state park.¹³ William J. “Billy Joe” Rish Recreational Area in the St. Joseph Peninsula State Park is the only state park with a swimming pool.¹⁴ The Recreational Area provides recreation opportunities for people with disabilities and their families and caregivers. The park offers mobility equipment rentals and the swimming pool has a chair lift and wheelchair access ramp.¹⁵ There are 31 state parks that offer concessions or restaurants.¹⁶

The 2024-2025 Great Outdoors Initiative

On August 19, 2024, DEP announced the 2024-2025 Great Outdoors Initiative to Increase Public Access, Recreation, and Lodging at Florida State Parks.¹⁷ DEP intended to “expand public access, increase outdoor activities and provide new lodging options across Florida’s state parks” by increasing the number of campsites, cabins, and lodges on park property, as well as adding amenities like pickleball courts and golf courses.¹⁸ The announcement noted that these plans will “reinforce the state’s dedication to conservation, the outdoor recreation economy and a high quality of life for Floridians.”¹⁹

⁷ DEP, *Experiences and Amenities*, <https://www.floridastateparks.org/index.php/experiences-amenities> (last visited Jan. 2025).

⁸ *Id.*

⁹ DEP, *Experiences and Amenities*.

¹⁰ *Id.*

¹¹ DEP, *Grayton Beach State Park Cabins*, <https://www.floridastateparks.org/learn/grayton-beach-state-park-cabins> (last visited Feb. 2025).

¹² DEP, *Edward Ball Wakulla Springs State Park: Experiences and Amenities*, <https://www.floridastateparks.org/parks-and-trails/edward-ball-wakulla-springs-state-park/experiences-amenities> (last visited Jan. 2025).

¹³ *Id.*

¹⁴ DEP, *William J. “Billy Joe” Rish Recreation Area*, <https://www.floridastateparks.org/parks-and-trails/william-j-billy-joe-rish-recreation-area> (last visited Jan. 2025).

¹⁵ *Id.*

¹⁶ DEP, *Find a Park: Concession and Restaurant*, <https://www.floridastateparks.org/parks-and-trails?park%5B0%5D=amenities%3A269> (last visited Jan. 2025).

¹⁷ DEP, *DEP Announces 2024-2025 Great Outdoors Initiative to Increase Public Access, Recreation, and Lodging at Florida State Parks*, <https://content.govdelivery.com/accounts/FLDEP/bulletins/3afd277> (last visited Jan. 2025).

¹⁸ *Id.*

¹⁹ *Id.*

State parks that were included in the Initiative were Anastasia, Camp Helen, Dr. Von. D Mizell Eula Johnson, Grayton Beach, Hillsborough River, Honeymoon, Jonathan Dickinson, Oleta River, and Topsail Hill Preserve State Parks.²⁰

Following strong bipartisan opposition, the Initiative was withdrawn.²¹

Land Management Plans

Conservation²² and nonconservation land managers must submit land management plans to DEP's Division of State Lands and update those plans at least every 10 years.²³ However, there are additional requirements for updating the land management plans for conservation lands. For conservation lands, managers must update land management plans if the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within one year after the addition of significant new lands.²⁴

State conservation lands must be managed to ensure conservation of the state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of Florida's residents and visitors.²⁵ To meet these goals, land management plans must address the following topics, as appropriate: habitat restoration and improvement, public access and recreational opportunities, hydrological preservation and restoration, sustainable forest management, exotic and invasive species maintenance and control, capital facilities and infrastructure, cultural and historical resources, and imperiled species habitat maintenance, enhancement, restoration, or population restoration.²⁶

At least one public hearing to be held in any one affected county during the development of land management plans for both conservation and nonconservation lands.²⁷ If a parcel exceeds 160 acres in size, the Division of State Lands must make an electronic copy of the land management plan available to the public.²⁸ Land management plans for parcels over 160 acres must be developed with input from an advisory group.²⁹ The advisory group's membership includes, at a

²⁰ DEP, *Public Participation – Draft Unit Management Plans*, <https://floridadep.gov/parks/public-participation> (last visited Jan. 2025).

²¹ *Id.*; Max Chesnes, *Florida agency says group behind state park golf course is withdrawing plan*, Tampa Bay Times, Aug. 25, 2024, <https://www.tampabay.com/news/environment/2024/08/25/florida-agency-says-group-behind-state-park-golf-course-is-withdrawing-plan/>.

²² “Conservation lands” are defined in statute to mean “lands that are currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands that were acquired solely to facilitate the acquisition of other conservation lands. Lands acquired for uses other than conservation, outdoor resources-based recreation, or archaeological or historic preservation...shall include, but not be limited to, the following: correction and detention facilities, military installations and facilities, state office buildings, maintenance yards, state university or Florida College System institution campuses, agricultural field stations or offices, tower sites, law enforcement and license facilities, laboratories, hospitals, clinics, and other sites that do not possess significant natural or historical resources.” Section 253.034(2)(c), F.S.

²³ Section 253.034(5), F.S.

²⁴ *Id.*

²⁵ Section 253.034(5)(a), F.S.

²⁶ Section 253.034(5)(b), F.S.

²⁷ Section 253.034(f), F.S.

²⁸ Section 253.034(g), F.S.

²⁹ Section 259.032(8)(b), F.S.

minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. There are further requirements for membership if habitat or potentially restorable habitat for imperiled species is located on the lands included in the management plan.³⁰

The advisory group must conduct at least one public hearing within the county in which the parcel or project is located.³¹ If the parcel or parcels are within more than one county, at least one areawide public hearing must be conducted in the county where the core parcels are located and the lead managing agency must invite a local elected official from each county. Notice of the hearing must be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body before the actual public hearing.³²

III. Effect of Proposed Changes:

Section 1 titles this act the “State Park Preservation Act.”

Section 2 amends s. 253.034, F.S., to require at least one public hearing when conservation and nonconservation land management plans are *updated*. Current law only requires a public hearing when a land management plan is in development.

The bill also adds a deadline of at least 30 days before the public hearing by which the Department of Environmental Protection’s (DEP’s) Division of State Lands must make an electronic copy of certain land management plans available to the public. The bill requires an electronic copy to be available for parcels located within a state park, amending the current requirement that the electronic copy be available only for parcels that exceed 160 acres in size.

Section 3 amends s. 258.004, F.S., to require all lands managed pursuant to the laws on state parks and preserves (ch. 258, F.S.) to be managed for the greatest combination of benefits to the public and to the lands’ natural resources. The bill also requires lands to be managed for:

- Conservation-based public outdoor recreational uses;
- Public access and related amenities, including roads, parking areas, walkways, and visitor centers; and
- Scientific research, including archaeology.

The bill defines “conservation-based public outdoor recreational uses” to include fishing, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, birding, sailing, jogging, and similar, conservation-based public recreational uses. The bill specifies that the term does not include sports that require sporting facilities, such as golf courses, tennis courts, pickleball courts, ball fields, and other similar facilities.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

The bill requires DEP to manage these uses in a manner that is compatible with and that ensures the conservation of the state's natural resources by minimizing impacts to undisturbed habitat and using disturbed upland regions to the maximum extent practicable.

Section 4 amends s. 258.007, F.S., to highlight that DEP's Division of Recreation and Parks may grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors in the various parks, monuments, and memorials in accordance with certain provisions *in a manner that is consistent with s. 258.004, F.S.*, which is amended by Section 3 of this bill.

The bill authorizes the Division of Recreation and Parks to acquire, install, or permit the installation or operation of camping cabins that have a maximum occupancy of six guests at state parks. The installation and operation of any camping cabin in a state park must be compatible with the park's land management plan and must be approved pursuant to the statutory requirements for land management plan approval.³³ The bill also requires that camping cabins must, to the maximum extent practicable, be sited to avoid impacts to a state park's critical habitat and natural and historical resources.

The bill prohibits the Division of Recreation and Parks from authorizing uses or construction activities within a state park that may cause significant harm to the resources of the state park. This includes building or altering structures. The bill directs that any use or construction activity must, to the maximum extent practicable, be conducted to avoid impacts on a state park's critical habitat and natural and historical resources. **The bill further prohibits the Division of Recreation and Parks from installing or permitting the installation at state parks of any lodging establishment.**³⁴

Section 5 amends s. 259.032, F.S., to require individual land management plans for parcels within a state park to be developed with input from an advisory group.

Current law requires the advisory group to hold at least one public hearing within the county in which the parcel or project is located and contains notice requirements for such hearing. The bill adds to the notice requirements that the public hearing must be noticed at least 30 days before it is held.

The bill also requires that individual land management plans for parcels within a state park must be updated with input from an advisory group.

Section 6 directs DEP to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2025 that includes the following information regarding the state park system:

- The number of state parks with amenities or areas that have limited use or are temporarily closed due to needed repairs or inadequate infrastructure necessary to support conservation-based public recreation uses.

³³ These requirements are amended by Section 2 of this bill.

³⁴ Lodging establishments are defined in s. 509.242, F.S., in which they are classified as a hotel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rental if the establishment satisfies listed criteria.

- The system's estimated budget allocation expenditures for the 2023-2024 fiscal year, broken down by salaries and benefits, equipment costs, and contracting costs for the following categories: operations, maintenance and repair, park improvement, and administrative overhead.
- The estimated costs associated with the facility maintenance backlog by each state park, including a plan to reduce or eliminate the backlog for the state park system by July 1, 2035, to ensure access to and the safe enjoyment of such public lands for Florida residents and visitors.

Section 7 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 253.034, 258.004, 258.007, and 259.032 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 Environment and Natural Resources on February 11, 2025:

- Removes language that might prevent the operation of Wakulla Lodge or prevent the state from acquiring properties with preexisting lodging establishments.
- Requires input from an advisory group when land management plans for parcels within a state park are updated. The underlying bill only requires input from an advisory group during the development of land management plans for parcels within a state park.
- Fixes a drafting error by restoring flush left language.

B. Amendments:

None.



143920

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2025	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Harrell)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 330 - 373
and insert:
not install or permit the installation at state parks of any
lodging establishment as defined in s. 509.242.

Section 5. Paragraphs (b) and (c) of subsection (8) of
section 259.032, Florida Statutes, are amended to read:

259.032 Conservation and recreation lands.—

(8)



143920

(b) Individual management plans required by s. 253.034(5), for parcels over 160 acres and for parcels located within a state park, must ~~shall~~ be developed with input from an advisory group.

1. Members of the ~~this~~ advisory group shall include, at a minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. If habitat or potentially restorable habitat for imperiled species is located on state lands, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services must ~~shall~~ be included on any advisory group required under chapter 253, and the short-term and long-term management goals required under chapter 253 must advance the goals and objectives of imperiled species management without restricting other uses identified in the management plan.

2. The advisory group shall conduct at least one public hearing within the county in which the parcel or project is located. For those parcels or projects ~~that are~~ within more than one county, at least one areawide public hearing is ~~shall be~~ acceptable and the lead managing agency shall invite a local elected official from each county. The areawide public hearing must ~~shall~~ be held in the county in which the core parcels are located. At least 30 days before the public hearing, notice of the ~~such public~~ hearing must ~~shall~~ be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body ~~before the actual public hearing.~~



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3. The management prospectus required pursuant to paragraph (7)(b) must ~~shall~~ be available to the public for a period of 30 days before the public hearing.

(c) Once a plan is adopted, the managing agency or entity shall update the plan at least every 10 years in a form and manner adopted by rule of the board. Such updates, for parcels over 160 acres and for parcels located within a state park, must ~~shall~~ be developed with input from an advisory group. Such plans may include transfers of leasehold interests to appropriate conservation organizations or governmental entities designated by the council for uses consistent with the purposes of the organizations and the protection, preservation, conservation, restoration, and proper management of the lands and their resources. Volunteer management assistance is encouraged, including, but not limited to, assistance by youths participating in programs sponsored by state or local agencies, by volunteers sponsored by environmental or civic organizations, and by individuals participating in programs for committed delinquents and adults.

By July 1 of each year, each governmental agency and each private entity designated to manage lands shall report to the Secretary of Environmental Protection on the progress of funding, staffing, and resource management of every project for which the agency or entity is responsible.

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

And the title is amended as follows:

Delete lines 26 - 30



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69 and insert:
70 installing or permitting the installation of any
71 lodging establishment at a state park; amending s.
72 259.032, F.S.; requiring that individual management
73 plans for parcels located within state parks be
74 developed and updated with input from an advisory

By Senator Harrell

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A bill to be entitled

An act relating to state land management; providing a short title; amending s. 253.034, F.S.; requiring public hearings for all updated conservation and nonconservation land management plans; requiring the Division of State Lands of the Department of Environmental Protection to make available to the public, within a specified timeframe, electronic copies of land management plans for parcels of a certain size and for parcels located in state parks; making technical changes; amending s. 258.004, F.S.; revising the duties of the Division of Recreation and Parks of the Department of Environmental Protection; specifying requirements for the management of parks and recreational areas held by the state; defining the term "conservation-based public outdoor recreational uses"; making technical changes; amending s. 258.007, F.S.; requiring the division to comply with specified provisions when granting certain privileges, leases, concessions, and permits; authorizing the division to acquire, install, or permit the installation or operation at state parks of camping cabins that meet certain requirements; prohibiting the division from authorizing certain uses or construction activities within a state park; prohibiting the division from acquiring, installing, or permitting the installation or operation of any lodging establishment at a state park; amending s. 259.032, F.S.; requiring that individual management plans for parcels located within

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state parks be developed with input from an advisory group; requiring that the advisory group's required public hearings be noticed to the public within a specified timeframe; requiring the department to submit a report to the Governor and the Legislature by a specified date; specifying requirements for the report; providing an effective date.

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

Section 1. This act may be cited as the "State Park Preservation Act."

Section 2. Subsection (5) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(5) Each manager of conservation lands shall submit to the Division of State Lands a land management plan at least every 10 years in a form and manner adopted by rule of the board of trustees and in accordance with s. 259.032. Each manager of conservation lands shall also update a land management plan whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within 1 year after the addition of significant new lands. Each manager of nonconservation lands shall submit to the Division of State Lands a land use plan at least every 10 years in a form and manner adopted by rule of the board of trustees. The division shall review each plan for compliance with the requirements of this subsection and the requirements of the rules adopted by the

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59 board of trustees pursuant to this section. All nonconservation
60 land use plans, whether for single-use or multiple-use
61 properties, must ~~shall~~ be managed to provide the greatest
62 benefit to the state. Plans for managed areas larger than 1,000
63 acres must ~~shall~~ contain an analysis of the multiple-use
64 potential of the property which includes the potential of the
65 property to generate revenues to enhance the management of the
66 property. In addition, the plan must ~~shall~~ contain an analysis
67 of the potential use of private land managers to facilitate the
68 restoration or management of these lands and whether
69 nonconservation lands would be more appropriately transferred to
70 the county or municipality in which the land is located for the
71 purpose of providing affordable multifamily rental housing that
72 meets the criteria of s. 420.0004(3). If a newly acquired
73 property has a valid conservation plan that was developed by a
74 soil and water conservation district, such plan must ~~shall~~ be
75 used to guide management of the property until a formal land use
76 plan is completed.

77 (a) State conservation lands must ~~shall~~ be managed to
78 ensure the conservation of this state's plant and animal species
79 and to ensure the accessibility of state lands for the benefit
80 and enjoyment of all people of this state, both present and
81 future. Each land management plan for state conservation lands
82 must ~~shall~~ provide a desired outcome, describe both short-term
83 and long-term management goals, and include measurable
84 objectives to achieve those goals. Short-term goals must ~~shall~~
85 be achievable within a 2-year planning period, and long-term
86 goals must ~~shall~~ be achievable within a 10-year planning period.
87 These short-term and long-term management goals are ~~shall be~~ the

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88 basis for all subsequent land management activities.

89 (b) Short-term and long-term management goals for state
90 conservation lands must ~~shall~~ include measurable objectives for
91 the following, as appropriate:

- 92 1. Habitat restoration and improvement.
- 93 2. Public access and recreational opportunities.
- 94 3. Hydrological preservation and restoration.
- 95 4. Sustainable forest management.
- 96 5. Exotic and invasive species maintenance and control.
- 97 6. Capital facilities and infrastructure.
- 98 7. Cultural and historical resources.
- 99 8. Imperiled species habitat maintenance, enhancement,
100 restoration, or population restoration.

101 (c) The land management plan must ~~shall~~, at a minimum,
102 contain the following elements:

- 103 1. A physical description of the land.
- 104 2. A quantitative data description of the land which
105 includes an inventory of forest and other natural resources;
106 exotic and invasive plants; hydrological features;
107 infrastructure, including recreational facilities; and other
108 significant land, cultural, or historical features. The
109 inventory must ~~shall~~ reflect the number of acres for each
110 resource and feature, when appropriate. The inventory must ~~shall~~
111 be of such detail that objective measures and benchmarks can be
112 established for each tract of land and monitored during the
113 lifetime of the plan. All quantitative data collected must ~~shall~~
114 be aggregated, standardized, collected, and presented in an
115 electronic format to allow for uniform management reporting and
116 analysis. The information collected by the Department of

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Environmental Protection pursuant to s. 253.0325(2) must ~~shall~~ be available to the land manager and his or her assignee.

3. A detailed description of each short-term and long-term land management goal, the associated measurable objectives, and the related activities that are to be performed to meet the land management objectives. Each land management objective must be addressed by the land management plan, and if practicable, a land management objective may not be performed to the detriment of the other land management objectives.

4. A schedule of land management activities which contains short-term and long-term land management goals and the related measurable objective and activities. The schedule must ~~shall~~ include for each activity a timeline for completion, quantitative measures, and detailed expense and manpower budgets. The schedule must ~~shall~~ provide a management tool that facilitates development of performance measures.

5. A summary budget for the scheduled land management activities of the land management plan. For state lands containing or anticipated to contain imperiled species habitat, the summary budget shall include any fees anticipated from public or private entities for projects to offset adverse impacts to imperiled species or such habitat, which fees must ~~shall~~ be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat. The summary budget must ~~shall~~ be prepared in such manner that it facilitates computing an aggregate of land management costs for all state-managed lands using the categories described in s. 259.037(3).

(d) Upon completion, the land management plan must be transmitted to the Acquisition and Restoration Council for

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146 review. Within ~~The council shall have~~ 90 days after receipt of
147 the plan, the council shall ~~to~~ review the plan and submit its
148 recommendations to the board of trustees. During the review
149 period, the land management plan may be revised if agreed to by
150 the primary land manager and the council taking into
151 consideration public input. The land management plan becomes
152 effective upon approval by the board of trustees.

153 (e) Land management plans are to be updated every 10 years
154 on a rotating basis. Each updated land management plan must
155 identify any conservation lands under the plan, in part or in
156 whole, that are no longer needed for conservation purposes and
157 could be disposed of in fee simple or with the state retaining a
158 permanent conservation easement.

159 (f) In developing or updating land management plans, at
160 least one public hearing must ~~shall~~ be held in any one affected
161 county.

162 (g) The Division of State Lands shall make available to the
163 public at least 30 days before the public hearing required by
164 paragraph (f) an electronic copy of each land management plan
165 for parcels that exceed 160 acres in size and for parcels
166 located within a state park. The division shall review each plan
167 for compliance with the requirements of this subsection, the
168 requirements of chapter 259, and the requirements of the rules
169 adopted by the board of trustees pursuant to this section. The
170 Acquisition and Restoration Council shall also consider the
171 propriety of the recommendations of the managing entity with
172 regard to the future use of the property, the protection of
173 fragile or nonrenewable resources, the potential for alternative
174 or multiple uses not recognized by the managing entity, and the

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possibility of disposal of the property by the board of trustees. After its review, the council shall submit the plan, along with its recommendations and comments, to the board of trustees. The council shall specifically recommend to the board of trustees whether to approve the plan as submitted, approve the plan with modifications, or reject the plan. If the council fails to make a recommendation for a land management plan, the Secretary of Environmental Protection, Commissioner of Agriculture, or executive director of the Fish and Wildlife Conservation Commission or their designees must ~~shall~~ submit the land management plan to the board of trustees.

(h) The board of trustees shall consider the land management plan submitted by each entity and the recommendations of the Acquisition and Restoration Council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any such lands which ~~that~~ is not in accordance with an approved land management plan is subject to termination by the board of trustees.

(i)1. State nonconservation lands must ~~shall~~ be managed to provide the greatest benefit to the state. State nonconservation lands may be grouped by similar land use types under one land use plan. Each land use plan must ~~shall~~, at a minimum, contain the following elements:

a. A physical description of the land to include any significant natural or cultural resources as well as management strategies developed by the land manager to protect such resources.

b. A desired development outcome.

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c. A schedule for achieving the desired development outcome.

d. A description of both short-term and long-term development goals.

e. A management and control plan for invasive nonnative plants.

f. A management and control plan for soil erosion and soil and water contamination.

g. Measurable objectives to achieve the goals identified in the land use plan.

2. Short-term goals shall be achievable within a 5-year planning period and long-term goals shall be achievable within a 10-year planning period.

3. The use or possession of any such lands that is not in accordance with an approved land use plan is subject to termination by the board of trustees.

4. Land use plans submitted by a manager shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan.

Section 3. Section 258.004, Florida Statutes, is amended to read:

258.004 Duties of division.—

(1) ~~It shall be the duty of~~ The Division of Recreation and Parks of the Department of Environmental Protection shall:

(a) ~~to~~ Supervise, administer, regulate, and control the operation of all public parks, including all monuments, memorials, sites of historic interest and value, and sites of archaeological interest and value which are owned, or ~~which~~ may

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be acquired, by the state, ~~or to the operation, development,~~
~~preservation, and maintenance of~~ which the state may have made
or may make contribution or appropriation of public funds for
their operation, development, preservation, and maintenance.

(b)(2) The Division of Recreation and Parks shall Preserve,
manage, regulate, and protect all parks and recreational areas
held by the state. The Division of Recreation and Parks ~~and~~ may
provide these services by contract or interagency agreement for
any water management district when the governing board of a
water management district designates or sets aside any park or
recreation area within its boundaries. All lands managed
pursuant to this chapter must be:

1. Managed in a manner that will provide the greatest
combination of benefits to the public and to the land's natural
resources; and

2. Managed for conservation-based public outdoor
recreational uses; public access and related amenities,
including roads, parking areas, walkways, and visitor centers;
and scientific research, including archaeology. Such uses must
be managed in a manner that is compatible with and that ensures
the conservation of this state's natural resources by minimizing
impacts to undisturbed habitat and using disturbed upland
regions to the maximum extent practicable. As used in this
subparagraph, the term "conservation-based public outdoor
recreational uses" includes fishing, camping, bicycling, hiking,
nature study, swimming, boating, canoeing, horseback riding,
diving, birding, sailing, jogging, and similar conservation-
based public recreational uses. The term does not include sports
that require sporting facilities, such as golf courses, tennis

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262 courts, pickleball courts, ball fields, and other similar
263 facilities.

264 (c)(3) ~~The Division of Recreation and Parks shall~~ Study and
265 appraise the recreational ~~recreation~~ needs of the state and
266 assemble and disseminate information relative to recreation.

267 (d)(4) ~~The Division of Recreation and Parks shall~~ Provide
268 consultation assistance to local governing units as to the
269 protection, organization, and administration of local recreation
270 systems and the planning and design of local recreational
271 ~~recreation~~ areas and facilities.

272 (e)(5) ~~The Division of Recreation and Parks shall~~ Assist in
273 recruiting, training, and placing recreation personnel.

274 (f)(6) ~~The Division of Recreation and Parks shall~~ Sponsor
275 and promote recreation institutes, workshops, seminars, and
276 conferences throughout this ~~the~~ state.

277 (g)(7) ~~The Division of Recreation and Parks shall~~ Cooperate
278 with state and federal agencies, private organizations, and
279 commercial and industrial interests in the promotion of a state
280 recreation program.

281 (2)(8) ~~This part shall be enforced by~~ The Division of Law
282 Enforcement of the Department of Environmental Protection and
283 its officers and ~~by~~ the Division of Law Enforcement of the Fish
284 and Wildlife Conservation Commission and its officers shall
285 enforce this part.

286 Section 4. Present subsection (5) of section 258.007,
287 Florida Statutes, is redesignated as subsection (7), a new
288 subsection (5) and subsection (6) are added to that section, and
289 subsection (3) of that section is amended, to read:

290 258.007 Powers of division.—

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291 (3)(a) The division may, as consistent with s. 258.004,
292 grant privileges, leases, concessions, and permits for the use
293 of land for the accommodation of visitors in the various parks,
294 monuments, and memorials in accordance with all of the following
295 provisions:

296 1. ~~provided no~~ Natural curiosities or objects of interest
297 may not shall be granted, leased, or rented on such terms that
298 as shall deny or interfere with free access to them by the
299 public.;

300 2. ~~provided further,~~ Such grants, leases, and permits may
301 be made and given without advertisement or securing competitive
302 bids.; and

303 3. ~~provided further, that no~~ Such grants, leases, and
304 permits may not grant, lease, or permit shall be assigned or
305 transferred by any grantee without consent of the division.

306 (b) Notwithstanding paragraph (a), ~~after May 1, 2014,~~ the
307 division may not grant new concession agreements for the
308 accommodation of visitors in a state park that provides beach
309 access and contains less than 7,000 feet of shoreline if the
310 type of concession is available within 1,500 feet of the park's
311 boundaries. This paragraph does not apply to concession
312 agreements for accommodations offered at a park on or before May
313 1, 2014. ~~This paragraph shall take effect upon this act becoming~~
314 ~~a law.~~

315 (5) The division may acquire, install, or permit the
316 installation or operation at state parks of camping cabins that
317 have a maximum occupancy of six guests. The installation and
318 operation of camping cabins must be compatible with the state
319 park's land management plan and must be approved pursuant to s.

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253.034(5). Camping cabins must, to the maximum extent practicable, be sited to avoid impacts to a state park's critical habitat and natural and historical resources.

(6) The division may not authorize uses or construction activities, including the building or alteration of structures, within a state park which may cause significant harm to the resources of the state park. Any use or any construction activity must, to the maximum extent practicable, be conducted in a manner that avoids impacts to a state park's critical habitat and natural and historical resources. The division may not acquire, install, or permit the installation or operation at state parks of any lodging establishment as defined in s. 509.242.

Section 5. Paragraph (b) of subsection (8) of section 259.032, Florida Statutes, is amended to read:

259.032 Conservation and recreation lands.—

(8)

(b) Individual management plans required by s. 253.034(5), for parcels over 160 acres and for parcels located within a state park, must ~~shall~~ be developed with input from an advisory group.

1. Members of ~~the~~ this advisory group shall include, at a minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. If habitat or potentially restorable habitat for imperiled species is located on state lands, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer

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Services must ~~shall~~ be included on any advisory group required under chapter 253, and the short-term and long-term management goals required under chapter 253 must advance the goals and objectives of imperiled species management without restricting other uses identified in the management plan.

2. The advisory group shall conduct at least one public hearing within the county in which the parcel or project is located. For those parcels or projects ~~that are~~ within more than one county, at least one areawide public hearing is ~~shall be~~ acceptable and the lead managing agency shall invite a local elected official from each county. The areawide public hearing must ~~shall~~ be held in the county in which the core parcels are located. At least 30 days before the public hearing, notice of ~~the such public hearing~~ must ~~shall~~ be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body before the actual public hearing.

3. The management prospectus required pursuant to paragraph (7)(b) must ~~shall~~ be available to the public for a period of 30 days before the public hearing.

4. By July 1 of each year, each governmental agency and each private entity designated to manage lands shall report to the Secretary of Environmental Protection on the progress of funding, staffing, and resource management of every project for which the agency or entity is responsible.

Section 6. By December 1, 2025, the Department of Environmental Protection shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes all of the following information

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378 regarding the state park system:

379 (1) The number of state parks with amenities or areas that
380 have limited use or are temporarily closed due to needed repairs
381 or inadequate infrastructure necessary to support conservation-
382 based public recreation uses.

383 (2) The system's estimated budget allocation expenditures
384 for the 2023-2024 fiscal year, broken down by salaries and
385 benefits, equipment costs, and contracting costs for the
386 following categories: operations, maintenance and repair, park
387 improvement, and administrative overhead.

388 (3) The estimated costs associated with the facility
389 maintenance backlog by each state park, including a plan to
390 reduce or eliminate the facility maintenance backlog for the
391 state park system by July 1, 2035, to ensure access to and the
392 safe enjoyment of such public lands for the residents of this
393 state and its visitors.

394 Section 7. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

80

Bill Number or Topic

2/11/25

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Environment and Natural Resources

Committee

Amendment Barcode (if applicable)

Name

Gil Smart / Friends of the Everglades

Phone

772 - 209 - 2596

Address

Email

gil.smart@everglades.org

Street

City

State

Zip

Speaking:

☐ For

☐ Against

☒ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Friends of the Everglades

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1.

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

The Florida Senate

APPEARANCE RECORD

80

Bill Number or Topic

Meeting Date

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gm

Amendment Barcode (if applicable)

Environment and Natural Resources

Committee

Name

Gene Kelly / Florida Native Plant Society

Phone

407 - 709 - 7042

Address

Email

gmkelley@tampabay.rr.com
ekelly@FNPS.org

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.

☐

I am a registered lobbyist, representing:

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1.

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S-001 (08/10/2021)

APPEARANCE RECORD

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2/11/25

Meeting Date

SB80

Bill Number or Topic

ENR

Committee

Amendment Barcode (if applicable)

Name Kim Dinkins 1000 Friends of Florida Phone 850-273-5055

Address 308 N Monroe Email kdinkins@1000Fof.org
Street

Tallahassee FL
City State Zip

Speaking: ☐ For ☐ Against ☒ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

Feb 11 2025

Meeting Date

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB80

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Katrina Shadiy

Phone

407 702 3576

Address

1011 Seneca Oak Trail

Email

BearWarriorsUnited@gmail.com

Street

Geneva FL 32732

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/11/2025

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 80

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Elizabeth Alvi**

Phone **850-999-1028**

Address **2001 Thomasville Road**

Email **Beth.Alvi@Audubon.org**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Audubon Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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11 FEB 2025

Meeting Date

SB 80

Bill Number or Topic

ENR

Committee

Amendment Barcode (if applicable)

Name

KAHREEM GOLDEN

Phone

850-345-7108

Address

1035 S Semoran Blvd Ste 2-2021B

Email

kahreem.golden@tnc.org

Street

Winter Park

FL

32792

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

The Nature Conservancy

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 110
Caption: Senate Environment and Natural Resources Committee

Type:
Judge:

Started: 2/11/2025 11:01:15 AM
Ends: 2/11/2025 12:51:40 PM **Length:** 01:50:26

11:01:15 AM
11:01:15 AM
11:01:18 AM Call to order
11:01:26 AM Roll Call
11:01:34 AM Pledge of Allegiance
11:02:03 AM Chair Senator Rodriguez opening remarks
11:02:21 AM Tab 4 - SB 200
11:02:29 AM Senator Berman speaks
11:04:44 AM Questions
11:04:47 AM Senator Harrell
11:05:02 AM Senator Berman
11:05:36 AM Chair Rodriguez
11:05:47 AM Jared Grigas waives in support
11:06:00 AM Kenya Cory speaking
11:06:53 AM Chair Senator Rodriguez
11:06:59 AM Jim Magill waives in support
11:07:02 AM Heather Armstrong waives in support
11:07:12 AM Senator Berman closes on SB 200
11:07:20 AM Roll call vote for SB 200
11:07:37 AM Reported favorable
11:07:43 AM Tab 2- SB 50
11:07:57 AM Senator Garcia
11:08:59 AM Questions
11:09:10 AM Samantha Kadais waives in support
11:09:22 AM Katrina Shadix waives in support
11:09:26 AM Gene Kelly waives in support
11:09:34 AM David Rathke waives in support
11:09:40 AM Senator Garcia closes on SB 50
11:09:47 AM Roll call vote for SB 50
11:10:04 AM Reported favorable
11:10:11 AM Tab 3 - SB 56
11:10:27 AM Senator Garcia
11:11:36 AM Questions
11:11:39 AM Amendment 253362
11:12:30 AM Questions
11:12:34 AM Vice Chair Ingoglia
11:12:49 AM Senator Garcia
11:14:06 AM Vice Chair Ingoglia
11:14:12 AM Senator Garcia
11:18:34 AM Vice Chair Ingoglia
11:18:59 AM Senator Garcia
11:20:59 AM Senator Smith
11:21:23 AM Senator Garcia
11:22:47 AM Senator Smith
11:24:19 AM Senator Garcia
11:24:56 AM Senator Smith
11:25:20 AM Senator Garcia
11:26:52 AM Senator Smith
11:26:58 AM Senator Garcia
11:27:59 AM Senator Arrington
11:28:26 AM Senator Garcia
11:28:44 AM Senator Arrington

11:28:53 AM	Senator Garcia
11:30:06 AM	Senator Arrington
11:30:34 AM	Senator Garcia
11:31:32 AM	Chair Rodriguez
11:31:41 AM	Senator Garcia closes on Amendment 253362
11:31:47 AM	Questions on Amendment 253362
11:32:01 AM	Senator Polsky
11:32:18 AM	Senator Garcia
11:33:40 AM	Senator Polsky
11:33:45 AM	Senator Garcia
11:34:34 AM	Senator Polsky
11:34:49 AM	Senator Garcia
11:35:07 AM	Senator Polsky
11:35:21 AM	Senator Garcia
11:35:29 AM	Senator Polsky
11:35:54 AM	Senator Garcia
11:36:01 AM	Senator Polsky
11:36:07 AM	Senator Garcia
11:36:38 AM	Senator Polsky
11:36:42 AM	Senator Garcia
11:37:10 AM	Senator Polsky
11:37:25 AM	Senator Garcia
11:37:50 AM	Senator Polsky
11:38:04 AM	Senator Garcia
11:40:17 AM	Jacquie Jordan speaks
11:41:01 AM	Chair Rodriguez
11:42:55 AM	Chair Rodriguez
11:42:57 AM	Aimee Villella McBride speaks
11:44:09 AM	Chair Rodriguez
11:45:11 AM	Senator Polsky
11:45:41 AM	Aimee Villella McBride
11:45:47 AM	Senator Polsky
11:46:00 AM	Aimee Villella McBride
11:46:20 AM	Senator Polsky
11:46:29 AM	Aimee Villella McBride
11:46:31 AM	Senator Polsky
11:46:33 AM	Aimee Villella McBride
11:47:02 AM	Senator Polsky
11:47:06 AM	Aimee Villella McBride
11:47:12 AM	Senator Polsky
11:47:20 AM	Chair Rodriguez
11:47:22 AM	Greg Diehl speaks
11:49:56 AM	Chair Rodriguez
11:50:03 AM	Marla Maples speaks
11:52:22 AM	Chair Rodriguez
11:52:29 AM	Senator Polsky
11:52:34 AM	Marla Maples
11:53:02 AM	Senator Polsky
11:53:15 AM	Marla Maples
11:53:25 AM	Chair Rodriguez
11:53:29 AM	Debate on amendment
11:53:33 AM	Senator Smith
11:55:32 AM	Senator Brodeur
11:56:57 AM	Senator Polsky
11:59:28 AM	Vice Chair Ingoglia
12:01:35 PM	Senator Garcia closes on bill is amended
12:03:25 PM	Chair Rodriguez
12:04:56 PM	Roll Call Vote on SB 56
12:06:07 PM	Reported Favorable
12:06:18 PM	Tab 6 - SPB 7000
12:06:28 PM	Chair Rodriguez
12:06:31 PM	Vice Chair Ingoglia

12:06:40 PM Chair Rodriguez
12:07:06 PM Calls for questions
12:07:07 PM Vice Chair Ingoglia
12:07:19 PM SPB 7000 submitted as Committee Bill
12:07:24 PM Roll call vote on SPB 7000
12:07:40 PM Bill is favorable as committee bill
12:07:48 PM Tab 7- SB 62
12:07:59 PM Chair Rodriguez
12:08:15 PM Questions
12:08:20 PM Vice Chair Ingoglia
12:08:36 PM Chair Rodriguez
12:08:41 PM Amendment 737514
12:08:50 PM Chair Rodriguez
12:09:16 PM Vice Chair Ingoglia
12:09:19 PM Questions
12:09:24 PM Substitute Amendment 709528
12:09:34 PM Chair Rodriguez explains Substitute Amendment 709528
12:09:54 PM Questions
12:10:16 PM Vice Chair Ingoglia
12:10:18 PM Chair Rodriguez
12:10:37 PM Vice Chair Ingoglia
12:10:41 PM Brenden Burke waives in support
12:11:10 PM Samantha Kaddis waives in support
12:11:51 PM Vice Chair Senator Ingoglia
12:11:56 PM Chair Rodriguez closes
12:12:01 PM Substitute Amendment is adopted
12:12:09 PM Questions
12:12:15 PM Emily Bowers speaks
12:15:18 PM Vice Chair Ingoglia
12:15:23 PM George Levesque waives in support
12:15:31 PM Becky Magdaleno waives in support
12:15:45 PM Chair Rodriguez closes
12:16:11 PM Vice Chair Ingoglia
12:16:15 PM Roll Call on Bill
12:16:29 PM Reported favorable
12:16:35 PM Tab 8 - SB 80
12:16:47 PM Senator Harrell
12:20:45 PM Chair Rodriguez
12:20:51 PM Amendment 143920
12:21:00 PM Senator Harrell explains Amendment
12:21:39 PM Chair Senator Rodriguez
12:21:49 PM Senator Harrell closes
12:21:55 PM Amendment 143920 is adopted
12:22:01 PM Samantha Kaddis waives in support
12:22:32 PM Gil Smart speaks
12:25:03 PM Chair Senator Rodriguez
12:25:04 PM Gene Kelly speaks
12:26:21 PM Chair Senator Rodriguez
12:26:25 PM Kim Dinkins speaks
12:26:44 PM Chair Senator Rodriguez
12:27:46 PM Katrina Shadix speaks
12:29:21 PM Chair Senator Rodriguez
12:29:26 PM Elizabeth Alvi speaks
12:31:35 PM Chair Senator Rodriguez
12:31:40 PM Kahreem Golden waives in support
12:31:48 PM Chair Senator Rodriguez calls for questions
12:31:58 PM Senator Smith
12:33:08 PM Chair Senator Rodriguez
12:33:12 PM Senator Harrell
12:33:32 PM Roll call vote on SB 80
12:33:53 PM Reported favorable
12:33:59 PM Tab 1 - Presentations by Florida Fish and Wildlife Conservation Commission

12:34:33 PM George Warthen presents Gopher Tortoises
12:40:55 PM Questions
12:40:57 PM Chair Senator Rodriguez
12:41:04 PM George Warthen presents Wild Animal Diseases and Conditions
12:46:48 PM Questions
12:47:49 PM Chair Senator Rodriguez
12:47:56 PM George Warthen presents on The Keys National Marine Sanctuary
12:51:15 PM Chair Senator Rodriguez
12:51:28 PM Meeting adjourned