

Tab 1	SB 452 by Burton ; (Identical to H 00451) Land Acquisition Trust Fund						
Tab 2	SB 602 by DiCeglie ; (Identical to CS/H 00321) Release of Balloons						
138976	A	S	FAV	EN, DiCeglie	Delete L.57:	01/10 01:31 PM	
Tab 3	SB 632 by Simon ; (Identical to H 00087) Taking of Bears						
Tab 4	SB 738 by Burgess ; (Identical to H 00789) Environmental Management						
420388	A	S	FAV	EN, Burgess	Delete L.136 - 137:	01/10 01:31 PM	
946734	A	S	L UNFAV	EN, Polsky	Delete L.28 - 89.	01/10 01:31 PM	
Tab 5	SB 406 by Rodriguez ; (Compare to H 00789) Statewide Environmental Resource Permitting Rules						
Tab 6	SB 566 by Rodriguez ; Land Acquisition Trust Fund						
Tab 7	SB 650 by Rodriguez ; (Identical to H 00803) Alternative Fuel Fleet Vehicle Rebates						
Tab 8	SB 682 by Martin ; (Compare to CS/H 00487) Lost or Abandoned Property						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Rodriguez, Chair
Senator Harrell, Vice Chair

MEETING DATE: Wednesday, January 10, 2024

TIME: 10:30 a.m.—12:00 noon

PLACE: 301 Senate Building

MEMBERS: Senator Rodriguez, Chair; Senator Harrell, Vice Chair; Senators Martin, Mayfield, Polsky, Stewart, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 452 Burton (Identical H 451)	Land Acquisition Trust Fund; Providing an annual appropriation to the Department of Environmental Protection to implement the Heartland Headwaters Protection and Sustainability Act, etc. EN 01/10/2024 Favorable AEG AP	Favorable Yeas 7 Nays 0
2	SB 602 DiCeglie (Identical CS/H 321)	Release of Balloons; Revising a prohibition on the release of certain balloons to delete a specified timeframe and number of balloons; deleting an exemption from such prohibition for certain biodegradable or photodegradable balloons; providing that a person who violates the prohibition commits the noncriminal infraction of littering, etc. EN 01/10/2024 Fav/CS CA FP	Fav/CS Yeas 7 Nays 0
3	SB 632 Simon (Identical H 87)	Taking of Bears; Citing this act as the “Self Defense Act”; providing for the taking of bears without certain permits or authorizations under specified conditions; prohibiting certain possession, sale, and disposal of such bears; requiring the disposal of such bears by the Fish and Wildlife Conservation Commission, etc. EN 01/10/2024 Favorable AEG FP	Favorable Yeas 5 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Wednesday, January 10, 2024, 10:30 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 738 Burgess (Identical H 789, Compare S 406)	Environmental Management; Providing that the prevailing party in certain actions against the Department of Environmental Protection or a water management district is entitled to reasonable costs and attorney fees; requiring that nonindustrial stormwater management systems be designed with side slopes that meet certain minimum design requirements; revising construction relating to causes of action for damages to real or personal property directly resulting from certain discharges or other conditions of pollution; requiring the department and water management districts to conduct holistic reviews of their respective agency's costal permitting processes and permit programs, etc. EN 01/10/2024 Fav/CS JU FP	Fav/CS Yeas 5 Nays 2
5	SB 406 Rodriguez (Compare H 789, S 738)	Statewide Environmental Resource Permitting Rules; Requiring that stormwater management systems be designed with side slopes that meet a certain minimum design requirement; superseding certain side slope rules and authorizing their repeal by a specified publication of notice and a specified filing, etc. EN 01/10/2024 Favorable FP RC	Favorable Yeas 7 Nays 0
6	SB 566 Rodriguez	Land Acquisition Trust Fund; Requiring an annual appropriation from the Land Acquisition Trust Fund to the Department of Environmental Protection to implement the Florida Keys Stewardship Act or to acquire land within the Florida Keys Area of Critical State Concern for specified purposes; prohibiting the department from using the appropriated funds to implement wastewater management projects or programs, etc. EN 01/10/2024 Favorable AEG AP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Wednesday, January 10, 2024, 10:30 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 650 Rodriguez (Identical H 803)	Alternative Fuel Fleet Vehicle Rebates; Renaming the natural gas fuel fleet vehicle rebate program as the alternative fuel fleet vehicle rebate program; revising the program to include rebates for certain fleet vehicles powered by alternative fuels, rather than only for fleet vehicles fueled by natural gas; requiring such fleet vehicles to comply with specified emission standards, etc. EN 01/10/2024 Favorable AEG FP	Favorable Yeas 7 Nays 0

8	SB 682 Martin (Compare CS/H 487)	Lost or Abandoned Property; Revising the timeframe after which a law enforcement agency may take certain actions relating to abandoned property or specified vessels if the owner has not taken specified actions; making technical changes, etc. EN 01/10/2024 Favorable CJ RC	Favorable Yeas 7 Nays 0
---	---	--	----------------------------

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
-----	------------------------------------	-----------------	------------------

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

Governing Board of the Northwest Florida Water Management District

9	Andrews, Angus "Gus" G., Jr. (DeFuniak Springs)	03/01/2027	Recommend Confirm Yeas 7 Nays 0
10	Alter, John W. (Malone)	03/01/2027	Recommend Confirm Yeas 7 Nays 0

Governing Board of the St. Johns River Water Management District

11	Peterson, J. Christian, Jr. (Winter Park)	03/01/2027	Recommend Confirm Yeas 7 Nays 0
----	---	------------	------------------------------------

Governing Board of the Southwest Florida Water Management District

12	Rice, Kelly S. (Webster)	03/01/2027	Recommend Confirm Yeas 7 Nays 0
13	Watkins, Nancy Hemmingway (Tampa)	03/01/2025	Recommend Confirm Yeas 7 Nays 0

Governing Board of the Suwannee River Water Management District

14	Lloyd, William (High Springs)	03/01/2027	Recommend Confirm Yeas 7 Nays 0
----	-------------------------------	------------	------------------------------------

COMMITTEE MEETING EXPANDED AGENDA
Environment and Natural Resources
Wednesday, January 10, 2024, 10:30 a.m.—12:00 noon

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
15	Schwab, Richard (Perry)	03/01/2027	Recommend Confirm Yeas 7 Nays 0

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 452

INTRODUCER: Senator Burton

SUBJECT: Land Acquisition Trust Fund

DATE: January 9, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carroll	Rogers	EN	Favorable
2. _____	_____	AEG	_____
3. _____	_____	AP	_____

I. Summary:

SB 452 appropriates \$20 million annually from the Land Acquisition Trust Fund to the Department of Environmental Protection to implement the Heartland Headwaters Protection and Sustainability Act (Act).

The funds must be used to enter into financial assistance agreements and distributed in accordance with the projects identified in the Heartland Headwaters Annual Report that protect, restore, or enhance the headwaters of the river systems located in the Heartland Region of Central Florida.

The bill also contains legislative findings regarding the enactment and purposes of the Act, findings from the Central Florida Water Initiative and its Regional Water Supply Plan, and the need for consistent funding support to implement the Act.

II. Present Situation:

Green Swamp Area of Critical State Concern

The Green Swamp contains 560,000 acres of wetlands, flatlands, and prominent sandy ridgelines in southwest Florida.¹ In 1979, the Legislature designated approximately 322,690 acres lying in northern Polk and southern Lake Counties as the Green Swamp Area of Critical State Concern.² The designation recognizes the need to protect the swamp from encroaching development, as well as the area's valuable hydrologic functions. The Green Swamp is an intrinsic part of the

¹ Southwest Florida Water Management District, *Green Swamp Wilderness Preserve*, <https://www.swfwmd.state.fl.us/recreation/green-swamp-wilderness-preserve> (last visited Nov. 29, 2023).

² Florida Department of Economic Opportunity, *Green Swamp Area*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/the-green-swamp> (last visited Nov. 29, 2023).

Floridan Aquifer. Flatwoods and sandhill uplands throughout the swamp provide moderate to high recharge, and the high elevation of the aquifer within the swamp provides the groundwater pressure necessary to maintain springs and rivers. The swamp's wetlands coalesce to create the headwaters of the Withlacoochee, Ocklawaha, Hillsborough, and Peace rivers.³

The Southern Water Use Caution Area

The Southern Water Use Caution Area (SWUCA) was established in 1992 by the Southwest Florida Water Management District (SWFWMD) in response to growing water demands from public supply, agriculture, mining, power generation, and recreational uses and in response to the environmental concerns related to these groundwater withdrawals.⁴ The SWUCA encompasses approximately 5,100 square miles, including all of DeSoto, Hardee, Manatee, and Sarasota counties, and parts of Charlotte, Highlands, Hillsborough, and Polk counties.⁵

In 2006, the SWFWMD adopted the SWUCA Recovery Strategy,⁶ to achieve by 2025 the following goals:

- Achieve minimum flows in the upper Peace River;
- Achieve minimum lake levels in lakes along the Lake Wales Ridge, which extends roughly 90 miles along the center of the state in Polk and Highlands counties;⁷
- Achieve the saltwater intrusion minimum aquifer level; and
- Ensure water supply needs are met for existing and projected reasonable and beneficial uses.⁸

Central Florida Water Initiative

The Central Florida Water Initiative (CFWI) is a collaborative water supply planning effort involving the Department of Environmental Protection (DEP), the St. Johns River Water Management District, the South Florida Water Management District (SFWMD), SWFWMD, the Department of Agriculture and Consumer Services, regional public water supply utilities, and other stakeholders.⁹ These groups have been tasked with addressing the current and long-term water supply needs of Central Florida without causing harm to the water resources and associated natural systems.¹⁰

³ *Id.*

⁴ Section 373.0363(2)(a), F.S.; SWFWMD, *Southern Water Use Caution Area*, <https://www.swfwmd.state.fl.us/projects/southern-water-use-caution-area> (last visited Nov. 29, 2023).

⁵ Section 373.0363(1)(c), F.S.; SWFWMD, *Southern Water Use Caution Area*.

⁶ The “Southern Water Use Caution Area Recovery Strategy” is the SWFWMD’s planning, regulatory, and financial strategy for ensuring that adequate water supplies are available to meet growing demands while protecting and restoring the water and related natural resources of the area. Section 373.0363(1)(d), F.S.

⁷ SFWMD, *Southern Water Use Caution Area*; SWFWMD, *Ridge Lakes Stakeholder Workgroup*, <https://www.swfwmd.state.fl.us/projects/ridge-lakes-stakeholder-workgroup> (last visited Nov. 29, 2023).

⁸ SWFWMD, *Southern Water Use Caution Area*.

⁹ Section 373.0465(1)(c), F.S. Stakeholders include water utilities, environmental groups, business organizations, agricultural communities, and others.

¹⁰ Section 373.0465(1)(c), F.S.

The CFWI Initiative Area, also known as the CFWI Planning Area, includes Orange, Osceola, Polk, Seminole, and southern Lake counties.¹¹ It is home to approximately 2.9 million people and supports tourism, agriculture, and the industrial and commercial sector.¹²

The areas encompassed by the CFWI Planning Area have traditionally relied on groundwater from the Floridan aquifer system as their primary source of water.¹³ Evaluations predict that fresh groundwater resources alone will be insufficient to meet 2040 projected water demands or currently permitted allocations for withdrawal without resulting in unacceptable harm to water resources and related natural systems.¹⁴ Overdrawing from the Floridan aquifer system can result in drying wetlands, reducing spring flows, lowering lake levels, and the degradation of groundwater quality due to saltwater intrusion.¹⁵ Alternative water sources will need to be developed to meet the projected demands.¹⁶

Polk County Regional Water Cooperative

The Polk Regional Water Cooperative (PRWC) was created in 2016 through an interlocal agreement and consists of Polk County and 15 municipal member governments.¹⁷ It was formed to provide regional cooperation on the development and delivery of water resources to meet future water demands within Polk County. The majority of the PRWC jurisdiction is located within the SWUCA, while the entirety of its jurisdiction is located within the CFWI Planning Area.¹⁸

Heartland Headwaters Protection and Sustainability Act

The Heartland Water Supply Planning Region covers approximately 2,569 square miles and includes Hardee County and those portions of Polk and Highlands counties within the SWFWMD.¹⁹ The planning region is underlain by three aquifer systems: the surficial, intermediate, and Floridan. The latter is the primary source of water in the planning region and in the entire SWFWMD area.²⁰

In 2017, the Legislature enacted the Heartland Headwaters Protection and Sustainability Act (Act).²¹ The purpose of the Act was to recognize the critical importance of Polk County's aquifers to the economic and ecological health of the region as headwaters for six of Florida's

¹¹ Section 373.0465(2)(a), F.S.; Central Florida Water Initiative (CFWI), *What is CFWI?*, https://cfwiwater.com/what_is_CFWI.html (last visited Nov. 29, 2023).

¹² CFWI, *Regional Water Supply Plan 2020 Planning Document*, ii, available at https://cfwiwater.com/pdfs/CFWI_2020RWSP_FINAL_PlanDocRpt_12-10-2020.pdf.

¹³ CFWI, *Value of Water*, https://cfwiwater.com/value_of_water.html (last visited Nov. 29, 2023).

¹⁴ CFWI, *Regional Water Supply Plan 2020 Planning Document* at 89-90.

¹⁵ CFWI, *Value of Water*.

¹⁶ *See id.*

¹⁷ SWFWMD, *Consolidated Annual Report (March 1, 2021)*, 7-1, available at <https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/CAR%202022%20Master%20Report.pdf>.

¹⁸ *Id.*

¹⁹ SWFWMD, *RWSP Heartland Planning Region*, <https://www.swfwmd.state.fl.us/resources/plans-reports/rwsp/rwsp-heartland-planning-region> (last visited Dec. 7, 2023).

²⁰ *Id.*

²¹ Ch. 2017-111, s. 1, Laws of Fla., codified in ss. 373.462-.463, F.S.

major river systems.²² The Act required the development of a comprehensive annual report to be completed by the PRWC and submitted to the Governor, the President of the Senate, the Speaker of the House, DEP, and the water management districts (WMDs) by December 1 of each year.²³ In addition, the Act directed the PRWC to coordinate with the appropriate WMDs to provide a status report on projects receiving priority state funding and to include such status report in the consolidated WMD annual report.²⁴

Funding of Polk Regional Water Cooperative Projects

In July 2023, PRWC members submitted a total of 47 water resource projects that they planned to implement in fiscal year 2024-2025.²⁵ The majority of the projects involved drinking water and wastewater, but some also involved stormwater and flood control, environmental restoration, and conservation. The total cost of the projects submitted was \$811,154,839. Of the total cost of the projects for fiscal year 2024-2025, PRWC governments are collectively committing \$90,588,245 (62%), leaving a state funding request of \$56,471,889 (38%).²⁶

The projects that are regionally the most important to the PRWC members are:

- The Southeast Wellfield Construction and Land Acquisition project, estimated to cost \$68,682,361 in fiscal year 2024-2025; and
- The Demand Management Implementation Program, estimated to cost \$150,000 in fiscal year 2024-2025.²⁷

One of the above projects has been submitted to the WMDs and DEP for inclusion in the CFWI Alternative Water Supply funding request to the Legislature.²⁸ The report lists the 47 projects in order of priority and includes for each project the total project cost, requested state funding, local government funding, and other funding sources.²⁹

Land Acquisition Trust Fund

Documentary stamp tax revenues are collected under ch. 201, F.S., which requires an excise tax to be levied on two classes of documents: deeds and other documents related to real property, which are taxed at the rate of 70 cents per \$100; and certificates of indebtedness, promissory notes, wage assignments, and retail charge account agreements, which are taxed at 35 cents per \$100.³⁰

²² Section 373.462(1)-(6), F.S.

²³ Section 373.463(1)-(2), F.S.

²⁴ Section 373.463(3), F.S.

²⁵ Polk Regional Water Cooperative, *Heartland Headwaters Protection and Sustainability Act Annual Comprehensive Water Resources Report (FY 2024-25)*, 23 (2023) (on file with the Senate Committee on Environment and Natural Resources).

²⁶ *Id.*

²⁷ *Id.* at 41.

²⁸ *Id.* at 23.

²⁹ *Id.* at 41.

³⁰ See ss. 201.02(1)(a) and 201.08(1)(a), F.S.

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for land and water conservation and restoration.³¹ The amendment required that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund (LATF).³² Article X, s. 28 of the State Constitution requires that funds in the LATF be expended only for the following purposes:

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

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

- Section 201.15, F.S., to conform to the constitutional requirement that the LATF receive at least 33 percent of net revenues derived from documentary stamp taxes; and
- Section 375.041, F.S., to designate the LATF within DEP as the trust fund to serve as the constitutionally mandated depository for the percentage of documentary stamp tax revenues.³³

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

- First, obligations relating to debt service, specifically, payments relating to debt service on Florida Forever Bonds and Everglades restoration bonds.
- Then, unless superseded by the General Appropriations Act, before funds are authorized to be appropriated for other uses:
 - A minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to Everglades restoration projects that reduce harmful discharges of water from Lake

³¹ The Florida Senate, *Water and Land Conservation*, <https://www.flsenate.gov/media/topics/WLC> (last visited Nov. 29, 2023).

³² *Id.*

³³ Ch. 2015-229, ss. 9 and 50, Laws of Fla.

- Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. From these funds, the following specified distributions are required:
- \$32 million annually through the 2023-2024 fiscal year for the Long-Term Plan;
 - After deducting the \$32 million, the minimum of the lesser of 76.5 percent of the remainder or \$100 million annually through the 2025-2026 fiscal year for CERP; and
 - Any remaining funds for Everglades projects under CERP, the Long-Term Plan, or NEEPP.
- A minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million annually for spring restoration, protection, and management projects;
 - \$5 million annually through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka;
 - \$64 million to the Everglades Trust Fund in the 2018-2019 fiscal year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project, and any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 Reservoir Project or projects that implement CERP, the Long Term Plan, or NEEPP; and
 - \$50 million annually to SFWMD for the Lake Okeechobee Watershed Restoration Project.
 - \$100 million annually to DEP for the acquisition of land pursuant to the Florida Forever Act.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.³⁴

During the 2022 session, the Legislature added language that specifies that the purposes set forth in s. 375.041(3)(a)3., F.S., relating to Lake Apopka would instead be appropriated as provided in the General Appropriations Act.³⁵ In August 2023, the General Revenue Estimating Conference estimated that for fiscal year 2024-2025 a total of \$3.67 billion would be collected in documentary stamp taxes.³⁶ Thirty-three percent of the net revenues collected, or approximately \$1.21 billion, must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution. Of that amount, \$104.6 million is committed to debt service, leaving approximately \$1.1 billion to be distributed for the uses specified by s. 375.041, F.S., and other purposes in accordance with the General Appropriations Act.³⁷

Litigation

In 2015, two lawsuits were filed challenging the constitutionality of appropriations from the LATF and expenditures by state agencies.³⁸ The cases were consolidated and a hearing was held in June of 2018.³⁹ The plaintiffs argued that funds from the LATF were appropriated and expended for general state expenses in ways that were inconsistent with the State Constitution. The circuit court held for the plaintiffs, stating the amendment requires the funds be used for

³⁴ Section 375.041(3)-(4), F.S.

³⁵ Chapter 2022-157, Laws of Fla.

³⁶ Office of Economic & Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Conference Results (Aug. 2023)*, available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampresults.pdf>.

³⁷ *Id.*

³⁸ *Fla. Wildlife Fed'n v. Negron*, No. 2015-CA-001423 (Fla. 2d Cir. Ct. 2015); *Fla. Defenders of the Env't, Inc. v. Detzner*, No. 2015-CA-002682 (Fla. 2d Cir. Ct. 2015).

³⁹ *Fla. Wildlife Fed'n v. Negron*, Nos. 2015-CA-001423, 2015-CA-002682 (Fla. 2d Cir. Ct. 2018).

acquiring conservation lands, and for improving, managing, restoring, and enhancing public access to conservation lands acquired after the effective date of the amendment.⁴⁰ The decision described how the LATF funds may be used, and ruled that numerous appropriations from 2015 and 2016 were unconstitutional.⁴¹

On appeal, the First District Court of Appeal overturned the circuit court ruling, holding that the LATF funds are not restricted to use on land purchased by the state after the constitutional amendment took effect in 2015.⁴² The court held that the plain language in the Constitution authorizing the use of funds for management, restoration, and enhancement activities would specifically authorize use of the funds on activities beyond land acquisition.⁴³ The case was then remanded to the circuit court to rule on the legality of appropriations made since the enactment of the constitutional amendment.⁴⁴

The circuit court dismissed the lawsuit on January 3, 2022, finding that it was moot because the money approved by the Legislature in 2015 had already been spent.⁴⁵ In 2022, the Florida Wildlife Federation filed a motion to reopen the case.⁴⁶ The case is now on appeal in the First District Court of Appeal.⁴⁷

III. Effect of Proposed Changes:

Section 1 provides the following legislative findings:

- The Legislature unanimously approved CS/CS/HB 573, the Heartland Headwater Protection and Sustainability Act (Act), in 2017, to protect the headwaters of the Alafia, Hillsborough, Kissimmee, Ocklawaha, Peace, and Withlacoochee Rivers located in the Green Swamp and Polk County, which are some of the most important and vulnerable water resources in the state.
- In the Act, the Legislature declared that it is an important state interest to partner with regional water supply authorities and local governments, in accordance with the water resource and water supply development provision in state law, to protect the water resources of the headwaters of the Alafia, Hillsborough, Kissimmee, Ocklawaha, Peace, and Withlacoochee Rivers and the surrounding areas.
- In 2020, the Central Florida Water Initiative (CFWI) Regional Water Supply Plan (RWSP), which is developed pursuant to state law, projected the population of the region to reach 4.4 million by 2040, which is a 49 percent increase from a 2015 estimate. The total average use of surface water and groundwater in the CFWI Planning Area is projected to increase 36 percent from 667 million gallons per day in 2015 to 908 million gallons per day in 2040.⁴⁸

⁴⁰ *Id.* at 3.

⁴¹ *Id.* at 7–8.

⁴² *Oliva v. Fla. Wildlife Fed’n*, 281 So. 3d 531, 539 (Fla. 1st DCA 2019).

⁴³ *Id.* at 537.

⁴⁴ *Id.* at 539.

⁴⁵ *Fla Wildlife Fed’n v. Negron*, Nos. 2015-CA-001423, 2015-CA-002682 (Fla. 2d Cir. Ct. Jan. 3, 2022), available at <https://www.politico.com/states/fl?id=0000017e-21d8-d3d7-a37f-afdee5cb0000&source=email>.

⁴⁶ *Fla. Wildlife Fed’n v. Fla. Legislature*, No. 1D22-3142 (Fla. 1st DCA 2022).

⁴⁷ *Id.*

⁴⁸ These figures are taken from the CFWI 2020 *Regional Water Supply Plan*. See CFWI, *Regional Water Supply Plan 2020 Planning Document* at 4.

- The CFWI RWSP concluded that in some areas of the CFWI Planning Area, fresh groundwater is near or has exceeded the limits of groundwater availability and that alternative water sources will need to be developed along with additional water conservation efforts and local management strategies to meet the 2040 projected water demands or to meet the currently permitted allocations while allowing currently stressed water resources and natural systems to recover.⁴⁹
- Consistent funding support is required to support the efforts of the water management districts in protecting the rivers, springs, and wetlands in the region while providing for responsible development of these water resources that support growth and provide for public health and safety.

Section 3 amends s. 375.041, F.S., to appropriate \$20 million annually from the Land Acquisition Trust Fund (LATF) to the Department of Environmental Protection to implement the Act. The funds must be used to enter into financial assistance agreements and must be distributed in accordance with the projects identified in the Heartland Headwaters Annual Report submitted to the Legislature to finance the cost of designing or constructing projects that protect, restore, or enhance the headwaters of the river systems located in the Heartland Region of Central Florida.

The bill requires the distribution of the \$20 million to be reduced by an amount equal to the debt service paid out of the LATF on bonds issued for these purposes after July 1, 2024.

Section 3 provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

See Present Situation.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

⁴⁹ This conclusion was taken from the CFWI 2020 *Regional Water Supply Plan*. See CFWI, *Regional Water Supply Plan 2020 Planning Document* at 89-91.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill provides an annual appropriation of \$20 million from the Land Acquisition Trust Fund to the Department of Environmental Protection to implement the Heartland Headwater and Sustainability Act. The funds must be used to enter into financial assistance agreements and distributed in accordance with the projects identified in the Heartland Headwaters Annual Report. The distribution must be reduced by an amount equal to the debt service paid on bonds issued for these purposes after July 1, 2024.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 375.041 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Burton

12-00789-24

2024452__

A bill to be entitled
An act relating to the Land Acquisition Trust Fund;
providing legislative findings; amending s. 375.041,
F.S.; providing an annual appropriation to the
Department of Environmental Protection to implement
the Heartland Headwaters Protection and Sustainability
Act; requiring that the funds be used and distributed
for specified purposes; providing an effective date.

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

Section 1. The Legislature finds that:

(1) The Legislature unanimously approved CS/CS/HB 573, the Heartland Headwaters Protection and Sustainability Act, 2017 Regular Session, to protect the headwaters of the Alafia, Hillsborough, Kissimmee, Ocklawaha, Peace, and Withlacoochee Rivers located in the Green Swamp and Polk County, which are some of the most important and vulnerable water resources in this state.

(2) In the same act, the Legislature declared that it is an important state interest to partner with regional water supply authorities and local governments, in accordance with s. 373.705, Florida Statutes, to protect the water resources of the headwaters of the Alafia, Hillsborough, Kissimmee, Ocklawaha, Peace, and Withlacoochee Rivers and the surrounding areas.

(3) In 2020, the Central Florida Water Initiative (CFWI) Regional Water Supply Plan developed pursuant to s. 373.0465, Florida Statutes, projected the population of the region to reach 4.4 million by 2040, which is a 49 percent increase from a

12-00789-24

2024452__

2015 estimate. The total average use of surface water and groundwater in the CFWI Planning Area is projected to increase 36 percent from 667 million gallons per day in 2015 to 908 million gallons per day in 2040.

(4) The CFWI Regional Water Supply Plan concluded that in some areas of the CFWI Planning Area, fresh groundwater is near or has exceeded the limits of groundwater availability and that alternative water sources will need to be developed along with additional water conservation efforts and local management strategies to meet the 2040 projected water demands or to meet the currently permitted allocations and allow currently stressed water resources and natural systems to recover.

(5) Consistent funding is required to support the efforts of the water management districts in protecting the rivers, springs, and wetlands in the region while providing for responsible development of these essential water resources that support growth and provide for public health and safety.

Section 2. Subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3) Funds distributed into the Land Acquisition Trust Fund pursuant to s. 201.15 shall be applied:

(a) First, to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued under s. 215.618; and pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to Everglades restoration bonds issued under s. 215.619; and

(b) Of the funds remaining after the payments required

12-00789-24

2024452__

under paragraph (a), but before funds may be appropriated,
pledged, or dedicated for other uses:

1. A minimum of the lesser of 25 percent or \$200 million shall be appropriated annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to congressional authorization; the Long-Term Plan as defined in s. 373.4592(2); and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, \$32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the \$32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project, the Everglades Agricultural Area Storage Reservoir Project, the Lake Okeechobee Watershed Project, the C-43 West Basin Storage Reservoir Project, the Indian River Lagoon-South Project, the Western Everglades Restoration Project, and the Picayune Strand Restoration Project. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. For the purpose of performing the calculation provided in this

12-00789-24

2024452__

subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under this paragraph shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

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

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

4. The sum of \$64 million is appropriated and shall be transferred to the Everglades Trust Fund for the 2018-2019

12-00789-24

2024452__

117 fiscal year, and each fiscal year thereafter, for the EAA
118 reservoir project pursuant to s. 373.4598. Any funds remaining
119 in any fiscal year shall be made available only for Phase II of
120 the C-51 reservoir project or projects identified in
121 subparagraph 1. and must be used in accordance with laws
122 relating to such projects. Any funds made available for such
123 purposes in a fiscal year are in addition to the amount
124 appropriated under subparagraph 1. This distribution shall be
125 reduced by an amount equal to the debt service paid pursuant to
126 paragraph (a) on bonds issued after July 1, 2017, for the
127 purposes set forth in this subparagraph.

128 5. The sum of \$50 million shall be appropriated annually to
129 the South Florida Water Management District for the Lake
130 Okeechobee Watershed Restoration Project in accordance with s.
131 373.4599. This distribution must be reduced by an amount equal
132 to the debt service paid pursuant to paragraph (a) on bonds
133 issued after July 1, 2021, for the purposes set forth in this
134 subparagraph.

135 6. The sum of \$100 million shall be appropriated annually
136 to the Department of Environmental Protection for the
137 acquisition of land pursuant to s. 259.105.

138 7. The sum of \$20 million shall be appropriated annually to
139 the Department of Environmental Protection to implement the
140 Heartland Headwaters Protection and Sustainability Act pursuant
141 to chapter 2017-111, Laws of Florida. The funds must be used to
142 enter into financial assistance agreements and must be
143 distributed in accordance with the projects identified in the
144 heartland headwaters annual report submitted to the Legislature
145 pursuant to s. 373.463 to finance the cost of designing or

12-00789-24

2024452__

146 constructing projects that protect, restore, or enhance the
147 headwaters of the river systems located in the Heartland Region
148 of Central Florida. This distribution must be reduced by an
149 amount equal to the debt service paid pursuant to paragraph (a)
150 on bonds issued after July 1, 2024, for the purposes set forth
151 in this subparagraph.

152 Section 3. This act shall take effect July 1, 2024.

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/10/2024

Meeting Date

SB 452

Bill Number (if applicable)

Topic Land Acquisition TF

Amendment Barcode (if applicable)

Name David Rathke

Job Title _____

Address 4052 Old Plantation Loop

Phone 352-584-6804

Street

Tallahassee FL 32311

City

State

Zip

Email david@rathkeenterprises.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing City of Winter Haven

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

01/10/2023

Meeting Date

Env. and Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

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

0452

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Natalie Fausel**

Phone **561-317-0889**

Address **201 W Park Ave, Ste 100**

Email **natalie@anfieldflorida.com**

Street

Tallahassee

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:

Polk County

☐ 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)

1-10-24 10:30

Meeting Date

ENR

Committee

Name DAVID CULLEN

The Florida Senate APPEARANCE RECORD

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

452

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 941-323-2404

Address 816 W THARPE ST

Email CULLENASEA@GMAIL.COM

Street

TALLAHASSEE

FL

32303

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:

SIERRA CLUB 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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Judiciary, *Vice Chair*
Appropriations Committee on Health
and Human Services
Banking and Insurance
Fiscal Policy
Rules

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR COLLEEN BURTON

12th District

December 7th, 2023

The Honorable Ana Maria Rodriguez
325 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Rodriguez,

I respectfully request SB 452- Land Acquisition Trust Fund be placed on the Environment and Natural Resources agenda at your earliest convenience.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink that reads "Colleen Burton".

Colleen Burton
State Senator, District 12

CC: Ellen Rogers, Staff Director
Kim Bonn, Committee Administrative Assistant

REPLY TO:

- ☐ 100 South Kentucky Avenue, Suite 260, Lakeland, Florida 33801 (863) 413-1529
- ☐ 318 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

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 602

INTRODUCER: Environment and Natural Resources Committee and Senator DiCeglie

SUBJECT: Release of Balloons

DATE: January 10, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carroll	Rogers	EN	Fav/CS
2. _____	_____	CA	_____
3. _____	_____	FP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 602 prohibits the intentional release of balloons inflated with a gas that is lighter than air. To effect this change, the bill removes language allowing the intentional release of fewer than 10 balloons within a 24-hour period. The bill also removes an exemption for the intentional release of biodegradable or photodegradable balloons.

The bill provides that the intentional release of balloons is punishable under the Florida Litter Law. The bill also revises the definitions of “dump” and “litter” in the Florida Litter Law.

II. Present Situation:

Florida Fish and Wildlife Conservation Commission

The Florida Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state’s fish and wildlife resources.¹ FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate.² Under Article IV, Section 9 of the Florida Constitution, FWC has the authority to exercise the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life.³

¹ FLA. CONST. art. IV, s. 9.

² *Id.*; see also s. 379.102(1), F.S.

³ FLA. CONST. art. IV, s. 9.

Balloon Litter

Balloons released to celebrate special occasions eventually deflate and end up in streams, rivers, and oceans where they create hazardous conditions for wildlife.⁴ Balloons are among the top ten types of debris found during coastal cleanups.⁵ Balloon litter is especially deadly for marine life. Marine animals easily mistake balloons or balloon fragments for food and, once ingested, balloons can cause nutrition loss, internal injury, starvation, and death.⁶ String or ribbon attached to balloons may entangle marine life, causing injury, illness, and suffocation.⁷

Release of Balloons

In the State of Florida, it is unlawful for any person, firm, or corporation to intentionally release, organize the release, or intentionally cause to be released within a 24-hour period 10 or more balloons inflated with a gas that is lighter than air. Any person may petition the circuit court to enjoin the release of 10 or more balloons if that person is a citizen of the county in which the balloons will be released.⁸

Certain additional balloon releases are allowed under the law, including:

- Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;
- Hot air balloons that are recovered after launching;
- Balloons released indoors; or
- Balloons that are either biodegradable or photodegradable, as determined by the rule of FWC, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments.⁹

There has not yet been a balloon that FWC recognizes as meeting exemption requirements for biodegradability or photo degradability.¹⁰

Any person who violates the prohibition against intentional balloon releases is guilty of a noncriminal infraction and punishable by a fine of \$250.¹¹

Florida Litter Law

The Florida Litter Law provides that, unless otherwise authorized by law or permit, it is unlawful to dump¹² litter¹³ in or on any:

⁴ Ocean Conservation Society, *Be Balloon Aware*, <https://www.oceanconservation.org/be-balloon-aware/> (last visited Jan. 2, 2024).

⁵ *Id.*

⁶ National Oceanic and Atmospheric Administration, Marine Debris Program, *What Goes Up, Must Come Down*, <https://blog.marinedebris.noaa.gov/index.php/what-goes-must-come-down/> (last visited Jan. 2, 2024).

⁷ *Id.*

⁸ Section 379.233(4), F.S.

⁹ Section 379.233(2), F.S.

¹⁰ Jess Melkun, FWC, *Release of balloons* (email on file with the Senate Committee on Environment and Natural Resources).

¹¹ Section 379.233(3), F.S.

¹² “Dump” means to dump, throw, discard, place, deposit, drain, discharge, or dispose of. Section 403.413(2), F.S.

¹³ “Litter” means any personal property; garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; pharmaceutical of any kind; tire; household item; shed; appliance; mechanical equipment or part; building or construction

- Public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor;
- Freshwater lake, river, canal, or stream or tidal or coastal water of the state, including canals;
- Water control district property or canal right-of-way, unless the district board of directors or the district manager or his or her designee has given prior consent; or
- Private property, unless the owner has given prior consent and unless the dumping of such litter by such person will not cause a public nuisance or otherwise be in violation of any other state or local law, rule, or regulation.¹⁴

The penalties for dumping litter typically correspond with the amount of litter discarded.¹⁵ The following table shows the penalties associated with the amount of litter dumped.

Amount of Litter	Penalty
≤ 15 pounds or ≤ 27 cubic feet	Noncriminal infraction, punishable by a civil penalty of \$150
> 15 pounds, but ≤ 500 pounds or > 27 cubic feet, but ≤ 100 cubic feet	First-degree misdemeanor, punishable by imprisonment for up to one year and a \$1,000 fine
> 500 pounds or > 100 cubic feet	Third-degree felony, punishable by imprisonment for up to five years and a \$5,000 fine

III. Effect of Proposed Changes:

Section 1 amends s. 379.233, F.S., which provides that it is unlawful to intentionally release, organize the release of, or intentionally cause to be released balloons inflated with a gas that is lighter than air. The bill deletes language allowing the intentional release of fewer than 10 balloons within a 24-hour period. The bill removes the exemption allowing the intentional release of biodegradable or photodegradable balloons which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments.

The bill provides that a person who intentionally releases balloons in violation of the law commits a noncriminal littering infraction. Current statutory language provides that the person is guilty of a noncriminal infraction. The bill provides that a violation is punishable under the Florida Litter Law.

The bill removes language allowing any person to petition the circuit court to enjoin the release of 10 or more balloons if that person is a citizen of the county in which the balloons are to be released.

material; tool; machinery; wood; motor vehicle or motor vehicle part, including a truck, trailer, or motor home; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations, but excluding permitted, regulated, or authorized drainage, pumping, or runoff of surface water or stormwater. Section 403.413(2), F.S.

¹⁴ Section 403.413(4), F.S.

¹⁵ Section 403.413(6), F.S.

Section 2 amends s. 403.413, F.S., to revise the following definitions in the Florida Litter Law:

- “Dump,” by adding intentionally release;
- “Litter,” by adding balloon.

Section 3 reenacts s. 403.4135(1), F.S., for the purpose of incorporating the amendment made by this bill to the Florida Litter Law in a reference thereto.

Section 4 provides an effective date of July 1, 2024.

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:

There is currently a \$250 fine that is deposited into the fine and forfeiture fund of the clerk of court for the county where the infraction occurred. The bill changes the infraction to a littering violation, which has a civil penalty of \$150, of which \$50 is deposited into the Solid Waste Management Trust Fund in the Department of Environmental Protection (DEP). Thus, the bill may cause an indeterminate negative

fiscal impact to local governments for the reduction in penalties and an indeterminate positive fiscal impact to DEP.¹⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 379.233 and 403.413 of the Florida Statutes.

This bill reenacts 403.4135(1) 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 January 10, 2024:

The CS restores the term “personal property” in the definition of litter.

- B. Amendments:

None.

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

¹⁶ Florida Fish and Wildlife Conservation Commission, *2024 Agency Legislative Bill Analysis: SB 602*, 3-4 (on file with the Senate Committee on Environment and Natural Resources).



138976

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/10/2024	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 57
and insert:
(f) "Litter" means any personal property; garbage; rubbish;

By Senator DiCeglie

18-00476B-24

2024602__

A bill to be entitled
An act relating to the release of balloons; amending
s. 379.233, F.S.; revising a prohibition on the
release of certain balloons to delete a specified
timeframe and number of balloons; deleting an
exemption from such prohibition for certain
biodegradable or photodegradable balloons; providing
that a person who violates the prohibition commits the
noncriminal infraction of littering; revising the
penalty for such violation; deleting a provision
authorizing petitions to enjoin the release of
balloons under certain circumstances; amending s.
403.413, F.S.; revising the definitions of the terms
"dump" and "litter"; reenacting s. 403.4135(1), F.S.,
relating to litter receptacles, to incorporate the
amendment made to s. 403.413, F.S., in a reference
thereto; providing an effective date.

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

Section 1. Subsections (2), (3), and (4) of section
379.233, Florida Statutes, are amended to read:

379.233 Release of balloons.—

(2) It is unlawful for any person, firm, or corporation to
intentionally release, organize the release of, or intentionally
cause to be released ~~within a 24-hour period 10 or more~~ balloons
inflated with a gas that is lighter than air except for any of
the following:

(a) Balloons released by a person on behalf of a

18-00476B-24

2024602__

governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.+

(b) Hot air balloons ~~that are~~ recovered after launching.+

(c) Balloons released indoors; ~~or~~

~~(d) Balloons that are either biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation Commission, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments. In the event that any balloons are released pursuant to the exemption established in this paragraph, the party responsible for the release shall make available to any law enforcement officer evidence of the biodegradability or photodegradability of said balloons in the form of a certificate executed by the manufacturer. Failure to provide said evidence shall be prima facie evidence of a violation of this act.~~

(3) Any person who violates subsection (2) commits is ~~guilty of~~ a noncriminal littering infraction, punishable as ~~provided in s. 403.413(6) (a) by a fine of \$250.~~

~~(4) Any person may petition the circuit court to enjoin the release of 10 or more balloons if that person is a citizen of the county in which the balloons are to be released.~~

Section 2. Paragraphs (d) and (f) of subsection (2) of section 403.413, Florida Statutes, are amended to read:

403.413 Florida Litter Law.—

(2) DEFINITIONS.—As used in this section:

(d) "Dump" means to dump, throw, discard, place, deposit, drain, discharge, ~~or~~ dispose of, or intentionally release.

(f) "Litter" means any ~~personal property;~~ garbage; rubbish; trash; refuse; can; bottle; box; container; paper; balloon;

18-00476B-24

2024602__

59 tobacco product; pharmaceutical of any kind; tire; household
60 item; shed; appliance; mechanical equipment or part; building or
61 construction material; tool; machinery; wood; motor vehicle or
62 motor vehicle part, including a truck, trailer, or motor home;
63 vessel; aircraft; farm machinery or equipment; sludge from a
64 waste treatment facility, water supply treatment plant, or air
65 pollution control facility; or substance in any form resulting
66 from domestic, industrial, commercial, mining, agricultural, or
67 governmental operations, but excluding permitted, regulated, or
68 authorized drainage, pumping, or runoff of surface water or
69 stormwater.

70 Section 3. For the purpose of incorporating the amendment
71 made by this act to section 403.413, Florida Statutes, in a
72 reference thereto, subsection (1) of section 403.4135, Florida
73 Statutes, is reenacted to read:

74 403.4135 Litter receptacles.—

75 (1) DEFINITIONS.—As used in this section “litter” and
76 “vessel” have the same meanings as provided in s. 403.413.

77 Section 4. This act shall take effect July 1, 2024.

Carroll, Erin

From: Melkun, Jessica <Jessica.Melkun@MyFWC.com>
Sent: Thursday, January 4, 2024 9:46 AM
To: Carroll, Erin
Cc: Rogers, Ellen
Subject: Release of Balloons

Hi Erin—

Pursuant to s. 379.233, F.S., balloons that are either biodegradable or photodegradable, as determined by FWC rule are exempt if a certificate executed by the manufacturer is provided to law enforcement. However, there has not yet been a balloon that the FWC recognizes as meeting exemption requirements for biodegradability or photo degradability.

Thanks!

Jess Melkun
Legislative Affairs Director
Florida Fish and Wildlife Conservation Commission
Cell: 850.363.9072



**Florida Fish and Wildlife
Conservation Commission**

MyFWC.com



2024 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Fish and Wildlife Conservation Commission

<u>BILL INFORMATION</u>	
BILL NUMBER:	<u>Senate Bill 602</u>
BILL TITLE:	<u>Release of Balloons</u>
BILL SPONSOR:	<u>Senator DiCeglie</u>
EFFECTIVE DATE:	<u>July 1, 2024</u>

<u>COMMITTEES OF REFERENCE</u>
1) Environment and Natural Resources
2) Community Affairs
3) Fiscal Policy
4) Click or tap here to enter text.
5) Click or tap here to enter text.

<u>CURRENT COMMITTEE</u>
Environment and Natural Resources

<u>SIMILAR BILLS</u>	
BILL NUMBER:	HB 321 Release of Balloons
SPONSOR:	Rep. Chaney

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	House Bill 91
SPONSOR:	Representative Chaney and Representative Mooney, Jr
YEAR:	2023
LAST ACTION:	Died in Agriculture, Conservation & Resiliency Subcommittee

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

Is this bill part of an agency package?
No

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	November 15 th , 2023
LEAD AGENCY ANALYST:	Captain Patrick Walsh
ADDITIONAL ANALYST(S):	Tammy Sapp
LEGAL ANALYST:	Mary Atkins
FISCAL ANALYST:	Clay White

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Currently, the intentional release of 10 or more balloons inflated with a gas lighter than air within a 24-hour period is prohibited with certain exceptions.

The bill identifies such release of balloons as littering subject to a noncriminal infraction punishable by a civil penalty of \$150.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:**

Currently, it is unlawful for any person, firm or corporation to intentionally release, organize the release, or intentionally cause to be released within a 24-hour period 10 or more balloons inflated with a gas lighter than air except for:

- Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;
- Hot air balloons that are recovered after launching;
- Balloons released indoors; or
- Balloons that are either biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation Commission (FWC), and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments.

Any person who violates subsection (2) of 379.233, F.S., is guilty of a noncriminal infraction, punishable by a fine of \$250.

Section 404.413, F.S., defines "litter" as any personal property; garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; pharmaceutical of any kind; tire; household item; shed; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part, including a truck, trailer, or motor home; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations, but excluding permitted, regulated, or authorized drainage, pumping, or runoff of surface water or stormwater.

Additionally, s. 404.413(2), F.S., defines "dump" to mean to dump, throw, discard, place, deposit, drain, discharge or dispose of.

2. **EFFECT OF THE BILL:**

The bill designates balloon releases as littering and specifies that any person who intentionally releases any balloons is guilty of a noncriminal infraction, punishable by a civil penalty of \$150, from which \$50 shall be deposited into the Solid Waste Management Trust Fund to be used for the solid waste management grant program. If the weight of the released balloons is exceeding 15 pounds or is greater than 27 cubic feet in volume, but not exceeding 500 pounds or 100 cubic feet in volume, the party is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. If the weight exceeds 500 pounds or 100 cubic feet in volume or in any quantity for commercial purposes, the person is guilty of a felony of the third degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S.

Additionally, the bill amends s. 403.413(2)(d), F.S. to add "intentionally release" to the definition of "dump" and s. 403.413(2)(f), F.S., to add "balloon" to the definition of "litter."

The bill is effective July 1, 2024.

3. **DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?** Y ☐ N ☒

If yes, explain:	Click or tap here to enter text.
Is the change consistent with the agency's core mission?	Y ☐ N ☒

Rule(s) impacted (provide references to F.A.C., etc.):	Click or tap here to enter text.
--	----------------------------------

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

Y ☐ N ☒

If yes, provide a description:	Click or tap here to enter text.
Date Due:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?

Y ☐ N ☒

Board:	Click or tap here to enter text.
Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?

Y ☒ N ☐

Revenues:	There is currently a \$250 fine that is deposited into the fine and forfeiture fund of the clerk of court for the county where the infraction occurred. The bill changes the infraction to a littering violation which has a civil penalty of \$150, of which \$50 is deposited into the Solid Waste Management Trust Fund in the Department of Environmental Protection. There may be an indeterminate negative fiscal impact to local governments for the reduction in penalties.
Expenditures:	None.
Does the legislation increase local taxes or fees? If yes, explain.	No.
If yes, does the legislation provide for a local	Click or tap here to enter text.

referendum or local governing body public vote prior to implementation of the tax or fee increase?	
--	--

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☒ N ☐

Revenues:	There is currently a \$250 fine that is deposited into the fine and forfeiture fund of the clerk of court for the county where the infraction occurred. The bill changes the infraction to a littering violation which has a civil penalty of \$150, of which \$50 is deposited into the Solid Waste Management Trust Fund in the Department of Environmental Protection. There is an indeterminate positive fiscal impact to the Department of Environmental Protection.
Expenditures:	None
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	Click or tap here to enter text.

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Other:	Click or tap here to enter text.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y ☐ N ☒

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	Click or tap here to enter text.
--	----------------------------------

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.	Click or tap here to enter text.
--	----------------------------------

ADDITIONAL COMMENTS

Click or tap here to enter text.

LEGAL - GENERAL COUNSEL’S OFFICE REVIEW

Issues/concerns/comments:	Click or tap here to enter text.
---------------------------	----------------------------------

The Florida Senate

APPEARANCE RECORD

1-10-24

Meeting Date

Env. & Nat. Res.

Committee

602

Bill Number or Topic

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Phone 727.421.6902

Address P.O. Box 2020

Street

Email travis@moore-relations.com

St. Petersburg FL

City

State

33731

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:

Oceana

☐ 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

SB602

Balloon Release

Meeting Date

January 10 2024

Deliver both copies of this form to

Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Environment & Natural Resources

Amendment Barcode (if applicable)

Name

Katrina Shadix

Phone

407 702 3376

Address

1011 Seneca Oak Tr.

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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

1/10
Meeting Date
Environmental
Committee

The Florida Senate
APPEARANCE RECORD

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

SB-602
Balance Bill

Bill Number or Topic

Name Dana Stetson
Address 3218 ALBERTA DR
TALL FL 32309
City State Zip

Amendment Barcode (if applicable)
Phone 850-668-3839
Email Dana.Stetson@flhouse.com

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 \(flsenate.gov\)](#)

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

The Florida Senate

APPEARANCE RECORD

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

Balloon Release

Bill Number or Topic

602

Amendment Barcode (if applicable)

1/10/24
Meeting Date
32301
Committee

Name Lesley Blackner Phone 561-818-6621

Address 350 South Duval St #505 Email lesleyblackner@gmail.com
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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

9/10/24

The Florida Senate
APPEARANCE RECORD

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

SB 602

Bill Number or Topic

Meeting Date

Ag Envir. & Nat Res.

Committee

Name

Kate MacFall

Amendment Barcode (if applicable)

Phone

850 508 1001

Address

206 Walter Dr.

Street

Email

kmacfall@hsus.org

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:

Humane Society of the United
States

☐

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)

1/10/2024

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

602

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Elizabeth Alvi

Phone

850-999-1028

Address

308 N. Monroe

Street

Email

beth.alvi@audubon.org

Tallahassee

City

FL

State

32312

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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

1/10/2024

APPEARANCE RECORD

SB 602

Meeting Date

Environment & Natural Resources

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Jessica Hunter**Phone **850-694-1216**Address **227 South Adams Street**Email **jessica@frf.org**

Street

Tallahassee**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:
Florida Retail Federation
☐ 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)

1-10-24 10:30

Meeting Date

ENR

Committee

The Florida Senate APPEARANCE RECORD

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

602

Bill Number or Topic

Amendment Barcode (if applicable)

Name **DAVID CULLEN**

Phone **941-323-2404**

Address **816 W THARPE ST**

Email **CULLENASEA@GMAIL.COM**

Street

TALLAHASSEE

FL

32303

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:

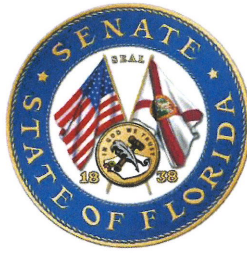
SIERRA CLUB FLORIDA

☐ 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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



THE FLORIDA SENATE
SENATOR NICK DICEGLIE
District 18

Kathleen Passidomo
President of the Senate

Dennis Baxley
President Pro Tempore

January 6, 2023

Dear Chair Rodriguez,

I respectfully request that **SB 602: Release of Balloons** be placed on the agenda of the Environment and Natural Resources Committee at your earliest convenience. If my office can be of any assistance to the committee please do not hesitate to contact me at DiCeglie.Nick@flsenate.gov or (850) 487-5018. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Nick DiCeglie".

Nick DiCeglie

State Senator, District 18

Proudly Serving Pinellas County

Transportation Committee, Chair ~ Banking and Insurance Committee, Vice Chair ~
Fiscal Policy Committee ~ Judiciary Committee ~
Rules Committee ~ Joint Legislative Auditing Committee

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 632

INTRODUCER: Senator Simon

SUBJECT: Taking of Bears

DATE: January 9, 2024

REVISED: _____

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

I. Summary:

SB 632 may be cited as the “Self Defense Act.” The bill allows the use of lethal force to take a bear without a permit or other required authorization if a person feels threatened and believes that using such force is necessary to protect himself or herself on his or her private property. The use of lethal force to take a bear for this reason does not apply if a person intentionally lures a bear with food or attractants for an illegal purpose or provokes a bear to incite an attack.

The bill provides that a person who uses lethal force to take a bear for this reason:

- Is not subject to any administrative, civil, or criminal penalties.
- Must notify the Fish and Wildlife Conservation Commission (FWC) within 24 hours after the taking.
- May not possess, sell, or dispose of the taken bear or its parts.

The bill provides that any bear taken under this section must be disposed of by FWC. It also authorizes FWC to adopt rules to implement this section.

II. Present Situation:

Florida Fish and Wildlife Conservation Commission

The Florida Constitution grants the Florida Fish and Wildlife Conservation Commission (FWC) the authority to exercise the regulatory and executive powers of the state with respect to wild animal life, freshwater aquatic life, and marine life.¹

The Legislature is constitutionally prohibited from adopting statutes in conflict with rules adopted by FWC to execute its authority. However, all licensing fees for taking wild animal life,

¹ FLA. CONST. art. IV, s. 9.

freshwater aquatic life, and marine life and all penalties for violating FWC's regulations are prescribed in statute. The Legislature may also enact laws to aid FWC that are consistent with its constitutionally-conferred powers, except for special laws or general laws of local application relating to hunting and fishing.²

Florida Black Bear

The Florida black bear (*Ursus americanus floridanus*) is the only bear that lives in Florida.³ The Florida black bear is a subspecies of the American black bear (*U. americanus*) that historically ranged throughout Florida, southern Georgia, and southern Alabama.⁴ Loss of habitat, persecution, and unregulated hunting prior to the mid-20th century caused a severe reduction in the Florida black bear population and range, with an estimated 300-500 bears remaining in the 1970s.⁵ As a result of the population decline, FWC classified the Florida black bear as a threatened species in 1974.⁶ After more than 35 years of strict statewide protection and management, FWC conducted an evaluation and determined that the Florida black bear was no longer facing a high risk of extinction and removed the Florida black bear from the state threatened list in 2012.⁷

Florida black bears are an ecologically significant species. They are recognized as an umbrella species, because conserving large areas of diverse habitat for bears also conserves habitat for many other species under the “umbrella” of bear conservation.⁸ Florida black bears have been an instrumental species in conserving natural habitats and the presence of bears has been cited as justification for land protection efforts in this state. Florida black bears also have a significant impact on plant distribution through seed dispersal and they play an important ecological role as scavengers.⁹

Population

Today, the Florida black bear population is comprised of seven distinct sub-populations within the state, including Apalachicola, Eglin, Osceola, Ocala/St. Johns, Chassahowitzka, Highland/Glades, and Big Cypress.¹⁰ During 2014 and 2015, FWC conducted a statewide population assessment for Florida black bears and found that bear populations increased substantially in certain sub-populations and increased by approximately 53 percent statewide.¹¹ Although the Florida black bear population is growing and its occupied range is expanding, the

² *Id.*

³ FWC, *Bear Facts*, <https://myfwc.com/wildlifehabitats/wildlife/bear/facts/> (last visited Jan. 4, 2024).

⁴ FWC, *Florida Black Bear Management Plan* (2019), 1, available at <https://myfwc.com/media/21923/2019-florida-black-bear-management-plan.pdf>.

⁵ *Id.* at 16-17; FWC, *Black Bear Research*, <https://myfwc.com/research/wildlife/terrestrial-mammals/bear/> (last visited Jan. 5, 2024).

⁶ FWC, *Black Bear Research*.

⁷ FWC, *Florida Black Bear Management Plan* at 25.

⁸ *Id.* at 8.

⁹ *Id.*

¹⁰ *Id.* at xix.

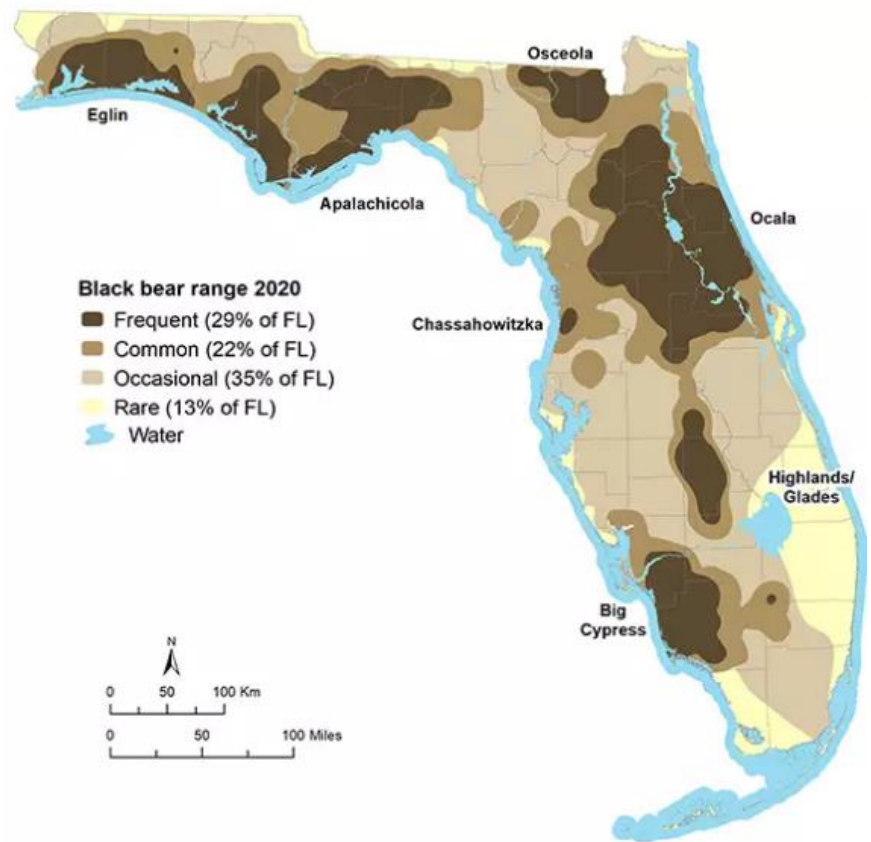
¹¹ FWC, *Bears by the Numbers*, <https://myfwc.com/wildlifehabitats/wildlife/bear/numbers/> (last visited Jan. 5, 2024).

populations still only occur in seven relatively disconnected sub-groups across the state.¹² The current state-wide population estimate is 4,050 Florida black bears.¹³

For management purposes, each sub-population is separated into a bear management unit (BMU). A BMU is a geographic location bounded by county or state borders containing one of the seven Florida black bear sub-populations.¹⁴ The goal of establishing BMUs is to provide a defined area within which FWC can have a community-focused effort to effectively manage and conserve Florida black bears.¹⁵ FWC manages each BMU to meet specific goals related to bear sub-population size, potential habitat, human-bear conflicts, and potential threats, such as vehicle-related mortality.¹⁶

Florida black bears range from the northeast to the southwest of the state.¹⁷ Some of the sub-populations are small and are impacted by habitat fragmentation, which restricts movement and genetic interchange among sub-populations.¹⁸

The Florida black bear is adaptable and inhabits a variety of forested habitats but thrives in habitats that provide an annual supply of seasonally available foods, secluded areas for denning, and some degree of protection from humans.¹⁹ The optimal bear habitat in Florida is a thoroughly interspersed mixture of flatwoods, swamps, scrub oak ridges, bayheads, and hammock habitats.²⁰ Self-sustaining and



¹² FWC, *Black Bear Research*.

¹³ FWC, *Bear Facts*.

¹⁴ FWC, *Bear Management Units*, <https://myfwc.com/wildlifehabitats/wildlife/bear/bear-management-units/> (last visited Jan. 5, 2024).

¹⁵ *Id.*

¹⁶ FWC, *Florida Black Bear Management Plan* at 28-29.

¹⁷ FWC, *Current Florida Black Bear Range*, <https://myfwc.com/research/wildlife/terrestrial-mammals/bear/current/> (last visited Jan. 5, 2024).

¹⁸ FWC, *Florida Black Bear Management Plan* at 45-46; FWC, *Current Florida Black Bear Range*, <https://myfwc.com/research/wildlife/terrestrial-mammals/bear/current/> (last visited Jan. 5, 2024) (Map: black bear range 2020).

¹⁹ *Id.* at 8.

²⁰ *Id.*

secure sub-populations of bears are typically found within large, contiguous forested tracts that contain understories of mast²¹ or berry-producing shrubs or trees.²²

Human-Bear Conflicts

As the populations of both humans and bears have expanded in the state, there has been an increase in human-bear conflicts, particularly in residential areas, where bears often search for food.²³ Between 2009 and 2018, FWC euthanized an average of 38 bears annually due to public safety risks.²⁴ FWC found that a majority of the mortalities were associated with bears seeking out unsecured garbage or other human-provided food sources.²⁵ In 2022, FWC received 5,907 calls relating to bears,²⁶ of which 36 percent were considered core complaints.²⁷

Bears in close proximity to humans create a range of issues from perceived threats (e.g., seeing a bear on the edge of the forest) to potential threats to public safety (i.e., food conditioned and habituated bears). FWC has attempted to capture and relocate bears; however, this practice was ineffective as there are few remote places where relocated bears will not encounter humans and that are not already occupied by other bears.²⁸ Additionally, FWC found that 70 percent of relocated bears do not remain in the area to which they are moved, and over half repeat conflict behavior even after they are moved. As a result, FWC's policies place an emphasis on the public's personal responsibility for eliminating attractants and thereby reducing or eliminating conflicts with bears.²⁹

In 2015, FWC adopted a statewide resolution highlighting the importance of securing attractants.³⁰ That same year, the Legislature increased the penalties for feeding wildlife, with enhanced penalties for repeatedly feeding bears and certain other wildlife.³¹ Specifically, the law provided penalties for:

- Feeding wildlife with food or garbage;
- Attracting or enticing wildlife with food or garbage; or
- Allowing the placement of food or garbage in a manner that attracts or entices wildlife.³²

²¹ The term "mast" is a general term for edible fruit when eaten by wildlife. Hard mast includes acorn, hickory, pecan, and other nuts while soft mast includes fleshy berries such as palmetto berries, blueberries, and grapes. *Id.* at xvii.

²² *Id.* at 8.

²³ *Id.* at 29.

²⁴ *Id.* at 21.

²⁵ *Id.*

²⁶ FWC, *Bears by the Numbers*.

²⁷ "Core complaint" refers to a subset of all the bear-related calls received by FWC that are classified as complaints. Core complaints consist of the following categories: apiary, in building/tent/vehicle, in crops, in feed, in feeder, in garbage, in open garage, in screened porch/patio, property damage, threatened/attacked/killed animal, and threatened/attacked/killed human. Categories of calls related to human-bear interactions that are not classified as core complaints include: animal threatened/attacked/killed bear, dead bear, general question, harvest/hunt, human threatened bear, illegal activity, in area, in hog trap, in tree, in unscreened porch/patio, in yard, misidentified, research, sick/injured bear, unintentionally approached human, and other. FWC, *Bear Management Plan* at xvi.

²⁸ *Id.* at 55.

²⁹ *Id.*

³⁰ See FWC, *Resolution*, available at <https://myfwc.com/media/7072/11b-blackbearresolution.pdf>.

³¹ Chapter 2015-161, s. 12, Laws of Fla.

³² Section 379.412, F.S.

FWC also updated its bear feeding rule to allow law enforcement officers to issue notifications to people who have been in contact with FWC regarding securing their garbage or other attractants and have failed to do so.³³ The notification serves as a formal reminder that the person's actions could be in violation of the law.³⁴

Taking of Bears

Through its constitutional authority to regulate wildlife, FWC has adopted rules to regulate the taking of bears. Generally, under FWC rule, a person is prohibited from taking, possessing, injuring, shooting, or selling a black bear or its parts or attempting to engage in such conduct.³⁵ Such conduct is authorized in certain limited circumstances when FWC issues a permit granting such authorization. Pursuant to its rules, FWC may issue a permit authorizing the intentional take of a bear when it determines such authorization furthers scientific or conservation purposes which will benefit the survival potential of the species or reduce property damage caused by bears.³⁶

The rules specifically state that activities that are eligible for a permit include the collection of scientific data needed for conservation or management of the species, as well as taking bears that are causing property damage when non-lethal options cannot provide practical resolution to the damage, and FWC cannot capture the bear.³⁷ Members of the public may use non-lethal means to scare away bears that may be in a person's yard or rifling through trash. Black bears are not considered nuisance animals that can be taken by a property owner.³⁸

Under current law, the defense of necessity is the only applicable defense to an illegal take or attempted take of a Florida black bear. The defense of necessity is limited to the following circumstances:

- The defendant reasonably believed that his or her action was necessary to avoid an imminent threat of death or serious bodily injury to himself or herself or others;
- The defendant did not intentionally or recklessly place himself or herself in a situation in which it would be probable that he or she would be forced to choose the criminal conduct;
- There existed no other adequate means to avoid the threatened harm except the criminal conduct;
- The harm sought to be avoided was more egregious than the criminal conduct perpetrated to avoid it; and
- The defendant ceased the criminal conduct as soon as the necessity or apparent necessity for it ended.³⁹

³³ Chapter 68A-4.001, F.A.C.

³⁴ Dr. Thomas Easton, Director, Division of Habitat and Species Conservation, FWC, *Black Bear Program Update*, slide 23 (April 2017), available at <https://myfwc.com/media/18754/3b-bearplanupdate.pdf>.

³⁵ Rule 68A-4.009(1), F.A.C.

³⁶ Rule 68A-4.009(2), F.A.C.

³⁷ Rule 68A-4.009(2)(a)-(b), F.A.C.

³⁸ Rule 68A-9.010(1)(b)1., F.A.C.

³⁹ Jess Melkun, FWC, *Bears* (email on file with the Senate Committee on Environment and Natural Resources); *McCoy v. State*, 928 So. 2d 503, 506 (Fla. 4th DCA 2006).

Bear hunting in Florida was first regulated in 1936 and continued through 1994 in certain parts of the state. The most recent bear hunt occurred in October 2015, during which FWC authorized bear hunting in four of the seven BMUs.⁴⁰ Each BMU had an established harvest objective, which was based on taking 20 percent of the estimated BMU population and subtracting the annual known mortality.⁴¹ The table below depicts the harvest objectives and actual harvest numbers.⁴²

Bear Management Unit	Population Estimate (Estimate Year)	20% of Population Estimate	Known Mortality (3 Year Average)	Harvest Objective	Actual Harvest
East Panhandle	600 ('02)	120	80	40	114
North	550 ('14)	110	10	100	25
Central	1,300 ('14)	260	160	100	143
South	700 ('02)	140	20	80	22
TOTALS	3,150	630	270	320	304

The hunt was authorized to begin October 24, 2015 and FWC had the ability to close the season using a daily cut-off mechanism both within each BMU and statewide. The hunt was spread across 26 counties and 78 percent of bears were taken on private lands. The East Panhandle and Central BMUs were closed beginning October 25, 2015, while the North and South BMUs were closed beginning October 26, 2015.⁴³

According to FWC, hunting is used as a tool to meet wildlife population objectives, such as slowing population growth rates, rather than to resolve human-bear conflicts, which are better managed by securing items that attract bears.⁴⁴

III. Effect of Proposed Changes:

Section 1 provides that the act may be cited as the “Self Defense Act.”

Section 2 creates s. 379.40411, F.S., to provide that the use of lethal force to take a bear without a permit or other required authorization is justified if a person feels threatened and believes that using such force is necessary to protect himself or herself on his or her private property.

The bill clarifies that this does not apply if a person intentionally:

- Lures a bear with food or attractants for an illegal purpose, including, but not limited to, training dogs to hunt bears; or
- Provokes a bear to incite an attack.

⁴⁰ FWC, 2015 Florida Black Bear Hunt Summary Report, 1, available at <https://myfwc.com/media/13669/2015-florida-black-bear-hunt-report.pdf>.

⁴¹ *Id.* at 2.

⁴² *Id.* at 3.

⁴³ *Id.*

⁴⁴ FWC, Florida Black Bear General Hunting FAQs, <https://myfwc.com/wildlifehabitats/wildlife/bear/plan-faqs/hunting-faqs/> (last visited Jan. 5, 2024).

The bill provides that a person who takes a bear because he or she feels threatened and believes that using such force is necessary to protect himself or herself on his or her private property:

- Is not subject to any administrative, civil, or criminal penalties.
- Must notify the Fish and Wildlife Conservation Commission (FWC) within 24 hours after the taking.
- May not possess, sell, or dispose of the taken bear or its parts.

The bill provides that a bear taken under this section must be disposed of by FWC. It authorizes FWC to adopt rules to implement this section.

Section 3 provides an effective date of July 1, 2024.

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:

Article IV, section 9, of the Florida Constitution establishes the Florida Fish and Wildlife Conservation Commission (FWC) and grants FWC the regulatory and executive powers of the state concerning wild animal life, freshwater aquatic life, and marine life. The bill may implicate this provision because it specifies that the take of a bear is justified under certain circumstances.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 379.40411 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 Simon

3-01682-24

2024632__

A bill to be entitled
An act relating to taking of bears; providing a short
title; creating s. 379.40411, F.S.; providing for the
taking of bears without certain permits or
authorizations under specified conditions; providing
applicability; providing an exemption from penalties;
requiring certain notification of such taking;
prohibiting certain possession, sale, and disposal of
such bears; requiring the disposal of such bears by
the Fish and Wildlife Conservation Commission;
requiring the commission to adopt rules; providing an
effective date.

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

Section 1. This act may be cited as the "Self Defense Act."

Section 2. Section 379.40411, Florida Statutes, is created
to read:

379.40411 Taking of bears; use of lethal force in defense
of person.—

(1)(a) The use of lethal force to take a bear without a
permit or authorization required under this chapter is justified
if a person feels threatened and believes that using such force
is necessary to protect himself or herself on his or her private
property.

(b) Paragraph (a) does not apply if a person intentionally:

1. Lures a bear with food or attractants for an illegal
purpose, including, but not limited to, training dogs to hunt
bears; or

3-01682-24

2024632__

30 2. Provokes a bear to incite an attack.

31 (2) A person who takes a bear in accordance with subsection
32 (1):

33 (a) Is not subject to any administrative, civil, or
34 criminal penalties.

35 (b) Must notify the commission within 24 hours after the
36 taking.

37 (c) May not possess, sell, or dispose of the taken bear or
38 its parts.

39 (3) A bear taken under this section must be disposed of by
40 the commission.

41 (4) The commission shall adopt rules to implement this
42 section.

43 Section 3. This act shall take effect July 1, 2024.

Carroll, Erin

From: Melkun, Jessica <Jessica.Melkun@MyFWC.com>
Sent: Monday, January 8, 2024 1:22 PM
To: Carroll, Erin
Subject: Bears

Hi Erin—

As requested, below is the information regarding legal protections in the taking of bears:

Bears are protected by the Bear Conservation Rule, which states it is illegal "take, possess, injure, shoot, collect, or sell black bears or their parts or to attempt to engage in such conduct except as authorized by Commission rule or by permit from the Commission." The only applicable defense to illegally take or attempt take of a bear is the Common Law Defense of Necessity. The defense is limited to the following circumstances:

- the defendant reasonably believed that his or her action was necessary to avoid an imminent threat of death or serious bodily injury to himself or herself or others;
- the defendant did not intentionally or recklessly place himself or herself in a situation in which it would be probable that he or she would be forced to choose the criminal conduct;
- there existed no other adequate means to avoid the threatened harm except the criminal conduct;
- the harm sought to be avoided was more egregious than the criminal conduct perpetrated to avoid it; and
- the defendant ceased the criminal conduct as soon as the necessity or apparent necessity for it ended.

Please feel free to reach out if you have any further questions.

Thanks!

Jess Melkun
Legislative Affairs Director
Florida Fish and Wildlife Conservation Commission
Cell: 850.363.9072



**Florida Fish and Wildlife
Conservation Commission**

MyFWC.com

The Florida Senate
APPEARANCE RECORD

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

SB-632
Bear Bill

Bill Number or Topic

1/10
Meeting Date
Environment Natural
Committee

Name Dana STEVEN

Amendment Barcode (if applicable)
850-668-7839

Address 318 Albion on
Street

Email Dana.Steven@yahoo.com

City Tall State FL Zip 32009

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 \(flsenate.gov\)](#)

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

The Florida Senate

APPEARANCE RECORD

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

1/10/24

Meeting Date

Environment & Natural
Resource

Committee

632

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lesley Blackner

Phone

561-818-6621

Address

300 S Duval St #505

Street

Email

lesleyblackner@gmail.com

Tallahassee, FL

City

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:

☐

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)

1/10/24
Meeting Date

The Florida Senate
APPEARANCE RECORD

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

Environment & Natural Resource
Committee

SB 632

Bill Number or Topic

Amendment Barcode (if applicable)

Name AJ. "Tony" Smith, Sheriff

Phone _____

Address 270 State Road 65
Street

Email sheriff@franklinsheriff.com

Eastpoint
City

FL
State

32328
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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

January 10 2024

The Florida Senate
APPEARANCE RECORD

SB632

Meeting Date
Environment and Natural Resources

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

Bill Number or Topic

Committee
Katrina Shadix

Amendment Barcode (if applicable)

Name

407-702-3576

Phone

Address 1011 Seneca Oak Trail

BearWarriorsUnited@gmail.com

Email

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 \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

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

632

Bill Number or Topic

Amendment Barcode (if applicable)

1-10-24

Meeting Date

Env. + Nat. Res.

Committee

Name Travis Moore

Phone 727.421.6902

Address P.O. Box 2020
Street

Email travis@moore-relations.com

St. Petersburg FL 33731
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:

Animal Legal Defense Fund
& Defenders of Wildlife

☐ 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

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

1/10/24

Meeting Date

NAT RESOURCES

Committee

BEAR BILL

Bill Number or Topic

SB 632

Amendment Barcode (if applicable)

Name

JOSEPH HUMPHREYS

Phone

407 947 2646

Address

883 CARDINAL POINTE COVE

Email

HUMPHREYSJ@AOL.

Street

SANFORD FL 32771

City

State

Zip

com

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 \(flsenate.gov\)](#)

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 the Senator or Senate Professional Staff conducting the meeting)

1-10-24
Meeting Date

632
Bill Number (if applicable)

Topic Bear Bill

Amendment Barcode (if applicable)

Name Chris Doolin

Job Title Consultant

Address 431 Hillcrest St.

Phone 850-508-5492

TALLA. FL. 32308
City State Zip

Email cdoolin@doolinand
assoc.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Self and Family

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

SB 632

Bill Number or Topic

9/10/24

Meeting Date

Ag Envr & Nat Res

Committee

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

Amendment Barcode (if applicable)

Name Kate MacFall

Phone 850 508 1001

Address 206 Walter Dr.
Street

Email Kmacfallehsos.org

Tallah 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:

Humane Society of the United States

☐ 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

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

1-10-24

Meeting Date

Env & Nat Resources

Committee

632

Bill Number or Topic

Amendment Barcode (if applicable)

Name Lane Stephens

Phone 850-933-3583

Address 338 N 8th St

Email lane@scg8.com

Street

Quincy

City

FL

State

32351

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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

1-10-24 10:30

Meeting Date

ENR

Committee

The Florida Senate APPEARANCE RECORD

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

632

Bill Number or Topic

Amendment Barcode (if applicable)

Name **DAVID CULLEN**

Phone **941-323-2404**

Address **816 W THARPE ST**

Email **CULLENASEA@GMAIL.COM**

Street

TALLAHASSEE

FL

32303

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:

SIERRA CLUB 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 \(flsenate.gov\)](#)

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

11/10/24

Meeting Date

632

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Dusty Arnold

Phone

850-447-2611

Address

12832 NW Central Ave

Email

Street

Bristol

City

FL

State

32321

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 \(flsenate.gov\)](#)

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

11/10/24
Meeting Date

632
Bill Number or Topic

Committee _____

Name

Buddy Monoy

Phone

850-447-5448

Amendment Barcode (if applicable) _____

Address

Street

Email _____

Bristol
City

FL
State

32321
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 \(flsenate.gov\)](#)

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

1/10/24

Meeting Date

Environmental + NRC
Committee

HB 632

Bill Number or Topic

Name Libby Lavee

Amendment Barcode (if applicable)

Phone 850-759-2576

Address 2525 Hartsfield Rd, #19
Street

Email libbyann.lavee@gmail.com

Tallahassee
City

FL
State

32303
Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

☒ I am appearing without
compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

☐ 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 \(flsenate.gov\)](#)

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 738

INTRODUCER: Environmental and Natural Resources Committee and Senator Burgess

SUBJECT: Environmental Management

DATE: January 10, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Fav/CS
2.			JU	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 738 provides that the prevailing party in a challenge filed against an authorization by the Department of Environmental Protection (DEP) or a water management district (WMD) is entitled to recover reasonable costs and attorney fees in challenging or defending such authorization, regardless of whether the nonprevailing party participated in the proceeding with an improper purpose.

The bill requires the side slopes of nonindustrial stormwater management systems, in or adjacent to residential or urban areas, be designed with a horizontal-to-vertical ratio no steeper than 4:1 to a depth of at least two feet below the control elevation and be stabilized with vegetation. The bill provides an exception if the slope incorporates erosion and sediment control best management practices and is sufficiently fenced to prevent accidental incursion into the system. The bill supersedes all side slope rules that have been adopted by DEP, WMDs, or delegated programs as of July 1, 2024.

In addition, the bill clarifies that causes of action under the Water Quality Assurance Act must be limited to damages to real or personal property directly resulting from pollution which was not authorized by any government approval or permit. The bill provides that the strict liability exceptions to such causes of action include those specified in s. 376.82, F.S., regarding the rehabilitation of a brownfields site.

The bill also requires DEP and each WMD to conduct a holistic review of their respective agency's current coastal permitting processes and other permit programs to identify areas of improvement and to increase efficiency within each process and program. The bill specifies the factors DEP and WMDs must consider during their reviews. In addition, the bill provides that, by December 31, 2024, DEP and each WMD must provide their findings and proposed solutions in a report to the Governor and Legislature.

II. Present Situation:

Stormwater Runoff

Nationwide, polluted stormwater runoff is considered to be the greatest threat to clean water.¹ Over 40 percent of waters assessed by the states are too polluted for fishing or swimming.² Nonpoint sources associated with stormwater account for over 40 percent of these polluted waters.³ Conversely, traditional point sources (i.e., wastewater treatment plants) account for only about 10 percent of these polluted or "impaired" waters.⁴ Hundreds of impaired water segments in Florida have lost their designated use due, in part, to stormwater pollution.⁵

Florida averages 40-60 inches of rainfall a year, depending on the location, with about two-thirds falling between June and October.⁶ Stormwater runoff generated during these rain events flows over land or impervious surfaces, such as paved streets, parking lots, driveways, sidewalks, and rooftops, and picks up pollutants like trash, chemicals, oils, and sediment along the way. This unfiltered water ends up in streams, ponds, lakes, bays, wetlands, oceans, and groundwater. Construction sites, lawns, improperly stored hazardous wastes, and illegal dumping are all potential sources of stormwater pollutants.⁷

Stormwater runoff can cause a multitude of problems:

- Excess nutrients, primarily nitrogen and phosphorus from lawn fertilizers or natural sources, such as manure, can cause algal and bacterial blooms that proliferate rapidly. Algae will consume oxygen, increase turbidity in the waterbody, and eventually die along with the fish and other aquatic life that need oxygen to live.⁸

¹ South Florida Water Management District (SFWMD), *Your Impact on the Environment*, <https://www.sfwmd.gov/community-residents/what-can-you-do> (last visited Dec. 12, 2023).

² Department of Environmental Protection (DEP), *Stormwater Support*, <https://floridadep.gov/water/engineering-hydrology-geology/content/stormwater-support> (last visited Dec. 12, 2023). A recent study examining water quality across the U.S. shows Florida ranks first in the nation for total acres of lakes classified as impaired for swimming and aquatic life (873,340 acres), and second for total lake acres listed as impaired for any use (935,808 acres). Environmental Integrity Project, *The Clean Water Act at 50*, 28 (2022), available at <https://environmentalintegrity.org/wp-content/uploads/2022/03/CWA@50-report-3-17-22.pdf>. Florida also has the second most total square miles of impaired estuaries (2,533 square miles). *Id.* at 29.

³ DEP, *Stormwater Support*, <https://floridadep.gov/water/engineering-hydrology-geology/content/stormwater-support> (last visited Dec. 12, 2023).

⁴ *Id.*

⁵ *Id.*

⁶ University of Florida Institute of Food and Agricultural Sciences (UF/IFAS), *Florida Rainfall Data Sources and Types*, 1 (2023), available at <https://edis.ifas.ufl.edu/publication/AE517>.

⁷ U.S. Environmental Protection Agency (EPA), *Urbanization and Stormwater Runoff*, <https://www.epa.gov/sourcewaterprotection/urbanization-and-stormwater-runoff> (last visited Dec. 12, 2023).

⁸ Southwest Florida Water Management District (SWFWMD), *Stormwater Runoff*, <https://www.swfwmd.state.fl.us/residents/education/kids/stormwater-runoff> (last visited Dec. 12, 2023).

- Pathogenic bacteria and microorganisms can be carried by stormwater into a waterbody. This creates health hazards and can cause lakes and beaches to close to the public.⁹
- Sediment can increase the turbidity (a measure of water cloudiness) of a waterbody. Turbidity can block sunlight from reaching aquatic plants, making it impossible for them to grow. Without plants, animals lose a food source, and it is more difficult to filter pollutants from the water. Instead, pollutants collect at the bottom of the waterbody and remain there indefinitely.¹⁰
- Debris such as plastic bags, bottles, and cigarette butts can wash into a waterbody and interfere with aquatic life¹¹ and flood prevention and decrease water quality.¹² When a stormwater drain gets clogged with debris, rainwater that normally would be collected cannot enter into the drainage system. Water will accumulate around the drain, causing flooded sidewalks or streets and increase the chances for flooding buildings.
- Other hazardous wastes, such as insecticides, herbicides, paint, motor oil, and heavy metals, can be carried by stormwater runoff to waterbodies and cause illness to aquatic life and humans alike.¹³

In addition, inadequate stormwater management increases stormwater flows and velocities, contributes to erosion, overtaxes the carrying capacity of streams and other conveyances, reduces ground water recharge, threatens public health and safety, and is the primary source of pollutant loading entering Florida's rivers, lakes, and estuaries.¹⁴

Stormwater Management Systems

Stormwater management systems are engineered structures and strategies designed to control and mitigate the effects of stormwater runoff. There are many types of stormwater management systems, including constructed wetlands, bioswales, and stormwater ponds. Stormwater ponds are defined as either retention or detention ponds. Retention ponds retain all the water within them, allowing the water to percolate into the soil and preventing it from moving to other surface waters. In contrast, detention ponds capture stormwater runoff and temporarily store it before slowly releasing the water downstream.¹⁵

While a best management practice for pollutant removal, stormwater ponds may create safety hazards, including the risk of drowning.¹⁶ Steep sides and slippery slopes can make it difficult for a person to climb back out if they happen to fall in.¹⁷ In addition, retention ponds are often

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² South Florida Water Management District (SFWMD), *Your Impact on the Environment*, <https://www.sfwmd.gov/community-residents/what-can-you-do> (last visited Nov. 27, 2023).

¹³ SFWMD, *Stormwater Runoff*, <https://www.sfwmd.state.fl.us/residents/education/kids/stormwater-runoff> (last visited Jan. 3, 2024).

¹⁴ Fla. Admin. Code R. 62-40.431(2)(b).

¹⁵ *Id.*

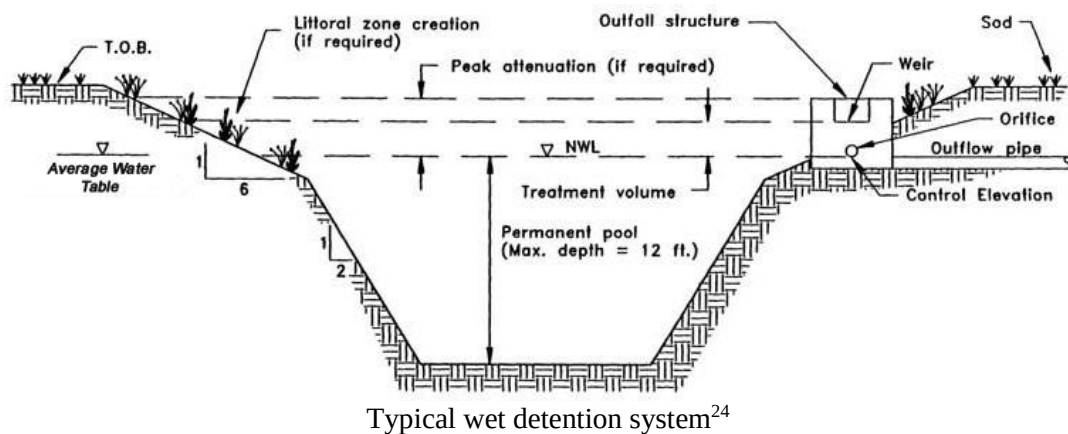
¹⁶ City of Jacksonville, *Retention Pond Safety*, <https://www.jacksonville.gov/welcome/welcome-news/retention-pond-safety> (last visited Jan. 3, 2024); see also U.S. Environmental Protection Agency (EPA), *Stormwater Best Management Practice: Wet Ponds*, 4 (2021), available at <https://www.epa.gov/system/files/documents/2021-11/bmp-wet-ponds.pdf>.

¹⁷ City of Jacksonville, *Retention Pond Safety*.

deep because they are designed for maximum rainwater collection.¹⁸ Strong currents at inlet and outlet areas of a pond can also pose a danger.¹⁹

Wet Detention Ponds

Wet detention ponds are one of the most common types of detention systems and consist of constructed basins that have a permanent pool of water into which stormwater runoff is directed.²⁰ The runoff is detained in the pond until it is released downstream or displaced by runoff from subsequent rain events.²¹ By capturing and detaining runoff, wet detention ponds control both stormwater quantity and quality.²² Sedimentation processes remove particulates, organic matter, and metals, while dissolved metals and nutrients are removed through biological uptake.²³



Specific designs may vary considerably, depending on site constraints, local regulations, and preferences of the designer or community.²⁵ However, as shown above and discussed in further detail below, the typical horizontal-to-vertical ratio for side slopes is 6:1 for littoral zones, no steeper than 4:1 to a depth of at least two feet below the control elevation, and 2:1 at greater depths. The littoral zone is that portion of a stormwater pond designed to contain rooted aquatic plants and is usually provided by extending and gently sloping the sides of the pond down to a depth of two to three feet below the normal water level or control elevation.²⁶ Vegetative littoral zones help stabilize the soil around the pond's edge and increase pollutant uptake.²⁷

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ EPA, *Stormwater Best Management Practice: Wet Ponds* at 1.

²¹ EPA, *Stormwater Technology Fact Sheet: Wet detention ponds*, 1 (1999), available at <https://nepis.epa.gov/Exe/ZyPDF.cgi/200044D0.PDF?Dockkey=200044D0.PDF>.

²² *Id.*

²³ *Id.*

²⁴ Northwest Florida Water Management District (NFWFMD), *ERP Applicant's Handbook: Vol. II*, figure 8.1-1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03172>. "T.O.B." means top of bank.

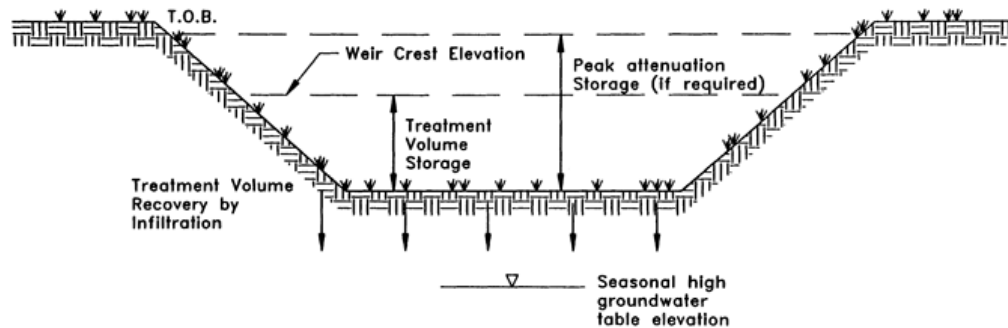
²⁵ EPA, *Stormwater Best Management Practice: Wet Ponds*, 2 (2021), available at <https://www.epa.gov/system/files/documents/2021-11/bmp-wet-ponds.pdf>.

²⁶ NFWFMD, *ERP Applicant's Handbook: Vol. II* at s. 12.4.

²⁷ EPA, *Stormwater Best Management Practice: Wet Ponds*, 2 (2021), available at <https://www.epa.gov/system/files/documents/2021-11/bmp-wet-ponds.pdf>.

Dry Retention Ponds

Unlike wet stormwater ponds, dry retention ponds do not have permanent pools of water or discharge to downstream surface waters.²⁸ Instead, these systems remain dry until filled with water during rain events.²⁹ Substantial amounts of suspended solids, heavy metals, bacteria, and some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the vegetation and soil.³⁰ Retention systems also promote the recharge of ground water and help prevent saltwater intrusion in coastal areas.³¹



Typical dry retention system³²

Stormwater Management System Design Criteria

Design criteria for stormwater management systems is regulated by the Department of Environmental Protection (DEP), water management districts (WMDs), and delegated local programs. Requirements vary by type of stormwater management system and regulating authority.

In general, stormwater ponds must be designed with side slopes no steeper than a 4:1 horizontal-to-vertical ratio to a depth of at least two feet below the control elevation.³³ However, certain exceptions may apply. For example, the South Florida Water Management District (SFWMD) provides alternative criteria for golf courses,³⁴ while other WMDs include exceptions for fenced

²⁸ Suwannee River Water Management District (SRWMD), *ERP Applicant's Handbook: Vol. II*, s. 5.1.1, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03182>.

²⁹ *Id.* UF/IFAS, *Stormwater Pond Management; What you need to know about aeration*, 2 (2021), available at <https://edis.ifas.ufl.edu/publication/SS695>.

³⁰ SRWMD, *ERP Applicant's Handbook: Vol. II*, s. 5.1.1, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03182>.

³¹ *Id.*

³² NFWMD, *ERP Applicant's Handbook: Vol. II*, figure 5.1-1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03172>.

³³ *Id.* at s. 8.11; SFWMD, *ERP Applicant's Handbook: Vol. II*, s. 5.4.2 (2013) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-02528>; St. Johns River Water Management District (SJRWMD), *ERP Applicant's Handbook: Vol. II*, ss. 2.6.1 and 8.12 (2013) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03181>; SRWMD, *ERP Applicant's Handbook: Vol. II*, s. 4.5.1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03182>; SFWMD, *ERP Applicant's Handbook: Vol. II*, s. 5.4.1 (2013) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03176>.

³⁴ SFWMD, *ERP Applicant's Handbook: Vol. II* at s. 5.4.2(e).

ponds³⁵ or ponds with slopes that incorporate erosion and sediment control best management practices.³⁶ In addition, some WMDs require the stabilization of pond side slopes with vegetation³⁷ or the creation of vegetative littoral zones.³⁸ Where necessary, littoral zones are generally required to have slopes with a horizontal-to-vertical ratio of 6:1 or flatter.³⁹

Other stormwater management systems have different requirements. For example, swales must have a top width to depth ratio of the cross-section equal to or greater than 6:1 or side slopes equal to or greater than 3:1 horizontal-to-vertical ratio.⁴⁰

DEP has proposed revisions to the stormwater rules within Chapter 62-330 of the Florida Administrative Code that require legislative ratification before taking effect. The proposed revisions include some requirements for the design of stormwater ponds. For example, all side slopes and bottom areas of dry retention ponds must be seeded or sodded with water-tolerant grass species grown on sandy soils, and the permanent pool volume of wet detention ponds must meet certain parameters.⁴¹ While the proposed rules do not include express requirements for the horizontal-to-vertical ratio of stormwater pond side slopes, they do include graphics similar to the ones shown above that depict a typical side slope ratio of 4:1 for dry retention systems, 6:1 for wet detention systems, and 2:1 for wet detention slopes below the control elevation.⁴²

Infrastructure Permitting Process Review

Coastal Construction Permits

Coastal construction permits protect Florida's beaches and dunes from imprudent construction that may jeopardize the stability of Florida's natural resources.⁴³ The coastal construction control line (CCCL) defines the portion of the beach-dune system that is subject to severe fluctuations caused by a 100-year storm surge, storm waves, or other forces such as wind, wave, or water level changes.⁴⁴ Seaward of the CCCL, new construction and improvements to existing structures require a CCCL permit from DEP.⁴⁵ The line defines the landward limit of DEP's authority to regulate construction.⁴⁶ DEP's CCCL Program regulates structures and activities

³⁵ SJRWMD, *ERP Applicant's Handbook*, Vol. II at s. 2.6.1.

³⁶ SRWMD, *ERP Applicant's Handbook: Vol. II* at s. 4.5.1.

³⁷ SRWMD, *ERP Applicant's Handbook: Vol. II* at s. 4.5.1.

³⁸ SJRWMD, *ERP Applicant's Handbook: Vol. II* at s. 8.6; NFWMD, *ERP Applicant's Handbook: Vol. II* at s. 8.6.

³⁹ *Id.*

⁴⁰ *Id.* at 34. This is also the statutory definition of "swale." Section 403.803(14)(a), F.S.

⁴¹ See DEP, *ERP Applicant's Handbook: Vol. I*, appendices P-5 and P-6 (proposed 2023), available at <https://floridadep.gov/water/engineering-hydrology-geology/documents/erp-applicants-handbook-volume-i-appendixes-rulemaking>.

⁴² *Id.*

⁴³ Section 161.053(1)(a), F.S.

⁴⁴ Section 161.053, F.S.; Fla. Admin. Code R. 62B-33.005(1); DEP, *The Homeowner's Guide to the Coastal Construction Control Line Program*, 3 (2017), available at https://floridadep.gov/sites/default/files/Homeowner%27s%20Guide%20to%20the%20CCCL%20Program%206_2012%20%28002%29_0.pdf.

⁴⁵ DEP, *The Homeowner's Guide to the Coastal Construction Control Line Program* at 2.

⁴⁶ *Id.*

which can cause beach erosion, destabilize dunes, damage upland properties, or interfere with public access.⁴⁷ CCCLs currently exist for large portions of Florida's coast.⁴⁸

Due to the potential environmental impacts and greater risk of hazards from wind and flood, the standards for construction seaward of the CCCL are often more stringent than those applied in the rest of the coastal building zone.⁴⁹ Approval or denial of a permit application is based upon a review of factors such as the location of structures and their potential impacts on the surrounding area.⁵⁰ CCCLs are established by DEP on a county basis, but only after such a line has been determined necessary for protecting upland structures and controlling beach erosion, and after a public hearing has been held in the affected county.⁵¹ These hearings are conducted in the manner described in s. 120.54(3)(c), F.S., must be published in the Florida Administrative Register in the same manner as a rule, and are subject to an invalidity challenge as described in s. 120.56(3), F.S. A petitioner may challenge a rule under s. 120.56(3), F.S., on the basis that it is an invalid delegation of legislative authority, and must substantiate this allegation by a preponderance of the evidence.

Joint Costal Permitting (JCP)

DEP implements a concurrent processing of applications for coastal construction permits, environmental resource permits and sovereign submerged lands authorizations.⁵² A JCP is required for activities that meet all of the following criteria:

- Located on Florida's natural sandy beaches facing the Atlantic Ocean, the Gulf of Mexico, the Straits of Florida or associated inlets.
- Activities extending seaward of the mean high water line.
- Activities extending into sovereign submerged lands.
- Activities likely to affect the distribution of sand along the beach.⁵³

JCPs are typically required for beach restoration or nourishment; construction of erosion control structures; public fishing piers; maintenance of inlets and inlet-related structures; and dredging of navigation channels that include disposal of dredged material onto the beach or in the nearshore area.⁵⁴

Environmental Resource Permits (ERPs)

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 DEP and 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

⁴⁷ DEP, *Coastal Construction Control Line Program*, <https://floridadep.gov/water/coastal-construction-control-line> (last visited Jan. 5, 2023).

⁴⁸ DEP, *Geospatial Open Data, CCCL*, https://geodata.dep.state.fl.us/datasets/4674ee6d93894168933e99aa2f14b923_2/explore (last visited Jan. 5, 2023).

⁴⁹ Fla. Admin. Code Ch. 62B-33.

⁵⁰ Fla. Admin. Code R. 62B-33.005.

⁵¹ Section 161.053(2), F.S.

⁵² Section 161.055, F.S.; see also DEP, *Beaches, Inlets and Ports*, <https://floridadep.gov/rcp/beaches-inlets-ports> (last visited Jan. 5, 2023).

⁵³ DEP, *Beaches, Inlets and Ports*.

⁵⁴ *Id.*

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.⁵⁵

DEP has adopted a comprehensive chapter of rules for the permitting process.⁵⁶ These rules contain:

- Criteria and thresholds for requiring permits;
- Types of permits;
- Procedures governing the review of applications and notices, duration and modification of permits, operational maintenance requirements, transfers of permits, provisions for emergencies, and provisions for abandonment and removal of systems;
- Exemptions and general permits that do not allow significant adverse impacts to occur individually or cumulatively;
- Conditions for issuance;
- General permit conditions, including monitoring, inspection, and reporting requirements;
- Standardized fee categories to promote consistency;
- Application, notice, and reporting forms; and
- An Applicant's Handbook containing general program information, application and review procedures, stormwater quality and quantity criteria, erosion and sediment control requirements, and how environmental criteria are evaluated.⁵⁷

State Administered Federal Section 404 Dredge and Fill Permits

In 2020, Florida assumed responsibility under section 404 of the federal Clean Water Act⁵⁸ for dredge and fill permitting.⁵⁹ The State 404 Program is responsible for overseeing the permitting for any project that proposes dredge or fill activities within state assumed waters.⁶⁰ DEP adopted rules implementing this program are within Chapter 62-331 of the Florida Administrative Code.⁶¹ There is significant overlap between the federal 404 permitting program and the state ERP program. Provisions of state law that conflict with federal requirements under the Clean Water Act do not apply to state administered section 404 permits.⁶²

States administering programs under the Clean Water Act must provide an opportunity for judicial review in state court that is sufficient to provide for, encourage, and assist public participation in the permitting process.⁶³ A state fails to meet this standard if it narrowly restricts

⁵⁵ Fla. Admin. Code R. 62-330.010(2).

⁵⁶ Fla. Admin. Code Ch. 62-330.

⁵⁷ Section 373.4131(1)(a), F.S.

⁵⁸ 33 U.S.C. s. 1251 et seq.

⁵⁹ Section 373.4146, F.S. See Fla. Admin. Code Ch. 62-331. See also DEP, *State 404 Program*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/state-404-program> (last visited Jan. 5, 2023).

⁶⁰ DEP, *State 404 Program*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/state-404-program> (last visited Jan. 5, 2023).

⁶¹ See Fla. Admin. Code Ch. 62-331.

⁶² Section 373.4146(3), F.S.

⁶³ 40 C.F.R. s. 123.30.

the class of persons who may challenge the approval or denial of permits.⁶⁴ In August 2023, EPA proposed a rule providing that a state does not “provide for, encourage, and assist” public participation in the permitting process if state law or regulation requires that attorneys’ fees must be imposed in favor of any prevailing party and against the losing party, notwithstanding the good faith or merit of the litigant’s position.⁶⁵ The proposed rule provides that this form of fee shifting would form a barrier to court access for litigants unable to risk an adverse fee award, no matter the strength of their case.⁶⁶

Water Quality Assurance Act

The Water Quality Assurance Act (Act)⁶⁷ creates a private cause of action for all damages resulting from a discharge⁶⁸ or other condition of pollution covered under the Act if the discharge was not authorized pursuant to Chapter 403, F.S., regarding environmental control.⁶⁹ The Act defines “pollution” as the presence on the land or in the waters of the state of pollutants in quantities that are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.⁷⁰ “Pollutants” includes any commodity made from oil or gas, pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas.⁷¹

The Act imposes strict liability, meaning it is not necessary to show negligence; it is only necessary to show the prohibited discharge or other pollutive condition occurred.⁷² The Act allows for joint and several liability⁷³ and provides that the only defenses to such causes of action are those specified in s. 376.308, F.S.: an act of war, an act of government,⁷⁴ an act of God,⁷⁵ or an act or omission of a third party.⁷⁶

⁶⁴ *Id.*

⁶⁵ 88 Fed. Reg. 55276, 55300 (Aug. 14, 2023).

⁶⁶ *Id.*

⁶⁷ See sections 376.30-376.317, F.S.

⁶⁸ Section 376.301(13), F.S. “Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, releasing, or dumping of any pollutant or hazardous substance which occurs and which affects lands and the surface and ground waters of the state not regulated by the Water Quality Assurance Act.

⁶⁹ Section 376.313(3), F.S. Chapter 403, F.S., relates to environmental control, including pollution control, environmental regulation, water supply and water treatment plants, among other things.

⁷⁰ Section 376.301(37), F.S.

⁷¹ Section 376.301(36), F.S.

⁷² Section 376.313(3), F.S. Certain exceptions exist for suits involving petroleum storage systems or drycleaning facility or wholesale supply facility; see *Irizarry v. Orlando Utilities Commission*, 393 F. Supp. 3d 1110, 1116 (M.D. Fla. 2019) (explaining that to state a plausible claim under s. 376.313(3), F.S., a plaintiff must allege: (1) a prohibited discharge or other pollutive condition occurred; and (2) damages).

⁷³ Section 376.313(3), F.S. Joint and several liability generally means liability that may be apportioned among two or more parties. See BLACK’S LAW DICTIONARY 997 (9th ed. 2009).

⁷⁴ This includes state, federal, or local acts of government, unless the person claiming the defense is a governmental body, in which case the defense is available only by acts of other governmental bodies. Section 376.308(2)(b), F.S.

⁷⁵ This includes only unforeseeable acts exclusively occasioned by the violence of nature without the interference of any human agency. Section 376.308(2)(c), F.S.

⁷⁶ This does not include acts or omissions by an employee or agent of the defendant or one whose act or omission occurs in connection with a contractual relationship. An exception may apply when the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier or by rail. Section 376.308(2)(d), F.S.

However, the Act does not define the term “damages.” In a 2010 case involving a claim arising under s. 376.313(3), F.S., the Florida Supreme Court applied a definition from a different section of Chapter 376, F.S., which defines damages as “the documented extent of any destruction to or loss of any real or personal property, or the documented extent...of any destruction of the environment and natural resources, including all living things except human beings, as the direct result of the discharge of a pollutant.”⁷⁷ In 2019, the Court receded from this definition, and held the meaning of “all damages” in s. 376.313(3), F.S., includes personal injury damages.⁷⁸

Costs and Attorney’s Fees in Challenges to Agency Actions

In administrative proceedings related to challenges to agency actions where there is a disputed issue of material fact, the prevailing party is entitled to an award of reasonable costs and attorney’s fees.⁷⁹ However, such costs and fees can only be awarded if the nonprevailing party participated for an improper purpose, such as to harass, cause unnecessary delay or for frivolous purposes, or by needlessly increasing litigation costs.⁸⁰ In making this determination, the administrative law judge (ALJ) must consider whether the nonprevailing party has participated in two or more similar proceedings involving the same prevailing party and the same project as an adverse party and in which the nonprevailing party failed to establish the factual or legal merits of its position.⁸¹ The ALJ must also consider whether the factual or legal position asserted in the instant proceeding would have been cognizable in the previous proceedings.⁸² In such cases, it is rebuttably presumed that the nonprevailing party participated in the proceeding for an improper purpose.⁸³

III. Effect of Proposed Changes:

Section 1 amends s. 120.595, F.S., regarding attorney’s fees. The bill provides that the prevailing party in a challenge filed against a Department of Environmental Protection (DEP) or water management district (WMD) authorization issued pursuant to Chapter 403 or Chapter 373, F.S., respectively, is entitled to recover reasonable costs and attorney fees in challenging or defending such authorization. The prevailing party is entitled to such fees notwithstanding s. 120.595(1)(b), which provides that such costs and fees may only be awarded where an administrative law judge has determined that the nonprevailing party participated in the proceeding for an improper purpose.⁸⁴

Section 2 amends s. 373.4131, F.S., regarding statewide environmental resource permitting rules. The bill provides that a nonindustrial stormwater management system, in or adjacent to residential or urban areas, side slope must be designed with a horizontal-to-vertical ratio no

⁷⁷ *Curd v. Mosaic Fertilizer, LLC*, 39 So. 3d 1216, 1221 (Fla. 2010); section 376.031(5), F.S.

⁷⁸ *Charles L. Lieupo v. Simon’s Trucking, Inc.*, 286 So. 3d 143, 147 (Fla. 2019).

⁷⁹ Section 120.595(1), F.S.

⁸⁰ Section 120.595(1)(b) and (e)1., F.S.

⁸¹ Section 120.595(1)(c), F.S.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ “Improper purpose” means participation in a proceeding primarily to harass or to cause unnecessary delay or for frivolous purpose or to needlessly increase the cost of litigation, licensing, or securing the approval of an activity. Section 120.595(1)(e)1., F.S.

steeper than 4:1 to a depth of at least two feet below the control elevation and must be stabilized with vegetation to prevent erosion and provide for pollutant removal.

The bill provides that a nonindustrial stormwater management system side slope in or adjacent to residential or urban areas may be designed with a steeper 4:1 horizontal-to-vertical ratio if the slope incorporates adequate temporary and permanent erosion and sediment control best management practices. For purposes of public safety, a system designed or authorized to be steeper than 4:1 must be fenced sufficiently to prevent accidental incursion into the system.

The bill provides that all side slope rules adopted by DEP, WMDs, or delegated local programs as of July 1, 2024, are superseded by this subsection and may be repealed without further rulemaking by publication of a notice of repeal in the Florida Administrative Register and subsequent filing of a list of the rules repealed with the Department of State.

Section 3 amends s. 376.313, F.S., regarding the nonexclusiveness of remedies and individual cause of action for damages under the Water Quality Assurance Act (Act).⁸⁵ Currently, this statute permits a person to bring a cause of action in a court of competent jurisdiction for *all damages* resulting from a discharge⁸⁶ or other condition of pollution covered by the Act if the discharge was not authorized pursuant to Chapter 403, F.S., regarding environmental control.⁸⁷ In 2019, the Supreme Court of Florida held that “all damages” includes personal injury damages.⁸⁸ The bill amends the statute to permit causes of action for all damages *to real or personal property* directly resulting from a discharge or other condition of pollution covered under the Act and which was not authorized by any government approval or permit issues pursuant to *Chapters 373, 376, or 403, F.S.*, regarding water resources, pollutant discharge prevention and removal, and environmental control, respectively.

Currently, s. 376.313(3), F.S., provides that the only defenses to causes of action under this section are those specified in s. 376.308, F.S., namely, an act of war, an act of government,⁸⁹ an act of God,⁹⁰ or an act or omission of a third party.⁹¹ The bill changes this language to provide that the only *strict-liability exceptions* to causes of action under this section include those specified in s. 376.308, F.S. *and* s. 376.82, F.S., regarding eligibility criteria and liability protection for the successful completion of a brownfield site rehabilitation agreement.

⁸⁵ See sections 376.30-376.317, F.S.

⁸⁶ Section 376.301(13), F.S. “Discharge” includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, releasing, or dumping of any pollutant or hazardous substance which occurs and which affects lands and the surface and ground waters of the state not regulated by the Water Quality Assurance Act.

⁸⁷ Chapter 403, F.S., relates to environmental control, including pollution control, environmental regulation, water supply and water treatment plants, among other things.

⁸⁸ *Charles L. Lieupo v. Simon’s Trucking, Inc.*, 286 So. 3d 143, 147 (Fla. 2019).

⁸⁹ This includes state, federal, or local acts of government, unless the person claiming the defense is a governmental body, in which case the defense is available only by acts of other governmental bodies. Section 376.308(2)(b), F.S.

⁹⁰ This includes only unforeseeable acts exclusively occasioned by the violence of nature without the interference of any human agency. Section 376.308(2)(c), F.S.

⁹¹ This does not include acts or omissions by an employee or agent of the defendant or one whose act or omission occurs in connection with a contractual relationship. An exception may apply when the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier or by rail. Section 376.308(2)(d), F.S.

Section 4 creates an undesignated section of law requiring the holistic review of coastal permitting processes. The bill provides that the Legislature intends to do all of the following:

- Build a more resilient and responsive government infrastructure to allow for quick recovery after natural disasters, including hurricanes and tropical storms.
- Promote efficiency in state government across all branches, agencies, and other governmental entities and identify any area of improvement within each entity which allows for a quick and effective delivery of services.
- Seek out ways to improve the state’s administrative procedures in relevant fields to build a streamlined permitting process that withstands disruptions caused by natural disasters, including hurricanes and tropical storms.

The bill requires DEP and each WMD to conduct a holistic review of their respective agency’s current coastal permitting processes and other permit programs. The review must, at a minimum, include coastal construction control line permits; joint coastal permits; environmental resource permits; state-administered section 404 permits consistent with the terms of the United States Environmental Protection Agency’s approval; and permitting processes related to water supply infrastructure, wastewater infrastructure, and onsite sewage treatment and disposal systems.

The bill provides that the purpose of these reviews is to identify areas of improvement and to increase efficiency within each process and program. Factors that must be considered in the review include all of the following:

- The requirements to obtain a permit.
- Time periods for review, including those of commenting agencies, and approval of a permit application.
- Areas for improved efficiency and decision-point consolidation within a single project’s purpose.
- Areas of duplication across one or more permit programs;
- The methods of requesting a permit.
- Potential modifications to memoranda of agreements between the state and the Federal Government governing delegated or approved federal permitting programs, which modifications would improve the efficiency and predictability of the program’s administration, including allowing consistent administration of a permit by a state or federal entity over the lifetime of a permitted project.⁹²
- Any other factors that may increase the efficiency of a permitting process and may allow for improved storm recovery.

The bill provides that, by December 31, 2024, DEP and each WMD must provide their findings and proposed solutions in a report to the Governor and Legislature.

Section 5 provides an effective date of July 1, 2024.

⁹² Memoranda of agreements between DEP and federal agencies are available on DEP’s website. See DEP, *Operating Agreements*, <https://floridadep.gov/ogc/ogc/content/operating-agreements#federal> (last visited Jan. 8, 2024).

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.

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

None.

B. Private Sector Impact:

The bill may have a positive fiscal impact on parties prevailing in cases challenging permits and other authorizations by the Department of Environment Protection (DEP) and water management districts (WMDs).

C. Government Sector Impact:

The bill may have a negative fiscal impact on the state related to the award of attorney fees for cases challenging permits and other authorizations by DEP or WMDs. In addition, DEP and WMDs will likely incur costs related to the permit review process required in this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Department of Environmental Protection has proposed revisions to the stormwater rules within Chapter 62-330 of the Florida Administrative Code. The proposed revisions do not include express requirements for the side slopes of stormwater ponds. The water management districts have existing rules regarding the design of pond side slopes that may be superseded by this bill.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.595, 373.4131, and 376.313.

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 January 10, 2023:

The committee substitute changed the phrase “strict-liability exception defenses” to “strict-liability exceptions.”

- B. **Amendments:**

None.

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



420388

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/10/2024	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 136 - 137
and insert:
that it has occurred. The only strict-liability exceptions
~~defenses~~ to such cause of action are ~~shall be~~ those specified in



946734

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
01/10/2024	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 28 - 89.

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

And the title is amended as follows:

Delete lines 3 - 7

and insert:

s. 373.4131, F.S.; requiring that

By Senator Burgess

23-00498-24

2024738__

A bill to be entitled

An act relating to environmental management; amending s. 120.595, F.S.; providing that the prevailing party in certain actions against the Department of Environmental Protection or a water management district is entitled to reasonable costs and attorney fees; amending s. 373.4131, F.S.; requiring that nonindustrial stormwater management systems be designed with side slopes that meet certain minimum design requirements; providing an exception; superseding certain side slope rules; amending s. 376.313, F.S.; revising construction relating to causes of action for damages to real or personal property directly resulting from certain discharges or other conditions of pollution; providing legislative intent; requiring the department and water management districts to conduct holistic reviews of their respective agency's costal permitting processes and permit programs; providing the scope and purpose of the reviews; requiring the department and water management districts to submit reports of their findings and proposed solutions to the Governor and the Legislature by a specified date; providing an effective date.

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

Section 1. Present paragraph (e) of subsection (1) of section 120.595, Florida Statutes, is redesignated as paragraph

23-00498-24

2024738__

(f), a new paragraph (e) is added to that subsection, and subsections (2) and (3) and paragraph (d) of subsection (4) of that section are amended, to read:

120.595 Attorney's fees.—

(1) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION 120.57(1).—

(e) Notwithstanding paragraph (b), the prevailing party in a challenge filed against a Department of Environmental Protection or water management district authorization issued pursuant to chapter 403 or chapter 373, respectively, is entitled to recover reasonable costs and attorney fees in challenging or defending such authorization.

(2) CHALLENGES TO PROPOSED AGENCY RULES PURSUANT TO SECTION 120.56(2).—If the appellate court or administrative law judge declares a proposed rule or portion of a proposed rule invalid pursuant to s. 120.56(2), a judgment or order shall be rendered against the agency for reasonable costs and reasonable attorney's fees, unless the agency demonstrates that its actions were substantially justified or special circumstances exist which would make the award unjust. An agency's actions are "substantially justified" if there was a reasonable basis in law and fact at the time the actions were taken by the agency. If the agency prevails in the proceedings, the appellate court or administrative law judge shall award reasonable costs and reasonable attorney's fees against a party if the appellate court or administrative law judge determines that a party participated in the proceedings for an improper purpose as defined by paragraph (1)(f). ~~An paragraph (1)(e). No~~ award of attorney's fees as provided by this subsection may not shall

23-00498-24

2024738__

59 exceed \$50,000.

60 (3) CHALLENGES TO EXISTING AGENCY RULES PURSUANT TO
61 SECTION 120.56(3) AND (5).—If the appellate court or
62 administrative law judge declares a rule or portion of a rule
63 invalid pursuant to s. 120.56(3) or (5), a judgment or order
64 shall be rendered against the agency for reasonable costs and
65 reasonable attorney's fees, unless the agency demonstrates that
66 its actions were substantially justified or special
67 circumstances exist which would make the award unjust. An
68 agency's actions are "substantially justified" if there was a
69 reasonable basis in law and fact at the time the actions were
70 taken by the agency. If the agency prevails in the proceedings,
71 the appellate court or administrative law judge shall award
72 reasonable costs and reasonable attorney's fees against a party
73 if the appellate court or administrative law judge determines
74 that a party participated in the proceedings for an improper
75 purpose as defined by paragraph (1)(f). ~~An paragraph (1)(e).~~ No
76 award of attorney's fees as provided by this subsection may not
77 ~~shall~~ exceed \$50,000.

78 (4) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION
79 120.56(4).—

80 (d) If the agency prevails in the proceedings, the
81 appellate court or administrative law judge shall award
82 reasonable costs and attorney's fees against a party if the
83 appellate court or administrative law judge determines that the
84 party participated in the proceedings for an improper purpose as
85 defined in paragraph (1)(f) ~~paragraph (1)(e)~~ or that the party
86 or the party's attorney knew or should have known that a claim
87 was not supported by the material facts necessary to establish

23-00498-24

2024738__

the claim or would not be supported by the application of then-existing law to those material facts.

Section 2. Subsection (7) is added to section 373.4131, Florida Statutes, to read:

373.4131 Statewide environmental resource permitting rules.—

(7) A nonindustrial stormwater management system, in or adjacent to residential or urban areas, side slope must be designed, except as provided in paragraph (a), with a horizontal-to-vertical ratio no steeper than 4:1 to a depth of at least 2 feet below the control elevation and must be stabilized with vegetation to prevent erosion and provide for pollutant removal.

(a) A nonindustrial stormwater management system side slope in or adjacent to residential or urban areas may be designed with a steeper than 4:1 horizontal-to-vertical ratio if the slope incorporates adequate temporary and permanent erosion and sediment control best management practices. For purposes of public safety, a system designed or authorized to be steeper than 4:1 must be fenced sufficiently to prevent accidental incursion into the system.

(b) All side slope rules adopted by the department, water management districts, or delegated local programs under this part as of July 1, 2024, are superseded by this subsection and may be repealed without further rulemaking pursuant to s. 120.54 by publication of a notice of repeal in the Florida Administrative Register and subsequent filing of a list of the rules repealed with the Department of State.

Section 3. Subsection (3) of section 376.313, Florida

23-00498-24

2024738__

Statutes, is amended to read:

376.313 Nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.317.—

(3) Except as provided in s. 376.3078(3) and (11), ~~nothing contained in~~ ss. 376.30-376.317 do not prohibit a ~~prohibits any~~ person from bringing a cause of action in a court of competent jurisdiction for all damages to real or personal property directly resulting from a discharge or other condition of pollution covered by ss. 376.30-376.317 and which was not authorized by any government approval or permit issued pursuant to chapter 373, chapter 376, or chapter 403. ~~Nothing in~~ This chapter does not ~~shall~~ prohibit or diminish a party's right to contribution from other parties jointly or severally liable for a prohibited discharge of pollutants or hazardous substances or other pollution conditions. Except as otherwise provided in subsection (4) or subsection (5), in any such suit, it is not necessary for such person to plead or prove negligence in any form or manner. Such person need only plead and prove the fact of the prohibited discharge or other pollutive condition and that it has occurred. The only strict-liability exception defenses to such cause of action are ~~shall be~~ those specified in s. 376.308 or s. 376.82.

Section 4. Holistic review of coastal permitting processes and other programs.—

(1) The Legislature intends to do all of the following:

(a) Build a more resilient and responsive government infrastructure to allow for quick recovery after natural disasters, including hurricanes and tropical storms.

(b) Promote efficiency in state government across all

23-00498-24

2024738__

branches, agencies, and other governmental entities and identify any area of improvement within each entity which allows for a quick and effective delivery of services.

(c) Seek out ways to improve the state's administrative procedures in relevant fields to build a streamlined permitting process that withstands disruptions caused by natural disasters, including hurricanes and tropical storms.

(2) The Department of Environmental Protection and each water management district shall conduct a holistic review of their respective agency's current coastal permitting processes and other permit programs. The review must, at a minimum, include coastal construction control line permits; joint coastal permits; environmental resource permits; state-administered section 404 permits consistent with the terms of the United States Environmental Protection Agency's approval; and permitting processes related to water supply infrastructure, wastewater infrastructure, and onsite sewage treatment and disposal systems.

(3) The purpose of the reviews required under subsection (2) is to identify areas of improvement and to increase efficiency within each process and program. Factors that must be considered in the review include all of the following:

(a) The requirements to obtain a permit.

(b) Time periods for review, including those of commenting agencies, and approval of a permit application.

(c) Areas for improved efficiency and decision-point consolidation within a single project's purpose.

(d) Areas of duplication across one or more permit programs.

23-00498-24

2024738__

175 (e) The methods of requesting a permit.

176 (f) Potential modifications to memoranda of agreements
177 between the state and the Federal Government governing delegated
178 or approved federal permitting programs, which modifications
179 would improve the efficiency and predictability of the program's
180 administration, including allowing consistent administration of
181 a permit by a state or federal entity over the lifetime of a
182 permitted project.

183 (g) Any other factors that may increase the efficiency of a
184 permitting process and may allow for improved storm recovery.

185 (4) By December 31, 2024, the department and each water
186 management district shall provide their findings and proposed
187 solutions in a report to the Governor, the President of the
188 Senate, and the Speaker of the House of Representatives.

189 Section 5. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Street

Email

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 Springs Council

☐

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)

1-10-24 10:30

Meeting Date

ENR

Committee

Name DAVID CULLEN

Address 816 W THARPE ST

Street

TALLAHASSEE

City

FL

State

32303

Zip

The Florida Senate
APPEARANCE RECORD

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

738

Bill Number or Topic

946734

Amendment Barcode (if applicable)

Phone 941-323-2404

Email CULLENASEA@GMAIL.COM

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:

SIERRA CLUB 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 \(flsenate.gov\)](#)

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

1/10/2024

Meeting Date

Ag + Nat Resources

Committee

738

Bill Number or Topic

946734

Amendment Barcode (if applicable)

Name Kim Dinkins

Phone 850-273-5055

Address 308 N Manna St

Street

Email kdinkins@1000FFof.org

Tallahassee FL

City

State

32314

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:

1000 Friends of 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 \(flsenate.gov\)](#)

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

738

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Street

Email

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 Springs
Council

☐

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

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

1/10/24

Meeting Date

738

Bill Number (if applicable)

Topic Environmental Management

Amendment Barcode (if applicable)

Name Adam Basford

Job Title VP-Governmental Affairs

Address 516 N Adams St

Phone 850-224-7073

Street

Tallahassee

FL

32301

Email abasford@aif.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

1-10-24 10:30

Meeting Date

ENR

Committee

The Florida Senate APPEARANCE RECORD

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

738

Bill Number or Topic

Amendment Barcode (if applicable)

Name **DAVID CULLEN**

Phone **941-323-2404**

Address **816 W THARPE ST**

Email **CULLENASEA@GMAIL.COM**

Street

TALLAHASSEE

FL

32303

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:

SIERRA CLUB 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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/10/2024

Meeting Date

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

738

Bill Number or Topic

Ag + Nat Resources

Committee

Amendment Barcode (if applicable)

Name Kim Dinkins

Phone 850-273-5055

Address 308 N Monroe St

Street

Email

Tallahassee FL

City

State

32314

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:

1000 Friends of 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 \(flsenate.gov\)](#)

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 the Senator or Senate Professional Staff conducting the meeting)

1/10/2023
Meeting Date

SB 738
Bill Number (if applicable)

Topic Environmental & Natural Resources Amendment Barcode (if applicable)

Name Dr. Christy Crandall

Job Title Science Advisor

Address 8309 Sand Ridge Ct.
Street

Phone 850 329-5701

Tallahassee FL 32305
City State Zip

Email ccrandall@conservation

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Hold the Line Coalition

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

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

Jan, 10 2024
Meeting Date

E.N.
Committee

SB 738
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kim Vaughn Phone 407-556-5974

Address 1422 Illinois Ave Email MUZIC407@yahoo.com
Street

St. Cloud FL 34769
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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD

SB 738

Meeting Date

Jan 10 2024

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

Bill Number or Topic

Environment & Natural Resources

Committee

Amendment Barcode (if applicable)

Name

Katrina Shadix

Phone

407 702 3576

Address

1011 Seneca Oak Trail

Email

Bear Warriors United
@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 \(flsenate.gov\)](#)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/10/24

Meeting Date

SB738

Bill Number (if applicable)

Topic Environmental Management

Amendment Barcode (if applicable)

Name ~~Env't Manager~~ Lesley Blackner

Job Title Attorney

Address 300 South Duval St #505

Phone 561-818-6621

Street

Tallahassee, FL 32301

City

State

Zip

Email lesleyblackner@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

738

Meeting Date

Bill Number or Topic

Deliver both copies of this form to

Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Phone

Address

Email

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:

Earth Justice

☐

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)

1/10/24

The Florida Senate
APPEARANCE RECORD

738

Meeting Date

Bill Number or Topic

Env. & Natl Resources

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

Committee

Amendment Barcode (if applicable)

Name

Carolyn Johnson

Phone

850 521 1251

Address

136 S. Bronough St

Email

Street

Tallahassee 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:

FL Chamber of
Commerce

☐

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

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

738

Bill Number or Topic

Amendment Barcode (if applicable)

1/10/2024
Meeting Date
Env. & Nat Resources
Committee

Name Lance Pierce Phone 850-228-4088

Address 310 W College Ave
Street

Tallahassee FL 32301
City State Zip

Email

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:

Association of Florida Community Developers

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 406

INTRODUCER: Senator Rodriguez

SUBJECT: Statewide Environmental Resource Permitting Rules

DATE: January 9, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2. _____	_____	<u>FP</u>	_____
3. _____	_____	<u>RC</u>	_____

I. Summary:

SB 406 provides that, for purposes of water quality, erosion control, and ease of maintenance, the side slopes of a surface water management system pond must be designed with a horizontal-to-vertical ratio of 4:1, or an equivalent substitute necessary to accommodate onsite conditions.

The bill provides that all side slope rules adopted by the Department of Environmental Protection, water management districts, or delegated local programs as of July 1, 2024, are superseded by this bill and may be repealed without further rulemaking by publication of a notice of repeal in the Florida Administrative Register and subsequent filing of a list of the rules repealed with the Department of State.

II. Present Situation:

Stormwater Runoff

Nationwide, polluted stormwater runoff is considered to be the greatest threat to clean water.¹ Over 40 percent of waters assessed by the states are too polluted for fishing or swimming.² Nonpoint sources associated with stormwater account for over 40 percent of these polluted waters.³ Conversely, traditional point sources (i.e., wastewater treatment plants) account for only

¹ South Florida Water Management District (SFWMD), *Your Impact on the Environment*, <https://www.sfwmd.gov/community-residents/what-can-you-do> (last visited Dec. 12, 2023).

² DEP, *Stormwater Support*, <https://floridadep.gov/water/engineering-hydrology-geology/content/stormwater-support> (last visited Dec. 12, 2023). A recent study examining water quality across the U.S. shows Florida ranks first in the nation for total acres of lakes classified as impaired for swimming and aquatic life (873,340 acres), and second for total lake acres listed as impaired for any use (935,808 acres). Environmental Integrity Project, *The Clean Water Act at 50*, 28 (2022), available at <https://environmentalintegrity.org/wp-content/uploads/2022/03/CWA@50-report-3-17-22.pdf>. Florida also has the second most total square miles of impaired estuaries (2,533 square miles). *Id.* at 29.

³ DEP, *Stormwater Support*, <https://floridadep.gov/water/engineering-hydrology-geology/content/stormwater-support> (last visited Dec. 12, 2023).

about 10 percent of these polluted or “impaired” waters.⁴ Hundreds of impaired water segments in Florida have lost their designated use due, in part, to stormwater pollution.⁵

Florida averages 40-60 inches of rainfall a year, depending on the location, with about two-thirds falling between June and October.⁶ Stormwater runoff generated during these rain events flows over land or impervious surfaces, such as paved streets, parking lots, driveways, sidewalks, and rooftops, and picks up pollutants like trash, chemicals, oils, and sediment along the way. This unfiltered water ends up in streams, ponds, lakes, bays, wetlands, oceans, and groundwater. Construction sites, lawns, improperly stored hazardous wastes, and illegal dumping are all potential sources of stormwater pollutants.⁷

Stormwater runoff can cause a multitude of problems:

- Excess nutrients, primarily nitrogen and phosphorus from lawn fertilizers or natural sources, such as manure, can cause algal and bacterial blooms that proliferate rapidly. Algae will consume oxygen, increase turbidity in the waterbody, and eventually die along with the fish and other aquatic life that need oxygen to live.⁸
- Pathogenic bacteria and microorganisms can be carried by stormwater into a waterbody. This creates health hazards and can cause lakes and beaches to close to the public.⁹
- Sediment can increase the turbidity (a measure of water cloudiness) of a waterbody. Turbidity can block sunlight from reaching aquatic plants, making it impossible for them to grow. Without plants, animals lose a food source, and it is more difficult to filter pollutants from the water. Instead, pollutants collect at the bottom of the waterbody and remain there indefinitely.¹⁰
- Debris such as plastic bags, bottles, and cigarette butts can wash into a waterbody and interfere with aquatic life¹¹ and flood prevention and decrease water quality.¹² When a stormwater drain gets clogged with debris, rainwater that normally would be collected cannot enter into the drainage system. Water will accumulate around the drain, causing flooded sidewalks or streets and increase the chances for flooding buildings.
- Other hazardous wastes, such as insecticides, herbicides, paint, motor oil, and heavy metals, can be carried by stormwater runoff to waterbodies and cause illness to aquatic life and humans alike.¹³

⁴ *Id.*

⁵ *Id.*

⁶ University of Florida Institute of Food and Agricultural Sciences (UF/IFAS), *Florida Rainfall Data Sources and Types*, 1 (2023), available at <https://edis.ifas.ufl.edu/publication/AE517>.

⁷ EPA, *Urbanization and Stormwater Runoff*, <https://www.epa.gov/sourcewaterprotection/urbanization-and-stormwater-runoff> (last visited Dec. 12, 2023).

⁸ Southwest Florida Water Management District (SWFWMD), *Stormwater Runoff*, <https://www.swfwmd.state.fl.us/residents/education/kids/stormwater-runoff> (last visited Dec. 12, 2023).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² SWFWMD, *Your Impact on the Environment*, <https://www.sfwmd.gov/community-residents/what-can-you-do> (last visited Nov. 27, 2023).

¹³ SWFWMD, *Stormwater Runoff*, <https://www.swfwmd.state.fl.us/residents/education/kids/stormwater-runoff> (last visited Jan. 3, 2024).

In addition, inadequate stormwater management increases stormwater flows and velocities, contributes to erosion, overtaxes the carrying capacity of streams and other conveyances, reduces ground water recharge, threatens public health and safety, and is the primary source of pollutant loading entering Florida's rivers, lakes, and estuaries.¹⁴

Stormwater Management Ponds

Stormwater ponds mitigate flooding and stormwater runoff by catching excessive precipitation running off buildings, roads, parking lots, sidewalks, and other impervious surfaces.¹⁵

Stormwater ponds are defined as either retention or detention ponds. Retention ponds retain all the water within them, allowing the water to percolate into the soil and preventing it from moving downstream. In contrast, detention ponds capture stormwater runoff and temporarily store it before slowly releasing the water downstream.¹⁶

While a best management practice for pollutant removal, stormwater ponds may create safety hazards, including the risk of drowning.¹⁷ Steep sides and slippery slopes can make it difficult for a person to climb back out if they happen to fall in.¹⁸ In addition, retention ponds are often deep because they are designed for maximum rainwater collection.¹⁹ Strong currents at inlet and outlet areas of a pond can also pose a danger.²⁰

Wet Detention Ponds

Wet detention ponds are one of the most common types of detention systems and consist of constructed basins that have a permanent pool of water into which stormwater runoff is directed.²¹ The runoff is detained in the pond until it is released downstream or displaced by runoff from subsequent rain events.²² By capturing and detaining runoff, wet detention ponds control both stormwater quantity and quality.²³ Sedimentation processes remove particulates, organic matter, and metals, while dissolved metals and nutrients are removed through biological uptake.²⁴

¹⁴ Fla. Admin. Code R. 62-40.431(2)(b).

¹⁵ UF/IFAS, *Stormwater Pond Management; What you need to know about aeration*, 2 (2021), available at <https://edis.ifas.ufl.edu/publication/SS695>.

¹⁶ *Id.*

¹⁷ City of Jacksonville, *Retention Pond Safety*, <https://www.jacksonville.gov/welcome/welcome-news/retention-pond-safety> (last visited Jan. 3, 2024); see also U.S. Environmental Protection Agency (EPA), *Stormwater Best Management Practice: Wet Ponds*, 4 (2021), available at <https://www.epa.gov/system/files/documents/2021-11/bmp-wet-ponds.pdf>.

¹⁸ City of Jacksonville, *Retention Pond Safety*.

¹⁹ *Id.*

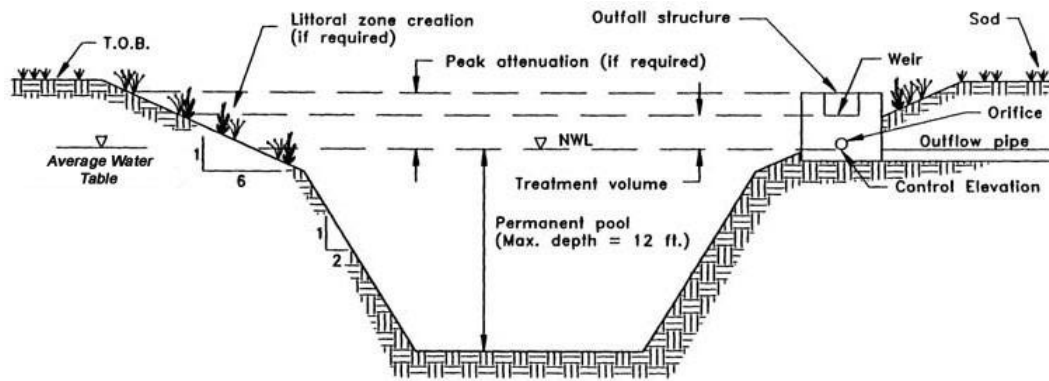
²⁰ *Id.*

²¹ EPA, *Stormwater Best Management Practice: Wet Ponds* at 1.

²² EPA, *Stormwater Technology Fact Sheet: Wet detention ponds*, 1 (1999), available at <https://nepis.epa.gov/Exe/ZyPDF.cgi/200044D0.PDF?Dockey=200044D0.PDF>.

²³ *Id.*

²⁴ *Id.*



Typical wet detention system²⁵

Specific designs may vary considerably, depending on site constraints, local regulations, and preferences of the designer or community.²⁶ However, as shown above and discussed in further detail below, the typical horizontal-to-vertical ratio for side slopes is 6:1 for littoral zones, no steeper than 4:1 to a depth of at least two feet below the control elevation, and 2:1 at greater depths. The littoral zone is that portion of a stormwater pond designed to contain rooted aquatic plants and is usually provided by extending and gently sloping the sides of the pond down to a depth of two to three feet below the normal water level or control elevation.²⁷ Vegetative littoral zones help stabilize the soil around the pond's edge and increase pollutant uptake.²⁸

Dry Retention Ponds

Unlike wet stormwater ponds, dry retention ponds do not have permanent pools of water or discharge to downstream surface waters.²⁹ Instead, these systems remain dry until filled with water during rain events.³⁰ Substantial amounts of suspended solids, heavy metals, bacteria, and some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the vegetation and soil.³¹ Retention systems also promote the recharge of ground water and help prevent saltwater intrusion in coastal areas.³²

²⁵ Northwest Florida Water Management District (NFWFMD), *ERP Applicant's Handbook: Vol. II*, figure 8.1-1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03172>. "T.O.B." means top of bank.

²⁶ EPA, *Stormwater Best Management Practice: Wet Ponds*, 2 (2021), available at <https://www.epa.gov/system/files/documents/2021-11/bmp-wet-ponds.pdf>.

²⁷ NFWFMD, *ERP Applicant's Handbook: Vol. II* at s. 12.4.

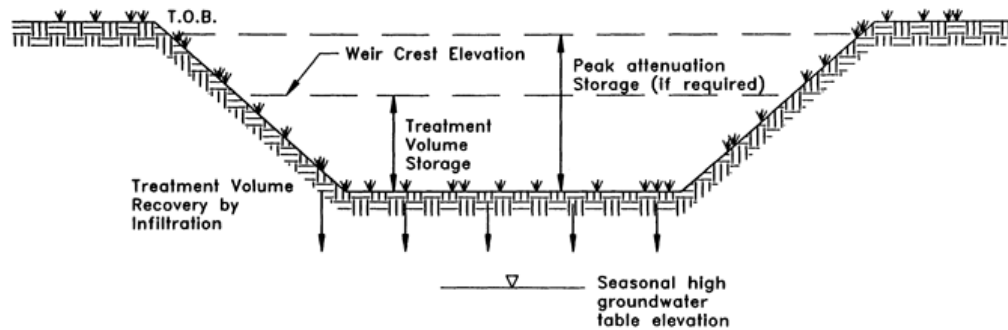
²⁸ EPA, *Stormwater Best Management Practice: Wet Ponds*, 2 (2021), available at <https://www.epa.gov/system/files/documents/2021-11/bmp-wet-ponds.pdf>.

²⁹ Suwannee River Water Management District (SRWMD), *ERP Applicant's Handbook: Vol. II*, s. 5.1.1, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03182>.

³⁰ *Id.* UF/IFAS, *Stormwater Pond Management; What you need to know about aeration*, 2 (2021), available at <https://edis.ifas.ufl.edu/publication/SS695>.

³¹ SRWMD, *ERP Applicant's Handbook: Vol. II*, s. 5.1.1, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03182>.

³² *Id.*



Typical dry retention system³³

Stormwater Pond Design Criteria

Design criteria for stormwater management systems is regulated by the Department of Environmental Protection (DEP), water management districts (WMDs), and delegated local programs. Requirements vary by type of stormwater management system and regulating authority.

In general, stormwater ponds must be designed with side slopes no steeper than a 4:1 horizontal-to-vertical ratio to a depth of at least two feet below the control elevation.³⁴ However, certain exceptions may apply. For example, the South Florida Water Management District (SFWMD) provides alternative criteria for golf courses,³⁵ while other WMDs include exceptions for fenced ponds³⁶ or ponds with slopes that incorporate erosion and sediment control best management practices.³⁷ In addition, some WMDs require the stabilization of pond side slopes through vegetation³⁸ or the creation of vegetative littoral zones.³⁹ Where necessary, littoral zones are generally required to have slopes with a horizontal-to-vertical ratio of 6:1 or flatter.⁴⁰

Other stormwater management systems have different requirements. For example, swales must have a top width to depth ratio of the cross-section equal to or greater than 6:1 or side slopes equal to or greater than 3:1 horizontal-to-vertical ratio.⁴¹

³³ NFWMD, *ERP Applicant's Handbook: Vol. II*, figure 5.1-1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03172>.

³⁴ *Id.* at s. 8.11; SFWMD, *ERP Applicant's Handbook: Vol. II*, s. 5.4.2 (2013) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-02528>; St. Johns River Water Management District (SJRWMD), *ERP Applicant's Handbook: Vol. II*, ss. 2.6.1 and 8.12 (2013) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03181>; SRWMD, *ERP Applicant's Handbook: Vol. II*, s. 4.5.1 (2013), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03182>; SFWMD, *ERP Applicant's Handbook: Vol. II*, s. 5.4.1 (2013) available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-03176>.

³⁵ SFWMD, *ERP Applicant's Handbook: Vol. II* at s. 5.4.2(e).

³⁶ SJRWMD, *ERP Applicant's Handbook, Vol. II* at s. 2.6.1.

³⁷ SRWMD, *ERP Applicant's Handbook: Vol. II* at s. 4.5.1.

³⁸ SRWMD, *ERP Applicant's Handbook: Vol. II* at s. 4.5.1.

³⁹ SJRWMD, *ERP Applicant's Handbook: Vol. II* at s. 8.6; NFWMD, *ERP Applicant's Handbook: Vol. II* at s. 8.6.

⁴⁰ *Id.*

⁴¹ *Id.* at 34. This is also the statutory definition of "swale." Section 403.803(14)(a), F.S.

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 DEP and 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.⁴²

The ERP rules within Chapter 62-330 of the Florida Administrative Code contain:

- Criteria and thresholds for requiring permits;
- Types of permits;
- Procedures governing the review of applications and notices, duration and modification of permits, operational maintenance requirements, transfers of permits, provisions for emergencies, and provisions for abandonment and removal of systems;
- Exemptions and general permits that do not allow significant adverse impacts to occur individually or cumulatively;
- Conditions for issuance;
- General permit conditions, including monitoring, inspection, and reporting requirements;
- Standardized fee categories to promote consistency;
- Application, notice, and reporting forms; and
- An Applicant's Handbook containing general program information, application and review procedures, stormwater quality and quantity criteria, and how environmental criteria are evaluated.⁴³

DEP has proposed revisions to the stormwater rules within Chapter 62-330 of the Florida Administrative Code that require legislative ratification before taking effect. The proposed rules were developed to increase the removal of nutrients from stormwater to protect the state's waterways and contain updated design criteria for stormwater management systems. The proposed rules include some new requirements specifically for stormwater ponds. For example, the revised rules provide that all side slopes and bottom areas of dry retention ponds must be seeded or sodded with water-tolerant grass species grown on sandy soils, and the permanent pool volume of wet detention ponds must meet certain parameters.⁴⁴ While the proposed rules do not include express requirements for the horizontal-to-vertical ratio of stormwater pond side slopes, they do include graphics similar to the ones shown above that depict a typical side slope ratio of 4:1 for dry retention systems, 6:1 for wet detention systems, and 2:1 for wet detention slopes below the control elevation.⁴⁵

⁴² Fla. Admin. Code R. 62-330.010(2).

⁴³ Section 373.4131(1)(a), F.S.

⁴⁴ See DEP, *ERP Applicant's Handbook: Vol. I*, appendices P-5 and P-6 (proposed 2023), available at <https://floridadep.gov/water/engineering-hydrology-geology/documents/erp-applicants-handbook-volume-i-appendixes-rulemaking>.

⁴⁵ *Id.*

III. Effect of Proposed Changes:

Section 1 amends s. 373.4131, F.S., regarding the statewide environmental resource permitting rules. The bill provides that, for purposes of water quality, erosion control, and ease of maintenance, the side slope of a surface water management system pond must be designed with a horizontal-to-vertical ratio of 4:1, or an equivalent substitute necessary to accommodate onsite conditions.

The bill provides that all side slope rules adopted by the Department of Environmental Protection, water management districts, or delegated local programs as of July 1, 2024, are superseded by this subsection and may be repealed without further rulemaking by publication of a notice of repeal in the Florida Administrative Register and subsequent filing of a list of the rules repealed with the Department of State.

Section 2 provides an effective date of July 1, 2024.

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.

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:

The Department of Environmental Protection has proposed revisions to the stormwater rules within Chapter 62-330 of the Florida Administrative Code. The proposed revisions do not include express requirements for the side slopes of stormwater ponds. The water management districts have existing rules regarding the design of pond side slopes that may be superseded by this bill.

VIII. Statutes Affected:

This bill substantially amends s. 373.4131 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 Rodriguez

40-00179A-24

2024406__

A bill to be entitled
An act relating to statewide environmental resource
permitting rules; amending s. 373.4131, F.S.;
requiring that stormwater management systems be
designed with side slopes that meet a certain minimum
design requirement; superseding certain side slope
rules and authorizing their repeal by a specified
publication of notice and a specified filing;
providing an effective date.

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

Section 1. Subsection (7) is added to section 373.4131,
Florida Statutes, to read:

373.4131 Statewide environmental resource permitting
rules.—

(7) (a) For purposes of water quality, erosion control, and
ease of maintenance, the side slope of a surface water
management system pond must be designed with a horizontal-to-
vertical ratio of 4:1, or an equivalent substitute necessary to
accommodate onsite conditions.

(b) All side slope rules adopted by the department, water
management districts, or delegated local programs under this
part as of July 1, 2024, are superseded by this subsection and
may be repealed without further rulemaking pursuant to s. 120.54
by publication of a notice of repeal in the Florida
Administrative Register and subsequent filing of a list of the
rules repealed with the Department of State.

Section 2. This act shall take effect July 1, 2024.

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 566

INTRODUCER: Senator Rodriguez

SUBJECT: Land Acquisition Trust Fund

DATE: January 9, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carroll	Rogers	EN	Favorable
2. _____	_____	AEG	_____
3. _____	_____	AP	_____

I. Summary:

SB 566 appropriates \$20 million annually from the Land Acquisition Trust Fund to the Department of Environmental Protection (DEP) for the purpose of:

- Entering into financial assistance agreements with local governments located in the Florida Keys or the City of Key West Areas of Critical State Concern to promote the protection or restoration of Florida Bay, the Florida Keys, and nearshore marine ecosystems, including coral reefs; or
- Acquiring land within the Florida Keys Area of Critical State Concern with increased priority given to acquisitions that achieve a combination of conservation goals.

The bill prohibits DEP from using the appropriated funds to implement wastewater management projects or programs.

II. Present Situation:

The Florida Keys

The Florida Keys consist of more than 100 miles of small limestone islands formed from ancient coral reefs rising a few meters above sea level.¹ The Keys' tropical climate supports populations of rare and unique wildlife and plants that occur nowhere else in the world.² For example, the tropical hardwood hammocks in the Keys are the only tropical hardwood forests in the continental U.S. and are the most imperiled plant communities in the world.³ The Keys also support many migratory bird species, along with imperiled and rare wildlife and plants, including

¹ Florida Fish and Wildlife Conservation Commission (FWC), *Florida Keys – Habitat and Management*, <https://myfwc.com/recreation/lead/florida-keys/habitat/> (last visited Dec. 11, 2023).

² *Id.*; FWC, *A Management Plan for the Florida Keys Wildlife and Environmental Area: 2016-2026*, 1 (Feb. 2016) available at <https://myfwc.com/media/5371/fkweamanagementplan2016-2026.pdf>.

³ FWC, *A Management Plan for the Florida Keys Wildlife and Environmental Area: 2016-2026* at 1.

Key deer, American crocodile, tree cactus, and four species of sea turtle.⁴ Because of its unique combination of tropical endemic rare and imperiled species and habitats, the conservation of the critical remaining natural lands in the Keys has long been a commitment of the State of Florida, the federal government, the South Florida Water Management District (SFWMD), Monroe County, and many conservation organizations.⁵ Conservation helps to protect the Keys' Outstanding Florida Waters, its reefs and islands, its fisheries, and its ecotourism.⁶

Areas of Critical State Concern

The Governor and Cabinet, sitting as the Administration Commission,⁷ may designate certain areas within the state that contain resources of statewide or regional significance as areas of critical state concern.⁸ There are five designated areas of critical state concern: Big Cypress,⁹ Green Swamp,¹⁰ Florida Keys, Key West,¹¹ and Apalachicola Bay.¹²

The City of Key West and the Florida Keys Areas of Critical State Concern

The Florida Keys Area of Critical State Concern includes the Village of Islamorada, the municipalities of Marathon, Layton and Key Colony Beach, and unincorporated Monroe County.¹³ Following litigation in 1984 to challenge the designation, the City of Key West was given its own area of critical state concern designation.¹⁴

By designating the Florida Keys Area of Critical State Concern, the legislature intended to:

- Establish a land-use management system that protects the natural environment, conserves and promotes the community character, promotes orderly and balanced growth in accordance with the capacity of available and planned public facilities and services, and promotes and supports a diverse and sound economic base in the Keys;
- Provide affordable housing in close proximity to places of employment in the Keys;
- Protect the constitutional rights of property owners to own, use, and dispose of their real property;
- Promote coordination and efficiency among governmental agencies that have permitting jurisdiction over land-use activities within the Keys;
- Promote an appropriate land acquisition and protection strategy for environmentally sensitive lands within the Keys;
- Protect and improve the nearshore water quality of the Keys through federal, state, and local funding of water quality improvement projects; and

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 1-2.

⁷ Section 380.031(1), F.S.

⁸ Section 380.05, F.S.

⁹ Section 380.055, F.S.

¹⁰ Section 380.0551, F.S.

¹¹ Section 380.0552, F.S.

¹² Section 380.0555, F.S.

¹³ Department of Economic Opportunity (DEO), *City of Key West and the Florida Keys Areas*, <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/city-of-key-west-and-the-florida-keys> (last visited Dec. 11, 2023).

¹⁴ *Id.*

- Ensure that the population of the Keys can be safely evacuated.¹⁵

State, regional, and local agencies and units of government in the Florida Keys Area of Critical State Concern must coordinate development plans and conduct programs and activities consistent with principles for guiding development that:

- Strengthen local government capabilities for managing land use and development.
- Protect shoreline and marine resources.
- Protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, dune ridges and beaches, and wildlife.
- Ensure the maximum well-being of the Keys and its citizens through sound economic development.
- Limit the adverse impacts of development on water quality.
- Protect the historical heritage of the Keys.
- Protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.¹⁶
- Protect and improve water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; the installation and proper operation and maintenance of onsite sewage treatment and disposal systems; and other water quality and supply projects, including direct and indirect potable reuse.
- Ensure the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
- Limit the adverse impacts of public investments on the environmental resources of the Keys.
- Make available adequate affordable housing for all sectors of the population of the Keys.
- Provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.
- Protect the public health, safety, and welfare of the citizens of the Keys and maintain the Keys as a unique Florida resource.¹⁷

Florida Keys Stewardship Act

The Florida Keys Stewardship Act revised various policies relating to local government environmental financing.¹⁸ The Act:

- Required the Department of Environmental Protection (DEP) to annually consider the recommendations of the Department of Economic Opportunity relating to land purchases within an area of critical state concern;

¹⁵ Section 380.0552, F.S.

¹⁶ These investment include the Florida Keys Aqueduct and water supply facilities; sewage collection, treatment, and disposal facilities, the Key West Naval Air Station and other military facilities; transportation facilities; federal parks, wildlife refuges, and marine sanctuaries; state parks, recreation facilities, aquatic preserves, and other publicly owned properties; city electric service and the Florida Keys Electric Co-op; and other utilities, as appropriate. Section 380.0552(7), F.S.

¹⁷ *Id.*

¹⁸ Chapter 2016-225, Laws of Fla.; section 259.045, F.S.

- Required DEP to make recommendations to the Board of Trustees of the Internal Improvement Trust Fund with respect to the purchase of fee or any lesser interest in specified types of lands;
- Allowed local governments and special districts within an area of critical state concern to recommend additional land purchases;¹⁹
- Provided additional principles for guiding development within the Florida Keys Area of Critical State Concern;²⁰
- Expanded the purposes for which the local government infrastructure surtax²¹ can be used to include land acquisition by a county for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern;²² and
- Directed that, beginning in the 2017-2018 fiscal year and continuing through the 2026-2027 fiscal year, at least \$5 million from the Florida Forever Trust Fund must be spent on land acquisition within the Florida Keys Area of Critical State Concern.²³

Land Acquisition Trust Fund

Documentary stamp tax revenues are collected under ch. 201, F.S., which requires an excise tax to be levied on two classes of documents: deeds and other documents related to real property, which are taxed at the rate of 70 cents per \$100; and certificates of indebtedness, promissory notes, wage assignments, and retail charge account agreements, which are taxed at 35 cents per \$100.²⁴

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for land and water conservation and restoration.²⁵ The amendment required that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund (LATF).²⁶ Article X, s. 28 of the State Constitution requires that funds in the LATF be expended only for the following purposes:

As provided by law, to finance or refinance: the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; wildlife management areas; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer

¹⁹ *Id.*

²⁰ Chapter 2016-225, Laws of Fla.; section 380.0552(7), F.S.

²¹ The local government infrastructure surtax allows the governing authority in each county to levy a discretionary sales surtax of 0.5 percent or 1 percent. Section 212.055(2), F.S.

²² Chapter 2016-225, Laws of Fla.; section 212.055(2), F.S.

²³ Chapter 2016-225, Laws of Fla.; section 259.105(3)(b), F.S.

²⁴ See sections 201.02(1)(a) and 201.08(1)(a), F.S.

²⁵ The Florida Senate, *Water and Land Conservation*, <https://www.flsenate.gov/media/topics/WLC> (last visited Nov. 29, 2023).

²⁶ *Id.*

systems; lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

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

- Section 201.15, F.S., to conform to the constitutional requirement that the LATF receive at least 33 percent of net revenues derived from documentary stamp taxes; and
- Section 375.041, F.S., to designate the LATF within DEP as the trust fund to serve as the constitutionally mandated depository for the percentage of documentary stamp tax revenues.²⁷

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

- First, obligations relating to debt service, specifically, payments relating to debt service on Florida Forever Bonds and Everglades restoration bonds.
- Then, unless superseded by the General Appropriations Act, before funds are authorized to be appropriated for other uses:
 - A minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. From these funds, the following specified distributions are required:
 - \$32 million annually through the 2023-2024 fiscal year for the Long-Term Plan;
 - After deducting the \$32 million, the minimum of the lesser of 76.5 percent of the remainder or \$100 million annually through the 2025-2026 fiscal year for CERP; and
 - Any remaining funds for Everglades projects under CERP, the Long-Term Plan, or NEEPP.
 - A minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million annually for spring restoration, protection, and management projects;
 - \$5 million annually through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka;
 - \$64 million to the Everglades Trust Fund in the 2018-2019 fiscal year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project, and any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 Reservoir Project or projects that implement CERP, the Long Term Plan, or NEEPP; and
 - \$50 million annually to SFWMD for the Lake Okeechobee Watershed Restoration Project.

²⁷ Ch. 2015-229, ss. 9 and 50, Laws of Fla.

- \$100 million annually to DEP for the acquisition of land pursuant to the Florida Forever Act.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.²⁸

During the 2022 session, the Legislature added language that specifies that the purposes set forth in s. 375.041(3)(a)3., F.S., relating to Lake Apopka would instead be appropriated as provided in the General Appropriations Act.²⁹ In August 2023, the General Revenue Estimating Conference estimated that for fiscal year 2024-2025 a total of \$3.67 billion would be collected in documentary stamp taxes.³⁰ Thirty-three percent of the net revenues collected, or approximately \$1.21 billion, must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution. Of that amount, \$104.6 million is committed to debt service, leaving approximately \$1.1 billion to be distributed for the uses specified by s. 375.041, F.S., and other purposes in accordance with the General Appropriations Act.³¹

Litigation

In 2015, two lawsuits were filed challenging the constitutionality of appropriations from the LATF and expenditures by state agencies.³² The cases were consolidated and a hearing was held in June of 2018.³³ The plaintiffs argued that funds from the LATF were appropriated and expended for general state expenses in ways that were inconsistent with the State Constitution. The circuit court held for the plaintiffs, stating the amendment requires the funds be used for acquiring conservation lands, and for improving, managing, restoring, and enhancing public access to conservation lands acquired after the effective date of the amendment.³⁴ The decision described how the LATF funds may be used, and ruled that numerous appropriations from 2015 and 2016 were unconstitutional.³⁵

On appeal, the First District Court of Appeal overturned the circuit court ruling, holding that the LATF funds are not restricted to use on land purchased by the state after the constitutional amendment took effect in 2015.³⁶ The court held that the plain language in the Constitution authorizing the use of funds for management, restoration, and enhancement activities would specifically authorize use of the funds on activities beyond land acquisition.³⁷ The case was then remanded to the circuit court to rule on the legality of appropriations made since the enactment of the constitutional amendment.³⁸

²⁸ Section 375.041(3)-(4), F.S.

²⁹ Chapter 2022-157, Laws of Fla.

³⁰ Office of Economic & Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Conference Results* (Aug. 2023), available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampresults.pdf>.

³¹ *Id.*

³² *Fla. Wildlife Fed'n v. Negron*, No. 2015-CA-001423 (Fla. 2nd Cir. Ct.); *Fla. Defenders of the Env't, Inc., v. Detzner*, No. 2015-CA-002682 (Fla. 2nd Cir. Ct.).

³³ *Fla. Wildlife Fed'n v. Negron*, Nos. 2015-CA-001423, 2015-CA-002682 (Fla. 2nd Cir. Ct. June 28, 2018).

³⁴ *Id.* at 3.

³⁵ *Id.* at 7–8.

³⁶ *Oliva v. Fla. Wildlife Fed'n*, 281 So. 3d 531, 539 (Fla. 1st Dist. Ct. App., 2019).

³⁷ *Id.* at 537.

³⁸ *Id.* at 539.

The circuit court dismissed the lawsuit on January 3, 2022, finding that it was moot because the money approved by the Legislature in 2015 had already been spent.³⁹ On July 20, 2022, the Florida Wildlife Federation filed a motion to reopen the case.⁴⁰ The case is now on appeal in the First District Court of Appeal.⁴¹

III. Effect of Proposed Changes:

Section 1 amends s. 375.041, F.S., to appropriate \$20 million annually from the Land Acquisition Trust Fund (LATF) to the Department of Environmental Protection (DEP) to:

- Implement the Florida Keys Stewardship Act by entering into financial assistance agreements with local governments located in the Florida Keys Area of Critical State Concern or the City of Key West Area of Critical State Concern to promote the protection or restoration of Florida Bay, the Florida Keys, and nearshore marine ecosystems, including coral reefs; or
- Acquire land within the Florida Keys Area of Critical State Concern, giving increased priority to acquisitions that achieve a combination of conservation goals, including protecting the state's water resources and natural groundwater recharge.

Notwithstanding any other law, the bill prohibits DEP from using the appropriated funds to implement wastewater management projects or programs. The bill requires the distribution of the \$20 million to be reduced by an amount equal to the debt service paid out of the LATF on bonds issued for these purposes after July 1, 2024.

Section 2 provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

See Present Situation.

D. State Tax or Fee Increases:

None.

³⁹ *Fla Wildlife Fed'n v. Negron*, Nos. 2015-CA-001423, 2015-CA-002682 (Fla. 2nd Cir. Ct. Jan. 3, 2022), available at <https://www.politico.com/states/fl?id=0000017e-21d8-d3d7-a37f-afdee5cb0000&source=email>.

⁴⁰ Dep't of Environmental Protection, *Fla. Enviro. Cases August*, 1 (Aug. 2022) (on file with the Senate Committee on Environment and Natural Resources).

⁴¹ *Fla. Wildlife Fed'n v. Fla. Legislature*, No. 1D22-3142 (Fla. 1st Dist. Ct. App., 2022).

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 provides an annual appropriation of \$20 million from the Land Acquisition Trust Fund to the Department of Environmental Protection for the purpose of entering into financial assistance agreements with local governments located in the Florida Keys or the City of Key West Areas of Critical State Concern and to acquire land within the Florida Keys Area of Critical State Concern. The distribution must be reduced by an amount equal to the debt service paid on bonds issued for these purposes after July 1, 2024.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 375.041 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Rodriguez

40-00830-24

2024566__

1 A bill to be entitled
2 An act relating to the Land Acquisition Trust Fund;
3 amending s. 375.041, F.S.; requiring an annual
4 appropriation from the Land Acquisition Trust Fund to
5 the Department of Environmental Protection to
6 implement the Florida Keys Stewardship Act or to
7 acquire land within the Florida Keys Area of Critical
8 State Concern for specified purposes; prohibiting the
9 department from using the appropriated funds to
10 implement wastewater management projects or programs;
11 requiring that the distribution be reduced by a
12 specified amount; providing an effective date.

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

15
16 Section 1. Subsection (3) of section 375.041, Florida
17 Statutes, is amended to read:

18 375.041 Land Acquisition Trust Fund.—

19 (3) Funds distributed into the Land Acquisition Trust Fund
20 pursuant to s. 201.15 shall be applied:

21 (a) First, to pay debt service or to fund debt service
22 reserve funds, rebate obligations, or other amounts payable with
23 respect to Florida Forever bonds issued under s. 215.618; and
24 pay debt service, provide reserves, and pay rebate obligations
25 and other amounts due with respect to Everglades restoration
26 bonds issued under s. 215.619; and

27 (b) Of the funds remaining after the payments required
28 under paragraph (a), but before funds may be appropriated,
29 pledged, or dedicated for other uses:

40-00830-24

2024566__

1. A minimum of the lesser of 25 percent or \$200 million shall be appropriated annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to congressional authorization; the Long-Term Plan as defined in s. 373.4592(2); and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, \$32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the \$32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project, the Everglades Agricultural Area Storage Reservoir Project, the Lake Okeechobee Watershed Project, the C-43 West Basin Storage Reservoir Project, the Indian River Lagoon-South Project, the Western Everglades Restoration Project, and the Picayune Strand Restoration Project. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the

40-00830-24

2024566__

purposes set forth under this paragraph shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

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

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

4. The sum of \$64 million is appropriated and shall be transferred to the Everglades Trust Fund for the 2018-2019 fiscal year, and each fiscal year thereafter, for the EAA reservoir project pursuant to s. 373.4598. Any funds remaining

40-00830-24

2024566__

in any fiscal year shall be made available only for Phase II of the C-51 reservoir project or projects identified in subparagraph 1. and must be used in accordance with laws relating to such projects. Any funds made available for such purposes in a fiscal year are in addition to the amount appropriated under subparagraph 1. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth in this subparagraph.

5. The sum of \$50 million shall be appropriated annually to the South Florida Water Management District for the Lake Okeechobee Watershed Restoration Project in accordance with s. 373.4599. This distribution must be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2021, for the purposes set forth in this subparagraph.

6. The sum of \$100 million shall be appropriated annually to the Department of Environmental Protection for the acquisition of land pursuant to s. 259.105.

7.a. The sum of \$20 million shall be appropriated annually to the Department of Environmental Protection for the purpose of:

(I) Implementing the Florida Keys Stewardship Act, chapter 2016-225, Laws of Florida, by entering into financial assistance agreements with local governments located in the Florida Keys Area of Critical State Concern or the City of Key West Area of Critical State Concern to promote the protection or restoration of Florida Bay, the Florida Keys, and nearshore marine ecosystems, including coral reefs; or

40-00830-24

2024566__

117 (II) Acquiring land within the Florida Keys Area of
118 Critical State Concern as authorized under s. 259.045, with
119 increased priority given to acquisitions that achieve a
120 combination of conservation goals, including protecting the
121 state's water resources and natural groundwater recharge.

122 b. Notwithstanding any other law, the department may not
123 use the appropriated funds to implement wastewater management
124 projects or programs.

125 c. The distribution must be reduced by an amount equal to
126 the debt service paid pursuant to paragraph (a) on bonds issued
127 after July 1, 2024, for the purposes set forth in this
128 subparagraph.

129 Section 2. This act shall take effect July 1, 2024.

January 10, 2024

The Florida Senate
APPEARANCE RECORD

566

Meeting Date
Environment and Natural Resources

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

Bill Number or Topic

Committee
Edgar G. Fernadnez

Amendment Barcode (if applicable)

Name

(786) 255-5755

Phone

Address
201 W Park Avenue, Suite 100

Edgar@AnfieldFlorida.com

Email

Street

Tallahassee

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:

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

1-10-24

10:30

Meeting Date

ENR

Committee

Name

DAVID CULLEN

Phone

941-323-2404

Address

816 W THARPE ST

Email

CULLENASEA@GMAIL.COM

Street

TALLAHASSEE

FL

32303

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:

SIERRA CLUB 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 \(flsenate.gov\)](#)

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 650

INTRODUCER: Senator Rodriguez

SUBJECT: Alternative Fuel Fleet Vehicle Rebates

DATE: January 9, 2023

REVISED: _____

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

I. Summary:

SB 650 expands the state’s rebate program for natural gas powered fleet vehicles to also include rebates for hybrid and electric fleet vehicles placed into service on or after July 1, 2024. The bill requires the Department of Agriculture and Consumer Services (DACS) to update its rules by December 31, 2024, to provide for the changes required under this bill. The bill also provides that by October 1, 2026, and each year thereafter that the program is funded, DACS must provide an annual assessment of the use of the rebate program during the previous fiscal year to the Governor and Legislature.

II. Present Situation:

Florida’s Natural Gas Fuel Fleet Vehicle Rebate Program

In 2013, the Legislature created the natural gas fuel fleet vehicle rebate program within the Department of Agriculture and Consumer Services (DACS) to help reduce transportation costs and encourage freight mobility investments that contribute to the economic growth of the state.¹

The program provides a rebate of up to 50 percent of the eligible costs of a natural gas fuel fleet vehicle² with a dedicated or bi-fuel natural gas fuel operating system placed into service³ on or after July 1, 2013.⁴ “Natural gas fuel” includes any liquefied petroleum gas product, compressed natural gas product, or combination thereof used in a motor vehicle.⁵ It includes, but is not

¹ Ch. 2013-198, s. 17, Laws of Fla.; section 377.810(1), F.S.

² “Fleet vehicles” means three or more motor vehicles registered in this state and used for commercial business or governmental purposes. Section 377.810(2)(d), F.S.

³ “Placed into service” means the date a vehicle is purchased, leased, or converted. Fla. Admin. Code R. 5O-4.001(2)(a).

⁴ Section 377.810(3), F.S.

⁵ Section 377.810(2)(f), F.S. “Motor vehicle” means any vehicle, machine, or mechanical contrivance which is propelled by any form of engine or motor which utilizes motor or diesel fuel and is required, or would be required, to be licensed if owned by a resident. Section 206.01(23), F.S.

limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas, compressed natural gas, or liquefied natural gas.⁶ The term does not include natural gas or liquefied petroleum placed in a separate tank of a motor vehicle for cooking, heating, water heating, or electric generation.⁷

Eligible costs under the program include conversion⁸ or other incremental costs⁹ related to the conversion, purchase, or lease¹⁰ of a natural gas fleet vehicle placed into service on or after July 1, 2013.¹¹ Costs for project development, fueling stations, or other fueling infrastructure are not covered under the rebate program.¹² To be eligible for a rebate, fleet vehicles must comply with applicable United States Environmental Protection Agency emission standards.¹³

Of the funds available for these rebates, 40 percent is reserved for government applicants, with the remaining funds allocated to commercial applicants.¹⁴ DACS allocates rebates to eligible applicants on a first-come, first-served basis.¹⁵ Eligible applicants may receive a maximum rebate of \$25,000 per vehicle, up to a total of \$250,000 per applicant per fiscal year.¹⁶ However, between June 1 and June 30 of each fiscal year, applicants who have reached the \$250,000 per year maximum may apply for additional funds for vehicles that have not received a rebate.¹⁷

Each year the program is funded DACS must provide an annual assessment of the use of the rebate program during the previous fiscal year to the Governor, Legislature, and the Office of Program Policy Analysis and Government Accountability (OPPAGA).¹⁸ The assessment must include, at a minimum, the following information:

- The name of each applicant awarded a rebate;
- The amount of the rebates awarded to each applicant;
- The type and description of each eligible vehicle for which each applicant applied for a rebate; and
- The aggregate amount of funding awarded for all applicants claiming rebates under the program.¹⁹

Pursuant to s. 377.810(8), F.S., OPPAGA published a report on the probate program in November 2015.²⁰ OPPAGA found that in the program's first two years, DACS awarded \$9.1

⁶ Section 377.810(2)(f), F.S.

⁷ Section 377.810(2)(f), F.S.

⁸ "Conversion costs" means the excess cost associated with retrofitting a diesel or gasoline powered motor vehicle to a natural gas fuel powered motor vehicle. Section 377.810(2)(a), F.S.

⁹ "Incremental costs" means the excess costs associated with the purchase or lease of a natural gas fuel motor vehicle as compared to an equivalent diesel- or gasoline-powered motor vehicle. Section 377.810(2)(e), F.S.

¹⁰ Leases must be for at least five years. Section 877.810(2)(c), F.S.

¹¹ Section 377.810(2)(c), F.S.

¹² *Id.*

¹³ Section 377.810(3), F.S.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 377.810(7), F.S.

¹⁹ *Id.*

²⁰ OPPAGA, *Natural Gas Rebate Recipients Are Satisfied; Improved Economic Benefits Data Is Needed*, (2015), available at <https://www.oppaga.fl.gov/Products/ReportDetail?rn=15-09>.

million in rebates for 790 vehicles.²¹ Program applicants included both large and small businesses and local governments.²² Commercial applicants included national delivery services (e.g., FedEx and United Parcel Service), and telecommunication and sanitation companies (e.g., AT&T and Waste Management), as well as smaller, local businesses.²³ Cities, counties, and school districts typically obtained rebates for purchasing natural gas utility trucks, law enforcement vehicles, and school buses.²⁴

Electric and Hybrid Vehicles

Electric vehicles (EVs) utilize batteries to store electrical energy, which is then used to power the vehicle's motor.²⁵ EV batteries are charged by plugging the vehicle into an electric power source. Plug-in hybrid electric vehicles (PHEVs) are powered by an internal combustion engine that can run on conventional or alternative fuels and an electric motor that uses energy stored in batteries. The vehicle can be plugged into an electric power source to charge the batteries. EVs and PHEVs also take advantage of regenerative braking to capture the energy that would otherwise be lost during braking.²⁶

Hybrid electric vehicles combine a primary power source, an energy storage system, and an electric motor to achieve a combination of emissions, fuel economy, and range benefits.²⁷ Hybrid vehicles use less petroleum-based fuel and capture energy created during braking and idling. This collected energy is used to propel the vehicle during normal drive cycles. The batteries supply additional power for acceleration and hill climbing.²⁸

Transportation electrification has gained significant momentum in recent years.²⁹ Global EV sales—including battery EVs and PHEVs—exceeded 10 million in 2022.³⁰ A total of 14 percent of all new cars sold in 2022 were electric, up from approximately 9 percent in 2021 and less than 5 percent in 2020. EV sales in the United States, which is the third largest market following China and Europe, increased by 55 percent in 2022.³¹ U.S. EV sales vary substantially at the state, regional, and local levels, as do government actions and support policies.³²

²¹ *Id.* at 2.

²² *Id.*

²³ *Id.* at 3.

²⁴ *Id.*

²⁵ National Renewable Energy Laboratory (NREL), *Electric and Plug-In Hybrid Electric Fleet Vehicles*, <https://www.nrel.gov/transportation/fleetest-electric.html> (last visited Jan. 4, 2024).

²⁶ *Id.*

²⁷ NREL, *Hybrid Electric Fleet Vehicles*, <https://www.nrel.gov/transportation/fleetest-hybrid.html> (last visited Jan. 4, 2024).

²⁸ *Id.*

²⁹ National Conference of State Legislatures (NCSL), *State Policies Promoting Hybrid and Electric Vehicles*, <https://www.ncsl.org/energy/state-policies-promoting-hybrid-and-electric-vehicles> (last visited Jan. 4, 2024).

³⁰ International Energy Agency, *Global EV Outlook 2023*, 8, 14 (2023), available at <https://iea.blob.core.windows.net/assets/dacf14d2-eabc-498a-8263-9f97fd5dc327/GEVO2023.pdf>.

³¹ *Id.*

³² Peter Slowik and Nic Lutsey, *White Paper: The Continued Transition to Electric Vehicles in U.S. Cities*, 2 (2018), available at https://theicct.org/wp-content/uploads/2021/06/Transition_EV_US_Cities_20180724.pdf.

In an effort to reduce emissions and diversify fuel sources, many states are promoting the use of alternative fuels such as electricity, natural gas, hydrogen, and biofuels.³³ Forty-five states and the District of Columbia have implemented incentives to promote the adoption of EVs, including PHEVs and battery EVs, either through a specific utility operating in the state or through state legislation.³⁴ The incentives range from tax credits or rebates to fleet acquisition goals, exemptions from emissions testing or utility time-of-use rate reductions.³⁵ In addition, in 2021, the federal government issued an executive order providing that all federal fleet purchases must be zero-emission by 2035.³⁶

III. Effect of Proposed Changes:

Section 1 amends s. 377.810, F.S., regarding the rebate program for natural gas fuel fleet vehicles. The bill expands the program to include rebates for fleet vehicles powered by alternative fuel. The bill defines “alternative fuel” to include hybrid and electric power sources, as well as fuels covered under the current rebate program (i.e., liquefied petroleum gas products, compressed natural gas products, or any combination thereof).³⁷ The bill defines “hybrid” as a power source that draws propulsion energy from onboard sources of stored energy in the form of an internal combustion or a heat engine using combustible fuel and a rechargeable energy-storage system to power a motor vehicle. The bill defines “electric” as a power source that uses electricity produced by rechargeable storage batteries to power a motor vehicle.

Currently, conversion costs covered under the rebate program only pertain to the conversion into a natural gas powered motor vehicle.³⁸ The bill amends the definition of “conversion costs” to include excess costs associated with retrofitting a diesel or gasoline powered motor vehicle to an alternative fuel powered motor vehicle.

The bill provides that the rebate program applies to fleet vehicles with a dedicated alternative fuel operating system placed into service on or after July 1, 2024.

The bill requires the Department of Agriculture and Consumer Services (DACS) to update its rules by December 31, 2024, to provide for the changes required under this bill. The bill also provides that by October 1, 2026, and each year thereafter that the program is funded, DACS must provide an annual assessment of the use of the rebate program during the previous fiscal year to the Governor and Legislature. Consistent with the current requirements, the assessment must include, at a minimum, the following information:

- The name of each applicant awarded a rebate;
- The amount of the rebates awarded to each applicant;

³³ NCSL, *State Policies Promoting Hybrid and Electric Vehicles*, <https://www.ncsl.org/energy/state-policies-promoting-hybrid-and-electric-vehicles> (last visited Jan. 4, 2024).

³⁴ *Id.*

³⁵ *Id.*

³⁶ Office of the White House, *Executive Order on Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, s. 102(a)(ii), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/12/08/executive-order-on-catalyzing-clean-energy-industries-and-jobs-through-federal-sustainability/>.

³⁷ See section 377.810(2)(f) and (3), F.S.

³⁸ Section 377.810(2)(a), F.S.

- The type and description of each eligible vehicle for which each applicant applied for a rebate; and
- The aggregate amount of funding awarded for all applicants claiming rebates under the program.³⁹

The bill also removes an obsolete provision of s. 377.810, F.S., which required the Office of Program Policy Analysis and Government Accountability to provide a report on the rebate program by January 31, 2016.

Section 2 provides an effective date of July 1, 2024.

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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill is likely to have a negative fiscal impact on the state. The expansion of the rebate program to include electric and hybrid vehicles is likely to increase rebate applications. The Department of Agriculture and Consumers Services may incur costs to implement the expanded fleet vehicle rebate program and update its rules.

³⁹ See section 377.810(7), F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 377.810 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 Rodriguez

40-01080A-24

2024650__

A bill to be entitled

An act relating to alternative fuel fleet vehicle rebates; amending s. 377.810, F.S.; renaming the natural gas fuel fleet vehicle rebate program as the alternative fuel fleet vehicle rebate program; defining and redefining terms; revising the program to include rebates for certain fleet vehicles powered by alternative fuels, rather than only for fleet vehicles fueled by natural gas; requiring such fleet vehicles to comply with specified emission standards; requiring the Department of Agriculture and Consumer Services to adopt rules by a specified date; requiring the department to submit an annual assessment of the program to the Governor and the Legislature by a specified date; removing obsolete language; providing an effective date.

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

Section 1. Section 377.810, Florida Statutes, is reordered and amended to read:

377.810 Alternative ~~Natural-gas~~ fuel fleet vehicle rebate program.—

(1) CREATION AND PURPOSE OF PROGRAM.—There is created within the Department of Agriculture and Consumer Services an alternative ~~a natural-gas~~ fuel fleet vehicle rebate program. The purpose of the ~~this~~ program is to help reduce transportation costs in this state and encourage freight mobility investments that contribute to the economic growth of the state.

40-01080A-24

2024650__

(2) DEFINITIONS.—For purposes of this section, the term:

(b)~~(a)~~ "Conversion costs" means the excess cost associated with retrofitting a diesel or gasoline powered motor vehicle to an alternative ~~a natural gas~~ fuel powered motor vehicle.

(c)~~(b)~~ "Department" means the Department of Agriculture and Consumer Services.

(d) "Electric" means a power source that uses electricity produced by rechargeable storage batteries to power a motor vehicle.

(e)~~(e)~~ "Eligible costs" means the cost of conversion or the incremental cost incurred by an applicant in connection with an investment in the conversion, purchase, or lease lasting at least 5 years, of an alternative fuel ~~a natural gas~~ fleet vehicle placed into service on or after July 1, 2024 ~~2013~~. The term does not include costs for project development, fueling stations, or other fueling infrastructure.

(f)~~(d)~~ "Fleet vehicles" means three or more motor vehicles registered in this state and used for commercial business or governmental purposes.

(g) "Hybrid" means a power source that draws propulsion energy from onboard sources of stored energy in the form of an internal combustion or a heat engine using combustible fuel and a rechargeable energy-storage system to power a motor vehicle.

(h)~~(e)~~ "Incremental costs" means the excess costs associated with the purchase or lease of an alternative ~~a natural gas~~ fuel motor vehicle as compared to an equivalent diesel- or gasoline-powered motor vehicle.

(i) "Motor vehicle" has the same meaning as in s. 206.01(23).

40-01080A-24

2024650__

59 ~~(a)(f)~~ "Alternative Natural gas fuel" means any liquefied
60 petroleum gas product; hybrid, electric, or compressed natural
61 gas product; or combination thereof used in a motor vehicle.
62 ~~The as defined in s. 206.01(23).~~ This term includes, but is not
63 limited to, all forms of fuel commonly or commercially known or
64 sold as natural gasoline, butane gas, propane gas, or any other
65 form of liquefied petroleum gas, compressed natural gas, or
66 liquefied natural gas. ~~The~~ This term does not include natural
67 gas or liquefied petroleum placed in a separate tank of a motor
68 vehicle for cooking, heating, water heating, or electric
69 generation.

70 (3) ALTERNATIVE NATURAL GAS FUEL FLEET VEHICLE REBATE.—The
71 department shall award rebates for eligible costs ~~as defined in~~
72 ~~this section~~. Forty percent of the annual allocation must ~~shall~~
73 be reserved for governmental applicants, with the remaining
74 funds allocated for commercial applicants. A rebate may not
75 exceed 50 percent of the eligible costs of an alternative a
76 ~~natural gas~~ fuel fleet vehicle with a dedicated alternative or
77 ~~bi-fuel natural gas~~ fuel operating system placed into service on
78 or after July 1, 2024 ~~2013~~. An applicant is eligible to receive
79 a maximum rebate of \$25,000 per vehicle up to a total of
80 \$250,000 per fiscal year. Between June 1 and June 30 of each
81 fiscal year, the department may receive additional applications
82 from applicants that have met the program maximum of \$250,000
83 per fiscal year. Those applicants may apply for additional funds
84 for vehicles that have not received a rebate, for a maximum
85 rebate of \$25,000 per vehicle up to a total of \$250,000.
86 Governmental applicants shall have preference, and any other
87 remaining funds may be used by commercial applicants. Rebates

40-01080A-24

2024650__

88 ~~must shall~~ be allocated to eligible applicants on a first-come,
89 first-served basis, determined by the date the department
90 receives the application, until all appropriated funds for the
91 fiscal year are expended. All alternative ~~natural gas~~ fuel fleet
92 vehicles eligible for the rebate must comply with applicable
93 United States Environmental Protection Agency emission
94 standards.

95 (4) APPLICATION PROCESS.—

96 (a) An applicant seeking to obtain a rebate shall submit an
97 application to the department by a specified date each year as
98 established by department rule. The application must ~~shall~~
99 require a complete description of all eligible costs, proof of
100 purchase or lease of the vehicle for which the applicant is
101 seeking a rebate, a copy of the vehicle registration
102 certificate, a description of the total rebate sought by the
103 applicant, and any other information deemed necessary by the
104 department. The application form adopted by department rule must
105 include an affidavit from the applicant certifying that all
106 information contained in the application is true and correct.

107 (b) The department shall determine the rebate eligibility
108 of each applicant in accordance with ~~the requirements of~~ this
109 section and department rule. The total amount of rebates
110 allocated to certified applicants in each fiscal year may not
111 exceed the amount appropriated for the program in the fiscal
112 year. Rebates must ~~shall~~ be allocated to eligible applicants on
113 a first-come, first-served basis, determined by the date the
114 application is received, until all appropriated funds for the
115 fiscal year are expended or the program ends, whichever comes
116 first. The department may not accept incomplete applications

40-01080A-24

2024650__

submitted to the department will not be accepted and such
applications do not secure a place in the first-come, first-
served application process.

(5) RULES.—The department shall adopt rules to implement
and administer this section by December 31, 2024 ~~2013~~, including
rules relating to the forms required to claim a rebate under
this section, the required documentation and basis for
establishing eligibility for a rebate, procedures and guidelines
for claiming a rebate, and the collection of economic impact
data from applicants.

(6) PUBLICATION.—The department shall determine and publish
on its website on an ongoing basis the amount of available
funding for rebates remaining in each fiscal year.

(7) ANNUAL ASSESSMENT.—By October 1, 2026 ~~2014~~, and each
year thereafter that the program is funded, the department shall
provide an annual assessment of the use of the rebate program
during the previous fiscal year to the Governor, the President
of the Senate, and the Speaker of the House of Representatives,
~~and the Office of Program Policy Analysis and Government~~
~~Accountability~~. The assessment must ~~shall~~ include, at a minimum,
all of the following information:

(a) The name of each applicant awarded a rebate under this
section.†

(b) The amount of the rebates awarded to each applicant.†

(c) The type and description of each eligible vehicle for
which each applicant applied for a rebate.† ~~and~~

(d) The aggregate amount of funding awarded for all
applicants claiming rebates under this section.

~~(8) REPORT. By January 31, 2016, the Office of Program~~

40-01080A-24

2024650__

~~Policy Analysis and Government Accountability shall release a report reviewing the rebate program to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The review shall include an analysis of the economic benefits resulting to the state from the program.~~

~~(9) EFFECTIVE DATE. This section shall take effect July 1, 2013.~~

Section 2. This act shall take effect July 1, 2024.

1/10/24

Meeting Date
Env and NR Committee

Committee
Lisa Bacot

Name

Address
PO Box 10168

Street

Tallahassee

City

FL

State

32301

Zip

The Florida Senate
APPEARANCE RECORD

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

SB 650

Bill Number or Topic

Amendment Barcode (if applicable)

8504458329

Phone

lisabacot@floridatransit.org

Email

Reset Form

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 Public Transportation
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)

1-10-24
Meeting Date

The Florida Senate
APPEARANCE RECORD

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

650
Bill Number or Topic

Environment & Natural Resources
Committee

Name Natalie King

Amendment Barcode (if applicable)

Address 235 W Brandon Blvd #640
Street

Phone 813 924 8218

Email Natalie@TeamUSA.com

Brandon FL 33511
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

☐ I am appearing without
compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am a registered lobbyist,
representing:

Pinellas Suncoast
Transit Authority

☐ 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.

Jan 10, 2023

Meeting Date

The Florida Senate APPEARANCE RECORD

Environment & Natural Resources

Committee

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

SB 650

Bill Number or Topic

Name Erin Ballas

Amendment Barcode (if applicable)

Phone 850 728 6387

Address 730 East Park Ave

Street

Email erinballas@paconsultants.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:
National Waste and
Recycling Association
FL Chapter

☐ 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)

1-10-24

10:30

Meeting Date

ENR

Committee

Name

DAVID CULLEN

Address

816 W THARPE ST

Street

TALLAHASSEE

City

FL

State

32303

Zip

The Florida Senate

APPEARANCE RECORD

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

650

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

941-323-2404

Email

CULLENASEA@GMAIL.COM

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:

SIERRA CLUB 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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

DUPLICATE

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 682

INTRODUCER: Senator Martin

SUBJECT: Lost or Abandoned Property

DATE: January 9, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Carroll	Rogers	EN	Favorable
2. _____	_____	CJ	_____
3. _____	_____	RC	_____

I. Summary:

SB 682 revises the timeframe during which a law enforcement officer must mail a copy of the notice posted on an article of lost or abandoned property, a derelict vessel, or a public nuisance vessel, so that the notice may be mailed to the owner after the date of posting.

II. Present Situation:

Lost or Abandoned Property

Lost property includes all tangible personal property that does not have an identifiable owner and that has been mislaid on public property,¹ on a public conveyance, on premises used at the time for business purposes, or in parks, places of amusement, public recreation areas, or other places open to the public in a substantially operable, functioning condition or which has an apparent intrinsic value to the rightful owner.²

Abandoned property includes all tangible personal property that does not have an identifiable owner and that has been disposed of on public property in a wrecked, inoperative, or partially dismantled condition, or has no apparent intrinsic value to the rightful owner.³ Derelict vessel and vessels declared a public nuisance are abandoned property.⁴

¹ Public property means lands and improvements owned by the Federal Government, the state, the county, or a municipality and includes sovereignty submerged lands located adjacent to the county or municipality, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way, and other similar property. Section 705.101(5), F.S.

² Section 705.101(4), F.S.

³ Section 705.101(1), F.S.

⁴ *Id.*

Derelict Vessels

A derelict vessel is a vessel that is in a wrecked,⁵ junked,⁶ or substantially dismantled⁷ condition upon any public waters of this state; at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached upon the property of another without the consent.⁸ It is unlawful to leave any derelict vessel on waters of this state.⁹ Further, a vessel that is at risk of becoming derelict may not anchor on, moor on, or occupy the waters of this state.¹⁰

A vessel is declared at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is listing due to water intrusion;
- The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives notice; or
- The vessel is tied to an unlawful or unpermitted structure or mooring.¹¹

Vessels Declared to be a Public Nuisance

If a vessel is declared at risk of becoming derelict under the same condition three or more times within an 18-month period, and if the determination results in dispositions other than acquittal or dismissal, the vessel is declared to be a public nuisance.¹² A vessel that is declared to be a public nuisance and threatens navigation, or is a danger to the environment, property, or persons, may be relocated, removed, stored, destroyed, or disposed of by Florida Fish and Wildlife Conservation Commission or other law enforcement.¹³

⁵ A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire. Section 823.11(1)(b), F.S.

⁶ A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if such motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

⁷ A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken: the steering system, the propulsion system, or the exterior hull integrity. Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if such motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

⁸ Section 823.11(1)(b), F.S.

⁹ Section 823.11(2), F.S. The term “leave” means to allow a vessel to remain occupied or unoccupied on waters of this state for more than 24 hours.

¹⁰ Section 327.4107(1), F.S.

¹¹ Section 327.4107(2), F.S.

¹² *Id.*; Section 327.73(1)(aa), F.S.

¹³ Section 327.73(1)(aa), F.S.; 823.11(3), F.S.

Procedure for Lost or Abandoned Property

When a law enforcement officer¹⁴ ascertains that an article of lost or abandoned property, other than a derelict vessel or a vessel declared a public nuisance, is present on public property and is unable to be easily removed, the officer must place a notice on the property which states that the property must be removed within five days or it will be removed and disposed of at the expense of the owner.¹⁵

When a derelict vessel or a vessel declared to be a public nuisance is located on the waters of the state, a law enforcement officer must place a notice on the vessel which states that that the vessel must be removed within 21 days or it will be removed and disposed of.¹⁶ The owner and other interested parties have the right to a hearing to challenge the determination that the vessel is derelict or a public nuisance. If the vessel is not removed by the owner, the owner or the party determined to be legally responsible for the vessel's presence on waters of the state will be liable for the costs of removal, destruction, and disposal.

In addition to posting a notice on the lost or abandoned property, the law enforcement officer must make a reasonable effort to ascertain the name and address of the owner. If it is reasonably available to the officer, he or she must mail a copy of the notice to the owner on or before the date of posting.

If the property is a motor vehicle or a vessel, the law enforcement agency must contact the Department of Highway Safety and Motor Vehicles to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel. Upon receipt of the information, the law enforcement agency must mail a copy of the notice to the owner and to any lienholder.¹⁷ If the property is a derelict vessel or a vessel declared a public nuisance, the mailed notice must inform the owner or responsible party that he or she has the right to a hearing.

If, at the end of five days after posting a notice on an article of lost or abandoned property, or at the end of 21 days after posting and mailing the notice on a derelict vessel or vessel declared a public nuisance, the owner has not removed the property or shown reasonable cause for failure to do so, or has not requested a hearing if applicable, the law enforcement agency may retain or dispose of the property as directed by statute.¹⁸

¹⁴ "Law enforcement officer" means any person who is elected, appointed, or employed full-time by any sheriff, any municipality, or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers or auxiliary law enforcement officers, but does not include support personnel employed by the employing agency. Section 705.101(2), F.S.

¹⁵ Section 705.103(2), F.S.

¹⁶ Section 705.103(2), F.S.

¹⁷ *Id.* A law enforcement officer who has issued a citation for a violation of the derelict vessel law to the owner of a derelict vessel is not required to mail a copy of the notice to the owner.

¹⁸ *Id.*

III. Effect of Proposed Changes:

Section 1 amends s. 705.103, F.S., to revise the timeframe during which a law enforcement officer must mail a copy of the applicable notice posted on an article of lost or abandoned property, a derelict vessel, or a vessel declared a public nuisance if the name and address of the owner of the property or vessel is reasonably available to the officer. The revision removes the requirement that the notice must be mailed to the owner on or before the date of posting, allowing the notice to be mailed following the date of posting.

Sections 2 through 11 reenact s. 327.4107(7)(a), F.S., relating to vessels at risk of becoming derelict on waters of this state; s. 327.4108(6)(d), F.S., relating to anchoring vessels in anchoring limitation areas; s. 327.60(5), F.S., relating to local regulations; s. 327.66(2)(a), F.S., relating to carriage of gasoline on vessels; s. 327.73(1)(aa), F.S., relating to noncriminal infractions; s. 379.338(1), F.S., relating to confiscation and disposition of illegally taken wildlife, freshwater fish, and saltwater fish; s. 705.104(1), F.S., relating to the title to lost or abandoned property; s. 705.105(1)(a), F.S., relating to procedure regarding unclaimed evidence; s. 713.585(8), F.S., relating to the enforcement of a lien by sale of a motor vehicle; and s. 823.11(2)(d), F.S., relating to derelict vessels, their relocation or removal, and penalties, to incorporate the amendment made by this bill in a reference to the amended section.

Section 12 provides an effective date of July 1, 2024.

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:

The bill may have a positive fiscal impact on local governments and on the Florida Fish and Wildlife Conservation Commission by reducing the number of required trips by law enforcement to a derelict or public nuisance vessel.¹⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 705.103 of the Florida Statutes.

This bill reenacts sections 327.4107(7)(a), 327.4108(6)(d), 327.60(5), 327.66(2)(a), 327.73(1)(aa), 379.338(1), 705.104(1), 705.105(1)(a), 713.585(8), and 823.11(2)(d) 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.

¹⁹ Florida Fish and Wildlife Conservation Commission, *2024 Agency Legislative Bill Analysis: SB 682*, 3-4 (on file with the Senate Committee on Environment and Natural Resources).

By Senator Martin

18-00753-24

2024682__

A bill to be entitled
An act relating to lost or abandoned property;
amending s. 705.103, F.S.; revising the timeframe
after which a law enforcement agency may take certain
actions relating to abandoned property or specified
vessels if the owner has not taken specified actions;
making technical changes; reenacting ss.
327.4107(7) (a), 327.4108(6) (d), 327.60(5),
327.66(2) (a), 327.73(1) (aa), 379.338(1), 705.104(1),
705.105(1) (a), 713.585(8), and 823.11(2) (d), F.S.,
relating to a program to remove, relocate, or destroy
vessels at risk of becoming derelict on waters of this
state, the anchoring of vessels with more than three
violations within a 12-month period in anchoring
limitation areas, local regulations for procedures to
remove abandoned or lost vessels affixed to a public
dock or mooring, the removal of specified gasoline and
gasoline containers on vessels and the removal of such
vessels by a law enforcement agency, civil penalties
for violations of specified laws relating to certain
vessels, confiscation and disposition of illegally
taken wildlife, freshwater fish, and saltwater fish,
title to lost or abandoned property, the procedure
regarding certain unclaimed evidence, the proceeds and
disposition from the sale of certain motor vehicles,
and the removal and destruction of specified derelict
vessels, respectively, to incorporate the amendment
made to s. 705.103, F.S., in references thereto;
providing an effective date.

18-00753-24

2024682__

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

Section 1. Paragraph (a) of subsection (2) of section 705.103, Florida Statutes, is amended to read:

705.103 Procedure for abandoned or lost property.—

(2)(a)1. Whenever a law enforcement officer ascertains that:

a. An article of lost or abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: ...(setting forth brief description)... is unlawfully upon public property known as ...(setting forth brief description of location)... and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: ...(setting forth the date of posting of notice)..., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

b. A derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on the waters of this state, the officer shall cause a notice to be placed upon such

18-00753-24

2024682__

vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: ...(setting forth brief description of location)... has been determined to be ...(derelict or a public nuisance)... and is unlawfully upon the waters of this state ...(setting forth brief description of location)... and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact ...(contact information for person who can arrange for a hearing in accordance with this section).... The owner or the party determined to be legally responsible for the vessel being upon the waters of this state in a derelict condition or as a public nuisance will be liable for the costs of removal, destruction, and disposal if this vessel is not removed by the owner. Dated this: ...(setting forth the date of posting of notice)...., signed: ...(setting forth name, title, address, and telephone number of law enforcement officer)....

2. The notices required under subparagraph 1. may not be less than 8 inches by 10 inches and must be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner, and, if. ~~If~~ such is reasonably available to the officer, ~~she or he or she must shall~~ mail a copy of the applicable ~~such~~

18-00753-24

2024682__

notice to the owner ~~on or before the date of posting~~. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, the law enforcement agency must ~~shall~~ contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15. On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any, except that a law enforcement officer who has issued a citation for a violation of s. 823.11 to the owner of a derelict vessel is not required to mail a copy of the notice by certified mail, return receipt requested, to the owner. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the mailed notice must inform the owner or responsible party that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If a request for a hearing is made, a state agency must ~~shall~~ follow the processes as set forth in s. 120.569. Local governmental entities shall follow the processes set forth in s. 120.569, except that a local judge, magistrate, or code enforcement officer may be designated to conduct such a hearing. If, at the end of 5 days after posting the notice in sub-subparagraph 1.a., or at the end of 21 days after the posting or mailing of the notice, if required, whichever occurs later, ~~posting the notice~~ in sub-subparagraph 1.b., ~~and mailing such notice, if required,~~ the owner or any person interested in the lost or abandoned article or articles described has not removed the article or

18-00753-24

2024682__

articles from public property or shown reasonable cause for failure to do so, and, in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), has not requested a hearing in accordance with this section, the following applies ~~shall apply~~:

a. For abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

b. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency or its designee may:

(I) Remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or

(II) Authorize the vessel's use as an artificial reef in accordance with s. 379.249 if all necessary federal, state, and local authorizations are received.

A law enforcement agency or its designee may also take action as described in this sub-subparagraph if, following a hearing pursuant to this section, the judge, magistrate, administrative law judge, or hearing officer has determined the vessel to be derelict as provided in s. 823.11 or otherwise in violation of the law in accordance with s. 327.73(1)(aa) and a final order

18-00753-24

2024682__

has been entered or the case is otherwise closed.

Section 2. For the purpose of incorporating the amendment made by this act to section 705.103, Florida Statutes, in a reference thereto, paragraph (a) of subsection (7) of section 327.4107, Florida Statutes, is reenacted to read:

327.4107 Vessels at risk of becoming derelict on waters of this state.—

(7) The commission may establish a derelict vessel prevention program to address vessels at risk of becoming derelict. Such program may, but is not required to, include:

(a) Removal, relocation, and destruction of vessels declared a public nuisance, derelict or at risk of becoming derelict, or lost or abandoned in accordance with s. 327.53(7), s. 327.73(1)(aa), s. 705.103(2) and (4), or s. 823.11(3).

The commission may adopt rules to implement this subsection. Implementation of the derelict vessel prevention program shall be subject to appropriation by the Legislature and shall be funded by the Marine Resources Conservation Trust Fund or the Florida Coastal Protection Trust Fund.

Section 3. For the purpose of incorporating the amendment made by this act to section 705.103, Florida Statutes, in a reference thereto, paragraph (d) of subsection (6) of section 327.4108, Florida Statutes, is reenacted to read:

327.4108 Anchoring of vessels in anchoring limitation areas.—

(6)

(d) A vessel that is the subject of more than three violations within 12 months which result in dispositions other

18-00753-24

2024682__

than acquittal or dismissal shall be declared to be a public nuisance and subject to s. 705.103 or, for a derelict vessel, subject to s. 823.11.

Section 4. For the purpose of incorporating the amendment made by this act to section 705.103, Florida Statutes, in a reference thereto, subsection (5) of section 327.60, Florida Statutes, is reenacted to read:

327.60 Local regulations; limitations.—

(5) A local government may enact and enforce regulations to implement the procedures for abandoned or lost property that allow the local law enforcement agency to remove a vessel affixed to a public dock or mooring within its jurisdiction that is abandoned or lost property pursuant to s. 705.103(1). Such regulation must require the local law enforcement agency to post a written notice at least 24 hours before removing the vessel.

Section 5. For the purpose of incorporating the amendment made by this act to section 705.103, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 327.66, Florida Statutes, is reenacted to read:

327.66 Carriage of gasoline on vessels.—

(2)(a) Gasoline possessed or transported in violation of this section and all containers holding such gasoline are declared to be a public nuisance. A law enforcement agency discovering gasoline possessed or transported in violation of paragraph (1)(a) shall abate the nuisance by removing the gasoline and containers from the vessel and from the waters of this state. A law enforcement agency that removes gasoline or containers pursuant to this subsection may elect to:

1. Retain the property for the agency's own use;

18-00753-24

2024682__

204 2. Transfer the property to another unit of state or local
205 government;

206 3. Donate the property to a charitable organization; or

207 4. Sell the property at public sale pursuant to s. 705.103.

208 Section 6. For the purpose of incorporating the amendment
209 made by this act to section 705.103, Florida Statutes, in a
210 reference thereto, paragraph (aa) of subsection (1) of section
211 327.73, Florida Statutes, is reenacted to read:

212 327.73 Noncriminal infractions.—

213 (1) Violations of the following provisions of the vessel
214 laws of this state are noncriminal infractions:

215 (aa) Section 327.4107, relating to vessels at risk of
216 becoming derelict on waters of this state, for which the civil
217 penalty is:

218 1. For a first offense, \$100.

219 2. For a second offense occurring 30 days or more after a
220 first offense, \$250.

221 3. For a third or subsequent offense occurring 30 days or
222 more after a previous offense, \$500.

223
224 A vessel that is the subject of three or more violations issued
225 pursuant to the same paragraph of s. 327.4107(2) within an 18-
226 month period which result in dispositions other than acquittal
227 or dismissal shall be declared to be a public nuisance and
228 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,
229 an officer of the commission, or a law enforcement agency or
230 officer specified in s. 327.70 may relocate, remove, or cause to
231 be relocated or removed such public nuisance vessels from waters
232 of this state. The commission, an officer of the commission, or

18-00753-24

2024682__

a law enforcement agency or officer acting pursuant to this paragraph upon waters of this state shall be held harmless for all damages to the vessel resulting from such relocation or removal unless the damage results from gross negligence or willful misconduct as these terms are defined in s. 823.11.

Any person cited for a violation of this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$100, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation, in addition to the charge relating to the violation of the boating laws of this state, must be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 7. For the purpose of incorporating the amendment made by this act to section 705.103, Florida Statutes, in a reference thereto, subsection (1) of section 379.338, Florida Statutes, is reenacted to read:

379.338 Confiscation and disposition of illegally taken wildlife, freshwater fish, and saltwater fish.—

(1) All wildlife, freshwater fish, and saltwater fish seized under the authority of this chapter, any other chapter, or rules of the commission shall, upon conviction of the offender or sooner in accordance with a court order if the court

18-00753-24

2024682__

so orders, be forfeited to the investigating law enforcement agency. The law enforcement agency may elect to retain the wildlife, freshwater fish, or saltwater fish for the agency's official use; transfer it to another unit of state or local government for official use; donate it to a charitable organization; sell it at a public sale pursuant to s. 705.103; or destroy the wildlife, freshwater fish, or saltwater fish if none of the other options is practicable or if the wildlife, freshwater fish, or saltwater fish is unwholesome or otherwise not of appreciable value. All illegally possessed live wildlife, freshwater fish, and saltwater fish that are properly documented as evidence as provided in s. 379.3381 may be returned to the habitat unharmed. Any unclaimed wildlife, freshwater fish, or saltwater fish shall be retained by the investigating law enforcement agency and disposed of in accordance with this subsection.

Section 8. For the purpose of incorporating the amendment made by this act to section 705.103, Florida Statutes, in references thereto, subsection (1) of section 705.104, Florida Statutes, is reenacted to read:

705.104 Title to lost or abandoned property.—

(1) Title to lost or abandoned property is hereby vested in the finder upon the expiration of the 90-day custodial time period specified in s. 705.103(2)(b), provided the notice requirements of s. 705.103 have been met, unless the rightful owner or a lienholder claims the property within that time.

Section 9. For the purpose of incorporating the amendment made by this act to section 705.103, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section

18-00753-24

2024682__

705.105, Florida Statutes, is reenacted to read:

705.105 Procedure regarding unclaimed evidence.—

(1) Title to unclaimed evidence or unclaimed tangible personal property lawfully seized pursuant to a lawful investigation in the custody of the court or clerk of the court from a criminal proceeding or seized as evidence by and in the custody of a law enforcement agency shall vest permanently in the law enforcement agency 60 days after the conclusion of the proceeding.

(a) If the property is of appreciable value, the agency may elect to:

1. Retain the property for the agency's own use;
2. Transfer the property to another unit of state or local government;
3. Donate the property to a charitable organization;
4. Sell the property at public sale, pursuant to the provisions of s. 705.103.

Section 10. For the purpose of incorporating the amendment made by this act to section 705.103, Florida Statutes, in a reference thereto, subsection (8) of section 713.585, Florida Statutes, is reenacted to read:

713.585 Enforcement of lien by sale of motor vehicle.—A person claiming a lien under s. 713.58 for performing labor or services on a motor vehicle may enforce such lien by sale of the vehicle in accordance with the following procedures:

(8) A vehicle subject to lien enforcement pursuant to this section must be sold by the lienor at public sale. Immediately upon the sale of the vehicle and payment in cash of the purchase price, the lienor shall deposit with the clerk of the circuit

18-00753-24

2024682__

court the proceeds of the sale less the amount claimed by the lienor for work done and storage, if any, and all reasonable costs and expenses incurred in conducting the sale, including any attorney's fees and costs ordered by the court. Simultaneously with depositing the proceeds of sale remaining after payment to the lienor, the lienor shall file with the clerk a verified report of the sale stating a description of the vehicle sold, including the vehicle identification number; the name and address of the purchaser; the date of the sale; and the selling price. The report shall also itemize the amount retained by the lienor pursuant to this section and shall indicate whether a hearing was demanded and held. All proceeds held by the court shall be held for the benefit of the owner of the vehicle or any lienholder whose lien is discharged by the sale and shall be disbursed only upon order of the court. Unless a proceeding is initiated to validate a claim to such proceeds within 1 year and a day from the date of the sale, the proceeds shall be deemed abandoned property and disposition thereof shall be governed by s. 705.103. The clerk shall receive 5 percent of the proceeds deposited with her or him, not to exceed \$25, for her or his services under this section.

Section 11. For the purpose of incorporating the amendment made by this act to section 705.103, Florida Statutes, in a reference thereto, paragraph (d) of subsection (2) of section 823.11, Florida Statutes, is reenacted to read:

823.11 Derelict vessels; relocation or removal; penalty.—

(2)

(d) Notwithstanding the additional 45 days provided in subparagraph (b)2.b. during which an owner or a responsible

18-00753-24

2024682__

party may not be charged for a violation of this section, the
commission, an officer of the commission, a law enforcement
agency or officer specified in s. 327.70, or, during a state of
emergency declared by the Governor, the Division of Emergency
Management or its designee, may immediately begin the process
set forth in s. 705.103(2)(a) and, once that process has been
completed and the 45 days provided herein have passed, any
vessel that has not been removed or repaired such that it is no
longer derelict upon the waters of this state may be removed and
destroyed as provided therein.

Section 12. This act shall take effect July 1, 2024.



2024 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Fish and Wildlife Conservation Commission

BILL INFORMATION

BILL NUMBER:	<u>Senate Bill 682</u>
BILL TITLE:	<u>Lost or Abandoned Property</u>
BILL SPONSOR:	<u>Senator Martin</u>
EFFECTIVE DATE:	<u>July 1st, 2024</u>

COMMITTEES OF REFERENCE

1) Environment and Natural Resources
2) Criminal Justice
3) Rules
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

Environment and Natural Resources

SIMILAR BILLS

BILL NUMBER:	HB 487
SPONSOR:	Representative Chaney

PREVIOUS LEGISLATION

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

IDENTICAL BILLS

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

Is this bill part of an agency package?

Yes

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	12.13.23
LEAD AGENCY ANALYST:	Tammy Sapp
ADDITIONAL ANALYST(S):	Captain Rachel Bryant
LEGAL ANALYST:	Mary Atkins
FISCAL ANALYST:	Clay White

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Current law does not allow a sticker notice to be posted upon a derelict or public nuisance vessel on state waters until after a reasonable effort has been made to determine the name and address of the vessel owner as well as mailing the owner notice that the vessel has been determined to be derelict or a public nuisance. This requirement to mail the notice before posting the sticker on the vessel requires officers to make multiple trips to the derelict or public nuisance vessel.

The bill authorizes law enforcement officers to post the sticker notice on a vessel immediately upon the determination of the vessel being derelict or a public nuisance.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Pursuant to section 823.11(1), *Florida Statutes*, a derelict vessel is defined as one that is wrecked, junked, or in substantially dismantled condition upon any waters of this state. A vessel is “wrecked” if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire. A vessel is “junked” if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. And finally, a vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken: (1) the steering system; (2) the propulsion system; or (3) the exterior hull integrity.

An officer of the Florida Fish and Wildlife Conservation Commission (FWC) or of a law enforcement agency may determine that a vessel is at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater.
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time.
- The vessel has broken loose or is in danger of breaking loose from its anchor.
- The vessel is listing due to water intrusion.
- The vessel does not have an effective means of propulsion.
- The vessel is tied to an unlawful or unpermitted structure or mooring.

A vessel that is the subject of three or more at-risk violations within an 18-month period which result in dispositions other than acquittal or dismissal is declared to be a public nuisance. FWC, an officer of FWC, or a law enforcement agency may relocate, remove, or cause to be relocated or removed such public nuisance vessels from waters of the state.

Currently, s. 705.103(2)(a)2., F.S., requires a sticker notice to be posted upon a derelict or public nuisance vessel on state waters after both determining the name and address of the owner, as well as mailing notice to the vessel owner. The mailed notice serves to inform the owner that his/her vessel has been determined to be derelict or a public nuisance and of his/her right to request an administrative hearing to dispute the derelict or public nuisance determination. Because the officer is required to mail the copy notice *before* posting the sticker notice on the actual vessel, law enforcement is often required to make multiple trips to the derelict or public nuisance vessel in order to post the sticker notice.

2. EFFECT OF THE BILL:

The bill authorizes law enforcement officers to post the sticker notice immediately upon the determination of a vessel being derelict or a public nuisance. The bill does not impact the requirement that law enforcement provide a mailed copy of the notice to the owner and interested parties. The bill does not impact the rights of vessel owners to dispute the derelict or public nuisance determination by requesting a hearing, nor does it impact the vessel owner’s timeframe in which to do so.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☐ N ☒

If yes, explain:	Click or tap here to enter text.
Is the change consistent with the agency’s core mission?	Y ☒ N ☐

Rule(s) impacted (provide references to F.A.C., etc.):	Click or tap here to enter text.
--	----------------------------------

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown.
Opponents and summary of position:	Unknown.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☒

If yes, provide a description:	Click or tap here to enter text.	
Date Due:	Click or tap here to enter text.	
Bill Section Number(s):	Click or tap here to enter text.	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	Click or tap here to enter text.
Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS**1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?**Y ☒ N ☐

Revenues:	None
Expenditures:	The bill may have a positive fiscal impact on local governments by reducing the number of required trips by law enforcement to the derelict or public nuisance vessel.
Does the legislation increase local taxes or fees? If yes, explain.	No.
If yes, does the legislation provide for a local referendum or local governing body public vote	Click or tap here to enter text.

prior to implementation of the tax or fee increase?	
---	--

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☒ N ☐

Revenues:	None
Expenditures:	The bill may have a positive fiscal impact on FWC by reducing the number of required trips by law enforcement to the derelict or public nuisance vessel.
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	Click or tap here to enter text.

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Click or tap here to enter text.
Other:	Click or tap here to enter text.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y ☐ N ☒

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	Click or tap here to enter text.
--	----------------------------------

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.	Click or tap here to enter text.	
--	----------------------------------	--

ADDITIONAL COMMENTS

The bill streamlines the notice requirements and thereby alleviates officer work-load related to derelict and public nuisance determinations without impacting the rights afforded to vessel owners or the timeframe in which to exercise those rights.

LEGAL - GENERAL COUNSEL’S OFFICE REVIEW

Issues/concerns/comments:	
---------------------------	--

The Florida Senate

APPEARANCE RECORD

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

SB 682

Bill Number or Topic

1/10/24

Meeting Date

ENR

Committee

Amendment Barcode (if applicable)

Name

Jess Melkun

Phone

850-363-9072

Address

Street

Email

jessica.melkun@myfwc.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:

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)

2405

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Angus G. Andrews, Jr.

is duly appointed a member of the

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

for a term beginning on the Twenty-Fifth day of August, A.D.,
2023, until the First day of March, A.D., 2027 and is subject to
be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Thirteenth day of October, A.D., 2023.*



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED

2023 AUG 29 AM 9:13

DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 25, 2023

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

Dear Secretary Byrd:

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

Mr. Angus "Gus" Andrews
P.O. Box 405
DeFuniak Springs, Florida 32435

as a member of the Northwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective August 25, 2023, for a term ending March 1, 2027.

Sincerely,

A handwritten signature of Ron DeSantis in black ink, consisting of a stylized 'R' followed by a cursive 'D' and 'S'.

Ron DeSantis
Governor

RD/es

DIVISION OF ELECTIONS
TALLAHASSEE, FL

(Art. II, § 5(b), Fla. Const.)

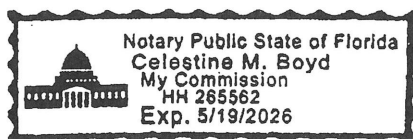
County of Walton

(Full Name of Office – Abbreviations Not Accepted)

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

Signature ~~Angela M. Anderson~~

Sworn to and subscribed before me by means of X physical presence
Or online notarization this 4 day of October 2023.



Celestine M. Boyd
Signature of Officer Administering Oath or of Notary Public
Celestine M. Boyd
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ *or Produced Identification* ☐

Type of Identification Produced _____

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

Mailing Address: Home ☐ Office ☒

Angus G. Andrews Jr.

Print Name _____

Print Name _____
Signature _____

City, State, Zip Code

Signature

2405

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

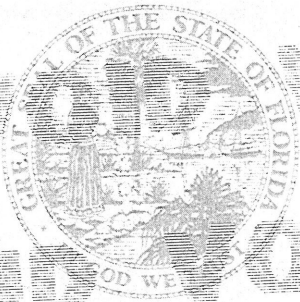
I, Cord Byrd, Secretary of State,
do hereby certify that

John W. Alter

is duly appointed a member of the

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

for a term beginning on the Twenty-Fifth day of August, A.D.,
2023, until the First day of March, A.D., 2027 and is subject to
be confirmed by the Senate during the next regular session of
the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eleventh day of October, A.D., 2023.*

Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED

2023 AUG 29 AM 9:13

DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 25, 2023

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

Dear Secretary Byrd:

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

Mr. John Alter
5246 Highway 71
Malone, Florida 32445

as a member of the Northwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective August 25, 2023, for a term ending March 1, 2027.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/es

(Art. II, § 5(b), Fla. Const.)

County of Jackson

Northwest Florida Water Management District Governing Board - Basin 4

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

Sworn to and subscribed before me by means of X physical presence

Or online notarization this 12th day of September, 2023.

Signature of Officer Administering Oath or of Notary Public

in Manassas, FL, Jackson
Print, Type, or Stamp Commissioned Name of Notary Public



Type of Identification Produced _____

Mailing Address: Home ☒ Office ☐

5246 Highway 71

Malone, FL 32445

City, State, Zip Code

John W. Alter

Print Name _____

Signature

2420

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

I, Cord Byrd, Secretary of State,
do hereby certify that

J. Chris Peterson

is duly appointed a member of the

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

for a term beginning on the Twenty-Fifth day of August, A.D.,
2023, until the First day of March, A.D., 2027 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Fourteenth day of November, A.D., 2023.*

Secretary of State

DSDE 99 (3/03)

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

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

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



RON DeSANTIS
GOVERNOR

RECEIVED

2023 AUG 29 AM 9:14

DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 25, 2023

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

Dear Secretary Byrd:

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

Mr. Jon "Chris" Peterson
2150 Via Tuscany
Winter Park, Florida 32789

as a member of the St. Johns River Water Management District, subject to confirmation by the Senate. This appointment is effective August 25, 2023, for a term ending March 1, 2027.

Sincerely,

A handwritten signature of Ron DeSantis in black ink, consisting of a stylized 'R' followed by a cursive 'D' and 'S'.

Ron DeSantis
Governor

RD/es

(Art. II. § 5(b), Fla. Const.)

DIVISION OF ELECTIONS
TALLAHASSEE, FL

County of Brevard

Governing Board - Saint Johns River Water Management District
(Full Name of Office – Abbreviations Not Accepted)

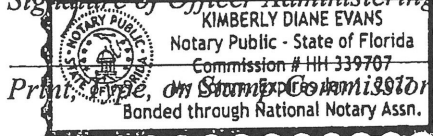
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me by means of X physical presence

Or online notarization this 8th day of November, 2023.

Signature of Officer Administering Oath or of Notary Public



Printed Name of Notary Public

Personally Known ☒ *or Produced Identification* ☐

Type of Identification Produced _____

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

Mailing Address: Home ☒

Office

2150 Via Tuscany

J. Chris Peterson

Street or Post Office Box

Print Name

Winter Park, FL 32789

City, State, Zip Code

Signature _____

2460

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Kelly Rice

is duly appointed a member of the

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

for a term beginning on the Fourth day of August, A.D., 2023,
until the First day of March, A.D., 2027 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Third day of October, A.D., 2023.*



Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2023 AUG 10 PM 12:02
DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 4, 2023

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

Dear Secretary Byrd:

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

Mr. Kelly Rice
1034 West County Road 48
Bushnell, Florida 33513

as a member of the Southwest Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective August 4, 2023, for a term ending March 1, 2027.

Sincerely,

A handwritten signature of Ron DeSantis in black ink.

Ron DeSantis
Governor

RD/na

RECEIVED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2023 AUG 23 AM 10:35

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Hernando

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

Governing Board Member of the Southwest Florida Water Management District
(Name of Office)

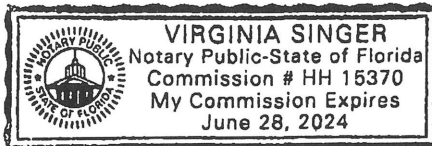
on which I am now about to enter, so help me God.

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

[Signature]
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence
Or ☐ online notarization this 22 day of August, 2023.



Virginia Singer
Signature of Officer Administering Oath or of Notary Public

Virginia Singer
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

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

Mailing Address: Home ☐

Office ☒

1034 West County Road 48

Kelly Rice

Street or Post Office Box

Print Name

Bushnell, FL 33513

City, State, Zip Code

[Signature]
Signature

2460

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Nancy H. Watkins

is duly appointed a member of the
**Governing Board,
Southwest Florida Water Management
District**

for a term beginning on the Fourth day of August, A.D., 2023,
until the First day of March, A.D., 2025 and is subject to be
confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Third day of October, A.D., 2023.*

A handwritten signature in black ink, appearing to read "C. Byrd".

Secretary of State

DSDE 99 (3/03)

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

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

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



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2023 AUG 10 PM 12:02
DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 4, 2023

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

Dear Secretary Byrd:

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

Ms. Nancy Watkins
610 South Boulevard
Tampa, Florida 33606

as a member of the Southwest Florida Water Management District Governing Board, filling a vacant seat previously occupied by Rebecca Smith, subject to confirmation by the Senate. This appointment is effective August 4, 2023, for a term ending March 1, 2025.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/na

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

2023 AUG 23 AM 10:35

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Hernando

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

Governing Board Member of the Southwest Florida Water Management District
(Name of Office)

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

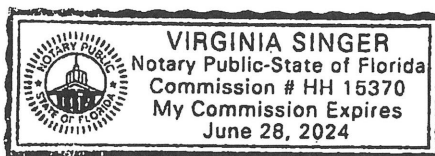
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence

Or ☐ online notarization this 22 day of August, 2023



Virginia Singer
Signature of Officer Administering Oath or of Notary Public
Virginia Singer

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

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

Mailing Address: Home ☐ Office ☒

S. BOULEVARD
610 South Blvd STE 100

Street or Post Office Box

Tampa FL 33606

City, State, Zip Code

Nancy H. Watkins

Print Name

[Signature]
Signature

2555

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

William J. Lloyd

is duly appointed a member of the

**Governing Board,
Suwannee River Water Management District**

for a term beginning on the Twenty-Fifth day of August, A.D.,
2023, until the First day of March, A.D., 2027 and is subject to
be confirmed by the Senate during the next regular session of
the Legislature.

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Third day of October, A.D., 2023.



[Signature]
Secretary of State

DSDE 99 (3/03)



RON DeSANTIS
GOVERNOR

RECEIVED

2023 AUG 29 AM 9:13

DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 25, 2023

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

Dear Secretary Byrd:

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

Mr. William Lloyd
25108 Northwest 68th Lane
High Springs, Florida 32643

as a member of the Suwannee River Water Management District, subject to confirmation by the Senate. This appointment is effective August 25, 2023, for a term ending March 1, 2027.

Sincerely,

A handwritten signature of Ron DeSantis in black ink.

Ron DeSantis
Governor

RD/es

RECEIVED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2023 SEP 28 AM 8:04

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Suwannee

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

Suwannee River Water Management District Governing Board Member

(Full Name of Office – Abbreviations Not Accepted)

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

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

William J Lloyd
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ✓ physical presence
Or online notarization this 25 day of Sept, 2023.



Robin R. Lamm
Notary Public
State of Florida
Comm# HH125486
Expires 8/28/2025

Robin R. Lamm
Signature of Officer Administering Oath or of Notary Public

Robin R. Lamm

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced N/A

ACCEPTANCE

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

Mailing Address: Home ☒

Office ☐

25108 NW 68th Lane

Street or Post Office Box

High Springs, FL 32643

City, State, Zip Code

William J. Lloyd

Print Name

William J Lloyd
Signature

2555

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Richard W. Schwab

is duly appointed a member of the

**Governing Board,
Suwannee River Water Management District**

for a term beginning on the Twenty-Fifth day of August, A.D.,
2023, until the First day of March, A.D., 2027 and is subject to
be confirmed by the Senate during the next regular session of
the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Third day of October, A.D., 2023.*



[Signature]
Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED

2023 AUG 29 AM 9:13

DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 25, 2023

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

Dear Secretary Byrd:

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

Mr. Richard Schwab
200 Cheryl Drive
Perry, Florida 32347

as a member of the Suwannee River Water Management District, subject to confirmation by the Senate. This appointment is effective August 25, 2023, for a term ending March 1, 2027.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/es

RECEIVED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2023 SEP 28 AM 8:05

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Suwannee

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

Suwannee River Water Management District Governing Board Member

(Full Name of Office – Abbreviations Not Accepted)

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

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

[Signature]
Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ☒ physical presence
Or ☐ online notarization this 12 day of Sept., 2023.

Robin R. Lamm

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

Robin R. Lamm
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ or Produced Identification ☐

Type of Identification Produced N/A



Robin R. Lamm
Notary Public
State of Florida
Comm# HH125486
Expires 8/28/2025

ACCEPTANCE

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

Mailing Address: Home ☒ Office ☐

200 Cheryl Drive

Street or Post Office Box

Perry, FL 32347

City, State, Zip Code

Richard W. Schwab

[Signature]
Print Name

[Signature]
Signature

CourtSmart Tag Report

Room: SB 301
Caption: Senate Committee on Environment and Natural Resources

Type:
Judge:

Started: 1/10/2024 10:31:09 AM
Ends: 1/10/2024 12:23:06 PM **Length:** 01:51:58

10:31:09 AM
10:31:12 AM Meeting called to order by Chair Rodriguez
10:31:20 AM Roll Call
10:31:46 AM Pledge of Allegiance
10:32:10 AM Quorum is present
10:32:17 AM Tab 1 SB 452 by Burton, Land Acquisition Trust Fund
10:32:51 AM Senator Burton recognized to explain bill
10:33:41 AM Public Testimony recognized
10:33:59 AM Public Appearance from David Cullen, Sierra Club Florida
10:34:51 AM Senator Burton recognized to waive close on bill
10:35:00 AM Comments from Senator Burton
10:35:08 AM Roll call on SB 452
10:35:19 AM Reported favorably
10:35:29 AM Tab 3 652 by Senator Simon, Taking of Bears
10:36:02 AM Senator Polsky recognized for question
10:36:29 AM Senator Simon recognized for answer
10:37:37 AM Senator Polsky recognized for follow up
10:37:46 AM Senator Simon recognized for answer
10:38:33 AM Senator Polsky recognized for question
10:38:44 AM Senator Simon recognized for answer
10:38:57 AM Senator Polsky recognized for question
10:39:06 AM Senator Simon recognized for answer
10:39:47 AM Senator Polsky recognized for question
10:39:59 AM Answer from Senator Simon
10:40:07 AM Senator Polsky recognized for question
10:40:18 AM Answer from Senator Simon
10:40:46 AM Senator Polsky recognized for question
10:40:56 AM Senator Simon recognized for answer
10:41:32 AM Public Testimony from Dana J.
10:42:12 AM Public Testimony from Lesley Blackner
10:44:57 AM Senator Martin recognized for question
10:45:23 AM Answer from Lesley Blackner
10:46:37 AM Public Testimony from AJ Tony Smith, Sherriff of Franklin County
10:48:48 AM Senator Martin recognized for question
10:49:10 AM Answer from AJ Tony Smith
10:50:10 AM Senator Martin recognized for follow up
10:50:34 AM Answer from AJ Tony Smith
10:51:06 AM Senator Polsky recognized for question
10:51:18 AM Answer from AJ Tony Smith
10:51:57 AM Senator Polsky recognized for follow up
10:52:05 AM Answer from AJ Tony Smith
10:52:11 AM Senator Polsky recognized for follow up
10:52:21 AM Answer from AJ Tony Smith
10:52:40 AM Senator Polsky recognized for follow up
10:52:53 AM Answer from AJ Tony Smith
10:52:59 AM Public Testimony from Katrina Shadix, Bear Warriors United
10:55:50 AM Public Testimony from Travis Moore, Animal Legal Defense Fund and Defenders of Wildlife
10:57:37 AM Public Testimony from Joseph Humphreys
11:01:28 AM Public Testimony from Chris Doolin
11:04:54 AM Public Testimony from Kate MacFall, Humane Society of the United States
11:06:58 AM Public Testimony from Lane Stephens
11:09:40 AM Senator Polsky recognized for question

11:09:49 AM Answer from Lane Stephens
11:11:08 AM Senator Polsky recognized for follow up
11:11:20 AM Answer from Lane Stephens
11:11:46 AM Public Testimony from David Cullen, Sierra Club Florida
11:13:14 AM Public Testimony from Dusty Arnold
11:14:04 AM Public Testimony from Buddy Money, Sherriff of Liberty County
11:16:30 AM Public Testimony from Libby Lavette
11:19:34 AM Senator Polsky recognized for debate
11:22:48 AM Senator Martin recognized for debate
11:28:31 AM Senator Stewart recognized for debate
11:30:19 AM Senator Rodriguez for debate
11:30:56 AM Senator Simon is recognized to waive close
11:32:22 AM Roll call on SB 632
11:32:34 AM SB 632 reported favorably
11:32:41 AM Tab 2 602 by Senator DiCeglie
11:33:03 AM Amendment Barcode: 138976
11:33:35 AM Senator DiCeglie recognized to close on the amendment
11:33:43 AM Back on the bill as amended
11:33:57 AM Public Testimony recognized
11:34:37 AM Senator DiCeglie waives close
11:34:45 AM Roll call
11:34:51 AM CS/SB 602 reported favorably
11:35:04 AM Tab 4 SB 738 by Senator Burgess
11:35:16 AM Senator Burgess recognized to explain bill
11:36:30 AM Senator Polsky recognized for question
11:37:07 AM Senator Burgess recognized for answer
11:37:16 AM Follow up from Senator Polsky
11:37:30 AM Answer from Senator Burgess
11:38:13 AM Follow up from Senator Polsky
11:38:26 AM Answer from Burgess, recognized for back and forth disscussion
11:44:12 AM Senator Stewart recognized for question
11:44:22 AM Senator Burgess recognized for answer
11:45:15 AM Senator Stewart recognized for question
11:45:46 AM Senator Burgess recognized for answer
11:46:40 AM Senator Stewart recognized for question
11:46:49 AM Senator Burgess recognized for answer
11:46:57 AM Amendment barcode: 420388 by Senator Burgess
11:47:01 AM Senator Burgess recognized to explain the amendment
11:47:41 AM Senator Burgess waives close
11:47:51 AM Amendment is favorable
11:47:57 AM Take up amendment barcode 946734 by Senator Polsky
11:48:00 AM Senator Polsky recognized to explain the amendment
11:50:40 AM Public Testimony from Ryan Smart, Florida Springs Council
11:53:40 AM Public Testimony from David Cullen, Sierra Club Florida
11:54:52 AM Public Testimony from Kim Dinkins, 1000 Friends of Florida, waiving in support
11:55:04 AM Senator Burgess recognized to respond
11:56:31 AM Senator Polsky recognized to close on amendment
11:57:43 AM Voice vote on amendment
11:57:50 AM Amendment fails
11:58:00 AM Authorized by Senate President to extend until 12:30pm
11:58:10 AM Public Testimony from Ryan Smart, Florida Springs Council
12:00:13 PM Public Testimony from Adam Basford, Associated Industries of Florida
12:00:44 PM Public Testimony from David Cullen, Sierra Club of Florida
12:02:01 PM Public Testimony from Kim Dinkins, 1000 Friends of Florida
12:03:57 PM Public Testimony from Dr. Christy Crandall, Hold The Line Coalition
12:07:07 PM Public Testimony recognized
12:07:18 PM Public Testimony from Katrina Shadix, Bear Warriors United
12:09:22 PM Public Testimony recognized
12:09:44 PM Senator Polsky recognized for debate on the bill as amended
12:11:23 PM Senator Wright is recognized for debate
12:13:15 PM Senator Burgess recognized to close on the bill as amended
12:15:05 PM Roll Call CS/SB 738 and reported favorably

12:15:20 PM Tab 8 SB 682 by Senator Martin
12:15:29 PM Senator Martin recognized to explain the bill
12:16:08 PM Public testimony recognized
12:16:17 PM Senator Wright recognized for debate
12:16:31 PM Senator Martin recognized to close
12:16:38 PM Roll Call SB 682
12:16:46 PM Reported favorably
12:16:50 PM Tabs 9-15
12:17:04 PM Senate Confirmations for tabs 9-15
12:17:33 PM Senator Mayfield moves to recommend confirmation
12:17:42 PM Roll Call
12:17:50 PM Confirmation of appointees recommended favorably
12:18:00 PM Tab 5 SB 406 by Chair Rodriguez
12:18:11 PM Passed the gavel to Senator Harrell
12:18:15 PM Rodriguez recognized to explain the bill
12:18:48 PM Rodriguez recognized to waive close
12:18:55 PM Roll Call
12:18:58 PM SB 406 reported favorably
12:19:04 PM Tab 6 SB 566 by Senator Rodriguez
12:19:11 PM Senator Rodriguez recognized to explain the bill
12:19:41 PM Public testimony recognized
12:19:51 PM Public Testimony from David Cullen, Sierra Club Florida
12:20:17 PM Rodriguez recognized to waive close
12:20:28 PM Roll Call SB 566
12:20:39 PM Reported favorably
12:20:43 PM Tab 7 SB 650 by Senator Rodriguez
12:21:23 PM Public Testimony Recognized
12:21:53 PM Senator Rodriguez recognized to close
12:21:59 PM Roll Call SB 650
12:22:05 PM Reported favorably
12:22:16 PM Gavel passed back to Senator Rodriguez
12:22:26 PM Motion by Senator Harrell and Senator Stewart to vote yea on SB 452
12:22:40 PM Senator Mayfield moves to adjourn
12:22:52 PM Meeting adjourned