

**Tab 1 SB 92 by Book; (Identical to H 00095) C-51 Reservoir Project**

456432	A	S	RCS	EN, Book	Delete L.74 - 158.	01/22 06:11 PM
499450	T	S	WD	EN, Book	In title, delete L.17 -	01/22 06:11 PM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**ENVIRONMENT AND NATURAL RESOURCES**

Senator Montford, Chair  
 Senator Albritton, Vice Chair

**MEETING DATE:** Tuesday, January 22, 2019

**TIME:** 4:30—6:00 p.m.

**PLACE:** *Mallory Horne Committee Room, 37 Senate Building*

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 92</b> Book (Identical H 95)	C-51 Reservoir Project; Revising the portions of the C-51 reservoir project for which the South Florida Water Management District may negotiate; revising water storage and use requirements specified for the project if state funds are appropriated for the project; specifying that Phase II of the project may be funded by appropriation, in addition to other sources; clarifying the projects for which distributions from the Land Acquisition Trust Fund remaining in any fiscal year may be made available, etc.  EN      01/22/2019 Fav/CS AEG AP	Fav/CS Yea 5 Nays 0
2	Update on the implementation of the Florida Springs and Aquifer Protection Act		Presented

**Workshop** - Discussion and testimony only on the following (no vote to be taken):

3	Citizen Support Organizations for the Department of Environmental Protection and the Fish and Wildlife Conservation Commission	Presented
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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.)

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

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BILL: CS/SB 92

INTRODUCER: Environment and Natural Resources Committee and Senator Book

SUBJECT: C-51 Reservoir Project

DATE: January 22, 2019

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Schreiber	Rogers	EN	<u>Fav/CS</u>
2.		AEG	
3.		AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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## I. Summary:

CS/SB 92 revises provisions relating to the C-51 reservoir project, a water storage facility located in western Palm Beach County. The following provisions, currently applicable only to Phase II of the C-51 project, are extended to apply to the entire project. The revisions authorize the South Florida Water Management District (SFWMD) to:

- Acquire any portion of the C-51 reservoir project not already committed to utilities for alternative water supply purposes; and
- Acquire land near the C-51 reservoir as necessary to implement any part of the project.

Additionally, the bill:

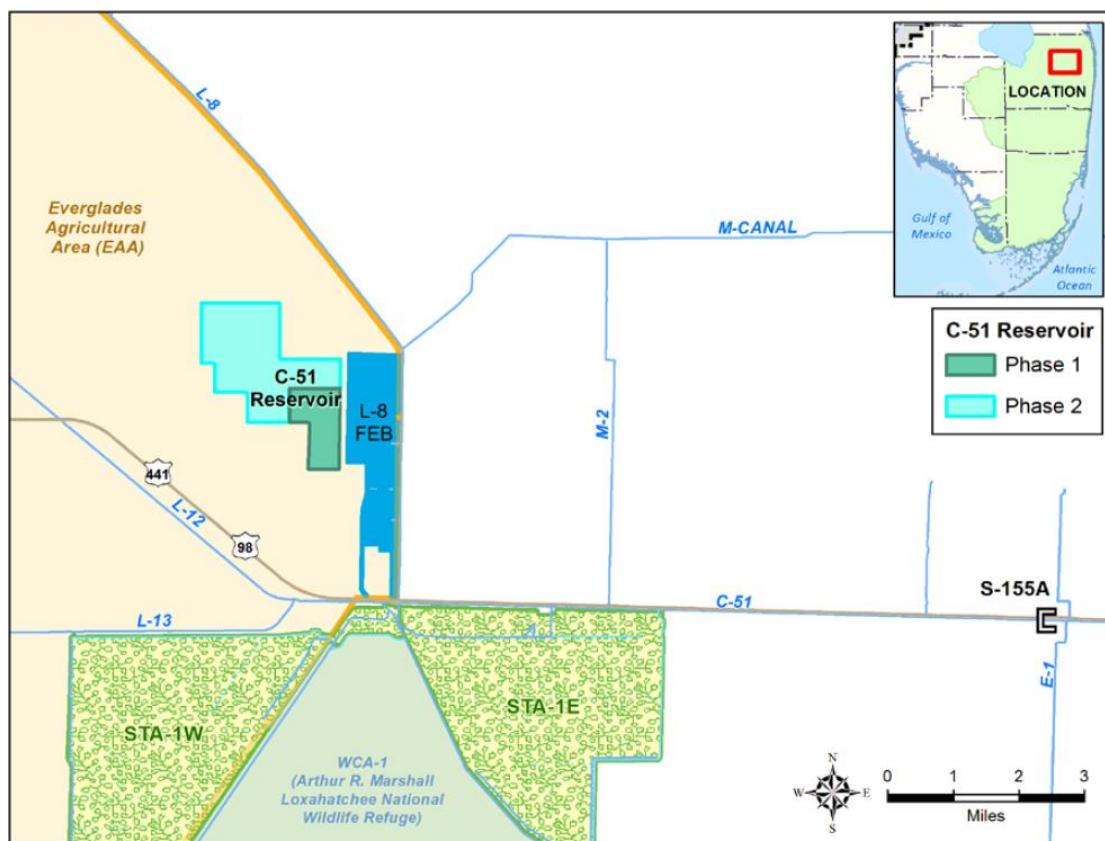
- Requires the operation of Phase I of the reservoir project to be in accordance with any operation and maintenance agreement adopted by SFWMD;
- Requires that water made available by the reservoir project be used for natural systems in addition to any permitted, rather than allocated, amounts for water supply;
- Authorizes using water from the reservoir project received from Lake Okeechobee to support consumptive use permits if such use is in accordance with SFWMD rules;
- Authorizes SFWMD to enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility and request the Department of Environmental Protection (DEP) to waive repayment of all or a portion of the loan issued through the water storage facility revolving loan fund to the water supply entity (up to \$30 million); and

- Clarifies that SFWMD is not responsible for repaying any portion of a loan that is waived pursuant to this bill.

## II. Present Situation:

### C-51 Reservoir Project

The C-51 reservoir project is a proposed water storage facility located in western Palm Beach County, on lands that are currently a rock mine owned by Palm Beach Aggregates, LLC (PBA). The project consists of in-ground reservoirs and conveyance structures that will provide water supply and water management benefits to participating water supply utilities, while also providing environmental benefits by reducing freshwater discharges to tide and making water available for natural systems.<sup>1</sup> The project currently exists in two phases: Phase I, for which the mining operation is complete, and a consumptive use permit and an environmental resource permit have been issued; and Phase II, which is still in the conceptual stages.<sup>2</sup>



<sup>1</sup> Section 373.4598(9)(a), F.S.; See Palm Beach County, *Lake Worth Lagoon Management Plan Revision*, 68 (2008), available at <http://www.lwli.org/pdfs/LWLMP.pdf> (last visited Jan. 16, 2019). Discharges from the C-51 Canal into the Lake Worth Lagoon account for approximately 50 percent of the freshwater inflows into the lagoon.

<sup>2</sup> South Florida Water Management District, *Alternative Water Supply Pilot Project Designation Request – C-51 Reservoir Phase 1, 1–2*, available at <https://www.sfwmd.gov/sites/default/files/documents/C-51%20Reservoir%20Ph%201.pdf> (last visited Jan. 16, 2019); South Florida Water Management District, *Lower East Coast Water Supply Plan Update, Planning Document*, 188–190 (2018), available at [https://www.sfwmd.gov/sites/default/files/documents/2018\\_lec\\_plan\\_planning\\_doc.pdf](https://www.sfwmd.gov/sites/default/files/documents/2018_lec_plan_planning_doc.pdf) (last visited Jan. 16, 2019).

Phase I of the project will provide approximately 14,000 acre-feet of water storage and will be connected hydraulically to the adjacent L-8 Flow Equalization Basin, which is part of SFWMD's regional system for conveying and managing water.<sup>3</sup> SFWMD has designated Phase I as a pilot alternative water supply project, and the project is located in the Lower East Coast Regional Planning Area, in a restricted allocation area.<sup>4</sup> Water from Phase I will be conveyed via coordinated operation of canal systems to individual utility wellfields to provide direct aquifer recharge.<sup>5</sup> Phase I will capture and store excess stormwater runoff, and reduce freshwater discharges from the C-51 Canal into the Lake Worth Lagoon on the east coast, while increasing available water supply for consumptive uses.<sup>6</sup> The project will provide 35 million gallons of water per day (mgd) for public water supply.<sup>7</sup> The estimated cost of constructing the project is approximately \$161 million.<sup>8</sup> Once funding is secured, the project can be delivered within 24 months.<sup>9</sup>

In February of 2017, SFWMD entered into an Operation and Maintenance Agreement with PBA for Phase I of the C-51 reservoir project.<sup>10</sup> Under the agreement, PBA is responsible for construction of Phase I of the C-51 reservoir project. Since Phase I is dependent on SFWMD's regional system, SFWMD agreed to operate, maintain, repair, replace, and rehabilitate the project. SFWMD must be compensated for these services.<sup>11</sup> When PBA has completed the Phase I project, PBA will transfer ownership of the project to C-51 Reservoir, Inc. (C-51 NFP), a Florida not-for-profit corporation.<sup>12</sup> C-51 NFP will be governed by the water supply utilities and other water users who have contracted for capacity in the Phase I project.<sup>13</sup>

Phase II of the C-51 reservoir project is located immediately west of Phase I. Phase II could potentially provide a total of 46,000 acre-feet of water storage and is estimated to cost a total of approximately \$286 million.<sup>14</sup> Potential uses for Phase II are still being considered.<sup>15</sup>

<sup>3</sup> Section 373.4598(9)(b), F.S.

<sup>4</sup> Section 373.037, F.S.; Lower East Coast Water Supply Plan Update, *supra* note 2, at 25.

<sup>5</sup> Alternative Water Supply Pilot Project Designation Request – C-51 Reservoir Phase 1, *supra* note 2, at 1; *See* Lower East Coast Water Supply Plan Update, *supra* note 2, at 189. The water from Phase I will be conveyed and managed through coordination between SFWMD, the Lake Worth Drainage District, and/or other local water control districts.

<sup>6</sup> Alternative Water Supply Pilot Project Designation Request – C-51 Reservoir Phase 1, *supra* note 2, at 1.

<sup>7</sup> *Id.*

<sup>8</sup> Lenhart J. Lindahl, P.E., Assistant Executive Director, South Florida Water Management District, Governing Board Meetings, *C-51 Reservoir O&M Agreement*, slide 3 (Feb. 9, 2017), available at <http://my.sfwmd.gov/webapps/publicMeetings/viewFile/10427> (last visited Jan. 16, 2019).

<sup>9</sup> Alternative Water Supply Pilot Project Designation Request – C-51 Reservoir Phase 1, *supra* note 2, at 2.

<sup>10</sup> South Florida Water Management District, Governing Board Monthly Meeting Agenda, *Operation and Maintenance Agreement for Phase 1 of the C-51 Reservoir Project Between the South Florida Water Management District and Palm Beach Aggregates, LLC*, Packet Pg. 77 (2017), available at <https://apps.sfwmd.gov/webapps/publicMeetings/viewFile/10423> (last visited Jan. 16, 2019); South Florida Water Management District, *Governing Board Monthly Meeting Minutes*, 7–8 (February 9, 2017), available at <https://apps.sfwmd.gov/webapps/publicMeetings/viewFile/10485> (last visited Jan. 16, 2019).

<sup>11</sup> Operation and Maintenance Agreement, *supra* note 10, at Packet Pg. 85.

<sup>12</sup> *Id.* at Packet Pg. 80.

<sup>13</sup> *Id.*

<sup>14</sup> Section 373.4598(9)(b), F.S.; Lindahl, *supra* note 8, at slide 3.

<sup>15</sup> *See* Brian J. Accardo, General Counsel, South Florida Water Management District, Governing Board Meetings, Videos, *Constructing the Senate Bill 10 Reservoirs: Opportunities and Challenges in 2019* (Nov. 8, 2018), available at <http://sfwmd.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1878&Format=Agenda> (last visited Jan. 15, 2019). The presentation discussing Phase II of the C-51 reservoir project begins around 1:16:00.

In 2017, the state passed a number of provisions pertaining to the C-51 reservoir in Senate Bill 10.<sup>16</sup> For Phase II of the C-51 reservoir project, SFWMD is authorized to negotiate with the owners of the C-51 reservoir project site for the acquisition of the project or to enter into a public-private partnership.<sup>17</sup> SFWMD is authorized to acquire land near the C-51 reservoir through the purchase or exchange of land that is owned by the district or the state as necessary to implement Phase II of the project.<sup>18</sup> The state and SFWMD are authorized to consider potential swaps of land that is owned by the state or SFWMD to achieve an optimal combination of water quality and water storage.<sup>19</sup> SFWMD is prohibited from exercising eminent domain for the purpose of implementing the C-51 reservoir project.<sup>20</sup>

If state funds are appropriated for Phase I or Phase II of the C-51 reservoir project, state law requires that:

- SFWMD must operate the reservoir to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries in addition to providing relief to the Lake Worth Lagoon;
- Water made available by the reservoir must be used for natural systems in addition to any allocated amounts for water supply; and
- Any water received from Lake Okeechobee may not be made available to support consumptive use permits.<sup>21</sup>

Phase I of the C-51 reservoir project is authorized to be funded through specific appropriation or through the water storage facility revolving loan fund, as provided in s. 373.475, F.S.<sup>22</sup> Phase II of the C-51 reservoir project is authorized to be funded using Florida Forever bonds, pursuant to the water storage revolving loan fund, as a project component of the Comprehensive Everglades Restoration Program, or pursuant to s. 375.041(3)(b)4., F.S.<sup>23</sup>

In 2017, the state authorized a \$30 million loan to implement Phase I of the C-51 reservoir project.<sup>24</sup> The loan would be administered through the water storage facility revolving loan fund, which allows DEP to provide funding assistance to local governments or water supply entities for the development and construction of water storage facilities.<sup>25</sup> The loan is to be repaid from the proceeds of the sale of unreserved capacity in the water storage facility, or other appropriate payment, at time of receipt. The loan is required to have a 30-year term, may be prepaid at any time, and accrues interest until repayment. The loan is secured by a first mortgage lien on the water storage facility and a collateral assignment of unreserved capacity as adequate security for the loan. The loan does not reserve for use by the state or SFWMD any capacity authorized pursuant to the consumptive use permit for Phase I of the C-51 reservoir.<sup>26</sup>

<sup>16</sup> Chapter 2017-10, s. 3, Laws of Fla.

<sup>17</sup> Section 373.4598(9)(c), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at (d).

<sup>22</sup> *Id.* at (e).

<sup>23</sup> *Id.*

<sup>24</sup> Chapter 2017-10, s. 12, Laws of Fla.

<sup>25</sup> Section 373.475, F.S.

<sup>26</sup> Chapter 2017-10, s. 12, Laws of Fla.

Through capacity allocation agreements between PBA and public water utilities or other water users, participants can contribute a pro rata share of the capital costs, and operating and maintenance costs, in exchange for a contractual allocation of the permitted storage capacity in the Phase I project as an alternative water supply.<sup>27</sup> As of fall 2018, four utilities have entered into capacity allocation agreements with PBA: Broward County, the City of Sunrise, the City of Dania Beach, and the City of Hallandale Beach.<sup>28</sup> These agreements cover a total of 13 mgd of the available 35 mgd in Phase I.<sup>29</sup>

### **Restricted Allocation Areas**

The term “restricted allocation area” is defined as an area within a water supply planning region of SFWMD, the Southwest Florida Water Management District, or the St. Johns River Water Management District where the governing board of the water management district has determined that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for a planning period of at least 20 years, and where the governing board of the water management district has applied allocation restrictions with regard to the use of specific sources of water.<sup>30</sup> Florida law authorizes water management districts to designate and implement alternative water supply projects within restricted allocation areas.<sup>31</sup>

Due to concerns regarding water availability, SFWMD has declared the Lake Okeechobee Service Area a restricted allocation area.<sup>32</sup> Therefore, additional restrictions apply when allocating surface water derived from the Lake Okeechobee Waterbody for consumptive use within the Lake Okeechobee Basin. This rule is a component of the recovery strategy for minimum flows and levels for Lake Okeechobee, as set forth in Chapter 40E-8 of the Florida Administrative Code, to address lower lake management levels and storage under the U.S. Army Corps of Engineers’ Lake Okeechobee Regulation Schedule.<sup>33</sup>

The subsection of SFWMD’s permit applicant’s handbook titled Lower East Coast Regional Water Availability also establishes restricted allocation areas.<sup>34</sup> As a component of the recovery

<sup>27</sup> Broward County, *Agreement for Capacity Allocation in Phase 1 of the C-51 Reservoir*, 2 (2017), available at [http://cragenda.broward.org/docs/2017/CCCM/20170502\\_537/24471\\_2017-04-26%20C-51%20Capacity%20Allocation%20Agreement%20-%20A1%2024471.pdf](http://cragenda.broward.org/docs/2017/CCCM/20170502_537/24471_2017-04-26%20C-51%20Capacity%20Allocation%20Agreement%20-%20A1%2024471.pdf) (last visited Jan. 10, 2019); See Broward County, *County Commission, Meeting Agendas, Meeting of May 2nd, 2017*, [http://cragenda.broward.org/agenda\\_publish.cfm?id=&mt=ALL&get\\_month=5&get\\_year=2017&dsp=ag&seq=535](http://cragenda.broward.org/agenda_publish.cfm?id=&mt=ALL&get_month=5&get_year=2017&dsp=ag&seq=535) (last visited Jan. 16, 2019); See generally City of Hallandale Beach, *Agreement for Capacity Allocation in Phase 1 of the C-51 Reservoir*, (2018), available at [http://apps.sfwmd.gov/entsb/docdownload?object\\_id=0900eeee8aac3958](http://apps.sfwmd.gov/entsb/docdownload?object_id=0900eeee8aac3958) (last visited Jan. 10, 2019).

<sup>28</sup> Lower East Coast Water Supply Plan Update, *supra* note 2, at 189.

<sup>29</sup> *Id.*

<sup>30</sup> Section 373.037(1)(c), F.S.

<sup>31</sup> Section 373.037, F.S.

<sup>32</sup> South Florida Water Management District, *Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District*, 63 (Sept. 7, 2015), available at [https://www.sfwmd.gov/sites/default/files/documents/wu\\_applicants\\_handbook.pdf](https://www.sfwmd.gov/sites/default/files/documents/wu_applicants_handbook.pdf) (last visited Jan. 15, 2019).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 55; Alternative Water Supply Pilot Project Designation Request – C-51 Reservoir Phase 1, *supra* note 2, at 1. The Lower East Coast Regional Water Availability Rule applies to Phase I.

strategy for the minimum flows and levels for the Everglades and the Northwest Fork of the Loxahatchee River, additional restrictions have been adopted for the permitted allocations of water use withdrawals. These restrictions assist in implementing the objective of SFWMD to ensure that water necessary for Everglades restoration and the restoration of the Loxahatchee River Watershed is not allocated for consumptive use upon permit renewal or modification.<sup>35</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 373.4598(9), F.S., to revise the following provisions that are currently restricted to Phase II of the C-51 project to apply to all phases of the project:

- SFWMD may acquire any portion of the C-51 project not already committed to utilities for alternative water supply; and
- SFWMD may acquire land near the C-51 reservoir project to implement any part of the project.

The bill also requires the operation of Phase I to be in accordance with any operation and maintenance agreement adopted by SFWMD. At present, this would require SFWMD to operate the C-51 reservoir project in accordance with the Operation and Maintenance Agreement that SFWMD entered into with PBA in February of 2017. In addition, the existing requirement for the reservoir project to be operated in a way that reduces regulatory releases from Lake Okeechobee is relaxed by clarifying that the C-51 reservoir need only be operated to reduce such regulatory releases to the extent practicable. This gives greater flexibility to SFWMD in its operation of the project. It is not yet fully known how the C-51 reservoir project's functions will impact regulatory releases from Lake Okeechobee.

The bill clarifies that water from the C-51 reservoir project would be available for use in natural systems in addition to any "permitted," rather than "allocated," amounts for water supply, so that SFWMD would make deliveries consistent with district rules and permits. Also, water from the C-51 reservoir project received from Lake Okeechobee would be available to support consumptive use permits, but only if such use is in accordance with SFWMD rules.

SFWMD would be authorized to enter into a capacity allocation agreement with PBA, and receive a pro rata share of unreserved capacity in Phase I. SFWMD would have authority to request that DEP waive repayment of any or all of the \$30 million loan the state authorized in 2017 for the implementation of Phase I, if a loan for Phase I is issued through the water storage facility revolving loan fund. DEP can authorize such a waiver if DEP determines that reasonable value has been received. SFWMD would not be responsible for repaying any portion of a loan that is waived in such a manner.

**Section 2** provides that the bill takes effect on July 1, 2019.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>35</sup> *Id.*

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

None.

**C. Trust Funds Restrictions:**

None

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Depending on whether DEP approves of a waiver of any or all of the loan amount and what reasonable value DEP deems appropriate, the loan recipient may receive a positive fiscal impact. The owners of any portions of the C-51 reservoir project, or any lands near the project, may be impacted if SFWMD decides to acquire a portion of the project or lands near the project.

**C. Government Sector Impact:**

If any or all of the loan is waived, DEP will not receive repayment of up to \$30 million for the water storage facility revolving loan fund depending on what reasonable value DEP deems appropriate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following section of the Florida Statutes: 373.4598.

**IX. Additional Information:**

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

**CS by Environment and Natural Resources Committee on January 22, 2019:**

The CS removes the section of the bill that would expand certain allocation of funding from the Land Acquisition Trust Fund to include the entire C-51 reservoir project, instead of only Phase II of the project.

B. **Amendments:**

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2019	.	
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The Committee on Environment and Natural Resources (Book) recommended the following:

1                   **Senate Amendment (with title amendment)**

2

3                   Delete lines 74 - 158.

4

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

6                   And the title is amended as follows:

7                   Delete lines 16 - 20

8                   and insert:

9                   repayment of such waived loans; providing an effective  
10                   date.



LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/22/2019	.	
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The Committee on Environment and Natural Resources (Book) recommended the following:

1                   **Senate Amendment**

2

3                   In title, delete lines 17 - 19

4 and insert:

5                   F.S.; expanding the authorization for certain  
6                   distributions from the Land Acquisition Trust Fund to  
7                   include the entire C-51 reservoir project; making  
8                   technical

**By Senator Book**

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

24           Section 1. Paragraphs (c), (d), and (e) of subsection (9)  
25 of section 373.4598, Florida Statutes, are amended, and  
26 paragraph (f) is added to that subsection, to read:

27 373.4598 Water storage reservoirs.-

28 (9) C-51 RESERVOIR PROJECT.—

29 (c) For Phase II of the C-51 reservoir project, The

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30 district may negotiate with the owners of the C-51 reservoir  
31 project site for the acquisition of any portion of the project  
32 not already committed to utilities for alternative water supply  
33 purposes or to enter into a public-private partnership. The  
34 district may acquire land near the C-51 reservoir through the  
35 purchase or exchange of land that is owned by the district or  
36 the state as necessary to implement ~~Phase II of~~ the project. The  
37 state and the district may consider potential swaps of land that  
38 is owned by the state or the district to achieve an optimal  
39 combination of water quality and water storage. The district may  
40 not exercise eminent domain for the purpose of implementing the  
41 C-51 reservoir project.

42 (d) If state funds are appropriated for ~~Phase I or Phase II~~  
43 of the C-51 reservoir project:

44 1. The district, to the extent practicable, must shall  
45 operate the reservoir project to maximize the reduction of high-  
46 volume Lake Okeechobee regulatory releases to the St. Lucie or  
47 Caloosahatchee estuaries, in addition to maximizing the  
48 reduction of harmful discharges providing relief to the Lake  
49 Worth Lagoon. However, the operation of Phase I of the C-51  
50 reservoir project must be in accordance with any operation and  
51 maintenance agreement adopted by the district;

52 2. In addition to any permitted amounts for water supply,  
53 water made available by the reservoir project must shall be used  
54 for natural systems ~~in addition to any allocated amounts for~~  
55 ~~water supply;~~ and

56 3. Any Water received from Lake Okeechobee may ~~not~~ be  
57 available to support consumptive use permits only if such use is  
58 in accordance with district rules.

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59       (e) Phase I of the C-51 reservoir project may be funded by  
60 appropriation or through the water storage facility revolving  
61 loan fund as provided in s. 373.475. Phase II of the C-51  
62 reservoir project may be funded by appropriation, pursuant to  
63 this section, pursuant to s. 373.475, as a project component of  
64 CERP, or pursuant to s. 375.041(3)(b)4.

65       (f) The district may enter into a capacity allocation  
66 agreement with a water supply entity for a pro rata share of  
67 unreserved capacity in the water storage facility and may  
68 request the department to waive repayment of all or a portion of  
69 a loan issued pursuant to s. 373.475. The department may  
70 authorize such waiver if, in its determination, it has received  
71 reasonable value for such waiver. The district is not  
72 responsible for repaying any portion of a loan issued pursuant  
73 to s. 373.475 which is waived pursuant to this paragraph.

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

76       375.041 Land Acquisition Trust Fund.—

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

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

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

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88        1. A minimum of the lesser of 25 percent or \$200 million  
89 shall be appropriated annually for Everglades projects that  
90 implement the Comprehensive Everglades Restoration Plan as set  
91 forth in s. 373.470, including the Central Everglades Planning  
92 Project subject to Congressional authorization; the Long-Term  
93 Plan as defined in s. 373.4592(2); and the Northern Everglades  
94 and Estuaries Protection Program as set forth in s. 373.4595.  
95 From these funds, \$32 million shall be distributed each fiscal  
96 year through the 2023-2024 fiscal year to the South Florida  
97 Water Management District for the Long-Term Plan as defined in  
98 s. 373.4592(2). After deducting the \$32 million distributed  
99 under this subparagraph, from the funds remaining, a minimum of  
100 the lesser of 76.5 percent or \$100 million shall be appropriated  
101 each fiscal year through the 2025-2026 fiscal year for the  
102 planning, design, engineering, and construction of the  
103 Comprehensive Everglades Restoration Plan as set forth in s.  
104 373.470, including the Central Everglades Planning Project, the  
105 Everglades Agricultural Area Storage Reservoir Project, the Lake  
106 Okeechobee Watershed Project, the C-43 West Basin Storage  
107 Reservoir Project, the Indian River Lagoon-South Project, the  
108 Western Everglades Restoration Project, and the Picayune Strand  
109 Restoration Project. The Department of Environmental Protection  
110 and the South Florida Water Management District shall give  
111 preference to those Everglades restoration projects that reduce  
112 harmful discharges of water from Lake Okeechobee to the St.  
113 Lucie or Caloosahatchee estuaries in a timely manner. For the  
114 purpose of performing the calculation provided in this  
115 subparagraph, the amount of debt service paid pursuant to  
116 paragraph (a) for bonds issued after July 1, 2016, for the

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201992

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

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

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

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

32-00099A-19

201992

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

155 ~~5. Notwithstanding subparagraph 3., for the 2018-2019~~  
156 ~~fiscal year, funds shall be appropriated as provided in the~~  
157 ~~General Appropriations Act. This subparagraph expires July 1,~~  
158 ~~2019.~~

159 Section 3. This act shall take effect July 1, 2019.



# Florida Springs & Aquifer Protection Act

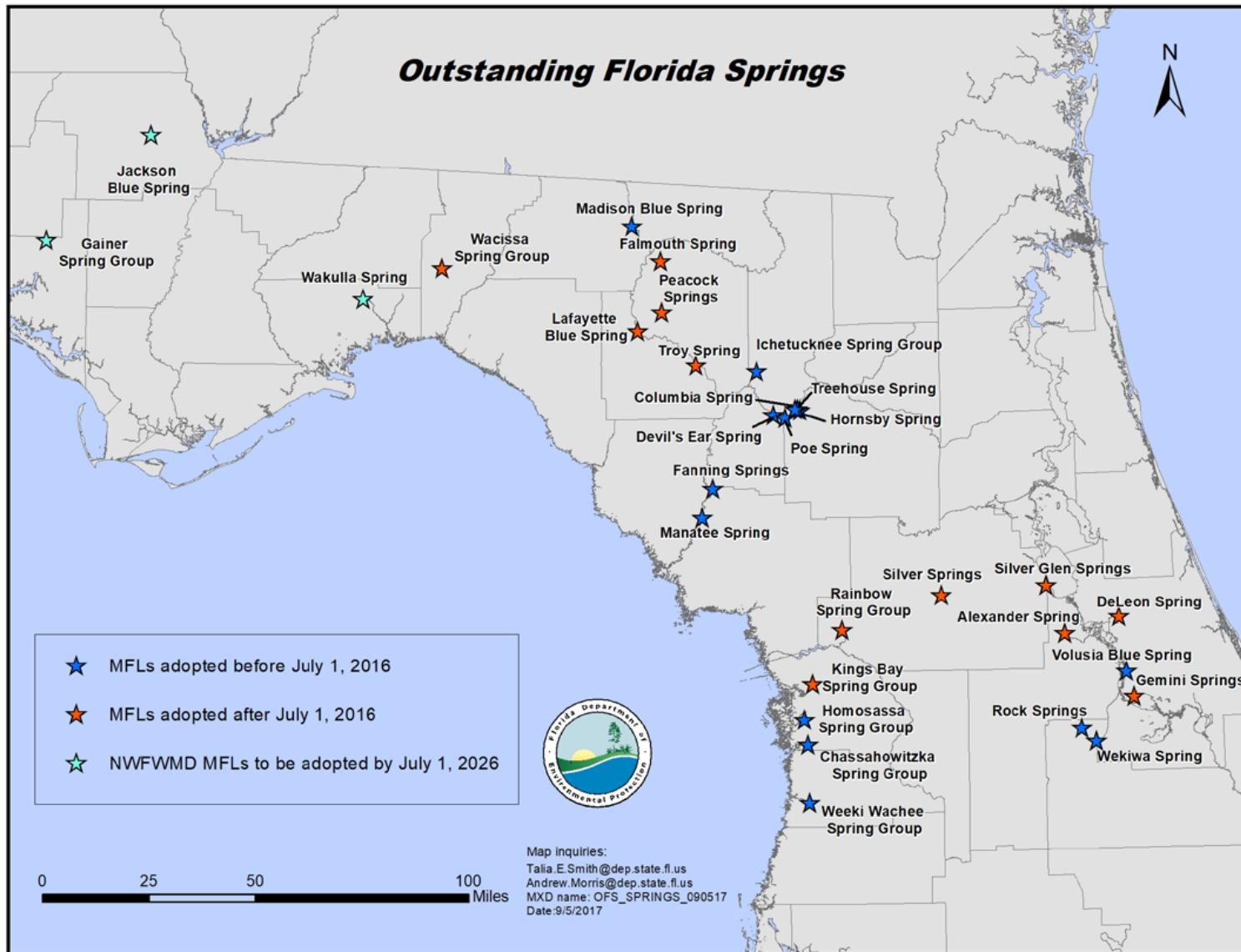
Committee on Environment and Natural Resources  
Florida Senate  
January 22, 2019

Tom Frick, Director  
Division of Environmental Assessment and Restoration



# Florida Springs & Aquifer Protection Act

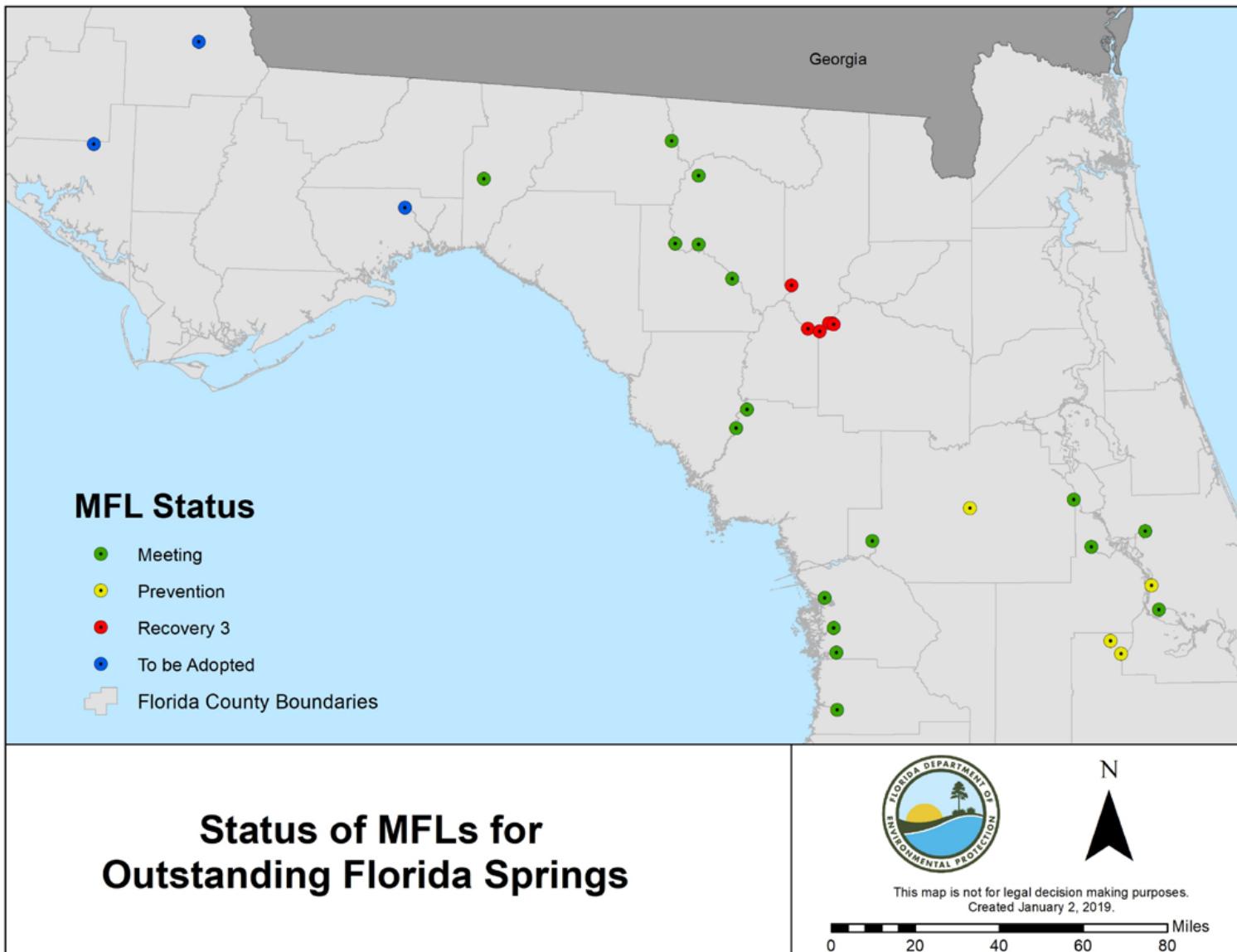
## Protect Quality and Quantity of 30 Outstanding Florida Springs





# Florida Springs & Aquifer Protection Act

## Status of Minimum Flow & Level Adoption



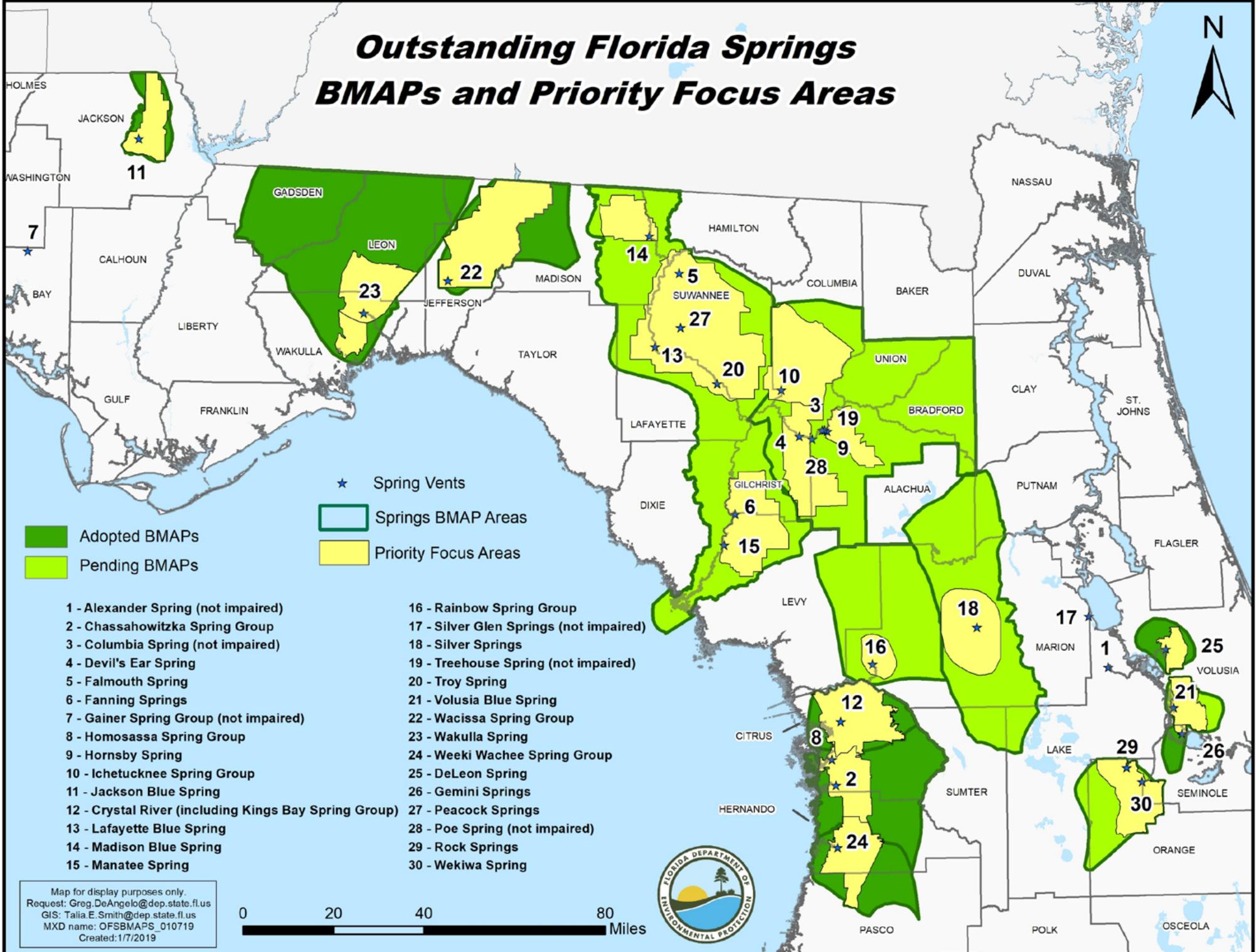


# Florida Springs & Aquifer Protection Act

## Status of Basin Management Action Plan Adoption

- By July 1, 2018...
  - ✓ Assess all OFS
  - ✓ Delineate priority focus areas (PFA)
  - ✓ Identify sources
  - ✓ Adopt BMAPs with
    - 5-year progress milestones
    - 20-year restoration goal
    - remediation plans if septic systems are a major contributor

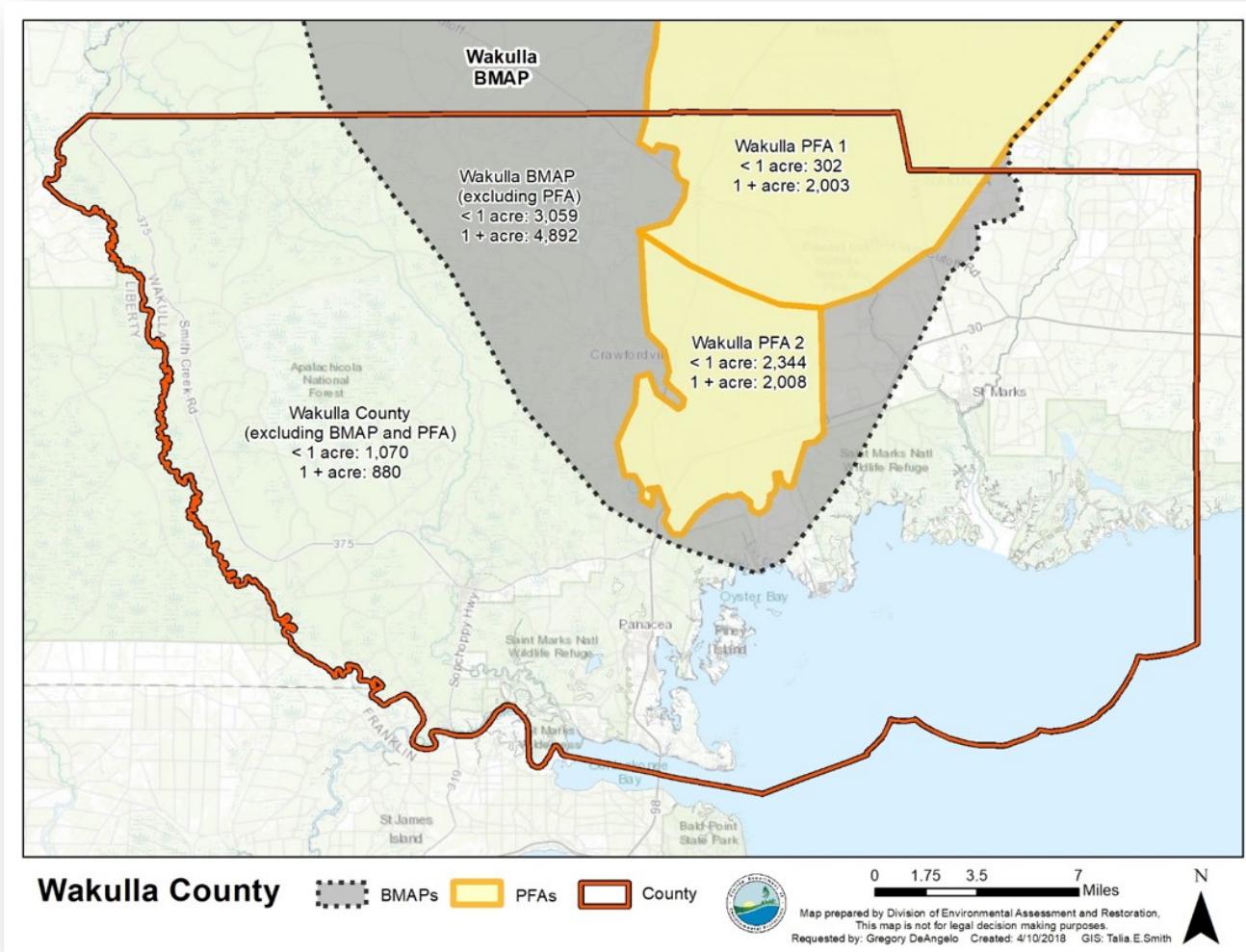
# Outstanding Florida Springs BMAPs and Priority Focus Areas





# Priority Focus Areas (PFAs)

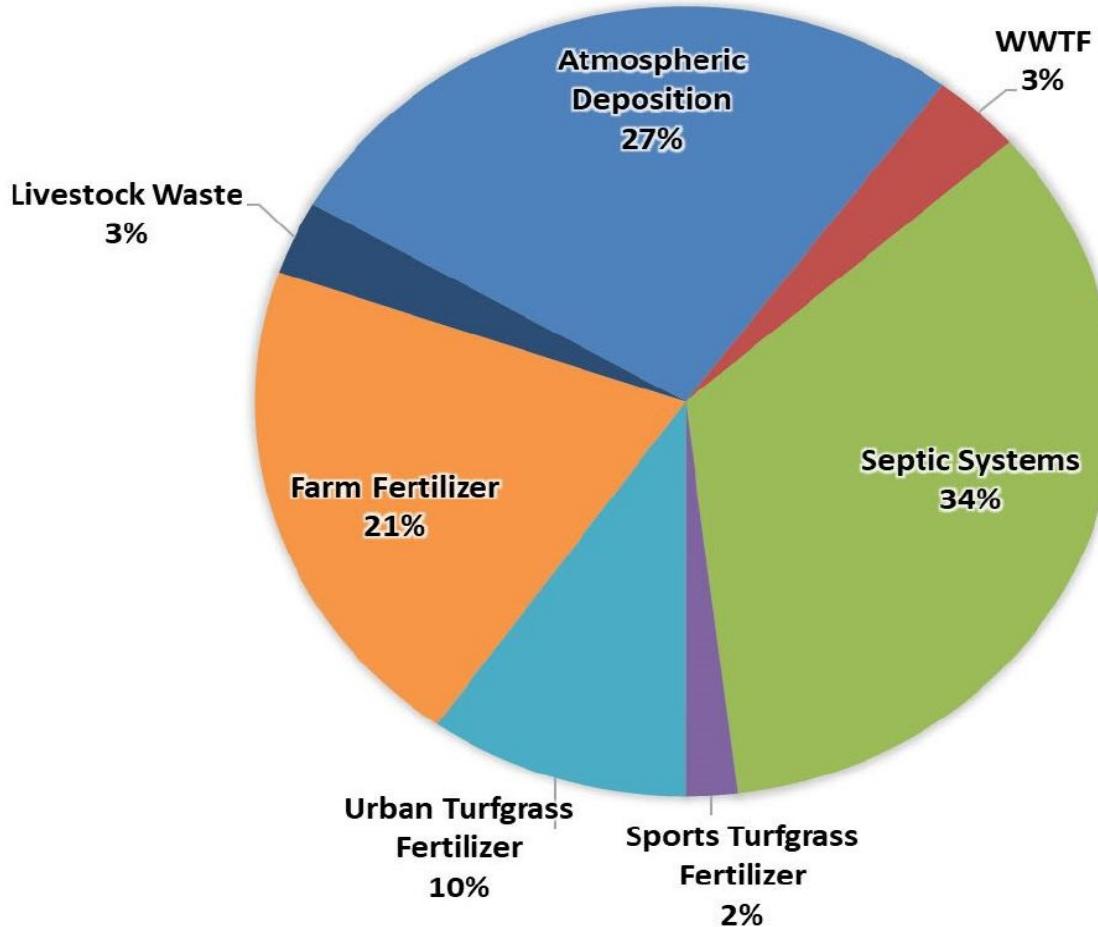
## *Wakulla & Wakulla Springs BMAP OSTDS Count*





# Source Identification

## *Wakulla BMAP Estimate of Nitrogen Loading to Groundwater*





# Florida Springs & Aquifer Protection Act

## Status of Basin Management Action Plan Adoption

- For government jurisdictions, all new or revised Restoration Plans (BMAPs) include:
  - Advanced wastewater treatment for nitrogen
  - Fertilizer ordinances
  - Septic system (OSTDS) remediation plans where necessary
- For Rural/Agriculture:
  - Implement mandatory BMPs
  - Cost share for advanced fertilization and irrigation practices
  - Land acquisition & Conservation easements

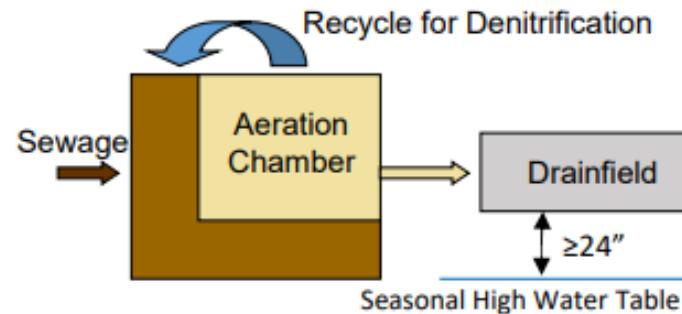


# OSTDS Remediation Plan

## *Onsite sewage treatment and disposal systems*

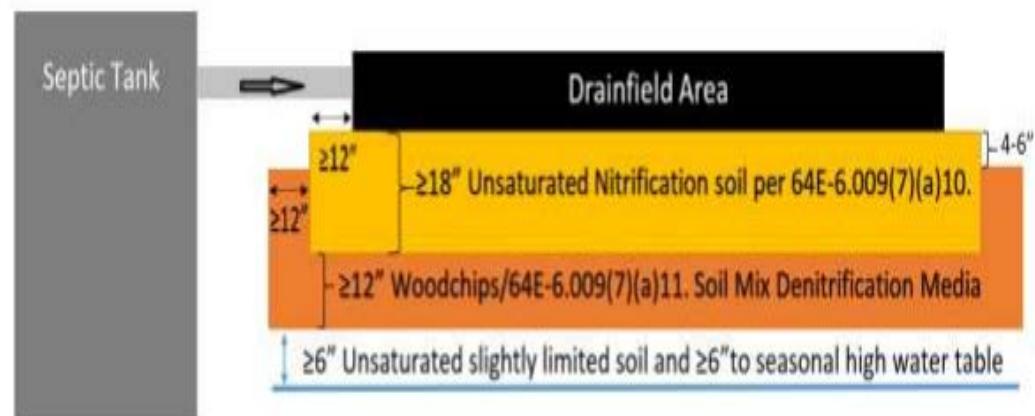
- **New advanced septic systems**

- within PFA
- on lots less than 1 acre
- starting January 2019



- **Existing septic systems begin after completion of:**

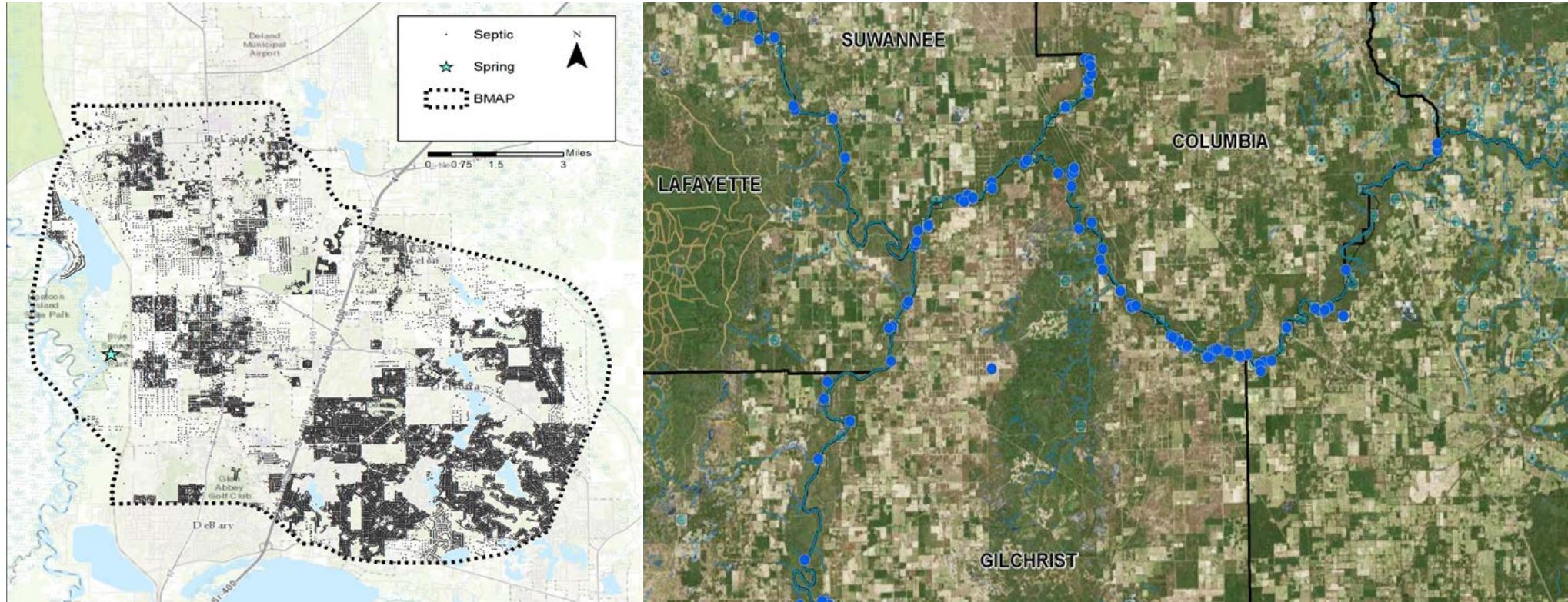
- DOH rulemaking
- Homeowner assistance
- Local master wastewater plans
- No later than 5 years





# Florida Springs & Aquifer Protection Act

## Dedicated Springs Funding Makes a Difference



**Benefits since dedicated Springs funding of at least \$50 million/year**

145 projects funded at \$357.7M including Water Management District & local match:

- ✓ Almost 9 Million lbs of nitrogen pollution removed
- ✓ 325 MGDs of water conserved
- ✓ +8,000 acres preserved



Florida Department of Agriculture and  
Consumer Services  
Office of Agricultural Water Policy

Florida Springs & Aquifer Protection Act

*Senate Environment and Natural Resources Committee*  
*January 22, 2019*



# Office of Agricultural Water Policy

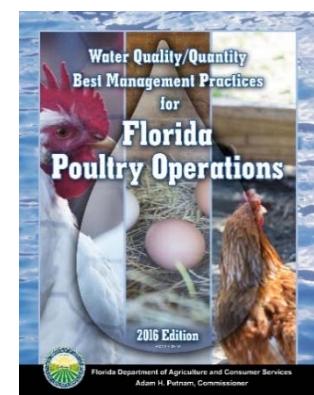
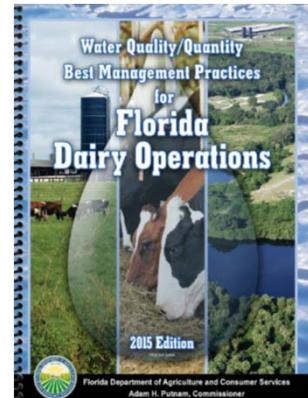
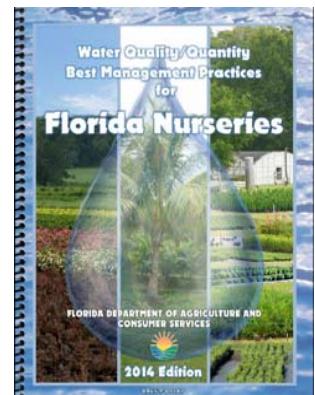
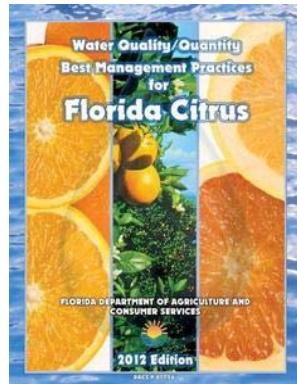
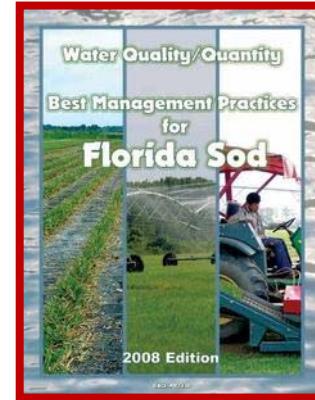
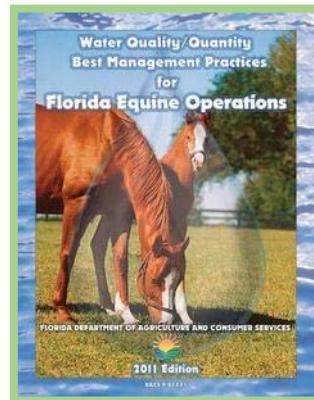
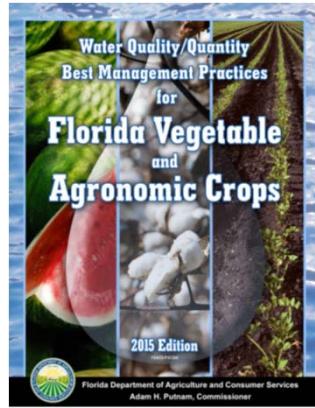
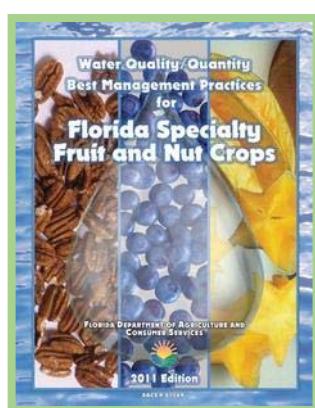
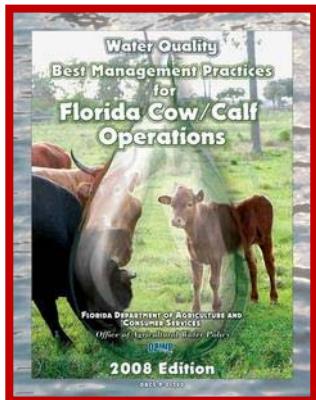
- **Develop/Adopt Best Management Practices (BMPs)**
- **Enroll agricultural producers**
- **Provide technical assistance**
- **Verify BMP implementation**
- **Work cooperatively with partners**

## Mission

*Implement strategies that protect Florida's water resources while promoting the sustainability of agriculture*



# Adopted BMP Manuals



**Coming  
Soon!  
Florida  
Small  
Farms**



Florida Department of Agriculture and Consumer Services

# How do Best Management Practices Benefit the Environment?

Improve Water Quality by managing nutrient inputs, specifically nitrogen (N) and phosphorus (P)

Conserve Water through irrigation management

Protect Water Resources with buffers, setbacks, and sinkhole protection

**BMPs are Management Decisions, Tools, and Practices to Control Inputs and Provide Treatment**



# What Do BMPs Look Like?



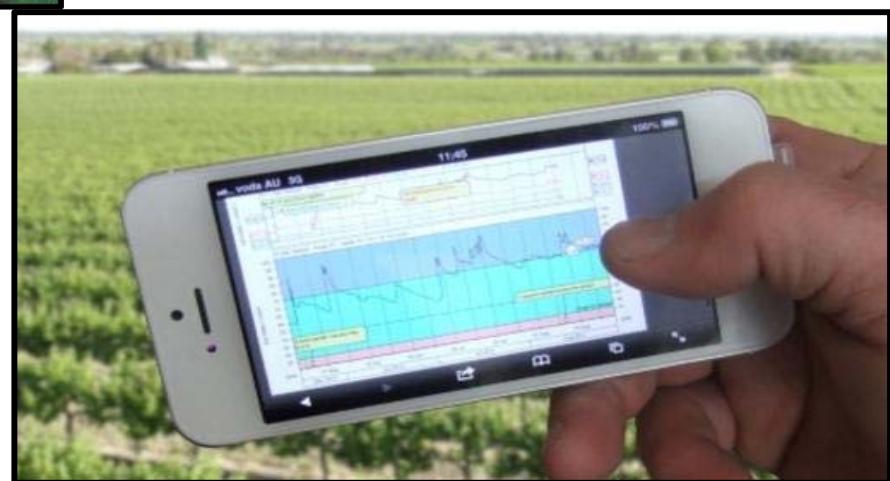
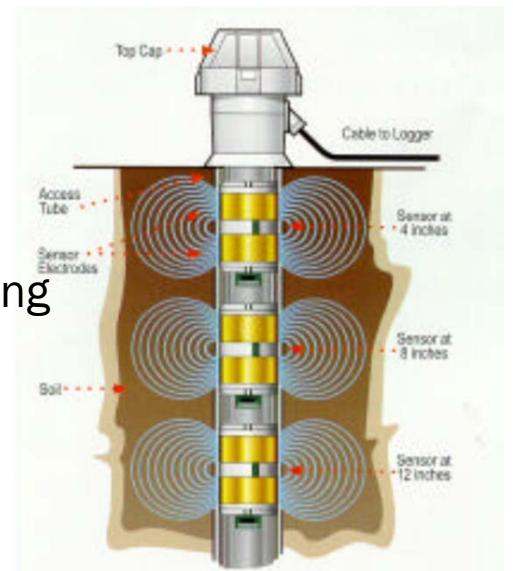
Florida Department of Agriculture and Consumer Services

# Irrigation Management

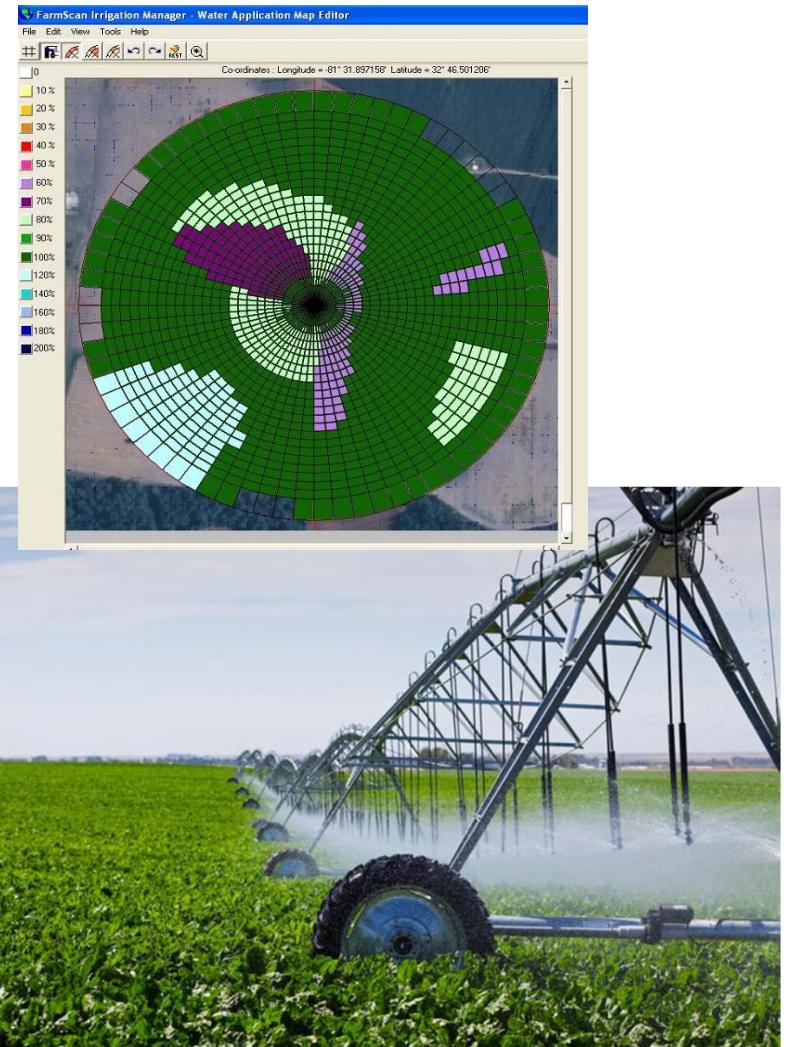
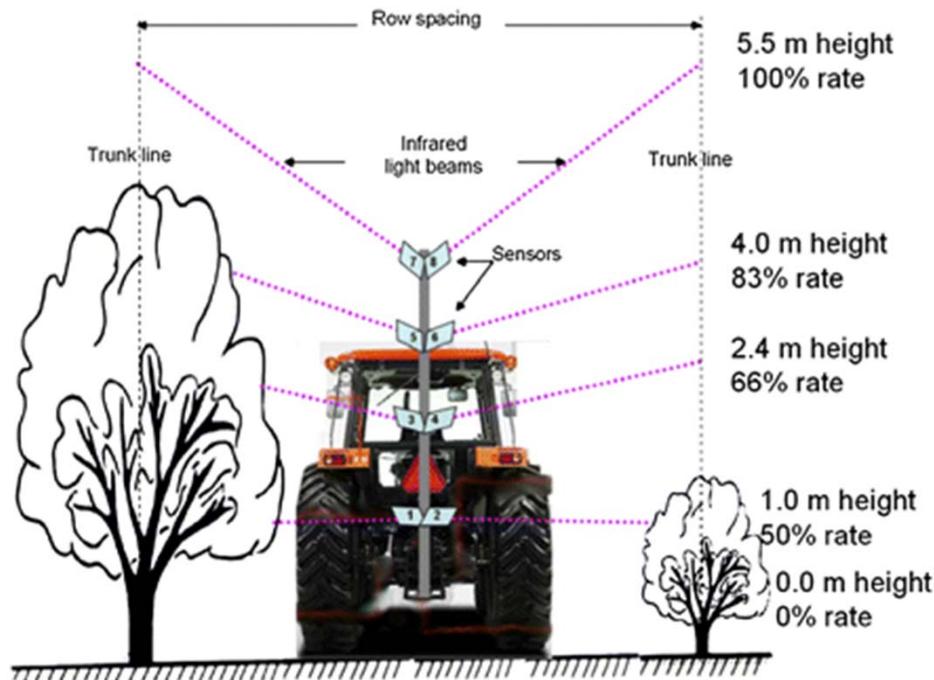


## Soil moisture sensors (SMS)

- Connected to recording system/automated controls
- Irrigation decision management service
- Minimizes over irrigation and nutrient leaching



# Variable Rate Technology



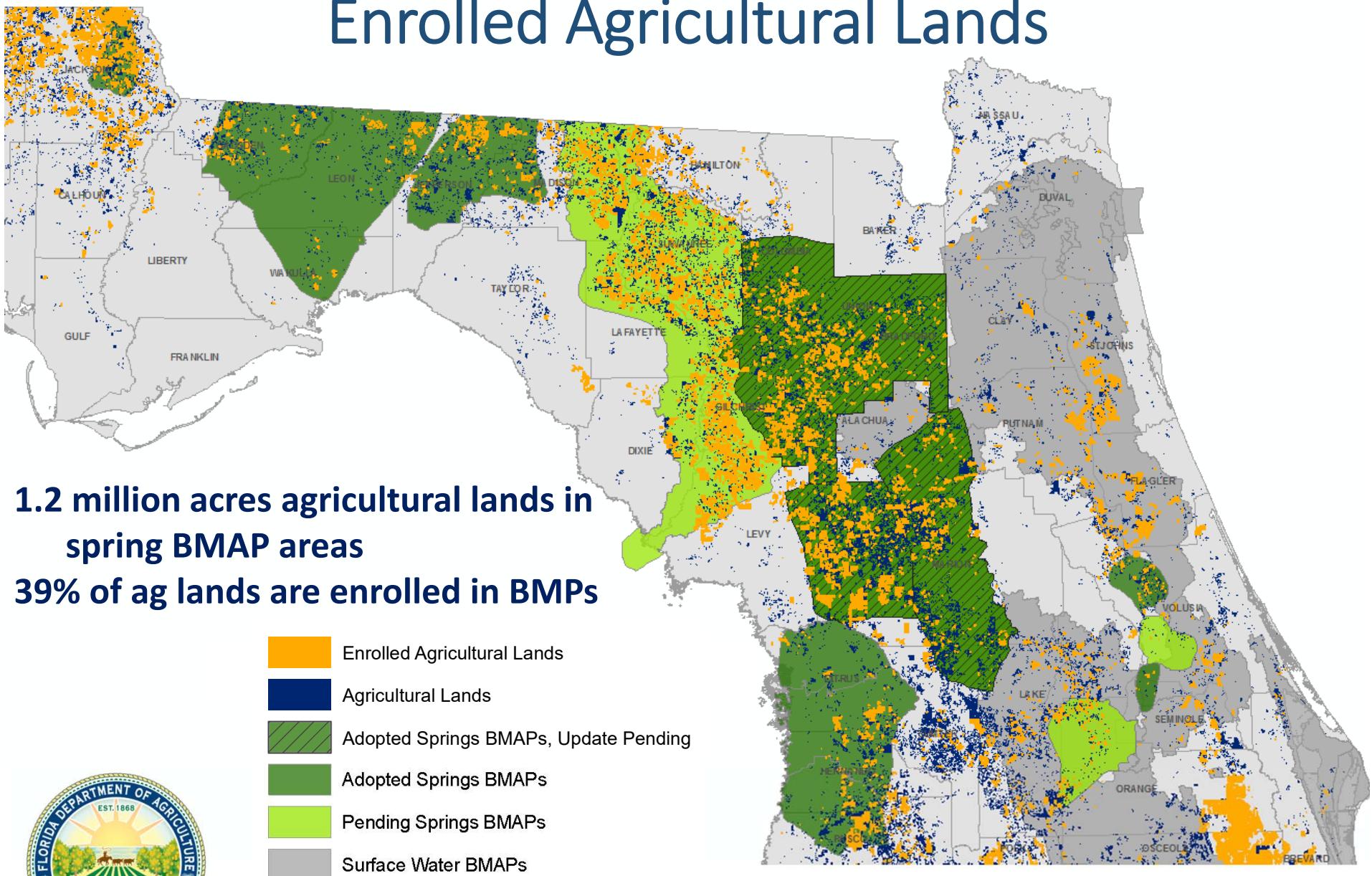
# How Do We Know That Agricultural Producers Are Implementing BMPs?

- Annual Certification, Verification Site Visits
- Producers are required to implement BMPs in BMAP areas
- BMPs provide benefits to producers such as cost savings from using less fertilizer, energy, and water

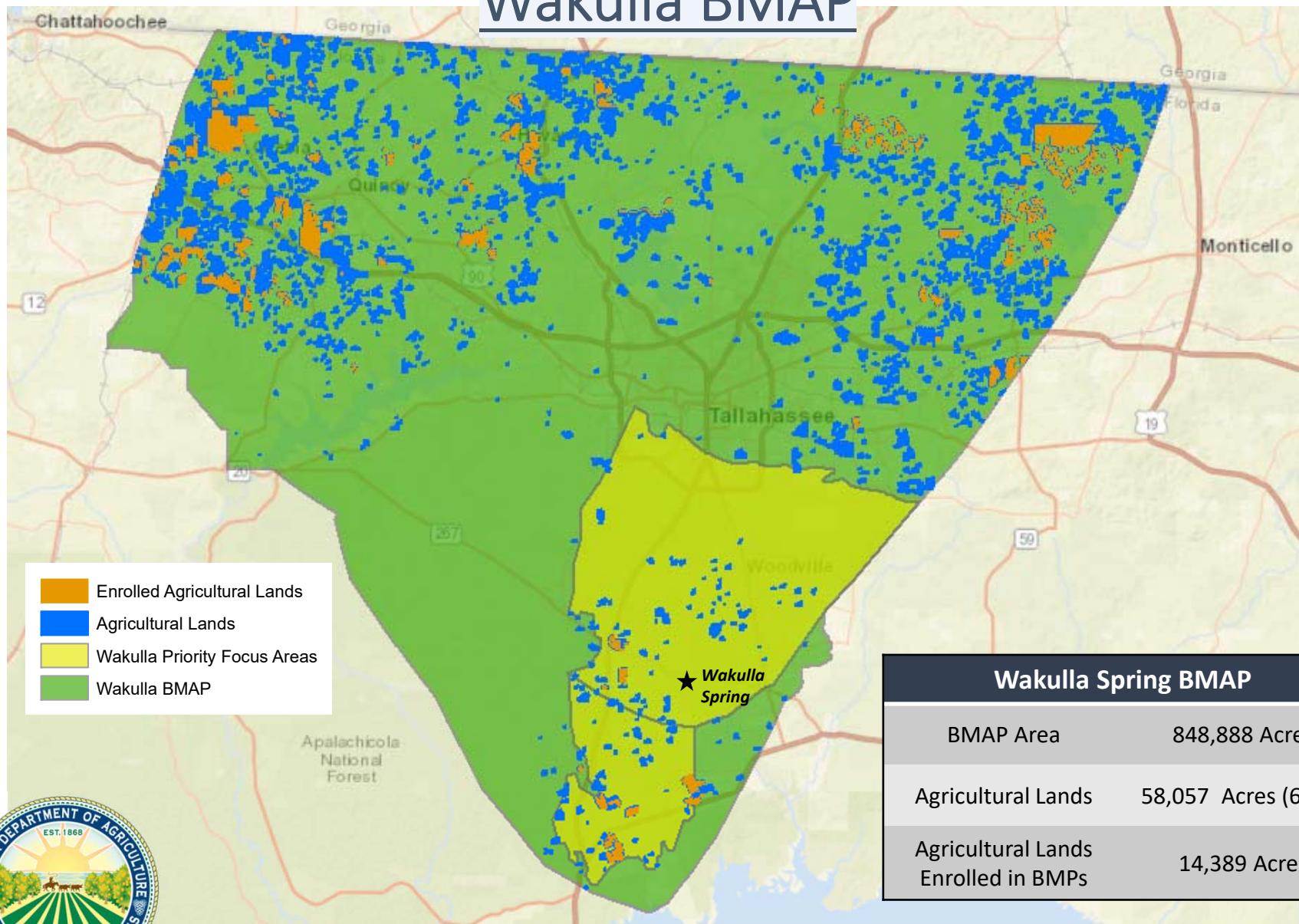
**A goal of the BMP Program is to assist producers in achieving 100% implementation of applicable BMPs.**



# Enrolled Agricultural Lands



# Wakulla BMAP



Florida Department of Agriculture and Consumer Services

# Thank You!

<http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Water-Policy>

Clegg Hooks, Deputy Director  
(850)617-1700

Clegg.Hooks@FreshFromFlorida.com



Florida Department of Agriculture and Consumer Services • Commissioner Nicole "Nikki" Fried



# *Focused on* **FLORIDA'S FUTURE**

Citizen Support Organizations

Eric Draper, Florida Parks Director

Senate Environment & Natural Resources Committee

January 22, 2019

# Purpose of a Citizen Support Organization

## CSOs authorized by statute to conduct

- Programs and activities
- Fundraise
- Request/receive grants, gifts and bequests of money
- Acquire, receive, hold, invest, and administer in its own name, securities, funds, objects of value or other property, real or personal
- Make expenditures to or for the direct or indirect benefit of DEP or individual units





# DEP's Citizen Support Organizations



**96 CSOs**

**13**

**FLORIDA COASTAL OFFICE**

**83**

**FLORIDA PARK SERVICE**



# CSOs Make a Difference!



Dedicated local nonprofit partners with DEP to

- Tell a property's story
- Connect people to the property - programs and volunteer opportunities
- Raise funds for improvements
- Work to preserve Florida's cultural and natural history





# 2014 Legislation Required CSO Review



## Authorized Activities

**Section 20.2551 &  
258.015, F.S.**

## CSO Reporting & Transparency

**Section 20.058, F.S.**

## CSO Ethics Standards

**Section 112.3251, F.S.**

## CSO Audits and Financial Reviews

**Section 215.981, F.S.**



# CSO Transparency



## 100% Complete

- ✓ Active corporations with Dept. of State
- ✓ CSO Legislative Reports on DEP website
- ✓ Code of Ethics on CSO websites
- ✓ Hold no state money - grants, gifts or contracts



## Required when total expenses exceed \$300K

### Audits

2018: 5 CSOs, 2 incomplete  
2017: 5 CSOs, 1 incomplete

### Recommendations

Require remaining audits

- Rookery Bay
- MacArthur Beach



## When total expenses are less than \$300K

### Reviews

FL Park Service: Complete  
FL Coastal Office: 2 Pending

- Friends of GTM
- St. George Lighthouse Association

### Recommendations

Modify CSO agreements with annual expenditures of less than \$300K to be consistent with statute



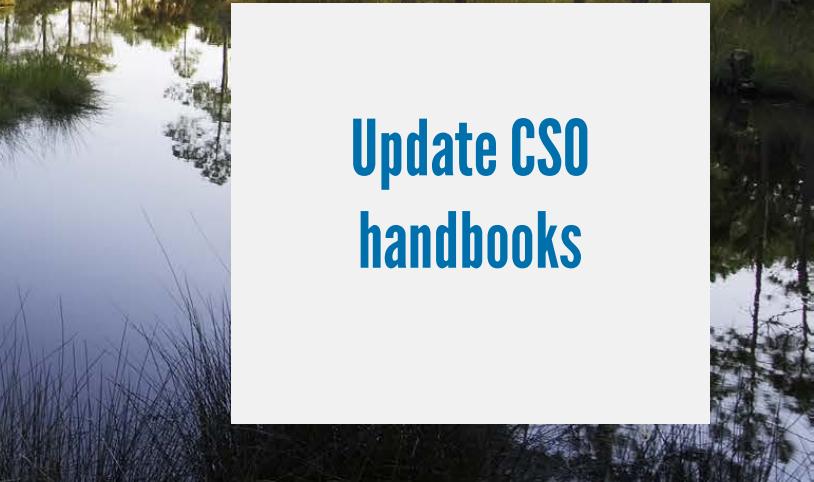


# DEP Next Steps

A large, scenic photograph of a wetland area. In the foreground, there are several large palm trees with dense green fronds. Behind them, a body of water reflects the surrounding environment, including more palm trees and a dense stand of tall pine trees under a clear blue sky.

**Update CSO  
agreements and  
track compliance**

**Establish consistent  
and streamlined  
reporting**

A photograph of a wetland area, similar to the one above, but with a different composition. It features a dense stand of tall pine trees reflected in a body of water in the foreground. The sky is clear and blue.

**Update CSO  
handbooks**



*Focused on*  
**FLORIDA'S FUTURE**

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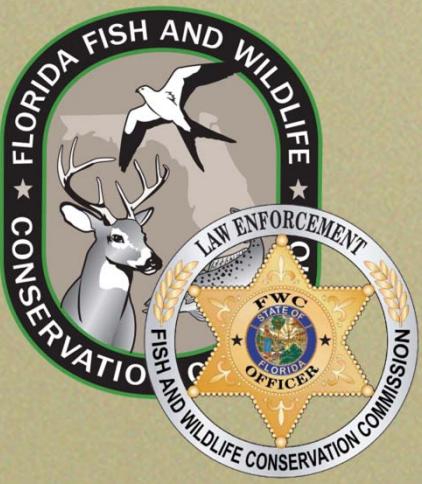
Citizen Support Organizations

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**Eric Draper**  
Director, Recreation & Parks

**(850) 245-3035**

**Eric.Draper@Floridadep.gov**



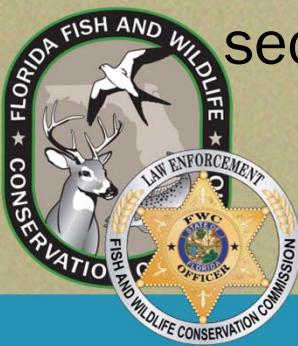
# Wildlife Alert Reward Program

Presented to: Senate Committee on  
Environment and Natural Resources

January 22, 2019

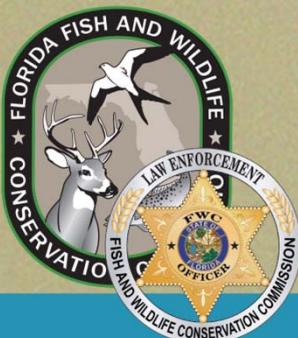
# Wildlife Alert Reward Program

- 501(c)(3) organization created in 1979 to encourage citizen involvement in the conservation and protection of Florida's fish and wildlife resources by reporting violations
- Rewards for information leading to an arrest for violations related to: fish and wildlife, boating under the influence, captive wildlife and environmental regulations
- In 2014, Wildlife Alert Reward Association, Inc and the FWC signed a letter of agreement recognizing Wildlife Alert as an FWC Citizen Support Organization in accordance with section 379.223, Florida Statutes



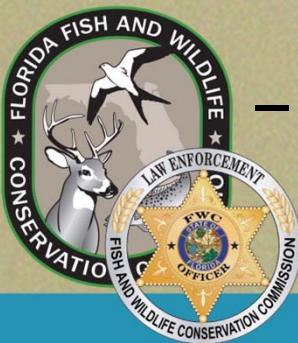
# Wildlife Alert Reward Committee

- 13 member committee appointed by the FWC Executive Director
- Establishes reward amount criteria
- Authorizes disbursement of rewards



# Reporting A Violation

- Suspected violations can be reported online, by phone or text
  - Toll-free: (888) 404-3922
  - Tip@Myfwc.com
  - Online: <http://myfwc.com/contact/wildlife-alert>
  - May remain anonymous
  - Not required to testify in court

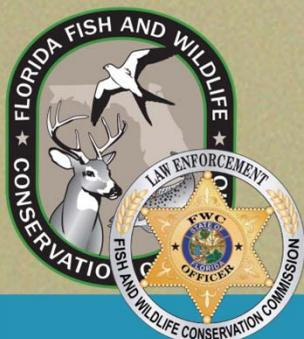


# Rewards

- Rewards are based upon penalties as outlined in 379.401 Florida Statutes
- Range from \$100 to \$1,000



# Questions?





# Fish & Wildlife Foundation of Florida

## Senate Environment and Natural Resources Committee



January 22, 2019



# FWFF

- Founded 1994 as a 501(c)(3) organization [Section 379.223, Florida Statutes] to support the Game and Fresh Water Fish Commission. GFC appointed first Board of Directors, thereafter CSO board became self-appointed, but original charter to support FWC remains unaltered.
- Governed by a board of 21 individuals, including two former FWC Commissioners, Kathy Barco and current board chair Richard A. Corbett.



# Purpose & Broad Strategies

Enhancement funding for  
FWC via . . .

- One-on-one major gift fundraising
- Direct mail and e-solicitations
- Annual dinner, auction and smaller events



Johnny Morris, Bass Pro Shops Founder and  
this year's Dinner speaker



# Specialty License Plates



## “Conserve Wildlife” Plate

*FWC's non-game programs  
and bear conservation*



## “Wildlife Foundation of FL”

*FWC & its partners' game  
management, hunting and shooting  
sports programs*



## “Protect Florida Springs”

*FWC & its partners' springs  
research & education programs*



# Specialty License Plates . . .

Shared with Hubbs SeaWorld Research Institute



**"Discover Florida's Oceans"**

*FWC & partners' ocean,  
estuarine or coastal research,  
conservation & education programs*





# Accountability & Transparency

- “Gold” rating from charity watchdog *Guidestar*
- 88 percent programmatic efficiency
- Sunshine-compliant
- Finances annually audited by an outside firm which also prepares our federal 990 tax form. Posted on our website, along with Board meeting minutes, bylaws etc.
- FWC provides office space in Tallahassee and St. Petersburg
- Beyond office space, no flow of funds or other significant resources from FWC to the Foundation.
- Up to date on our CSO reports to the legislature





# Priorities



- We support the full array of FWC programs and goals.
- Special emphasis currently on outdoor youth education, wildlife conservation, reefs, hunting and shooting sports.



# Children & Nature

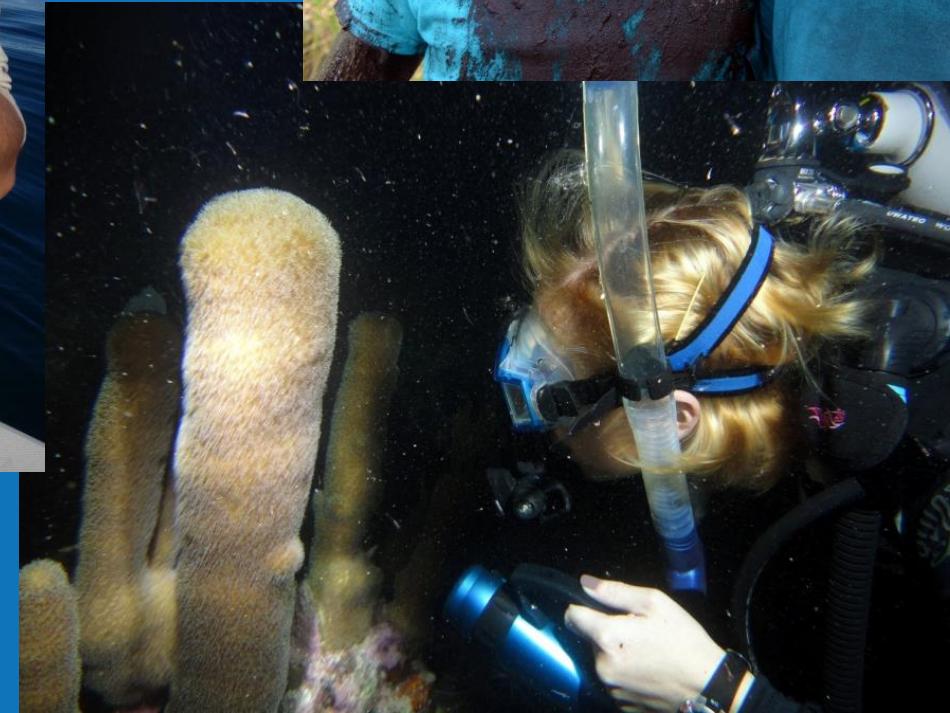
Just completed funding for wheelchair-accessible boardwalk and fishing pier at FWC's Suncoast Youth Conservation Center



Working with FWC to fund renovation of historic Everglades Youth Conservation Camp in Palm Beach County.



# Staff Recommendations



## **Citizen Support Organizations and Direct-Support Organizations**

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created private entities that are generally required to be non-profit corporations, and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a CSO or DSO are prescribed by its enacting statute and, for most, by a written contract with the agency the CSO or DSO was created to support.

### ***CSO and DSO Transparency and Reporting Requirements***

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs that are created or authorized pursuant to law or executive order and created, approved, or administered by a state agency.<sup>1</sup> Specifically, the law requires each CSO and DSO to annually submit, by August 1, the following information related to its organization, mission, and finances to the agency it supports:<sup>2</sup>

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent federal Internal Revenue Service (IRS) Return of Organization Exempt from Income Tax form (Form 990).<sup>3</sup>

Each agency receiving the above information must make the information available to the public through the agency's website. If the CSO or DSO maintains a website, the agency's website must provide a link to the website of the CSO or DSO.<sup>4</sup> Additionally, any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting and posting the information.<sup>5</sup> If a CSO or DSO fails to submit the required information for two consecutive years, the agency must terminate the contract with the CSO or DSO.<sup>6</sup> The contract must also include a provision for ending operations and returning state-issued funds to the state if the authorizing statute is repealed, the contract is terminated, or the organization is dissolved.<sup>7</sup>

By August 15 of each year, the agency must report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information provided by the CSO or DSO.

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<sup>1</sup> Chapter 2014-96, Laws of Fla.

<sup>2</sup> Section 20.058(1), F.S.

<sup>3</sup> The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501.

<sup>4</sup> Section 20.058(2), F.S.

<sup>5</sup> Section 20.058(4), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each CSO or DSO.<sup>8</sup>

Lastly, a law creating or authorizing the creation of a CSO or DSO must state that the creation or authorization for the CSO or DSO is repealed on October 1 of the fifth year after enactment, unless reviewed and saved from repeal by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.<sup>9</sup>

### ***CSO and DSO Audit Requirements***

Section 215.981, F.S., requires each CSO and DSO created or authorized pursuant to law with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records.<sup>10</sup> The expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection.<sup>11</sup> The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created, approved, or administers the CSO or DSO. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports.

Additionally, the Auditor General may conduct audits or other engagements of the accounts and records of the CSO or DSO, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee.<sup>12</sup> The Auditor General is authorized to require and receive any records from the CSO or DSO, or its independent auditor.<sup>13</sup>

### ***CSO and DSO Ethics Code Requirement***

Section 112.3251, F.S., requires a CSO or DSO created or authorized pursuant to law to adopt its own ethics code. The ethics code must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S. A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must conspicuously post its code of ethics on its website.<sup>14</sup>

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<sup>8</sup> Section 20.058(3), F.S.

<sup>9</sup> Section 20.058(5), F.S.

<sup>10</sup> The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Agriculture and Consumer Services.

<sup>11</sup> Section 215.981(2), F.S.

<sup>12</sup> Section 11.45(3)(d), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> Section 112.3251, F.S.

**Specific Statutory Requirements for the Department of Environmental Protection's (DEP's) Citizen Support Organizations (CSOs) (Sections 20.2551 & 258.015, F.S.)**

- The CSO must be a Florida corporation not for profit, incorporated under ch. 617, F.S.
- DEP or the Division of Recreation or Parks must determine that the CSO is consistent with DEP or the state park system's goals and the best interests of the state and provide in a letter of agreement its written approval of the CSO to operate for the direct or indirect benefit of DEP or the state park system or its individual units.
- The CSO must be organized and operated to conduct programs and activities; raise funds; collect and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities, funds, or real personal property; and make expenditures for the benefit of DEP or the state park system or its individual units.
- The CSO must not receive funds from DEP by grant, gift, or contract unless specifically authorized by the Legislature.
- The CSO's use of state property must be directly in keeping with the approved purposes of the CSO and may not be made at times or places that would unreasonably interfere with normal operations of DEP or the state park system.
- The CSO's use of state property must provide for equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

**Specific Statutory Requirements for the Fish and Wildlife Conservation Commission (FWC's) Citizen Support Organization (CSOs) (Section 379.223, F.S.)**

- The CSO must be a Florida corporation not for profit, incorporated under ch. 617, F.S.
- The Fish and Wildlife Conservation Commission (FWC) must determine that the CSO is consistent with FWC's goals and the best interests of the state and provide in a letter of agreement from the Executive Director its written approval of the CSO to operate for the direct or indirect benefit of FWC or its individual units.
- The CSO must be organized and operated to conduct programs and activities; raise funds; collect and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities, funds, or real personal property; and make expenditures for the benefit of FWC or an individual unit of FWC.
- The CSO may not receive funds from FWC or the Fish and Wildlife Research Institute by grant or gift unless specifically authorized by the Legislature.
- The CSO's use of state property must be directly in keeping with the approved purposes of the CSO and may not be made at times or places that would unreasonably interfere with normal FWC operations.
- The CSO's use of state property must provide for equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

**If no action is taken, the statutes authorizing these CSOs will automatically be repealed**

**October 1, 2019.**

## **Findings and Recommendations for the Department of Environmental Protection's (DEP's) Citizen Support Organizations (CSOs)**

DEP has 83 CSOs under the Division of Recreation and Parks and 13 under the Florida Coastal Office.

*Issue:* The authorizing agreements do not have the contractual requirement that if the statutory authorization is repealed, the contract is terminated, or the organization is dissolved, the CSO must cease operations and return funds to the state within 30 days. In fact, the authorizing agreements expressly authorize a CSO that is dissolved to pass along its funds to another CSO. It is unclear whether transferring funds to another CSO was contemplated as returning funds to the state.

*Recommendation:* Endorse the ability for a CSO to transfer funds to another CSO upon dissolution by authorizing that in statute. If DEP is unable to demonstrate that it will revise its contracts to come fully into compliance, require DEP to address that issue in a report.

*Issue:* DEP has not terminated the authorizing agreement for some CSOs that have failed to submit the statutorily required information for two consecutive years.

*Recommendation:* Require DEP to address in its report how it has terminated the contracts for any CSO that is still not in compliance with the statutes.

*Issue:* The Florida Coastal Office has not had the same level of organization in oversight of its CSOs that is evident for the CSOs that are overseen by the Division of Recreation and Parks.

*Recommendation:* Require DEP to report on what it is doing to facilitate compliance for the CSOs under the oversight of the Florida Coastal Office, including updating agreements and authorizations if needed.

*Issue:* Numerous other minor, technical infractions were made by these CSOs, which can be small, often unsophisticated operations.

*Recommendations:* If the CSOs are in substantial compliance and deficiencies are limited to being administrative or technical in nature, take no action, but repeal the sunset.

*Issue:* One audit is still outstanding and several were received recently. CSOs with expenses exceeding \$300,000 are required by statute to provide audits.

*Recommendation:* Require DEP to report back to the Legislature in one or two years, and explain how they are facilitating compliance with statutes. Require each entity to provide audits for at least 2015-2018. If issues are identified in the audits, those issues should be addressed in the report.

*Issue:* Not all DEP CSOs that are required to get an audit are having the audit conducted in accordance with Government Auditing Standards adopted by the Auditor General by rule. These standards provide more information about whether the CSO is complying with the law.

*Recommendation:* Require CSOs that must have audits to use Government Auditing Standards.

***Summary of staff recommendations for DEP's CSOs:*** Repeal the sunset. Authorize the CSOs to transfer money, upon dissolution, to another CSO in addition to the state. Require DEP to report to the committee on the compliance with the state's transparency laws for those entities subject to the audit requirement and for those entities under the Florida Coastal Office. Require DEP to terminate contracts for CSOs that are not in compliance with the statutes by the date of the report. Require CSOs that must have audits to provide an audit conducted using Government Auditing Standards.

## **Findings and Recommendations for Fish and Wildlife Conservation Commission's (FWC's) Citizen Support Organizations (CSOs)**

### Wildlife Alert Reward Association, Inc. (Wildlife Alert):

*Issue:* FWC has a letter of agreement which serves as a written authorization allowing Wildlife Alert to operate as a CSO. However, the authorization lacks specific parameters. The statute requires that any contract between an agency and a CSO contain a provision stating that if the statutory authorization is repealed, the contract is terminated, or the organization is dissolved, the CSO must cease operations and return funds to the state within 30 days. The written authorization does not provide guidance on the CSO's use of state property or the provision of equal membership as required by statute. There is no guidance on the use of funds for proper purposes. (Note: The CSO's total expenses were \$67,003 for 2017, which is below the \$100,000 audit threshold.)

*Recommendation:* FWC is developing a more detailed contractual agreement that complies with the statutory requirements and expects to have it before or during the early 2019 committee weeks. If it looks satisfactory, such an agreement might be sufficient as there is no indication of mismanagement or that the entity is not meeting its stated goals. Repeal the sunset provision for FWC's CSOs.

*Issue:* Most of Wildlife Alert's funding comes from judicially ordered donations. However, it is unclear that the judges have the authority to require violators to make donations to a private entity, even if it is a state-approved CSO.

*Recommendation:* Clarify that judges are authorized to order donations to Wildlife Alert for violations such as: illegal hunting, taking saltwater game fish out of season, taking protected wildlife species, boating under the influence, and illegal tire dumping.

### Fish and Wildlife Foundation of Florida, Inc.:

*Issues:* FWC has a letter of agreement which serves as a written authorization allowing Fish and Wildlife Foundation of Florida, Inc. to operate as a CSO. However, the authorization lacks specific parameters. The statute requires that any contract between an agency and a CSO contain a provision stating that if the statutory authorization is repealed, the contract is terminated, or the organization is dissolved, the CSO must cease operations and return funds to the state within

30 days. The written authorization does not provide guidance on the CSO's use of state property or the provision of equal membership as required by statute. There is no guidance on the proper use of funds.

Contracts between the FWC and the CSO do not contain the statutorily required provisions. However, these contracts were generally written in conjunction with the federal government and fund a number of endangered species projects.

(Note: In 2016, the CSO's total expenses were \$8,394,287, and in 2017 its total expenses of \$4,986,731. The CSO complied with the requirement to get an audit. The audit findings do not reflect mismanagement. However, they do recommend that FWC provide guidance on how the Foundation handle its shooting ranges. FWC has complied with this requirement).

*Recommendation:* FWC is developing a more detailed contractual agreement governing its operations that complies with the statutory requirements and expects to have it before or during the early 2019 committee weeks. If it looks satisfactory, such an agreement might be sufficient as there is no indication of mismanagement or that the entity is not meeting its stated goals. Repeal the sunset provision for FWC's CSOs.

*Issue:* The Foundation has other nonprofits that manage some of its funds which are not CSOs and are not subject to the transparency requirements in state statute. However, they are in the process of dissolving these entities.

*Recommendation:* No action needed.

***Summary of staff recommendations for FWC's CSOs:*** Repeal the sunset. Authorize judges to require donations to Wildlife Alert.

THE FLORIDA SENATE

**APPEARANCE RECORD**

1/22/19

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

Meeting Date

Bill Number (if applicable)

Topic Agriculture Education

Amendment Barcode (if applicable)

Name Kaitlin Vickers

Job Title State Supervisor of Ag, Fair, and Natural resources

Address 325 west Gaines St.  
Street

Phone (850)725-9017

Tallahassee  
City

FL  
State

32379  
Zip

Email Kaitlin.Vickers@

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/14/14)

**APPEARANCE RECORD**

1-22-19

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

Meeting Date

Bill Number (if applicable)

Topic FFA - Next Generation Ag.Ed.

Amendment Barcode (if applicable)

Name Artha JonassaintJob Title State FFA PresidentAddress 5600 SW 34<sup>th</sup> StrPhone 8132447273

Street

GainesvilleFL32608

City

State

Zip

Email ajonassaint@gmail.comSpeaking:  For  Against  InformationWaive Speaking:  In Support  Against  
(The Chair will read this information into the record.)Representing Florida FFA AssociationAppearing at request of Chair:  Yes  NoLobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

## THE FLORIDA SENATE

## APPEARANCE RECORD

E 22-19

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

Meeting Date

Bill Number (if applicable)

Topic FFA - Next Generation Ag. Ed.

Amendment Barcode (if applicable)

Name DELLON BARBER

Job Title Area One State Vice President

Address 5600 SW 34th Str Phone 8632447273

Street

Gainesville

FL

32608

City

State

Zip

Email dellon.barber@flffa.org

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

Representing

Florida FFA Association

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

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S-001 (10/14/14)

THE FLORIDA SENATE

**APPEARANCE RECORD**

1/22/19  
Meeting Date

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

92

Bill Number (if applicable)

Topic C-51

Amendment Barcode (if applicable)

Name Frank Bernardino

Job Title Partner

Address 201 W Park Ave Suite 100

Phone 561/718-2345

Street

Tallahassee

FL

32301

City

State

Zip

Email FrankCantfield@florida.com

Speaking:  For  Against  Information

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

Representing Palm Beach County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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1-22-19

Meeting Date

99

Bill Number (if applicable)

Topic C-51

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title

Address 1674 University Pkwy #295 Phone 941-323-2484  
Street  
SARASOTA FL 34243 Email cullenusea@aol.com  
City State Zip

Speaking:  For  Against  Information

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

Representing SIERRA CLUB FRIENDS

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

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S-001 (10/14/14)

**THE FLORIDA SENATE**

**APPEARANCE RECORD**

1/22/19

Meeting Date

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

SB 92

Bill Number (if applicable)

Topic

C-51 Reservoir Project

Amendment Barcode (if applicable)

Name

Devon West

Job Title

Legislative Policy Advisor

Address

100 S. Andrews Ave Main Library

Phone 954-789-9293

Street

Ft. Lauderdale

FL

33301

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

Representing

Broward County Board of County Commissioners

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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S-001 (10/14/14)

**THE FLORIDA SENATE**

**APPEARANCE RECORD**

1/22/19

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

Meeting Date

Bill Number (if applicable)

Topic Springs & Aquifer Protection

Amendment Barcode (if applicable)

Name Tom Fricke

Job Title Director

Address \_\_\_\_\_  
Street \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

1/22/19

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

Meeting DateBill Number (if applicable)Topic Implementation of the Florida Springs and Aquifer Protection ActAmendment Barcode (if applicable)Name Clegg HooksJob Title Assistant Director of Office of Agriculture Water PolicyAddress 400 S Monroe StPhone 850-617-7700StreetTallahasseeFL32399CityStateZipEmail emily.buckley@freshfromflorida.comSpeaking:  For  Against  InformationWaive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*Representing Department of Agriculture and Consumer ServicesAppearing at request of Chair:  Yes  NoLobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Meeting Date

Topic BMAP Update

Bill Number (if applicable)

Name Chris Doohin



Amendment Barcode (if applicable)

represents  
39 counties

Job Title Consultant

Address 1118 B Thomasville

Phone 850-508-5492

Street

Tallahassee

City

State

Zip

Speaking:  For  Against  Information

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

Representing

Small County Coalition

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE

**APPEARANCE RECORD**

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

Jan 22, 2019

Meeting Date

Bill Number (if applicable)

Topic Citizen Support Organization

Amendment Barcode (if applicable)

Name Eric Draper

Job Title Director, Division of Recreation and Parks

Address 3800 Commonwealth Phone \_\_\_\_\_  
Street

Tallahassee FL Zip \_\_\_\_\_  
City State Zip Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Department of Environmental Protection

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

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S-001 (10/14/14)

THE FLORIDA SENATE

**APPEARANCE RECORD**

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

01/22/2019

Meeting Date

Bill Number (if applicable)

Topic Wildlife Alert (SOs)

Amendment Barcode (if applicable)

Name Brian Smith

Job Title Deputy Director for Law Enforcement (FWC)

Address 620 S. Meridian St.

Phone 813-293-0425

Street

Tallahassee

FL

32301

Email brian.smith@myfwc.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing FWC

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE

**APPEARANCE RECORD**

01/22/2019

Meeting Date

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

Bill Number (if applicable)

Topic (CSOs) Florida Fish & Wildlife Foundation

Amendment Barcode (if applicable)

Name Andrew Walker

Job Title President & CEO, Fish and Wildlife Foundation of Florida

Address 100 Eighth Ave SE

Phone 941-809-7805

Street

St. Petersburg

FL

33701

City

State

Zip

Speaking:  For  Against  Information

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

Representing Florida Fish & Wildlife Foundation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

# CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Environment and Natural Resources Committee

Judge:

Started: 1/22/2019 4:31:36 PM

Ends: 1/22/2019 5:48:37 PM

Length: 01:17:02

4:31:40 PM Meeting called to order  
4:31:44 PM Roll Call  
4:31:53 PM Pledge to flag  
4:32:47 PM Senator Montford recognizes Future Farmers of America  
4:33:21 PM FFA President addressing the committee  
4:34:27 PM FFA President addressing the committee  
4:34:34 PM Senator Montford with comments re: FFA  
4:35:35 PM Katelyn Vickers, State Supervisor of FFA  
4:36:19 PM Senator Montford on personal privilege Re: Spills from Valdosta, GA  
4:36:56 PM Comments re: sewage spills from Valdosta, GA  
4:37:41 PM Tab 1 by Senator Book, SB 92 re: C-51 Reservoir Project  
4:37:53 PM Senator Albritton presenting bill for Senator Book  
4:39:11 PM Amendment Barcode 456432  
4:39:23 PM Conforming amendment  
4:39:44 PM Amendment Barcode 456432 passes  
4:39:51 PM Questions on Bill  
4:40:09 PM Frank Bernardino, Palm Beach County  
4:40:31 PM David Cullen, Sierra Club waives in opposition  
4:40:39 PM David Cullen, Sierra Club waives in opposition  
4:40:49 PM Devon West waives in support  
4:41:04 PM SB 92 passes as CS  
4:41:18 PM Tab 2  
4:41:47 PM Tom Frick, Director, Division of Environmental Assessment and Restoration  
5:00:22 PM Senator Berman with a question  
5:00:38 PM Tom Frick responding to Senator Berman  
5:01:35 PM Senator Berman with follow up question  
5:01:58 PM Tom Frick responding to Senator Berman  
5:03:17 PM Senator Berman with follow up question  
5:03:30 PM Tom Frick responding to Senator Berman  
5:03:45 PM Senator Berman with follow up question  
5:04:08 PM Tom Frick responding to Senator Berman on springs cleanup  
5:04:38 PM Senator Mayfield with a question  
5:04:59 PM Tom Frick responding on the five people who filed challenges  
5:05:15 PM Senator Montford with a question  
5:05:32 PM Tom Frick responding on other springs restoration  
5:05:58 PM Senator Montford with a question  
5:06:04 PM Tom Frick responding  
5:06:41 PM Senator Montford asking about Valdosta spills  
5:06:53 PM Tom Frick responding to Valdosta, GA spills  
5:08:17 PM Clegg Hooks, Deputy Director, Office of Agricultural Water Policy, Update on MBP's  
5:08:42 PM from the Department of Agriculture and Consumer Services  
5:20:43 PM Senator Berman with a question  
5:20:52 PM Mr. Hooks responding  
5:22:05 PM Senator Berman with follow up question  
5:22:13 PM Mr. Hooks responding  
5:24:32 PM Senator Mayfield with cost sharing question  
5:24:46 PM Mr. Hooks responding  
5:25:34 PM Chris Doolin, Small County Collation  
5:26:53 PM Tab 3 Workshop on Citizen Support Organizations  
5:27:29 PM Eric Draper, Director, Florida Parks Service with the Department of Environmental Protection  
5:33:40 PM Senator Montford with a question re: Booster Clubs  
5:34:22 PM Eric Draper responding

**5:35:05 PM** Lt. Colonel Brian Smith, Wildlife Alert Reward Association, Florida Fish and Wildlife  
**5:35:20 PM** Conservation Commission  
**5:36:51 PM** Senator Montford with a question  
**5:37:00 PM** Brian Smith responding  
**5:37:12 PM** Senator Berman with a question re: taking fish  
**5:37:32 PM** Brian Smith responding  
**5:38:21 PM** Andrew Walker, President and CEO, Fish and Wildlife Foundation of Florida  
**5:45:05 PM** Senator Montford with comments about presentation  
**5:45:18 PM** Ellen Roger, Staff Recommendations  
**5:47:54 PM** Senator Montford with comments  
**5:48:04 PM** Senator Berman requesting copy of Staff Recommendations, Ms. Rogers responded they are in the packet  
**5:48:13 PM** Senator Montford closing comments  
**5:48:24 PM** Senator Wright moves to adjourn  
**5:48:27 PM** Meeting adjourned