

Tab 9	SB 32 by Gibson ; (Identical to H 06509) Relief of former employees of Fairfax Street Wood Treaters by the State of Florida					
Tab 10	SB 680 by Hutson (CO-INTRODUCERS) Gruters, Stewart, Berman, Book ; (Identical to H 00401) Shark Fins					
871632	A	S	WD	EN, Hutson	Delete L.10 - 33:	01/31 03:37 PM
926996	A	S	RCS	EN, Hutson	Delete L.10 - 33:	02/03 07:23 PM
Tab 11	SB 1152 by Broxson ; Brownfield Site Rehabilitation					
654146	A	S	RCS	EN, Broxson	Delete L.16 - 33.	02/03 07:23 PM
Tab 12	SB 1720 by Cruz ; (Similar to H 01427) Florida Safe Drinking Water Act					
Tab 13	SB 1878 by Bradley (CO-INTRODUCERS) Mayfield ; Environmental Protection					
628664	D	S	RCS	EN, Bradley	Delete everything after	02/03 07:23 PM
Tab 14	SB 688 by Wright ; (Similar to CS/H 00327) Illegal Taking and Possession of Bears					
920744	D	S	RCS	EN, Wright	Delete everything after	02/03 07:23 PM
Tab 15	SB 826 by Mayfield ; (Identical to H 01329) Marina Evacuations					
363196	D	S	RCS	EN, Mayfield	Delete everything after	02/03 07:23 PM
Tab 16	SB 1414 by Mayfield ; (Compare to H 00777) Fish and Wildlife Activities					
523760	A	S	RCS	EN, Mayfield	Delete L.70 - 73:	02/03 07:23 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Montford, Chair
 Senator Albritton, Vice Chair

MEETING DATE: Monday, February 3, 2020

TIME: 4:00—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	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 office indicated.			
Fish and Wildlife Conservation Commission			
1	Barreto, Rodney L. (Coral Gables)	01/05/2024	Recommend Confirm Yeas 4 Nays 0
	Hudson, Steven W. (Fort Lauderdale)	08/01/2022	Recommend Confirm Yeas 4 Nays 0
Executive Director of Northwest Florida Water Management District			
2	Cyphers, Brett J. (Tallahassee)	Pleasure of the Board	Recommend Confirm Yeas 5 Nays 0
Governing Board of the St. Johns River Water Management District			
3	Davis, Daniel J. (Jacksonville)	03/01/2020	Recommend Confirm Yeas 4 Nays 0
	Howse, Ronald S. (Cocoa)	03/01/2023	Recommend Confirm Yeas 4 Nays 0
Executive Director of St. Johns River Water Management District			
4	Shortelle, Ann B. (Gainesville)	Pleasure of the Board	Recommend Confirm Yeas 5 Nays 0
Governing Board of the South Florida Water Management District			
5	Butler, Benjamin L. (Lorida)	03/01/2020	Recommend Confirm Yeas 5 Nays 0
	Bergeron, Ronald M. (Weston)	03/01/2022	Temporarily Postponed
Executive Director of South Florida Water Management District			
6	Bartlett, Andrew "Drew" (Lake Worth Beach)	Pleasure of the Board	Not Considered
Governing Board of the Southwest Florida Water Management District			
7	Bispham, Paul J. (Myakka City)	03/01/2021	Recommend Confirm Yeas 4 Nays 0
	Weightman, Seth (Dade City)	03/01/2023	Recommend Confirm Yeas 4 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, February 3, 2020, 4:00—6:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
	Schleicher, Joel A. (Sarasota)	03/01/2023	Recommend Confirm Yeas 4 Nays 0
	Rice, Kelly S. (Webster)	03/01/2023	Recommend Confirm Yeas 4 Nays 0
	Germann, Roger W., Jr. (Tampa)	03/01/2022	Recommend Confirm Yeas 4 Nays 0

Executive Director of Southwest Florida Water Management District

8	Armstrong, Brian J. (San Antonio)	Pleasure of the Board	Recommend Confirm Yeas 4 Nays 0
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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	SB 32 Gibson (Identical H 6509)	Relief of former employees of Fairfax Street Wood Treaters by the State of Florida; Providing for the relief of former employees of Fairfax Street Wood Treaters; directing the Department of Health to collaborate with the National Institute for Occupational Safety and Health to develop specified data for certain purposes; providing an appropriation to compensate the former employees for injuries and damages sustained as a result of the negligence of the Department of Environmental Protection, the Department of Financial Services, and the Department of Health, etc. EN 02/03/2020 Favorable HP JU AP	Favorable Yeas 5 Nays 0
10	SB 680 Hutson (Identical H 401)	Shark Fins; Prohibiting the import, export, and sale of shark fins, etc. EN 02/03/2020 Fav/CS CM RC	Fav/CS Yeas 4 Nays 0
11	SB 1152 Broxson	Brownfield Site Rehabilitation; Increasing the total amount of tax credits which may be granted for certain contaminated site rehabilitations each year; providing that potential brownfield sites owned by the state or a local government which are impacted by PFAS are eligible to participate in a brownfield site rehabilitation agreement regardless of contribution, etc. EN 02/03/2020 Fav/CS FT AP	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, February 3, 2020, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	SB 1720 Cruz (Similar H 1427)	Florida Safe Drinking Water Act; Requiring the Department of Environmental Protection to adopt and implement rules for statewide maximum contaminant levels for specified pollutants by a date certain, etc. EN 02/03/2020 Favorable AEG AP	Favorable Yeas 4 Nays 0
13	SB 1878 Bradley	Environmental Protection; Requiring a minimum annual appropriation for Everglades restoration and the protection of water resources in this state beginning in a specified fiscal year; providing requirements for the allocation of such funding; providing for future repeal of the appropriation unless reviewed and saved from repeal through reenactment by the Legislature, etc. EN 02/03/2020 Fav/CS AEG AP	Fav/CS Yeas 5 Nays 0
14	SB 688 Wright (Similar CS/H 327)	Illegal Taking and Possession of Bears; Prohibiting certain taking and possession of bears; providing penalties, etc. EN 02/03/2020 Fav/CS CJ RC	Fav/CS Yeas 4 Nays 0
15	SB 826 Mayfield (Identical H 1329, Compare CS/H 395)	Marina Evacuations; Prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed not suitable for refuge during a hurricane after the issuance of a hurricane watch or warning for the waters of the marina; providing for civil penalties, etc. EN 02/03/2020 Fav/CS IS RC	Fav/CS Yeas 5 Nays 0
16	SB 1414 Mayfield (Compare H 777)	Fish and Wildlife Activities; Prohibiting certain harassment of hunters, trappers, and fishers within or on public lands or publicly or privately owned wildlife and fish management areas, or in or on public waters; authorizing the Fish and Wildlife Conservation Commission to designate additional annual free freshwater and saltwater fishing days; prohibiting the keeping, possessing, importing, selling, bartering, trading, or breeding of certain species except for educational or research purposes, etc. EN 02/03/2020 Fav/CS AG RC	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, February 3, 2020, 4:00—6:00 p.m.

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

850

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Rodney Barreto

is duly appointed a member of the

Fish and Wildlife Conservation Commission

for a term beginning on the Nineteenth day of July, A.D., 2019,
until the Fifth day of January, A.D., 2024 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 Fifth day of September, A.D., 2019.*



Secretary of State

RON DeSANTIS
GOVERNOR

RECEIVED

2019 JUL 24 AM 8:51

DIVISION OF ELECTIONS
TALLAHASSEE, FL

July 19, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

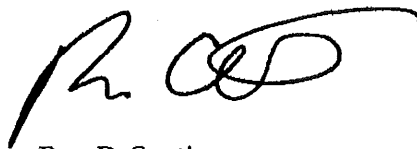
Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Article IV, Section 9, Florida Constitution:

Mr. Rodney Barreto
460 Marquesa Drive
Coral Gables, Florida 33156

as a member of the Florida Fish and Wildlife Conservation Commission, succeeding Joshua Kellam, subject to confirmation by the Senate. This appointment is effective July 19, 2019, for a term ending January 5, 2024.

Sincerely,



Ron DeSantis
Governor

RD/dc

RECEIVED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2019 SEP -5 AM 10:21

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Miami Dade

HAND DELIVERED

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

Florida Fish and Wildlife Conservation Commission
(Title of Office)

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

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

Signature



Sworn to and subscribed before me this 23rd day of August, 2019.

Mireya Carballosa
Signature of Officer Administering Oath or of Notary Public

Mireya Carballosa
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

235 Catalonia Ave

Street or Post Office Box

Coral Gables, FL 33134

City, State, Zip Code

Rodney Barreto

Print Name

Signature

850

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Steven W. Hudson

is duly appointed a member of the

Fish and Wildlife Conservation Commission

for a term beginning on the Nineteenth day of July, A.D., 2019,
until the First day of August, A.D., 2022 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 Fifth day of September, A.D., 2019.*



Secretary of State

RON DeSANTIS
GOVERNOR

RECEIVED

2019 JUL 24 AM 8:51

DIVISION OF ELECTIONS
TALLAHASSEE, FL

July 19, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

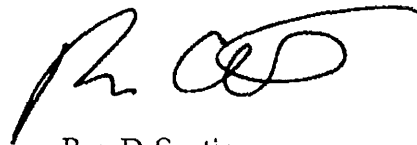
Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Article IV, Section 9, Florida Constitution:

Steven Hudson
1799 Southeast 9th Street
Fort Lauderdale, Florida 33316

as a member of the Florida Fish and Wildlife Conservation Commission, a succeeding Carlos Beruff, subject to confirmation by the Senate. This appointment is effective July 19, 2019, for a term ending August 1, 2022.

Sincerely,



Ron DeSantis
Governor

RD/dc

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2019 SEP -5 AM 9:38

STATE OF FLORIDA

County of Broward

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

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

Fish and Wildlife Conservation Commissioner

(Title of Office)

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

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

Signature

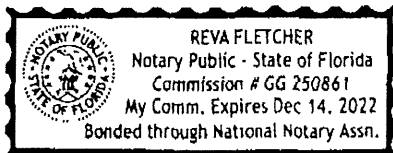
Sworn to and subscribed before me this 4th day of September, 2019.

Reva Fletcher
Signature of Officer Administering Oath or of Notary Public

Reva Fletcher
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

1535 SE 17th Street, ste 107

Street or Post Office Box

Fort Lauderdale, FL 33316

City, State, Zip Code

Steven W. Hudson

Print Name

Signature

2410

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

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Brett J. Cyphers

is duly appointed

Executive Director,

**Northwest Florida Water Management
District**

for a term beginning on the Fourth day of September, A.D.,
2019, to serve at the pleasure of the District's Governing Board
and is subject to be confirmed by the Senate during the next
regular session of the Legislature.

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Seventh day of September, A.D., 2019.

Laurel M. Lee

Secretary of State



Amended



RON DESANTIS
GOVERNOR

RECEIVED

2019 OCT 28 PM 12:43

DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 4, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.079(4)(a), Florida Statutes:

Mr. Brett Cyphers
81 Water Management Drive
Havana, FL 32333

as Executive Director of the Northwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective September 4, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/sk

HAND DELIVERED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

STATE OF FLORIDA

2019 AUG 21 PM 4:12

County of Gadsden

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

Executive Director, Northwest Florida Water Management District

(Title of Office)

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

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

Brett J. Cyphers
Signature

Sworn to and subscribed before me this 21 day of August, 2019

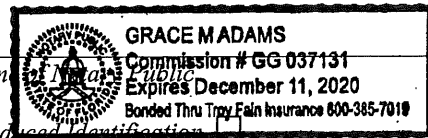
Grace Adams
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced _____



ACCEPTANCE

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

Mailing Address: ☐ Home ☒ Office

81 Water Management Dr.

Street or Post Office Box

Havana, FL 32333

City, State, Zip Code

Brett J. Cyphers

Print Name

Brett J. Cyphers
Signature

**The Florida Senate
Committee Notice Of Hearing**

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Brett J. Cyphers

Executive Director of Northwest Florida Water Management District

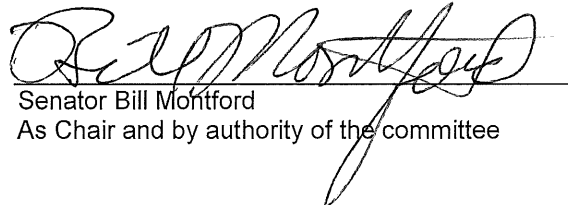
NOTICE OF HEARING

TO: Mr. Brett J. Cyphers

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, February 3, 2020, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 28th day of January, 2020

Committee on Environment and Natural
Resources



Senator Bill Montford
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

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

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

WITNESS'S NAME: Brett J. Cyphers

ANSWER: I Do

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

COMMITTEE NAME: Environment and Natural Resources

DATE: 2/3/20

2420

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

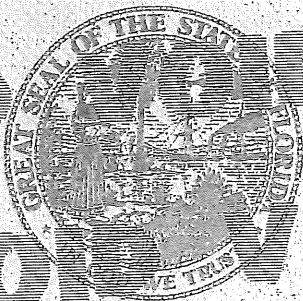
I, Laurel M. Lee, Secretary of State,
do hereby certify that

Daniel J. Davis

is duly appointed a member of the

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

for a term beginning on the Twenty-Third day of August, A.D.,
2019, until the First day of March, A.D., 2020 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Second day of October, A.D., 2019.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2019 AUG 27 AM 9:13
DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 23, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Daniel Davis
9301 Crystal Springs Road
Jacksonville, FL 32221

as a member of the St. Johns River Water Management District Governing Board, succeeding Allan Roberts, subject to confirmation by the Senate. This appointment is effective August 23, 2019 for a term ending March 1, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/sk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF
2019 OCT -2 AM 10:10

STATE OF FLORIDA

County of Duval

DIVISION OF

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

the Governing Board, Saint Johns River Water Management District

(Title of Office)

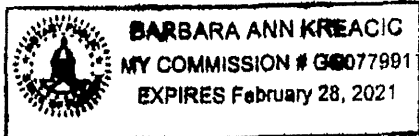
on which I am now about to enter, so help me God.

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

[Signature]

Signature

Sworn to and subscribed before me this 26 day of September, 2019.



Barbara Ann Kreggie

Signature of Officer Administering Oath or of Notary Public

Barbara Ann Kreggie

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced Knows personally

ACCEPTANCE

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

Mailing Address: ☐ Home ☒ Office

3 Independent Drive

Street or Post Office Box

Jacksonville, Florida, 32258

City, State, Zip Code

Daniel J. Davis

Print Name

[Signature]

Signature

2420

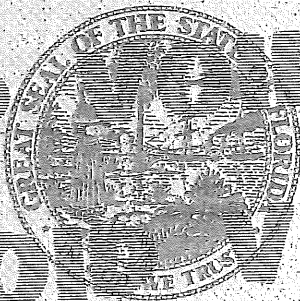
**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Ronald Howse

is duly appointed a member of the
**Governing Board,
Saint Johns River Water Management
District**

for a term beginning on the Twenty-Third day of August, A.D.,
2019, until the First day of March, A.D., 2023 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-First day of October, A.D., 2019.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2019 AUG 27 AM 9:13

DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 23, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Ronald Howse
3531 Indian River Drive
Cocoa, FL 32926

as a member of the St. Johns River Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective August 23, 2019 for a term ending March 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis".

Ron DeSantis
Governor

RD/ sk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF
2019 OCT 15 AM 10:59

STATE OF FLORIDA

County of MIAMI-DADE

DEPARTMENT OF
DIVISION OF ELECTIONS

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

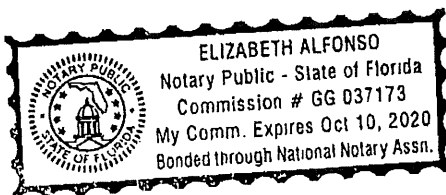
GOVERNING BOARD MEMBER, ST JOHNS RIVER WATER MANAGEMENT DISTRICT

(Title of Office)

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

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

COPY



[Signature]
Signature

Sworn to and subscribed before me this 18th day of Sept, 2019.

[Signature]

Signature of Officer Administering Oath or of Notary Public

Elizabeth Alfonso

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced E, SI.

ACCEPTANCE

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

Mailing Address: ☐ Home ☒ Office

PO BOX 237237

Street or Post Office Box

COCOA FL 32923

City, State, Zip Code

RONALD HOWSE

Print Name

[Signature]
Signature

COPY

2425

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

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Ann B. Shortelle

is duly appointed

Executive Director,

**Saint Johns River Water Management
District**

for a term beginning on the Fourth day of September, A.D.,
2019, to serve at the pleasure of the District's Governing Board
and is subject to be confirmed by the Senate during the next
regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Fourth day of September, A.D., 2019.*

Laurel M. Lee

Secretary of State

Amended



RON DESANTIS
GOVERNOR

RECEIVED

2019 OCT 28 PM 12:43

DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 4, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of
Section 373.079(4)(a), Florida Statutes:

Ms. Ann B. Shortelle
4047 Reid Street P.O. Box 1429
Palatka, FL 32178

as Executive Director of the St. Johns River Water Management District, subject to
confirmation by the Senate. This appointment is effective September 4, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/sk

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

RECEIVED
DEPARTMENT OF
2019 SEP 24 AM 9:36

STATE OF FLORIDA

County of Putnam

FLORIDA
DIVISION OF ELECTIONS

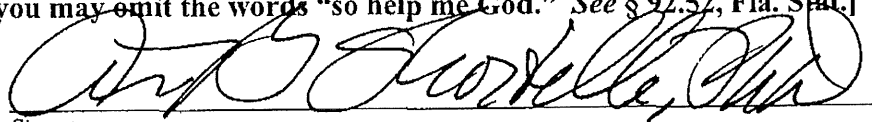
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Executive Director, St. Johns River Water Management District

(Title of Office)

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

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


Signature

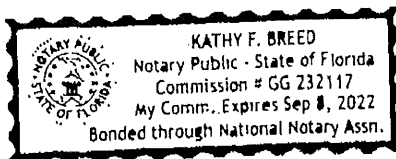
Sworn to and subscribed before me this 20 day of September, 2019.


Signature of Officer Administering Oath or of Notary Public

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

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



ACCEPTANCE

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

Mailing Address: ☐ Home ☒ Office

4049 Reid Street

Street or Post Office Box

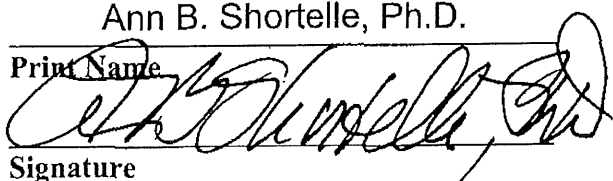
Palatka, FL 32177

City, State, Zip Code

Ann B. Shortelle, Ph.D.

Print Name

Signature



The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Ann B. Shortelle

Executive Director of St. Johns River Water Management District

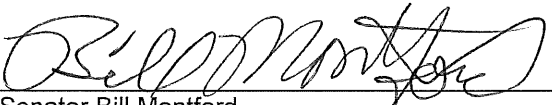
NOTICE OF HEARING

TO: Dr. Ann B. Shortelle

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, February 3, 2020, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 28th day of January, 2020

Committee on Environment and Natural
Resources



Senator Bill Montford
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

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

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

WITNESS'S NAME: Ann Shortelle

ANSWER: I Do

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

COMMITTEE NAME: Environment and Natural Resources

DATE: 2/3/20

2435

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Benjamin "Ben" Butler

is duly appointed a member of the

Governing Board,

South Florida Water Management District

for a term beginning on the Fifth day of November, A.D., 2019,
until the First day of March, A.D., 2020 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 Eighth day of November, A.D., 2019.



Secretary of State





RON DeSANTIS
GOVERNOR

RECEIVED

2019 NOV -6 PM 3:09

DIVISION OF ELECTIONS
TALLAHASSEE, FL

November 5, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Benjamin Butler
608 Butler's Bluff Rd
Lorida, FL 33857

as a member of the South Florida Water Management District Governing Board, succeeding Daniel O'Keefe, subject to confirmation by the Senate. This appointment is effective November 5, 2019, for a term ending March 1, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/sk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Palm Beach

RECEIVED
DEPARTMENT OF STATE

2019 NOV -8 AM 9:01

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

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, South Florida Water Management District

(Title of Office)

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

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

[Signature]
Signature

Sworn to and subscribed before me this 1st day of November 2019

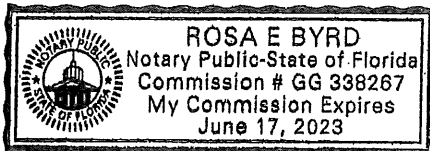
[Signature]
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced _____



ACCEPTANCE

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

Mailing Address: ☒ Home ☐ Office

608 Butler's Bluff Road

Street or Post Office Box

Lorida, FL 33857

City, State, Zip Code

Benjamin ("Ben") Butler

Print Name

[Signature]
Signature

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Benjamin L. Butler
Governing Board of the South Florida Water Management District

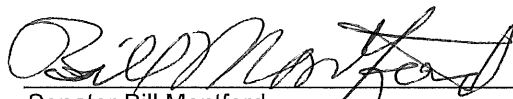
NOTICE OF HEARING

TO: Mr. Benjamin L. Butler

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, February 3, 2020, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 28th day of January, 2020

Committee on Environment and Natural
Resources



Senator Bill Montford
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

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

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

WITNESS'S NAME: Benjamin Butler

ANSWER: I Do

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

COMMITTEE NAME: Environment and Natural Resources

DATE: 2/3/20

2435

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

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Ronald M. Bergeron, Sr.

is duly appointed a member of the

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

for a term beginning on the Twelfth day of April, A.D., 2019,
until the First day of March, A.D., 2022 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 Ninth day of May, A.D., 2019.*



Secretary of State



RON DESANTIS
GOVERNOR

RECEIVED

2019 APR 23 AM 10:48

**DIVISION OF ELECTIONS
TALLAHASSEE, FL**

April 12, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Ronald Bergeron
19612 Southwest 69th Place
Fort Lauderdale, Florida 33332

as a member of the Governing Board, South Florida Water Management District, filling the seat vacated by Carlos Diaz, subject to confirmation by the Senate. This appointment is effective April 12, 2019, for a term ending March 1, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/sk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

STATE OF FLORIDA

2019 MAY -7 AM 9:21

County of

Broward

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

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

the Governing Board of the South Florida Water Management District

(Title of Office)

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

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

Signature

Sworn to and subscribed before me this

2

day of

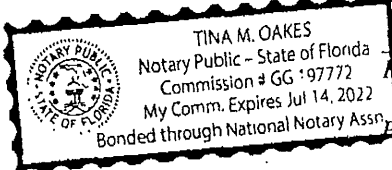
May

2019

Signature of Officer Administering Oath or of Notary Public

Tina M Oakes

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

19612 SW 69th Place

Street or Post Office Box

FLand, FL 33332

City, State, Zip Code

Ronald M Bergerson

Print Name

Signature

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Ronald M. Bergeron
Governing Board of the South Florida Water Management District

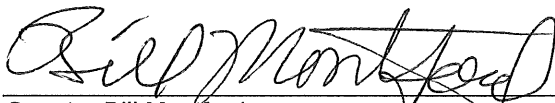
NOTICE OF HEARING

TO: Mr. Ronald M. Bergeron

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, February 3, 2020, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 28th day of January, 2020

Committee on Environment and Natural
Resources



Senator Bill Montford
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms

2440

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

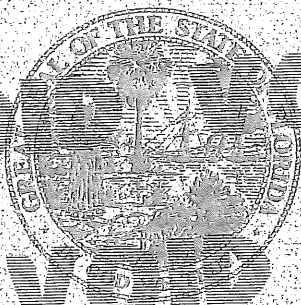
Andrew "Drew" Bartlett

is duly appointed

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

for a term beginning on the Fourth day of September, A.D.,
2019, to serve at the pleasure of the District's Governing Board
and is subject to be confirmed by the Senate during the next
regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Seventeenth day of September, A.D., 2019.*



Laurel M. Lee

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.

Amended



RON DESANTIS
GOVERNOR

RECEIVED

2019 OCT 28 PM 12:44

DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 4, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.079(4)(a), Florida Statutes:

Mr. Drew Bartlett
3301 Gun Club Road
West Palm Beach, FL 33406

as Executive Director of the South Florida Water Management District, subject to confirmation by the Senate. This appointment is effective September 4, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis", with a stylized flourish at the end.

Ron DeSantis
Governor

RD/sk

HAND DELIVERED

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Leon

RECEIVED
DEPARTMENT OF STATE

2019 MAR 27 PM 2:20

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

EXECUTIVE DIRECTOR, SOUTH FLORIDA WATER
(Title of Office) MANAGEMENT DISTRICT

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

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

[Signature]
Signature

Sworn to and subscribed before me this 26 day of March, 2019.



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

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

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced N/A

ACCEPTANCE

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

Mailing Address: ☐ Home ☒ Office

3301 GUNCLUB ROAD
Street or Post Office Box

WEST PALM BEACH, FL 33406
City, State, Zip Code

ANDREW "DREW" BARTLETT
Print Name

[Signature]
Signature

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Andrew "Drew" Bartlett
Executive Director of South Florida Water Management District

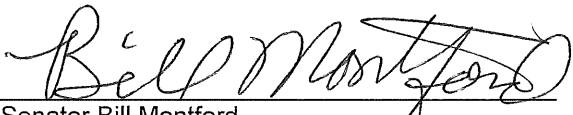
NOTICE OF HEARING

TO: Mr. Andrew "Drew" Bartlett

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, February 3, 2020, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 28th day of January, 2020

Committee on Environment and Natural
Resources



Senator Bill Montford
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms

2460

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Jack Bispham

is duly appointed a member of the

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

for a term beginning on the Fifth day of November, A.D., 2019,
until the First day of March, A.D., 2021 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 Sixth day of December, A.D., 2019.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DESANTIS
GOVERNOR

RECEIVED

2019 NOV -6 PM 3:09

DIVISION OF ELECTIONS
TALLAHASSEE, FL

November 5, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Paul Jack Bispham
27400 Gopher Hill Road
Myakka City, FL 34251

as a member of the Southwest Florida Water Management District Governing Board, succeeding John Henslick, subject to confirmation by the Senate. This appointment is effective November 5, 2019, for a term ending March 1, 2021.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis".

Ron DeSantis
Governor

RD/sk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF
2019 DEC -6 PM 2:08

STATE OF FLORIDA

County of Hillsborough

DIVISION OF

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

Southwest Florida Water Management District Governing Board Member

(Title of Office)

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

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

Signature

[Handwritten Signature]

Sworn to and subscribed before me this 19 day of November, 2019

Carie Browning

Signature of Officer Administering Oath or of Notary Public

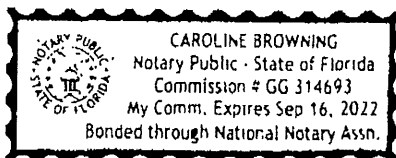
Caroline Browning

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

27400 Gopher Hill Rd

Street or Post Office Box

Myakka City FL 34251

City, State, Zip Code

Jack Bispham

Print Name

Signature

[Handwritten Signature]

2460

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

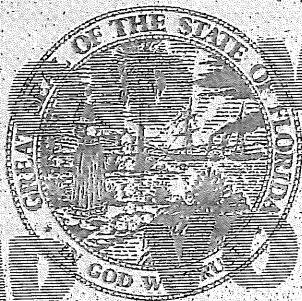
I, Laurel M. Lee, Secretary of State,
do hereby certify that

Seth Weightman

is duly appointed a member of the

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

for a term beginning on the Fifth day of November, A.D., 2019,
until the First day of March, A.D., 2023 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 Sixth day of December, A.D., 2019.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)



RON DeSANTIS
GOVERNOR

RECEIVED

2019 NOV -6 PM 3:09

DIVISION OF ELECTIONS
TALLAHASSEE, FL

November 5, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Seth Weightman
37631 Fairfield Lane
Dade City, FL 33525

as a member of the Southwest Florida Water Management District Governing Board, succeeding Randall Maggard, subject to confirmation by the Senate. This appointment is effective November 5, 2019, for a term ending March 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/sk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT
2019 DEC -6 PM 2:08

STATE OF FLORIDA

County of Hillsborough

DIVISION OF

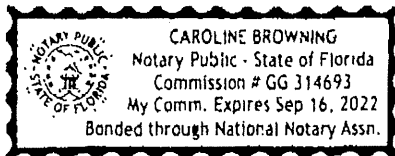
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Southwest Florida Water Management District Governing Board Member

(Title of Office)

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

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



Signature

Sworn to and subscribed before me this 19 day of NOVEMBER 2019

Caroline Browning

Signature of Officer Administering Oath or of Notary Public

Caroline Browning

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

37631 Fairfield Lane

Street or Post Office Box

Dade City FL 33525

City, State, Zip Code

Seth Weightman

Print Name

Signature

2460

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

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Joel A. Schleicher

is duly appointed a member of the
**Governing Board,
Southwest Florida Water Management
District**

for a term beginning on the Twelfth day of July, A.D., 2019,
until the First day of March, A.D., 2023 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 September, A.D., 2019.*

Laurel M. Lee

Secretary of State

RON DeSANTIS
GOVERNOR

RECEIVED

2019 JUL 24 AM 8:52

DIVISION OF ELECTIONS
TALLAHASSEE, FL

July 12, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

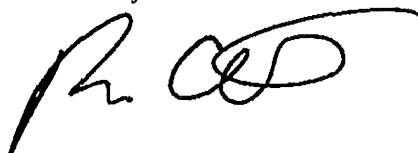
Dear Secretary Lee:

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

Mr. Joel Schleicher
P.O. Box 4273
Sarasota, Florida 34230

as a member of the Southwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective July 12, 2019, for a term ending March 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron DeSantis', with a stylized flourish at the end.

Ron DeSantis
Governor

RD/dc

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Hernando

RECEIVED
DEPARTMENT OF
2019 JUL 26 AM 9:32
DIVISION OF ELECTIONS

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

Southwest Florida Water Management Governing Board Member

(Title of Office)

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

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

Joel A. Schleicher
Signature

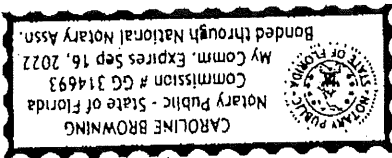
Sworn to and subscribed before me this 23 day of July, 2019.

Carrie Browning
Signature of Officer Administering Oath or of Notary Public

Caroline Browning
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

Post Office Box 4273

Street or Post Office Box

Sarasota FL 34230

City, State, Zip Code

Joel A. Schleicher

Print Name

Joel A. Schleicher
Signature

2460

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

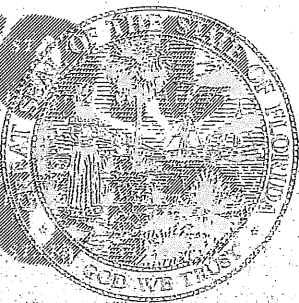
I, Laurel M. Lee, Secretary of State,
do hereby certify that

Kelly Rice

is duly appointed a member of the

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

for a term beginning on the Seventeenth day of September, A.D.,
2019, until the First day of March, A.D., 2023 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 Fourth day of November, A.D., 2019.*

Laurel M. Lee

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.

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

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



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2019 SEP 18 AM 9:08
DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 17, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Kelly Rice
PO Box 648
Webster, FL 33597

as a member of the Southwest Florida Water Management District Governing Board, subject to confirmation by the Senate. This appointment is effective September 17, 2019 for a term ending March 1, 2023.

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/ sk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Sumter

RECEIVED
CLERK OF COURT
2019 OCT 28 AM 10:04

CLERK OF COURT
DIVISION OF ELECTIONS

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

Governing Board, Southwest Florida Water Management District

(Title of Office)

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

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

[Signature]

Signature

Sworn to and subscribed before me this 23rd day of October, 2019.

Alysia Diane Akins
Signature of Officer Administering Oath or of Notary Public

Alysia Diane Akins
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced _____



Alysia Diane Akins
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG308660
Expires 3/12/2023

ACCEPTANCE

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

Mailing Address: ☐ Home ☒ Office

1034 W C 48

Street or Post Office Box

Bushnell, FL 33513

City, State, Zip Code

Kelly Shelton Rice

Print Name

[Signature]
Signature

2460

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Roger Germann

is duly appointed a member of the

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

for a term beginning on the Seventeenth day of September, A.D.,
2019, until the First day of March, A.D., 2022 and is subject to
be confirmed by the Senate during the next regular session of the
Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Tenth day of October, A.D., 2019.*

Laurel M. Lee

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

2019 SEP 18 AM 9:08

DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 17, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

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

Mr. Roger Germann
2612 West Morrison Ave
Tampa, FL 33629

as a member of the Southwest Florida Water Management District Governing Board, succeeding Terrell Wiggins, subject to confirmation by the Senate. This appointment is effective September 17, 2019 for a term ending March 1, 2022.

Sincerely,

A handwritten signature in black ink, appearing to be "R. DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/sk

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2019 OCT -2 AM 10:14

STATE OF FLORIDA

County of Hillsborough

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

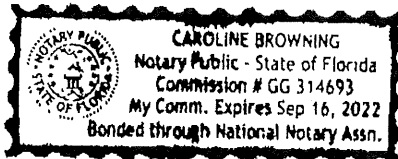
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

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

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

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

R. W. [Signature]
Signature



Sworn to and subscribed before me this 24 day of September, 2019.

Carrie Browning
Signature of Officer Administering Oath or of Notary Public

Caroline Browning
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

701 Channelside Dr.
Street or Post Office Box

Tampa, FL 33602
City, State, Zip Code

Roger Germann
Print Name

[Signature]
Signature

2465

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

I, Laurel M. Lee, Secretary of State,
do hereby certify that

Brian J. Armstrong

is duly appointed

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

for a term beginning on the Fourth day of September, A.D.,
2019, to serve at the pleasure of the District's Governing Board
and is subject to be confirmed by the Senate during the next
regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Seventeenth day of September, A.D., 2019.*

Laurel M. Lee

Secretary of State

Amended



RON DESANTIS
GOVERNOR

RECEIVED

2019 OCT 28 PM 12:43

DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 4, 2019

Secretary Laurel M. Lee
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 373.079(4)(a), Florida Statutes:

Mr. Brian Armstrong
2379 Broad Street
Brooksville, FL 34604

as Executive Director of the Southwest Florida Water Management District, subject to confirmation by the Senate. This appointment is effective September 4, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "R. DeSantis", with a stylized flourish at the end.

Ron DeSantis
Governor

RD/sk

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

2019 SEP-3 AM 10:33

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

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

Southwest Florida Water Management District Executive Director

(Title of Office)

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

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



[Signature]
Signature

Sworn to and subscribed before me this 27 day of August, 2019

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

Cara S. Martin
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

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

Mailing Address: ☒ Home ☐ Office

32254 Corbin Ridge Street

Street or Post Office Box

San Antonio, FL 33576

City, State, Zip Code

Brian J. Armstrong

Print Name

[Signature]
Signature

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Brian J. Armstrong

Executive Director of Southwest Florida Water Management District

NOTICE OF HEARING

TO: Mr. Brian J. Armstrong

YOU ARE HEREBY NOTIFIED that the Committee on Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Monday, February 3, 2020, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 28th day of January, 2020

Committee on Environment and Natural
Resources



Senator Bill Montford
As Chair and by authority of the committee

cc: Members, Committee on Environment and Natural Resources
Office of the Sergeant at Arms

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

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

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

WITNESS'S NAME: Brian J. Armstrong

ANSWER: I Do

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

COMMITTEE NAME: Environment and Natural Resources

DATE: 2/3/20

BEFORE THE FLORIDA HOUSE OF REPRESENTATIVES

IN THE MATTER OF RELIEF FOR:

**ARIEL FLO,
Et.al.
Claimants,**

v.

**HB 6501
SB 52**

**STATE OF FLORIDA,
Respondent.**

_____ /

**CLAIMANTS' STATEMENT AND
LEGAL MEMORANDUM**

Dated: April 11, 2019

By:

Ennis Leon Jacobs, Jr., Esq.
Law Office of Ennis Leon Jacobs, Jr.
P. O. Box 1101
Tallahassee, Florida 32302
jacobslawfla@gmail.com

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BEFORE THE FLORIDA HOUSE OF REPRESENTATIVES

IN THE MATTER OF RELIEF FOR:

**ARIEL FLO,
Et.al.
Claimants,**

v.

**STATE OF FLORIDA,
Respondent.**

**HB 6501
SB 52**

CLAIMANTS' STATEMENT AND MEMORANDUM

Claimant Ariel Flo, and other individuals¹ who are former employees of an industrial firm called Wood Treaters, LLC (formerly Wood Treaters, Inc.; hereinafter "Wood Treaters"), by and through their undersigned counsel, hereby submit this memorandum in the support of the above-styled equitable relief act.

INTRODUCTION

Wood Treaters, Inc. (formerly Wood Treaters, LLC) owned and managed the Fairfax Street Wood Treaters Plant ("FSWT") site, a 12.5-acre industrial site located on Fairfax Street, in the center of a densely populated residential neighborhood in North Jacksonville. The site is located adjacent to two public elementary schools, a private school/day care and a broad area of residential properties. The operations at the FSWT site utilized a hazardous wood treating preservative called *chromated copper arsenate* ("CCA"), a concentrated form of the chemical arsenic, to pressure treat various types of wood. The claimants in SB 52 are former employees of this now defunct company.

¹ See Appendix A for a roster of claimants represented by undersigned counsel.

EXECUTIVE SUMMARY

The Fairfax Street Wood Treating Plant (“FSWT”) produced pressure treated wood for wholesale and commercial use.² The FSWT site is in the center of a densely populated residential neighborhood, and adjacent to two public elementary schools, a private school/day care and many private homes of long-time residents.

Claimants have filed this equitable relief act, or claims bill, because state agencies failed to administer their respective legal duties requiring that they protect the health and safety of the Claimants in their workplace where they were exposed to toxic substances and wastes. Wood Treating used a concentrated form of arsenic called chromated copper arsenate (CCA) as a wood preservative. CCA is highly toxic and a known carcinogen. This preservative was heavily used in the wood treatment industry.

Claimants assert that their former employer, Wood Treating handled this very toxic form of arsenic in a grossly unsafe manner. Wood Treating went against wood treating industry best practices that reflected great caution in handling arsenic in the wood-treating process. In addition, Wood Treating violated occupational safety laws, and thwarted express state and federal policy to stop using this hazardous chemical for wood-treating.

This all confirms that the Wood Treating’s operations should have been frequently and heavily monitored by the state agencies to ensure the health and safety of the public and employees who came in contact with CCA, first because of the respective legal duties of these agencies in the face of the inherent risks at the site, and second because the operations at FSWT were a severe and obvious health hazard because of the company’s poor operations and practices that stood in stark contrast to environmental and occupational safety regulations for the management of the CCA chemical.

For these reasons, FSWT was squarely within a zone of high risks which demanded the most

² See Appendix B for an aerial photo of the industrial site

intense regulatory scrutiny. To ignore this plant site was to have invited undue risks to everyone associated with the plant. The evidence is now clear that the state agencies did indeed ignore this plant and, as a result, there is now widespread arsenic contamination in and around the FSWT site and, there is clear evidence that Claimants are suffering adverse health effects of exposure to CCA.

The Claimants, as FSWT plant employees, encountered the most severe risks of CCA exposure, yet were afforded the most persistent neglect. Their testimonies are consistent in portraying a work environment at FSWT which purposely and intentionally ignored effective process control and waste management for CCA. Specifically, the employees testify that the main storage tank for the raw chemical was poorly maintained, and on several occasions leaked and spilled the chemicals onto the plant floor. These spills were manually cleaned by the employees without protective gear or training in handling CCA. The state agencies did not investigate any of these incidents.

The employees testify that the pressure cylinder where the chemicals were applied to the wood was poorly operated and maintained. On many occasions, employees state that wood was improperly inserted in the cylinder and would be stuck inside. An employee would manually remove the wood while CCA was actively draining from the cylinder. Employees state further that on several occasions the door to the cylinder malfunctioned during application of chemicals and CCA would spill out of the cylinder. A drainage pit is located beneath the treatment cylinder, designed to collect leakage from the treatment process. Over time, a sludge would accumulate in the pit consisting of raw CCA residue. Employees testify that they were required to shovel out the sludge from the pit, with out protective clothing or training on handling CCA. The claimants consistently testify that they did not witness any inspections by state agencies at FSWT.

Former truck drivers employed at FSWT testify that Wood Treaters regularly violated OSHA standards by transferring wood from a drying bay to trucks for delivery before the chemicals had dried in. Thus, liquid CCA would leak onto the truck body and contact workers loading

the trucks. The claimants testify that in the time they worked at the plant, which in several cases extended over ten or more years, Wood Treaters persisted in these practices which resulted in an extremely unsafe work environment.

Wood Treaters abandoned the FSWT plant and entered bankruptcy in 2010. EPA invoked an emergency process to secure and cleanup the site, in which EPA engaged private contractors to investigate the environmental impacts at the site. These investigators determined that there was widespread toxic contamination, both onsite, and extending into the surrounding neighborhood.³ EPA has formally determined that wood treating operations at the FSWT site resulted in soil, water and sediment contamination from arsenic both onsite and in the surrounding community, and has now added FSWT to the EPA National Priorities List (also called "Superfund") Program for cleanup of the contamination. That cleanup process began in 2012 and continues to the present.

Lastly, Claimants report that they now experience a host of serious health consequences tied directly to the arsenic poisoning at their workplace, and they are now left with no legal remedy. Many have endured a lengthy decline in health, completely unaware that their health conditions could be tied to the exposure to arsenic at FSWT. In a workplace which involves the potential exposure to toxic substances, effective notice and proactive enforcement of workplace safety are critically important for workers primarily because the injury(ies) is/are often hidden and delayed in time. For these workers, failed enforcement of safety laws can easily be a life or death proposition. Several former employees of FSWT are deceased, and their families assert that their exposure to CCA was a substantial factor in their demise.

³ See *Final CERCLA Emergency Response Report Fairfax Street Wood Treater Response, Jacksonville, Florida, Tetra Tech EM, Inc.,* (prepared for U.S. EPA), May 6, 2011.

PARTIES

A. Wood Treaters, Inc/Wood Treaters, LLC

An industrial complex on Fairfax Street in Jacksonville was converted into a pressurized wood treatment operation in May of 1980. Wood Treaters, Inc., a Florida corporation, was formed as the owner and operator of this complex. The Fairfax Street wood treatment operation (“FSWT”) was manned by a range of personnel, including a plant supervisor, several processing supervisors, a number of professional chemical treaters, and a host of general laborers, most of whom were located within the confines of the industrial site, but also including a number of truck drivers and office staff. In December 2003, Wood Treaters, Inc. was dissolved.

Wood Treaters, LLC was formed in January, 2003. By reason and belief, during 2003 the FSWT operations were transferred to Wood Treaters, LLC from Wood Treaters, Inc. As evidence of this transfer, the operating license for the on-site chemical operations was licensed to Wood Treaters, Inc. prior to, and up to 2003, by the Florida Department of Environmental Protection (“FDEP”). The license authorized Wood Treaters to handle petroleum products and hazardous substances, and specifically to own and maintain the onsite storage container for the CCA chemicals used in the wood treatment operation. In 2003, the FDEP license was issued to Wood Treaters, Inc. In 2004, the license was issued to Wood Treaters, LLC. (see Appendix “C”)

Wood Treaters, LLC operated until 2010. In July, 2010, the firm filed for bankruptcy and reached a settlement with the U.S. Environmental Protection Agency as a part of the discharge to address liability for environmental impacts at the FSWT. Therefore, in 2011 its obligations were discharged by order of the bankruptcy court. Wood Treaters, LLC was dissolved in 2011.

B. Employees

The FSWT plant employed a modest workforce, many of whom were unskilled laborers. The roster of claimants represented by undersigned counsel are all former employees who worked at FSWT; most for an extended period of time, as designated in Appendix A. Most of the former employees are native to the surrounding community, and many have remained connected since the closure of their employment at FSWT. Without question, the most gripping connection among the claimants is their shared experiences as employees in the working environment at FSWT.

The claimants consistently state that they sought work at the FSWT in response to job advertisements and personal associations. The hiring process was very simple – a basic, informal job interview. If hired, the claimants testify there would be no documentation or orientation on the presence of arsenic at the worksite. Most report that when hired, and during their employment, they were unaware of the nature of, or the risks associated with working in the chemicals used at FSWT.

Wood Treaters' FSWT Work Environment

The FSWT site operated a waterborne wood treatment process. (see Appendix E) In a typical treatment event, referred to as “charge” by employees, multiple pieces of lumber would be placed inside a vessel/cylinder, which is then locked shut, pressurized and filled with a CCA solution⁴ fed from tanks located within a tank farm onsite.

Former employees, from in plant laborers, to forklift operations to delivery drivers, report that the FSWT practices for storage of the CCA, for human contact with CCA, and for waste management and reduction of CCA in the treatment process were deeply flawed, resulting in daily contact and exposure by employees with CCA in a concentrated liquid. Employees report

⁴ CCA is a waterborne salt, green in color and has several names. It is formulated from chromium trioxide, copper oxide and arsenic pentoxide. Three distinct potential mixtures of these ingredients are used in the treating industry and various trade names are applied to each. In all cases, the toxic salt is carried into the wood cells by means of water. Following impregnation, the chemicals react with the wood sugars and become insoluble. The water is dried from the wood, leaving the salt behind

that they would touch the chemical directly, breathe the fumes, and experience coloring of their clothing from CCA. Many times, employees left work in clothing drenched with the chemicals, thus extending this contamination to their homes.

The plant was largely open air, and extremely vulnerable to air and rain. The record of evidence gathered by both the EPA and FDEP makes it clear that there were repeated releases of CCA-contaminated stormwater runoff from the CCA used in the FSWT, onto the plant grounds, and then flowing on to nearby elementary school properties, and further onto neighborhood residential properties. Even with the installation of a stormwater collection and retention system in 1990, there is evidence of continuing runoff from site.

An official investigation by the FDEP of the FSWT concludes that there was arsenic runoff from the plant which contaminated the site and surrounding properties. The 2011 report of Tetra Tech, Inc.,⁵ an EPA contractor engaged to determine the environment damage at the site, makes it clear that Wood Treater demonstrated a pattern of conduct over more than twenty (20) years of gross disregard for proper process and waste management of CCA at the FSWT. In 2010, after the plant was abandoned, investigators found illegal arsenic contamination in the soil on land adjacent to FSWT that likely goes down at least one foot below the surface and can extend to as much as four feet below the surface. This contamination was due purely to CCA-laced runoff from the FSWT site. Investigators found illegal arsenic contamination in surrounding surface water, and downstream water bodies, which flowed into the local water source. This investigation produced a deep concern that the contaminated would flow through a wide area of surrounding residential properties.

The CCA exposure at the FSWT site is consistent with and confirmed by the statements of the claimants. Further, it stands in stark contrast to best practices in the wood treatment industry as a whole, which placed a high priority on reducing hazardous wastes from CCA, and thereby

⁵ See *Final CERCLA Emergency Response Report Fairfax Street Wood Treater Response, Jacksonville, Florida*, Tetra Tech EM, Inc., (prepared for U.S. EPA), May 6, 2011.

reducing human health risks.⁶ The wood treatment industry consumes approximately seventy percent (70%) of the arsenic distributed in the U.S. Most of this is used to produce CCA.

In 1990, after a comprehensive review of the wood treatment industry, the EPA released new standards for hazardous waste handling practices in wood treatment plants, in recognition of the toxicity of the preservatives used in wood treatment, and specifically to reduce hazardous waste from wood treatment preservatives.⁷ Progressive companies in the industry undertook major management changes and facilities upgrades to accommodate new waste reduction standards. These upgrades included enclosed treatment buildings, covered drip pads with liners, automatic lumber handling systems, centralized chemical tank farms with spill containment, and air ventilation systems.⁸

The industry and EPA developed extensive, guidance and resources to guide Wood Treaters to design and improve its facilities to minimize poisonous waste from the treatment process. Yet, Wood Treaters purposely did only minor upgrades, and virtually ignored these new standards, and instead, kept the existing, grossly unsafe waste practices in place, which continued to produce the arsenic contamination unleashed on employees and the surrounding community.

Employee Arsenic Poisoning

The official account of the experiences of the former employees/claimants while working in the plant is only available from their personal testimonies; testimonies which are strikingly clear and consistent, particularly in their portrayal of the FSMT workplace, from the general

⁶ See *Guide to Pollution Prevention: Wood Preserving Industry*, U.S. Environmental Protection Agency. Risk Reduction Engineering Laboratory and Center for Environmental Research Information: Cincinnati, OH, November 1993; EPA/625/R-93/014.

⁷ The EPA, as part of the Resource Conservation and Recovery Act (RCRA) conducted the Problem Wastes Technology Evaluation Program in 1992, to evaluate waste reduction practices in the wood treatment industry, as well as the potential of innovative technologies to reduce problems wastes in typical industrial and agricultural work-place environments. The EPA looked to develop an unbiased approach to prescribing the amount of hazardous wastes that a well-maintained CCA treatment plant would generate, and to understand ways of using CCA more efficiently. See more details in Appendix

⁸ P. Randall, A. S. Chen, *Waste Reduction Practices At Two Chromated Copper Arsenate Wood-treating Plants*, Journal of the Air & Waste Management Association, 45:5, 404-411, DOI: 10.1080/10473289.1995.10467372

environment, to the wood treatment operating systems, to the handling, storage and management of the CCA chemicals, and finally the end product storage and delivery.

Specifically, the employees testify that the main storage tank for the raw chemical was poorly maintained, and on several occasions leaked and spilled the chemicals onto the plant floor. These spills were manually cleaned by the employees without protective gear or training in handling CCA. These spills were never reported to FDEP. The only record of a FDEP onsite inspection is for a 2009 report of multiple violations. Long-time employees testify that they do not recall any regulatory inspections during their work times.

The employees testify that the pressure cylinder where the chemicals were applied to the wood was poorly operated and maintained. On many occasions, employees state that wood was improperly inserted in the cylinder and would be stuck inside. An employee would manually remove the wood while CCA was actively draining from the cylinder. Employees state further that on several occasions the door to the cylinder malfunctioned during application of chemicals and CCA would spill out of the cylinder.

A drainage pit is located beneath the treatment cylinder, designed to collect leakage from the treatment process. Over time, a sludge would accumulate in the pit consisting of raw CCA residue. Employees testify that they were required to shovel out the sludge from the pit, without protective clothing or training on handling CCA.

Former truck drivers employed at FSWT testify that Wood Treaters regularly violated OSHA and health standards by transferring wood from a drying bay to trucks for delivery before the chemicals had dried in. Thus, liquid CCA would leak onto the truck body and contact workers loading the trucks, as well as the drivers themselves. The claimants testify that in the time they worked at the plant, which in several cases extended over ten or more years, Wood Treaters persisted in these practices which resulted in an extremely unsafe work environment.

Claimants' Health

The claimants worked for a number of years -- five, eight, or in many cases, more than ten years, claimants report a variety of physical conditions which dramatically impact their health and overall quality of life.

In order to maintain privacy of medical and other confidential information each claimant will be assigned an identification code. All discussions of the claimants medical conditions will refer to their identification code and not by name.

There is virtual universal reporting of irritated skin, in most cases having progressed to rashes or formal skin conditions. The skin conditions include fungus/black toenails, dry skin and severe swelling, especially of the feet. The skin rashes in many instances have progressed because there was little understanding by the claimants' health providers of the connection with their exposure to CCA. Claimant No. 19-010 is a particularly severe instance of this. His condition is pictured in Appendix G.

These claimants, almost universally report having dealt with severe respiratory conditions, including lung inflammation, rough coughing, undue fatigue/shortness of breath and troubled breathing. There are several reports of collapsed lungs, and of chronic obstructive pulmonary disease (COPD). There are also many instances of severe sinus conditions and allergies. There are a number of reports of cardiological conditions, including congestive heart failure, heart blockages and lymph nodes conditions.

There are at least three deceased former employees whose family/estates are represented by undersigned counsel as claimants in this proceeding. In at least one case, the deceased worker's medical evaluation indicates severe respiratory illness as a cause of death. The health histories for the other deceased claimants will demonstrate the same conditions described for the living claimants. The consistent, common thread among the claimants is a lengthy decline in health, with much pain and suffering, caused directly by their exposure to CCA at FSWT.

A review of the body of research on health impacts of exposure to CCA, as specifically detailed in the Material Data Safety Sheet in Appendix D, leaves little doubt that exposure to CCA is a clear and proven cause of the physical symptoms and condition experienced by these

claimants. The prominence of these conditions among the claimants who share the experience of exposure to CCA at FSWT is stark and establishes that their health conditions are directly associated with exposure to CCA at FSWT.

Misrepresentation of Employees

In or about 2005, Wood Treaters apparently moved its employees into an employee leasing arrangement with Southeast Employee Leasing, a professional employer organization (“PEO”) headquartered in Holiday, Florida.⁹ A PEO is a labor contractor, often used to allow an employer to outsource administrative and human relations functions normally managed by the employer. After Wood Treaters made this transition, all of its plant employees became employees of Southeast Employee Leasing, but still worked at the Fairfax Street Wood Treaters site under a lease arrangement. Employees’ paychecks confirmed this transition, however there was no effective or informed notice to employees of this important change in their employment status.

Most significantly, Wood Treaters employees were unaware of the leasing arrangement. Other than actual paychecks, Wood Treaters workers were provided no documentation of which employees were listed on the leasing agreement. Consequently, FSWT workers were totally unaware that should they have been injured while working at FSWT, their injuries would be covered under Workers compensation coverage paid through the Southeast Employee Leasing and, only for employees specifically listed in the leasing agreement. This appears to be a purposeful action by the FSWT operator to evade liability for arsenic poisoning of its employees, which had taken place over three decades at this facility.

C. Florida Department of Health

The Florida Department of Health (FDOH) is an executive state agency, charged by the Florida Legislature with broad powers to oversee all matters of public health risks from toxic substances. Section 381.006, F.S. states, in pertinent part:

381.006 Environmental health.—The department shall conduct an environmental health program as part of fulfilling the state’s public health mission.

⁹ See Appendix _

The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. The environmental health program shall include, but not be limited to:

.....

(3) A toxicology and hazard assessment function which shall conduct toxicological and human health risk assessments of exposure to toxic agents, for the purposes of:

(a) Supporting determinations by the State Health Officer of safe levels of contaminants in water, air, or food if applicable standards or criteria have not been adopted. These determinations shall include issuance of health advisories to protect the health and safety of the public at risk from exposure to toxic agents.

(b) Provision of human toxicological health risk assessments to the public and other governmental agencies to characterize the risks to the public from exposure to contaminants in air, water, or food. (c) Consultation and technical assistance to the Department of Environmental Protection and other governmental agencies on actions necessary to ameliorate exposure to toxic agents, including the emergency provision by the Department of Environmental Protection of drinking water in cases of drinking water contamination that present an imminent and substantial threat to the public's health, as required by s. [376.30](#)(3)(c)1.a.

(d) Monitoring and reporting the body burden of toxic agents to estimate past exposure to these toxic agents, predict future health effects, and decrease the incidence of poisoning by identifying and eliminating exposure.

.....

(10) An environmental epidemiology function which shall investigate food-borne disease, waterborne disease, and other diseases of environmental causation, whether of chemical, radiological, or microbiological origin. A \$10 surcharge for this function shall be assessed upon all persons permitted under chapter 500. This function shall include an educational program for physicians and health professionals designed to promote surveillance and reporting of environmental diseases, and to further the dissemination of knowledge about the relationship between toxic substances and human health which will be useful in the formulation of public policy and will be a source of information for the public.

FDOH has broad enforcement authority, including authority to seek injunctive relief against parties who impose public health risks by violating provisions in Chapter 381, Florida Statutes.¹⁰

In Florida, federal law governs workplace safety and health pursuant to the Occupational

¹⁰ See Section 381.0012, F.S.

Safety and Health Administration (“OSHA”). However, a state/federal enforcement rubric carves out an active role for FDOH in occupational safety at work sites. The **Occupational Health and Safety Program** (OHSP) is a program of the FDOH intended to conduct surveillance of work-related injuries and illnesses and, specifically to conduct surveillance of work-related pesticide-associated illness and injury.¹¹ It is expressly intended that the activities of FDOH under the OHSP inform prevention activities in Florida to enhance occupational safety, for the benefit first and foremost of Florida’s workers.

An essential tool of the OHSP for this purpose is a set of surveillance measures called occupational health indicators.¹² These indicators have been designed through a joint effort between the Council of State and Territorial Epidemiologists (CSTE) and the National Institute of Occupational Safety and Health (NIOSH), intended as occupational health indicators. They are clearly defined metrics that allow states to monitor the health and wellbeing of their workforce and detect local compliance with OSHA standards. FDOH is primarily responsible to engage in the surveillance and reporting process fostered by this coalition so as to reduce or eliminate willful violations of OSHA standards in Florida.

On average, Florida has 253,000 cases of work-related injuries and illnesses per year, and 369 work-related deaths. Work-related injuries, illnesses, and deaths are largely preventable.¹³

- *Occupational Safety in Work Sites Using Hazardous Substances*

The state/federal occupational safety enforcement rubric anticipates a substantial and active role for FDOH at work sites where there are risks from hazardous substances. Such sites automatically warrant close scrutiny by FDOH because of indicator number 16 of the occupational health indicators.¹⁴

¹¹ See <http://www.floridahealth.gov/environmental-health/occupational-health-surveillance/index.html>

¹² See <https://www.oshaeducationcenter.com/florida/>; see also <https://www.floridatracking.com/healthtracking/Topic.htm?i=25>

¹³ With the abolishment of the Division of Safety in the Florida Department of Labor and Employment Security, occupational safety is now addressed primarily as a public health issue, and responsibility shifted to the FDOH as the lead state agency for occupational safety. Occupational safety remains as a fundamental issue of state concern because of a compelling interest enforcement, rather than preventive enforcement. The results are severe, in many cases lethal results for workers. See the case in Appendix F.

¹⁴ Indicator 16 – measures the number and percent of workers employed in industries and occupations with high risk

Since 1987, FDOH has assumed duties and responsibilities in a proactive approach to public health which regulates risks of exposure to hazardous substances. As the Florida partner in the **Cooperative Agreement Program** with the U.S. Center for Disease Control - Agency for Toxic Substances and Disease Registry ("ATSDR"), FDOH is called to identify and evaluate the public health risks posed by hazardous waste sites. FDOH ostensibly receives funding under this program to assess and respond to site-specific issues involving human exposure to hazardous substances in the environment. The ATSDR provides funding and support to local agencies specifically to leverage their geographic proximity to the site-related issues. Public health assessment activities conducted by Cooperative Agreement Partners include public health assessments (PHAs), health consultations (HCs), exposure Investigations (EIs), and health education and community involvement.¹⁵

D. Florida Department of Environmental Protection

The Florida Department of Environmental Protection (FDEP) is an executive state agency, designated by the Florida Legislature as the lead agency for environmental management and stewardship in the state, protecting our air, water and land, with broad authority in Chapter 403, Florida Statutes.

FDEP asserted jurisdiction over FSWT at three levels. Namely through: (i) oversight, permitting and compliance activities that protect air and water quality, specifically the regulation/licensing of the management and dispensation of CCA as a pesticide during wood treatment operations; (ii) regulation to protect and restore water quality and supply; specifically oversight of the environmental impacts of CCA contamination on site and in the waterways and soil surrounding the FSWT location, and (iii) oversight of the environmental status quo following the contamination by Wood Treaters at the FSWT site.

for occupational mortality due to injuries. Workers in worksites that handle hazardous substances are expressly included in the 27 industries and 24 occupations that comprise "high-risk" groups for this occupational health indicator

¹⁵ See <https://www.atsdr.cdc.gov/states/background.html>

Section 403.161, F.S., establishes FDEP's enforcement authority, including authorization for criminal sanctions, and generally provides:

403.161 Prohibitions, violation, penalty, intent.—

(1) It shall be a violation of this chapter, and it shall be prohibited for any person:

(a) To cause pollution, except as otherwise provided in this chapter, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property.

(b) To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority.

(c) To knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under this chapter or by any permit, rule, regulation, or order issued under this chapter.

(d) For any person who owns or operates a facility to fail to report to the representative of the department, as established by department rule, within one working day of discovery of a release of hazardous substances from the facility if the owner or operator is required to report the release to the United States Environmental Protection Agency in accordance with 42 U.S.C. s. 9603.

(e) To fail to provide required notice pursuant to s.403.077..

(2) Whoever commits a violation specified in subsection (1) is liable to the state for any damage caused and for civil penalties as provided in s. 403.141.

(3) Any person who willfully commits a violation specified in paragraph (1)(a) is guilty of a felony of the third degree punishable as provided in ss. 775.082(3)(a) and 775.083(1)(g) by a fine of not more than \$50,000 or by imprisonment for 5 years, or by both, for each offense. Each day during any portion of which such violation occurs constitutes a separate offense.

(4) Any person who commits a violation specified in paragraph (1)(a) due to reckless indifference or gross careless disregard is guilty of a misdemeanor of the second degree, punishable as provided in ss. 775.082(4)(b) and 775.083(1)(g) by a fine of not more than \$5,000 or by 60 days in jail, or by both, for each offense.

(5) Any person who willfully commits a violation specified in paragraph (1)(b) or paragraph (1)(c) is guilty of a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g) by a fine of not more than \$10,000 or by 6 months in jail, or by both for each offense.

(6) It is the legislative intent that the civil penalties and criminal fines imposed by the court be of such amount as to ensure immediate and continued compliance with this section.

Beginning in February, 1985, FDEP was authorized by the U.S. Environmental Protection Agency to administer Florida's hazardous waste management and regulatory program consistent with the Resource Conservation and Recovery Act (RCRA) of 1976. In November,

2000, FDEP implemented additional requirements of the Hazardous and Solid Waste Amendments of 1984 (HSWA), authorizing inspections and monitoring activities, as well as appropriate enforcement actions against violators.¹⁶ In Rule 62-730, Florida Administrative Code, FDEP establishes clear operations and management requirements for facilities that manage hazardous waste.

There are three (3) essential components of hazardous waste oversight: (i) permitting of anyone in the process of treating, storing or disposing of hazardous waste; (ii) implementing rule and program specifications governing hazardous waste; and (iii) compliance and enforcement of all regulated waste activities, pursuant to the scope established in U.S. EPA waste management rules.¹⁷

The Environmental and Health Hazard of CCA

In the late 1990s, the FDEP was a key part of a national coalition which undertook an investigation of the large quantity of arsenic present in landfills and dumpsites. This research confirmed that the arsenic came from CCA-treated wood demolished from residential decking and housing. The research further confirmed that CCA-generated hazardous waste, most prominently generated from treated wood and ash from burning this wood, did pose a significant leaching threat to ground water if disposed in unlined disposal facilities. The FDEP joined in formal action to ban the use of CCA in a broad spectrum of wood treating applications, expressly to address public health issues, and to minimize risks of poisoning from exposure to arsenic in CCA-related operations or waste.¹⁸ It was determine that a management

¹⁶ See <https://floridadep.gov/waste/permitting-compliance-assistance/content/hazardous-waste-management-main-page>

See also : *Generation, Use, Disposal and Management Options for CCA-Treated Wood*, Florida Center for Solid and Hazardous Waste, State University System of Florida (May, 1998 also 1999 and 2000); https://www.researchgate.net/publication/237554656_Generation_Use_Disposal_and_Management_Options_for_CCA-Treated_Wood

¹⁷ See 40 CFR 261, et. al.

¹⁸ On September 30, 1978, the EPA initiated a special review called a *Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing 2,4,5-T* (a range of pesticides, including CCA). After a seven-year review, by notice of January 10, 1986, the EPA ruled that CCA restrictions were required, which included requirements that treating plant operators be classified as pesticide applicators, and that they pass a state licensing examination. Personal safety measures such as protective clothing, respirators and air monitoring are required at the treating plant.

plan for treated wood waste was needed for Florida due to a significant presence of the wood treatment industry within and near its borders.

E. Florida Department of Labor and Employment Security

The Florida Department of Labor and Employment Security (“FDLES”) was a distinct agency of the executive branch of government in Florida until 2000.¹⁹ In 1994, the Legislature enacted the Florida Occupational Safety Act, in Chapter 442, Florida Statutes (2000), and established the FDLES Division of Safety, expressly to enhance occupational safety of workers in Florida. The Legislature established the Division of Safety with the specific intent that it would take an aggressive and active role in inspections and investigations of violations of occupational safety laws and regulations.²⁰ The agency had broad regulatory and enforcement authority that included exclusive authority to impose civil penalties for workplace safety violations. Significantly, the FDLES authorizing laws placed an affirmative duty on employers to maintain a safe working environment,²¹ which if ignored opened the employer to dire sanctions, among which was the cancellation of their workers’ compensation policy.

Most significantly, the FDLES authorizing laws acknowledged that the risks to workplace safety are especially severe when that workplace involves the handling of toxic substances.²²

Following even further research, the EPA in 2003 cancelled and banned CCA use for certain wood-treating applications due to possible health concerns and, ultimately required that no wood used for residential uses, such as decking, playground, and constructional purposes, would be treated with CCA. However, CCA would still be used for non-residential application.;

¹⁹ See section 20.171, Florida Statutes (1999). The Florida Department of Labor and Employment Security existed from 1978 through 2000. It was abolished in section 2, Ch. 99-240, Laws of Florida.

²⁰ Former **section 442.003, Florida Statutes (2000)**, provides:

“It is the intent of the Legislature to enhance occupational safety and health in this state through the implementation and maintenance of policies, procedures, practices, rules, and standards that reduce the incidence of employee accidents, occupational diseases, and fatalities compensable under chapter 440. The Legislature further intends that the Division of Safety of the Department of Labor and Employment Security develop a means by which it can identify individual employers with a high frequency or severity of work-related injuries; conduct safety inspections of those employers; and assist those employers in the development and implementation of employee safety and health programs.” Repealed -Section 14, Chapter 99-240, Laws of Florida.

See also ss. 442.007, 442.008, 442.009 and 442.20, F.S. (1999) See also Office of the Governor Executive Order No. 00-292

²¹ See Former section 442.007, F.S. (2000)

²² Former **section 442.101, Florida Statutes(2000)** states: It is found and declared that there exists a danger to the health of employees and their families throughout the state because of exposure to toxic substances encountered in the course of employment. Sometimes the tragic results of this exposure may not be realized for years or even for

In a workplace which is inherently dangerous because of the potential exposure to toxic substances, effective notice and proactive enforcement of workplace safety is critically important for workers primarily because the injury(ies) is/are often hidden and delayed in time. For these workers, failed enforcement of safety laws can easily be a life or death proposition.

The paramount place of government policy in occupational safety was made clear in 2000 when, in the face of the failure of the Legislature to enact the laws to replace the Florida Occupational Safety Act, Governor Bush adopted Executive Order No. 00-292, expressly to highlight the continuing legal obligation to occupational safety in Florida.

F. Florida Department of Financial Services

The Florida Department of Financial Services, Division of Workers' Compensation ("FDFS") is responsible for oversight of the workers' compensation insurance industry, as well as enforcing employer compliance with the coverage requirements of the workers' compensation law.

A key tool by which the FDFS promotes occupational safety is the Workplace Safety Program,²³ under which workers' compensation insurers may allow a two percent (2%) insurance premium credit to employers who develop, implement and execute a qualified workplace safety program. FDFS is tasked with oversight and regulation of the standards an eligible safety program must meet in order to qualify for the premium credit.

Under section 440.107, Florida Statutes, FDFS compliance investigators conduct on-site inspections. They may issue a Stop-Work Order, requiring the employer to cease all business

generations. Because of this, it is necessary to require employers to give notice to each employee of the toxic substances involved in her or his employment which may endanger or cause death to the employee or members of the employee's family. It is further found and declared that an employee has an inherent right to know about the toxic substances at her or his workplace so that she or he may make more knowledgeable and reasoned decisions with respect to the continued personal costs of her or his employment and the need for corrective action. It is also found and declared that the workplace often provides an early warning mechanism for the rest of the environment. The Legislature intends, by this act, to ensure that employees be given information concerning the nature of the toxic substances with which they are working. *Repealed* Section 14, Chapter 99-240, Laws of Florida.

²³ Section 442.1025, Fla Statutes; Rule 69L-5.221, Fl Administrative Code

operations, any employer that is required to secure Florida Workers' Compensation coverage but fails to do so. In addition, a statutory penalty equal to 1.5 times the amount the employer would have paid in premium within the preceding 3-year period shall be assessed.

A Stop-Work Order may also be issued if an employer understates or conceals payroll, misrepresents or conceals employee duties, or otherwise attempts to avoid paying workers' compensation premiums. Such actions could also result in criminal charges and penalties.

- Work in violation of a Stop-Work Order.
- Make a false statement for the purpose of obtaining coverage or to reduce workers' compensation premiums.
- Fail to report an injury to your insurance carrier.
- Discharge or threaten to discharge an employee for filing or attempting to file a workers' compensation claim.
- Deduct workers' compensation premiums from employees' pay.
- *Misclassify an employee as an independent contractor.* [emphasis added]

ANALYSIS/DISCUSSION

Claimants have filed this equitable relief act/claims bill because they have suffered injuries or losses occasioned by the negligence or error of one or more public officers or agencies to effectively execute their duties which required that they should have detected and intervened in the tremendously dangerous work environment maintained at the FSWT over the course of thirty (30) years. This is an appropriate action because claims bills are enacted in Florida to satisfy moral obligations of the state, its obligations, or political subdivisions, *Dickinson v. Board of Public Construction of Dade County*, 217 So.2d 553, 560 (Fla. 1968). This is the fundamental qualification of an equitable claims bill, with no additional limitations.

This relief act asserts that Claimants suffered severe, and in some cases, fatal arsenic poisoning because of the failure of these agencies to act to address an obvious, excessive public health hazard, which has resulted in serious medical consequences for the claimants, and absent relief from the Legislature, the losses and injuries they have incurred represent

lifelong hardships which they are unable to bear. They request initially that the Legislature appoint a special master to conduct an evidentiary hearing on their claims, and, based on the record of that hearing, approve each individual claim for compensation in the amount of \$100,000.

ISSUES OF FACT

FSWT'S OPERATIONS SHOULD HAVE BEEN DRASTICALLY RESTRUCTURED OR SHUT DOWN BY EXECUTIVE AGENCIES BECAUSE OF IT'S SUSTAINED HISTORY OF MISMANAGEMENT OF CCA THAT CREATED CLEAR PUBLIC HEALTH TOXIC HAZARDS

The State of Florida, and specifically the FDEP and its predecessors, engaged in an extensive investigation, in deep research and, in analysis to reach an official determination that exposure to CCA solutions, to CCA waste, and to CCA residue were serious, perhaps lethal threats to public health because of arsenic poisoning generally.²⁴ Florida, and its federal partners invested massive time, resources and energy because of the undisputed public health hazard posed by CCA.

The calibration of the CCA risks in Florida was elevated due to the substantial building boom in Florida, and the heavy presence of wood treating operators in and near Florida's borders. The industry delivered mass quantities of CCA-treated residential building products into Florida commerce.²⁵

When Florida agencies determined that official action was required to control exposure and poisoning from CCA, they took actions targeted precisely to the source of the threat - CCA

²⁴ Infra, footnotes 16, 18 and 19.

²⁵ See - *Generation, Use, Disposal and Management Options for CCA-Treated Wood*, Florida Center for Solid and Hazardous Waste, State University System of Florida (May, 1998 also 1999 and 2000); https://www.researchgate.net/publication/237554656_Generation_Use_Disposal_and_Management_Options_for_CCA-Treated_Wood; at pgs 10-11.

exposure and waste from pressure treated wood. These actions addressed the scope of contamination possible in each of the physical stages of CCA as used in the wood treating industry, i.e. water-based, easily airborne, and toxic to touch and, those actions were expressly targeted to protect public health by eliminating or minimizing public exposure to CCA. Florida and federal agencies determined that the most effective approach to stop this extreme health threat was the drastic action of banning the use of CCA in the wood treating industry for most of its commercial applications. There is no dispute that the clear and definitive objective was to remove risks to the health and safety of individuals who might be exposed to CCA from treated wood. This was completely logical because the wood treating industry was essentially the bottleneck and the pipeline for CCA into Florida commerce. These official actions supplemented comprehensive policy recommendations from the industry itself to wood treating operators, consisting of operations management and waste treatment measures for CCA, again to promote the health and safety of individuals who might be exposed to CCA in wood treating operations and beyond.

NEGLIGENT PERFORMANCE OF OPERATIONAL-LEVEL OR PROPRIETARY FUNCTIONS

The claimants assert that given the severity of risks present at the FSWT, the state executive agencies negligently performed operational-level or proprietary functions related to their statutory duties. Namely:

- FLORIDA DEPARTMENT OF HEALTH (“FDOH”)

As the lead public health agency, the FDOH knew or should have known of the public health emergency created by CCA in the state. FDOH knew or should have known of the stormwater runoffs of the raw toxic substance at the FSWT site, and that these runoffs were a significant expansion of the CCA public health risk, perhaps a greater risk than those created by the burning of CCA waste in landfills.²⁶

²⁶ The FDOH official assessment of health consequences of the contamination at FSWT acknowledges that residents

In the midst of the statewide CCA public health emergency in Florida and, in light of complaints from members of the Fairfax community of CCA pollution from the FSWT site, FDOH was duty bound and obligated, under its collaboration with the U.S. Agency for Toxic Substances and Disease Registry, to initiate a public health survey and surveillance of all the public constituencies affected by CCA exposure from the FSWT site, in order to assess health impacts from the CCA waste and runoff there. This is a prescribed, comprehensive process to investigate and identify the risks to public health from the toxic hazard.

In 2007, in response to a public health emergency at a Broward County public landfill, FDOH responded specifically by instituting this process consisting of: (i) surveying distinct exposure(s) experienced by constituents; and (ii) assessing disease rates, and symptoms for exposure to the toxic substance there at issue.²⁷

Actions such as these at the FSWT site would have had the immediate and dramatic effect of alerting all parties of the serious environmental health risks present, and invited public scrutiny of efforts to protect FSWT employees, students, faculty, and employees at the adjoining public schools, constituents at the day care and, residents of the surrounding community, in order to prevent injury.²⁸ Rather, the evidence suggests that the agency relied upon a bad actor to self-police the health and safety of its workers, and of the general public. The agency later reacts prospectively to the injuries that

in and around the FSWT complained of periodic flooding from the site during heavy rain events, spilling CCA into the city right-of-way soil north of the site. In fact, CCA levels along the city right-of-way north of the site are above recommended levels. Additionally, it was confirmed that overflow from the FSWT holding basin drained into a pipe that discharged two blocks (approximately 1,000 feet) west into Moncrief Creek, a tributary of the Trout River. This drains to a ponded portion of Moncrief Creek. See *Public Health Assessment: Fairfax Street Wood Treating Site Jacksonville Florida – EPA Facility ID: FLD000623041*, Florida Department of Health, September 16, 2016, at pg.3.

²⁷ U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry: *Self Reported Disease and Symptom Prevalence Survey – Wingate Road Municipal Incinerator and Landfill, Ft. Lauderdale, FL*, Florida Department of Health, Division of Environmental Health, November, 2007; <http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/documents/w/wingateroadsurvey1107.pdf>

²⁸ See <http://www.floridahealth.gov/%5C/environmental-health/occupational-health-surveillance/index.html>

resulted.

The official assessment by FDOH of the health impacts at the FSWT acknowledges that:

“This assessment requires the use of assumptions, judgments, and incomplete data. These factors contribute to uncertainty in evaluating health threats.”²⁹

This was the case also in determining the level and extent of local human exposure to CCA; data which is essential to the determination of health impacts. There is no indication that during the time the site was in operation FDOH conducted any data gathering, surveillance or oversight of the FSWT site for public health or occupational safety.

The FDOH acknowledges that it failed to fulfill its duties to FSWT employees (claimants) under the OHSP in the time period of 1980 through 2010, by issuing this statement:

“When the Fairfax Street Wood Treaters site was operational, workers may have been exposed to CCA chemicals. FDOH is limited in what we can say about past exposure because we do not have data on exposure levels and frequency.”³⁰

- FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (“FDEP”)

FDEP had extensive knowledge of the toxic hazard from CCA exposure, and the serious threat to public health. FDEP was at the center of major research initiatives regarding CCA, and participated in official actions directed to the wood treating industry, designed to control the toxic hazard and public health risks from CCA.

²⁹ Public Health Assessment: Fairfax Street Wood Treaters Site Jacksonville Florida, *Infra* footnote 26, at pg 1.

³⁰ Public Health Assessment: Fairfax Street Wood Treaters Site Jacksonville Florida, *Infra* footnote 26, at pg.18.

FDEP regulated the tanks at the FSWT and the operators who mixed the chemicals for treating wood. It was likely the recipient of complaints from members of the surrounding community regarding CCA runoff and air pollution from the FSWT. Thus, FDEP knew or should have known that there was gross mismanagement of CCA at the FSWT site and, because of this mismanagement, the very danger signals which had consumed the industry and the EPA in proposing reforms in the management of CCA by wood treating operators were left untended at the FSWT.

FDEP knew or should have known that Wood Treaters elected not to implement the broad industry plant design reforms in the early 2000's, specifically designed by the EPA to address the poor management of CCA generally, and specifically the risks from poor storm and rainwater management at wood treatment plants, with the attendant risks of CCA contamination in that runoff.

Consequently, FDEP knew or should have known circa 1992, that the FSWT site was an inherently dangerous site for CCA contamination, and that the community in and around the FSWT site was in a serious zone of risk for exposure to CCA from wood treating operations at the site. Local residents were vocal when this risk was actually realized.

Certainly by 2003, when Wood Treaters stood out by continuing to use CCA after it was banned in most of the wood treating applications, FDEP was duty bound to raise the official alarm of the toxic hazard there, and then take immediate and clear steps first, to control the hazard so as to prevent injury, and then to oversee the cleanup of the hazard. There is insufficient evidence to indicate that FDEP did anything to escalate the official response to the public health threat at the FSWT site until circa 2008, when it instituted enforcement actions in response to serious soil and ground water contamination off site.³¹

³¹ *Public Health Assessment: Fairfax Street Wood Treaters Site Jacksonville Florida* *Infra* footnote 26, at pg.3.

In August 2010, following this history of failures by Wood Treaters to effectively manage CCA at the FSWT site and, after Wood Treaters abandoned the plant, FDEP requested that the EPA investigate the facility because recent rain events had filled the secondary containment unit surrounding the CCA tanks and these events resulted in contaminated water being spilled over into the retention ponds causing these ponds to fill to their capacities. FDEP was concerned that CCA-contaminated stormwater would overflow onto the adjacent school properties, and residential properties.

EPA engaged private contractors who investigated the environmental impacts there. These investigators discovered the extremely poor condition of the processing plant,³² and documented a facility suffering from a history of neglect. This investigation further revealed strong evidence of mismanagement of CCA at the site.

The EPA subsequently determined that there was widespread toxic contamination, both onsite, and extending into the surrounding neighborhood.³³ EPA has formally determined that wood treating operations at the FSWT site resulted in soil, water and sediment contamination from arsenic both onsite and in the surrounding community, and has now declared FSWT as a regulated site under the EPA National Priorities List (also called “Superfund”) Program for cleanup of the contamination.³⁴ That cleanup process began in 2012, and continues to the present.

- FLORIDA DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY
(“FDLES”)

³² See *Final CERCLA Emergency Response Report Fairfax Street Wood Treater Response, Jacksonville, Florida*, Tetra Tech EM, Inc., (prepared for U.S. EPA), May 6, 2011. Excerpt in Appendix _

³³ EPA has determined, in the Risk Assessment, that the site poses a risk to humans from exposure to contaminated soil onsite and in commercial and residential properties offsite, and has designated the site as *Human Exposure Not Under Control*.

<https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0410582#bkground>

³⁴ See EPA Docket No. EPA-HQ-SFUND-2012-0063; See also National Priorities List, Final Rule No. 55, 77 FR 57495 (2012).

From 1992 through 1999, FDLES knew or should have known that the EPA and the wood treating industry had identified the dangers of CCA in wood treating plants, and identified the need for substantial facilities improvements to protect from these toxic hazards ; facilities improvements that Wood Treaters had expressly resisted. FDLES knew or should have known that the FDEP and the EPA investigation indicated major exposure to CCA in treated wood waste and residue, and acted to identify the risks to employees at the FSWT. Lastly, FDLES should have monitored the material safety data sheet required of Wood Treaters, in order to know if employees were aware of the inherent risks to their health and safety in this FSWT workplace.

The agency was required under section 442.123, F.S. (2000), to inspect and investigate the toxic hazard risks at the FSWT. Claimants assert FDLES would have found extensive evidence of the public health risks in plain view from CCA. FDLES should have acted immediately, with no discretion. Such an investigation would have revealed the horrible and unsafe conditions at the FSWT site, and made Wood Treaters subject to substantial sanctions and civil penalties. Such penalties would have been important factors to invite prosecution by OSHA, and may very likely have led either to permanent improvements to the management of CCA, and therefore the workplace safety at the FSWT, or to the closing of the plant.

- FLORIDA DEPARTMENT FINANCIAL SERVICES (“FDFS”)

FDFS Division of Workplace Safety represents to the public that it conducts on-site inspections to monitor workplace safety and provides financial incentives to employers to maintain state-of-the-art worker safety programs. Most specifically, FDFS represents that its regulation of workers compensation fraud is designed to wart out fraud by employers wherein workers are misclassified as independent contractors.³⁵

Timing

³⁵ See <https://www.myfloridacfo.com/division/wc/Employer/swo.htm>

The facts in this matter suggest that the severity of the public health threat posed by CCA at the FSWT site grew over time, and with the absence of official intervention. The cavalier management of CCA at the FSWT site was in plain view, and clearly demonstrated the plant to be an inherently dangerous source of CCA waste.

The most prominent and significant aspect of the operations at FSWT was the clear history of hazards caused by mismanagement of CCA in the wood treatment operations, and ultimately, the exposure to hazardous CCA waste from the wood treatment operations. In view of, and consistent with the official actions to remove CCA risks, the FSWT site should have been at the forefront of efforts to address CCA as a public health risk in Florida. This risk was supported by vast, credible evidence and, known of or should have been known by Florida executive agencies.

The facts are clear that Wood Treaters demonstrated a pattern of conduct over more than twenty (20) years, of ignoring best practices in process and waste management of CCA at the FSWT site. As described above, throughout the decade of 1990, and into the early years of the 2000 decade, the industry and regulators were rapidly expanding awareness of the risks of CCA in the wood treatment industry, and definitive actions were being taken around the nation to address those risks.

Yet, the Fairfax Street Wood Treaters site, sitting in the middle of a densely populated residential community, next door to public schools and a child day care facility, sat spewing and leaking this dangerous, toxic substance randomly, virtually ignored by these executive agencies. Given the severity of the threat to public health which prompted the ban of CCA, this neglect amounted to a gross failure to perform their respective public duties.

In 2003, immediately following the regulatory ban of CCA use for residential products, Wood Treaters shifted its operations to only treat wood used in industrial and commercial applications, expressly so that it could continue to benefit financially from the use of this dangerous chemical.

Then when major hurricanes hit Florida in 2004 and 2005, with heavy damages to electric utility infrastructure, Wood Treaters felt immune from the broad and extensive enforcement powers of these agencies, having flaunted hazardous waste and occupational safety laws for so long. The company expanded work hours, used CCA more intensively, shipped products before the CCA had dried in, and acted in other ways with reckless abandon in its use and management of CCA, all to the detriment and health of the claimants.

Finally, in or about 2008, as the severity of the arsenic contamination in the soil and ground water in the Fairfax community became clear, showing itself to be a public health crisis, an investigation was launched. Wood Treaters responded by abandoning the plant and seeking bankruptcy protection.

Opportunity Lost

Yet for all of the official attention to CCA, the individuals most clearly at risk, the workers in the wood treatment plant at FSWT, suffered the most prolific and prolonged neglect of their health and safety. The Florida Occupational Safety Act, with broad surveillance and enforcement authority to shield these workers from the very evils of toxic poisoning that they faced, proved useless because it was simply not enforced. Voices from the community cried out recognize the toxic mess flowing from the site where claimants toiled away.

It was also the time of the most extensive scrutiny of CCA in the environmental waste management oversight community. Yet, Wood Treaters was not held accountable in any way for resisting improvements that would have minimized or eliminated the CCA waste issues at FSWT, and thus the lethal work environment at FSWT flourished with virtually no attention by the executive agencies in charge.

Further, Wood Treaters was not held accountable for having failed to comply with the OSHA Hazard Safety Communications Standard,³⁶ to inform claimants of health risks they faced from CCA exposure. There is no evidence that a Material Safety Data Sheet (“MSDS”) by Wood Treaters was inspected and made available to employees.³⁷ Wood Treaters was left to self-police the information their employees had about the health hazards of CCA, and most specifically to make employees aware of the signs and symptoms of exposure, along with any medical conditions generally associated with exposure to the chemical.³⁸

The OSHA Hazard Safety Communications Standard required Wood Treaters to :

- (i) deliver the firm’s Material Safety Data Sheets for CCA to FSWT employees, with full explanation and training on its provisions. An effective MSDS (see Exhibit “”) offers detailed information on the hazards presented by exposure to CCA, along with health information in the event there are symptoms of problem exposure, as well as directions for relief;

- (ii) distribute materials and documentation on compliance with industry and regulatory standards to ensure chemical safety in the workplace, including information on the identities and hazards of the chemicals used at the FSWT, as well as documentation to identify and evaluate the respiratory hazard(s) in its workplace;

Most specifically, Wood Treaters was required to adopt operational and management controls to manage exposure to the CCA on its premises, with clear protocols and practices designed to minimize workplace exposure, to include:

- (a) Administrative and workplace controls; i.e. shift and personnel management
- (b) Personal protective equipment distributed by Wood Treaters
- (c) Engineering controls for management of the chemicals

By consistent testimony of former employees, Wood Treaters’ hiring process completely omitted any of the requirements of the OSHA Hazard Safety Communications Standard. None of the claimants can recall being provided a MSDS at any point during their employment with

³⁶ 29 CFR 1910.1200, 1915.1200, 1917.28, 1918.90 and 1926.59

³⁷ 29 CFR 1910.1200(g)

³⁸ 29 CFR 1910.1200(g)(2)(iv)

Wood Treaters, or being directed to the location of the MSDS for FSWT. The former employees are adamant and consistent in their collective position that there was no effective notice of the nature of the chemical substance that was extremely prevalent in their workplace, except that it was turning their clothing and shoes green. Most significantly, there was no notice of any potential health effects resulting from exposure to CCA. These employees state with certainty that, had they received any notice of potential adverse health consequences by exposure to this chemical, there would have been extreme alarm given the excessive exposure they encountered on a daily basis.

This lack of knowledge is a direct factor in the lack of timely workers' compensation claims by employees at FSWT. The claimants testify that they accepted the constant exposure and tarnished clothing as an occupational challenge, but never understood that they should be monitoring this exposure to determine potential health issues.

The most wanton violation by Wood Treaters at FSWT was the complete neglect of measures to manage and limit exposure to CCA in the workplace at FSWT. Instead, the process allowed:

- Spills from the main storage tank, which was poorly maintained,
- Spills from the treating cylinder.
- Manual wood extraction from the cylinder while CCA was actively draining from the cylinder.
- Manual cleaning of CCA sludge from the drainage pit
- Handling of wet, treated wood
- Insufficient rain and storm management in the open-air processing environment
- Abandoning the storage tanks while filled with raw chemicals .

ISSUES OF LAW

STANDARD OF REVIEW/PROOF RELIEF ACT

Claimants assert that relief may be granted in this matter based on a showing of fault, negligence, or wrongdoing by one or more state officers or agencies whose act(s), or *failure(s) to act* [emphasis added] is/are shown to be a proximate cause of the loss or the harm they have sustained. A public office is a public trust with authority and powers conferred for the benefit of the constituent public.

Claimants assert further that this standard applies in an equitable claims request, where the claim(s) is/are not underpinned by an excess judgment, and most especially for incidents that occurred at a time when governmental officers and agencies had colorable claims of sovereign immunity for their wrongs.

LEGAL DUTY BY PUBLIC AGENCIES

As a general matter, at common law, executive agencies of the state were immune from claims for injuries. However, Art. X, § 13, of the Florida Constitution contemplates that the Legislature is empowered to override this common law by a statute of general application. The Legislature enacted section 768.28, Florida Statutes as a general law, and thereby waived sovereign immunity of state agencies from liability in tort actions "for any act for which a private person under similar circumstances would be held liable." *Henderson v. Bowden*, 737 So.2d 532, 534-35 (Fla.1999). Nonetheless, there can be no governmental liability unless a common law or statutory duty of care existed that would have been applicable to an individual under similar circumstances." *Henderson*, 737 So.2d at 535.

The analysis of whether an agency owes a duty of care is a question of law for the court to decide, rather than a factual question to be resolved, *Manfre v. Shinkle*, 184 So.3d 641, 645 (Fla 5th DCA 2016); *Wallace v. Dean*, 3 So.3d 1035, 1044-1045 (Fla. 2009). In this analysis, Claimants take the position that the governing statutes referenced above, which respectively govern the FDOH, the FDEF, the FDLES, and the FDFS, established statutory duties for each

respective agency to act in discreet circumstances where a threat to public health exists from environmental hazards. These statutes are in place expressly to punish the actors who cause environmental pollution, and to protect those in direct risk of harm from that pollution. They are narrowly tailored for these purposes.

Section 768.28, F.S., was modeled after the Federal Tort Claims Act and remains substantially the law governing the scope of sovereign immunity applicable in circumstances of negligent performance of operational-level or proprietary functions by a state agency. The general rule is that section 768.28, F.S. operates to waive sovereign immunity for negligent performance of operational-level or proprietary functions and, subsection 768.28(5), F.S. establishes a statutory cap for compensatory recovery against the state and county governments for operational-level negligence, *Commercial Carrier Corp. v. Indian River County*, 371 So.2d 1010 (Fla. 1979).

Unfortunately, the legal analysis of the duty, and of the scope of the waiver of sovereign immunity afforded by section 768.26, F.S., has become incredibly complex, see *Department of Children and Family Services v. Chapman, et. al.*, 9 So.3d 676 (Fla 2nd DCA 2009). It undeniably is a legal question for a court tribunal to address.

Claimants assert that the holding of the Florida Supreme Court in *Commercial Carrier Corp.* is the most salient and logical analysis interpreting section 768.26. see *Department of Health and Rehabilitative Services v. Yamuni*, 529 So.2d 258, 261 (Fla. 1988). Under the *Commercial Carrier* analysis, the duties outlined in statute for each agency related to the FSWT contamination fall within the waiver of sovereign immunity in section 768.26 as operational-level or proprietary functions of that respective agency. In *Yamuni*, the Supreme Court affirmed that:

“The test for determining immunity, and for determining which category the activity falls into, is still *Commercial Carrier's* operational versus planning dichotomy.”

Alternatively, under the more restrictive interpretation of section 768.26, F.S., in decisions of the Florida Supreme Court,³⁹ holding that most duties of public agencies to protect the general public are general in nature, and do not allow liability due to sovereign immunity, there is an exception for a special duty of care. A special tort duty arises when government officials with enforcement duties become directly involved in circumstances which place people within a "zone of risk" by creating or permitting dangers to exist, by taking persons into police custody, detaining them, or otherwise subjecting them to danger, *Pollock v. Florida Department of Highway Patrol*, 882 So.2d 928, 935 (Fla. 2004).

Here, the FDOH and the FDEP were directly involved, or should have been directly involved in meeting the public health crisis posed by CCA exposure in Florida, and specifically in wood treating operations. The actions taken were expressly targeted to eliminate the risks of toxic hazards from CCA in wood treating operations. The claimants should have been the essential benefactors of actions by these agencies in this initiative as implemented at the FSWT. The failures of the executive agencies left claimants squarely in a zone of risk for CCA poisoning at the FSWT. Thus, there was a special duty of care owed to claimants by these agencies.

- LACK OF REMEDY

The Claimants' were injured by poisoning from exposure to arsenic during their employment at FSWT. The actual employment dates for claimants vary with the period of May, 1983, through July, 2010. Under these circumstances, Florida's workers' compensation law prohibits an FSWT employee from suing the employer for an injury on the job. The sole remedy are the employee benefits awarded in the workers' compensation system. Florida employees give up their rights to sue an employer in exchange for guaranteed access to immediate health care and compensation for lost income in the workers compensation process.

³⁹ See *Pollock v. Florida Department of Highway Patrol*, 882 So.2d 928 (Fla. 2004); and *Tranon Park Condo. Association v. City of Hialeah*, 468 So.2d 912 (Fla. 1985).

The workers compensation process is invoked when an employee experiences an injury at work *AND* notifies the employer of that injury (unless the employer is clearly on notice of the injury).⁴⁰ The employee's failure to report the injury to the employer within thirty (30) days of that injury will bar an ultimate claim for workers compensation benefits.

After reporting the injury to the employer, the employee then formally opens the process by filing a Petition for Benefits with the employer's workers compensation insurance company. In order to ensure that claims for their injuries from exposure to arsenic are accepted by the workers compensation insurance company, an employee should have:

- reported the injury within the 30-day window
- made sure to explain exactly how their exposure occurred
- obtained the names of anyone who may have witnessed the exposure
- sought medical treatment if needed
- explained to their health care providers that they were exposed to a toxic chemical.

Petitions for claims by FSWT workers are forever barred unless filed with the insurance carrier within either, (i) two years from the date of injury, or (ii) if after the initial two years, within one year of the last payment of compensation or, within one year of the last provision of authorized medical treatment or care.

- CAUSATION

There is overwhelming evidence that toxic exposure to CCA has severe, and even fatal consequences (See Appendix D). The Material Safety Data Sheet from the Koppers firm exemplifies best practices in the disclosure of the risks of exposure to CCA. The agencies identified herein at principal agencies to identify the risks to health and safety from exposure to this toxic substance *AND* to ensure that the public, and in this case employees of firms that actively use this substance are adequately protected.

⁴⁰ Section 440.185, Florida Statutes.

The record in this matter will document that employees were heavily and intimately exposed to CCA in their work environment, primarily through drippage and runoff from the cylinders where the chemicals were applied, from drippage and runoff by direct handling of treated wood within the facility, and drippage and runoff by direct handling of treated wood to load and transport to customers. Employees were provided no effective notice of the risks of working in and around CCA. They were provided no protective gear such as gloves, masks or clothing. Their clothes, shoes and other possessions wreaked of the chemical, so much so that they turned green in color.

Employees of Wood Treaters were given no effective notice of any symptoms or signs they should be on the lookout for that would suggest an unhealthy exposure to arsenic.

Employees cannot recall or document any inspections of their site by government regulators for workplace hazards, and certainly no violations of the facility for the reason of their exposure to arsenic in the workplace.

DAMAGES

Claimants have experienced a pronounced, extended period of declining health. All have experienced chronic, severe health conditions. There is virtual universal reporting of irritated skin, in most cases having progressed to rashes or formal skin conditions. The skin conditions include fungus/black toenails, dry skin and severe swelling, especially of the feet. The skin rashes in many instances have progressed because there was little understanding by the claimants' health providers of the connection with their exposure to CCA.

These claimants continue to deal with severe respiratory conditions, including lung inflammation, rough coughing, undue fatigue/shortness of breath and troubled breathing. There are several reports of collapsed lungs, and of chronic obstructive pulmonary disease (COPD). There are also many instances of severe sinus conditions and allergies. There are a number of reports of cardiological conditions, including congestive heart failure, heart blockages and lymph nodes conditions.

There are at least two deceased former employees whose family/estates are represented by undersigned counsel as claimants in this proceeding. In at least one case, the deceased worker's medical evaluation will demonstrate the same conditions described for the living claimants. The consistent, common thread among the claimants is a lengthy decline in health, with much pain and suffering, caused directly by their exposure to CCA at FSWT.

CONCLUSION

Claimants assert that during the period from 1980, through July, 2010, the FSWT site posed a severe public health hazard, primarily due to the mismanagement of CCA in the wood treating operations, and the failure to institute prescribed precautions to protect employees and the public from waste and residue from this toxic hazard.

State executive agencies regulated facilities at the FSWT site and knew or should have known of the threats to public health created by the mismanagement of CCA at the site. When executive state agencies in Florida took action, primarily against the wood treating industry, targeted directly to removing the threat of CCA as a toxic hazard, action at the FSWT was completely inconsistent with the level control and regulation asserted over CCA. When the agencies banned CCC for most wood treating applications in Florida, the FSWT site refused to stop using it. Yet the evidence suggests that the executive agencies negligently performed operational-level or proprietary functions in addressing the toxic hazard, particularly in view of the severity of the threat at the FSWT site. As the executive agencies sought to establish control over the use of CCA in Florida, they conspicuously left the FSWT site at particular risk due to the agencies' negligent performance of operational-level or proprietary functions.

The Fairfax Street Wood Treating site, sitting in the middle of a densely populated residential community, next door to public schools and a child day care facility, spewing and leaking this dangerous, toxic substance randomly, was virtually ignored by these executive agencies. Feeling immune from the broad and extensive enforcement powers of these agencies, Wood

Treaters flaunted hazardous waste and occupational safety laws, and acted with reckless abandon for additional years in its use and management of CCA.

The Claimants suggest that it is critically important that the Legislature understand the story of FSWT and its implications for public health and occupational safety in Florida, due to an alarming frequency of tragic results from failed enforcement of occupational safety. First, and foremost is another example in the wood treating industry, in the form of the Post and Lumber Preserving Company at an 18-acre site in Quincy, Florida. The site was recently added as a Superfund site, yet there is virtually no information on any health consequences of the arsenic contamination at the site.⁴¹ Other examples outside of the wood treating industry are included in Appendix H. Claimants allege that Wood Treaters FSWT stands as a blue print for “bad actors” who wish to gain the maximum economic advantage from exploiting workers, and then head for the protection of bankruptcy or employee leasing schemes. These employees further assert that the neglect in their case served to emboldened Wood Treaters to operate with wanton disregard for their safety and, gain even greater profits while maintaining the unsafe occupational health and safety conditions.

Dated this 11th day of April, 2019.

Respectfully submitted,

/s/ Ennis Leon Jacobs, Jr.

Ennis Leon Jacobs, Jr.

Law Office of Ennis Leon Jacobs, Jr.

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⁴¹

<https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0400518#bkground>

See

APPENDICES

APPENDIX A - ROSTER OF CLAIMANTS - TO BE SUPPLIED SEPARATELY

APPENDIX B - AERIAL DEPICTION OF FAIRSTREET WOOD TREATERS SITE

APPENDIX C - WOOD TREATERS' FDEP PERMITS

APPENDIX D - SAMPLE CCA MATERIAL SAFETY DATA SHEET

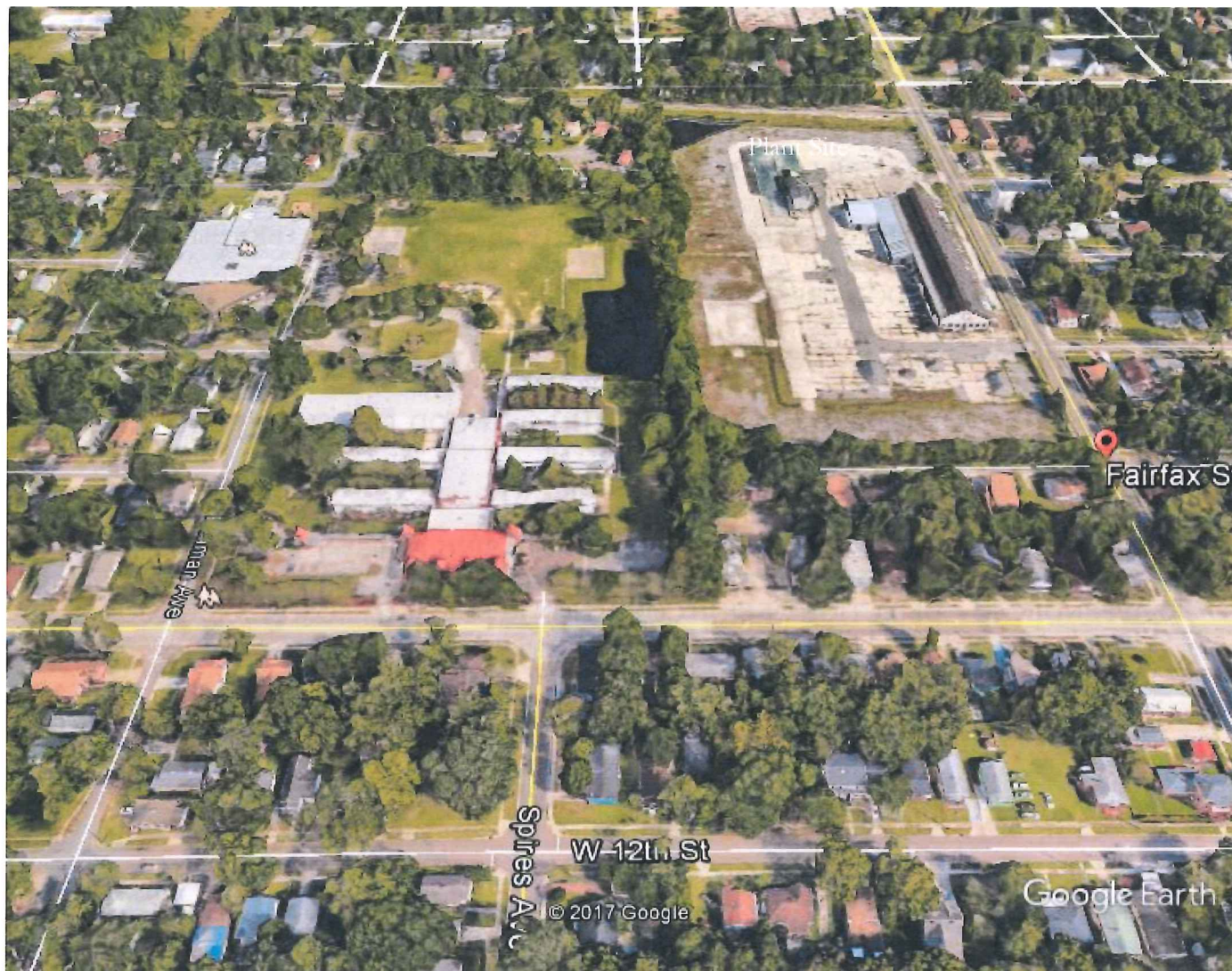
APPENDIX E - PROCESS FLOW SCHEMATIC OF WOOD PRESSURE TREATMENT PLANT

APPENDIX F - MATERIALS ON EMPLOYEE LEASING AT FSWT

APPENDIX G - DEPICTION OF SKIN CONDITION RESULTING FROM CCA EXPOSURE

APPENDIX H - CASES OF OCCUPATIONAL SAFETY INFRACTIONS

APPENDIX B - AERIAL OF THE FAIRFAX STREET WOOD TREATERS SITE



Google Earth

feet
meters





State of Florida
Department of Environmental Regulation

Motor Fuel Tank Registration

1990-1991

This is to certify that the below named facility at the location listed
has petroleum tanks registered with the Florida Department of Environmental Regulation

OWNER:

WOOD TREATERS INC.
P O BOX 41604
JACKSONVILLE
32203

FL

FACILITY:

WOOD TREATERS INC.
2610 FAIRFAX ST
JACKSONVILLE
32209

FL

EXPIRES JUNE 30, 1991

This placard must be placed out of the weather and in plain view of inspectors entering the facility.

I-TANKS = 0 RP-TANKS = 0 R-TANKS = 1 P-TANKS = 0
TOTAL PAID FOR ABOVE TANKS = \$25

Dale Twachtman

168838166-0070037-060690-002877

Dale Twachtman, Secretary
Department of Environmental Regulation

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STORAGE TANK REGULATION PROGRAM



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
STORAGE TANK REGISTRATION PLACARD

2003-2004

FACILITY ID: 8838166

PLACARD NO:
PLACARD ISSUED:
PLACARD EXPIRES:

FACILITY: WOOD TREATERS INC
2610 FAIRFAX ST
JACKSONVILLE FL 32209 - 4823
DUVAL COUNTY

FACILITY TYPE: Chemical user

STCM ACCOUNT: 24331

ACCOUNT OWNER: WOOD TREATERS INC

TANK SYSTEMS REGISTERED:

David B. Struhs
David B. Struhs, Sec.
Department of Environment

- 11-01-2005: Dike field areas of large ASTs must meet new standards & AST small diameter piping over surface water must have secondary containment.
- 12-31-2009: Single-wall ASTs & USL small diameter piping in contact with the soil must have secondary containment.
- 01-01-2010: Single-wall field erected ASTs & AST single-wall bulk product piping in contact with the soil must have secondary containment deferred by an API 570 Integrity Assessment.

The Department has never issued an extension to an upgrade deadline since the storage tank rules were adopted in 1984. If you have question these or other deadlines - or need general technical assistance - consult Rule 62-761, F.A.C., or contact a storage tank inspector from the DE office, or from the local storage tank program office for your county.

DEPARTMENT OF ENVIRONMENTAL PROTECTION IS ON THE INTERNET

The Web address for DEP is <http://www.dep.state.fl.us>.
You can access the site for Storage Tank Regulation directly by using: <http://www.dep.state.fl.us/waste/categories/tanks>.
Look under the HIGHLIGHTS section to find links to storage tank rules, forms, database reports and other program information.

MAIL registration-related questions and comments to: TankRegistration@dep.state.fl.us - or telephone (850) 245-8839.
Registration staff members will assist you with your questions and will respond to you by phone or reply to your email address.

The Storage Tank Registration placard below must be posted at the facility.
It must be placed out of the weather and in plain view of inspectors entering the facility.

FACILITY ID: 8838166

PLACARD NO:

FACILITY: WOOD TREATERS INC
2610 FAIRFAX ST
JACKSONVILLE FL 32209 - 4823
DUVAL COUNTY

PLACARD ISSUED:
PLACARD EXPIRES:

FACILITY TYPE: Chemical user

TANK SYSTEMS REGISTERED:

STCM ACCOUNT: 24331

ACCOUNT OWNER: WOOD TREATERS INC

APPENDIX C - WOOD TREATERS' FDEP PERMITS

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
STORAGE TANK REGISTRATION PLACARD

2004-2005

FACILITY ID: 8838166

PLACARD NO: 210129

PLACARD ISSUED: 06/01/2004
PLACARD EXPIRES: 06/30/2005

FACILITY: WOOD TREATERS LLC
2610 FAIRFAX ST
JACKSONVILLE FL 32209 - 4823
DUVAL COUNTY

FACILITY TYPE: Chemical user

STCM ACCOUNT: 24331

ACCOUNT OWNER: WOOD TREATERS LLC

TANK SYSTEMS REGISTERED:


Michael W. Sole, Director
Division of Waste Management
Department of Environmental Protection

STORAGE TANK FACILITY ACCOUNT OWNER: PLEASE RETURN THE TOP STUB FOR YOUR RECORDS

STORAGE TANK REGISTRATION

This placard certifies that the owner & facility named has complied with the registration requirements for petroleum &/or hazardous substance storage tanks regulated by the FL Department of Environmental Protection. The placard must be placed out of the weather and in plain view of storage tank inspectors entering the facility.

SECONDARY CONTAINMENT INSTALLATION DEADLINES

12-31-2009: Single-wall USTs & UST small diameter piping in contact with the soil must have secondary containment.

01-01-2010: Single-wall field erected ASTs & AST single-wall bulk product piping in contact with the soil must have secondary containment deferred by an API 570 Integrity Assessment.

The Department has never issued an extension to an upgrade deadline since the storage tank rules were adopted in 1984. If you have questions about these or other deadlines - or need general technical assistance - consult Rule 62-761, F.A.C., or contact a storage tank inspector from the DEP office, or from the local storage tank program office for your county.

DEPARTMENT OF ENVIRONMENTAL PROTECTION IS ON THE INTERNET

The Web address for DEP is <http://www.dep.state.fl.us>.

You can access the site for Storage Tank Regulation directly by using: <http://www.dep.state.fl.us/waste/categories/tanks>.

Look under the HIGHLIGHTS section to find links to storage tank rules, forms, database reports and other program information.

EMAIL registration-related questions and comments to: TankRegistration@dep.state.fl.us - or telephone (850) 245-9833.

Registration staff members will assist you with your questions and will respond to you by phone or reply to your email address.

The Storage Tank Registration placard below must be posted at the facility.
It must be placed out of the weather and in plain view of inspectors entering the facility.

APPENDIX D - SAMPLE MATERIAL SAFETY DATA SHEET FOR FIRM USING
CHROMATED COPPER ARSENATE



MATERIAL SAFETY DATA SHEET

1. CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

KOPPERS INC.
436 SEVENTH AVENUE
PITTSBURGH, PA 15219-1800
naorgmsds@koppers.com

MEDICAL EMERGENCIES: 877-737-9047
MEDICAL EMERGENCIES OUTSIDE U.S.A.: 651-632-9269
TECHNICAL ASSISTANCE: 412-227-2001
MSDS REQUESTS: 866-852-5239
CHEMTREC ASSISTANCE: 800-424-9300
CANUTEC: 613-996-6666

MSDS NUMBER: 00228329

SUBSTANCE: CHROMATED COPPER ARSENATE (CCA) PRESSURE TREATED WOOD

PRODUCT USE: Industrial wood products; specifically utility and building poles, foundation and marine pilings.

PRODUCT DESCRIPTION: The chemical form of CCA present in the treated wood product is not determined due to chemical reactions between the preservative solution and the wood cellulose during the process commonly referred to as fixation. Therefore, the CAS numbers provided are for component metals.

REVISION DATE: Jun 14 2007

2. HAZARDS IDENTIFICATION

NFPA RATINGS (SCALE 0-4): HEALTH=2 FIRE=1 REACTIVITY=0

EMERGENCY OVERVIEW:

COLOR: light-colored, green

PHYSICAL FORM: Pressure treated utility and building poles and foundation pilings - treated at a retention level of 0.6-0.8 lbs/ft³ and a wood density of 38-40 lbs/ft³. Pressure treated marine pilings - treated at a retention level of 2.5 lbs/ft³ and a wood density of 38-40 lbs/ft³. Actual retention level dependent on wood stock, moisture levels, and customer specifications.

ODOR: odorless

SIGNAL WORD: WARNING!

MAJOR HEALTH HAZARDS: respiratory tract irritation, skin irritation, eye irritation, allergic reactions,



APPENDIX D - SAMPLE MATERIAL SAFETY DATA SHEET FOR FIRM USING CHROMATED COPPER ARSENATE

skin cancer, nasal cancer, lung cancer

PHYSICAL HAZARDS: Dust/air mixtures may ignite or explode.

PRECAUTIONARY STATEMENTS: Avoid breathing dust. Avoid contact with eyes, skin and clothing. Use only with adequate ventilation. Wash thoroughly after handling. Protective clothing must be changed when it shows signs of contamination. Observe good hygiene and safety practices when handling this product. There is an EPA approved Consumer Information Sheet (CIS) available for this product, do not use this product until the CIS and MSDS have been read and understood.

POTENTIAL HEALTH EFFECTS:

INHALATION:

SHORT TERM EXPOSURE: CCA may cause irritation, difficulty breathing and same effects as reported in short term ingestion. Wood dust may cause irritation and allergic reactions.

LONG TERM EXPOSURE: CCA may cause skin cancer, lung cancer and same effects as reported in short term ingestion. Wood dust may cause irritation, allergic reactions, nosebleed, nausea, vomiting, loss of appetite, chest pain, difficulty breathing, headache, drowsiness, dilated pupils, visual disturbances, irregular heartbeat, lung damage, liver damage, kidney damage, and nasal/sinus cancer.

SKIN CONTACT:

SHORT TERM EXPOSURE: CCA may cause irritation and allergic reactions. Wood dust may cause irritation, allergic reactions, skin disorders, difficulty breathing, irregular heartbeat, headache, visual disturbances and kidney damage.

LONG TERM EXPOSURE: CCA may cause irritation, allergic reactions, skin disorders, and skin cancer. Wood dust may cause irritation, allergic reactions, and skin disorders.

EYE CONTACT:

SHORT TERM EXPOSURE: CCA may cause irritation. Wood dust may cause irritation and eye damage.

LONG TERM EXPOSURE: CCA may cause irritation. Wood dust may cause irritation and eye damage.

INGESTION:

SHORT TERM EXPOSURE: CCA may cause systemic poisoning, skin disorders, changes in body temperature, changes in blood pressure, nausea, vomiting, diarrhea, stomach pain, chest pain, headache, dizziness, pain in extremities, blood disorders, kidney damage, liver damage and nerve damage. Wood dust may cause nausea, vomiting, loss of appetite, difficulty breathing, irregular heartbeat, and drowsiness.

LONG TERM EXPOSURE: CCA may cause same effects as reported in short term exposure, nosebleed, skin cancer, bladder cancer, and possibly other internal cancers. No information is available for wood dust.

3. COMPOSITION, INFORMATION ON INGREDIENTS

COMPONENT: WOOD DUST, HARDWOODS

CAS NUMBER: Not assigned.

PERCENTAGE: 0-98.5

COMPONENT: WOOD DUST, SOFTWOODS

CAS NUMBER: Not assigned.

PERCENTAGE: 0-98.5

COMPONENT: CHROMIUM (III)

CAS NUMBER: 7440-47-3

PERCENTAGE: 1.0-3.1

COMPONENT: ARSENIC (V)

CAS NUMBER: 7440-38-2
PERCENTAGE: 0.7-2.2

COMPONENT: COPPER
CAS NUMBER: 7440-50-8
PERCENTAGE: 0.4-1.2

4. FIRST AID MEASURES

INHALATION: If adverse effects occur, remove to uncontaminated area. Give artificial respiration if not breathing. Get immediate medical attention.

SKIN CONTACT: Wash skin with soap and water for at least 15 minutes, or use a waterless handcleaner, while removing contaminated clothing and shoes. DO NOT rub until skin is free of sawdust and preservative material. Get immediate medical attention, if needed. Thoroughly clean and dry contaminated clothing and shoes before reuse.

EYE CONTACT: Flush eyes with plenty of water for at least 15 minutes. DO NOT rub eyes. Then get immediate medical attention.

INGESTION: If a large amount is swallowed, get medical attention.

5. FIRE FIGHTING MEASURES

FIRE AND EXPLOSION HAZARDS: Dust/air mixtures may ignite or explode. During fire conditions, vapors and decomposition products may be released, forming flammable/explosive mixtures in air. Contact with heat may generate toxic and/or flammable gases.

EXTINGUISHING MEDIA: carbon dioxide, regular dry chemical, regular foam, water spray

FIRE FIGHTING: Avoid inhalation of material or combustion by-products. Stay upwind and keep out of low areas. Use extinguishing agents appropriate for surrounding fire.

FIRE FIGHTING PROTECTIVE EQUIPMENT: Full fire fighting turn-out gear (bunker gear).

SENSITIVITY TO MECHANICAL IMPACT: No

SENSITIVITY TO STATIC DISCHARGE: Not available

FLASH POINT: Not applicable

6. ACCIDENTAL RELEASE MEASURES

WATER RELEASE:

Subject to California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

OCCUPATIONAL RELEASE:

Collect debris and used material in appropriate container for disposal. In Canada, report releases to provincial authorities, municipal authorities, or both, as required.

7. HANDLING AND STORAGE

STORAGE: Store and handle in accordance with all current regulations and standards. Avoid generating dust. Keep separated from incompatible substances.

HANDLING: Use methods to minimize dust. Avoid frequent or prolonged inhalation of sawdust from treated wood. When sawing and machining treated wood, wear a dust mask. When power-sawing and machining, wear goggles to protect eyes from flying particles. Whenever possible, these operations should be performed outdoors to avoid indoor accumulations of airborne sawdust from treated wood. Avoid frequent or prolonged skin contact with CCA-treated wood; when handling the treated wood, wear long-sleeved shirts and long pants and use gloves impervious to the chemicals (for example, gloves that are vinyl-coated). After working with the wood, and before eating, drinking and use of tobacco products, wash exposed areas thoroughly. Remove and launder contaminated clothing separately from other laundry before reuse.

8. EXPOSURE CONTROLS, PERSONAL PROTECTION

EXPOSURE LIMITS:**CHROMATED COPPER ARSENATE (CCA) PRESSURE TREATED WOOD:**

The chemical form of CCA present in the treated wood product is not determined due to chemical reactions between the preservative solution and the wood cellulose during the process commonly referred to as fixation. If necessary, see applicable exposure limits.

Exposure to wood dust would not be expected under normal use conditions. If handling or use patterns associated with CCA treated wood involve the use of a power saw, sander, drill or any tool or activity resulting in the generation of airborne particulate the following wood dust exposure limits should be observed and appropriate steps taken to minimize exposure.

HARD WOOD DUST:

1 mg/m³ ACGIH TWA (inhalable fraction)

1 mg/m³ NIOSH recommended TWA 10 hour(s)

SOFT WOOD DUST:

0.5 mg/m³ ACGIH TWA (inhalable fraction) (sensitizer) (western red cedar)

1 mg/m³ ACGIH TWA (inhalable fraction) (others)

1 mg/m³ NIOSH recommended TWA 10 hour(s)

CHROMIUM:

1 mg(Cr)/m³ OSHA TWA (metal)

0.5 mg(Cr)/m³ ACGIH TWA (metal)

0.5 mg(Cr)/m³ NIOSH recommended TWA 8 hour(s) (metal)

ARSENIC:

10 ug/m³ OSHA TWA

0.01 mg/m³ ACGIH TWA

0.002 mg/m³ NIOSH recommended ceiling 15 minute(s)

COPPER:**COPPER AND COMPOUNDS (as Cu):**

0.1 mg/m³ OSHA TWA (fume)

1 mg/m³ OSHA TWA (dust) (mist)

0.2 mg/m³ ACGIH TWA (fume) (metal)

1 mg/m³ ACGIH TWA (dust) (mist) (metal)

0.1 mg/m³ NIOSH recommended TWA 10 hour(s) (fume)

1 mg/m³ NIOSH recommended TWA 10 hour(s) (dust) (mist)

VENTILATION: Ensure adequate ventilation. Ensure compliance with applicable exposure limits.

EYE PROTECTION: ANSI Z87.1-1989 approved safety glasses with side shields.

CLOTHING: Wear tightly woven long-sleeved shirts and long pants. Remove and launder contaminated clothing separately from other laundry before reuse.

GLOVES: Individuals must wear gloves impervious to the wood treatment formulations in all situations where dermal contact with chromated copper arsenate is expected.

PROTECTIVE MATERIAL TYPES: Examples of impervious materials for protective clothing (e.g. overalls, jackets, gloves and boots) required during application and handling of chromated copper arsenate are polyvinyl acetate (PVA), polyvinyl chloride (PVC), Neoprene and NBR (Buna-N).

RESPIRATOR: If the applicable TLVs and/or PELs are exceeded, use canister or cartridge respirators, which are MSHA/NIOSH-approved, with high-efficiency particulate filters.

9. PHYSICAL AND CHEMICAL PROPERTIES

PHYSICAL STATE: solid

COLOR: light-colored, green

PHYSICAL FORM: Pressure treated utility and building poles and foundation pilings - treated at a retention level of 0.6-0.8 lbs/ft³ and a wood density of 38-40 lbs/ft³. Pressure treated marine pilings - treated at a retention level of 2.5 lbs/ft³ and a wood density of 38-40 lbs/ft³. Actual retention level dependent on wood stock, moisture levels, and customer specifications.

ODOR: odorless

BOILING POINT: Not applicable

MELTING POINT: Not available

VAPOR PRESSURE: Not applicable

VAPOR DENSITY: Not applicable

SPECIFIC GRAVITY (water=1): varies

WATER SOLUBILITY: insoluble

PH: Not applicable

VOLATILITY: Not applicable

ODOR THRESHOLD: Not available

EVAPORATION RATE: Not applicable

COEFFICIENT OF WATER/OIL DISTRIBUTION: Not available

10. STABILITY AND REACTIVITY

REACTIVITY: Stable at normal temperatures and pressure.

CONDITIONS TO AVOID: Avoid heat, flames, sparks and other sources of ignition. Avoid contact with incompatible materials.

INCOMPATIBILITIES: oxidizing materials, acids

HAZARDOUS DECOMPOSITION:

Thermal decomposition products: carbon monoxide, carbon dioxide, oxides of nitrogen, oxides of chromium, oxides of copper, arsine, chromium, arsenic

POLYMERIZATION: Will not polymerize.

11. TOXICOLOGICAL INFORMATION

CHROMATED COPPER ARSENATE (CCA) PRESSURE TREATED WOOD:

CARCINOGEN STATUS: OSHA: Yes, NTP: Yes, IARC: Yes, (See below for additional information on component carcinogen status)

TARGET ORGANS: respiratory system, skin, eyes, immune system (sensitizer), nervous system

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE: respiratory disorders, skin disorders and allergies

ADDITIONAL DATA: Wood dust is particles of varying size produced from processing or handling wood. Cancer of the nasal cavities and sinuses is associated with exposure to hardwood dust. IARC concluded that there were too few studies to evaluate cancer risks attributable to exposure to softwood alone and to any particular species of wood. In view of the overall lack of consistent findings, IARC also concluded that there is no indication that occupational exposure to wood dust has a causal role in cancers of the throat, lung, lymphatic and blood systems, stomach, colon or rectum.

Different woods produce different health effects and there is evidence that wood from different trees of the same species can produce varying health effects. Woods other than Western Red Cedar (WRC) seem unlikely to be responsible for large numbers of cases of respiratory allergies. Other common wood dusts produce asthma/pulmonary effects that are less well described than the responses to WRC. These other wood species (e.g., oak and pine) are considered somewhat allergenic.

The copper, chromium, and arsenic in the CCA preservative undergo a chemical fixation reaction and chromium is reduced to the trivalent state when placed into the wood. For CCA treated wood the most likely chemical species of arsenic complex to which potential exposure might occur is chromium (III) arsenate (As V). This CCA treated wood is not expected to contain trivalent arsenic or hexavalent chromium compounds.

The IARC Monographs state that arsenic and arsenic compounds are carcinogenic to humans (Group 1). This

evaluation applies to the group of chemicals as a whole and not necessarily to all individual chemicals within the group. IARC's conclusion of carcinogenicity to humans is based mainly on medical treatment with Fowler's solution and inhalation exposure of mining and smelting workers and drinking water. Lung cancer has been associated with inhalation of arsenic, and skin, bladder, and possibly other internal cancers have been associated with ingestion of arsenic in drinking water. IARC concluded that chromium (III) compounds are not classifiable as to their carcinogenicity to humans (Group 3).

Gradient Corporation prepared a human health risk assessment for Arch Wood Protection, Inc., to quantify potential health risks from exposures to the arsenic complex associated with chromated copper arsenate (CCA) treated wooden utility poles. Cancer risk estimates for a child assumed to play outdoors near a CCA-treated utility pole and adult utility pole worker assumed to perform maintenance and repair services that requires climbing a CCA-treated utility pole have been found to be within the U.S. Environmental Protection Agency's "generally acceptable" cancer target risk range of 1 in a million to 1 in 10,000. It should be noted that the actual number of cancer cases could be zero.

In Hawaii, where over 45,000 homes have been built almost entirely of CCA-treated wood, a study was conducted by the Pacific Biomedical Center of the University of Hawaii (the Budy-Rashad study) in 1977 to determine any possible effect on the health of carpenters. The study concluded that exposure to CCA-treated sawdust is not associated with increased risk of total cancer, lung cancer or lymphatic cancer and shows that excess respiratory cancer mortality was not observed in the carpenters.

A study was conducted by the University of Alabama to evaluate the teratogenicity of CCA-impregnated sawdust when exposed to rabbits and mice. Sawdust from CCA-treated wood has been shown not to cause birth defects in mice fed sawdust nor to cause birth defects in rabbits receiving sawdust applied to their skin.

WOOD DUST, HARDWOODS:

CARCINOGEN STATUS: NTP: Known Human Carcinogen; IARC: Human Sufficient Evidence, Animal Inadequate Evidence, Group 1; ACGIH: A1 -Confirmed Human Carcinogen (Oak and beech), A2 -Suspected Human Carcinogen (Birch, mahogany, teak and walnut), A4 -Not Classifiable as a Human Carcinogen (All other wood dusts)

LOCAL EFFECTS:

Irritant: inhalation, skin, eye

TARGET ORGANS: immune system (sensitizer)

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE: respiratory disorders, skin disorders and allergies

WOOD DUST, SOFTWOODS:

CARCINOGEN STATUS: NTP: Known Human Carcinogen; IARC: Human Sufficient Evidence, Animal Inadequate Evidence, Group 1; ACGIH: A1 -Confirmed Human Carcinogen (Oak and beech), A2 -Suspected Human Carcinogen (Birch, mahogany, teak and walnut), A4 -Not Classifiable as a Human Carcinogen (Western red cedar)

LOCAL EFFECTS:

Irritant: inhalation, skin, eye

TARGET ORGANS: immune system (sensitizer)

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE: respiratory disorders, skin disorders and allergies

CHROMIUM:

CARCINOGEN STATUS: IARC: Human Inadequate Evidence, Animal Inadequate Evidence, Group 3

(Chromium metal); ACGIH: A4 -Not Classifiable as a Human Carcinogen (Chromium metal)

ADDITIONAL DATA: May cross the placenta. May be excreted in breast milk.

ARSENIC:

TOXICITY DATA: 763 mg/kg oral-rat LD50

CARCINOGEN STATUS: OSHA: Carcinogen; NTP: Known Human Carcinogen; IARC: Human Sufficient Evidence, Animal Limited Evidence, Group 1; ACGIH: A1 -Confirmed Human Carcinogen

LOCAL EFFECTS:

Irritant: inhalation, skin, eye

ACUTE TOXICITY LEVEL:

Moderately Toxic: ingestion

TARGET ORGANS: immune system (sensitizer), nervous system

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE: diabetes, heart or cardiovascular disorders, immune system disorders or allergies, kidney disorders, liver disorders, nervous system disorders, skin disorders and allergies

COPPER:

LOCAL EFFECTS:

Irritant: inhalation, eye

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE: blood system disorders, kidney disorders, liver disorders, respiratory disorders, skin disorders and allergies

12. ECOLOGICAL INFORMATION

Study Abstracts: The Springborn Laboratories Environmental Sciences Division in 1993 conducted a sediment exposure study using leachate from CCA treated and untreated marine pilings and exposing *Ampelisca abdita* for a period of 10 days. Survival of the organisms during the 10-day exposure period was the biological endpoint used to establish the effects of exposure. Results indicated that leachate from treated pilings had no adverse effect on organism survival. It was concluded that the primary constituents of the CCA-treated wood piling were not present in the leachate at concentrations which would adversely affect the survival of the organisms.

A study funded in part by the National Oceanic and Atmospheric Administration (NOAA) and prepared by the Marine Resources Division of the South Carolina Department of Natural Resources in 1995 measured the impact of wood preservative leachate from docks in an estuarine environment. Copper, chromium, arsenic, and polynuclear aromatic hydrocarbons (PAHs) were measured in composite samples of sediments and naturally occurring oyster populations from creeks with high densities of docks, and from nearby reference creeks with no docks. Sediments from all but one site had metal and total PAH concentrations which were below levels reported to cause biological effects, and the oysters showed no significant difference in their physiological condition. Bioassays were also conducted on four common estuarine species and hatchery-reared oysters. The results suggest that wood preservative leachates from dock pilings have no acutely toxic effects on these common species, nor do they affect the survival or growth of juvenile oysters over a six-week period. In some cases, metal leachates may accumulate in sediments and oysters immediately adjacent to pilings, but do not appear to become concentrated in sediments or oysters elsewhere in the same creeks.

13. DISPOSAL CONSIDERATIONS

Dispose in accordance with all applicable regulations. Treated wood should not be burned in open fires or in stoves, fireplaces or residential boilers, because toxic chemicals may be produced as part of the smoke and ashes. Treated wood from commercial or industrial use (e.g., construction sites) may be burned only in commercial or industrial incinerators or boilers in accordance with state and federal regulations. For more information please see Koppers Consumer Information Sheet for this product.

14. TRANSPORT INFORMATION

U.S. DEPARTMENT OF TRANSPORTATION: No classification assigned.

CANADIAN TRANSPORTATION OF DANGEROUS GOODS: No classification assigned.

15. REGULATORY INFORMATION

U.S. REGULATIONS:

SARA TITLE III SECTION 302 EXTREMELY HAZARDOUS SUBSTANCES (40 CFR 355.30): Not regulated.

SARA TITLE III SECTION 304 EXTREMELY HAZARDOUS SUBSTANCES (40 CFR 355.40): Not regulated.

SARA TITLE III SARA SECTIONS 311/312 HAZARDOUS CATEGORIES (40 CFR 370.21):

ACUTE: Yes

CHRONIC: Yes

FIRE: No

REACTIVE: No

SUDDEN RELEASE: No

SARA TITLE III SECTION 313 (40 CFR 372.65):

CHROMIUM

ARSENIC

COPPER AND COMPOUNDS (as Cu)

COPPER

STATE REGULATIONS:

California Proposition 65:

Known to the state of California to cause the following:

ARSENIC

Cancer (Feb 27, 1987)

CANADIAN REGULATIONS:

WHMIS CLASSIFICATION: Not a Controlled Product under Canada's Workplace Hazardous Material Information System.

NATIONAL INVENTORY STATUS:

U.S. INVENTORY (TSCA): This product is exempt.

TSCA 12(b) EXPORT NOTIFICATION: Not listed.

CANADA INVENTORY (DSL/NDSL): This product is exempt.

16. OTHER INFORMATION

MSDS SUMMARY OF CHANGES

2. HAZARDS IDENTIFICATION

3. COMPOSITION, INFORMATION ON INGREDIENTS

8. EXPOSURE CONTROLS, PERSONAL PROTECTION

11. TOXICOLOGICAL INFORMATION

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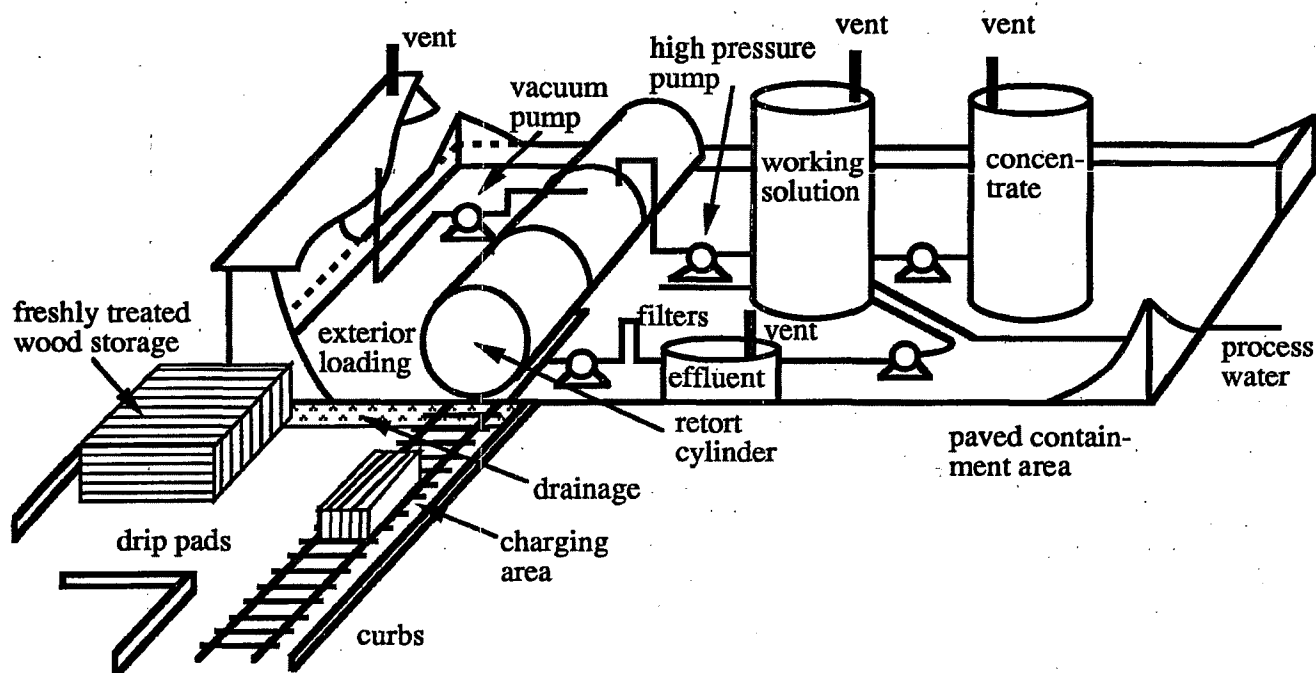
The information set forth in this Material Safety Data Sheet does not purport to be all-inclusive and should be used only as a guide. While the information and recommendations set forth herein are believed to be accurate, the company makes no warranty regarding such information and recommendations and disclaims all liability from reliance thereon.

APPENDIX E - PROCESS FLOW SCHEMATIC OF WOOD TREATMENT PROCESS

Table 2. CCA and ACZA Formulations

Preservative	Compound (%)			
	Chromium (VI) as CrO_3	Copper as CuO	Zinc as ZnO	Arsenic as As_2O_5
CCA				
Type A				
Standard	65.5	18.1		16.4
Range	59.4-69.3	16.0-20.9		14.7-19.7
Type B				
Standard	35.3	19.6		45.1
Range	33.0-38.0	18.0-22.0		42.0-48.0
Type C				
Standard	47.5	18.5		34.0
Range	44.5-50.5	17.0-21.0		30.0-38.0
ACZA				
Standard		50.0	25.0	25.0
Range		45.0-55.0	22.5-27.5	22.5-27.5

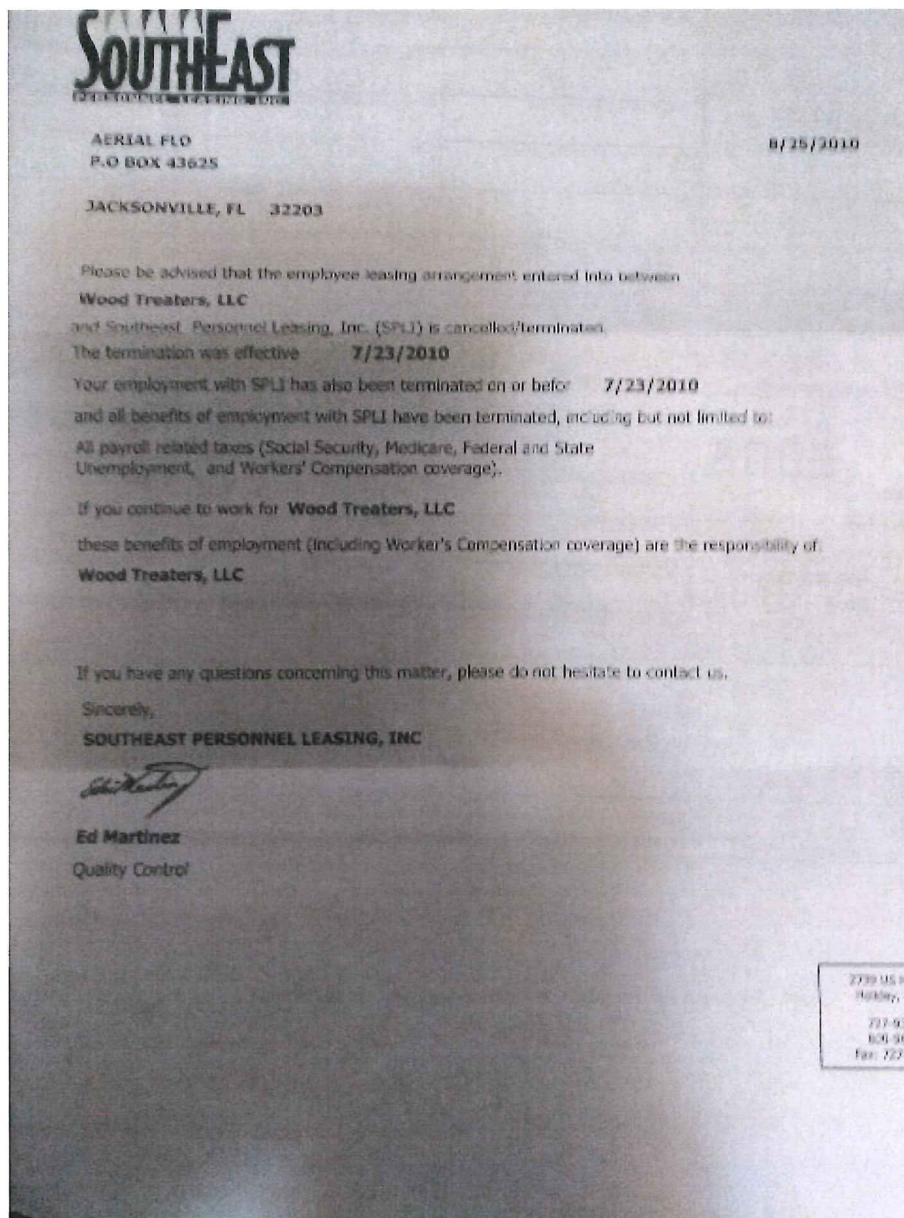
Source: American Wood Preservers' Association 1992



Source: USEPA 1992 U.S. Environmental Protection Agency

Figure 2. Waterborne Wood Preservative Pressure-Treating Facility

APPENDIX F - MATERIALS FOR EMPLOYEE LEASING



APPENDIX F - MATERIALS FOR EMPLOYEE LEASING

Form **W-2** Wage and Tax Statement
 Copy C - For EMPLOYEE'S RECORDS. (See Notice to Employee on back of Copy B).
 Employer's name, address, and ZIP code

2008

South East Employee Leasing
 2739 U.S. Hwy 19 North
 Holiday, FL 34691

Employer's name, address, and ZIP code

AERIAL FLO
 P.O. BOX 43625
 JACKSONVILLE, FL 32203

15 State Employer's state ID number

16 State wages, tips, etc.

17 State income tax

18 Local wages, tips, etc.

19 Local income tax

20 Locality name

1 Wages, tips, other compensation 26708.08		2 Federal income tax withheld 1624.48	
3 Social security wages 26708.08		4 Social security tax withheld 1655.92	
5 Medicare wages and tips 26708.08		6 Medicare tax withheld 387.26	
7 Social security tips		11 Nonqualified plans	
8 Allocated tips		12a See instructions for box 12	
9 Advance EIC payment		12b	
12d		13	
b Employer identification number (EIN) 59-3744258		a Employee's social security number 2	

This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligent or other sanction may be imposed on you if this income is taxable and you fail to report it.

Form **W-2** Wage and Tax Statement
 Copy 2 - To Be Filed With Employee's State, City, or Local Income Tax Return.
 Employer's name, address, and ZIP code

2008

South East Employee Leasing
 2739 U.S. Hwy 19 North
 Holiday, FL 34691

Employer's name, address, and ZIP code

AERIAL FLO
 P.O. BOX 43625
 JACKSONVILLE, FL 32203

15 State Employer's state ID number

16 State wages, tips, etc.

17 State income tax

18 Local wages, tips, etc.

19 Local income tax

20 Locality name

1 Wages, tips, other compensation 26708.08		2 Federal income tax withheld 1624.48	
3 Social security wages 26708.08		4 Social security tax withheld 1655.92	
5 Medicare wages and tips 26708.08		6 Medicare tax withheld 387.26	
7 Social security tips		11 Nonqualified plans	
8 Allocated tips		12a See instructions for box 12	
9 Advance EIC payment		12b	
12d		13	
b Employer identification number (EIN) 59-3744258		a Employee's social security number 2	

Wood Treaters LLC

APPENDIX F - MATERIALS FOR EMPLOYEE LEASING

P.O. Box 41604

Jacksonville, FL 32203-1604

SOUTH BAY
AL63-943
631

Check Date 3/25/2005

Check Number Memo

Pay No Dollars and No Cents

\$*****

To the Order of:

2

1026 -99998583



Gary A Walker

NON NEGOTIABLE

2125 Placeda St

Jacksonville, FL 32209-6933

Authorized Signature

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

Gary A Walker

Wood Treaters LLC

Company	Period Begin	Division
2010	3/7/2005	
Number	Period End	Branch
1026	3/20/2005	
Social Security #	Check Date	Department
	3/25/2005	2
Hire Date	Check Number	Team
4/30/1987	-99998583	

Earnings

Deductions

Description	Location / Job	Rate	Hours	Current	Year To Date	Description	Current	Year To Date
Regular		12.55	80:00	1004:00	6011:45	Fed (S/O) (8384.75)	222:61	1198:56
Overtime		18.83	31:50	592:99	2907:52	OASDI (8624.75)	94:94	534:74
Holiday					100:40	Medicare (8624.75)	22:20	125:05
						Uniform	13:70	82:20
						401K	40:00	240:00
						125 Health	65:77	394:62
						Net Pay	1137:77	5501:01
Total Earnings						Total Deductions	1596:99	8076:18
NET PAY				1137:77	Total Direct Deposits	1137:77	Check Amount	0,00
								943:19

EMPL. NO.	EMPLOYEE NAME	SOCIAL SECURITY NO.	HOME DEPT.	REG. RATE	O.T. RATE	PREM. RATE	PER. END DATE
0026	GARY WALKER			13.05	19.58	6.53	04/01/06
EARNINGS AND BENEFITS			DEDUCTIONS AND BENEFITS			TAXES	
DESCRIPTION	HOURS	AMOUNT	DESCRIPTION	AMOUNT	TO-DATE	TYPE	YEAR-TO-DATE
Regular	80.00	1044.00	Ck:024265	1278.18	7205.13	Federa	265.22
Overtime	36.81	720.56	401-K Pla	40.00	280.00	FICA -	106.30
Vacation			Health In	50.00	350.00	Medica	24.86
Holiday			Uniforms		56.37	Florid	
							.00

YTD Gross 11260.07

TOTAL TAXES		396.38
CHECK DATE	CHECK NO.	
04/07/06	6019838	
CHECK AMOUNT		0.00

TOTAL EARNINGS	1764.56	TOTAL DEDUCTIONS	1368.18
TOTAL YEAR-TO-DATE	10630.07	TOTAL BENEFITS	630.00

Wood Treaters, LLC



WARNING — THIS CHECK IS PROTECTED BY SPECIAL SECURITY FEATURES

South East Personnel Leasing Services
2739 U.S. Hwy. 19 N.
Holiday, FL 34691

Wachovia
101 Federal Place
Tarpon Springs,
FL 34689

EMPLOYEE NO.	CHECK DATE	CHECK NO.
06690330026	04/07/06	6019838

CHECK AMOUNT

** VOID **

***** VOID - DIRECT DEPOSIT *****

PAY TO
ORDER
OF

GARY WALKER
1075 MACKINAW ST.
JACKSONVILLE, FL 32254

John A. Rones

SECURE FEATURES INCLUDE MICROPRINTING • VOID FEATURE PANTOGRAPH • ENDORSEMENT BACKER

⑈6019838⑈ ⑆063107513⑆ 2000006661645⑈

Wood Treaters, LLC
GARY WALKER
1075 MACKINAW ST.
JACKSONVILLE, FL 32254

EXHIBIT G - DEPICTION OF SKIN CONDITION RESULTING
FROM EXPOSURE



APPENDIX H - CASES OF OCCUPATIONAL SAFETY INFRACTIONS

February 28, 2019

U.S. Department of Labor Cites Florida Landscaping Company After Employee Suffers Fatal Heat-Related Injury

NOKOMIS, FL – The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) has cited Olin Landscaping – based in Venice, Florida – for failing to protect employees working in excessive heat after an employee succumbed to fatal heat-related symptoms while performing lawn maintenance at a residence in Nokomis, Florida.

The heat index reached between 97 and 103 degrees on August 25, 2018. OSHA [cited](#) Olin Landscaping for exposing employees to outdoor heat hazards, failing to protect employees from heat-related illnesses and injuries, and failing to report the workplace fatality to OSHA within 8 hours, as required. The company faces \$16,102 in penalties.

“This preventable tragedy underscores the requirement that employers take precautions – such as ensuring access to water, rest, and shade – to keep workers safe while working in extreme heat,” said OSHA Tampa Area Office Director Les Grove.

The company has 15 business days from receipt of the citations and proposed penalties to comply, request an informal conference with OSHA’s area director, or contest the findings before the independent [Occupational Safety and Health Review Commission](#).

OSHA conducts training and outreach on heat-related workplace hazards every spring and summer. Information on establishing a heat illness prevention program, a [video](#) on protecting workers from heat illness, and other suggested best practices, are available on OSHA’s [heat illness prevention page](#).

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA’s role is to help ensure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education, and assistance. For more information, visit <https://www.osha.gov>

Ammunition Manufacturer Under Fire After Two Fatalities

Explosion at AMTEC Less Lethal Systems Inc. facility in Perry, Fla. kills two workers.

[Stefanie Valentic EHS Today](#) | Mar 21, 2019

Friday, Sept. 14, 2018, started as a typical day for employees at AMTEC Less Lethal Systems Inc., but that quickly changed.

A morning explosion at the company's Perry, Fla., ammunition facility fatally injured two workers: 42-year-old Christina Patterson and 56-year-old Thomas Fowler, Jr.

"It's a good team, great employees and it's a sad day for our team. Our prayers are with our employees and their families and we'll go from there," AMTEC President Barry Hafer told the [Tallahassee Democrat](#) after the explosion.

OSHA immediately investigated the incident, and the company now faces \$188,290 in penalties for numerous serious safety violations as well as a willful violation.

The agency cited AMTEC Less Lethal Systems Inc., which is now owned by PACEM Solutions International LLC, for:

- failing to develop and implement management of change procedures when they increased the maximum explosive limits of pyrotechnic flash powder in or near the blast booths from 200 grams to 500 grams;
- failing to maintain the engineer's specifications for the blowout panels installed on the blast booths;
- using blast booths that did not comply with good engineering practices;
- and failing to train employees on the operating procedures for work in the diversion section production room.

PACEM Solutions International LLC acquired AMTEC Less Lethal Systems Inc. in October 2018, a month after the incident.

"When employers disregard safety standards, they place their employees at risk," said OSHA Jacksonville Area Director Michelle Gonzalez. "This tragedy could have been prevented if AMTEC had complied with OSHA standards."

AMTEC has 15 business days to comply, request an informal conference with OSHA's area director, or contest the findings.

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 32

INTRODUCER: Senator Gibson

SUBJECT: Relief of former employees of Fairfax Street Wood Treaters by the State of Florida

DATE: January 31, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Favorable
2.			HP	
3.			JU	
4.			AP	

I. Summary:

SB 32 is a claim bill requesting relief for former employees of Wood Treaters, Inc./Wood Treaters, LLC (Wood Treaters), who worked at the Fairfax Street Wood Treaters (FSWT) site and who allege injury from excessive, persistent, and prolonged exposure to toxic levels of arsenic used to treat wood during the company's operation from 1980 to 2010. The bill alleges that the Department of Environmental Protection, the Department of Financial Services, and the Department of Health failed to enforce measures to protect employees from toxic substances in the workplace and ignored the hazardous conditions in which employees at FSWT were working. The bill alleges that the State of Florida has an equitable obligation to redress the injuries and damages sustained by employees.

The bill directs the Department of Health to collaborate with the National Institute for Occupational Safety and Health to develop accurate and reliable data on the exposure levels and the duration and frequency of exposure to arsenic for all former employees of Wood Treaters who worked at FSWT, so as to ascertain the risks to their health posed by such exposure.

The bill makes an appropriation of \$10 million from the General Revenue Fund to the Office of the Attorney General for the relief of former employees of Wood Treaters who demonstrate personal injuries and damages. The bill directs the Attorney General to compensate each eligible former employee in the amount of \$100,000. The bill limits attorney fees to 25 percent of the amount awarded.

II. Present Situation:

Fairfax Street Wood Treaters, Inc.

From 1980 to 2010, the Fairfax Street Wood Treaters (FSWT) facility produced pressure treated wood for wholesale and commercial use.¹ The facility was owned and operated by Wood Treaters, Inc.² The operations at the FSWT site used a hazardous wood treating preservative called chromated copper arsenate (CCA), which is a concentrated form of the chemical arsenic, to pressure treat various types of wood.³

In 2003, Wood Treaters, LLC was formed and the operations of Wood Treaters, Inc. were transferred to the LLC.⁴ Wood Treaters, LLC (“Wood Treaters”) operated until 2010, when it filed for bankruptcy. By July 2010, it had ceased operations and abandoned the facility. The company was declared bankrupt in 2012.⁵ Wood treated with CCA drip-dried on the property, resulting in soil, water, and sediment contamination with arsenic, chromium, and copper.⁶

The United States Environmental Protection Agency (EPA) leads site investigation and cleanup activities in cooperation with the Florida Department of Environmental Protection (DEP), and the Florida Department of Health (DOH). In August 2010, DEP requested EPA's assistance in mitigating the release of hazardous substances at the FSWT site to the environment. EPA conducted removal actions, or short-term cleanups, of the site in 2010 and 2011.⁷ In 2012, EPA added FSWT to its National Priorities List, or Superfund Program, for cleanup of the contamination.⁸ From March to October 2019, EPA completed cleanup activities to address the soil and sediment contamination at the FSWT site.⁹

Former employees of Wood Treaters allege that state agencies have failed to administer their respective legal duties requiring that the agencies protect the health and safety of employees in their workplace where they were exposed to toxic substances and waste.¹⁰ The former employees allege that Wood Treaters violated occupational safety laws and required employees to handle

¹ United States Environmental Protection Agency (EPA), *Fairfax St. Wood Treaters, Jacksonville, FL, Cleanup Activities*, <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0410582> (last visited Jan. 24, 2020).

² Law Office of Ennis Leon Jacobs, Jr., *Claimant's Statement and Legal Memorandum*, 7 (April 11, 2019)(on file with the Senate Committee on Environment and Natural Resources).

³ EPA, *Fairfax St. Wood Treaters, Jacksonville, FL, Cleanup Activities*, <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0410582> (last visited Jan. 24, 2020).

⁴ Law Office of Ennis Leon Jacobs, Jr., *Claimant's Statement and Legal Memorandum*, 7 (April 11, 2019)(on file with the Senate Committee on Environment and Natural Resources).

⁵ EPA, *Fairfax St. Wood Treaters, Jacksonville, FL, Cleanup Activities*, <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0410582> (last visited Jan. 24, 2020).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ EPA, *Fairfax St. Wood Treaters, Jacksonville, FL, Stay Updated, Get Involved*, <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Stayup&id=0410582#Stayup> (last visited Jan. 24, 2020).

¹⁰ Law Office of Ennis Leon Jacobs, Jr., *Claimant's Statement and Legal Memorandum*, 4 (April 11, 2019)(on file with the Senate Committee on Environment and Natural Resources).

CCA in an unsafe manner that was not in line with best practices in the wood treating industry. The former employees have described their injuries as generally a “lengthy decline in health,” with specific reports of irritated skin, severe respiratory conditions, severe sinus conditions, and cardiovascular conditions.¹¹ Several of the employees of Wood Treaters are now deceased, but their families assert that their exposure to CCA was a substantial factor in their demise.¹²

Sovereign Immunity

Sovereign immunity is defined as: “A government’s immunity from being sued in its own courts without its consent.”¹³ Article X, section 13 of the Florida Constitution, authorizes the Legislature to enact laws that permit suits against the state. The Legislature has, to some extent, permitted tort suits against the state, but has limited the collectability of judgments against the state to \$200,000 per person and \$300,000 per incident.¹⁴ These limits do not preclude plaintiffs from obtaining judgments in excess of the statutory cap; however, plaintiffs cannot force the government to pay damages that exceed the recovery cap.¹⁵ Damaged persons seeking to recover amounts in excess of the limits may request that the Legislature authorize a claim bill (see discussion of Claim Bills below).

Public Duty Doctrine

A key issue for tort liability is that of duty.¹⁶ All plaintiffs in tort actions must first establish that the defendant owed the plaintiff a duty of care, that is, a duty to act reasonably regarding the injured party’s interests. When bringing tort claims against private individuals, duty is often a simple issue to decide. Individuals almost always have a duty to act with reasonable care regarding those they come into contact with. However, when government actions are in question, finding duty requires a more thorough analysis. This duty analysis is prior to any analysis of sovereign immunity.¹⁷

An exception to the waiver of sovereign immunity is referred to as the “public duty doctrine,” which provides that the government may not be liable unless there is a statutory or common law duty of care in existence that would have been applicable to an individual under similar circumstances.¹⁸ In *Tranon Park Condo. Ass’n, Inc. vs. City of Hialeah*, the Florida Supreme Court identified the following four categories of governmental functions to be considered when determining the application of sovereign immunity: (1) legislative, permitting, licensing, and executive officer functions; (2) enforcement of laws and the protection of public safety; (3) capital improvements and property control operations; and (4) providing professional educational

¹¹ *Id.* at 6, 12.

¹² *Id.* at 6.

¹³ BLACK’S LAW DICTIONARY, 621 (8th ed. 2005).

¹⁴ Section 768.28(5), F.S.

¹⁵ *Berek v. Metropolitan Dade Cnty.*, 422 So.2d 838 (Fla. 1982).

¹⁶ Duty, in torts, is a legal relationship arising from a standard of care, the violation of which subjects the actor to liability. BLACK’S LAW DICTIONARY, 428 (8th ed. 2005).

¹⁷ For “there to be a governmental tort liability, there must be either an underlying common law or statutory duty of care with respect to the alleged negligent conduct.” *Tranon Park Condo. Ass’n, Inc. vs. City of Hialeah*, 468 So. 2d 912, 917 (Fla. 1985).

¹⁸ *Id.*

and general services for the health and welfare of the citizens.¹⁹ The court has stated that there is no common law duty of care for the functions in the first and second categories; however, regarding the third and fourth, there are common law duties of care for how property is maintained and operated and how professional and general services are performed.²⁰ Thus, these latter functions are to be analyzed to determine if they are discretionary or operational.²¹

The court found that the government, in enacting laws or regulations, or issuing or not issuing licenses, permits, variances, or directives, is acting pursuant to basic governmental functions performed by the legislative or executive branches of government.²² There has never been a common law duty establishing a duty of care with regard to how these various governmental bodies or officials should carry out these functions.²³ For other actions, such as law enforcement,²⁴ a government entity owes a duty to the general public, but not to specific individuals,²⁵ unless the government has established a special relationship with the individual harmed or the action created a foreseeable zone of risk.²⁶

Discretionary Functions

Where the state is involved in a discretionary or policy-making function, courts have refused to find liability.²⁷ Discretionary functions include areas such as licensing, legislating, judicial decision-making, permitting, inspecting, designing public improvements, and other types of high-level planning. For example, the state cannot be sued for failing to pass or enforce a law which would have prevented a particular harm.

Courts use a four-part test to determine whether an activity should be classified as discretionary.²⁸ The court asks four questions, all of which must be answered in the affirmative, before making a finding that a function is discretionary:

- Does the challenged government activity involve a basic governmental policy, program, or objective?
- Is the challenged activity central to the accomplishment of the policy, program, or objective?
- Does the challenged activity require the government to make policy evaluations, exercise judgment, or use expertise?
- Does the government agency possess proper legal authority to engage in the challenged activity?²⁹

¹⁹ *Id.* at 919

²⁰ *Id.* at 919-920.

²¹ *Id.* at 921.

²² *Id.* at 919.

²³ *Id.*

²⁴ *Id.* at 919.

²⁵ *Id.* at 915.

²⁶ *See, e.g., Sams v. Oelrich*, 717 So. 2d 1044, 1047 (Fla. 1st DCA 1998).

²⁷ *Department of Transp. v. Konney*, 587 So.2d 1292 (Fla. 1991); *City of Daytona Beach v. Palmer*, 469 So.2d 121 (Fla. 1985); *Carter v. City of Stuart*, 468 So.2d 955 (Fla. 1985); *Reddish v. Smith*, 468 So.2d 929 (Fla. 1985); *Harrison v. Escambia Cnty. Sch. Bd.*, 434 So.2d 316 (Fla. 1983); *Department of Transp. v. Neilson*, 419 So.2d 1071 (Fla. 1982).

²⁸ *Department of Health and Rehab. Servs. v. Yamuni*, 529 So.2d 258 (Fla. 1988).

²⁹ *Id.* at 259.

Claim Bills

Generally, a claim bill, sometimes called a relief act, is a bill that compensates a particular individual or entity for injuries or losses occasioned by the negligence or error of a public officer or agency.³⁰ It is a means by which an injured party may recover damages even though the public officer or agency involved may be immune from suit. For a claim bill to pass, there must be majority approval in both chambers of the Legislature.³¹

A claim against the state may not be presented to the Legislature more than 4 years after the cause for relief accrued.³² Further, all relief acts of the Legislature must be for payment in full. No further claims for relief may be submitted to the Legislature for a previously compensated claim.³³ A claimant must petition the Legislature, in accordance with its rules, to seek an appropriation to pay a judgment against the state or state agency.³⁴ For recovery of an excess judgment or equitable claim against a subdivision of the state, the Legislature may direct such payment through passage of a claim bill.³⁵

Senate Rule 4.81(6) and House Rule 5.6(c) provide that the Legislature will not process a contested claim bill until the claimant has exhausted all available administrative and judicial remedies. However, both chambers may consider a bill in which the parties have executed a written settlement agreement.³⁶

Once a claim bill is filed, the presiding officer of each chamber may refer the bill to a special master of that chamber, as well as to one or more committees.³⁷ If the President of the Senate determines that a hearing is necessary to determine liability, proximate cause, and damages, a special master shall conduct a de novo hearing pursuant to reasonable notice. If the special master conducts a hearing, he or she must prepare a final report containing findings of fact, conclusions of law, and recommendations.³⁸ The Senate and House special masters usually conduct a joint hearing.³⁹

The National Institute for Occupational Safety and Health (NIOSH)

The Occupational Safety and Health Act of 1970⁴⁰ established NIOSH as a research agency that would focus on the study of worker safety and health, and empowering employers and workers to create safe and healthy workplaces. NIOSH is part of the United States Centers for Disease

³⁰ Office of the Senate President, The Florida Senate, and Civil Justice Subcommittee, The Florida House of Representatives, *Legislative Claim Bill Manual*, 2 (Aug. 2019)[hereinafter *Legislative Claim Bill Manual*], available at <https://www.flsenate.gov/PublishedContent/ADMINISTRATIVEPUBLICATIONS/leg-claim-manual.pdf>.

³¹ *Id.*

³² Section 11.065, F.S.

³³ *Legislative Claim Bill Manual*, 2, available at

<https://www.flsenate.gov/PublishedContent/ADMINISTRATIVEPUBLICATIONS/leg-claim-manual.pdf>.

³⁴ Sections 11.066 and 768.28(5), Florida Statutes; see also *Legislative Claim Bill Manual*, 2.

³⁵ Section 768.28(5), F.S., see also *Legislative Claim Bill Manual*, 2-3.

³⁶ Senate Rule 4.81(6).

³⁷ Senate Rule 4.81(3)-(4).

³⁸ Senate Rule 4.81(3).

³⁹ *Legislative Claim Bill Manual*, 7.

⁴⁰ Pub. L. No. 91-596, 84 Stat. 1590 (1971).

Control and Prevention within the United States Department of Health and Human Services. NIOSH conducts research to reduce worker illness and injury, advance worker well-being, and enhance worker safety.⁴¹

NIOSH conducts health hazard evaluations upon requests from employers, employees, or union officials. If a field investigation is needed, NIOSH will evaluate the current workplace conditions and employee health concerns and make recommendations on how to reduce or eliminate any identified hazards.⁴² The Occupational Safety and Health Administration (OSHA) is the regulatory agency that sets and enforces standards to ensure safe and healthful working conditions and provides training, outreach, education, and assistance.⁴³ NIOSH has previously conducted a number of health hazard evaluations involving CCA.⁴⁴

III. Effect of Proposed Changes:

The bill includes a series of whereas clauses that establish the circumstances giving rise to the claim. The bill requests relief of former employees of Wood Treaters, Inc./Wood Treaters, LLC (Wood Treaters) who allege injury from excessive, persistent, and prolonged exposure to toxic levels of arsenic used to treat wood during the company's operation from 1980 to 2010. The preamble describes the use by Fairfax Street Wood Treaters (FSWT) of chromated copper arsenate, which includes a concentrated inorganic form of arsenic, to pressure treat utility poles, pilings, heavy timber items, and plywood lumber products.

The bill alleges that the Department of Environmental Protection (DEP), the Department of Financial Services (DFS), and the Department of Health (DOH) failed to enforce measures to protect employees from toxic substances in the workplace and ignored the hazardous conditions that employees at the FSWT site were working in. The bill alleges that the State of Florida has an equitable obligation to redress the injuries and damages employees sustained. The bill includes a statement that the facts stated in the preamble are found and declared to be true.

The bill directs DOH to collaborate with the National Institute for Occupational Safety and Health to develop accurate and reliable data on the exposure levels and the duration and frequency of exposure to arsenic for all former employees of Wood Treaters who worked at the FSWT site, so as to ascertain the risks to their health posed by such exposure.

The bill makes an appropriation of \$10 million from the General Revenue Fund to the Office of the Attorney General for the relief of former employees of Wood Treaters who demonstrate personal injuries and damages resulting from exposure to arsenic as a result of working at the FSWT site, and who demonstrate that such injuries and damages were sustained as a result of the failure of DEP, DFS, and DOH to exercise their statutory duties to control the unlawful release

⁴¹ United States Centers for Disease Control and Prevention (CDC), *About NIOSH*, <https://www.cdc.gov/niosh/about/default.html> (last visited Jan. 30, 2020).

⁴² CDC, *Health Hazard Evaluations (HHEs)*, <https://www.cdc.gov/niosh/hhe/faq.html> (last visited Jan. 30, 2020).

⁴³ United States Department of Labor, *About OSHA*, <https://www.osha.gov/aboutosha> (last visited Jan. 30, 2020).

⁴⁴ See e.g. NIOSH Health Hazard Evaluation Report #2005-0153-2997, Broward County Parks and Recreation Division, Markham Park (Apr. 2006), available at <https://www.cdc.gov/niosh/hhe/reports/pdfs/2005-0153-2997.pdf>; NIOSH Health Hazard Evaluation Report # 91-314-2179, Memphis Wood Preserving Company, Horn Lake, Mississippi (Feb. 1992), available at <https://www.cdc.gov/niosh/hhe/reports/pdfs/1991-0314-2179.pdf>.

of arsenic. The bill directs the Attorney General to compensate each eligible former employee in the amount of \$100,000.

The bill provides that an amount awarded under the act is intended to provide the sole compensation for all present and future claims arising out of the factual situation described in the bill which resulted in injuries and damages to former employees of Wood Treaters. The bill limits the total amount paid for attorney fees relating to this claim to 25 percent of the amount awarded.

The bill takes effect upon becoming a law.

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:

The bill would have a positive fiscal impact to any former employees that are eligible to receive compensation under the bill.

C. Government Sector Impact:

The bill would have a negative fiscal impact to the state due to the appropriation from the General Revenue Fund to the Office of the Attorney General.

VI. Technical Deficiencies:

None.

VII. Related Issues:

It is unknown whether the claimant has exhausted all available administrative and judicial remedies.

The Special Master has not conducted a hearing or completed a report on the claim.

VIII. Statutes Affected:

None.

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 Gibson

6-00140A-20

202032__

A bill to be entitled

An act for the relief of former employees of Fairfax Street Wood Treaters; directing the Department of Health to collaborate with the National Institute for Occupational Safety and Health to develop specified data for certain purposes; providing an appropriation to compensate the former employees for injuries and damages sustained as a result of the negligence of the Department of Environmental Protection, the Department of Financial Services, and the Department of Health; providing a limitation on the payment of attorney fees; providing an effective date.

WHEREAS, Wood Treaters, Inc., later known as Wood Treaters, LLC, was established as a Florida corporation on May 12, 1980, and operated a wood treating facility from 1980 to 2010 at a 12.5-acre industrial complex known as Fairfax Street Wood Treaters, located at 2610 Fairfax Street in Jacksonville, and

WHEREAS, the operations of Wood Treaters, LLC, were inherently dangerous to employees because the company used a wood treating preservative called chromated copper arsenate, which includes a concentrated inorganic form of arsenic, to pressure treat utility poles, pilings, heavy timber items, and plywood lumber products, and

WHEREAS, there is an extensive body of scientific evidence documenting the toxicity of arsenic exposure when arsenic is used to treat wood, and

WHEREAS, employees at the Fairfax Street Wood Treaters site were injured by excessive, persistent, and prolonged exposure to

6-00140A-20

202032__

toxic levels of arsenic while performing their work duties, and

WHEREAS, a catastrophic failure of the State of Florida to enforce measures designed to protect employees from toxic substances in the workplace resulted in the employees' exposure to arsenic, and

WHEREAS, over the course of its operating life, Wood Treaters, LLC, treated thousands of wood products, employed hundreds of individuals at the Fairfax Street Wood Treaters location, and was known to government regulators due to its reckless and grossly negligent use and mismanagement of arsenic, and

WHEREAS, the Department of Environmental Protection, the Department of Financial Services, and the Department of Health ignored the hazardous conditions that employees at the Fairfax Street Wood Treaters site were working in, which were exacerbated by employees who received no training, protective gear, or warnings and no guidance alerting them to the risks posed to their health and safety by exposure to arsenic, and

WHEREAS, the State of Florida recognizes an equitable obligation to redress the injuries and damages employees sustained from exposure to arsenic as a result of the catastrophic failure of the Department of Environmental Protection, the Department of Financial Services, and the Department of Health to exercise their duties, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

6-00140A-20

202032__

59 Section 2. The Department of Health is directed to
60 collaborate with the National Institute for Occupational Safety
61 and Health to develop accurate and reliable data on the exposure
62 levels and the duration and frequency of exposure to arsenic for
63 all former employees of Wood Treathers, LLC, who worked at the
64 Fairfax Street Wood Treathers site, so as to ascertain the risks
65 to their health posed by such exposure.

66 Section 3. The sum of \$10 million is appropriated from the
67 General Revenue Fund to the Office of the Attorney General for
68 the relief of former employees of Wood Treathers, LLC, who
69 demonstrate personal injuries and damages resulting from
70 excessive, persistent, and prolonged exposure to arsenic as a
71 result of the work environment at the Fairfax Street Wood
72 Treathers site, and who demonstrate that such injuries and
73 damages were sustained as a result of the failure of the
74 Department of Environmental Protection, the Department of
75 Financial Services, and the Department of Health to exercise
76 their statutory duties to control the unlawful release of
77 arsenic. The Attorney General shall compensate each eligible
78 former employee in the amount of \$100,000.

79 Section 4. The amount awarded under this act is intended to
80 provide the sole compensation for all present and future claims
81 arising out of the factual situation described in this act which
82 resulted in injuries and damages to former employees of Wood
83 Treathers, LLC. The total amount paid for attorney fees relating
84 to this claim may not exceed 25 percent of the amount awarded
85 under this act.

86 Section 5. This act shall take effect upon becoming a law.

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 680

INTRODUCER: Environment and Natural Resources Committee and Senator Hutson and others

SUBJECT: Shark Fins

DATE: February 3, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dyson	Rogers	EN	Fav/CS
2.			CM	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 680 prohibits importing and exporting shark fins to and from Florida. The bill also changes the statute's title to "Regulation of shark fins; penalties."

II. Present Situation:

Pursuant to Article IV, s. 9 of the Florida Constitution, the Florida Fish and Wildlife Conservation Commission exercises the regulatory and executive powers with respect to marine life, including sharks.¹ Florida's shark population is diverse and includes species that range in size from only a few feet to more than 40 feet in total length.² Most species of sharks have slow rates of growth and late age-at-maturity, which limits their ability to withstand fishing pressure and have a longer recovery time in response to overfishing.³

Global shark catches have tripled since 1950 and reached an all-time high of 888,000 tons in 2000.⁴ Because overfishing in some areas of the world's oceans has led to concerns for the populations of some shark species, adequate conservation and management of shark populations

¹ FLA. CONST. ART. IV, S. 9.

² University of Florida's Institute of Food and Agricultural Sciences (IFAS), *Common Sharks in Florida*, SGEF-203, available at <http://edis.ifas.ufl.edu/pdf/SG/SG06200.pdf>.

³ United Nations Food and Agriculture Organization of the United Nations (FAO), *International Plan of Action for Conservation and Management of Sharks*, <http://www.fao.org/ipoa-sharks/background/sharks/en/> (last visited Jan. 29, 2020).

⁴ *Id.*

has become increasingly important on a global scale.⁵ In response to concerns about growing shark harvests internationally, many countries have banned shark fishing in their waters in favor of promoting tourism opportunities relating to sharks.⁶

Harvesting Sharks off Florida's Coast

Fishermen harvest sharks primarily for their meat, fins, skin, cartilage, and liver.⁷ Meat from some species of shark is an important dietary component in many developing countries, and shark fins, the most valuable of shark products, are used to make traditional shark fin soup, which is a delicacy in the Chinese culture.⁸ However, despite the high value of some shark products, sharks historically have been considered a low-value fish and mostly seen as a by-product of other more profitable fisheries, such as tuna.⁹

Within Florida's seaward boundary, the use of hook and line gear is the only lawful means to harvest sharks in or from the waters of the state.¹⁰ A person may not harvest in or from the waters of the state more than one shark per day.¹¹ The possession of more than two sharks harvested from the state waters aboard any vessel with two or more persons is prohibited.¹² While certain species of shark, including any part of these species, are prohibited under state law from being harvested, possessed, landed, purchased, sold, or exchanged in the state, the prohibition does not apply to sharks harvested lawfully in federal waters when the shark is transported directly through state waters.¹³

To commercially harvest sharks, an individual must possess both a valid saltwater products license and any applicable federal permit for sharks.¹⁴ The commercial harvest season technically spans the entire year, but can be closed if any adjacent federal waters are closed. Additionally, if the Atlantic Marine fisheries commission deems the need for closure, all waters between the Florida–Georgia border and Miami-Dade county will also be closed to commercial harvesting.¹⁵

⁵ *Id.*; see Boris Worm, Brendal Davis, Lisa Kettmer, Christine A. Ward-Paige, Demian Chapman, Michael R. Heithaus, Steven Kessel, and Samuel H. Gruber, *Global catches, exploitation rates, and rebuilding options for sharks*, Marine Policy 40 (2013) 194-204, <http://www.sciencedirect.com/science/article/pii/S0308597X13000055> (last visited Jan. 29, 2020).

⁶ National Oceanic and Atmospheric Administration (NOAA), 2017 *Shark Finning Report to Congress*, 3 (2017), <https://www.fisheries.noaa.gov/resource/document/2017-shark-finning-report-congress> (last visited Jan. 29, 2020.).

⁷ NOAA, 2015 *Shark Finning Report to Congress*, 2, 6, 78, 93 (2015) <https://repository.library.noaa.gov/view/noaa/15645> (last visited Jan. 29, 2019).

⁸ Smithsonian National Museum of Natural History, *Sharking Finning: Sharks Turned Prey*, <https://ocean.si.edu/ocean-news/shark-finning-sharks-turned-prey> (last visited Jan. 29, 2020).

⁹ Frans Teutscher, FAO, *Sharks (Chondrichthyes)*, <http://www.fao.org/docrep/006/Y5261E/y5261e08.htm> (last visited Jan. 29, 2020).

¹⁰ Fla. Admin. Code R. 68B-44.006(1); Florida's seaward boundary extends 9 nautical miles in the Gulf of Mexico and 3 nautical miles in the Atlantic.

¹¹ Fla. Admin. Code 68B-44.004(1).

¹² *Id.*

¹³ Fla. Admin. Code R. 68B-44.003(4).

¹⁴ Fla. Admin. Code R. 68B-44.009.

¹⁵ Fla. Admin. Code R. 68B-44.005.

Shark Finning

Shark finning is the practice of removing and retaining shark fins at sea while discarding the remainder of the shark's body, often while the shark is still alive, into the waters. In Florida, the practice of shark finning was prohibited in 1992 by requiring sharks harvested to be landed in a whole condition.¹⁶ Additionally, the prohibition on shark finning was codified into Florida Statutes in 2017.¹⁷ The statute prohibits the possession of a shark fin separated from the shark in Florida waters unless such possession is authorized by FWC or the fin was legally obtained on land, was prepared by taxidermy, and is possessed for the purposes of display.¹⁸

An individual who violates the prohibition is subject to the following penalties:

Violations	Type of Criminal Infraction	Civil Penalty and Jail Time	License Restrictions	Administrative Fines
1 st offense ¹⁹	2 nd Degree Misdemeanor	Max: \$500 ²⁰ Max: 60 days ²¹	Suspension of license for six months	\$4,000
2 nd offense ²²	2 nd Degree Misdemeanor	Max \$500 ²³ Max: 60 days ²⁴	Suspension of license for 12 months	\$9,500
3 rd offense and subsequent offenses ²⁵	1 st Degree Misdemeanor	Max: \$1000 ²⁶ Max: 12 months ²⁷	Permanent revocation of all license privileges	\$9,500

In the United States, shark finning was prohibited in 2000.²⁸ In 2010, the Shark Conservation Act strengthened the prohibition by improving the ability to enforce the shark finning prohibition by making it unlawful to:

- Remove any of the fins of a shark, including the tail, at sea;
- Have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass;
- Transfer any such fin from one vessel to another vessel at sea; or
- Land any such fin that is not naturally attached to the corresponding carcass or land any shark carcass without such fins naturally attached.²⁹

¹⁶ Fla. Admin. Code R. 68B-44.004.

¹⁷ Section 379.2426(2), F.S.

¹⁸ *Id.*

¹⁹ Section 379.2426(3)(a), F.S.

²⁰ Section 775.083(1)(e), F.S.

²¹ Section 775.082(4)(b), F.S.

²² Section 379.2426(3)(b), F.S.

²³ *Id.*

²⁴ Section 775.082(4)(b), F.S.

²⁵ Section 379.2426(3)(c), F.S.

²⁶ Section 775.083(1)(d), F.S.

²⁷ Section 775.082(4)(a), F.S.

²⁸ 16 U.S.C. s. 1857 (2000).

²⁹ *Id.*

A person who violates these federal laws may be subject to a civil penalty of up to \$100,000 for each violation, as determined by the U.S. Secretary of Commerce.³⁰

While the practice of shark finning is prohibited in the United States, the trade in shark fins is legal. In 2011, the last year for which full global data is available, the total declared value of world exports was \$438.6 million for 17,154 tons imported.³¹ The United States is both an importer and exporter of shark fins.³² In 2011, the U.S. exported 38 tons of shark fins and imported 58 tons.³³ A number of the countries that the U.S. imports shark fins from do not have a ban in place, such as China, Indonesia, and Japan. In response, some U.S. states have passed laws to ban the trade of shark fins, such states include Hawaii, California, Oregon, Washington, Illinois, Maryland, Delaware, Nevada, New York, Massachusetts, Rhode Island, and Texas.³⁴

Many other countries have also banned shark fishing in their waters. Nations that have adopted finning bans include the Bahamas, Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, the Maldives, Nicaragua, Palau, Panama, and Taiwan.³⁵ Additionally, Canada, the largest importer of shark fins outside of Asia, banned the importation and exportation of shark fins in June of 2019.³⁶

California's ban on trade in shark fins was challenged in federal court. On appeal, the plaintiffs alleged that the ban violated the Supremacy Clause under Art. VI of the U.S. Constitution and the Commerce Clause under Art. I, s. 8 of the U.S. Constitution.³⁷ The 9th Circuit Court of Appeals held that states are authorized to regulate "on-land activities," as the Magnuson-Stevens Fishery Conservation and Management Act was enacted as a federal-state partnership and expressly preserved the jurisdiction of the states over fishery management within their boundaries.³⁸ Additionally, the court held that the ban did not violate the Commerce Clause as it does not "interfere with activity that is inherently national or that requires a uniform system of regulation," and its purpose is to "conserve state resources, prevent animal cruelty, and protect wildlife and public health," purposes which are matters of local concern.³⁹

³⁰ 16 U.S.C. s. 1858 (2014).

³¹ FAO, *State of the global market for shark products*, 1 (2015), available at <http://www.fao.org/3/a-i4795e.pdf>.

³² *Id.* at 85.

³³ *Id.* at 19, 21.

³⁴ See HAW. REV. STAT. § 188-40.7; CAL. FISH & GAME § 2021; OR. REV. STAT. § 509.160; WASH. REV. CODE § 77.15.770; 515 ILL. COMP. STAT. 5/5-30; MD CODE ANN., NAT. RES. § 4-747; DEL. CODE TIT. 7, § 928A; NEV. REV. STAT. § 597.905; N.Y. ENVTL. CONSERV. LAW § 13-0338; MASS. GEN. LAWS ch. 130, § 106; R.I. GEN LAWS §20-1-29; and TEX. PARKS & WILD. CODE § 66.2161.

³⁵ NOAA, *2017 Shark Finning Report to Congress*, <https://repository.library.noaa.gov/view/noaa/19769> (last visited Jan. 29, 2020).

³⁶ Fisheries Act, S.C. ch. 18.1 §32(1).

³⁷ *Chinatown Neighborhood Ass'n. v. Harris*, 794 F.3d 1136 (9th Cir. 2015), *cert. denied*, 136 S.Ct. 2448 (2016).

³⁸ *Id.*

³⁹ *Id.*

III. Effect of Proposed Changes:

The bill prohibits importing and exporting shark fins to and from Florida. The bill changes the statute's title to "Regulation of shark fins; penalties."

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:

The Commerce Clause of the United States Constitution states that the United States Congress has the power to regulate commerce with foreign nations, and among the several states, and with the Indian Tribes.⁴⁰ If an exercise of local power serves a legitimate local interest but simultaneously burdens commerce, the courts will undertake a balancing test.⁴¹ California's shark ban was challenged in the 9th Circuit Court of Appeals and was found to not violate the Commerce Clause.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

⁴⁰ U.S. CONST. art. I, s. 8.

⁴¹ *Great Atlantic & Pac. Tea Co., Inc. v. Cottrell*, 424 U.S. 366 (1976).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 379.2426 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 Committee on February 3, 2020:

- Changes the bill to prohibit importing and exporting shark fins to and from Florida.
- Changes the statute's title to read "Regulation of shark fins; penalties."

B. Amendments:

None.



871632

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/31/2020	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 10 - 33
and insert:
379.2426 Regulation~~Possession of separated shark fins on~~
~~the water prohibited~~; penalties.-

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

(a) "Land" means the physical act of bringing a harvested
organism, or any part thereof, ashore.

(b) "Shark" means any species of the orders



871632

Carcharhiniformes, Lamniformes, Hexanchiformes,
Orectolobiformes, Pristiophoriformes, Squaliformes,
Squatiniiformes, or any part thereof.

(c) "Shark fin" means the detached fin of a shark,
including the caudal or tail fin, or any portion thereof.

(d) "Separated," with respect to a shark fin, means not
naturally attached to the corresponding shark body through some
portion of uncut skin.

(2) A person may not possess in or on the waters of this
state a shark fin that has been separated from a shark or land a
separated shark fin in this state, unless:

(a) Such possession is authorized by commission rule; or

(b) Such fin has been lawfully obtained on land, prepared
by taxidermy, and is possessed for the purposes of display.

(3) The import to and export from this state of shark fins
is prohibited unless the shark was taken lawfully under an
applicable federal permit tag and the fin was separated from the
shark in a manner consistent with the permit.

(4) ~~(3)~~ A person who violates this section is subject to the

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

And the title is amended as follows:

Delete lines 3 - 4

and insert:

F.S.; prohibiting the import and export of shark fins;
providing an exception; providing an effective date.



926996

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2020	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 10 - 33

and insert:

379.2426 Regulation~~Possession of separated shark fins on
the water prohibited; penalties.-~~

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

(a) "Land" means the physical act of bringing a harvested
organism, or any part thereof, ashore.

(b) "Shark" means any species of the orders



926996

Carcharhiniformes, Lamniformes, Hexanchiformes, Orectolobiformes, Pristiophoriformes, Squaliformes, Squatiniformes, or any part thereof.

(c) "Shark fin" means the detached fin of a shark, including the caudal or tail fin, or any portion thereof.

(d) "Separated," with respect to a shark fin, means not naturally attached to the corresponding shark body through some portion of uncut skin.

(2) A person may not possess in or on the waters of this state a shark fin that has been separated from a shark or land a separated shark fin in this state, unless:

(a) Such possession is authorized by commission rule; or

(b) Such fin has been lawfully obtained on land, prepared by taxidermy, and is possessed for the purposes of display.

(3) The import to and export from this state of shark fins is prohibited.

(4)~~(3)~~ A person who violates this section is subject to the

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

And the title is amended as follows:

Delete lines 3 - 4

and insert:

F.S.; prohibiting the import and export of shark fins;
providing an effective date.

By Senator Hutson

7-00947-20

2020680__

1 A bill to be entitled
2 An act relating to shark fins; amending s. 379.2426,
3 F.S.; prohibiting the import, export, and sale of
4 shark fins; providing an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Section 379.2426, Florida Statutes, is amended
9 to read:

10 379.2426 Possession, import, export, and sale of separated
11 shark fins ~~on the water~~ prohibited; penalties.—

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

13 (a) "Land" means the physical act of bringing a harvested
14 organism, or any part thereof, ashore.

15 (b) "Shark" means any species of the orders
16 *Carcharhiniformes*, *Lamniformes*, *Hexanchiformes*,
17 *Orectolobiformes*, *Pristiophoriformes*, *Squaliformes*,
18 *Squatiniiformes*, or any part thereof.

19 (c) "Shark fin" means the detached fin of a shark,
20 including the caudal or tail fin, or any portion thereof.

21 (d) "Separated," with respect to a shark fin, means not
22 naturally attached to the corresponding shark body through some
23 portion of uncut skin.

24 (2) A person may not possess in or on the waters of this
25 state a shark fin that has been separated from a shark or land a
26 separated shark fin in this state, unless:

27 (a) Such possession is authorized by commission rule; or

28 (b) Such fin has been lawfully obtained on land, prepared
29 by taxidermy, and is possessed for the purposes of display.

7-00947-20

2020680__

30 (3) Notwithstanding any other law, the import, export, and
31 sale of shark fins is prohibited and nothing in this section
32 authorizes such activities.

33 (4)~~(3)~~ A person who violates this section is subject to the
34 following penalties:

35 (a) For a first violation, a misdemeanor of the second
36 degree, punishable as provided in s. 775.082 or s. 775.083. In
37 addition, the commission shall assess an administrative fine of
38 \$4,500 and suspend all of the person's license privileges under
39 this chapter for 180 days.

40 (b) For a second violation, a misdemeanor of the second
41 degree, punishable as provided in s. 775.082 or s. 775.083. In
42 addition, the commission shall assess an administrative fine of
43 \$9,500 and suspend all of the person's license privileges under
44 this chapter for 365 days.

45 (c) For a third and any subsequent violation, a misdemeanor
46 of the first degree, punishable as provided in s. 775.082 or s.
47 775.083. In addition, the commission shall assess an
48 administrative fine of \$9,500 and permanently revoke all of the
49 person's license privileges under this chapter.

50
51 While his or her license privileges are under suspension or
52 revocation pursuant to this subsection, a person may not
53 participate in the taking or harvesting, or attempt the taking
54 or harvesting, of saltwater products from any vessel within the
55 waters of the state; be aboard any vessel on which a commercial
56 quantity of saltwater products is possessed through an activity
57 requiring a license pursuant to this chapter; or engage in any
58 other activity requiring a license, permit, or certificate

7-00947-20

2020680__

59 issued pursuant to this chapter.

60 Section 2. This act shall take effect October 1, 2020.

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 1152

INTRODUCER: Environment and Natural Resources Committee and Senator Broxson

SUBJECT: Brownfield Site Rehabilitation

DATE: February 3, 2020

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1152 creates the following definition for the term “PFAS,” as used in the Brownfields Redevelopment Act: “perfluoroalkyl and polyfluoroalkyl substances, including perfluorooctanoic acid and perfluorooctane sulfonate, which are used in fire suppressants and firefighting foams.”

The bill provides that potential brownfield sites owned by the state or a local government which are impacted by PFAS are eligible for participation in a brownfield site rehabilitation agreement, regardless of whether such contamination was caused or contributed to by the state or local government after July 1, 1997.

II. Present Situation:

The Brownfields Redevelopment Act

Florida’s Brownfields Redevelopment Act (Act) was adopted in 1997 to provide incentives for local governments and individuals to voluntarily clean up and redevelop brownfield sites.¹ A “brownfield site” is defined as real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination.² The primary goals of

¹ Chapter 97-277, Laws of Fla; ss. 376.77-376.85, F.S.; DEP, *Florida Brownfields Redevelopment Program, Annual Report: August 2019*, 3 (2019)[hereinafter *DEP Brownfields Report*], available at <https://floridadep.gov/sites/default/files/Florida%20Brownfields%20Annual%20Report%20August%201%2C%202019.pdf>.

² Section 376.79(4), F.S.

the Act are to reduce public health and environmental hazards on existing commercial and industrial sites that are abandoned or underused due to these hazards; create financial and regulatory incentives to encourage voluntary cleanup and redevelopment of sites; derive cleanup target levels and a process for obtaining a "no further action" letter using risk-based corrective action principles; and provide the opportunity for environmental equity and justice.³ The Act authorizes the Department of Environmental Protection's (DEP) Brownfields Redevelopment Program. Participation in the program results in environmental cleanup, protection of public health, reuse of infrastructure, and job creation.⁴

For a property to participate in the program, a local government must first designate the site as a brownfield area by resolution.⁵ The local government may then identify a "person responsible for brownfield site rehabilitation," which simply entitles the identified person to voluntarily execute a "brownfield site rehabilitation agreement" with DEP or an approved local program.⁶ If actual contamination exists at the site, the person must enter into such an agreement.⁷ Pursuant to the Act, a brownfield site rehabilitation agreement must contain several elements, including a brownfield site rehabilitation schedule; a commitment to conduct site rehabilitation activities in accordance with applicable cleanup criteria; a commitment to implement reasonable pollution prevention measures; and certification that the local government approves of the proposed redevelopment.⁸ DEP issues site rehabilitation completion orders for sites that have completed cleanup of property to standards protective of human health and the environment and for which no further action is required at that time.⁹

Florida law contains cleanup criteria governing rehabilitation occurring at a contaminated site.¹⁰ A cleanup target level (CTL) is the concentration for each identified contaminant at which a site rehabilitation program is deemed complete.¹¹ DEP's rules contain default CTLs for surface water, groundwater, and soil contaminants that are applicable to site rehabilitation performed under a brownfield site rehabilitation agreement.¹² The rules also contain methods for establishing CTLs for substances not listed in the rules, based on site-specific circumstances.¹³ Pursuant to the Act, CTLs for groundwater contaminants are the applicable state water quality

³ DEP, *Brownfields Program*, <https://floridadep.gov/waste/waste-cleanup/content/brownfields-program> (last visited Jan. 28, 2020).

⁴ *DEP Brownfields Report*, at 3, available at <https://floridadep.gov/sites/default/files/Florida%20Brownfields%20Annual%20Report%20August%201%2C%202019.pdf>.

⁵ Section 376.80, F.S.; see s. 376.79(5), F.S. A "brownfield area" is defined as a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution.

⁶ Section 376.80(2)(d), F.S.; see s. 376.79(15), F.S. The Act defines "person responsible for brownfield site rehabilitation" as: "the individual or entity that is designated by the local government to enter into the brownfield site rehabilitation agreement with the department or an approved local pollution control program and enters into an agreement with the local government for redevelopment of the site"; *DEP Brownfields Report*, at 9. DEP has delegated authority to administer the program to three county governments: Broward, Hillsborough, and Miami-Dade counties.

⁷ Section 376.80(5), F.S.

⁸ Section 376.80(5), F.S.; see Fla. Admin. Code Ch. 62-780. This chapter contains cleanup criteria requirements that apply to site rehabilitation governed by a brownfield site rehabilitation agreement.

⁹ *DEP Brownfields Report*, at 5; Section 376.82(2)(e), F.S.; Fla. Admin. Code R. 62-780.680.

¹⁰ Section 376.81, F.S.; Fla. Admin. Code Ch. 62-780.

¹¹ Section 376.301(8), F.S.; Fla. Admin. Code R. 62-780.200(13).

¹² Fla. Admin. Code Ch. 62-777; see s. 376.79(14), F.S. The rules also contain standards for natural attenuation, which allows natural processes to contain the spread of contamination and reduce concentrations of contaminants in groundwater and soil.

¹³ Fla. Admin. Code Ch. 62-777.

standards, and if no such standards exist DEP establishes applicable CTLs for groundwater based on specified factors.¹⁴ The Act also specifies criteria that DEP must follow to establish appropriate CTLs for surface water and soil.¹⁵ DEP is also authorized to establish alternative CTLs, under careful evaluation on a site-specific basis, in conjunction with institutional and engineering controls.¹⁶

Any person who has not caused or contributed to the contamination of a brownfield site on or after July 1, 1997 is eligible to participate in the brownfields program, subject to conditions specified in the Act.¹⁷ For example, potential brownfield sites owned by the state or a local government which contain contamination for which a government entity is potentially responsible for and which are already designated as a federal brownfield pilot project or have filed an application for federal designation are eligible to participate in a brownfield site rehabilitation agreement.¹⁸ Participation in Florida's brownfields program provides certain liability protection to any person who executes and completely implements a brownfield site rehabilitation agreement.¹⁹ This is in addition to the various loans, tax refunds, and other incentives available through the program.²⁰

Since 1997, Florida has amassed 481 locally designated brownfield areas encompassing approximately 271,684 acres, and 137 site rehabilitation completion orders have been issued.²¹

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) are a group of thousands of man-made compounds developed to provide oil and water repellency, temperature resistance, and friction reduction.²² Perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are the most common and the best-studied of these compounds.²³ PFAS have been used over the last several decades as coatings in a variety of products, such as non-stick cookware, waterproof and stain-resistant fabrics, cleaning products, food packaging, and firefighting foams.²⁴ While U.S. manufacturers have voluntarily phased out use of the chemicals,²⁵ they persist in the

¹⁴ Section 376.81(1)(g), F.S.

¹⁵ Section 376.81(g) and (i), F.S.

¹⁶ Section 376.30701(2)(g)3., F.S.

¹⁷ Section 376.82(1), F.S.

¹⁸ Section 376.82(1)(c), F.S.

¹⁹ Section 376.82(2), F.S.

²⁰ See ss. 376.84 and 376.86, F.S.

²¹ *DEP Brownfields Report*, at 4-5, available at <https://floridadep.gov/sites/default/files/Florida%20Brownfields%20Annual%20Report%20August%201%2C%202019.pdf>.

²² Interstate Technology Regulatory Council, *History and Use of PFAS*, 1 (Nov. 2017), available at https://pfas-1.itrcweb.org/wp-content/uploads/2017/11/pfas_fact_sheet_history_and_use_11_13_17.pdf.

²³ DOH, *What are PFAS?*, <http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/hw-pfas.html> (last visited Jan. 29, 2020).

²⁴ Interstate Technology Regulatory Council, *History and Use of PFAS*, 1, 8 (Nov. 2017).

²⁵ DEP, *PFAS Update, Presentation to the Florida Senate Committee on Environment and Natural Resources*, 18:00 (Dec. 9, 2019)[hereinafter *DEP PFAS Update*], available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/>. In the U.S., PFOS was phased out of production around 2002, and PFOA was phased out around 2015.

environment, particularly at fire colleges, airports, and military installations.²⁶ Additionally, although PFOA and PFOS are no longer manufactured in the United States, they are still produced internationally and can be imported into the United States in consumer goods such as carpet, leather and apparel, textiles, paper and packaging, coatings, rubber, and plastics.²⁷

PFAS chemicals do not break down in the environment, can move through soil and water, and can accumulate in fish and wildlife.²⁸ Because of the widespread use and ease of transport, they can be found virtually everywhere. The Centers for Disease Control and Prevention has detected PFAS in nearly all persons it has tested, indicating widespread exposure in the U.S. population.²⁹ Drinking water with significant levels of PFOA and PFOS for an extended period of time may increase the risk of low birthweight, developmental problems, liver damage, kidney damage, immune system disorders, high cholesterol, or thyroid disease.³⁰

In addition to regulated contaminants, the United States Environmental Protection Agency (EPA) also prioritizes research and data collection for new chemicals that are being discovered in water that previously had not been detected or are being detected at levels that may be different than expected.³¹ These are called “contaminants of emerging concern” (CEC). While CECs do not have regulatory limits, there may be a long-term potential risk to human health or the environment associated with them. As part of EPA’s data collection on CECs, all large and selected smaller public water systems across the U.S. are required to monitor for CECs.³² Once EPA’s study and evaluation is complete, if EPA decides not to regulate a CEC, then it may decide to develop a health advisory level (HAL) for the detected contaminants. While HALs are non-enforceable federal limits, they serve as technical guidance for federal, state, and local officials.³³ For drinking water, the EPA has established a HAL of 70 parts per trillion for PFOA and PFOS.³⁴ Florida’s Department of Health has adopted the same HAL for those compounds.³⁵

DEP has established provisional CTLs for PFAS to enable site cleanup under DEP’s contaminated site cleanup criteria, which apply to Florida’s brownfields program.³⁶ DEP has created numerical provisional CTLs and screening levels for PFOS and PFOA in the following

²⁶ EPA, *Basic Information on PFAS, What are PFAS?*, <https://www.epa.gov/pfas/basic-information-pfas> (last visited Jan. 26, 2020).

²⁷ *Id.*

²⁸ Centers for Disease Control and Prevention, *Per- and Polyfluorinated Substances (PFAS) Factsheet*, https://www.cdc.gov/biomonitoring/PFAS_FactSheet.html (last visited Jan. 19, 2020).

²⁹ *Id.*

³⁰ DOH, *Per- and Polyfluoroalkyl Substances (PFAS)*, <http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/hw-pfas.html> (last visited Jan. 21, 2020).

³¹ DEP, *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Jan. 19, 2020).

³² *Id.*

³³ EPA, *How EPA Regulates Drinking Water Contaminants*, <https://www.epa.gov/dwregdev/how-epa-regulates-drinking-water-contaminants> (last visited Jan. 18, 2020).

³⁴ EPA, *Drinking Water Health Advisories for PFOA and PFOS*, <https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos> (last visited Jan. 29, 2020).

³⁵ DOH, *Maximum Contaminant Levels and Health Advisory Levels*, 5 (2016) available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf>.

³⁶ *DEP PFAS Update*, at 25:00, available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/>; see Fla. Admin. Code Ch. 62-780.

categories: Provisional Groundwater CTLs, Provisional Soil CTLs, Provisional Irrigation Water Screening Levels, and Surface Water Screening Levels.³⁷ These provisional standards are designed to protect human health, and the provisional groundwater CTLs are the same as the EPA's HAL for drinking water.

PFAS is common in firefighting foams that have been stored and used for fire suppression, fire training, and flammable vapor suppression.³⁸ These firefighting agents include Class B fluorine-containing firefighting foams, such as aqueous film-forming foam (AFFF).³⁹ PFAS are so prevalent in firefighting agents that at least nine states have passed legislation to restrict or prohibit the use of PFAS in firefighting agents or activities.⁴⁰ In Florida, DEP has already assessed each fire training facility in the state to ensure that PFAS-containing firefighting agents are disposed of and that only firefighting agents that do not have PFAS are being used.⁴¹ However, 18 of the 25 certified fire training facilities in the state are above the HAL of 70 parts per trillion for PFOA and PFOS.⁴² Where contamination is identified, DEP will help the facility develop a cleanup plan to remove or contain the contamination to prevent future environmental impact and human exposure.⁴³

III. Effect of Proposed Changes:

Section 1 amends s. 376.79, F.S., a definition section for the Brownfields Redevelopment Act.⁴⁴

The bill creates the following definition for "PFAS" as used in the Brownfields Redevelopment Act: "perfluoroalkyl and polyfluoroalkyl substances, including perfluorooctanoic acid and perfluorooctane sulfonate, which are used in fire suppressants and firefighting foams."

Section 2 amends s. 376.82(1), F.S., which establishes eligibility for participation in Florida's brownfields program.

The bill provides that potential brownfield sites owned by the state or a local government which are impacted by PFAS are eligible for participation in a brownfield site rehabilitation agreement, regardless of whether or not such contamination was caused or contributed to by the state or local government after July 1, 1997. This provision is added as an exception to the existing eligibility standard, which generally prevents parties who caused or contributed to the contamination of a brownfield site from participating in the brownfield program.

³⁷ DEP, *PFAS - Provisional Cleanup Target Levels and Screening Levels* (Sept. 2019),

https://floridadep.gov/sites/default/files/PFAS-Presentation-CTLs_12Sep19_0.pdf (last visited Jan. 20, 2020).

³⁸ Interstate Technology Regulatory Council, *History and Use of PFAS*, 6 (Nov. 2017), available at https://pfas-1.itrcweb.org/wp-content/uploads/2017/11/pfas_fact_sheet_history_and_use_11_13_17.pdf.

³⁹ *Id.*

⁴⁰ National Law Review, *Expert Focus: US States Outpace EPA on PFAS Firefighting Foam Laws*, <https://www.natlawreview.com/article/expert-focus-us-states-outpace-epa-pfas-firefighting-foam-laws> (last visited Jan. 29, 2020); The New York State Senate, *Senate Bill S439A*, <https://www.nysenate.gov/legislation/bills/2019/S439> (last visited Jan. 29, 2020).

⁴¹ *DEP PFAS Update*, at 36:00.

⁴² DEP, *PFAS Update, Presentation to the Senate Committee on Environment and Natural Resources*, 9 (Dec. 9, 2019), available at http://www.flsenate.gov/Committees/Show/EN/MeetingPacket/4761/8427_MeetingPacket_4761.9.19.pdf.

⁴³ DEP, *Fire Training Facilities Assessment for PFOA and PFOS*, <https://floridadep.gov/waste/waste-cleanup/content/fire-training-facilities-assessment-pfoa-and-pfos> (last visited Jan. 29, 2020).

⁴⁴ Sections 376.77-376.85, F.S.

Section 3 states that the act shall take effect July 1, 2020.

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 expands the eligibility of potential brownfield sites owned by state or local government to participate in the state brownfields program. The brownfields program offers numerous incentives and financial benefits for participation, and participation can substantially increase the value or productivity of a contaminated site. Therefore, this bill may have an indeterminate, positive fiscal impact on state or local government entities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 376.79, 376.82.

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 February 3, 2019:

- Deletes provisions that increase the annual authorization for the voluntary cleanup tax credit from \$10 million to \$12 million.

- B. **Amendments:**

None.

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	.	
02/03/2020	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 16 - 33.

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

And the title is amended as follows:

Delete lines 3 - 6

and insert:

amending s. 376.79, F.S.; defining the term

By Senator Broxson

1-00967-20

20201152__

A bill to be entitled
An act relating to brownfield site rehabilitation;
amending ss. 220.1845 and 376.30781, F.S.; increasing
the total amount of tax credits which may be granted
for certain contaminated site rehabilitations each
year; amending s. 376.79, F.S.; defining the term
"PFAS"; amending s. 376.82, F.S.; providing that
potential brownfield sites owned by the state or a
local government which are impacted by PFAS are
eligible to participate in a brownfield site
rehabilitation agreement regardless of contribution;
providing an effective date.

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

Section 1. Paragraph (f) of subsection (2) of section
220.1845, Florida Statutes, is amended to read:

220.1845 Contaminated site rehabilitation tax credit.—

(2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

(f) The total amount of the tax credits which may be
granted under this section is \$18.5 million in the 2018-2019
fiscal year and \$12 ~~\$10~~ million each fiscal year thereafter.

Section 2. Subsection (4) of section 376.30781, Florida
Statutes, is amended to read:

376.30781 Tax credits for rehabilitation of drycleaning-
solvent-contaminated sites and brownfield sites in designated
brownfield areas; application process; rulemaking authority;
revocation authority.—

(4) The Department of Environmental Protection is

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20201152__

responsible for allocating the tax credits provided for in s. 220.1845, which may not exceed a total of \$18.5 million in tax credits in fiscal year 2018-2019 and \$12 ~~\$10~~ million in tax credits each fiscal year thereafter.

Section 3. Present subsections (17) through (21) of section 376.79, Florida Statutes, are redesignated as subsections (18) through (22), respectively, and a new subsection (17) is added to that section, to read:

376.79 Definitions relating to Brownfields Redevelopment Act.—As used in ss. 376.77-376.85, the term:

(17) "PFAS" means perfluoroalkyl and polyfluoroalkyl substances, including perfluorooctanoic acid and perfluorooctane sulfonate, which are used in fire suppressants and firefighting foams.

Section 4. Subsection (1) of section 376.82, Florida Statutes, is amended to read:

376.82 Eligibility criteria and liability protection.—

(1) ELIGIBILITY.—Except as provided in paragraph (d), any person who has not caused or contributed to the contamination of a brownfield site on or after July 1, 1997, is eligible to participate in the brownfield program established in ss. 376.77-376.85, subject to the following:

(a) Potential brownfield sites that are subject to an ongoing formal judicial or administrative enforcement action or corrective action pursuant to federal authority, including, but not limited to, the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. ss. 9601 et seq., as amended; the Safe Drinking Water Act, 42 U.S.C. ss. 300f-300i, as amended; the Clean Water Act, 33 U.S.C. ss. 1251-1387, as

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59 amended; or under an order from the United States Environmental
60 Protection Agency pursuant to s. 3008(h) of the Resource
61 Conservation and Recovery Act, as amended (42 U.S.C.A. s.
62 6928(h)); or that have obtained or are required to obtain a
63 permit for the operation of a hazardous waste treatment,
64 storage, or disposal facility; a postclosure permit; or a permit
65 pursuant to the federal Hazardous and Solid Waste Amendments of
66 1984, are not eligible for participation unless specific
67 exemptions are secured by a memorandum of agreement with the
68 United States Environmental Protection Agency pursuant to
69 paragraph (2)(g). A brownfield site within an eligible
70 brownfield area that subsequently becomes subject to formal
71 judicial or administrative enforcement action or corrective
72 action under such federal authority shall have its eligibility
73 revoked unless specific exemptions are secured by a memorandum
74 of agreement with the United States Environmental Protection
75 Agency pursuant to paragraph (2)(g).

76 (b) Persons who have not caused or contributed to the
77 contamination of a brownfield site on or after July 1, 1997, and
78 who, prior to the department's approval of a brownfield site
79 rehabilitation agreement, are subject to ongoing corrective
80 action or enforcement under state authority established in this
81 chapter or chapter 403, including those persons subject to a
82 pending consent order with the state, are eligible for
83 participation in a brownfield site rehabilitation agreement if:

84 1. The proposed brownfield site is currently idle or
85 underutilized as a result of the contamination, and
86 participation in the brownfield program will immediately, after
87 cleanup or sooner, result in increased economic productivity at

1-00967-20

20201152__

the site, including at a minimum the creation of 10 new permanent jobs, whether full-time or part-time, which are not associated with implementation of the brownfield site rehabilitation agreement; and

2. The person is complying in good faith with the terms of an existing consent order or department-approved corrective action plan, or responding in good faith to an enforcement action, as evidenced by a determination issued by the department or an approved local pollution control program.

(c) Potential brownfield sites owned by the state or a local government which contain contamination for which a governmental entity is potentially responsible and which are already designated as federal brownfield pilot projects or have filed an application for designation to the United States Environmental Protection Agency are eligible for participation in a brownfield site rehabilitation agreement.

(d) Potential brownfield sites owned by the state or a local government which are impacted by PFAS are eligible for participation in a brownfield site rehabilitation agreement, whether or not such contamination was caused or contributed to by the state or local government after July 1, 1997.

(e)~~(d)~~ After July 1, 1997, petroleum and drycleaning contamination sites shall not receive both restoration funding assistance available for the discharge under this chapter and any state assistance available under s. 288.107. Nothing in this act shall affect the cleanup criteria, priority ranking, and other rights and obligations inherent in petroleum contamination and drycleaning contamination site rehabilitation under ss. 376.30-376.317, or the availability of economic incentives

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20201152__

117 otherwise provided for by law.

118 Section 5. This act shall take effect July 1, 2020.

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 1720

INTRODUCER: Senator Cruz

SUBJECT: Florida Safe Drinking Water Act

DATE: January 31, 2020

REVISED: _____

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

I. Summary:

SB 1720 revises the Florida Safe Drinking Water Act to include as a policy of the state protecting the citizens of Florida from harmful toxins in drinking water.

The bill requires the Department of Environmental Protection (DEP), by January 1, 2021, to adopt and implement adequate rules for statewide drinking water maximum contaminant levels for the following:

- Perfluorooctanesulfonic acid (PFOS);
- Perfluorooctanoic acid (PFOA);
- Per- and Polyfluoroalkyl compounds (PFAS);
- Chromium-6;
- 1,4-Dioxane; and
- Any other pollutants for which two or more states have set limits for or issued guidance on.

Note that rules that cost at least \$1 million in the aggregate to the private sector over the first five years of implementation require legislative ratification.¹

The bill requires DEP, when adopting and implementing these rules, to review the studies and scientific evidence reviewed by other states and the United States Environmental Protection Agency. The bill also requires DEP to annually review the most recent peer-reviewed science and independent or government agency studies and the laws of other states regarding pollutants. The bill requires DEP to initiate additional rulemaking if necessary to comply with the provisions in the bill.

¹ Section 120.541(3), F.S.

II. Present Situation:

Florida's Drinking Water

Groundwater is the primary source of drinking water in Florida.² While most groundwater is naturally protected from contaminants, chemicals and microorganisms can reach drinking water sources due to a wide array of pollution from human activities.³ Consumption of contaminated drinking water results in thousands of cases of illness each year and can even be fatal.⁴ Water quality testing is done to make people aware of contaminants in their drinking water, protect public health and safety, and take corrective action.

United States Environmental Protection Agency Drinking Water Standards

The United States Environmental Protection Agency (EPA) sets drinking water standards to control the level of contaminants in the nation's drinking water.⁵ The regulations also require water monitoring schedules and methods to measure contaminants in water.⁶ Drinking water standards apply to public water systems but not to private domestic drinking water wells or water not being used for drinking.⁷ A public water system provides water for human consumption through constructed conveyances (such as a pipe, ditch, or hose) to at least 15 service connections or regularly serves at least 25 individuals.⁸

Currently, approximately 90 contaminants are regulated under National Primary Drinking Water Regulations established by EPA under the Safe Drinking Water Act (SDWA).⁹ These federal regulations establish enforceable standards called "maximum contaminant levels" (MCLs). An MCL is the maximum level allowed of a contaminant in water which is delivered to any user of a public water system.¹⁰ These standards are established based on the best available science to protect public health and are calculated so that little or no adverse health risk would be expected based on a lifetime average consumption rate of two liters of water per day for 70 years.¹¹ When determining an MCL, EPA considers the adverse health risks to both the general population and sensitive subpopulations, including infants, children, the elderly, and those with compromised

² South Florida Water Management District, *Groundwater Modeling*, <https://www.sfwmd.gov/science-data/gw-modeling> (last visited Jan. 26, 2020).

³ Florida Department of Health (DOH) in Charlotte County, *Private Well Testing*, <http://charlotte.floridahealth.gov/programs-and-services/environmental-health/private-well-testing/index.html> (last visited Jan. 26, 2020); Florida Department of Environmental Protection (DEP), *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Jan. 26, 2020).

⁴ *Id.*

⁵ Safe Drinking Water Act, 42 U.S.C. ss. 300f-300j; 40 C.F.R. s. 141.

⁶ *Id.*; United States Environmental Protection Agency (EPA), *How EPA Regulates Drinking Water Contaminants*, <https://www.epa.gov/dwregdev/how-epa-regulates-drinking-water-contaminants> (last visited Jan. 18, 2020).

⁷ 40 C.F.R. s. 141; Interstate Technology Regulatory Council, *Regulations, Guidance, and Advisories for PFAS*, 2 (Jan. 2018), available at https://pfas-1.itrcweb.org/wp-content/uploads/2018/01/pfas_fact_sheet_regulations_1_4_18.pdf.

⁸ 42 U.S.C. s. 300f(4).

⁹ 40 C.F.R. ss. 141.61-141.66; EPA, *How EPA Regulates Drinking Water Contaminants*, <https://www.epa.gov/dwregdev/how-epa-regulates-drinking-water-contaminants> (last visited Jan. 18, 2020).

¹⁰ 42 U.S.C. s. 300f(3).

¹¹ DEP, *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Jan. 19, 2020).

immune systems and chronic diseases.¹² MCLs are set as close to the health goals as possible after considering costs, benefits, and the ability of public water systems to detect and remove contaminants using suitable treatment technologies.¹³ MCLs are used by DEP to regulate the level of chemicals allowed in drinking water.

In addition to regulated contaminants, EPA also prioritizes research and data collection for new chemicals that are being discovered in water that previously had not been detected or are being detected at levels that may be different than expected.¹⁴ These are called “contaminants of emerging concern” (CEC). While these CECs do not have regulatory limits, there may be a long-term potential risk to human health or the environment associated with them. As part of EPA’s data collection on CECs, all large and selected smaller public water systems across the U.S. are required to monitor for the CECs.¹⁵ Once EPA’s study and evaluation is complete, if EPA decides not to regulate a CEC, then it may decide to develop a health advisory level (HAL) for the detected contaminants. While HALs are non-enforceable federal limits, they serve as technical guidance for federal, state, and local officials.¹⁶

Florida Safe Drinking Water Act

The Florida Safe Drinking Water Act was enacted in 1977 to ensure that safe drinking water is available to the citizens of Florida.¹⁷ The Department of Environmental Protection (DEP) is charged with the primary responsibility for the administration and implementation of the Florida Safe Drinking Water Act¹⁸ (FSDWA), with authority granted by the EPA. Florida has adopted EPA regulations that apply to public water systems to implement the FSDWA.¹⁹

DEP adopts and enforces:

- State primary drinking water regulations that must be no less stringent at any given time than the complete interim or revised national primary drinking water regulations in effect at such time;
- State secondary drinking water regulations patterned after the national secondary drinking water regulations; and
- Primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems, which must be no more stringent than the corresponding national primary or secondary drinking water regulations, except that

¹² EPA, *How EPA Regulates Drinking Water Contaminants*, <https://www.epa.gov/dwregdev/how-epa-regulates-drinking-water-contaminants> (last visited Jan. 18, 2020).

¹³ EPA, *Chromium in Drinking Water*, <https://www.epa.gov/dwstandardsregulations/chromium-drinking-water> (last visited Jan. 19, 2020).

¹⁴ DEP, *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Jan. 19, 2020).

¹⁵ *Id.*

¹⁶ EPA, *How EPA Regulates Drinking Water Contaminants*, <https://www.epa.gov/dwregdev/how-epa-regulates-drinking-water-contaminants> (last visited Jan. 18, 2020).

¹⁷ Section 403.850, F.S.

¹⁸ Section 403.852, F.S.

¹⁹ Section 403.853, F.S.; Fla. Admin. Code Ch. 62-550.

nontransient noncommunity systems must monitor and comply with additional primary drinking water regulations as determined by DEP.²⁰

Approximately 88% of Florida's residents are served by public water systems covered by the FSDWA.²¹ DEP rules contain the drinking water standards, monitoring requirements, and treatment techniques required of these systems.²² However, in seven counties, DEP delegates to the Department of Health (DOH) the authority to fully implement drinking water quality standards in public drinking water systems.²³

Drinking Water Systems Not Covered by FSDWA

DOH also has general supervision and control over water systems not covered under the FSDWA.²⁴ These include limited use public water systems that are too small to fit within the FSDWA's definition of a public water system. In general, these systems are small public water systems that either serve a small population or otherwise serve water on a limited basis. More specifically, a "limited use public water system" serves less than 15 service connections or less than 25 people, or provides water to the public less than 60 days per year.²⁵ These systems are subject to specific water quality standards set by DOH.²⁶

The current DOH drinking water rule explicitly sets MCLs and HALs for lead and nitrate.²⁷ The DOH rule also uses the MCLs established under DEP's Primary Drinking Water Standards²⁸ and the HALs as set by DOH.²⁹ DOH proposed to revise its rules to adopt any other primary drinking water HALs as listed in the 2018 edition of the U.S. EPA *Drinking Water Standards and Health Advisories*, if the MCL or HAL was not already listed in the DEP rule or DOH list of HALs.³⁰ This revision has not been adopted at this time;³¹ however, many of the substances in the DOH list of HALs are based off of EPA standards.

²⁰ Section 403.853(1)(a), F.S.

²¹ DOH, *Private Well Testing: Private Well Owner's Guide*, <http://www.floridahealth.gov/environmental-health/private-well-testing/index.html> (last visited Jan. 26, 2020).

²² Fla. Admin. Code Ch. 62-550.

²³ DOH, *Public Drinking Water Systems in Florida*, <http://www.floridahealth.gov/environmental-health/drinking-water/public-drinking-water-systems.html> (last visited Jan. 25, 2020).

²⁴ Section 381.0062(2), F.S.

²⁵ Fla. Admin. Code R. 64E-8.001(9)

²⁶ Fla. Admin. Code R. 64E-8.006.

²⁷ Fla. Admin. Code R. 64E-8.006.

²⁸ Fla. Admin. Code R. 64E-8.006; Fla. Admin. Code R. 62-550.310.

²⁹ Fla. Admin. Code R. 64E-8.006; DOH, Bureau of Environmental Health, Water Programs, *Maximum Contaminant Levels and Health Advisory Levels*, available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf>.

³⁰ DOH, Ch. 64E-8 Draft Rule, available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/2018-64e-8-work-draft-20180613.pdf>; see also Notice of Development of Rulemaking for Fla. Admin. Code R. 64E-8.006, *Florida Administrative Register* (Apr. 27, 2018), Vol. 44, No. 83.

³¹ Notice of Withdrawal, *Florida Administrative Register* (Apr. 23, 2019), Vol. 45, No. 79.

Drinking Water Contaminants

PFAS (Per- and Polyfluoroalkyl substances, including PFOA and PFOS)

Per- and Polyfluoroalkyl substances (PFAS) are a group of thousands of man-made compounds that include perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA). These compounds have been used over the last several decades as coatings in a variety of products, such as non-stick cookware, waterproof and stain-resistant fabrics, cleaning products, food packaging, and firefighting foams.³² While U.S. manufacturers have phased out use of the chemicals as of 2008,³³ some remain, particularly at fire colleges, airports, and military installations.³⁴ Additionally, although PFOA and PFOS are no longer manufactured in the United States, they are still produced internationally and can be imported into the United States in consumer goods such as carpet, leather and apparel, textiles, paper and packaging, coatings, rubber and plastics.³⁵

PFAS chemicals do not break down in the environment, have the ability to travel through soil and water, and can accumulate in fish and wildlife.³⁶ Because of the widespread use and ease of transport, they can be found virtually everywhere. The Centers for Disease Control and Prevention has detected PFAS in nearly all persons it has tested, indicating that most everyone in the United States has been exposed to PFAS.³⁷ Drinking water with significant levels of PFOA and PFOS for an extended period of time may increase the risk of low birthweight, developmental problems, liver damage, kidney damage, immune system disorders, high cholesterol, or thyroid disease.³⁸

Communities across the U.S. are discovering drinking water contaminated by PFAS and determining appropriate actions.³⁹ PFAS in the environment are considered to be CECs⁴⁰ and do not have federal drinking water standards despite widespread drinking water contamination, pervasive population exposure, and toxicological and epidemiological evidence of adverse health effects.⁴¹

³² Interstate Technology Regulatory Council, *History and Use of PFAS*, 4 (Nov. 2017), available at https://pfas-1.itrcweb.org/wp-content/uploads/2017/11/pfas_fact_sheet_history_and_use_11_13_17.pdf.

³³ *Id.*

³⁴ EPA, *Basic Information on PFAS, What are PFAS?*, <https://www.epa.gov/pfas/basic-information-pfas> (last visited Jan. 26, 2020).

³⁵ *Id.*

³⁶ Centers for Disease Control and Prevention, *Per- and Polyfluorinated Substances (PFAS) Factsheet*, https://www.cdc.gov/biomonitoring/PFAS_FactSheet.html (last visited Jan. 19, 2020).

³⁷ *Id.*

³⁸ DOH, *Per- and Polyfluoroalkyl Substances (PFAS)*, <http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/hw-pfas.html> (last visited Jan. 21, 2020).

³⁹ Cordner, A., et. al., *Guideline levels for PFOA and PFOS in drinking water: the role of scientific uncertainty, risk assessment decisions, and social factors*, J. EXPO. SCI. ENVIRON. EPIDEMIOL. (Mar. 29, 2019), available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6455940/pdf/41370_2018_Article_99.pdf/.

⁴⁰ Interstate Technology Regulatory Council, *PFAS Fact Sheets* (Nov. 2017), available at https://pfas-1.itrcweb.org/wp-content/uploads/2017/11/pfas_fact_sheet_introductory_11_13_17.pdf.

⁴¹ Cordner, A., et. al., *Guideline levels for PFOA and PFOS in drinking water: the role of scientific uncertainty, risk assessment decisions, and social factors*, J. EXPO. SCI. ENVIRON. EPIDEMIOL. (Mar. 29, 2019), available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6455940/pdf/41370_2018_Article_99.pdf/.

EPA, in its 2018 edition of the Drinking Water Standards and Health Advisory Tables, has not issued an MCL for PFOA and PFOS, but in 2016, it set a HAL of 70 parts per trillion (ppt) individually or combined in drinking water for the contaminants.⁴² A recent analysis of data by EPA found that approximately six million U.S. residents had drinking water with concentrations of PFOA or PFOS, or both, above the HAL.⁴³ In 2019, EPA began evaluating the need for an MCL for PFOA and PFOS, which is done before conducting rulemaking.⁴⁴ EPA is also developing groundwater cleanup designations and proposing designating the compounds as “hazardous substances.”⁴⁵

In 2012, an EPA study indicated that three utilities in Florida had total levels of PFOA and PFOS above EPA’s HAL.⁴⁶ As a result of coordinated efforts between DEP and the impacted water systems, all three facilities currently meet federal drinking water standards.⁴⁷ In response to the EPA study, the discovery of the substances at 18 of 25 certified fire training facilities in the state,⁴⁸ and increased public awareness, DEP is undertaking efforts to minimize human exposure. These efforts have led to the creation of provisional Cleanup Target Levels (CTLs) and screening levels for PFOA and PFOS.⁴⁹ As it applies to limited public water systems, DOH has set its HALs for PFOA and PFOS to be the same as EPA’s HALs.⁵⁰

Absent federal PFAS standards, multiple U.S. states have developed their own health-based water guidelines to direct decisions about contaminated site cleanup and drinking water surveillance and treatment. Currently, no state requires monitoring of public water supplies for PFAS.⁵¹ Some states, including Washington, California, Colorado, Minnesota, Michigan, New Jersey, Massachusetts, and Vermont, have set numerical limits by either adopting the EPA’s

⁴² *Id.*

⁴³ Interstate Technology Regulatory Council, *Regulations, Guidance, and Advisories for PFAS* (Jan. 2018), available at https://pfas-1.itrcweb.org/wp-content/uploads/2018/01/pfas_fact_sheet_regulations_1_4_18.pdf.

⁴⁴ *Id.* at 5.

⁴⁵ DEP, *PFAS Update* (Dec. 2019), available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/>.

⁴⁶ DEP, *PFAS Update* 6, (Dec. 2019), available at http://www.flsenate.gov/Committees/Show/EN/MeetingPacket/4761/8427_MeetingPacket_4761.9.19.pdf.

⁴⁷ *Id.*

⁴⁸ DEP, *Fire Training Facilities Assessment for PFOA and PFOS*, <https://floridadep.gov/waste/waste-cleanup/content/fire-training-facilities-assessment-pfoa-and-pfos> (last visited Jan. 24, 2020). PFAS chemicals were also discovered at 9 of 15 drycleaning solvent cleanup sites and at 10 of 23 state lead cleanup sites; DEP, *PFAS Update* (Dec. 2019), available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/>.

⁴⁹ DEP, *PFAS Update*, (Dec. 2019), available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/>.

⁵⁰ DOH, Bureau of Environmental Health, Water Programs, *Maximum Contaminant Levels and Health Advisory Levels*, available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf>; see also EPA, 2018 Edition of the Drinking Water Standards and Health Advisory Tables, 6 (Mar. 2018), available at <https://www.epa.gov/sites/production/files/2018-03/documents/dwtable2018.pdf>.

⁵¹ Interstate Technology Regulatory Council, *Regulations, Guidance, and Advisories for PFAS* (Jan. 2018), available at https://pfas-1.itrcweb.org/wp-content/uploads/2018/01/pfas_fact_sheet_regulations_1_4_18.pdf.

HALs or selecting other limits based on their own analysis of the scientific data.⁵² Several other states are also beginning to address PFAS chemicals in some capacity.⁵³

Chromium-6

Chromium is an odorless and tasteless metallic element. Chromium is found naturally in rocks, plants, soil and volcanic dust, and animals.⁵⁴ Hexavalent chromium, or chromium-6, is one of the most common forms of chromium that occurs in water. It occurs naturally from the erosion of chromium deposits and can also be produced by industrial processes. There are demonstrated instances of chromium being released to the environment by leakage, poor storage, or inadequate industrial waste disposal practices.⁵⁵

EPA has a drinking water standard of 0.1 milligrams per liter (mg/L) or 100 parts per billion (ppb) for total chromium.⁵⁶ DEP has adopted this standard under its groundwater rule and DOH has adopted it as a HAL.⁵⁷ This includes all forms of chromium, including chromium-6. Water systems are required to test for total chromium.⁵⁸ Long-term exposure to chromium may cause adverse dermatological effects and skin reactions.⁵⁹ EPA regularly re-evaluates drinking water standards and, based on new science on chromium-6, began a comprehensive review of its health effects in 2008.⁶⁰

1,4-Dioxane

1,4-Dioxane is a synthetic industrial chemical that is flammable and potentially explosive if exposed to light or air. It is found at many federal facilities because of its widespread use as a stabilizer in certain chlorinated solvents, paint strippers, greases, and waxes.⁶¹ It can even be found in some consumer products, including deodorants, shampoos, and cosmetics.⁶² 1,4-Dioxane may leach readily from soil to groundwater, migrates rapidly in groundwater, and is

⁵² Silverman, Gerald B., *Glass Half-Full on State Solutions to Chemicals in Water*, Bloomberg Environment (Sep. 18, 2018), <https://news.bloombergenvironment.com/environment-and-energy/glass-half-full-on-state-solutions-to-chemicals-in-water-corrected> (last visited Jan. 27, 2020).

⁵³ National Conference of State Legislatures, *Per- and polyfluoroalkyl Substances (PFAS) | State Legislation 2017-2018*, <https://www.ncsl.org/research/environment-and-natural-resources/per-and-polyfluoroalkyl-substances-pfas-state-laws.aspx> (last visited Jan. 19, 2020). See e.g. Legislation in North Carolina to fund the monitoring and treatment of PFAS; in New York to require the department of health to study the extent of chemicals in people; in Pennsylvania to declare an area a special drinking water resource-impacted community based on the discovery of hazardous substances.

⁵⁴ EPA, *Chromium in Drinking Water*, available at <https://www.epa.gov/dwstandardsregulations/chromium-drinking-water> (last visited Jan. 18, 2020).

⁵⁵ *Id.*

⁵⁶ EPA, *2018 Edition of the Drinking Water Standards and Health Advisory Tables*, 8 (Mar. 2018), available at <https://www.epa.gov/sites/production/files/2018-03/documents/dwtable2018.pdf>.

⁵⁷ Fla. Admin. Code R. 62-550.828, see Table 1; see also DOH, Bureau of Environmental Health, Water Programs, *Maximum Contaminant Levels and Health Advisory Levels*, available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf>.

⁵⁸ EPA, *Chromium in Drinking Water*, available at <https://www.epa.gov/dwstandardsregulations/chromium-drinking-water> (last visited Jan. 18, 2020).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ EPA, *Technical Fact Sheet – 1,4-Dioxane* (Nov. 2017), available at https://www.epa.gov/sites/production/files/2014-03/documents/ffrro_factsheet_contaminant_14-dioxane_january2014_final.pdf.

⁶² DEP, *Contaminants of Emerging Concern Frequently Asked Questions*, available at https://floridadep.gov/sites/default/files/FREQUENTLY%20ASKED%20QUESTIONS%20CECs_0.pdf.

relatively resistant to biodegradation.⁶³ Short-term exposure may cause eye, nose, and throat irritation and long-term exposure may cause kidney and liver damage.⁶⁴

EPA has not established a federal MCL for 1,4-Dioxane in drinking water.⁶⁵ However, EPA established a HAL of 0.2 mg/L in drinking water.⁶⁶ Various states have established drinking water and groundwater guidelines, including Florida. DEP has adopted the federal HAL for public water systems,⁶⁷ and DOH set a HAL of 0.35 micrograms per liter (µg/L) for limited public water systems.⁶⁸

Financially Disadvantaged Small Communities

In the Small Community Sewer Construction Assistance Act, the term “financially disadvantaged small community” means a county, municipality, or special district that has a population of 10,000 or fewer, according to the latest decennial census, and a per capita annual income less than the state per capita annual income as determined by the United States Department of Commerce.⁶⁹ The term “special district”⁷⁰ includes only those special districts whose public purpose includes water and sewer services, utility systems and services, or wastewater systems and services.⁷¹

Statement of Estimated Regulatory Cost

If a proposed agency rule will have an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 aggregated within one year after implementation, an agency must prepare a statement of estimated regulatory costs (SERC).⁷² The SERC must include an economic analysis projecting a proposed rule’s adverse effect on specified aspects of the state’s economy or an increase in regulatory costs.⁷³ If the SERC shows that the adverse impact or regulatory costs of the proposed rule exceeds \$1 million in the aggregate to the private sector within five years after implementation, then the proposed rule must be submitted to the Legislature for ratification and may not take effect until it is ratified by the Legislature.⁷⁴

⁶³ EPA, *Technical Fact Sheet – 1,4-Dioxane* (Nov. 2017), available at https://www.epa.gov/sites/production/files/2014-03/documents/ffrro_factsheet_contaminant_14-dioxane_january2014_final.pdf.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ EPA, *2018 Edition of the Drinking Water Standards and Health Advisory Tables*, 4 (Mar. 2018), available at <https://www.epa.gov/sites/production/files/2018-03/documents/dwtable2018.pdf>.

⁶⁷ DEP, *Contaminants of Emerging Concern Frequently Asked Questions*, available at https://floridadep.gov/sites/default/files/FREQUENTLY%20ASKED%20QUESTIONS%20CECs_0.pdf.

⁶⁸ DOH, Bureau of Environmental Health, Water Programs, *Maximum Contaminant Levels and Health Advisory Levels*, available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf>.

⁶⁹ Section 403.1838(2), F.S.

⁷⁰ Section 189.012, F.S.

⁷¹ Section 403.1838(2), F.S.

⁷² Section 120.541(1)(b), F.S.

⁷³ Section 120.541(2)(a), F.S.

⁷⁴ Section 120.541(3), F.S.

III. Effect of Proposed Changes:

The bill revises the policy behind the Florida Safe Drinking Water Act to include that the citizens of Florida shall be protected from harmful toxins in drinking water.

The bill requires the Department of Environmental Protection (DEP), by January 1, 2021, to adopt and implement adequate rules for statewide drinking water maximum contaminant levels for the following:

- Perfluorooctanesulfonic acid (PFOA);
- Perfluorooctanoic acid (PFOS);
- Per- and Polyfluoroalkyl compounds (PFAS);
- Chromium-6;
- 1,4-Dioxane; and
- Any other pollutants for which two or more states have set limits for or issued guidance on.

*Note: New rules for statewide drinking water maximum contaminant levels may exceed the regulatory cost threshold of \$1 million in the aggregate to the private sector within five years after implementation; therefore, the proposed rule may have to be submitted to the Legislature for ratification and may not take effect until it is ratified by the Legislature.*⁷⁵

The bill requires DEP, when adopting and implementing these rules, to review the studies and scientific evidence reviewed by other states, including, but not limited to, information regarding the pollutants listed in the United States Environmental Protection Agency (EPA) Toxic Substances and Disease Registry and the most recent peer-reviewed science and independent or government agency studies regarding pollutants.

The bill provides that any statewide drinking water maximum contaminant level adopted by DEP must protect the public health, including vulnerable subpopulations, such as pregnant and nursing women, infants, children, and residents of financially disadvantaged small communities, as defined in the Small Community Sewer Construction Assistance Act, and may not exceed any maximum contaminant level or health advisory promulgated by EPA.

Finally, the bill requires DEP to annually review the most recent peer-reviewed science and independent or government agency studies and the laws of other states regarding pollutants. The bill requires DEP to initiate additional rulemaking if needed to comply with the provisions in the bill.

The bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁷⁵ Section 120.541, F.S.

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:

Once DEP sets MCLs for the chemicals specified under the bill, public and private utilities will have to increase treatment and monitoring to include those chemicals.

C. Government Sector Impact:

There may be a negative fiscal impact to the state to the extent that there are costs for rulemaking, implementation, and staff needed to review studies, scientific evidence, and regulations in other states, as required under the bill.

The requirement that DEP adopt rules for statewide drinking water MCLs for any pollutants for which two or more states have set limits for or issued guidance on could require an extensive and ongoing study and regular review, which could require staff time and resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 403.851 and 403.853 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 Cruz

18-01687A-20

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1 A bill to be entitled
2 An act relating to the Florida Safe Drinking Water
3 Act; amending s. 403.851, F.S.; revising state policy;
4 amending s. 403.853, F.S.; requiring the Department of
5 Environmental Protection to adopt and implement rules
6 for statewide maximum contaminant levels for specified
7 pollutants by a date certain; providing requirements
8 for adopting and implementing such rules; requiring
9 the department to annually review specified studies
10 and laws and initiate certain rulemaking; providing an
11 effective date.

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

14
15 Section 1. Section 403.851, Florida Statutes, is amended to
16 read:

17 403.851 Declaration of policy; intent.—It is the policy of
18 the state that the citizens of Florida shall be protected from
19 harmful toxins in drinking water and assured of the availability
20 of safe drinking water. Recognizing that this policy encompasses
21 both environmental and public health aspects, it is the intent
22 of the Legislature to provide a water supply program operated
23 jointly by the department, in a lead-agency role of primary
24 responsibility for the program, and by the Department of Health
25 and its units, including county health departments, in a
26 supportive role with specific duties and responsibilities of its
27 own. Without any relinquishment of Florida's sovereign powers
28 and responsibilities to provide for the public health, public
29 safety, and public welfare of the people of Florida, the

18-01687A-20

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Legislature intends:

(1) To give effect to Pub. L. No. 93-523 promulgated under the commerce clause of the United States Constitution, to the extent that interstate commerce is directly affected.

(2) To encourage cooperation between federal, state, and local agencies, not only in their enforcement role, but also in their service and assistance roles to city and county elected bodies.

(3) To provide for safe drinking water at all times throughout the state, with due regard for economic factors and efficiency in government.

Section 2. Subsection (3) of section 403.853, Florida Statutes, is amended to read:

403.853 Drinking water standards.—

(3)(a) The department shall adopt and implement adequate rules specifying procedures for the enforcement of state primary and secondary drinking water regulations, including monitoring and inspection procedures, that comply with regulations established by the administrator pursuant to the federal act.

(b) By January 1, 2021, the department shall adopt and implement adequate rules for statewide drinking water maximum contaminant levels for the following:

1. Perfluorooctanesulfonic acid.

2. Perfluorooctanoic acid.

3. Per- and Polyfluoroalkyl compounds.

4. Chromium-6.

5. 1,4-Dioxane.

6. Any other pollutants for which two or more states have set limits for or issued guidance on.

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59 (c) In adopting and implementing rules pursuant to this
60 subsection, the department shall review the studies and
61 scientific evidence reviewed by other states, including, but not
62 limited to, information regarding the pollutants listed in the
63 United States Environmental Protection Agency Toxic Substances
64 and Disease Registry and the most recent peer-reviewed science
65 and independent or government agency studies regarding
66 pollutants.

67 (d) Any maximum contaminant level adopted by the department
68 must protect the public health, including vulnerable
69 subpopulations, such as pregnant and nursing women, infants,
70 children, and residents of financially disadvantaged small
71 communities, as defined in s. 403.1838(2), and may not exceed
72 any maximum contaminant level or health advisory promulgated by
73 the United States Environmental Protection Agency.

74 (e) The department shall annually review the most recent
75 peer-reviewed science and independent or government agency
76 studies and the laws of other states regarding pollutants and
77 shall initiate additional rulemaking if needed to comply with
78 this subsection.

79 Section 3. This act shall take effect July 1, 2020.

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 1878

INTRODUCER: Environment and Natural Resources Committee and Senators Bradley and Mayfield

SUBJECT: Environmental Protection

DATE: February 3, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1878 creates a new section of law that includes an annual appropriation, beginning in fiscal year 2020-2021, of a minimum of \$625 million for the purposes of Everglades restoration and the protection of water resources in the state. The appropriation would be repealed on June 30, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill states that the annual appropriation must be made in the following distributions as delineated in the 2020-2021 General Appropriations Act (GAA):

- A minimum of \$236 million for Everglades projects in accordance with the Land Acquisition Trust Fund (LATF).
- \$64 million for the Everglades Agricultural Area reservoir project in accordance with LATF.
- \$50 million for springs restoration in accordance with LATF.
- A minimum of \$40 million for alternative water supplies or water conservation.
- A minimum of \$25 million for projects within the watersheds of the St. Johns, Suwannee, and Apalachicola rivers.
- A minimum of \$10 million for the Florida Resilient Coastline Initiative.
- A minimum of \$50 million to the South Florida Water Management District for the design, engineering, and construction of aquifer storage and recovery wells.
- A minimum of \$4 million as delineated in the 2020-2021 GAA for red tide research.

After the above distributions, any remaining balance must be allocated to fund:

- Targeted water quality improvements.
- Alternative water supplies or water conservation.
- Water quality enhancements and accountability, innovative technologies, and harmful algal bloom prevention and mitigation.
- Land acquisition or easement acquisition, including, but not limited to, lands or easements purchased pursuant to the Florida Forever or Rural and Family Lands Protection programs.
- Coral reef protection and restoration.
- Projects within the watersheds of the Indian River Lagoon.

The bill revises the distribution of funds for Everglades projects under the Land Acquisition Trust Fund to allocate \$236 million for those projects. The bill provides that this revision expires on June 30, 2023, when the statutory text reverts to the current language.

II. Present Situation:

Executive Order Number 19-12: Achieving More Now for Florida's Environment

In January of 2019, Governor DeSantis issued the comprehensive Executive Order Number 19-12 (EO 19-12).¹ EO 19-12 directs strategic action on Florida's environmental issues with a focus on accountability, transparency, and collaboration, and includes a proposed \$2.5 billion investment over the next four years.² The order directs the Department of Environmental Protection (DEP) to implement actions on a large range of topics, including water quality, Everglades restoration and protection, harmful algal blooms, reservoir projects, Lake Okeechobee, alternative water supply, and more.

Office of Environmental Accountability and Transparency

EO 19-12 directed DEP to create the Office of Environmental Accountability and Transparency, which was created in 2019.³ The Office is led by the Chief Science Officer and is located in the Office of the Secretary. The Office is charged with ensuring key water quality objectives are clearly communicated to the public, as well as organizing agency resources and science to focus on and solve complex challenges. The roles and responsibilities of the Office of Environmental Accountability and Transparency include:

- Providing leadership for agency priority issues that require integration of science, policy, and management, from multiple programs and organizations internal and external to DEP.
- Organizing and managing external communication on priority issues.
- Promoting and facilitating key agency research initiatives to address priority environmental issues.
- Exploring data and identifying opportunities for innovative approaches to addressing priority environmental issues.⁴

¹ State of Florida, Office of the Governor, *Executive Order Number 19-12* (2019)[hereinafter *EO 19-12*], available at https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-12.pdf.

² Department of Environmental Protection (DEP), *Protecting Florida Together*, <https://protectingfloridatogether.gov/> (last visited Jan. 30, 2020).

³ DEP, *Office of Environmental Accountability and Transparency*, <https://floridadep.gov/oeat> (last visited Jan. 30, 2020).

⁴ *Id.*

Blue-Green Algae Task Force

EO 19-12 directed DEP to establish a Blue-Green Algae Task Force, which is charged with expediting progress towards reducing nutrient pollution and the impacts of blue-green algae (cyanobacteria) blooms in the state.⁵ The task force's responsibilities include identifying priority projects for funding and making recommendations for regulatory changes. The five-person task force issued a consensus document on October 11, 2019.⁶ This document contains guidance and recommendations on several topics, including: basin management action plans (BMAPs), agriculture and best management practices, septic systems, sanitary sewer overflows, and stormwater systems.

Harmful Algal Bloom Task Force/Red Tide Task Force

In 1999, the Legislature established a Harmful Algal Bloom Task Force for the purpose of determining research, monitoring, control, and mitigation strategies for red tide and other harmful algal blooms in Florida waters.⁷ The Fish and Wildlife Conservation Commission (FWC) appoints members to and coordinates the task force, and prior to 2019 its last official meeting was in 2002.⁸ Governor DeSantis reactivated the Harmful Algal Bloom Task Force, which is now also known as the Red Tide Task Force, and which has agreed to focus on issues associated with red tide as their top priority.⁹ EO 19-12 directs DEP and the Department of Health (DOH) to participate in the task force to provide technical expertise and help study air quality and human health impacts of red tide.¹⁰

Everglades Restoration

Historically, the Everglades covered over seven million acres of South Florida, and water flowed down the Kissimmee River into Lake Okeechobee, then south through the vast Everglades to Florida Bay.¹¹ The present Everglades system has been subdivided by the construction of canals, levees, roads, and other facilities as part of efforts to drain the system for agriculture, development, and flood control. As a result, the Everglades is less than half the size it was a century ago, and connections between the central Everglades and adjacent transitional wetlands have been lost. This separation and isolation can impair the Everglades' wildlife communities and the sustainability of the ecosystem.¹² Over time, the construction of canals and water control structures along with urban and agricultural expansion contributed to unintended consequences.¹³

⁵ EO 19-12, at 2; DEP, *Blue-Green Algae Task Force*, <https://protectingfloridatogether.gov/state-action/blue-green-algae-task-force> (last visited Jan. 30, 2020).

⁶ DEP, *Blue-Green Algae Task Force Consensus Document #1* (Oct. 11, 2019), available at https://floridadep.gov/sites/default/files/Final%20Consensus%20%231_0.pdf.

⁷ Section 379.2271, F.S.

⁸ FWC, *Harmful Algal Bloom/Red Tide Task Force*, <https://myfwc.com/research/redtide/taskforce/> (last visited Jan. 31, 2020).

⁹ *Id.*; EO 19-12, at 3; DEP, *State Task Force Efforts: Red Tide Task Force*, <https://protectingfloridatogether.gov/state-action/red-tide-task-force> (last visited Jan. 30, 2020).

¹⁰ EO 19-12, at 3.

¹¹ SFWMD, *Everglades*, <https://www.sfwmd.gov/our-work/everglades> (last visited Jan. 30, 2020).

¹² *Id.*

¹³ See SFWMD, *Everglades Restoration Progress*, 1 (2017), available at https://www.sfwmd.gov/sites/default/files/documents/spl_everglades_progress.pdf.

After years of litigation concerning the water quality in the Everglades Protection Area, a consent decree was entered in the case of *United States v. South Florida Water Management District* in 1992.¹⁴ The consent decree, as implemented by the Everglades Forever Act in 1994,¹⁵ set forth a two-pronged approach consisting of building stormwater treatment areas (STAs) and implementing best management practices (BMPs) in the Everglades Agricultural Area (EAA) to reduce the total phosphorous levels in the Everglades Protection Area.¹⁶ The plan originally consisted of the construction of four STAs covering 35,000 acres, but by 2006, the need for additional STA acreage became clear.¹⁷ By 2010, approximately 57,000 acres of STAs were built and operating.¹⁸ Subsequently, conversations began between the United States Environmental Protection Agency (EPA) and the South Florida Water Management District (SFWMD) and, in 2012, they were able to reach a consensus on a new strategy for improving the water quality in the Everglades called the Restoration Strategies Regional Water Quality Plan.¹⁹

Restoration Strategies is an \$800 million technical plan to complete a suite of projects intended to expand water quality improvement projects necessary to achieve phosphorous water quality standards.²⁰ Under these strategies, the SFWMD must complete several projects that will create more than 6,500 acres of new STAs and 116,000 acre-feet of additional water storage.²¹

Comprehensive Everglades Restoration Plan (CERP)

The aforementioned programs work in cooperation with the multi-billion-dollar, multi-decade Comprehensive Everglades Restoration Plan (CERP).²² CERP was submitted to Congress in 1999 and received congressional authorization in 2000.²³ Under CERP, the federal government and the state equally fund the costs of restoration in a 50-50 partnership. The United States Army Corps of Engineers is the lead federal agency, and the SFWMD is the lead state agency.²⁴

¹⁴ Case No. 88-1886-CIV-Moreno (S.D. Fla. 1992); see also SFWMD, *Restoration Strategies Regional Water Quality Plan, Science Plan for the Everglades Stormwater Treatment Areas*, 2 (June 2013) [hereinafter *Science Plan*], available at https://www.sfwmd.gov/sites/default/files/documents/rs_scienceplan_060713_final.pdf (last visited Jan. 31, 2020).

¹⁵ Section 373.4592, F.S.

¹⁶ See SFWMD, *Long-Term Plan for Achieving Water Quality Goals*, <https://www.sfwmd.gov/our-work/wq-stas/long-term-plan> (last visited Jan. 18, 2020); see SFWMD, *Regulatory Source Control Programs*, <https://www.sfwmd.gov/our-work/source-control-bmps> (last visited Jan. 19, 2020); see SFWMD, *Water Quality Improvement - Stormwater Treatment Areas (STAs)*, <https://www.sfwmd.gov/our-work/wq-stas> (last visited Jan. 19, 2020).

¹⁷ *Science Plan* at 2.

¹⁸ *Id.*

¹⁹ SFWMD, *quick facts on...Restoration Strategies for Clean Water for the Everglades* (Feb. 2017), available at https://www.sfwmd.gov/sites/default/files/documents/spl_restoration_strategies.pdf.

²⁰ SFWMD, *Harmful Nutrients in the Everglades Now Reduced by 90%*, 2, available at https://www.sfwmd.gov/sites/default/files/documents/infographic_everglades_wq.pdf.

²¹ *Science Plan* at 3; see SFWMD, *Restoration Strategies for Clean Water for the Everglades*, <https://www.sfwmd.gov/our-work/restoration-strategies> (last visited Jan. 30, 2020).

²² SFWMD, *CERP Project Planning*, <https://www.sfwmd.gov/our-work/cerp-project-planning> (last visited Jan. 18, 2020).

²³ Water Resources Development Act of 2000, P.L. 106-541, Dec. 11, 2000.

²⁴ U.S. Army Corps of Engineers (USACE), *Corps of Engineers, Partners, Report on Progress Restoring America's Everglades* (Mar. 30, 2016), <https://www.usace.army.mil/Media/News-Archive/Story-Article-View/Article/710178/corps-of-engineers-partners-report-on-progress-restoring-americas-everglades/> (last visited Jan. 30, 2020).

CERP is composed of a series of projects designed to address four major characteristics of water flow: quantity, quality, timing, and distribution.²⁵ The primary goal is to capture freshwater that flows unused to the Atlantic Ocean and the Gulf of Mexico, through the C-44 and C-43 Canals respectively, and to deliver it when and where it is needed most. The CERP includes more than 68 project components which focus on improving the water delivery and timing within the Everglades system by increasing the size of natural areas, improving water quality, releasing water in a manner that mimics historical flow patterns, and storing and distributing water for urban, agricultural, and ecological uses.²⁶ Major features of the CERP include surface water storage reservoirs, water preserve areas, management of Lake Okeechobee as an ecological resource, improvement of water deliveries to the estuaries, underground water storage, treatment wetlands, improvement of water deliveries to the Everglades, removal of barriers to sheet flow, storage of water in existing quarries, reuse of wastewater, and the improvement of water flows to Florida Bay.²⁷

The Integrated Delivery Schedule (IDS) is the timeline of Everglades restoration projects cost shared by the state and federal governments.²⁸ The IDS provides the sequencing strategy for planning, designing, and constructing projects based on ecosystem needs, benefits, costs, and available funding.²⁹ The IDS achieves restoration benefits by maximizing benefits to the regional system as early as possible, ensuring the readiness of additional projects, and maintaining consistency among projects.³⁰ The IDS was most recently updated in October of 2019.³¹

CERP: Aquifer Storage and Recovery

As part of CERP, it was estimated that up to 333 wells could store water underground for the Everglades and natural systems.³² Aquifer Storage and Recovery (ASR) systems involve taking surplus fresh surface water, treating it as required for permit compliance, and storing it in the Floridan Aquifer System for subsequent recovery.³³ The injected fresh water replaces brackish water to form a “freshwater bubble.”³⁴ In 2015, a regional study of ASR was completed and found that large capacity ASR systems could be built and operated in South Florida; however, based on groundwater monitoring evaluations, the study recommended reducing the overall

²⁵ USACE, *Corps of Engineers, Partners, Report on Progress Restoring America’s Everglades* (Mar. 30, 2016), <https://www.usace.army.mil/Media/News-Archive/Story-Article-View/Article/710178/corps-of-engineers-partners-report-on-progress-restoring-americas-everglades/> (last visited Jan. 30, 2020).

²⁶ See USACE, *Comprehensive Everglades Restoration (CERP) Overview* (Jul. 2018), <https://usace.contentdm.oclc.org/digital/api/collection/p16021coll11/id/2570/download>.

²⁷ USACE and SFWMD, *Central and Southern Florida Project Comprehensive Review Study, Final Feasibility Report and Programmatic Environmental Impact Statement*, vii-ix (Apr. 1999), available at https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf.

²⁸ SFWMD, *CERP Planning*, <https://www.sfwmd.gov/our-work/cerp-project-planning> (Jan. 30, 2020); USACE, *Integrated Delivery Schedule*, <https://www.saj.usace.army.mil/Missions/Environmental/Ecosystem-Restoration/Integrated-Delivery-Schedule/> (last visited Jan. 30, 2020).

²⁹ SFWMD, *CERP Planning*, <https://www.sfwmd.gov/our-work/cerp-project-planning> (Jan. 30, 2020).

³⁰ *Id.*

³¹ USACE, *Integrated Delivery Schedule - A South Florida Ecosystem Restoration program Snapshot Through 2030*, <https://usace.contentdm.oclc.org/utls/getfile/collection/p16021coll11/id/4143> (last visited Jan. 30, 2020).

³² USACE, *Aquifer Storage and Recovery (ASR), Regional Study* (2018), <http://cdm16021.contentdm.oclc.org/utls/getfile/collection/p16021coll11/id/1994> (last visited Jan. 30, 2020).

³³ *Id.*

³⁴ SFWMD, *Aquifer Storage and Recovery*, <https://www.sfwmd.gov/our-work/alternative-water-supply/asr> (Jan. 30, 2020).

number of ASR wells to 131, to avoid adverse effects to the aquifer, groundwater, and existing users.³⁵

Additionally, two pilot projects were completed: one in the Kissimmee Basin and one near the Hillsboro Canal, which determined that ASR systems in the Lake Okeechobee in the upper portions of the Floridan aquifer system could achieve a rate of recoverability of upwards of 100 percent of stored water due to the freshwater quality of the aquifer in that region, but, conversely, ASR systems south of the lake, because of the brackish quality of the aquifer in that region, would require successive cycles over a few years to achieve a target of 70 percent recovery.³⁶ Water injected into ASR wells must meet Florida's drinking water quality standards.³⁷

CERP: Everglades Agricultural Area Reservoir

The EAA Reservoir project was conditionally authorized in the federal Water Resources Development Act of 2000 as a component of CERP.³⁸ To accelerate progress on the project, Senate Bill 10 was passed by the Florida Legislature and signed into law by Gov. Rick Scott in 2017.³⁹ In 2018, the U.S. Congress provided the required federal authorization and approved a plan developed by the South Florida Water Management District.⁴⁰ In 2019, EO 19-12 directed DEP to instruct SFWMD to immediately start the next phase of the project design and ensure that USACE approve the project according to schedule.⁴¹

The project includes a combination of canals, STAs, and a storage reservoir—all intended to improve water quality in the Everglades.⁴² The reservoir is anticipated to hold 240,000 acre-feet of water and include a new STA.⁴³ SFWMD expects to begin the full design of the A-2 STA component of the project soon and is working to obtain state and federal permits to clear land for the construction of a canal for the project. Right now, critical site preparation and preliminary design work is underway.⁴⁴

³⁵ USACE and SFWMD, *Final Technical Data Report, Aquifer Storage and Recovery Regional Study*, xvii, xx (May 2015), available at http://www.saj.usace.army.mil/Portals/44/docs/Environmental/ASR%20Regional%20Study/Final_Report/ASR_RegionalStudy_Final_2015.pdf.pdf (last visited Jan. 31, 2017); USACE, *Aquifer Storage and Recovery (ASR), Regional Study* (2018), <http://cdm16021.contentdm.oclc.org/utis/getfile/collection/p16021coll11/id/1994> (last visited Jan. 30, 2020).

³⁶ USACE and SFWMD, *Final Technical Data Report, Aquifer Storage and Recovery Regional Study*, xxix (May 2015).

³⁷ DEP, *UIC Wells Classification*, <https://floridadep.gov/water/aquifer-protection/content/uic-wells-classification> (last visited Jan. 30, 2020).

³⁸ The Water Resources Development Act of 2000 (P.L. 106-541, Dec. 11, 2000).

³⁹ Chapter 2017-10, Laws of Fla.

⁴⁰ SFWMD, *Everglades Agricultural Area Storage Reservoir Project*, <https://www.sfwmd.gov/our-work/cerp-project-planning/aaa-reservoir> (last visited Jan. 30, 2020).

⁴¹ EO 19-12, at 2, available at https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-12.pdf.

⁴² SFWMD, *Everglades Agricultural Area Storage Reservoir Project*, <https://www.sfwmd.gov/our-work/cerp-project-planning/aaa-reservoir> (last visited Jan. 30, 2020).

⁴³ *Id.*

⁴⁴ *Id.*

Outstanding Florida Springs

Florida's springs are unique and beautiful resources that form when groundwater is forced out through natural openings in the ground.⁴⁵ The historically crystal clear waters provide not only a variety of recreational opportunities and habitats, but also great economic value for recreation and tourism. Springs are major sources of stream flow in a number of rivers such as the Rainbow, Chassahowitzka, Homosassa, and Ichetucknee.⁴⁶ Additionally, Florida's springs provide a "window" into the Floridan aquifer system, which provides most of the state's drinking water.

Florida has more than 700 recognized springs, categorized by flow in cubic feet per second.⁴⁷ First magnitude springs are those that discharge 100 cubic feet of water per second or greater. Florida has 33 first magnitude springs in 18 counties that discharge more than 64 million gallons of water per day. Spring discharges are used to determine groundwater quality and the degree of human impact on a spring's recharge area. Rainfall, surface conditions, soil type, mineralogy, the composition and porous nature of the aquifer system, flow, and length of time in the aquifer all contribute to groundwater chemistry.⁴⁸

In 2016, the Legislature passed the Florida Springs and Aquifer Protection Act, which identified 30 "Outstanding Florida Springs" (OFS) that have additional statutory protections and requirements to ensure their conservation and restoration for future generations.⁴⁹ A key aspect of the Springs and Aquifer Protection Act relating to water quality is the designation of a priority focus area for each OFS where the Floridan Aquifer is generally most vulnerable to pollutant inputs as delineated in a BMAP.⁵⁰ Additionally, the Springs and Aquifer Protection Act includes the development of onsite sewage treatment and disposal system (OSTDS) remediation plans.⁵¹

Alternative Water Supply

Between 2010 and 2030, statewide demand for water is expected to increase due to increased public supply, agricultural irrigation, and other water uses. Total water withdrawals for all uses are expected to increase by almost 21 percent to about 1.3 billion gallons per day.⁵² As water use

⁴⁵ Department of Community Affairs, *Protecting Florida's Springs: An Implementation Guidebook*, 3-1 to 3-2 (Feb. 2008), available at <http://www.tampabay.wateratlas.usf.edu/upload/documents/Protecting-Floridas-Springs-Implementation-Guidebook.pdf>.

⁴⁶ *Id.* at 3-1.

⁴⁷ Florida Geological Survey, *Springs of Florida Bulletin No. 66*, available at http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf.

⁴⁸ *Id.*

⁴⁹ Chapter 2016-1, Laws of Fla.; see s. 373.802, F.S., Outstanding Florida Springs include all historic first magnitude springs, including their associated spring runs, as determined by DEP using the most recent Florida Geological Survey springs bulletin, and De Leon Springs, Peacock Springs, Poe Springs, Rock Springs, Wekiwa Springs, and Gemini Springs, and their associated spring runs.

⁵⁰ Section 373.802(5), F.S.

⁵¹ Commonly called a "septic remediation plan."

⁵² DEP, *Alternative Water Supply*, <https://floridadep.gov/water-policy/water-policy/content/alternative-water-supply> (last visited Jan. 30, 2020).

continues to increase, one of the ways water demands can be met is through the development of alternative water supplies (AWSs).⁵³ Alternative water supplies include:⁵⁴

- Salt water or brackish surface water and groundwater, which can be converted to fresh water through desalination;⁵⁵
- Sources made available through increasing storage capacity for surface or groundwater; for example, through surface reservoirs or by injecting potable water into the aquifer;⁵⁶
- Water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses;
- The downstream augmentation of waterbodies with reclaimed water;
- Stormwater; and
- Any other water supply source that is designated as a nontraditional source for a water supply planning region in a regional water supply plan.

Funding for the development of AWSs is a shared responsibility between water suppliers and users, the state, and WMDs.⁵⁷ Water suppliers and users have the primary responsibility for providing funding, while the state and WMDs have the responsibility to provide funding assistance.⁵⁸

AWS development projects may receive state funding through specific appropriation or through the Water Protection and Sustainability Program (WPSP) if funded by the Legislature.⁵⁹ Applicants for projects that receive funding through the WPSP are required to pay at least 60 percent of the project's construction costs.⁶⁰ A WMD may waive this requirement for projects developed by financially disadvantaged small local governments. Additionally, a WMD may, at its discretion, use ad valorem or federal revenues to assist a project applicant in meeting the match requirement.⁶¹

St. Johns River

The St. Johns River is the longest river that is entirely within the state.⁶² The St. Johns River is divided into three watersheds: the Lower St. Johns River Basin, the Middle St. Johns River Basin, and the Upper St. Johns River Basin. Because the river flows north, the upper basin refers to the area that forms in Indian River and Brevard counties, south of the middle and lower basins.⁶³ Major tributaries that flow into the St. Johns River include the Wekiva River, the Econlockhatchee River, and the Ocklawaha River.⁶⁴ The river is home to many plant species and

⁵³ Sections 373.707, F.S.

⁵⁴ Section 373.019(1), F.S.

⁵⁵ DEP, *Alternative Water Supply*, <https://floridadep.gov/water-policy/water-policy/content/alternative-water-supply> (last visited Jan. 30, 2020).

⁵⁶ *Id.*; see also DEP, *Water Supply*, <https://floridadep.gov/water-policy/water-policy/content/water-supply> (last visited Jan. 30, 2020).

⁵⁷ Section 373.707(2)(c), F.S.

⁵⁸ *Id.*

⁵⁹ Section 373.707(1)(d), and (6), F.S.

⁶⁰ Section 373.707(8)(e), F.S.

⁶¹ *Id.*

⁶² SJRWMD, *The St. Johns River*, <https://www.sjrwmd.com/waterways/st-johns-river/> (last visited Jan. 30, 2020).

⁶³ *Id.*

⁶⁴ *Id.*

marine animals, including manatees, largemouth bass and many other species of fish, crabs, shrimp, river otters, waterfowl, blue herons, bald eagles, and alligators.⁶⁵

Stormwater runoff from urban areas, treated domestic and industrial wastewater, and agricultural runoff from farming areas affects the water quality of the St. Johns River.⁶⁶ The largest contributor of pollution in the lower basin is treated wastewater, with additional significant sources of nutrient pollution coming from agricultural areas.⁶⁷ The upper basin was drained and diked for agricultural purposes and now the floodwaters from the basin drain to the Indian River Lagoon to the east, which diminishes the water quality in the lagoon and degrades the upper basin's remaining marshes.⁶⁸

Suwannee River

The Suwannee River Watershed covers approximately 9,950 square miles in south Georgia and north Florida.⁶⁹ The watershed consists of the Suwannee River and all the creeks and streams which flow into the Suwannee as it makes its way to the Gulf of Mexico. The Suwannee River originates in the Okefenokee Swamp and has three major tributaries: the Alapaha, Little, and Withlacoochee Rivers.⁷⁰ The swamp and all three rivers begin in south Georgia.

Seven springs in the Suwannee River Basin are impaired Outstanding Florida Springs: Fanning Springs, Manatee Spring, Falmouth Spring, Troy Spring, Lafayette Blue Spring, Madison Blue Spring, and Peacock Springs.⁷¹ Many species of fish and wildlife depend on the watershed, including deer, raccoon, fox, egrets, herons, manatees, alligator snapping turtles, and black bears.⁷² The Suwannee River Watershed also includes the Big Bend Seagrasses Aquatic Preserve, which is the second largest contiguous area of seagrass habitat in the eastern Gulf of Mexico.⁷³

Apalachicola River

The Apalachicola River is the largest river in Florida and provides 35 percent of the freshwater entering the northeastern Gulf of Mexico, accounting for the second largest freshwater inflow to

⁶⁵ *Id.*

⁶⁶ SJRWMD, *Lower St. Johns River Basin*, <https://www.sjrwmd.com/waterways/st-johns-river/lower/> (last visited Jan. 30, 2020).

⁶⁷ *Id.*

⁶⁸ SJRWMD, *Upper St. Johns River Basin*, <https://www.sjrwmd.com/waterways/st-johns-river/upper/> (last visited Jan. 30, 2020).

⁶⁹ United States Fish & Wildlife Service, *Suwannee River Watershed: Conserving the Georgia/Florida Connection*, available at https://www.fws.gov/northflorida/Documents/NFL_Suwannee_factsheet.pdf.

⁷⁰ *Id.*

⁷¹ DEP, *Suwannee River Basin Management Action Plan*, 12 (June 2018), available at <https://floridadep.gov/sites/default/files/Suwannee%20Final%202018.pdf>.

⁷² United States Fish & Wildlife Service, *Suwannee River Watershed: Conserving the Georgia/Florida Connection*, available at https://www.fws.gov/northflorida/Documents/NFL_Suwannee_factsheet.pdf.

⁷³ DEP, *Big Bend Seagrasses Aquatic Preserve- Management and Protection of Seagrasses*, <https://floridadep.gov/rcp/aquatic-preserve/content/big-bend-seagrasses-aquatic-preserve-management-and-protection> (last visited Jan. 29, 2020).

the Gulf.⁷⁴ The Apalachicola River and the adjoining Chattahoochee and Flint Rivers comprise a drainage system encompassing more than 19,000 square miles of southern Georgia, eastern Alabama, and northern Florida.⁷⁵

The area harbors one of the highest concentrations of threatened and endangered species in the United States.⁷⁶ Apalachicola Bay is a productive estuary, supplying approximately 90% of the oysters in Florida and 10% nationally, and is an important nursery ground for numerous commercially and recreationally important fish and invertebrate species.⁷⁷ The coastal systems within the Apalachicola River System are nationally recognized for their important environmental resources through designations such as State Aquatic Preserve,⁷⁸ Outstanding Florida Water,⁷⁹ and National Estuarine Research Reserve.⁸⁰

Diminished flow rates resulting from recent droughts and upstream consumptive water uses have impacted the ecology of the river systems and Apalachicola Bay, which is directly influenced by the amount, timing, and duration of freshwater inflow from the Apalachicola River.⁸¹

Florida Resilient Coastlines Program

DEP's Florida Resilient Coastlines Program helps prepare coastal communities and habitats for the effects of climate change and sea level rise by offering technical assistance and funding to communities dealing with coastal flooding, erosion, and ecosystem changes.⁸² Resiliency is generally addressed at a local government level, and each local government may have unique goals, needs, and available resources. The Florida Resilient Coastlines Program provides financial assistance to local governments aimed at preparing coastal communities for the current and future effects of rising sea levels.⁸³ In 2019, DEP awarded funding for numerous projects providing assistance to coastal communities.⁸⁴ Priority areas include implementing statutory requirements and objectives, vulnerability assessments, adaptation plans, regional efforts, and environmental justice.⁸⁵

⁷⁴ Department of Economic Opportunity, *Apalachicola Bay Area*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/city-of-apalachicola> (last visited Jan. 30, 2020); see also, U.S. Fish and Wildlife Service, *Next Steps for a Healthy Gulf of Mexico Watershed*, <https://www.fws.gov/southeast/gulf-restoration/next-steps/focal-area/greater-apalachicola-basin/> (last visited Jan. 30, 2020).

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ DEP, *Apalachicola Bay Aquatic Preserve*, <https://floridadep.gov/rcp/aquatic-preserve/locations/apalachicola-bay-aquatic-preserve> (last visited Jan. 30, 2020).

⁷⁹ Fla. Admin. Code R. 62-302.700.

⁸⁰ DEP, *National Estuarine Research Reserves – Apalachicola*, <https://floridadep.gov/RCP/NERR-Apalachicola> (last visited Jan. 30, 2020).

⁸¹ U.S. Fish and Wildlife Service, *Next Steps for a Healthy Gulf of Mexico Watershed*, <https://www.fws.gov/southeast/gulf-restoration/next-steps/focal-area/greater-apalachicola-basin/> (last visited Jan. 30, 2020).

⁸² DEP, *Florida Resilient Coastlines Program*, <https://floridadep.gov/rcp/florida-resilient-coastlines-program> (last visited Feb. 3, 2020).

⁸³ DEP, *Funding Opportunities*, <https://floridadep.gov/rcp/florida-resilient-coastlines-program/content/funding-opportunities> (last visited Feb. 3, 2020).

⁸⁴ DEP, *Funded Projects*, <https://floridadep.gov/rcp/florida-resilient-coastlines-program/content/funded-projects> (last visited Feb. 3, 2020).

⁸⁵ DEP, *Resiliency Planning Grants, Fiscal Year 2020-2021, Grant Goals and Priorities*, available at <https://floridadep.gov/sites/default/files/RPG-FY-20-21-Goals-and-Priorities.pdf>.

Indian River Lagoon

The Indian River Lagoon system (IRL) is a 156-mile-long estuary spanning approximately 40 percent of Florida's east coast.⁸⁶ There are six coastal counties in the IRL watershed: Volusia, Brevard, Indian River, St. Lucie, Martin, and Palm Beach.⁸⁷ There are three interconnected lagoons in the IRL basin: Mosquito Lagoon, Banana River Lagoon, and Indian River Lagoon.⁸⁸ The IRL is one of the most biologically diverse estuaries in North America.⁸⁹ It is home to more than 2,000 species of plants, 600 species of fish, 300 species of birds, and 53 threatened or endangered species.⁹⁰ In 2014, the estimated annual economic value received from the IRL was approximately \$7.6 billion, around \$1.57 billion of which is attributable to recreation and visitor-related activity.⁹¹ Industry groups that are directly influenced by the IRL support nearly 72,000 jobs.⁹²

The IRL ecosystem has been harmed by human activities in the region. Stormwater runoff from urban and agricultural areas, wastewater treatment facility discharges, canal discharges, septic systems, animal waste, and fertilizer applications have led to harmful levels of nutrients and sediments entering the lagoon.⁹³ These pollutants create cloudy conditions, feed algal blooms, and lead to muck accumulation, all of which negatively impact the seagrass that provides habitat for much of the IRL's marine life.⁹⁴ During the 2011 "Superbloom," intense algal blooms of phytoplankton occurred throughout most of the IRL, lasting for seven months and resulting in massive losses of seagrass that has yet to fully recover.⁹⁵ There have also been recurring brown tides; unusual mortalities of dolphins, manatees, and shorebirds; and large fish kills due to low dissolved oxygen from decomposing algae.⁹⁶ Brown tide is a type of algal bloom dominated by a brown, microscopic marine algae, which can be harmful to ecosystems in high concentrations, and was first documented in state waters in 2012.⁹⁷ The St. Lucie Estuary is a major tributary to

⁸⁶ IRLNEP, *About the Indian River Lagoon*, <http://www.irlcouncil.com/> (last visited Jan. 30, 2019).

⁸⁷ DEP, Basin Management Action Plan, *Indian River Lagoon Basin Central Indian River Lagoon*, xi (2013), available at <https://floridadep.gov/sites/default/files/central-irl-bmap.pdf>.

⁸⁸ DEP, *TMDL Report, Nutrient and Dissolved Oxygen TMDLs for the Indian River Lagoon and Banana River Lagoon*, 1 (Mar. 2009), available at <https://floridadep.gov/sites/default/files/indian-banana-nutrient-do-tmdl.pdf>.

⁸⁹ IRLNEP, *About the Indian River Lagoon*, <http://www.irlcouncil.com/> (last visited Jan. 30, 2020).

⁹⁰ *Id.*

⁹¹ East Central Florida Regional Planning Council and Treasure Coast Regional Planning Council, *Indian River Lagoon Economic Valuation Update*, vi, ix (Aug. 26, 2016), available at http://tcrpc.org/special_projects/IRL_Econ_Valu/FinalReportIRL08_26_2016.pdf.

⁹² *Id.* at ix.

⁹³ *Save Our Lagoon* at xii; Marine Resources Council, *Indian River Lagoon Health Update*, 4-7 (2018), available at <https://savetheirl.org/wp-content/uploads/mrc-report-card-2018-min.pdf>.

⁹⁴ *Save Our Lagoon* at xii.

⁹⁵ IRL 2011 Consortium, *Indian River Lagoon 2011 Superbloom - Plan of Investigation*, 2-3 (2012), available at http://www.irlcouncil.com/uploads/7/9/2/7/79276172/2011superbloom_investigationplan_june_2012.pdf; IRLNEP, *Annual Report - 2018*, 9 (2018), available at http://www.irlcouncil.com/uploads/7/9/2/7/79276172/2018annualrept_medred.pdf.

⁹⁶ *Save Our Lagoon* at xii.

⁹⁷ SJRWMD, *Renewing the Lagoon - Frequently Asked Questions*, <https://www.sjrwmd.com/waterways/renew-lagoon/#faq-01> (last visited Nov. 25, 2019); FWC, *Effects of Brown Tide in the Indian River Lagoon* (2012), <https://myfwc.com/research/redtide/monitoring/historical-events/brown-tide/> (last visited Nov. 25, 2019).

the southern IRL, so freshwater discharges from Lake Okeechobee, which can include toxic cyanobacteria, also impact the IRL.⁹⁸

Coral Reef Protection

Coral reefs are valuable natural resources. They protect coastlines by reducing wave energy from storms and hurricanes. They serve as a source of food and shelter and provide critical habitat for over 6,000 species, including commercially important fisheries. Many medicines, as well as other health and beauty products, are derived from marine plants, algae, and animals found on coral reefs.⁹⁹ Coral reefs in southeast Florida support a rich and diverse assemblage of stony corals, octocorals, macroalgae, sponges, and fishes. These ecological communities extend over 330 nautical miles from the Dry Tortugas to the St. Lucie Inlet in Martin County.¹⁰⁰

People use coral reefs as a resource for recreation, education, scientific research, and public inspiration. Millions of tourists and local residents enjoy scuba diving, snorkeling, and fishing on Florida's coral reefs. A study of reefs along southeast Florida and the Florida Keys showed that fishing, diving, and boating-related expenditures generate \$6.3 billion in sales and income and sustain more than 71,000 jobs annually.¹⁰¹

Unfortunately, coral reefs are vulnerable to harmful environmental changes, particularly those resulting from human activities. Corals are highly sensitive to even small temperature changes and can react through bleaching, reduced growth rates, reduced reproduction, increased vulnerability to diseases, and die-offs. In recent years, corals have experienced declines due to a combination of factors including coral disease, coral bleaching, high ocean temperatures, and human impacts.¹⁰²

The Florida Coral Reef Protection Act requires responsible parties to notify DEP when they run their vessel aground, strike, or otherwise damage coral reefs. The responsible party must remove the vessel and work with DEP to assess the damage and restore the reef.¹⁰³ DEP may require the responsible party to pay the cost of assessment and restoration, as well as pay a fine.¹⁰⁴

Florida Coral Reef Programs

The Coral Reef Conservation Program (CRCP) within DEP oversees several programs and initiatives to coordinate research and monitoring, develop management strategies, and promote partnerships to protect coral reefs, hard bottom communities, and associated reef resources of southeast Florida.¹⁰⁵ The CRCP is a member of the U.S. Coral Reef Task Force and leads the

⁹⁸ DEP, Basin Management Action Plan, *St. Lucie River and Estuary Basin*, xi (2013), available at <https://floridadep.gov/sites/default/files/stlucie-estuary-nutr-bmap.pdf>; IRLNEP, *Annual Report - 2018*, 9 (2018); Marine Resources Council, *Indian River Lagoon Health Update*, 11 (2018).

⁹⁹ DEP, *Coral Reef Conservation Program*, <https://floridadep.gov/rcp/coral> (last visited Jan. 30, 2020); DEP, *Coral Reef Conservation Program 2011-2016 Strategic Plan*, 3 (July 2011), available at https://floridadep.gov/sites/default/files/CRCP_Strategic_Plan_2011-2016.pdf.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² DEP, *Florida's Coral Reefs*, <https://floridadep.gov/rcp/rcp/content/floridas-coral-reefs> (last visited Jan. 30, 2020).

¹⁰³ Section 403.93345(5), F.S.

¹⁰⁴ Section 403.93345(6), (7), and (8), F.S.

¹⁰⁵ *Id.*

Southeast Florida Coral Reef Initiative (SEFCRI), which is a national action plan to develop and implement strategies to reduce key threats to coral reef resources in southeast Florida through collaborative action among government and non-governmental partners.¹⁰⁶

FWC also plays a role in protecting Florida's coral reefs. Through the Coral Reef Evaluation and Monitoring Project (CREMP), FWC has monitored the condition of coral reef and hard bottom habitats annually throughout the Florida Keys since 1996, southeast Florida since 2003, and the Dry Tortugas since 2004. The CREMP was able to document the temporal changes that have occurred in recent years.¹⁰⁷

Red Tide

In the waters around Florida, particularly in the Gulf of Mexico, such high concentrations of algae occur that the water turns red or brown.¹⁰⁸ These harmful algal blooms are known as “red tide,” and have been observed for centuries.¹⁰⁹ In the Gulf of Mexico and around Florida, the species that causes most red tide is *Karenia brevis* (*K. brevis*).¹¹⁰ *K. brevis* is a single-celled algae that occurs in marine and estuarine waters in Florida.¹¹¹ *K. brevis* produces neurotoxins called brevetoxins that can sicken or kill fish, seabirds, turtles, and marine mammals.¹¹² Wave action can break open *K. brevis* cells and release the brevetoxins into the air, and with winds blowing onshore. This can lead to respiratory irritation in humans, and potentially serious illness for people with severe or chronic respiratory conditions.¹¹³ The red tide toxins can also accumulate in animals such as oysters and clams, which can lead to Neurotoxic Shellfish Poisoning in people who consume contaminated shellfish.¹¹⁴ Though this is less common, blooms of *K. brevis* can also contribute to fish kills by depleting the water of dissolved oxygen.¹¹⁵ The algae causing red tide is different from the cyanobacteria (often called “blue-green algae”) found in freshwater systems such as Lake Okeechobee.¹¹⁶

In 2018, the Governor issued executive orders declaring a state of emergency in 14 counties for red tide algae blooms.¹¹⁷ These harmful algal blooms can result in significant costs associated

¹⁰⁶ DEP, *Southeast Florida Coral Reef Initiative*, <https://floridadep.gov/CoralReefs> (last visited Jan. 30, 2020); SEFCRI, *What is SEFCRI?*, <http://southeastfloridareefs.net/about-us/what-is-sefcric/> (last visited Jan. 30, 2020).

¹⁰⁷ FWC, *Coral Reef Evaluation and Monitoring Project (CREMP)*, <http://myfwc.com/research/habitat/coral/cremp/> (last visited Jan. 30, 2020).

¹⁰⁸ FWC, *Red Tide FAQ*, <https://myfwc.com/research/redtide/faq/> (last visited Jan. 31, 2020).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ FWC, *Karenia Brevis: Fact Sheet*, available at <https://myfwc.com/media/12422/karenia-brevis-factsheet.pdf>; Mote Marine Laboratory, *Phytoplankton Ecology*, <https://mote.org/research/program/phytoplankton-ecology> (last visited Jan. 31, 2020). *K. brevis* is a “phytoplankton” because it does photosynthesis like a plant.

¹¹² FWC, *Karenia Brevis: Fact Sheet*.

¹¹³ Mote Marine Laboratory, *Florida Red Tide FAQ's*, <https://mote.org/news/florida-red-tide> (last visited Jan. 31, 2020).

¹¹⁴ FWC, *Karenia Brevis: Fact Sheet*, available at <https://myfwc.com/media/12422/karenia-brevis-factsheet.pdf>.

¹¹⁵ *Id.*

¹¹⁶ FWC, *Red Tide FAQ*, <https://myfwc.com/research/redtide/faq/> (last visited Jan. 31, 2020); DEP, *Freshwater Algal Blooms, Frequently Asked Questions* (2019), available at https://floridadep.gov/sites/default/files/freshwater-algal-bloom-faqs_2019.pdf.

¹¹⁷ Office of Economic & Demographic Research, *Annual Assessment of Florida's Water Resources and Conservation Lands, 2019 Edition*, 154-155 (2019) available at http://edr.state.fl.us/Content/natural-resources/LandandWaterAnnualAssessment_2019Edition.pdf.

with public health, recreation and tourism, and management and monitoring.¹¹⁸ Red tides can last as little as a few weeks or longer than a year.¹¹⁹ The duration of a *K. brevis* bloom depends on the conditions that influence its growth and persistence, including sunlight, nutrients, and salinity, as well as the speed and direction of wind and water currents.¹²⁰ Florida's red tides develop 10-40 miles offshore, away from human-contributed nutrient sources.¹²¹ Once red tides are transported to shore, they are capable of using human-caused nutrient pollution for their growth.¹²² Currently, there is no practical and acceptable way to control or kill red tide blooms.¹²³

In 2019, the Legislature established the Florida Red Tide Mitigation and Technology Development Initiative.¹²⁴ This initiative is a partnership between FWC and Mote Marine Laboratory, and its objective is to develop and implement technologies and approaches that will decrease the impacts of Florida red tide on the environment, economy, and quality of life in Florida.¹²⁵ The 2019 legislation provides FWC an annual appropriation of \$3 million for six years to implement the initiative.¹²⁶ The initiative will work together with FWC's Harmful Algal Bloom Task Force, which also focuses on red tide issues.¹²⁷

Florida Forever Program

As a successor to Preservation 2000, the Legislature created the Florida Forever program in 1999 as the blueprint for conserving Florida's natural resources.¹²⁸ The Florida Forever Act reinforced the state's commitment to conserve its natural and cultural heritage, provide urban open space, and better manage the land acquired by the state.¹²⁹ Florida Forever encompasses a wide range of goals including: land acquisition; environmental restoration; water resource development and supply; increased public access; public lands management and maintenance; and increased protection of land through the purchase of conservation easements.¹³⁰ The state has acquired more than 2.4 million acres since 1991 under the Preservation 2000 and Florida Forever programs.¹³¹

¹¹⁸ *Id.* at 156.

¹¹⁹ FWC, *Red Tide FAQ*, <https://myfwc.com/research/redtide/faq/> (last visited Jan. 30, 2020).

¹²⁰ *Id.*

¹²¹ Mote Marine Laboratory, *Florida Red Tide FAQ's*, <https://mote.org/news/florida-red-tide> (last visited Jan. 30, 2020).

¹²² *Id.*; see Mote Marine Laboratory, *News & Press: Nutrients that Feed Red Tide "Under the Microscope" in Major Study*, <https://mote.org/news/article/nutrients-that-feed-red-tide-under-the-microscope-in-major-study> (last visited Jan. 30, 2020).

¹²³ FWC, *Red Tide FAQ*, <https://myfwc.com/research/redtide/faq/> (last visited Jan. 30, 2020).

¹²⁴ Chapter 2019-114, Laws of Fla.; s. 379.2273, F.S.

¹²⁵ Section 379.2273, F.S.; Mote Marine Laboratory, *Florida Red Tide Mitigation and Technology Development Initiative*, <https://mote.org/research/program/Florida-Red-Tide-Mitigation-and-Technology-Development-Initiative> (last visited Jan. 30, 2020).

¹²⁶ Chapter 2019-114, s. 2, Laws of Fla.

¹²⁷ DEP, *State Task Force Efforts: Red Tide Task Force*, <https://protectingfloridatogether.gov/state-action/red-tide-task-force> (last visited Jan. 30, 2020); see also Office of Economic & Demographic Research, *Annual Assessment of Florida's Water Resources and Conservation Lands, 2020 Edition*, 76 (2020), available at http://edr.state.fl.us/Content/natural-resources/LandandWaterAnnualAssessment_2020Edition.pdf.

¹²⁸ Chapter 99-247, Laws of Fla.

¹²⁹ DEP, *Florida Forever Five Year Plan* (2019), 49, available at <http://publicfiles.dep.state.fl.us/DSL/FFWeb/Current%20Florida%20Forever%20Five-Year%20Plan.pdf>.

¹³⁰ Section 259.105, F.S.

¹³¹ DEP, *Frequently Asked Questions about Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/faq-florida-forever> (last visited Jan. 30, 2020); see Florida Natural Areas Inventory, *Summary of Florida*

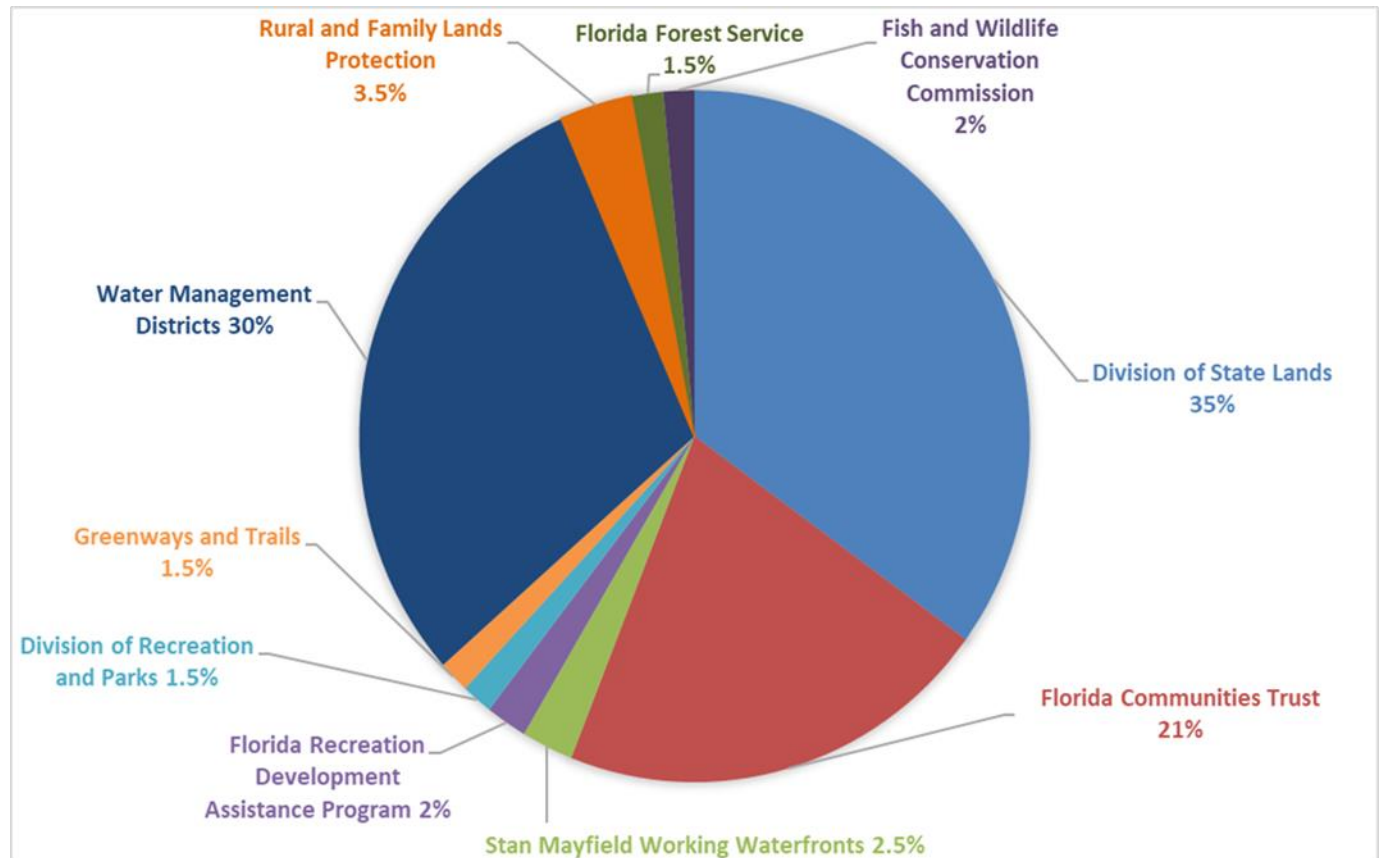
Under Florida Forever, the issuance of up to \$5.3 billion in Florida Forever bonds is authorized to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements¹³² to lands and water areas which accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.¹³³

The Florida Forever Trust Fund was created to serve as the repository for Florida Forever bond proceeds to fund the Florida Forever Program. The Florida Forever Trust Fund is administered by DEP. DEP is required to distribute revenues from the Florida Forever Trust Fund in accordance with s. 259.105(3), F.S., which sets forth the allocation of the proceeds of cash payments or bonds deposited into the Florida Forever Trust Fund and is depicted in the graph below.

Conservation Lands (Feb. 2019), available at https://www.fnai.org/PDF/Maacres_201902_FCL_plus_LTF.pdf for a complete summary of the total amount of conservation lands in Florida.

¹³² As defined in s. 259.03, F.S., the terms “capital improvement” or “capital project expenditure” when used in ch. 259, F.S., mean “those activities relating to the acquisition, restoration, public access, and recreational uses of such lands, water areas, and related resources deemed necessary to accomplish the purposes of this chapter. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities’ signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary services for land or water areas. Such activities shall be identified prior to the acquisition of a parcel or the approval of a project. The continued expenditures necessary for a capital improvement approved under this subsection shall not be eligible for funding provided in this chapter.”

¹³³ Section 215.618, F.S.



Rural and Family Lands Protection Program – 3.5 Percent

The Rural and Family Lands Protection Program within the Department of Agriculture and Consumer Services (DACS) is an agricultural land preservation program designed to protect important agricultural lands through the acquisition of permanent agricultural land conservation easements.¹³⁴ The purpose of the program is to promote and improve wildlife habitat; protect and enhance water bodies, aquifer recharge areas, wetlands, and watersheds; perpetuate open space on lands with significant natural areas; or protect agricultural lands threatened by conversion to other uses.¹³⁵ Under the program, lands must be acquired pursuant to a priority ranking process developed by DACS, DEP, the water management districts, the Department of Economic Opportunity, and FWC.¹³⁶ Preference must be given to ranch and timber lands that are managed using sustainable practices.¹³⁷

¹³⁴ Department of Agriculture and Consumer Services (DACS), *Rural and Family Lands Protection Program*, <https://www.fdacs.gov/Divisions-Offices/Florida-Forest-Service/Our-Forests/Land-Planning-and-Administration-Section/Rural-and-Family-Lands-Protection-Program> (last visited Jan. 30, 2020); see DEP, *Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/florida-forever> (last visited Jan. 30, 2020).

¹³⁵ Section 570.71, F.S.

¹³⁶ *Id.*; see Fla. Admin. Code Ch. 5I-7.

¹³⁷ Section 570.71, F.S.

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 \$100.¹³⁸

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for land and water conservation and restoration. 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). 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.¹³⁹

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.¹⁴⁰

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.

¹³⁸ See ss. 201.02 and 201.08, F.S.

¹³⁹ FLA. CONST. art. X, s. 28(b)(1).

¹⁴⁰ Ch. 2015-229, ss. 9 and 50, Laws of Fla.

- Then, 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 the CERP; and
 - Any remaining funds for Everglades projects under the CERP, the Long-Term Plan, or the 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; and
 - \$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.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.¹⁴¹

The General Revenue Estimating Conference in January 2020 estimated that for the 2020-2021 Fiscal Year a total of \$2.925 billion would be collected in documentary stamp taxes.¹⁴² Thirty-three percent of the net revenues collected, or approximately \$962.28 million, must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution. Of that number, \$157.60 million is committed to debt service, leaving \$804.68 million to be distributed for the uses specified by s. 375.041, F.S., and other purposes in accordance with the General Appropriations Act.¹⁴³

III. Effect of Proposed Changes:

The bill creates a new section of law that includes an annual appropriation, beginning in fiscal year 2020-2021, of a minimum of \$625 million for the purposes of Everglades restoration and the protection of water resources in the state. The appropriation would be for three years and would be repealed on June 30, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

¹⁴¹ Section 375.041(3)-(4), F.S.

¹⁴² Office of Economic & Demographic Research (EDR), Revenue Estimating Conference, *Documentary Stamp Tax Collections and Distributions* (Jan. 2020), <http://edr.state.fl.us/Content/conferences/docstamp/> (last visited Jan. 30, 2020); see EDR, *Extended Doc Stamp Forecast*, available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampextendedforecast.pdf>.

¹⁴³ *Id.*

The bill specifies that the funding must be used for a science-based process to identify projects that are needed to achieve restoration and protection.

The bill states that for fiscal year 2020-2021, and annually thereafter, a minimum of \$625 million shall be appropriated in the following distributions as delineated in the 2020-2021 General Appropriations Act:

- A minimum of \$236 million for Everglades projects in accordance with the Land Acquisition Trust Fund (LATF).
- \$64 million for the Everglades Agricultural Area reservoir project in accordance with LATF.
- \$50 million for springs restoration in accordance with LATF.
- A minimum of \$40 million for alternative water supplies or water conservation.
- A minimum of \$25 million for projects within the watersheds of the St. Johns River, the Suwannee River, and the Apalachicola River.
- A minimum of \$10 million for the Florida Resilient Coastline Initiative.
- A minimum of \$50 million to the South Florida Water Management District for the design, engineering, and construction of aquifer storage and recovery wells.
- A minimum of \$4 million as delineated in the 2020-2021 General Appropriations Act for red tide research.

After the above distributions, any remaining balance must be allocated to fund any of the following:

- Targeted water quality improvements.
- Alternative water supplies or water conservation.
- Water quality enhancements and accountability, innovative technologies, and harmful algal bloom prevention and mitigation.
- Land acquisition or easement acquisition, including, but not limited to, lands or easements purchased pursuant to the Florida Forever program or the Rural and Family Lands Protection Program.
- Coral reef protection and restoration.
- Projects within the watersheds of the Indian River Lagoon.

The bill revises the distribution of funds for certain Everglades projects under LATF to allocate \$236 million for those projects. Pursuant to the LATF statute, the appropriation is for Everglades projects that implement the Comprehensive Everglades Restoration Plan, including the Central Everglades Planning Project, the Long-Term Plan, and the Northern Everglades and Estuaries Protection Program. The bill provides that this revision expires on June 30, 2023, and the statutory text reverts to the text in existence on June 30, 2020, except for the preservation of other amendments to the same text.

The bill takes effect on July 1, 2020.

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 provides an appropriation of \$625 million for fiscal year 2020-2021 through 2022-2023.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 373.477 of the Florida Statutes.

This bill substantially amends section 375.041 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 Committee on February 3, 2020:**

- Clarifies that a minimum of \$625 million shall be appropriated as delineated in the 2020-2021 General Appropriations Act.
- Removes the Department of Environmental Protection as the specified recipient of several appropriations.
- Separates the appropriations for Everglades projects and the Everglades Agricultural Area reservoir project into two appropriations, with \$236 million for Everglades projects and \$64 million for the Everglades Agricultural Area reservoir project.
- Clarifies that the appropriation for springs restoration in accordance with the Land Acquisition Trust Fund is in the amount of \$50 million.
- Increases the appropriation for projects within the watersheds of the St. Johns River, Suwannee River, and Apalachicola River to \$25 million.
- Deletes appropriations of \$10 million for coral reef protection and restoration and \$15 million for projects within the watersheds of the Indian River Lagoon.
- Adds an appropriation of \$10 million for the Florida Resilient Coastline Initiative.
- Revises the appropriation of \$4 million for red tide research to specify that funds are appropriated as delineated in the 2020-2021 General Appropriations Act rather than to the Fish and Wildlife Conservation Commission.
- Revises the projects allowable from the remaining balance of the appropriation after the specific distributions to include projects for coral reef protection and restoration and projects within the watersheds of the Indian River Lagoon.
- Revises the distribution of funds for Everglades projects under the Land Acquisition Trust Fund and clarifies that this revision expires on June 30, 2023 and the text of the paragraph shall revert.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2020	.	
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	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 373.477, Florida Statutes, is created to
read:

373.477 Everglades restoration and protection of water
resources.—For fiscal year 2020-2021, and annually thereafter, a
minimum of \$625 million shall be appropriated as provided in
this section for the purposes of Everglades restoration and the



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protection of water resources in this state. The funding must be used for a science-based process to identify projects that are needed to achieve such restoration and protection.

(1) For fiscal year 2020-2021, and annually thereafter, a minimum of \$625 million shall be appropriated in the following distributions as delineated in the 2020-2021 General Appropriations Act:

(a) A minimum of \$236 million for Everglades projects in accordance with the provisions of s. 375.041(3)(b)1.

(b) The sum of \$64 million in accordance with s. 375.041(3)(b)4., for the Everglades Agricultural Area reservoir project.

(c) The sum of \$50 million for springs restoration in accordance with s. 375.041(3)(b)2.

(d) A minimum of \$40 million for alternative water supplies or water conservation.

(e) A minimum of \$25 million as delineated in the 2020-2021 General Appropriations Act for projects within the watersheds of the St. Johns River, the Suwannee River, and the Apalachicola River.

(f) A minimum of \$10 million for the Florida Resilient Coastline Initiative.

(g) A minimum of \$50 million to the South Florida Water Management District for the design, engineering, and construction of aquifer storage and recovery wells.

(h) A minimum of \$4 million as delineated in the 2020-2021 General Appropriations Act for red tide research.

(2) Any remaining balance after the distributions indicated in subsection (1) shall be allocated to fund any of the



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following:

(a) Targeted water quality improvements.

(b) Alternative water supplies or water conservation.

(c) Water quality enhancements and accountability, innovative technologies, and harmful algal bloom prevention and mitigation.

(d) Land acquisition or easement acquisition, including, but not limited to, lands or easements purchased pursuant to the Florida Forever program or the Rural and Family Lands Protection Program.

(e) Coral reef protection and restoration.

(f) Projects within the watersheds of the Indian River Lagoon.

(3) This section is repealed on June 30, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Paragraph (b) of 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:

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

1. A minimum of \$236 million ~~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



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69 authorization; the Long-Term Plan as defined in s. 373.4592(2);
70 and the Northern Everglades and Estuaries Protection Program as
71 set forth in s. 373.4595. From these funds, \$32 million shall be
72 distributed each fiscal year through the 2023-2024 fiscal year
73 to the South Florida Water Management District for the Long-Term
74 Plan as defined in s. 373.4592(2). After deducting the \$32
75 million distributed under this subparagraph, from the funds
76 remaining, a minimum of the lesser of 76.5 percent or \$100
77 million shall be appropriated each fiscal year through the 2025-
78 2026 fiscal year for the planning, design, engineering, and
79 construction of the Comprehensive Everglades Restoration Plan as
80 set forth in s. 373.470, including the Central Everglades
81 Planning Project, the Everglades Agricultural Area Storage
82 Reservoir Project, the Lake Okeechobee Watershed Project, the C-
83 43 West Basin Storage Reservoir Project, the Indian River
84 Lagoon-South Project, the Western Everglades Restoration
85 Project, and the Picayune Strand Restoration Project. The
86 Department of Environmental Protection and the South Florida
87 Water Management District shall give preference to those
88 Everglades restoration projects that reduce harmful discharges
89 of water from Lake Okeechobee to the St. Lucie or Caloosahatchee
90 estuaries in a timely manner. For the purpose of performing the
91 calculation provided in this subparagraph, the amount of debt
92 service paid pursuant to paragraph (a) for bonds issued after
93 July 1, 2016, for the purposes set forth under paragraph (b)
94 shall be added to the amount remaining after the payments
95 required under paragraph (a). The amount of the distribution
96 calculated shall then be reduced by an amount equal to the debt
97 service paid pursuant to paragraph (a) on bonds issued after



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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 paragraph (b) 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 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



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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. Notwithstanding subparagraph 3., for the 2019-2020 fiscal year, funds shall be appropriated as provided in the General Appropriations Act. This subparagraph expires July 1, 2020.

Section 3. The amendment made to s. 375.041(3)(b), Florida Statutes, by this act expires June 30, 2023, and the text of that paragraph shall revert to that in existence on June 30, 2020, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 4. This act shall take effect July 1, 2020.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to environmental protection; creating
s. 373.477, F.S.; requiring a minimum annual
appropriation for Everglades restoration and the
protection of water resources in this state beginning
in a specified fiscal year; specifying requirements
for the allocation of such funding; providing for



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156 future repeal of the appropriation unless reviewed and
157 saved from repeal through reenactment by the
158 Legislature; amending s. 375.041, F.S.; revising the
159 minimum annual appropriation for certain
160 appropriations from the Land Acquisition Trust Fund;
161 providing that such revisions expire on a specified
162 date; providing an effective date.

By Senator Bradley

5-01697C-20

20201878__

A bill to be entitled

An act relating to environmental protection; creating s. 373.477, F.S.; requiring a minimum annual appropriation for Everglades restoration and the protection of water resources in this state beginning in a specified fiscal year; providing requirements for the allocation of such funding; providing for future repeal of the appropriation unless reviewed and saved from repeal through reenactment by the Legislature; providing an effective date.

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

Section 1. Section 373.477, Florida Statutes, is created to read:

373.477 Everglades restoration and protection of water resources.—For fiscal year 2020-2021, and annually thereafter, a minimum of \$625 million shall be appropriated as provided in this section for the purposes of Everglades restoration and the protection of water resources in this state. The funding must be used for a science-based process to identify projects that are needed to achieve such restoration and protection.

(1) The annual appropriations to the Department of Environmental Protection must provide for the following distributions:

(a) The greater of \$300 million or as provided pursuant to s. 375.041(3)(b)1., for Everglades restoration, and s. 375.041(3)(b)4., for the Everglades Agricultural Area reservoir project.

5-01697C-20

20201878__

30 (b) The sum of \$50 million to the South Florida Water
31 Management District for the design, engineering, and
32 construction of aquifer storage and recovery wells.

33 (c) Funding for spring restoration pursuant to s.
34 375.041(3)(b)2.

35 (d) The sum of \$40 million for alternative water supplies
36 or water conservation.

37 (e) The sum of \$15 million for projects within the
38 watersheds of the St. Johns River, the Suwannee River, and the
39 Apalachicola River.

40 (f) The sum of \$15 million for projects within the
41 watersheds of the Indian River Lagoon.

42 (g) The sum of \$10 million for coral reef protection and
43 restoration.

44 (2) The sum of \$4 million to the Fish and Wildlife
45 Conservation Commission for red tide research.

46 (3) Any remaining balance shall be allocated to fund any of
47 the following:

48 (a) Targeted water quality improvements.

49 (b) Alternative water supplies or water conservation.

50 (c) Water quality enhancements and accountability,
51 innovative technologies, and harmful algal bloom prevention and
52 mitigation.

53 (d) Land acquisition or easement acquisition, including,
54 but not limited to, lands or easements purchased pursuant to the
55 Florida Forever program or the Rural and Family Lands Protection
56 Program.

57 (4) This section is repealed on June 30, 2023, unless
58 reviewed and saved from repeal through reenactment by the

5-01697C-20

20201878__

59 Legislature.

60 Section 2. This act shall take effect July 1, 2020.

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 688

INTRODUCER: Environment and Natural Resources Committee and Senator Wright

SUBJECT: Illegal Taking and Possession of Bears

DATE: February 3, 2020

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 688 creates a section of law that increases the penalty for taking or possessing a freshly killed bear from a Level Two violation (a second-degree misdemeanor for the first offense) to a Level Three violation (a first-degree misdemeanor for the first offense). The bill also makes a subsequent offender of such taking or possession permanently ineligible for any other permit or license issued by the Fish and Wildlife Conservation Commission.

The bill also makes the sale or attempted sale of a bear taken in violation of the section a Level Four violation (a third-degree felony).

II. Present Situation:

Florida Black Bear

The Florida black bear (*Ursus americanus floridanus*) is a subspecies of the American black bear (*Ursus americanus*)¹ that has historically ranged throughout Florida, southern Georgia, and southern Alabama.² Once roaming across Florida, the Florida black bear is now mainly located

¹ FWC, *Florida Black Bear Management Plan*, 1 (Oct. 8, 2019), available at <https://myfwc.com/media/21923/2019-draft-bear-management-plan.pdf>.

² *Id.*

in fragmented areas across the state covering about 49% of its historic range.³ Due to loss of habitat and unregulated hunting, the population was reduced to an estimated 300-500 bears during the 1970s.⁴ The massive population decline led to the Florida Fish and Wildlife Conservation Commission (FWC) to classify the Florida black bear as a threatened species in 1974.⁵

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 at risk for extinction. In 2012 the Florida black bear was removed from the state threatened species list.⁶

Population

The Florida black bear population is comprised of seven distinct sub-populations. They are Apalachicola; Eglin; Osceola; Ocala/St. Johns; Chassahowitzka; Highland/Glades; and Big Cypress.⁷ During 2014-2015, FWC conducted a statewide population assessment for Florida black bears and found that bear populations had increased substantially in certain sub-populations and increased by approximately 53 percent statewide.⁸ Even though the Florida black bear population is growing, the bears still only reside in the seven disconnected sub-groups across the state.⁹

Each subpopulation is separated into a bear management unit (BMU). A BMU is a geographic location bounded by county and/or state borders with one of the seven Florida black bear sub-populations within it.¹⁰ The goal of a BMU is to provide a defined area within which FWC can have a community-focused effort to effectively manage and conserve Florida black bears.¹¹ FWC estimates that the current population of the Florida black bear is over 4,000.¹² A map of the BMUs and Florida black bear habitats can be seen on the following page.¹³

³ FWC, *The Florida Black Bear; Appearance*, <https://myfwc.com/wildlifehabitats/wildlife/bear/facts/appearance/> (last visited Nov. 12, 2019).

⁴ FWC, *Black Bear Research*, <http://myfwc.com/research/wildlife/terrestrial-mammals/bear/research/> (last visited Nov. 13, 2019).

⁵ *Id.*

⁶ FWC, *Bear Management Plan*, 26-27 (Jun. 27, 2012), available at <https://myfwc.com/media/14741/bear-management-plan.pdf>.

⁷ FWC, *Florida Black Bear Management Plan*, xix (Oct. 8, 2019), available at <https://myfwc.com/media/21923/2019-draft-bear-management-plan.pdf>.

⁸ FWC, *Florida Black Bear: Numbers*, <https://myfwc.com/wildlifehabitats/wildlife/bear/numbers/> (last visited Nov. 13, 2019).

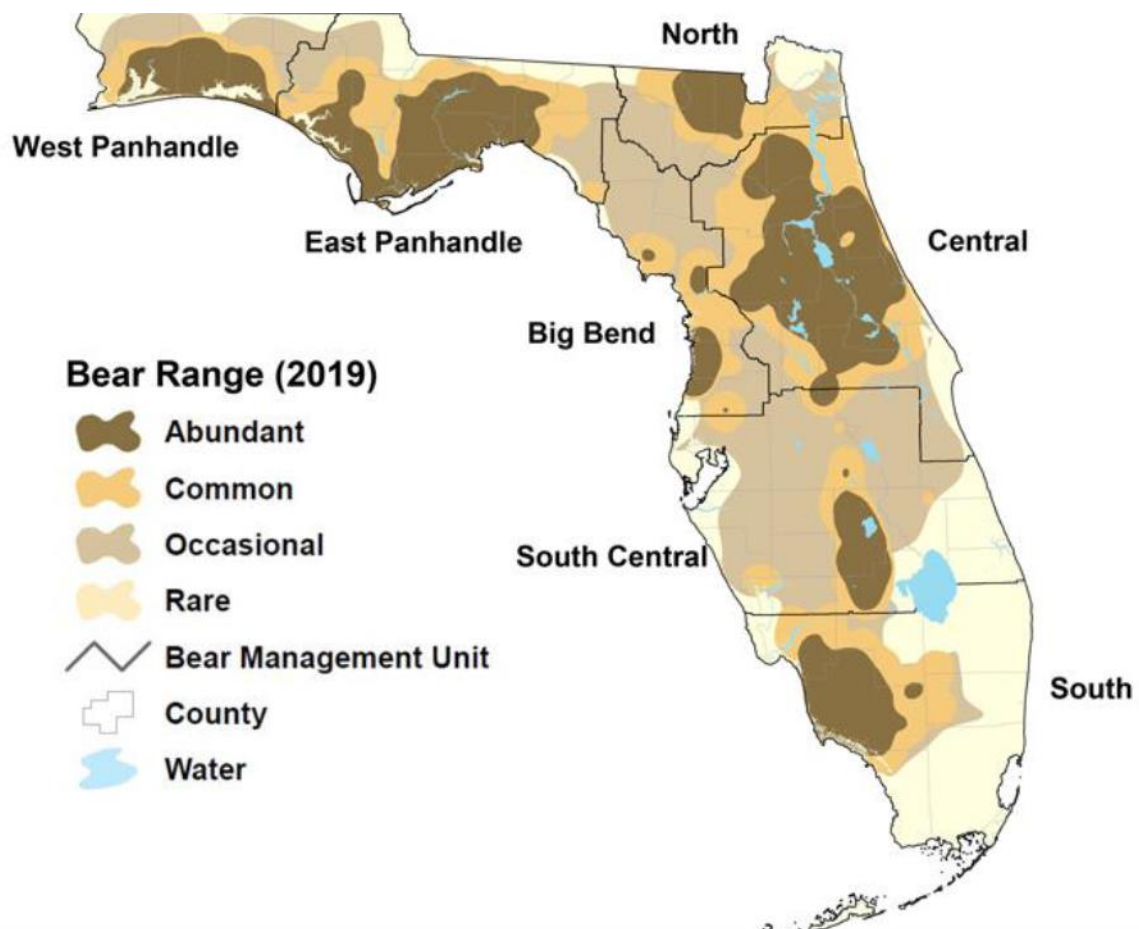
⁹ FWC, *Bear Management Plan*, vi (Jun. 27, 2012), available at <https://myfwc.com/media/14741/bear-management-plan.pdf>.

¹⁰ FWC, *BMU*, <https://myfwc.com/wildlifehabitats/wildlife/bear/bmu/> (last visited Nov. 13, 2019).

¹¹ *Id.*

¹² FWC, *Florida Black Bear Management Plan*, 1 (Oct. 8, 2019), available at <https://myfwc.com/media/21923/2019-draft-bear-management-plan.pdf>.

¹³ FWC, *Distribution Map*, <https://myfwc.com/wildlifehabitats/wildlife/bear/living/distribution-map/> (last visited Nov. 13, 2019).



Habitat

The Florida black bear is adaptable and inhabits a variety of forested habitats but thrives in areas that provide seasonally available foods, secluded areas for denning, and some degree of protection from humans.¹⁴ The optimal bear habitat in Florida is a thoroughly interspersed mixture of flatwoods, swamps, scrub oak ridges, bayheads, and hammock habitats.¹⁵

Hunting as a Management Tool

In 2015, FWC authorized the first bear hunt, opening the East Panhandle, North, Central, and South BMUs to a limited hunt.¹⁶ In 2016, FWC staff considered four options regarding the hunting of Florida black bears.¹⁷ These options included: using the same framework for the 2016 hunt as was used in 2015; authorizing a more conservative bear hunt utilizing input received from the public and stakeholders; postponing bear hunting in Florida; or prohibiting bear hunting in Florida for future years.¹⁸ FWC ultimately decided to postpone the bear hunt for 2016 with the

¹⁴ FWC, *Bear Management Plan*, 8 (Jun. 27, 2012), available at <https://myfwc.com/media/14741/bear-management-plan.pdf>.

¹⁵ *Id.*

¹⁶ FWC, *2015 Florida Black Bear Summary Report*, 1, available at <https://myfwc.com/media/13669/2015-florida-black-bear-hunt-report.pdf>.

¹⁷ FWC, *FWC to Consider Staff Recommendation for Florida Bear Hunt, Four Options on How to Move Forward* (Jun. 10, 2016), available at https://myfwc.com/media/16630/fwc-to-consider-staff-recommendation-for-florida-bear-hunt-four-options-on-how-to-move-forward_061016.pdf.

¹⁸ *Id.*

option to reopen discussion at a later date.¹⁹ Currently, there is no season where bear hunting is authorized in the state.

Penalties for Taking or Sale of Wildlife

Under Art. IV, s. 9 of the Florida Constitution, FWC is granted 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. The Legislature may enact laws that aid FWC in its exercise of regulatory functions and executive powers in the areas of planning, budgeting, personnel management, and purchasing.²⁰

FWC has a four-tier system for penalties and violations, civil penalties for noncriminal infractions, criminal penalties, and suspension and forfeiture of licenses and permits. Level One violations are considered the least serious while Level Four violations the most serious.²¹

Level Two Violations

Examples of a Level Two violation include:

- Violating rules or orders of the commission relating to seasons or time periods for the taking of wildlife, freshwater fish, or saltwater fish;
- Violating rules or orders of the commission relating to restricted hunting areas, critical wildlife areas, or bird sanctuaries;
- Violating rules or orders of the commission relating to tagging requirements for wildlife and fur-bearing animals;
- Violating rules or orders of the commission relating to the use of dogs for the taking of wildlife;
- Violating rules or orders of the commission which are not otherwise classified; and
- Violating rules or orders of the commission prohibiting the unlawful use of traps, unless otherwise provided by law.²²

¹⁹ FWC, *FWC votes to postpone bear hunting in 2016* (Jun. 22, 2016), available at https://myfwc.com/media/16632/fwc-votes-to-postpone-bear-hunting-in-2016_062216.pdf.

²⁰ FLA. CONST. art. IV, s. 9.

²¹ Section 379.401, F.S.

²² Section 379.401(2)(a), F.S.

The penalties for Level Two violations are as follows:

Level Two Violation	Type of Infraction	Civil Penalty or Jail Time	License Restrictions
First offense	2 nd Degree Misdemeanor ²³	Max: \$500 or Max: 60 days	None
Second offense within three years of previous Level Two violation (or higher)	1 st Degree Misdemeanor ²⁴	Min: \$250; Max: \$1,000 Max: one year	None
Third offense within five years of two previous Level Two violations (or higher)	1 st Degree Misdemeanor ²⁵	Min: \$500; Max: \$1,000 Max: one year	Suspension of license for one year
Fourth offense within 10 years of three previous Level Two violations (or higher)	1 st Degree Misdemeanor ²⁶	Min: \$750; Max \$1,000 or Max: one year	Suspension of license for three years

The taking of a bear during closed season is considered a Level Two violation.²⁷

Level Three Violations

Examples of a Level Three violation include:

- The illegal sale or possession of alligators;
- The taking of game, freshwater fish, or saltwater fish while a required license is suspended or revoked;
- The illegal taking and possession of deer and wild turkey.²⁸

The penalties for a Level Three violation are as follows:

Level Three Violation	Type of Infraction	Civil Penalty or Jail Time	License Restrictions
First offense	1 st Degree Misdemeanor ²⁹	Max: \$1,000 Max: one year	None
Second offense within 10 years of a previous Level Three violation (or higher)	1 st Degree Misdemeanor ³⁰	Min: \$750; Max: \$1,000 Max: one year	Suspension of license or permit for up to three years
Fishing, hunting, or trapping on a suspended or revoked license, s. 379.354(17), F.S.	1 st Degree Misdemeanor	Mandatory \$1,000 ³¹ Max: one year	May not acquire license or permit for five years

²³ Section 379.401(2)(b)1., F.S.

²⁴ Section 379.401(2)(b)2., F.S.

²⁵ Section 379.401(2)(b)3., F.S.

²⁶ Section 379.401(2)(b)4., F.S.

²⁷ Section 379.401(2)(a)1., F.S.; Fla. Admin. Code R. 68A-4.009.

²⁸ Section 379.401(3), F.S.

²⁹ Section 379.401(3)(b)1., F.S.

³⁰ Section 379.401(3)(b)2., F.S.

³¹ Section 379.401(3)(b)3., F.S.

Level Four Violations

Examples of a Level Four violation include:

- The making, forging, counterfeiting, or reproduction of a recreational license or the possession of same without authorization from the commission;
- The sale of illegally-taken deer or wild turkey;
- The unlawful killing, injuring, possessing, or capturing of alligators or other crocodilia or their eggs;
- The intentional killing or wounding of any species designated as endangered, threatened, or of special concern; and
- The killing of any Florida or wild panther.³²

The penalties for Level Four Violations are as follows:

Level Four Violation	Type of Infraction	Civil Penalty or Jail Time	License Restrictions
First offense ³³	3 rd Degree Felony	Max: \$5,000 Max: Five Years	None

III. Effect of Proposed Changes:

Section 1 adds the prohibited taking and possession of bears to the list of Level Three violations and the prohibited sale of an illegally-taken bear to the list of Level Four violations.

Section 2 of the bill creates s. 379.4041, F.S., which increases the penalty for taking or possessing a freshly killed bear during the closed season. Under the bill, a person who commits such offenses commits a Level Three violation (a first-degree misdemeanor for the first offense) and forfeits any other FWC license or permit for three years from the violation date. A person who commits a subsequent offense of taking a bear or possessing a freshly killed bear is permanently ineligible for issuance of any FWC license or permit.

The bill also states that any person who possesses for sale or sells a bear taken during the closed season commits a Level Four violation (a third-degree felony).

Section 3 of the bill provides an effective date of July 1, 2020.

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

None.

³² Section 379.401(4)(a), F.S.

³³ Section 379.401(4)(b), F.S.

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 may be a positive fiscal impact to the state from any fines collected from additional penalties from violations. However, this could be offset by a loss in permit fees from violators who are no longer able to be issued a license.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 379.4041 of the Florida Statutes.

This bill amends section 379.401 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 Committee on February 3, 2020:

Changes the bill to add the prohibited taking and possession of bears to the list of Level Three violations and the prohibited sale of an illegally-taken bear to the list of Level Four violations.

- B. **Amendments:**

None.

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



920744

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2020	.	
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	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (3) and paragraph
(a) of subsection (4) of section 379.401, Florida Statutes, are
amended to read:

379.401 Penalties and violations; civil penalties for
noncriminal infractions; criminal penalties; suspension and
forfeiture of licenses and permits.—



920744

(3) LEVEL THREE VIOLATIONS.—

(a) A person commits a Level Three violation if he or she violates any of the following provisions:

1. Rules or orders of the commission prohibiting the sale of saltwater fish.

2. Rules or orders of the commission prohibiting the illegal importation or possession of exotic marine plants or animals.

3. Section 379.28, prohibiting the importation of freshwater fish.

4. Section 379.3014, prohibiting the illegal sale or possession of alligators.

5. Section 379.354(17), prohibiting the taking of game, freshwater fish, or saltwater fish while a required license is suspended or revoked.

6. Section 379.357(4), prohibiting the sale, transfer, or purchase of tarpon.

7. Section 379.404(1), (3), and (6), prohibiting the illegal taking and possession of deer and wild turkey.

8. Section 379.4041(1), prohibiting the illegal taking and possession of bears.

9.8. ~~Section 379.406, prohibiting the possession and transportation of commercial quantities of freshwater game fish.~~

10.9. ~~Section 379.407(2), establishing major violations.~~

11.10. ~~Section 379.407(4), prohibiting the possession of certain finfish in excess of recreational daily bag limits.~~

(4) LEVEL FOUR VIOLATIONS.—

(a) A person commits a Level Four violation if he or she violates any of the following provisions:



920744

1. Section 379.354(16), prohibiting the making, forging, counterfeiting, or reproduction of a recreational license or the possession of same without authorization from the commission.

2. Section 379.365(2)(c), prohibiting criminal activities relating to the taking of stone crabs.

3. Section 379.366(4)(c), prohibiting criminal activities relating to the taking and harvesting of blue crabs.

4. Section 379.367(4), prohibiting the willful molestation of spiny lobster gear.

5. Section 379.367(2)(c)5., prohibiting the unlawful reproduction, possession, sale, trade, or barter of spiny lobster trap tags or certificates.

6. Section 379.404(5), prohibiting the sale of illegally-taken deer or wild turkey.

7. Section 379.404(2), prohibiting the sale of illegally-taken bears.

~~8.7.~~ Section 379.405, prohibiting the molestation or theft of freshwater fishing gear.

~~9.8.~~ Section 379.409, prohibiting the unlawful killing, injuring, possessing, or capturing of alligators or other crocodilia or their eggs.

~~10.9.~~ Section 379.411, prohibiting the intentional killing or wounding of any species designated as endangered, threatened, or of special concern.

~~11.10.~~ Section 379.4115, prohibiting the killing of any Florida or wild panther.

Section 2. Section 379.4041, Florida Statutes, is created to read:

379.4041 Illegal taking, possession, and sale of bears.-



920744

(1) A person who takes a bear or possesses a freshly killed bear during the closed season prescribed by law or rules of the commission commits a Level Three violation under s. 379.401 and forfeits any license or permit issued to him or her under this chapter for 3 years after the date of the violation. A person who commits a subsequent offense of such taking or possession is permanently ineligible for issuance of any license or permit under this chapter.

(2) A person who possesses for sale or sells a bear taken in violation of this section or rules of the commission commits a Level Four violation under s. 379.401.

Section 3. This act shall take effect July 1, 2020.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the illegal taking, possession, and sale of bears; amending s. 379.401, F.S.; providing that a person commits specified violations for the illegal taking, possession, and sale of bears; creating s. 379.4041, F.S.; prohibiting the illegal taking, possession, and sale of bears; providing penalties; providing an effective date.

By Senator Wright

14-00976-20

2020688__

1 A bill to be entitled
2 An act relating to illegal taking and possession of
3 bears; creating s. 379.4041, F.S.; prohibiting certain
4 taking and possession of bears; providing penalties;
5 providing an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Section 379.4041, Florida Statutes, is created
10 to read:

11 379.4041 Illegal taking and possession of bears.—A person
12 who takes a bear or possesses a freshly killed bear during the
13 closed season prescribed by law or rules of the commission
14 commits a Level Three violation under s. 379.401 and forfeits
15 any license or permit issued to him or her under this chapter
16 for 3 years after the date of the violation. A person who
17 commits a subsequent offense of such taking or possession is
18 permanently ineligible for issuance of any license or permit
19 under this chapter. A person who possesses for sale or sells a
20 bear taken in violation of this section or rules of the
21 commission commits a Level Four violation under s. 379.401.

22 Section 2. This act shall take effect July 1, 2020.

Bonn, Kim

From: Anderson, Crystal
Sent: Wednesday, January 29, 2020 11:23 AM
To: Bonn, Kim
Subject: FW: Thank you! (SB 826, Marina Evacuations Bill)

Kim –

Email on file with committee for SB 826.

From: Caitlin Lewis <CLewis@portcanaveral.com>
Sent: Monday, January 27, 2020 9:23 PM
To: Anderson, Crystal <Anderson.Crystal@flsenate.gov>
Subject: Re: Thank you! (SB 826, Marina Evacuations Bill)

Good evening Crystal,

You are remembering correctly. We have five marinas located on Port Canaveral property that are tenants of ours.

Don't hesitate to ask for any other information that you may be helpful.

Thanks,
Caitlin



Caitlin Lewis

Manager, Government Relations

Tel: (321) 394-3270 | Mob: (321) 720-2907

CLewis@portcanaveral.com | www.portcanaveral.com

Canaveral Port Authority | 445 Challenger Road | Cape Canaveral | FL | 32920



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From: Anderson, Crystal <Anderson.Crystal@flsenate.gov>
Sent: Monday, January 27, 2020 6:29:00 PM
To: Caitlin Lewis <CLewis@portcanaveral.com>
Subject: RE: Thank you! (SB 826, Marina Evacuations Bill)

CAUTION - EXTERNAL NON-CPA EMAIL

Caitlin,

Thanks so much for getting back to me with this information. Quick follow up question, am I remembering correctly from our meeting that there are five marinas located at Port Canaveral?

Crystal D. Anderson

Senior Attorney
Committee on Environment and Natural Resources
Florida Senate
850-487-5372

From: Caitlin Lewis <CLewis@portcanaveral.com>

Sent: Wednesday, January 22, 2020 4:11 PM

To: Anderson, Crystal <Anderson.Crystal@flsenate.gov>

Cc: Rogers, Ellen <ROGERS.ELLEN@flsenate.gov>; Diane Luensmann <DLuensmann@portcanaveral.com>; Gray Robinson - Robert F Stuart <Robert.Stuart@gray-robinson.com>; Katie Flury <katie.flury@gray-robinson.com>

Subject: Thank you! (SB 826, Marina Evacuations Bill)

Good afternoon Crystal,

I wanted to thank you for taking the time out of your busy day yesterday to meet with Diane Luensmann, Robert Stuart and myself regarding the marina evacuations bill, SB 826. You asked some great questions and we hope we provided you with enough background and detail to assist in your research and bill analysis. During our meeting yesterday you had inquired of us as to how many recreational vessels (under 500 gross tons) we have at Port Canaveral marinas. We did not know the number off hand, but today we were able to gather that number for you. There are approximately 260 wet slips hosted on Port property. That figure does not include boats in marina storage within Port property.

If you need anything else, please do not hesitate to reach out to us! We are happy to help. We hope to see this bill before the Senate Environment and Natural Resources Committee soon!

Have a great rest of the week!

Thank you,
Caitlin



Caitlin Lewis

Manager, Government Relations

Tel: (321) 394-3270 | Mob: (321) 720-2907

CLewis@portcanaveral.com | www.portcanaveral.com

Canaveral Port Authority | 445 Challenger Road | Cape Canaveral | FL | 32920



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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 826

INTRODUCER: Environment and Natural Resources Committee and Senator Mayfield

SUBJECT: Marina Evacuations

DATE: February 3, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Fav/CS
2.			IS	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 826 prohibits, upon the issuance of a hurricane watch that affects the waters of marinas located in a deepwater seaport, vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. The bill requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport.

If the Coast Guard Captain of the Port sets the port condition to “Yankee” and a vessel owner has failed to remove his or her vessel from the waterway, a marina owner, operator, employee, or agent, is required to remove the vessel, if reasonable, from its slip. The marina owner may charge the vessel owner a reasonable fee for the service of removing the vessel.

The bill provides that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to the vessel from a hurricane and is held harmless from removing the vessel from the waterways. However, the bill does not provide immunity to the marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel.

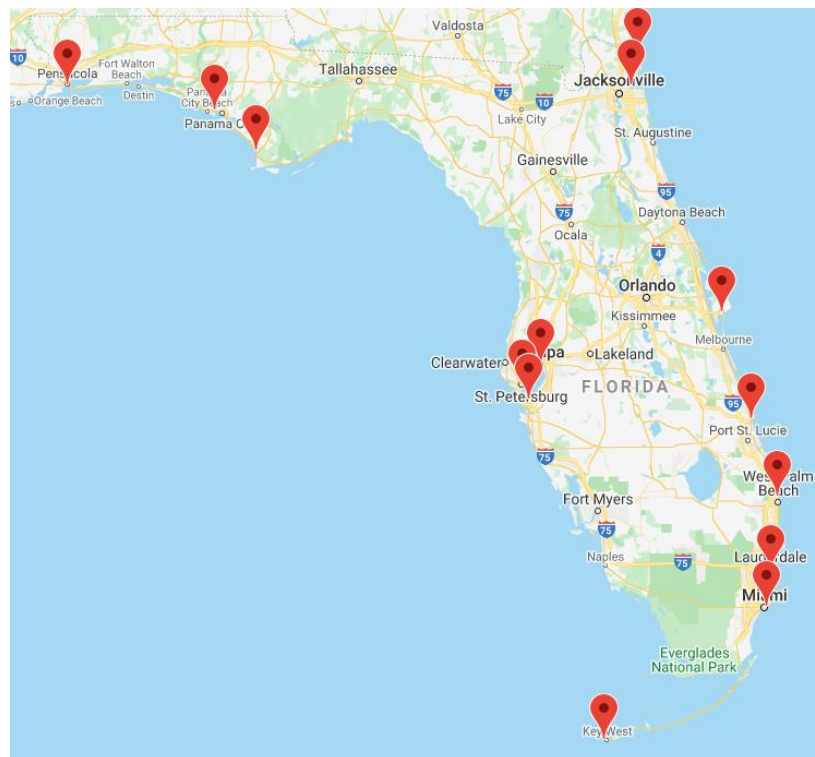
The bill provides that after a watch has been issued, if an owner or operator has not removed the vessel pursuant to an order from the seaport, the owner or operator may be subject to existing civil penalties.

II. Present Situation:

Deepwater Ports in Florida

Under Florida law, a “port” means a port authority or district.¹ Ports are created by and given authority under general or special law. Each port, in agreement with the United States Coast Guard (Coast Guard), state pilots, and other ports in its operating port area, is required to adopt guidelines for minimum bottom clearance for each berth and channel, for the movement of vessels, and for radio communications of vessel traffic for all commercial vessels entering and leaving its harbor channels.²

There are 14 deepwater seaports in Florida, indicated in the map below:³



Port Canaveral

Port Canaveral was dedicated on November 4, 1953.⁴ It is a gateway for Central Florida and the world’s second busiest cruise port.⁵ Annually, Port Canaveral moves nearly 4 million tons of

¹ Section 313.21, F.S.; see also s. 315.02, F.S. “Port authority” means a port authority in Florida created by or pursuant to the provisions of any general or special law or any district or board of county commissioners acting as a port authority under or pursuant to the provisions of any general or special law. “Port district” means any district created by or pursuant to the provisions of any general or special law and authorized to own or operate any port facilities.

² Section 313.23, F.S.

³ Florida Ports Council, *Seaports*, <https://flaports.org/seaports/> (last visited Jan. 25, 2020).

⁴ Port Canaveral, *History*, <https://www.portcanaveral.com/About/History> (last visited Jan. 25, 2020).

⁵ Port Canaveral, *Port and Cruise Facts*, <https://www.portcanaveral.com/Cruise/Port-Cruise-Facts> (last visited Jan. 28, 2020).

cargo and sees 4 million cruise passengers.⁶ It also houses United States Army, Navy, and Air Force facilities.⁷ Port Canaveral is a key part of Florida's gasoline supply system. Gasoline and other petroleum products are primarily delivered by marine tankers and barges to the state's ports, including Port Canaveral, where the products are offloaded and later stored and distributed around the state.⁸ Additionally, 200 small businesses ranging from marinas, restaurants, retail, and charter boats currently lease and operate at Port Canaveral.⁹

In fiscal year 2018, Port Canaveral reported \$103.8 million in revenues, the highest in its history.¹⁰

Canaveral Port Authority

The Canaveral Port District (Port District) was created by the Legislature by special act in 1953, as amended in 2014.¹¹ It is an independent special taxing district and political subdivision of the state.¹² The Canaveral Port Authority (Port Authority) has the power to make rules and regulations for the promotion and conduct of navigation, commerce, and industry in the Port District.¹³ The Port Authority also has the power to make rules and regulations governing the docking, storing, mooring, and anchoring of vessels within the Port District and to remove all obstacles to navigation, commerce, and industry in the waters of the port.¹⁴

The Port Canaveral Tariff No. 16 provides the current rates, rules, and regulations governing its marine and port services.¹⁵ Anyone who uses the waterways and facilities under the jurisdiction of the Port Authority consents to the terms and conditions of the tariff.¹⁶ According to the tariff, Port Canaveral is not a suitable refuge during hurricanes or tropical storms. All Port Canaveral waterway tenants and users must comply with evacuation orders and storm preparation directives given by the Port Authority, the Coast Guard, the Brevard County Sheriff's Office, and Canaveral Fire Rescue.¹⁷

The tariff specifically states that recreational and commercial vessels under 500 gross tons are not eligible to remain in Port and must be removed from the waters of the Port, at the expense of the vessel owner or operator, before hurricane condition Zulu is set by the Coast Guard (see

⁶ Port Canaveral, *History*, <https://www.portcanaveral.com/About/History> (last visited Jan. 25, 2020).

⁷ Port Canaveral, *About Us*, <https://www.portcanaveral.com/About/> (last visited Jan. 25, 2020).

⁸ Office of Program Policy Analysis and Government Accountability, Florida Legislature, *Feasibility Analysis for Petroleum Distribution Centers*, 11 (Nov. 29, 2018), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/18-PETRO.pdf>.

⁹ Port Canaveral, *About Us*, <https://www.portcanaveral.com/About/> (last visited Jan. 25, 2020).

¹⁰ Florida Ports Council, *Port Canaveral*, <https://flaports.org/ports/port-canaveral/> (last visited Jan. 28, 2020).

¹¹ Ch. 2014-241, Laws of Fla. Each special district in existence at the time was required to submit to the Legislature a draft codified charter so that its special acts could be codified into a single act for reenactment by the Legislature.

¹² Section 189.403(1), F.S., defines a "special district" as a confined local government unit established for a special purpose. The public policy intent of special districts is to provide private and public sectors an alternative governing method to "manage, own, operate, construct and finance basic capital infrastructure, facilities and services."

¹³ Art. IV, s. 9 of the Canaveral Port Authority Charter, as amended by Ch. 2014-241, Laws of Fla.

¹⁴ Art. IV, s. 10 of the Canaveral Port Authority Charter, as amended by Ch. 2014-241, Laws of Fla.

¹⁵ Canaveral Port Authority, *Tariff No. 16 – Governing Rates, Rules, & Regulations of the Marine and Port Services*, Rule 520 (Oct. 1, 2019), available at [https://www.portcanaveral.com/getattachment/Tariffs/CPA-Tariff-16-FY20-\(2\).pdf.aspx?lang=en-US](https://www.portcanaveral.com/getattachment/Tariffs/CPA-Tariff-16-FY20-(2).pdf.aspx?lang=en-US).

¹⁶ *Id.*, Rule 100.

¹⁷ *Id.*, Rule 520.

discussion below of Hurricane Season Port Conditions and Categories).¹⁸ The Port Authority is authorized to issue penalties to vessel owners or operators in accordance with statutory provisions (see discussion below of Vessel Movements and Penalties for Delay).¹⁹

Vessel Movements and Penalties for Delay

Pursuant to Florida law, each port may regulate vessel movements within its jurisdiction, whether involving public or private facilities or areas, by:

- Scheduling vessels for use of berths, anchorages, or other facilities at the port.
- Ordering and enforcing a vessel, at its own expense and risk, to vacate or change position at a berth, anchorage, or facility, whether public or private, in order to facilitate navigation, commerce, protection of other vessels or property, or dredging of channels or berths.
- Designating port facilities for the loading or discharging of vessels.
- Assigning berths at wharves for arriving vessels.²⁰

Ports are authorized to establish fees and compensation for the services regulating vessel movements provided by the port.²¹

A port may impose and collect a penalty from a vessel that unnecessarily delays in moving under an order to vacate or change position. This penalty may not exceed \$1,000 per hour or fraction thereof, plus 150 percent of the demurrage costs incurred by a waiting vessel, until the order is complied with.²²

Marinas

A marina is a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis.²³ There are five marinas within Port Canaveral, with approximately 260 wet slips hosted on Port property for recreational vessels under 500 gross tons.²⁴ This number does not include boats in marina storage within Port property. The map below shows Port Canaveral, including its marina district.²⁵

¹⁸ *Id.*

¹⁹ Section 313.22(3), F.S.

²⁰ Section 313.22(1), F.S.

²¹ Section 313.22(2), F.S.

²² Section 313.22(3), F.S.

²³ Section 327.02(25), F.S.

²⁴ Email from Caitlin Lewis, Government Relations Manager, Canaveral Port Authority, to Senate Environment and Natural Resources Committee (Jan. 22, 2020)(on file with the Senate Environment and Natural Resources Committee).

²⁵ Port Canaveral, *Port and Cruise Facts*, <https://www.portcanaveral.com/Cruise/Port-Cruise-Facts> (last visited Jan. 28, 2020).



Marina Evacuations

Storm Condition Effects on Vessels and Marinas

Hurricanes and storm conditions can include high winds, storm surges, wave action, and heavy rainfall.²⁶ These conditions can cause catastrophic damage to marinas and vessels. Vessels that are left in a marina during hurricane and storm conditions can lead to problems in the port, including the inability to secure docks, causing potential damage to infrastructure such as piers, and other harm to persons or property. Weather during a storm event can force a vessel into an obstruction, propel objects into the vessel, or sink or damage a boat.²⁷ A moored vessel can repeatedly collide with a stationary dock, leading to damage to both the vessel and dock. Storm surges can even lift entire floating docks above their pilings or knock boats off their cradles.²⁸

Vessels left in the harbor can also pose navigational issues and cause problems and delays in clearing channels. However, boater preparedness education and preparation can reduce the loss of property for both the vessel owner and others.²⁹ To this end, marinas and ports have an interest in requiring vessel owners to secure their vessels during a storm to prevent damage to persons or property.

Safe Haven

Some marina docking contracts contain “safe haven” or “hurricane” clauses. These clauses provide that, when a hurricane watch is issued, boat owners shall immediately remove their vessels and all personal property from the marina and seek safe haven somewhere else. Failure to comply with this requirement, according to the clauses, will result in the boat owner being liable

²⁶ UF/IFAS, *Hurricane Manual for Marine Interest*, available at [https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-\(2\).pdf](https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-(2).pdf).

²⁷ *Id.*; Florida Keys National Marine Sanctuary, *Protect your Boat in a Hurricane: Making a Plan (Part I)*, <https://floridakeys.noaa.gov/whatsnew/around/2015/boathurricane1.html> (last visited Jan. 28, 2020).

²⁸ *Id.*

²⁹ UF/IFAS, *Hurricane Manual for Marine Interest*, available at [https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-\(2\).pdf](https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-(2).pdf).

for all damage to docks, piers, other vessels, or any other property damage directly caused by the owner's vessel or resulting from its presence in the marina.³⁰

Marina Evacuation Statute

Florida enacted a law designed to prevent marinas from using safe haven clauses as a basis for recovering their property damage from vessel owners after a hurricane.³¹ Florida law emphasizes the protection of life over property by prohibiting marinas from requiring vessel owners to remove their vessels from a marina following the issuance of a hurricane watch or warning.³²

However, after a tropical storm or hurricane watch has been issued, a marina owner or operator, or their employee or agent, may take reasonable actions to further secure a vessel within the marina to minimize damage to the vessel and to protect marina property, private property, and the environment.³³ The owner or operator may charge a reasonable fee for such services.³⁴ A marina owner may include this in a contractual agreement with a vessel owner.³⁵ Marina owners are not able to be held liable for damage to a vessel from a storm or hurricane, but may be liable for damage due to intentional acts or negligence when removing or securing a vessel.³⁶

Burklow & Associates, Inc. v. Belcher is the only Florida state court decision that specifically mentions Florida's marina evacuation statute.³⁷ A marina owner sued owners of 16 stored vessels for damages allegedly caused by the vessel owners' failure to move their vessels after a hurricane warning was issued as was required by their marina contracts.³⁸ The court upheld the state statute and found that the vessel owners had no duty, contractually or otherwise, to move their vessels following the issuance of a hurricane watch or warning.³⁹ The court's analysis pointed to the clear legislative policy "to ensure that protecting lives and safety of vessel owners is placed before interests of protecting property" when a hurricane approaches.⁴⁰

Hurricane Season Port Conditions and Categories

Port conditions are set by the Coast Guard Captain of the Port of a sector, or regulated area. Port conditions are explained in the table below.⁴¹ "Gale force winds" mean winds of 34 knots or 39 miles per hour.

³⁰ Mercante, James, *Hurricanes and Act of God: When the Best Defense is a Good Offense*, 18 U.S.F. MAR. L.J. (2006).

³¹ Ch. 93-211, s. 22, Laws of Fla. (creating s. 327.59, F.S.).

³² Section 327.59(1), F.S.

³³ Ch. 2006-309, s. 2, Laws of Fla. (creating s. 327.59(2), F.S., effective Jul. 1, 2006).

³⁴ *Id.*

³⁵ Ch. 2006-309, s. 2, Laws of Fla. (creating s. 327.59(3), F.S., effective Jul. 1, 2006).

³⁶ Ch. 2006-309, s. 2, Laws of Fla. (creating s. 327.59(4), F.S., effective Jul. 1, 2006).

³⁷ 719 So.2d 31 (Fla. Dist. Ct. App. 1998).

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ 33 C.F.R. s. 165.720; 33 C.F.R. 165.781; see also Brazos Pilots Association, *Hurricane Season Port Conditions and Categories*, available at <http://www.brazospilots.com/Hurricane-Season.pdf>.

Port Condition	Storm Status	Port Status
Whiskey	Gale force winds are predicted to arrive within 72 hours	Open to all commercial and recreational traffic
X-Ray	Gale force winds are predicted to arrive within 48 hours	Open to all commercial and recreational traffic
Yankee	Gale force winds are predicted to arrive within 24 hours	Closed to inbound traffic and vessel traffic control measures in effect on vessel movements within the port
Zulu	Gale force winds are predicted to arrive within 12 hours	Closed to all inbound and outbound traffic
Recovery	The storm is no longer a threat to the area, but response and recovery operations may be in progress to address damage.	Reopened to outbound traffic at completion of port survey; vessel traffic control measures remain in effect on vessel movements within the port

III. Effect of Proposed Changes:

The bill amends s. 327.59, F.S., to prohibit, upon the issuance of a hurricane watch that affects the waters of marinas located in a deepwater seaport, vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane.

The bill requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport. If the Coast Guard Captain of the Port sets the port condition to “Yankee” and a vessel owner has failed to remove his or her vessel from the waterway, a marina owner, operator, employee, or agent, regardless of any existing contractual provisions between the marina owner and vessel owner, is required to remove the vessel, or cause the vessel to be removed, if reasonable, from its slip. The marina owner may charge the vessel owner a reasonable fee for the service of removing the vessel.

The bill provides that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to the vessel from a hurricane and is held harmless from removing the vessel from the waterways. However, the bill does not provide immunity to the marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel.

The bill provides that after a hurricane watch has been issued, if an owner or operator of a vessel has not removed the vessel pursuant to an order from the seaport, the owner or operator may be subject to existing penalties under s. 313.22, F.S.

The existing penalties provide that until an order is complied with, a vessel that unnecessarily delays in moving under an order to vacate a vessel or change its position may be penalized as follows:

- In an amount not exceeding \$1,000 per hour or fraction thereof; and
- 150 percent of the demurrage costs incurred by a waiting vessel for exceeding the time allotted to the vessel to be in a specific area.

The penalty is imposed and collected by the port issuing the movement order.

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:

Vessel owners may incur increased costs from moving their vessel pursuant to a movement order, from fees charged by a marina owner for the service of moving a vessel, or due to penalties incurred from noncompliance with a movement order.

C. **Government Sector Impact:**

Ports may see a positive fiscal impact due to increased collection of penalties from vessel owners that do not comply with a movement order and cost savings associated with prevention of damage to port facilities and infrastructure.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 327.59 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 Committee on February 3, 2020:

- Requires that owners of vessels under 500 gross tons remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport.
- Requires a marina owner, operator, employee, or agent to remove a vessel from its slip if the Coast Guard Captain of the Port sets the port condition to “Yankee” and the vessel owner has not removed the vessel from the waterway as required.
- Authorizes the marina owner, operator, employee, or agent to charge the vessel owner a reasonable fee for the service of moving the vessel.
- Clarifies that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to the vessel from a hurricane or from removing the vessel as required under this section; however, the amendment does not provide immunity to the marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence.

B. **Amendments:**

None.



363196

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2020	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 327.59, Florida
Statutes, is amended, and subsection (5) is added to that
section, to read:

327.59 Marina evacuations.—

(1) Except as provided in this section ~~After June 1, 1994,~~
marinas may not adopt, maintain, or enforce policies pertaining



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to evacuation of vessels which require vessels to be removed from marinas following the issuance of a hurricane watch or warning, in order to ensure that protecting the lives and safety of vessel owners is placed before interests of protecting property.

(5) Upon the issuance of a hurricane watch affecting the waters of marinas located in a deepwater seaport, vessels under 500 gross tons may not remain in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. Vessel owners shall promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport. If the United States Coast Guard captain of the port sets the port condition to "Yankee" and a vessel owner has failed to remove a vessel from the waterway, the marina owner, operator, employee, or agent, regardless of any existing contractual provisions between the marina owner and the vessel owner, shall remove the vessel, or cause the vessel to be removed, if reasonable, from its slip and may charge the vessel owner a reasonable fee for any such services rendered. A marina owner, operator, employee, or agent may not be held liable for any damage incurred to a vessel from a hurricane and is held harmless as a result of such actions to remove the vessel from the waterways. Nothing in this section may be construed to provide immunity to a marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel pursuant to under this section. After the hurricane watch has been issued, the owner or operator of any vessel that has not been removed from the waterway of the marina, pursuant to an order from the deepwater seaport, may be



363196

subject to the penalties under s. 313.22(3).

Section 2. This act shall take effect July 1, 2020.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to marina evacuations; amending s.
327.59, F.S.; prohibiting vessels under a specified
weight from remaining in certain marinas that have
been deemed unsuitable for refuge during a hurricane
after the issuance of a hurricane watch; requiring a
marina owner, operator, employee, or agent to remove
specified vessels under certain circumstances;
providing that such owner, operator, employee, or
agent may charge the vessel owner a reasonable fee for
such removal and may not be held liable for any
damages as a result of such removal; providing
construction; authorizing certain penalty fees;
providing an effective date.

By Senator Mayfield

17-00936A-20

2020826__

A bill to be entitled

An act relating to marina evacuations; amending s. 327.59, F.S.; prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed not suitable for refuge during a hurricane after the issuance of a hurricane watch or warning for the waters of the marina; providing for civil penalties; providing an effective date.

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

Section 1. Subsection (1) of section 327.59, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

327.59 Marina evacuations.—

(1) Except as provided in this section ~~After June 1, 1994,~~ marinas may not adopt, maintain, or enforce policies pertaining to evacuation of vessels which require vessels to be removed from marinas following the issuance of a hurricane watch or warning, in order to ensure that protecting the lives and safety of vessel owners is placed before interests of protecting property.

(5) Upon the issuance of a hurricane watch or warning affecting the waters of marinas located in a deepwater seaport, vessels under 500 gross tons may not remain in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. After the hurricane watch or warning has been issued, the owner or operator of any vessel that has not been removed, pursuant to an order from the seaport, from the

17-00936A-20

2020826__

30 waters of the marina may be subject to the penalties under s.
31 313.22(3).

32 Section 2. This act shall take effect July 1, 2020.



2020 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Fish and Wildlife Conservation Commission

BILL INFORMATION

BILL NUMBER:	<u>Senate Bill (SB) 1414</u>
BILL TITLE:	<u>Fish and Wildlife Activities</u>
BILL SPONSOR:	<u>Senator Debbie Mayfield</u>
EFFECTIVE DATE:	<u>July 1, 2020</u>

COMMITTEES OF REFERENCE

1) Environment and Natural Resources
2) Agriculture
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:	House Bill (HB) 777
SPONSOR:	Representative Tommy Gregory

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?

No.

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	December 19, 2019
LEAD AGENCY ANALYST:	Ed Bishop
ADDITIONAL ANALYST(S):	Brenda Brand, Travis Franklin, Lawson Snyder, Kristen Sommers
LEGAL ANALYST:	Quilla Miralia
FISCAL ANALYST:	Charlotte Jerrett

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

SB 1414 would amend sections (s.) of Chapter 379, Florida Statutes (F.S.), which relates to fish and wildlife. The bill would provide protections for hunters, trappers, or fishers from harassment within or on any public lands, public waters, or fish management areas. The bill would increase the number of free fishing days from four to six and would prohibit the keeping, possessing, importing, selling, bartering, trading, or breeding of reptiles of concern, conditional reptiles, or prohibited reptiles, except for educational or research purposes. The bill would provide an effective date of July 1, 2020.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Section 1: Section (s.) 379.105, F.S., currently provides protections for hunters, fishers, and trappers from harassment when lawfully engaged in those activities on publicly or privately-owned wildlife or fish management areas, or on any state-owned water body. This current protection does not protect from harassment on lands or waters not specifically listed.

Section 2: Section 379.354, F.S., currently allows the Florida Fish and Wildlife Conservation Commission (Commission) to designate by rule, no more than four days in each year as free freshwater fishing days and no more than four days in a year as free saltwater fishing days. Florida Administrative Code 68B-2.009 designates the Commission approved days in the year as free fishing days.

Section 3: Argentine black and white tegus were introduced by way of the live animal/pet trade and were first observed in the wild in Florida in 2002. Multiple species of tegus are common in the pet trade. They are sold in pet stores, bred by commercial breeders in Florida and are imported from other countries. Three species have been found in the wild in Florida: Argentine black and white tegu, gold tegu and red tegu. Argentine black and white tegus are native to South America and can reach five feet in length. Tegus negatively impact native wildlife by competing for both food and habitat. Multiple disjunct populations of black and white tegus are currently established in Miami-Dade (largest population), Hillsborough, and Charlotte (new emerging population) counties with additional sightings of escaped or released captive animals across the state. Gold tegus are thought to be reproducing in a small area of Miami-Dade County.

Because the general locations of reproducing tegu populations are known, there is the potential for eradication or at least reducing the impact that these species pose to Florida. The Commission has utilized staff and private contractors to trap in areas with known established tegu populations. Staff also respond to confirmed observations elsewhere in the state and provide a trap-loan program for members of the public that report tegus on their properties. Additionally, the Commission has taken steps to remove legal barriers that hindered the lethal take of tegus by members of the public. Tegus are not protected in Florida and Executive Order 17-11 was signed in 2017 allowing for the lethal removal of all non-native reptiles on 22 Commission-managed public lands in south Florida. The order eliminated the need for a permit or hunting license and clarified that there is no bag limit. To date, over 7,800 tegus have been reported to the Commission as removed from the wild or found dead in Florida by Commission staff, partners and the public since 2012, primarily in Miami-Dade County.

Green iguana (*Iguana iguana*) and black and white tegu (*Salvator merianae*) are both species which do not currently require a permit/license for personal possession. The number of individuals who possess these species for personal use is unknown. Any person or entity who wishes to sell or exhibit these species must obtain a license from the Commission to conduct commercial activity. A November 2019 survey of all Class III license holders that allows for the sale of reptiles found 382 license holders listed that may sell iguanas with more than 5,307 in inventory. Tegus are listed on 106 Class III licenses with more than 1,245 individuals in recent inventory. The majority of these current licensees are engaged in sale of reptiles, not in education or research.

Green iguanas were introduced by way of the live animal trade and first observed in the wild in Florida in the 1960's. Baby iguanas, only a few inches long, continue to be sold in pet stores, flea markets, and reptile shows. Green iguanas are native to Central and South America and can reach up to five feet in length. Iguanas are found primarily in urban/suburban areas across south Florida, however, may also be found in natural areas such as state parks and

throughout the Florida Keys. Iguana impacts in Florida include social impacts, economic impacts and likely some ecological impacts. Iguanas regularly consume ornamental plants on private properties, such as hibiscus, roses and orchids. They defecate on decks, sidewalks and in pools. Iguanas burrow into or under infrastructure, such as sea walls or canal banks, which undermines the integrity of those structures.

Unlike tegus, iguanas have long been established in much of south Florida with population fluctuations over the years as a result of extreme cold weather events. The likelihood of eradicating this species in Florida is low. The Commission focuses our management strategies to reduce the impacts of this species. Currently, the Commission provides technical assistance to citizens through workshops, over the phone and through educational materials to empower citizens to remove iguanas themselves or lessen local impacts where they occur in urban and suburban environments. In 2018, the Commission initiated removal efforts on public conservation lands, resulting in nearly 5,000 iguanas being removed. Despite these efforts, citizens continue to experience impacts from iguanas.

Pursuant to Article IV, s. 9 of the Florida Constitution, the Commission exercises regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, including non-native species.

Section 379.372(2)(a), F.S. currently provides:

No person, party, firm, association, or corporation shall keep, possess, import into the state, sell, barter, trade, or breed the following species for personal use or for sale for personal use:

1. Burmese or Indian python (*Python molurus*).
2. Reticulated python (*Python reticulatus*).
3. Northern African python (*Python sebae*).
4. Southern African python (*Python natalensis*).
5. Amethystine or scrub python (*Morelia amethystinus*).
6. Green Anaconda (*Eunectes murinus*).
7. Nile monitor (*Varanus niloticus*).
8. Any other reptile designated as a conditional or prohibited species by the commission.

Rules relating to non-native species are found in Chapter 68-5, F.A.C. Conditional species are not allowed to be possessed for personal use, however, commercial use including breeding is currently allowed. License holders conducting commercial activity with conditional species cannot sell these in Florida's retail market as personal pets; however, may sell out of state for that purpose. Conditional non-native reptile species are listed in Rule 68-5.004, F.A.C., and are as follows:

(3) Red-eared sliders

(4) Nonnative snakes and lizards

- (a) Indian or Burmese python (*Python molurus*).
- (b) Reticulated python (*Python reticulatus*).
- (c) Northern African python (*Python sebae*).
- (d) Southern African python (*Python natalensis*).
- (e) Amethystine python (*Morelia amethystinus*).
- (f) Scrub python (*Morelia kinghorni*).
- (g) Green anaconda (*Eunectes murinus*).
- (h) Nile monitor (*Varanus niloticus*).

Prohibited reptiles are provided in Rule 68-5.006, F.A.C., and include all sea snakes (68-5.006(3)(b)) . Prohibited species cannot be bred, sold in-state or exported for sale.

A permit is currently not required to possess tegus or green iguanas as personal pets, in accordance with Rule 68A-6.0022(2)(a), F.A.C. However, a license is required to possess tegus or green iguanas for commercial use (exhibition or sale). Because pet owners are not currently required to have a permit for personal possession, the number of tegus or iguanas currently in personal possession is unknown, however is likely in the thousands.

2. EFFECT OF THE BILL:

SB 1414 would amend sections of Chapter 379, F.S., which relates to fish and wildlife.

Section 1: Would amend subsection (1) of s. 379.105, F.S., to protect hunters, trappers, or fishers from harassment within or on any public lands, public waters, or fish management areas. The bill increases areas upon which hunters, trappers, or fishers are protected from harassment by expanding the protection to all public lands and all public waters.

Section 2: Would amend subsection (15) of s. 379.354, F.S., to increase the number of free fishing days from four to six.

Section 3: Would amend paragraph (a) of subsection (2) of s. 379.372, F.S., to prohibit the keeping, possessing, importing, selling, bartering, trading, or breeding of reptiles of concern, conditional reptiles, or prohibited reptiles, except for educational or research purposes and classifies two additional species as conditional. If passed, the Commission would need to initiate rule development to address regulating these species to make it consistent with statute. As written, the bill would remove Argentine black and white tegus or green iguanas from future sale as personal pets in the retail market in Florida and would not allow them to be bred commercially and exported for sale. Rulemaking would likely include addressing grandfathering individuals who may currently possess these animals as pets.

A permit is currently not required to possess tegus or green iguanas as personal pets, in accordance with Rule 68A-6.0022(2)(a), F.A.C. A license is required to possess either of these species for commercial use (exhibition or sale). HB 777 would no longer allow for the commercial breeding and selling of these species. Some businesses, such as pet stores, currently engaged in this activity may be impacted.

Section 4: Would provide an effective date of July 1, 2020.

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:	N/A
Is the change consistent with the agency's core mission?	Y ☒ N ☐
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

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

Proponents and summary of position:	Section 3: Land managing partners and citizens that are currently being impacted by these species will be in support. The Commission has received requests from other state and federal agencies to regulate tegus and completely remove Burmese pythons from commercial use. Many citizens have come to public meetings or sent letters to the Commission to ask that the agency regulate iguanas.
Opponents and summary of position:	Section 3: Those who either own or sell these species will likely be opposed. Those that breed and or sell these species may state that they will be economically impacted.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y ☐ N ☒

If yes, provide a description:	N/A
Date Due:	N/A
Bill Section Number(s):	N/A

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

Board:	N/A
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Board Purpose:	N/A
Who Appoints:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

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

Y ☒ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	None.
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 prior to implementation of the tax or fee increase?	N/A

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?

Y ☒ N ☒

Revenues:	Click or tap here to enter text.
Expenditures:	Indeterminate. FWC would incur additional costs for developing rules.
Does the legislation contain a State Government appropriation?	Click or tap here to enter text.
If yes, was this appropriated last year?	No.

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?

Y ☒ N ☒

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

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Y ☒ N ☒

If yes, explain impact.	Click or tap here to enter text.
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Bill Section Number:	Click or tap here to enter text.
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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.	N/A
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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.	N/A
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ADDITIONAL COMMENTS

As currently written, the Commission would most likely need to initiate rulemaking to clarify the species and grandfather date. Permits have not been required for the possession of iguanas or tegus as pets, so pet owners did not have permits on the 2010 date. Therefore, no one would be grandfathered in as pet owners for these species. Also, since all species of tegus are a risk to our native species, and available in the pet trade, language including all tegus is recommended. The language in (9) could be replaced with "any species of the genera *Salvator* and *Tupinambis*". This would prevent law enforcement and prosecutors from having to prove species and prevent additional damage from tegu species that aren't currently listed.

Section 379.372(2)(b), F.S., provides for grandfathering of individuals who held a permit for a listed species prior to July 1, 2010. Because personal possession of these species does not currently require a license or permit, this provision would not apply to current owners of these species. Those owners and thousands of current pet owners of green iguanas or Argentine black and white tegus obtained after July 1, 2010 would be in violation.

Because of the prevalence of these two species in trade, many members of the public may not know about options to legally hold these species (should grandfathering language be altered to address the above 2010 deadline) or options to provide these animals to the Commission's Exotic Pet Amnesty Program (EPAP). Additional resources for the Commission to provide no-cost permits may be needed because of the volume of these two species currently in personal possession.

The Commission has observed that when one non-native species is regulated or restricted, another similar species that is not regulated often replaces it in trade. More than one species of tegu is currently in trade in the commercial herpetological industry, including but not limited to, gold tegus and red tegus. Tegu species have also been hybridized in the pet industry to create designer color morphs, which could make it difficult for law enforcement to enforce this proposed language because the identification of the species (particularly differentiating between hybrids) will be challenging, if not impossible. If all species of tegu are not regulated simultaneously, the commercial herpetological industry will likely move to other species that will likely cause similar impacts to native species if released or create additional morphs that may make the statute difficult to enforce. There are currently seven identified species of tegus split between two genera: *Salvator* and *Tupinambis*.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	N/A
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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 1414

INTRODUCER: Environment and Natural Resources Committee and Senator Mayfield

SUBJECT: Fish and Wildlife Activities

DATE: February 3, 2020

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1414 broadens the prohibition on the harassment of hunters, trappers, or fishers to include harassment on any public lands, public waters, or publicly or privately owned wildlife management and fish management areas.

The bill expands the number of free fishing days from 4 to 6.

The bill adds tegus and iguanas to the conditional nonnative snakes and lizards list and tightens the restrictions on the list from applying to possession of these species for sale or personal use to prohibiting any use except for educational or research purposes.

II. Present Situation:

Penalties for Violations Pertaining to Fish and Wildlife

Under Art. IV, s. 9 of the Florida Constitution, the Fish and Wildlife Conservation Commission (FWC) is granted 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. The Legislature may enact

laws that aid FWC in its exercise of regulatory functions and executive powers in the areas of planning, budgeting, personnel management, and purchasing.¹

Section 379.401, F.S., details FWC's four-tier system for penalties and violations, civil penalties for noncriminal infractions, criminal penalties, and suspension and forfeiture of licenses and permits. Level One violations are considered the least serious while Level Four violations the most serious.

The penalties for Level Two violations are as follows:

Level Two Violation	Type of Infraction	Civil Penalty or Jail Time	License Restrictions
First offense	2 nd Degree Misdemeanor ²	Max: \$500 or Max: 60 days	None
Second offense within three years of previous Level Two violation (or higher)	1 st Degree Misdemeanor ³	Min: \$250; Max: \$1,000 Max: one year	None
Third offense within five years of two previous Level Two violations (or higher)	1 st Degree Misdemeanor ⁴	Min: \$500; Max: \$1,000 Max: one year	Suspension of license for one year
Fourth offense within 10 years of three previous Level Two violations (or higher)	1 st Degree Misdemeanor ⁵	Min: \$750; Max \$1,000 or Max: one year	Suspension of license for three years

Right to Hunt or Fish

The Legislature recognizes that hunting, fishing, and the taking of game are a valued part of the cultural heritage of Florida and should be forever preserved for Floridians.⁶ The Legislature further recognizes that these activities play an important part in the state's economy and in the conservation, preservation, and management of the state's natural areas and resources. Therefore, the Legislature intends that the citizens of Florida have a right to hunt, fish, and take game, subject to the regulations and restrictions prescribed by general law and by the FWC.⁷

Fees for Freshwater or Saltwater Fishing Licenses

The law and FWC rules prohibit the taking of game, freshwater or saltwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization number

¹ FLA. CONST. art. IV, s. 9.

² Section 379.401(2)(b)1., F.S.

³ Section 379.401(2)(b)2., F.S.

⁴ Section 379.401(2)(b)3., F.S.

⁵ Section 379.401(2)(b)4., F.S.

⁶ Section 379.104, F.S.

⁷ *Id.*

and paid the associated fees.⁸ The following lists are freshwater and saltwater fees for fishing licenses set out in statute, though there can be additional fees for specialized permits.

For residents:

- An annual freshwater or saltwater fishing license costs \$15.50.⁹
- A 5-year freshwater or saltwater fishing license costs \$77.50.¹⁰
- A lifetime freshwater or saltwater fishing license costs:¹¹
 - \$125 for persons 4 years of age or younger.
 - \$225 for persons 5 years of age or older but under 13 years of age.
 - \$300 for persons 13 years of age or older.

For nonresidents:

- A freshwater or saltwater fishing license for 3 consecutive days costs \$15.50.
- A freshwater or saltwater fishing license for 7 consecutive days costs \$28.50.
- An annual freshwater or saltwater fishing license costs \$45.50.¹²

FWC also charges \$1.50 for the cost of issuing the permit.¹³ Exemptions from the fishing license requirement exist for those under the age of 16 or are over the age of 65.¹⁴

Free Fishing Days

Florida law expressly authorizes FWC to designate by rule no more than 4 days a year as free freshwater fishing days and no more than 4 days year as free saltwater fishing days.¹⁵ This means people can fish without a license or permit on those days. A person who takes freshwater or saltwater fish on a free fishing day must comply with all laws, rules, and regulations governing the holders of a fishing license or permit and all other conditions and limitations regulating the taking of freshwater or saltwater fish as are imposed by law or rule.¹⁶

Harassment of Hunters, Trappers, or Fishers

Under 379.105, F.S., a person may not intentionally, within a publicly or privately owned wildlife management or fish management area or on any state-owned water body:

- Interfere with or attempt to prevent the lawful taking of fish, game, or nongame animals by another.
- Attempt to disturb fish, game, or nongame animals or attempt to affect their behavior with the intent to prevent their lawful taking by another.

⁸ Section 379.354(1), F.S.

⁹ Section 379.354(4), F.S.

¹⁰ Section 379.354(9), F.S.

¹¹ Section 379.354(11), F.S.

¹² Section 379.354(5), F.S.

¹³ Section 379.352(5), F.S.

¹⁴ Section 379.353, F.S.

¹⁵ Section 379.354(15), F.S.; Fla. Amin. Code R. 68A-5.006 sets out “Free-Freshwater Fishing Day-Spring” as the first weekend in April, and “Free-Freshwater Fishing Day-Summer” as the second weekend in June, or such other period as may be specified by order of FWC; Fla. Amin. Code R. 68A-5.006 sets out “License-Free Saltwater Fishing Days” as the first weekend in June, the first Saturday in September, and the Saturday following Thanksgiving.

¹⁶ Section 379.354(15), F.S.

Anyone in violation of this provision is guilty of a Level Two violation (see above).

Nonnative Species

FWC is responsible for the control and management of nonnative species.¹⁷ Nonnative species are animals living outside captivity and which are not historically present in the state.¹⁸ More than 500 fish and wildlife nonnative species have been documented in Florida.¹⁹ Not all nonnative species pose a threat to Florida's ecology, but some nonnative species become invasive species by causing harm to native species, posing a threat to human health and safety, or causing economic damage.²⁰ To manage and minimize the impacts of nonnative species, it is unlawful to import for sale or use, or to release within the state, any species not native to Florida unless authorized by the FWC.²¹

Prohibited or Conditional Nonnative Snakes and Lizards

Prohibited species are nonnative species that pose a very high risk to native fish and wildlife, to the ecology of native wildlife communities, or to human safety. Possession of these species requires a permit from FWC and is generally limited to public exhibition and research.²²

Conditional species²³ are nonnative species that pose a risk to native fish and wildlife or to the ecology of native wildlife communities. Conditional nonnative snakes and lizards are not authorized to be acquired for personal possession.²⁴ Specifically, the following nonnative snakes and lizards are prohibited from being kept, possessed, imported into the state, sold, bartered, traded, or bred for personal use or for sale for personal use:

- Burmese or Indian python;
- Reticulated python;
- Northern African python;
- Southern African python;
- Amethystine or scrub python;
- Green Anaconda;
- Nile Monitor; and
- Any other reptile designated as a conditional or prohibited species by FWC.²⁵

¹⁷ Fla. Admin. Code Ch. 68-5.

¹⁸ Fish and Wildlife Conservation Commission (FWC), *What is a nonnative species?*, <https://myfwc.com/wildlifehabitats/nonnatives/exotic-information/> (last visited Jan. 13, 2020).

¹⁹ FWC, *Florida's Exotic Fish and Wildlife*, <http://myfwc.com/wildlifehabitats/nonnatives/> (last visited on Jan. 13, 2020).

²⁰ *Id.*

²¹ Section 379.231, F.S.

²² Section 379.372, F.S.; see Fla. Admin. Code R. 68-5.003 for a complete list of prohibited species.

²³ Statute uses the phrase "reptiles of concern," but FWC lists such species in its conditional species list. See FWC, *Reptiles of Concern*, <https://myfwc.com/license/captive-wildlife/reptiles-of-concern/> (last visited Dec. 30, 2019); s. 379.372(b), F.S.

²⁴ FWC, *Conditional Snakes and Lizards*, <http://myfwc.com/wildlifehabitats/nonnatives/regulations/snakes-and-lizards/> (last visited Jan. 13, 2020).

²⁵ Section 379.372(2)(a), F.S.

A reptile dealer, researcher, or public exhibitor providing educational exhibits may apply for a permit to import or possess conditional nonnative snakes and lizards.²⁶ Conditional nonnative snakes and lizards must be kept indoors or in outdoor enclosures with a fixed roof and must be permanently identified with a passive integrated transponder (PIT) tag, also known as a microchip.²⁷ Owners of such species must submit a Captive Wildlife Disaster and Critical Incident Plan to FWC and must maintain records of their inventory.²⁸

In 2018, the Legislature created s. 379.2311, F.S., which directed FWC to create a pilot program to mitigate the impact of priority invasive species on the public lands or waters of the state. The goal of the pilot program is to examine the benefits of using strategically deployed, trained private contractors to slow the advance of priority invasive species, contain their populations, and eradicate them from this state. As part of the program, FWC is authorized to enter into contracts to capture or destroy animals belonging to priority invasive species found on public lands, in the waters of this state, or on private lands or waters with the consent of the owner. All captures and disposals of animals that are priority invasive species must be documented and photographed and the geographic location of the take must be recorded for research purposes. FWC is required to submit a report of findings and recommendations regarding its implementation of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2021.

Priority invasive species are:

- Lizards of the genus *Tupinambis*, also known as tegu lizards;
- The conditional lizard and snake species listed above;
- *Pterois volitans*, also known as red lionfish; and
- *Pterois miles*, also known as the common lionfish or devil firefish.²⁹

Tegus

The Argentine Black and White Tegu (*Tupinambis merianae*), commonly referred to as a tegu, is a large species of lizard that can grow up to four feet in length and is native to South America.³⁰ Tegus are not innately aggressive but have sharp teeth, strong jaws, and sharp claws, which they will use to defend themselves if threatened.³¹ Tegus are an invasive species and have known breeding populations in Miami-Dade and Hillsborough counties³² and an emerging population in Charlotte County.³³ The tegu causes harm to native species by disturbing alligator nests and

²⁶ Fla. Admin. Code R. 68-5.005(1); see FWC, *Conditional Snakes and Lizards*, <http://myfwc.com/wildlifehabitats/nonnatives/regulations/snakes-and-lizards/> (last visited Jan. 13, 2020).

²⁷ Fla. Admin. Code R. 68-5.005(5).

²⁸ *Id.*

²⁹ Section 379.2311, F.S.

³⁰ FWC, *Argentine black and white tegu*, <https://myfwc.com/wildlifehabitats/nonnatives/reptiles/whiptails-and-wall-lizards/tegu/> (last visited Jan. 2, 2020).

³¹ *Id.*

³² *Id.*

³³ FWC, *Senate Bill 1414 Agency Bill Analysis*, 2 (Dec. 19, 2019) (on file with the Senate Committee on Environment and Natural Resources).

consuming their eggs, and utilizing gopher tortoise burrows and consuming juvenile gopher tortoises.³⁴

The tegu is not designated as a conditional or prohibited species.³⁵ However, a person must possess a license from FWC to sell a tegu or for public exhibition.³⁶ A November 2019 survey of all Class III license holders allowing for the sale of reptiles found 106 license holders listed that may sell tegus with more than 1,245 in inventory.³⁷ FWC developed a trapping removal program and works with other agencies and organizations to assess the tegu's threat and develop management strategies.³⁸ The goal of the program is to minimize the impact of tegus on native wildlife and natural areas.³⁹ A limited number of commercial wildlife operators trap and remove tegus for homeowners or on other private lands.⁴⁰

Members of the public may also remove and kill tegus from 22 FWC managed public lands without a license or permit.⁴¹ Through these efforts, over 7,800 tegus have been reported to the Commission as removed from the wild or found dead in Florida by FWC staff, partners, and the public since 2012, primarily in Miami-Dade County.⁴²

Green Iguanas

Green iguanas (*Iguana iguana*) are large, typically green lizards, though they can sometimes be brown or almost black in color.⁴³ Some adults can take on an orange or pink coloration during certain times of the year. Male green iguanas can grow to over five feet in length and weigh up to 17 pounds. Females can also reach five feet in length but usually do not exceed seven pounds. Females typically reach reproductive maturity at two to four years of age. Green iguanas can live up to 10 years in the wild and 19 years in captivity. Green iguanas thrive in southern Florida and are not cold hardy.⁴⁴

Green iguanas are a nonnative, invasive species in Florida.⁴⁵ Green iguanas can live on the ground, in shrubs, or in trees in a variety of habitats including suburban developments, urban areas, small towns, and agricultural areas. They are excellent swimmers, tolerating both salt and freshwater and can submerge themselves for up to four hours at a time.⁴⁶

³⁴ FWC, *Argentine black and white tegu*, <https://myfwc.com/wildlifehabitats/nonnatives/reptiles/whiptails-and-wall-lizards/tegu/> (last visited Jan. 2, 2020).

³⁵ *Id.*

³⁶ *Id.*; see s. 379.3761, F.S.

³⁷ FWC, *Senate Bill 1414 Agency Bill Analysis*, 2 (Dec. 19, 2019) (on file with the Senate Committee on Environment and Natural Resources).

³⁸ *Id.* (under Frequently Asked Questions).

³⁹ *Id.*

⁴⁰ FWC, *Senate Bill 230 Agency Bill Analysis*, 2 (Feb. 17, 2017) (on file with the Senate Committee on Environment and Natural Resources).

⁴¹ FWC, EO 17-11 (Mar. 31, 2017), available at <https://myfwc.com/media/3682/eo-17-11.pdf>.

⁴² FWC, *Senate Bill 1414 Agency Bill Analysis*, 2 (Dec. 19, 2019) (on file with the Senate Committee on Environment and Natural Resources).

⁴³ FWC, *Invasive Green Iguana*, <https://myfwc.com/wildlifehabitats/profiles/reptiles/green-iguana/> (last visited Dec. 30, 2019).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

Green iguanas cause damage to residential and commercial landscape vegetation and are often considered a nuisance by property owners. Iguanas are attracted to trees with foliage or flowers, most fruits (except citrus) and almost any vegetable. Some green iguanas cause damage to infrastructure by digging burrows that erode and collapse sidewalks, foundations, seawalls, berms, and canal banks. Green iguanas may also leave droppings on docks, moored boats, seawalls, porches, decks, pool platforms, and inside swimming pools.

Green iguanas are not designated as conditional or prohibited species.⁴⁷ However, a person must possess a license from the FWC to sell a green iguana or for public exhibition.⁴⁸ A November 2019 survey of all Class III license holders allowing for the sale of reptiles found 382 license holders listed that may sell iguanas with more than 5,307 in inventory.⁴⁹

The FWC encourages removal of green iguanas from private properties by landowners. Members of the public may also remove and kill iguanas from 22 FWC managed public lands without a license or permit.⁵⁰ The FWC hosts Iguana Technical Assistance Public Workshops to help empower homeowners to manage this nonnative species on their own property with legal trapping and removal options.⁵¹ In 2018, FWC initiated removal efforts on public conservation lands, resulting in nearly 5,000 iguanas being removed.⁵²

III. Effect of Proposed Changes:

Section 1 amends s. 379.105, F.S., relating to harassment of hunters, trappers, or fishers. The bill revises existing language to protect hunters, trappers, or fishers from harassment within or on any public lands, publicly or privately owned wildlife management areas or fish management areas, or public waters. The bill increases areas upon which hunters, trappers, or fishers are protected from harassment by expanding the protection to all public lands and all public waters (from wildlife management or fish management areas or a state-owned water body).

Section 2 amends s. 379.354, F.S., to increase the free saltwater and freshwater fishing days from 4 to 6.

Section 3 amends s. 379.372, F.S., to state that no person, party, firm, association, or corporation may keep, possess, import into the state, sell, barter, trade, or breed the following species except for educational or research purposes:

- Burmese or Indian python (*Python molurus*).
- Reticulated python (*Python reticulatus*).
- Northern African python (*Python sebae*).

⁴⁷ *Id.*

⁴⁸ *Id.*; see s. 379.3761, F.S.

⁴⁹ FWC, *Senate Bill 1414 Agency Bill Analysis*, 3 (Dec. 19, 2019) (on file with the Senate Committee on Environment and Natural Resources).

⁵⁰ FWC, EO 17-11 (Mar. 31, 2017), available at <https://myfwc.com/media/3682/eo-17-11.pdf>.

⁵¹ FWC, *Nonnative Species Public Workshops*, <https://myfwc.com/wildlifehabitats/nonnatives/public-workshops/> (last visited Dec. 30, 2019).

⁵² FWC, *Senate Bill 1414 Agency Bill Analysis*, 2 (Dec. 19, 2019) (on file with the Senate Committee on Environment and Natural Resources).

- Southern African python (*Python natalensis*).
- Amethystine or scrub python (*Morelia amethystinus*).
- Green Anaconda (*Eunectes murinus*).
- Nile monitor (*Varanus niloticus*).
- Green iguana (*Iguana iguana*).
- Tegu Lizard (any species of the genera *Salvator* or *Tupinambis*).
- Any other reptile designated as a conditional or prohibited species by FWC.

This adds the green iguana and the tegu lizard to the list of species that cannot be kept or sold for personal use. It also makes the prohibition stricter by changing it from prohibiting these species for being “kept or sold for personal use” to prohibiting anyone from possessing them “except for educational or research purposes.”

Section 4 provides an effective date of July 1, 2020.

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:

There may be a negative fiscal impact to commercial owners of tegus and iguana who are no longer able to sell the species under the bill.

C. Government Sector Impact:

There may be a negative fiscal impact to the state for additional free fishing days, but it is likely negligible.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 379.105, 379.354, and 379.372.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Environment and Natural Resources on February 3, 2020:

The prohibition on tegus is expanded to include any species of the genera *Salvator* or *Tupinambis*.

B. Amendments:

None.



523760

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2020	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 70 - 73
and insert:

9. Tegu lizard (any species of the genera *Salvator* or
Tupinambis).

10. Any other reptile designated as a conditional or
prohibited species by the commission.

Section 4. For the purpose of incorporating the amendment
made by this act to section 379.372, Florida Statutes, in a



523760

reference thereto, subsection (1) of section 379.2311, Florida Statutes, is reenacted to read:

379.2311 Nonnative animal management.—

(1) As used in this section, the term "priority invasive species" means the following:

(a) Lizards of the genus *Tupinambis*, also known as tegu lizards;

(b) Species identified in s. 379.372(2)(a);

(c) *Pterois volitans*, also known as red lionfish; and

(d) *Pterois miles*, also known as the common lionfish or devil firefish.

Section 5. This act shall take effect July 1, 2020.

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

And the title is amended as follows:

Delete line 13

and insert:

except for educational or research purposes; including green iguanas and species of the genera *Salvator* and *Tupinambis* in such prohibition; reenacting s.

379.2311(1), F.S., relating to the definition of the term "priority invasive species," to incorporate the amendment made to s. 379.372, F.S., in a reference thereto; providing

By Senator Mayfield

17-01106B-20

20201414__

A bill to be entitled
An act relating to fish and wildlife activities;
amending s. 379.105, F.S.; prohibiting certain
harassment of hunters, trappers, and fishers within or
on public lands or publicly or privately owned
wildlife and fish management areas, or in or on public
waters; amending s. 379.354, F.S.; authorizing the
Fish and Wildlife Conservation Commission to designate
additional annual free freshwater and saltwater
fishing days; amending s. 379.372, F.S.; prohibiting
the keeping, possessing, importing, selling,
bartering, trading, or breeding of certain species
except for educational or research purposes; providing
an effective date.

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

Section 1. Subsection (1) of section 379.105, Florida
Statutes, is amended to read:

379.105 Harassment of hunters, trappers, or fishers.—

(1) A person may not intentionally, within or on any public
lands or a publicly or privately owned wildlife management and
~~or~~ fish management areas, area or in or on any public waters
~~state-owned water body~~:

(a) Interfere with or attempt to prevent the lawful taking
of fish, game, or nongame animals by another within or on such
lands or areas, or in or on such waters.

(b) Attempt to disturb fish, game, or nongame animals or
attempt to affect their behavior with the intent to prevent

17-01106B-20

20201414__

their lawful taking by another within or on such lands or areas,
or in or on such waters.

Section 2. Subsection (15) of section 379.354, Florida Statutes, is amended to read:

379.354 Recreational licenses, permits, and authorization numbers; fees established.—

(15) FREE FISHING DAYS.—The commission may designate by rule no more than 6 4 consecutive or nonconsecutive days in each year as free freshwater fishing days and no more than 6 4 consecutive or nonconsecutive days in each year as free saltwater fishing days. Notwithstanding any other provision of this chapter, a ~~any~~ person may take freshwater fish for noncommercial purposes on a free freshwater fishing day and may take saltwater fish for noncommercial purposes on a free saltwater fishing day, without obtaining or possessing a license or permit or paying a license or permit fee as set forth ~~prescribed~~ in this section. A person who takes freshwater or saltwater fish on a free fishing day must comply with all laws, rules, and regulations governing the holders of a fishing license or permit and all other conditions and limitations regulating the taking of freshwater or saltwater fish as are imposed by law or rule.

Section 3. Paragraph (a) of subsection (2) of section 379.372, Florida Statutes, is amended to read:

379.372 Capturing, keeping, possessing, transporting, or exhibiting venomous reptiles, reptiles of concern, conditional reptiles, or prohibited reptiles; license required.—

(2)(a) A ~~No~~ person, party, firm, association, or corporation may not ~~shall~~ keep, possess, import into the state,

17-01106B-20

20201414__

59 sell, barter, trade, or breed the following species except for
60 educational or research purposes ~~personal use or for sale for~~
61 ~~personal use~~:

- 62 1. Burmese or Indian python (*Python molurus*).
- 63 2. Reticulated python (*Python reticulatus*).
- 64 3. Northern African python (*Python sebae*).
- 65 4. Southern African python (*Python natalensis*).
- 66 5. Amethystine or scrub python (*Morelia amethystinus*).
- 67 6. Green Anaconda (*Eunectes murinus*).
- 68 7. Nile monitor (*Varanus niloticus*).
- 69 8. Green iguana (*Iguana iguana*).
- 70 9. Black and white tegu (*Salvator merianae*).
- 71 10. Any other reptile designated as a conditional or
72 prohibited species by the commission.
- 73 Section 4. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/20

Meeting Date

Bill Number (if applicable)

Topic CONFIRMATION

Amendment Barcode (if applicable)

Name RON BERGETON

Job Title GOVERNING BOARD MEMBER

Address

Street

Phone

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SFUMD

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/20

Meeting Date

Bill Number (if applicable)

Topic CONFIRMATION

Amendment Barcode (if applicable)

Name BEN BUTLER

Job Title GOVERNING BOARD MEMBER

Address

Street

Phone

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SFWMD

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

2/3/20

Bill Number (if applicable)

Amendment Barcode (if applicable)

Phone 850-539-5999

32333

Email brett.cyphers@nwfwater.com

Zip

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

Lobbyist registered with Legislature: ☒ Yes ☐ No

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)

2-3-20

Meeting Date

Bill Number (if applicable)

Topic

Confirmation

Amendment Barcode (if applicable)

Name

Brian Armstrong

Job Title

Executive Director, SWFWMD

Address

2379 Broad St.

Phone

Street

Brooksville

FL

34604

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Southwest Fl Water Management District

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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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)

2/3/20

Meeting Date

Bill Number (if applicable)

Topic Confirmation

Amendment Barcode (if applicable)

Name Dr. Ann Shortelle

Job Title Executive Director

Address 4049 Reid St.

Phone _____

Street

Pelkha

City

FL

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

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

Representing St. Johns River Water Management District

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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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)

2/3/2020
Meeting Date

Bill Number (if applicable)

Topic TAB 5
GOVERNING BOARD OF SFWMD - BEN BUTLER

Amendment Barcode (if applicable)

Name NANCY STEPHENS

Job Title CHAIRMAN - FLORIDA AG COALITION

Address _____

Phone 850 445 1607

Street

Gallahassee

FL

City

State

Zip

Email nancy@nstephens.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA AG COALITION

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

VOLUNTEER

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2/3/2020

Meeting Date

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

N/A
Bill Number (if applicable)

Topic SFWMD Appt Board Member Ben Butler

N/A
Amendment Barcode (if applicable)

Name Sam Ard

Job Title _____

Address PO Box 10406

Street

Phone 850 571 6500

TLH

City

FL

State

32302

Zip

Email sard@asrlegal.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Fla. Cattlemen's Association

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)

2/3/20

Meeting Date

Bill Number (if applicable)

Topic Confirmation of Ron Bergeron

Amendment Barcode (if applicable)

Name Noah Valenstein

Job Title Secretary

Address _____ Phone _____
Street

City _____ State _____ Zip _____ Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL Dept. 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

Feb 3, 2020

Meeting Date

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

1152

Bill Number (if applicable)

Topic Senate Bill 1152 Brownfields

Amendment Barcode (if applicable)

Name Jorge Caspary

Job Title Technical Consultant for City of Pensacola

Address 2282 Killearn Center Blvd Suite C
Street

Phone 850-566-6839

Tallahassee FL 32309
City State Zip

Email Jcaspary@cameron-cole.com

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)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/20

Meeting Date

1152

Bill Number (if applicable)

Topic Brownfields

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Job Title Deputy General Counsel

Address PO Box 1757
Street

Phone 222 9684

Tallahassee FL 32302
City State Zip

Email rohara@flcities.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Fla League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

FEB 3, 2020

Meeting Date

1720

Bill Number (if applicable)

Topic RECLAIMED WATER IS A NOXIOUS SCAM; STATUTE 70.001

Amendment Barcode (if applicable)

Name DAVID BALLARD GEDDIS JR

Job Title

Address 802 GEORGIA AVENUE

Street

Phone 727-483-1330

Palm Harbor

City

FL

State

34683

Zip

Email MyABRIDGEPOINT @

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4PM 50B 37

02-03-2020

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

Meeting Date

1720

Bill Number (if applicable)

Topic FL. Safe Drinking Water

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Retired Environmental Activist

Address Street

Phone 850 322-7589

City

Tallahassee

State

Zip

Email amalie.datz@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Environmental Caucus of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

ENR

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/20
Meeting Date

1720
Bill Number (if applicable)

Topic _____

Name DAVID CULLEN

Job Title _____

Address 104-2 Crest St

Street

11th

City

FL

State

32301

Zip

Phone 941.323.2404

Email cullenasc@col.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SEARRA CLUB FLORIDA

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)

2/3/20

Meeting Date

SB1720

Bill Number (if applicable)

Topic Drinking water

Amendment Barcode (if applicable)

Name Lindsay Cross

Job Title Govt Relations Director

Address 1700 N Monroe St - 286

Street

Phone ✓

Tammy

City

State

32303

Zip

Email lindsay@fcvoters.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Conservation voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

APPEARANCE RECORD

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

2/3/20

Meeting Date

1720

Bill Number (if applicable)

Topic Drinking Water

Amendment Barcode (if applicable)

Name Chris Hansen

Job Title Ballard Partners

Address 201 E. Park Ave 5th Floor

Phone 850/251-2672

Street

Tallahassee FL 32301

City

State

Zip

Email chansen@ballardpartners.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Rural Water Assoc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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ENR

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/20
Meeting Date

1878
Bill Number (if applicable)

Topic _____

Name DAVID CULLEN

Job Title _____

Address 104-2 Crest St
Street

Phone 941-323-2404

TLH FL 32301
City State Zip

Email cullenasee@aol.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4 PM SOB 37

2-3-2020

Meeting Date

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

1878

Bill Number (if applicable)

Topic Environmental Protection

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Environmental Scientist Retired

Address

Street

Tallahassee

FL

32303

City

State

Zip

Phone 850 322-7599

Email amali.datz@mac.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Environmental Caucus of Florida.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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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)

2/3/20

Meeting Date

1878

Bill Number (if applicable)

Topic Env't'l Protection

/
Amendment Barcode (if applicable)

Name Rebecca O'Hara

Job Title Deputy General Counsel

Address PO Box 1757
Street

Phone 222 9684

Tallahassee FL 32302
City State Zip

Email rohara@flcities.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Fla League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

FEB 3, 2020

Meeting Date

1878

Bill Number (if applicable)

Topic IS ROOSEVELT RESPONSIBLE?

Amendment Barcode (if applicable)

Name DAVID BALLARD GEDDIS JR

Job Title

Address 802 GEORGIA
Street

Phone (727) 483-1330

PALM HARBOR
City

FL
State

34683
Zip

Email MyABridgePoint@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

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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)

2/3
Meeting Date

1878
Bill Number (if applicable)

Topic SB 1878

Amendment Barcode (if applicable)

Name Noah Valenstein

Job Title Secretary

Address 3900 Commonwealth Blvd
Street

Phone _____

Tallahassee FL 32399
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL Dept 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)

2/3/20

Meeting Date

SB 826

Bill Number (if applicable)

363196

Amendment Barcode (if applicable)

Topic

MARINA EVACUATIONS

Name

DONNIE RASHAM

Job Title

Address

133 OAK STREET #15

Street

JLH

City

FL

State

32301

Zip

Phone

850 933 7277

Email

Capital.Ideas@att.net

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

BOAT U.S.

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/3

Meeting Date

826

Bill Number (if applicable)

Topic Marina evaluations

Amendment Barcode (if applicable)

Name Robert Stuart

Job Title Gov. Consultant

Address 301 E Pine St

Phone 407 843 8820

Street

City Orlando State FL Zip 32801

Email Robert.Stuart@gray-robinz.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Port Canaveral

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)

2/3/00

Meeting Date

826

Bill Number (if applicable)

Topic MAJANA EVACUATIONS

Amendment Barcode (if applicable)

Name MICHAEL RUBIN

Job Title VP GOV. AFFAIRS

Address 502 E. JEFFERSON ST

Phone 850-202-8028

Street

Jol

City

FL

State

32301

Zip

Email Mike.Rubin@FLAPORTS.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA PORTS COUNCIL

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)

FEB 3, 2020

Meeting Date

1414

Bill Number (if applicable)

Topic FISHERMEN VS MANATEES VS CLIMATE

Name DAVID BALLARD GEDDIS JR

Job Title

Address 802 GEORGIA AVENUE
Street

Phone 727-483-1330

PALM HARBOR FL 34683
City State Zip

Email MYABRIDGEPOINT@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

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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)

2-3-20

Meeting Date

SB1424

Bill Number (if applicable)

Topic INVASIVE REPTILES

Amendment Barcode (if applicable)

Name EUGENE BISSETTE

Job Title LEGISLATIVE AFFAIRS FL REPTILE INDUSTRY

Address 13916 SW ARCHER RD

Phone 352-494-6884

Street

ARCHER FL 32618

City

State

Zip

Email ECBBSSETTE1@GMAIL.COM

Speaking: ☐ For ☒ Against ☐ Information

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

Representing USARK-FL REPTILE INDUSTRY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/03/20

Meeting Date

1414
SB144
Bill Number (if applicable)

Topic Keeping + Possession of Reptiles

Amendment Barcode (if applicable)

Name JOHN SEWAGAT

Job Title EXECUTIVE DIRECTOR

Address 14601 NW 122 Terrace
Street

Phone 443 392 5897

ALACHUA FL 32615
City State Zip

Email john@zaa.org

Speaking: ☐ For ☐ Against ☒ Information

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

Representing ZOOLOGICAL ASSOCIATION OF AMERICA

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)

2-3-2020

Meeting Date

1414

Bill Number (if applicable)

Topic Economic Effect of Iguana & Tegu Ban

Amendment Barcode (if applicable)

Name Richard Cole

Job Title Business Owner

Address 4900 8st
Street

Phone 813-770-3688

Zephyrhills
City

FL
State

33542
Zip

Email CEExotics@gmail.com

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

2/3/2020

Meeting Date

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

1414

Bill Number (if applicable)

Topic Fish & Wildlife Activities

Name Jessica Crawford

Job Title Legislative Affairs

Address 620 S. Meridian Street

Street

Tallahassee FL 32399

City

State

Zip

Phone 850-487-3795

Email Jessica.Crawford@myfloridacomm.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Fish & Wildlife Conservation Commission

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)

2-3-20

Meeting Date

1414

Bill Number (if applicable)

Topic Fish + Wildlife

Name Lane Stephens

Job Title _____

Address 111 N Calhoun St
Street

Tallahassee FL 32301
City State Zip

Phone 933-3583

Email lane.c.stephens@com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Fla Airboat Assoc.

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)

02/03/20

Meeting Date

1414

Bill Number (if applicable)

Topic Tegu & Iguana Ban

Amendment Barcode (if applicable)

Name Carlos Michelsen

Job Title Personal Protection & Reptile Breeder

Address 25873 SW 133 PL

Phone 786-452-6695

Street

Homestead FL 33032

City

State

Zip

Email TropicalReptilesFL@gmail.com

Speaking: ☐ For ☒ Against ☒ Information

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

Representing Myself

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)

Meeting Date _____

SB 1414
Bill Number (if applicable)

Topic OPPOSED SB 1414

Amendment Barcode (if applicable) _____

Name Baktary Caruth

Job Title Wildlife education

Address 4400 Crabtree Church Rd

Phone 716 940 0530

Street

Molise
City

FL
State

32577
Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Reptile Community

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2-04-2020

Meeting Date

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

SB1414

Bill Number (if applicable)

Topic Restrictions on Conditional Species

Amendment Barcode (if applicable)

Name Alyssa Bell

Job Title Animal educator / student

Address 8182 Crystal Wells Place

Street

Pensacola

City

FL

State

32514

Zip

Phone 850 619 6799

Email qtip.0119@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing self / HOP Education

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)

2/3/20

Meeting Date

SB1414

Bill Number (if applicable)

Topic Opposed SB1414

Name CHRIS CASEY

Job Title MR

Address 6132 Carroll Rd

Street

Milton

City

FL

State

32583

Zip

Phone (850) 418 0411

Email magnanosc@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Reptile Community

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)

2/3/20

Meeting Date

1414

Bill Number (if applicable)

Topic Against Tegu and Iguana Ban

Amendment Barcode (if applicable)

Name Alex Pell

Job Title

Address 10340 SW 82 AVE

Street

Phone 305 398 7868

City

State

Zip

Email ASPELL@live.com

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

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

2/3/20

Meeting Date

1414

Bill Number (if applicable)

Topic Against Tegu and Iguana Ban

Amendment Barcode (if applicable)

Name Edward Leatherman

Job Title _____

Address 5600 SW 85 ST
Street

Phone 786-682-9221

Miami FL 33143
City State Zip

Email _____

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/2020

Meeting Date

SB 1414

Bill Number (if applicable)

Topic Reptiles & Turtles

Amendment Barcode (if applicable)

Name Jordan Spry

Job Title Green Swamp Exotics owner

Address 8760 Lee term lane
Street

Phone 863 412 1105

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Green Swamp Exotics

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/3/2020
Meeting Date

SB 1414
Bill Number (if applicable)

Topic SB 1414 Tegus + Green Iguanas

Amendment Barcode (if applicable)

Name Jacqueline Lipscomb

Job Title Co-owner

Address 548 South Duncan Dr
Street

Phone 352-742-1876

Tavares FL 32778
City State Zip

Email colossalreptilesllc@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Colossal Reptiles

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/03/2024

Meeting Date

SB 1414

Bill Number (if applicable)

Topic SB 1414 Tegus & Green Iguanas

Amendment Barcode (if applicable)

Name Robert D Beaulieu Sr

Job Title Owner

Address 548 S Duncan Rd
Street

Phone 352 434 5252

Tavares FL 32778
City State Zip

Email ColossalReptilesUC@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Colossal Reptiles

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/2020
Meeting Date

SB 1414
~~SB 906~~
Bill Number (if applicable)

Topic B & W TEGUS AND GREEN IGUANA

Amendment Barcode (if applicable)

Name NICHOLAS YOUNG

Job Title CO-OWNER, KEEPER

Address 15889 Lexington Park Blvd
Street

Phone 904-752-7427

Jacksonville, FL 32218
City State Zip

Email nick@nksreptiles.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing NKS Reptiles

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/2020
Meeting Date

SB 1414
~~SB 906~~
Bill Number (if applicable)

Topic B&W TEGUS AND GREEN IGUANAS

Amendment Barcode (if applicable)

Name KAYLA YOUNG

Job Title OWNER, OPERATOR, KEEPER

Address 15889 LEXINGTON PARK CT
Street

Phone 904-881-8803

JACKSONVILLE FL 32218
City State Zip

Email Kayla@nksreptiles.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing NKS REPTILES,

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

SB 1414

~~SB 906~~
Bill Number (if applicable)

02/03/2020
Meeting Date

Topic Tegu + Iguana

Amendment Barcode (if applicable)

Name Robert D Besalieu Sr

Job Title Owner

Address 548 S Duncan Dr
Street

Phone 352 434 5252

Tavares FL 32778
City State Zip

Email ColossalReptilesLLC@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Colossal Reptiles LLC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/2020
Meeting Date

SB 1414
~~SB 906~~
Bill Number (if applicable)

Topic Tegu + Gamba

Amendment Barcode (if applicable)

Name Jacqueline Lipscomb

Job Title Co owner

Address 5485 Duncan Dr.
Street

Phone 352 742-1186

Tallahassee FL 32378
City State Zip

Email colossalreptilesllc@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Colossal Reptiles LLC

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/2020
Meeting Date

SB 1414
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Nicholas Young

Job Title Co-owner

Address 15889 Lexington Park Blvd
Street

Phone 904-753-7427

Jacksonville FL 32218
City State Zip

Email nick@nksreptiles.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing NKS Reptiles.com

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)

2/3/2026

Meeting Date

SB 1414

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name KAYLA Young

Job Title owner

Address 15889 Lexington Park Blvd
Street

Phone 904-753-7427

Jacksonville FL 32218
City State Zip

Email kayla@nksreptiles.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing NKS Reptiles

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

680

Meeting Date _____

Bill Number (if applicable) _____

Topic STATE FINS

926996
Amendment Barcode (if applicable)

Name LARRY SANSON

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

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

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

2/3/20

Meeting Date

680

Bill Number (if applicable)

926996

Amendment Barcode (if applicable)

Topic

Shark Fins

Name

BOB HARRIS

Job Title

Address

2618 Centennial Way

Street

Tallahassee FL

City

State

32308

Zip

Phone

222-0720

Email

bharris@lawfh.com

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Diving Equipment & Marketing Association

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)

02/03/20

Meeting Date

SB680

Bill Number (if applicable)

Topic FIN TRADE BAN

Name BRADY HALE

Job Title CO-FOUNDER, GULF COAST LIONFISH TOURNAMENTS

Address 10121 SINTON PR.

Street

PENSACOLA, FL

City

State

32507

Zip

Phone 469-387-4940

Email BRADY@BEYOND130.COM

Speaking: ☒ For ☐ Against ☐ Information

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

Representing GULF COAST LIONFISH TOURNAMENTS

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)

3-FEB-20
Meeting Date

SB680
Bill Number (if applicable)

Topic SHARK FIN TRADE

Amendment Barcode (if applicable)

Name STEVEN S. HEMMERT

Job Title GM / MBT DIVERS

Address 3920 BARRANCA'S AVE
Street

Phone 880.516.4416

PENSACOLA FL 32507
City State Zip

Email Steve@mbtdivers.com

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

2/3/20

Meeting Date

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

680

Bill Number (if applicable)

Topic

Shanks

Amendment Barcode (if applicable)

Name

Kate MacFall

Job Title

Address

Street

Tallahassee

FL

State

32312

Zip

Phone

850 508-1001

Email

kmacfall@hsus.org

Speaking:



For



Against



Information

Waive Speaking:



In Support



Against

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

Representing

Humane Society of the United States

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)

2-3-20

Meeting Date

680

Bill Number (if applicable)

Topic Shark fins

Amendment Barcode (if applicable)

Name Trip Aukeman Coastal Conservation Assoc.

Job Title _____

Address _____
Street

Phone 850-559-0060

City _____ State _____ Zip _____

Email _____

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

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

2/3/2020

Meeting Date

SB680

Bill Number (if applicable)

Topic Shark Fins

Name STEFANIE BRENDL

Job Title Executive Director

Address 6 Colo Pl.
Street

Pacific Palisades CA 90272
City State Zip

Phone (808) 778-6740

Email stefaniebrendl@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SHARK ALLIES

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)

2/3/20
Meeting Date

SB680
Bill Number (if applicable)

Topic Shark Fin Trade

Name Cassandra Scott

Job Title Engineer

Address 11662 Lake Shore Place
Street

N. Palm Beach FL 33408
City State Zip

Phone 561 543 2829

Email cova.scott@gmail.com

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-3-2020

Meeting Date

SB 680

Bill Number (if applicable)

Topic Shark Fin Trade

Amendment Barcode (if applicable)

Name Shara Teter

Job Title Marine Scientist

Address 1801 NE 28 Ter
Street

Phone 717 928 8704

Pompano Beach FL 33062
City State Zip

Email shara.teter@gmail.com

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)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-3-20
Meeting Date

680
Bill Number (if applicable)

Topic Shark Fin Trade Ban

Amendment Barcode (if applicable)

Name Mike Merrifield

Job Title Co Owner Cape Canaveral Shrimp Co

Address 688 S. Park Ave
Street

Phone 321-615-5228

Titusville FL 32796
City State Zip

Email mikem@wildoceanmarket.com

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

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

2/3/20

Meeting Date

SB 690

Bill Number (if applicable)

Topic SHARK FINS

Amendment Barcode (if applicable)

Name LARRY SANSON

Job Title EXECUTIVE DIRECTOR

Address PO Box 700
Street

Phone 321-698-4400

Cocoa FL 32923
City State Zip

Email FISHAWIL@AOL.COM

Speaking: ☐ For ☒ Against ☐ Information

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

Representing ORGANIZED FISHERMEN of FLA.

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)

2/3/20

Meeting Date

680

Bill Number (if applicable)

Topic Shark Fins

Name BOB HARRIS

Job Title _____

Address 2618 Centennial Place

Street

Tallahassee

City

FL

State

32308

Zip

Phone 222-0720

Email bharris@lawfla.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Diving Equipment & Marketing Association

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)

2/3/2020
Meeting Date

SB 680
Bill Number (if applicable)

Topic Shark fin BAN

Amendment Barcode (if applicable)

Name Laurilee Thompson

Job Title Co-owner Dixie Crossroads Restaurant

Address 1475 Garden St

Phone 321-294-6866

Titusville FL 32754
City State Zip

Email laurileethompson@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Shark Fishing industry

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)

2/3/2020
Meeting Date

SB680
Bill Number (if applicable)

Topic Shark Fins

Amendment Barcode (if applicable)

Name Sherylanne McCoy

Job Title _____

Address 715 N. Tropical Trail
Street

Phone 321 - 960-1663

Merritt Island FL 32953
City State Zip

Email sherrim@wildoceanmarket.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Shark Fishing industry

working with bill sponsor

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)

2/3/20

Meeting Date

680

Bill Number (if applicable)

Topic Shark Fins

Amendment Barcode (if applicable)

Name David Campo

Job Title Comm Fisherman

Address 11486 64th Ave N
Street

Phone 727 836 0050

Seminole FL 33772
City State Zip

Email DC.MALINE.SERVICES.CO
GMAIL

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Shark Fishing Industry

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)

2/3/202
Meeting Date

SB 680
Bill Number (if applicable)

Topic Shark Finning

Amendment Barcode (if applicable)

Name Ana Castillo

Job Title _____

Address 1001 Ocala Rd
Street

Phone _____

Tallahassee FL 32304
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Shark Allies

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)

<u> </u> Meeting Date		<u>SB 680</u> Bill Number (if applicable)	
Topic <u>Shark Finning</u>		Amendment Barcode (if applicable) <u> </u>	
Name <u>Yaneisy Padino</u>		✓	
Job Title <u> </u>			
Address <u>104 Westwood Dr.</u>		Phone <u>813 520 0669</u>	
<u>Tallahassee</u> <u>FL</u> <u>32304</u>		Email <u> </u>	
City State Zip			
Speaking: ☐ For ☐ Against ☐ Information		Waive Speaking: ☒ In Support ☐ Against (The Chair will read this information into the record.)	
Representing <u>Shark Allies</u>			
Appearing at request of Chair: ☐ Yes ☐ No		Lobbyist registered with Legislature: ☐ Yes ☐ No	

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/20

Meeting Date

680

Bill Number (if applicable)

Topic Shark Fins

Amendment Barcode (if applicable)

Name Travis Moore

Job Title _____

Address P.O. Box 2020
Street

Phone 727.421.6902

St. Petersburg FL 33731
City State Zip

Email travis@moore-relations.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Animal Legal Defense Fund

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)

Meeting Date _____

Bill Number (if applicable) 680

Topic SHARK FIN'S

Amendment Barcode (if applicable) _____

Name GENE MC GEE

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SEA/WORLD PARKS & ENTERTAINMENT

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)

Meeting Date _____

SP680
Bill Number (if applicable)

Topic Fin Trade Ban

Amendment Barcode (if applicable) _____

Name Steve Roden

Job Title CEO

Address 5500 Pimlico Dr
Street

Phone _____

Tallahassee FL 32309
City State Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Guy Hardy Enterprise

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)

2/3/20

Meeting Date

SB 688

Bill Number (if applicable)

Topic Illegal Taking of Bears

Amendment Barcode (if applicable)

Name Lindsay Cross

Job Title Govt Relations Director

Address 1700 N Monroe 11-286

Phone _____

Street

Tallah

City

State

32303

Zip

Email lindsay@favoters.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida conservation voters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

S-001 (10/14/14)

ENR

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/3/20

Meeting Date

688

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title

Address 104-2 Crest St

Street

Phone 941-323-2404

SLH

City

FL

State

32301

Zip

Email cullen2502@aol.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SIERRA CLUB

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)

2/3/20

Meeting Date

688

Bill Number (if applicable)

Topic

Bears

Amendment Barcode (if applicable)

Name

Kate MacFall

Job Title

Address

1624 Metropolitan Cir.

Phone

850 508-1001

Street

Tallahassee

State

FL

Zip

32312

Email

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Humane Society of the United States

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)

Feb. 3, 2020

Meeting Date

NA

Bill Number (if applicable)

Topic Florida Forecast for Extreme Heat

NA

Amendment Barcode (if applicable)

Name Bruce French

Job Title Env. Mgr. - Retired

Address 1854 E. Windwood Way

Phone 850-274-2776

Street Tallahassee FL 32311

Email albfrench@yahoo.com

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

CourtSmart Tag Report

Room: LL 37
Caption: Senate Environmental and Natural Resources

Type:
Judge:

Started: 2/3/2020 4:02:06 PM
Ends: 2/3/2020 5:47:59 PM **Length:** 01:45:54

4:02:04 PM	Meeting called to order
4:02:10 PM	Roll call
4:02:13 PM	Quorum is present
4:02:20 PM	Pledge of allegiance
4:02:45 PM	Chair Montford speaking
4:02:50 PM	Instruction on confirmation appointments
4:03:32 PM	Tab 1- 8 confirmation appointments
4:03:42 PM	Tab 2 Northwest Florida Water Management District
4:03:46 PM	Note - Tab 6 will be skipped at this time
4:03:52 PM	Tab 2 Brett J. Cyphers of Havana is sworn in
4:04:15 PM	Brett Cyphers addresses the committee
4:06:13 PM	Questions for the appointee
4:06:18 PM	None
4:06:21 PM	No public appearance
4:06:23 PM	Senator Berman motion to vote
4:06:31 PM	Roll call on Brett Cyphers
4:06:37 PM	Confirmation is recommended favorably
4:06:58 PM	Tab 4--Dr. Ann Shortelle is sworn in St Johns River Water Management District
4:07:22 PM	Dr. Shortelle speaks
4:09:14 PM	Questions - none
4:10:14 PM	Senator Albritton makes motion to vote
4:10:18 PM	Roll call
4:10:22 PM	The appointee is recommended favorably
4:10:40 PM	Tab 5--Ben Butler SFWMD
4:10:48 PM	Ben Butler is sworn in
4:11:04 PM	Ben Butler speaks to committee
4:11:38 PM	Questions
4:12:38 PM	Senator Albritton with question
4:12:46 PM	Ben Butler responds
4:12:56 PM	Senator Albritton follow up
4:13:09 PM	Ben Butler in response
4:13:13 PM	Senator Mayfield with question
4:13:19 PM	Ben Butler responds on water quality management
4:14:33 PM	Senator Mayfield with follow up
4:14:39 PM	Ben Butler response
4:15:22 PM	Senator Mayfield another question on permitting
4:15:40 PM	Ben Butler responds
4:17:30 PM	Public appearance
4:17:32 PM	Sam Ard--FL Cattleman's Association in support
4:17:37 PM	Nancy Stephens--FL AG Coalition in support
4:17:48 PM	Senator Albritton motion to vote
4:18:00 PM	Roll call
4:18:02 PM	Confirmation recommended favorably
4:18:07 PM	Tab 5--Ron Bergeron SFWMD is sworn in
4:18:27 PM	Ron Bergeron speaks to committee
4:19:57 PM	Questions
4:20:57 PM	Senator Albritton with question
4:21:13 PM	Ron Bergeron responds
4:21:45 PM	Senator Albritton with further questioning
4:21:50 PM	Ron Bergeron responds
4:22:09 PM	Senator Albritton with question
4:22:17 PM	Ron Bergeron in response

4:22:23 PM Ron Bergeron
4:22:28 PM Senator Albritton questions on BMP
4:22:40 PM Ron Bergeron responds
4:23:06 PM Senator Albritton continues on comment
4:23:17 PM Ron Bergeron on BMP development
4:23:38 PM Senator Albritton with question
4:24:05 PM Ron Bergeron responds
4:24:44 PM Senator Albritton further questions
4:25:05 PM Ron Bergeron
4:25:17 PM Senator Albritton next question on BMP
4:25:40 PM Ron Bergeron responds
4:25:57 PM Senator Albritton with question
4:27:00 PM Ron Bergeron responds
4:29:21 PM Senator Albritton further questioning
4:31:08 PM Ron Bergeron responds
4:32:16 PM Senator Albritton further question
4:32:42 PM Ron Bergeron responds
4:33:57 PM Senator Mayfield makes motion to TP on this confirmation recommendation
4:34:58 PM Chair Montford: Tab 11 Senator Broxson
4:35:30 PM SB 1152 Brownfield Site Rehabilitation is explained by Senator Broxson
4:36:07 PM Late filed amendment accepted - barcode 654146 is explained
4:36:59 PM Questions on the amendment- none
4:37:13 PM No appearance or debate on amendment
4:37:18 PM Amendment passes
4:37:24 PM Back on the bill CS for SB 1152
4:37:30 PM Rebecca OHara--FL League of Cities in support
4:37:40 PM Jorge Caspary Technical Consultant for City of Pensacola in support
4:37:55 PM Senator Broxson waives close
4:37:59 PM Roll call
4:38:02 PM CS for SB 1152 reported favorably
4:38:12 PM Tab 12 Senator Cruz explains bill SB 1720
4:39:44 PM Questions on the bill- None
4:41:15 PM David Ballard Geddis Jr. Palm Harbor with information
4:42:14 PM Amy Datz Environmental Caucus of Florida waive in support
4:42:22 PM David Cullen Sierra Club FL in support
4:42:27 PM Lindsay Cross FL Conservation Voters in support
4:42:45 PM Chris Hansen FL Rural Water Association against
4:43:00 PM No Debate
4:43:10 PM Senator Cruz closes on bill
4:43:19 PM Roll Call
4:43:24 PM SB 1720 reported favorably
4:43:40 PM Tab 13 Senator Bradley--SB1878 Environment Protection
4:44:40 PM SB 1878--amendment 628664 is explained
4:45:01 PM Questions on the amendment
4:46:02 PM Senator Mayfield with comment
4:46:47 PM Senator Bradley with response
4:47:10 PM Amendment passes
4:47:24 PM Noah Valenstein--FL Dept of Environmental Protection in support
4:47:51 PM David Geddis Jr. Palm Harbor information
4:48:18 PM Rebecca O Hara FL League of Cities in support
4:48:24 PM Amy Datz Env Caucus of FL in support
4:48:55 PM David Cullen Sierra Club Florida against the bill
4:49:54 PM Debate on the bill as amended- none
4:50:22 PM Senator Bradley closes on the bill
4:50:31 PM Roll Call on CS for SB1878
4:50:54 PM CS for SB 1878 is reported favorably
4:51:15 PM Tab 9 Senator Gibson presents SB 32
4:52:09 PM An Act for Fairfax Street Wood Treaters contamination
4:54:27 PM Questions on the bill
4:55:29 PM No appearance, no debate
4:55:41 PM Senator Gibson closes on the bill
4:55:48 PM Roll call on SB 32

4:56:20 PM SB 32 is reported favorably
4:57:07 PM Take up Tab 15 Senator Mayfield SB 826 Marina Evacuations
4:57:36 PM Senator Mayfield explains SB 826
4:57:37 PM Strike all amendment 363196 is explained
4:58:37 PM No questions on amendment
4:58:48 PM Bonnie Basham for Boat U.S. information
5:00:29 PM No debate
5:01:21 PM Senator Mayfield closes on bill
5:02:06 PM Amendment is adopted
5:02:27 PM Michael Rubin--FL Ports Council in support
5:02:32 PM Robert Stuart Orlando Port Canaveral in support
5:02:40 PM Senator Mayfield waives close
5:02:50 PM Roll call
5:02:54 PM CS for SB 826 is reported favorably
5:03:01 PM Tab 16 Senator Mayfield SB 1414
5:03:19 PM SB 1414 is explained
5:04:20 PM Amendment 523760 is explained
5:05:03 PM Questions on the amendment 523760
5:06:05 PM No debate
5:06:07 PM Amendment adopted
5:06:13 PM Questions on the bill
5:06:22 PM Senator Berman with question
5:06:58 PM Senator Mayfield responds
5:07:09 PM Senator Berman further question
5:07:18 PM Senator Mayfield in response
5:07:35 PM Jessica Crawford FL Fish Wildlife Conservation testifies
5:08:36 PM Public appearances: David Geddis Jr. Palm Harbor information
5:09:58 PM Eugene Bessette USArk-FL against
5:12:20 PM John Seyjasat Zoological Associates of America Alachua information against
5:14:14 PM Richard Cole Zephyrhills against the bill
5:15:24 PM Lang Stevens Airboat Association in support
5:16:03 PM Carlos Michaelsen Homestead FL against / Brittany Caruth Retile Community Molino FL against
5:17:58 PM Alyssa Bell Pensacola against the bill
5:18:57 PM Chris Casey Milton FL Reptile Community against
5:20:00 PM Alex Pell against
5:20:20 PM Edward Leatherman Miami waive against
5:20:39 PM Jordan Spray Gun Swamp waive against
5:20:41 PM Jacqueline Upscomb Co owner Colossal Reptiles Tavares FL waives against bill 906 and 1414
5:20:43 PM Robert Lawyer waive against
5:21:45 PM Robert D Beaulieu Tavares Colossal Reptiles waive against
5:22:04 PM Nicholas Young NKS Reptiles Jacksonville waives against bill 906 and 1414
5:22:10 PM Kayla Young Jacksonville NKS Reptiles waives against on SB 1414 and SB 906
5:22:34 PM Senator Mayfield closes on bill
5:23:12 PM Roll call on bill CS for SB 1414
5:24:15 PM CS for SB 1414 is reported favorably
5:24:44 PM Tab 8- Brian Armstrong SFWMD Brooksville sworn in
5:25:04 PM Brian Armstrong speaks to committee
5:25:42 PM Questions none
5:26:23 PM No appearance forms
5:26:27 PM Senator Berman makes motion to vote on confirmation
5:26:38 PM Roll call- Confirmation is recommended favorably for Brian Armstrong
5:27:06 PM Tab 7: one vote for all appointees Governing Board of Southwest Florida Water Management District
5:27:39 PM Senator Berman makes motion to approve confirmations, motion seconded
5:28:06 PM Approved confirmation vote for Governing Board of Southwest Florida Water
5:28:45 PM Roll call
5:28:47 PM Confirmations are recommended favorably
5:29:00 PM Tab 10- Senator Hutson SB 680
5:29:51 PM SB 680 is explained
5:30:03 PM Amendments - withdrawn 871632 explanation
5:30:34 PM Amendment 926996 is explained
5:31:13 PM Question on amendment
5:31:22 PM Jerry Sansom Cocoa FL waives against amendment

5:31:50 PM Bob Harris Diving Equipment & Marketing Association waives in support
 5:32:09 PM Senator Hutson closes on amendment
 5:32:10 PM Amendment is adopted/ Back on the bill - no debate
 5:32:48 PM Brady Hale Gulf Coast Lionfish Tournaments waives in support
 5:33:48 PM Chair Montford summarizes the issues
 5:34:02 PM Brady Hale in response
 5:34:07 PM Senator Berman with question
 5:34:09 PM Mr. Hale responds
 5:34:12 PM Steve Hemmert Pensacola waives for the bill
 5:36:36 PM Kate Macfall Humae Society of United States / Trip Akeman Coastal Conservation Association waive in support
 5:37:36 PM Stefanie Brendl Shark Allies Pacific Palisades Ca. /Cassandra Scott Engineer N. Palm Beach waive in support
 5:37:47 PM Shara Teter Pompano Beach Marine Scientist waive in support
 5:37:58 PM Mike Merrifield Titusville against / Jerry Sansom Cocoa Organized Fisherman of FL against
 5:38:49 PM Bob Harris in support
 5:39:52 PM Laurilie Thompson Shark Fishing Industry against
 5:40:16 PM Sherylanne Mccoy Merritt Island Shark Fishing Industry is against
 5:40:21 PM David Campo Seminole FL Shark Fishing Industry is against
 5:40:26 PM Ann Castillo Shark Allies Tallahassee is against
 5:40:34 PM Yaneisy Padnno Shark Allies in support
 5:40:48 PM Travis Moore St. Petersburg Animal Legal Defense Fund in support
 5:40:50 PM Gene McGee Sea World Entertainment in support
 5:40:54 PM Steve Rodan CEO Guy Harvey Enterprise in support
 5:41:20 PM Debate
 5:42:25 PM Senator Wright with comments
 5:42:46 PM Senator Mayfield comments
 5:43:34 PM Chair Montford comments
 5:44:23 PM Senator Hutson closes on bill
 5:44:35 PM Roll call on CS for SB 680
 5:44:54 PM CS for SB 680 is reported favorably
 5:45:08 PM Tab 14 SB 688 Illegal Taking and Possession of Bears
 5:45:25 PM Senator Wright explains bill
 5:45:37 PM Take up amendment 920744
 5:45:52 PM Questions- none
 5:45:57 PM No appearance / no debate
 5:46:03 PM Senator Wright waives close on amendment
 5:46:06 PM Amendment adopted
 5:46:11 PM Back on bill
 5:46:13 PM No debate
 5:46:18 PM David Cullen in support
 5:46:24 PM Kate MacFall in support
 5:46:30 PM Lindsay Cross in support
 5:46:35 PM No debate
 5:46:37 PM Senator Wright closes on bill
 5:46:47 PM Roll call
 5:46:50 PM CS for SB 688 is reported favorably
 5:47:03 PM Senator Wright -motion adopted
 5:47:16 PM Senator Mayfield moves to show her vote on Tabs 1, 3, 7, 8 as favorably
 5:47:31 PM Show motion adopted
 5:47:37 PM Senator Berman moves to adjourn the meeting
 5:47:46 PM Meeting is adjourned