

Tab 1	CS/SB 204 by EP, Bradley (CO-INTRODUCERS) Perry, Stewart, Bean, Simpson, Stargel, Passidomo, Baxley, Hukill, Young, Hutson, Montford, Gibson, Mayfield; Land Acquisition Trust Fund
Tab 2	SB 370 by Bradley (CO-INTRODUCERS) Stewart, Perry, Bean, Taddeo, Mayfield, Montford; (Identical to H 01353) Land Acquisition Trust Fund
Tab 3	SB 232 by Book (CO-INTRODUCERS) Farmer; (Identical to H 00053) Coral Reefs

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON THE
 ENVIRONMENT AND NATURAL RESOURCES**

Senator Book, Chair
 Senator Hukill, Vice Chair

MEETING DATE: Thursday, December 7, 2017

TIME: 9:00 a.m.—12:00 noon

PLACE: 301 Senate Office Building

MEMBERS: Senator Book, Chair; Senator Hukill, Vice Chair; Senators Braynon, Garcia, Hutson, Latvala, Mayfield, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 204 Environmental Preservation and Conservation / Bradley	Land Acquisition Trust Fund; Revising the specified appropriation for spring restoration, protection, and management projects; requiring a specified appropriation for certain projects related to the St. Johns River and its tributaries or the Keystone Heights Lake Region, etc. EP 09/12/2017 EP 10/09/2017 Fav/CS AEN 12/07/2017 Favorable AP	Favorable Yeas 6 Nays 0
2	SB 370 Bradley	Land Acquisition Trust Fund; Requiring a specified annual appropriation to the Florida Forever Trust Fund, etc. EP 11/06/2017 Favorable AEN 12/07/2017 Favorable AP	Favorable Yeas 6 Nays 0
3	SB 232 Book (Identical H 53)	Coral Reefs; Establishing the Southeast Florida Coral Reef Ecosystem Conservation Area, etc. EP 11/06/2017 Favorable AEN 12/07/2017 Favorable AP	Favorable Yeas 6 Nays 0
4	Presentation on Governor's Fiscal Year 2018-2019 Budget Recommendations: -Department of Agriculture and Consumer Services -Department of Citrus -Department of Environmental Protection -Fish and Wildlife Conservation Commission		Presented

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 204

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Bradley and others

SUBJECT: Land Acquisition Trust Fund

DATE: December 6, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Fav/CS
2.	Reagan	Betta	AEN	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 204 increases the annual appropriation from the Land Acquisition Trust Fund (LATF) for spring restoration, protection, and management projects from \$50 million to \$75 million. Additionally, the bill requires \$50 million to be appropriated from the LATF to the St. Johns River Water Management District for projects dedicated to the restoration of the St. Johns River and its tributaries or the Keystone Heights Lake Region.

II. Present Situation:

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 \$100.¹

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for water and land conservation and restoration. The amendment required that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues

¹ See ss. 201.02 and 201.08, F.S.

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.²

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.
- Section 375.041, F.S., to designate the LATF within the Department of Environmental Protection (DEP) as the trust fund to serve as the constitutionally mandated depository for the required percentage of documentary stamp tax revenues.³

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:
 - First to payments relating to debt service on Florida Forever Bonds and Everglades restoration bonds; and
 - Then, to payments relating to debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District.
- 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,⁴ or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to Everglades 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:

² FLA. CONST. art. X, s. 28.

³ Ch. 2015-229, s. 9, s. 50, Laws of Fla.

⁴ Note that the “Long-Term Plan” includes the Restoration Strategies Regional Water Quality Plan.

- \$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; and
- Five 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.⁵
- Sixty-four million to the Everglades Trust Fund in the 2018-2019 fiscal year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.⁶

In August 2017, the Revenue Estimating Conference projected that \$2.62 billion of documentary stamp taxes will be collected in FY 2018-2019. After deducting the costs of collection and enforcement of the tax, thirty-three percent of the net revenues collected (approximately \$862.2 million) must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution.⁷

Spring Restoration, Protection, and Management Projects

Florida has more than 700 recognized springs, categorized by flow in cubic feet per second. First magnitude springs are those that discharge 100 cubic feet or more of water per second. Florida has 33 first magnitude springs in 18 counties that discharge a total of 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.

Urban sprawl, the growing demand for groundwater, and the introduction of fertilizers, pesticides, and other pollutants to the springshed, are major issues impacting the health of Florida's springs.⁸ The water quality of a spring system is regularly assessed to determine whether it is meeting water quality standards. When a springs system is not meeting such standards, the system is formally identified as impaired, and the DEP is required to adopt Total Maximum Daily Loads (TMDLs).⁹ A TMDL is a scientific determination of the maximum amount of a given pollutant that a surface water body can absorb and still meet the water quality

⁵ Section 375.041, F.S.

⁶ *Id.*

⁷ Office of Economic and Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary* (Aug. 2017) available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf> (last visited November 28, 2017).

⁸ Florida Department of Environmental Protection (FDEP), Florida's Springs, Protecting Nature's Gems, *Threats to Springs*, <http://www.floridasprings.org/protecting/threats1/> (last visited Sept. 26, 2017).

⁹ Section 403.067, F.S.

standards that protect human health and aquatic life.¹⁰ To achieve TMDLs for a surface water body, the DEP works with local stakeholders to adopt and implement Basin Management Action Plans (BMAPs).¹¹ BMAPs represent a comprehensive set of strategies, including permit limits on wastewater facilities, urban and agricultural best management practices, conservation programs, financial assistance, and revenue generating activities, designed to achieve the pollutant reductions necessary to meet a TMDL.¹²

Water quantity or spring flows are affected by water consumption and overuse.¹³ The water management districts (WMDs) or the DEP are required to establish minimum flows and levels (MFLs) for surface and ground waters. The “minimum flow” is the limit at which further withdrawals from a watercourse would significantly harm water resources or ecology; the “minimum level” is the level of a groundwater or surface water body at which further withdrawals would significantly harm water resources.¹⁴ If the flow or level is currently below, or within 20 years will fall below, an applicable MFL, the WMD is required to implement a recovery or prevention strategy.¹⁵

The Florida Department of Agriculture and Consumer Services, in coordination with the DEP, the WMDs, and other stakeholders, works to develop Best Management Practices (BMPs) to address agricultural water quality and water use impacts, including the reduction of nutrient loads to meet TMDLs.¹⁶ BMPs are individual or combined practices developed through research, field testing, and expert review to be the most effective and practicable means for improving water quality, taking into account economic and technological considerations.¹⁷ The implementation of agricultural BMPs is based on a watershed approach to address agricultural nutrient loadings as a whole.¹⁸

Spring restoration, protection, and management projects may be designed to achieve TMDLs through a BMAP, address MFLs through a recovery or prevention strategy, or implement BMPs. For the 2017-2018 fiscal year, forty springs projects will receive \$50 million, bringing the total investment in springs to more than \$94 million during the fiscal year.¹⁹ Examples of such projects include, but are not limited to: investments in wastewater treatment facilities; water quality improvement projects; aquifer recharge projects; reclaimed water projects; purchase of

¹⁰ FDEP, *Total Maximum Daily Loads (TMDL) Program*, <http://www.dep.state.fl.us/water/tmdl/index.htm> (last visited Sept. 5, 2017).

¹¹ Section 403.067, F.S.

¹² FDEP, *TMDL Program*.

¹³ FDEP, *Florida’s Springs, Protecting Nature’s Gems, Water Consumption and Overuse*, <http://www.floridasprings.org/protecting/threats1/> (last visited Sept. 26, 2017).

¹⁴ Section 373.042, F.S.

¹⁵ Section 373.0421, F.S.

¹⁶ Florida Department of Agriculture and Consumer Services (FDACS), *Agriculture and Water Quality*, http://www.freshfromflorida.com/content/download/33106/813038/BMP_Backgrounder_Updated.pdf (last visited Sept. 26, 2017).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ FDEP, *Governor Scott Announces \$50 Million for Springs Restoration Projects Across Florida*, <https://content.govdelivery.com/accounts/FLDEP/bulletins/1af65c7> (last visited Oct. 9, 2017).

conservation lands for water quality protection; stormwater improvement; water quality sampling and monitoring; meter implementation; and irrigation system efficiency upgrades.²⁰

St. Johns River Water Management District

The St. Johns River Water Management District (SJRWMD) is one of five WMDs established in the state. The SJRWMD covers all or part of 18 counties in northeast and east-central Florida and includes ten major watersheds.

St. Johns River

The St. Johns River is the longest river that is entirely within the state.²¹ 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.²² Major tributaries that flow into the St. Johns River include the Wekiva River, the Econlockhatchee River, and the Ocklawaha River.²³

Stormwater runoff from urban areas, treated domestic and industrial wastewater, and agricultural runoff from farming areas affect the water quality of the St. Johns River.²⁴ The largest contributor of pollution in the lower basin is treated wastewater, with additional significant sources of nutrient pollution coming from agricultural areas.²⁵ The upper basin was drained and diked 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.²⁶

Keystone Heights Area Lakes

The Keystone Heights area lakes are located in southwestern Clay County.²⁷ The lakes were created when a layer of limestone collapsed creating sinkholes that connect to the Upper Floridan Aquifer.²⁸ The natural geologic features of this karst terrain result in lake level fluctuations that have occurred over many decades.²⁹

The district has been working to protect and maintain the water levels in the lakes in the Keystone Heights region and has undertaken numerous projects and studies regarding the region to better understand the dramatic fluctuations in lake water levels and to help meet current and

²⁰ See *FY 17-18 Springs Projects*, <http://www.flgov.com/wp-content/uploads/2017/08/17-18-ss.pdf>, for the complete list of projects.

²¹ SJRWMD, *The St. Johns River*, <https://www.sjrwmd.com/waterways/st-johns-river/> (last visited Sept. 5, 2017).

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ SJRWMD, *Lower St. Johns River Basin*, <https://www.sjrwmd.com/waterways/st-johns-river/lower/> (last visited Sept. 5, 2017).

²⁶ SJRWMD, *Upper St. Johns River Basin*, <https://www.sjrwmd.com/waterways/st-johns-river/upper/> (last visited Sept. 23, 2017).

²⁷ SJRWMD, *Senate Bill 234: Land Acquisition Trust Fund Bill Analysis* (Feb. 3, 2017) (on file with the Senate Environmental Preservation and Conservation Committee).

²⁸ *Id.*

²⁹ *Id.*

long-term water supply needs for the region.³⁰ The district has focused on projects that will lead to improved water levels in the lakes and the underlying Floridan aquifer. The district is reevaluating the MFLs for certain lakes in order to implement updated methods, develop a hydrologic model, and analyze additional long-term hydrologic data to ensure that the MFLs are based on the most up-to-date methods and criteria.³¹ The district has also focused on projects that benefit the Floridan aquifer by increasing recharge or by reducing water withdrawals in the region.³²

III. Effect of Proposed Changes:

Subparagraph s. 375.041(2)(b)2., F.S., requires a minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million to be appropriated annually from the Land Acquisition Trust Fund (LATF) for spring restoration, protection, and management projects. The bill amends that subparagraph to increase the distribution to a minimum of the lesser of 10.7 percent of the funds remaining after the payment of debt service or \$75 million.

Additionally, the bill creates another statutorily required distribution from the LATF to require \$50 million to be appropriated annually to the St. Johns River Water Management District for projects dedicated to the restoration of the St. Johns River and its tributaries or the Keystone Heights Lake Region.

The bill requires the annual distribution to be reduced by an amount equal to the debt service paid annually on bonds issued for such restoration purposes after July 1, 2018.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill increases annual distributions for spring restoration from the LATF to a minimum of the lesser of 10.7 percent of the funds remaining after the payment of debt service or \$75 million. This is an increase of \$25 million. The bill also establishes a \$50 million annual distribution to the St. Johns River Water Management District for the St. Johns River or Keystone Heights Lake Region restoration activities. There is currently \$5.5 million in the recurring base budget for the St. Johns River or Keystone Heights Lake Region so the \$50 million distribution is an increase of \$44.5 million.

Agencies that receive funds from the LATF are the Departments of Environmental Protection, State, and Agriculture and Consumer Services as well as the Fish and Wildlife Conservation Commission. These agencies receive legislative appropriations for various items; such as springs restoration, Everglades and Northern Everglades restoration, Lake Apopka restoration, beach restoration, and land management activities. The additional \$69.5 million in distributions may affect the funding available to appropriate for these other purposes funded from the trust fund. Projections of Fiscal Year 2018-19 documentary tax revenues deposited into the LATF totals \$862.2 million, which is an increase of \$33.3 million. This increase in collections will offset some of the negative fiscal impact to the available funds.

VI. Technical Deficiencies:

If the intent of this legislation is to establish a continuing appropriation of \$50 million annually to the St. Johns River Water Management District, without further legislative action in subsequent fiscal years, the language “shall be appropriated annually” should be clarified to read, “is appropriated annually.”

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 375.041 of the Florida Statutes.

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

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

CS by Environmental Conservation and Preservation on October 9, 2017:

The committee substitute clarifies that annual springs restoration funding should be a minimum of \$75 million by amending the percentage for calculating the amount of LATF dollars required to be distributed.

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 the Committee on Environmental Preservation and Conservation;
and Senators Bradley, Perry, Stewart, and Bean

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A bill to be entitled

An act relating to the Land Acquisition Trust Fund;
amending s. 375.041, F.S.; revising the specified
appropriation for spring restoration, protection, and
management projects; requiring a specified
appropriation for certain projects related to the St.
Johns River and its tributaries or the Keystone
Heights Lake Region; requiring the distribution to be
reduced by an amount equal to the debt service paid on
certain bonds; deleting an obsolete provision;
providing an effective date.

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

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

375.041 Land Acquisition Trust Fund.—

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

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

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

1. A minimum of the lesser of 25 percent or \$200 million

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

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

2. A minimum of the lesser of 10.7 ~~7.6~~ percent or \$75 ~~\$50~~ million shall be appropriated annually for spring restoration, protection, and management projects. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under this paragraph ~~(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

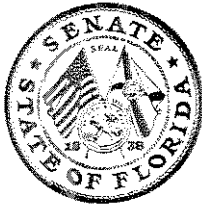
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the C-51 reservoir project or projects identified in subparagraph 1. and must be used in accordance with laws relating to such projects. Any funds made available for such purposes in a fiscal year are in addition to the amount appropriated under subparagraph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

5. The sum of \$50 million shall be appropriated annually to the St. Johns River Water Management District for projects dedicated to the restoration of the St. Johns River and its tributaries or the Keystone Heights Lake Region. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2018, for the purposes set forth in this subparagraph ~~Notwithstanding subparagraph 3., for the 2017-2018 fiscal year, funds shall be appropriated as provided in the General Appropriations Act. This subparagraph expires July 1, 2018.~~

Section 2. This act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request

To: Senator Lauren Book, Chair
Appropriations Subcommittee on The Environment and Natural Resources

Subject: Committee Agenda Request

Date: October 13, 2017

I respectfully request that **Senate Bill # 204**, relating to Land Acquisition Trust Fund, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

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

Florida Senate, District 5

COMMITTEE: Appropriations Subcommittee on the Environment and Natural Resources
ITEM: CS/SB 204
FINAL ACTION: Favorable
MEETING DATE: Thursday, December 7, 2017
TIME: 9:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 Appropriations Subcommittee on the Environment and Natural Resources

BILL: SB 370

INTRODUCER: Senator Bradley and others

SUBJECT: Land Acquisition Trust Fund

DATE: December 6, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Istler	Rogers	EP	Favorable
2. Reagan	Betta	AEN	Recommend: Favorable
3. _____	_____	AP	_____

I. Summary:

SB 370 creates a statutory distribution from the Land Acquisition Trust Fund requiring \$100 million to be appropriated annually to the Florida Forever Trust Fund. Funds appropriated into the Florida Forever Trust Fund are required to be distributed in accordance with the Florida Forever Act.

II. Present Situation:

Florida Forever

As a successor to Preservation 2000, the Legislature created the Florida Forever program in 1999 as the blueprint for conserving Florida's natural resources.¹ 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.² 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.³ The state has acquired more than 2.4 million acres since 1991 under the Preservation 2000 and the Florida Forever programs.⁴

¹ Chapter 99-247, Laws of Fla.

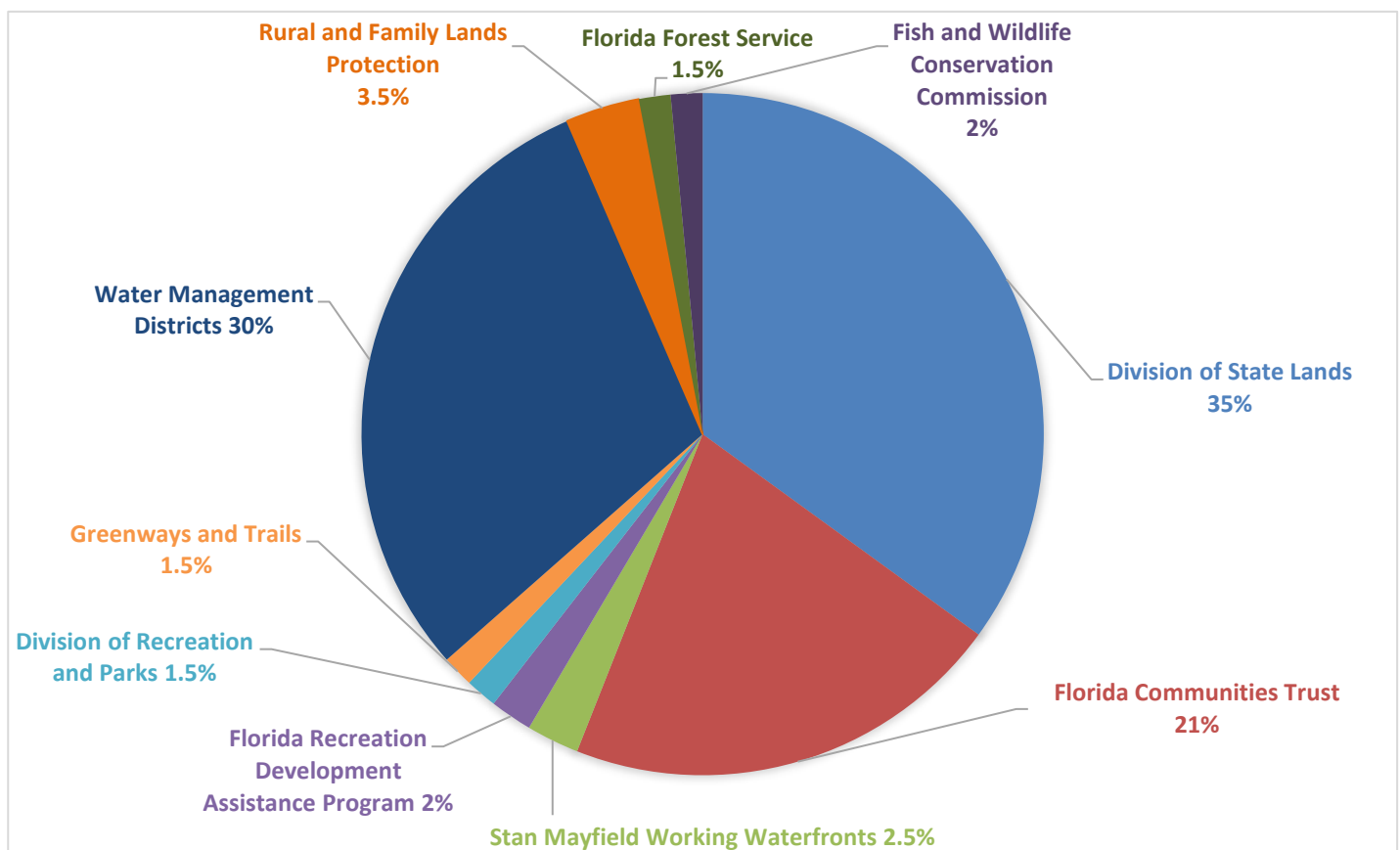
² Department of Environmental Protection (DEP), *Florida Forever Five Year Plan* (2017), available at http://publicfiles.dep.state.fl.us/DSL/OES/FloridaForeverAnnualRpts/FLDEP_DSL_OES_FloridaForeverAnnualReport2017_20170920.pdf (last visited Oct. 31, 2017).

³ Section 259.105, F.S.

⁴ DEP, *Frequently Asked Questions about Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/faq-florida-forever> (last visited Oct. 31, 2017). See Florida Natural Areas Inventory, *Summary of Florida Conservation Lands*, available at http://fnai.org/PDF/Maacres_201702_FCL_plus_LTF.pdf (last visited Nov. 2, 2017) for a complete summary of the total amount of conservation lands in Florida.

Under Florida Forever, the issuance of up to \$5.3 billion in Florida Forever bonds⁵ 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 improvements⁶ 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.⁷

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 the Department of Environmental Protection (DEP) who is required to distribute revenues from the Florida Forever Trust Fund in accordance with s. 259.105(3), F.S. That subsection 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.



⁵ As of January 2017, of the \$5.3 billion authorized for Florida Forever bonds, the state has issued \$2 billion.

⁶ 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.”

⁷ Section 215.618, F.S.

Division of State Lands – 35 Percent

The Division of State Lands (DSL) within the DEP oversees the Florida Forever program, under which the state has protected over 737,117 acres of land purchased with \$2.9 billion in Florida Forever funds.⁸ Florida Forever projects and acquisitions are required to contribute to the achievement of one or more of the following program goals:

- Enhance the coordination and completion of land acquisition projects.
- Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels.
- Protect, restore, and maintain the quality and natural functions of land, water, and wetlands systems of the state.
- Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state.
- Increase natural resource-based public recreational and educational opportunities.
- Preserve significant archaeological or historic sites.
- Increase the amount of forestland available for sustainable management of natural resources.
- Increase the amount of open space available in urban areas.⁹

The Acquisition and Restoration Council (ARC) is a 10-member body that makes recommendations on the acquisition, management, and disposal of state-owned lands.¹⁰ The ARC accepts applications from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals for project proposals eligible for Florida Forever funding. In evaluating each application, the ARC is required to consider whether the project:

- Meets multiple program goals.
- Is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources.
- Enhances or facilitates management of properties already under public ownership.
- Has significant archaeological or historic value.
- Contributes to the solution of water resource problems on a regional basis.
- Has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision that would result in multiple ownership and make acquisition of the project more costly or less likely to be accomplished.
- Implements an element from a plan developed by an ecosystem management team.
- Is one of the components of Everglades restoration efforts.
- May be purchased at 80 percent of appraised value.
- May be acquired, in whole or in part, using alternatives to fee simple, the outright purchase of lands.
- Is a joint acquisition.¹¹

⁸ DEP, *Florida Forever Five Year Plan* (2017).

⁹ Section 259.105(4), F.S.

¹⁰ DEP, *Florida Forever Five Year Plan* (2017).

¹¹ Section 259.105(9), F.S.

The ARC is required to give higher priority to: projects for which matching funds are available; project elements previously identified on an acquisition list which can be acquired at 80 percent or less of appraised value; projects that can be acquired in less than fee ownership (acquiring land at less than fee ownership means acquisition of an interest in the property which allows the conservation and protection of resources on the property at less cost while keeping the land in private ownership); projects that contribute to improving the quality or quantity of surface water or groundwater; projects that contribute to improving the water quality and flow of springs; and projects for which the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions.¹²

Using its established criteria, the ARC develops a priority list of applications submitted. An affirmative vote of at least five members of the ARC is required to place a proposed project on the priority list. The ARC evaluates and selects projects twice per year, in June and December, and ranks the projects annually.¹³ Each project on the priority list is placed in one of the following categories of expenditure for land conservation projects: climate change, critical natural, less-than-fee, partnerships, greater than 85 percent complete, and critical historical.¹⁴ Projects are ranked within each category from highest to lowest priority.

The priority list is presented to the Governor and the Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund (BOT).¹⁵ The BOT is responsible for acting on the ARC's recommendations by approving the acquisition of each parcel.¹⁶ While the BOT is authorized to remove projects from the priority list, the BOT may not add or rearrange projects on the priority list.¹⁷

The DSL prepares an annual work plan based on the priority list developed by the ARC, which outlines the specific projects and acquisitions within projects that will be negotiated for purchase with Florida Forever funds available for that fiscal year for land acquisition.¹⁸ Currently, there are 43 projects, totaling approximately 1.4 million acres, in the work plan.¹⁹

At least \$5 million of the funds allocated to the DSL under Florida Forever, beginning in the 2017-2018 fiscal year and continuing through the 2026-2027 fiscal year, are required to be spent on land acquisition within the Florida Keys Area of Critical State Concern.²⁰

Water Management Districts – 30 Percent

The state is divided into five water management districts (WMDs), which are responsible for the administration of water resources at a regional level. Each WMD is required to develop a Florida

¹² Section 259.105(10), F.S.

¹³ DEP, *Frequently Asked Questions about Florida Forever*.

¹⁴ Section 259.105(17), F.S.

¹⁵ Section 259.105(14), F.S.

¹⁶ DEP, *Florida Forever Five Year Plan* (2017).

¹⁷ Section 259.105(14), F.S.

¹⁸ Section 259.105(17), F.S.

¹⁹ DEP, *Focused on Florida's Future, Florida Forever Program*, 7, presentation before the Senate Appropriations Subcommittee on the Environment and Natural Resources (Oct. 25, 2017), available at <https://www.flsenate.gov/Committees/Show/AEN/Meeting%20Packet/3992> (last visited Oct. 31, 2017).

²⁰ Section 259.105(3)(b), F.S.

Forever five-year work plan that identifies projects necessary to promote reclamation, storage, or recovery of water and other properties or activities that would assist in meeting the goals of the Florida Forever program.²¹ Each project identified must contribute to the achievement of the Florida Forever goals and be evaluated in accordance with the specific criteria and numeric performance measures developed by the ARC.²² By March 1 of each year, each WMD is required to report to the DEP on acquisitions completed during the year together with modifications or additions to its five-year work plan, including:

- A description of land management activity for each property or project area owned by the WMD.
- A list of any lands surplus and the amount of compensation received.
- The progress of funding, staffing, and resource management of every project funded pursuant to Florida Forever for which the district is responsible.²³

The DEP is required to submit each WMD's five-year work plan to the BOT together with the ARC's project list.²⁴ Pursuant to s. 259.105(11), F.S., Florida Forever funds provided to the WMDs are allocated as follows:

- Thirty-five percent to the South Florida WMD.
- Twenty-five percent to the Southwest Florida WMD.
- Twenty-five percent to the St. Johns River WMD.
- Seven and one-half percent to the Suwannee River WMD.
- Seven and one-half percent to the Northwest Florida WMD.

Florida Communities Trust – 21 Percent

The Florida Communities Trust (FCT) is a multi-faceted program that assists communities in protecting important natural resources, providing recreational opportunities and preserving the state's traditional working waterfronts through grant programs.²⁵ The FCT is governed by a five-member board that includes the Secretary of the DEP or his or her designee and four members of the public appointed by the Governor. From the funds available to the FCT and used for land acquisition, 75 percent is required to be matched by local governments on a dollar-for-dollar basis.²⁶

The Parks and Open Space grant program provides funding to local governments and eligible non-profit organizations for acquisition of community-based parks, open space, and greenways that further outdoor recreation and natural resource protection needs identified in a local government's comprehensive plan. As of June 2017, more than 92,400 acres have been preserved statewide, leveraging \$839 million of state dollars for a total of \$1.56 billion used to acquire such lands.²⁷

²¹ Section 373.199, F.S.

²² Section 259.105(4), F.S.

²³ Section 373.199, F.S.

²⁴ *Id.*

²⁵ DEP, *Florida Communities Trust Annual Report Fiscal Year 2016-2017*, 3 (Sept. 30, 2017) available at https://floridadep.gov/sites/default/files/FCT_16-17_Annual_Report_FINAL_DRAFT_0.pdf (last visited Oct. 30, 2017).

²⁶ Section 259.105(3)(c), F.S.

²⁷ DEP, *FCT Parks and Open Space Program Overview*, <https://floridadep.gov/ooo/land-and-recreation-grants/content/fct-parks-and-open-space-program-overview> (last visited Oct. 30, 2017).

Stan Mayfield Working Waterfronts – 2.5 Percent

The FCT administers the Stan Mayfield Working Waterfront program, which provides funding to acquire parcels of land used directly for commercially harvesting marine organisms or saltwater products. Such projects include piers, wharves, docks, and other facilities operated to provide waterfront access to licensed commercial fishermen, aquaculturists, or business entities. The funds may also be used for the acquisition of land for exhibitions, demonstrations, educational venues, civic events, and other purposes to promote and educate the public about the economic, cultural, and historic heritage of the state's traditional working waterfronts, including marketing events for the seafood and aquaculture industries.

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.²⁸ 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.²⁹ Under the program, lands must be acquired pursuant to a priority ranking process developed by the DACS, the DEP, the WMDs, the Department of Economic Opportunity, and the Fish and Wildlife Conservation Commission (FWC).³⁰ Preference must be given to ranch and timberlands that are managed using sustainable practices.³¹ To date, 38 acquisitions have been approved, totaling 39,200 acres.³²

Florida Recreation Development Assistance Program – 2 Percent

The Florida Recreation Development Assistance Program within the DEP provides grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. The maximum grant that may be awarded for each project application is \$200,000 in state funds.³³ The DEP has developed a competitive project selection process designed to maximize outdoor recreation for the public. The selection criteria ranks projects, in part, based on the extent to which the project would implement outdoor recreation goals, objectives, and priorities specified in the state comprehensive outdoor recreation plan and the extent to which the project would provide priority resource or facility needs in the region, as specified in the state comprehensive outdoor recreation plan.³⁴

²⁸ Department of Agriculture and Consumer Services (DACS), *Rural and Family Lands Protection Program*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/Land-Planning-and-Administration-Section/Rural-and-Family-Lands-Protection-Program2> (last visited Oct. 31, 2017).

²⁹ Section 570.71, F.S.

³⁰ See Fla. Admin Code Ch. 5I-7.

³¹ Section 570.71, F.S.

³² DACS, *The Florida Forever Act*, 7, presentation before the Senate Appropriations Subcommittee on the Environment and Natural Resources (Oct. 25, 2017), available at <https://www.flsenate.gov/Committees/Show/AEN/Meeting%20Packet/3992> (last visited Oct. 31, 2017).

³³ Section 375.075, F.S.

³⁴ *Id.*

Florida Greenways and Trails Program – 1.5 Percent

The Office of Greenways and Trails (OGT) within the DEP provides a comprehensive process to identify, prioritize, connect, promote, and coordinate the implementation of a statewide system of connected greenways and trails. The program serves to integrate natural and human environments using greenways and trails to tie communities together by linking features such as parks, open spaces, historic sites, and residential areas. The Florida Greenways and Trails Council recommends lands for acquisition based on ranking criteria developed by the DEP and is not subject to the ranking criteria developed by the ARC.³⁵

Division of Recreation and Parks – 1.5 Percent

The Division of Recreation and Parks (DRP) within the DEP administers Florida's Park Service, which consists of 174 state parks, trails and historic sites spanning 800,000 acres and 100 miles of beaches.³⁶ The DRP is authorized to use Florida Forever funds to purchase inholdings and additions to state parks and for capital expenditure project expenditures.³⁷ At a minimum, one percent, and no more than 10 percent, must be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access.³⁸ The DRP must develop and utilize a priority acquisition list based on the specific criteria and numeric performance measures developed by the ARC for acquisitions under the Florida Forever program.³⁹

Florida Forest Service – 1.5 Percent

The Florida Forest Service (FFS) within the DACS manages 37 state forests, totaling over one million acres.⁴⁰ The FFS is authorized to acquire lands, suitable for state forest purposes, by gift, donation, contribution, purchase, or otherwise and is authorized to enter into an agreement with the Federal Government, or other agency, for acquiring by gift, purchase, or otherwise, such lands as are, in the judgment of the FFS, suitable and desirable for state forests.⁴¹ The FFS may use Florida Forever funds for the acquisition of state forest inholdings and additions, the implementation of reforestation plans or sustainable forestry management practices, and for capital project expenditures.

Fish and Wildlife Conservation Commission – 1.5 Percent

The Fish and Wildlife Conservation Commission (FWC) exercises the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life.⁴² The FWC is authorized to acquire lands and waters suitable for the protection, improvement, and restoration of the state's wild animal life, freshwater aquatic life, and marine life resources.⁴³ Lands

³⁵ Section 260.015(1), F.S.

³⁶ DEP, *Division of Recreation and Parks*, <https://floridadep.gov/Parks> (last visited Oct. 31, 2017). The opening of Gilchrist Blue Springs State Park, the 175th Florida state park, was announced on November 1, 2017.

³⁷ Section 259.105(3)(e), F.S.

³⁸ *Id.*

³⁹ Section 259.105(3)(l), F.S.

⁴⁰ DACS, *State Forests*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests> (last visited Oct. 31, 2017).

⁴¹ Section 589.07, F.S.

⁴² FLA. CONST. art. IV, s. 9.

⁴³ Section 20.331, F.S.

acquired must be managed for recreational and other multiple-use activities that do not impede the FWC's ability to perform its constitutional and statutory duties and responsibilities.⁴⁴ The FWC has a management interest in approximately 5.9 million acres of natural resource land in the state.⁴⁵ These lands, in part, include lands that are leased to the FWC and owned by the state and lands owned by the FWC. The FWC is authorized to use Florida Forever funds for the acquisition of inholdings and additions to lands they manage which are important to the conservation of fish and wildlife and for capital project expenditures. Through Florida Forever, the FWC has conserved 12,252 acres.⁴⁶

Land Acquisition Trust Fund

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for water and land 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.⁴⁷

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.
- Section 375.041, F.S., to designate the LATF within the Department of Environmental Protection (DEP) as the trust fund to serve as the constitutionally mandated depository for the required percentage of documentary stamp tax revenues.⁴⁸

⁴⁴ *Id.*

⁴⁵ Fish and Wildlife Conservation Commission (FWC), *Florida Forever Program – FWC Additions and Inholdings*, 3, presentation before the Senate Appropriations Subcommittee on the Environment and Natural Resources (Oct. 25, 2017), available at <https://www.flsenate.gov/Committees/Show/AEN/Meeting%20Packet/3992> (last visited Oct. 31, 2017).

⁴⁶ *Id.* at 6.

⁴⁷ FLA. CONST. art. X, s. 28.

⁴⁸ Ch. 2015-229, s. 9, s. 50, Laws of Fla.

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:
 - First to payments relating to debt service on Florida Forever Bonds and Everglades restoration bonds; and
 - Then, to payments relating to debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District.
- 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,⁴⁹ or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to Everglades 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; and
 - Five 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.⁵⁰
 - Sixty-four million to the Everglades Trust Fund in the 2018-2019 fiscal year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.⁵¹

In August 2017, the Revenue Estimating Conference projected that \$2.62 billion of documentary stamp taxes will be collected in FY 2018-2019. After deducting the costs of collection and enforcement of the tax, thirty-three percent of the net revenues collected or approximately \$862.2 million must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution.⁵²

⁴⁹ Note that the “Long-Term Plan” includes the Restoration Strategies Regional Water Quality Plan.

⁵⁰ Section 375.041, F.S.

⁵¹ *Id.*

⁵² Office of Economic and Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary* (Aug. 2017) available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf> (last visited November 27, 2017).

III. Effect of Proposed Changes:

The bill creates a statutory distribution from the Land Acquisition Trust Fund requiring \$100 million to be appropriated annually to the Florida Forever Trust Fund. In accordance with the current provisions of s. 259.105(3), F.S., the distribution must be allocated as follows:

- Division of State Lands - \$35 million, of which \$5 million is dedicated for land acquisition within the Florida Keys Area of Critical State Concern.
- Water Management Districts - \$30 million.
- Florida Communities Trust - \$21 million.
- Rural and Family Lands Protection Program - \$3.5 million.
- Stan Mayfield Working Waterfronts - \$2.5 million.
- Florida Recreation Development Assistance Program - \$2 million.
- Division of Recreation and Parks - \$1.5 million.
- Office of Greenways and Trails - \$1.5 million.
- Florida Forest Service - \$1.5 million.
- Fish and Wildlife Conservation Commission - \$1.5 million.

The bill deletes an obsolete provision relating to an appropriation for the 2017-2018 fiscal year.

The bill takes effect July 1, 2018.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill creates a \$100 million annual distribution from the Land Acquisition Trust Fund to the Florida Forever Trust Fund. Absent subsequent direction by the legislature to the contrary, these funds are to be distributed as follows:

- Division of State Lands - \$35 million, of which \$5 million is dedicated for land acquisition within the Florida Keys Area of Critical State Concern.
- Water Management Districts - \$30 million.
- Florida Communities Trust - \$21 million.
- Rural and Family Lands Protection Program - \$3.5 million.
- Stan Mayfield Working Waterfronts - \$2.5 million.
- Florida Recreation Development Assistance Program - \$2 million.
- Division of Recreation and Parks - \$1.5 million.
- Office of Greenways and Trails - \$1.5 million.
- Florida Forest Service - \$1.5 million.
- Fish and Wildlife Conservation Commission - \$1.5 million.

Agencies that receive funds from the LATF are the Departments of Environmental Protection, State, and Agriculture and Consumer Services as well as the Fish and Wildlife Conservation Commission. These agencies receive legislative appropriations for various items; such as springs restoration, Everglades and Northern Everglades restoration, Lake Apopka restoration, beach restoration, and land management activities. The additional \$100 million in distributions may affect the funding available to appropriate for these other purposes funded from the trust fund. Projections of Fiscal Year 2018-2019 documentary tax revenues deposited into the LATF totals \$862.2 million, which is an increase of \$33.3 million. This increase in collections will offset some of the negative fiscal impact to the available funds.

VI. Technical Deficiencies:

If the intent of this legislation is to establish a continuing appropriation of \$100 million annually, without further legislative action in subsequent fiscal years, the language “shall be appropriated annually” should be clarified to read, “is appropriated annually.”

VII. Related Issues:

Other allocations of LATF funds require the allocations to be reduced to the extent of any debt service on bonds issued for the same purpose after a date certain. This bill does not contain language to reduce the distribution based on any debt service paid on bonds issued for the Florida Forever program. As a result, the new \$100 million distribution for the Florida Forever program will be in addition to any payment of debt service for bonds issued for the purposes of the Florida Forever program. If the legislature wants to treat the allocation authorized in this bill similar to other allocations of LATF moneys, the following language could be inserted: “This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2018, for the purposes set forth in this subparagraph.”

VIII. Statutes Affected:

This bill substantially amends section 375.041 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

By Senator Bradley

5-00364-18

2018370__

1 A bill to be entitled
 2 An act relating to the Land Acquisition Trust Fund;
 3 amending s. 375.041, F.S.; requiring a specified
 4 annual appropriation to the Florida Forever Trust
 5 Fund; deleting an obsolete provision; providing an
 6 effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Subsection (3) of section 375.041, Florida
 11 Statutes, is amended to read:
 12 375.041 Land Acquisition Trust Fund.—
 13 (3) Funds distributed into the Land Acquisition Trust Fund
 14 pursuant to s. 201.15 shall be applied:
 15 (a) First, to pay debt service or to fund debt service
 16 reserve funds, rebate obligations, or other amounts payable with
 17 respect to Florida Forever bonds issued under s. 215.618; and
 18 pay debt service, provide reserves, and pay rebate obligations
 19 and other amounts due with respect to Everglades restoration
 20 bonds issued under s. 215.619; and
 21 (b) Of the funds remaining after the payments required
 22 under paragraph (a), but before funds may be appropriated,
 23 pledged, or dedicated for other uses:
 24 1. A minimum of the lesser of 25 percent or \$200 million
 25 shall be appropriated annually for Everglades projects that
 26 implement the Comprehensive Everglades Restoration Plan as set
 27 forth in s. 373.470, including the Central Everglades Planning
 28 Project subject to Congressional authorization; the Long-Term
 29 Plan as defined in s. 373.4592(2); and the Northern Everglades

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2018370__

30 and Estuaries Protection Program as set forth in s. 373.4595.
 31 From these funds, \$32 million shall be distributed each fiscal
 32 year through the 2023-2024 fiscal year to the South Florida
 33 Water Management District for the Long-Term Plan as defined in
 34 s. 373.4592(2). After deducting the \$32 million distributed
 35 under this subparagraph, from the funds remaining, a minimum of
 36 the lesser of 76.5 percent or \$100 million shall be appropriated
 37 each fiscal year through the 2025-2026 fiscal year for the
 38 planning, design, engineering, and construction of the
 39 Comprehensive Everglades Restoration Plan as set forth in s.
 40 373.470, including the Central Everglades Planning Project, the
 41 Everglades Agricultural Area Storage Reservoir Project, the Lake
 42 Okeechobee Watershed Project, the C-43 West Basin Storage
 43 Reservoir Project, the Indian River Lagoon-South Project, the
 44 Western Everglades Restoration Project, and the Picayune Strand
 45 Restoration Project. The Department of Environmental Protection
 46 and the South Florida Water Management District shall give
 47 preference to those Everglades restoration projects that reduce
 48 harmful discharges of water from Lake Okeechobee to the St.
 49 Lucie or Caloosahatchee estuaries in a timely manner. For the
 50 purpose of performing the calculation provided in this
 51 subparagraph, the amount of debt service paid pursuant to
 52 paragraph (a) for bonds issued after July 1, 2016, for the
 53 purposes set forth under paragraph (b) shall be added to the
 54 amount remaining after the payments required under paragraph
 55 (a). The amount of the distribution calculated shall then be
 56 reduced by an amount equal to the debt service paid pursuant to
 57 paragraph (a) on bonds issued after July 1, 2016, for the
 58 purposes set forth under this subparagraph.

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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 purposes in a fiscal year are in addition to the amount appropriated under subparagraph 1. This distribution shall be

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reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth in this subparagraph.

5. The sum of \$100 million shall be appropriated annually to the Florida Forever Trust Fund ~~Notwithstanding subparagraph 3., for the 2017-2018 fiscal year, funds shall be appropriated as provided in the General Appropriations Act. This subparagraph expires July 1, 2018.~~

Section 2. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

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

12/7/17

Meeting Date

SB 370

Bill Number (if applicable)

Topic Land Acquisition TF

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Job Title _____

Address P.O. Box 2020

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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 Defenders of Wildlife

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)

12/7/17

Meeting Date

SB370

Bill Number (if applicable)

Topic Florida Forever

Amendment Barcode (if applicable)

Name Will Abberger

Job Title Vice President

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State

Zip

Email will.abberger@tpl.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Trust for Public Land

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)

12/07/17

370

Meeting Date

Bill Number (if applicable)

Topic Land Acquisition Trust Fund

Amendment Barcode (if applicable)

Name Jennifer Wilson

Job Title Attorney/Lobbyist

Address 101 E. Kennedy Blvd., Suite 4000

Phone 813-407-0703

Street

Tampa

FL

33602

Email Jennifer.wilson@arlaw.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The Conservancy of South West 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)

12/7/17

Meeting Date

370

Bill Number (if applicable)

Topic Florida Forever

Amendment Barcode (if applicable)

Name Julie Wraithmell

Job Title Interim Executive Director

Address 308 N Monroe

Phone 850-339-5009

Street

Tall

City

FL

State

32301

Zip

Email jwraithmell@

audubon.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Audubon Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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

12/7/17
Meeting Date

370
Bill Number (if applicable)

Topic Land Acquisition Trust Fund

Amendment Barcode (if applicable)

Name Pamela Goodman

Job Title President

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 League of Women Voters of 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)

12/7/17

Meeting Date

370

Bill Number (if applicable)

Topic LAND Conservation - Florida Forever

Amendment Barcode (if applicable)

Name JONATHAN WEBBER

Job Title Deputy Director

Address 2032 WAHALAW NENE

Street

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Tallahassee

City

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State

32301

Zip

Email JWEBBER@FLCVA.ORG

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA Conservation Voters

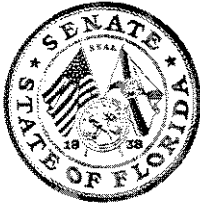
Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Lauren Book, Chair
Appropriations Subcommittee on The Environment and Natural Resources

Subject: Committee Agenda Request

Date: November 7, 2017

I respectfully request that **Senate Bill # 370**, relating to Land Acquisition Trust Fund, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Rob Bradley", is written over a horizontal line.

Senator Rob Bradley
Florida Senate, District 5

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Appropriations Subcommittee on the Environment and Natural Resources
ITEM: SB 370
FINAL ACTION: Favorable
MEETING DATE: Thursday, December 7, 2017
TIME: 9:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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 Appropriations Subcommittee on the Environment and Natural Resources

BILL: SB 232

INTRODUCER: Senators Book and Farmer

SUBJECT: Coral Reefs

DATE: December 6, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Mitchell</u>	<u>Rogers</u>	<u>EP</u>	Favorable
2. <u>Reagan</u>	<u>Betta</u>	<u>AEN</u>	Recommend: Favorable
3. _____	_____	<u>AP</u>	_____

I. Summary:

SB 232 creates the Southeast Florida Coral Reef Ecosystem Conservation Area. The conservation area consists of the sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from the St. Lucie Inlet to the northern boundary of the Biscayne National Park.

The bill has no impact on state revenues or expenditures.

II. Present Situation:

Coral Reefs

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.¹ Coral reefs in southeast Florida support a rich and diverse assemblage of stony corals, octocorals, macroalgae, sponges, and fishes. These ecological communities run along the coast from the northern border of Biscayne National Park in Miami-Dade County north to the St. Lucie Inlet in Martin County.²

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

¹ The Florida Department of Environmental Protection (DEP), *Coral Reef Conservation Program*, available at <http://www.dep.state.fl.us/coastal/programs/coral/> (last visited October 11, 2017); DEP, *Coral Reef Conservation Program 2011-2016 Strategic Plan*, 3 (July 2011), available at http://www.dep.state.fl.us/coastal/programs/coral/pub/CRCP_Strategic_Plan_2011-2016.pdf (last visited October 4, 2017).

² *Id.*

Florida's coral reefs. These activities provide a source of income for the state and its coastal communities. The natural coral reefs in Martin, Palm Beach, Broward, and Miami-Dade counties generate an estimated \$3.4 billion in sales and income and support 36,000 jobs in the region each year.³

Coral reefs are vulnerable, however, to harmful environmental changes, particularly those resulting from human activities. Coral cover on many Caribbean reefs has declined up to 80 percent over the past three decades. Southeast Florida's reefs, which are a part of the greater Caribbean/Western Atlantic reef province, are being monitored for diseases, bleaching, and other problems associated with human activities. Monitoring data from the Florida Keys revealed a 44 percent decline in coral cover from 1996-2005.⁴

The United States Coral Reef Task Force identified eight specific and widely accepted threats to coral reefs as being particularly important:

- Pollution, including eutrophication and sedimentation from intensive land use, chemical loading, oil and chemical spills, marine debris, and invasive species;
- Overfishing and over-exploitation of coral reef species for recreational and commercial purposes and the resulting collateral damage and degradation to habitats and ecosystems;
- Destructive fishing practices, such as cyanide and dynamite fishing that can destroy large sections of reef;
- Dredging and shoreline modification in connection with coastal navigation or development;
- Vessel groundings and anchoring that directly destroy corals and reef framework;
- Disease outbreaks that are increasing in frequency and are affecting a greater diversity of coral reef species; and
- Global climate change and associated impacts including increased coral bleaching, mortality, storm frequency, and sea level rise.⁵

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. Corals can tolerate only a relatively narrow temperature range and prefer water between 73-84 degrees. Water temperatures over 86 degrees or under 64 degrees are stressful and are eventually fatal for coral. In addition, corals have a mutually beneficial, or symbiotic, relationship with a type of algae known as zooxanthellae. Zooxanthellae live inside the coral and provide the coral with energy derived from photosynthesis. In turn, the coral provides the algae with shelter. When the water gets too warm and the coral becomes stressed, they can expel their zooxanthellae which results in coral bleaching. Although the colorless coral is still alive, it will eventually die from starvation if the zooxanthellae do not return.⁶

The Florida Reef Tract, which extends from Soldier Key, located in Biscayne Bay, to the Tortugas Banks, possesses coral formations very similar to those found in the Bahamas and

³ *Id.*

⁴ DEP, *Threats to Southeast Florida Coral Reefs*, available at <http://www.dep.state.fl.us/coastal/programs/coral/threats.htm> (last visited October 3, 2017).

⁵ U.S. Coral Reef Task Force, *The National Action Plan to Conserve Coral*, 3, available at <http://www.coralreef.gov/about/CRTFAxnPlan9.pdf> (last visited October 12, 2017).

⁶ Florida Fish and Wildlife Conservation Commission (FWC), *Long Term Temperature Monitoring*, <http://myfwc.com/research/habitat/coral/cremp/cremp-temp-monitoring/> (last visited October 10, 2017).

Caribbean Sea. The tract is nearly 150 miles long and about 4 miles wide extending to the edge of the Florida Straits.⁷ Massive, region-wide bleaching events have become more common on the Florida Reef Tract. Since 1987, six extensive coral bleaching events have affected the entire tract. Substantial mass coral mortality occurred during the global bleaching events of 1997/1998 and 2014/2015. Corals at the northern end of their range, such as those found on the Florida Reef Tract, are also vulnerable to cold winter temperatures. A severe cold snap in 2010 resulted in high mortality of certain coral species on shallow-water patch reefs throughout the Florida Reef Tract.⁸

Florida Coral Reef Programs

The Coral Reef Conservation Program (CRCP) within the Florida Coastal Office (FCO) of the Florida Department of Environmental Protection (DEP) oversees several programs and initiatives to coordinate research and monitoring, develop management strategies, and promote partnerships to protect the coral reefs, hard bottom communities, and associated reef resources of southeast Florida.⁹ The CRCP implements and coordinates the following:

- *The Southeast Florida Action Network* – This reporting and response system is designed to improve the protection and management of southeast Florida's coral reefs by enhancing marine debris clean-up efforts, increasing response to vessel groundings and anchor damage, and providing early detection of potentially harmful biological disturbances.¹⁰
- *The Southeast Florida Coral Reef Initiative (SEFCRI)* – This program identifies and implements priority actions needed to reduce key threats to coral reef resources in southeast Florida through a local action strategy for collaborative action among government and non-governmental partners.¹¹ Groups associated with SEFCRI include:
 - SEFCRI technical advisory committees, which may be convened to address specific issues that need special attention or expertise.¹²
 - Our Florida Reefs Community Working Groups, comprised of local reef users, scientists, and representatives from nongovernmental organizations and local, state, and federal agencies. Two groups meet once a month to learn about Southeast Florida's living marine resources, and develop a prioritized list of recommendations that can become part of a comprehensive management strategy to ensure healthy coral reefs in the future. These groups are hosted by SEFCRI.¹³
- *Southeast Florida's Marine Debris Reporting and Removal Program* – Through a partnership with the DEP, the Florida Fish and Wildlife Conservation Commission (FWC) and the Palm

⁷ The National Oceanic and Atmospheric Administration, *Coral Reef Information System: Florida*, <https://www.coris.noaa.gov/portals/florida.html> (last visited October 9, 2017).

⁸ *Id.*

⁹ DEP, *Coral Reef Conservation Program*, <http://www.dep.state.fl.us/coastal/programs/coral/> (last visited October 11, 2017).

¹⁰ DEP, *Southeast Florida Action Network*, <http://www.dep.state.fl.us/coastal/programs/coral/seafan.htm> (last visited October 10, 2017).

¹¹ Southeast Florida Coral Reef Initiative (SEFCRI), *What is SEFCRI?*, <http://southeastfloridareefs.net/about-us/what-is-sefcri/> (last visited October 9, 2017).

¹² Southeast Florida Coral Reef Initiative, *Team Charter* (Sept. 2012) available at https://www.dep.state.fl.us/coastal/programs/coral/documents/SEFCRI_Charter.pdf (last visited October 12, 2017).

¹³ Our Florida Reefs, *About*, <http://ourfloridareefs.org/about/> (last visited October 11, 2017).

Beach County Reef Rescue, this program encourages local divers and dive shops to report marine debris. The partnership organizes reef clean-up events to remove the debris.¹⁴

- *The Reef Injury Prevention and Response Program* – This program leads the response to, and management of, coral reef and hard bottom injuries resulting from vessel impacts such as grounding, anchoring, and cable drag events.¹⁵ Section 403.93345, F.S., otherwise known as the Florida Coral Reef Protection Act, requires responsible parties to notify the DEP when they run their vessel aground, strike, or otherwise damage coral reefs. The responsible party must remove the vessel and work with the DEP to assess the damage and restore the reef.¹⁶ The DEP may require the responsible party to pay the cost of assessment and restoration, as well as pay a fine.¹⁷
- *The Florida Reef Resilience Program (FRRP)* – The FRRP addresses climate change and coral reefs. Reef managers, scientists, conservation organizations and reef users across South Florida have developed a *Climate Change Action Plan for the Florida Reef System (2010-2015)* (Action Plan). The goals of the Action Plan are to increase coral reef resilience to climate change impacts through active management of local reef impacts; enhance communication and awareness of climate change impacts on coral reefs and reef users; and conduct targeted research to increase understanding of climate change impacts and develop new intervention measures.¹⁸
- *The Southeast Marine Event Response Program* – This program responds to potentially harmful biological disturbances along the northern third of the Florida Reef Tract from the northern border of Biscayne National Park in Miami-Dade County to the St. Lucie Inlet in Martin County. Upon notification of an event such as harmful algal blooms, fish kills, coral bleaching, or diseases, the DEP coordinates with regional partners to schedule initial site assessments, implement event response protocols, and analyze samples, where possible and appropriate.¹⁹
- *The Southeast Florida Fisheries-Independent Monitoring Program* – This program builds partnerships and obtains funding to implement fisheries-independent monitoring.²⁰ Fisheries-independent monitoring is a system-wide approach that evaluates marine communities and the populations of fish and invertebrate species that comprise them. Fisheries-independent monitoring also investigates habitat conditions for purposes of learning more about system-wide trends.²¹

The FWC also plays a role in protecting Florida's coral reefs. Through the Coral Reef Evaluation and Monitoring Project (CREMP), the FWC has monitored the condition of coral reef and hard

¹⁴ DEP, *Southeast Florida's Marine Debris Reporting and Removal Program*,

<http://www.dep.state.fl.us/coastal/programs/coral/debris1.htm> (last visited October 10, 2017).

¹⁵ DEP, *Reef Injury Prevention and Response Program*, <http://www.dep.state.fl.us/coastal/programs/coral/ripr.htm> (last visited October 12, 2017).

¹⁶ Section 403.93345(5), F.S.

¹⁷ Section 403.93345(6), (7), and (8), F.S.

¹⁸ DEP, *Climate Change and Coral Reefs*, http://www.dep.state.fl.us/coastal/programs/coral/climate_change.htm (last visited October 9, 2017).

¹⁹ DEP, *Southeast Marine Event Response Program*, http://www.dep.state.fl.us/coastal/programs/coral/event_response.htm (last visited October 10, 2017).

²⁰ DEP, *Southeast Florida Fisheries-Independent Monitoring Program*, <http://www.dep.state.fl.us/coastal/programs/coral/fisheries-independent.htm> (last visited October 11, 2017).

²¹ Sarasota County Wateratlas, *Fisheries Independent Monitoring*, http://www.sarasota.wateratlas.usf.edu/shared/learnmore.asp?toolsection=lm_fishindep (last visited October 11, 2017).

bottom habitats annually throughout the Florida Keys since 1996, southeast Florida since 2003, and the Dry Tortugas since 2004. The CREMP has documented the temporal changes that have occurred in recent years.²²

The Southeast Florida Coastal Ocean Task Force (COTF) was established in 2012 through enabling resolutions of the boards of county commissioners of Miami-Dade, Broward, Palm Beach, and Martin counties.²³ The Task Force was charged with providing recommendations for coastal ocean resources and conservation priorities and strategies. The membership of the COTF included county commissioners and four city commissioners from Southeast Florida; representatives from the DEP, the FWC, and the National Oceanic and Atmospheric Administration; and stakeholders representing recreational fishers, commercial ports, the dive charter industry, and the marine industry. The final report was issued in 2015 and made numerous recommendations for potential adoption by the affected cities and counties.²⁴

The Board of Trustees of the Internal Improvement Trust Fund

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) holds state lands in trust for the use and benefit of the people of Florida.²⁵ The Board of Trustees consists of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.²⁶ This body may acquire, sell, transfer, and administer state lands in a manner consistent with chs. 253 and 259, F.S.²⁷

The Board of Trustees authorizes several agencies to manage state lands including the Department of Agriculture and Consumer Services, the FWC, the Department of State, and the DEP through the FCO and the Florida Park Service. Other entities may also manage state land, subject to approval of the Board of Trustees. These agencies and other entities hold a property interest in the land in the form of a management agreement, lease, or other property instrument.²⁸

State agencies wishing to manage conservation lands²⁹ must develop land management plans that the DEP and the Board of Trustees must review and approve or disapprove. These land management plans must meet several criteria including identifying key management activities, land management practices, cost estimates, proposed public uses, and short-term and long-term goals.³⁰ Agencies must update land management plans every ten years, and regional management review teams evaluate whether agencies are complying with their land management plans.³¹

²² FWC, *Coral Reef Evaluation and Monitoring Project (CREMP)*, <http://myfwc.com/research/habitat/coral/cremp/> (last visited October 11, 2017).

²³ Southeast Florida Coastal Ocean Task Force, *Final Recommendations Report* (2015), available at http://205.166.161.204/docs/2016/CCCM/20161206_525/23351_Exhibit%201%20-%20COTF%20Report.pdf (last visited October 10, 2017).

²⁴ *Id.*

²⁵ Section 253.001, F.S.

²⁶ Section 253.02(1), F.S.

²⁷ *Id.*

²⁸ Section 253.034(4), F.S.

²⁹ “Conservation lands” are lands that are currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands that were acquired solely to facilitate the acquisition of other conservation lands; s. 253.034(2)(c), F.S.

³⁰ Section 253.034(5), F.S.; Fla. Admin. Code R. 18-2.021.

³¹ *Id.*; s. 259.036, F.S.

The Board of Trustees governs sovereignty submerged lands³² by the criteria set forth in ch. 18-21 of the Florida Administrative Code. These rules include ecological preservation requirements, limitations on the preemption of sovereign submerged lands, riparian rights, dock and pier requirements, and forms of authorization to use sovereign submerged lands.³³

Aquatic preserves are exceptional areas of submerged lands. Aquatic preserves and their associated waters are set aside to be maintained essentially in their natural or existing condition.³⁴ Aquatic preserves consist only of land or water bottoms owned by the state, lands or water bottoms owned by other governmental agencies as specifically authorized for inclusion, and private lands leased by the Board of Trustees.³⁵

The Board of Trustees may establish aquatic preserves after public notice and a public hearing in the area where the proposed preserve will be located.³⁶ The Legislature must either confirm or deny establishment of the aquatic preserve.³⁷ Except for private lands leased by the Board of Trustees, only the Legislature may withdraw an area from an aquatic preserve designation.³⁸

Under the direction of the Board of Trustees, the FCO manages forty-one aquatic preserves, encompassing approximately 2.2 million acres.³⁹ The Legislature authorized the Board of Trustees to adopt rules to regulate human activities within aquatic preserves so long as such rules do not unreasonably interfere with lawful and traditional public uses of an aquatic preserve, such as sport and commercial fishing, boating, and swimming.⁴⁰

III. Effect of Proposed Changes:

The bill creates the Southeast Florida Coral Reef Ecosystem Conservation Area. The conservation area consists of the sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from St. Lucie Inlet to the northern boundary of the Biscayne National Park.

The bill provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³² “Sovereignty submerged lands” are those lands including, but not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated; Fla. Admin. Code R. 18-21.003(61).

³³ Fla. Admin. Code R. 18-21.004 and 18-21.005.

³⁴ Section 258.37(1), F.S.

³⁵ Section 258.40(1), F.S.

³⁶ Sections 258.41(1) and (2), F.S.

³⁷ Section 258.41(1), F.S.

³⁸ Section 258.41(6), F.S.

³⁹ DEP, *Florida’s Aquatic Preserves*, <http://www.dep.state.fl.us/coastal/programs/aquatic.htm> (last visited October 12, 2017).

⁴⁰ Section 258.43(1), F.S. See also Fla. Admin. Code Chs. 18-18, 18-20, and 18-23.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of law.

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 Book

32-00387-18

2018232__

1 A bill to be entitled
2 An act relating to coral reefs; establishing the
3 Southeast Florida Coral Reef Ecosystem Conservation
4 Area; providing an effective date.
5
6 Be It Enacted by the Legislature of the State of Florida:
7
8 Section 1. There is established the Southeast Florida Coral
9 Reef Ecosystem Conservation Area. The conservation area shall
10 consist of the sovereignty submerged lands and state waters
11 offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties
12 from the St. Lucie Inlet to the northern boundary of the
13 Biscayne National Park.
14 Section 2. This act shall take effect July 1, 2018.

THE FLORIDA SENATE
APPEARANCE RECORD

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

12-7-17
Meeting Date

232
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 UNIV. PKWY #296
Street
SARASOTA FL 34243
City State Zip

Phone 941-323-2404

Email cullenase@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

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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)

12/7/2017

Meeting Date

SB 232

Bill Number (if applicable)

Topic Coral Reefs

Amendment Barcode (if applicable)

Name Carol Bracy

Job Title Vice President

Address 201 East Park Avenue

Phone 850.577.0444

Street

Tallahassee

FL

32301

Email carol@ballardfl.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Martin County

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

12-7-17

Meeting Date

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

232

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Jess McCarty

Job Title Assistant County Attorney

Address 111 NW 1st Street, Suite 2810

Phone 305-979-7110

Street

Miami

FL

33128

City

State

Zip

Email jmm2@miamidade.gov

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Miami-Dade County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/7/17
Meeting Date

232
Bill Number (if applicable)

Topic Coral Reef

Amendment Barcode (if applicable)

Name Devon West

Job Title Policy Advisor

Address 115 S Andrews
Street

Phone

FTL FL 33301
City State Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Broward

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 COMMITTEE VOTE RECORD

COMMITTEE: Appropriations Subcommittee on the Environment and Natural Resources
ITEM: SB 232
FINAL ACTION: Favorable
MEETING DATE: Thursday, December 7, 2017
TIME: 9:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

[illegible]

CODES: FAV=Favorable
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GOVERNOR RICK SCOTT'S 2018-2019 BUDGET SECURING FLORIDA'S *FUTURE*



Policy and Budget Recommendations

GOVERNOR RICK SCOTT'S 2018-2019 BUDGET
SECURING FLORIDA'S
FUTURE



Governor Scott's priorities for Florida's Future

Tax Cuts for Florida Families

Jobs for Florida Families

Education for Florida's Students

Protecting Florida's Environment

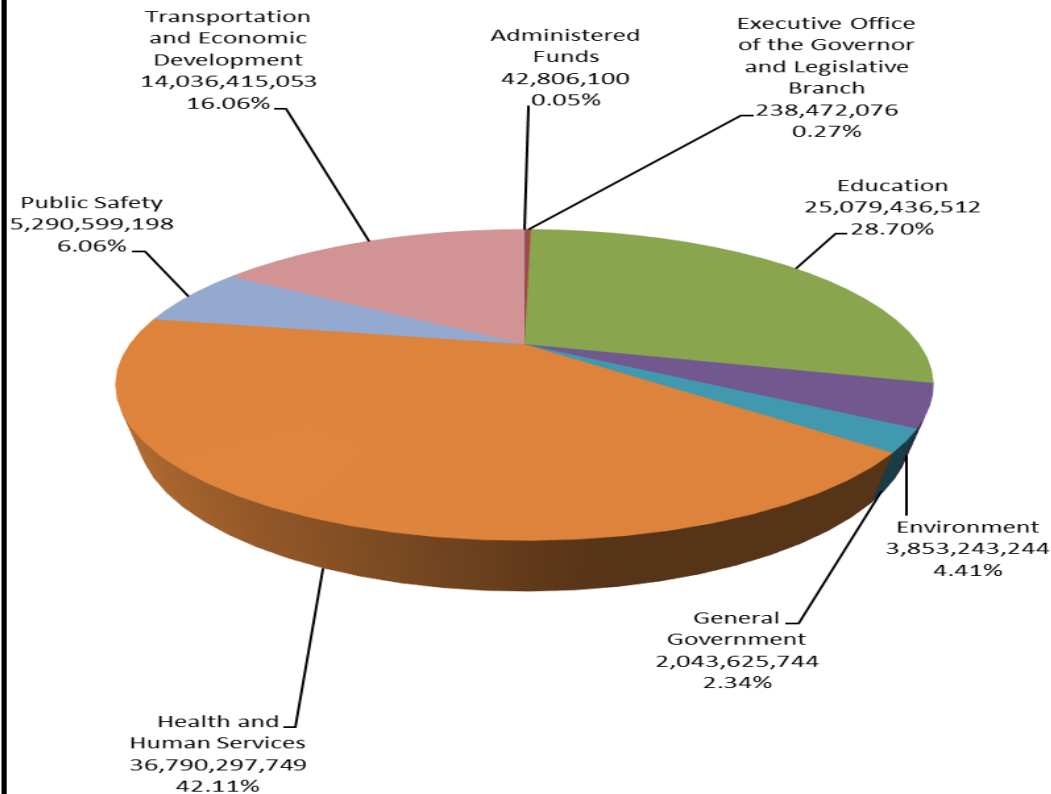
Keeping Florida's Residents and Tourists Safe

Ensuring a Healthy Future

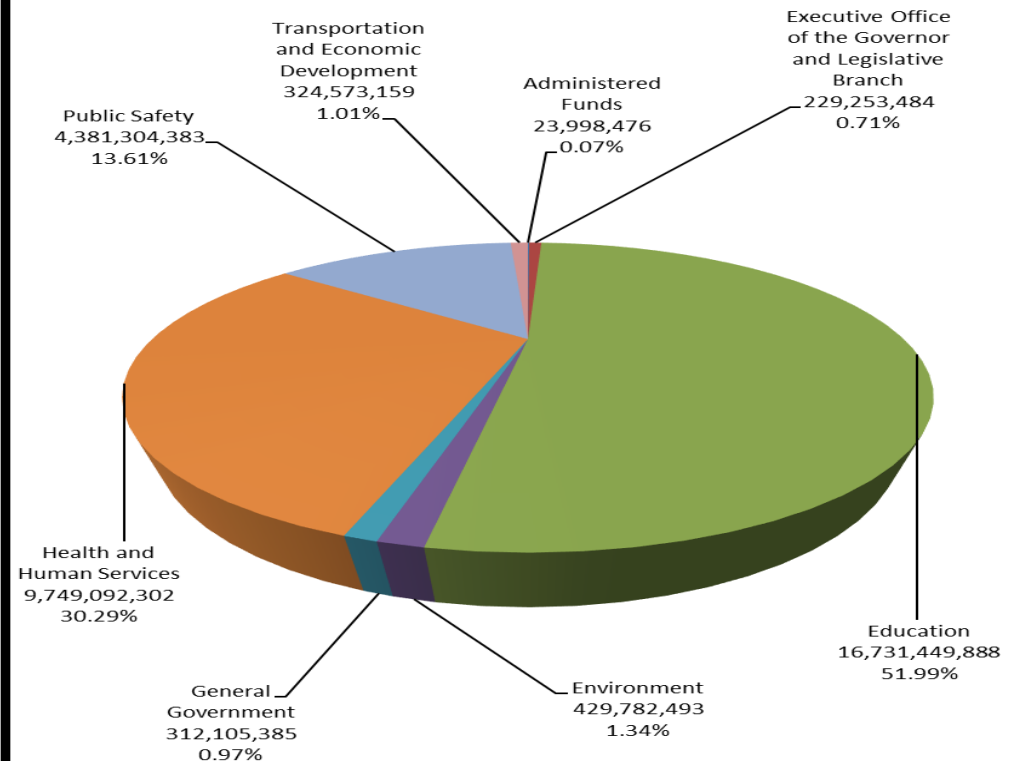
GOVERNOR RICK SCOTT'S 2018-2019 BUDGET SECURING FLORIDA'S *FUTURE*



Total Budget \$87.4 Billion



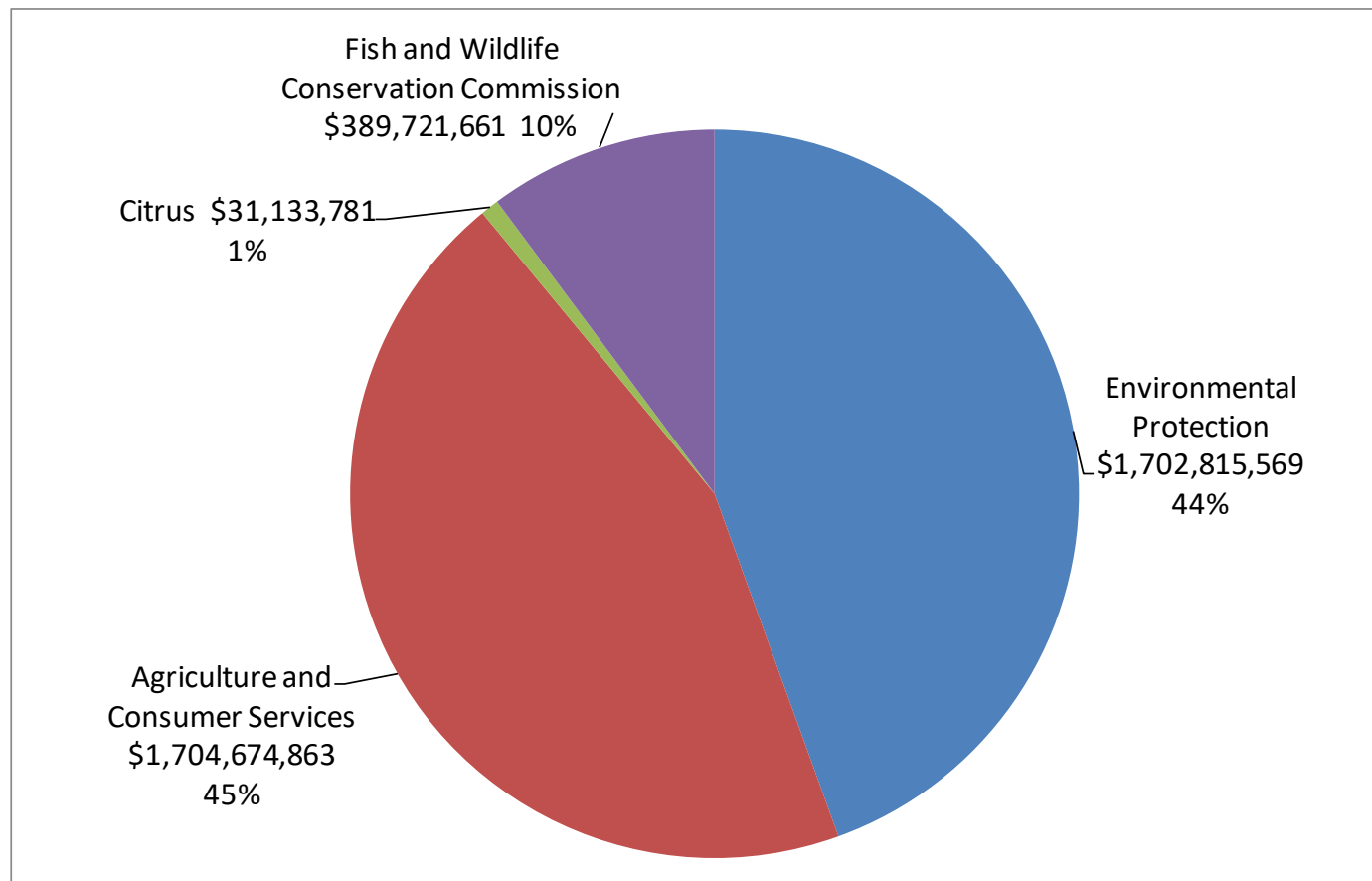
General Revenue \$32.2 Billion



GOVERNOR RICK SCOTT'S 2018-2019 BUDGET SECURING FLORIDA'S *FUTURE*

Governor's Recommended Budget Fiscal Year 2018-19

Environment \$3.85 Billion



GOVERNOR RICK SCOTT'S 2018-2019 BUDGET SECURING FLORIDA'S *FUTURE*



Policy and Budget
Recommendations

Department of
Environmental Protection

GOVERNOR RICK SCOTT'S 2018-2019 BUDGET SECURING FLORIDA'S *FUTURE*



Department of Environmental Protection \$1.7 Billion

Investing in Florida's water and unique ecosystems.

- **A record \$355 million** for Everglades Restoration
 - Including **\$50 million** for the Herbert Hoover Dike
- **A record \$55 million** for Springs Restoration
- **\$50 million** for Water Infrastructure Investment Initiative
- **\$3.6 million** for Florida Resilient Coastline Initiative

GOVERNOR RICK SCOTT'S 2018-2019 BUDGET SECURING FLORIDA'S *FUTURE*



Department of Environmental Protection \$1.7 Billion

Investing in Florida's natural lands and improving recreational opportunities for Florida families and tourists.

- **A record \$100 million** for Beach Restoration
 - Including **\$50 million** for Hurricane Beach Recovery
- **\$100 million** for Florida's Prized Properties
 - **A record \$50 million** for State Park Enhancements
 - **\$50 million** for Florida Forever

GOVERNOR RICK SCOTT'S 2018-2019 BUDGET SECURING FLORIDA'S *FUTURE*



Department of Environmental Protection \$1.7 Billion

Investing in the clean up of contaminated sites throughout Florida.

- **\$110 million** for Petroleum Tank Cleanup Projects
- **\$8.5 million** for Dry Cleaning Site Cleanup
- **\$5 million** for Hazardous Waste Cleanup

GOVERNOR RICK SCOTT'S 2018-2019 BUDGET SECURING FLORIDA'S *FUTURE*



Policy and Budget Recommendations

Fish and Wildlife Conservation
Commission

Department of Agriculture and
Consumer Services

Department of Citrus

GOVERNOR RICK SCOTT'S 2018-2019 BUDGET SECURING FLORIDA'S *FUTURE*



Fish and Wildlife Conservation Commission

- **\$5.5 million** for 25 additional FWC Law Enforcement Officers
- **\$2 million** for Search and Rescue Enhancements
- **\$500,000** for Florida Black Bear Conflict Reduction
- **\$1.5 million** for Non-native and Conflict Species Management
- FWC and DACS Law Enforcement Pay Raises

GOVERNOR RICK SCOTT'S 2018-2019 BUDGET SECURING FLORIDA'S *FUTURE*



Florida Forest Service Investments

- **\$2.4 million** for a 10% pay raise for Florida Forest Service Firefighters
- **\$2.9 million** for Fire Suppression Equipment
- **\$500,000** for a Community Wildfire Mitigation Program

GOVERNOR RICK SCOTT'S 2018-2019 BUDGET SECURING FLORIDA'S *FUTURE*



Citrus Industry

- More than **\$21 million** for Citrus Research, Management and Protection.
 - **\$10 million** for citrus research to find solutions to citrus greening (an increase of \$2 million from current year funding)
 - **\$4 million** in additional funding to support Department of Citrus consumer awareness efforts
 - **\$7 million** for the Citrus Health Response Program



Office of Policy and Budget
Julia Espy
Environmental Policy Coordinator

Department of Environmental Protection
Secretary Noah Valenstein

THE FLORIDA SENATE
APPEARANCE RECORD

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

12-7-17

Meeting Date

Bill Number (if applicable)

Topic Governor's Recommended Budget

Amendment Barcode (if applicable)

Name Julia Espy

Job Title Environmental Policy Coordinator

Address The Capitol 1801
Street

Phone 850 717 9508

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Governor's Office

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)

12/7/2017

Meeting Date

NA
Bill Number (if applicable)

Topic Gov's Recs

NA
Amendment Barcode (if applicable)

Name NOAH VALNSTEIN

Job Title Secretary DEP

Address 3900 Commonwealth

Phone 850-245-2011

Street

TALLAHASSEE

City

State

Zip

Email NOAH.VALNSTEIN@

DEP.STATE.FL.US

Speaking: ☐ For ☐ Against ☒ Information

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

Representing DEP

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations
Appropriations Subcommittee on the Environment
and Natural Resources
Banking and Insurance
Ethics and Elections
Regulated Industries
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR OSCAR BRAYNON II

Democratic Leader

35th District

December 07, 2017

Senator Book, Chair
Budget Subcommittee on Environment and Natural Resources Appropriations
202 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1300

Dear Chair Book:

I respectfully request an excused absence for the Subcommittee on Environment and Natural Resources Appropriations meeting on, December 07, 2017.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Oscar Braynon II", with a stylized flourish at the end.

Senator Oscar Braynon II,
District 35

cc. Giovanni Betta, Staff Director
Lisa Waddell, Committee Administrative Asst.

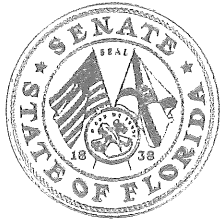
REPLY TO:

☐ 606 NW 183rd Street, Miami Gardens, Florida 33169 (305) 654-7150 FAX: (305) 654-7152
☐ 200 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5035

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations
Appropriations Subcommittee on the
Environment and Natural Resources
Commerce and Tourism
Environmental Preservation and Conservation
Rules

SENATOR JACK LATVALA
16th District

December 7, 2017

The Honorable Lauren Book
202 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Book,

I am requesting to be excused from today's Appropriations Subcommittee on the Environment and Natural Resources. Unfortunately, I will not be able to attend.

If you have any questions, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in cursive script that reads "Jack Latvala".

Jack Latvala
Senator, 16th District

Cc: Giovanni Betta, Staff Director

REPLY TO:

- ☐ 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (888) 263-7847
- ☐ 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

CourtSmart Tag Report

Room: SB 301

Case No.:

Caption: Environment and Natural Resources Appropriations Subcommittee

Type:

Judge:

Started: 12/7/2017 9:06:19 AM

Ends: 12/7/2017 9:35:57 AM

Length: 00:29:39

9:06:32 AM	Sen. Book (Chair)
9:06:37 AM	Roll Call
9:06:48 AM	Sen. Book
9:07:12 AM	Sen. Hukill (Vice Chair)
9:07:20 AM	S 232
9:07:25 AM	Sen. Book
9:10:01 AM	Sen. Hukill
9:10:19 AM	David Cullen, Sierra Club Florida (waives in support)
9:10:31 AM	Carol Bracy, Vice President, Martin County (waives in support)
9:10:43 AM	Jess McCarty, Assistant County Attorney, Miami-Dade County (waives in support)
9:11:00 AM	Devon West, Policy Advisor, Broward County (waives in support)
9:11:07 AM	Sen. Book
9:11:16 AM	Sen. Hukill
9:11:22 AM	Sen. Book
9:11:38 AM	Recording Paused
9:12:05 AM	Recording Resumed
9:12:14 AM	Sen. Book
9:12:38 AM	S 204
9:12:43 AM	Sen. Bradley
9:13:15 AM	Sen. Book
9:13:27 AM	Sen. Bradley
9:13:29 AM	Sen. Book
9:13:57 AM	S 370
9:14:04 AM	Sen. Bradley
9:14:48 AM	Sen. Book
9:15:05 AM	Travis Moore, Defenders of Wildlife
9:15:24 AM	Will Abberger, Trust for Public Land (waives in support)
9:15:29 AM	Jennifer Wilson, Attorney/Lobbyist, Conservancy of South West Florida (waives in support)
9:15:38 AM	Julie Wraithnell, Interim Executive Director, Audubon of Florida
9:15:51 AM	Pamela Goodman, President, League of Women Voters of Florida (waives in support)
9:16:00 AM	Jonathan Webber, Deputy Director, Florida Conservation Voters (waives in support)
9:16:05 AM	Sen. Stewart
9:16:39 AM	Sen. Book
9:16:48 AM	Sen. Mayfield
9:17:19 AM	Sen. Book
9:17:22 AM	Sen. Bradley
9:19:05 AM	Sen. Book
9:19:31 AM	TAB 4 - Presentation of Governors Fiscal Year 2018-2019 Budget Recommendations
9:19:34 AM	Sen. Book
9:20:07 AM	Julia Espy, Environmental Policy Coordinator, Office of the Governor
9:21:54 AM	Noah Valenstein, Secretary, DEP
9:25:42 AM	Sen. Book
9:25:59 AM	N. Valenstein
9:26:33 AM	Sen. Stewart
9:26:45 AM	N. Valenstein
9:27:07 AM	Sen. Garcia
9:27:57 AM	N. Valenstein
9:30:11 AM	Sen. Garcia
9:30:26 AM	N. Valenstein
9:31:03 AM	Sen. Garcia
9:31:55 AM	Sen. Book
9:32:12 AM	N. Valenstein

9:33:01 AM	Sen. Book
9:33:22 AM	Julia Espy
9:34:58 AM	Sen. Book
9:35:33 AM	Sen. Garcia
9:35:44 AM	Sen. Book
9:35:49 AM	Meeting Adjourned
9:35:50 AM	